

# RECORD OF PROCEEDINGS

## MINUTES

### BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO MONDAY, OCTOBER 16, 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, October 16, 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 – EXCUSED

Also present:

County Attorney, Bruce Barker  
Acting Clerk to the Board, Houston Aragon  
Chief Financial Officer, Cheryl Pattelli

**MINUTES:** There being no corrections to the Minutes of the Board of County Commissioners meeting of October 2, 2023, as printed, Commissioner Buck moved to approve. Commissioner James seconded the motion and it carried unanimously.

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

**CONSENT AGENDA:** Commissioner Ross moved to approve the Consent Agenda, as printed. Commissioner James seconded the motion and it carried unanimously. *(Clerk's Note: See explanation of County Attorney for affirming this motion following the Emergency Bid award.)*

#### **PRESENTATIONS:**

1) RECOGNITION OF SERVICES, JUVENILE COMMUNITY REVIEW BOARD – SARAH BABB: Chair Freeman read the certificate for the record, and the Board thanked Ms. Babb for her volunteer efforts for the citizens of Weld County.

2) RECOGNITION OF SERVICES, WELD FAITH PARTNERSHIP COUNCIL – STEVEN GRANT, STEVEN HALL, AND WILLIAM MAXWELL: Chair Freeman read the certificates for the record, and the Board thanked Mr. Grant, Mr. Hall, and Mr. Maxwell for their volunteer efforts for the citizens of Weld County.

**PROCLAMATIONS:**

1) NATIONAL HEALTH EDUCATION WEEK – OCTOBER 15-21, 2023: Chair Freeman read the proclamation for the record. Jason Chessher, Director of the Department of Public Health and Environment, thanked the Board for their recognition and support of National Health Education Week. He further stated health education is often an underappreciated component of the department, due to the impacts being more long-term, but those impacts are made daily by staff. Each Commissioner, in turn, expressed the value of the investment in education, and their appreciation for the intentional actions made by staff to educate the citizens of Weld County. *(Clerk's Note: The group gathered for a photo opportunity.)*

**WARRANTS:**

1) GENERAL WARRANTS – OCTOBER 13, 2023: Commissioner Ross moved to approve the General Warrants, as printed. Commissioner Buck seconded the motion and it carried unanimously.

2) COMMISSIONER WARRANTS (LORI SAINÉ) – OCTOBER 13, 2023: Commissioner James moved to approve the Warrant, as printed. Commissioner Ross seconded the motion, which carried unanimously, with Commissioner Sainé excused.

**BIDS:**

1) APPROVE BID #B2300178, SHOOTING RANGE BUILDING ADDITION AND NEW WATER TREATMENT SYSTEM – FACILITIES DEPARTMENT: Carolyn Geisert, Purchasing Department, stated staff is requesting to continue this item to October 30, 2023, to allow for further evaluations of the bids. Commissioner James moved to continue said bid to October 30, 2023, at 9:00 a.m., per staff's request. The motion was seconded by Commissioner Buck, and it carried unanimously.

2) PRESENT BID #B2300176, COURTS SECURITY SCREENING AT VARIOUS LOCATIONS – SHERIFF'S OFFICE: Ms. Geisert stated staff has been presented with four (4) bids were received and will make a recommendation on October 30, 2023. *(Clerk's Note: The bid tabulation sheet reflects six (6) bids were received; however, two (2) vendors were disqualified as they did not attend the mandatory pre-bid meeting.)*

3) PRESENT AND APPROVE EMERGENCY BID #B2300197, CR 74 AND 33 INTERSECTION ROUNDABOUT COMPLETION PROJECT – DEPARTMENT OF PUBLIC WORKS: Rose Everett, Purchasing Department, stated Weld County terminated the Agreement for Construction Services with Lawson Construction Company on September 19, 2023. She further stated on September 26, 2023, a work session was held to discuss the urgent need for completion of the County Roads (CR) 74 and 33 Intersection Roundabout Project, where it was determined that W.W. Clyde and Company, formally known as IHC Scott, Inc., was the most qualified contractor to complete the work. Ms. Everett stated on October 6, 2023, their bid was received and evaluated, and further stated staff recommends selecting the sole source bidder who met specifications, W.W. Clyde and Company, for a total amount of \$5,978,200.20. Don Dunker and Michael Bedell, Department of Public Works, were present to address questions. The Commissioners acknowledged the challenges of returning and shifting project funds, as well as problems caused by the delays to the citizens of Weld County who travel on these routes. Commissioner Ross moved to approve said bid on an emergency basis. The motion was seconded by Commissioner James, and it carried unanimously. Bruce Barker, County Attorney, explained the need for sole source on this project was due to the exigency and breach of contract of the previous contractor, which are good reasons to justify the emergency of this matter.

