

RECORD OF PROCEEDINGS

MINUTES

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO MONDAY, NOVEMBER 21, 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, November 21, 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 November 7, 2022, as printed. Commissioner Freeman seconded the motion, and it carried unanimously.

READ ORDINANCE BY AUDIO: Commissioner Buck moved to read Code Ordinance #2022-08, and Emergency Code Ordinance #2022-10 by audio. The motion was seconded by Commissioner Freeman, and it 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 Saine seconded the motion and it carried unanimously.

COMMISSIONER COORDINATOR REPORTS: Commissioner Buck reported the Department of Planning Services is continuing to look at revising Chapter 23 Zoning in the Weld County Code, and she stated this past Friday, she attended a tour of three (3) homeless shelters alongside Chair James, one (1) location in north Greeley, and two (2) locations, Mason's House and Redfin, in Fort Collins, Colorado. Commissioner Moreno recognized the former Director of the Department of Public Works, Jay McDonald, once again and stated he is grateful for the smooth transition that has taken place.

WARRANTS:

1) GENERAL WARRANTS – NOVEMBER 18, 2022: Commissioner Freeman moved to approve the General Warrants, as printed. Commissioner Buck seconded the motion, and it carried unanimously.

BIDS:

1) APPROVE BID #B2200146, INVESTMENT ADVISOR SERVICES – DEPARTMENT OF FINANCE AND ADMINISTRATION: Christie Peters, Purchasing Department, stated staff had a work session on September 20, 2022, to discuss investment advisor services, and the ten (10) RFP responses were reviewed by Don Warden, Director of the Department of Finance and Administration, and Cheryl Pattelli, Chief Financial Officer. She expanded on the Request for Proposal (RFP) evaluation criteria and results from the interviews held on November 7, 2022, and stated the two (2) firms, Chandler Asset Management, Inc., and PFM Asset Management, LLC, were selected as finalists. Ms. Peters stated it is staff's recommendation to select Chandler Asset Management, Inc., to be Weld County's investment advisor. Commissioner Moreno moved to approve said bid. The motion was seconded by Commissioner Buck, and it carried unanimously.

2) APPROVE BID #B2200162, ECS STORAGE EXPANSION – DEPARTMENT OF INFORMATION TECHNOLOGY: Ryan Rose, Director of the Department of Information Technology, stated staff recommends selecting the sole bidder that met specifications, Lewan Technology, for a total amount of \$181,370.00. Commissioner Freeman moved to approve said bid. The motion was seconded by Commissioner Buck, and it carried unanimously.

3) APPROVE BID #B2200148, CAMERA EQUIPMENT AND LICENSING ACQUISITION – FACILITIES DEPARTMENT: Ms. Peters stated the lowest bidder, Stone Security, for the amount of \$220,477.42, did not meet specifications; therefore, staff recommends selecting the second lowest bidder who meets specifications, VTI Security, for a total amount of \$290,938.38. Commissioner Moreno moved to approve said bid. The motion was seconded by Commissioner Buck, and it carried unanimously.

4) APPROVE BID #B2200155, EXHIBITION BUILDING SIDEWALK PROJECT – FACILITIES DEPARTMENT: Ms. Peters stated staff recommends selecting the lowest bidder who met specifications, J and F Concrete, LLC, for a total amount of \$65,450.00. Commissioner Freeman moved to approve said bid. The motion was seconded by Commissioner Buck, and it carried unanimously.

5) PRESENT BID #B2200161, CENTENNIAL CENTER AND COURTHOUSE BURGLAR ALARM INTRUSION PROJECT – FACILITIES DEPARTMENT: Ms. Peters stated two (2) bids were received and staff will return with a recommendation on December 5, 2022.

6) RESCIND BID #B2100110, 2-TON 4X4 FULL-SIZE EXTENDED CAP PICKUP WITH SERVICE BODY (QTY 1) – DEPARTMENT OF FLEET SERVICES: Chair James upon advice from Bruce Barker, County Attorney, read agenda bid items 6-15, into the record to be considered with the same recommendation for each item. Ms. Peters stated at a work session held on November 8, 2022, discussion was had concerning the Department of Fleet Services receiving information from various dealers that they are unable to supply the respective vehicles due to supply chain issues. She further recommended staff be allowed to purchase through State bid or other government competitive pricing to supply these vehicles. Commissioner Saine moved to rescind said Bids #B2100110, #B2200007, #B2200008, #B2200017, #B2200023, #B2200026, #B2200027, #B2200029, #B2200030, and #B2200035. The motion was seconded by Commissioner Moreno, and it carried unanimously. *(Clerk's Note: Please refer to the November 21, 2022, agenda for details of each vehicle to be rescinded; and further information listed on staff memorandums.)*

