

RECORD OF PROCEEDINGS

MINUTES

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO WEDNESDAY, JUNE 23, 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 23, 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 June 21, 2021, as printed. Commissioner Buck seconded the motion, and it carried unanimously.

PUBLIC INPUT: Steve Teets, Greeley resident, inquired about Colorado Counties Incorporated (CCI), to which Chair Moreno explained it is a state-wide conference to coordinate with fellow Commissioners, follow up on legislation and gain information for the benefit of the County. Commissioner James reported the Metropolitan Planning Organization (MPO) had a lengthy discussion regarding the Employee Trip Reduction program, also known as Senate Bill 260, and he explained its onerous effects on transportation in Colorado.

AMENDMENTS TO AGENDA: Commissioner Freeman moved to delete item #2 under Warrants: Greeley-Weld County Airport Authority Warrants – June 22, 2021. Commissioner Buck seconded the motion, and it carried unanimously.

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

PRESENTATIONS:

1) CERTIFICATE OF RECOGNITION FOR CENTENNIAL CLUB OF WELD COUNTY – RICHARD MANN: Chair Moreno read the certificate honoring Richard Mann as he celebrates his 100th Birthday. He further shared Mr. Mann served in WWII and in 2017 received France's highest military honor for his service on D-Day. Mr. Mann's motto is "*Control your curiosity, and keep your head down*". Commissioner Saine stated Mr. Mann is a true American Hero!

WARRANTS:

1) GENERAL WARRANTS – JUNE 22, 2021: Commissioner James moved to approve the General Warrants, as printed. Commissioner Freeman seconded the motion, and it carried unanimously.

BIDS:

1) PRESENT BID #B2100103, WASH BAY AND WELDING BUILDING PAVING – FACILITIES DEPARTMENT: Rob Turf, Purchasing Department, presented the three (3) bids received and stated staff will make a recommendation on July 7, 2021.

NEW BUSINESS:

1) CONSIDER STANDARD FORM OF AGREEMENT, RATES, AND PROVIDER LIST FOR INDIVIDUAL PROVIDER CONTRACTS FOR PURCHASE OF FOSTER CARE SERVICES IN A FOSTER CARE HOME AND AUTHORIZE CHAIR TO SIGN: Jamie Ulrich, Director of the Department of Human Services, stated these are the rates and Out of Home services provider list for the 2021-2022 contract year. Commissioner James moved to approve said form, list, and rates and authorize the Chair to sign contracts consistent with said form. Seconded by Commissioner Saine, the motion carried unanimously.

2) CONSIDER STANDARD FORM OF AGREEMENT, RATES, AND PROVIDER LIST FOR AGREEMENTS FOR RESPITE SERVICES AND AUTHORIZE CHAIR TO SIGN: Ms. Ulrich presented the form agreement, list of certified Respite providers and rates. Commissioner Saine moved to approve said form, list, and rates and authorize the Chair to sign contracts consistent with said form. Seconded by Commissioner James, the motion carried unanimously.

3) CONSIDER CONTRACT ID #4820 AGREEMENT FOR PROFESSIONAL SERVICES FOR PREVENTION SERVICES AND AUTHORIZE CHAIR TO SIGN: Ms. Ulrich stated the agreement is for a partnership between the Weld County Department of Human Services and the Weld County Department of Public Health and Environment (WCDPHE) for the Prevention Program. Commissioner Freeman moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner James, and it carried unanimously.

4) CONSIDER CONTRACT ID #4821 AGREEMENT FOR PROFESSIONAL SERVICES FOR CHILD CARE PROVIDER RECRUITMENT PROJECT AND AUTHORIZE CHAIR TO SIGN – UNITED WAY OF WELD COUNTY: Ms. Ulrich stated this is a partnership with United Way of Weld County to recruit additional providers and support a development of quality providers. Chair Moreno relayed he serves on the United Way Board, but sees no conflict of interest. Mr. Barker confirmed it is not a conflict of interest. Commissioner James moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner Freeman. There being no further discussion, the motion carried unanimously.

