

RECORD OF PROCEEDINGS

MINUTES

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO WEDNESDAY, NOVEMBER 4, 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, November 4, 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
Clerk to the Board, Esther Gesick
Assistant Controller, Chris D'Ovidio

MINUTES: Commissioner James moved to approve the minutes of the Board of County Commissioners meeting of November 2, 2020, as printed. Commissioner Moreno seconded the motion, and it carried unanimously.

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

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

PUBLIC INPUT: No public input was given.

PRESENTATIONS:

1) RECOGNITION OF SERVICES, SHERIFF'S OFFICE – CARLA ESCOBAR: Chair Freeman read the certificate for the record. Donnie Patch, Weld County Undersheriff, provided a brief summary of Ms. Escobar's work history and expressed his appreciation for her dedicated service. Ms. Escobar thanked her family and peers for their support of her career, which she loved and enjoyed. The Commissioners, in turn, acknowledged Ms. Escobar for excelling in a difficult job, thanked her for her dedicated service to the citizens of Weld County, and honored her family for their sacrifice. *(Clerk's Note: The group gathered for a photo opportunity.)*

2) RECOGNITION OF SERVICES, DEPARTMENT OF PUBLIC WORKS – WAYNE FOREMAN: Chair Freeman read the certificate for the record. Jay McDonald, Director of the Department of Public Works, and Elizabeth Relford, Deputy Director, stated Mr. Foreman has been the glue of the department, saved the County financially, has been exceptionally reliable and dedicated to serve the team, and he will be greatly missed. Mr. Foreman stated he has enjoyed his time with the County and will miss his co-workers. The Commissioners each remarked how they appreciated his friendship, dedication and positive impact to Weld County employees and its citizens. *(Clerk's Note: The group gathered for a photo opportunity.)*

PROCLAMATIONS:

1) WELD COUNTY ADOPTION MONTH – NOVEMBER 2020; WELD COUNTY ADOPTION DAY – NOVEMBER 20, 2020: Chair Freeman read the proclamation for the record. Jamie Ulrich, Director of the Department of Human Services, recognized the staff members who help children and youth going through the adoption process and provide support to the families once adoptions are finalized. She stated the Adoption Day 20th Anniversary celebration will be conducted virtually on November 20, 2020, and reported during the past 20 years the department has finalized more than 850 adoptions, and they anticipate finalizing 40 more adoptions by the end of the year. Each of the Commissioners shared how adoption completes a family, and provides a safe environment and an opportunity to succeed. They expressed their pride and appreciation to the staff members for a job well done as a part of Team Weld. *(Clerk's Note: The group gathered for a photo opportunity.)*

WARRANTS:

1) GENERAL WARRANTS – NOVEMBER 3, 2020: Commissioner Kirkmeyer moved to approve the General Warrants, as printed. Commissioner Ross seconded the motion, and it carried unanimously.

BIDS:

1) APPROVE BID #B2000173, COURTS SECURITY SCREENING – SHERIFF'S OFFICE: Rob Turf, Purchasing Department, stated due to the number of bids received and the complexity of the review, staff is requesting additional time to review the proposals. Commissioner James moved to continue said bid to November 16, 2020, at 9:00 a.m. The motion was seconded by Commissioner Ross, and it carried unanimously.

2) APPROVE BID #B2000175, ARMED SECURITY – DEPARTMENT OF HUMAN SERVICES: Mr. Turf reviewed staff's recommendation to select G4S Secure Solutions (USA) Inc., the low bidder meeting specifications, for the amount of \$5,229.28 per month. Commissioner Ross moved to approve said bid as recommended by staff. Seconded by Commissioner Kirkmeyer, the motion carried unanimously.

3) APPROVE BID #B2000186, LAW ENFORCEMENT TRAINING FACILITY DOMESTIC WATER WELL – DEPARTMENT OF BUILDINGS AND GROUNDS: Mr. Turf introduced Trinity Water Solutions as the low bidder selected by staff and confirmed they met all specifications, for a total amount of \$25,335.02 at a well depth of 700 feet and \$34,111.78 at 900 feet. Commissioner Moreno moved to approve said bid, the motion was seconded by Commissioner James, and it carried unanimously.