NEW BUSINESS:

1) CONSIDER PETITION FOR ABATEMENT OR REFUND OF TAXES FOR ACCOUNT NUMBER P9105246 – ZELIOS COLORADO, LLC, DBA GEMINI EXTRACTION: Brenda Dones, Weld County Assessor, stated this petition is for a business personal property account, and explained annually, businesses are required to report what equipment they own, with the exception of equipment which is not put into use by the first of January and is exempt from taxation, which is the case for Zelios Colorado, LLC, dba Gemini Extraction. She further stated all the equipment was reported, but no indication was made as to which equipment was not put into use, and explained during the process with the Treasurer's Office to collect on the taxes, they were made aware this company is currently in the process of ceasing operations, and a portion of the equipment is still in crates, or was never used and has already been removed. Ms. Dones recommended to remove the listed items exempt from taxation, and to change the taxable value from \$5,259,711.00 to \$1,860,792.00. She further stated since the taxes have not yet been paid, it will result in a corrected tax bill in the amount of \$57,728.00. Commissioner Freeman moved to approve said petition for tax abatement. The motion was seconded by Commissioner Buck, and it carried unanimously.

(Clerks Note: Chair James took Chair's Prerogative to recognize Commissioner Freeman's birthday, with his wife present with a balloon and donuts.)

2) CONTRACT ID #6492 AGREEMENT FOR PROFESSIONAL SERVICES AND AUTHORIZE CHAIR TO SIGN – HUMANE SOCIETY OF WELD COUNTY: Sonja Kohlgraf, Sheriff's Office, stated the agreement's term dates are from November 1, 2022, through December 31, 2024, and this agreement was rewritten to reflect the updated \$400.00 per animal reimbursemnt rate covering animal hold for a maximum of five (5) days. Commissioner Freeman moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner Buck, and it carried unanimously.

3) CONSIDER CONTRACT ID #6468 STATEMENT OF WORK FOR COVID-19 IMMUNIZATION FUNDING (ROUND THREE [3]) – (COV-IMMR3) AND AUTHORIZE CHAIR TO SIGN: Gene O'Hara, Interim Director of the Department of Public Health and Environment, stated this is a reimbursement for a pre-approved equipment purchase. Commissioner Saine explained her opposition to this contract by stating there are too many strings attached for a relatively small financial amount. Commissioner Freeman moved to approve said statement of work and authorize the Chair to sign. Seconded by Commissioner Moreno, upon a roll call vote, the motion passed four (4) to one (1), with Commissioner Saine opposed.

4) CONSIDER CONTRACT ID #6469 PROGRAMMING AGREEMENT FOR COOKING MATTERS PROGRAM FOR NO KID HUNGRY CAMPAIGN AND AUTHORIZE CHAIR TO SIGN AND SUBMIT ELECTRONICALLY – SHARE OUR STRENGTH: Mr. O'Hara stated this is renewal of the programming agreement for the use and benefit of the Weld County Department of Public Health and Environment (WCDPHE), to provide healthy cooking and nutritious food shopping education for low-income citizens in Weld County. He stated funding term dates are from October 1, 2022, through September 30, 2023, in the amount of \$144,658.85. In response to Commissioner Saine, Tanya Geiser, Administrative Director, explained .5 of a full time equivalent (FTE) position is County funded through this program; however, if the program ended, it would result in a request for the Board to reinstate the County funding. Commissioner Freeman moved to approve said agreement and authorize the Chair to sign and submit electronically. The motion, which was seconded by Commissioner Buck, carried unanimously.

5) CONSIDER CONTRACT ID #6472 MASTER TASK ORDER CONTRACT AMENDMENT #1 AND AUTHORIZE CHAIR TO SIGN AND SUBMIT ELECTRONICALLY: Mr. O'Hara stated this is an Amendment to the five-year Master Task Order Contract to remove language from Section 10.b Insurance-Subcontractor Requirements, as the state determined it places an undue burden on the subcontractors receiving funding from local agencies. He further stated the term dates for the amendment will commence upon full execution of signatures, through June 30, 2027. In response to Commissioner Saine, Ms. Geiser confirmed this reduces barriers for the County to be allowed to work with third-party contractors. Commissioner Saine moved to approve said amendment and authorize the Chair to sign and submit electronically. The motion, which was seconded by Commissioner Buck, carried unanimously.

