

RECORD OF PROCEEDINGS

MINUTES

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO WEDNESDAY, DECEMBER 6, 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, December 6, 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 – EXCUSED
Commissioner Lori Saine

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 November 22, 2023, as printed, Commissioner James moved to approve. Commissioner Buck seconded the motion and it carried unanimously. *(Clerk's Note: Chair Freeman inadvertently stated Commissioner Ross seconded the motion; however, he has been excused and was actually Commissioner Buck.*

CERTIFICATION OF HEARINGS: Commissioner Buck moved to approve the Certification of Hearings conducted on November 22, 2023, as follows: 1) USR23-0034 – Barry James Reider Living Trust and Julie Ann Nelson Living Trust, c/o CBEP Solar 17, LLC, and 2) USR23-0037 – Cervi Enterprises, Inc., c/o Kerr-McGee Oil and Gas Onshore, LP. Commissioner James seconded the motion, which carried unanimously.

AMENDMENTS TO AGENDA: Commissioner Saine moved to amend the agenda to add a presentation for recognition of the Weld County Constitution Day Essay and Art Contest. The motion was seconded by Commissioner James, which carried unanimously.

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

PRESENTATIONS:

1) RECOGNITION OF SERVICES, DEPARTMENT OF JUSTICE SERVICES – SHARON BEHRENS: Chair Freeman used Chair's Prerogative to allow Commissioner Buck to read the certificate recognizing Sharon Behrens for the record. Doug Erler, Director of the Department of Justice Services, thanked the Board for the opportunity to celebrate and express gratitude to Sharon Behrens, which is also a bittersweet farewell for a dear colleague and friend. He shared Ms. Behrens began her career with Weld County in the Sheriff's Office, which lent to her transition into a unique and important role providing

administrative support to the Community Corrections Board, and as a liaison to the state and courts for the delivery of local community correction services. Mr. Erler indicated that he and Sharon Behrens were among the first employees in the Department of Justice Services, and has worked alongside her for the past sixteen (16) years where she has been a driving force behind all fiscal matters and has created a well-maintained overall operation service. Sharon Behrens was present and thanked the Board, her family, and her colleagues. She stated it has been her privilege and an honor serving Weld County in her capacity, and is looking forward to retirement, but will miss her coworkers who have become a second family to her. Ms. Behrens thanked Mr. Erler for teaching her everything that she knows about community corrections, since she had no experience when she stepped into her role. The Commissioners, in turn, expressed their gratitude to Ms. Behrens for her dedication to the citizens of Weld County and wished her the best in her retirement and future endeavors. *(Clerk's Note: The group gathered for a photo opportunity.)*

2) RECOGNITION OF WELD COUNTY CONSTITUTION DAY ESSAY AND ART CONTEST – Lyn Tausan, representative of Blessing of Liberty and Patriot Academy, thanked the Board for the opportunity to speak about a celebratory gathering that took place on September 23, 2023, in the Windsor High School auditorium at the end of Freedom Week. She explained the focus was to congratulate the contest winners for the Constitution Contest, which was promoted by Commissioner Saine. Ms. Tausan stated the first place winners received a pewter bust of George Washington, Alexander Hamilton, or Thomas Jefferson, as well as registration to the Junior Leadership Conference to take place in Denver, Colorado, June 2024; and furthermore, the second and third place winners received parchment copies of the United States Constitution, Declaration of Independence, and the Preamble to the United States Constitution. She brought framed pictures of the word 'FREEDOM', as a token and reminder "We the People" have elected the Commissioners as leaders in Weld County, and entrust them with responsibilities of governing, defending, and protecting the United States Constitution and its freedoms. *(Clerk's Note: The group gathered for a photo opportunity.)*

WARRANTS:

1) GENERAL WARRANTS – DECEMBER 5, 2023: Commissioner Buck moved to approve the General Warrants, as printed. Commissioner James seconded the motion, and upon a roll call vote of three (3) to one (1) the motion carried, with Commissioner Saine opposed, and Commissioner Ross excused.

