

# RECORD OF PROCEEDINGS

## MINUTES

### BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO MONDAY, APRIL 5, 2021

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, April 5, 2021, 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 Steve Moreno, Chair  
Commissioner Scott K. James, Pro-Tem  
Commissioner Perry L. Buck  
Commissioner Mike Freeman  
Commissioner Lori Saine

Also present:

County Attorney, Bruce Barker  
Clerk to the Board, Esther Gesick  
Controller, Barbara Connolly

**MINUTES:** Commissioner Saine moved to approve the Minutes of the Board of County Commissioners meeting of March 31, 2021, as printed. Commissioner James seconded the motion, and it carried unanimously.

**READ ORDINANCE BY AUDIO:** Commissioner James moved to read Code Ordinance #2021-06 by audio. The motion was seconded by Commissioner Saine, and it carried unanimously.

**CERTIFICATION OF HEARINGS:** Commissioner Freeman moved to approve the Certification of Hearings conducted on March 31, 2021, as follows: 1) USR20-0034 – Victor and Sharon Schenck, and 2) USR20-0033 – Faith Lutheran Church of Eaton. Commissioner Buck seconded the motion, which carried unanimously.

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

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

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

**COMMISSIONER COORDINATOR REPORTS:** Commissioner Buck shared the Department of Human Services has processed 362 requests for emergency rental and utility assistance, totaling approximately \$416,000.00. They also hosted a graduation celebration for 26 individuals who received their GED diplomas, the Area Agency on Aging has reopened the LaSalle in-person congregate meal site, and they are making plans to recognize April as Child Abuse Prevention Month. Commissioner James reported he

was appointed to represent the Statewide Transportation Advisory Committee (STAC) on the Freight Advisory Committee which discussed the electrification of vehicle fleets. Additionally, the Metropolitan Planning Organization (MPO) continued discussion regarding funding of greenhouse gas reduction and scheduled stakeholder meetings and rulemaking hearings. Commissioner Saine stated the Oil and Gas Energy Department made an outstanding presentation to the Colorado Oil and Gas Conservation Commission (COGCC), and she also commended the Department of Planning Services for working to improve land use processes for the public. Chair Moreno reported he and Commissioner Buck attended a meeting with Upstate Colorado Economic Development at which NCMC representatives praised Mark Lawley, Director of the Department of Public Health and Environment, for the collaborative work in providing COVID-19 vaccines to Weld County citizens.

**WARRANTS:**

1) GENERAL WARRANTS – MARCH 31, 2021, AND APRIL 1, AND 2, 2021: Commissioner Freeman moved to approve the General Warrants, as printed. Commissioner James seconded the motion, and it carried unanimously.

**BIDS:**

1) APPROVE CORRECTED RESOLUTION FOR EMERGENCY BID #B2100001, 3/4-TON 4X4 PICKUP 8-FOOT BED EXTENDED CAB MINIMUM GROSS VEHICLE WEIGHT RATING (GVWR) OF 10,000 (QTY 1), AND PURCHASE OF POLICE RESPONDER PICKUP THROUGH STATE AND ARAPAHOE/MAPO BID FOR 2021 – SHERIFF’S OFFICE: Rob Turf, Purchasing Department, explained the bid was originally approved on January 20, 2021, on an emergency basis; however, since that time the Sheriff’s Office requested the specifications for one of the vehicles to be slightly smaller, which was bid thru the State MAPO bid process, in the amount of \$37,142.00. David Springer, Director of Fleet Services, clarified the new vehicle purchase will be \$20.00 less than the original bid approval. Commissioner James moved to approve said Corrected Resolution. Commissioner Buck seconded the motion, and it carried unanimously.

2) APPROVE BID #B2100064, ON-SITE MEDICAL CLINIC SERVICES – DEPARTMENT OF HUMAN RESOURCES: Mr. Turf stated staff recommends continuing this matter. Commissioner Freeman moved to continue consideration of this bid to April 12, 2021. Commissioner Saine seconded the motion, and it carried unanimously.