6) CONSIDER CONTRACT ID #6494 SERVICE PROPOSAL, SERVICES AGREEMENT, AND AMENDMENT TO SERVICES AGREEMENT FOR ATHENAONE ESSENTIAL SERVICE FOR ELECTRONIC MEDICAL RECORDS (EMR) SOFTWARE SOLUTION, AND AUTHORIZE CHAIR TO SIGN – NORTH COLORADO HEALTH ALLIANCE AND ATHENAHEALTH, INC.: Mr. O'Hara stated this service proposal for provision of enterprise electronic medical record software solution will commence upon full execution of signatures and extend for four (4) years, to provide advanced software to support clinical medical records and financial billing operations. Commissioner Moreno moved to approve said proposal, agreement, and amendment, and authorize the Chair to sign. The motion, which was seconded by Commissioner Freeman, carried unanimously.

7) CONSIDER CONTRACT ID #6495 AMENDMENT #2 FOR TITLE X FAMILY PLANNING PROGRAM AND AUTHORIZE CHAIR TO SIGN AND SUBMIT ELECTRONICALLY: Mr. O'Hara stated this is a no-cost amendment to correct administrative errors made at the State when executing Amendment #1. He further reviewed the term dates, and stated activities are conducted by current staff. In response to Commissioner Saine, Ms. Geiser clarified the State accidentally substituted the wrong federal provisions, and without correction they would not pay for invoices on any of their deliverables. Commissioner Freeman moved to approve said amendment and authorize the Chair to sign and submit electronically. The motion was seconded by Commissioner Moreno, and upon a roll call vote, the motion passed four (4) to one (1), with Commissioner Saine opposed.

8) CONSIDER REVISIONS TO FEE SCHEDULE FOR FEES COLLECTED BY WELD COUNTY DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT: Mr. O'Hara gave a brief overview of the changes that have been made to the fee schedule for 2023 within the different divisions of the department, which allow greater cost recovery and reduced costs to taxpayers by shifting costs to persons utilizing the services. Commissioner Freeman moved to approve said revisions to the fee schedule. Commissioner Moreno seconded the motion, and upon a roll call vote, the motion passed four (4) to one (1), with Commissioner Saine opposed.

9) CONSIDER STANDARD FORM OF AGREEMENT FOR SAMPLING AND ANALYSIS OF WATER WITH VARIOUS CLIENTS AND AUTHORIZE DIRECTOR OF DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT TO SIGN AGREEMENTS CONSISTENT WITH SAID FORM: Mr. O'Hara stated Section 2-1-125.C of the Weld County Code allows the Director to enter into standard form agreements for the sampling and analysis of water. He further stated the WCDPHE and County Attorney's Office have made necessary revisions and requested the Board adopts this new template for the form agreements. Commissioner Moreno moved to approve and adopt said standard form and authorize the Director of the Department of Public Health and Environment to sign agreements consistent with said form. The motion, which was seconded by Commissioner Saine, carried unanimously.

10) CONSIDER APPLICATION FOR TIER I AMBULANCE SERVICE LICENSE AND AUTHORIZE CHAIR TO SIGN – BANNER HEALTH PARAMEDIC SERVICE / AMERICAN MEDICAL RESPONSE: Gabri Vergara, Department of Public Health and Environment, and Matt Concialdi, Chair of Emergency Medical Trauma Services (EMTS) Council, explained Brighton Fire Rescue District was previously approved in June 2022; and Windsor/Severance and Front Range Fire Protection Districts, both have come under UC Health. Ms. Vergara stated a total of fifteen (15) applications for existing ambulance services were received. She confirmed there are no issues with the application, and it is recommended for approval. Commissioner Freeman moved to approve said application and authorize the Chair to sign said license, which was seconded by Commissioner Buck, and it carried unanimously.

11) CONSIDER APPLICATION FOR TIER I AMBULANCE SERVICE LICENSE AND AUTHORIZE CHAIR TO SIGN – FREDERICK-FIRESTONE FIRE PROTECTION DISTRICT: Ms. Vergara stated there are no issues with the application and it is recommended for approval. Commissioner Moreno moved to approve said application and authorize the Chair to sign said license, and the motion, which was seconded by Commissioner Saine, carried unanimously.

12) CONSIDER APPLICATION FOR TIER I AMBULANCE SERVICE LICENSE AND AUTHORIZE CHAIR TO SIGN – GREELEY FIRE DEPARTMENT: Ms. Vergara stated there are no issues with the application and it is recommended for approval. Commissioner Saine moved to approve said application and authorize the Chair to sign said license, and the motion, which was seconded by Commissioner Moreno, carried unanimously.

