

# RECORD OF PROCEEDINGS

## MINUTES

### BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO WEDNESDAY, DECEMBER 7, 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, December 7, 2022, at the hour of 9:00 a.m.

#### **ELECT ACTING CHAIR PRO-TEM:**

1) ELECTION OF ACTING CHAIR PRO-TEM OF THE BOARD FOR DECEMBER 7, 2022: Commissioner Buck moved to approve said election of Commissioner Steve Moreno as Acting Chair Pro-Tem. The motion was seconded by Commissioner Saine, and it carried unanimously.

**ROLL CALL:** The meeting was called to order by the Acting Chair Pro-Tem and on roll call the following members were present, constituting a quorum of the members thereof:

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

Also present:

Assistant County Attorney, Karin McDougal  
Acting Clerk to the Board, Houston Aragon  
Chief Financial Officer, Cheryl Pattelli

**MINUTES:** Commissioner Saine moved to approve the Minutes of the Board of County Commissioners meeting of November 23, 2022, as printed. Commissioner Buck seconded the motion and it carried unanimously.

**PUBLIC INPUT:** Steve Teets, Greeley resident, recognized today being the 81st anniversary of Pearl Harbor, and in response Acting Chair Pro-Tem Moreno called for a moment of silence. Mr. Teets went on to share a presentation by Rick Hartman at the Connections Committee regarding the Town of Hudson's Mission Rescue facility. He further shared legislative proposals in some states to assist people with the rising food costs, and his concern for local food banks struggling to meet demand. Mr. Teets referenced an article in the Denver Post about some cities working to build affordable housing for citizens released from correction facilities. Acting Chair Pro-Tem Moreno thanked Mr. Teets for his comments concerning the Hudson facility.

Edwin Grant, Greeley resident, spoke on statistics regarding World War II, and the bombing of Pearl Harbor, and shared personal family experience with his father being in the Army at that time.

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

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

**WARRANTS:**

1) GENERAL WARRANTS – DECEMBER 6, 2022: Commissioner Buck moved to approve the General Warrants, as printed. Commissioner Saine seconded the motion, and it carried unanimously.

**BIDS:**

1) APPROVE BID #B2200163, CHASE BUILDING CABINET UNIT HEATER REPLACEMENT – FACILITIES DEPARTMENT: Christie Peters, Purchasing Department, stated staff recommends selecting the sole bidder who met specifications, Northern Colorado Energy Solutions, for a total amount of \$83,017.00. Commissioner Saine moved to approve said bid. The motion was seconded by Commissioner Buck, and it carried unanimously.

2) PRESENT BID #B2200139, CRS 74 AND 33 INTERSECTION ROUNDABOUT PROJECT – DEPARTMENT OF PUBLIC WORKS: Ms. Peters stated two (2) bids were received and staff will make a recommendation on December 21, 2022.

3) PRESENT BID #B2200174, PRECAST CONCRETE PIPE – DEPARTMENT OF PUBLIC WORKS: Ms. Peters stated one (1) bid was received and staff will make a recommendation on December 21, 2022.

4) PRESENT BID #B2200169, LEGAL NEWSPAPER SERVICE FOR 2023 CALENDAR YEAR – CLERK TO THE BOARD'S OFFICE: Ms. Peters stated one (1) bid was received and staff will make a recommendation on December 21, 2022.

**NEW BUSINESS:**

1) CONSIDER CONTRACT ID #6502 INDIVIDUAL PROVIDER CONTRACT FOR PURCHASE OF FOSTER CARE SERVICES IN A FOSTER CARE HOME AND AUTHORIZE CHAIR TO SIGN – ANDREW SEARLES AND LORETTA BOWMAN: Jamie Ulrich, Director of the Department of Human Services, stated this is a new kinship foster care home located in Frederick, Colorado. Commissioner Saine moved to approve said contract and authorize the Acting Chair Pro-Tem to sign. The motion was seconded by Commissioner Buck, and it carried unanimously.

