

# RECORD OF PROCEEDINGS

## MINUTES

### BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO WEDNESDAY, AUGUST 2, 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, August 2, 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

**CERTIFICATION OF HEARINGS:** Commissioner Ross moved to approve the Certification of Hearings conducted on July 19, 2023, as follows: 1) Community Development Block Grant (CDBG) 2023 Annual Action Plan, 2) RLDF23-0001 – 2936, LLC, and 3) 1MJUSR23-14-0005 – Terry Grazing Association, c/o Connell Resources, Inc. Commissioner Buck seconded the motion, which carried unanimously.

**MINUTES:** Commissioner James moved to approve the Minutes of the Board of County Commissioners meeting of July 19, 2023, as printed. Commissioner Buck seconded the motion; however, Commissioner Saine stated there were discrepancies she wished to be corrected and requested this item be continued to August 7, 2023, at 9:00 a.m. After discussion, both Commissioners James and Buck withdrew their motions and Chair Freeman used Chair's Prerogative to oblige the request.

**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.

#### **PROCLAMATIONS:**

1) CHILD SUPPORT AWARENESS MONTH – AUGUST 2023: Chair Freeman read the proclamation for the record. Jamie Ulrich, Director of the Department of Human Services, expressed gratitude to the Board for the opportunity to recognize their team and raise awareness for child support services. She further explained the definition of child support and the financial stability it creates, rather than relying on public assistance. Ms. Ulrich reported from January through June 2023, their staff has processed more than \$10 Million in child support payments, which is distributed to families throughout Weld County, and staff has done an amazing job at processing the court orders, phone calls, and caseloads. Ms. Ulrich stated Weld County was recognized with the Outstanding Large County in Child Support Services Award in

2022 and reached all four (4) Colorado Statutory (C-Stat) Measures, which proves the hard work staff does every day. She further introduced staff who were in attendance for the record. In turn, each Commissioner expressed their gratitude for the daily challenges staff faces with positivity, remarking that it is often the silent efforts that allow for thousands of children to become healthy and happy citizens. *(Clerk's Note: The group gathered for a photo opportunity).*

**WARRANTS:**

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

**BIDS:**

1) PRESENT BID #B2300151, CARDIOVASCULAR WELLNESS SCREENING – DEPARTMENT OF HUMAN RESOURCES: Rose Everett, Purchasing Department, stated two (2) bids were received and staff will make a recommendation on August 16, 2023.

**NEW BUSINESS:**

1) CONSIDER CONTRACT ID #7282 MEMORANDUM OF UNDERSTANDING FOR SERVICE DELIVERY AGREEMENTS PURSUANT TO WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA) AND AUTHORIZE CHAIR TO SIGN: Jamie Ulrich, Director of the Department of Human Services, stated this memorandum of understanding (MOU) is among the Department of Human Services, Employment Services of Weld County, Workforce Development Board, and the Colorado Department of Labor and Employment, Division of Vocational Rehabilitation, to re-establish respective roles and responsibilities for implementation of the Section 121(c) provisions of the Workforce Innovation and Opportunity Act (WIOA), of 2014. 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.

2) CONSIDER CONTRACT ID #7270 DECLARE CERTAIN REAL ESTATE AS SURPLUS PROPERTY, APPROVE REAL ESTATE PURCHASE AND SALE AGREEMENT FOR AULT GRADER SHED (16331 SH 14, AULT), AND AUTHORIZE CHAIR TO SIGN ALL NECESSARY DOCUMENTS – TOWN OF AULT: Toby Taylor, Director of the Facilities Department, stated the County has constructed a new Ault Grader Shed, therefore, the former Ault Grader Shed is now surplus and staff recommends selling the property to the Town of Ault for the amount of \$1,000.00. He stated the Town of Ault will acquire all fees associated to the fuel tank system and subsequent remediation requirement through the state. Commissioner James moved to approve said agreement and authorize the Chair to sign. Seconded by Commissioner Buck, the motion carried unanimously.

3) CONSIDER CONTRACT ID #7241 NON-REFUNDABLE QUOTE LETTER FOR RELOCATION OF HIGH PRESSURE GAS PIPELINE METER STATION FOR CR 41 AND SH 52 INTERSECTION PROJECT AND AUTHORIZE CHAIR TO SIGN – XCEL ENERGY: Don Dunker, Department of Public Works, stated this quote letter, in the amount of \$1,658,490.40, is for the relocation of the Xcel Energy high pressure gas metering station and will allow for the widening of County Road (CR) 41 to add left turn lanes and wider shoulders. He stated once the project is complete the Colorado Department of Transportation (CDOT) will install a traffic signal. Commissioner Ross moved to approve said quote letter and authorize the Chair to sign. The motion, which was seconded by Commissioner James, carried unanimously.

