

# RECORD OF PROCEEDINGS

## MINUTES

### BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO MONDAY, JUNE 7, 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, June 7, 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 – EXCUSED  
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 Freeman moved to approve the Minutes of the Board of County Commissioners meeting of June 2, 2021, as printed. Commissioner Buck seconded the motion, and it carried unanimously.

**CERTIFICATION OF HEARINGS:** Commissioner Saine moved to approve the Certification of Hearings conducted on June 2, 2021, as follows: 1) USR21-0006 – Assembly of God Stoneham, and 2) USR21-0005 – Cannon Land Company, c/o Certarus (USA), Ltd. 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 Freeman moved to approve the Consent Agenda, as printed. Commissioner Buck seconded the motion, and it carried unanimously.

**COMMISSIONER COORDINATOR REPORTS:** Commissioner Buck reported the Department of Human Services has approved \$1.8 million in Emergency Rental Assistance funds and processed 1,110 requests to-date. She noted June 15, 2021, was proclaimed World Elder Abuse Awareness Day to raise awareness of the Adult Protection Services which is committed to mitigating risk and preventing abuse, while preserving dignity and respecting self-determination for the elderly. Lastly, she reported three more congregate meal sites (Greeley Senior Housing, Eaton, and Kersey) are open for in-person dining.

**PROCLAMATIONS:**

1) WINDSOR WIZARD'S DAY, CLASS 4A BOYS SOCCER STATE CHAMPIONSHIP – JUNE 7, 2021: Chair Moreno read the proclamation for the record. The Team was unable to attend; however, the Board congratulated the team on their success and their historic record.

**WARRANTS:**

1) GENERAL WARRANTS – MAY 28, 2021, AND JUNE 4, 2021: Commissioner Buck moved to approve the General Warrants, as printed. Commissioner Saine seconded the motion, and it carried unanimously.

2) GREELEY-WELD COUNTY AIRPORT AUTHORITY WARRANTS – JUNE 4, 2021: Commissioner Freeman moved to approve the Greeley-Weld County Airport Authority Warrants, as printed, and Commissioner Buck seconded the motion. Upon a roll call vote, the motion carried three to one, with Commissioner Saine being opposed.

**BIDS:**

1) PRESENT BID #B2100102, PROBATION OFFICE REMODEL – FACILITIES DEPARTMENT: Rob Turf, Purchasing Department, stated two (2) bids were received and staff will make a recommendation on June 21, 2021.

2) PRESENT BID #B2100097, REQUEST FOR PROPOSAL (RFQ) FOR SH 392 AND CR 35 INTERSECTION IMPROVEMENTS – DEPARTMENT OF PUBLIC WORKS: Mr. Turf stated staff received four (4) bids and will make a recommendation on a date to be determined.

**NEW BUSINESS:**

1) CONSIDER PETITION FOR ABATEMENT OR REFUND OF TAXES FOR ACCOUNT NUMBER R0296201 – JDM II SF NATIONAL, LLC, C/O STATE FARM MUTUAL AUTO: Brenda Dones, Assessor's Office, explained the subject commercial property (commonly known as the State Farm buildings) is located in Greeley, Colorado. She stated the property taxes were appealed in 2020 and they reached an agreement on the value; therefore, this petition is for the 2019 abatement to adjust the actual value to \$50,350,000.00, resulting in a tax abatement refund of \$40,918.09. The property owner was not present. Commissioner Buck moved to approve said petition for abatement or refund of taxes. The motion was seconded by Commissioner Saine and it carried unanimously.

2) CONSIDER PETITION FOR ABATEMENT OR REFUND OF TAXES FOR ACCOUNT NUMBER P9105789 – EXPEDITION WATER SOLUTIONS, LLC: Ms. Dones reviewed the abatement is for personal property located at the Expedition Water Solutions Saltwater Disposal Facility and the owner requested said abatement because they reported leased assets that were valued on Account Number P9106766, owned by VFI KR SPE 1, LLC. She said the assets are duplicates and recommended approval, in-part, resulting in a corrected actual value of \$1,156,771.00 and a tax abatement refund of \$18,900.20. The property owner was not present. Commissioner Buck moved to approve said petition, in-part, for abatement or refund of taxes. Seconded by Commissioner Saine, the motion carried unanimously.

