

RECORD OF PROCEEDINGS

MINUTES

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO MONDAY, SEPTEMBER 12, 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, September 12, 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 August 29, 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 Moreno seconded the motion and it carried unanimously.

COMMISSIONER COORDINATOR REPORTS: Commissioner Buck reported she was the Emcee for the Ag Tour with the Greeley Chamber, and expressed she enjoys learning about the technologies and thought processes that go into agricultural operations. Commissioner Freeman agreed it was a great presentation with excellent speakers. Commissioner Moreno reported Jeanine Truswell, Chair of the United Way of Weld County, lead her final meeting after 36 years, and her retirement farewell ceremony will be held on October 5, 2022, from 3:00-6:30 p.m. Chair James congratulated Jason Maxey, Director of the Department of Oil and Gas Energy, for a job well done, as he was recognized by all five (5) members of the Colorado Oil and Gas for Conservation Commission (COGCC), and stated the meeting was positive and he looks forward to a great working relationship moving forward. He also reported the Denver Regional Council of Governments (DRCOG) relayed there will be no more construction projects, but have steered their efforts towards transit.

WARRANTS:

1) GENERAL WARRANTS – SEPTEMBER 7, AND 9, 2022: Commissioner Buck moved to approve the General Warrants, as printed. Commissioner Moreno seconded the motion and it carried unanimously.

BIDS:

1) APPROVE BID #B2200119, REPLACEMENT GENERATORS FOR NEW RAYMER AND NUNN TOWERS – FACILITIES DEPARTMENT: Christie Peters, Purchasing Department, stated staff recommends selecting the sole bidder who met specifications, ET Tower, LLC, for a total amount of \$158,355.00. Commissioner Freeman moved to approve said bid. The motion was seconded by Commissioner Saine. In response to Commissioner Moreno, Toby Taylor, Director of the Facilities Department, explained the delivery delay is due to continued supply chain issues. There being no further discussion, the motion carried unanimously.

2) APPROVE BID #B2200123, EXTENSION OFFICE ROOF REPLACEMENT – FACILITIES DEPARTMENT: Ms. Peters introduced Select Roofing Contractors, LLC, as the low bidder selected by staff and confirmed they met all specifications, for a total amount of \$128,791.00. Commissioner Moreno moved to approve said bid. The motion was seconded by Commissioner Buck, and it carried unanimously.

3) APPROVE BID #B2200126, AULT GRADER SHED FUEL TANK – FACILITIES DEPARTMENT: Ms. Peters reviewed staff's recommendation to select Eaton Sales and Service, the low bidder meeting specifications, for a total amount of \$37,500.00. Commissioner Moreno moved to approve said bid. The motion was seconded by Commissioner Freeman, and it carried unanimously.

4) PRESENT BID #B2200128, PARKING LOT POTHOLE REPAIRS – FACILITIES DEPARTMENT: Ms. Peters stated three (3) bids were received and staff will make a recommendation on September 26, 2022.

5) PRESENT BID #B2200125, CRACK FILLER MATERIAL SUPPLY – DEPARTMENT OF PUBLIC WORKS: Ms. Peters stated two (2) bids were received and staff will make a recommendation on September 26, 2022.

6) PRESENT AND APPROVE EMERGENCY BID #B2200135, 2022 STEEL BID – DEPARTMENT OF PUBLIC WORKS: Ms. Peters stated staff recommends selecting DBE Manufacturing and Supply, the sole bidder who meets specifications, for a total amount of \$348,185.40, on an emergency basis due to supply chain delays and rapidly increasing prices on steel, per a previous work session discussion. Commissioner Moreno moved to approve said bid on an emergency basis, per staff's recommendation. The motion was seconded by Commissioner Saine, and it carried unanimously.

