

RECORD OF PROCEEDINGS

MINUTES

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO MONDAY, JUNE 6, 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, June 6, 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
Commissioner Lori Saine

Also present:

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

MINUTES:

- 1) Commissioner Moreno moved to approve the Minutes of the Board of County Commissioners meeting of May 16, 2022, as printed. Commissioner Buck seconded the motion and it carried unanimously.
- 2) Commissioner Freeman moved to approve the Minutes of the Board of County Commissioners meeting of May 18, 2022, as printed. Commissioner Buck seconded the motion and it carried unanimously.
- 3) Commissioner Buck moved to approve the Minutes of the Board of County Commissioners meeting of May 23, 2022, as printed. Commissioner Moreno seconded the motion and it carried unanimously.

CERTIFICATION OF HEARINGS: Commissioner Buck moved to approve the Certification of Hearings conducted on May 18, 2022, as follows: 1) USR22-0001 – Valentin Gasca-Lopez, 2) USR22-0006 – Andrew Castle and Angela Knopf-Castle, and 3) 2MJUSR22-17-0003 – Delbert and Rosalie Wertz, and George L. Sandburg Irrevocable Trust, c/o Winter Seed and Ag Services, LLC. Commissioner Freeman seconded the motion, which carried unanimously.

PUBLIC INPUT: No public input was given.

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

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

COMMISSIONER COORDINATOR REPORT: Commissioner Buck reported the Board met in Vail, Colorado, for the summer Colorado Counties, Inc. (CCI) Conference, and stated it was very informative. She thanked Bruce Barker, County Attorney, for his program; and Jennifer Finch, Public Information Officer, for her presentation, which allowed Weld County to stand out in Colorado. Commissioner Freeman stated the State's Collective Bargaining Bill that passed recently, will have other Counties reaching out to Mr. Barker to begin their own Home Rule Charter process. Commissioner Saine reported Jamie Ulrich, Director of the Department of Human Services, presented the Early Childhood Bill, and commended her for her dedication and deliverance of this Bill which made Weld County proud to support the bill.

PROCLAMATIONS:

1) GREELEY STAMPEDE DAYS – JUNE 23, 2022, THRU JULY 4, 2022: Chair James read the proclamation for the record. The Stampede Committee, including their mascot, were present with Justin Watada, General Manager, who stated this is the 100th Anniversary of the Greeley Stampede and expressed their gratitude for the Board's support for the last 99 years, because without the partnership between Weld County and their Committee, the event would not be what it is today. In turn, each Commissioner expressed their appreciation for their incredible hard work year-round, and stated every year they showcase Greeley and Weld County with their concert series, rodeos, and all-around family-oriented fun for 12 days leading up to July 4th, with a Fireworks show to wrap up the event, and celebrate the Nation's Independence. *(Clerk's Note: The group gathered for a photo opportunity).*

2) REUNIFICATION MONTH – JUNE 2022: Chair James read the proclamation for the record. Tami Grant, Deputy Director of the Department of Human Service, recognized the efforts of the Child Welfare Division, and thanked those who were in attendance. She further stated on June 22, 2022, there will be a celebration to showcase families who have been successfully reunified, and reported 61% of families were reunified in 2021, and 59% to date in 2022. Via a translator, a family who was present, shared their story of challenges they overcame and expressed their gratitude for the services available to support recovery and bring their children back home. Ms. Grant invited staff to introduce themselves for the record. In turn, each Commissioner expressed their gratitude for the continued work with the children and families of Weld County with great success rates for reunification, and stressed the importance of the trauma that often accompanies the separation of children from their parents, and the foster and kinship homes that are there to help in the recovery process, with the ultimate goal being reunification with parents. *(Clerk's Note: The group gathered for a photo opportunity).*

WARRANTS:

1) GENERAL WARRANTS – MAY 31, AND JUNE 3, 2022: Commissioner Buck moved to approve the General Warrants, as printed. Commissioner Moreno seconded the motion and it carried unanimously.

BIDS:

1) PRESENT BID #B2200071, CRS 72 AND 76 PAVING PROJECT – DEPARTMENT OF PUBLIC WORKS: Christie Peters, Purchasing Department, stated the engineering estimate for this project is \$1,383,664.50, and five (5) bids were received and staff with make a recommendation on June 20, 2022.

2) PRESENT BID #B2200085, CARBIDE CUTTING BITS (PICKS) – DEPARTMENT OF PUBLIC WORKS: Ms. Peters stated three (3) bids were received and staff with make a recommendation on June 20, 2022.