3) APPROVE BID #B2100067, STEEL BID – DEPARTMENT OF PUBLIC WORKS: Mr. Turf reviewed the various low or sole bid vendors recommended for approval to supply the miscellaneous steel categories. Commissioner Buck moved to approve said bid as detailed by staff. Seconded by Commissioner Freeman, the motion carried unanimously.

4) APPROVE BID #B2100068, CATTLE GUARDS – DEPARTMENT OF PUBLIC WORKS: Mr. Turf introduced Brighton Auto Tint and Detail as the low bidder selected by staff and confirmed they meet all specifications to provide complete cattle guards. He stated staff also recommends awarding the repair parts bid to CBE Manufacturing and Supply, for a total budgeted amount of \$31,000.00. Commissioner Freeman moved to approve said bid, as recommended by staff. The motion was seconded by Commissioner James, and it carried unanimously.

5) APPROVE BID #B2100070, TANDEM AXLE TRUCK WITH WET KIT (QTY 2) – DEPARTMENT OF PUBLIC WORKS: Mr. Turf stated staff recommends selecting the lowest bidder who met specifications, Transwest Truck Trailer and RV, for a total amount of \$259,890.00. Commissioner Buck moved to approve said bid. Seconded by Commissioner James, the motion carried unanimously.

6) PRESENT BID #B2100073, MAGNESIUM TANKS (KERSEY AND GREELEY) – FACILITIES DEPARTMENT: Mr. Turf presented the five (5) bids received and stated staff will review and make a recommendation on April 19, 2021.

**OLD BUSINESS:**

1) CONSIDER PETITION FOR ABATEMENT OR REFUND OF TAXES FOR ACCOUNT NUMBER R8946415 – TIMOTHY MCKEEN (*CONT'D FROM 2/1/2021*): Brenda Dones, Assessor, presented the location of the subject property, which contains a single-family dwelling. She stated the petitioner is requesting a value of \$462,879.00 for the 2019 tax year, which allows staff to review the value for the assessment period of January 1, 2017, through June 30, 2018. She reviewed the building features, comparable sales grid, and allowable adjustments, and noted the subject site sold in 2018 for \$508,340.00, therefore, staff recommends denying the petition and sustaining the value of \$476,879.00 for tax year 2019. Chair Moreno confirmed neither the petitioner, nor a representative were present. Commissioner James moved to deny said petition and sustain the value as set by the Assessor's Office. Commissioner Saine seconded the motion, and it carried unanimously.

**NEW BUSINESS:**

1) CONSIDER CONTRACT ID #4601 TASK ORDER TO AGREEMENT FOR PROFESSIONAL SERVICES FOR DESIGN SERVICES (AULT GRADER SHED) AND AUTHORIZE CHAIR TO SIGN (BID #B1900100) – ROBERT SHREVE ARCHITECTS AND PLANNERS, INC.: Toby Taylor, Director of Facilities Department, explained the vendor submitted a quote, in the amount of \$31,900.00, for the Ault Grader Shed, subject to the terms of the bid award for on-call design services. Commissioner Freeman moved to approve said task order and authorize the Chair to sign. The motion was seconded by Commissioner James, and it carried unanimously.

2) CONSIDER CONTRACT ID #4612 TASK ORDER TO AGREEMENT FOR PROFESSIONAL SERVICES FOR DESIGN SERVICES (WELD COUNTY SOUTH ANNEX RENOVATION) AND AUTHORIZE CHAIR TO SIGN (BID #B1900100) – CAIRN DESIGN, LLC: Mr. Taylor stated Cairn Design, LLC, was awarded on-call design work through a previous bid and they have submitted a proposal for renovation of the 918 Probation Building, in the amount of \$29,575.00. Commissioner Freeman moved to approve said task order and authorize the Chair to sign, which was seconded by Commissioner Buck, and it carried unanimously.