NEW BUSINESS:

1) CONSIDER DECLARING THE INTENT OF WELD COUNTY, COLORADO, TO ISSUE PRIVATE ACTIVITY BONDS IN CONNECTION WITH FINANCING RESIDENTIAL FACILITIES FOR LOW- AND MIDDLE-INCOME FAMILIES OR PERSONS, PURSUANT TO THE COLORADO PRIVATE ACTIVITY BOND CEILING ALLOCATION ACT, AND AUTHORIZE CHAIR TO SIGN ALL NECESSARY DOCUMENTS: Don Warden, Director of the Department of Finance and Administration, stated each year the County receives Internal Revenue Service (IRS) funds via the Colorado Department of Local Affairs (DOLA), which is an allocation for Private Activity Bonds. He stated this year there is a total of \$8,574,904.00, to utilize before September 15, 2022, on a project, assign it to Colorado Housing and Finance Authority (CHAFA), relinquish it to DOLA (or other jurisdictions), or do a carry forward into 2023 and utilize the funds within two (2) years. Mr. Warden stated only one (1) party, Ellington Capital, is interested in using this allocation to develop approximately 200-250 units of low- and middle-income affordable housing in the Town of Firestone, Colorado. He stated this project would require allocation

from this year and 2023 to complete, which is something that has been done in previous years. Mr. Warden explained Kutak Rock, Bond Specialists, have prepared an intent Resolution to indicate how the allocation would be used to support the development, then it will be filed with DOLA to satisfy the County's requirement for this year. Commissioner Freeman moved to approve said Resolution and authorize the Chair to sign all necessary documents. The motion was seconded by Commissioner Buck, and it carried unanimously.

2) CONSIDER SECTION 179D ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION ALLOCATION FORM AND AUTHORIZE CHAIR TO SIGN – GSG ARCHITECTURE, INC.: Toby Taylor, Director of the Facilities Department, stated this is a letter sent from GSG Architecture, Inc., informing Weld County of their intent to pursue the 179D Energy Efficient Commercial Buildings Deduction available to them for their energy efficient design work for the Public Works Service Center and Public Health and Environment lab remodel. He further stated, since Weld County is tax exempt, the deduction and certification will be performed by a third party, and the County must acknowledge they are pursuing the credit. In response to Chair James, Mr. Taylor clarified there is no option to recoup the benefit for the taxpayers of Weld County, since the deduction goes to the designer. Commissioner Buck moved to approve said form and authorize the Chair to sign. Seconded by Commissioner Saine, the motion carried unanimously.

3) CONSIDER CONTRACT ID #6307 APPLICATION FOR LAW ENFORCEMENT WORKFORCE RECRUITMENT, RETENTION, AND TUITION GRANT PROGRAM, AND AUTHORIZE ELECTRONIC SUBMITTAL: Sonja Kohlgraf, Sheriff's Office, stated this application is for funding in the amount of \$192,000.00, to be used for recruiting purposes for the Sheriff's Office by advertising through various social media platforms, radio, and other mediums. She further stated this a no-match grant with a term of 18 months. In response to Commissioner Buck, Ms. Kohlgraf stated the Sheriff's Office has met with the Department of Human Resources to address the challenges in recruiting, confirm the amounts needed based on a quote, and if the grant is awarded then this will go out for bid. Commissioner Moreno moved to approve said application and authorize electronic submittal. The motion, which was seconded by Commissioner Buck, carried unanimously.

4) CONSIDER CONTRACT ID #6291 AGREEMENT FOR RELOCATION OF ELECTRICAL DISTRIBUTION LINE FOR CRS 66 AND 41 INTERSECTION IMPROVEMENTS PROJECT AND AUTHORIZE CHAIR TO SIGN – PUBLIC SERVICE COMPANY OF COLORADO: Clay Kimmi, Department of Public Works, stated this agreement is for relocating an existing distribution line along County Road (CR) 66, onto the new Xcel transmission line being installed later this week. He further stated the cost is \$15,773.93, which is included in the 2022 budget. Commissioner Freeman moved to approve said agreement and authorize the Chair to sign. Commissioner Saine seconded the motion, and it carried unanimously.

5) CONSIDER EXTENSION OF TEMPORARY CLOSURE OF CRS 35 (N. 35TH AVE) AND 64 (O ST): Cameron Parrott, Department of Public Works, presented on behalf of IHC Scott, and requested to extend the closure of this intersection due to unforeseen third-party utility contractor delays. Mr. Parrott stated the request is for an additional 15 days, bringing the completion date to September 30, 2022. In response to Chair James, Mr. Parrott confirmed they are working with the Public Information Office, as well as with the City of Greeley, to notify the public. Commissioner Buck moved to approve said extension of temporary closure. The motion was seconded by Commissioner Moreno, and it carried unanimously.

