

RECORD OF PROCEEDINGS

MINUTES

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO MONDAY, DECEMBER 19, 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 19, 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
Controller, Chris D'Ovidio

MINUTES:

1) Commissioner Buck moved to approve the Minutes of the Board of County Commissioners meeting of November 30, 2022, as printed. Commissioner Moreno seconded the motion, and it carried unanimously.

2) Commissioner Freeman moved to approve the Minutes of the Board of County Commissioners meeting of December 5, 2022, as printed. Commissioner Buck seconded the motion, and it carried unanimously.

READ ORDINANCE BY AUDIO: Commissioner Moreno moved to read Emergency Code Ordinance #258-B by audio. The motion was seconded by Commissioner Freeman, and it carried unanimously.

CERTIFICATION OF HEARINGS: Commissioner Saine moved to approve the Certification of Hearings conducted on November 30, 2022, as follows: 1) USR22-0020 – Pierce Hardy Limited Partnership, c/o 84 Lumber Company, 2) USR22-0026 – Calvary Farms, LLC, c/o Bayswater Exploration and Production, LLC, and 3) COZ22-0008 – JAMM Power Service, 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 Saine seconded the motion and it carried unanimously.

COMMISSIONER COORDINATOR REPORTS: Commissioner Buck congratulated Chair James for receiving the Colorado Counties, Inc, (CCI) Commissioner of the Year Award for the State of Colorado; and Jaime Ulrich, Director of the Department of Human Services, for being named the top Director for the Department of Human Services in the State of Colorado. Commissioners Freeman, Moreno, and Saine echoed the same sentiments as Commissioner Buck, and stated it's an honor to work alongside such great leadership and the awards are well-deserved. Chair James gave appreciation for the recognition, and congratulated Ms. Ulrich for being recognized as being the best in the State, and stated it is because of the leadership qualities she has for not only her department, but that she comes alongside others in the County, which has equipped Weld County to build the best team in the State. He further reported the Transportation Commission met last week and asserted Segment 5 is fully funded for the necessary improvements to Interstate 25 (I-25), between State Highways (SH) 56 to 66.

PRESENTATIONS:

1) **RECOGNITION OF SERVICES, DEPARTMENT OF FINANCE AND ADMINISTRATION – DONALD WARDEN:** Chair James read the certificate for the record. Don Warden, Director of the Department of Finance and Administration, with his wife Shirley by his side, stated the longevity and stamina for his 44-year long career with Weld County was due, much in part, to the support of the 35 Commissioners and staff with whom he worked with during his tenure. He thanked his wife for being his confidant and offering her perspective. Each Commissioner, in turn, expressed their endless gratitude and confidence that Weld County is debt-free due to Mr. Warden's fiscal responsibility and financial knowledge, and congratulated him on his retirement. *(Clerk's Note: The group gathered for a photo opportunity).*

2) **RECOGNITION OF SERVICES, WELD COUNTY COMMISSIONER – STEVE MORENO:** Chair James read the certificate for the record. Each Commissioner, in turn, complimented him on 37 years serving the citizens of Weld County, as the Clerk and Recorder and as a Commissioner for the past 12 years. They expressed their appreciation for his leadership, kindness, and friendship, and they shared their congratulations on his retirement. Commissioner Moreno thanked his fellow Board members, and shared his heart-felt appreciation for the opportunities during his tenure which allowed for many friendships to form. *(Clerk's Note: The group gathered for a photo opportunity).*

3) **2022 EMPLOYEE SERVICE AWARDS – 10, 20, AND 30-YEAR EMPLOYEES:** Chair James introduced the presentation for the record and the various Elected Officials and Department Heads spent approximately the next 60 minutes honoring numerous employees and presenting them with 10-, 20-, and 30-year pins. The Commissioners, in turn, thanked the employees for their years of dedication to the citizens of Weld County.

(Clerk's Note: The Chair requested a five (5) minute recess, and upon return, reconvened the meeting.)

WARRANTS:

1) **GENERAL WARRANTS – DECEMBER 13, and 16, 2022:** Commissioner Moreno moved to approve the General Warrants, as printed. Commissioner Freeman seconded the motion and it carried unanimously.

BIDS:

1) **APPROVE BID #B2200166, ARCHITECTURAL AND ELECTRICAL DESIGN SERVICES FOR NEW BACKUP GENERATORS – FACILITIES DEPARTMENT:** Christie Peters, Purchasing Department, stated staff recommends selecting the lowest bidder who met specifications, Cairn Design, LLC, for a total amount of \$23,645.00. Commissioner Moreno moved to approve said bid. The motion was seconded by Commissioner Saine, and it carried unanimously.

