

RECORD OF PROCEEDINGS

MINUTES

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO WEDNESDAY, MAY 4, 2022

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, May 4, 2022, 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 Scott K. James, Chair
Commissioner Mike Freeman, Pro-Tem
Commissioner Perry L. Buck
Commissioner Steve Moreno - EXCUSED
Commissioner Lori Saine

Also present:

County Attorney, Bruce Barker
Acting Clerk to the Board, Houston Aragon
Chief Financial Officer, Cheryl Pattelli

MINUTES: Commissioner Buck moved to approve the Minutes of the Board of County Commissioners meeting of April 20, 2022, as printed. Commissioner Freeman seconded the motion and it carried unanimously.

CERTIFICATION OF HEARINGS: Commissioner Saine moved to approve the Certification of Hearings conducted on April 20, 2022, as follows: 1) PUDZ22-0001 – REI, LLC, dba Investors, LLC, and Beebe Draw Farms Authority. Commissioner Buck seconded the motion, which carried unanimously.

PUBLIC INPUT: Pastor Steven Grant, Destiny Christian Center, expressed his appreciation that legal counsel pointed out issues regarding the Resolution of Opposition to House Bill (HB) 1279, presented on April 20, 2022. Mr. Grant stated the consequences of HB1279 are greater than he originally understood and took quoted excerpts from Chair James when he stated a Resolution needs to come from the People, and be for People, and that the Resolution needs to call action to do something, thus, he presented a proposed Resolution to declare Weld County as a Sanctuary County. Mr. Grant acknowledged the Home Rule Charter, and the County's jurisdiction regarding planning and zoning, and further stated the State Government has overreached and it is time for Weld County to stand against it. (*Clerk's Note: Mr. Grant submitted the proposed Resolution to Legal Counsel, and noted as 'Exhibit A'.*)

Lyn Tausan, Greeley resident, stated on April 9, 2022, the State Assembly voted on Resolutions representing the platform of the Republican Party, and the Board of Commissioners needs to take a stand of action against HB1279. Ms. Tausan referenced that stand was taken with the Stamp Act, Rosa Parks, and now this is an opportunity to stand for human life, and protest against the lack of parental consent, and requested the Board be the example for others.

AMENDMENTS TO AGENDA: Commissioner Saine moved to add the proposed Resolution to the end of the agenda, but the motion lacked a second. Commissioner Buck stated she wanted to have time to review the Resolution, and perhaps have a work session to discuss this matter. Commissioner Freeman stated a full quorum needs to be present to vote on an item such as this, and with Commissioner Moreno being excused, this item needed to be tabled for a different date.

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

PROCLAMATIONS:

1) NATIONAL NURSES WEEK – MAY 6-12, 2022: Chair James read the proclamation for the record. Mark Lawley, Director of the Department of Public Health and Environment, expressed appreciation for the Board's recognition of the nurses who work for Weld County, and stated there are unparalleled efforts from nurses that directly affect the health and well-being of society. Mr. Lawley further stated this year's theme is, "Nurses – A Voice to Lead: Investing, and Respecting the Rights to Secure Global Health." Shaun May, Division Director of Community and Clinical Health, expressed how privileged he is to work alongside such wonderful nurses, and invited staff members to introduce themselves for the record. Each Commissioner, in turn, thanked the nursing staff for their selfless dedication to take care of the citizens of Weld County. *(Clerk's Note: The group gathered for a photo opportunity).*

WARRANTS:

1) GENERAL WARRANTS – May 3, 2022: Commissioner Buck moved to approve the General Warrants, as printed. Commissioner Freeman seconded the motion and it carried unanimously.

NEW BUSINESS:

1) CONSIDER CONTRACT ID #5756 AMENDMENT #1 TO REVISED CONTRACT FOR IMPROVED PAYMENTS AND CHILD SUCCESS (IMPACS) PROGRAM GRANT AND AUTHORIZE CHAIR TO SIGN AND SUBMIT ELECTRONICALLY: Jaime Ulrich, Director of the Department of Human Services, stated this contract amendment is for the Improved Payments and Child Success Program to assist parents and eligible families paying child support to overcome barriers to employment through supportive services and individualized case management. Commissioner Saine moved to approve said contract and authorize the Chair to sign and submit electronically. The motion was seconded by Commissioner Buck, and it carried unanimously.

2) CONSIDER CONTRACT ID #5762 AGREEMENT FOR RESPITE SERVICES AND AUTHORIZE CHAIR TO SIGN – ANDREW AND IZZABELLA HAYS: Ms. Ulrich stated this is a new respite services provider located in Dacono, Colorado. Commissioner Freeman moved to approve said agreement and authorize the Chair to sign. Seconded by Commissioner Saine, the motion carried unanimously.

