

# RECORD OF PROCEEDINGS

## MINUTES

### BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO MONDAY, OCTOBER 18, 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, October 18, 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  
Acting Clerk to the Board, Houston Aragon  
Controller, Barbara Connolly

**MINUTES:** Commissioner Buck moved to approve the Minutes of the Board of County Commissioners meeting of October 4, 2021, as printed. Commissioner James seconded the motion, and it carried unanimously.

**READ ORDINANCE BY AUDIO:** Commissioner James moved to read Code Ordinances #2021-14 and #2021-16 by audio. The motion was seconded by Commissioner Freeman, 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 James thanked those involved with Project Connect and further stated that attendance decreased this year, which indicates there are less people in Weld County in need of assistance than years past, likely due to federal relief programs currently in place. Commissioner Buck gave an update on the Emergency Rental Assistance Program, stating \$6,100,000.00 funds have been approved as of October 15, 2021, 2,747 requests have been processed, and 1,867 households have been evaluated. She expanded the next support group meeting for Foster Parents, Kinship Caregivers, and Adoptive Parents will be held on October 21, 2021, from 6:00 p.m. to 8:00 p.m. Commissioner Buck also shared it was an honor to participate in Project Connect and assist with the various services offered. Chair Moreno thanked Commissioner James for serving as the Chair for Project Connect this year.

**WARRANTS:**

1) GENERAL WARRANTS – OCTOBER 15, 2021: Commissioner Buck moved to approve the General Warrants, as printed. Commissioner Freeman seconded the motion, and it carried unanimously.

2) GREELEY-WELD COUNTY AIRPORT AUTHORITY WARRANTS – OCTOBER 15, 2021: Commissioner Freeman moved to approve the Greeley-Weld County Airport Authority Warrants, as printed. Commissioner Buck seconded the motion, and upon a roll call vote, the motion passed four (4) to one (1) with Commissioner Saine opposed.

3) COMMISSIONER WARRANTS – OCTOBER 15, 2021: Commissioner Freeman moved to approve the Warrant as printed. Commissioner Buck seconded the motion, and after discussion with Barbara Connolly, Weld County Controller, and upon a roll call vote, the motion passed with four (4) affirmative votes and Chair Moreno recused.

4) COMMISSIONER WARRANTS – OCTOBER 15, 2021: Commissioner Freeman moved to approve the Warrant as printed. Commissioner Buck seconded the motion, and upon a roll call vote, the motion passed with four (4) affirmative votes and Commissioner James recused.

**BIDS:**

1) PRESENT BID #B2100116, SHERIFF'S OFFICE TRAINING SITE AND SHOOTING RANGE – FACILITIES DEPARTMENT: Rob Turf, Purchasing Department, stated six (6) bids were received and the Facilities Department will review and make a recommendation for approval on November 1, 2021.

2) PRESENT BID #B2100120, INMATE COMMISSARY SERVICES AND ACCOUNTING SYSTEM – SHERIFF'S OFFICE AND THE DEPARTMENT OF JUSTICE SERVICES: Mr. Turf stated three (3) bids were received and the Sheriff's Office and Department of Justice Services will review and make a recommendation for approval on November 1, 2021.

3) PRESENT BID #B2100124, INMATE FOOD SERVICES – SHERIFF'S OFFICE: Mr. Turf stated three (3) bids were received and the Sheriff's Office will review and make a recommendation for approval on November 1, 2021.

4) PRESENT BID #B2100131, DEMOLITION OF STORAGE BUILDING (38854 CR 37) – DEPARTMENT OF PUBLIC WORKS: Mr. Turf, stated three (3) bids were received and the Department of Public Works will review and make a recommendation for approval on November 1, 2021.

**NEW BUSINESS:**

1) CONSIDER CONTRACT ID #5293 AGREEMENT FOR PURCHASE OF CERTAIN PROPERTY FOR CRS 41 AND 66 INTERSECTION IMPROVEMENTS PROJECT AND AUTHORIZE CHAIR TO SIGN – FIVE M FARM CO.: Clay Kimmi, Department of Public Works, explained the agreement is for the purchase of right-of-way, permanent construction easements, and a temporary construction easement from Five M Farm Co. for the County Roads 41 and 66 Intersection Improvements Project for the amount of \$42,900.00. Commissioner Freeman moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner James and it carried out unanimously.

2) CONSIDER AGREEMENT FOR ROAD AND INTERSECTION IMPROVEMENTS AT CR 18 (AKA CR 59) AND MARKET STREET NEAR KEENESBURG, COLORADO, AND AUTHORIZE CHAIR TO SIGN – VARIOUS ENTITIES: Bruce Barker, County Attorney, stated the agreement is for an overlay project, which is now complete and the various participating entities will be billed for their portion of the expenses accrued, including the 2022 intersection improvements, followed by the annexation of the

road by the Town of Keenesberg. In response to Commissioner Freeman, Mr. Barker confirmed the annexation agreement must be completed within 2022. Chair Moreno commended Commissioner Saine for her assistance in executing this agreement. Commissioner Freeman moved to approve said agreement and authorize the Chair to sign. Seconded by Commissioner Buck, the motion carried unanimously.

