

RECORD OF PROCEEDINGS

MINUTES

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO MONDAY, MAY 22, 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, May 22, 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
Commissioner Lori Saine

Also present:

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

MINUTES: Commissioner Ross moved to approve the Minutes of the Board of County Commissioners meeting of May 8, 2023, as printed. Commissioner James seconded the motion and it carried unanimously.

READ ORDINANCE BY AUDIO: Commissioner James moved to read Code Ordinance #2023-06 by audio. The motion was seconded by Commissioner Buck, and it carried unanimously.

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

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

COMMISSIONER COORDINATOR REPORTS: Commissioner Ross reported the Two Rivers Parkway project is on schedule despite several weather delays, they are shoring up the soil for the roundabout project at the intersection of County Roads (CRs) 33 and 74, and the roundabout project at the intersection of CRs 13 and 6 is about ninety percent (90%) complete.

WARRANTS:

1) **GENERAL WARRANTS – MAY 19, 2023:** Commissioner Ross moved to approve the General Warrants, as printed. Commissioner Buck seconded the motion, and it carried unanimously.

BIDS:

1) APPROVE BID #B2300087, FACILITIES MASTER PLAN – FACILITIES DEPARTMENT: Carolyn Geisert, Purchasing Department, explained this Request for Proposal (RFP) evaluated firm capability, consultant and key staff experiences and qualifications, project approach, firm availability and project schedule, and costs. She stated the committee recommends selecting the lowest bidder who met specifications, Gensler, for a total amount of \$951,579.00. Commissioner Ross moved to approve said bid. The motion was seconded by Commissioner Buck, and it carried unanimously.

2) APPROVE BID #B2300105, JAIL ELEVATOR MODERNIZATION – FACILITIES DEPARTMENT: Ms. Geisert stated the lowest bidder PEAK Elevator, LLC, failed to include the elevator jacks which were required to be replaced; therefore, staff recommends selecting the second lowest bidder who met specifications, Centric Elevator Corp., for a total amount of \$179,546.00. Commissioner Buck moved to approve said bid, per staff's recommendation. The motion was seconded by Commissioner Ross, and it carried unanimously.

3) APPROVE BID #B2300108, SHOOTING RANGE WATER TREATMENT – FACILITIES DEPARTMENT: Ms. Geisert stated during the review process, it was determined the equipment offered had differed from what was designed and will not fit in the space allocated; therefore, staff recommended rejecting the bid from RK Water, LLC, and rebidding at a later time, as specifications were not met. Commissioner Ross moved to reject said bid, per staff's recommendation. The motion was seconded by Commissioner James, and it carried unanimously.

4) PRESENT BID #B2300114, BACKUP GENERATORS FOR FLEET SERVICES, COMMUNITY CORRECTIONS, AND ALTERNATIVE PROGRAMS – FACILITIES DEPARTMENT: Ms. Geisert stated two (2) bids were received and staff will make a recommendation on June 5, 2023.

NEW BUSINESS:

1) CONSIDER TEMPORARY CLOSURE OF CR 36 BETWEEN CRS 15 AND 17: Amy Mutchie, Department of Public Works, stated this closure will begin on May 30, 2023, and go through June 2, 2023, for the replacement of a drainage culvert, and stated the detour route will be treated with water for dust control. Commissioner Buck moved to approve said temporary closure. The motion was seconded by Commissioner James, and it carried unanimously.

2) CONSIDER TEMPORARY CLOSURE OF CR 54 BETWEEN CRS 43 AND 45: Ms. Mutchie stated this closure will begin on June 6, 2023, and go through June 9, 2023, for the replacement of an irrigation culvert. She detailed the detour route for the record, confirmed message boards will be placed in advance and for the duration of the closure, and stated magnesium chloride will be used for dust control. Commissioner James moved to approve said temporary closure. The motion was seconded by Commissioner Buck, and it carried unanimously.

3) CONSIDER ACCEPTANCE OF FILING OF SERVICE PLAN AND SET HEARING DATE FOR CONSIDERATION – FIRST FIVE YEARS EARLY CHILDHOOD DEVELOPMENT SERVICE DISTRICT: Bruce Barker, County Attorney, stated he, on behalf of Weld County, and Boulder County, made suggested revisions to the proposed Service Plan, and per the Colorado Revised Statute (C.R.S.) enacted two (2) years ago, this district is allowed in both counties. He further stated this Resolution sets the date for the public to have an opportunity to offer their comments concerning this matter on June 19, 2023, at 9:00 a.m., and in Boulder County on June 20, 2023. Mr. Barker stated the applicant has paid the \$500.00 filing fee, and reiterated this hearing date is only to review and approve the Service Plan, which will ultimately go to a vote of the people in November. In response to Commissioner Saine, Mr. Barker explained if the Board's is not to support the decision of the proposed Service Plan, then it could be appealed District Court, as to the reasons of denial. After discussion, Commissioner James moved to accept said filing of service plan and set the hearing date for consideration on June 19, 2023, at 9:00 a.m. The motion was seconded by Commissioner Ross, and it carried unanimously.

PLANNING:

1) FIRST READING OF CODE ORDINANCE #2023-06, IN THE MATTER OF REPEALING AND REENACTING WITH AMENDMENTS, CHAPTER 23 ZONING AND CHAPTER 29 BUILDING REGULATIONS, OF THE WELD COUNTY CODE (*AGRICULTURAL BUILDINGS*): Tom Parko, Director of the Department of Planning Services, alongside Jim Flesher, Department of Planning Services, stated the proposed changes to Chapter 23 of the Weld County Code are to address challenges faced with the presence of agriculture buildings, but stressed this is not an attempt to strike or remove the ability to have these structures, as the Department firmly believes they have their place in the County for agricultural operations to store products and equipment. He explained there has been a rise in the misuse in small agricultural lots, historic townsites, and subdivisions where many of these buildings have been converted into homes or for other uses without the proper permits, which has become a basic life and safety issue. Mr. Parko stated since the adoption of Agricultural Buildings, they have not required building permits, rather, staff inspects for setback and zoning compliance, allowing basic electricity and plumbed water, with no follow-up inspections. He explained the Department receives complaints of new property owners conducting side projects, and once discovered, the property owner then needs to rectify through the Change of Use process, which can be time-consuming and costly. In addition, Mr. Parko stated these proposed changes were heard before the Planning Commission on May 2, 2023, where denial was recommended, and in response to the Planning Commission's concerns, there is a work session scheduled for May 23, 2023, with the Board, Planning Commission, and Tim Naylor, representative of AGPROfessionals, to gain perspective and direction for these proposed changes. In response to Commissioner Ross, Mr. Parko shared the intended purpose of an agricultural building and stated there is a need for clarification of the definition. No public testimony was given concerning this matter. After discussion, Commissioner James moved to approve Code Ordinance #2023-06 on First Reading. The motion was seconded by Commissioner Ross, and upon a roll call vote of four (4) to one (1), the motion carried, with Commissioner Saine opposed.

PUBLIC COMMENT: No public comment was offered.

RESOLUTIONS AND ORDINANCES: The Resolutions were presented and signed as listed on the Consent Agenda. Code Ordinance #2023-06 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 9:33 a.m.

These Minutes were approved on the 5th day of June, 2023.

BOARD OF COUNTY COMMISSIONERS
WELD COUNTY, COLORADO

ATTEST:

Weld County Clerk to the Board

BY: _____
Deputy Clerk to the Board

Mike Freeman, Chair

Perry L. Buck, Pro-Tem

Scott K. James

Kevin D. Ross

Lori Saine