

RECORD OF PROCEEDINGS

MINUTES

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO MONDAY, JUNE 15, 2020

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 15, 2020, 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 Steve Moreno, Pro-Tem
Commissioner Scott K. James
Commissioner Barbara Kirkmeyer
Commissioner Kevin D. Ross

Also present:

County Attorney, Bruce Barker
Acting Clerk to the Board, Bri White
Controller, Barbara Connolly

MINUTES: Commissioner James moved to approve the minutes of the Board of County Commissioners meeting of June 10, 2020, as printed. Commissioner Kirkmeyer seconded the motion, and it carried unanimously.

READ ORDINANCE BY AUDIO: Commissioner Moreno moved to read Code Ordinances #2020-04 and #2020-12 by audio. The motion was seconded by Commissioner James, and it carried unanimously.

CERTIFICATION OF HEARINGS: Commissioner Kirkmeyer moved to approve the Certification of Hearings conducted on June 10, 2020, as follows: 1) USR20-0001 – Hard Knocks Homestead, LLC, 2) USR20-0004 – Colorado Liberty Pipeline, LLC, 3) USR20-0006 – Hector Faudoa, and 4) USR19-0060 – NGL Water Solutions DJ, LLC. Commissioner Ross seconded the motion, which 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.

PUBLIC INPUT: No public input was given.

PROCLAMATIONS:

1) WORLD ELDER ABUSE AWARENESS DAY – JUNE 15, 2020: Chair Freeman read the proclamation for the record. Jamie Ulrich, Director of the Department of Human Services, thanked the Board for the opportunity to recognize this day to promote awareness about elder abuse and she acknowledged each member of the protection team, who work to ensure the safety and wellness of vulnerable elders in the community. Jill Beck, Department of Human Services, shared her gratification to everybody for working tirelessly to protect elders and raise awareness. The Board consecutively thanked the team for striving to improve and protect the elderly community. *(Clerk’s Note: The group gathered for a photo opportunity.)*

WARRANTS:

1) GENERAL WARRANTS – JUNE 12, 2020: Commissioner Moreno moved to approve the General Warrants, as printed. Commissioner Kirkmeyer seconded the motion, and it carried unanimously.

BIDS:

1) APPROVE BID #B2000117, HUMAN SERVICES BUILDING B REMODEL – DEPARTMENT OF BUILDINGS AND GROUNDS: Rob Turf, Purchasing Department, stated staff recommends selecting the lowest bidder who met specifications, American Construction Services, LLC, for a total amount of \$725,896.00. Commissioner Kirkmeyer moved to approve said bid, the motion was seconded by Commissioner James, and it carried unanimously.

2) APPROVE BID #B2000126, HEALTH DEPARTMENT CHILLER REPLACEMENT – DEPARTMENT OF BUILDINGS AND GROUNDS: Mr. Turf reviewed staff’s recommendation to select Westco Systems, Inc., the low bidder meeting specifications, for a total of \$141,913.00. Commissioner Ross moved to approve said bid, the motion was seconded by Commissioner Moreno, and it carried unanimously.

3) PRESENT BID #B2000127, CENTENNIAL COURTROOM ADDITION/REMODEL – DEPARTMENT OF BUILDINGS AND GROUNDS: Mr. Turf presented the eight (8) bids received and stated staff will make a recommendation on June 29, 2020.

4) PRESENT BID #B2000133, GAS CHROMATOGRAPH/SPECTROMETER – DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT: Mr. Turf stated staff received three (3) bids and will make a recommendation on June 29, 2020.

NEW BUSINESS:

1) CONSIDER PARTIAL WAIVER OF PROPERTY TAX DELINQUENCY INTEREST RATE SET FORTH IN C.R.S. §39-10-104.5(3), AS AUTHORIZED BY H.B. 20-1421: John Lefebvre, Treasurer's Office, shared staff’s request to reduce delinquent property tax rates from 12% annually to 1% annually, in response to the passage of House Bill 20-1421, partially waiving 11/12 of the 1% per month delinquency interest payment requirement and instead requiring a delinquency interest payment of .0833% per month from June 15, 2020, to October 1, 2020 of the statutory allowance. Commissioner Moreno thanked Commissioner Kirkmeyer for bringing the matter to staff’s attention, while Commissioner Ross thanked staff for striving to help the community. Commissioner Kirkmeyer stated the Board has been working toward this for 14 weeks and is glad to put the community, the oil and gas industry, and small business owners at ease during the COVID-19 Pandemic Health Emergency. Commissioner Kirkmeyer moved to approve said partial waiver. The motion was seconded by Commissioner Moreno and it carried unanimously.

