

RECORD OF PROCEEDINGS

MINUTES

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO MONDAY, NOVEMBER 1, 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, 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
Acting Clerk to the Board, Houston Aragon
Controller, Barbara Connolly

MINUTES: Commissioner Saine moved to approve the Minutes of the Board of County Commissioners meeting of October 18, 2021, as printed. Commissioner James seconded the motion, and it carried unanimously.

READ ORDINANCE BY AUDIO: Commissioner James moved to read Code Ordinance #2021-17 by audio. The motion was seconded by Commissioner Saine, and it carried unanimously.

PUBLIC INPUT: No public input was given.

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.

COMMISSIONER COORDINATOR REPORTS: Commissioner Buck stated the Department of Human Services is disbursing the second round of Emergency Rental Assistance, in the amount of \$8,000,000.00, which is in addition to the \$9,000,000.00 awarded from the first round, for a combined total of \$17,000,000.00. She further stated the Department has disbursed \$6,300,000.00 from the first round of funding, which has assisted 2,838 households, and \$24,000.00 from the second round of funding has already been allocated, assisting seven (7) households. Commissioner Buck also explained the Community Services Block Grant budget was approved at the Human Services Advisory Commission meeting, and said budget is designed to help low-income individuals and families. Chair Moreno commented on the tour of the Weld County Missile Silo, as well as the collaboration between Weld County and the U.S. Airforce in terms of military haul routes.

WARRANTS:

- 1) GENERAL WARRANTS – OCTOBER 29, 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 29, 2021: Commissioner James moved to approve the Greeley-Weld County Airport Authority Warrants, as printed. Commissioner Buck seconded the motion, and upon a roll call vote, the motion passed three (3) to one (1), with Commissioner Saine opposed.

BIDS:

- 1) APPROVE BID #B2100116, SHERIFF'S OFFICE TRAINING SITE AND SHOOTING RANGE – FACILITIES DEPARTMENT: Rob Turf, Purchasing Department, stated the low bid from Roche Constructors, Inc., was incomplete as it did not provide the name of the range equipment provider, showing the provider has a minimum of five (5) years experience installing similar equipment, has completed ten (10) similar projects, and the company is in good financial standing, capable of providing a warranty for the products to be provided; therefore, staff recommends awarding to the second lowest bidder, Mark Young Construction, LLC, for a total amount of \$8,962,808.00. Chair Moreno stated the specifications were the same for all bidders. Commissioner James moved to approve said bid. The motion was seconded by Commissioner Buck and it carried unanimously.
- 2) APPROVE BID #B2100120, INMATE COMMISSARY SERVICES AND ACCOUNTING SYSTEM – SHERIFF'S OFFICE: Mr. Turf stated the bid is a Quality Based Selection (QBS), per Section 5-4-150 of the Weld County Code, three (3) bids were received, and staff recommends awarding to Keefe Commissary Network. Commissioner Buck moved to approve said bid. Seconded by Commissioner James, the motion carried unanimously.
- 3) APPROVE BID #B2100124, INMATE FOOD SERVICES – SHERIFF'S OFFICE AND THE DEPARTMENT OF JUSTICE SERVICES: Mr. Turf stated the bid is a Quality Based Selection (QBS), per Section 5-4-150 of the Weld County Code, three (3) bids were received, and staff recommends awarding to Trinity Services Group, Inc., as Aramark Correctional Services, LLC, did not provide pricing as required and Summit Food Services, LLC, has a staffing model that is not consistent with the recommendation of the Sheriff's Office and Department of Justice Services. Commissioner James moved to approve said bid, which was seconded by Chair Moreno. Upon a roll call vote, the motion passed three (3) to one (1), with Commissioner Saine opposed.
- 4) APPROVE BID #B2100131, DEMOLITION OF STORAGE BUILDING (38854 CR 37) – DEPARTMENT OF PUBLIC WORKS: Mr. Turf stated three (3) bids were received and staff recommends awarding to the lowest bidder, CPC Constructors, LP, for a total amount not to exceed \$38,420.00. Commissioner James moved to approve said bid. Seconded by Commissioner Buck, the motion carried unanimously.

NEW BUSINESS:

- 1) CONSIDER CONTRACT ID #5372 TERMS OF SERVICE AND CONTRACT RIDER FOR SCHEDULING SOFTWARE, AND AUTHORIZE CHAIR TO SIGN – INFORMER SYSTEMS, LLC, DBA SAFECITIES: Tina Powell, Director of the Department of Public Safety Communications, stated the contract allows for the continued use of the current scheduling software utilized by the department. Commissioner James moved to approve said terms of service and contract rider and authorize the Chair to sign. Seconded by Commissioner Buck, the motion carried unanimously.
- 2) CONSIDER CONTRACT ID #5348 AGREEMENT FOR RELOCATION OF POTABLE WATER

PIPELINE FOR CRS 41 AND 66 INTERSECTION IMPROVEMENTS PROJECT AND AUTHORIZE CHAIR TO SIGN – NORTH WELD COUNTY WATER DISTRICT: Clay Kimmi, Department of Public Works, stated the agreement is to relocate water lines of the North Weld County Water District that are currently within easements in the construction boundaries for the County Roads 41 and 66 Intersection Improvements Project, for a total amount not to exceed \$189,655.00. Commissioner James 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 #5373 AGREEMENT FOR RELOCATION OF GAS/OIL PIPELINES FOR CRS 41 AND 66 INTERSECTION IMPROVEMENTS PROJECT AND AUTHORIZE CHAIR TO SIGN – DCP OPERATING COMPANY, LP: Mr. Kimmi stated the agreement is to relocate pipelines in easements within the construction boundaries for the County Roads 41 and 66 Intersection Improvements Project, for a total amount of \$342,890.00. Commissioner Buck moved to approve said agreement and authorize the Chair to sign. The motion, which was seconded by Commissioner James, carried unanimously.

