

# RECORD OF PROCEEDINGS

## MINUTES

### BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO WEDNESDAY, JULY 19, 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, July 19, 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 Buck moved to approve the Minutes of the Board of County Commissioners meeting of July 5, 2023, as printed. Commissioner James seconded the motion, and it carried unanimously.

**READ ORDINANCE BY AUDIO:** Commissioner James moved to read Code Ordinances #2023-09, and #2023-10 by audio. The motion was seconded by Commissioner Ross, and it carried unanimously.

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

**CONSENT AGENDA:** Chair Freeman called for public input regarding the following items listed under 'Consent Agenda-Miscellaneous'; however, no public testimony was offered concerning these matters. Commissioner Ross moved to approve the Consent Agenda, as printed. Commissioner James seconded the motion, and it carried unanimously.

- 1) Partial Vacation, VAC23-0038, of Two-Lot Recorded Exemption, RECX19-0136, for Removal of Lot B – Michael Coan
- 2) Partial Vacation, VAC23-0039, of Two-Lot Corrected Recorded Exemption, RECX16- 0039, for Removal of Lot B – Michael Coan

#### **WARRANTS:**

1) GENERAL WARRANTS – JULY 18, 2023: Commissioner Ross moved to approve the General Warrants, as printed. Commissioner Buck seconded the motion, and it carried unanimously.

**BIDS:**

1) PRESENT BID #B2300144, INMATE MEDICAL SERVICES – SHERIFF'S OFFICE: Carolyn Geisert, Purchasing Department, stated one (1) bid was received and staff will make a recommendation on August 2, 2023. *(Clerk's Note: After staff review, it was deemed necessary to have emergency approval by the Board on July 31, 2023.)*

**NEW BUSINESS:**

1) CONSIDER GRANT APPLICATION FOR KEY FUNDING INITIATIVES (KFI) FOR NOCO WORKS AND AUTHORIZE DEPARTMENT OF HUMAN SERVICES TO SUBMIT ELECTRONICALLY – THE WELD TRUST: Jamie Ulrich, Director of the Department of Human Services, stated Employment Services of Weld County, on behalf of NoCo Works, is requesting to submit this application for The Weld Trust's Key Funding Initiatives (KFI) grant. Commissioner Buck moved to approve said application and authorize the Department of Human Services to submit electronically. The motion was seconded by Commissioner Ross, and it carried unanimously.

2) CONSIDER STANDARD FORM FOR MEMORANDUM OF UNDERSTANDING REGARDING SCHOOL STABILITY FOR STUDENTS IN FOSTER CARE BETWEEN DEPARTMENT OF HUMAN SERVICES AND VARIOUS SCHOOL DISTRICTS, AND AUTHORIZE CHAIR TO SIGN ANY MEMORANDUM OF UNDERSTANDING CONSISTENT WITH SAID FORM: Ms. Ulrich stated this standard form template is for the collaboration between the Department of Human Services and various Weld County School Districts to provide transportation for students in foster care and kinship families to remain in their school of origin, and will be funded by the Every Student Succeeds Act transportation funds. Commissioner James moved to approve said standard form and authorize the Chair to sign any Memorandum of Understanding consistent with said form. The motion was seconded by Commissioner Buck, and it carried unanimously.

3) CONSIDER CONTRACT ID #7188 INDIVIDUAL PROVIDER CONTRACT FOR PURCHASE OF FOSTER CARE SERVICES IN A FOSTER CARE HOME AND AUTHORIZE CHAIR TO SIGN – KERRI ANN DITTER AND STACY DITTER: Ms. Ulrich stated this contract is for a new certified foster care home located in Gill, Colorado. Commissioner Buck moved to approve said contract and authorize the Chair to sign. Seconded by Commissioner James, the motion carried unanimously.

4) CONSIDER CONTRACT ID #7198 REVISED ONLINE LICENSE AGREEMENT, ONLINE ORDER FORM, AND CUSTOMER SET-UP FORM FOR CHILD AND ADOLESCENT FUNCTIONAL ASSESSMENT SCALE (CAFAS), AUTHORIZE CHAIR TO SIGN, AND RESCIND RESOLUTION #2023-1827, DATED JUNE 28, 2023 – MULTI-HEALTH SYSTEMS, INC.: Ms. Ulrich stated this agreement allows for online access to provide assessment for youth in their day-to-day functioning and to track changes in functioning over time. She explained the request is to rescind the original approval to reflect an updated rate. Commissioner Saine moved to approve said revised agreement and forms, authorize the Chair to sign, and rescind Resolution #2023-1827, dated June 28, 2023. The motion was seconded by Commissioner Buck, and it carried unanimously.

