

RECORD OF PROCEEDINGS

MINUTES

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO MONDAY, FEBRUARY 5, 2024

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, February 5, 2024, 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 Kevin D. Ross, Chair
Commissioner Perry L. Buck, Pro-Tem
Commissioner Mike Freeman
Commissioner Scott K. James
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 January 22, 2024, as printed, Commissioner Buck moved to approve. Commissioner James 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 Freeman seconded the motion and it carried unanimously.

PRESENTATIONS:

1) LIFE SAVING AWARD, SHERIFF'S OFFICE – NATHAN BURKE: Steve Reams, Weld County Sheriff, explained the Sheriff's Office recognizes the efforts of Deputy Nathan Burke who went above and beyond his normal duties and excelled in his performance. Sergeant Gerald Porter, Sheriff's Office, shared the quick actions of Deputy Burke, who administered Narcan to an individual experiencing an opioid overdose, which resulted in saving his life. Chair Ross congratulated Deputy Burke and expressed his appreciation for his service to the community and going above and beyond to save a life.

WARRANTS:

1) GENERAL WARRANTS – FEBRUARY 2, 2024: Commissioner James moved to approve the General Warrants, as printed. Commissioner Buck seconded the motion and it carried unanimously.

2) COMMISSIONER WARRANTS (LORI SAINÉ) – FEBRUARY 2, 2024: Commissioner James moved to approve the Warrant, as printed. Commissioner Freeman seconded the motion, and upon a roll call vote of four (4) to zero (0), the motion carried with Commissioner Saine recused.

BIDS:

1) APPROVE BID #B2300205, WELLNESS PLATFORM SOLUTION – DEPARTMENTS OF INFORMATION TECHNOLOGY AND HUMAN RESOURCES: Kelly Leffler, Department of Human Resources, requested to continue the approval of this bid until February 7, 2024, to allow staff more time to review the vendors. Commissioner James moved to continue said bid to February 7, 2024, per staff's request. The motion was seconded by Commissioner Freeman, and it carried unanimously.

2) APPROVE BID #B2300217, COMMUNITY CORRECTIONS HEAT RECOVERY VENTILATION (HRV) REPLACEMENT – FACILITIES DEPARTMENT: Toby Taylor, Purchasing Department, stated staff recommends selecting the lowest bidder who met specifications, MTech Mechanical, for a total amount of \$72,280.00. Commissioner Buck moved to approve said bid. The motion was seconded by Commissioner Freeman, and it carried unanimously.

3) PRESENT BID #B2400042, JAIL 1 EAST ROOF TOP UNIT (RTU) REPLACEMENT – FACILITIES DEPARTMENT: Mr. Taylor stated eight (8) bids were received and staff will make a recommendation on February 21, 2024.

4) PRESENT BID #B2400002, MOBILE MEDICAL UNIT (QTY 1) – DEPARTMENT OF FLEET SERVICES: Mr. Taylor stated six (6) bids were received and staff will make a recommendation on February 21, 2024.

5) PRESENT BID #B2400003, TANDEM AXLE TRACTOR WITH WET KIT (QTY 1) – DEPARTMENTS OF FLEET SERVICES AND PUBLIC WORKS: Mr. Taylor stated three (3) bids were received and staff will make a recommendation on February 21, 2024.

6) PRESENT BID #B2400006, ROADSIDE HERBICIDE SPRAY TRUCK (QTY 1) – DEPARTMENTS OF FLEET SERVICES AND PUBLIC WORKS: Mr. Taylor stated two (2) bids were received and staff will make a recommendation on February 21, 2024.

7) PRESENT BID #B2400035, 2024 SIGN MATERIAL – DEPARTMENT OF PUBLIC WORKS: Mr. Taylor stated seven (7) bids were received and staff will make a recommendation on February 21, 2024.

8) PRESENT BID #B2400036, TRAFFIC PAINT AND BEADS – DEPARTMENT OF PUBLIC WORKS: Mr. Taylor stated seven (7) bids were received and staff will make a recommendation on February 21, 2024.

9) PRESENT BID #B2400045, ENFORCEMENT SERVICES FOR WEED MOWING AND/OR SPRAYING – DEPARTMENT OF PUBLIC WORKS: Mr. Taylor stated nine (9) bids were received and staff will make a recommendation on February 21, 2024.

NEW BUSINESS:

1) CONSIDER CONTRACT ID #7795 EQUITABLE SHARING AGREEMENT AND CERTIFICATION, AND AUTHORIZE SHERIFF'S OFFICE TO SUBMIT ELECTRONICALLY: Sonja Kohlgraf, Sheriff's Office, stated this annual agreement reflects the 2023 activity of the equitable share fund receipts and expenditures. Commissioner Freeman moved to approve said agreement and certification, and authorize the Sheriff's Office to submit electronically. The motion was seconded by Commissioner Buck, and it carried unanimously.

