

# RECORD OF PROCEEDINGS

## MINUTES

### BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO WEDNESDAY, APRIL 20, 2022

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 20, 2022, 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 Scott K. James, Chair  
Commissioner Mike Freeman, Pro-Tem  
Commissioner Perry L. Buck  
Commissioner Steve Moreno  
Commissioner Lori Saine

Also present:

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

**MINUTES:** Commissioner Moreno moved to approve the Minutes of the Board of County Commissioners meeting of April 6, 2022, as printed. Commissioner Buck seconded the motion, and it carried unanimously.

**READ ORDINANCE BY AUDIO:** Commissioner Freeman moved to read Code Ordinance #2022-04 by audio. The motion was seconded by Commissioner Buck, and it carried unanimously.

**PUBLIC INPUT:** No public input was given.

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

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

#### **WARRANTS:**

1) **GENERAL WARRANTS – APRIL 19, 2022:** Commissioner Moreno moved to approve the General Warrants, as printed. Commissioner Freeman seconded the motion, and it carried unanimously.

2) **GREELEY-WELD COUNTY AIRPORT AUTHORITY WARRANTS – APRIL 19, 2022:** Commissioner Freeman moved to approve the Greeley-Weld County Airport Authority Warrants, as printed. Commissioner Moreno seconded the motion, and it passed unanimously. In response to Commissioner Moreno, Commissioner Saine confirmed, with her ability to view the digital registers associated with the Greeley-Weld County Airport Authority Warrants, they can be combined with General Warrants.

**NEW BUSINESS:**

1) CONSIDER CONTRACT ID #5735 MEMORANDUM OF UNDERSTANDING FOR WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA) NATIONAL FARM WORKER JOBS PROGRAM (NFJP) AND AUTHORIZE CHAIR TO SIGN – ROCKY MOUNTAIN SERVICE EMPLOYMENT REDEVELOPMENT (RMSER): Jaime Ulrich, Director of the Department of Human Services, stated the non-financial Memorandum of Understanding (MOU) maintains the roles and responsibilities for continuation of the provisions outlined in the Workforce Innovation and Opportunity Act (WIOA). Commissioner Buck moved to approve said Memorandum of Understanding and authorize the Chair to sign. The motion was seconded by Commissioner Saine, and it carried unanimously.

2) CONSIDER CONTRACT ID #5725 INDIVIDUAL PROVIDER CONTRACT FOR PURCHASE OF FOSTER CARE SERVICES IN A FOSTER CARE HOME AND AUTHORIZE CHAIR TO SIGN – DONALD AND JENNIFER TUPPER: Ms. Ulrich stated this is a new foster care kinship provider located in Longmont, Colorado. Commissioner Buck moved to approve said contract and authorize the Chair to sign. Seconded by Commissioner Freeman, the motion carried unanimously.

3) CONSIDER CONTRACT ID #5736 INDIVIDUAL PROVIDER CONTRACT FOR PURCHASE OF FOSTER CARE SERVICES IN A FOSTER CARE HOME AND AUTHORIZE CHAIR TO SIGN – WADE CONNER AND DANA BIEBER: Ms. Ulrich stated this is a new foster care kinship provider located in Mead, Colorado. Commissioner Moreno moved to approve said contract and authorize the Chair to sign. Seconded by Commissioner Buck, the motion carried unanimously.

4) CONSIDER EXTENSION OF TEMPORARY CLOSURE OF CR 15 BETWEEN CRS 40 AND 42: Amy Mutchie, Department of Public Works, requested to extend the closure on behalf of the construction contractor, SMH West, LLC, due to weather delays and an unforeseen conflict with two (2) additional waterlines that were not known in the beginning, and further stated the original request for closure on CR 15 was approved beginning March 9, 2022, through April 22, 2022. Ms. Mutchie stated the construction company is requesting an additional three (3) weeks to be completed by May 13, 2022. In response to Commissioner Moreno, Ms. Mutchie confirmed digital message boards were used originally for the closure, and she will request message boards be in place again, to advise the citizens of the extension. Commissioner Moreno moved to approve said extension of temporary closure. The motion was seconded by Commissioner Freeman, and it carried unanimously.

5) EXPRESSION OF OPPOSITION TO PROHIBITIONS ESTABLISHED IN COLORADO'S "REPRODUCTION HEALTH EQUITY ACT" AGAINST THE PROMULGATION AND ENFORCEMENT OF LOCAL GOVERNMENT ZONING AND BUILDING CODE REGULATIONS THAT PROTECT THE HEALTH, SAFETY, AND WELFARE OF WELD COUNTY CITIZENS: Bruce Barker, County Attorney, stated he drafted the Resolution to oppose House Bill (HB) 22-1279, from the standpoint of how the bill impacts local building and zoning authority, which is within the jurisdiction of the Board of Commissioners. Mr. Barker further noted HB 22-1279 has already passed in legislation and was signed into law on April 4, 2022; therefore, this Resolution is simply expressing the Board's opposition, and continued to explain, in the State's haste to get this bill approved, it allowed the right reproductive clinics to exist in any zone district, and build facilities without local zoning approval, or consideration of local building codes. In response to Chair James, Mr. Barker confirmed that in no way does this Resolution have legal standing, strengthen Weld County Codes, nor overturn this Act; he further stated there is no legal precedence, or effect, to the notion of becoming a Sanctuary County. In response, Chair James clarified that the only way to get to the legality of HB 22-1279 is through legal proceedings. Commissioner Freeman commented that local County Government cannot sue State Government. Chair James opened this Resolution for public testimony. In turn, each person making public testimony, stated their oppositions to HB 22-1279, and urged the Board to consider taking a stand against this legislation, (Elaine Giersch, Steven Hall (Exhibit A), Stacey Casteel, Thomas Cox, Lyn Tausan, Andrew LaRue, Ashley Milton,