3) CONSIDER NON-RESIDENTIAL PROPERTY TAP ASSIGNMENT AND DOMESTIC WATER AGREEMENT, AND AUTHORIZE CHAIR TO SIGN – LITTLE THOMPSON WATER DISTRICT: Mr. Taylor explained the Board previously approved a no-cost Bill of Sale which necessitates moving a water meter from the property on County Road (CR) 17 to be installed at the new site, as well as establishing monthly invoicing. The motion to approve said assignment and agreement and authorize the Chair to sign was made by Commissioner James, seconded by Commissioner Freeman, and it carried unanimously.

4) CONSIDER CONTRACT ID #4593 COMMUNICATIONS TOWER AND SITE LICENSE AGREEMENT FOR GROVER TOWER (62999 CR 105, GROVER) AND AUTHORIZE CHAIR TO SIGN – NORTHERN COLORADO AMATEUR RADIO CLUB AND AMATEUR RADIO EMERGENCY SERVICES: Roy Rudisill, Director of the Office of Emergency Management, stated this agreement establishes the provisions for real-time communications services during weather spotting events in northeastern Weld County, with links to the Sterling area. He confirmed there is no equipment cost to the county, as the equipment is owned and maintained by the Amateur Radio Club. Commissioner Buck moved to approve said agreement and authorize the Chair to sign. Seconded by Commissioner James, the motion carried unanimously.

5) CONSIDER CONTRACT ID #4602 QUALITY ASSURANCE SERVICE AGREEMENT AND AUTHORIZE CHAIR TO SIGN – PRIORITY DISPATCH CORPORATION: Mike Wallace, Director of the Department of Public Safety Communications, and Robert Olson, Public Safety Communications, presented the agreement for outsourcing the emergency medical dispatch process, as well as realigning approximately 125 staff hours. Commissioner Freeman moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner Buck, and it carried unanimously.

6) CONSIDER CONTRACT ID #4600 WIRE CROSSING LICENSE FOR FIBER OPTIC WIRE LINE (INTERSECTION AT 9TH AVENUE AND 3RD STREET, GREELEY) AND AUTHORIZE CHAIR TO SIGN – GREAT WESTERN RAILWAY OF COLORADO, LLC: Aleksei Churyk, Department of Information Technology, stated this license supports the fiber redundancy project and provides an underground path for an annual cost of \$5,000.00. Commissioner James moved to approve said license and authorize the Chair to sign, which was seconded by Commissioner Buck, and it carried unanimously.

7) CONSIDER CONTRACT ID #4609 WIRE CROSSING LICENSE FOR FIBER OPTIC WIRE LINE (INTERSECTION AT 14TH AVENUE AND A STREET, GREELEY) AND AUTHORIZE CHAIR TO SIGN – GREAT WESTERN RAILWAY OF COLORADO, LLC: Mr. Churyk explained, similar to the previous item, this license will support the fiber redundancy project for an annual cost of \$5,000.00. The motion to approve said license and authorize the Chair to sign was made by Commissioner Freeman, seconded by Commissioner Buck, and it carried unanimously.

8) CONSIDER DECLARING CERTAIN EQUIPMENT AS SURPLUS PROPERTY, APPROVE SALE OF SAME AT AUCTION WITH ROLLER AND ASSOCIATES, AND DELEGATE AUTHORITY TO CONTROLLER TO SIGN ANY NECESSARY DOCUMENTS: Barbara Connolly, Controller, explained the listed piece of equipment was missed and has already been sold, therefore, staff is requesting a retroactive declaration of surplus property. Commissioner Freeman moved to approve declaring said equipment as surplus, approve the sale at auction, and delegate authority to the Controller to sign any necessary documents. Commissioner Saine seconded the motion, and it carried unanimously.

