

AGENDA
BOARD OF COUNTY COMMISSIONERS
WELD COUNTY, COLORADO
MONDAY, SEPTEMBER 25, 2023
9:00 A.M.

2023-2777

PLEDGE OF ALLEGIANCE

HOUSING AUTHORITY BOARD

ROLL CALL:

Commissioner Mike Freeman, Chair
Commissioner Perry L. Buck, Pro-Tem
Commissioner Scott K. James
Commissioner Kevin D. Ross
Commissioner Lori Saine

MINUTES: Approval of Minutes of August 28, 2023 [2023-2502]

BOARD OF COUNTY COMMISSIONERS

ROLL CALL:

Commissioner Mike Freeman, Chair
Commissioner Perry L. Buck, Pro-Tem
Commissioner Scott K. James
Commissioner Kevin D. Ross
Commissioner Lori Saine

MINUTES: Approval of Minutes of September 11, 2023 [2023-2606]

READ ORDINANCE BY AUDIO: Read Code Ordinance #2023-19 by audio

AMENDMENTS TO AGENDA:

APPROVAL OF CONSENT AGENDA:

WARRANTS:

- 1) General Warrants – September 22, 2023 [2023-2780]
- 2) Commissioner Warrants (Perry L. Buck) – September 22, 2023 [2023-2781]

BIDS:

- 1) Approve Bid #B2300157, Records Relocation and Remodel – Facilities Department [2023-2610]
- 2) Approve Bid #B2300172, Chase Building (822 7th ST, Greeley) Chiller Replacement Design and Engineering Services – Facilities Department [2023-2611]
- 3) Reject Bid #B2300173, Flammable Exhaust, Fire Alarm, and Fire Suppression Upgrade for Dacono Household Hazardous Waste – Facilities Department [2023-2612]
- 4) Present Bid #B2300184, Electronics Waste Recycling Events – Department of Public Health and Environment [2023-2782]

NEW BUSINESS:

- 1) Consider Contract ID #7352 Lease Agreement for Office Space (822 7th ST, Suite 760, Greeley) and authorize Chair to sign – Witwer, Oldenburg, Barry and Groom, LLP [2023-2783]
- 2) Consider Contract ID #7395 Amendment #1 to Lease Agreement for Improved Real Property for Office Space for Office of State Public Defender (822 7th ST, Suite 300, Greeley) and authorize Chair to sign [2023-2784]
- 3) Consider Contract ID #7410 Agreement for Professional Services for Additional Access Control Doors for Chase Building (822 7th ST, Greeley) Renovation Project and authorize Chair to sign – Long Building Technologies [2023-2785]
- 4) Consider Contract ID #7285 Agreement for Purchase of Certain Property for Public Road Improvements for CRs 76 and 35 Intersection Improvements Project, and authorize Chair to sign any necessary documents – Brian and Vivian Foss [2023-2786]
- 5) Consider Contract ID #7389 Agreement for Purchase of Certain Property for Public Road Improvements for CRs 6 and 13 Intersection Improvements Project, and authorize Chair to sign any necessary documents – Jordan and E. Marie Gutierrez [2023-2787]
- 6) Consider Temporary Closure of CR 7 Between CR 48 and SH 56 [2023-2788]
- 7) Consider Temporary Closure of CR 46 Between CRs 5 and 7 [2023-2789]
- 8) Consider Temporary Closure of CR 40 Between CRs 15 and 17 [2023-2790]
- 9) Consider Temporary Closure of CR 44 Between CR 35 and U.S. HWY 85 [2023-2791]
- 10) Consider Contract ID #7421 Amendment #4 to Loan Fund Grant Agreement and authorize Chair to sign – Colorado Enterprise Fund, Inc. [2023-2792]
- 11) Consider Reappointments to Weld County Fair Board [2023-2793]
- 12) Consider Reappointment to Greeley Housing Authority [2023-2794]
- 13) Final Reading of Code Ordinance #2023-14, In the Matter of Repealing and Reenacting, with Amendments, Chapter 3 Human Resources of the Weld County Code (*HFWA and POWR Act*) [2023-2795]
 - Legals.....[2023-2509]
 - Correspondence.....[2023-2510]
- 14) First Reading of Code Ordinance #2023-19, In the Matter of Repealing and Reenacting, with Amendments, Chapter 3 Human Resources of the Weld County Code (*Holiday Addition*) [2023-2796]
 - Legals.....[2023-2797]
 - Correspondence.....[2023-2798]

