

RECORD OF PROCEEDINGS

MINUTES

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO WEDNESDAY, NOVEMBER 3, 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, November 3, 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 – EXCUSED
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 October 20, 2021, as printed. Commissioner James seconded the motion, and it carried unanimously.

READ ORDINANCE BY AUDIO: Commissioner James moved to read Code Ordinances #2021-18 and #2021-20 by audio. The motion was seconded by Commissioner Saine, and it carried unanimously.

CERTIFICATION OF HEARINGS: Commissioner Saine moved to approve the Certification of Hearings conducted on October 20, 2021, as follows: 1) USR21-0011 – Robert Borum, and 2) USR21-0012 – Camila Lopez and Yoemni Ortego Marrero. Commissioner James seconded the motion, which carried unanimously.

PUBLIC INPUT: Steve Teets, Greeley resident, commented on the Weld Project Connect event, congratulated Commissioner James and the volunteers who organized the event, and suggested encouraging the service providers to refrain from leaving early, to ensure attendees have access to all of the key services. Chair Moreno reminded Mr. Teets that the service providers attend on a voluntary basis and thanked Mr. Teets for his input, and Commissioner James stated he will pass on the compliment to the other event organizers. Second, Mr. Teets inquired about Via Mobility Services, which provides transportation services for the elderly, disabled, and veterans in the Frederick and Firestone area. He stated the service began in August, 2021, and has had 179 riders; however, the head of the company made a presentation at the Weld County Mobility Council, expressing concern they may have to close by December 31, 2021, due to lack of funding. Mr. Teets inquired if there are any Metropolitan Planning Organization (MPO) funds available, to which Chair Moreno explained the concerns are being addressed by surrounding municipalities, and Commissioner James relayed there is a new launch called Ride

NOCO in the MPO, and he intends to inquire if they are listed with that service. Next, Mr. Teets addressed homelessness due to increased rent(s), and suggested various organizations could collaborate to work on remedies to the shelter problem. Chair Moreno stated the Department of Human Services works with United Way, and he agreed agency collaboration is key to ensuring resources are accessible. Lastly, Mr. Teets stated he attended a Connections Committee meeting and learned the Cold Weather Shelter will not open until November 15, 2021, due to a shortage of workers.

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

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

WARRANTS:

1) GENERAL WARRANTS – NOVEMBER 1, AND 2, 2021: Commissioner Saine moved to approve the General Warrants, as printed. Commissioner Buck seconded the motion, and it carried unanimously.

NEW BUSINESS:

1) CONSIDER CONTRACT ID #5288 MEMORANDUM OF UNDERSTANDING FOR SCHOOL STABILITY FOR STUDENTS IN FOSTER CARE AND AUTHORIZE CHAIR TO SIGN – WELD COUNTY SCHOOL DISTRICT RE-12: Jaime Ulrich, Director of the Department of Human Services, stated the Memorandum of Understanding outlines the collaboration with School District RE-12 on school placement decisions and shared transportation costs for students in out-of-home foster care placement. Commissioner Buck moved to approve said memorandum of understanding and authorize the Chair to sign. Seconded by Commissioner James, the motion carried unanimously.

2) CONSIDER CONTRACT ID #5296 FOR EXPANDED COVID-19 VACCINES VIA THE AGING NETWORK AND AUTHORIZE CHAIR TO SIGN AND SUBMIT ELECTRONICALLY: Ms. Ulrich stated the contract will expand additional access to COVID-19 vaccines for older adults and caregivers. Commissioner James moved to approve said contract and authorize the Chair to sign and submit electronically. Seconded by Commissioner Saine, the motion carried unanimously.

3) CONSIDER CONTRACT ID #5301 AMENDMENT #2 TO SERVE AS SINGLE ENTRY POINT AGENCY FOR LONG-TERM CARE SERVICES AND AUTHORIZE CHAIR TO ELECTRONICALLY SIGN AND SUBMIT: Ms. Ulrich stated the second amendment adds references to training required by the original contract and does not include rate changes. Commissioner Buck moved to approve said amendment and authorize the Chair to sign and submit electronically. The motion, which was seconded by Commissioner James, carried unanimously.

