



MEETING OF THE BOARD OF COUNTY COMMISSIONERS BOULDER COUNTY

**July 2, 9:30 a.m.
Third Floor Hearing Room
County Court House
1325 Pearl Street, Boulder**

**Members Present: Commissioner Claire Levy
 Commissioner Ashley Stolzmann**

Members Excused: Commissioner Marta Loachamin

[Note: All documents referred to in these Minutes of Commissioners' Proceedings are on file and may be reviewed in the Office of the Boulder County Commissioners.]

1. Call to Order

The Board of County Commissioners of Boulder County met in Regular Meeting in full conformity with the law and resolution of said Board at the regular place of hybrid meetings, 1325 Pearl Street, Boulder and on Zoom Webinar, on July 2, 2024.

The meeting was called to order at approximately 9:31 a.m. by Chair Ashley Stolzmann.

Commissioner Loachamin is excused for today's sessions.

2. 9:30 a.m. Business Meeting

3. Commissioners' Consent Items

Moved by Commissioner Levy
Seconded by Commissioner Stolzmann

to approve the Commissioners' Consent Agenda as a whole.

Carried

3.a Community Planning & Permitting - 201382 Muller Engineering Company Inc. Amendment (\$1,388,939)

Amendment to adjust scope of work and add contract funds. Original contract for final design of the CO 52 Bike Path Extension, CO 119 Underpass near 2nd Avenue in Niwot, and Bike Path Connection across BNSF railroad at Ogallala Rd.; Preliminary and final design of the 63rd Street Overpass and Fourmile Canyon Creek Redesign; CMGC coordination, meetings, and design modifications; and Engineering support during construction.

- **Staff Contact:** Stacey Proctor, Community Planning & Permitting

3.b County Attorney's Office - Resolution 2024-044 (LU-24-0004: Tuck ADU and Agricultural Structures)

Resolution 2024-044, conditionally approving Boulder County Community Planning & Permitting Docket LU-24-0004: Tuck ADU and Agricultural Structures.

3.c Human Services - 2024-25 Funding Agreement with Imagine! (\$2,529,478.75)

This Funding Agreement was awarded through an RFA process to increase programs that will sustain or increase the availability and access to community social activities, community recreational opportunities and direct services supports for persons living with Intellectual and Developmental Disabilities (IDD), Autism, and/or Brain Injury (BI).

3.d Human Services - Funding Agreement with A&I Avenues (\$1,511,473)

This Funding Agreement supports Case Management Agency (CMA) functions under the health and well-being pillar, and more specifically, ensures Boulder County residents with an Intellectual and Developmental Disability (IDD)/Developmental Disability (DD), Autism, and/or Brain Injury (BI) has (have) access to information and referral and independent living skills training. This Contract will also support access to crisis management services to mitigate emergencies, emergency placements, and unmet needs for persons with IDD/DD, Autism and/or BI that results in a disability The Parties further acknowledge Recipient provides a continuum of services to persons experiencing an IDD/DD,

Autism, and/or BI that results in a disability which may limit their ability to live an independent life in Boulder County.

3.e Parks & Open Space - Prince Lake No 1 Dam Rehabilitation Project IGA with Town of Erie

Boulder County proposes to enter into an Intergovernmental Agreement with Town of Erie related to the rehabilitation of Prince Lake No.1 Reservoir and dam which is owned by the County.

- **Staff Contact:** Obadiah Broughton, Parks & Open Space

3.f Parks & Open Space - Sunny Belle Purchase Agreement

The purchase of the Sunny Belle property was approved by the BOCC at the June 11, 2024 public hearing. The Purchase Agreement formalizes the intent to purchase and is needed for the closing.

- **Staff Contact:** Tina Burghardt, Parks and Open Space

3.g Public Works - Award Recommendation SOQ-062-24 - Asphalt/Paving Continuing Services (NTE \$1,000,000.00)

The evaluation committee recommends awarding SOQ-062-24, Asphalt/Paving Continuing Services, to both vendors who submitted a proposal: Brannan Sand and Gravel Company, LLC and EVH Enterprises, LLC. An additional procurement will be issued in July to attempt to find more shortlisted vendors for these services. Not to exceed: \$1,000,000.00 per year.