4) APPROVE BID #B2000090, FORTINET MAINTENANCE AND SUPPORT – DEPARTMENT OF INFORMATION TECHNOLOGY: Ryan Rose, Director of the Department of Information Technology, stated staff recommends selecting the lowest bidder who meets specifications, Zavaro, Inc., for a total amount of \$85,594.74 as part of the fiscal 2020 maintenance plan. Commissioner Ross moved to approve said bid, the motion was seconded by Commissioner Moreno, and it carried unanimously.

5) APPROVE BID #B2000160, CISCO NETWORK DEVICES REMOTE ACCESS AND TELEWORK INFRASTRUCTURE – DEPARTMENT OF INFORMATION TECHNOLOGY: Mr. Rose explained the low bidder withdrew their submittal, as they did not meet the minimum specifications; therefore, staff

recommends selecting the second low bidder meeting specifications, Axelliant, LLC, for a total of \$161,178.81. Commissioner James moved to approve the second low bid. Seconded by Commissioner Kirkmeyer, the motion carried unanimously.

6) APPROVE BID #B2000174, VREALIZE MAINTENANCE AND SUPPORT – DEPARTMENT OF INFORMATION TECHNOLOGY: Mr. Rose introduced the responses received and recognized Insight Public Sector, Inc., as the low bidder selected by staff and confirmed they met all specifications, for a total amount of \$28,761.97 as part of the 2020 fiscal year maintenance plan. Commissioner Moreno moved to approve said bid, the motion was seconded by Commissioner James, and it carried unanimously.

7) PRESENT BID #B2000192, CISCO VIDEO ARRAIGNMENT – DEPARTMENT OF INFORMATION TECHNOLOGY: Mr. Rose presented the one (1) qualifying bid received and stated staff will make a recommendation on November 18, 2020.

8) PRESENT BID #B2000188, UNIFORMS AND SERVICE – DEPARTMENT OF FLEET SERVICES: Mr. Turf stated 26 suppliers downloaded the specifications, two (2) bids were received, and staff will make a recommendation on November 18, 2020.

NEW BUSINESS:

1) CONSIDER CONTRACT ID #4167 AGREEMENT FOR PROFESSIONAL SERVICES FOR LOW-INCOME ENERGY ASSISTANCE PROGRAM (LEAP) OUTREACH INCENTIVE PROGRAM AND AUTHORIZE CHAIR TO SIGN – UNITED WAY OF WELD COUNTY: Ms. Ulrich reviewed the provisions of the agreement to develop and implement a LEAP outreach campaign. Commissioner Kirkmeyer moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner Ross and it carried unanimously.

2) CONSIDER CONTRACT ID #4189 AGREEMENT FOR RESPITE SERVICES AND AUTHORIZE CHAIR TO SIGN – JONATHAN AND LINDSEY SEITZ: Ms. Ulrich introduced the new respite care home in Greeley, Colorado. Commissioner Moreno moved to approve said agreement and authorize the Chair to sign. The motion, which was seconded by Commissioner James, carried unanimously.

3) CONSIDER CONTRACT ID #4200 AGREEMENT FOR RESPITE SERVICES AND AUTHORIZE CHAIR TO SIGN – JAMES AND GARI DUNN: Ms. Ulrich presented the new respite care home in Kersey, Colorado. Commissioner James moved to approve said agreement and authorize the Chair to sign. Seconded by Commissioner Kirkmeyer, the motion carried unanimously.

4) CONSIDER CONTRACT ID #4201 AGREEMENT FOR RESPITE SERVICES AND AUTHORIZE CHAIR TO SIGN – NICHOLAS AND SHERRY MARTIN: Ms. Ulrich introduced the new respite care home in Greeley, Colorado. Commissioner James moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner Moreno and it carried unanimously.

