

# RECORD OF PROCEEDINGS

## MINUTES

### BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO MONDAY, JUNE 12, 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, June 12, 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 May 24, 2023, continued from June 7, 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 opened for public comment regarding: 1) Partial Vacation, VAC23-0013, of Two-Lot Recorded Exemption, RECX18-0004, for Removal of Lot B – Fryer Livestock, LLC, 2) Partial Vacation, VAC23-0027, of Two-Lot Recorded Exemption, RE-3520, for Removal of Lot B – NGL Water Solutions DJ, LLC, and 3) Partial Vacation, VAC23-0034, of Four-Lot Recorded Exemption, RECX18-0034, for Removal of Lot D – Canyon Trail Fencing, LLC, c/o Christian Petersheim; however, no public comment was offered concerning these matters. Commissioner James moved to approve the Consent Agenda, as printed. Commissioner Buck seconded the motion, and it carried unanimously.

**COMMISSIONER COORDINATOR REPORTS:** The Commissioners had nothing to report.

#### **WARRANTS:**

1) GENERAL WARRANTS – JUNE 7, AND 9, 2023: Commissioner James moved to approve the General Warrants, as printed. Commissioner Buck seconded the motion, and it carried unanimously.

**BIDS:**

1) PRESENT BID #B2300120, LAW ADMINISTRATION ELEVATOR MODERNIZATION – FACILITIES DEPARTMENT: Carolyn Geisert, Purchasing Department, stated two (2) bids were received and staff will make a recommendation on June 26, 2023.

2) PRESENT BID #B2300122, NORTH JAIL SECURITY GRID CEILING REPLACEMENT – FACILITIES DEPARTMENT: Ms. Geisert stated one (1) bid was received and staff will make a recommendation on June 26, 2023.

**NEW BUSINESS:**

1) CONSIDER CONTRACT ID #7036 TASK ORDER CONTRACT FOR COMMUNITY TOBACCO INITIATIVES PROJECT / AMENDMENT 35 TOBACCO USE PREVENTION AND CESSATION EDUCATION, AND AUTHORIZE CHAIR TO SIGN AND SUBMIT ELECTRONICALLY: Jason Chessher, Director of the Department of Public Health and Environment, stated this contract funding was received through state tobacco excise taxes in the amount of \$330,134.00, to allow for the program to continue at current levels with no additional staff requested. Commissioner Buck moved to approve said contract and authorize the Chair to sign and submit electronically. The motion was seconded by Commissioner James and it carried unanimously.

2) CONSIDER CONTRACT ID #7038 AMENDMENT #1 TO TASK ORDER CONTRACT FOR WOMEN'S WELLNESS CONNECTION CANCER PREVENTION AND EARLY DETECTION PROGRAM, AND AUTHORIZE CHAIR TO SIGN AND SUBMIT ELECTRONICALLY: Mr. Chessher stated this funding allows uninsured or underinsured women to receive screenings for breast and cervical cancer. He stated the term for this contract is from July 1, 2023, through June 30, 2024, and funding in the amount of \$57,169.00 is to allow the program to continue at current levels with no additional staff requested. Commissioner Buck moved to approve said amendment and authorize the Chair to sign and submit electronically. The motion was seconded by Commissioner Saine and it carried unanimously.

3) CONSIDER CONTRACT ID #7039 TASK ORDER CONTRACT FOR IMMUNIZATION CORE SERVICES PROGRAM AND AUTHORIZE CHAIR TO SIGN AND SUBMIT: Mr. Chessher stated this is for immunization core services from birth to 18 years of age, the term is from July 1, 2023, through June 30, 2023, for the amount of \$303,018.00, to allow the program to continue at current levels with no additional staff requested. Commissioner James moved to approve said contract and authorize the Chair to sign and submit electronically. The motion was seconded by Commissioner Buck and it carried unanimously.