- **Staff Contact:** Anthony Amaya, Public Works

4. Commissioners' Discussion Items

4.a Commissioners' Office - Emergency Services Grant Program Advisory Committee Funding Recommendations: Spring 2024 Funding for Search & Rescue and Recreation/Trail Safety Service Providers in Boulder County

The Emergency Services Grant Program Advisory Committee (ESGPAC) has recommended allocating \$721,703.39 in funding for eight search and rescue and recreation/trail safety service providers in Boulder County. This funding is part of the second grant round of the Emergency Services Ballot Measure (ESBM) approved in 2022. Seventeen proposals totaling \$1,330,097.46 were evaluated, with recommendations based on criteria such as the impact on emergency response and public safety. The proposed funding will support various projects, including communication upgrades, safety equipment, and training initiatives for

organizations like Boulder Emergency Squad and Rocky Mountain Rescue Group.

Presenter:

Barb Halpin, Commissioners' Office

Moved by Commissioner Levy

Seconded by Commissioner Stolzmann

Carried

4.b Commissioners' Office - Resolution 2024-049: Setting the Days and Hours for County Seat

Presenter:

Natalie Springett, Commissioners' Office

Moved by Commissioner Levy

Seconded by Commissioner Stolzmann

Carried

4.c County Attorney's Office - Garland v VanDerStok - Amicus Brief Supporting the Federal Gun Control Act

Requesting ratification of Boulder County's participation in an amicus brief, to be filed on July 2 in *Garland v. VanDerStok* (No. 23-852), a Supreme Court case involving ghost guns and the scope of the federal Gun Control Act.

As background, ghost guns are partially complete firearm frames and/or receivers that can be purchased online without a background check and quickly assembled into a fully functional, untraceable firearm. The question presented in *VanDerStok* is whether a recent ATF regulation—which clarifies that ghost guns are “firearms” for purposes of the Gun Control Act, meaning they are subject to existing rules and regulations related to background checks, serialization, record-keeping, licensing requirements, and the like—is consistent with the federal Gun Control Act. The amicus brief focuses on the importance of the regulation, in light of the significant public safety threat ghost guns pose to our communities.

Presenter:

David Hughes, County Attorney's Office

Moved by Commissioner Levy
Seconded by Commissioner Stolzmann

Carried

4.d County Attorney's Office - National Opioid Settlement of Kroger Co.

Requesting approval for participation in a nationwide settlement agreement that would resolve the legal claims of states and local political subdivisions against regional supermarket pharmacy Kroger Co. related to alleged misconduct related to opioids.

Presenter:

David Hughes, County Attorney's Office

Moved by Commissioner Levy
Seconded by Commissioner Stolzmann

Carried

4.e Human Resources - New Full-Time Employees for Community Planning and Permitting and Parks & Open Space (\$237,214)

Parks & Open Space and Community Planning and Permitting are requesting two (2) new FTEs for a Water Resources Maintenance and Fuels Mitigation Specialist (POS) and a Wildfire Mitigation Specialist (CPP). The Water Resources Maintenance and Fuels Mitigation Specialist (POS) coordinates maintenance and mitigation activities for water resources infrastructure and irrigation ditches, collaborates with various stakeholders, and oversees contractors and field crews, while also extending efforts to private lands and conducting outreach under the supervision of the Water Program Supervisor. The Wildfire Mitigation Specialist (CPP) is primarily a field position with Wildfire Partners responsible for regulatory and voluntary Home Ignition Zone assessments, inspections and field visits with homeowners, and support for community mitigation efforts. These positions will be funded by the Wildfire Mitigation Tax (150) at a cost of \$237,214.

Presenter:

Joseph Magoffe, Human Resources Department

Moved by Commissioner Levy
Seconded by Commissioner Stolzmann

Carried

4.f Parks & Open Space - Bid Waiver Request for WSP USA Inc (\$397,916)

Boulder County Bid Waiver request for the Procurement process in favor of WSP USA Inc in the amount not to exceed \$397,916 for IRFP NO 4080-24; Boulder County Cardinal Mill Water Treatment System Design and Installation Project.