5) CONSIDER CONTRACT ID #7199 PROFESSIONAL SERVICES AGREEMENT FOR VARIOUS CORE AND NON-CORE CHILD WELFARE SERVICES AND AUTHORIZE CHAIR TO SIGN – COURT APPOINTED SPECIAL ADVOCATE, INC., DBA CASA OF LARIMER COUNTY: Ms. Ulrich stated this agreement provides life skills services. Commissioner James moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner Ross, and it carried unanimously.

6) CONSIDER CONTRACT ID #7200 MEMORANDUM OF UNDERSTANDING FOR SERVICE DELIVERY AGREEMENTS PURSUANT TO WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA), AND AUTHORIZE CHAIR TO SIGN: Ms. Ulrich stated this memorandum of understanding (MOU) is among the Employment Services of Weld County, the Workforce Development Board, Community Education Outreach, and Intervention Community Corrections of Weld County. Commissioner Buck moved to approve said memorandum of understanding and authorize the Chair to sign. Seconded by Commissioner Ross, the motion carried unanimously.

7) CONSIDER CONTRACT ID #7212 ACCEPTANCE OF PURCHASE ORDER FUNDS FOR CONTRACT TO SERVE AS SINGLE ENTRY POINT AGENCY FOR LONG-TERM CARE SERVICES, AND AUTHORIZE DEPARTMENT OF HUMAN SERVICES TO DISBURSE FUNDS: Ms. Ulrich stated these funds are to provide long-term care information, screening, assessment of need, and service coordination to the appropriate long-term case management for disabled and aging adults in Weld County. Commissioner Saine moved to approve said purchase order and authorize the Department of Human Services to disburse said funds. The motion was seconded by Commissioner Buck, and it carried unanimously.

8) CONSIDER CONTRACT ID #7213 AGREEMENT FOR EMPLOYMENT-BASED ACADEMIC AFFILIATION AND AUTHORIZE CHAIR TO SIGN – COLORADO STATE UNIVERSITY: Ms. Ulrich stated this agreement provides employment-based internship opportunities to social work students enrolled at Colorado State University (CSU), and allows Department of Human Services employees to use their current position as their degree-required internship. Commissioner James moved to approve said agreement and authorize the Chair to sign. Seconded by Commissioner Buck, the motion carried unanimously.

9) CONSIDER CONTRACT ID #7215 2023-2024 PLAN FOR CORE SERVICES PROGRAM AND AUTHORIZE CHAIR AND DIRECTOR OF DEPARTMENT OF HUMAN SERVICES TO SIGN AND SUBMIT ELECTRONICALLY: Ms. Ulrich stated the Core Services Program Plan is in year two (2) of a three (3)-year Core Plan cycle. Commissioner Buck moved to approve said plan and authorize the Chair and Director of the Department of Human Services to sign and submit electronically. Seconded by Commissioner James, the motion carried unanimously.

10) CONSIDER CONTRACT ID #7216 COOPERATIVE AGREEMENT FOR CHILD WELFARE LAW ENFORCEMENT SERVICES AND AUTHORIZE CHAIR TO SIGN ELECTRONICALLY: Ms. Ulrich stated this agreement allows for local law enforcement agencies and the Colorado State Patrol to coordinate duties of each agency in connection with the assessment or investigation of child abuse or neglect. Commissioner Buck moved to approve said agreement and authorize the Chair to sign. The motion, which was seconded by Commissioner Ross, carried unanimously.

11) CONSIDER CONTRACT ID #7181 MEMORANDUM OF UNDERSTANDING FOR CRISIS ASSESSMENT PROTOCOL AND AUTHORIZE CHAIR TO SIGN – NORTH RANGE BEHAVIORAL HEALTH: Sonja Kohlgraf, Sheriff's Office, stated this MOU is an annual renewal with North Range Behavioral Health (NRBH) that outlines the protocol for after-hours mental health evaluations and subsequent treatment, and determinations for release from the Weld County Jail to re-integrate incarcerated individuals back into the community. She stated this is a no-cost agreement for the County, and NRBH has completed 233 evaluations of this nature between June 2022, and May 2023. Commissioner Ross moved to approve said memorandum of understanding and authorize the Chair to sign. Commissioner Buck seconded the motion, and it carried unanimously.

