

RECORD OF PROCEEDINGS

MINUTES

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO WEDNESDAY, DECEMBER 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, December 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
Controller, Chris D'Ovidio

MINUTES: Commissioner Moreno moved to approve the Minutes of the Board of County Commissioners meeting of December 7, 2022, as printed. Commissioner Saine seconded the motion, and it carried unanimously.

READ ORDINANCE BY AUDIO: Commissioner Buck moved to read Code Ordinance #2023-01 by audio. The motion was seconded by Commissioner Saine, and it carried unanimously.

CERTIFICATION OF HEARINGS: Commissioner Buck moved to approve the Certification of Hearings conducted on December 7, 2022, as follows: 1) USR22-0024 – Lytle Farms, LLC, c/o SunShare, LLC, dba BecLee Solar, LLC. Commissioner Freeman seconded the motion, which carried unanimously.

PUBLIC INPUT: Steve Teets, Greeley resident, stated he is a member of the Weld County Mobility Council, and reported they are working to create a forum to discuss Housing for the Homelessness. He further spoke on his concern with inadequate cold weather shelters in Greeley, and immigration issues, with cities like El Paso, Texas, and Denver, Colorado, are in a state of emergency. Chair James commented that Roy Rudisill, Director of the Office of Emergency Management, has been working with outside agencies in preparation for the next anticipated arctic freeze.

AMENDMENTS TO AGENDA: There were no amendments to the agenda; however, Commissioner Saine shared her Commissioner Coordinator Report, recited various End of Year (*marked Exhibit A*) statistics that encompassed the different divisions within the Department of Human Services, and further presented Jamie Ulrich, Director, and Tami Grant, Deputy Director of the Department of Human Services, with a gift for their weekly 'Jammie Show' that informs their staff of what is happening within their Department. Commissioner Freeman thanked Commissioner Moreno for his leadership on the Board for the past eight (8) years, and further thanked Chair James for his role as Chair for this year. Commissioner

Buck thanked Commissioner Freeman for stepping up to be the Chair for 2023. Commissioner Moreno expressed it has been his honor to serve the citizens of Weld County.

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

PRESENTATIONS:

1) WELD COUNTY COMMISSIONERS' CONSTITUTION DAY ESSAY AND ART CONTEST WINNERS – AAKYRIAH WILLIAMS AND MIKA BROWN: Chair James introduced the Constitution Day Contest, and read the certifications for the record. Mika Brown, contest winner for her poem entry, was present, but had nothing further to say. *(Clerk's Note: The group gathered for a photo opportunity).*

WARRANTS:

1) GENERAL WARRANTS – DECEMBER 20, 2022: Commissioner Moreno moved to approve the General Warrants, as printed. Commissioner Buck seconded the motion, and it carried unanimously.

BIDS:

1) APPROVE BID #B2200139, CRS 74 AND 33 INTERSECTION ROUNDABOUT PROJECT – DEPARTMENT OF PUBLIC WORKS: Christie Peters, Purchasing Department, stated two (2) bids were received, and staff recommends selecting the lowest bidder who met specifications, Lawson Construction Company, for a total amount of \$9,210,800.80. She further stated this project includes grant funds from the Colorado Department of Transportation (CDOT), in the amount of \$1,091,818.00, and from the Town of Eaton in the amount of \$22,696.00. Ms. Peters stated, if approved, the project is slated to begin in January 2023, and expected to be completed in September 2023. Commissioner Moreno moved to approve said bid. The motion was seconded by Commissioner Buck, and it carried unanimously.

2) APPROVE BID #B2200174, PRECAST CONCRETE PIPE – DEPARTMENT OF PUBLIC WORKS: Ms. Peters stated staff recommends selecting the sole bidder who met specifications, Forterra Precase Concepts, dba Rinker Materials, for a total amount of \$39,412.00, and meets the 30-day delivery requirement needed to complete the project in a timely manner. Commissioner Buck moved to approve said bid. The motion was seconded by Commissioner Freeman, and it carried unanimously.

