

# RECORD OF PROCEEDINGS

## MINUTES

### BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO WEDNESDAY, NOVEMBER 8, 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, November 8, 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:** There being no corrections to the Minutes of the Board of County Commissioners meeting of October 25, 2023, as printed, Commissioner Ross moved to approve. Commissioner Buck seconded the motion and it carried unanimously.

**READ ORDINANCE BY AUDIO:** Commissioner James moved to read Code Ordinances #2023-20 and #2023-21 by audio. The motion was seconded by Commissioner Ross, 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.

#### **PROCLAMATIONS:**

1) **VETERANS DAY – NOVEMBER 11, 2023:** Chair Freeman read the proclamation for the record. Tami Grant, Deputy Director of the Department of Human Services, thanked the Board for the recognition and for highlighting those who have sacrificed and served in the armed forces to defend the United States. She recited a brief history of how Veterans Day came to be a nationally recognized holiday, and acknowledged the Weld County Veterans Service Officers who are committed to providing on-going services to veterans throughout the county, and further recognized all veterans who were present. Each Commissioner, in turn, expressed their appreciation for the service and sacrifice of the men and women who have selflessly served our country to preserve our freedoms and defend our Constitution and the foundation that this country has been built upon. (*Clerk's Note: The group gathered for a photo opportunity.*)

**WARRANTS:**

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

**BIDS:**

1) APPROVE BID #B2300187, CHASE BUILDING (822 7TH ST, GREELEY) RENOVATION CABLING – DEPARTMENT OF INFORMATION TECHNOLOGY: Ryan Rose, Director of the Department of Information Technology, stated staff recommends selecting the sole bidder who met specifications, Sturgeon Electric Company, Inc., for a total amount of \$274,061.62. Commissioner Ross moved to approve said bid. The motion was seconded by Commissioner Buck, and it carried unanimously.

2) APPROVE BID #B2300188, FORT LUPTON ANNEX BUILDING (SOUTHEAST SUBSTATION) CABLING – DEPARTMENT OF INFORMATION TECHNOLOGY: Mr. Rose stated three (3) bids were received, and staff recommends selecting the lowest bidder who met specifications, American Datapath, Inc., for a total amount of \$55,095.00. Commissioner Buck moved to approve said bid. The motion was seconded by Commissioner James, and it carried unanimously.

3) PRESENT BID #B2300201, SHERIFF UNIFORMS AND EQUIPMENT – SHERIFF'S OFFICE: Carolyn Geisert, Purchasing Department, stated three (3) bids were received and staff will make a recommendation on November 22, 2023.

**NEW BUSINESS:**

1) CONSIDER CONTRACT ID #7569 INTERGOVERNMENTAL AGREEMENT AMENDMENT #1 FOR COUNTY COMPUTER REFRESH PROGRAM FOR LEASED COMPUTING ASSETS AND AUTHORIZE CHAIR TO SIGN: Jamie Ulrich, Director of the Department of Human Services, stated this amendment is for leasing computer equipment, software services, and accessories. Commissioner Ross moved to approve said amendment and authorize the Chair to sign. The motion was seconded by Commissioner James, and it carried unanimously. *(Clerk's Note: Chair Freeman inadvertently called this Contract ID #7369.)*

2) CONSIDER CONTRACT ID #7571 INDIVIDUAL PROVIDER CONTRACT FOR PURCHASE OF FOSTER CARE SERVICES IN A FOSTER CARE HOME AND AUTHORIZE CHAIR TO SIGN – DOLOREZ FUENTEZ: Ms. Ulrich stated this is a new provisional kinship foster care home located in Longmont, Colorado. Commissioner Saine moved to approve said contract and authorize the Chair to sign. The motion was seconded by Commissioner Buck, and it carried unanimously.

3) CONSIDER CONTRACT ID #7580 AMENDMENT #1 TO TASK ORDER CONTRACT FOR STRENGTHENING U.S. PUBLIC HEALTH INFRASTRUCTURE, WORKFORCE, AND DATA SYSTEMS GRANT, AND AUTHORIZE CHAIR TO SIGN AND SUBMIT ELECTRONICALLY: Jason Chessher, Director of the Department of Public Health and Environment, stated this amendment is to add boiler plate federal language to the exiting contract concerning notifications to the Center for Disease Control (CDC) if there is fraud, bribery, or gratuity violations; however, all other terms and conditions remain the same. Commissioner James moved to approve said amendment and authorize the Chair to sign and submit electronically. The motion, which was seconded by Commissioner Buck, carried unanimously.

4) CONSIDER UPDATED ITEMIZED LIST OF LEGAL HOLIDAYS DURING CALENDAR YEAR 2024: Chair Freeman stated this is a matter of updating the Resolution to match the recently approved Code Ordinance. Commissioner James moved to approve said Resolution. 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.