3) PRESENT BID #B2200089, RECYCLED ASPHALT CRUSHING – DEPARTMENT OF PUBLIC WORKS: Ms. Peters stated two (2) bids were received and staff with make a recommendation on June 20, 2022.

4) PRESENT AND APPROVE EMERGENCY BID #B2200086, CHIP SEAL OIL SUPPLY – DEPARTMENT OF PUBLIC WORKS: Ms. Peters stated this approval would allow for renewal option in 2023, and 2024, and further stated two (2) bids were received and staff is recommending approval for the lowest bidder who meets specifications, Vance Brothers, Inc., for the total amount of \$1,093,257.00. She further reported staff's request for emergency approval is to purchase prior to the price of oil increasing. Commissioner Moreno moved to approve said bid on an emergency basis. The motion was seconded by Commissioner Freeman, and it carried unanimously.

NEW BUSINESS:

1) CONSIDER PETITION FOR ABATEMENT OR REFUND OF TAXES FOR ACCOUNT NUMBER P9106127 – ANADARKO PETROLEUM CORPORATION: Brenda Dones, Weld County Assessor, stated the oil and gas equipment listed on this business personal property account was being repaired or stored in a storage yard outside of Johnstown, Colorado. She further stated every year businesses are required to declare their business personal property on a declaration form, and the petitioner reported there was no equipment at this location; however, staff mistook the declaration form and worked the assessment as if there was equipment. Ms. Dones stated the petitioner notified the office of the error, and staff concluded that location was in fact closed, and staff recommends approval of the petition for abatement for tax year 2021, for the recalculated value from \$336,870.00, to \$0.00, which results in a tax refund of \$11,026.84. Commissioner Buck moved to approve said petition, in part. The motion was seconded by Commissioner Moreno, and it carried unanimously.

2) CONSIDER PETITION FOR ABATEMENT OR REFUND OF TAXES FOR ACCOUNT NUMBER R1763302 – JCK GRAVEL, INC.: Ms. Dones stated this 36.72-acre parcel of vacant land, is located directly west of St. Vrain State Park, off State Highway 119. She further stated staff completed multiple assessments in the area, in 2021, that were lakefront or reclaimed gravel pits, and valued this property as a lakefront property, but were later contacted by the landowner who confirmed it to be landlocked, and will become a part of the State upon the passing of the landowner. Thus, staff reevaluated this property as unbuildable land at \$500.00 per acre, and further recommends approval of the corrected value from \$653,640.00, to \$18,360.00, resulting in a taxable amount from \$17,865.27 to \$501.77, resulting in a tax refund of \$17,363.50. Commissioner Saine moved to approve said petition. The motion was seconded by Commissioner Freeman, and it carried unanimously.

3) CONSIDER CONTRACT ID #5834 STATEMENT OF WORK FOR WORKFORCE SUPPLEMENTAL FUNDING PURCHASE ORDER FOR BILINGUAL LAY COMMUNITY HEALTH WORKERS (PROMOTORAS) AND AUTHORIZE CHAIR TO SIGN: Mark Lawley, Director of the Department of Public Health and Environment, stated this Statement of Work provides funding to temporarily hire five (5) part-time, bilingual lay workers who serve as an advocate, educator, outreach, and interpretator in the communities. Commissioner Moreno moved to approve said statement of work and authorize the Chair to sign. The motion was seconded by Commissioner Buck, and it carried unanimously.

4) CONSIDER CONTRACT ID #5863 STATEMENT OF WORK FOR WASTE TIRE INSPECTION PROGRAM AND AUTHORIZE CHAIR TO SIGN: Mr. Lawley stated under this statement of work Weld County will assist the State to ensure the waste tire industry complies with the Solid Waste Act regulations in the community. He further stated the County will receive reimbursement for employee wages, fringe benefits, travel costs, materials, and supplies. Commissioner Freeman moved to approve said statement of work and authorize the Chair to sign. The motion was seconded by Commissioner Buck, and it carried unanimously.

5) CONSIDER CONTRACT ID #5916 APPLICATION, GRANT AWARD LETTER, AND SUMMARY OF GRANT AWARD TERMS AND CONDITIONS FOR COMMUNITY INVESTMENT GRANT AND AUTHORIZE CHAIR TO SIGN: Mr. Lawley stated this one-time grant award of \$25,000.00, will provide equipment and supplies to support health education and clinical outreach. In response to Commissioner Saine, Mr. Lawley stated this program has not changed from last year. Commissioner Freeman moved to approve said application, grant award letter and summary of terms and conditions and authorize the Chair to sign. The motion was seconded by Commissioner Buck, and it carried unanimously.

