

RECORD OF PROCEEDINGS

MINUTES

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO MONDAY, DECEMBER 4, 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, December 4, 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 November 20, 2023, as printed, Commissioner Buck moved to approve. Commissioner Ross seconded the motion and it carried unanimously.

READ ORDINANCE BY AUDIO: Commissioner James moved to read Code Ordinances #2023-15, #2023-16, and #2023-18 by audio. The motion was seconded by Commissioner Ross, and it carried unanimously.

CERTIFICATION OF HEARINGS: Commissioner Buck moved to approve the Certification of Hearings conducted on November 8, 2023, as follows: 1) USR23-0025 – Sandra Strobel, which was continued from November 22, 2023. Commissioner Ross seconded the motion, which carried unanimously.

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

CONSENT AGENDA: Chair Freeman called for public comment regarding Partial Vacation, VAC23-0047, of Two-Lot Recorded Exemption, RECX18-0086, for Removal of Lot B – Nicandro and Maria Sanchez; however, there was no testimony concerning this matter. Commissioner Ross moved to approve the Consent Agenda, as printed. Commissioner James seconded the motion and it carried unanimously.

PROCLAMATION:

1) EATON REDS DAY, CLASS 3A SOFTBALL STATE CHAMPIONSHIP – DECEMBER 4, 2023: Chair Freeman exercised his Chair’s Prerogative and allowed Commissioner Ross to read the proclamation recognizing the accomplishment of the Eaton Girls Softball Team in winning the Class 3A State Softball Championship. Coach Dale Hughes thanked the Board for the recognition, not only for their team, but for all the teams in the County. He shared the accomplishments of the team and their impressive performance this season. The Commissioners, in turn, expressed their excitement for a job well done and commended the entire team for their commitment to their sport and working as a team when they set, worked towards, and accomplished their goals for this season. Commissioner Ross noted this team is ranked 44th in the nation and the pitcher, Sadie Ross, was named Player of the Year. *(Clerk’s Note: The group gathered for a photo opportunity.)*

WARRANTS:

1) GENERAL WARRANTS – NOVEMBER 27, AND 28, 2023, AND DECEMBER 1, 2023: Commissioner Ross moved to approve the General Warrants, as printed. Commissioner Buck seconded the motion and it carried unanimously.

NEW BUSINESS:

1) CONSIDER AMENDMENT #1 TO MASTER AGREEMENT FOR TREASURY MANAGEMENT SERVICES AND AUTHORIZE CHAIR TO SIGN – WELLS FARGO BANK, N.A.: Brigitte Grimm, Treasurer, stated this amendment is the first of two (2) one-year extension options for the Wells Fargo Master Agreement for management services for the Treasurer’s Office, and staff recommends approval based on maintaining the current pricing and fraud prevention services. Commissioner Buck moved to approve said amendment and authorize the Chair to sign. The motion was seconded by Commissioner James, and it carried unanimously.

2) CONSIDER EXTENSION OF TEMPORARY CLOSURE OF CRS 74 AND 33 INTERSECTION: Michael Bedell, Department of Public Works, requested an extension to begin December 1, 2023, through February 21, 2024. He stated the replacement contractor is working diligently and making a lot of progress to stay on schedule, as the project is currently on day 50 of 120, for the on-going roadway construction of the roundabout project. In response to Commissioner Ross, Mr. Bedel stated about 80% of the concrete is poured at this time, due to the company having their own concrete batch plant and equipment needed to continue working during the winter. Commissioner Buck moved to approve said extension of temporary closure. The motion was seconded by Commissioner Ross, and it carried unanimously.

3) CONSIDER CONTRACT ID #7634 CONFERENCE AND EVENT SERVICES AGREEMENT FOR PREVENTING TARGETED VIOLENCE AND COMBATING DOMESTIC VIOLENCE EXTREMISM WORKSHOP, AND AUTHORIZE CHAIR TO SIGN – UNIVERSITY OF NORTHERN COLORADO (UNC): Chris D’Ovidio, Controller, alongside David Winklbauer, stated this agreement is to provide services for a workshop on Wednesday, December 6, 2023, located at the University of Northern Colorado (UNC). Mr. D’Ovidio explained this is funded through Homeland Security grants on behalf of the Federal Emergency Management Agency (FEMA) Region 8, for which Weld County is the fiscal agent. Commissioner James moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner Ross, and it carried unanimously.