5) FIRST READING OF CODE ORDINANCE #2023-20, IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 12 LICENSES AND PERMITS OF THE WELD COUNTY CODE (SECURE TRANSPORTATION SERVICES): Gabri Vergara, Department of Public Health and Environment, stated earlier this year the Department worked on amendments to Chapter 12; however, it was noticed there is a clerical error and a clarification is needed for language to change from Emergency Manager to Director of the Department of Public Health and Environment, in regard to reviewing violations that result in suspension of licensure. No public testimony was offered concerning this matter. Commissioner James moved to approve Code Ordinance #2023-20 on First Reading. The motion was seconded by Commissioner Buck, and it carried unanimously.

6) FIRST READING OF CODE ORDINANCE #2023-21, IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 14 HEALTH AND ANIMALS OF THE WELD COUNTY CODE (NOCO HUMANE): Bruce Barker, County Attorney, stated these changes to Chapter 14 are to reflect the recent assumption of the Humane Society of Weld County by the Larimer County Humane Society, and their subsequent name change to NOCO Humane, which is in accordance with the agreement for animal services with the Sheriff's Office. No public testimony was offered concerning this matter. Commissioner Ross moved to approve Code Ordinance #2023-21 on First Reading. The motion was seconded by Commissioner Buck, and it carried unanimously.

**PLANNING:**

1) CONSIDER VACATION, VAC23-0050, OF SPECIAL USE PERMIT, SUP-118 – ANADARKO E & P ONSHORE, LLC: Molly Wright, Department of Planning Services, stated the applicants are currently in the process of obtaining a 1041 Weld Oil and Gas Location Assessment (WOGLA) application with the Department of Oil and Gas Energy, and explained as part of that process, the applicant has requested to vacate the current permit as it is no longer in use. Commissioner Buck moved to approve said vacation. The motion was seconded by Commissioner Ross, and it carried unanimously.

2) CONSIDER CERTIFICATION TO WELD COUNTY TREASURER OF ZONING VIOLATION PENALTIES AS SPECIAL ASSESSMENT – BRUCE OLSON AND SUZANNE BRUNSTROM: Adria Schiel, Assistant County Attorney, stated Bruce Olson and Suzanne Brunstrom, have a court-ordered penalty of \$25.00 per day, beginning on May 8, 2023, through October 3, 2023, and violations include a building converted into a dwelling unit without a building permit and does not meet offset bulk requirements, which results in a total special assessment of \$3,725.00 to be certified. She indicated the property owner had retained counsel and is currently working towards correcting the issues on his property and a motion was filed on October 4, 2023, to suspend the daily penalties. Stacey Shea, representative of Bruce Olson, was present to offer testimony concerning this matter, and requested a continuance. Commissioner Saine stated she is familiar with this property and explained the property owner purchased the home without realizing it was not in compliance, this she requested not to certify said penalties. In response to Commissioner Ross, Cynthia Villanueva, Department of Planning Services, stated she inspected the property on September 21, 2023. In response to Chair Freeman, Ms. Shea stated it is the applicant's intention is to work with the surrounding property owner to come to an agreement upon a Lot Line Adjustment (LLA) to create the proper setback; however, if that is not attainable, they will request a variance of the Board on this property because the set backs will not be met without relocating or tearing down the home, and this dwelling is the primary residence which was purchased May 2, 2018. Karin McDougal, Deputy County Attorney, stated the County originally filed the violation with the courts on May 19, 2022. In response to Commissioner Buck, Ms. Shea requested a continuance of at least six (6) months, and Ms. McDougal agreed that would be a reasonable amount of time. After discussion, Commissioner Ross moved to continue said certification of zoning violation penalties as a special assessment to August 5, 2024, at 9:00 a.m. Commissioner Saine seconded the motion, which carried unanimously.