12) CONSIDER CONTRACT ID #7182 MEMORANDUM OF UNDERSTANDING FOR JAIL BASED BEHAVIORAL SERVICES AND AUTHORIZE CHAIR TO SIGN – NORTH RANGE BEHAVIORAL HEALTH: Ms. Kohlgraf stated this MOU annual renewal provides substance abuse treatment, case management services to incarcerated individuals at the Weld County Jail, and offers coordination and support upon release and transition into the community. She stated this is a no-cost agreement for the County, and the JBBS program had a 70% success rate with individuals who were successfully transitioned into the community, measured at one (1) month post release between, July 2022, and May 2023. Commissioner Buck moved to approve said memorandum of understanding and authorize the Chair to sign. The motion was seconded by Commissioner Ross, and it carried unanimously.

13) CONSIDER COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) 2023-2024 ANNUAL ACTION PLAN: Elizabeth Relford, CDBG Program Manager, stated Weld County has been deemed an Entitlement County as designated by the U.S. Department of Housing and Urban Development (HUD), and is required to submit an Annual Action Plan to determine the recipients of CDBG funding, that are designed to improve low to moderate-income households, and special needs groups within communities. She further stated HUD requires a five (5) year Consolidated Plan, an Annual Action Plan indicating the plans and goals the County intends to pursue, and public participation is offered in every step of the CDBG process. Ms. Relford stated this hearing is an opportunity for the public to participate and comment on the Action Plan that has been posted to the County website and social media outlets; in addition, it is for the Commissioners to improve infrastructure, housing preservation, and access to services. She detailed the projects that have been identified in this action plan as follows: Weld County on-demand transportation services for 60+Ride, American Disability Act (ADA) ramp project in the Town of Milliken, a non-conforming ADA ramp replacement project in the Town of Eaton, improvements to the senior center in the Town of Pierce, Brigit's Village affordable housing in the Town of Frederick, and an ADA ramp project in the Town of Firestone, and additionally noted the administrative costs that are taken out of those funds.

Chair Freeman indicated this public hearing is to allow comment concerning this matter. Bruce Barker, County Attorney, clarified this is related to Docket #2023-54 on the agenda, and will conduct the hearing at this time due to the items being related. *(Clerk's Note: As indicated, please reference Hearing Certification, docket #2023-54, aka document number 2023-1816.)* In response to Steve Teets, Greeley resident, Ms. Relford confirmed the City of Evans is an eligible recipient under this funding stream, whereas the City of Greeley is its own entitlement city with HUD. She also acknowledged transportation services to and from the Hill N Park community are available with on-demand mobility services to all who reside in unincorporated areas of Weld County who participate in the CDBG program.

In response to Commissioner Saine, Ms. Relford confirmed this is the same plan that has been discussed at a prior work session and there has been a previous public hearing that was held. Commissioner James moved to approve the 2023-2024 Annual Action Plan. Seconded by Commissioner Ross, and the motion carried unanimously.

14) CONSIDER APPLICATION FOR FEDERAL ASSISTANCE (FORM SF-424) FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) 2023 ANNUAL ACTION PLAN, AND CERTIFICATION OF COMPLIANCE WITH REGULATIONS FORM, AND AUTHORIZE CHAIR TO SIGN: Ms. Relford stated this application and certification are standard forms required by HUD for the funding to support allocated funding for the various projects as indicated in the 2023-2024 Annual Action Plan. Commissioner Ross moved to approve said application and form and authorize the Chair to sign. The motion was seconded by Commissioner Buck, and it carried unanimously.

15) CONSIDER EXTENSION OF TEMPORARY CLOSURE OF CR 8 BETWEEN CRS 49 AND 51: Amy Mutchie, Department of Public Works, requested this closure be extended through August 11, 2023, as a result of supply chain delays and irrigation water being too high to replace the irrigation culvert from damage received during the Box Elder flooding. Commissioner Ross moved to approve said extension of temporary closure. Seconded by Commissioner Buck, the motion carried unanimously.

16) CONSIDER EXTENSION OF TEMPORARY CLOSURE OF CR 50 BETWEEN CRS 53 AND 55: Ms. Mutchie requested to extend the closure through July 28, 2023, as a result of supply chain delays. Commissioner Ross moved to approve said extension of temporary closure. Seconded by Commissioner Buck, the motion carried unanimously.