4) CONSIDER CONTRACT ID #5243 AWARD LETTER AND INTERGOVERNMENTAL AGREEMENT FOR 2021 PAUL COVERDELL FORENSIC SCIENCE IMPROVEMENT GRANT FOR NORTHERN COLORADO REGIONAL FORENSIC LABORATORY AND AUTHORIZE CHAIR TO ELECTRONICALLY SIGN AND SUBMIT: Sonja Kohlgraf, Sheriff's Office, stated the contract is in the amount of \$17,614.00 and covers training costs for crime analysts. Commissioner Buck moved to approve said award letter and intergovernmental agreement, and authorize the Chair to sign and submit electronically. Commissioner James seconded the motion and it carried unanimously.

5) CONSIDER CONTRACT ID #5378 AWARD LETTER AND INTERGOVERNMENTAL AGREEMENT FOR 2020-2021 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM FOR PURCHASE OF 3 -DIMENSIONAL FORENSIC SCENE RECONSTRUCTION SCANNER AND AUTHORIZE CHAIR TO ELECTRONICALLY SIGN AND SUBMIT: Ms. Kohlgraf, along with Lieutenant Michael Knee, explained the full grant request has been awarded, in the amount of \$62,890.00, for the

purchase of a 3-Dimensional reconstruction scanner to be used at crime scenes. Commissioner Buck moved to approve said award letter and intergovernmental agreement, and authorize the Chair to sign and submit electronically. Commissioner James seconded the motion and it carried unanimously.

6) CONSIDER RETURNING FEDERAL CONGESTION MITIGATION AND AIR QUALITY (CMAQ) GRANT FUNDING FROM THE WELD COUNTY COMPRESSED NATURAL GAS (CNG) VEHICLES PROJECT BACK TO THE NORTH FRONT RANGE METROPOLITAN PLANNING ORGANIZATION (NFRMPO) CMAQ POOL: Elizabeth Relford, Deputy Director of the Department of Public Works, recommended the Board take action to return the remaining \$2,200,000.00 in CMAQ funds related to the CNG program. She explained the funds were originally awarded because the county scored very well in acquiring natural gas vehicles; however, as a result of the discontinued federal Buy America Waiver program, the county cannot purchase the vehicles. Commissioner James commented the NFRMPO intends to reallocate the surrendered funds to other projects in the region, which will indirectly benefit Weld County residents. Commissioner James moved to approve said return of funds. The motion was seconded by Commissioner Buck and it carried unanimously.

7) CONSIDER AMENDED AND REINSTATED INTERGOVERNMENTAL AGREEMENT FOR THE POUDDRE RIVER TRAIL CORRIDOR AND AUTHORIZE CHAIR TO SIGN – VARIOUS ENTITIES: Bruce Barker, County Attorney, stated this agreement with Greeley and Windsor originated in the 1990s and obligates the County to own various parts of the trail, by either easements or rights-of-way, and allows the County to pay a set amount to the City of Greeley to conduct the maintenance on County portions of the trail. Chair Moreno commended Mr. Barker for his suggested edits to the intergovernmental agreement (IGA). The motion to approve said IGA and authorize the Chair to sign was made by Commissioner James, seconded by Commissioner Buck, and it carried unanimously.

8) CONSIDER RATIFICATION OF APPOINTMENT TO BOARD OF TRUSTEES OF THE HIGH PLAINS LIBRARY DISTRICT: Matthew Hortt, High Plains Library District representative, requested ratification of the nominee for the Regent 6 Board of Trustees area. He relayed on October 22, 2021, the establishing bodies met to review two applications which were submitted, and it was unanimously agreed upon to appoint Joyce Smock for one additional term. Chair Moreno stated both were great candidates, and the unanimous selection will allow Ms. Smock to continue with ongoing work. Commissioner Saine moved to approve said ratification of appointment. The motion was seconded by Commissioner Buck and it carried unanimously.

