

RECORD OF PROCEEDINGS

MINUTES

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO MONDAY, SEPTEMBER 27, 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, September 27, 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 – EXCUSED

Also present:

County Attorney, Bruce Barker
Acting Clerk to the Board, Houston Aragon
Controller, Barbara Connolly

MINUTES: Commissioner Freeman moved to approve the Minutes of the Board of County Commissioners meeting of September 13, 2021, as printed. Commissioner Buck seconded the motion, and it carried unanimously. *(Clerk's Note: The first portion of the audio for this item is not available.)*

READ ORDINANCE BY AUDIO: Chair Moreno stated because only three (3) of the five (5) Commissioners are present, this item will need to be continued. Commissioner Freeman moved to continue the reading of Emergency Ordinance #257-A to Wednesday, September 29, 2021, at 9:00 a.m. The motion was seconded by Commissioner Buck and carried unanimously. *(Clerk's Note: At the request of Don Warden, Director of the Department of Finance and Administration, this item was subsequently continued to October 11, 2021.)*

PUBLIC INPUT: No public input was given.

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

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

COMMISSIONER COORDINATOR REPORTS: Commissioner Buck, as the Coordinator of the Department of Human Services, relayed \$5,400,000.00 in Emergency Rental Assistance payments has been approved and 2,510 requests have been processed. Additionally, she stated Weld County residents who participate in the Supplemental Nutritional Assistance Program (SNAP) will see their monthly benefits increase, effective October 1, 2021, as a result of the U.S. Department of Agriculture

reevaluating the Thrifty Food Plan, which is used to calculate SNAP benefits. She further stated the Thrifty Food Plan had not been updated since 1975 and the adjustment was part of the 2018 Farm Bill.

PRESENTATIONS:

1) WELD COUNTY CONSTITUTION DAY CONTEST WINNERS RECOGNITION – ART/PHOTOGRAPHY, ESSAY, AND POETRY: Chair Moreno introduced the Constitution Day Contest for the record and thanked Colorado General Assembly Representatives Tanya Van Beber and Dan Woog, as well as Commissioner Saine, for their role as contest judges. Chair Moreno read and presented award certificates to all of the contest winners in attendance. Commissioners Buck and Freeman congratulated all of the contest winners in attendance and thanked the parents and teachers who assisted the contest winners in their education, especially in light of the challenges from schooling during the COVID-19 Pandemic Health Emergency. (*Clerk's Note: The group gathered for a photo opportunity.*)

WARRANTS:

1) GENERAL WARRANTS – SEPTEMBER 24, 2021: Commissioner Freeman moved to approve the General Warrants, as printed. Commissioner Buck seconded the motion, and it carried unanimously.

2) GREELEY-WELD COUNTY AIRPORT AUTHORITY WARRANTS – SEPTEMBER 24, 2021: Commissioner Buck moved to approve the Greeley-Weld County Airport Authority Warrants, as printed. Commissioner Freeman seconded the motion, and the motion passed unanimously.

3) COMMISSIONER WARRANTS – SEPTEMBER 24, 2021: Commissioner Freeman moved to continue Commissioner Warrants until Wednesday, September 29, 2021, at 9:00 a.m., to allow review by a full quorum of the Board. The motion was seconded by Commissioner Buck, and it carried unanimously.

BIDS:

1) APPROVE BID #B2100123 – SIDEWALK AND AMERICANS WITH DISABILITIES ACT (ADA) RAMP REPLACEMENT FOR HUMAN SERVICES BUILDING B – FACILITIES DEPARTMENT: Rose Everett, Purchasing Department, stated one (1) bid was received from Chato's Juarez Company, LLC, in the amount of \$27,000.00. Commissioner Freeman moved to approve said bid. The motion was seconded by Commissioner Buck and it carried unanimously.

2) PRESENT BID #B2100125, WELD COUNTY FUEL SITE UPGRADE – FACILITIES DEPARTMENT: Ms. Everett stated two (2) bids were received and staff will make a recommendation on October 11, 2021.

