

# RECORD OF PROCEEDINGS

## MINUTES

### BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO MONDAY, FEBRUARY 13, 2023

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, February 13, 2023, 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 Mike Freeman, Chair  
Commissioner Perry L. Buck, Pro-Tem  
Commissioner Scott K. James  
Commissioner Kevin D. Ross – EXCUSED  
Commissioner Lori Saine

Also present:

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

**MINUTES:** Commissioner Buck moved to approve the Minutes of the Board of County Commissioners meeting of January 30, 2023, as printed. Commissioner James seconded the motion, and it carried unanimously.

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

**CONSENT AGENDA:** Chair Freeman invited public comment concerning the Partial Vacation of Two-Lot Lot Line Adjustment, LLA22-0027, for Removal of Lot B – James R. Clark Revocable Trust, c/o Halden Clark. There was no one present to offer testimony for this matter. Commissioner James moved to approve the Consent Agenda, as printed. Commissioner Saine seconded the motion, and it carried unanimously.

**COMMISSIONER COORDINATOR REPORTS:** Commissioner Buck reported on her experience attending an autopsy with Dr. Burson at the Coroner's Office. Chair Freeman was also in attendance and stated this was his second time to attend an autopsy.

#### **WARRANTS:**

1) GENERAL WARRANTS – FEBRUARY 10, 2023: Commissioner James moved to approve the General Warrants, as printed. Commissioner Buck seconded the motion, and it carried unanimously.

#### **BIDS:**

1) PRESENT BID #B2300049, ROOF SAFETY ANCHORS, ACCESS HATCH GUARDRAILS, AND GATES – FACILITIES DEPARTMENT: Christie Peters, Purchasing Department, stated two (2) bids were received and staff will make a recommendation on February 27, 2023.

2) PRESENT BID #B2300050, MATERIAL HAULING CONTRACT – DEPARTMENT OF PUBLIC WORKS: Ms. Peters stated four (4) bids were received; however, they were all incomplete, thus staff recommended the Board reject all bids and stated this will go out for re-bid. She also noted one of the vendors was present for questions, but following discussion, the Board agreed all vendors will have the opportunity to address the Board should they submit a complete bid on the next round. Commissioner Buck moved to reject said bid, per staff's recommendation. The motion was seconded by Commissioner James, and it carried unanimously.

3) PRESENT BID #B2300061, 2023 SIGN MATERIAL – DEPARTMENT OF PUBLIC WORKS: Ms. Peters stated two (2) bids were received and staff will make a recommendation on February 27, 2023.

**NEW BUSINESS:**

1) CONSIDER CONTRACT ID #6682 INTERGOVERNMENTAL AGREEMENT AND SUMMARY OF GRANT AWARD TERMS AND CONDITIONS FOR ENERGY AND MINERAL IMPACT ASSISTANCE FUND (EIAF) PROGRAM FOR BRIDGE 54/13A IMPROVEMENTS PROJECT (SEPTEMBER CYCLE – TIER II): Elizabeth Relford, Deputy Director of the Department of Public Works, stated the Department of Local Affairs (DOLA) has awarded the full application amount of \$750,000.00, which will be used to widen and lengthen Bridge 54/13A to meet the requirements of the Federal Emergency Management Agency (FEMA). Commissioner James moved to accept said agreement and summary of grant award terms and conditions. The motion was seconded by Commissioner Buck, and it carried unanimously.

**PLANNING:**

1) CONSIDER CERTIFICATION TO WELD COUNTY TREASURER OF ZONING VIOLATION PENALTIES AS SPECIAL ASSESSMENT – VINCE HOLTON (*CONT'D FROM 11/14/2022*): Matthew Conroy, Assistant County Attorney, stated the property of Vince Holton has a court-ordered penalty of \$10.00 per day, beginning on March 7, 2022, and was last certified on June 22, 2022, for the violation of storage of a mobile home without a permit. Mr. Conroy stated this case was last heard on November 14, 2022, where the certification of daily penalties from May 23, 2022, through January 11, 2023 (a period of 234 days) was requested and resulted in a total special assessment of \$2,340.00. Tonya Johnson, Zoning Compliance for the Department of Planning Services, stated she conducted her inspection on February 8, 2023, and displayed photos of the site. Vince Holton, property owner, was not present. Commissioner James moved to approve said certification of zoning violation penalties as a special assessment. The motion was seconded by Commissioner Buck, and it carried unanimously.