4) CONSIDER INTERGOVERNMENTAL AGREEMENT FOR CR 53 ROADWAY IMPROVEMENTS AND AUTHORIZE CHAIR TO SIGN – TOWN OF KERSEY: Bruce Barker, County Attorney, stated the Town in Kersey is annexing County Road 53 and the agreement allows Weld County to complete an overlay project, after which the Town will be responsible for ongoing maintenance. Commissioner Buck moved to approve said intergovernmental agreement and authorize the Chair to sign. Commissioner Saine seconded the motion and it carried unanimously.

5) CONSIDER TEMPORARY ROAD CLOSURE OF CR 10 BETWEEN CRS 5 AND 7: Amy Mutchie, Department of Public Works, stated the temporary road closure is from November 8, 2021, through November 19, 2021, for the replacement of two (2) irrigation culverts and the detour route is paved. Commissioner James moved to approve said temporary road closure. The motion was seconded by Commissioner Buck and carried it unanimously.

6) CONSIDER SETTLEMENT PARTICIPATION FORM, SUBDIVISION SETTLEMENT PARTICIPATION FORM, AND SUBDIVISION ESCROW AGREEMENT IN RELATION TO MEMORANDUM OF UNDERSTANDING FOR COLORADO OPIOIDS SETTLEMENT AND AUTHORIZE CHAIR TO SIGN – COLORADO COUNTIES, INC. (CCI): Mr. Barker stated the settlement forms and escrow agreement are part of the opioids settlement between the State of Colorado and various other entities, including the manufacturers and distributors of opioids. He expanded the forms and agreement are required by each local government as they relate to the Memorandum of Understanding for the Colorado Opioids Settlement. He summarized the first form settles a case that the County is not apart of, the second form has the same purpose, but in relation to Jansen Pharmaceuticals, and the escrow agreement allows Colorado Counties, Inc. (CCI), to hold the County's funds and agreements until the 95% threshold is obtained. In response to Chair Moreno, Mr. Barker confirmed the settlement amounts are still to be determined. Commissioner James moved to approve said forms and agreement and authorize the Chair to sign. Seconded by Commissioner Buck, the motion carried unanimously.

7) CONSIDER CANCELLATION OF BOARD OF COUNTY COMMISSIONERS MEETING SCHEDULED FOR WEDNESDAY, DECEMBER 1, 2021: Chair Moreno stated the Board meeting is being cancelled due to their attendance at the Colorado Counties, Inc. (CCI), winter conference. Commissioner James moved to approve said cancellation. The motion was seconded by Commissioner Buck and it carried unanimously.

8) FIRST READING OF CODE ORDINANCE #2021-17, IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 21 AREAS AND ACTIVITIES OF STATE INTEREST,

OF THE WELD COUNTY CODE (1041 WOGLA CODE): Jason Maxey, Director of the Department of Oil and Gas Energy, thanked the department staff for their hard work, as well as Bruce Barker, County Attorney, for his assistance. Mr. Maxey reviewed, in detail, the suggested changes and additions to Chapter 21 of the Weld County Code, also stating the involvement of industry members and the Colorado Oil and Gas Association (COGA). In response to Commissioner James, Mr. Maxey confirmed the noticing is not in relation to setbacks. Mr. Maxey presented suggested revisions that were not previously presented, two changes being clerical and the third suggested change involving the recorded order being forwarded to the Colorado Oil and Gas Conservation Commission (COGCC). In response to Commissioner James, Mr. Maxey confirmed the logistics of the collaboration between Weld County and the COGCC. In response to Commissioner Buck, Mr. Maxey clarified the per day violation fine results if an operator does not correct said violation, explaining a notice is first sent that a violation has occurred, and if ignored, a hearing is set before the Hearing Officer, and if the violation still persists, then a fee is assigned and backdated to the point of the initial violation occurrence. In response to Chair Moreno, Mr. Maxey summarized the methods of stakeholder input. Ryan Antonio, Nobel Energy, Inc., thanked staff for their collaboration and stated he has no concerns or objections to the proposed code changes. Commissioner James moved to approve said Code Ordinance #2021-17 on First Reading and the motion was seconded by Commissioner Buck. Upon a roll call vote, the motion passed three (3) to one (1), with Commissioner Saine opposed.

PLANNING:

1) CONSIDER ACCEPTANCE OF COLLATERAL FOR SITE SPECIFIC DEVELOPMENT PLAN AND USE BY SPECIAL REVIEW PERMIT, USR21-0004 – CAW EQUITIES, LLC, C/O SUNSHARE, LLC: Diana Aungst, Department of Planning Services, presented the request for acceptance of collateral for a Decommissioning Plan for a solar facility and reviewed the related Condition of Approval for Use by Special Review Permit, USR21-0004. She stated the applicant has submitted a Decommissioning and Reclamation Plan, determined complete by staff, and a surety bond in the amount of \$84,000.00. Richard Miller, SunShare, LLC, stated that all parties came to an agreement of satisfaction. The motion to accept said collateral was made by Commissioner James, seconded by Commissioner Buck, and it carried unanimously.

RESOLUTIONS AND ORDINANCES: The resolutions were presented and signed as listed on the Consent Agenda. Code Ordinance #2021-17 was 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 9:37 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

EXCUSED DATE OF APPROVAL
Lori Saine