4) FIRST READING OF CODE ORDINANCE #2023-15, IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 2 ADMINISTRATION OF THE WELD COUNTY CODE (*PLANNING AND ZONING MATTERS, HEARINGS, AND ADDRESSING*): Bruce Barker, County Attorney, gave a brief overview of the proposed changes for Chapter 2, including moving collateral provisions from Chapter 2 to Chapter 8, general revisions for denied applications for land use matters, legal public notice provisions, transcript processes and procedures, and to clarify the disconnect from

municipalities by referring to Colorado Revised Statute (C.R.S.). No public testimony was offered concerning this matter. Commissioner Ross moved to approve Code Ordinance #2023-15 on First Reading. The motion was seconded by Commissioner James, and it carried unanimously.

5) FIRST READING OF CODE ORDINANCE #2023-16, IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 8 PUBLIC WORKS OF THE WELD COUNTY CODE: Curtis Hall, Director of the Department of Public Works, gave a brief overview of the proposed changes for Chapter 8 regarding matters for Public Works. Elizabeth Relford, Deputy Director of the Department of Public Works, stated these changes will clarify and streamline processes of how business is conducted today, and reviewed the most significant change with the addition of Article 2, Improvements Agreements, to better identify types of projects and what is expected of staff. She referenced her staff Memo, which indicated the removal of several appendices to be reserved, and major changes to Appendix 8-Q. Dawn Anderson, Department of Planning Services, elaborated Appendix 8-Q provides more requirements for developers to review, and clarifies definitions and drainage policies. Chair Freeman thanked staff for reviewing this chapter to ensure consistency with requirements and operations. No public testimony was offered concerning this matter. Commissioner Ross moved to approve Code Ordinance #2023-16 on First Reading. The motion was seconded by Commissioner Buck, and it carried unanimously.

PLANNING:

1) FIRST READING OF CODE ORDINANCE #2023-18, IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 27 PLANNED UNIT DEVELOPMENT OF THE WELD COUNTY CODE: Tom Parko, Director of the Department of Planning Services, gave a brief overview of the proposed changes for Chapter 27, including removal of Planned Unit Developments (PUD), but maintaining procedures for existing PUD amendments. He explained exceptions to the proposed removal for Lot Line Adjustments and Amendments to the plat. He clarified Use by Special Review (USR) and Zoning Permits are allowed, but PUDs would require an amendment to allow those uses by right. Mr. Parko indicated current PUD Beebe Draw, also known as Pelican Lakes Ranch, will be allowed to continue through their phasing plan. He stated on November 7, 2023, the Planning Commission unanimously recommended to not move forward, to allow for additional time to review Chapter 27, along with Chapters 23 and 24 under withdrawn Code Ordinance #2023-17. He explained the history of conversations concerning PUDs, which he believes are an antiquated process for nine (9) lots or less for multiple uses generally zoned Estate, and discussed the major subdivision process in lieu of the PUD process. The Commissioners, in turn, expressed their concerns surrounding these proposed changes, and after in-depth discussion, the Board explained the Family Farm Division (FFD) process is very specific in the Comprehensive Plan for non-urban scale of nine (9) lots or less, and urban scale developments belong in municipalities to afford the necessary services with franchise contracts for utilities that metropolitan districts cannot do. Furthermore, if services are available then there should be Intergovernmental Agreements with the municipalities requiring them to annex and incorporate these developments.

Andrew Dodgen, Representative of the Sauve family, stated repealing the PUD rules limits the development process to five (5) homes. Chair Freeman clarified the current regulations allow for nine buildable lots. Mr. Dodgen asserted there needs to be provisions for development in areas that are not feasible to annex into a municipality.

Mike Coan, Keenesburg resident, inquired concerning confirmation of the December 21, 2023, stakeholder meeting, and asked that the cluster PUD development option be discussed at that time.

