

RECORD OF PROCEEDINGS

MINUTES

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO WEDNESDAY, OCTOBER 20, 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, October 20, 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 – EXCUSED

Also present:

County Attorney, Bruce Barker
Acting Clerk to the Board, Houston Aragon
Assistant Controller, Chris D'Ovidio

MINUTES: Commissioner James moved to approve the Minutes of the Board of County Commissioners meeting of October 6, 2021, as printed. Commissioner Buck seconded the motion, and it 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 James seconded the motion, and it carried unanimously.

WARRANTS:

1) GENERAL WARRANTS – OCTOBER 19, 2021: Commissioner Buck moved to approve the General Warrants, as printed. Commissioner James seconded the motion, and it carried unanimously.

2) GREELEY-WELD COUNTY AIRPORT AUTHORITY WARRANTS – OCTOBER 19, 2021: Commissioner Freeman moved to approve the Greeley-Weld County Airport Authority Warrants, as printed. Commissioner James seconded the motion and it passed unanimously.

BIDS:

1) APPROVE BID #B2100132, FIRE ALARM TESTING – FACILITIES DEPARTMENT: Rob Turf, Purchasing Department, stated the low bid was invalid due to a price discrepancy and staff recommends awarding to the second lowest bidder who met specifications, Total Fire and Security, for a total amount

of \$6,218.00. Commissioner James moved to approve said bid. The motion was seconded by Commissioner Freeman and it carried unanimously.

NEW BUSINESS:

1) CONSIDER CONTRACT ID #5306 TWO (2) GRANT APPLICATIONS FOR REPLACEMENT OF BRIDGES 60.5/49A AND 34/17A AND AUTHORIZE DEPARTMENT OF PUBLIC WORKS TO SUBMIT ELECTRONICALLY – COLORADO COUNTIES, INC.: Michael Bedell, Department of Public Works, presented the annual applications for bridge replacement grant funds through Colorado Counties, Inc. (CCI), in collaboration with the Colorado Department of Transportation, stating Bridges 60.5/49A and 34/17A are in poor condition and staff is requesting \$1,000,000.00 for each project, with the remaining funds being Weld County's contribution. In response to Commissioner Buck, Mr. Bedell clarified the amount being requested is \$1,000,000.00 per each project, which is \$2,000,000.00 total. Commissioner Buck moved to approve said grant applications and authorize the Department of Public Works to submit electronically. The motion, which was seconded by Commissioner James, carried unanimously.

2) CONSIDER CONTRACT ID #5321 AGREEMENT FOR PURCHASE OF CERTAIN PROPERTY FOR CRS 41 AND 66 INTERSECTION IMPROVEMENTS PROJECT AND AUTHORIZE CHAIR TO SIGN – HUNGENBERG BOH FARMS, LLLP: Clay Kimmi, Department of Public Works, stated the agreement is for the purchase of right-of-way and temporary and permanent construction easements for the total amount of \$50,000.00, and is part of the County Roads 41 and 66 Intersection Improvements Project. Commissioner Freeman moved to approve said agreement and authorize the Chair to sign. Commissioner James seconded the motion and it carried unanimously.

3) CONSIDER CONTRACT ID #5322 AGREEMENT FOR PURCHASE OF CERTAIN PROPERTY FOR CRS 41 AND 66 INTERSECTION IMPROVEMENTS PROJECT AND AUTHORIZE CHAIR TO SIGN – HUNGENBERG RD FARMS, LLLP: Mr. Kimmi stated the agreement is for the purchase of right-of-way and temporary and permanent construction easements for the total amount of \$220,000.00, and is part of the County Roads 41 and 66 Intersection Improvements Project. Commissioner James moved to approve said agreement and authorize the Chair to sign. Commissioner Freeman seconded the motion and it carried unanimously.