5) CONSIDER CONTRACT ID #4859 AGREEMENT FOR PROFESSIONAL SERVICES FOR INFANT EARLY CHILDHOOD MENTAL HEALTH CONSULTATION AND AUTHORIZE CHAIR TO SIGN – NORTH RANGE BEHAVIORAL HEALTH: Ms. Ulrich stated North Range Behavioral Health (NRBH) will provide consultation services to in-home childcare providers with the goal of increasing the number and quality of childcare providers in the County. The motion to approve said agreement and authorize the Chair to sign was made by Commissioner Freeman, seconded by Commissioner Buck, and it carried unanimously.

6) CONSIDER CONTRACT ID #4827 MEMORANDUM OF UNDERSTANDING FOR 1451 COLLABORATIVE MANAGEMENT PROGRAM WITH VARIOUS AGENCIES AND AUTHORIZE CHAIR AND DIRECTORS OF THE DEPARTMENT OF HUMAN SERVICES AND THE DEPARTMENT OF

PUBLIC HEALTH AND ENVIRONMENT TO SIGN ELECTRONICALLY: Ms. Ulrich stated this collaboration is with mandated and non-mandated partner agencies to provide services to children and families while consolidating resources. Commissioner James moved to approve said memorandum of understanding and authorize the Chair and Directors of the Departments of Human Services and Public Health and Environment to sign electronically. Seconded by Commissioner Buck, the motion carried unanimously.

7) CONSIDER CONTRACT ID #4841 CHILD PROTECTION AGREEMENT FOR SERVICES AND AUTHORIZE CHAIR TO SIGN – SMITH AGENCY: Ms. Ulrich stated the agreement is for crisis intervention and stabilization services. Commissioner Freeman moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner Buck, and it carried unanimously.

8) CONSIDER CONTRACT ID #4844 INDIVIDUAL PROVIDER CONTRACT FOR PURCHASE OF FOSTER CARE SERVICES IN A FOSTER CARE HOME AND AUTHORIZE CHAIR TO SIGN – SCOTT AND SHELLY WILSON: Ms. Ulrich stated this is a new foster care home in Lakewood, Colorado. Commissioner Saine moved to approve said contract and authorize the Chair to sign, which was seconded by Commissioner James, and it carried unanimously.

9) CONSIDER CONTRACT ID #4845 INDIVIDUAL PROVIDER CONTRACT FOR PURCHASE OF FOSTER CARE SERVICES IN A FOSTER CARE HOME AND AUTHORIZE CHAIR TO SIGN – ANTHONY AND RUBY PINO: Ms. Ulrich stated this is a new foster care home in Greeley, Colorado. The motion to approve said contract and authorize the Chair to sign was made by Commissioner Freeman, seconded by Commissioner Buck, and it carried unanimously.

10) CONSIDER CONTRACT ID #4856 FOR COLORADO COMMUNITY RESPONSE PROJECT AND AUTHORIZE CHAIR TO SIGN AND SUBMIT ELECTRONICALLY: Ms. Ulrich stated this is funding as part of the State of Colorado's Community Response Grant for Prevention Programs. Commissioner James moved to approve said contract and authorize the Chair to sign and submit electronically. Seconded by Commissioner Buck, the motion carried unanimously.

11) CONSIDER CONTRACT ID #4862 AMENDMENT #5 TO DIAGNOSTIC SERVICES AGREEMENT FOR TUBERCULOSIS CONTROL PROGRAM AND AUTHORIZE CHAIR TO SIGN – BANNER IMAGING SERVICES COLORADO, LLC: Mark Lawley, Director of the Department of Public Health and Environment, stated this amendment renews the Imaging Contract with Banner Health Imaging to provide the technical component of diagnostic imaging and radiological services to designated eligible patients referred by Banner Health. Commissioner Buck moved to approve said amendment and authorize the Chair to sign. The motion was seconded by Commissioner James, and it carried unanimously.

