

# RECORD OF PROCEEDINGS

## MINUTES

### BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO MONDAY, SEPTEMBER 21, 2020

The Board of County Commissioners of Weld County, Colorado, met in regular session in full conformity with the laws of the State of Colorado at the regular place of meeting in the Weld County Administration Building, Greeley, Colorado, September 21, 2020, at the hour of 9:00 a.m.

**ROLL CALL:** The meeting was called to order by the Chair and on roll call the following members were present, constituting a quorum of the members thereof:

Commissioner Mike Freeman, Chair  
Commissioner Steve Moreno, Pro-Tem  
Commissioner Scott K. James  
Commissioner Barbara Kirkmeyer  
Commissioner Kevin D. Ross

Also present:

County Attorney, Bruce Barker  
Acting Clerk to the Board, Bri White  
Controller, Barbara Connolly

**MINUTES:** Commissioner Ross moved to approve the minutes of the Board of County Commissioners meeting of September 16, 2020, as printed. Commissioner James seconded the motion, and it carried unanimously.

**CERTIFICATION OF HEARINGS:** Commissioner James moved to approve the Certification of Hearings conducted on September 16, 2020, as follows: 1) COZ20-0005 – Brian Harrell, 2) USR18-0130 – City of Thornton, and 3) USR19-0060 – NGL Water Solutions DJ, LLC. Commissioner Kirkmeyer seconded the motion, which carried unanimously.

**AMENDMENTS TO AGENDA:** There were no amendments to the agenda.

**CONSENT AGENDA:** Commissioner Moreno moved to approve the Consent Agenda, as printed. Commissioner Kirkmeyer seconded the motion, and it carried unanimously.

**PUBLIC INPUT:** No public input was given.

#### **WARRANTS:**

1) **GENERAL WARRANTS – SEPTEMBER 18, 2020:** Commissioner Ross moved to approve the General Warrants, as printed. Commissioner Kirkmeyer seconded the motion, and it carried unanimously.

2) **COMMISSIONER WARRANTS – SEPTEMBER 18, 2020:** Commissioner James moved to approve the Commissioner Warrants, as printed. Commissioner Ross seconded the motion, and upon a roll call vote, the motion carried unanimously with Commissioner Kirkmeyer recusing herself.

**BIDS:**

1) PRESENT BID #B2000176, TREE DISPOSAL SERVICES – DEPARTMENT OF PUBLIC WORKS: Rob Turf, Purchasing Department, stated staff received three (3) bids and will make a recommendation on October 5, 2020.

**NEW BUSINESS:**

1) CONSIDER RENEWAL OF LEASE AGREEMENT (822 7TH STREET, SUITE 760, GREELEY) AND AUTHORIZE CHAIR TO SIGN – WITWER, OLDENBURG, BARRY AND GROOM, LLP: Toby Taylor, Director of the Department of Buildings and Grounds, detailed the property location and the tenant's ability through the current lease to renew the term from January 1, 2021, to December 31, 2023. Commissioner Kirkmeyer moved to approve said lease agreement and authorize the Chair to sign. The motion was seconded by Commissioner Ross and it carried unanimously.

2) CONSIDER PETITION FOR ABATEMENT OR REFUND OF TAXES FOR ACCOUNT NUMBER R7102198 – GARY BUCHHOLTZ: Brenda Dones, Weld County Assessor, discussed the property location and the property tax specifics, stating staff recommends denial of the petition for the 2019 tax year, as the market supports the value. However, she shared the taxpayer requested a continuance, as he is out of town and would like to be present for discussion. Commissioner Kirkmeyer moved to continue said petition to October 7, 2020, at 9:00 a.m. Seconded by Commissioner James, the motion carried unanimously.

3) CONSIDER PETITION FOR ABATEMENT OR REFUND OF TAXES FOR ACCOUNT NUMBER R9101713 – SHAN I, LLC: Ms. Dones summarized the property location and property tax specifics, sharing the petitioner's accountant reported a summarized listing of equipment, including the petitioner's Internal Revenue Service (IRS) depreciation schedule, but the owner also provided a detailed listing of equipment, and this list did not match the IRS depreciation schedule and the difference in value is over 1-million dollars. Because staff was able to make some modifications upon review of the list that matched the IRS depreciation schedule, Ms. Dones stated staff recommends approval, in-part, of the 2019 petition, correcting the assessed valuation to a total amount of \$314,340.00 and refunding a total amount of \$2,081.86. She stated the taxpayer was not present and requested a continuance, but she recommends approval, in-part, regardless. Commissioner Moreno moved to approve said petition, in-part. The motion, which was seconded by Commissioner Kirkmeyer, carried unanimously.

4) CONSIDER CONTRACT ID #4101 INTERGOVERNMENTAL GRANT AGREEMENT AWARD LETTER AND SUMMARY OF GRANT AWARD TERMS AND CONDITIONS FOR CORONAVIRUS (COVID-19) EMERGENCY SUPPLEMENTAL FUNDING (CESF) PROGRAM FOR REDUCING TRANSMISSION OF CORONAVIRUS FOR LAW ENFORCEMENT AND INMATES, AND AUTHORIZE CHAIR TO SIGN AND SUBMIT ELECTRONICALLY: Sonja Kohlgraf, Sheriff's Office, presented the grant award, in the amount of \$19,382.00, will be used to purchase Personal Protective Equipment (PPE). Commissioner Ross moved to approve said grant agreement and authorize the Chair to sign and submit electronically. Commissioner James seconded the motion and it carried unanimously.