2) CONSIDER TEMPORARY CLOSURE OF CR 54 BETWEEN CRS 43 AND 45: Amy Mutchie, Department of Public Works, stated this closure will begin on February 12, 2024, and go through February 29, 2024, for the replacement and upgrade of five (5) irrigation culverts and roadway improvements. She stated water will be used on the gravel portions of the detour route, as needed, for dust mitigation. Commissioner James moved to approve said temporary closure. The motion was seconded by Commissioner Buck, and it carried unanimously.

3) CONSIDER TEMPORARY CLOSURE OF CR 39 BETWEEN CRS 72 AND 74: Ms. Mutchie presented this closure on behalf of Goodell Machinery and Construction, and stated this closure will begin February 19, 2024, and go through February 26, 2024, for phase 2 of a culvert installation prior to intersection improvements for the Omaha Track facility. She stated water will be used on the gravel portions of the detour route, as needed, for dust mitigation. Commissioner Buck moved to approve said temporary closure. The motion was seconded by Commissioner James, and it carried unanimously.

PLANNING:

1) FINAL READING OF CODE ORDINANCE #2024-02, IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 19 COORDINATED PLANNING AGREEMENTS OF THE WELD COUNTY CODE (*AMENDMENTS TO APPENDIX 19-G – EATON AND APPENDIX 19-I – KERSEY*): Commissioner Freeman moved to read Code Ordinance #2024-02 by title only. The motion was seconded by Commissioner Buck, and it carried unanimously. Bruce Barker, County Attorney, read the title for the record. Maxwell Nader, Department of Planning Services, stated the proposed changes are to update the urban growth boundary map for the Town of Eaton, and include a clean-up change for the Town of Kersey, and he indicated there have been no changes since Second Reading. In response to Commissioner Saine, Mr. Nader gave a brief overview of the concerns from staff regarding not adjusting the definitions of Development, Urban Development, and Non-Urban Development. He stated the boundary map for the Town of Eaton shows the initial boundaries, as well as the expanded three (3) miles. Mr. Nader clarified the difference between the older Intergovernmental Agreement (IGA) and Coordinated Planning Agreement (CPA), as the current standard, which uses a 21-day referral process. Mr. Nader read the definitions of Development, Urban Development, and Non-Urban Development, as further response to Commissioner Saine, as well as recited the list of Uses allowed by Right, Accessory Uses, Uses by Permit, and Uses by Special Review (USR) Permit, which is written in the Weld County Code. After discussion among the Board, Mr. Nader conveyed the adoption of this map does not change anything for residents, because landowners cannot be forced to annex, it does not change the zoning of property, nor does it change the land use or property taxation. This, however, does apply to new development requests to afford cooperative planning for accommodating future growth so infrastructure is prepared to handle the growth. It was further conveyed the extra-territorial services will be provided by the Town of Eaton in the Urban Growth Area (UGA), should a property owner request to be annexed and incorporated into the town. Commissioner Saine asserted staff's recommendation was denial based on concerns with the current definitions written in Code, and noted there currently only is one (1) definition of development in the CPAs, when the current IGA with the Town of Eaton has two (2) definitions of development. In response, Mr. Barker reiterated the IGA stipulates the Town of Eaton is required to provide extra-territorial services for urban development. In response to Chair Ross, Mr. Nader confirmed the Town of Eaton is currently in negotiation with the Department of Planning Services to update their CPA.

Scott Moser, Mayor of the Town of Eaton, stated he is present to answer questions that may be asked, and expressed his support that this map from 2019 be recorded. Commissioner Freeman clarified the agreement between the Town of Eaton and Weld County specifically states the boundary map will be recorded, which was inadvertently not recorded. After discussion among the Board, it was noted the former Board of County Commissioners, in 2019, did not take a collective stance of denial of this map, and Mr. Moser offered his statement against inaccurate statements pertaining to the actions made between the Town and the County, in 2019.

Ted Mika, Eaton resident, expressed his concerns regarding the Town of Eaton's adoption of a boundary map, and spoke on behalf of five (5) neighbors who are not able to attend today and were not aware of the action being taken today. He further stated it would be prudent to deny until further public input is gathered and questions can be addressed.

Ron Mitchell, Greeley resident, expressed his confusion and concerns regarding the process of the Urban Growth Area (UGA), and how that translates to taxation and annexation of property. He stated he would appreciate education in these matters to better make an informed decision, and cited Section 19-1-80.E, of the Weld County Code. In response, Commissioner Freeman confirmed land use does not change, and explained every town has a Comprehensive Plan for their future and what growth they are anticipating, but that does not change the boundary of the town. He further explained that if a landowner requests to be annexed into the Town of Eaton, the Town will commit to providing water and sewage, but clarified those costs will be paid by the property owner to pay for the pipes to be laid in-ground to get services to their property.

