

RECORD OF PROCEEDINGS

MINUTES

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO MONDAY, NOVEMBER 20, 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 20, 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:

Deputy County Attorney, Karin McDougal
Acting Clerk to the Board, Houston Aragon
Chief Financial Officer, Cheryl Pattelli

MINUTES:

1) There being no corrections to the Minutes of the Board of County Commissioners meeting of November 1, 2023, as printed, Commissioner Ross moved to approve. Commissioner Saine seconded the motion and it carried unanimously.

2) There being no corrections to the Minutes of the Board of County Commissioners meeting of November 6, 2023, as printed, Commissioner Buck moved to approve. Commissioner Ross seconded the motion and it carried unanimously.

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

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

WARRANTS:

1) GENERAL WARRANTS – NOVEMBER 14, AND 17, 2023: Commissioner Ross moved to approve the General Warrants, as printed. Commissioner Buck seconded the motion and it carried unanimously.

BIDS:

1) APPROVE BID #B2300198, FORT LUPTON ANNEX BUILDING (SOUTHEAST SUBSTATION) NETWORK – DEPARTMENT OF INFORMATION TECHNOLOGY: Ryan Rose, Director of the Department of Information Technology, stated two (2) bids were received and staff recommends selecting the lowest bidder who met specifications, Zivaro, Inc., for a total amount of \$19,782.90, which is part of the Facilities Department budget. Commissioner Ross moved to approve said bid. The motion was seconded by Commissioner Buck, and it carried unanimously.

2) APPROVE BID #B2300199, CHASE BUILDING (822 7TH ST, GREELEY) RENOVATION NETWORK – DEPARTMENT OF INFORMATION TECHNOLOGY: Mr. Rose stated two (2) bids were received and staff recommends selecting the lowest bidder who met specifications, Zivaro, Inc., for a total amount of \$76,919.74, which is part of the Facilities Department budget. Commissioner Buck moved to approve said bid. The motion was seconded by Commissioner James, and it carried unanimously.

3) APPROVE BID #B2300200, ZERTO REPLICATION LICENSES – DEPARTMENT OF INFORMATION TECHNOLOGY: Mr. Rose stated four (4) bids were received and staff recommends selection the lowest bidder who met specifications, Axelliant, LLC, for a total amount of \$31,509.78, which is part of the 2023 capital budget for the Department of Information Technology. He further stated Zerto Replication Licenses are for the Department of Public Safety Communications disaster recovery and business continuity project for 2023. Commissioner James moved to approve said bid. The motion was seconded by Commissioner Ross. In response to Commissioner Saine, Mr. Rose elaborated this pertains to data and specific server sites, with the main server on-site in Greeley and the backup server located in Centennial, Colorado. There being no further discussion, the motion carried unanimously.

NEW BUSINESS:

1) CONSIDER TEMPORARY CLOSURE OF CR 72 BETWEEN CRS 57 AND 59: Amy Mutchie, Department of Public Works, stated this closure will begin November 27, 2023, and go through November 30, 2023, to upgrade and replace a drainage culvert. She stated water will be used, as needed, for dust mitigation on the gravel portions of the detour route. Commissioner Ross moved to approve said temporary closure. The motion was seconded by Commissioner Buck, and it carried unanimously.

2) CONSIDER TEMPORARY CLOSURE OF CR 41 BETWEEN CR 70 AND SH 392: Ms. Mutchie stated this closure will begin December 4, 2023, and go through December 15, 2023, for a full re-deck of Bridge 41/68A. She stated water will be used, as needed, for dust mitigation on the gravel portions of the detour route. Commissioner Ross moved to approve said temporary closure. The motion was seconded by Commissioner Buck, and it carried unanimously.

3) CONSIDER TEN (10) INTERGOVERNMENTAL AGREEMENTS FOR LOCAL ON-DEMAND TRANSIT PROGRAM OPERATION SERVICES AND AUTHORIZE CHAIR TO SIGN – VARIOUS ENTITIES: Evan Pinkham, Department of Public Works, stated the County received 5311 Multimodal Transportation and Mitigation Options Funds (MMOF) Grants from the Upper Front Range Transportation Planning Region (UFRTPR) to provide on-demand transit services in partnership with ViaMobility for elderly and disabled residents within the stated ten (10) various government entities within Weld County. He explained the purpose of these Intergovernmental Agreements (IGA) is for the County to recover proportional local match funding from each respective entity. Commissioner Ross expressed his appreciation for Mr. Pinkham’s steadfast execution despite delays in the process for the federal funding, and further moved to approve said agreements and authorize the Chair to sign. The motion was seconded by Commissioner James, and upon a roll call vote, the motion carried four (4) to one (1), with Commissioner Saine abstained.

4) CONSIDER DESIGNATION OF CERTAIN BANKS AS DEPOSITORIES FOR WELD COUNTY FUNDS: Cheryl Pattelli, Chief Financial Officer, stated the Investments Committee met on November 13, 2023, where this Resolution was brought forth for approval and will determine the banking entities where Weld County is allowed to deposit funds. Commissioner James moved to approve said Resolution. The motion was seconded by Commissioner Ross, and it carried unanimously.

