

RECORD OF PROCEEDINGS

MINUTES

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO MONDAY, MAY 16, 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 16, 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 - EXCUSED
Commissioner Perry L. Buck
Commissioner Steve Moreno
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 May 2, 2022 as printed. Commissioner Moreno seconded the motion and it carried unanimously.

PUBLIC INPUT: Lyn Tausan, Greeley resident, spoke concerning the Grand Old Party (GOP) Women who sponsored an event in Severance last week to get to know the candidates. She stated Sheriff, Steve Reams, reminded them of the many different laws that Weld County has chosen to fight the State of Colorado on, and reminisced about the Red Flag Law from 2019, and how at that time the County Commissioners stood up against the law and made Weld County a Sanctuary County to protect Weld County citizens' gun rights, and further urged the Board consider voting to make Weld County a Pro-Life Sanctuary County. Carolyn Brown, Weld County resident, stated the Supreme Court is considering overturning Roe v. Wade, and requested the Board to resist the State law and proclaim Weld County as a Pro-Life safe haven for the unborn. Jenny Waytassek, Larimer County resident, stated she and her husband have been business owners in Weld County for the past 26 years, and have a vested interest in Weld County government, and expressed her shock when the Resolution of Opposition, presented on April 20, 2022, failed. Ms. Waytassek further requested the Board reconsider their stance and pass a Resolution to make Weld County a Pro-Life Sanctuary County. *(Clerk's Note: 'Proposed Resolution titled 'The Rights of the Individual Include Right to Life', was submitted and noted as Exhibit A.)* Alicia Aural, Windsor resident, expressed her appreciation to the Board, and stated she is the founder of Interior Life Charities, which supports teen parents and works to save the lives of unborn children through support of those families. Steven Grant, Senior Pastor of Destiny Christian Center in Evans, stated the Board does great work for the citizens who reside in Weld County, and once again pressed for the passing of the proposed Resolution making Weld County a Sanctuary County, and set the precedence for other Colorado counties. Karianne Bolduc, Windsor resident, shared a personal story of

the adoption of her brother and all of his accomplishments, and being a productive member of society, and stated had his birth mother chosen to abort, rather than place for adoption, he never would have had the chance at life. Ms. Bolduc stated there are so many families that wish to adopt children, and programs like Mary's Cradle, through Our Lady of the Valley Catholic Church located in Windsor, Colorado, support women and their choice to support life. Mike Duetcher, Greeley resident, spoke upon his tenure of being a science teacher and stated he has recognized this has become a political issue, when, in fact, this is a moral issue, and he expressed his stance that this should not be a political decision. *(Clerk's Note: Proposed Resolution titled 'Expression of Support for the Sanctity of Life of the Unborn Child and the Honor of Motherhood', was submitted as Exhibit B.)*

AMENDMENTS TO AGENDA: Commissioner Saine moved to add the proposed Resolution titled 'Expression of Support for the Sanctity of Life of the Unborn Child and of Motherhood', to the agenda. Commissioner Moreno stated he does not object to the statements that continue to be made before the Board, and he too, has personal stories and is Pro-Life, but he further stated that he does not believe this is a role of County Government. Commissioner Saine followed his statement by reciting excerpts of Biblical scripture, and stated she was saddened this issue continues to tear the Country further apart. Commissioner Buck stated, in her opinion, every child, beginning at conception, should have the opportunity to succeed in life, and further seconded the motion. In response to Commissioner Moreno, Chair James clarified this motion is solely to add the Resolution to the agenda and not to approve the content of the Resolution. Upon a roll call vote, the motion failed, with Commissioners Moreno and James opposed. *(Clerk's Note: The Chair requested a five (5) minute recess.)* Upon reconvening, Commissioner Saine introduced the same language to be added to the agenda as a proclamation. Commissioner Moreno was opposed, and Commissioner Buck expressed that this would be best with a full quorum, and the motion failed, due to lack of a second on the motion.

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

COMMISSIONER COORDINATOR REPORTS: Commissioner Buck reported she conducted an inspection in Evanston, Colorado, and completed the Sheriff Office's obstacle course. She further stated there are updates on the Avian Flu on the Weld County website.

