

RECORD OF PROCEEDINGS

MINUTES

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO MONDAY, APRIL 26, 2021

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, April 26, 2021, 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 Steve Moreno, Chair
Commissioner Scott K. James, Pro-Tem
Commissioner Perry L. Buck
Commissioner Mike Freeman
Commissioner Lori Saine

Also present:

County Attorney, Bruce Barker
Clerk to the Board, Esther Gesick
Controller, Barbara Connolly

MINUTES: Commissioner Saine moved to approve the Minutes of the Board of County Commissioners meeting of April 21, 2021, as printed. Commissioner Buck seconded the motion, and it carried unanimously.

PUBLIC INPUT: No public input was given.

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

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

COMMISSIONER COORDINATOR REPORTS: Commissioner Buck stated the Department of Human Services (DHS), Division of Area Agency on Aging, offered a well-attended, in-person wellness workshop, which is the first since the COVIC-19 Pandemic Health Emergency. She also reported DHS has approved \$826,000 in rental and utility assistance, processed 653 requests, and evaluated 442 households, as well as served approximately 81,000 in assistance payments. Commissioner James stated the North Front Range Metropolitan Planning Organization (NFRMPO), Finance Committee, recommended monies to be invested in an air quality attorney and he is excited to see their intent to share the outcome of positive work being done in the region. Commissioner Saine reported the Weld County Goat Extravaganza went very well, she recognized the efforts of Planning Services staff for working to develop a streamlined and fair solar permitting process, and announced there will be an announcement coming from the Oil and Gas Energy Department in the days ahead. Commissioner Buck also acknowledged the recipients of the 4-H Council scholarships granted on Thursday night.

WARRANTS:

1) GENERAL WARRANTS – APRIL 23, 2021: Commissioner James moved to approve the General Warrants, as printed. Commissioner Saine seconded the motion, and it carried unanimously.

BIDS:

1) APPROVE BID #B2100085, FUEL – DEPARTMENT OF FLEET SERVICES: Rob Turf, Purchasing Department, stated staff recommends selecting the lowest bidder who met specifications, Hill Petroleum, based on the market price for each of the specified fuel types. He stated this vendor has provided fuel to the County for the past five (5) years, and this new bid will be eligible for an annual renewal and up to four (4) additional extensions. Commissioner Buck moved to approve said bid as recommended by staff. Commissioner Freeman seconded the motion, and it carried unanimously.

OLD BUSINESS:

1) CONSIDER ANNEXATION AGREEMENT AND PETITION FOR ANNEXATION OF PORTIONS OF CR 19 AND AUTHORIZE CHAIR TO SIGN (FIRESTONE COUNTY ROAD 19 ANNEXATION) – TOWN OF FIRESTONE: Bruce Barker, County Attorney, stated this annexation was done by petition and he referenced the various maps, including County Road (CR) 19, reflecting a series of annexations to gain the requisite contiguity. Mr. Barker also identified a couple of clerical corrections to be made prior to signature. A.J. Krieger, Town of Firestone Manager, stated they are in full support of the proposed annexation, and since the last meeting, they have negotiated an Intergovernmental Agreement with the City of Fort Lupton to determine the boundaries, therefore, this annexation agreement and petition will be considered at the May 12, 2021, council meeting for approval and signature. Commissioner Saine moved to approve said agreement and petition, with the modifications referenced by Mr. Barker, and authorize the Chair to sign. Seconded by Commissioner Buck, the motion carried unanimously.

NEW BUSINESS:

1) CONSIDER SPECIAL EVENTS PERMIT AND AUTHORIZE CHAIR TO SIGN – THE WILD ANIMAL SANCTUARY, A COLORADO NON-PROFIT CORPORATION: Gabe Kalousek, Assistant County Attorney, stated the applicant is requesting a permit for six (6) events for fundraising purposes and public relations promotions. He confirmed the referral agencies expressed no concerns and this facility has been permitted to conduct these events, since 2010, with no issues. Jessica McCormick, Chief Administrative Officer, was present to answer questions. Commissioner Buck stated this is a captivating facility, and Chair Moreno mentioned he was pleased to endorse The Wild Animal Sanctuary at a recent conference. Commissioner Saine moved to approve said permit and authorize the Chair to sign. The motion was seconded by Commissioner Buck, and it carried unanimously.

2) CONSIDER TEMPORARY CLOSURE OF CR 42 BETWEEN CRS 5 AND 7: Amy Mutchie, Department of Public Works, requested approval for temporary closure of CR 42 from May 11, 2021, through May 14, 2021, to replace an irrigation culvert. She noted there will be no dust control, as the detour route is paved. Commissioner Freeman moved to approve said temporary closure. Commissioner James seconded the motion, and it carried unanimously.