5) CONSIDER CONTRACT ID #4195 INDIVIDUAL PROVIDER CONTRACT FOR PURCHASE OF FOSTER CARE SERVICES IN A FOSTER CARE HOME AND AUTHORIZE CHAIR TO SIGN – MEAGHON CRABB: Ms. Ulrich stated this is a recertification of a foster care home in Johnstown, Colorado. Commissioner Ross moved to approve said contract and authorize the Chair to sign. The motion, which was seconded by Commissioner Kirkmeyer, carried unanimously.

6) CONSIDER CONTRACT ID #4196 INDIVIDUAL PROVIDER CONTRACT FOR PURCHASE OF FOSTER CARE SERVICES IN A FOSTER CARE HOME AND AUTHORIZE CHAIR TO SIGN – NICHOLAS AND JOANI PARRISH: Ms. Ulrich introduced the new foster care home in Timnath,

Colorado. Commissioner Kirkmeyer moved to approve said contract and authorize the Chair to sign. Seconded by Commissioner Ross, the motion carried unanimously.

7) CONSIDER CONTRACT ID #4206 EXPENDITURE AUTHORIZATION FOREIGN LABOR CERTIFICATION (FLC) WORK PLAN AND AUTHORIZE CHAIR TO SIGN: Ms. Ulrich explained this expenditure authorization allows the Migrant and Seasonal Farmworker program staff to complete inspections of employer-provided or secured housing to ensure they meet all applicable safety standards. Commissioner Ross moved to approve said expenditure authorization work plan and authorize the Chair to sign. The motion was seconded by Commissioner Kirkmeyer and it carried unanimously.

8) CONSIDER CONTRACT ID #4208 CHILD PROTECTION AGREEMENT FOR SERVICES AND AUTHORIZE CHAIR TO SIGN – COLORADO STATE UNIVERSITY: Ms. Ulrich reviewed the terms of the agreement. Commissioner Moreno moved to approve said agreement and authorize the Chair to sign. The motion, which was seconded by Commissioner Kirkmeyer, carried unanimously.

9) CONSIDER CONTRACT ID #4209 PROMOTING SAFE AND STABLE FAMILIES (PSSF) PARTNERSHIP PROJECT AGREEMENT AND AUTHORIZE CHAIR TO SIGN – CATHOLIC CHARITIES AND COMMUNITY SERVICES OF THE ARCHDIOCESE DENVER, WELD REGIONAL OFFICE: Ms. Ulrich presented the request to continue the contract to provide services for families facing, or on the brink of, homelessness, as well as families at risk of becoming involved in the child welfare system. Commissioner James moved to approve said agreement and authorize the Chair to sign. Seconded by Commissioner Kirkmeyer, the motion carried unanimously.

10) CONSIDER TEMPORARY CLOSURE OF CR 44 BETWEEN CRS 53 AND 55: Amy Mutchie, Department of Public Works, requested approval of a temporary closure from November 9, 2020, through November 13, 2020, to replace a drainage culvert. She explained magnesium chloride will be used on the detour route, which is clear of agricultural activities. Commissioner James moved to approve said temporary closure. The motion was seconded by Commissioner Kirkmeyer and it carried unanimously.

11) CONSIDER TEMPORARY CLOSURE OF CR 31 BETWEEN STATE HWY 392 AND CR 70: Ms. Mutchie requested approval of a temporary closure beginning November 12, 2020, through November 25, 2020, to replace two (2) irrigation culverts and complete final paving. Commissioner Kirkmeyer moved to approve said temporary closure. The motion was seconded by Commissioner Ross and it carried unanimously.

12) CONSIDER TEMPORARY CLOSURE OF CR 76 BETWEEN CRS 57 AND 59: Ms. Mutchie requested approval of a temporary closure commencing on November 16, 2020, and ending on November 20, 2020, to replace an irrigation culvert, and stated water will be used for dust abatement along the gravel portions of the detour route. Commissioner Kirkmeyer moved to approve said temporary closure. The motion was seconded by Commissioner Ross and it carried unanimously.

