

# RECORD OF PROCEEDINGS

## MINUTES

### BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO MONDAY, MARCH 4, 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, March 4, 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

**AMENDMENTS TO AGENDA:** Commissioner Saine moved to amend the Agenda to add a Resolution titled, "Declaration that Weld County is Not a Sanctuary County for Federal Immigration Crisis." After discussion among the Board, it was determined that the other Commissioners are in support of what this sentiment represents; however, they desire to review the matter with the Weld County Sheriff's Office and the County Attorney's Office to verify information and draft a Resolution collectively. Due to lack of a second, the motion failed; although, the consensus was in support of adding this item to the Wednesday, March 6, 2024, Agenda for consideration. (*Clerk's Note: This proposed Resolution has been marked as Exhibit A.*)

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

**WARRANTS:**

1) GENERAL WARRANTS – FEBRUARY 28, 2024, AND MARCH 1, 2024: Commissioner James moved to approve the General Warrants, as printed. Commissioner Freeman seconded the motion and it carried unanimously.

**BIDS:**

1) PRESENT BID #B2400008, MOTORGRADERS (QTY 5) – DEPARTMENTS OF FLEET SERVICES AND PUBLIC WORKS: Toby Taylor, Purchasing Department, stated three (3) bids were received and staff will make a recommendation on March 18, 2024.

2) PRESENT BID #B2400010, 20-TON SINGLE PADFOOT VIBRATORY ROLLER (QTY 1) – DEPARTMENTS OF FLEET SERVICES AND PUBLIC WORKS: Mr. Taylor stated four (4) bids were received and staff will make a recommendation on March 18, 2024.

3) PRESENT BID #B2400011, ROAD BROOM SWEEPERS (QTY 2) – DEPARTMENTS OF FLEET SERVICES AND PUBLIC WORKS: Mr. Taylor stated three (3) bids were received and staff will make a recommendation on March 18, 2024.

4) PRESENT BID #B2400012, TRACK MOUNTED HYDRAULIC EXCAVATOR (QTY 1) – DEPARTMENTS OF FLEET SERVICES AND PUBLIC WORKS: Mr. Taylor stated seven (7) bids were received and staff will make a recommendation on March 18, 2024.

5) PRESENT BID #B2400033, BACKUP GENERATOR FOR ALTERNATIVE PROGRAMS – FACILITIES DEPARTMENT: Mr. Taylor stated two (2) bids were received and staff will make a recommendation on March 18, 2024.

6) PRESENT BID #B2400051, DEPARTMENT OF FLEET SERVICES LIFT REPLACEMENT – FACILITIES DEPARTMENT: Mr. Taylor stated one (1) bid was received and indicated staff will also review State Pricing Agreements, and will make a recommendation on March 18, 2024.

7) PRESENT BID #B2400054, CUSTODIAL SUPPLIES – FACILITIES DEPARTMENT: Mr. Taylor stated 16 bids were received and staff will make a recommendation on March 18, 2024.

**NEW BUSINESS:**

1) CONSIDER APPOINTMENT OF CHRIS COULTER AS DIRECTOR OF THE WELD COUNTY FACILITIES DEPARTMENT: Chris Coulter introduced himself and expressed his joy in the opportunity to assist the Facilities Department in moving projects forward, and his desire to be part of the solution. Jill Scott, Director of the Department of Human Resources, welcomed Mr. Coulter and expressed her excitement to have his expertise in Weld County. Each Commissioner, in turn, welcomed Mr. Coulter to Weld County, and Commissioner Saine commented she was not able to participate in the interview process and she will be recusing herself from the vote on this Resolution. Commissioner Freeman moved to approve said appointment. The motion was seconded by Commissioner Buck, and upon a roll call vote, the motion passed four (4) to one (1), with Commissioner Saine being recused. *(Clerk's Note: The title for this item of business was changed subsequent to this meeting and what was stated for the record.)*

2) CONSIDER ADOPTING WELD COUNTY DATA RETENTION SCHEDULE: Ryan Rose, Director of the Department of Information Technology, alongside Josh Jenkins, Department of Information Technology, requested the Board adopt the Weld County Data Retention Schedule. Commissioner Buck thanked Mr. Jenkins for his efforts working on such a huge project for the County. Commissioner Saine expressed her concerns with how long certain Department of Planning Services' documents will be retained. Commissioner James moved to adopt said data retention schedule. The motion was seconded by Commissioner Buck, and upon a roll call vote of four (4) to one (1), the motion carried with Commissioner Saine opposed.