3) CONSIDER TEMPORARY CLOSURE OF CR 17 BETWEEN CRS 4 AND 6: Amy Mutchie, Department of Public Works, requested the temporary closure of County Road 17 between County Roads 4 and 6, starting October 25, 2021, through October 29, 2021, for the replacement of an irrigation culvert, and stated the detour route is partially paved and partially treated gravel. Commissioner James moved to approve said temporary closure. The motion, which was seconded by Commissioner Buck, carried unanimously.

4) CONSIDER TEMPORARY CLOSURE OF CR 23.75 BETWEEN CRS 64.75 AND 66: Amy Mutchie requested the temporary closure of County Road 23.75 between County Roads 64.75 and 66, starting October 25, 2021, through October 29, 2021, for the replacement of an irrigation culvert, and the detour route has been treated with magnesium chloride for dust control, while the remaining portion of the detour route is paved. Commissioner Freeman moved to approve said temporary closure. The motion, which was seconded by Commissioner Buck, carried unanimously.

5) FIRST READING OF CODE ORDINANCE #2021-14, IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 20 IMPACT FEES, OF THE WELD COUNTY CODE: Elizabeth Relford, Deputy Director of the Department of Public Works, stated the Board executed an amendment to a Professional Services Agreement with Duncan and Associates to evaluate and update the County's Impact Fee, which had not been updated since 2010. She further explained the department coordinates the update of the impact fees with the update of the transportation plan because often, the funds derived from the impact fees are applied to the roadways in Weld County, and stated the adoption of the impact fees is not to be considered by the Board today; rather, the Board is to consider updates to Chapter 20 of the Weld County Code, to be consistent with the nexus of the updated study. Ms. Relford stated the fees from the 2010 study were below the recommended values and the fees for the 2021 study are still 20%-25% below the recommended values. Additionally, she explained the County Facility Fee was updated to reflect application only in the unincorporated area of the County and presented other recommended updates per the study. In response to Commissioner James and Chair Moreno, Ms. Relford clarified the ordinance is for revisions to Chapter 20, but not to the fees themselves, which will be considered for revision as part of a separate ordinance. There was no public testimony concerning this matter. Commissioner James moved to approve said code ordinance, and upon a roll call vote, the motion passed four (4) to one (1), with Commissioner Saine opposed.

#### **PLANNING:**

1) CONSIDER REQUEST TO EXTEND TIME TO RECORD THE MAP OR RECISSION OF RESOLUTION #2018 - 3253, DATED OCTOBER 17, 2018, FOR USE BY SPECIAL REVIEW PERMIT, USR18-0028 – DITTMER FARM, LLC, C/O TIMOTHY DITTMER, AND BLUE PILL, LLC, C/O KENDAL DITTMER: Michael Hall, Department of Planning Services, stated the Use by Special Review (USR) Permit map has not been recorded and provided an update on the case history and current status. Tim Nayler, AGPRO Environmental Services, LLC, dba AGPROfessionals, representative of the applicants, requested a six (6) month extension to April 18, 2022, as his clients would like a further opportunity to complete the oil and gas agreement for Incline Energy Partners and finalize the USR map. In response to Commissioner Freeman, Mr. Hall confirmed the previous extension dates. In response to Commissioner James, Mr. Hall clarified applicants have 120-days to record the USR map and three (3) years from the time the map is recorded to construct or operate what was permitted by the USR. Commissioner James moved to extend the time to record the map for Use by Special Review Permit,

USR18-0028, until April 18, 2022, at 9:00 a.m. The motion was seconded by Commissioner Freeman, and upon a roll call vote, passed unanimously with Commissioner Saine recused.

2) CONSIDER TWO-LOT SUBDIVISION EXEMPTION, SUBX19-0020 – DEANNA SWETZIG: Diana Aungst, Department of Planning Services, presented staff’s recommendation for denial of a Subdivision Exemption for a lot line adjustment and the applicant’s request for the adjustment of two properties that are both approximately ten (10) acres in size, expanding the property line adjustments will leave the new Lot 1 approximately nineteen acres in size and Lot 2 approximately 0.73 acres in size, which does not meet current requirements. Bruce Johnson, representative of Deanna Swetzig, explained the benefit of the property remaining less than one (1) acre in-size with natural boundaries of ditches and existing access roadways. Commissioner Freeman stated he is in support of the request. The motion to approve said two-lot Subdivision Exemption, SUBX19-0020, was made by Commissioner James, seconded by Commissioner Saine, and it passed unanimously.

3) FIRST READING OF CODE ORDINANCE #2021-16, IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 23 ZONING, OF THE WELD COUNTY CODE (SIGN CODE UPDATE): Tom Parko, Director of the Department of Planning Services, stated the ordinance is to update the County’s sign code, and introduced Jim Flesher, Department of Planning Services, who explained current signage regulations in Weld County based on the zoning classification and lot size of properties, and explained staff’s recommendation, based on a 2015 U.S. Supreme Court Case, that all signage be content neutral, differing only for zoning classification and lot size, and increasing the amount of signage allowed in the A (Agricultural) Zone District. Mr. Fletcher furthered that signage would no longer be considered through the Use by Special Review (USR) Permit process. There was no public testimony concerning this matter. Commissioner Freeman moved to approve said code ordinance on First Reading. The motion was seconded by Commissioner Saine and carried it unanimously.

**RESOLUTIONS AND ORDINANCES:** The resolutions were presented and signed as listed on the Consent Agenda. Code Ordinances #2021-14 and #2021-16 were 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 9:45 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

\_\_\_\_\_  
EXCUSED DATE OF APPROVAL  
Mike Freeman

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