Commissioner Kirkmeyer requested a correction to the dates reflected on the electronic signage regarding the closure on County Road (CR) 6, between CRs 17 and 19. She also suggested, in addition to the watering services on CR 4, that staff provide additional watering for dust abatement along CRs 17 and 8 over to CR 19.

Commissioner Kirkmeyer recognized the Clerk and Recorder's staff for an exceptional job on election night, as well as Ryan Rose and the Department of Information Technology staff for their responsiveness which resulted in uncompromised election results, despite phishing/hacking attempts and a cut fiberoptic line. Mr. Rose reported the internet traffic increased by 3,000% above and beyond past election events and stated it was a true team effort.

PLANNING:

1) CONSIDER VACATION OF USE BY SPECIAL REVIEW PERMIT, USR-1494 – HEAVYX3 HOLDINGS, LLC, C/O JANICE LOPEZ: Maxwell Nader, Department of Planning Services, provided a brief description of the location of the site and explained the applicant received administrative approval of ZPAG20-0023 for a contractor shop, which includes a Condition of Approval requiring full vacation of USR-1494. Janice Lopez, applicant, explained the site is permitted for a welding machine shop and that its use is no longer needed. Commissioner Kirkmeyer moved to approve the vacation of USR-1494. The motion was seconded by Commissioner James and it carried unanimously.

2) CONSIDER PROBABLE CAUSE HEARING, PCSC20-0025, CONCERNING USE BY SPECIAL REVIEW PERMIT, USR19-0022 – EDUARDO SALVADOR RIVERA TORRES: Angela Snyder, Department of Planning Services, summarized the property location and the referral from the Department of Public Works, stating the site has unmet Conditions of Approval (COA). She reported staff conducted a site visit on July 17, 2020, in response to various requests to investigate the status of the COA, and noted the portable toilets were not yet screened and road improvements were incomplete. Ms. Snyder assured staff received necessary information from the property owner on October 28, 2020, to negate any concerns regarding Development Standards (DS) #8, #9, #11, #12, #24, and #41, though the remaining concerns still warrant staff's recommendation to set a Show Cause hearing. In response to Commissioner Kirkmeyer, Ms. Snyder confirmed the applicant provided evidence, such as receipts and contracts with UC Health, proving the licensed and bonded security personnel, trained emergency medical technology personnel, and Dr. Gaddis, a veterinarian, were all onsite during events. Ms. Snyder further explained staff's recommendation to remove DS #11, as the equine health certificates were unattainable for each animal because the test results cannot be disclosed due to privacy protocols, although the owner did agree to comply. Ms. Snyder shared DS #41 is an amendment beyond what is allowed by the Use by Special Review (USR) permit and may be removed, while DS #42 is sufficient to ensure adherence to the remaining Development Standards. Responding to Commissioner Kirkmeyer, Mike Bedell, Department of Public Works, confirmed the property owner has not completed a grading permit, thus DS #41 may still apply.

Tom Haren, applicant representative from AGPROfessionals, LLC, displayed a PowerPoint presentation (Exhibit O), asserting the applicant is operating in substantial compliance with the USR based on the Timeline of Events and the applicant's various correspondence with Weld County staff. Mr. Haren further shared testimony from January 2020, demonstrating the applicant voluntarily dedicated road right-of-way and built the road to County standards without the typical design expense; however, staff is currently requiring the typical permits and plans, accusing the operator of violations, without sufficient notice prior to the hearing. Responding to Commissioner Kirkmeyer, Mr. Haren clarified the plat was recorded in August 2020, though the plat and the Road Improvements Agreement was submitted in December 2019. He stated grading the road after every event is not realistic, especially with 16 events in a six-month window, nor is it consistent with the intent of the original agreement. He presented photos of the site access point, declared the access permit is not a requirement of the USR, and asserted the 60-foot radius at the entrance to the property is more than adequate. Mr. Haren explained the internal tracking requirement from an improved gravel surface to an improved gravel road is typically removed. He also provided photos of surrounding properties and of security personnel present at the entrance to the facility, as well as an example of the dust created from vehicles leaving or entering the site. Mr. Haren stated the road improvements, screening, and on-site drainage are currently being constructed and requested one to three years to satisfy the COA.

