

RECORD OF PROCEEDINGS

MINUTES

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO WEDNESDAY, AUGUST 31, 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, August 31, 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: Commissioner Buck moved to approve the Minutes of the Board of County Commissioners meeting of August 17, 2022, as printed. Commissioner Saine seconded the motion and it carried unanimously.

CERTIFICATION OF HEARINGS: Commissioner Freeman moved to approve the Certification of Hearings conducted on August 17, 2022, as follows: 1) USR22-0013 – David Cogburn, c/o US Solar, 2) USR22-0012 – Cory and Traci Knotte, c/o Diamond T Services, Inc., and 3) USR22-0015 – AgCountry Revocable Trust, c/o Ursa Major Technologies, Inc. Commissioner Saine seconded the motion, which carried unanimously.

PUBLIC INPUT: Rob Thomas, Pastor, and Southwest Weld County resident, spoke on being a founding member of the Weld Faith Partnership Council, and programs started by faith-based members, and reminded the Board that to be great leaders, they must be willing to be misunderstood.

Lyn Tausan, Greeley resident, referenced Channel 9 News Station covering the uniqueness of Weld County pertaining to the Home Rule Charter, which allows a greater ability to make decisions on how the County operates, separate from the direction of the State of Colorado. She referenced examples of these differences concerning the mask mandates through COVID-19, and the Red Flag Laws when the Second Amendment was called into question. Ms. Tausan urged the Board to use that greater latitude to operate and stand in support of the sanctity of life, as the Weld Faith Partnership Council unanimously passed such a Resolution. She further stated the City Council of Fort Collins (Larimer County) had passed a Resolution declaring the City a sanctuary for reproductive rights. She urged the Board to consider supporting the 'Sanctity of Life Resolution' to make a stand against abortion rights.

Milton Uribe, County resident, commended the Board of Commissioners for their former actions while they took a stand in favor of Weld County values, and gave examples for his support of the 'Sanctity of Life Resolution'. Mr. Uribe further read biblical scripture in support of his values on this matter.

Gail Holmes, Greeley resident and Executive Director of the Resource Center for Pregnancy Support, stated they provided resources to over 400 women in recent months, with the intention to protect unborn children, and demonstrated the willingness to provide services in the future. She encouraged the Board to vote in favor of the 'Sanctity of Life Resolution,' and further recited statistics that support their mission.

Jackie Eubank, Johnstown resident and organizer for the Greeley Women's March, spoke in opposition to the 'Sanctity of Life Resolution', and urged the Board to consider the unintended consequences in passing any Proclamations or Resolutions pertaining to reproductive rights, and allow the residents who reside in Weld County to take the personal responsibility, and let medical decisions be made between the individual and her medical provider, and avoid lawsuits and fines that are a waste of taxpayer money.

Kerri Stahly, Firestone resident, spoke on her support of the 'Sanctity of Life Resolution', as well as the financial support Weld County provides through various resources for neonatal care, and urged the Board to vote for protecting the unborn.

Steve Hall, Severance resident and Weld Faith Partnership Council member, stated there is nothing more precious than the life of an unborn child, and, in his opinion, the 'Sanctity of Life Resolution' does not restrict abortion rights, but is more of a statement that Weld County favors life. He further read biblical scripture and urged the Board to vote in favor of the 'Sanctity of Life Resolution'.

Steven Grant, Senior Pastor of Destiny Christian Center, and Evans resident, stated he too, is a Weld Faith Partnership Council member and shared scripture reflecting his support of the 'Sanctity of Life Resolution'. He urged the Board to take a stand in support of the Resolution and act on their faith, and referenced the Rooster in biblical text pertaining to the denial of Christ. Mr. Grant stated to deny the value of unborn children is to deny Christ, and as the Weld Faith Partnership Council unanimously passed the Resolution in question, it is their duty to honor the decision as the County oversees this council.

Mike Deutcher, Greeley resident, spoke regarding his support of the sanctity of life, and stated the Colorado Revised Statutes do not define 'Personhood', but the Weld Faith Partnership Council members believe life begins at conception. He posed the rhetorical question of "What are you afraid of?", and stated the decision the Board makes could be a watershed decision, which could reach citizens far beyond Weld County.

Cammi Collier-Ascencio, Evans resident, stated Weld County is predominately Pro-Life, including members of Christian and Muslim faiths, and asserted that by choosing not to vote in favor of the sanctity of life, the Board is sending a message that encourages diversity, but also supports abortive practices, which includes long-term effects on the psyche of youth and the belief they are a burden.