NEW BUSINESS:

1) CONSIDER CONTRACT ID #5252 AGREEMENT FOR PROFESSIONAL SERVICES FOR JAIL COMMERCIAL LOCK SET REPLACEMENT AND AUTHORIZE CHAIR TO SIGN – CML SECURITY, LLC: Toby Taylor, Director of the Facilities Department, explained forty-nine (49) doors in the Weld County Jail need the locks replaced due to safety and security risks, which will be completed by the single source contractor, CML Security, LLC, for the amount of \$69,525.00. In response to Commissioner Buck, Mr. Taylor stated that while the current locks are not outdated, for security purposes, the Jail needs keys for both ingress and egress. Commissioner Buck moved to approve said agreement and authorize the Chair to sign. Seconded by Commissioner Freeman, the motion carried unanimously.

2) CONSIDER CONTRACT ID #5254 AGREEMENT FOR CONSTRUCTION SERVICES FOR ADMINISTRATION BUILDING SIDEWALK AND JAIL INLET REPAIR PROJECT (BID #B2100126) AND AUTHORIZE CHAIR TO SIGN – J & F CONCRETE, LLC: Mr. Taylor stated the agreement originated from a formal bid, but due to the expected cost being under \$25,000.00, the bid was not previously presented to the Board. He expanded the low bidder was J & F Concrete, LLC, for a total amount of

\$16,109.00. Commissioner Freeman moved to approve said agreement and authorize the Chair to sign. The motion, which was seconded by Commissioner Buck, carried unanimously.

3) CONSIDER CONTRACT ID #5263 TASK ORDER CONTRACT FOR MATERNAL AND CHILD HEALTH (MCH) PROGRAM AND AUTHORIZE CHAIR TO SIGN ELECTRONICALLY: Mark Lawley, Director of the Department of Public Health and Environment, explained the MCH Program consists of three (3) distinct programs, including the HCP Program, which provides care coordination and referral services to Weld County children and youth, ages birth to 21 who have, or at risk for, physical, developmental, behavioral, or emotional conditions. The motion to approve said task order contract and authorize the Chair to sign electronically was made by Commissioner Buck, seconded by Commissioner Freeman, and it carried unanimously.

4) CONSIDER CONTRACT ID #5265 SUBAWARD AGREEMENT FOR DRIVE SMART WELD COUNTY YOUNG DRIVER TRAFFIC SAFETY PROJECT AND AUTHORIZE CHAIR TO SIGN ELECTRONICALLY: Mr. Lawley relayed the goal of this project is to collaborate with traffic safety stakeholders to reduce the severity and frequency of traffic accidents in Weld County. Commissioner Buck moved to approve said agreement and authorize the Chair to sign electronically. The motion was seconded by Commissioner Freeman and carried it unanimously.

5) CONSIDER CONTRACT ID #5264 AGREEMENT CONCERNING PURCHASE OF CERTAIN PROPERTY FOR PUBLIC ROAD IMPROVEMENTS TO INTERSECTION AT CRS 41 AND 66, AND AUTHORIZE CHAIR TO SIGN NECESSARY DOCUMENTS – TOMOI FARMS, LLC: Clay Kimmi, Department of Public Works, requested approval of the purchase of right-of-way, a permanent easement, and a temporary construction easement, for the County Roads 41 and 66 Intersection Improvements Project. 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 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, Weld County Controller, stated the listed items are ready to go to auction and replacement items have been received and placed in service. Commissioner Buck moved to approve said declaration of certain equipment as surplus property, sale of same at auction, and delegation of authority to the Controller to sign any necessary documents. Seconded by Commissioner Freeman, the motion carried unanimously.

7) CONSIDER APPOINTMENT TO COMMUNITY CORRECTIONS BOARD: Commissioner Freeman moved to approve said appointment. The motion, which was seconded by Commissioner Buck, carried unanimously.

8) CONSIDER EMERGENCY ORDINANCE #257-A, IN THE MATTER OF A SUPPLEMENTAL APPROPRIATION FOR THE YEAR 2021: Don Warden, Director of the Department of Finance and Administration, requested the emergency ordinance be continued, due to a lack of four-fifths quorum of the Board. Commissioner Freeman moved to continue said emergency ordinance to Monday, October 11, 2021, at 9:00 a.m. The motion, which was seconded by Commissioner Buck, carried unanimously.