In response to Commissioner Kirkmeyer, Mr. Haren confirmed there is no tracking control in place to satisfy COA #4.A, but there is a 60-foot turning radius in place, and the applicant has not yet applied for a grading permit to satisfy COA #4.B because stormwater ponds have not yet been constructed. Responding to Kirkmeyer, Mr. McRoberts explained the construction of the detention ponds is typically accomplished prior to commencing USR operations, but, in this instance, it was agreed the applicant

would complete construction prior to hosting events under COA #4.B. In response to Commissioner Ross, Ms. Snyder confirmed the racetrack was constructed and no events had been held prior to approval of the USR, clarified the first event was held in June 2020, and stated it was not a violation case at the time the USR was approved. In response to Commissioner Kirkmeyer, Mr. Haren confirmed the applicant had a contract in place with UC Health EMS to provide an ambulance service onsite and met DS #9 for the August 2020 event, but the contractor backed out of the agreement the night prior to the event due to limited resources during the Colorado forest fires. In further discussion with Commissioner Kirkmeyer, Mr. Haren affirmed Dr. Gaddis provided an affidavit to staff concerning animal health in order to satisfy DS #11, and Mr. McRoberts shared a right-of-way permit is required to meet DS #31 because the applicant has been grading and conducting improvements inside the public right-of-way, referencing COA #1.A and Sec. 8-6-150 of the County Code. Mr. McRoberts also confirmed an Improvements Agreement was executed on February 12, 2020, and Ms. Snyder shared the road needed to be dedicated prior to recording the plat, which was not recorded until August 5, 2020. Responding further to Commissioner Kirkmeyer, Mr. McRoberts detailed DS #35 requires the construction of detention ponds to maintain the historical flow patterns or runoff amounts, which is expected to be complete prior to operations. In response, Mr. Haren reiterated the only construction completed prior to the USR approval was the race track, stating a drainage plan was submitted and the events were held prior to the plat being recorded because the plat was submitted and the landowner was unaware it was not yet recorded.

Jay McDonald, Director of the Department of Public Works, clarified he did not officially inspect the site to determine if it was meeting all COA, as indicated by Mr. Haren, rather, he drove by to respond to neighbor complaints regarding traffic, dust, and noise. Mr. Haren concurred no concerns were received, and Mr. McRoberts added staff attempted to conduct an inspection on July 17, 2020, but an operator was not available at that time. Mr. Haren expressed an on-site inspection should have been conducted prior to scheduling a Probable Cause hearing, as the presented photos display no concerns. Responding to Commissioner Ross, Ms. Snyder shared staff's correspondence requesting evidence the site is in compliance. In response to Commissioner James, Mr. McRoberts clarified the historical drainage flow pattern is defined as having no improvements or impervious areas on the site. Commissioner Kirkmeyer stated a Probable Cause hearing requires any evidence of non-compliance with the USR, leading to a Show Cause hearing where the Board will hear testimony from all parties.

Commissioner Kirkmeyer moved there was adequate Probable Cause to set a Show Cause hearing on December 9, 2020, at 10:00 a.m., where the Board shall consider whether the permit holder is in compliance with the discussed Conditions of Approval and Development Standards. The motion was seconded by Commissioner Moreno. Chair Freeman noted he will not be present on December 9, 2020; however, the Board opted to proceed. There being no further discussion, the motion 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 10:54 a.m.

BOARD OF COUNTY COMMISSIONERS
WELD COUNTY, COLORADO

ATTEST:

Weld County Clerk to the Board

BY: _____
Deputy Clerk to the Board

Mike Freeman, Chair

Steve Moreno, Pro-Tem

Scott K. James

Barbara Kirkmeyer

Kevin D. Ross