3) CONSIDER CERTIFICATION TO WELD COUNTY TREASURER OF ZONING VIOLATION PENALTIES AS SPECIAL ASSESSMENT – FRANK AND YRENE MARTINEZ: Ms. Schiel stated Frank and Yrene Martinez have vacant land that is only identified as a parcel rather than an address, and has been in violation since December 15, 2021, for violations including accessory uses without a principal use, a non-commercial junkyard, commercial vehicles, accessory structures without permits, and an occupied camper/trailer RV. She stated the property owners entered into a Stipulation Agreement; however, after several continuances the property was still in violation as of November 2, 2023, when Ms. Villanueva inspected the property. Ms. Schiel stated the property owners have a court-ordered penalty of \$50.00 per day, as of August 14, 2023, through October 7, 2023, which results in a total special assessment of \$2,750.00 to be certified. The property owners were present to offer testimony concerning this matter, and in response to Chair Freeman, Mr. Martinez's daughter, Kathy Awedo, explained her parents did not realize the permit processes needed when they purchased the property, and she is working with her parents to get permits and rectify the violations. In response to Commissioner Saine, Ms. Awedo stated there were existing sheds on the property, and her parents have placed their farm equipment and a camper. Jim Martell, representative of Arapahoe Ranch, LLC, stated this entity sold the parcel to the Martinez's and carried the financing with a stipulation that the property was not to be used for residential purposes until the loan amount is paid in full. He further stated his client is in full support of getting the property cleaned up and would be willing to take possession in the event of a foreclosure and secure a bond for the cleanup process, as a potential solution to this matter. After discussion, Commissioner Ross moved to approve said certification of zoning violation penalties as a special assessment. Commissioner Buck seconded the motion. Commissioner Saine expressed her disappointment with the matter and urged the property owners to follow up with the Department of Planning Services to make certain they are correcting the violations. There being no further discussion, the motion carried unanimously.

4) CONSIDER CERTIFICATION TO WELD COUNTY TREASURER OF ZONING VIOLATION PENALTIES AS SPECIAL ASSESSMENT – ROGER AND SHERYL HILL: Ms. Schiel stated a complaint for the property of Roger and Sheryl Hill was filed on June 23, 2022, in which the property owners entered into a Stipulation Agreement to bring the property into compliance by October 3, 2022, but the Hills have failed to comply. She indicated the property has a court-ordered a penalty of \$100.00 per day, beginning on May 13, 2023, through October 7, 2023, and violations include a commercial storage operation without a permit and a non-commercial junkyard, which results in a total special assessment of \$14,800.00 to be certified. Roger Hill, property owner, was present to offer testimony concerning this matter, and stated he is in the process of applying for permits to operate his small trucking business. Ms. Schiel stated this property previously obtained a Use by Special Review (USR) Permit; however, it was revoked in 2017. To offer clarification, Diana Aungst, Department of Planning Services, stated the USR Permit was approved, in 2016, for a trucking business; however, they did not comply with the conditions by failure to install a fence, therefore, the permit was revoked. She further confirmed the property owner has submitted several documents that now fall under a Zoning Permit for Certain Uses in the A (Agricultural) Zone (ZPAG) but staff has not received all the documentation needed. After discussion, Commissioner Buck moved to approve said certification of zoning violation penalties as a special assessment. Commissioner James seconded the motion, which carried unanimously.

5) CONSIDER CERTIFICATION TO WELD COUNTY TREASURER OF BUILDING VIOLATION PENALTIES AS SPECIAL ASSESSMENT – STEVEN WOOD: Ms. Schiel stated Steven Wood has an initial court-ordered penalty of \$25.00 for failure to appear at the court hearing, and an additional penalty of \$15.00 per day. She reviewed the violations, which include fire damage, and persons living in the building without mechanical, electrical, or plumbing permits, resulting in a total special assessment of \$3,685.00 to be certified from February 6, 2023, through October 7, 2023. The property owner was not present to offer testimony concerning this matter. Commissioner Ross moved to approve said certification of building violation penalties as a special assessment. Commissioner Buck seconded the motion, which carried unanimously. *(Clerk's Note: The title to this item of business was changed post meeting due to this being a building permit violation, rather than a zoning compliance violation.)*

6) CONSIDER CERTIFICATION TO WELD COUNTY TREASURER OF ZONING VIOLATION PENALTIES AS SPECIAL ASSESSMENT – MAURO AND LOUISA RODRIGUEZ: Ms. Schiel stated Mauro and Louisa Rodriguez have a court-ordered penalty of \$20.00 per day, for violations which include a visible non-commercial junkyard, multiple commercial vehicles, an unpermitted accessory building, and unpermitted electrical work. She stated the property owners agreed to have the property into compliance by November 21, 2022; however, a recent inspection on November 1, 2023, indicates the property is still not in compliance, which results in a total special assessment of \$6,140.00 to be certified from December 5, 2022, through October 7, 2023. The property owner was not present to offer testimony concerning this matter. Commissioner James moved to approve said certification of zoning violation penalties as a special assessment. Commissioner Buck seconded the motion, which carried unanimously.

