

# RECORD OF PROCEEDINGS

## MINUTES

### BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO MONDAY, JULY 25, 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, July 25, 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 – EXCUSED  
Commissioner Lori Saine

Also present:

County Attorney, Bruce Barker  
Acting Clerk to the Board, Houston Aragon  
Controller, Chris D'Ovidio

**MINUTES:** Commissioner Saine moved to approve the Minutes of the Board of County Commissioners meeting of July 11, 2022, 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 Freeman moved to approve the Consent Agenda, as printed. Commissioner Buck seconded the motion and it carried unanimously.

**COMMISSIONER COORDINATOR REPORTS:** Commissioner Buck reported last week she was at the National Association of Counties (NACO) Conference, where she attended agricultural and federal funding forums. In addition, Commissioner Buck toured the Aims Community College campus in Windsor, Colorado, with their new emergency medicine and fire department training programs, and noted the Weld County 4H Fair started July 23, 2022, and will run through August 1, 2022. Commissioner Freeman reported he attended NACO, was part of some interesting breakout sessions, and stated he enjoys seeing the youth in 4H and Future Farmers of America (FFA) work so hard and achieve recognition for their accomplishments. Commissioner Saine reported she too attended NACO and commented on the Emergency Management session from the perspective of people who have worked with presidential administrations in the past. She further stated she is looking forward to representing Weld County at the American Council Exchange later this week. Chair James echoed comments made about NACO and the Weld County Fair. Commissioner Freeman followed up with comments from one of the NACO breakout sessions, pertaining to the legislative update on inflation and the billions of dollars being spent on programs in across the country.

**PRESENTATIONS:**

1) RECOGNITION OF SERVICE, PLANNING COMMISSION – LONNIE FORD AND TOM COPE: Chair James read the certificates for the record. Mr. Ford and Mr. Cope were not present; however, the Board thanked them for their dedication and voluntary service to the citizens of Weld County.

2) RECOGNITION OF SERVICE, WORKFORCE DEVELOPMENT BOARD – ELISE LOWE-VAUGHN: Chair James read the certificate for the record. The Board thanked Ms. Vaughn for her dedication and voluntary service to Weld County residents.

**WARRANTS:**

1) GENERAL WARRANTS – JULY 22, 2022: Commissioner Freeman moved to approve the General Warrants, as printed. Commissioner Buck seconded the motion, and upon a roll call vote, the motion passed three (3) to one (1), with Commissioner Saine opposed.

**BIDS:**

1) APPROVE BID #B2200095, WELD COUNTY COURTHOUSE 3-DIMENSIONAL (3D) LASER SCANNING AS-BUILT DRAWING SERVICES – FACILITIES DEPARTMENT: Christie Peters, Purchasing Department, stated staff recommends selecting the lowest bidder who met specifications, Y2 Consultants, LLC, for a total amount of \$26,070.00. Commissioner Freeman moved to approve said bid. The motion was seconded by Commissioner Buck, and it carried unanimously.

2) APPROVE BID #B2200096, VEHICLE LIFT REPLACEMENT – FACILITIES DEPARTMENT: Ms. Peters stated the low bidder, Liftnow Automotive Equipment Corp., for a total amount of \$74,215.00, did not meet specifications; therefore, staff's recommendation is to select the second lowest bidder, Ace Equipment and Supply, for a total amount of \$136,000.00, which meets and exceeds all specifications. Commissioner Buck moved to approve said bid, per staff recommendation. The motion was seconded by Commissioner Freeman, and it carried unanimously.

3) PRESENT BID #B2200099, WELD COUNTY 8TH AVENUE STORAGE BUILDING ROOF REPLACEMENT – FACILITIES DEPARTMENT: Ms. Peters stated three (3) bids were received and staff will make a recommendation on August 8, 2022.

4) PRESENT BID #B2200113, CRUSHED CONCRETE AND RECYCLED ASPHALT PRODUCT (RAP) – DEPARTMENT OF PUBLIC WORKS: Ms. Peters stated three (3) bids were received and staff will make a recommendation on August 8, 2022.

**NEW BUSINESS:**

1) CONSIDER TEMPORARY CLOSURE OF CRS 35 (NORTH 35TH AVE) AND 64 (O ST) INTERSECTION: Amy Mutchie, Department of Public Works, presented this closure on behalf of IHC Scott, for the next phase of the capital improvement roundabout construction project located at the intersection of 35th Avenue and O Street. She further stated this closure will be from August 1, 2022, through September 15, 2022, the detour routes are paved, and signs will be posted accordingly. Commissioner Saine moved to approve said temporary closure. The motion was seconded by Commissioner Buck, and it carried unanimously.

2) CONSIDER TEMPORARY CLOSURE OF CR 44 BETWEEN CRS 53 AND 57: Ms. Mutchie stated this closure will begin August 1, 2022, and go through September 2, 2022, for road construction. She noted portions of the detour route are both paved and gravel, magnesium chloride will be used for dust mitigation on the gravel portions, and message board and road signs will be placed in advance for notification. Commissioner Buck moved to approve said temporary closure. The motion was seconded by Commissioner Saine, and it carried unanimously.

3) CONSIDER REAPPOINTMENT TO BOARD OF RETIREMENT: John Lefebvre, Weld County Treasurer and Public Trustee, and Chair of the Retirement Board, commented on the positive contribution that William Hertnecky provides to the board with his extensive investment knowledge. Commissioner Freeman moved to approve said reappointment. The motion was seconded by Commissioner Saine, and it carried unanimously.