NEW BUSINESS:

1) CONSIDER STANDARD FORM FOR HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA) DISCLOSURE AND PRIVACY POLICY BETWEEN DEPARTMENT OF HUMAN SERVICES, AREA AGENCY ON AGING (AAA), AND VARIOUS CLIENTS: Jamie Ulrich, Director of the Department of Human Services, stated this form is an updated privacy policy for HIPAA compliance to be used for Area Agency on Aging (AAA) clients. Commissioner Buck moved to approve said standard form and authorize the Department of Human Services to execute individual forms with various Area Agency on Aging (AAA) clients. The motion was seconded by Commissioner Saine, and it carried unanimously.

2) CONSIDER REVISIONS TO BYLAWS FOR HUMAN SERVICES ADVISORY COMMISSION: Ms. Ulrich stated she worked with Bruce Barker, County Attorney, to revise the Bylaws for the Human Services Advisory Commission pertaining to membership term limits. Commissioner James moved to approve said bylaws, as revised. The motion was seconded by Commissioner Buck, and it carried unanimously.

3) CONSIDER CONTRACT ID #7606 EXPENDITURE AUTHORIZATION AND WORK PLAN FOR WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA) PROGRAM FUNDS FOR MIGRANT SEASONAL FARM WORKER (MSFW) PROGRAM, AND AUTHORIZE CHAIR TO SIGN ELECTRONICALLY: Ms. Ulrich stated this allows for expenditure of funding for an array of services to assist seasonal and migrant farm workers with access to basic needs. In response to Commissioner Saine, Ms. Ulrich confirmed these are grant funds through the Department of Labor and this program is mandatory and required through the Workforce Center. Commissioner James moved to approve said expenditure authorization and work plan, and authorize the Chair to sign electronically. The motion was seconded by Commissioner Buck, and it carried unanimously.

4) CONSIDER CONTRACT ID #7607 EXPENDITURE AUTHORIZATION AND WORK PLAN FOR WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA) PROGRAM FUNDS FOR FOREIGN LABOR CERTIFICATION (FLC) GRANT, AND AUTHORIZE CHAIR TO SIGN ELECTRONICALLY: Ms. Ulrich stated this allows for expenditure of funding that is related to the previous item of business, but is for services to assist employers in the agricultural industry to fill temporary and seasonal positions with foreign workers. She stated funds can be used for job orders, housing inspections, staff time and trainings. In response to Commissioner Saine, Ms. Ulrich once again stated this program is mandatory and required through the Workforce Center, and the funding is a little over \$12,000.00. Commissioner James moved to approve said expenditure authorization and work plan, and authorize the Chair to sign electronically. The motion was seconded by Commissioner Buck, and it carried unanimously.

5) CONSIDER CONTRACT ID #7608 EXPENDITURE AUTHORIZATION AND WORK PLAN FOR WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA) PROGRAM FUNDS FOR REEMPLOYMENT SERVICES AND ELIGIBILITY ASSESSMENT (RESEA) PROGRAM, AND AUTHORIZE CHAIR TO SIGN ELECTRONICALLY: Ms. Ulrich stated this allows for expenditure of funding for the Reemployment Service and Eligibility Assessment (RESEA) Program that is provided through Employment Services of Weld County. Commissioner Buck moved to approve said expenditure authorization and authorize the Chair to sign electronically. The motion was seconded by Commissioner James, and it carried unanimously.

6) CONSIDER CONTRACT ID #7611 AGREEMENT FOR PROFESSIONAL SERVICES FOR FOSTER PARENT TRAINING AND CO-FACILITATOR SERVICES, AND AUTHORIZE CHAIR TO SIGN – TIERNEY BALDWIN: Ms. Ulrich stated Tierney Baldwin helps prepare foster parent training and offers co-facilitator services for the Department of Human Services, to begin in January 2024. Commissioner Saine moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner Buck, and it carried unanimously.

7) CONSIDER CONTRACT ID #7631 AGREEMENT FOR PROFESSIONAL SERVICES FOR FOSTER PARENT TRAINING AND CO-FACILITATOR SERVICES, AND AUTHORIZE CHAIR TO SIGN – ESTHER DENNIS: Ms. Ulrich stated Esther Dennis helps prepare foster parent training and offers co-facilitator services for the Department of Human Services, to begin in January 2024. Commissioner James moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner Buck, and it carried unanimously.