Monica Mika, Eaton resident, expressed her concern with the original agreement being 25 years old, and the Town of Eaton's ability to offer and provide water and sewage. In response, Mr. Nader displayed the map in question as a visual display. Ms. Mika referenced Section 19-1-80 of the Weld County Code to solidify the definitions of Urban and Non-Urban, and read provisions from the original agreement. After discussion, Mr. Barker stated the requirements for public input and all readings of this Code Ordinance have been published in accordance with statutory requirements. Furthermore, the intention of this map was to benefit all people in the UGA so they have the ability to incorporate and have water and sewage provided by the Town of Eaton. *(Clerk's Note: Ms. Mika submitted a letter from the Town of Eaton, dated March 1, 2019, marked Exhibit A.)*

Ashley Arpin, Eaton resident, stated she is a third generation farmer and expressed her concerns with expanding the UGA, as it will invite more urban development, and she questioned the availability of water when prices are going up and there is not adequate infrastructure to support more growth.

Jathan Trevena, Eaton resident, shared a personal story regarding family living in an adjacent county, and as a result, he expressed his concern with his ability to use his private land. In response, Chair Ross clarified this action does not dictate what property owners choose to do with their land; however, Commissioner Saine asserted comments on changes in governments will happen as time goes on, and processes may change in the future. Commissioner Freeman added, Weld County is one of the fastest growing counties in the state and it is necessary for governing entities to project that growth, and have a plan to accommodate; but that does not mean certain property will be annexed within a set timeframe.

Chad Sanger, Eaton resident, expressed his concern with the lack of information or awareness for the residents being affected within the UGA and what the future holds for their properties. After further discussion among the Board, it was explained to Mr. Sanger that if a property owner is within the three (3) mile UGA, the County will send a referral to allow the town and developers to discuss the option of annexation, and if declined, the Department of Planning Services will still proceed with the 21-day process, which was clarified by Mr. Barker as "to the extent legally possible," per Code criteria. Commissioner Buck expressed her disappointment and commented on the danger of having erroneous information being circulated.

Christie Juhl, Eaton resident, inquired as to how notices are provided. Mr. Barker stated there is no requirement of notification to property owners in the area; however, he explained a typical notice is published in the Greeley Tribune and on the Weld County website, per the IGA and Weld County Code.

Todd Bean, Eaton resident, spoke on his concern as to why this was not noticed, and stated he understands the neighbors' concerns with large development changing the area. He indicated he is a developer himself and stated his concerns regarding the limitation of support for these utilities with the current infrastructure that is in place, let alone the proposed growth shown on the map. It was relayed that development standards for building projects affect incorporated and unincorporated residents alike.

Tim Goodman, Eaton resident, played a local news story segment from his phone concerning east Greeley, and shared his concern of how this could soon become the residents in the rural areas for the Town of Eaton. The Board acknowledged the concern, and clarified in this instance, the area was zoned Residential (R-1) back in 1960, and has never been zoned agricultural and those residents are in violation. Further, the Board advised, those residents have the ability to go through the Change of Zone process with the Department of Planning Services.

Brad Moos, Eaton resident, thanked the Board for their explanations and clarifications, and stated he attended an open house hosted by the Eaton County Club where a lot of the confusion, and subsequent concerns of property and landowners located in this UGA began. He indicated there were terms such as annexing being said, which has now come to light as being misinformation given at an influential public forum, for which he is appalled. In response, Commissioner Saine stated she was not providing misinformation to the public in attendance and was invited to speak.

In response to the residents who relayed their concerns, Wesley Lavanchy, Administrator for the Town of Eaton, addressed the concerns regarding the Town's ability to provide water and sewage services. He reiterated the Department of Planning Services, in conjunction with the Town and Developers, use a referral mechanism for community planning for Urban development. Mr. Lavanchy stated once a development, property, and/or landowner are committed to annexation, the Town provides a Will Serve Letter to lock in their commitment to provide said services. He further stated he is pleased with the working relationship the Town has with the County.

Commissioner James expressed this process and action today is largely procedural to correct an oversight from 2019, but he acknowledged that through this process, there are now concerns from residents and property owners to preserve the agricultural heritage of the Town of Eaton. Commissioner James moved to approve Code Ordinance #2024-02 on Final Reading. The motion was seconded by Commissioner Freeman. After further discussion and upon a roll call vote, the motion carried four (4) to one (1) with Commissioner Saine opposed. *(Clerk's Note: Chair Ross inadvertently noted the Town of Kersey as Appendix L, rather than Appendix I)*

PUBLIC COMMENT:

1) Todd Bean, Eaton Resident, offered his comments to the Board.

RESOLUTIONS AND ORDINANCES: The Resolutions were presented and signed as listed on the Consent Agenda. Code Ordinance #2024-02 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 10:50 a.m.

These Minutes were approved on the 21st day of February, 2024.

BOARD OF COUNTY COMMISSIONERS
WELD COUNTY, COLORADO

ATTEST:

Weld County Clerk to the Board

BY: _____
Deputy Clerk to the Board

Kevin D. Ross, Chair

Perry L. Buck, Pro-Tem

EXCUSED DATE OF APPROVAL
Mike Freeman

Scott K. James

Lori Saine