6) CONSIDER TEMPORARY CLOSURE OF CR 25 BETWEEN SH 14 AND CR 84: Amy Mutchie, Department of Public Works, presented on behalf of Coulson Excavating and Waste Management, requested this closure to begin on September 19, 2022, and go through November 18, 2022, for full intersection and roadway improvements. She stated the landfill facility intends to remain open and operational for the duration. She reviewed the detour route, stated magnesium chloride will be used on the gravel portions, and noted message boards will be placed in advance for the duration of this closure. Commissioner Moreno moved to approve said temporary closure, and the motion was seconded by Commissioner Buck. Commissioner Freeman expressed his appreciation for the reconsideration of using CR 23 as part of the detour route. In response, Ms. Mutchie stated it could be accommodated due to sight distance. There being no further discussion, the motion carried unanimously.

7) CONSIDER APPOINTMENT TO WORKFORCE DEVELOPMENT BOARD: Commissioner Moreno moved to approve said appointment. The motion was seconded by Commissioner Buck, and it carried unanimously.

8) CONSIDER APPOINTMENTS AND REAPPOINTMENT TO WELD COUNTY FAIR BOARD: Commissioner Buck moved to approve said appointments and reappointment. The motion was seconded by Commissioner Moreno, and it carried unanimously.

9) CONSIDER ITEMIZED LIST OF LEGAL HOLIDAYS DURING CALENDAR YEAR 2023: Commissioner Freeman moved to approve said Resolution. The motion was seconded by Commissioner Buck, and it carried unanimously.

PLANNING:

1) CONSIDER PARTIAL VACATION OF TWO-LOT RECORDED EXEMPTION, RE-4163, FOR REMOVAL OF LOT B – KENNETH HARRING: Diana Aungst, Department of Planning Services, stated staff received a request from the applicant, dated April 15, 2022, to remove Lot B from Recorded Exemption, RE-4163. She further stated there are two (2) access and utility easements that were created from CR 39, and staff has received letters from respective property owners they have no concerns retaining the easements. Ms. Aungst further stated Lot A is not a part of this request and has access from CR 39. She explained Development Review noted there are two (2) access points from CR 76 which do not meet spacing requirements of the Weld County Code. However, without these access points the property would be landlocked; therefore, since there have been no accidents, staff is accepting these existing easements. Ms. Aungst displayed vicinity and aerial maps, and explained those two (2) access points have a 50-foot separation. She reviewed the surrounding lots and users, and stated the resulting plat will be larger than 35 acres. She stated staff recommends approval, subject to the Conditions of Approval that the applicant provide a 30-foot access easement for the two (2) properties to the west, and a signed vacation plat will be submitted for recording. Zack Braemer, applicant representative, was present for questions. No public testimony was offered concerning this matter. Commissioner Freeman moved to approve said partial vacation, with the Conditions of Approval. The motion was seconded by Commissioner Buck, and it carried unanimously.

2) CONSIDER REQUEST TO PURSUE AN INJUNCTION FOR VIOLATION OF THE WELD COUNTY CODE, CCV22- 00002 – GABRIEL AND VELIA ROBLES: Bethany Pascoe, Zoning Compliance Officer for the Department of Planning Services, explained the most egregious violations may be presented to the Board to allow the public to speak on the matter prior to pursuing an injunction by the Weld County Court. She reviewed the location of the property while displaying aerial and vicinity maps, and photographs that were provided by a surrounding property owner. Ms. Pascoe stated Gabriel and Velia Robles have been the property owners, since December 2, 2013, and on December 16, 2015, a Use by Special Review Permit, USR15-0051, was approved by the Board for a rodeo event facility. She further stated the USR map was recorded on October 4, 2017, and on June 18, 2018, USR15-0051 was revoked by the Board of Commissioners. Ms. Pascoe stated on August 29, 2022, evidence was submitted

to the Department of Planning Services regarding continued events without land use approval, and rodeo events have occurred as recently as June 19, 2022, July 16, 17, and 30, 2022, and August 6 and 27, 2022, which were confirmed by the Sheriff's Office. She stated due to the blatant disregard of the Weld County land use processes and surrounding property owner concerns, staff is requesting the Board refer this case to the County Attorney's Office for immediate legal action. In response to Chair James, Bruce Barker, County Attorney, informed the Board as to the proper parlance for this proceeding, and recommended the Chair invite Mr. Robles speak on his behalf regarding the allegations.