4) CONSIDER EXTENSION OF TEMPORARY CLOSURE OF CR 44 BETWEEN CR 33 AND U.S. HWY 85: Amy Mutchie, Department of Public Works, presented this request to extend the temporary closure of CR 44, between CR 33 and U.S. Highway (HWY) 85, on behalf of Jalisco International, Inc., due to ongoing weather delays and supply chain shortages. She stated this closure is for roadway and intersection improvements for a flyover project for CDOT, to be extended through September 11, 2023. She stated CDOT is now moving into their final phase of improvements to tie the highway into the new roundabout and new turn lanes, and confirmed this is not impactful to current farm operations, with the goal to open before fall harvest and the annual Fritzler's Farm activities. Commissioner James moved to approve said extension of this temporary closure. The motion was seconded by Commissioner Buck, and it carried unanimously.

5) CONSIDER CONTRACT ID #7267 AGREEMENT FOR PURCHASE OF PUBLIC ROAD RIGHT-OF-WAY AND GRANT OF TEMPORARY CONSTRUCTION EASEMENT FOR CRS 6 AND 13 INTERSECTION IMPROVEMENTS PROJECT AND AUTHORIZE CHAIR TO SIGN ANY NECESSARY DOCUMENTS – DUANE AND BERNICE KIRKMEYER: Tiffane Johnson, Department of Public Works, stated this agreement is associated with the improvements project located at the intersection of CRs 6 and 13, with Duane and Bernice Kirkmeyer, who own the southwest corner of this intersection. She detailed the agreed upon valuation in this agreement as follows: 1) acquire 1.243 acres of public road right-of-way (ROW) for the cost of \$42,000.00; 2) acquire 0.401 of an acre of Temporary Construction Easement (TCE) for the cost of \$4,000.00; 3) signing incentive to maintain the construction schedule for the cost of \$14,000.00; and 4) cost to cure which is the difference between opinions of value in the appraisals to reach a voluntary settlement at the cost of \$15,000.00. Ms. Johnson explained the efforts of negotiation that she and staff made for this property in the A (Agricultural) Zone District, and stated the grand total amount to be paid by the County is \$75,000.00, as compensation for the landowners. Commissioner Buck moved to approve said agreement and authorize the Chair to sign any necessary documents. Commissioner James seconded the motion. Commissioner Saine requested a roll call vote for this agreement, and the next. Upon said roll call vote, the motion carried four (4) to one (1), with Commissioner Saine opposed. In response to Chair Freeman, Commissioner Saine declined to state her justifications for her dissenting vote.

6) CONSIDER CONTRACT ID #7277 AGREEMENT FOR PURCHASE OF PUBLIC ROAD RIGHT-OF-WAY FOR CRS 6 AND 13 INTERSECTION IMPROVEMENTS PROJECT AND AUTHORIZE CHAIR TO SIGN ANY NECESSARY DOCUMENTS – PADADE AND SHOUA VUE: Ms. Johnson stated this agreement is also associated with the improvements project located at the intersection of CRs 6 and 13, with Padade and Shoua Vue, a mother and daughter, who own the northwest corner of this intersection. She explained the land they own has several parcels due to Recorded Exemptions that have been approved over the years; thus, there has been an unusual instance where their independent appraisal came in lower in value than the appraisal conducted through the County. Ms. Johnson explained surrounding land uses may impact the per-acre value; however, the County considered these as existing conditions to have a more uniform value for each parcel on their property. She detailed the agreed upon valuation in this agreement as follows: 1) acquire 1.243 acres of public road ROW for the cost of \$47,000.00; 2) acquire 0.401 of an acre for TCE for the cost of \$1,500.00; 3) signing incentive to maintain the construction schedule for the cost of \$15,000.00; 4) cost to cure the difference between opinions of value in the appraisals to reach a voluntary settlement at the cost of \$13,500.00; and 5) surveying services to amend the Recorded Exemption plat and update deeds to reflect the new ROW for the cost of \$8,000.00. Ms. Johnson explained the efforts of negotiation that she and staff made for this property in the A (Agricultural) Zone District, and stated the grand total amount to be paid by the County is \$85,000.00, as compensation for the landowners. Commissioner Ross moved to approve said agreement and authorize the Chair to sign any necessary documents. Commissioner James seconded the motion, and upon a roll call vote, the motion carried four (4) to one (1), with Commissioner Saine opposed.