NEW BUSINESS:

1) CONSIDER INTERGOVERNMENTAL GRANT AGREEMENT AWARD LETTER, CERTIFICATION OF COMPLIANCE, AND LOBBYING AGREEMENT FOR VICTIMS OF CRIME ACT (VOCA) PROGRAM FOR VICTIM WITNESS ASSISTANCE UNIT, AND AUTHORIZE CHAIR TO SIGN AND SUBMIT ELECTRONICALLY – 19TH JUDICIAL DISTRICT ATTORNEY’S OFFICE: Michael Rourke, 19th Judicial District Attorney, alongside JoAnn Holden, District Attorney’s Office, presented the agreement for the Grant Award for the Victim Witness Assistance Unit, in the amount of \$637,784.00, in funds over a two (2)-year period. He stated the grants are not matched by the County, and partially funds seven (7) of 16 staff members for the Victim Witness Assistance Unit. Commissioner Freeman moved to approve said award letter, certification, and agreement and authorize the Chair to electronically sign and submit. The motion was seconded by Commissioner Moreno, and it carried unanimously.

2) CONSIDER CONTRACT FOR 2023 VICTIM ASSISTANCE AND LAW ENFORCEMENT (VALE) FOR VICTIM WITNESS ASSISTANCE UNIT, AND AGREEMENT WITH SUBRECIPIENT OF FEDERAL RECOVERY FUNDS, AND AUTHORIZE CHAIR TO SIGN ELECTRONICALLY – 19TH JUDICIAL DISTRICT ATTORNEY’S OFFICE: Mr. Rourke stated this is a contract for grant funding from the local VALE Board for the amount of \$142,000.00, and explained this grant is not matched by the County and partially funds six (6) staff members for the Victim Witness Assistance Unit. Commissioner Buck moved to approve said contract and agreement, and authorize the Chair to sign electronically. The motion was seconded by Commissioner Freeman, and it carried unanimously.

3) CONSIDER CONTRACT ID #6513 INTERGOVERNMENTAL GRANT AGREEMENT AWARD LETTER AND SUMMARY OF GRANT AWARD TERMS AND CONDITIONS FOR VICTIMS OF CRIME ACT (VOCA) PROGRAM FOR BILINGUAL ADVOCATE UNIT, AND AUTHORIZE CHAIR TO SIGN AND SUBMIT ELECTRONICALLY – SHERIFF’S OFFICE: Sonja Kohlgraf, Sheriff’s Office, requested approval to accept the grant award, amounting to \$171,228.00 in funds over a two (2)-year period. She further explained this grant pays for one (1) full-time employee for the Bilingual Advocate Unit. Commissioner Saine moved to approve said intergovernmental grant agreement award letter and authorize the Chair to sign and submit electronically. The motion, which was seconded by Commissioner Buck, carried unanimously.

4) CONSIDER CONTRACT ID #6565 CONTRACT FOR 2023 VICTIM ASSISTANCE AND LAW ENFORCEMENT (VALE) GRANT FOR LAW ENFORCEMENT VICTIM SERVICES, AND AUTHORIZE CHAIR TO SIGN ELECTRONICALLY – SHERIFF’S OFFICE: Ms. Kohlgraf requested approval to accept the grant award, amounting to \$33,670.00, for January 1, 2023 through December 31, 2023, to partially fund one (1) full-time equivalent (FTE) in the Victim Assistance Unit. Commissioner Buck moved to approve said contract and authorize the Chair to sign electronically. Seconded by Commissioner Freeman, the motion carried unanimously.

5) CONSIDER CORRECTED PETITION FOR ABATEMENT OR REFUND OF TAXES FOR ACCOUNT NUMBER P9105246 – ZELIOS COLORADO, LLC, DBA GEMINI EXTRACTION: Brenda Dones, Weld County Assessor, gave a brief overview of the Board approval from November 21, 2022, concerning a business personal property account. She explained, upon review, the County noticed a financial error that occurred on the Tax Abatement Form and the Resolution, and requested the Board approve the corrected assessed valuation of \$539,630.00, resulting in a refund of \$105,446.16. Commissioner Moreno moved to approve said corrected petition for abatement or refund of taxes. The motion was seconded by Commissioner Buck, and it carried unanimously.

6) CONSIDER PETITION FOR ABATEMENT OR REFUND OF TAXES FOR ACCOUNT NUMBER R1752202 – TBK BANK SSB: Ms. Dones stated the next seven (7) abatements were filed by the same tax agent who has stated he will not discuss these with the Assessor’s Office until they are at the State

Board of Assessment Appeals level, and requested administrative denial on all stated abatements. She explained her office has reviewed the documents for each abatement, and staff is also recommending denial, in order to preserve the Petitioner's rights to move to the Board of Assessment Appeals. Ms. Dones stated in this abatement, the petitioner, TBK Bank, is located in Milliken, Colorado, and the request is to deny the abatement for tax year 2021, and uphold the Assessor's value of \$863,200.00. No petitioner or agent was present. Commissioner Freeman moved to deny said petition for abatement or refund of taxes. Commissioner Moreno seconded the motion, and it carried unanimously.

7) CONSIDER PETITION FOR ABATEMENT OR REFUND OF TAXES FOR ACCOUNT NUMBER R4004706 – TBK BANK SSB: Ms. Dones stated this petition is for TBK Bank located in Mead, Colorado, for tax year 2021, and stated staff's recommendation is to deny the petition for abatement, and uphold the value of \$1,915,000.00. No petitioner or agent was present. Commissioner Freeman moved to deny said petition for abatement or refund of taxes. Commissioner Saine seconded the motion, and it carried unanimously.