Timothy Phippard, Kersey resident, stated there is nothing in the Constitution making abortion a Right, but there is the Right to Life. He shared his joy when the Federal Courts overturned Roe v. Wade, and pleaded for the Board to support the sanctity of life in Weld County to end the over 60 million children that have been lost.

Gwen Escabido shared her personal story of giving her child up for adoption when she faced an unplanned pregnancy, and stated she is in support of the Resolution. She stated it was difficult at the time to make that decision, but over the years she is glad she made that decision and did not abort.

Laura Widger, Greeley resident, spoke in opposition to the 'Sanctity of Life Resolution', and reminded the Board they owe their constituents the ability to exercise the rights over their own bodies. She gave statistics of families currently living in poverty in Greeley, and Weld County as a whole, that currently do not get adequate assistance and resources needed, and stated the lack of assistance and resources will only get worse if the Board votes in favor of this Resolution. Ms. Widger further stated forcing the Christian religion and beliefs onto others is an infringement of the First Amendment Rights and the freedom of religion.

Dave Shumbert, X2D Ranch Ministries and Faith Partnership Council member, spoke on his ministry to hundreds of youth, and stated to take a life eliminates their opportunity to do great things. He further stated the Board should not fear what others think, do, or say, when it comes to the opportunity to save the lives of unborn children, and urged the Board to be different and reminded them they are elected officials with a purpose to do right by God in their service.

Sandra Justice, Greeley resident, spoke in opposition to the Resolution and stated that breath is the mark of life, and for babies this has always been the benchmark for when life begins. She recited biblical scripture and stated that to presume God's mind and His will is a very dangerous stance, and she was taught that God is a loving Father who cares for us, understands our faults, and despite that, desires that we grow closer to Him in our relationship with Him. She acknowledged we are only humans living in a broken world and one day there will be a judgement day for each of us, in which the verdict will only concern the individual and God.

Kimber Watson, Greeley resident, spoke in opposition and stated the woman who has been molested, sexually assaulted, and raped, already knows the torment from the long-term psychological trauma those experiences create, and to even think about forcing those same women and little girls to carry the product of conception from their abuser is an atrocity. She further stated this has been and always needs to be a medical decision between her provider and herself, and to leave religion and politics out of it.

Alsuego Socksman, Milliken resident, spoke in support of the 'Sanctity of Life Resolution' and stated she moved to Weld County from Broomfield County in hopes to do better, and wanted to live in a place that reflects the values and morals she has. She shared her story of raising her son with disabilities, and admitted that it has been hard at times, but she is grateful for the opportunity to be his mother and he has changed her for the better.

Stacey Casteel, Greeley resident, spoke on the previous times the Board has been presented with Resolutions and Proclamations pertaining to the sanctity of life, but they have been told that it is not the role of local government to make these decisions, and no real actions were taken. She further stated the concept behind abortive practices which is to help the socio-economic balance is absurd, because the more you allow it to happen, more generations of this behavior will continue.

Arthur 'Skip' Carlson stated he and Jerry Long presented the 'In God we Trust' emblem, that is displayed behind the Chair of the Board of Commissioners. He further stated it was entrusted with the position that is expected to make hard decisions, and he shared a story that was representative of the choice is in their hands, and although that choice is a difficult one to make, he urged them to decide on the side of life.

Alexandra White, Firestone resident, stated she has been an elementary school educator for the past 20 years and spoke in favor of the 'Sanctity of Life Resolution'. Ms. White read biblical scripture in support of saving unborn children.

Gwen Stevenson, Loveland resident and Chair of Birthline Pro-Life Center, stated her organization supports families, has worked with many experiencing homelessness, and offers many resources including the advocacy for adoption, which is the baby's right to live regardless of income. She further stated that it is a proven fact that a mother and baby have separate DNA and that an unborn child should be afforded the Right to life.

Karen Jarmin, Greeley resident, spoke on her opposition to the 'Sanctity of Life Resolution', and referenced statistics with embryos and fetuses, and stated 93% of abortions are done within the first trimester, with 50% due to failed contraceptives, and less than 1% are due to medically necessary reasons past 21 weeks gestation. She spoke on the recent overturning of Roe v. Wade, and stated there is a precedence being set with young girls and women, who are often victims of crimes, seeking medical care in other states.

