

RECORD OF PROCEEDINGS

MINUTES

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO WEDNESDAY, MAY 22, 2024

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, May 22, 2024, 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 Kevin D. Ross, Chair
Commissioner Perry L. Buck, Pro-Tem
Commissioner Mike Freeman
Commissioner Scott K. James
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 May 8, 2024, as printed, Commissioner Buck moved to approve. Commissioner James seconded the motion and it carried unanimously.

READ ORDINANCE BY AUDIO: Commissioner James moved to read Code Ordinance #2024-09 by audio. The motion was seconded by Commissioner Freeman and it carried unanimously.

CERTIFICATION OF HEARINGS: Commissioner James moved to approve the Certification of Hearings conducted on May 8, 2024, as follows: 1) Petition for Vacation of a Portion of CR 41 Between CRs 6 and 4 – BNSF Railway Company and Alan Agnew, 2) COZ23-0005 – Robert L. Seltzer Family, LLC, and 3) USR23-0042 – Michael Boulter Farms, LLC, c/o Liberty Power Innovations, LLC. Commissioner Freeman seconded the motion, which carried unanimously.

AMENDMENTS TO AGENDA: Commissioner Saine moved to remove the 15-minute time limit and majority vote provisions under 'Public Comment'. There being no second, the motion failed. There were no further amendments to the agenda.

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

PROCLAMATIONS:

1) MEMORIAL DAY – MAY 27, 2024: Chair Ross read the proclamation for the record. Jamie Ulrich, Director of the Department of Human Services, thanked the Board for the recognition, expressed the dedication the Veterans Service Officers have for the citizens of Weld County, and shared a statement in support of veterans and families of fallen heroes. She expressed her heart-felt gratitude to employees who have served or are currently serving in the armed forces, and noted Memorial Day is a powerful reminder of the unity and strength of the nation. She introduced staff and community partners who were present for the record. Each Commissioner, in turn, acknowledged the sacrifice of fallen soldiers who defended the United States, expressed because of their sacrifice, the nation has freedoms that many do not have, and it is their humbled honor to participate in the Lynn Grove Cemetery Memorial Ceremony on Monday, May 27, 2024, in remembrance of those who gave their lives. *(Clerk’s Note: The group gathered for a photo opportunity.)*

WARRANTS:

1) GENERAL WARRANTS – MAY 21, 2024: Commissioner James moved to approve the General Warrants, as printed. Commissioner Freeman seconded the motion and it carried unanimously.

BIDS:

1) APPROVE BID #B2400015, TANDEM AXLE DUMP TRUCK (ELLIPTICAL WITH PLOW - QTY 1) – DEPARTMENTS OF FLEET SERVICES AND PUBLIC WORKS: Toby Taylor, Purchasing Department, stated staff recommends selecting the lowest bidder who met specifications, Transwest Trucks, for a total amount of \$275,993.00. Commissioner Buck moved to approve said bid. The motion was seconded by Commissioner James and it carried unanimously.

2) APPROVE BID #B2400016, 20-TON SINGLE PADFOOT VIBRATORY ROLLER (QTY 1) – DEPARTMENTS OF FLEET SERVICES AND PUBLIC WORKS: Mr. Taylor reviewed staff’s recommendation to select Southwest JBC, the low bidder meeting specifications, for a total amount of \$223,244.00. Commissioner Freeman moved to approve said bid. The motion was seconded by Commissioner Buck and it carried unanimously.

3) APPROVE BID #B2400082, MASTER KEY SYSTEM DESIGN SERVICES – FACILITIES DEPARTMENT: Mr. Taylor stated staff requested further time to review bid submissions and recommended this matter be continued to June 19, 2024. Commissioner James moved to continue said bid to June 19, 2024, at 9:00 a.m. The motion was seconded by Commissioner Buck and it carried unanimously.

4) PRESENT BID #B2400090, WELD COUNTY AMERICANS WITH DISABILITIES ACT (ADA) BUILDING AUDIT – FACILITIES DEPARTMENT: Mr. Taylor stated five (5) bids were received and staff will make a recommendation on June 5, 2024.

NEW BUSINESS:

1) CONSIDER REQUEST FOR PROPOSAL AND ATTESTATION OF COMPLIANCE FOR BACKGROUND CHECKS AND COLORADO ADULT PROTECTIVE SERVICES SYSTEM (CAPS) FOR 2024/2025 COLORADO RESPITE COALITION (CRC) GRANT, AND AUTHORIZE DEPARTMENT OF HUMAN SERVICES TO SIGN AND SUBMIT ELECTRONICALLY: Ms. Ulrich requested to submit the request for proposal and attestation of compliance, and stated by doing so, it will allow the County to apply for \$30,000.00 in funding to support family caregivers with respite options for the older population. She stated there is no County match and staff recommends approval. Commissioner Buck moved to approve said request for proposal and attestation of compliance, and authorize the Department of Human Services to sign and submit electronically. The motion was seconded by Commissioner Saine and it carried unanimously.