6) CONSIDER AMENDMENT #1 TO MASTER CONTRACT FOR COMMUNITY CORRECTIONS SERVICES AND AUTHORIZE CHAIR TO SIGN: Doug Erler, Director of the Department of Justice Services, stated due to changes in the legislative Long Bill, effective July 1, 2022, there is an amendment that the State directed Corrections Services to remove fees, and instead have higher per diem rates. This contract amendment is the County's recognition of this change. Commissioner Freeman moved to approve said amendment and authorize the Chair to sign. Seconded by Commissioner Moreno, the motion carried unanimously.

7) CONSIDER PROFESSIONAL SERVICES AGREEMENT FOR 2022 WELD COUNTY FAIR HORSE AND CARRIAGE SERVICES AND AUTHORIZE CHAIR TO SIGN – MOUNTAIN SHADOWS CARRIAGES, C/O DARIN HENRY: Jenette Masarie, CSU Extension Service of Weld County, stated the contract is to have carriage rides at the 2022 Weld County Fair. Commissioner Moreno moved to approve said agreement and authorize the Chair to sign. Commissioner Buck seconded the motion and it carried unanimously.

8) CONSIDER RENTAL CONTRACT FOR 2022 WELD COUNTY FAIR AND AUTHORIZE CHAIR TO SIGN ELECTRONICALLY – FLEXX PRODUCTIONS, LLC: Ms. Masarie stated this contract is for supplies for the 2022 Weld County Fair. The motion to approve said contract and authorize the Chair to sign electronically was made by Commissioner Buck, seconded by Commissioner Saine, and it carried unanimously. Ms. Masarie passed out a 'Save the Date' invitation to the Board, and Commissioner Buck thanked her, as well as everyone who plays a role in the Weld County Fair.

9) CONSIDER TEMPORARY CLOSURE OF CR 80 BETWEEN CRS 23 AND 29: Amy Mutchie, Department of Public Works, stated this closure is to begin June 6, 2022, and go through July 1, 2022, for a bridge re-deck, and the detour route is paved with message boards put out in advance for public notice. Commissioner Saine moved to approve said temporary closure. The motion was seconded by Commissioner Moreno, In response to Commissioner Moreno concerning distance, Ms. Mutchie explained there is a Subdivision in the area and the goal is to get traffic directed to paved surfaces. There being no further discussion, the motion carried unanimously.

10) CONSIDER EXTENSION OF TEMPORARY CLOSURE OF CR 22 BETWEEN CRS 31 AND 41: Ms. Mutchie stated staff is requesting an extension of this closure to August 12, 2022, for a re-deck of Bridge 22/35A, as well as full reconstruction and paving of County Road (CR) 22 between CRs 31 and 41. Ms. Mutchie explained the extension is due to weather delays caused by weeks of high winds. Commissioner Freeman moved to approve said extension of temporary closure. Seconded by Commissioner Buck, the motion carried unanimously.

11) CONSIDER APPLICATION FOR TRANSFER OF OWNERSHIP FROM RIVER GARDEN WINERY, LLC, DBA RIVER GARDEN WINERY, TO SALT AND ACRES, LLC, DBA SALT AND ACRES, FOR A VINTNER'S RESTAURANT (COUNTY) LIQUOR LICENSE, AND AUTHORIZE CHAIR TO SIGN: Bruce Barker, County Attorney, stated he reviewed the application, reported that it is complete with no concerns from referral agencies, and referenced a Letter of Inspection completed by Commissioner Saine on May 27, 2022. Chad Cooper, applicant representative, along with Justin and Danielle Caruso,

applicants, were present for questions, and explained they intend to focus on creating a family-friendly, community event space to welcome people into a wholesome environment. Commissioner Saine reported she inspected this location and commended the applicants on a thoughtful expansion of outdoor space to host special events, and live music. Commissioner Saine found it to be a great way to showcase Weld County. No public testimony was offered concerning this matter. Commissioner Saine moved to approve said application and authorize the Chair to sign. The motion was seconded by Commissioner Buck, and it carried unanimously.