Sandra Carlson, Greeley resident, spoke in support of the 'Sanctity of Life Resolution', and as an expectant mother she stated that her baby is not just a clump of cells, but is a person with movement and life within her. She stated there needs to be legal accountability and consequences should another person harm her causing injury or death of her unborn child, and the same should be said for those seeking abortion.

Kathryn Wittman, Dacono resident, spoke on her support of the 'Sanctity of Life Resolution', and recognized the discussion is only made possible as the result of the choice of their own mothers. She stated women should not have the right to terminate a pregnancy, as that is playing the role of God.

Sandra Stroble, Greeley resident, spoke on her position as a part of the medical community and her stance in support of the 'Sanctity of Life Resolution', and stated the news does not report about mishandled abortions, as it was her job to help take of mothers after such procedures. She further stated she witnessed countless mothers with psychiatric trauma following their decision. Ms. Stroble indicated there are laws to address rape, incest, molestation, and other forms of sexual assault, but there are no laws to address the lack of morality in the standard of medical care.

Vee VanDriel, Evans resident, addressed her support of the 'Sanctity of Life Resolution', and shared biblical scripture. She stated how disingenuous it is of reproductive health and abortion supporters who are alive because their mother chose life for them, and stated that she is ashamed of the sheepishness of the Board, and called for them to either 'sign or resign.'

Holly Bradley, Larimer County resident, stated she attends a Greeley Church and shared her story of being a child of a single mother who chose life for her, despite having two abortions prior to her. She stated the factor that changed her mother's decision to choose life was the support she was offered from a woman who is still a part of her life today. Ms. Bradley indicated she is aware that this Resolution will not end abortions, but it will send a strong message that Weld County is taking the stance to support life.

Elizabeth Hardy, Windsor resident, spoke on her support of the 'Sanctity of Life Resolution', and shared her personal experience of childhood molestation and rape as a teenager, which resulted in an unplanned pregnancy. She further stated she chose adoption for her child and while it was devastating, she stands by her decision and believes that others should and can do the same.

Raiden Stahly, Firestone resident, spoke on his support of the 'Sanctity of Life Resolution', and shared his observations that the 28-day law is no different than the one (1) child law in China, and further stated 18% of the total population in this country alone have been aborted since the enactment of Roe v. Wade.

Nancy Oswig, Platteville resident, spoke on her support of the 'Sanctity of Life Resolution', and stated abortion is torture and noted that if Denver can be a sanctuary for illegal immigrants, Weld County should be a sanctuary for unborn babies.

Thad Stahly, Firestone resident, shared his support of the 'Sanctity of Life Resolution', and stated that the Republican Party was founded as abolitionists, per charter to take care of the "Least of Us," referencing slavery, women's suffrage, the equal rights amendment, and that we must defend those who cannot defend themselves; thus, the Board has an obligation to pass this Resolution.

(Clerk's Note: Chair requested a five (5) minute recess, and upon reconvening, the Chair continued with Public Input testimony.)

Tina Morrison spoke on her opposition to the proposed Resolution and stated as a woman being here in Weld County, the County has always been about protecting rights and freedoms. She further stated that she finds it discouraging that so many people are thinking that this is a matter that can't be decided by individuals and their medical providers, but believes that government should be dictating the narrative.

Rose Mattern, Greeley resident, stated she is confused regarding the male Board of Commissioner members since they are pro-life, and yet in the past, have voted against these proclamations and resolutions. She further stated to her that makes no sense, and the blood of these unborn babies are on their hands.

Don Fulton, Greeley resident, thanked the Board for the opportunity to express his stance on this Resolution and stated he enjoys being a resident in Weld County and appreciates what Agriculture and Oil and Gas Industries have given to Weld County. He further stated Weld County needs to step up and be the voice for the unborn.

Lois Rice, Frederick resident, spoke on the fact that women do have rights, but they do not have the right to murder, as stated both in the Bible and the nation's laws, and he asserted abortion is murder.

Marilyn Gore, Denver resident, thanked the Board for their leadership and stated their stance has always been bold and courageous against the liberal majority of the State of Colorado, in standing up for the rights and freedoms of the residents who are in Weld County. She further stated this Resolution is a vote for the freedom of unborn babies to have the chance to grow and live their lives.

Joel Gore, Denver resident, stated God has placed the Commissioners in their positions, and they will be judged for what they do, and do not do.