7) CONSIDER CERTIFICATION TO WELD COUNTY TREASURER OF ZONING VIOLATION PENALTIES AS SPECIAL ASSESSMENT – JUAN AND SILVIA GALLARDO: Ms. Schiel stated Juan and Silvia Gallardo have a court-ordered penalty of \$25.00 per day, for violations including commercial vehicles without required land use permits and an occupied recreational vehicle (RV). She noted Mr. Gallardo has been in contact and stated he could not attend, and requested the Board grant a continuance; however, she stated this property has 426 days of outstanding violations and staff recommends certification as a special assessment in the amount of \$10,700.00 from August 8, 2022, through October 7, 2023. Commissioner Ross moved to approve said certification of zoning violation penalties as a special assessment. Commissioner Buck seconded the motion, which carried unanimously. *(Clerk's Note: Ms. Schiel noted the slides for this item of business were not correct and Ms. Villanueva showed the correct slides after the motion was carried.)*

8) CONSIDER CERTIFICATION TO WELD COUNTY TREASURER OF ZONING VIOLATION PENALTIES AS SPECIAL ASSESSMENT – GENE AND ERIN WILLIAMS: Ms. Schiel stated Gene and Erin Williams have an initial court-ordered penalty of \$25.00 for failure to appear at the court hearing, and an additional penalty of \$25.00 per day for violations, including continued occupancy of a manufactured structure permitted as temporary during construction. She indicated an inspection was conducted in September 2023, that showed the property still in violation; however, a follow-up inspection on October 31, 2023, deemed this property is now in substantial compliance with the Weld County Code. Ms. Schiel stated the court-case has been dismissed, but there were still outstanding penalties from June 6, 2022, through October 7, 2023, which results in a total special assessment of \$12,250.00 to be certified. Gene Williams, property owner, was present and stated he built the structure on his own which took three (3) years to complete, but he has now completed all permits and passed all inspections. After discussion, Commissioner James moved to dismiss said certification of building and zoning violation penalties as a special assessment, and the fines are no longer due or owing. Commissioner Ross seconded the motion, which carried unanimously.

9) CONSIDER CERTIFICATION TO WELD COUNTY TREASURER OF ZONING VIOLATION PENALTIES AS SPECIAL ASSESSMENT – JESUS VEGA: Ms. Schiel stated Jesus Vega has a court-ordered penalty of \$50.00 per day, beginning on October 10, 2022, through October 7, 2023, for violations including commercial trucking, a commercial storage operation without an approved Site Plan Review, and the presence of derelict passenger vehicles. She indicated this property has been previously certified for the period of September 2, 2022, through October 9, 2022, and the property is still in violation, which results in a total special assessment of \$18,150.00. The property owner was not present to offer testimony concerning this matter. Commissioner Buck moved to approve said certification of building and zoning violation penalties as a special assessment. Commissioner Ross seconded the motion, which carried unanimously.

10) CONSIDER CERTIFICATION TO WELD COUNTY TREASURER OF ZONING VIOLATION PENALTIES AS SPECIAL ASSESSMENT – JOSE MENDOZA: Ms. Schiel stated Jose Mendoza has a court-ordered penalty of \$25.00 per day, for violations which include a non-commercial junkyard, derelict vehicles, and other debris. She indicted this property has been previously certified for the period of September 19, 2022, through January 22, 2023, and the property is still in violation, which results in a total special assessment of \$6,450.00, from January 23, 2023, through October 7, 2023. The property owner was not present to offer testimony concerning this matter. Commissioner James moved to approve said certification of building and zoning violation penalties as a special assessment. Commissioner Ross seconded the motion, which carried unanimously.

11) FINAL READING OF CODE ORDINANCE #2023-12, IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 23 ZONING OF THE WELD COUNTY CODE (FLOODPLAIN REGULATIONS): Commissioner James moved to read Code Ordinance #2023-12 by title only. The motion was seconded by Commissioner Ross, and it carried unanimously. Bruce Barker, County Attorney, read the title for the record. Tom Parko, Director of the Department of Planning Services, alongside Diana Aungst, stated there have been no changes since Second Reading. No public testimony was offered concerning this matter. Commissioner Ross moved to approve Code Ordinance #2023-12 on Final Reading. The motion was seconded by Commissioner James, and it carried unanimously.

**PUBLIC COMMENT:**

1) Cody LeBlanc, Fort Lupton resident, offered his comments to the Board.

**RESOLUTIONS AND ORDINANCES:** The Resolutions were presented and signed as listed on the Consent Agenda. Code Ordinances #2023-20 and #2023-21 were approved on First Reading; and Code Ordinance #2023-12 was approved on Final 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 10:10 a.m.

These Minutes were approved on the 22nd day of November, 2023.

BOARD OF COUNTY COMMISSIONERS  
WELD COUNTY, COLORADO

ATTEST:

Weld County Clerk to the Board

\_\_\_\_\_  
Mike Freeman, Chair

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

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

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

\_\_\_\_\_  
EXCUSED DATE OF APPROVAL  
Kevin D. Ross

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