3) CONSIDER CONTRACT ID #7870 AGREEMENT FOR PURCHASE OF CERTAIN PROPERTY FOR PUBLIC ROAD IMPROVEMENTS FOR CRS 76 AND 33 INTERSECTION PROJECT AND AUTHORIZE CHAIR TO SIGN ANY NECESSARY DOCUMENTS – KTC FARM, LLC: Trace Anderson, Department of Public Works, stated this agreement is for public road right-of-way (ROW) and a temporary construction easement (TCE) for the southeast quadrant of the County where County Roads (CRs) 76 and 33 intersect. He reviewed details of the compensation to KTC Farm, LLC, for their cooperation to allow for widening of the roads. Commissioner James moved to approve said agreement and authorize the Chair to sign any necessary documents. The motion was seconded by Commissioner Buck, and it carried unanimously.

4) CONSIDER CONTRACT ID #7872 AGREEMENT FOR PURCHASE OF CERTAIN PROPERTY FOR PUBLIC ROAD IMPROVEMENTS FOR CRS 76 AND 33 INTERSECTION PROJECT AND AUTHORIZE CHAIR TO SIGN ANY NECESSARY DOCUMENTS – GLENN AND LEE SHANNON LEFFLER: Mr. Anderson stated this agreement is for public road right-of-way (ROW) and a temporary construction easement (TCE) for the northeast quadrant of the County where County Roads (CRs) 76 and 33 intersect. He reviewed details of the compensation to the Lefflers for the widening of the roads. Commissioner Freeman moved to approve said agreement and authorize the Chair to sign any necessary documents. The motion was seconded by Commissioner James and it carried unanimously. *(Clerk's Note: The title for this item of business was changed subsequent to this meeting and what was stated for the record.)*

**PLANNING:**

1) CONSIDER REQUEST TO WITHDRAW APPLICATION FOR PLANNED UNIT DEVELOPMENT FINAL PLAN, PF-1130, RESCIND RESOLUTION #2008-2278, DATED SEPTEMBER 10, 2008, RESCIND RESOLUTION #2007-2521, DATED SEPTEMBER 5, 2007, AND REVOKE CHANGE OF ZONE, PZ-1130 (MACKEY CIRCLE PUD), TO REVERT THE ZONING TO THE A (AGRICULTURAL) ZONE DISTRICT – MATTHEW SCHINDLER: Jim Flesher, Department of Planning Services, stated the owner, Matthew Schindler, requested to withdraw the final plat for the Mackey Circle Planned Unit Development (PUD) and to withdraw and rescind the Change of Zone, which would revert the property back to the A (Agricultural) Zone District. He stated staff recommends approval. Commissioner James moved to accept said withdrawal of the application, rescind Resolution #2008-2278, rescind Resolution #2007-2521, and revoke PZ-1130 to revert the zoning to the A (Agricultural) Zone District. The motion was seconded by Commissioner Freeman and it carried unanimously.

2) CONSIDER REQUEST TO WITHDRAW APPLICATION FOR PLANNED UNIT DEVELOPMENT FINAL PLAN, PF-1102 (DEER MEADOWS CLUSTER PUD), RESCIND STAFF APPROVAL, DATED OCTOBER 13, 2006, RESCIND RESOLUTION #2006-0752, DATED APRIL 5, 2006, AND REVOKE CHANGE OF ZONE, PZ-1102, TO REVERT THE ZONING TO THE A (AGRICULTURAL) ZONE DISTRICT – KENT AND DEANNA MCDANIEL: Mr. Flesher stated the owners, Kent and DeAnna McDaniels, requested to withdraw the final plat for the Deer Meadows Cluster PUD and to withdraw and rescind the Change of Zone, which would revert the property back to the A (Agricultural) Zone District. He stated staff recommends approval. Commissioner Freeman moved to accept said withdrawal of the application, rescind staff approval, rescind Resolution #2006-0752, and revoke PZ-1102 to revert the zoning to the A (Agricultural) Zone District. The motion was seconded by Commissioner James and it carried unanimously.