7) CONSIDER DECLARATION OF CERTAIN PROPERTY AS SURPLUS, APPROVE PURCHASE AND SALE AGREEMENT AND QUIT CLAIM DEED FOR DURAN PROPERTY SECTION OF POUFRE RIVER TRAIL, AND AUTHORIZE CHAIR TO SIGN – CITY OF GREELEY: Matthew Conroy, Assistant County Attorney, stated this transfer agreement and deed are for a section along the Poudre River Trail, located just east of 71st Street in Greeley, Colorado. He stated this section sustained damages due to flooding, and he explained the City of Greeley will perform the necessary repair work and mitigation, therefore, staff recommends approval. Commissioner Ross moved to approve said agreement and deed and authorize the Chair to sign. The motion was seconded by Commissioner Buck, and it carried unanimously.

**PLANNING:**

1) CONSIDER DECOMMISSIONING PLAN AND ACCEPT COLLATERAL FOR SITE SPECIFIC DEVELOPMENT PLAN AND USE BY SPECIAL REVIEW PERMIT, USR23-0006, FOR A SOLAR ENERGY FACILITY (SEF) OUTSIDE OF SUBDIVISIONS AND HISTORIC TOWNSITES IN THE A (AGRICULTURAL) ZONE DISTRICT – TIMOTHY AND LAURA COOK, C/O PIVOT SOLAR 35, LLC: Diana Aungst, Department of Planning Services, stated Use by Special Review Permit, USR23-0006, was approved on May 17, 2023, and Condition of Approval #5.A requires a Surety Bond for decommissioning and reclamation purposes, per Weld County Code. She stated staff reviewed the Reclamation Plan and Decommission Bond, in the amount of \$161,800.00, which was deemed acceptable. Bradley Thomas, applicant representative, was present for questions but had nothing further to add. Commissioner Ross moved to approve said decommissioning plan and accept collateral for said permit. The motion was seconded by Commissioner Saine, and it carried unanimously.

2) CONSIDER DECOMMISSIONING PLAN AND ACCEPT COLLATERAL FOR SITE SPECIFIC DEVELOPMENT PLAN AND USE BY SPECIAL REVIEW PERMIT, USR23-0007, FOR A SOLAR ENERGY FACILITY (SEF) OUTSIDE OF SUBDIVISIONS AND HISTORIC TOWNSITES IN THE A (AGRICULTURAL) ZONE DISTRICT – ROBERTA MCGREGOR AND ERIK DAVIS, PERSONAL REPRESENTATIVE FOR DOROTHY DAVIS, C/O PIVOT SOLAR 33, LLC: Molly Nelson, Department of Planning Services, stated Use by Special Review Permit, USR23-0007, was approved on May 17, 2023, and Condition of Approval #5.C requires a Surety Bond for decommissioning and reclamation purposes, per Weld County Code. She stated staff reviewed the Reclamation Plan and Decommissioning Bond, in the amount of \$107,200.00, which was deemed acceptable. Mr. Thomas was present for questions but had nothing further to add. Commissioner Ross moved to approve said decommissioning plan and accept collateral for said permit. The motion was seconded by Commissioner James, and it carried unanimously.

3) CONSIDER DECOMMISSIONING PLAN AND ACCEPT COLLATERAL FOR SITE SPECIFIC DEVELOPMENT PLAN AND USE BY SPECIAL REVIEW PERMIT, USR23-0008, FOR A SOLAR ENERGY FACILITY (SEF) OUTSIDE OF SUBDIVISIONS AND HISTORIC TOWNSITES IN THE A (AGRICULTURAL) ZONE DISTRICT – JERRY LOEFFLER, PERSONAL REPRESENTATIVE FOR LYDIA LOEFFLER, C/O PIVOT SOLAR 36, LLC: Chris Gathman, Department of Planning Services, stated Use by Special Review Permit, USR23-0008, was approved on May 17, 2023, and Condition of Approval #4.D requires a Surety Bond for decommissioning and reclamation purposes, per Weld County Code. He stated staff reviewed the Reclamation Plan and Decommissioning Bond, in the amount of \$107,200.00, which was deemed acceptable. Mr. Thomas was present for questions but had nothing further to add. Commissioner James moved to approve said decommissioning plan, and accept collateral for said permit. The motion was seconded by Commissioner Ross, and it carried unanimously.

**PUBLIC COMMENT:**

1) Edwin Grant, Greeley resident, offered his comments to the Board.

**RESOLUTIONS AND ORDINANCES:** The Resolutions were presented and signed as listed on the Consent Agenda. No Ordinances were approved.

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 16th day of August, 2023.

BOARD OF COUNTY COMMISSIONERS  
WELD COUNTY, COLORADO

ATTEST:

Weld County Clerk to the Board

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Mike Freeman, Chair

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Perry L. Buck, Pro-Tem

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

\_\_\_\_\_  
Scott K. James

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

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Lori Saine