3) CONSIDER CONTRACT ID #5783 AGREEMENT FOR SERVICES AND AUTHORIZE CHAIR TO SIGN – DISCOVERY PRACTICE MANAGEMENT, INC.: Ms. Ulrich stated this agreement is for a child-specific, out-of-state behavioral health services provider. Commissioner Saine moved to approve said agreement and authorize the Chair to sign. The motion, which was seconded by Commissioner Buck, carried unanimously.

4) CONSIDER CONTRACT ID #5749 SINGLE SOURCE AGREEMENT FOR PROFESSIONAL SERVICES FOR CENTENNIAL CENTER BOILER CONTROLS SYSTEM AND AUTHORIZE CHAIR TO SIGN – SETPOINT SYSTEMS CORPORATION: Toby Taylor, Director of the Facilities Department, stated in December 2021, there was a bid to replace a faulty boiler, and during installation they discovered the need to add modules for the boiler to enable it to operate correctly and communicate with the existing Heating, Ventilation, and Air Conditioning (HVAC) system. Mr. Taylor stated the Facilities Department is recommending approval of the single source contract with Setpoint Systems Corporation to acquire said modules, for the total amount of \$23,991.00. Commissioner Saine moved to approve said agreement, and authorize the Chair to sign. Commissioner Buck seconded the motion, and it carried unanimously. *(Clerk's Note: Resolution #2021-3532, remains in effect per staff's presentation, and this current Resolution concerning Contract ID #5749, was corrected to reflect Resolution #2021-3532, no longer needing to be rescinded.)*

5) CONSIDER CONTRACT ID #5786 AGREEMENT FOR CONSTRUCTION SERVICES FOR SOUTHEAST SERVICE CENTER BOILER REPLACEMENT (INFORMAL BID #B2200079) AND AUTHORIZE CHAIR TO SIGN – NORTHERN COLORADO ENERGY SOLUTIONS, LLC: Mr. Taylor stated during the bid process there were five (5) responses, with the lowest and second lowest bidders not meeting specifications. Mr. Taylor stated this project was advertised as a formal bid; however, staff chose Northern Colorado Energy Solutions, LLC, for the total amount of \$14,549.00, and due to the low cost, it is eligible to go straight to contract. Commissioner Freeman moved to approve said agreement and authorize the Chair to sign. Seconded by Commissioner Buck, the motion carried unanimously.

6) CONSIDER DECLARATION OF CERTAIN EQUIPMENT AS SURPLUS PROPERTY, SALE OF SAME AT AUCTIONS WITH ROLLER AND ASSOCIATES, AND DELEGATE AUTHORITY TO CONTROLLER TO SIGN ANY NECESSARY DOCUMENTS: Cheryl Pattelli, Chief Financial Officer, stated the equipment listed on exhibits A, and B, have been identified as equipment at their end-of-life cycle and staff is requesting to sell the equipment at auctions on May 11, and 16, 2022. Commissioner Saine moved to approve said declaration of surplus property, sale at auction and delegate authority to the Controller to sign any necessary documents. The motion was seconded by Commissioner Freeman, and it carried unanimously.

7) CONSIDER CONSULTING SERVICES AGREEMENT FOR OUTREACH RECRUITMENT SERVICES FOR ASSISTANT COUNTY ATTORNEY AND AUTHORIZE CHAIR TO SIGN – COOPERATIVE PERSONNEL SERVICES, DBA CPS HR CONSULTING: Bruce Barker, County Attorney, stated this agreement allows for the County to outsource consulting and recruiting services for the selection of an Assistant County Attorney. 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 SPECIAL EVENTS PERMIT AND AUTHORIZE CHAIR TO SIGN – THE WILD ANIMAL SANCTUARY, A COLORADO NON-PROFIT CORPORATION: Mr. Barker stated he reviewed the request and everything is complete, with no concerns from referral agencies. Jessica McCormick, Chief Administrative Officer for the Wild Animal Sanctuary, was present for questions, and stated there are no major changes from events that have been held in the past. No public testimony was offered concerning this matter. Commissioner Saine moved to approve said special events permit and authorize Chair to sign. The motion was seconded by Commissioner Buck, and it carried unanimously.

9) CONSIDER CANCELLATION OF BOARD OF COUNTY COMMISSIONERS MEETING SCHEDULED FOR JUNE 1, 2022: Commissioner Saine moved to approve said cancellation. The motion was seconded by Commissioner Buck, and it carried unanimously.