Paula Johnson, Eaton resident, stated she has always taken pride in being a resident of Weld County and appreciates the Board for taking stances when the State overreaches its authority. She referenced how Weld County has come to be known as the 'Dennis the Mennis' in Colorado, and urged the Board to follow that same energy by voting 'Yes' on this Resolution.

Gayla Bostrum, Platteville resident, stated she is proud to live in Weld County and moved here during the pandemic to be afforded the rights she felt were being violated elsewhere. She stated Weld County needs to be the entity to define personhood as beginning at conception. She further stated any mother can tell you, their child is very much alive in the womb even though they have not yet taken a breath.

John Poleen, Johnstown resident, spoke on being old enough to remember a different way of life in America, referenced how people were not afraid of firearms, and everyone knew that life mattered. He stated he is saddened by how much society and laws have changed in his lifetime, and further urged the Board to take a step back in the right direction and be on the right side of history.

Commissioner Buck thanked the people in attendance. Chair James concurred and further stated for the record that he and Commissioner Buck are overseers of the Weld Faith Partnership Council, but not voting members. Chair James further stated his belief that this conversation is not a matter of government authority, and he does not feel that the local government has the authority to make such decisions.

Commissioner Saine thanked those who voiced their opinions on such an emotional, yet pivotal topic. She further stated the Board has a moral and constitutional duty to afford the unborn the right to life, and Weld County is known for going against the grain and not going with the crowds on many issues. She urged the Commissioners to understand the importance of taking a stand for unborn children and approve the 'Sanctity of Life Resolution'.

(Clerk's Note: Three (3) emails were received and indexed as an addition to Public Input from Julie Maslowski, Karen Jarman, and Sheree Dawn; referenced as Exhibits A, B, and C.)

AMENDMENTS TO AGENDA: Commissioner Saine moved to add a Resolution titled, "Expression of Support for the Sanctity of Life of the Unborn Child, and of Motherhood," to the agenda. *(Clerk's Note: Entered as Proposed Amendment Exhibit A.)* Due to lack of a second, the motion failed.

Commissioner Saine then made a motion to amend this document to be read as a Proclamation with instruction given from Bruce Barker, County Attorney, to reflect the proper formatting of a Proclamation. The motion was seconded by Commissioner Buck, who stated she is unapologetically pro-life, but understands the need to have a Board that functions well together and that is why she does not support the Resolution. However, she stated she appreciates Commissioner Saine bringing forth a Proclamation and that is something she will stand behind, and would love for Weld County to respect and protect the sanctity of life. There being no further discussion, a roll call vote was taken, and the motion passed three (3) to two (2), with Commissioners Moreno and Freeman abstained.

PRESENTATIONS:

1) GOVERNMENT FINANCE OFFICERS ASSOCIATION (GFOA), CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING – CHRIS D'OVIDIO, CONTROLLER, AND WELD COUNTY ACCOUNTING DEPARTMENT STAFF: Chair James recognized the Accounting Department for achieving this award. Chris D'Ovidio, Controller, expressed his appreciation to the Commissioners and introduced the Accounting staff in attendance (Donna McNamara, Jessica Lucero, Teri McDaniel, Jessie Pacheco, Vicki Mau, Kim Dewey, and Pati Melendez) and their respective responsibilities. Chair James commended the staff for their excellence, noting the Department has received this award for 44 years. Mr. D'Ovidio commented the team is only as good as their leader, and he hopes to continue the tradition of this award. The Commissioners, in turn, expressed their appreciation to the Department for an outstanding job, and expressed confidence in the ongoing abilities of the team and future leadership.

PROCLAMATIONS:

1) NATIONAL PREPAREDNESS MONTH – SEPTEMBER 2022: Chair James read the proclamation for the record. Roy Rudisill, Director of the Department of Emergency Management, thanked the Board for their continued support in the area of emergency preparedness, and stressed the individual and personal responsibility of citizens to have a plan and be prepared for natural and man-made disasters. Dave Burns, Gracie Marquez, and Denise Bradshaw, Office of Emergency Management, also thanked the Commissioners for their continued support. In response, each of the Commissioners expressed their appreciation to the department and recognized the importance of the work the department does to prepare the County for emergencies. Mr. Rudisill also thanked the first responders who aid the County in being prepared in the face of emergencies. *(Clerk's Note: The group gathered for a photo opportunity.)*

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

WARRANTS:

1) GENERAL WARRANTS – AUGUST 30, 2022: Commissioner Buck moved to approve the General Warrants, as printed. Commissioner Freeman seconded the motion and it carried unanimously.