13) CONSIDER APPLICATION FOR TIER I AMBULANCE SERVICE LICENSE AND AUTHORIZE CHAIR TO SIGN – MOUNTAIN VIEW FIRE PROTECTION DISTRICT: Ms. Vergara stated there are no issues with the application and it is recommended for approval. Commissioner Saine moved to approve said application and authorize the Chair to sign said license, and the motion, which was seconded by Commissioner Freeman, carried unanimously. *(Clerk's Note: Chair James inadvertently called item New Business item #13 twice, with two different motions made.)*

14) CONSIDER APPLICATION FOR TIER I AMBULANCE SERVICE LICENSE AND AUTHORIZE CHAIR TO SIGN – NORTH METRO FIRE RESCUE DISTRICT: Ms. Vergara stated there are no issues with the application and it is recommended for approval. Commissioner Freeman moved to approve said application and authorize the Chair to sign said license, and the motion, which was seconded by Commissioner Saine, carried unanimously.

15) CONSIDER APPLICATION FOR TIER I AMBULANCE SERVICE LICENSE AND AUTHORIZE CHAIR TO SIGN – PLATTE VALLEY AMBULANCE SERVICE: Ms. Vergara stated there are no issues with the application and it is recommended for approval. Commissioner Moreno moved to approve said application and authorize the Chair to sign said license, and the motion, which was seconded by Commissioner Saine, carried unanimously.

16) CONSIDER APPLICATION FOR TIER I AMBULANCE SERVICE LICENSE AND AUTHORIZE CHAIR TO SIGN – PLATTEVILLE-GILCREST FIRE PROTECTION DISTRICT: Ms. Vergara stated there are no issues with the application and it is recommended for approval. Commissioner Saine moved to approve said application and authorize the Chair to sign said license, and the motion, which was seconded by Commissioner Buck, carried unanimously.

17) CONSIDER APPLICATION FOR TIER I AMBULANCE SERVICE LICENSE AND AUTHORIZE CHAIR TO SIGN – POUUDRE VALLEY HEALTH CARE, DBA UCHEALTH LIFELINE: Ms. Vergara stated there are no issues with the application and it is recommended for approval. Commissioner Freeman moved to approve said application and authorize the Chair to sign said license, and the motion, which was seconded by Commissioner Buck, carried unanimously.

18) CONSIDER APPLICATION FOR TIER I AMBULANCE SERVICE LICENSE AND AUTHORIZE CHAIR TO SIGN – SOUTHEAST WELD FIRE PROTECTION DISTRICT: Ms. Vergara stated there are no issues with the application and it is recommended for approval. Commissioner Saine moved to approve said application and authorize the Chair to sign said license, and the motion, which was seconded by Commissioner Buck, carried unanimously.

19) CONSIDER APPLICATION FOR TIER I AMBULANCE SERVICE LICENSE AND AUTHORIZE CHAIR TO SIGN – THOMPSON VALLEY EMERGENCY MEDICAL SERVICE: Ms. Vergara stated there are no issues with the application and it is recommended for approval. Commissioner Freeman moved to approve said application and authorize the Chair to sign said license, and the motion, which was seconded by Commissioner Buck, carried unanimously.

20) CONSIDER APPLICATION FOR TIER I AMBULANCE SERVICE LICENSE AND AUTHORIZE CHAIR TO SIGN – UCHEALTH EMERGENCY MEDICAL SERVICES: Ms. Vergara stated there are no issues with the application and it is recommended for approval. Commissioner Moreno moved to approve said application and authorize the Chair to sign said license, and the motion, which was seconded by Commissioner Buck, carried unanimously.

21) CONSIDER APPLICATION FOR TIER II AMBULANCE SERVICE LICENSE AND AUTHORIZE CHAIR TO SIGN – AMBULNZ CO, LLC: Ms. Vergara stated there are no issues with the application and it is recommended for approval. Commissioner Moreno moved to approve said application and authorize the Chair to sign said license, and the motion, which was seconded by Commissioner Buck, carried unanimously.

22) CONSIDER APPLICATION FOR TIER II AMBULANCE SERVICE LICENSE AND AUTHORIZE CHAIR TO SIGN – AMERICAN MEDICAL RESPONSE OF COLORADO: Ms. Vergara stated there are no issues with the application and it is recommended for approval. Commissioner Moreno moved to approve said application and authorize the Chair to sign said license, and the motion, which was seconded by Commissioner Buck, carried unanimously.