4) CONSIDER CONTRACT ID #7040 TASK ORDER CONTRACT FOR TUBERCULOSIS PREVENTION AND CONTROL PROGRAM, AND AUTHORIZE CHAIR TO SIGN AND SUBMIT ELECTRONICALLY: Mr. Chessher stated this contract helps to offset costs for detection, treatment, and preventative measures for tuberculosis. He stated this contract is in the amount of \$50,000.00 to allow the program to continue at current levels and no additional staff is requested. Commissioner Saine moved to approve said contract and authorize the Chair to sign and submit electronically. The motion was seconded by Commissioner James and it carried unanimously.

5) CONSIDER CONTRACT ID #7062 CONTRACT AMENDMENT #6 FOR PUBLIC HEALTH EMERGENCY PREPAREDNESS AND RESPONSE, AND AUTHORIZE CHAIR TO SIGN AND SUBMIT ELECTRONICALLY: Mr. Chessher stated this contract is for the planning and training for public health disease outbreaks with emergency preparedness and response in the event of a pandemic, bioterrorism, or emergent diseases, including the dispensing of vaccines or antibiotics, if necessary. He stated this funding also supports two (2) full time staff epidemiologist and a public health emergency specialist from July 1, 2023, through June 30, 2024, for the amount of \$290,770.00, to allow the program to continue at

current levels with no additional staff requested. Commissioner James moved to approve said amendment and authorize the Chair to sign and submit electronically. The motion was seconded by Commissioner Buck and it carried unanimously.

6) CONSIDER CONTRACT ID #7064 STATEMENT OF WORK FOR WASTE TIRE INSPECTION PROGRAM AND AUTHORIZE CHAIR TO SIGN: Mr. Chessher stated this allows for the reimbursement of costs for staff inspection and proper disposal of waste tires for the amount of \$7,554.96, to allow for the program to continue at current levels with no additional staff requested. Commissioner Saine moved to approve said statement of work and authorize the Chair to sign. The motion was seconded by Commissioner Buck and it carried unanimously.

7) CONSIDER CONTRACT ID #7065 AMENDMENT #1 TO TASK ORDER CONTRACT FOR AIR QUALITY PROGRAM AND AUTHORIZE CHAIR TO SIGN AND SUBMIT ELECTRONICALLY: Mr. Chessher stated this amendment allows the operation of the air quality monitoring network for staff to perform inspections, provide compliance guidance, issue burn permits, and respond to complaints. He stated this amendment is from July 1, 2023, through June 30, 2024, for the amount of \$124,105.00, to allow for the program to continue at current levels with no additional staff requested. Commissioner Buck moved to approve said amendment and authorize the Chair to sign and submit electronically. The motion was seconded by Commissioner James and it carried unanimously.

8) CONSIDER CONTRACT ID #7008 INTERGOVERNMENTAL AGREEMENT FOR CAMPUS POLICE OFFICER PROGRAM AND AUTHORIZE CHAIR TO SIGN – AIMS COMMUNITY COLLEGE: Sonja Kohlgraf, Sheriff's Office, stated this agreement terminates the original contract and establishes current terms for a new agreement for the campus police officer program at Aims Community College. Commissioner James moved to approve said agreement and authorize the Chair to sign. Seconded by Commissioner Buck, the motion carried unanimously.

9) CONSIDER CONTRACT ID #7066 ACCEPTANCE/APPEAL OF PRELIMINARY AWARD DECISION FORM FOR 2023 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM FOR LICENSE PLATE READERS AND AUTHORIZE SHERIFF'S OFFICE TO SIGN AND SUBMIT ELECTRONICALLY: Ms. Kohlgraf stated the County has been awarded \$49,928.00, which will fund three (3) stationary license plate readers for the patrol and investigations departments. Commissioner Buck moved to approve said form and authorize the Sheriff's Office to sign and submit electronically. The motion, which was seconded by Commissioner James, carried unanimously.

10) CONSIDER CONTRACT ID #7051 APPLICATION FOR 2024-2025 HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS (HMEP) GRANT AND AUTHORIZE CHAIR TO SIGN: Roy Rudisill, Director of the Office of Emergency Management, stated the funding provided through the Hazardous Material Program is for five (5) years, and in lieu of the annual application, the County will be applying for a two (2) year period for the 2024-2025 fiscal years. He stated the funding, in the amount of \$414,721.00, will begin October 1, 2023, and go through September 30, 2025, with County-matched funding in the amount of \$103,680.25, which accounts for the estimated salary costs. Commissioner Buck moved to approve said application and authorize the Chair to sign. Commissioner Saine seconded the motion and it carried unanimously.