17) CONSIDER CONTRACT ID #7226 TAX INCENTIVE AGREEMENT PURSUANT TO C.R.S. §30- 11-123 AND AUTHORIZE CHAIR TO SIGN – MICROVAST ENERGY, INC.: Cheryl Pattelli, Chief Financial Officer, stated staff received a request to utilize the County's Personal Property Tax Rebate Program. She further stated Microvast Energy, Inc., is a company that specializes in lithium ion battery innovation and technology, specifically focusing on commercial vehicles such as buses, and are located in Timnath, Colorado. Ms. Pattelli explained the company is expanding their assembly line to a new location in Windsor, Colorado, for a cost of expansion estimated at \$18 million, of which \$ 6.5 million is new equipment. She expressed the company intends to employ 50 new full-time employees, with an estimated annual income of \$85,000.00. Ms. Pattelli explained the company estimates at least 50% of their employees reside in Weld County, and based on the estimated cost of expansion, the County's rebate over the span of ten (10) years will be \$76,394.00. Commissioner Ross moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner James, and it carried unanimously.

18) CONSIDER REASSIGNMENT AND REAPPOINTMENT OF COMMISSIONERS TO COORDINATE DEPARTMENTS FOR THE REMAINDER OF 2023: Mr. Barker stated he created this Resolution upon request. Commissioner Ross moved to approve said reassignment and reappointment. The motion was seconded by Commissioner James. Commissioner Saine thanked the respective directors for allowing leadership and learning. There being no further discussion, and upon a roll call vote of four (4) to one (1), the motion carried with Commissioner Saine opposed.

19) FIRST READING OF CODE ORDINANCE #2023-10, IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 3 HUMAN RESOURCES OF THE WELD COUNTY CODE (*CONCEALED CARRY*): Mr. Barker stated the proposed changes to Section 3-3-30.B of the Weld County Code is to clarify employees who are permitted to conceal carry are allowed to maintain their firearm on their person during business hours and on Weld County property. In addition, he stated there is a provision to clarify that open carry and unpermitted concealed carry of a firearm is prohibited. No public testimony was offered concerning this matter. Commissioner Saine stated she felt it is important to allow people to defend themselves and noted she would like to work on the constitutional carry, since Weld County is a Second Amendment sanctuary county, and believes employees will use their best judgement. She further moved to approve Code Ordinance #2023-10 on First Reading. The motion was seconded by Commissioner Buck, and it carried unanimously.

**PLANNING:**

1) FIRST READING OF CODE ORDINANCE #2023-09, IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 23 ZONING OF THE WELD COUNTY CODE (*LIMITED EVENT PERMITS*): Tom Parko, Director of the Department of Planning Services, presented the proposed changes to allow property owners to have multiple events, per calendar year, without having to go through the Use by Special Review (USR) Permitting process. He stated there was language in the Code, previously, which staff recommends reinstating, as there has been a significant increase in temporary events, for example farm-to-table, non-profit, and charity events. Mr. Parko further stated this will allow up to four (4) events per year, and up to three (3) consecutive days per event, and detailed

several of the provisions and performance standards on the updated application that has been reviewed and unanimously approved by the Planning Commission on July 11, 2023. He indicated there was a small error with the unintentional omission of the C-4 (Commercial) Zone District, which has been corrected, and stressed that rodeos and racing events are still subject to the USR process. Mr. Parko indicated there was discussion concerning the guarantee provision of the permitting process for limited events, he noted the current language in the Code indicates a \$3,000.00 financial guarantee/surety for any event over 250 attendees, or \$500.00 for any event with 100-250 attendees is required for incidentals, and proposed to amend the language in Section 23-18-90.R, to reflect the guarantee/surety is at the discretion of the County and not a firm requirement, which is similar to Larimer County's process. He stated there is a notification of all surrounding property owners within 500 feet of the site, and the updated application will be put into production after today's meeting, to be used concurrently with the two (2) remaining readings. In response to Commissioner James, Mr. Barker recommended the amendment be indicated on the First Reading, and duly noted the last provision within the Resolution to reiterate the updated application will be approved for use with the approval of today's hearing. Commissioner James moved to amend Section 23-18-90.R to strike the work 'shall', and replace with 'may'. Commissioner Saine seconded the motion, which carried unanimously. Edward Grant, Greeley resident, offered his comment to the Board. Commissioner Ross moved to approve Code Ordinance #2023-09 on First Reading. The motion was seconded by Commissioner Buck. Commissioner Saine thanked Mr. Parko and staff for their due diligence to better accommodate events in Weld County. There being no further discussion, the motion it carried unanimously.

**PUBLIC COMMENT:**

1) 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 Ordinances #2023-09, and #2023-10, were 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 9:41 a.m.

These Minutes were approved on the 7th day of August, 2023.

BOARD OF COUNTY COMMISSIONERS  
WELD COUNTY, COLORADO

ATTEST:

Weld County Clerk to the Board

\_\_\_\_\_  
Mike Freeman, Chair

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

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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