

# RECORD OF PROCEEDINGS

## MINUTES

### BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO MONDAY, AUGUST 22, 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, August 22, 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 - EXCUSED  
Commissioner Steve Moreno - EXCUSED  
Commissioner Lori Saine

Also present:

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

**MINUTES:** Commissioner Saine moved to approve the Minutes of the Board of County Commissioners meeting of August 8, 2022, as printed. Commissioner Freeman seconded the motion and it carried unanimously.

**READ ORDINANCE BY AUDIO:** Commissioner Freeman moved to read Code Ordinance #2022-05 by audio. The motion was seconded by Commissioner Saine, and it carried unanimously.

**CERTIFICATION OF HEARINGS:** Commissioner Freeman moved to approve the Certification of Hearings conducted on August 8, 2022, as follows: 1) PCSC22-0003 – Santos Vega and Luz Yadira Vega. Commissioner Saine seconded the motion, which carried unanimously.

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

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

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

**COMMISSIONER COORDINATOR REPORTS:** Chair James expressed well wishes to Mark Lawley, as he returns to retirement, effective September 1, 2022. He further stated Mr. Lawley stepped in to lead the Department of Public Health and Environment during the COVID-19 Pandemic, and as of this morning Dr. Gene O'Hara, will be appointed as the Interim Director.

**WARRANTS:**

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

**BIDS:**

1) APPROVE BID #B2200102, WELD COUNTY COURTS DIVISIONS 7, 15, AND H, AUDIO-VISUAL (AV) UPGRADE – FACILITIES DEPARTMENT: Christie Peters, Purchasing Department, stated staff recommends selecting the lowest bidder who met specifications, Conference Technologies, Inc., for a total amount of \$67,490.00. Commissioner Saine moved to approve said bid. The motion was seconded by Commissioner Freeman, and it carried unanimously.

2) APPROVE BID #B2200105, HOUSEHOLD HAZARDOUS WASTE BUILDING HEATING, VENTILATION, AND AIR CONDITIONING (HVAC), AND ALARM UPGRADES – FACILITIES DEPARTMENT: Ms. Peters stated staff recommends selecting the sole bidder who met specifications, Growling Bear Co, Inc., for a total amount of \$129,522.00. Commissioner Freeman moved to approve said bid. The motion was seconded by Commissioner Saine, and it carried unanimously.

**NEW BUSINESS:**

1) CONSIDER ACCEPTANCE OF OFFICIAL ABSTRACT OF VOTES CAST FOR JUNE 28, 2022, PRIMARY ELECTION: Bruce Barker, County Attorney, on behalf of Carly Koppes, Weld County Clerk and Recorder, stated this abstract is for the County’s portion of the primary election, and shows a breakdown of the votes cast, and if approved, the Board is accepting the election results. Commissioner Freeman moved to approve said abstract. The motion was seconded by Commissioner Saine, and it carried unanimously.

2) CONSIDER CONTRACT ID #6217 LEASE AGREEMENT FOR OFFICE SPACE (822 7TH ST, GREELEY) AND AUTHORIZE CHAIR TO SIGN – MCADAMS LAW OFFICE, LLC: Toby Taylor, Director of the Facilities Department, stated this agreement is for the current tenant to retain their current space, for the term of August 1, 2022, to July 31, 2025. He further stated the tenant has requested the replacement of carpet for the total amount of \$14,249.00, which will be amortized over the three (3) year agreement. Commissioner Saine moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner Freeman, and it carried unanimously.

3) CONSIDER APPOINTMENT OF GENE O’HARA AS INTERIM DIRECTOR OF WELD COUNTY DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT: Don Warden, Director of the Department of Finance and Administration, stated Mark Lawley will be entering retirement, effective September 1, 2022, and the County approached Gene O’Hara to serve as the Interim Director for the Department of Public Health and Environment. He further reviewed Mr. O’Hara’s medical qualifications and resume, and stated during his tenure as Interim Director he will be tasked with finding the next permanent successor for the position. Commissioner Freeman commented Mr. O’Hara is extremely respected in the medical community and very qualified, and he moved to approve said appointment. The motion was seconded by Commissioner Saine, and it carried unanimously.

4) CONSIDER ACCEPTANCE OF QUIT CLAIM DEED FOR WELD COUNTY WAY – COLORADO DEPARTMENT OF TRANSPORTATION (CDOT): Elizabeth Relford, Deputy Director of the Department of Public Works, stated in May 2022, the County entered into an Intergovernmental Agreement for maintenance and devolution, with the Colorado Department of Transportation (CDOT), and as a part of that agreement there is now a quit claim deed offered to finalize terms and convey ownership. Commissioner Freeman moved to approve said acceptance of quit claim deed for the Weld County Way. The motion was seconded by Commissioner Saine, and it carried unanimously.

5) CONSIDER TEMPORARY CLOSURE OF CR 39 BETWEEN CRS 2 AND 4: Amy Mutchie, Department of Public Works, stated this closure will begin on August 23, 2022, and go through August 26, 2022, for emergency repairs on an irrigation culvert, and the detour route is paved. Commissioner Saine moved to approve said temporary closure. The motion was seconded by Commissioner Freeman, and it carried unanimously.

6) CONSIDER TEMPORARY CLOSURE OF CR 3 BETWEEN CRS 38 AND 40: Ms. Mutchie stated this closure will begin on August 29, 2022, and go through September 1, 2022, for the replacement of an irrigation culvert, and they will use water for dust mitigation on the gravel portions of the detour route. Commissioner Saine moved to approve said temporary closure. The motion was seconded by Commissioner Freeman, and it carried unanimously.