2) CONSIDER QUALIFIED APPRENTICESHIP INTERMEDIARY APPLICATION AND AUTHORIZE DEPARTMENT OF HUMAN SERVICES TO SIGN AND SUBMIT ELECTRONICALLY: Ms. Ulrich stated the application and designation will allow the County to support and accelerate the expansion of registered apprenticeships and provide eligibility for competitive funding opportunities. She stated there is no cost to the County associated with the request and staff recommends approval. Commissioner James moved to approve said application and authorize the Department of Human Services to sign and submit electronically. The motion was seconded by Commissioner Buck and it carried unanimously.

3) CONSIDER CONTRACT ID #8100 EXPENDITURE AUTHORIZATION AND WORK PLAN FOR FOREIGN LABOR CERTIFICATION (FLC) GRANT, AND AUTHORIZE CHAIR TO SIGN ELECTRONICALLY: Ms. Ulrich stated the expenditure authorization aids agricultural industry employers to fill temporary and seasonal positions with foreign workers, which she noted all of whom are legally certified to work in the United States. Ms. Ulrich stated the funding, in the amount of \$400.00, is utilized to purchase supplies for housing inspections. Commissioner Freeman moved to approve said expenditure authorization and work plan, and authorize the Chair to sign electronically. The motion, which was seconded by Commissioner James, carried unanimously.

4) CONSIDER CONTRACT ID #8199 MODIFICATION LETTER TO EXPENDITURE AUTHORIZATION AND WORKPLAN FOR WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA) VETERAN'S SERVICE TO CAREER PROGRAM (VSCP), AND AUTHORIZE CHAIR AND DEPARTMENT OF HUMAN SERVICES TO SIGN: Ms. Ulrich stated the Modification Letter amends the funding provisions for the Veteran's Service to Career Program (VSCP), and staff recommends approval. Commissioner Buck moved to approve said modification letter and authorize the Chair and Department of Human Services to sign. The motion was seconded by Commissioner James and it carried unanimously.

5) CONSIDER CONTRACT ID #8206 INDIVIDUAL PROVIDER CONTRACT FOR PURCHASE OF FOSTER CARE SERVICES IN A FOSTER CARE HOME AND AUTHORIZE CHAIR TO SIGN – DANIEL AND ELIZABETH GILES: Ms. Ulrich stated the contract is for a new certified foster care provider located in Milliken, Colorado. Commissioner Freeman moved to approve said contract and authorize the Chair to sign. The motion was seconded by Commissioner James and it carried unanimously.

6) CONSIDER CONTRACT ID #8222 CONSENT TO ASSIGNMENT AND ASSUMPTION OF PURCHASE OF SERVICE AGREEMENT FOR OLDER AMERICANS ACT IN-HOME SERVICES FROM MILE HIGH SENIORS, INC., DBA HOME HELPERS, TO COLORADO DOUBLE H, LLC, DBA HOME HELPERS HOME CARE OF LONGMONT, AND AUTHORIZE CHAIR TO SIGN: Ms. Ulrich stated the agreement is for the Case Management Agency (CMA) provider to assist qualified individuals and is funded through the Older Americans Act. Commissioner James moved to approve said agreement and authorize the Chair to sign. The motion, which was seconded by Commissioner Freeman, carried unanimously.

7) CONSIDER CONTRACT ID #8231 ACCEPTANCE OF INTERGOVERNMENTAL GRANT AGREEMENT SUMMARY OF TERMS AND CONDITIONS FOR ENERGY AND MINERAL IMPACT ASSISTANCE (EIAF) PROGRAM FOR CRS 6 AND 13 INTERSECTION ROUNDABOUT PROJECT (DECEMBER CYCLE – TIER II): Elizabeth Relford, Interim Director of the Department of Planning Services, on behalf of the Department of Public Works, presented a Colorado Department of Local Affairs (DOLA) contract, in the amount of \$1 Million, to be used prior to the expiration date of April 30, 2026, as partial funding for the County Roads (CRs) 6 and 13 Intersection Roundabout Project. She explained the overall cost for this project is approximately \$11.7 Million and gave an overview of the project timeline.