3) CONSIDER PETITION FOR ABATEMENT OR REFUND OF TAXES FOR ACCOUNT NUMBER P9104214 – RED-D-ARC, INC.: Ms. Dones stated the abatement is for personal property that was located in Nunn, Colorado, but the business is no longer located there, as the real property lease was terminated on May 31, 2018, and the equipment was removed. She recommended approval of said abatement, setting the corrected actual value to \$0.00 and resulting in a refund of \$15,505.28. The property owner was not present. Commissioner Freeman moved to approve said petition for abatement or refund of taxes. The motion, which was seconded by Commissioner Buck, carried unanimously.

4) CONSIDER PETITION FOR ABATEMENT OR REFUND OF TAXES FOR ACCOUNT NUMBER O9526195 – CADE DRILLING, LLC: Ms. Dones explained the abatement is for oil and gas property which consists of Drilling Rig #24 that was valued at approximately \$3,300,000.00 by Weld County; however, on the open market, the drilling rig was worth only \$500,000.00 primarily due to incomplete parts. Ms. Dones recommended approval, in-part, reducing the corrected actual value to \$1,381,573.00, resulting in a tax abatement refund of \$66,865.90. Commissioner Freeman moved to approve said petition for abatement or refund of taxes. Commissioner Saine seconded the motion and it carried unanimously.

5) CONSIDER CANCELLATION OF CERTAIN OUTSTANDING ACCOUNTS RECEIVABLE FOR THE WELD COUNTY TREASURER – PERSONAL PROPERTY AND STATE ASSESSED ACCOUNTS: John Lefebvre, Treasurer, presented the personal property and state assessed accounts that are uncollectible debts, amounting to \$40,844.32. Commissioner Freeman moved to cancel certain outstanding accounts receivable. The motion was seconded by Commissioner Buck and it carried unanimously.

6) CONSIDER QUIT CLAIM DEED FOR CERTAIN MINERALS AND MINERAL RIGHTS NEAR SH 14 AND AUTHORIZE CHAIR TO SIGN: Gabe Kalousek, Assistant County Attorney, requested approval of a Quit Claim Deed for certain mineral interests underlying strips of right-of-way adjacent to State Highway 14. He explained the parcels have been leased by Bison Oil and Gas, which requires proof of mineral interest, thus they relied on a 1935 Court opinion which did not definitively grant Weld County the mineral interests, which are being claimed by the U.S. Bureau of Land Management (BLM). In an effort to resolve the discrepancy, Mr. Kalousek recommended executing the Quit Claim Deed to the BLM to avoid any litigation. The motion to approve said Quit Claim Deed and authorize the Chair to sign was made by Commissioner Buck, seconded by Commissioner Freeman, and it carried unanimously.

7) CONSIDER APPOINTMENT OF DEPUTY DISTRICT ATTORNEY AND AUTHORIZE CHAIR TO SIGN – ERIN VARGAS GUTIERREZ: Commissioner Freeman moved to approve said appointment. The motion was seconded by Commissioner Buck and it carried unanimously.

**PLANNING:**

1) CONSIDER REQUEST TO TEMPORARILY EXTEND THE HOURS OF OPERATION FOR AMENDED USE BY SPECIAL REVIEW PERMIT, AMUSR-1102, FOR MINERAL RESOURCE DEVELOPMENT INCLUDING OPEN PIT MINING AND MATERIALS PROCESSING (SAND, GRAVEL AND STONE), INCLUDING CONCRETE AND ASPHALT RECYCLING AND A CONCRETE AND ASPHALT BATCH PLANT FACILITY IN THE A (AGRICULTURAL) ZONE DISTRICT – L.G. EVERIST, INC.: Tom Parko, Director of the Department of Planning Services, introduced the request of L.G. Everist, Inc., for a temporary extension of their hours of operation, pursuant to AMUSR-1102, to accommodate an overnight pour operation on Interstate 25 from June 14, 2021, to June 15, 2021. He noted a recent conversation with company representatives indicated the steel may not arrive in time; therefore, he requested alternate dates of June 21, 2021, through June 22, 2021, if needed. Commissioner Freeman moved to amend the Resolution to add the alternate dates, which was seconded by Commissioner Saine and it carried unanimously. Commissioner Freeman moved to approve said request, as amended, to temporarily extend the hours of operation for AMUSR-1102. Seconded by Commissioner Buck, 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 9:20 a.m.

BOARD OF COUNTY COMMISSIONERS  
WELD COUNTY, COLORADO

ATTEST:

Weld County Clerk to the Board

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

\_\_\_\_\_  
Steve Moreno, Chair

EXCUSED  
\_\_\_\_\_  
Scott K. James, Pro-Tem

\_\_\_\_\_  
Perry L. Buck

EXCUSED DATE OF APPROVAL  
\_\_\_\_\_  
Mike Freeman

\_\_\_\_\_  
Lori Saine