PLANNING:

1) CONSIDER PARTIAL VACATION OF TWO-LOT RECORDED EXEMPTION, RE-2386, FOR REMOVAL OF LOT B – CR 89, LLC, C/O RYAN ANDRE: Maxwell Nader, Department of Planning Services, stated staff received a letter requesting the removal of Lot B from Recorded Exemption, RE-2386, that will result in an unplatted parcel which will be larger than 35 acres. He gave a brief overview of the property history and location, and stated Lot A will not be a part of this action and no easements are impacted by the vacation. Mr. Nader stated staff recommends approval based on the applicant submitting an updated vacation plat and deed to the Department of Planning Services for review, and upon approval, send it for recording. Ryan Andre, applicant, was present for questions. No public testimony was offered concerning this matter. Commissioner Saine moved to approve said partial vacation, with the Condition of Approval. The motion was seconded by Commissioner Moreno, and it carried unanimously.

2) CONSIDER CONTRACT ID #5815 PARTIAL RELEASE OF PROJECT COLLATERAL AND ACCEPT WARRANTY COLLATERAL TO BE RETAINED FOR RURAL LAND DIVISION FINAL PLAN, RLDF21-0002 – RICHARD AND PATRICIA STAHL: Jazmyn Trujillo-Martinez, Department of Planning Services, requested the Board release 85% of the current project collateral in the amount of \$6,375.00, and retain the two-year warranty collateral in the amount of \$1,125.00. She further stated the required improvements were inspected and deemed acceptable, and staff recommends approval. Commissioner Buck moved to approve said partial release of project collateral and accept warranty collateral. The motion was seconded by Commissioner Saine, and it carried unanimously.

3) CONSIDER CONTRACT ID #5817 AMENDED AND RESTATED IMPROVEMENTS AND ROAD MAINTENANCE AGREEMENT ACCORDING TO POLICY REGARDING COLLATERAL FOR IMPROVEMENTS, ACCEPT OFF-SITE WARRANTY COLLATERAL FOR PLANNED UNIT DEVELOPMENT PLAN, S-299/IA19-0019 AND AUTHORIZE CHAIR TO SIGN – BEEBE DRAW FARMS AUTHORITY AND REI, LLC: Ms. Trujillo-Martinez stated the improvements were completed prior to project collateral, therefore, staff requests the Board accept warranty collateral in the amount of \$148,065.75, procured in the form of company check #2728, from Beebe Draw Farms Authority, to be retained for the duration of the two-year warranty period. She further stated the applicant has completed all necessary improvements, which were inspected and deemed acceptable, and staff recommends approval. Commissioner Moreno moved to approve said amended agreement, accept said off-site warranty collateral, and authorize Chair to sign. The motion was seconded by Commissioner Saine, and it carried unanimously.

4) CONSIDER CONTRACT ID #5814 RELEASE OF COLLATERAL AND ACCEPT REPLACEMENT COLLATERAL AND NEW OWNERSHIP NAME FOR USE BY SPECIAL REVIEW PERMIT, USR-1747 – NGL WATER SOLUTIONS DJ, LLC, FORMERLY HIGH SIERRA WATER SERVICES, LLC: Ms. Trujillo-Martinez stated there has been a change in the bonding company for NGL Water Solutions DJ, LLC, and requested Performance Bond No.09065627, from Fidelity and Deposit Company of Maryland, and Performance Bond No. 0233377, by Berkley Insurance Company, in the amount of \$9,750.00, be released and cancelled. She further requested the replacement Performance Bond, No. N-9000079, from Indemnity National Insurance Company for the amount of \$9,750.00, be accepted.

Commissioner Buck moved to approve said release of collateral, accept replacement collateral, and accept new ownership name. The motion was seconded by Commissioner Saine, and it carried unanimously.

5) CONSIDER CONTRACT ID #5813 RELEASE OF COLLATERAL AND ACCEPT REPLACEMENT COLLATERAL AND NEW OWNERSHIP NAME FOR USE BY SPECIAL REVIEW PERMIT, USR-1769 – NGL WATER SOLUTIONS DJ, LLC, FORMERLY HIGH SIERRA WATER SERVICES, LLC: Ms.Trujillo-Martinez stated there has been a change in the bonding company for NGL Water Solutions DJ, LLC, and requested Performance Bond No. 09065628, in the amount of \$45,000.00, from Fidelity Insurance Company, and Performance Bond No. 0233378, from Berkley Insurance Company, be released and cancelled. She further requested the replacement Performance Bond, No. N-9000075, from Indemnity National Insurance Company for the amount of \$45,000.00, be accepted. Commissioner Freeman moved to approve said release of collateral, accept replacement collateral, and accept new ownership name. 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 9:56 a.m.

These Minutes were approved on the 20th 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

Mike Freeman, Pro-Tem

Perry L. Buck

Steve Moreno

Lori Saine