**NEW BUSINESS:**

1) CONSIDER RETURNING FEDERAL SURFACE TRANSPORTATION BLOCK GRANT (STBG) FUNDS FROM CRS 74 AND 33 INTERSECTION ROUNDABOUT PROJECT BACK TO NORTH FRONT RANGE METROPOLITAN PLANNING ORGANIZATION (NFRMPO), AND AUTHORIZE CLERK TO THE BOARD TO SUBMIT ELECTRONICALLY: Elizabeth Relford, Deputy Director of the Department of Public Works, gave an overview of the County Roads (CRs) 74 and 33 Intersection Roundabout Project by explaining the County was awarded Surface Transportation Block Grant (STBG) funds from the North Front Range Metropolitan Planning Organization (NFRMPO) on March 8, 2019, for fiscal year 2023, in the amount of \$1,091,818.00. She further explained these funds were vetted through the Colorado Department of Transportation (CDOT) Statewide Transportation Improvements Program (STIP). In addition, Ms. Relford stated on June 15, 2022, the Board approved an Intergovernmental Agreement (IGA) with CDOT and NFRMPO, per Resolution #2022-1668, in conjunction with local match funds contributed by the Town of Eaton, in the amount of \$22,696.00, and indicated they are still committed to providing these funds. She stated on December 21, 2022, the Board awarded the bid, in the amount of \$9,210,800.00, to Lawson Construction Company; however, due to material breaches of certain terms and conditions, the County provided written notice for termination of the contract with said contractor on September 19, 2023. As a result, Ms. Relford stated the grant funds must be returned back to NFRMPO for their funding pool. Commissioner James moved to approve said Resolution and authorize the Clerk to the Board to submit electronically. The motion was seconded by Commissioner Ross, and it carried unanimously.

2) CONSIDER RETURNING REIMBURSED FEDERAL SURFACE TRANSPORTATION BLOCK GRANT (STBG) FUNDS FROM CRS 74 AND 33 INTERSECTION ROUNDABOUT PROJECT BACK TO COLORADO DEPARTMENT OF TRANSPORTATION (CDOT), AUTHORIZE CLERK TO THE BOARD TO SUBMIT ELECTRONICALLY, AND TERMINATE INTERGOVERNMENTAL AGREEMENT ENTERED INTO UNDER RESOLUTION #2020-2453, DATED AUGUST 8, 2020: Ms. Relford stated this Resolution is for the purpose of record keeping and auditing regarding the IGA with CDOT for the CRs 74 and 33 Intersection Roundabout Project, known as Resolution #2020-2453, concerning expended costs related to this project. She stated this Resolution identifies \$505,903.61 of federal funds vetted through CDOT, and requests the funds be returned to CDOT as part of the contractual obligations and then terminate the IGA with CDOT. Commissioner Ross moved to approve said Resolution, authorize Clerk to the Board to submit electronically, and terminate said agreement entered into under Resolution #2020-2453, dated August 8, 2020. The motion was seconded by Commissioner Buck, and it carried unanimously.

3) CONSIDER APPOINTMENTS TO BUILDING TRADES ADVISORY COMMITTEE: Commissioner Ross moved to approve said appointments. The motion was seconded by Commissioner Buck, and it carried unanimously.

4) CONSIDER REASSIGNMENTS, APPOINTMENT, AND REAPPOINTMENTS TO JUVENILE COMMUNITY REVIEW BOARD: Commissioner Ross moved to approve said reassignments, appointment, and reappointments. The motion was seconded by Commissioner Buck, and it carried unanimously.

5) CONSIDER APPOINTMENT TO REGIONAL COMMUNICATIONS ADVISORY BOARD: Commissioner Ross moved to approve said appointment. The motion was seconded by Commissioner Buck, and it carried unanimously.

6) CONSIDER REAPPOINTMENTS TO WELD COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT ADVISORY COMMITTEE (CDBGAC): Commissioner Ross moved to approve said reappointments. The motion was seconded by Commissioner Buck, and it carried unanimously.

7) CONSIDER REAPPOINTMENT TO WELD FAITH PARTNERSHIP COUNCIL: Commissioner Ross moved to approve said reappointment. The motion was seconded by Commissioner Buck, and it carried unanimously.

8) CONSIDER APPOINTMENT TO WORKFORCE DEVELOPMENT BOARD: Commissioner Ross moved to approve said appointment. The motion was seconded by Commissioner James, and it carried unanimously.

**PLANNING:**

1) SECOND READING OF CODE ORDINANCE #2023-12, IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 23 ZONING OF THE WELD COUNTY CODE (*FLOODPLAIN REGULATIONS*): Commissioner James moved to read Code Ordinance #2023-12 by title only. The motion was seconded by Commissioner Buck, and it carried unanimously. Bruce Barker, County Attorney, read the title for the record. Tom Parko, Director of the Department of Planning Services, alongside Diana Aungst, Department of Planning Services, stated there have been no changes since First Reading, and he commended Ms. Aungst for her review of the regulations to ensure compliance. No public testimony was offered concerning this matter. Commissioner James moved to approve Code Ordinance #2023-12 on Second Reading. The motion was seconded by Commissioner Buck, and it carried unanimously.

**PUBLIC COMMENT:** No public comment was offered.

**RESOLUTIONS AND ORDINANCES:** The Resolutions were presented and signed as listed on the Consent Agenda. Code Ordinance #2023-12 was approved on Second 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 9:27 a.m.

These Minutes were approved on the 30th day of October, 2023.

BOARD OF COUNTY COMMISSIONERS  
WELD COUNTY, COLORADO

ATTEST:

Weld County Clerk to the Board

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

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

\_\_\_\_\_  
Perry L. Buck, Pro-Tem

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

\_\_\_\_\_  
EXCUSED DATE OF APPROVAL  
Kevin D. Ross

\_\_\_\_\_  
EXCUSED  
Lori Saine