2) CONSIDER CORONAVIRUS (COVID-19) AID, RELIEF, AND ECONOMIC SECURITY (CARES) ACT AIRPORT GRANT AGREEMENT AND AUTHORIZE CHAIR TO SIGN ELECTRONICALLY: Commissioner Ross moved to approve said grant agreement and authorize the Chair to sign electronically. Seconded by Commissioner Kirkmeyer, the motion carried unanimously.

3) CONSIDER PETITION FOR ABATEMENT OR REFUND OF TAXES FOR ACCOUNT NUMBER R1716202 – WAL-MART REAL ESTATE BUSINESS TRUST, C/O WAL-MART STORES, INC., DBA WAL-MART STORES EAST, LP: Brenda Dones, Assessor, presented the two (2) petitions for two (2) of the four (4) Wal-Mart stores in the County. Ms. Dones stated the 2017 tax year was appealed at the Assessor level and the taxpayer does not have the right to appeal it again, thus staff recommends denial. Furthermore, Ms. Dones shared staff's recommendation to approve a partial abatement of the 2018 tax year, with a corrected valuation amount of \$14,483,456.00 and a total tax refund amount of \$10,231.13. In response to Chair Freeman, Ms. Dones stated the taxpayer is not present. Commissioner Kirkmeyer moved to deny the petition for 2017 and approve the 2018 petition for abatement, in-part. The motion, which was seconded by Commissioner James, carried unanimously.

4) CONSIDER PETITION FOR ABATEMENT OR REFUND OF TAXES FOR ACCOUNT NUMBER R6778649 – WAL-MART STORES, INC.: Ms. Dones stated the 2017 tax year was appealed at the assessor level and the taxpayer does not have the right to appeal it again, thus staff recommends denial of the 2017 petition. Furthermore, Ms. Dones shared staff's recommendation to approve a partial adjustment of the 2018 tax year, with a corrected valuation amount of \$15,598,129.00 and a total tax refund amount of \$13,138.69. In response to Chair Freeman, Ms. Dones stated the taxpayer is not present. Commissioner Ross moved to deny the petition for 2017 and approve the 2018 petition for abatement, in-part. Commissioner Moreno seconded the motion and it carried unanimously.

5) CONSIDER TASK ORDER CONTRACT EXTENSION/AMENDMENT #1 FOR DESIGN SERVICES (DEPARTMENT OF PUBLIC WORKS FUEL ISLAND AND MAGNESIUM CHLORIDE TANK REPLACEMENTS – BID #B1900100) – ROBERT SHREVE ARCHITECTS AND PLANNERS, INC.: Toby Taylor, Director of Buildings and Grounds, shared the design services required for a new fuel site and magnesium chloride storage tank with dispensing capabilities. He stated Robert Shreve Architects and Planners quoted a total task order amount of \$79,740.00. The motion to approve said task order contract amendment was made by Commissioner Moreno, seconded by Commissioner James, and it carried unanimously.

6) CONSIDER TEMPORARY CLOSURE OF CR 79 BETWEEN LARAMIE COUNTY ROAD 201 (WY) AND CR 136: Amy Mutchie, Department of Public Works, stated the closure will occur between June 15, 2020, and July 10, 2020, for road construction, noted the closure extends to Laramie County, Wyoming, and magnesium chloride and water will be used for dust control along the detour route. Commissioner Ross moved to approve said temporary closure. The motion was seconded by Commissioner James and it carried unanimously.

7) CONSIDER TEMPORARY CLOSURE OF CR 57 BETWEEN CR 62.75 AND CR 64: Ms. Mutchie detailed said closure will occur from June 16, 2020, to June 19, 2020, for a culvert replacement and noted water will be used for dust control along the detour route. Commissioner Moreno moved to approve said temporary closure. Seconded by Commissioner James, the motion carried unanimously.

8) CONSIDER TEMPORARY CLOSURE OF CR 47 BETWEEN CR 40 AND CR 42: Ms. Mutchie shared said closure will occur between June 16, 2020, to June 19, 2020, for a culvert replacement and noted water will be used for dust control along the detour route. Commissioner James moved to approve said temporary closure. Commissioner Moreno seconded the motion and it carried unanimously.

9) FIRST READING OF CODE ORDINANCE #2020-04, IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 2 ADMINISTRATION, CHAPTER 5 PERMITS AND FEES, CHAPTER 7 EMERGENCY MEDICAL SERVICES, AND CHAPTER 26 REGIONAL URBANIZATION AREAS, OF THE WELD COUNTY CODE (*MISCELLANEOUS CHANGES*): Bruce Barker, County Attorney, stated the Code ordinance deals with various fees charged by the County and with altering a few administrative matters. No public input was provided. Commissioner Kirkmeyer requested a work session between First and Second Readings. Commissioner Kirkmeyer moved to approve said Code ordinance on First Reading. The motion was seconded by Commissioner Ross and it carried unanimously.