12) CONSIDER CONTRACT ID #4868 AMENDMENT #4 TO CONTRACT FOR IMMUNIZATION CORE SERVICES PROGRAM AND AUTHORIZE CHAIR TO SIGN AND SUBMIT ELECTRONICALLY: Mr. Lawley stated the amendment is to increase immunization rates in Weld County residents and reduce morbidity and mortality of infectious disease, and Weld County will be reimbursed \$86,711.00 for the grant period. Commissioner Freeman moved to approve said amendment and authorize the Chair to sign and submit electronically. Seconded by Commissioner Buck, the motion carried unanimously.

13) CONSIDER CONTRACT ID #4869 AMENDMENT #4 TO CONTRACT FOR PUBLIC HEALTH EMERGENCY PREPAREDNESS AND RESPONSE, AND AUTHORIZE CHAIR TO SIGN AND SUBMIT ELECTRONICALLY: Mr. Lawley stated the amended contract is to plan and train for a variety of population-based disease outbreaks and emergencies, including pandemic, bioterrorism, and emergent diseases. He explained the federal grant supports two (2) full-time staff, a Regional Epidemiologist, and

a Public Health Emergency Specialist, from July 1, 2021, to June 30, 2022, in the amount of \$280,277.00. Commissioner James moved to approve said amendment and authorize the Chair to sign and submit electronically, which was seconded by Commissioner Freeman, and it carried unanimously.

14) CONSIDER CONTRACT ID #4870 AMENDMENT #5 TO CONTRACT FOR LOCAL PLANNING AND SUPPORT (PER CAPITA) AND AUTHORIZE CHAIR TO SIGN AND SUBMIT ELECTRONICALLY: Mr. Lawley stated the purpose of the amended contract is to provide Public Health Services in which Weld County Health Services will participate in assessment and planning efforts at the state, regional, and local levels. He relayed the local planning and support, per capita reimbursement funding for July 1, 2021, through June 30, 2022, will be an amount not to exceed \$404,871.00. Commissioner Freeman moved to approve said amendment and authorize the Chair to sign and submit electronically. Seconded by Commissioner Buck, the motion carried unanimously.

15) CONSIDER CONTRACT ID #4871 AMENDMENT #1 TO CONTRACT FOR AMENDMENT 35 TOBACCO USE PREVENTION AND CESSATION EDUCATION, AND AUTHORIZE CHAIR TO SIGN AND SUBMIT ELECTRONICALLY: Mr. Lawley stated the amended contract becomes effective July 1, 2021, and ends June 30, 2022, with a budgeted amount of \$300,056.00 in state funding. Commissioner Freeman moved to approve said amendment and authorize the Chair to sign and submit electronically. The motion was seconded by Commissioner Saine, and it carried unanimously.

16) CONSIDER CONTRACT ID #4877 TASK ORDER CONTRACT FOR CHILD FATALITY PREVENTION SYSTEM AND AUTHORIZE CHAIR TO SIGN AND SUBMIT ELECTRONICALLY: Mr. Lawley explained the Child Fatality Prevention System was established in an effort to prevent child deaths. He stated the contract period is from July 1, 2021, through June 30, 2022, with no new staff required, and the Colorado Department of Public Health and Environment (CDPHE) will pay \$13,450.00 for services provided in the continuation contract. Commissioner Saine moved to approve said contract and authorize the Chair to sign and submit electronically, which was seconded by Commissioner Buck, and it carried unanimously.

17) CONSIDER CONTRACT ID #4879 TASK ORDER CONTRACT FOR RETAIL FOOD, CHILD CARE, AND SCHOOL INSPECTION PROGRAM, AND AUTHORIZE CHAIR TO SIGN AND SUBMIT ELECTRONICALLY: Mr. Lawley stated under this contract, the department will conduct regulatory inspections, initiate interventions and enforcement actions, review submitted plans, perform foodborne illness investigations, respond to complaints, and comply with reporting requirements. He relayed the term dates and shared the contract is for \$35,000.00. Commissioner Freeman moved to approve said contract and authorize the Chair to sign and submit electronically. Seconded by Commissioner James, the motion carried unanimously.

