

# RECORD OF PROCEEDINGS

## MINUTES

### BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO WEDNESDAY, JUNE 7, 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, June 7, 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  
Chief Financial Officer, Cheryl Pattelli

**MINUTES:** Commissioner Saine moved to continue the Minutes of the Board of County Commissioners meeting of May 24, 2023, to Monday, June 12, 2023, at 9:00 a.m. Commissioner James seconded the motion, and it carried unanimously.

**AMENDMENTS TO AGENDA:** Commissioner Saine made a motion to remove Emergency Code Ordinance #2023-08, from the agenda. Commissioner James seconded the motion. After discussion, the motion failed upon a roll call vote of three (3) to two (2), with Commissioners Buck, Ross, and Freeman opposed.

**READ ORDINANCE BY AUDIO:** Commissioner Buck moved to read Emergency Code Ordinance #2023-08 by audio. The motion was seconded by Commissioner Ross, and upon a roll call vote of four (4) to one (1), the motion carried with Commissioner Saine opposed.

**CERTIFICATION OF HEARINGS:** Commissioner Saine moved to approve the Certification of Hearings conducted on May 24, 2023, as follows: 1) USR23-0011 – Voltagrid, LLC. Commissioner James seconded the motion, which carried unanimously.

**ADDITIONAL AMENDMENTS TO AGENDA:** There were no additional 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.

**PRESENTATIONS:**

1) RECOGNITION OF SERVICES, SHERIFF'S OFFICE – LEE “JEFFREY” FALCONBURG: Chair Freeman read the certificate for the record. Sheriff Steve Reams spoke on their shared experiences and the privilege of working alongside Lee “Jeffrey” Falconburg during his 34-year long career. He shared sentiments of brotherhood, Jeffrey’s sense of humor, and being the definition of a great cop. Sheriff Reams further commented that he has always been reliable and steady when needed. Mr. Falconburg gave thanks to all the Sheriffs he has served under during his tenure with the Sheriff’s Office, and gave credit to his wife for being his better half and biggest supporter. He talked about all the advancements he has seen in law enforcement, having the pleasure of serving in the Weld County Jail, and further thanked the Board for their continued support of the Sheriff’s Office. In turn, each Commissioner, expressed their gratitude for Mr. Falconburg’s service to the people of Weld County and wished him a great retirement. *(Clerk’s Note: The group gathered for a photo opportunity.)*

**PROCLAMATIONS:**

1) REUNIFICATION MONTH – JUNE 2023: Chair Freeman read the proclamation for the record. Jamie Ulrich, Director of the Department of Human Services, recognized the efforts of the Child Welfare Division, and thanked those who were in attendance. She further stated this year’s theme is “We Believe in the Resiliency and Strength of Families”, and on June 23, 2023, there will be a celebration to showcase families who have been successfully reunified, and reported 61% of families were reunified in 2022, and 51% to date in 2023. Ms. Ulrich introduced staff for the record. She also introduced Ceasar Morales-Martinez and his young son and recognized him for doing the necessary work in order to be reunified with his child. In turn, each Commissioner expressed their gratitude for the continued work with the children and families of Weld County resulting in great success rates for reunification, and stressed the importance of recognizing the trauma that often accompanies the separation of children from their parents, and the foster and kinship homes that are there to help in the recovery process, with the ultimate goal being the reunification of children with their parents. *(Clerk’s Note: The group gathered for a photo opportunity.)*

**WARRANTS:**

1) GENERAL WARRANTS – JUNE 6, 2023: Commissioner James moved to approve the General Warrants, as printed. Commissioner Buck seconded the motion, and it carried unanimously.

**BIDS:**

1) APPROVE BID #B2300107, CHASE BUILDING RENOVATION (822 7TH STREET, GREELEY) – FACILITIES DEPARTMENT: Carolyn Geisert, Purchasing Department, stated this bid reflects renovation of the 1st, 2nd, 6th, and 7th floors of the Chase building, and staff recommends selecting the lowest bidder who met specifications, TCC Corporation, for a total amount of \$5,598,005.00. Commissioner Ross moved to approve said bid. The motion was seconded by Commissioner James, and it carried unanimously.

2) PRESENT BID #B2300119, COURTHOUSE ANNEX ROOF REPLACEMENT – FACILITIES DEPARTMENT: Ms. Geisert stated one (1) bid was received and staff will make a recommendation on June 21, 2023.