Rhonda Pastelak, Christina Smart, Pastor Steven Grant, Burt Lisery, Joella Mitchell, Reverend David Meek (Exhibit B), Kristy Neely, and Mark James). Commissioner Saine moved to approve said expression of opposition to the "Reproduction Health Equity Act." The motion was seconded by Commissioner Buck. Chair James opened this matter for discussion among the Board. In response to each person who shared their commentary, Commissioner Saine thanked them for being the voice for the voice-less, and expressed the inherent value of certain inalienable rights of life, liberty, and the pursuit of happiness, with the first being life. Commissioner Buck echoed Commissioner Saine's sentiments. Chair James shared his sentiments that he, too, agrees with most of the comments that have been stated; however, as an elected official, he cannot ignore the law. Chair James further stated he believes government should stay small and not attempt to take authority it does not have, and to act on behalf of the citizens would also mean being moved into a place of not upholding the law. Upon a roll call vote, the motion did not pass, with Commissioners James, Freeman, and Moreno abstained, and no further action was taken by the Board.

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

**PLANNING:**

1) CONSIDER VACATION OF TWO-LOT RECORDED EXEMPTION, RECX16-0075, AND RECOMBINE LOTS INTO ONE PARCEL – JEFFERY AND RHONDA THOMPSON, AND SCEBBI FAMILY TRUST, C/O RYAN AND LISA SCEBBI, TRUSTEES: Diana Aungst, Department of Planning Services, stated staff received a letter on March 4, 2022, requesting a full vacation of the plat of Recorded Exemption, RECX16-0075, and to recombine the lots into one (1) parcel, Ms. Aungst explained there is a ten-foot (10) water line easement located on Lot B, that will be vacated per the applicant's request, and there is a shared well agreement for well water access that will need to be terminated. Ms. Aungst stated there is a 30-foot access and utility easement that allows access to all other properties, and the applicant wishes to keep this easement, and the resulting parcel will be larger than 35 acres. Ms. Aungst gave a brief description of the property and location while displaying aerial and vicinity maps for reference. She further stated staff recommends approval to vacate RECX16-0075, subject to the following Conditions of Approval: 1) the applicant is to submit a vacation plat for review, and upon approval, be sent for recording, and 2) the applicant is to submit and record the termination of the existing shared well agreement. Scott Ducommun, applicant representative, was present for questions. No public testimony was offered concerning this matter. Commissioner Freeman moved to approve said vacation, with Conditions of Approval. The motion was seconded by Commissioner Buck, and it carried unanimously.

2) FIRST READING OF CODE ORDINANCE #2022-04, IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 23 ZONING OF THE WELD COUNTY CODE (*CHANGE OF ZONE*): Tom Parko, Director of Planning Services, introduced Dawn Anderson, Department of Planning Services, who gave an overview and explanation of proposed amendments to specific sections within Chapter 23. Ms. Anderson stated on April 5, 2022, Planning Commission recommended to adopt the Code Ordinance, but proposed a joint work session with the Board, prior to the Second Reading. Tim Naylor, AGPROfessionals, LLC, stated his concerns with some of the language and requested a stakeholder's meeting to discuss this matter, and further stated his concern of how the Change of Zone process does not create an impact, so it would be difficult to ensure whether the road is adequate, and if the impact occurs at a Site Plan Review or Use by Special Review process, then the roads should be addressed at that time. Mr. Naylor commented, if the roads are maintained by the County, it should already meet the minimum standards. Chair James requested that staff schedule a one (1) hour work session and invite the stakeholders. In response to Chair James, Mr. Naylor stated there are currently no minimum standards for roads concerning the difference between commercial or residential traffic, and posed that these standards should be happening during the impact report with a

traffic study. Commissioner Saine commented on the importance of adequate roads, but agreed they need to determine when the proper time should be. Commissioner Moreno moved to approve Code Ordinance #2022-04 on First Reading. The motion was seconded by Commissioner Freeman, and it carried unanimously.

**RESOLUTIONS AND ORDINANCES:** The resolutions were presented and signed as listed on the Consent Agenda. Code Ordinance #2022-04 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 10:26 a.m.

These Minutes were approved on the 4th day of May, 2022.

BOARD OF COUNTY COMMISSIONERS  
WELD COUNTY, COLORADO

ATTEST:

Weld County Clerk to the Board

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Scott K. James, Chair

BY: \_\_\_\_\_

Deputy Clerk to the Board

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Mike Freeman, Pro-Tem

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Perry L. Buck

EXCUSED DATE OF APPROVAL

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Steve Moreno

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