PLANNING:

1) CONSIDER DIRECTING CLERK TO THE BOARD TO HAVE PUBLISHED A NOTICE OF INTENT TO DESIGNATE THE SITE SELECTION AND CONSTRUCTION OF SOLAR ENERGY FACILITIES GREATER THAN 160 ACRES IN SIZE WITHIN THE NEAR-URBAN AREA OF UNINCORPORATED WELD COUNTY, COLORADO, AND THE SITE SELECTION AND CONSTRUCTION OF SOLAR ENERGY FACILITIES GREATER THAN 320 ACRES IN THE AG-RURAL AREA OF UNINCORPORATED WELD COUNTY, COLORADO, AS ACTIVITIES OF STATE INTEREST, PURSUANT TO C.R.S. §24-65.1-203(1)(F), AND SETTING OF A PUBLIC HEARING REGARDING SUCH DESIGNATIONS: Mr. Barker explained the 1041 process, starting with a designation hearing set

for June 14, 2021, in conjunction with the First Reading of a Code Ordinance related to the matter and reflected in Chapter 21, Article VII, and Appendix 21-B. He stated C.R.S. §24-65.1-203(1)(f) designates the use as a power plant, which is applicable in this instance of solar facilities generating electricity. Commissioner James moved to approve the Resolution setting a public hearing for June 14, 2021, at 9:00 a.m., and directing the Clerk to the Board to publish a notice of said hearing, which was seconded by Commissioner Freeman, and it carried unanimously.

2) SECOND READING OF CODE ORDINANCE #2020-20, IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 23 ZONING, OF THE WELD COUNTY CODE (SOLAR): Commissioner Freeman moved to read Code Ordinance #2020-20 by title only. Seconded by Commissioner James, the motion carried unanimously. Mr. Barker read said title for the record. Tom Parko, Director of the Department of Planning Services, reviewed the changes made since First Reading, effectively incorporating procedures related to the Use by Special Review (USR) process specific to the identified acreage designations, and also including solar facilities less than five (5) acres which will be reviewed administratively through the zoning permit process. He further stated the modifications also clean up the definitions, identify which uses will be allowed in historic townsites and subdivisions through the USR process, as well as through the Site Plan Review (SPR) process in the Industrial Zone Districts.

Rich Werner, Upstate Colorado Economic Development, thanked the Board for hosting stakeholder meetings, taking public and industry input, and incorporating positive solutions as Weld County powers Colorado.

Taylor Henderson, Colorado Solar Association, expressed his appreciation to the Board for taking additional input. He stated the proposed regulations provide a responsible framework for projects to be reviewed on a case-by-case basis.

Commissioner Buck thanked Mr. Henderson for engaging the Board and hosting the facility tour, and Chair Moreno commented he is pleased that staff and industry representatives were able to find common ground and develop regulations and procedures that are agreeable to all parties. Commissioner James concurred and stated he appreciated the opportunity to take more time and make the necessary revisions to ensure the surrounding communities are protected from potential impacts while still supporting the solar energy industry and gaining the benefits of an alternate energy source. Commissioner Freeman agreed and acknowledged if more changes are needed in the future, further revisions can be made to improve the process. Commissioner James moved to approve Code Ordinance #2020-20 on Second Reading, with the proposed revisions presented by Mr. Parko. Seconded by Commissioner Saine, the motion carried unanimously.

3) FINAL READING OF CODE ORDINANCE #2021-04, IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 29 BUILDING REGULATIONS, OF THE WELD COUNTY CODE (NATIONAL ELECTRICAL CODE): Commissioner Freeman moved to read Code Ordinance #2021-04 by title only. Seconded by Commissioner James, the motion carried unanimously. Mr. Barker read said title for the record. Jose Gonzales, Department of Building Inspection, stated there have been no changes since Second Reading. No public testimony was offered concerning this matter. Commissioner Buck moved to approve Code Ordinance #2021-04 on Final Reading. The motion was seconded by Commissioner Saine, and it carried unanimously.

4) FINAL READING OF CODE ORDINANCE #2021-05, IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 29 BUILDING REGULATIONS, OF THE WELD COUNTY CODE (INTERNATIONAL ENERGY CONSERVATION CODE): Commissioner James moved to read Code Ordinance #2021-05 by title only. Seconded by Commissioner Saine, the motion carried unanimously. Mr. Barker read said title for the record. Jose Gonzales, Department of Building Inspection, stated there have been no changes since Second Reading. No public testimony was offered concerning

this matter. Commissioner Saine moved to approve Code Ordinance #2021-05 on Final Reading. The motion was seconded by Commissioner James, and it carried unanimously.

5) SECOND READING OF CODE ORDINANCE #2021-06, IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 23 ZONING, OF THE WELD COUNTY CODE (MISCELLANEOUS ZONING): Commissioner Freeman moved to read Code Ordinance #2021-06 by title only. Seconded by Commissioner James, the motion carried unanimously. Mr. Barker read said title for the record. Mr. Parko reviewed the intent of the revisions to change the size threshold for custom meat processing facilities and stated there have been no changes since First Reading. No public testimony was offered concerning this matter. Commissioner Buck moved to approve Code Ordinance #2021-06 on Second Reading. The motion was seconded by Commissioner Saine, and it carried unanimously.

RESOLUTIONS AND ORDINANCES: The resolutions were presented and signed as listed on the Consent Agenda. Code Ordinances #2020-20 and #2021-06 were approved on Second Reading, and Code Ordinances #2021-04 and #2021-05 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 9:30 a.m.

BOARD OF COUNTY COMMISSIONERS
WELD COUNTY, COLORADO

ATTEST:

Steve Moreno, Chair

Weld County Clerk to the Board

Scott K. James, Pro-Tem

BY: _____
Deputy Clerk to the Board

Perry L. Buck

Mike Freeman

Lori Saine