PUBLIC COMMENT:

Each individual speaker is allowed, and must strictly adhere to, a three-minute period of time in which to direct comments to the Board of County Commissioners. The Chair may immediately refer any comment to staff for resolution, schedule a work session, or limit the duration depending on the Board’s schedule. Personal attacks against Board members, administrative staff, or employees will not be recognized. The Board will not accept comments regarding matters which are scheduled to be considered at a future public hearing, such as a land use hearing. In that event, the speaker will be asked to give their testimony at that hearing, either in person or in writing. Persons who wish to submit written comments on any topic may do so any time by emailing: askthecommissioners@weld.gov, by mailing such comments to the Weld County Clerk to the Board, P.O. Box 758, 1150 O Street, Greeley, CO 80632, or by emailing: ctb@weld.gov.

ADJOURN:

**PUBLIC HEARINGS
BOARD OF COUNTY COMMISSIONERS**

* No Public Hearings Scheduled for September 25, 2023 *

CONSENT AGENDA

SCHEDULE OF ADVISORY BOARD MEETINGS:

Sep 26 -	Board of Public Health	9:00 AM
Sep 26 -	Regional Communications Advisory Board	10:30 AM
Sep 26 -	Community Corrections Board	12:00 PM
Sep 27 -	Greeley Housing Authority	4:30 PM
Oct 2 -	Weld County Fair Board	6:00 PM
Oct 3 -	Planning Commission	1:30 PM
Oct 4 -	Weld County Community Development Block Grant Advisory Committee	3:00 PM
Oct 5 -	Island Grove Park Advisory Board	4:00 PM
Oct 9 -	Juvenile Community Review Board	12:00 PM
Oct 12 -	Weld Faith Partnership Council	7:30 AM
Oct 12 -	Area Agency on Aging Advisory Board	9:00 AM

ITEMS SCHEDULED FOR FUTURE BOARD MEETINGS:

This is not a complete listing of items scheduled for future Board Meetings; however, it is a listing of those items which are deemed to have interest to various citizens. All Board Meetings begin at 9 AM.

Sep 27 -	First Reading of Code Ordinance #2023-12, In the Matter of Repealing and Reenacting, with Amendments, Chapter 23 Zoning of the Weld County Code (<i>Floodplain Regulations</i>)
Oct 9 -	Second Reading of Code Ordinance #2023-19, In the Matter of Repealing and Reenacting, with Amendments, Chapter 3 Human Resources of the Weld County Code (<i>Holiday Addition</i>)
Oct 16 -	Second Reading of Code Ordinance #2023-12, In the Matter of Repealing and Reenacting, with Amendments, Chapter 23 Zoning of the Weld County Code (<i>Floodplain Regulations</i>)
Oct 23 -	Final Reading of Code Ordinance #2023-19, In the Matter of Repealing and Reenacting, with Amendments, Chapter 3 Human Resources of the Weld County Code (<i>Holiday Addition</i>)
Nov 8 -	Final Reading of Code Ordinance #2023-12, In the Matter of Repealing and Reenacting, with Amendments, Chapter 23 Zoning of the Weld County Code (<i>Floodplain Regulations</i>)

FUTURE PUBLIC HEARINGS:

All future Hearings are publicly noticed and will begin following the adjournment of the regular Board Meeting.