2) CONSIDER CERTIFICATION TO WELD COUNTY TREASURER OF ZONING VIOLATION PENALTIES AS SPECIAL ASSESSMENT – JERRY DILL AND LYNNE KELLY (*CONT'D FROM 11/14/2022*): Mr. Conroy stated the property of Jerry Dill and Lynne Kelly was last certified on June 22, 2022, which continues to be in violation, and has a court-ordered penalty of \$10.00 per day, beginning on August 20, 2021. He stated violations include an unpermitted mobile home, unpermitted commercial storage business, unpermitted commercial vehicles, a noncommercial junkyard, and derelict vehicles. Mr. Conroy stated this case was last heard on November 14, 2022, where the certification of daily penalties from May 23, 2022, through January 11, 2023 (a period of 234 days) was requested and resulted in a total special assessment of \$2,340.00. Cynthia Villanueva, Zoning Compliance for the Department of Planning Services, stated the property owner was notified by letters monthly, and staff received no responses. Ms. Villanueva displayed aerial and vicinity maps, in addition to photos of the site from her inspection on February 8, 2023. Neither Jerry Dill nor Lynn Kelly were present. Commissioner James moved to approve said certification of zoning violation penalties as a special assessment. The motion was seconded by Commissioner Saine, and it carried unanimously.

3) CONSIDER CERTIFICATION TO WELD COUNTY TREASURER OF ZONING VIOLATION PENALTIES AS SPECIAL ASSESSMENT – FRANK AND YRENE MARTINEZ (*CONT'D FROM 11/14/2022*): Mr. Conroy stated the property of Frank and Yrene Martinez was last certified on June 29, 2022, which continues to be in violation, and has a court-ordered penalty of \$50.00 per day, beginning on March 7, 2022. He recalled the property owners having an attorney to represent them, and after hearing this case on November 14, 2022, the County entered into a Stipulation Agreement since they intend to build a house on the property and bring it into compliance. This agreement included terminating the daily penalties from accruing on November 14, 2022, and staff recommended the Board not certify the remaining penalties. Commissioner Buck moved to not certify said certification of zoning violation penalties as a special assessment. The motion was seconded by Commissioner Saine, and after further discussion, the motion carried unanimously.

4) CONSIDER CERTIFICATION TO WELD COUNTY TREASURER OF ZONING VIOLATION PENALTIES AS SPECIAL ASSESSMENT – LUCINA FLORES (*CONT'D FROM 11/14/2022*): Mr. Conroy stated the property of Lucina Flores was last certified on July 18, 2022, which continues to be in violation, and has a court-ordered penalty of \$25.00 per day, beginning on August 4, 2021. He stated violations include exceeding maximum allowable lot coverage and too many animals on the property. Mr. Conroy stated this case was last heard on November 14, 2022, the certification of daily penalties from July 18, 2022, through January 11, 2023 (a period of 210 days) was requested and resulted in a total special assessment of \$5,250.00. Ms. Pascoe stated she conducted her inspection on February 7, 2023, and displayed aerial and vicinity maps, in addition to photos of the site. Modesto Flores, representative of the property owners, was present and stated one of the unpermitted structures and the animals have been removed from the property since the photographs were taken. Commissioner Saine moved to continue said certification of zoning violation penalties as a special assessment to February 20, 2023, at 9:00 a.m. The motion was seconded by Commissioner Buck, and it carried unanimously. (*Clerk's Note: Following the motion, the attending Clerk indicated the County will be closed on February 20th, and Bruce Barker, County Attorney, advised the motion can stand and the matter will simply be placed on the next available board meeting agenda scheduled for Wednesday, February 22, 2023, at 9:00 a.m.*)

**PUBLIC COMMENT:**

1) Edwin Grant, Greeley resident, offered his comments to the Board.

**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 9:21 a.m.

These Minutes were approved on the 27th day of February, 2023.

BOARD OF COUNTY COMMISSIONERS  
WELD COUNTY, COLORADO

ATTEST:

Weld County Clerk to the Board

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

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Mike Freeman, Chair

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Perry L. Buck, Pro-Tem

\_\_\_\_\_  
Scott K. James

EXCUSED  
\_\_\_\_\_  
Kevin D. Ross

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