**NEW BUSINESS:**

1) CONSIDER CONTRACT ID #7057 2023 PAUL COVERDELL FORENSIC SCIENCE IMPROVEMENT GRANT APPLICATION AND ACCEPTANCE OF APPLICATION CHANGES FORM, AND AUTHORIZE DIRECTOR OF NORTHERN COLORADO REGIONAL FORENSIC LABORATORY TO SIGN AND SUBMIT ELECTRONICALLY: Captain Alan Caldwell, Sheriff’s Office, on behalf of Daren Ford, Director of the Northern Colorado Regional Forensic Laboratory, stated the Regional Crime Lab has been awarded \$28,375.00 in training funds, which will be used to train and certify analysts from all partnered

agencies. Captain Caldwell stated this grant does not require a match in funding, and will cover the tuition and travel for seven (7) courses, which were stated for the record. Commissioner Ross moved to approve said grant award. The motion was seconded by Commissioner Buck, and it carried unanimously.

2) CONSIDER RENEWAL APPLICATION FOR A FERMENTED MALT BEVERAGE ON-PREMISES (COUNTY) LICENSE AND AUTHORIZE CHAIR TO SIGN – ANA M. LUCERO, DBA POLLO FELIZ: Bruce Barker, County Attorney, stated this is a renewal application, for a business located in Weld County, even though it is surrounded by Garden City and the Cities of Evans and Greeley. He stated he reviewed the application, there are no concerns from referrals agencies, and staff recommends approval. Commissioner Buck moved to approve said renewal application and authorize the Chair to sign. The motion was seconded by Commissioner Ross, and it carried unanimously.

3) CONSIDER RENEWAL APPLICATION FOR A HOTEL AND RESTAURANT (COUNTY) LIQUOR LICENSE, AND AUTHORIZE CHAIR TO SIGN – REA’S DINER AT DILLARDS, LLC, DBA REA’S DINER AT DILLARDS: Mr. Barker stated this business is located in Galeton, Colorado, there are no concerns from referrals, and staff recommends approval. Commissioner Ross moved to approve said renewal application and authorize the Chair to sign. The motion was seconded by Commissioner James, and it carried unanimously.

**PLANNING:**

1) CONSIDER CONTRACT ID #6978 PARTIAL RELEASE OF COLLATERAL AND ACCEPTANCE OF WARRANTY COLLATERAL FOR USE BY SPECIAL REVIEW PERMIT, USR18-0065 – WASTE MANAGEMENT DISPOSAL SERVICES OF COLORADO, INC.: Jazmyn Trujillo-Martinez, Department of Planning Services, requested the Board accept the reduction of Project Collateral, in the amount of \$623,247.39, to the Warranty Collateral amount of \$93,487.11, in the form of a Bond Rider to be attached to the original Bond No. LICX1197283, issued by the Lexon Insurance Company, to be retained for the two (2) year warranty period. She stated the applicany has completed the required improvements, which are deemed acceptable by staff inspection, with the terms of the Road Mainenance Agreement to remain in effect for the life of USR18-0065. Commissioner Buck moved to approve said partial release of collateral, and accept warranty collateral. The motion was seconded by Commissioner James, and it carried unanimously.

2) SECOND READING OF CODE ORDINANCE #2023-07, IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 17 PUBLIC PLACES OF THE WELD COUNTY CODE (*CAMPING ON PUBLIC PROPERTIES*): Commissioner James moved to read Code Ordinance #2023-07 by title only. The motion was seconded by Commissioner Ross, and it carried unanimously. Mr. Barker read the title for the record, and further stated there have been no changes since First Reading. In response to Steve Teets, Greeley resident, Commissioner Ross explained Code Ordinance #2023-07 will allow law enforcement to prohibit overnight camping within unincorporated Weld County, and stated there are numerous homeless shelters located in Greeley, for example the Guadalupe Center. In response to Mr. Teets, Mr. Barker confirmed that it does include people camping in vehicles. Commissioner James moved to approve Code Ordinance #2023-07 on Second Reading. The motion was seconded by Commissioner Ross, and it carried unanimously.

3) EMERGENCY CODE ORDINANCE #2023-08, IN THE MATTER OF AMENDING CHAPTER 21, AREAS AND ACTIVITIES OF STATE INTEREST, OF THE WELD COUNTY CODE (*MORATORIUM OF 1041 SEF’S*): Mr. Barker explained he was asked to put together Emergency Code Ordinance #2023-08, with the purpose of establishing a moratorium on 1041 Solar Energy Facilities (SEF), and with an end term date of December 31, 2023. He suggested the end date be modified to state if working on this language and holding stakeholder meetings, upon First Reading, the moratorium would be terminated. He gave instruction as to placement of the modification on the Resolution, should the Board approve

this Emergency Code Ordinance. In response, Chair Freeman stated his support of that proposed modification, as the intention is for the moratorium to be short-term, to allow the First Reading in the next 30-60 days, and he opened up this matter for public input.