3) APPROVE BID #B2200169, LEGAL NEWSPAPER SERVICE FOR 2023 CALENDAR YEAR – CLERK TO THE BOARD'S OFFICE: Ms. Peters stated staff recommends selecting the sole bidder who met specifications, Greeley Tribune, for a total amount of \$48,792.60. She further stated there are no changes to the rates that are proposed for 2023, compared to 2022. Commissioner Buck moved to approve said bid. The motion was seconded by Commissioner Moreno, and it carried unanimously.

4) PRESENT BID #B2200170, INTRUSION SYSTEM UPGRADE – FACILITIES DEPARTMENT: Ms. Peters stated one (1) bid was received and staff will make a recommendation on January 4, 2023.

5) PRESENT BID #B2200173, FIRE ALARM UPGRADE – FACILITIES DEPARTMENT: Ms. Peters stated two (2) bids were received and staff will make a recommendation on January 4, 2023.

NEW BUSINESS:

1) CONSIDER OFFICIAL ABSTRACT OF VOTES CAST FOR NOVEMBER 8, 2022, GENERAL ELECTION: Carly Koppes, Weld County Clerk and Recorder, alongside Rudy Santos, Chief Deputy of Clerk and Recorder, stated the 2022 General Election had 210,000 ballots mailed out, and they received 62% voter participation. In response to Commissioner Saine, Ms. Koppes reported how this election compared to previous election year results. Commissioner Moreno moved to approve said abstract of votes cast for the November 8, 2022, General Election. The motion was seconded by Commissioner Freeman. Commissioner Moreno thanked both Ms. Koppes and Mr. Santos for ensuring fair and secure

voting procedures, and there being no further discussion, the motion carried unanimously.

2) CONSIDER CONTRACT ID #6532 INDIVIDUAL PROVIDER CONTRACT FOR PURCHASE OF FOSTER CARE SERVICES IN A FOSTER CARE HOME AND AUTHORIZE CHAIR TO SIGN – DORIAN BROWN: Jamie Ulrich, Director of the Department of Human Services, stated this contract is for a new provisional kinship foster care home located in Aurora, Colorado. Commissioner Saine moved to approve said contract and authorize the Chair to sign. The motion was seconded by Commissioner Buck, and it carried unanimously.

3) CONSIDER CONTRACT ID #6533 INDIVIDUAL PROVIDER CONTRACT FOR PURCHASE OF FOSTER CARE SERVICES IN A FOSTER CARE HOME AND AUTHORIZE CHAIR TO SIGN – MATTHEW AND VALERIE BECKSTRAND: Ms. Ulrich stated this contract is for a new certified kinship foster care home located in Frederick, Colorado. Commissioner Freeman moved to approve said contract and authorize the Chair to sign. Seconded by Commissioner Buck, the motion carried unanimously.

4) CONSIDER CONTRACT ID #6543 CHILD PROTECTION AGREEMENT FOR SERVICES (BID #B2200040) AND AUTHORIZE CHAIR TO SIGN – WHICH WAY?, LLP: Ms. Ulrich stated this agreement is to provide foster parent training services. Commissioner Freeman moved to approve said agreement and authorize the Chair to sign. The motion, which was seconded by Commissioner Buck, carried unanimously.

5) CONSIDER CONTRACT ID #6557 CHILD PROTECTION AGREEMENT FOR SERVICES (BID #B2200040) AND AUTHORIZE CHAIR TO SIGN – APPA THERAPY, PLLC: : Ms. Ulrich stated this agreement is to provide home studies and home-based intervention services. Commissioner Saine moved to approve said agreement and authorize the Chair to sign. The motion, which was seconded by Commissioner Buck, carried unanimously.