2) CONSIDER CONTRACT ID #6515 EXPENDITURE AUTHORIZATION AND WORK PLAN FOR WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA) EMPLOYMENT SUPPORT FUNDS (ESF), AND AUTHORIZE CHAIR TO SIGN ELECTRONICALLY: Ms. Ulrich explained the department received supplemental funds to serve job seekers and employers impacted by the COVID-19 Pandemic Health Emergency. Commissioner Saine moved to approve said expenditure authorization and authorize the Acting Chair Pro-Tem to sign. Seconded by Commissioner Buck, the motion carried unanimously.

3) CONSIDER CONTRACT ID #6516 EXPENDITURE AUTHORIZATION AND WORK PLAN FOR WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA) ADULT (AD), DISLOCATED WORKER (DW), AND ENHANCED DISLOCATED WORKER (EDW) FUNDS, AND AUTHORIZE CHAIR TO SIGN ELECTRONICALLY: Ms. Ulrich explained this authorizes expenditure of Workforce Innovation and Opportunity Act (WIOA) funds for the various programs. Commissioner Buck moved to approve said expenditure authorization and work plan and authorize the Acting Chair Pro-Tem to sign electronically, which was seconded by Commissioner Saine, and it carried unanimously.

4) CONSIDER GRANT APPLICATION FOR 2024-2026 TONY GRAMPAS YOUTH SERVICES PROGRAM AND AUTHORIZE DEPARTMENT OF HUMAN SERVICES TO SUBMIT ELECTRONICALLY: Ms. Ulrich stated this application is for grant funding to be used for effective, community-based programs that serve children, youth, and their families to prevent youth crime and violence. She further explained, if the County is awarded these funds, the grant would be used to pay the salaries of the High-Fidelity Wraparound team, who work within the Family Resource Division, working

directly with children and families who have complex behavioral and mental health needs. Commissioner Saine moved to approve said application, and authorize the Department of Human Services to submit electronically. The motion was seconded by Commissioner Buck, and it carried unanimously.

5) CONSIDER CONTRACT ID #6536 EQUIPMENT LEASE AND RENTAL AGREEMENTS MANDATORY CONTRACT PROVISIONS FOR TWO (2) 40-TON HAUL TRUCKS AND AUTHORIZE CHAIR TO SIGN – 4 RIVERS EQUIPMENT: Curtis Hall, Director of the Department of Public Works, stated the agreements are for the rental of two (2) 40-ton haul trucks to be utilized for stockpile pit runs for surface gravel processing and reclamation in the mining division. He further explained three (3) quotes were received, and the lowest annual rental is for the total cost of \$320,200.00, which is under budget, so leasing still remains the most economical option. Commissioner Buck moved to approve said agreements and authorize the Acting Chair Pro-Tem to sign. Seconded by Commissioner Saine, the motion carried unanimously.

6) CONSIDER DIRECTING CLERK TO THE BOARD TO HAVE PUBLISHED EMERGENCY ORDINANCE NO. 258- B, SUPPLEMENTAL BUDGET APPROPRIATION FOR 2022: Jennifer Oftelie, Budget Manager, requested the Clerk to the Board's Office to publish the Emergency Ordinance No. 258-B, as it is a requirement of the Colorado Revised Statute (CRS). In response to Commissioner Saine, Ms. Oftelie gave a brief explanation of the need for a Supplemental Budget Appropriation, and after further discussion, it was decided that more information was needed for the general public to understand what this is for and why it is needed. Commissioner Buck moved to approve Emergency Ordinance No. 258-B. The motion was seconded by Commissioner Saine, and it carried unanimously.