PRESENTATIONS:

1) RECOGNITION OF SERVICES, BOARD OF PUBLIC HEALTH – TIM ANNABLE AND NICHOLAS BERRYMAN: Chair James read the certificates for the record. Mr. Berryman was present to receive his certificate and spoke on how it has been a joy and privilege to serve in this capacity. Mr. Annable was not present. *(Clerk's Note: The group gathered for a photo opportunity.)*

WARRANTS:

1) GENERAL WARRANTS – MAY 13, 2022: Commissioner Buck moved to approve the General Warrants, as printed. Commissioner Saine seconded the motion, and it carried unanimously.

BIDS:

1) APPROVE BID #B2200011, TWO-TON 4X4 CREW CAB DUAL WHEELS FLAT BED (QTY 1) – DEPARTMENT OF PUBLIC WORKS: Rose Everett, Purchasing Department, stated staff recommends selecting the lowest bidder who met specifications, Ken Garff Ford of Greeley, for a total amount of \$66,942.00. Commissioner Moreno moved to approve said bid. The motion was seconded by Commissioner Buck, and it carried unanimously.

2) APPROVE BID #B2200012, TWO-TON 4X4 CREW CAB DUAL WHEELS AND UTILITY BOX (QTY 2) – DEPARTMENT OF PUBLIC WORKS: Ms. Everett stated staff recommends selecting the lowest bidder who met specifications, Ken Garff Ford of Greeley, for a total amount of \$141,718.00. Commissioner Buck moved to approve said bid. The motion was seconded by Commissioner Moreno, and it carried unanimously.

3) APPROVE BID #B2200020, TANK TRAILER LIQUID APPLICATIONS MILLING (QTY 2) – DEPARTMENT OF PUBLIC WORKS: Ms. Everett stated staff received no bid responses and are requesting this bid be amended and reposted. In response to Commissioner Moreno, David Springer, Director of Fleet Services, stated the specifications were not clearly understood and staff wants to clarify the expectations to ensure the need is understood. Commissioner Saine moved to reject this bid, as specifications were not met, and to allow for rebid at a later time. Commissioner Moreno seconded the motion, which carried unanimously.

4) APPROVE BID #B2200080, ELECTIONS BALLOT COUNTING ROOM AND VETERANS SERVICES OFFICE BUILDING RENOVATIONS – FACILITIES DEPARTMENT: Christie Peters, Purchasing Department, stated staff recommends selecting the lowest bidder who met specifications, Anderson Construction CO, Inc., for a total amount of \$292,340.00. Commissioner Moreno moved to approve said bid. The motion was seconded by Commissioner Saine, and it carried unanimously. Toby Taylor, Director of the Facilities Department, stated the second lowest bidder, TCC Corporation, was only \$474.00 higher than the lowest bidder. He referenced Weld County Home Rule Charter, Article XIV on Finance and Budget, Section 14-9, and Weld County Code Section 5-4-30(3) on Bid Regulations, stating “*The County Commissioners shall give preference to resident Weld County bidders in all cases where the bids are competitive in price and quality.*” Commissioners Saine and Moreno both rescinded their motions to approve Anderson Construction CO, Inc., which carried unanimously. Chair James clarified this matter was discussed with staff in a work session. Commissioner Saine moved to approve the second lowest bidder, TCC Corporation, in accordance with Article XIV, Section 14-9, and the Weld County County Code. Commissioner Moreno seconded, and the motion passed unanimously.

5) APPROVE BID #B2200081, TREE REPLACEMENT AT VARIOUS LOCATIONS – FACILITIES DEPARTMENT: Ms. Peters stated staff recommends selecting the sole bidder who met specifications, Tiger Tree, Inc., for a total amount of \$69,083.25. Commissioner Buck moved to approve said bid. The motion was seconded by Commissioner Saine, and it carried unanimously.

