

RECORD OF PROCEEDINGS

MINUTES

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO MONDAY, JULY 6, 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, July 6, 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 – EXCUSED
Commissioner Barbara Kirkmeyer
Commissioner Kevin D. Ross – EXCUSED

Also present:

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

MINUTES: Commissioner Moreno moved to approve the minutes of the Board of County Commissioners meeting of July 1, 2020, as printed. Commissioner Kirkmeyer seconded the motion, and it carried unanimously.

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

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

PUBLIC INPUT: No public input was given.

BIDS:

1) PRESENT BID #B2000136, SOUTHWEST SERVICE CENTER-AUDIO/VISUAL UPGRADE – DEPARTMENT OF BUILDINGS AND GROUNDS: Rob Turf, Purchasing Department, stated one (1) bid was received and staff will make a recommendation on July 20, 2020.

2) PRESENT BID #B2000138, CRUSHED TYPE I/TYPE II COVER COAT AGGREGATE SUPPLY – DEPARTMENT OF PUBLIC WORKS: Mr. Turf stated one (1) bid was received and staff will make a recommendation on July 20, 2020.

NEW BUSINESS:

1) SECOND 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*): Commissioner Moreno moved to read Code Ordinance #2020-04 by title only. The motion was seconded by Commissioner Kirkmeyer, and it carried unanimously. Bruce Barker, County Attorney, read the title for the record. Esther Gesick, Clerk to the Board, presented the minor change after First Reading to clarify the proposed ambulance service provider for the Southeast Weld Regional Urbanization Area (RUA) and shared the various Departments' survey responses to the proposed Agenda deadline alteration were largely positive, while requesting staff offer notice when certain circumstances arise in which the deadline cannot be met. No public input was provided. The motion to approve Code Ordinance #2020-04 on Second Reading was made by Commissioner Kirkmeyer, seconded by Commissioner Moreno, and it carried unanimously.

2) SECOND 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*): Commissioner Kirkmeyer moved to read Code Ordinance #2020-12 by title only. The motion was seconded by Commissioner Moreno, and it carried unanimously. Mr. Barker read the title for the record. Jason Maxey, Director of the Department of Oil and Gas Energy, reviewed the input provided from the public and industry members after First Reading, concerning drainage, permit terms and revocation, lighting requirements, setbacks, and air quality requirements. Mr. Maxey summarized the grammatical alterations and the merging of similar topics to achieve conciseness, concluding no other large changes were made between First and Second Readings. In response to Commissioner Kirkmeyer, Mr. Barker stated the modifications to the Surface Use Agreement and Grant of Easement form can occur during today's discussion.

Chad Calvert and Ryan Antonio, Noble Energy, Inc. representatives, provided an application of the new drainage standards based on existing oil and gas energy sites, including locations subject to a final determination. Mr. Antonio shared various pad design maps (Exhibit C), suggesting the existing pad layouts are nearing final permit approval and are safe for operations; thus, he explained the existing pad layouts should not be subject to the new drainage standards. Furthermore, Mr. Antonio presented the proposed language for the Surface Use Agreement and Grant of Easement form (Exhibit D), which modifies the requirements for detention pond placement on wells when the Surface Use Agreement and Grant of Easement form has previously been executed with a property owner. He stated many property owners may not agree to the renegotiated terms concerning the timing of detention pond placement for existing wells because the detention ponds would lay at the center pivot. Mr. Calvert clarified Noble Energy, Inc., is not opposed to the new drainage standards for future sites. Responding to Commissioner Kirkmeyer, Mr. Antonio affirmed he and Mr. Calvert were not present at the worksession regarding this Ordinance. Commissioner Kirkmeyer requested to reschedule Third Reading of the Ordinance from July 27, 2020, to August 3, 2020, to afford adequate time for Noble Energy, Inc., to attend a work session and to ensure all five (5) Commissioners will be present for consideration. Mr. Antonio thanked staff for their receptiveness to comments and Chair Freeman stated the Board must ensure a drainage issue will not negatively impact any surface owners. In response to Commissioner Kirkmeyer, Mr. Maxey indicated the alterations made between First and Second Reading were clerical revisions to ensure consistency throughout the County Code and to include various definitions within the body of the Code, such as adding the word "currently" to the definition of 'Surface Owner,' which was further clarified by Mr. Barker. Mr. Barker also detailed the Suspension and Revocation section and compliance procedures were modified to provide adequate due process to operators. Commissioner Kirkmeyer suggested including a provision to suspend or extend operations in the event of any emergency declaration. In response to Mr. Barker's suggestion, Chair Freeman and Commissioner Kirkmeyer agreed the language should be specific to an emergency declared by either Weld County or the State of Colorado. Commissioner Moreno

stated the Board received a letter from Steve Kelly, Weld County resident, commenting on drainage and Commissioner Kirkmeyer invited Mr. Kelly to join the work session with Noble Energy, Inc. Commissioner Kirkmeyer moved to approve Code Ordinance #2020-12 on Second Reading and to reschedule the Third Reading from July 27, 2020, to August 3, 2020. The motion was seconded by Commissioner Moreno, and it 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 Second Readings.

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 9:37 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

EXCUSED DATE OF APPROVAL
Steve Moreno, Pro-Tem

EXCUSED
Scott K. James

Barbara Kirkmeyer

EXCUSED
Kevin D. Ross