4) CONSIDER EXTENSION OF TEMPORARY CLOSURE OF CR 13 BETWEEN CRS 42 AND 44: Amy Mutchie, Department of Public Works, stated DCP Operating Company, LP, is requesting an extension of the temporary road closure of County Road (CR) 13 between CRs 42 and 44 from October 31, 2021, through December 31, 2021, due to the waterline relocation of the main water pipeline of the Central Weld County Water District that is currently under construction and anticipated to have water quality testing completed by the end of the week. She further explained DCP Operating Company, LP, will then be prepared to finish the excavation within the timeline and the Gerrard Excavation and Paving Company will begin to repave the roads. In response to Commissioner James, Patrick Groom, attorney representative for DCP Operating Company, LP, stated he and his client understand and appreciate the concerns of Commissioner James' constituents that have been impacted by the closure, as this is not the first request for an extension, and further explained the delay is caused by the relocation of the Central Weld County Water District waterline, and until this relocation has been accomplished, there is no way for his clients to start remediation. In response to Chair Moreno, Ms. Mutchie stated the waterline install was delayed due to the necessity of obtaining easements and the potential of a shoofly closure, which caused the waterline angle to be reevaluated. Ms. Mutchie further clarified details regarding the paving portion of the project. Commissioner James suggested outreach to surrounding property owners by DCP Operating Company, LP, to help ease growing concern from residents living in the area. The motion to approve said temporary road closure extension was made by Commissioner Freeman, seconded by Commissioner Buck, and it carried unanimously.

5) CONSIDER LOCAL GOVERNMENT APPLICATION APPROVAL WAIVER AGREEMENT FOR MAJOR FACILITY OF A PUBLIC UTILITY 1041 PERMIT APPLICATION AND AUTHORIZE CHAIR TO SIGN – PUBLIC SERVICE COMPANY OF COLORADO: Bob Choate, Assistant County Attorney, stated Public Service Company of Colorado, aka XCEL Energy, filed a 1041 Application for an electric transmission line and associated facilities, and statute dictates the County process said application within ninety (90) days unless waived. Bruce Barker, County Attorney, clarified the Board is only considering the agreement to waive the timeline limitation and not the substance within the application itself. Commissioner James moved to approve said waiver agreement and authorize the Chair to sign. The motion was seconded by Commissioner Buck and it carried unanimously.

6) CONSIDER APPOINTMENT TO HUMAN SERVICES ADVISORY COMMISSION: The motion to approve said appointment was made by Commissioner James, seconded by Commissioner Buck, and it carried unanimously.

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

PLANNING:

1) CONSIDER PARTIAL VACATION OF TWO-LOT RECORDED EXEMPTION, RE-1955, FOR REMOVAL OF LOT B – BECKER RANCH, LLC: Chris Gathman, Department of Planning Services, stated Richard Lee Becker, Manager of Becker Ranch, LLC, requested partial vacation of Recorded Exemption, RE-1955, on September 23, 2021, requesting the removal of Lot B, and no easements were created by the plat. He confirmed the resulting parcel will be larger than thirty-five (35) acres in size. Bill Hughes, attorney representative of Becker Ranch, LLC, stated the applicants are in the process of dissolving Becker Ranch, LLC, as the family is dividing assets, and only Richard Becker and his wife will retain their residence on Lot A. There was no public testimony concerning this matter. Commissioner James moved to approve said partial vacation of RE-1955. The motion was seconded by Commissioner Buck and it carried unanimously.

2) CONSIDER IMPROVEMENTS AND ROAD MAINTENANCE AGREEMENT ACCORDING TO POLICY REGARDING COLLATERAL FOR IMPROVEMENTS, AUTHORIZE CHAIR TO SIGN, AND ACCEPT COLLATERAL FOR ACCESS PERMIT, AP21-00535 – CEDAR CREEK II, LLC / BP WIND ENERGY NORTH AMERICA, INC. / CEDAR CREEK II WIND ENERGY, LLC: Jazmyn Trujillo-Martinez, Department of Planning Services, requested the acceptance of project collateral amounting to \$3,000,000.00, procured in the form of two (2) \$1,500,000.00 performance bonds, issued by Liberty Mutual Insurance Company. Commissioner James moved to approve said agreement, acceptance of collateral, and authorize the Chair to sign. Seconded by Commissioner Freeman, 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 9:26 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

EXCUSED DATE OF APPROVAL
Mike Freeman

EXCUSED
Lori Saine