18) CONSIDER CONTRACT ID #4880 LOCAL PUBLIC HEALTH AGENCY APPLICATION AND ACCEPTANCE OF GRANT AWARD FOR COVID-19 VACCINATION SUPPORT FUND, AND AUTHORIZE CHAIR TO SIGN: Mr. Lawley stated this is a one-time grant, in the amount of \$5,000.00, for COVID-19 vaccine education to benefit Medicaid members and the community. Commissioner James moved to approve said application, accept the grant award, and authorize the Chair to sign. Seconded by Commissioner Buck, the motion carried unanimously.

19) CONSIDER AUTHORIZING BOARD OF COUNTY COMMISSIONERS TO CONVENE AS A BOARD OF EQUALIZATION FOR CALENDAR YEAR 2021: Commissioner James moved to approve said Resolution to Convene as the Board of Equalization. Commissioner Freeman seconded the motion, and it carried unanimously.

PLANNING:

1) CONSIDER VACATION OF TWO-LOT RECORDED EXEMPTION, RECX17-0167, AND RECOMBINE LOTS INTO ONE PARCEL – FREEDOM HOLDING COMPANY, LLC, C/O DONALD SACK: Angela Snyder, Department of Planning Services, stated a request was received from the owner, Mr. Sack, to vacate the plat of Two-Lot Recorded Exemption, RECX17-0167. She described the location of the 120-acre property, and confirmed there were no easements created. Pamela Edens, Real Estate Broker representing the property owner, was available to answer questions. No public testimony was offered concerning this matter. Commissioner Freeman moved to approve the request for Vacation of the Two-lot Recorded Exemption, RECX17-0167. Commissioner James seconded the motion, and it carried unanimously.

2) CONSIDER ACCEPTANCE OF COLLATERAL FOR SITE SPECIFIC DEVELOPMENT PLAN AND USE BY SPECIAL REVIEW PERMIT, USR20-0029 – SUNSHARE, LLC: Chris Gathman, Department of Planning Services, stated this request is for acceptance of collateral for decommissioning of a solar facility, which was approved in December 2020. He described the location of the site and explained collateral is required, per Weld County Code Section 23-4-1030.B and a Condition of Approval (COA) under the USR, in an amount set by the Director of the Department of Planning Services, to ensure proper decommissioning of the facility. Mr. Gathman stated the Surety Bond must name the Board of County Commissioners as beneficiary and shall be kept current and active during the life of the permit. He also stated, under recent Code changes approved on June 4, 2020, the decommissioning and reclamation cost estimates must be updated every five (5) years. He relayed the applicant has submitted a Decommissioning and Reclamation Plan, which has been deemed complete by staff. Mr. Gathman stated the applicant has submitted Surety Bond #SU1172319, in the amount of \$138,000.00, to address decommissioning of the facility, which has been reviewed by the County Attorney's Office. Commissioner Saine moved to accept said Surety Bond from SunShare, LLC, for USR20-0029. Commissioner James seconded the motion, and it carried unanimously.

3) CONSIDER CERTIFICATION TO WELD COUNTY TREASURER OF ZONING VIOLATION PENALTIES AS SPECIAL ASSESSMENT – CHARLES BENNETT AND MANUEL GALLEGOS: Gabe Kalousek, Assistant County Attorney, requested this case be continued as it will need to be renoticed. The property owners were not present. Commissioner Freeman moved to continue said Certification of Penalties as a Special Assessment to July 7, 2021. Commissioner Saine seconded the motion, and it carried unanimously.

4) CONSIDER CERTIFICATION TO WELD COUNTY TREASURER OF ZONING VIOLATION PENALTIES AS SPECIAL ASSESSMENT – CHRISTINA ELAM AND DONALD HARRIS: Mr. Kalousek requested this case be continued as it will need to be renoticed. The property owners were not present. Commissioner Saine moved to continue said Certification of Penalties as a Special Assessment to July 7, 2021. Commissioner James seconded the motion, and it carried unanimously.

