

# RECORD OF PROCEEDINGS

## MINUTES

### BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO MONDAY, MAY 8, 2023

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, May 8, 2023, 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 Mike Freeman, Chair  
Commissioner Perry L. Buck, Pro-Tem  
Commissioner Scott K. James  
Commissioner Kevin D. Ross  
Commissioner Lori Saine

Also present:

County Attorney, Bruce Barker  
Acting Clerk to the Board, Houston Aragon  
Controller, Chris D'Ovidio

**MINUTES:** Commissioner Ross moved to approve the Minutes of the Board of County Commissioners meeting of April 24, 2023, as printed. Commissioner Buck seconded the motion, and it carried unanimously.

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

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

**COMMISSIONER COORDINATOR REPORTS:** Commissioner James reported on the various transportation committees, and stated he attended the I-25 Coalition meeting where Congresswoman Caraveo and Congressman Neguse confirmed they are ready to apply for Federal funding for transportation projects. He further stated he and Commissioner Ross attended the State Transportation Advisory Committee (STAC) where Colorado Department of Transportation (CDOT) discussed funding formulas, specifically a Consolidated Planning Grant (CPG), beginning in July 2023. Commissioner Buck stated she attended the Area Agency on Aging (AAA) Symposium, and expressed it was a wonderful event that was well attended. Commissioner Ross confirmed what Commissioner James reported concerning the STAC meeting, and added the Regional Planning Partnership (RPP) funding formula was also addressed. He stated House Bill, HB23-1101, passed and will now be legislation, and explained how that affects the Transportation Planning Region's (TPR) boundaries for local government. Commissioner Saine stated she testified on House Bill, HB23-1294, late Thursday night last week, and will be closely watching the Colorado State Legislative session today.

**PROCLAMATIONS:**

1) NATIONAL NURSES MONTH – MAY 2023: Chair Freeman read the proclamation for the record. Jason Chessher, Director of the Department of Public Health and Environment, expressed appreciation for the Board’s recognition of the nurses who work for Weld County, and stated there are unparalleled efforts from nurses that directly affect the health and well-being of citizens through every season in life. He further invited staff members to introduce themselves for the record. Each Commissioner, in turn, thanked the nursing staff for their selfless dedication to care for the citizens of Weld County. (*Clerk’s Note: The group gathered for a photo opportunity*).

**WARRANTS:**

1) GENERAL WARRANTS – MAY 5, 2023: Commissioner Buck moved to approve the General Warrants, as printed. Commissioner James seconded the motion, and it carried unanimously.

**BIDS:**

1) PRESENT BID #B2300105, JAIL ELEVATOR MODERNIZATION – FACILITIES DEPARTMENT: Carolyn Geisert, Purchasing Department, stated four (4) bids were received and staff will make a recommendation on May 22, 2023.

2) PRESENT BID #B2300108, SHOOTING RANGE WATER TREATMENT – FACILITIES DEPARTMENT: Ms. Geisert stated one (1) bid was received and staff will make a recommendation on May 22, 2023.

**NEW BUSINESS:**

1) CONSIDER APPLICATION FOR JUVENILE DIVERSION AND MARIJUANA TAX CASH FUNDS FOR THE STATE FUNDING ALLOCATION AND AUTHORIZE ELECTRONIC SUBMITTAL: Michael Rourke, 19th Judicial District Attorney, and Kirsta Britton, Director of Diversion for the 19th Judicial District Attorney’s Office, presented the application for \$153,000.00, in non-competitive grant funding, and explained the success rate of the Juvenile Diversion Program is above ninety percent (90+%). Commissioner Saine moved to approve said application and authorize electronic submittal. The motion was seconded by Commissioner Ross. After discussion, the motion carried unanimously.

2) CONSIDER APPLICATION FOR DEMOCRACY SUITE ICX PRINTER REIMBURSEMENT GRANT AND AUTHORIZE CLERK AND RECORDER’S OFFICE TO SUBMIT: At the request of legal counsel, Chair Freeman used Chair’s prerogative to move this item to the end of New Business, to allow an opportunity for Bruce Barker, County Attorney, to review.

3) CONSIDER APPOINTMENT OF BRIGITTE GRIMM AS WELD COUNTY TREASURER: Ryan Rose, Director of Finance and Administration, thanked the Board for their consideration in appointing Brigitte Grimm as the new Weld County Treasurer, and explained an extensive and comprehensive search was conducted, and the results were clear due to her professionalism, experience, and overall approach. Brigitte Grimm thanked the Board for the opportunity to serve as the Treasurer for Weld County. Commissioner Buck moved to approve said appointment. The motion was seconded by Commissioner Saine, and it carried unanimously.