PLANNING:

1) CONSIDER PARTIAL VACATION OF FOUR-LOT CORRECTED RECORDED EXEMPTION, RECX17-0125, FOR REMOVAL OF LOT D – HERBERT WAGNER, JR., AND ROLAND WAGNER: Michael Hall, Department of Planning Services, stated staff received a letter from the applicant requesting the removal of Lot D from Recorded Exemption, RECX17-0125, with the resulting parcel of approximately 137.5 unplatted acres. Mr. Hall gave a brief overview of the property history, and location, and stated Lots A, B, and C are not a part of this partial vacation request, although there is a shared access and utility easement with Lots A, B, and D. He further stated staff recommends approval, subject to the following Conditions of Approval: 1) the applicant is to submit a revised vacation plat and deed for review, and upon acceptance the plat is to be signed by the property owners and submitted to be recorded, and 2) the applicant is to create a separate access and utility easement over the existing easement corridor to provide legal access to the newly unplatted large lot. Roland Wagner, applicant, was present for questions. No public testimony was offered concerning this matter. Commissioner Freeman moved to approve said partial vacation, with the Conditions of Approval. The motion was seconded by Commissioner Buck, and it carried unanimously.

2) SECOND READING OF CODE ORDINANCE #2022-04, IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 23 ZONING OF THE WELD COUNTY CODE (*CHANGE OF ZONE*): Commissioner Freeman moved to read Code Ordinance #2022-04, by title only. The motion was seconded by Commissioner Saine, and it carried unanimously. Mr. Barker read the title for the record. Tom Parko, Director of the Department of Planning Services, and Dawn Anderson, Department of Planning Services, stated following a work session held on Monday, May 2, 2022, staff presented the proposed updated language of Sections 23-2-30.A.4, Duties of Planning Commission, and 23-2-40.B.4, Duties of the Board of County Commissioners. Ms. Anderson clarified these zoning amendments are for any zone other than the A (Agricultural) Zone, and she specified the gravel road criteria that should be met for the Change of Zone. Commissioner Buck commented on the Department's diligence with the growth that Weld County has been experiencing, stated the change puts developers on notice that they are responsible to do their proportional share, and thanked the Department of Planning Services for their efforts in making these changes to the Weld County Code. Commissioner Saine echoed the same sentiments. No public testimony was offered concerning this matter. Commissioner Saine moved to approve Code Ordinance #2022-04, on Second Reading. The motion was seconded by Commissioner Buck, and it carried unanimously.

3) CONSIDER CONTRACT ID #5795 INTERGOVERNMENTAL AGREEMENT FOR TRUCK ROUTE ON CRS 76 AND 33 AND AUTHORIZE CHAIR TO SIGN – TOWN OF EATON: Elizabeth Relford, Deputy Director of the Department of Public Works, explained this Intergovernmental Agreement (IGA) is to identify a truck route on County Roads (CRs) 76 and 33, on the outskirts of the Town of Eaton, and stated this allows Weld County to post signs along the route, and make road upgrades that are needed to handle the truck traffic. Ms. Relford stated the Town of Eaton approved this IGA last week, will contribute \$125,000.00 toward the total amount of \$783,000.00, and agrees to annex the roadway within two (2) years of the completion of road reconstruction project. Commissioner Buck moved to approve said agreement and authorize the Chair to sign. The motion, which was seconded by Commissioner Freeman, carried unanimously.

4) CONSIDER INTERGOVERNMENTAL AGREEMENT FOR DEVOLUTION AND MAINTENANCE OF WELD COUNTY WAY (CR 64, AKA O ST, NEAR U.S. HWY 85) AND AUTHORIZE CHAIR TO SIGN: Ms. Relford, and Chad Hall, Representative of the Colorado Department of Transportation (CDOT), stated this IGA is a maintenance agreement with CDOT, to provide a five (5)-year warranty on the concrete panels indicated on Exhibit B. She further stated this is in response to the railroad closure at Weld County Way and CR 64, aka O Street, in Greeley, Colorado. Ms. Relford further stated to acquire this from CDOT, the County must go through a full devolution process, and CDOT will be maintaining this location. Commissioner Buck moved to approve said agreement and authorize the Chair to sign. The motion, which was seconded by Commissioner Saine, carried unanimously.

RESOLUTIONS AND ORDINANCES: The Resolutions were presented and signed as listed on the Consent Agenda. Code Ordinance #2022-04 was approved on Second 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 9:46 a.m.

These minutes were approved on the 25th day of May, 2022. *(Cont'd from 5/23/2022)*

BOARD OF COUNTY COMMISSIONERS
WELD COUNTY, COLORADO

ATTEST:

Weld County Clerk to the Board

BY: _____
Deputy Clerk to the Board

Scott K. James, Chair

Mike Freeman, Pro-Tem

Perry L. Buck

EXCUSED
Steve Moreno

Lori Saine