5) CONSIDER CERTIFICATION TO WELD COUNTY TREASURER OF ZONING VIOLATION PENALTIES AS SPECIAL ASSESSMENT – ARYAN KIANI AND MATTHEW IRVIN: Mr. Kalousek reviewed the case history and court actions taken to date and requested a certification of assessment in the amount of \$5,550.00 for the period between October 22, 2020, through May 31, 2021. Bethany Pascoe, Zoning Compliance Officer, displayed photos taken last Thursday, June 17, 2020, and confirmed the property remains in violation, relaying she has documented 16 complaints from various agencies including the Sheriff's Office, Animal Control, Fire Department, Health Department, and surrounding property owners (SPOs). Matthew Irvin and Aryan Kiani, property owners, were present and stated staff has been gracious with extensions during his illness. He elaborated on his process of hiring someone to clean up the property and the subsequent problems he has had with those people and his current eviction process. In response to Chair Moreno, Mr. Kalousek tried to verify eviction documentation, and Mr. Irvin

submitted a copy of the eviction. Mr. Barker advised the Board of their authority to certify the amount of the Penalty as a Special Assessment. In response to Commissioner James, Ms. Pascoe expressed photos have been received from Mr. Irvin; however, according to the neighbors, they are not an accurate portrayal of the property in question, and her site visit showed no improvement. Ms. Pascoe explained the violation history, and Mr. Irvin submitted a photo depicting the property as being cleared. Ms. Pascoe explained her photo observations. Commissioner Saine stated she passes by the property daily, it is never clean and attracts transients. Commissioner Freeman explained the current circumstances are not being considered today and moved to approve said Certification of Penalties as a Special Assessment. Commissioner Saine seconded the motion, and it carried unanimously.

6) CONSIDER CERTIFICATION TO WELD COUNTY TREASURER OF ZONING VIOLATION PENALTIES AS SPECIAL ASSESSMENT – GRACIELA QUINONEZ AND VERONICA GUTIERREZ: Mr. Kalousek requested this case be continued as it will need to be renoticed. The property owners were not present. Commissioner James moved to continue said Certification of Penalties as a Special Assessment to July 7, 2021. Commissioner Saine seconded the motion, and it carried unanimously.

7) CONSIDER CERTIFICATION TO WELD COUNTY TREASURER OF ZONING VIOLATION PENALTIES AS SPECIAL ASSESSMENT – ARTURO AND MARIAH CORRAL: Mr. Kalousek stated Mr. Corral was informed, by phone this morning, of the hearing time, and indicated the hearing could proceed. Mr. Kalousek provided a brief summary of case history and penalties imposed, relayed the most recent penalties as a special assessment is in the amount of \$5,900.00 for a time period of August 10, 2020, through May 31, 2021. Hannah Duttrow, Zoning Compliance Officer, displayed photos taken last Wednesday, June 16, 2021, and explained there have been some improvements, but there are still trailers and a visible, non-commercial junkyard on the premises. Arturo Corral, property owner, stated he works out of state, hasn't lived at the property for the past two (2) years, and has previously been unable to access the property due to a divorce decree; however, he will be back in the next few weeks to hire people to complete the work. In response to Chair Moreno, Mr. Corral explained he still needs to remove a container and debris. Ms. Duttrow confirmed improvements have been made; however, there is still a scrap metal pile and appliances which need to be addressed. Commissioner Freeman stated the Board has been requested to certify penalties for prior dates and Mr. Corral may continue to work with staff to resolve the issues and avoid future assessments. Commissioner Freeman moved to approve said Certification of Penalties as a Special Assessment. Commissioner Saine seconded the motion, and it carried unanimously.

8) CONSIDER CERTIFICATION TO WELD COUNTY TREASURER OF ZONING VIOLATION PENALTIES AS SPECIAL ASSESSMENT – JESUS VEGA: Mr. Kalousek stated Mr. Vega was informed of the date and time of today's hearing over the phone, and is not present. He provided a summary of the case history and assessments imposed to date, asking Certification of Special Assessments in the amount of \$6,000.00 for the period between February 1, 2021, and May 31, 2021. Ms. Duttrow stated she inspected the property last Wednesday, June 16, 2021, and there continues to be commercial operations on the site, commercial parking, and RV parking. Commissioner James moved to approve said Certification of Penalties as a Special Assessment. Commissioner Saine seconded the motion, and it 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 9:54 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

Scott K. James, Pro-Tem

Perry L. Buck

Mike Freeman

Lori Saine