4) CONSIDER APPOINTMENT TO WORKFORCE DEVELOPMENT BOARD: Commissioner James moved to approve said appointment. The motion was seconded by Commissioner Ross, and it carried unanimously.

5) CONSIDER REAPPOINTMENTS TO BOARD OF PUBLIC HEALTH: Commissioner Buck moved to approve said reappointments. The motion was seconded by Commissioner James, and it carried unanimously.

6) CONSIDER TEMPORARY CLOSURE OF CR 83 BETWEEN S.H. 14 AND CR 94: Amy Mutchie, Department of Public Works, stated this closure will begin on May 16, 2023, and go through May 19, 2023, for the replacement of an irrigation culvert. She stated the detour route is five (5) miles of gravel and three (3) miles paved, with water to be used for dust control. Commissioner Saine moved to approve said temporary closure. The motion was seconded by Commissioner Buck, and it carried unanimously.

7) CONSIDER TEMPORARY CLOSURE OF CR 22 BETWEEN U.S. HWY 85 AND CR 31: Ms. Mutchie stated this closure will begin on May 22, 2023, and go through June 16, 2023, for a super structure and full deck replacement of Bridge 22/27A. She stated the detour route is paved, and message boards will be used in advance of the closure. Commissioner Buck moved to approve said temporary closure. The motion was seconded by Commissioner James, and it carried unanimously.

8) 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: Chris D'Ovidio, Controller, stated the attached list of equipment, referenced as Exhibit A, is ready for auction on May 16, 2023, and added that all replacements have been received and are in production. Commissioner James moved to approve said declaration of certain equipment as surplus property, approve sale at auction, and delegate authority to Controller to sign any necessary documents. The motion was seconded by Commissioner Buck, and it carried unanimously.

2) CONSIDER APPLICATION FOR DEMOCRACY SUITE ICX PRINTER REIMBURSEMENT GRANT AND AUTHORIZE CLERK AND RECORDER'S OFFICE TO SUBMIT: Bruce Barker, County Attorney, explained every voting center is required to have a printer on-site to print the ballots of votes cast, and this is the reimbursement of the purchase of these printers. Rudy Santos, Chief Deputy Clerk and Recorder, agreed and explained they print real-sized ballots based on the voter digital selections made on the kiosk. In response to Commissioner Saine, Mr. Santos explained the printed ballots look identical to the mail-in ballots. Commissioner Ross moved to approve said application, and authorize the Clerk and Recorder's Office to submit. The motion was seconded by Commissioner Buck, and it carried unanimously.

**PLANNING:**

1) CONSIDER REQUEST TO EXTEND TIME TO COMPLETE CONDITIONS OF APPROVAL, RECORD THE MAP, BEGIN THE NEXT PHASE OF OPERATIONS AND EXEMPT RECORDING CONTINUANCE CHARGE, FOR SITE SPECIFIC DEVELOPMENT PLAN AND MAJOR AMENDED USE BY SPECIAL REVIEW PERMIT, 1MJUSR21- 76- 298, FOR OPEN MINING (SAND, GRAVEL, AND STONE) AND PROCESSING OF MINERALS, IMPORTATION OF AGGREGATE (SAND, GRAVEL, AND STONE) FROM OFF SITE, MINE OFFICE WITH SCALE HOUSE AND SCALE, A FUELING/LUBRICATING STATION, PORTABLE GENERATORS, MOBILE MINING EQUIPMENT PARKING, AND STORAGE, AND EMPLOYEE AND VENDOR PARKING, AND MORE THAN TWO (2) CONEX CONTAINERS FOR STORAGE OF PRODUCTS AND EQUIPMENT ASSOCIATED WITH OPERATIONS OUTSIDE OF SUBDIVISIONS AND HISTORIC TOWNSITES, IN THE A (AGRICULTURAL) ZONE DISTRICT – NORTH WELD GRAVEL, RLLP, C/O C & H AGGREGATE, LLC: Kim Ogle, Department of Planning Services, stated staff received a request from the applicant to request a third 12-month extension to complete Conditions of Approval, record the map, begin the next phase of operations, and exempt the recording continuance charge. He explained the applicant, Cliff Simpson, is nearing conclusion of the mining at the existing site and is requesting to begin mining a second 80-acre section with the submission of quarterly reports, which staff supports and recommends approval. In response to Commissioner James, Stacey Shay, applicant representative, stated the proposed revisions are with the County, pending staff review, and due to the end-of-life nearing on the current project, the desire is to maintain operations until moving to the next phase. Commissioner Buck moved to approve said extension. The motion was seconded by Commissioner James, and it carried unanimously.