8) CONSIDER CONTRACT ID #7635 AGREEMENT FOR PROFESSIONAL SERVICES FOR FOSTER PARENT TRAINING AND CO-FACILITATOR SERVICES, AND AUTHORIZE CHAIR TO SIGN – NICHOLE SNOW: Ms. Ulrich stated Nichole Snow helps prepare foster parent training and offers co-facilitator services for the Department of Human Services, to begin in January 2024. Commissioner Buck moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner James, and it carried unanimously.

9) CONSIDER CONTRACT ID #7626 MEMORANDUM OF UNDERSTANDING FOR BED BUG MITIGATION AND AUTHORIZE CHAIR TO SIGN – GREELEY TRANSITIONAL HOUSE, INC., DBA GREELEY FAMILY HOUSE: Ms. Ulrich stated this is a non-financial memorandum of understanding (MOU) partnership with the Greeley Family House to allow the Department to use their facilities to mitigate bed bugs from children’s belongings who are entering into the foster care system. Commissioner James moved to approve said memorandum of understanding and authorize the Chair to sign. The motion was seconded by Commissioner Buck, and it carried unanimously.

10) CONSIDER CONTRACT ID #7629 MEMORANDUM OF UNDERSTANDING FOR CHILD WELFARE AND ADULT PROTECTIVE SERVICES HOTLINE, AND AUTHORIZE CHAIR TO SIGN – PROWERS COUNTY: Ms. Ulrich stated this is an annual contract with Child Welfare and Adult Protective Services hotline to purchase call coverage services through the Hotline County Connections Center, related to abuse and neglect referrals. Commissioner Buck moved to approve said memorandum of understanding and authorize the Chair to sign. Seconded by Commissioner James, and the motion carried unanimously.

11) CONSIDER CONTRACT ID #7632 INDIVIDUAL PROVIDER CONTRACT FOR PURCHASE OF FOSTER CARE SERVICES IN A FOSTER CARE HOME AND AUTHORIZE CHAIR TO SIGN – ANDREA SINDEN: Ms. Ulrich stated this contract is for a new provisional kinship foster care home. Commissioner Buck moved to approve said contract and authorize the Chair to sign. The motion, which was seconded by Commissioner James, carried unanimously.

12) CONSIDER CONTRACT ID #7643 2024 ANNUAL PROGRAM PLAN FOR CHILD SUPPORT SERVICES AND AUTHORIZE DEPARTMENT OF HUMAN SERVICES TO SIGN AND SUBMIT ELECTRONICALLY: Ms. Ulrich stated this is an annual program plan that utilizes the Department of Human Services recommended funds for the 2024 budget. Commissioner James moved to approve said plan and authorize the Department of Human Services to sign and submit electronically. The motion was seconded by Commissioner Saine, and it carried unanimously.

13) CONSIDER REVISIONS TO FEE SCHEDULE FOR FEES COLLECTED BY WELD COUNTY DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT: Jason Chessher, Director of the Department of Public Health and Environment, stated this is an update to the fee schedule for calendar and fiscal year 2024. He indicated there are minor changes to environmental health fees, but significant changes to the public health fees, which he clarified are more back-end costs rather than affecting any out-of-pocket costs to the customers. Mr. Chessher stated the fee schedule was presented to the Board in a work session held on November 21, 2023, and staff recommends approval. Commissioner Buck moved to approve said fee schedule, as revised. The motion was seconded by Commissioner James. Commissioner Saine commended and thanked staff for their efforts in the calculations to have the costs make more sense and to reflect what values cost rather than blanket fees. There being no further discussion the motion carried unanimously.