11) CONSIDER SETTLEMENT AGREEMENT FOR BRIDGE 54/13A RECONSTRUCTION PROJECT AND AUTHORIZE CHAIR TO SIGN – DUSTIN AND JAMIE CHRISTENSEN: Bruce Barker, County Attorney, on behalf of Michael Bedell, Department of Public Works, stated this agreement and the following business item are both related to the reconstruction of Bridge 54/13A. He further stated these agreements are for the purchase of Right-of-Way and a Temporary Construction Easement, with the provision of damages for access to the northern part of the lake to accommodate a new driveway. Mr. Barker explained the Settlement Agreement allows advantage of tax consequences, in the amount of \$720,000.00, which includes damages. He references item of business #12, Temporary Access and Construction Easement, and explained this happens during construction to ensure coordination between the County's staff constructing Bridge 54/13A, and the Christensen's people constructing items on their property. Commissioner James moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner Buck and it carried unanimously.

12) CONSIDER TEMPORARY ACCESS AND CONSTRUCTION EASEMENT AGREEMENT FOR BRIDGE 54/13A RECONSTRUCTION PROJECT, AND AUTHORIZE CHAIR TO SIGN – DUSTIN AND JAMIE CHRISTENSEN: Mr. Barker explained this is related to the former item of business. Commissioner Buck moved to approve said agreement and authorize the Chair to sign. Seconded by Commissioner James, the motion carried unanimously.

13) CONSIDER CONTRACT ID #7050 CONCURRENCE LETTER FOR SERVICE AREA OF FOREIGN-TRADE ZONE (FTZ) PROGRAM AND AUTHORIZE CHAIR TO SIGN: Cheryl Pattelli, Chief Financial Officer, stated Upstate Colorado requested the Board approve the Concurrence Letter as a part of their assuming administrative oversight of the Foreign-Trade Zone Program. She stated the signature is the County's acknowledgement that the World Trade Center will have the ability to apply to the Foreign-Trade Zone Board for authority to service sights located within Weld County and will be made available to businesses in Weld County on a uniform basis. Commissioner Saine moved to approve said letter and authorize the Chair to sign. The motion, which was seconded by Commissioner Buck, carried unanimously.

**PLANNING:**

1) CONSIDER APPLICATION FOR SMALL BUSINESS INCENTIVE PROGRAM AND AUTHORIZE RELEASE OF ECONOMIC DEVELOPMENT TRUST FUNDS (TIER III) – INTERNATIONAL FARMS, LLC / ROAD TRUCKING, INC.: Tom Parko, Director of the Department of Planning Services, stated International Farms, LLC / Road Trucking, Inc., is located in Wattenberg, Colorado, and successfully completed the Change of Zone and Site Plan Review processes. He further stated this is the first application that meets Tier III qualifications, and the award of \$40,000.00, is to be released to the business. Commissioner Saine moved to approve said application and authorize release of the funds. The motion was seconded by Commissioner Buck and it carried unanimously.

2) CONSIDER DECISION OF DEPARTMENT OF PLANNING SERVICES DIRECTOR ASSESSING ROAD IMPACT FEES ASSOCIATED WITH BUILDING PERMIT, CMN22-0131 – STEVEN WELLS: Mr. Parko presented, for the Board's consideration, the appeal of Road Impact Fees associated with the Crow Creek Event Center, which is located east of State Highway (SH) 392 and north of County Road (CR) 74. He further stated Crow Creek Event Center was approved under Use by Special Review Permit, USR22-0035, on April 19, 2023, and the road impact fees assessed are associated with Building Permit, CMN22-0131. Mr. Parko explained the Department of Planning Services is responsible for collecting Road Impact Fees on all new construction and those fees are established under Chapter 5 of the Weld County Code. He stated on May 17, 2023, the Department of Planning Services received the letter of appeal from the property owner's representative, AGPROfessionals, which is authorized by Section 20-1-60.H, of the Weld County Code. Mr. Parko established there are ten (10) land use categories, with the category of Shopping Center/Commercial being used for Crow Creek Event Center, due to the