5) CONSIDER DESIGNATION OF CERTAIN BROKERS AND DEALERS FOR HANDLING INVESTMENT TRANSACTIONS OF WELD COUNTY FUNDS: Ms. Pattelli stated the Resolution was brought forth from the Investments Committee and will determine the brokers and dealers that are allowed to buy and sell securities on Weld County's behalf. Commissioner James moved to approve said Resolution. The motion was seconded by Commissioner Ross. and it carried unanimously. (*Clerk's Note: Commissioner Saine offered commentary regarding Item #6, below.*)

6) CONSIDER INDICATION OF SUPPORT OF THE SHEEP INDUSTRY IN RURAL AMERICA: Commissioner Saine re-stated her concerns in regard to the Board supporting this Resolution, and the potential impact of the beef industry asking for the same protections and support from Weld County. In response, Chair Freeman indicated that should the beef industry request the same protections and support from the Board, it is his opinion that Weld County would offer the same considerations. He further stated Weld County is #1 in the state and #8 nationally for beef production, in addition to being #1 in the state for sheep; and his belief is that would be the right thing to do for the state and country. Commissioner Buck noted she spoke with Congresswoman Yadira Caraveo to express her concerns, and it is her understanding that Congresswoman Caraveo is working with the Department of Agriculture to come to a resolution for this matter. Commissioner Buck moved to approve said Resolution. The motion was seconded by Commissioner James, and it carried unanimously. Commissioner Saine indicated she would reach out to Congressman Ken Buck for the same initiatives.

PLANNING:

1) CONSIDER SETTING HEARING DATE FOR CONSIDERATION OF AMENDED AND RESTATED SERVICE PLAN – KITELEY RANCH METROPOLITAN DISTRICT: Karin McDougal, Deputy County Attorney, stated this Resolution allows for the Board to set the date regarding a public hearing for the consideration of the Amended and Restated Service Plan for the Kiteley Ranch Metropolitan District. She stated this matter was heard by the Planning Commission (PC) on November 7, 2023, and the proposed hearing date is December 6, 2023, for the Board to hear this matter. Ms. McDougal stated the hearing has been noticed to all interested parties. In response to Commissioner James, Ms. McDougal confirmed this request is only to set the date for hearing this matter and not to make a motion on this matter. Commissioner James moved to approve said Resolution. 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 – JERRY DILL: Adria Schiel, Assistant County Attorney, stated Jerry Dill has a court-ordered penalty in the amount of \$10.00, per day, which began on August 20, 2021, for zoning violations which include an unpermitted mobile home, commercial storage business, commercial vehicles, a non-commercial junkyard, and a derelict vehicle. She stated the property was previously certified on February 13, 2023, and the property is still in violation; therefore, staff recommends certification as a special assessment in the amount of \$2,800.00, for the period of January 12, 2023, through October 18, 2023. No property owner was present to offer testimony. Commissioner James moved to approve said certification of zoning violation as a special assessment. The motion was seconded by Commissioner Ross, and it carried unanimously.

3) CONSIDER CERTIFICATION TO WELD COUNTY TREASURER OF ZONING VIOLATION PENALTIES AS SPECIAL ASSESSMENT – CHRISTINA ELAM AND DONALD HARRIS: Ms. Schiel stated Donald Harris and Christina Elam have a court-ordered penalty in the amount of \$20.00, per day, which began on August 7, 2017. She stated the property was previously certified on November 14, 2022, for zoning violations which include a non-commercial junkyard and persons living in a camper/recreational vehicle (RV). Ms. Schiel indicated the property is still in violation and staff recommends certification as a special assessment in the amount of \$7,480.00, for the period of October 10, 2022, through October 18, 2023. No property owner was present to offer testimony.

Commissioner Ross moved to approve said certification of zoning violation as a special assessment. The motion was seconded by Commissioner Buck, and it carried unanimously.

4) CONSIDER CERTIFICATION TO WELD COUNTY TREASURER OF ZONING VIOLATION PENALTIES AS SPECIAL ASSESSMENT – CONSUELO HERNANDEZ: Ms. Schiel stated Consuelo Hernandez has a court-ordered penalty in the amount of \$20.00, per day, which began on July 12, 2021. She stated the property was previously certified on November 14, 2022, for zoning violations which include a non-commercial junkyard and installation of multiple cargo containers without building permits. Ms. Schiel indicated the property is still in violation and staff recommends certification as a special assessment in the amount of \$7,480.00, for the period of October 10, 2022, through October 18, 2023. Consuelo Hernandez, property owner, explained her father was the former owner who passed away in July of 2023, and noted she was not aware of any violations and penalties that had been ordered until recently. After discussion, Commissioner James moved to continue said certification of zoning violation as a special assessment to May 20, 2024, at 9:00 a.m., to allow the property owner time to work with staff to resolve this matter. The motion was seconded by Commissioner Ross, and it carried unanimously.