BIDS:

1) PRESENT BID #B2200118, PUBLIC RECORDS REQUEST MANAGEMENT SYSTEM (REQUEST FOR PROPOSAL [RFP] FOR COLORADO OPEN RECORDS ACT [CORA] REQUEST SOLUTION) – DEPARTMENT OF INFORMATION TECHNOLOGY: Ryan Rose, Director of the Department of Information Technology, stated eight (8) bids were received, and staff will make a recommendation on September 14, 2022.

2) PRESENT BID #B2200124, CHASE BUILDING FIFTH FLOOR CABLING – DEPARTMENT OF INFORMATION TECHNOLOGY: Mr. Rose stated one (1) bid was received and staff will make a recommendation on September 14, 2022.

NEW BUSINESS:

1) CONSIDER PROCLAMATION OF EXPRESSION OF SUPPORT FOR THE SANCTITY OF LIFE OF THE UNBORN CHILD AND OF MOTHERHOOD: Chair James clarified a Resolution is a document by which the Board of Commissioners takes an action on items of County business; however, he does not believe the Board has the authority to take action on the issue of the Sanctity of Life. Commissioner Saine proposed vebiage to change the submitted Resolution into a Proclamation, which was seconded by Commissioner Buck. Commissioner Freeman stated he would prefer to consider the document once it has been formalized, and Chair James indicated he supports the concept; however, there is still language that he does not agree with. Upon a call for the vote, the motion to amend the Proclamation carried unanimously.

Commissioner Saine moved to pass the Proclamation, as amended, which was seconded by Commissioner Buck. Upon a roll call vote, the motion failed, with Commissioners Freeman, Moreno and James opposed.

2) CONSIDER CONTRACT ID #6230 AMENDMENT #1 TO INDIVIDUAL PROVIDER CONTRACT FOR PURCHASE OF FOSTER CARE SERVICES IN A FOSTER CARE HOME AND AUTHORIZE CHAIR TO SIGN – ROGER AND ALLISON SEDLACEK: Karin McDougal, Assistant County Attorney, on behalf of Jamie Ulrich, Director of the Department of Human Services, stated this is an amendment concerning an existing foster care home, which updates the services to the new State rates. Commissioner Buck moved to approve said amendment and authorize the Chair to sign. The motion was seconded by Commissioner Saine, and it carried unanimously.

3) CONSIDER CONTRACT ID #6270 FACILITY USAGE LICENSE AGREEMENT AND RENTAL GUIDELINES FOR AREA AGENCY ON AGING (AAA) SENIOR NUTRITION PROGRAM (FRIENDLY FORK) AND AUTHORIZE CHAIR TO SIGN – ARCHDIOCESE OF DENVER AND GUARDIAN ANGELS CATHOLIC CHURCH: Ms. McDougal stated this agreement is for use of space at Guardian Angels Catholic Church located in Mead, Colorado, for lunches that will be hosted by Friendly Fork. Ms. McDougal further stated the term of this contract is from September 1, 2022, through August 31, 2024, with a rental fee of \$4,900.00, and a refundable damage deposit for an additional \$200.00. Commissioner Freeman moved to approve said agreement and guidelines and authorize the Chair to sign. Seconded by Commissioner Moreno, the motion carried unanimously.

4) CONSIDER CONTRACT ID #6281 MEMORANDUM FOR PUBLIC HEALTH PRACTICE, PLANNING, AND LOCAL PARTNERSHIPS (OPHP) AMERICAN RESCUE PLAN ACT (ARPA) GRANT AGREEMENT AMENDMENT AND AUTHORIZE CHAIR TO SIGN: Gene O'Hara, Interim Director, alongside Tanya Geiser, Department of Public Health and Environment, stated the Colorado Department of Public Health and Environment requires these documents to close-out the ARPA Grant provided through federal funding. She further stated these are one-time funds, also known as Per Capita funding, in the amount of \$465,537.00, with a term of July 1, 2022, through June 30, 2022. Commissioner Buck moved to approve said amendment and authorize the Chair to sign. The motion, which was seconded by Commissioner Moreno, carried unanimously. Commissioner Moreno welcomed Mr. O'Hara to the County as he was absent for his appointment.