Commissioner James commended Ms. Relford and moved to accept said grant agreement. The motion was seconded by Commissioner Buck, and upon a roll call vote of four (4) to one (1), the motion carried, with Commissioner Saine opposed.

8) CONSIDER GRANT APPLICATION FOR COMPETENCY RESTORATION SUPPORT SERVICES FOR PRERESTORE AND PRECONNECT PROGRAMS AND AUTHORIZE DEPARTMENT OF JUSTICE SERVICES TO SUBMIT ELECTRONICALLY – COLORADO COMPETENCY SOLUTIONS: Doug Erler, Director of the Department of Justice Services, requested to apply for grant funding, in the amount of \$546,911.00, to assist certain criminally charged adult offenders with diversion from the State hospital to complete in-patient competency restoration, and to deliver these sentences as an outpatient basis. He reviewed the support given from local agencies and indicated, should the grant be awarded, the funding will be used to enhance pre-trial supervision efforts and unique housing options for defendants identified by the local work release facility. Mr. Erler stated this opportunity provides significantly better public safety and cost-saving measures, fully funds two additional full-time employees, there is no County financial match, and staff recommends approval. Commissioner James moved to approve said application and authorize the Department of Justice Services to submit electronically. The motion was seconded by Commissioner Buck and it carried unanimously.

9) CONSIDER MASTER CONTRACT AND PERSONAL IDENTIFYING INFORMATION (PII) CERTIFICATION (EXHIBIT C) FOR COMMUNITY CORRECTIONS SERVICES, AND AUTHORIZE CHAIR TO SIGN: Mr. Erler presented the new master contract with the Colorado Department of Public Safety for the continued delivery of community correction services in Weld County. He explained the current contract will expire June 30, 2024, and the new contract will begin July 1, 2024, and go through June 30, 2029. Mr. Erler noted, after review, the terms and conditions of the contract remain the same as they have been in the past, there is no County financial match, and staff recommends approval. Commissioner Freeman moved to approve said contract and authorize the Chair to sign. The motion was seconded by Commissioner Buck and the motion carried unanimously. *(Clerk's Note: The title of this item was altered post Board Meeting.)*

10) CONSIDER APPOINTMENT TO BOARD OF ADJUSTMENT: Commissioner Buck moved to approve said appointment. The motion was seconded by Commissioner James and it carried unanimously.

11) CONSIDER APPOINTMENT AND REAPPOINTMENTS TO BOARD OF PUBLIC HEALTH: Commissioner James moved to approve said appointment and reappointments. The motion was seconded by Commissioner Buck and it carried unanimously.

12) CONSIDER APPOINTMENT TO PLANNING COMMISSION: Commissioner Buck moved to approve said appointment. The motion was seconded by Commissioner James. After brief discussion, Commissioner Saine commented she will not support the appointment due to Michael Biwer being the second representative from the Town of Ault. Upon a roll call vote of four (4) to one (1), the motion carried, with Commissioner Saine opposed.

13) CONSIDER APPOINTMENTS TO WELD FAITH PARTNERSHIP COUNCIL: Commissioner Buck moved to approve said appointments. The motion was seconded by Commissioner James and it carried unanimously.

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

15) CONSIDER APPOINTMENT TO AREA AGENCY ON AGING ADVISORY BOARD: Commissioner Buck moved to approve said appointment. The motion was seconded by Commissioner James and it carried unanimously.

16) CONSIDER APPOINTMENT TO EXTENSION ADVISORY COUNCIL: Commissioner Freeman moved to approve said appointment. The motion was seconded by Commissioner James and it carried unanimously.

17) FIRST READING OF CODE ORDINANCE #2024-09, IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 21 AREAS AND ACTIVITIES OF STATE INTEREST OF THE WELD COUNTY CODE (1041 WOGLA CODE CHANGES): Jason Maxey, Director of the Department of Oil and Gas Energy, thanked all staff and community partners who were involved for their collaborative efforts, and indicated multiple staff meetings, stakeholder meetings, and work sessions have occurred regarding the proposed changes brought forth for the Board's consideration. He gave a brief overview of the proposed changes to Chapter 21, Areas and Activities of State Interest, of the Weld County Code, regarding 1041 Oil and Gas Permits and stated a work session with the Board was held on April 29, 2024, to discuss the detailed content changes. As a result of that work session, Mr. Maxey addressed the Board's question regarding noise via email and stated he is not aware of any further questions or concerns. In response to Commissioner Saine, Mr. Maxey stated the Appendix 21-B boundary map has to be updated each year due to municipality annexations and boundary changes, and to avoid doing a Code Ordinance each year to update said map, staff proposes to convert it to language, so the map automatically evolves pursuant to the definitions in the Weld County Code. Further in response to Commissioner Saine, he confirmed the proposed Code changes are not more restrictive than State regulations and he does not believe the proposed changes make oil and gas operations and permitting more difficult. After discussion, the Board commended staff for their efforts and conveyed that the County is required to adhere to the State oil and gas standards, but strives to be as minimally restrictive as possible. No public testimony was offered concerning this matter. Commissioner James moved to approve Code Ordinance #2024-09 on First Reading. Seconded by Commissioner Freeman, and upon a roll call vote of four (4) to one (1), the motion carried, with Commissioner Saine opposed.