PLANNING:

1) CONSIDER APPLICATION FOR SMALL BUSINESS INCENTIVE PROGRAM AND AUTHORIZE RELEASE OF ECONOMIC DEVELOPMENT TRUST FUNDS (TIER III) – JUSTICE TRUCKING AND EXCAVATION, INC.: Tom Parko, Director of the Department of Planning Services, explained Justice Trucking and Excavation, Inc., has applied for the Small Business Incentive Program, meets all the

criteria for Tier III, and he requested the release of \$18,599.46 from the Economic Development Trust Fund. Commissioner Freeman moved to approve said application and release of said Economic Development Trust Funds. Commissioner Buck seconded the motion and it carried unanimously.

2) CONSIDER ACCEPTANCE OF COLLATERAL FOR SITE SPECIFIC DEVELOPMENT PLAN AND USE BY SPECIAL REVIEW PERMIT, USR21-0007 – CHARLES AND DEBRA BIRD, C/O NAMASTE SOLAR ELECTRIC, INC.: Bob Choate, Assistant County Attorney, stated the collateral is in the form of a Surety Bond, in the amount of \$103,500.00, for the Decommissioning Plan associated with the solar facility operated by Namaste Solar Electric, Inc., which ensures the site is reclaimed as a Condition of Approval for Use by Special Review Permit, USR21-0007. Mr. Choate noted the Surety Bond is not executed yet, pending a financial closing scheduled for the current week, and he is requesting approval of the form of the bond, the final version of which is to be submitted by October 4, 2021. In response to Chair Moreno, Mr. Choate confirmed the collateral is held for the life of the facility. The motion to approve acceptance of said collateral was made by Commissioner Freeman, seconded by Commissioner Buck, and it carried unanimously.

3) CONSIDER VACATION OF SPECIAL USE PERMIT, SUP-338 – CLOUDWALKER DYNASTY, LLC, C/O ARTHUR MAESTAS, III: Angela Snyder, Department of Planning Services, stated Arthur Maestas requested the vacation of Special Use Permit, SUP-338, as a requirement of his Recorded Exemption application and several surrounding property owners have, likewise, submitted letters requesting the vacation of SUP-338. She expanded that because the Permit issued by the Colorado Department of Natural Resources, Division of Reclamation, Mining, and Safety (DRMS), is no longer active, staff recommends vacation of SUP-338. The applicant was not present, and no public testimony was offered concerning this matter. Commissioner Buck moved to approve said vacation. The motion was seconded by Commissioner Freeman, and it carried unanimously.

4) CONSIDER REVOCATION OF PLANNED UNIT DEVELOPMENT ZONE DISTRICT AND VACATION OF THE PLAT, PZ-1125 (PIONEER PUD) – GREENLEAF ACRES, LLC, C/O BARRY FEHR, DAVID METZGER, AND CARMELO RIVERA, JR.: Ms. Snyder stated this item is the final step for removing the Southwest Weld Regional Urbanization Area (RUA) near the Towns of Hudson and Keenesburg, the latter of which has annexed a large portion of this area, as the County is no longer pursuing RUAs and is instead encouraging incorporated municipalities to pursue this type of development internally. Ms. Snyder relayed the request of several others to remove the Planned Unit Development (PUD) zoning from their properties. Patrick Groom, Attorney Representative of the applicant, explained his client owns acreage under the original Pioneer PUD, which was supposed to remain agricultural with a connection to the residential community as a farm-to-table activity to encourage community involvement in agricultural production; however, over the past year, challenges of the PUD arose, leading the applicant to believe the land is not suitable for agricultural production and they want to withdraw or terminate said PUD. Mr. Groom expanded parts of the PUD have now been annexed by the Town of Keenesburg, making several of the conditions of the PUD infeasible, such as the agricultural property connecting to the municipal water system, which does not exist. Commissioner Freeman moved to revoke the Planned Unit Development Zone District and vacate the plat, PZ-1125 (Pioneer PUD). 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 9:54 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

EXCUSED

Scott K. James, Pro-Tem

Perry L. Buck

Mike Freeman

EXCUSED

Lori Saine