7) CONSIDER TEMPORARY CLOSURE OF CR 18 BETWEEN CRS 65 AND 67: Ms. Mutchie stated this closure will begin on August 29, 2022, and go through September 1, 2022, for the replacement of two (2) drainage culverts, and water will be used for dust mitigation on the gravel portions of the detour route. Commissioner Freeman moved to approve said temporary closure. The motion was seconded by Commissioner Saine, and it carried unanimously.

8) CONSIDER RENEWAL OF A TAVERN (COUNTY) LIQUOR LICENSE AND AUTHORIZE CHAIR TO SIGN – EL CENTENARIO ENTERTAINMENT, LLC, DBA EL CENTENARIO NIGHTCLUB: Bruce Barker, County Attorney, stated the completed documents have been reviewed, there are no concerns from referral agencies, and he recommends approval. The applicant was not present, and no public testimony was offered concerning this matter. Commissioner Saine moved to approve said renewal of the liquor license and authorize the Chair to sign. The motion was seconded by Commissioner Freeman, and it carried unanimously.

9) CONSIDER COUNTY DANCE HALL LICENSE NUMBER 406 AND AUTHORIZE CHAIR TO SIGN – EL CENTENARIO ENTERTAINMENT, LLC, DBA EL CENTENARIO NIGHTCLUB: Mr. Barker stated this is the same establishment as the previous agenda item, and there are no concerns from referral agencies. Commissioner Freeman moved to approve said dance hall license and authorize the Chair to sign. The motion was seconded by Commissioner Saine, and it carried unanimously.

10) CONSIDER APPOINTMENT OF AMERICANS WITH DISABILITIES ACT (ADA) COORDINATORS: Mr. Barker stated this is a requirement and those who are appointed are listed in the Resolution. Commissioner Saine moved to approve said appointments. The motion was seconded by Commissioner Freeman, and it carried unanimously.

11) CONSIDER APPOINTMENT OF DEPUTY DISTRICT ATTORNEY AND AUTHORIZE CHAIR TO SIGN – BRICE RUDOLPH: Commissioner Freeman moved to approve said appointment and authorize the Chair to sign. The motion was seconded by Commissioner Saine, and it carried unanimously.

**PLANNING:**

1) CONSIDER PARTIAL VACATION OF FOUR-LOT RECORDED EXEMPTION, RECX13-0037, FOR REMOVAL OF LOT D (FORMERLY LOT D OF RECX12-0094) – WINDY HILLS RANCH, LLC, C/O CHRIS PETERSHEIM: Chris Gathman, Department of Planning Services, stated staff received a letter requesting the removal of Lot D from Recorded Exemption, RECX13-0037. He gave a brief overview of the property, history, and location, and stated Lots A, B, and C are not a part of this consideration. Mr. Gathman stated a portion of Lot D is in the floodplain, and all easements delineated on the partial vacation plat for RECX-0037. He further stated Lot D has four (4) permitted access points established via separate documents, and he reviewed the Conditions of Approval for the record. Mr. Gathman stated he has submitted revised language for Condition C of his staff comments (referenced as Condition #3 in the Resolution), to reflect the options given to the applicant on how they wish to address the Condition,

which he read for the record. Hannah Dutrow, AGPROfessionals, applicant representative, was present for questions, and stated she agreed with the language change proposed by Mr. Gathman for the Resolution. Rick Charbonneau, adjacent property owner, expressed concern as to how this vacation will affect his property. In response, Commissioner Freeman explained the submitted documents state this plat will still remain agricultural. Mr. Barker stated this action does not change the zoning of the land. Commissioner Saine moved to approve said partial vacation, with the Conditions of Approval and revised language as presented and amended by staff. The motion was seconded by Commissioner Freeman, and it carried unanimously.

2) CONSIDER ACCEPTANCE OF REQUEST TO WITHDRAW APPLICATION FOR CHANGE OF ZONE, PUDZ21-0003, FROM THE A (AGRICULTURAL) ZONE DISTRICT TO THE PUD (PLANNED UNIT DEVELOPMENT) ZONE DISTRICT FOR THREE (3) RESIDENTIAL LOTS WITH E (ESTATE) ZONE DISTRICT USE, AND ON-GOING OIL AND GAS ACTIVITIES, AND RESCIND RESOLUTION #2022-0172, DATED JANUARY 19, 2022 – DOB FARM, LLC, C/O DARYL AND DEWAYNE BOHLENDER: Diana Aungst, Department of Planning Services, presented the applicants' request to withdraw their application for a Change of Zone, as they are no longer intending on moving forward with their stated use and the plat has not been recorded. The applicants were not present. Commissioner Freeman moved to accept said withdrawal of application for Change of Zone, and to rescind Resolution #2022-0172. The motion was seconded by Commissioner Saine, and it carried unanimously.

3) FIRST READING OF CODE ORDINANCE #2022-05, IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 23 ZONING AND CHAPTER 29 BUILDING REGULATIONS OF THE WELD COUNTY CODE: Tom Parko, Director of the Department of Planning Services, stated on July 13, 2022, there was an work session with the Board and then it went before the Planning Commission who recommended approval. He then introduced Jim Flesher, Department of Planning Services, who explained the details of the proposed amendments to Chapter 23 Zoning, and Chapter 29 Building Regulations of the Weld County Code. No public testimony was offered concerning this matter. Commissioner Freeman moved to approve Ordinance #2022-05 on First 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 Ordinance #2022-05 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 9:34 a.m.

These Minutes were approved on the 7th day of September, 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

EXCUSED  
\_\_\_\_\_  
Perry L. Buck

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

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