2) CONSIDER IMPROVEMENTS AND ROAD MAINTENANCE AGREEMENT ACCORDING TO POLICY REGARDING COLLATERAL FOR IMPROVEMENTS, AUTHORIZE CHAIR TO SIGN, AND ACCEPT PROJECT COLLATERAL FOR CERTAIN ON-SITE IMPROVEMENTS AND ALL OFF-SITE IMPROVEMENTS FOR SITE SPECIFIC DEVELOPMENT PLAN AND RURAL LAND DIVISION FINAL PLAN, RLDF22-0002 – CMH HOMES, INC.: Jazmyn Trujillo-Martinez, Department of Planning Services, requested the Board accept project collateral in the amount of \$53,760.00, procured in the form of an Irrevocable Letter of Credit Number, SLCNNSP11084, issued by U.S. Bank National Association. She stated the applicant understands the required improvements are to be completed, per the scope of work. Commissioner James moved to approve said agreement, accept collateral, and authorize the Chair to sign. The motion was seconded by Commissioner Ross, and it carried unanimously.

3) CONSIDER TERMINATION OF ROAD MAINTENANCE IMPROVEMENTS AGREEMENT FOR 1041 WELD OIL AND GAS LOCATION ASSESSMENT PERMIT, 1041WOGLA19-0010 – ENERPLUS RESOURCES (USA) CORPORATION: Ms. Trujillo-Martinez stated a request was received from the Department of Oil and Gas Energy, on behalf of the applicant, requesting the Road Maintenance Improvements Agreement be terminated as a result of the expiration of the permit for 1041WOGLA19-0010, on April 8, 2023, since construction was not started within three (3) years of approval. Commissioner Ross moved to approve said termination. The motion was seconded by Commissioner James, and it carried unanimously.

4) CONSIDER TERMINATION OF ROAD MAINTENANCE IMPROVEMENTS AGREEMENT FOR 1041 WELD OIL AND GAS LOCATION ASSESSMENT PERMIT, 1041WOGLA19-0004 – LONGS PEAK RESOURCES, LLC, C/O BOOMTOWN OIL, LLC: Ms. Trujillo-Martinez stated a request was received from the Department of Oil and Gas Energy, on behalf of the applicant, requesting the Road Maintenance Improvements Agreement be terminated as a result of the expiration of the permit for 1041WOGLA19-0004, on April 8, 2023, since construction was not started within three (3) years of approval. Commissioner Ross moved to approve said termination. The motion was seconded by Commissioner Buck, and it carried unanimously.

5) CONSIDER TERMINATION OF ROAD MAINTENANCE IMPROVEMENTS AGREEMENT FOR 1041 WELD OIL AND GAS LOCATION ASSESSMENT PERMIT, 1041WOGLA19-0008 – VERDAD RESOURCES, LLC: Ms. Trujillo-Martinez stated a request was received from the Department of Oil and Gas Energy, on behalf of the applicant, requesting the Road Maintenance Improvements Agreement be terminated as a result of the expiration of the permit for 1041WOGLA19-0008, on April 8, 2023, since construction was not started within three (3) years of approval. Commissioner James moved to approve said termination. The motion was seconded by Commissioner Ross, and it carried unanimously.

6) FINAL READING OF CODE ORDINANCE #2023-03, IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 23 ZONING OF THE WELD COUNTY CODE (*MISCELLANEOUS ZONING*): Commissioner James moved to read Code Ordinance #2023-03 by title only. The motion was seconded by Commissioner Ross, 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. In response to Commissioner Saine, Chair Freeman explained the waiver for use of recreational vehicles (RV) during a medical need was put into place due to Covid-19, but there is no longer a need. Mr. Flesher further explained there is still a permitting process for temporary use while building a home, but it does not address a use for hardship. No public testimony was offered concerning this matter. Commissioner James moved to approve Code Ordinance #2023-03 on Final Reading. The motion was seconded by Commissioner Ross, and upon a roll call vote, the motion carried four (4) to one (1), with Commissioner Saine opposed.

**PUBLIC COMMENT:** There was no public comment.

**RESOLUTIONS AND ORDINANCES:** The Resolutions were presented and signed as listed on the Consent Agenda. Code Ordinance #2023-03 was approved on Final 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 9:36 a.m.

These Minutes were approved on the 22nd day of May, 2023.

BOARD OF COUNTY COMMISSIONERS  
WELD COUNTY, COLORADO

ATTEST:

Weld County Clerk to the Board

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

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Mike Freeman, Chair

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Perry L. Buck, Pro-Tem

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Scott K. James

\_\_\_\_\_  
Kevin D. Ross

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Lori Saine