Kelly Shramm, Representative of Northern Colorado Homebuilders Association, stated his support for stakeholder input to address the concern that there are many properties in the county that should be afforded the option to pursue development of their property without municipal annexation. Chair Freeman confirmed the intent to introduce this First Reading and then continue the matter to allow adequate time for stakeholder review and input.

Matt Hengle, Representative of Westside Property Investment Company, stated his appreciation for the opportunity to afford adequate time to review the proposed revisions. He concurred that development is best served by municipal services; however, there should be a process for unique circumstances.

Rich Werner, President of Upstate Colorado Development Board, stated they have not taken a formal position on the matter; however, he endorsed the extension of time to facilitate stakeholder meetings. He referenced this section of the Code has not been updated since 2010, and it is appropriate to review the concepts; however, he cautioned against any policy or process that would position developers in the middle of opposing county and municipal interests.

Caleb Sulgen, Representative of Northern Colorado Homebuilders Association, stated they are looking forward to participating in the stakeholder review process and asked that the PUD process not be repealed until there is a reasonable development alternative in place.

Mark Sablow, Representative of Real-estate Group, stated his interest in participating in the stakeholder process, and noted development is not just limited to residential, and there should also be consideration of the need for commercial and industrial development as well.

Kelsey Bruxvoort, Representative of AGPROfessionals, stated support for reviewing the subdivision and PUD changes simultaneously, versus bifurcating them.

Commissioner Saine stated she had requested a stakeholder meeting, or public work session prior to the First Readings of all three (3) Code Ordinances, which she indicated was denied. She further stated the hold-up on the rights of private property is costing money, which is a form of reverse condemnation and cited legislation concerning PUDs in Colorado regarding the balance between the changes in Weld County from a rural to an urban county. Chair Freeman acknowledged Commissioner Saine's sentiments and reiterated that Mr. Parko initially presented the discussion of removing the antiquated PUD process. He indicated the intent for First Readings is to present the recommendation, and the Second Reading will be rescheduled to March 4, 2024, to allow stakeholder meetings and conversations to take place. After further discussion, it was determined to reinforce the need of finding a balance between the agricultural and rural areas of Weld County, with the residential, commercial, and urban areas that are rapidly growing in Weld County. Commissioner James stated there is a process that needs to happen, while also ensuring predictable and certain outcomes for the local economy to thrive while meeting the demands of the growing housing market. Commissioner Buck stated the need to have extensive communications with stakeholders to determine what is desired, and discussed how important it is for the municipalities to be present at the stakeholder meetings, to collaborate with the County rather than be in competition.

Commissioner Saine reiterated this is not about providing water and sewage to these developments, and the Code would discourage these developments from happening in Weld County, but not forbid them. She stated this Code ordinance is not similar to others, in which it could prohibit landowners from developing as they see fit, which contradicts Weld County's stance to encourage development. Commissioner Saine moved to deny Code Ordinance #2023-18 on First Reading. There being no second, the motion failed.

Commissioner Ross stated it is a similar process to other ordinances, such as the solar facility developments, and it his stance to find a process to move forward that is inclusive to the stakeholders and lends to a harmonious balance for the wants and needs for development to ensure vibrant growth in Weld County. He stated in order to prevent uncertainty with development and financial prospects in Weld County, a Pending Ordinance Doctrine (POD), may be appropriate while this is pending to get the process correct. Chair Freeman stated his support of a POD, and Mr. Barker provided language needed to add into Code Ordinance #2023-18. Commissioner Buck moved to approve Code Ordinance #2023-18 on First Reading. The motion was seconded by Commissioner Ross. Chair Freeman read the added language for the POD for the record, to be added on page 17 of Code Ordinance #2023-18, and both Commissioners Buck and Ross amended their motion to accept said additional language. Upon a roll call vote of three (3) to two (2), the motion carried with Commissioners James and Saine opposed. Commissioner Buck moved to approve Code Ordinance #2023-18, as amended. Commissioner Ross seconded, and upon a roll call vote of three (3) to two (2), the motion carried with Commissioners James and Saine opposed.

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. Code Ordinances #2023-15, #2023-16, and #2023-18 were 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 10:12 a.m.

These Minutes were approved on the 18th day of December, 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

Kevin D. Ross

Lori Saine