6) CONSIDER CONTRACT ID #6547 EXPENDITURE AUTHORIZATION AND WORK PLAN FOR WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA) PERFORMANCE INCENTIVE FUNDS (PIF), AND AUTHORIZE CHAIR TO SIGN ELECTRONICALLY: Ms. Ulrich stated this expenditure authorization will allow Employment Services of Weld County to provide workforce training and various other WIOA implementations. Commissioner Buck moved to approve said expenditure authorization and work plan and authorize the Chair to sign electronically. The motion was seconded by Commissioner Moreno, and it carried unanimously.

7) CONSIDER CONTRACT ID #6564 EXPENDITURE AUTHORIZATION AND WORK PLAN FOR WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA) VETERAN'S SERVICE TO CAREER PROGRAM (VSCP), AND AUTHORIZE CHAIR TO SIGN ELECTRONICALLY: Ms. Ulrich stated the Department has received a funding stream from the Colorado Department of Labor and Employment, in the amount of \$36,850.00, as a Notice of Funding Authorization for the Veteran's Service to Career Program (VSCP) to expand service options tailored to meet each veteran's individual needs. Commissioner Moreno moved to approve said expenditure authorization and work plan and authorize the Chair to sign electronically. The motion, which was seconded by Commissioner Buck, carried unanimously.

8) CONSIDER CONTRACT ID #6551 AGREEMENT FOR PROFESSIONAL SERVICES FOR SAFETOUCH: BODY SAFETY PROGRAM AND PARENT EDUCATION SERVICES, AND AUTHORIZE CHAIR TO SIGN – LUTHERAN FAMILY SERVICES ROCKY MOUNTAINS: Ms. Ulrich stated this agreement allows for the community to receive services from the SafeTouch: Body Safety Program and Parent Education. Commissioner Saine moved to approve said agreement and authorize the Chair to sign. Commissioner Buck seconded the motion, and it carried unanimously.

9) CONSIDER CONTRACT ID #6561 MEMORANDUM OF UNDERSTANDING FOR CHILD WELFARE AND ADULT PROTECTIVE SERVICES HOTLINE, AND AUTHORIZE CHAIR TO SIGN – PROWERS COUNTY: Ms. Ulrich stated the memorandum of understanding is to purchase call coverage services through the Hotline County Connection Center for child welfare and adult protective services. Commissioner Freeman moved to approve said memorandum of understanding and authorize the Chair to sign. The motion, which was seconded by Commissioner Buck, carried unanimously.

10) CONSIDER STANDARD FORM OF AGREEMENT FOR PERSONAL IDENTIFYING INFORMATION (PII) CERTIFICATION AND AUTHORIZE DIRECTOR OF DEPARTMENT OF HUMAN SERVICES TO SIGN ANY AGREEMENTS CONSISTENT WITH SAID FORM: Ms. Ulrich stated this is the State certification form to ensure the Department of Human Services entities will not use or disclose personal identifying information. Commissioner Buck moved to approve said certification and authorize the Director of the Department of Human Services to sign agreements consistent with said form. The motion was seconded by Commissioner Moreno, and it carried unanimously.

11) CONSIDER REVISED STANDARD FORM OF AGREEMENT, RATES, AND PROVIDER LIST FOR INDIVIDUAL PROVIDER CONTRACT FOR PURCHASE OF FOSTER CARE SERVICES IN A FOSTER CARE HOME AND AUTHORIZE CHAIR TO SIGN: Ms. Ulrich stated the Resolution is for a revision of the agreement form, rates, and provider list for Out-of-Home services for the 2022-2023 contract year, including County-specific requirements within the existing state CWS-7A form, as an exhibit. Commissioner Buck moved to approve said revised form, list, and rates, and authorize the Chair to sign contracts consistent with said form. Seconded by Commissioner Freeman, the motion carried unanimously. *(Clerk's Note: Ms. Ulrich expressed her appreciation for working with Commissioner Moreno, and wished him the best in his retirement.)*

12) CONSIDER 2023-2028 WELD COUNTY STRATEGIC PLAN: Ryan Rose, Director of Administrative Services, stated the new Strategic Plan is the product of a collaborative year-long endeavor by Weld County leadership and employees. He further stated the County consulted with an outside company, Barry and Dunn, to provide the final version for the Board's approval. Commissioner Freeman moved to approve said strategic plan. The motion was seconded by Commissioner Saine, and it carried unanimously.