NEW BUSINESS:

1) CONSIDER CONTRACT ID #5796 CONTRACT FOR NOXIOUS WEED MANAGEMENT/SPRAYING ALONG CERTAIN STATE AND U.S. HWY SYSTEMS AND AUTHORIZE CHAIR TO SIGN AND SUBMIT ELECTRONICALLY: Tina Booton, Department of Public Works, stated this contract with the Colorado Department of Transportation (CDOT) for noxious weed management is a five (5) year contract. She further stated the financial aspect is staying the same of up to \$10,000 per year with a total of \$62,000.00 tied up in the contract, for treatments along state and federal highways. Commissioner Buck moved to approve said contract and authorize the Chair to sign and submit electronically. The motion was seconded by Commissioner Moreno, and it carried unanimously.

2) CONSIDER CONTRACT ID #5805 AGREEMENT FOR RELOCATION OF GAS/OIL PIPELINES FOR CRS 33 AND 74 INTERSECTION PROJECT AND AUTHORIZE CHAIR TO SIGN – DCP OPERATING COMPANY, LP: Michael Bedell, Department of Public Works, stated the construction for a roundabout at the intersection of County Roads (CRs) 33 and 74, requires the relocation of existing three (3)-inch, and eight (8)-inch diameter gas pipelines located in the DCP Midstream easement adjacent to County right-of-way on the west side of CR 33. He explained these pipes need to be moved approximately 100 feet further, which allows an adequate clearance for this roundabout project. Mr. Bedell stated the

approximate total cost is \$509,629.00, and construction will commence this fall after irrigation season. Commissioner Moreno moved to approve said agreement and authorize the Chair to sign. Seconded by Commissioner Buck, the motion carried unanimously.

3) CONSIDER CONTRACT ID #5822 NON-EXCLUSIVE LICENSE AGREEMENT FOR PLACEMENT OF NON- POTABLE WATER LINE WITHIN COUNTY ROAD RIGHT-OF-WAY AND AUTHORIZE CHAIR TO SIGN – FRONT RANGE FEEDLOTS, LLC: Tiffane Johnson, Department of Public Works, explained this Non-Exclusive License Agreement allows for an eight (8)-inch non-potable waterline that connects a series of wells and existing water storage tanks for their daily operations. She further stated the line was installed in approximately 1990-1992, by H and S Irrigation and Landscaping, LLC; however, no documentation in the form of an easement or permit can be found authorizing the pipeline. Ms. Johnson further stated the existing Use by Special Review Permit for the feedlot does not address the waterline, and in order for the owner to close on the sale of the property, they have to clear up the title for the waterline, which is critical for operation of the feedlot; thus, the Department of Public Works is in support of granting the Non-Exclusive License Agreement. Commissioner Moreno moved to approve said agreement and authorize the Chair to sign. The motion, which was seconded by Commissioner Buck, carried unanimously.

4) CONSIDER PROFESSIONAL SERVICES AGREEMENT FOR 2022 WELD COUNTY FAIR OPEN BOER GOAT SHOW AND AUTHORIZE CHAIR TO SIGN – COLORADO BOER GOAT ASSOCIATION: Jenette Masarie, CSU Extension Office of Weld County, stated this agreement has no costs associated with having the show hosted by Colorado Boer Goat Association. Commissioner Moreno moved to approve said agreement and authorize the Chair to sign. Commissioner Saine seconded the motion, and it carried unanimously.

5) CONSIDER PROFESSIONAL SERVICES AGREEMENT FOR 2022 WELD COUNTY FAIR PHOTOGRAPHY SERVICES AND AUTHORIZE CHAIR TO SIGN – FLYING M PHOTOGRAPHY, LLC: Ms. Masarie stated this agreement is for the official photography for the 2022 Weld County Fair. Commissioner Buck commended the efforts of the Fair Board and staff for the Fair activities, and further moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner Moreno, and it carried unanimously.

6) CONSIDER APPOINTMENTS TO BOARD OF PUBLIC HEALTH: Commissioner Saine moved to approve said appointments. The motion was seconded by Commissioner Buck, and it 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 9:53 a.m.

These Minutes were approved on the 6th day of June, 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

EXCUSED

Mike Freeman, Pro-Tem

Perry L. Buck

Steve Moreno

Lori Saine