8) CONSIDER PETITION FOR ABATEMENT OR REFUND OF TAXES FOR ACCOUNT NUMBER R4060686 – TBK BANK SSB: Ms. Dones stated this petition is for TBK Bank located in LaSalle, Colorado, for tax year 2021, and stated staff's recommendation is to deny the petition for abatement, and uphold the value of \$692,300.00. No petitioner or agent was present. Commissioner Moreno moved to deny said petition for abatement or refund of taxes. Commissioner Saine seconded the motion, and it carried unanimously.

9) CONSIDER PETITION FOR ABATEMENT OR REFUND OF TAXES FOR ACCOUNT NUMBER R2466303 – NORTHSTAR BANK OF COLORADO: Ms. Dones stated this petition is for NorthStar Bank located in Greeley, Colorado, for tax year 2021, and stated staff's recommendation is to deny the petition for abatement, and uphold the value of \$1,826,078.00. No petitioner or agent was present. Commissioner Saine moved to deny said petition for abatement or refund of taxes. Commissioner Freeman seconded the motion, and it carried unanimously.

10) CONSIDER PETITION FOR ABATEMENT OR REFUND OF TAXES FOR ACCOUNT NUMBER R3252804 – NORTH FOREST OFFICE SPACE DENVER, LLC: Ms. Dones stated this petition is for a multi-tenant office building located in Firestone, Colorado, for tax year 2021, and stated staff's recommendation is to deny the petition for abatement, and uphold the value of \$1,835,000.00. No petitioner or agent was present. Commissioner Buck moved to deny said petition for abatement or refund of taxes. Commissioner Saine seconded the motion, and it carried unanimously.

11) CONSIDER PETITION FOR ABATEMENT OR REFUND OF TAXES FOR ACCOUNT NUMBER R3919505 – 2316 INVESTMENTS, LLC: Ms. Dones stated this petition is for a multi-tenant retail space in Greeley, Colorado, for tax year 2021, and stated staff's recommendation is to deny the petition for abatement, and uphold the value of \$3,162,835.00. No petitioner or agent was present. Commissioner Freeman moved to deny said petition for abatement or refund of taxes. Commissioner Moreno seconded the motion, and it carried unanimously.

12) CONSIDER PETITION FOR ABATEMENT OR REFUND OF TAXES FOR ACCOUNT NUMBER R6785437 – 20680 NIOBRARA BLVD, LLC: Ms. Dones stated this petition is for a warehouse located in Peckham, Colorado, for tax year 2021, and stated staff's recommendation is to deny the petition for abatement, and uphold the value of \$1,011,244.00. No petitioner or agent was present. Commissioner Moreno moved to deny said petition for abatement or refund of taxes. Commissioner Saine seconded the motion, and it carried unanimously.

13) CONSIDER TAX INCENTIVE AGREEMENT PURSUANT TO C.R.S. § 30-11-123, AND AUTHORIZE CHAIR TO SIGN – NORFOLK IRON AND METAL COMPANY: Don Warden, Director of the Department of Finance and Administration, stated this agreement provides a 50% personal property tax incentive payment, in the amount of \$58,438.00, over a ten (10)-year period. Mr. Warden explained Norfolk Iron and Metal Company is making an \$6 Million investment and intends to expand their existing company by 13 FTE's over the next two (2) years. He stated the company meets all criteria for this incentive. Commissioner Moreno moved to approve said agreement and authorize the Chair to sign. Seconded by Commissioner Saine, the motion carried unanimously.

14) CONSIDER EMERGENCY ORDINANCE NO. 258-B, IN THE MATTER OF A SUPPLEMENTAL BUDGET APPROPRIATION FOR THE YEAR 2022: Mr. Warden stated this is the second of two (2) supplemental appropriations to allow for unexpected adjustments to be made for the 2022 Final Budget. He referenced the exhibits that detail the balance of funds, and explained the various reasons that drove the need to have funds appropriated for the 2022 Final Budget. No public testimony was made concerning this matter. Commissioner Moreno moved to approve Emergency Ordinance No. 258-B. The motion was seconded by Commissioner Saine, and it carried unanimously.

PLANNING:

1) CONSIDER PARTIAL VACATION OF TWO-LOT RECORDED EXEMPTION, RE-4653, FOR REMOVAL OF LOT B – PV EAST, LLC, C/O RICHARD JOHNSON: Maxwell Nader, Department of Planning Services, stated staff received a letter from the applicant requesting the vacation of Lot B from Recorded Exemption, RE-4653, that is an approximate 118-acre parcel. He further stated Lot A is not a part of this request, all Code criteria has been met, and staff recommends approval. Richard Johnson, applicant, was present for questions. No public testimony was offered concerning this matter. Commissioner Freeman moved to approve said partial vacation. 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. Ordinance #258-B 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 10:50 a.m.

These Minutes were approved on the 4th day of January, 2023.

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