**PLANNING:**

1) CONSIDER DECOMMISSIONING PLAN AND ACCEPT COLLATERAL FOR A SITE SPECIFIC DEVELOPMENT PLAN AND USE BY SPECIAL REVIEW PERMIT, USR21-0020, FOR A SOLAR ENERGY FACILITY (SEF) OUTSIDE OF SUBDIVISIONS AND HISTORIC TOWNSITES IN THE A (AGRICULTURAL) ZONE DISTRICT – ESTROMINA CO GREELEY LAND, LLC, AKA ECA CO GREELEY, LLC, C/O CLOUDBREAK ENERGY PARTNERS, LLC: Michael Hall, Department of Planning Services, stated this surety bond lists the owner of the facility, since the transfer takes place prior to the operation, and he further stated USR21-0020 was approved on January 26, 2022, and the Condition of Approval #1.A requires a Surety Bond for decommissioning and reclamation purposes, per Weld County Code. Mr. Hall stated staff reviewed the Bond, in the amount of \$231,707.96, and deemed it acceptable. Zach Brammer, representative, was present for questions. Commissioner Saine moved to approve said decommissioning plan, and accept collateral. The motion was seconded by Commissioner Buck, and it carried unanimously.

2) CONSIDER CERTIFICATION TO WELD COUNTY TREASURER OF ZONING VIOLATION PENALTIES AS SPECIAL ASSESSMENT – JOSE MENDOZA (*CONT'D FROM 11/9/2022*): Matthew Conroy, Assistant County Attorney, stated Jose Mendoza has a court-ordered penalty of \$25.00 per day, beginning on September 19, 2022, and violations include a non-commercial junkyard consisting of derelict vehicles and other debris, which results in a total of \$1,225.00 to be certified as a special assessment. Bethany Pascoe, Zoning Compliance Officer, displayed photographs of the property in question taken during her inspection on November 30, 2022, and again on December 6, 2022, and there is no apparent change. Jose Mendoza, property owner, was present for questions and referenced photographs as evidence of his efforts to clean the property. He further stated due to working on a project in Estes Park, Colorado, and an illness he had, he has not been able to clear the property as he intended. In response to Commissioner Moreno, Mr. Mendoza confirmed he understands that he needs to clear the property, since it is in the floodplain, and not simply put up a fence to contain the items on the property. In response to Commissioner Moreno, Ms. Pascoe stated the photographs submitted by Mr. Mendoza were taken prior to the initial hearing and there has not been significant improvement. In response to Commissioner Moreno, Mr. Mendoza stated he will need six (6) months to clean his property. After

discussion, the Board informed Mr. Mendoza they are willing to grant two (2) months. Commissioner Saine moved to continue said certification of zoning violation penalties as a special assessment to February 22, 2023, at 9:00 a.m. Commissioner Buck seconded the motion, and it carried unanimously.

3) SECOND 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*): Commissioner Buck moved to read Code Ordinance #2022-08 by title only. The motion was seconded by Commissioner Saine, and it carried unanimously. Karin McDougal, Assistant County Attorney, read the title for the record. Jim Flesher, Department of Planning Services, gave a brief overview and stated there have been no changes since First Reading. Mr. Teets stated, in his opinion, the setback should be further, and noted at the City of Evans Board Meeting, it was indicated they will follow the guidance of the County regarding this matter. Steven Grant, Evans resident, stated his support for the decisions being made concerning this matter. Commissioner Buck moved to approve Code Ordinance #2022-08 on Second Reading, and commented this is important, since it is a matter of public safety. The motion was seconded by Commissioner Saine, 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 Second Reading.

Let the minutes reflect that the above and foregoing actions were attested to and respectfully submitted by the Clerk to the Board. There being no further business, this meeting was adjourned at 9:48 a.m.

These Minutes were approved on the 21st day of December, 2022.

BOARD OF COUNTY COMMISSIONERS  
WELD COUNTY, COLORADO

ATTEST:

Weld County Clerk to the Board

EXCUSED  
\_\_\_\_\_  
Scott K. James, Chair

BY: \_\_\_\_\_  
Deputy Clerk to the Board

EXCUSED  
\_\_\_\_\_  
Mike Freeman, Pro-Tem

\_\_\_\_\_  
Perry L. Buck

APPROVED AS TO FORM:

\_\_\_\_\_  
Steve Moreno, Acting Chair Pro-Tem

\_\_\_\_\_  
County Attorney

\_\_\_\_\_  
Lori Saine

Date of signature: \_\_\_\_\_