10) FINAL READING OF CODE ORDINANCE #2020-07, IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 5 REVENUE AND FINANCE, OF THE WELD COUNTY CODE (*APPENDIX 5Q, 5R AND 5S*): Commissioner Kirkmeyer moved to read Code ordinance #2020-07 by title only. The motion was seconded by Commissioner James, and it carried unanimously. Mr. Barker read the title for the record and Barbara Connolly, Controller, stated no changes were made between Second and Final Readings. No public input was provided. The motion to approve said Code ordinance on Final Reading was made by Commissioner James, seconded by Commissioner Moreno, and it carried unanimously.

11) FIRST READING OF CODE ORDINANCE #2020-12, IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 21 AREAS AND ACTIVITIES OF STATE INTEREST, OF THE WELD COUNTY CODE (*1041WOGLA CODE CHANGES*): Jason Maxey, Director of the Department of Oil and Gas Energy, presented staff's proposed changes to the Code, including the map referred to as Exhibit 21-A, and he thanked Mr. Barker for his guidance. He stated local oil and gas companies provided feedback to ensure the changes follow proper land use practices. Mr. Maxey summarized various alterations to the code, defining major changes to an existing oil and gas location as any surface disturbance to the site, as well as creating the terminology for a construction phase to complete various phases of the process within three (3) years of the date of publication, both matters further examined on page 77. Additionally, he explained the required lighting mitigation and noise mitigation plans, respectively detailed on pages 78 and 83, and the necessary criteria for setbacks is notated on page 87. Ryan Seastrom, Colorado Oil and Gas Association, thanked the Board for the opportunity to continue operating in a productive manner and, in response to Commissioner Kirkmeyer, he explained the radius requirements to inform landowners of operations reduced from 1,300 feet to 1,000 feet. Chris McGowne, American Petroleum Industry, shared his thanks to the County for supporting the industry and he discussed Section 21-5-320.A.3 requires the certification of a Surface Use Agreement (SUA) between the operator and the surface owner, but certain situations arise where the operator is unable to contact the land owner or the two (2) parties are unable to reach an agreement. Therefore, he requested verifying language to recognize various options for operators to refer to in these rare occasions. The Board thanked Mr. Seastrom and Mr. McGowne for their input and for working with staff to improve the industry regulations. Responding to Commissioner Kirkmeyer, Mr. Maxey explained the definition of "service owner" has been altered to emphasize any current owner and Mr. McGowne clarified the only concern lies with the surface owners' inability to respond to the notice of the SUA. Commissioner Kirkmeyer shared the altered terminology notifies the current surface owner of the planned operations to occur on the property and Mr. Barker stated the alteration made in 2017 allows the applicant to bond onto the property if the surface owner does not respond to the SUA, allowing the applicant to move forward with operations. Ryan Antonio, Noble Energy, Inc., expressed his appreciation of the relationship with the County and noted the suspension and revocation procedures discussed on page 77 may develop unintended consequences, such as an operator's permit being revoked or suspended and leaving the property unmaintained; in response, Commissioner Kirkmeyer stated a compliance plan may be conducted if the situation arises and Mr. Barker affirmed the Code recognizes the steps needed if an operator is out of compliance. Secondly, Mr. Antonio expressed concern with the 1041WOGLA term,

which the hearing officer has the discretion to approve a time frame that matches appropriate Conditions of Approval. In response to Commissioner Kirkmeyer, Mr. Maxey confirmed the definition of a Comprehensive Development Plan (CDP) states the plan approved by the hearing officer is only valid up to ten (10) years and Noble Energy, Inc. is the only operator utilizing the CDP thus far, justifying their request to consider supplemental filings that may extend beyond the term. Lastly, Mr. Antonio requested further discussion regarding the stormwater management standards because some of the locations require a larger surface disturbance and Commissioner Kirkmeyer assured the Board is willing to adhere to various needs and alter the Code to find new, viable options. The Board consecutively agreed and assured further changes will be refined to address safe land use practices and the matters previously discussed. Commissioner Kirkmeyer moved to approve said Code ordinance on First Reading. The motion, which was seconded by Commissioner Ross, carried unanimously.

RESOLUTIONS AND ORDINANCES: The resolutions were presented and signed as listed on the Consent Agenda. Code Ordinances #2020-04 and #2020-12 were approved on First Reading and Code Ordinance #2020-07 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 10:12 a.m.

BOARD OF COUNTY COMMISSIONERS
WELD COUNTY, COLORADO

ATTEST:

Weld County Clerk to the Board

BY: _____
Deputy Clerk to the Board

Mike Freeman, Chair

Steve Moreno, Pro-Tem

Scott K. James

Barbara Kirkmeyer

Kevin D. Ross