Sep 27 -	Docket #2023-62, PL2885 - A Site Specific Development Plan and Use by Special Review Permit, USR23-0019, for a Solar Energy Facility (SEF) outside of subdivisions and historic townsites in the A (Agricultural) Zone District, Michael Boulter Farms, LLC, c/o CBEP Solar 26, LLC [located north of and adjacent to County Road 44; east of and adjacent to County Road 45] (Planner – Kim Ogle)	10:00 AM
Sep 27 -	Docket #2023-63, PL2886 - A Site Specific Development Plan and Use by Special Review Permit, USR23-0020, for a Solar Energy Facility (SEF) outside of subdivisions and historic townsites in the A (Agricultural) Zone District, Wake, LLLP, c/o CBEP Solar 20, LLC [located north of and adjacent to County Road 66; approximately 0.5 mile west of County Road 49] (Planner – Kim Ogle)	10:00 AM
Sep 27 -	Docket #2023-61, PL2199 - A Site Specific Development Plan and Use by Special Review Permit, USR23-0018, for Open Mining (topsoil) and employee and equipment parking associated with operations outside of subdivisions and historic townsites in the A (Agricultural) Zone District, Korwell Land Holdings, LLC [located north of and adjacent to County Road 40; east of and adjacent to County Road 35] (Planner – Kim Ogle)	10:00 AM

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FUTURE PUBLIC HEARINGS (CONT'D):

- Oct 4 - Docket #2023-64, PL2887 - A Site Specific Development Plan and Use by Special Review Permit, USR23-0021, for a Solar Energy Facility (SEF) outside of subdivisions and historic townsites in the A (Agricultural) Zone District, Dave Weinmeister, c/o CBEP Solar 13, LLC [located north of and adjacent to County Road 54; approximately 0.5 mile west of County Road 49] (Planner – Kim Ogle) 10:00 AM
- Oct 4 - Docket #2023-65, PL2888 - A Site Specific Development Plan and Use by Special Review Permit, USR23-0022, for a Solar Energy Facility (SEF) outside of subdivisions and historic townsites in the A (Agricultural) Zone District, Michael Morgan, c/o CBEP Solar 15, LLC [located south of and adjacent to County Road 54; west of and adjacent to County Road 27] (Planner – Kim Ogle) 10:00 AM
- Oct 4 - Docket #2023-66, PL2889 - A Site Specific Development Plan and Use by Special Review Permit, USR23-0023, for a Solar Energy Facility (SEF) outside of subdivisions and historic townsites in the A (Agricultural) Zone District, Thomas and Marjorie Brown, c/o CBEP Solar 27, LLC [located north of and adjacent to County Road 54; west of and adjacent to County Road 47] (Planner – Kim Ogle) 10:00 AM
- Dec 6 - Docket #2022-63, PL0048 - Show Cause Hearing, PCSC22-0010, to determine whether or not the applicant is in compliance with certain Development Standards contained in Use by Special Review Permit, USR-413, for Aircraft Storage and Salvage, in the A (Agricultural) Zone District, Paul Page [located east of and adjacent to County Road 1.5; north of and adjacent to Cheesman Street] (Planner – Diana Aungst) – *(Cont'd from 6/7/2023)* 9:00 AM
- Dec 20 - Docket #2023-40, PL2877 - Change of Zone, COZ23-0001, from the A (Agricultural) Zone District to the C-3 (Business Commercial) Zone District, PV East, LLC [located north of and adjacent to County Road 20; approximately 0.30 mile east of County Road 19] (Planner – Maxwell Nader) – *(Cont'd from 8/23/2023)* 10:00 AM
- Jan 10, 2024 - Docket #2023-10, PL0674 - Probable Cause Hearing, PCSC22-0021, to consider setting a Show Cause Hearing to determine whether or not the applicant is in compliance with certain Development Standards contained in Use by Special Review Permit, USR11-0004, for an Oil and Gas Support Facility (water hauling) and any Use Permitted as a Use by Right, Accessory Use, or Use by Special Review in the Commercial or Industrial Zone Districts (maintenance and fabrication of new and existing trucks) in the A (Agricultural) Zone District, Donn Foster and Mary Lee Hardy, c/o Foster Trucking, Inc., [located south of and adjacent to State Highway 263 (8th Avenue); approximately 0.5 mile east of County Road 47] (Planner – Kim Ogle) – *(Cont'd from 7/12/2023)* 9:00 AM
- Jan 10, 2024 - Docket #2023-33, PL1373 - A Site Specific Development Plan and Use by Special Review Permit, USR22-0018, for Open Mining (sand, gravel and stone), employee and equipment parking associated with operations outside of subdivisions and historic townsites, in the A (Agricultural) Zone District, Loveland Ready-Mix Concrete, Inc. [located north of and adjacent to County Road 48.5; west of and adjacent to State Highway 257] (Planner – Kim Ogle) – *(Cont'd from 9/6/2023)* 10:00 AM