Gabriel Robles, property owner, acknowledged and admitted having operated Mexican Rodeos without a permit since it was revoked, due to not being able to figure out a way to operate his functions legally. He submitted evidence of cancellation of two (2) upcoming events that were scheduled with hopes to mitigate and fix the issues (*Exhibits A and B*). In response, Chair James stated there is a proper land use process, and suggested Mr. Robles meet with the Department of Planning Services to go through that process.

Saul Rodriguez, Hudson resident, stated he is a surrounding property owner and has lived as Mr. Robles' neighbor for the past year and a half. He further stated the traffic does not bother him and his family enjoys the events. He explained the events always end by sundown, so it is not a bother with lights or loud music, and hopes they are able to continue the tradition of these cultural events.

Jose Ronquillo, Brighton resident, with translation provided by Mr. Rodriguez, stated for the past eleven (11) years, he has provided a magazine to advertise these equestrian and bovine events to the Hispanic community, and without these rodeos, they have no other way to celebrate this cultural aspect of their heritage. (*Exhibit C*)

Mark Woodward, Hudson resident and surrounding property owner, discussed the misuse of the property that is in the A (Agricultural) Zone, and reiterated that there have been multiple rodeo events each summer, with ticketed fees that are collected. He stated the events are advertised on the radio, have historically drawn 300-500 people, and use loud public announcement (PA) speakers for announcement of the events and music. He further stated the traffic causes large amounts of dust, there is trash along the roadways, and they have had incidents of gun fire, which is a huge safety concern. Mr. Woodward explained he and several others have had to get security fencing to protect their property as a result of careless drivers causing damage to their private properties, and he is fed up with the lack of concern or respect for the neighborhood and the laws.

Lori Granberg, surrounding property owner, stated her home is the first property off Interstate 76 frontage road and during the most recent event, she and her family stopped counting the number of cars at 275, that were coming to the event. She stated she installed a security fence for her property to keep people from turning into, and parking on her property. Ms. Granberg explained while the events are over at sundown, it takes two (2) to three (3) hours for the cars to clear out, and while doing so, they are reckless and are a danger to local residents who cannot afford gates. She expressed concern regarding the amount of trash left behind, numerous incidents of public urination witnessed, and gunshots after the event is over. Ms. Granberg stated due to them living on a gravel road, the Town of Hudson Police Department will not respond; therefore, should any accident happen, they would have to wait for the Sheriff's Office to respond.

In response to Chair James, Mr. Barker advised that the previous actions that caused the revocation are irrelevant to today's hearing, and the fact of the matter is the property owner has admitted operating out of compliance, and based on that fact, staff is requesting to pursue an injunction in County Court. Commissioner Freeman moved to refer the matter to the County Attorney, with instruction to pursue immediate legal action. The motion was seconded by Commissioner Moreno, and it carried unanimously.

3) SECOND 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: Commissioner Freeman moved to read Code Ordinance #2022-05 by title only. The motion was seconded by Commissioner Moreno, and it carried unanimously. Mr. Barker read the title for the record. Jim Flesher, Department of Planning Services, stated there have been no changes since the First Reading. No public testimony was offered concerning this matter. Commissioner Moreno moved to approve Code Ordinance #2022-05 on Second Reading. The motion, which was seconded by Commissioner Saine, carried unanimously.

RESOLUTIONS AND ORDINANCES: The Resolutions were presented and signed as listed on the Consent Agenda. Code Ordinance #2022-05 was approved on Second 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 9:51 a.m.

These Minutes were approved on the 26th day of September, 2022.

BOARD OF COUNTY COMMISSIONERS
WELD COUNTY, COLORADO

ATTEST:

Weld County Clerk to the Board

Scott K. James, Chair

BY: _____
Deputy Clerk to the Board

Mike Freeman, Pro-Tem

Perry L. Buck

EXCUSED DATE OF APPROVAL
Steve Moreno

Lori Saine