5) CONSIDER CERTIFICATION TO WELD COUNTY TREASURER OF ZONING VIOLATION PENALTIES AS SPECIAL ASSESSMENT – ARYAN KIANI AND MATTHEW IRVIN: Ms. Schiel stated Aryan Kiani and Matthew Irvin have a court-ordered penalty in the amount of \$25.00, per day, which began on October 22, 2020. She stated the property was previously certified on November 14, 2022, for zoning violations which include a non-commercial junkyard, derelict vehicles, and an RV for occupancy. Ms. Schiel indicated the property is still in violation and staff recommends certification as a special assessment in the amount of \$9,350.00, for the period of October 10, 2022, through October 18, 2023. No property owner was present to offer testimony. Commissioner Ross moved to approve said certification of zoning violation as a special assessment. The motion was seconded by Commissioner Buck, and it carried unanimously.

6) CONSIDER CERTIFICATION TO WELD COUNTY TREASURER OF ZONING VIOLATION PENALTIES AS SPECIAL ASSESSMENT – MAHIC SABAHUDIN AND MELINA SABANOVIC: Ms. Schiel stated Mahic Sabahudin and Melina Sabanovic have a court-ordered penalty in the amount of \$25.00, per day, which began on August 5, 2019. She stated the property was previously certified on November 14, 2022, for zoning violations which include a non-commercial junkyard and persons living in a camper/RV. Ms. Schiel indicated the property is still in violation and staff recommends certification as a special assessment in the amount of \$9,350.00, for the period of October 10, 2022, through October 18, 2023. No property owner was present to offer testimony. Commissioner James moved to approve said certification of zoning violation as a special assessment. The motion was seconded by Commissioner Ross, and it carried unanimously.

7) CONSIDER CERTIFICATION TO WELD COUNTY TREASURER OF ZONING VIOLATION PENALTIES AS SPECIAL ASSESSMENT – JESUS SALAS AND TIFFANY BROWN: Ms. Schiel stated Jesus Salas and Tiffany Brown have a court-ordered penalty in the amount of \$25.00, per day, which began on September 3, 2021. She stated the property was previously certified on November 14, 2022, for zoning violations which include a non-commercial junkyard, derelict vehicles, and unpermitted semi-trailers. Ms. Schiel indicated the property is still in violation and staff recommends certification as a special assessment in the amount of \$9,350.00, for the period of October 10, 2022, through October 18, 2023. No property owner was present to offer testimony. Commissioner Ross moved to approve said certification of zoning violation as a special assessment. The motion was seconded by Commissioner James, and it carried unanimously.

8) CONSIDER CERTIFICATION TO WELD COUNTY TREASURER OF ZONING VIOLATION PENALTIES AS SPECIAL ASSESSMENT – DAVE SANGER, SR.: Ms. Schiel stated Dave Sanger, Sr., has a court-ordered penalty in the amount of \$10.00, per day, which began on May 1, 2021. She stated the property was previously certified on November 14, 2022, for zoning violations which include a non-commercial junkyard and installation of a cargo container without a permit. Ms. Schiel indicated the property is still in violation and staff recommends certification as a special assessment in the amount of \$3,740.00, for the period of October 10, 2022, through October 18, 2023. No property owner was present to offer testimony. Commissioner Ross moved to approve said certification of zoning violation as a special assessment. The motion was seconded by Commissioner Buck, and it carried unanimously.

9) CONSIDER CERTIFICATION TO WELD COUNTY TREASURER OF ZONING VIOLATION PENALTIES AS SPECIAL ASSESSMENT – PORFIRIO AND LUCINA FLORES: Ms. Schiel stated Porfirio and Lucina Flores have a court-ordered penalty in the amount of \$25.00, per day, which began on August 4, 2021. She stated the property was previously certified on August 4, 2021, for zoning violations which include exceeding the maximum allowable lot coverage and too many animals on the property. Ms. Schiel stated, to date, the property complies with Weld County Code and staff recommends the Board to not certify the penalties in the amount of \$6,825.00, for the period of January 12, 2023, through October 11, 2023. No property owner was present to offer testimony. Commissioner James moved to dismiss said certification of zoning violation as a special assessment, and declare the penalties no longer due or owing. The motion was seconded by Commissioner Buck, and it carried unanimously.

PUBLIC COMMENT:

- 1) Bob Walter, Greeley resident, offered his comments to the Board. *(See Exhibit A)*
- 2) Tracey Meyers, Greeley resident, offered her comments to the Board.
- 3) Carleen Smith, Greeley resident, offered her comments to the Board.
- 4) Shirley Smithson, Greeley resident, offered her comments to the Board.
- 5) Terrie Meyer, Greeley resident, offered her 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 9:53 a.m.

These Minutes were approved on the 4th day of December, 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