Troy Whitmore, Vice President of Public Affairs for United Power, offered his comments concerning this matter. In response to Commissioner Ross, Mr. Whitmore confirmed there have not been any solar projects submitted larger than 160 acres, but he is concerned if the moratorium lasts over six (6) months it will have a negative affect, and confirmed United Power currently serves six (6) counties, including Weld County. In response to Commissioner Saine, Mr. Whitmore stated rates are at the forefront of their concern, and they prefer not to raise rates during a time when the cost of living is already increased.

Mr. Barker stated he had emailed the Board the proposed language of the modification for their review, and informed the Chair that it is highly important to state the reason for approval on an emergency basis. In response, Chair Freeman articulated that the need for the emergency is to determine objective compatibility, and stated this is all about where these large scale solar energy facilities are located, and the objection of many surrounding property owners as they are impacted negatively by the industrial complex that they portray.

Glenn Neal, Weld County resident, offered his comments concerning this matter.

Mike Weiland, Weld County resident, offered his comments concerning this matter.

Sharon Kendall, Evans resident, offered her comments concerning this matter. In response, Chair Freeman stated the intention of the moratorium is not to discourage renewable energy sources, but to get a standard of what objective compatibility is for these large solar facilities.

Steve Gable, Wiggins resident, offered his comments concerning this matter.

Matt Mooney, Representative of Balance Rock Power, offered his comments concerning this matter. In response to Commissioner Buck, Mr. Rooney confirmed 8,500 acres located in Weld County will be affected if the moratorium lasts longer than 45 days.

Melissa Taylor, representative of NG North American, offered her comments concerning this matter.

Craig Rasmuson, Greeley resident, offered his comments concerning this matter.

Sam Mate, Representative of Balance Rock Power, offered his comments concerning this matter. In response to Commissioner Ross, Mr. Mate explained, as a design engineer, he is not well versed in explaining the potential tax credits that would be lost in Weld County if the moratorium passes today.

Shane Edgington, Consultant for several solar developers, offered his comments concerning this matter.

*(Clerk's note: Chair Freeman requested a five (5) minute recess.)*

Upon reconvening, Chair Freeman invited the remaining public comment.

Vince Green, Senior Director of Development for Lightsource, BP, offered his comments concerning this matter.

Bresee Carlson, Oil and Gas Attorney, offered her comments concerning this matter.

Commissioner James thanked those who came and offered their testimony, and addressed the consternation of putting objectivity with compatibility. Commissioner Ross also thanked those who shared their concerns, and stated objectivity over subjectivity what needs to be found, as it is a right to own that land, but to change the use of that land is something that should not be taken lightly. He agreed with Commissioner James by stating he believes a moratorium would be unhealthy and detrimental to Weld County, and would infringe upon the free market enterprise. Commissioner Saine stated we need to dismiss bias, which is what a moratorium on renewable energy is, as Weld County is well known nationally for being a high producer of oil and gas. Commissioner Buck stated a moratorium equals death to any industry, and is conflicted with where the County currently is concerning the solar industry, since it is so new. Chair Freeman stated compatibility is extremely subjective, and he is supportive of renewable energy and agrees there needs to be further discussion with stakeholders about this matter. Mr. Barker informed the Board that Emergency Ordinances require four (4) out of the five (5) Commissioners to approve for the motion to carry. Commissioner Ross moved to deny Emergency Code Ordinance #2023-08, and directed staff of the Department of Planning Services to pursue other options. The motion was seconded by Commissioner James, and the motion to deny carried unanimously.

**PUBLIC COMMENT:**

- 1) Glenn Neal, Weld County resident, offered his comments to the Board.
- 2) Edwin Grant, Greeley resident, offered his comments to the Board.
- 3) Steve Teets, Greeley resident, offered his comments to the Board.

**RESOLUTIONS AND ORDINANCES:** The Resolutions were presented and signed as listed on the Consent Agenda. Code Ordinance #2023-07 was approved on Second Reading; and Emergency Code Ordinance #2023-08 was denied.

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 11:00 a.m.

These Minutes were approved on the 21st day of June, 2023.

BOARD OF COUNTY COMMISSIONERS  
WELD COUNTY, COLORADO

ATTEST:

EXCUSED DATE OF APPROVAL

Mike Freeman, Chair

Weld County Clerk to the Board

Perry L. Buck, Pro-Tem

BY:

Deputy Clerk to the Board

Scott K. James

EXCUSED DATE OF APPROVAL

Kevin D. Ross

Lori Saine