COMMUNICATIONS:

Persons who wish to submit written comments on any topic may do so any time by emailing: askthecommissioners@weld.gov, by mailing such comments to the Weld County Clerk to the Board, P.O. Box 758, 1150 O Street, Greeley, CO 80632, or by emailing: ctb@weld.gov.

- 1) Board of Public Health, Minutes from April 25, 2023, May 23, 2023, June 27, 2023, July 25, 2023, and August 22, 2023; and Agenda for September 26, 2023
- 2) Department of Human Services, Emails dated September 18, 2023, Re: Closure of Individual Provider Contracts for Purchase of Foster Care Services in a Foster Care Home – Jesse and Crystal McCubbin, Johanna Arce, Sylvia Lopez, Martha Mendoza, and Isidro and Tracy Sanchez

PUBLIC REVIEW:

- 1) City of Greeley, Wake Annexation Nos. 1-3, Impact Report [2023-2631]
- 2) Colorado Department of Public Health and Environment, Air Pollution Control Division – PDC Energy, Inc. – Bunting 26 Sec HZ, Public Notice, Preliminary Analysis, Air Pollutant Emission and Draft Permit No. 23WE0221 [2023-2643]
- 3) Colorado Department of Public Health and Environment, Air Pollution Control Division – PDC Energy, Inc. – Ottenhoff 29 Sec HZ, Public Notice, Preliminary Analysis, Air Pollutant Emission and Draft Permit No. 23WE0222 [2023-2644]
- 4) Colorado Department of Public Health and Environment, Air Pollution Control Division – PDC Energy, Inc. – Castle 29 Sec HZ, Public Notice, Preliminary Analysis, Air Pollutant Emission and Draft Permit No. 23WE0223 [2023-2645]
- 5) Colorado Department of Public Health and Environment, Air Pollution Control Division – PDC Energy, Inc. – Wilmoth 5 Sec HZ, Public Notice, Preliminary Analysis, Air Pollutant Emission and Draft Permit No. 23WE0224 [2023-2646]
- 6) Colorado Department of Public Health and Environment, Air Pollution Control Division – PDC Energy, Inc. – McGlothlin 9 Sec HZ, Public Notice, Preliminary Analysis, Air Pollutant Emission and Draft Permit No. 23WE0218 [2023-2647]
- 7) Colorado Department of Public Health and Environment, Air Pollution Control Division – PDC Energy, Inc. – Goetzel 7-29, 25-29 Pad, Public Notice, Preliminary Analysis, Air Pollutant Emission and Draft Permit Nos. 17WE1229 and 23WE0293 [2023-2648]
- 8) Colorado Department of Public Health and Environment, Air Pollution Control Division – PDC Energy, Inc. – Golden Eagle HZ, Public Notice, Preliminary Analysis, Air Pollutant Emission and Draft Permit Nos. 20WE0503, 20WE0504, and 20WE0505 [2023-2649]
- 9) Colorado Department of Public Health and Environment, Air Pollution Control Division – Noble Energy, Inc. – Dechant T2N-R64W-S19 L01, Public Notice, Preliminary Analysis, Air Pollutant Emission and Draft Permit No. 19WE0173 [2023-2650]
- 10) Colorado Department of Natural Resources, Division of Reclamation, Mining and Safety, Regular 112 Construction Materials Extraction Operation Reclamation Permit Application – BURSCO Colorado, LLC – Ewing Gravel Pit [2023-2681]