Presenter:

Sharla Benjamin, Parks and Open Space Department

Moved by Commissioner Levy
Seconded by Commissioner Stolzmann

Carried

5. Confirmation of Executive Session Topics

Confirming Executive Session topics noticed at the June 26th, 2024, Regular Meeting were discussed as scheduled.

Presenter:

Natalie Springett, Commissioners' Office

Item No. 5 was noted for the record.

6. Authorization for Executive Session

Authorization for the Board of County Commissioners to go into Executive Session for Legal Advice at 11 a.m. on Wednesday, July 3rd, 2023 at 11 a.m. with Ben Pearlman, County Attorney.

Presenter:

Natalie Springett, Commissioners' Office

There was nothing to note for the record for Item No. 6

7. Scheduling & Communications

7.a [CANCELLED] Docket EP-24-0002: Hennigh Taylor Exemption Plat

The Community Planning & Permitting Department Docket EP-24-0002: Hennigh Taylor Exemption Plat scheduled for a public hearing on Today, July 2, 2024, at 9:30 a.m., after this Business Meeting, has been cancelled. The application is being reviewed administratively.

Presenter:

Matt Ramos, Commissioners' Office

Item No. 7.a. was noted for the record.

The Boulder County Commissioners Regular Business Meeting adjourned at 9:47 a.m.

8. 1:00 p.m. Public Comment Session and Public Hearing on Marshall Mesa Mitigation and Trailhead Earthwork

8.a General Public Comment Session

Commissioners’ Office: This meeting will be for the purpose of taking public comment for any matter not being discussed in another current public hearing process. Each speaker (up to 10 people) will be able to give public comment to the commissioners for 3 minutes each. No pooled speaking is available for this meeting. Participants will not be able to screen-share but can bring printed materials in person. Opportunity for live virtual and in-person public comment will be available, and written comments can be emailed to the [commissioners](#).

Public Speaker(s):

- 1. Erin Meshcke, Boulder
- 2. Tess McDonald, Lyons
- 3. Giles Troughton, Boulder
- 4. Edward Yagi, Allenspark

8.b Public Hearing for Community Planning & Permitting Docket LU-24-0009: Marshall Mesa Mitigation and Trailhead Earthwork

Limited Impact Special Use Review to permit 364,000 cubic yards of earthwork for subsurface coal fire mitigation and redevelopment of the Marshall Mesa trailhead. The application is submitted by City of Boulder, c/o Adam Gaylord (owner/applicant). The subject property is in the Business (B) and Agricultural (A) zoning districts at 1842 S. Foothills Highway, at the southeast corner of the intersection of SH 170 and SH93 in Section 21, Township 1S, Range 70W.

This public hearing was called to order at 1:21 p.m.

Staff Presenter(s):

Sam Walker, Community Planning & Permitting

Kimberly Sanchez, Community Planning & Permitting

Other Presenter(s):

Adam Gaylord, City of Boulder Open Space & Mountain Parks

Illene Flax, City of Boulder Open Space & Mountain Parks

Tara Tafi, State of Colorado Division of Reclamation, Mining and Safety

Jeremy Reineke, State of Colorado Division of Reclamation, Mining and Safety

Jeff Graves, State of Colorado Division of Reclamation, Mining and Safety

County Attorneys Present:

Erica Rogers, County Attorney

Public Speaker(s):

Wendy Sweet, Boulder

Ellen Berry, Boulder County

Brian Fuentes, Boulder

Megan Monroe, Boulder

Steve Jacobs, Boulder County

The commissioners' public hearing adjourned at 3:20 p.m.

Moved by Commissioner Levy

Seconded by Commissioner Stolzmann

to conditionally approve Docket LU-24-0009 in accordance with staff recommendations, commitments of record by applicant, and with additional conditions as discussed and contained within the official record.

Carried

Deputy Clerk to the Board