commercial nature of usage, and recognized this event center often hosts non-profit and charity events, but certainly has the ability to host weddings and private parties. He explained the Fee Schedule in Chapter 5 of the Weld County Code was last updated in 2021 following a study that was done by Duncan and Associates, and during this update, staff added 'event center' under the definition of Shopping Center/Commercial. Mr. Parko cited similar Use by Special Review (USR) Permits that have been approved over the last several years and noted that staff has been consistent with applying this land use category when evaluating event centers, and he stated he upheld staff's assessment and determined the correct land use category was used to properly assess the road impact fees, in the amount of \$25,992.00. On May 26, 2023, AGPROfessionals appealed his decision to the Board under Section 2-4-10, of the Weld County Code, and reviewed the options available for the Commissioners to make a decision regarding the appeal process.

Tim Naylor, AGPROfessionals, appellant's representative, stated his client, Steven Wells, believes the category in which the Crow Creek Event Center has been evaluated is incorrect, as it's far more of an Agriculture/Commercial land use category, and the associated road impact fees do not accurately reflect the actual impacts made to the road. He further stated the main access to the event center is on SH 392, which will have very little impact to county roads. Mr. Naylor described the event center as a place for 'Agretainment' including weddings and hayrides, in addition to charity events, rather than the concept of a commercial shopping center. He acknowledged that the term 'event center' is what placed the property into the land use category of Shopping Center/Commercial; however, he believes the definition is broad. He stated his client is requesting the category be changed to Agriculture/Commercial.

Commissioner James acknowledged that Crow Creek Event Center has significantly less impact than other large event centers, referencing the Budweiser Event Center, which generates much higher traffic volumes. He expressed his desire to reasonably assess the actual impact to the roads. He suggested for future permits there should be an independent traffic study completed to get a more accurate picture of the impact to the roads. In response to Commissioner James, Mr. Parko agreed and stated that is the purpose behind the Independent Fee Study Analysis, which calculates road impact fees more accurately based on the report generated by a transportation planner or traffic engineer. He stated the Department has had several Independent Fee Study Analysis done in the past and recommends that it is the most reliable solution, rather than trying to determine the best category of land use. In response to Commissioner James, Mr. Parko confirmed staff would review the report of the Independent Fee Study calculations and base the fee on the actual impacts to the road.

In response to Chair Freeman, Mr. Parko stated there is a nominal application fee, but the cost is based on the study results. Mr. Naylor confirmed the cost to conduct an Independent Fee Study Analysis is between \$2,000.00 and \$5,000.00. In response to Chair Freeman, Mr. Parko stated the department's responsibility is to follow the fee schedule., and currently, the fee is written in the Code based on the building's square footage. Chair Freeman stated he would like staff to pursue Code changes to make the process more accurate based on the true impact being generated.

In response to Chair Freeman, Mr. Barker confirmed there is the ability to appeal the category of land use that determines the fees associated. After discussion, Commissioner Saine moved to grant said appeal, with an amendment to the Resolution to change the land use classification from Shopping Center/Commercial to Agricultural/Commercial use. Commissioner James seconded the motion. Mr. Barker informed the Board this would set a precedent. After further discussion, the Board directed staff to review the Code in relation to road impact fees. There being no further discussion, the motion carried unanimously.

**PUBLIC COMMENT:**

1) Steve Teets, 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 9:59 a.m.

These Minutes were approved on the 26th day of June, 2023.

BOARD OF COUNTY COMMISSIONERS  
WELD COUNTY, COLORADO

ATTEST:

Weld County Clerk to the Board

EXCUSED DATE OF APPROVAL  
Mike Freeman, Chair

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

\_\_\_\_\_  
Perry L. Buck, Pro-Tem

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

EXCUSED  
Kevin D. Ross

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