14) CONSIDER CONTRACT ID #7658 GRANT APPLICATION FOR ENERGY AND MINERAL IMPACT ASSISTANCE FUND (EIAF) PROGRAM FOR CR 21 IMPROVEMENTS PROJECT (DECEMBER CYCLE – TIER I), AND AUTHORIZE DEPARTMENT OF PUBLIC WORKS TO SUBMIT ELECTRONICALLY: Elizabeth Relford, Deputy Director of the Department of Public Works, requested to submit a Tier I grant application, in the amount of \$200,000.00, for the County Road (CR) 21 Improvements Project. She stated the Board approved this application as part of the Capital Improvements Plan (CIP) work session held on October 12, 2023. Ms. Relford stated, if awarded, the grant funds will cover materials only. Commissioner James moved to approve said application and authorize the Department of Public Works to submit electronically. The motion was seconded by Commissioner Buck, and it carried unanimously.

15) CONSIDER CONTRACT ID #7659 GRANT APPLICATION FOR ENERGY AND MINERAL IMPACT ASSISTANCE FUND (EIAF) PROGRAM FOR CRS 6 AND 13 INTERSECTION ROUNDABOUT PROJECT (DECEMBER CYCLE – TIER II), AND AUTHORIZE DEPARTMENT OF PUBLIC WORKS TO SUBMIT ELECTRONICALLY: Ms. Relford requested to submit a Tier II grant application, in the amount of \$1,000,000.00, for the CRs 6 and 13 Intersection Roundabout Project. She stated the Board approved this application as part of the Capital Improvements Plan (CIP) work session held on October 12, 2023. Ms. Relford stated the overall estimated cost of this project is \$11,699,920.00, and if the grant is awarded, the Department of Public Works will bid out the construction of this project to commence in 2025. Commissioner James commended Ms. Relford for staying on top of these grants, and moved to approve said application and authorize the Department of Public Works to submit electronically. The motion was seconded by Commissioner Buck, and it carried unanimously.

16) CONSIDER NON-EXCLUSIVE LICENSE AGREEMENT FOR A CRUDE OIL PIPELINE ASSOCIATED WITH LOCATION ASSESSMENT FOR PIPELINES PERMIT, LAP22-0011, WITHIN PORTIONS OF CR 27 NON-MAINTAINED PUBLIC ROAD RIGHT-OF-WAY, AND AUTHORIZE CHAIR TO SIGN – SUNCOR ENERGY (U.S.A.) PIPELINE COMPANY: Bruce Barker, County Attorney, stated this agreement is to satisfy a condition for the Location Assessment for Pipelines Permit, LAP22-0011, to allow a crude oil pipeline to be installed within right-of-way for roughly 8/10 of one (1) mile on CR 27. Mr. Barker indicated Suncor requested language be modified to the County’s standard Non-Exclusive License Agreement language, which he stated for the record. Commissioner James moved to approve said agreement and authorize the Chair to sign. Commissioner Buck seconded the motion, and it carried unanimously.

17) FINAL READING OF CODE ORDINANCE #2023-20, IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 12 LICENSES AND PERMITS OF THE WELD COUNTY CODE (*SECURE TRANSPORTATION SERVICES*): Commissioner James moved to read Code Ordinance #2023-20 by title only. The motion was seconded by Commissioner Buck, and it carried unanimously. Mr. Barker read the title for the record and stated there have been no changes since Second Reading. There was no public testimony concerning this matter. Commissioner James moved to approve Code Ordinance #2023-20 on Final Reading. The motion was seconded by Commissioner Buck, and it carried unanimously.

18) FINAL READING OF CODE ORDINANCE #2023-21, IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 14 HEALTH AND ANIMALS OF THE WELD COUNTY CODE (*NOCO HUMANE*): Commissioner James moved to read Code Ordinance #2023-21 by title only. The motion was seconded by Commissioner Buck, and it carried unanimously. Mr. Barker read the title for the record and stated there have been no changes since Second Reading. There was no public testimony concerning this matter. Commissioner James moved to approve Code Ordinance #2023-21 on Final Reading. The motion was seconded by Commissioner Buck, and it carried unanimously.

PUBLIC COMMENT:

- 1) Steve Teets, Greeley resident, offered his comments to the Board.
- 2) Bill Gillard, Greeley resident, offered his comments to the Board.
- 3) 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. Code Ordinances #2023-20 and #2023-21 were 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 9:49 a.m.

These Minutes were approved on the 20th day of December, 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

Kevin D. Ross

Lori Saine