5) CONSIDER PETITION AND AUTHORIZE VACATION OF A PORTION OF CR 37 – WELD COUNTY DEPARTMENT OF PUBLIC WORKS: Elizabeth Relford, Deputy Director of the Department of Public Works, stated her presentation encompasses items number five (5) and six (6) under New Business. She shared the request to vacate County Roads (CR) 37 and 78 to statutorily proceed with the closures and detailed, on August 5, 2020, the Public Utilities Commission (PUC) approved closing both railroad crossing locations. Ms. Relford summarized the crossing closure history due to the 50-year lease termination of the U.S. Highway 85 right-of-way in December 2006 and detailed the purchase and sale agreement between the Colorado Department of Transportation (CDOT) and the Union Pacific Railroad Company (UPRR) includes the closure of 12 county roads along the U.S. Highway 85 Corridor.

Ms. Relford stated the intergovernmental agreement allows CDOT to gain ownership of U.S. Highway 85, while satisfying the needs of the UPRR, and detailed the crossing locations of CRs 37 and 78. In response to Commissioner Ross, Ms. Relford shared the County will implement turnarounds during phase II of the project for community and emergency vehicle accommodations. She assured no concerns were received from surrounding property owners for either of the closures and those adjacent to the road right-of-ways may continue using dedicated and recorded easements after the vacations.

Helen Godby, surrounding property owner, expressed her concerns regarding the CR 37 closure, as there is a high volume of traffic at the crossing, and shared her economic concerns to remove a valuable crossing. In response to Ms. Godby, Commissioner Ross clarified there is not a permanent lease agreement for U.S. Highway 85 and the UPRR has the authority to remove the highway from the right-of-way entirely, but they are willing to negotiate with CDOT and the County in order to preserve the corridor. Responding to Ms. Godby, Commissioner Kirkmeyer detailed the intergovernmental agreement with CDOT designates funding to the UPRR to help preserve the U.S. Highway 85 Corridor in a perpetual easement, since it is occupying the railroad right-of-way. Ms. Godby recommended closing an alternative crossing due to her concerns, while Commissioner Kirkmeyer responded by stating the project will alleviate trains parked on the roadway and allow for improved railroad processes. Chair Freeman shared staff and the Board have worked diligently to limit the number of closures and appease the UPRR. Responding to Ms. Godby, Chair Freeman and Ms. Relford assured a design is in place to improve the crossing at CR 80 and U.S. Highway 85 in preparation for traffic to be redirect from CR 37 to CR 80. Commissioner Moreno stated it is a luxury for the Board to have a voice in the matter and the ability to negotiate with the UPRR. In response to Ms. Godby, Commissioner Kirkmeyer clarified the intergovernmental agreement with CDOT designates funding to the UPRR to improve the remaining crossings to respond to the closures and traffic demands.

Pat Miller, surrounding property owner, stated there are many trains parked on CR 37, residents will need to travel two (2) extra miles to utilize CR 80, which is not paved, and the bus route will need to be altered, as it currently has access directly in front of her home. In response to Commissioner Ross, Ms. Relford ensured the improvements design for CR 80 includes paving the roadway and Commissioner Ross stated CR 37 is unable to connect to CR 76 due to the floodplain and cost involved in meeting standards.

Kevin Hatch, surrounding property owner, agreed with his neighbors' concerns and in response to his inquiry, Commissioner Kirkmeyer stated placing spurs in front of one's property is at the discretion of the property owner and the CDOT's operational efficiencies are designed to ensure safety throughout the corridor by reducing train and vehicle conflicts. Mr. Hatch expressed concern regarding decreased property value and inconvenient resident vehicle travel.

Carol Abeta, surrounding property owner relative, requested staff commit further research to the emergency response time for residents along CR 37. The motion to approve said petition was made by Commissioner Kirkmeyer and seconded by Commissioner Moreno. The Board thanked the public for their comments and commended the UPRR, CDOT, and Ms. Relford for their dedication to the project and highlighted the importance of improving efficiencies and safety along the U.S. Highway 85 Corridor. The motion carried unanimously.

6) CONSIDER PETITION AND AUTHORIZE VACATION OF A PORTION OF CR 78 – WELD COUNTY DEPARTMENT OF PUBLIC WORKS: No public input was provided. Based on the presentation and discussion during the previous item, Commissioner Kirkmeyer moved to approve said petition. The motion was seconded by Commissioner Ross and it carried unanimously.

**RESOLUTIONS AND ORDINANCES:** The resolutions were presented and signed as listed on the Consent Agenda. No Ordinances were approved.

Let the minutes reflect that the above and foregoing actions were attested to and respectfully submitted by the Clerk to the Board.

There being no further business, this meeting was adjourned at 9:58 a.m.

BOARD OF COUNTY COMMISSIONERS  
WELD COUNTY, COLORADO

ATTEST:

Weld County Clerk to the Board

BY: \_\_\_\_\_  
Deputy Clerk to the Board

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Mike Freeman, Chair

\_\_\_\_\_  
Steve Moreno, Pro-Tem

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Scott K. James

\_\_\_\_\_  
Barbara Kirkmeyer

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EXCUSED DATE OF APPROVAL  
Kevin D. Ross