9) CONSIDER AMENDED BYLAWS FOR BOARD OF RETIREMENT: John Lefebvre, Treasurer, explained the Retirement Board allows vendors, staff, and board members to attend meetings remotely; however, since the COVID-19 pandemic, he has been receiving inquiries from unrelated, out-of-state, and foreign entities requesting remote participation. He stated this raises concern of potential fraud by outside agencies dispersing confidential financial information; therefore, this amendment states that only members, vendors, and existing staff members can attend remotely, and the meetings are not subject to open meetings laws because matters of individual personnel may come forward. Commissioner James moved to approve said amended Bylaws. The motion was seconded by Commissioner Buck and it carried unanimously.

10) SECOND READING OF CODE ORDINANCE #2021-14 IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 20 IMPACT FEES, OF THE WELD COUNTY CODE: Commissioner James moved to read Code Ordinance #2021-14 by title only. Seconded by Commissioner Buck, the motion carried unanimously. Mr. Barker read the title for the record. Ms. Relford reviewed the historical ability to establish Impact Fees, referenced a study prepared by James Duncan and Associates, Inc., as to how fees are acquired through building permits, and she displayed a map of the benefit districts. She relayed the amendment will ensure Chapter 20 is consistent with the updated study,

recommended changes to include Section 20-1-50 (definitions) and Section 20-1-60 (Appendix 5-N, fee schedule), which will be adopted by a separate ordinance on November 15, 2021, and stated the effective date will be updated from April to June 30, 2022. Additionally, she relayed Section 20-1-120 has been amended to be consistent to reflect a review will be done every ten (10) years. Steve Teets, Greeley resident, inquired as to how the fees are distributed, and Ms. Relford explained fees are collected and must be spent in the district from which they are collected. She further stated Drainage Impact Fees are collected from projects in the unincorporated areas, and County Facilities has been modified so the fees would only apply to unincorporated areas. Commissioner James moved to approve Code Ordinance #2021-14 on Second Reading. The motion was seconded by Commissioner Buck, and upon a roll call vote, the motion carried three (3) to one (1), with Commissioner Saine opposed.

11) FIRST READING OF CODE ORDINANCE #2021-18 IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 7 EMERGENCY MEDICAL SERVICES, OF THE WELD COUNTY CODE: Mr. Barker reviewed the changes proposed by the Weld County Emergency/Trauma Services Council, including: 1) recognizes a Fire Department licensed to provide ambulance services, and 2) changes the requirement stating personnel cannot exceed 48 hours per shift, rather, they must comply with the internal fatigue policy of the responding fire department. No public testimony was offered concerning this matter. Commissioner Buck moved to approve Code Ordinance #2021-18 on First Reading. The motion was seconded by Commissioner Saine and it carried unanimously.

12) FIRST READING OF CODE ORDINANCE #2021-20 IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 2 ADMINISTRATION, OF THE WELD COUNTY CODE (*MINERAL LEASING POLICY*): Mr. Barker stated this is a clean-up of current policy to better identify the policy related to leasing Small and Large tract mineral interests. He shared the amendments also clarify the royalty bonus language, and correct a misspelling typo of the word "Lessee". No public testimony was offered concerning this matter. Commissioner Saine moved to approve Code Ordinance #2021-20 on First Reading. The motion was seconded by Commissioner James and it carried unanimously.

RESOLUTIONS AND ORDINANCES: The resolutions were presented and signed as listed on the Consent Agenda. Code Ordinance #2021-14 was approved on Second Reading and Code Ordinances #2021-18 and #2021-20 were approved on First Reading.

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 9:38 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
Mike Freeman

Lori Saine