5) CONSIDER DECLARATION OF CERTAIN EQUIPMENT AS SURPLUS PROPERTY, APPROVE SALE OF SAME AT AUCTION WITH ROLLER AND ASSOCIATES, AND DELEGATE AUTHORITY TO CONTROLLER TO SIGN ANY NECESSARY DOCUMENTS: Cheryl Pattelli, Chief Financial Officer, stated the attached items (Exhibit A) have reached their end-of-life and are ready to be sent for auction on September 14, 2022. Commissioner Freeman moved to declare said equipment as surplus, approve sale of same at auction, and delegate authority to the Controller to sign any necessary documents. The motion was seconded by Commissioner Buck, and it carried unanimously.

6) CONSIDER DECLARATION OF CERTAIN EQUIPMENT AS SURPLUS PROPERTY AND AUTHORIZE DISPOSAL: Ms. Pattelli stated the attached item (Exhibit A) has been involved in an accident, ruled as a total loss through insurance, and will be sent to salvage. Commissioner Buck moved to declare said equipment as surplus and authorize disposal. The motion was seconded by Commissioner Saine, and it carried unanimously.

7) CONSIDER CONTRACT ID #6280 APPLICATION FOR ENERGY AND MINERAL IMPACT ASSISTANCE FUND (EIAF) PROGRAM GRANT FOR BRIDGE 54/13A IMPROVEMENTS PROJECT (TIER II - SEPTEMBER CYCLE) AND AUTHORIZE ELECTRONIC SUBMITTAL: Elizabeth Relford, Deputy Director of the Department of Public Works, stated this is a Tier II application with the Colorado Department of Local Affairs (DOLA) for \$750,000.00, for the Bridge 54/13A Improvements Project. Ms. Relford stated the total expenses for this project are estimated at \$10.9 million. Commissioner Buck moved to approve said application and authorize electronic submittal. The motion was seconded by Commissioner Moreno, and it carried unanimously.

8) CONSIDER TEMPORARY CLOSURE OF CR 37 BETWEEN SH 52 AND CR 22: Amy Mutchie, Department of Public Works, presented this closure on behalf of AB Underground and the Colorado Department of Transportation (CDOT), which will begin September 6, 2022, and go through October 4, 2022, for intersection improvements and paving, on the northern side of this project. She further stated the detour route is paved, and message boards will be in place for the duration of the closure. Commissioner Freeman moved to approve said temporary closure. The motion was seconded by Commissioner Buck, and it carried unanimously.

9) CONSIDER CONTRACT ID #6205 FULL RELEASE OF COLLATERAL FOR RIGHT-OF-WAY USE PERMIT, RW10-00401 – KERR-MCGEE GATHERING, LLC: Ms. Mutchie stated the applicant requested the full release of the collateral for Right-of-Way Use Permit, RW10-00401, in the amount of \$15,000.00. She further stated this was warranty collateral that was required for a two (2) year period, which has now expired. Commissioner Moreno moved to approve said full release of collateral. The motion was seconded by Commissioner Buck, and it carried unanimously.

PLANNING:

1) CONSIDER CONTRACT ID #6198 TERMINATION OF IMPROVEMENTS AND ROAD MAINTENANCE AGREEMENT FOR USE BY SPECIAL REVIEW PERMIT, USR12-0065 – KORWELL LAND HOLDINGS, LLC, C/O JAMES CHICK: Jazmyn Trujillo-Martinez, Department of Planning Services, requested the Board terminate the Improvements and Road Maintenance Agreement as a result of the vacation of USR12-0065, that took place on July 6, 2022. Commissioner Freeman moved to approve said termination of agreement. Commissioner Moreno seconded the motion, and in response to his statement, Ms. Trujillo-Martinez confirmed she did misread the pass around, as Commissioner Saine was out of the office; thus, only four (4) out of five (5) approved this item to come before the Board. There being no further discussion concerning this matter, the motion carried unanimously.