RESOLUTIONS (Please see document for signature and/or execution date):

- 1) Approve Contract ID #7356 Revised Executive Summary and Contract Approval for Memorandum of Understanding for Service Delivery Agreements Pursuant to Workforce Innovation and Opportunity Act (WIOA) Program, and Rescind Resolution #2023-2335, dated August 9, 2023 [2023-2727]
- 2) Approve Contract ID #7368 Individual Provider Contract for Purchase of Foster Care Services in a Foster Care Home – Logan Widick and Charity Ray [2023-2728]
- 3) Approve Contract ID #7305 Group Master Application and Third-Party Data Sharing Authorization Form for 2024 Employee Benefit Plan – Continental American Insurance Company, dba Aflac [2023-2729]
- 4) Approve Directing Clerk to the Board to Have Published Emergency Ordinance No. 259-A, Supplemental Appropriation for 2023 [2023-2730]

ORDINANCES:

- * 1) Final Reading of Code Ordinance #2023-14, In the Matter of Repealing and Reenacting, with Amendments, Chapter 3 Human Resources of the Weld County Code (*HFWA and POWR Act*) [2023-2795]
Legals.....[2023-2509]
Correspondence.....[2023-2510]
- 2) First Reading of Code Ordinance #2023-19, In the Matter of Repealing and Reenacting, with Amendments, Chapter 3 Human Resources of the Weld County Code (*Holiday Addition*) [2023-2796]

MISCELLANEOUS:

- * 1) Contract ID #7357 Agreement for Professional Services for Cardiovascular Wellness Screening (Bid #B2300151) – Boone Heart Institute, PC [2023-2238]
- * 2) Contract ID #7390 Professional Services Agreement for EKOS Fuel Management Software – GE Software, Inc. [2023-2799]
- * 3) Contract ID #7340 Service Agreement for Emergency Heating Ventilation and Cooling (HVAC) Services – DVL Group, Inc. [2023-2800]
- * 4) Contract ID #7407 Change Order #2 to Professional Service Agreement for Architectural and Engineering Services (Bid #B2200050) – Cairn Design, LLC [2022-0530]
- * 5) Contract ID #7408 Change Order #1 to Professional Service Agreement for Department of Public Safety Communications Call Center Expansion Design Service (Bid #B2300085) – Cairn Design, LLC [2023-0919]
- * 6) Contract ID #7409 Agreement for Professional Services for Materials Testing Services for Facilities Building Project (Bid #B2000096) – Professional Service Industries, Inc. [2020-0958]
- * 7) Contract ID #7411 Change Order #3 to Agreement for Construction Services for Fuel Site Upgrade Project (Bid #B2100125) – Growling Bear Company, Inc. [2021-2769]
- * 8) Contract ID #7412 Agreement for Professional Services for Access Control Doors for Facilities Expansion Project – Long Building Technologies [2023-2801]
- * 9) Contract ID #7417 Service Agreement for Sand Oil Tank and Grease Trap Pumping Service (Bid #B2300167) – Wright Choice, Inc. [2023-2505]
- * 10) Small Tract Oil and Gas Lease for Mineral Interests (0.7342 Acre – S4, T4N, R67W) – Incline Energy II, LLC [2023-2802]
- * 11) Small Tract Oil and Gas Lease for Mineral Interests (2.8104 Acres – S5, T4N, R67W) – Incline Energy II, LLC [2023-2803]
- * 12) Small Tract Oil and Gas Lease for Mineral Interests (0.1354 Acre – S9, T4N, R67W) – Incline Energy II, LLC [2023-2804]

* **Signed this date**