23) CONSIDER APPLICATION FOR TIER III AMBULANCE SERVICE LICENSE AND AUTHORIZE CHAIR TO SIGN – STADIUM MEDICAL, INC.: Ms. Vergara stated there are no issues with the application and it is recommended for approval. Commissioner Moreno moved to approve said application and authorize the Chair to sign said license, and the motion, which was seconded by Commissioner Saine, carried unanimously.

24) CONSIDER APPLICATION FOR TIER III AMBULANCE SERVICE LICENSE AND AUTHORIZE CHAIR TO SIGN – MILE HIGH AMBULANCE, LLC: Ms. Vergara stated there are no issues with the application and it is recommended for approval. Commissioner Saine moved to approve said application and authorize the Chair to sign said license, and the motion, which was seconded by Commissioner Buck, carried unanimously.

25) CONSIDER DESIGNATION OF CERTAIN BANKS AS DEPOSITORIES FOR WELD COUNTY FUNDS: Cheryl Pattelli, Chief Financial Officer, stated this designation was approved by the Investment Committee on November 14, 2022, and indicates the entities that provide banking and custodial services, along with the County's local government investment pools. Commissioner Saine moved to approve said designation. The motion was seconded by Commissioner Buck, and it carried unanimously.

26) CONSIDER DESIGNATION OF CERTAIN BROKERS AND DEALERS FOR HANDLING INVESTMENT TRANSACTIONS OF WELD COUNTY FUNDS: Ms. Pattelli stated this matter also went to the Investment Committee on November 14, 2022, and is a list of broker dealers that purchase the County's securities, such as Agencies and Treasurers. Commissioner Freeman moved to approve said designation. The motion was seconded by Commissioner Buck, and it carried unanimously.

27) EMERGENCY ORDINANCE #2022-10, IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 5 REVENUE AND FINANCE OF THE WELD COUNTY CODE: Bruce Barker, County Attorney, stated there are two items; one being the emergency ordinance and the other a Resolution, as listed below. The items address the problem related to vehicle bids, and allows the Board the ability to identify which item(s) do not need to go through the procurement process. He gave guidance concerning the motion. No public testimony was given concerning this matter. Commissioner Moreno moved to approve Code Ordinance #2022-10 on an emergency basis, due to complications of supply chain for life, health and safety vehicles, which are moving off the lot faster than the current procurement process allows. The motion was seconded by Commissioner Saine, and it carried unanimously.

28) CONSIDER ESTABLISHMENT OF PROCEDURES AND PROTOCOLS FOR EMERGENCY PURCHASES BY WELD COUNTY DEPARTMENT OF FLEET SERVICES OF NEW VEHICLES DEEMED NECESSARY FOR THE PROTECTION OF LIFE, HEALTH, AND/OR SAFETY ("NEW LHS VEHICLES"): Mr. Barker stated this is to delegate the Director of Fleet Services to go through a process reflected in Exhibit A, in finding available vehicles to then be placed on the Consent Agenda for approval of expenditures by the Board on the next available agenda. Commissioner Saine moved to approve said Resolution Establishing Procedures and Protocols . The motion was seconded by Commissioner Freeman, and it carried unanimously.

PLANNING:

1) FIRST READING OF CODE ORDINANCE #2022-08, IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 23 ZONING OF THE WELD COUNTY CODE (*SETBACKS FROM OIL AND GAS*): Jim Flesher, Department of Planning Services, explained the proposed changes to the Weld County Code, and stated there will be uniform 250-foot setbacks for occupied buildings, from all existing oil and gas locations in all Zone Districts; as this is considered the 'hot zone' in the event of a fire or explosion. He further stated for abandoned wells, the setbacks would be increased from 25 feet to 50 feet. Mr. Flesher stated these proposed changes allow for more room to rework wells, applicants could apply for a variance, but not less than 50 feet, and Planning Commission recommended approval on November 1, 2022. No public testimony was offered concerning this matter. Commissioner Saine moved to approve Code Ordinance #2022-08 on First Reading, and commented this is important since it is a matter of public safety. The motion was seconded by Commissioner Freeman, and it carried unanimously.

RESOLUTIONS AND ORDINANCES: The Resolutions were presented and signed as listed on the Consent Agenda. Code Ordinance #2022-08 was approved on First Reading, and Code Ordinance #2022-10 was approved on an emergency basis.

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 9:49 a.m.

These Minutes were approved on the 5th day of December, 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 DATE OF APPROVAL

Mike Freeman, Pro-Tem

Perry L. Buck

Steve Moreno

Lori Saine