13) CONSIDER STOP LOSS APPLICATION AND SCHEDULE OF INSURANCE, AND AUTHORIZE CHAIR TO SIGN AND SUBMIT ELECTRONICALLY – AETNA LIFE INSURANCE COMPANY: Staci Datterri-Frey, Department of Human Resources, explained the Stop Loss Application and Schedule of Insurance is an addendum to the current contract with Aetna. Commissioner Saine moved to approve said application and schedule and authorize the Chair to sign and submit electronically. Seconded by Commissioner Moreno, the motion carried unanimously.

14) CONSIDER CAFETERIA PLAN AND FLEXIBLE SPENDING ACCOUNTS (FSA) SERVICES AGREEMENT, AND BUSINESS ASSOCIATE AGREEMENT, AND AUTHORIZE CHAIR TO SIGN – ROCKY MOUNTAIN RESERVE: Ms. Datterri-Frey stated this contract is for the new flexible spending accounts (FSA) provider for the County. Commissioner Moreno moved to approve said agreements and authorize the Chair to sign. The motion was seconded by Commissioner Freeman, and it carried unanimously.

15) CONSIDER AMENDMENT #3 TO LEAVE MANAGEMENT SERVICES AGREEMENT AND AUTHORIZE CHAIR TO SIGN – UPMC BENEFIT MANAGEMENT SERVICES, INC., DBA WORKPARTNERS: Ms. Datteri-Frey stated this amendment is with Workpartners for the family medical leave management program for the 2023 calendar year. Commissioner Buck moved to approve said amendment and authorize the Chair to sign. The motion, which was seconded by Commissioner Freeman, carried unanimously

16) CONSIDER APPLICATION FOR 2023 EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG) AND LOCAL EMERGENCY MANAGER SUPPORT (LEMS) PROGRAM FUNDING, AND AUTHORIZE OFFICE OF EMERGENCY MANAGEMENT TO SIGN AND ELECTRONICALLY SUBMIT: Roy Rudisill, Director of the Office of Emergency Management (OEM), explained this year the State of Colorado has decided to have this application process done electronically, and this grant is in the amount of \$89,784.00. He stated these funds will allow for the support of OEM programs and delegate authority for staff signature and submittal of forms and reports. Commissioner Buck moved to approve said application, and authorize the Office of Emergency Management to electronically sign and submit. The motion was seconded by Commissioner Saine, and it carried unanimously.

17) CONSIDER CONTRACT ID #6567 AMENDMENT #1 TO LEASE AGREEMENT FOR COMMUNICATIONS TOWER AND SITE AND AUTHORIZE CHAIR TO SIGN – T-MOBILE WEST, LLC: Tina Powell, Director of the Department of Public Safety Communications, stated this amendment is for equipment from T-Mobile on the Fort Lupton radio tower, and explained the amendment also allows for five (5) five-year terms, totaling 25 years, with this first term totaling \$1,800.00, per month. Commissioner Freeman moved to approve said amendment and authorize the Chair to sign. The motion was seconded by Commissioner Buck, and it carried unanimously.

18) CONSIDER CONTRACT ID #6578 COMMUNICATIONS SYSTEM AND SERVICES AGREEMENT FOR TIME DIVISION MULTIPLE ACCESS WITH DYNAMIC DUAL MODE (TDMA/DDM) RADIO PROJECT, AND AUTHORIZE CHAIR TO SIGN – MOTOROLA SOLUTIONS, INC.: Ms. Powell stated this contract will allow for a radio upgrade beginning in 2023, that will double the talk capacity at each of the radio sites, and is part of a 10-year capital plan, for a total amount of \$2,789,000.00. Commissioner Moreno moved to approve said agreement and authorize the Chair to sign. Seconded by Commissioner Buck, the motion carried unanimously.