PLANNING:

1) CONSIDER DECOMMISSIONING PLAN AND ACCEPT COLLATERAL FOR SITE SPECIFIC DEVELOPMENT PLAN AND MAJOR AMENDED USE BY SPECIAL REVIEW PERMIT, 1MJUSR23-22-0027, FOR A SOLAR ENERGY FACILITY (SEF) OUTSIDE OF SUBDIVISIONS AND HISTORIC TOWNSITES IN THE A (AGRICULTURAL) ZONE DISTRICT – CBEP LAND 2, LLC, C/O CBEP SOLAR 9, LLC, AND ECA CO LEAD, LLC: Kim Ogle, Department of Planning Services, stated this item of business and the next item are both the result of Condition of Approval (COA) #4.A for Major Amended Use by Special Review Permit, 1MJUSR23-22-0027, approved on December 13, 2023, and the department determined the decommissioning and reclamation plans for each respective solar energy facility (SEF) to be complete. He expanded the applicant submitted two (2) surety bonds in the amount of \$162,444.24 and \$144,166.04 to address the decommissioning and reclamation of the facility, and stated staff recommends approval. Commissioner Freeman moved to approve said decommissioning plan and accept collateral. The motion was seconded by Commissioner James and it carried unanimously.

2) CONSIDER DECOMMISSIONING PLAN AND ACCEPT COLLATERAL FOR SITE SPECIFIC DEVELOPMENT PLAN AND MAJOR AMENDED USE BY SPECIAL REVIEW PERMIT, 1MJUSR23-22-0027, FOR A SOLAR ENERGY FACILITY (SEF) OUTSIDE OF SUBDIVISIONS AND HISTORIC TOWNSITES IN THE A (AGRICULTURAL) ZONE DISTRICT – CBEP LAND 2, LLC, C/O CBEP SOLAR 9, LLC, AND ECA CO LEAD, LLC: Mr. Ogle stated this is related to the item of business listed above. Commissioner Freeman moved to approve said decommissioning plan and accept

collateral. The motion was seconded by Commissioner James and it carried unanimously. *(Clerk's Note: The Board took a moment to recognize Mr. Ogle for his years of service to the citizens of Weld County and extended their best wishes in his future endeavors with his retirement from Weld County.)*

3) CONSIDER FULL RELEASE OF WARRANTY COLLATERAL FOR USE BY SPECIAL REVIEW PERMIT, USR19-0071 – DPG FARMS, LLC, AND CALVIN GOZA, C/O HOLCIM – WCR, INC.: Jazmyn Trujillo-Martinez, Department of Planning Services, requested the Board release warranty collateral, in the amount of \$238,546.30, procured in the form of a Bond Rider issued by North American Specialty Insurance Company. She stated the applicant has completed their two (2)-year warranty period obligation and staff has inspected the improvements and recommends release of the warranty collateral. Ms. Trujillo-Martinez noted the terms of the Road Maintenance Agreement shall remain in effect for the life of the Use by Special Review (USR) Permit. Commissioner James moved to approve said release of warranty collateral. The motion was seconded by Commissioner Freeman and it carried unanimously.

PUBLIC COMMENT:

1) John Maulsby, Town of Wellington resident, offered his comments to the Board with responses from each of the Commissioners and Bruce Barker, County Attorney.

RESOLUTIONS AND ORDINANCES: The Resolutions were presented and signed as listed on the Consent Agenda. Code Ordinance #2024-09 was approved on First 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 9:56 a.m.

These Minutes were approved on the 5th day of June, 2024.

BOARD OF COUNTY COMMISSIONERS
WELD COUNTY, COLORADO

ATTEST:

Weld County Clerk to the Board

Kevin D. Ross, Chair

BY: _____
Deputy Clerk to the Board

Perry L. Buck, Pro-Tem

Mike Freeman

Scott K. James

Lori Saine