2) CONSIDER RELEASE OF PROJECT COLLATERAL AND ACCEPT WARRANTY COLLATERAL (PHASE TWO – PANORAMA WIND) FOR USE BY SPECIAL REVIEW PERMIT, USR19-0014, AND AUTHORIZE CHAIR TO SIGN – LEEWARD RENEWABLE ENERGY DEVELOPMENT, LLC: Ms. Trujillo-Martinez requested the acceptance of the reduction of project collateral, from the amount of \$2 Million, to warranty collateral, in the amount of \$300,000.00, in the form of an amendment to the original Irrevocable Standby Letter of Credit, issued by Wells Fargo Bank to be held for the duration of the two (2) year warranty period. She further stated the applicants have completed all requirements, and inspectors from the Departments of Public Works and Planning Services have deemed the improvements acceptable. Ms. Trujillo-Martinez explained the reduction of collateral and the terms of the Road Maintenance Agreement will remain in effect for the life of the Use by Special Review Permit (USR). Commissioner Freeman moved to approve said release of project collateral, accept warranty collateral, and authorize the Chair to sign. The motion was seconded by Commissioner Buck, and it carried unanimously.

3) CONSIDER APPEAL CONCERNING DECISION BY THE DEPARTMENT OF PLANNING SERVICES TO DENY ACCESS PERMITS ON CRS 74 AND 43 – GREG AND MELANIE WORRELL: Dawn Anderson, Department of Planning Services, explained the purpose for the appeal was the denial of access permits on County Roads (CR) 74 and 43, and further explained supportive details as to the decision to deny the access permits, per prior access permitting requirements and safety criteria outlined in the Weld County Code. She shared the history and an overview of the property location while displaying aerial and vicinity maps. Ms. Anderson stated, in 2011, an access permit was granted with four (4) locations for use of the different parcels, that were all listed under the Dorschlaag-Worrell parcels. She explained out of those four (4) access points, there is one (1) agricultural only, one (1) residential only, one (1) shared agricultural and residential, and the last access does not have a defined use; and they are what remain today. In addition, Ms. Anderson pointed out there is a parcel which does not show an access permit; however, there is an easement that runs through the property, and is shown on the plat as a shared access. She further stated it was a part of the 2011 access permit, but is an error, due to the existing easement not being permitted, and even though those permitted access points were initially done between two (2) parties, the properties have changed ownership over the years with the most recent parcel sold in 2021. She explained the new owners recently came before the Board for a Use by Special Review Permit, which was granted, which resulted in a problematic access issue with a negative impact on Mr. Worrell's farming operations. She stated, in June 2022, Mr. Worrell applied for two (2) new access permits, and upon review, staff indicated they did not meet the intent of the prior permit, nor the Weld County Code, so they explained to the Worrell's that the variance process would need to be followed according to the Code if they wished to move forward. Ms. Anderson stated on August 9, 2022, the Worrell's submitted two (2) modified access permit applications, including the hardship letter. She explained what is for consideration by the Board today are variances of a residential and agriculture access. She further stated CR 74 is paved and classified as an arterial road with the latest ADT at 2,704 vehicles per day, 19% commercial trucks, and the average rate of speed at 57 miles per hour. Ms. Anderson further stated CR 43 is a paved collector roadway with 1,518 vehicles per day, 25% commercial trucks, with the average rate of speed at 66 miles per hour. She stated the proposed new

access points do not meet Code criteria, but if the Board grants the appeal, staff's recommendation is for the applicant to speak with the Flood Plain manager. In response to Commissioner Buck, Ms. Anderson stated she does not have knowledge of the civil case between the Worrell's and their neighbors and recommends the Commissioners take testimony from the appellants.

Greg Worrell, appellant, was present and in response to Commissioner Buck, he stated their civil court hearing is scheduled for July 2023. He further displayed aerial and vicinity maps and explained the history of his property and the locations of the access easements as they have come to be, both residential and agricultural. Mr. Worrell explained his proposed access, which allows the restoration of their right to farm, both with the public and other neighbors. In response to Commissioner Saine, Mr. Worrell clarified their current access points, and the particular access point that is in contention with blocked access from both sides of the north side of his property. In response to Commissioner Freeman, Ms. Anderson stated as of this morning they are willing to do a separation in the agriculture access and create a new access. Bruce Barker, County Attorney, clarified the Conditions of Approval need to require a consultation with the Weld County Flood Plain Manager, and to make sure there is separation in the access. Commissioner Saine moved to grant said appeal, with the Conditions of Approval. The motion was seconded by Commissioner Moreno, 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 12:00 p.m.

These Minutes were approved on the 14th day of September, 2022.

BOARD OF COUNTY COMMISSIONERS
WELD COUNTY, COLORADO

ATTEST:

Weld County Clerk to the Board

Scott K. James, Chair

BY: _____
Deputy Clerk to the Board

Mike Freeman, Pro-Tem

Perry L. Buck

Steve Moreno

Lori Saine