19) CONSIDER CONTRACT ID #6579 AMENDMENT #2 TO SYSTEM UPGRADE AGREEMENT (SUA) II FOR FRONT RANGE COMMUNICATIONS CONSORTIUM (FRCC) ASTRO 25 COMMUNICATIONS SYSTEM, AND AUTHORIZE CHAIR TO SIGN – MOTOROLA SOLUTIONS, INC.: Ms. Powell stated this amendment is to the Front Range Communications Consortium (FRCC) Maintenance Contract with Motorola Solutions, Inc. She further stated, Weld County's partners, Federal Heights and Adams County, both made changes to their infrastructure. Ms. Powell stated these additions increase the contract by a total of \$301,564.00, which will be billed back to those respective agencies quarterly from Weld County. Commissioner Moreno moved to approve said agreement and authorize the Chair to sign. Seconded by Commissioner Saine, the motion carried unanimously.

20) CONSIDER CONTRACT ID #6559 AMENDMENT #1 TO INTERGOVERNMENTAL AGREEMENT FOR FUNDING OF CAPITAL IMPROVEMENTS ON EAST COUNTY LINE ROAD/CR 1, AND AUTHORIZE CHAIR TO SIGN – BOULDER COUNTY: Don Dunker, Department of Public Works, stated this amendment is to the Intergovernmental Agreement for capital road improvements for a roundabout, to increase the budget from \$360,000.00, to \$500,000.00. He explained Boulder County is the project manager and will be contributing the same financial amount, bringing the grand total to \$1 Million. Commissioner Saine moved to approve said amendment and authorize the Chair to sign. The motion was seconded by Commissioner Buck, and it carried unanimously.

PLANNING:

1) CONSIDER PARTIAL VACATION OF THREE-LOT RECORDED EXEMPTION, RE-3242, FOR REMOVAL OF LOT C – DONALD AND SANDIE HALL: Chris Gathman, Department of Planning Services, stated staff received a letter from the applicant requesting the removal of Lot C from Recorded Exemption, RE-3242. He further indicated the general location of the approximately 120 acre parcel, and stated staff recommends approval with the Conditions of Approval reflected in the staff memo. Donald and Sandie Hall, applicants, were present and stated their plan is to split the property for a family residence. No public testimony was offered concerning this matter. Commissioner Saine moved to approve said partial vacation, with the Conditions of Approval. The motion was seconded by Commissioner Buck, and it carried unanimously.

2) FINAL 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 Freeman moved to read Code Ordinance #2022-08 by title only. The motion was seconded by Commissioner Moreno, and it carried unanimously. Bruce Barker, County Attorney, read the title for the record. Jim Flesher, Department of Planning Services, stated there have been no changes since Second Reading. No public testimony was offered concerning this matter. Commissioner Moreno moved to approve Code Ordinance #2022-08 on Final Reading. The motion was seconded by Commissioner Buck, and it carried unanimously.

3) FIRST READING OF CODE ORDINANCE #2023-01, IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 24 SUBDIVISIONS OF THE WELD COUNTY CODE (*FAMILY FARM DIVISION*): Tom Parko, Director of Planning Services, reviewed the proposed changes to the Weld County Code, which include, specifically, to streamline the Family Farm Division process by reducing the acreage minimum from 70 to 35 acres, increasing small lot requirements from 7 to 10 acres, and eliminating the requirement to have any type of existing improvements. He referenced one item of correspondence submitted at the Planning Commission held on December 6, 2022, from AGPROfessionals. Commissioner Freeman commented on the driving reason behind the minimum lot size being changed to 35 acres, and making this consistent is a big improvement. No public testimony was offered concerning this matter. Commissioner Freeman moved to approve Code Ordinance #2023-01 on First Reading. 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 Final Reading, and Code Ordinance #2023-01 was approved on First 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 10:02 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