4) CONSIDER REAPPOINTMENT TO COMMUNITY CORRECTIONS BOARD: Commissioner Buck moved to approve said reappointment. The motion was seconded by Commissioner Saine, and it carried unanimously.

5) CONSIDER REAPPOINTMENTS TO NOXIOUS WEED MANAGEMENT ADVISORY BOARD: Commissioner Saine moved to approve said reappointments. The motion was seconded by Commissioner Freeman, and it carried unanimously.

6) CONSIDER APPOINTMENTS AND REAPPOINTMENT TO PLANNING COMMISSION: Commissioner Freeman moved to approve said appointments and reappointment. The motion was seconded by Commissioner Buck, and it carried unanimously.

7) CONSIDER REAPPOINTMENTS TO BOARD OF ADJUSTMENT: Commissioner Buck moved to approve said reappointments. The motion was seconded by Commissioner Saine, and it carried unanimously.

8) CONSIDER DUST BLOWING CITATION PURSUANT TO C.R.S. §35-72-103 – JEROLD AND ALICE HOFFMAN: Matthew Conroy, Assistant County Attorney, explained the procedures and the three (3) step process for the Board to issue a dust blowing citation. He stated the complaint was filed by Jerrold Brethauer, adjacent property owner, to Commissioner Saine during the Spring of 2022, when extremely high winds were unprecedented in Northern Colorado. Mr. Conroy stated there are several findings the Board must make, as listed on the resolution, if they decide to issue a citation. He clarified if it is determined that there is a nuisance to the adjacent neighbors, then the Board must use the guidelines from Colorado Revised Statute, Section 35-72-103, as a part of the Dust Blowing Act.

Liz Schneider, Soil Conservation Technician with the West Greeley Conservation District, gave an overview of the location, and stated factors, such as prairie dog colonies, sparse vegetation, soil types, organic matter, and low soil moisture are all contributing factors for erosion and blowing soil. Ms. Schneider displayed vicinity maps and aerial maps, in addition to photos she gathered of the subject property. She stated there is approximately 155 linear feet of soil drift, and encouraged the property owner to extend the property tree line to help prevent erosion and blowing dust, in addition to completely re-leveling the property, adding liquid manure application, grass-seeding, and continual weed control.

Jerrold Hoffman, property owner, was present for questions and stated this complaint is unwarranted, and further explained recent health problems and broken farm equipment has lent to the poor condition of his land. He further explained he has already applied manure with intentions to seed grass, and mentioned Ms. Schneider was never granted permission to take photos of his property.

Jerrold Brethauer, complainant, stated he and his wife approached the property owner to offer help and Mr. Hoffman was disrespectful to them. He further explained their crops have been ruined due to the blowing soil, and livestock is no longer fenced in due to a drifted berm as a result of the blowing soil. In response to Commissioner Freeman, Ms. Schneider confirmed there have been three (3) complaints this year pertaining to blowing dust with the unprecedented high winds this past spring.

Chair James thanked Mr. Hoffman for his argument for this case, and Bruce Barker, County Attorney, explained the five (5) findings the Board must make: 1) That soil is blowing from the land in sufficient quantity to be injurious to private property; 2) That an emergency exists; 3) That the operation has been in existence for less than one (1) year; or that the operation was a nuisance at the time it began, there is negligence, that the operation has been changed, or that the operation has grown substantially in size;

4) That such blowing can be prevented or materially lessened by treatment of the soil; and 5) That property damage appears to be resulting from soil blowing. In response to Chair James and Commissioner Freeman, Mr. Barker what constitutes an emergency, and confirmed a previous case defined an emergency as a chronic condition of the soil. In response to Commissioner Saine, Mr. Barker did confirm the state legislation concerning the Blowing Soil Act, had not updated since 1954. After Board discussion, Commissioner Freeman moved to continue said blowing dust citation to Monday, November 7, 2022, at 9:00 a.m., to allow the property owner time to mow the tall weeds and grasses, and apply liquid manure within 90 days, to bring the property into compliance. The Board requested Ms. Schnieder provide a report concerning status of the property at that time. The motion was seconded by Commissioner Saine, and it carried unanimously.

**PLANNING:**

1) CONSIDER PARTIAL VACATION OF FOUR-LOT RECORDED EXEMPTION, RECX19-0095, FOR REMOVAL OF LOT D – TEPEE RING RANCH, LLC, C/O BOB EHRLICH AND LANCE ASTRELLA: Maxwell Nader, Department of Planning Services, stated staff received a letter from the applicant requesting the removal of Lot D from Recorded Exemption, RECX19-0095, resulting in an unplatted parcel, approximately 130 acres in size. He gave a brief overview of the property and location, confirmed Lots A, B, and C are not a part of this request, and stated staff recommends approval. Hannah Dutrow, AGPROfessionals representative, was present for questions. Melissa Johnson, United States Department of Agriculture (USDA) representative, stated they were not properly notified of this hearing and would like to be included on further conversations pertaining to this property. Kimber Wheeler stated she is against this consideration and submitted Exhibits A, B, and C to support her reasons. Commissioner Saine moved to approve said partial vacation. 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. No Ordinances were approved.

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 10:35 a.m.

These Minutes were approved on the 8th day of August, 2022.

BOARD OF COUNTY COMMISSIONERS  
WELD COUNTY, COLORADO

ATTEST:

Weld County Clerk to the Board

BY: \_\_\_\_\_  
Deputy Clerk to the Board

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Scott K. James, Chair

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Mike Freeman, Pro-Tem

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Perry L. Buck

\_\_\_\_\_  
EXCUSED  
Steve Moreno

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