9) CONSIDER TEMPORARY CLOSURE OF CR 42 BETWEEN U.S. HWY 85 AND CR 33: Amy Mutchie, Department of Public Works, requested approval for temporary closure of County Road (CR) 42, from April 10, 2021, through April 16, 2021, for a Union Pacific Railroad crossing, with improvements to the approaches to be completed by Public Works. She verified magnesium chloride will be applied for dust control along the detour route. Commissioner James moved to approve said temporary closure. Commissioner Buck seconded the motion, and it carried unanimously.

**PLANNING:**

1) CONSIDER FULL RELEASE OF PROJECT COLLATERAL AND ACCEPT WARRANTY COLLATERAL FOR USE BY SPECIAL REVIEW PERMIT, USR19-0014 – LEEWARD RENEWABLE ENERGY DEVELOPMENT, LLC – PHASE ONE AGREEMENT – MOUNTAIN BREEZE WIND, LLC: Jazmyn Trujillo-Martinez, Department of Public Works, stated staff has inspected the improvements and recommends a reduction of the project collateral from \$2 million to \$300,000.00 as warranty collateral provided as an amendment to the Irrevocable Letter of Credit, and confirmed the warranty amount will be held for the duration of the USR permit. Commissioner James moved to approve said full release of project collateral and acceptance of the warranty collateral, as recommended by staff. Seconded by Commissioner Freeman, the motion carried unanimously.

2) SECOND READING OF CODE ORDINANCE #2021-04, IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 29 BUILDING REGULATIONS, OF THE WELD COUNTY CODE (*NATIONAL ELECTRICAL CODE*): Commissioner Freeman moved to read Code Ordinance #2021-04 by title only. Seconded by Commissioner James, the motion carried unanimously.

Bruce Barker, County Attorney, read said title for the record. Jose Gonzales, Department of Building Inspection, stated no changes have been proposed since First Reading. No public testimony was offered concerning this matter. Commissioner James moved to approve Code Ordinance #2021-04 on Second Reading. Commissioner Buck seconded the motion, and it carried unanimously.

3) SECOND READING OF CODE ORDINANCE #2021-05, IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 29 BUILDING REGULATIONS, OF THE WELD COUNTY CODE (*INTERNATIONAL ENERGY CONSERVATION CODE*): Commissioner Freeman moved to read Code Ordinance #2021-05 by title only. Seconded by Commissioner James, the motion carried unanimously. Mr. Barker read said title for the record. Mr. Gonzales stated no changes have been made since First Reading. No public testimony was offered concerning this matter. Commissioner Freeman moved to approve Code Ordinance #2021-05 on Second Reading. Commissioner James seconded the motion, and it carried unanimously.

4) FIRST READING OF CODE ORDINANCE #2021-06, IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 23 ZONING, OF THE WELD COUNTY CODE (*MISCELLANEOUS ZONING*): Tom Parko, Director of Planning Services, stated staff has been approached by several landowners interested in operating custom (small scale) meat processing facilities on their property, and this amendment will increase the facility size allowed in the A (Agricultural) Zone District and clarifies that retail sales are prohibited. No public testimony was offered concerning this matter. Commissioner Freeman stated there is a need for this type of use, which he believes benefits the agricultural community, therefore, he moved to approve Code Ordinance #2021-06 on First Reading. Commissioner Buck seconded the motion, and it carried unanimously.

**RESOLUTIONS AND ORDINANCES:** The resolutions were presented and signed as listed on the Consent Agenda. Code Ordinances #2021-04 and #2021-05 were approved on Second Reading and Ordinance #2021-06 was approved on First Reading.

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 9:33 a.m.

BOARD OF COUNTY COMMISSIONERS  
WELD COUNTY, COLORADO

ATTEST:

Weld County Clerk to the Board

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Steve Moreno, Chair

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Scott K. James, Pro-Tem

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

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Perry L. Buck

\_\_\_\_\_  
Mike Freeman

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Lori Saine