3) CONSIDER REQUEST TO WITHDRAW APPLICATION, RESCIND RESOLUTION #2004-3337, DATED DECEMBER 15, 2004, AND REVOKE CHANGE OF ZONE, PZ-1050, TO REVERT THE RIDGEVIEW PUD (PLANNED UNIT DEVELOPMENT) ZONING TO THE A (AGRICULTURAL) ZONE DISTRICT – P AND A TURKEY FARMS, INC., C/O DOUGLAS PLUSS: Mr. Flesher stated the owner, P and A Turkey Farms, Inc., c/o Douglas Pluss, requested to withdraw the application for the Ridgeview PUD and to withdraw and rescind the Change of Zone, which would revert the property back to the A (Agricultural) Zone District. He stated staff recommends approval. Commissioner Buck moved to accept said withdrawal of the application, rescind the Resolution #2004-3337, and the revoke PZ-1050 to revert the zoning to the A (Agricultural) Zone District. The motion was seconded by Commissioner James and it carried unanimously.

4) SECOND 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: Commissioner Freeman moved to read Code Ordinance #2023-18 by title only. The motion was seconded by Commissioner James and it carried unanimously. Bruce Barker, County Attorney, read the title for the record. Elizabeth Relford, Interim Director of the Department of Planning Services, gave a brief overview of the stakeholder meeting that took place on December 4, 2023, and

recommended continuing this matter to allow for further conversations with stakeholders and municipalities at an additional stakeholder meeting. After discussion amongst the Board, Commissioner Freeman moved to continue Second Reading of Code Ordinance #2023-18 to June 5, 2024, at 9:00 a.m. The motion was seconded by Commissioner James; however, after further discussion, both Commissioners Freeman and James amended their motion and second to continue Second Reading of Code Ordinance #2023-18 to June 12, 2024, at 9:00 a.m. Chair Ross opened this matter for public comment.

Steve Reams, Weld County Sheriff, refuted misinformation and the perception that the Weld County Sheriff's Office does not support further growth and development, and would not support law enforcement services to developments. He further stated funding should be provided to law enforcement services that are critical to this area.

Matt Hangel, Westside Investments representative, expressed his support for the continuance and thanked the Board for their follow-through in having conversations with stakeholders before decisions are made.

Andrew Dodgen, Representative of the Sack Family, stated his support for the continuance to allow for further stakeholder meetings.

Mike Hensley, Northern Colorado Home Builders Association, stated his support for the continuance to allow for further stakeholder meetings.

Carl Sack, Weld County resident, shared his support for the continuance to allow for further stakeholder meetings and expressed the need of having a broader spectrum to account for unique circumstances.

Rodney Steely, Weld County resident, stated he is a private entity and farmer, indicating the decisions made in the passage of this Ordinance will affect future plans for their property and other business ventures.

Albert Sack, Jr., Brighton resident, stated his opposition to the Ordinance, but was thankful for the continuance to allow for further stakeholder meetings.

Commissioner Freeman discussed the importance of having stakeholder meetings and encouraged landowners, developers, and municipalities to participate. He further expressed his opinion on commercial and industrial development, versus large-scale urban development, in unincorporated Weld County. Commissioner Saine urged the Board to consider cancelling the Second and Third Readings to properly work on the matters within the Ordinance for the sake of those who have repeatedly shown concerns. Chair Ross indicated that a work session with staff from the Department of Planning Services would be the best place to further this conversation. Commissioner James stated he is in support of the intent of the continuance of this matter; however, he indicated he does not support the Pending Ordinance Doctrine (POD), which the continuance furthers. There being no further discussion, and upon a roll call vote of four (4) to one (1), the motion to continue Second Reading of Code Ordinance #2023-18 to June 12, 2024, at 9:00 a.m., carried, with Commissioner James opposed.

**PUBLIC COMMENT:** No public comment was offered.

**RESOLUTIONS AND ORDINANCES:** The Resolutions were presented and signed as listed on the Consent Agenda. Second Reading of Code Ordinance #2023-18 was continued.

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 9:41 a.m.

These Minutes were approved on the 18th day of March, 2024.

BOARD OF COUNTY COMMISSIONERS  
WELD COUNTY, COLORADO

ATTEST:

Weld County Clerk to the Board

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

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Kevin D. Ross, Chair

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Perry L. Buck, Pro-Tem

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Mike Freeman

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

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Lori Saine