

# RECORD OF PROCEEDINGS

## MINUTES

### BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO WEDNESDAY, MARCH 27, 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 27, 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 March 13, 2024, as printed, Commissioner Saine moved to approve. Commissioner Buck seconded the motion and it carried unanimously.

**READ ORDINANCE BY AUDIO:** Commissioner James moved to read Code Ordinance #2024-01 by audio. The motion was seconded by Commissioner Buck, 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.

#### **PROCLAMATIONS:**

1) DAY OF THE YOUNG CHILD – MARCH 30, 2024: Chair Ross read the proclamation for the record. Adriana Carrillo, Early Childhood Council representative, read a statement for the record highlighting the importance of quality childcare and elaborated the work being done to meet the needs of young children and their families in Weld County. Ernest Cienfuegos-Baca, United Way of Weld County representative, thanked the Board for their support and recognition, shared his experiences of the need for quality childcare and how that drastically impacts the workforce. He also advocated for the investment in the future of Weld County communities by working together to meet the needs more adequately for young children in Weld County. *(Clerk's Note: The group gathered for a photo opportunity.)*

**WARRANTS:**

1) GENERAL WARRANTS – MARCH 27, 2024: Commissioner Buck moved to approve the General Warrants, as printed. Commissioner James seconded the motion and it carried unanimously.

**BIDS:**

1) APPROVE BID #B2400014, ONE-TON 4X4 EXTENDED CAB PICKUP WITH 8-FOOT UTILITY BOX (QTY 1) – DEPARTMENTS OF FLEET SERVICES AND PUBLIC WORKS: Toby Taylor, Purchasing Department, stated staff recommends selecting the lowest bidder who met specifications, Ken Garff Ford of Greeley, for a total amount of \$62,833.00. Commissioner Buck moved to approve said bid. The motion was seconded by Commissioner Freeman, and it carried unanimously.

2) APPROVE BID #B2400053, CISCO NETWORK SWITCHES – DEPARTMENT OF INFORMATION TECHNOLOGY: Mr. Taylor reviewed the three (3) bids received and stated staff's recommendation to select Zivaro, Inc., the low bidder meeting specifications, for a total amount of \$137,912.80. Commissioner Saine moved to approve said bid. The motion was seconded by Commissioner James, and it carried unanimously.

3) PRESENT BID #B2400032, PAVEMENT SMOOTHNESS TESTING AND GRINDING – DEPARTMENT OF PUBLIC WORKS: Mr. Taylor stated one (1) bid was received and staff will make a recommendation on April 10, 2024. *(Clerk's Note: The record reflects staff's recommendation for approval would be made April 3, 2024; however, per the bid tabulation sheet that was provided, it states April 10, 2024.)*

4) PRESENT BID #B2400061, VMWARE MAINTENANCE WELD – DEPARTMENT OF INFORMATION TECHNOLOGY: Mr. Taylor stated six (6) bids were received and staff will make a recommendation on April 10, 2024.

**NEW BUSINESS:**

1) CONSIDER PETITION FOR ABATEMENT OR REFUND OF TAXES FOR ACCOUNT NO. P9107041 – THE MILL EVENT VENUE, LLC: Brenda Dones, Weld County Assessor, gave a brief overview of the location of The Mill Event Venue, LLC, and gave a detailed explanation of the valuation approach for tax years 2021 and 2022. She explained, typically, a cost approach requires annual listing and depreciation schedule, but if it is not completed accurately the property owner loses the right to file a tax abatement, and reviewed the timelines associated with notifications from both the Assessor's Office and Treasurer's Office given for tax years 2021 and 2022. Ms. Dones reviewed the original tax year 2022 valuation of \$418,129.00, and stated staff recommends removing \$296,717.00 in real property and set the corrected valuation at \$121,412.00. She further reviewed tax year 2021 with the same methodology given to tax year 2022; however, she explained COVID-19 was a factor that offered the eligibility for additional adjustments due to not being able to fully use the assets, and stated staff's recommendation to adjust the valuation to \$81,144.00. In summary, Ms. Dones reiterated the property owner did not report his equipment listings for tax years 2021 and 2022, and as a result, he lost his right to abatement of taxes for his personal property value; however, real property values were accounted for, therefore, staff's recommendation is to approve, in-part, the abatement request for tax years 2021 and 2022. As a result, 2021 tax abatement is in the amount of \$4,467.40, and for the 2022 tax abatement is in the amount of \$8,779.00. Brandon Ribble, property owner, was present and confirmed Ms. Dones' explanation as to the events that led to his petition. He explained that he never updated his current address to receive the notifications being sent from the Assessor's Office and Treasurer's Office, but has since done so to avoid further issues. In response to Commissioner Saine, Mr. Ribble confirmed he is satisfied with the amounts staff has recommended. Commissioner James moved to approve, in-part, said petition. The motion was seconded by Commissioner Buck, and it carried unanimously.

2) CONSIDER GRANT APPLICATION FOR ENERGY AND MINERAL IMPACT ASSISTANCE FUND (EIAF) PROGRAM FOR PHASE THREE (3) OF CR 77 IMPROVEMENTS PROJECT BETWEEN CRS 106 AND 114 (APRIL CYCLE - TIER II), AND AUTHORIZE DEPARTMENT OF PUBLIC WORKS TO SUBMIT ELECTRONICALLY: Elizabeth Relford, Interim Director of the Department of Planning Services, stated this is a grant application for \$1 Million in the Tier II category from the Colorado Department of Local Affairs (DOLA) to fund Phase Three (3) of the County Road (CR) 77 improvements project. Commissioner James moved to approve said application and authorize the Ms. Relford to submit electronically on behalf of the Chair. The motion was seconded by Commissioner Buck, and it carried unanimously.

3) CONSIDER WARRANTY DEED TO CONVEY PROPERTY FOR RELOCATION OF HIGH-PRESSURE GAS PIPELINE METER STATION FOR CR 41 AND SH 52 INTERSECTION PROJECT, AND AUTHORIZE CHAIR TO SIGN – PUBLIC SERVICE COMPANY OF COLORADO, A COLORADO CORPORATION, DBA XCEL ENERGY: Erich Green, Department of Public Works, stated this warranty deed conveys 0.13 acres of Weld County property to Xcel Energy to allow for the relocation of a high-pressure gas pipeline meter station located on the northeast quadrant of the CR 41 and State Highway (SH) 52 intersection, and reviewed the timeline for the utility relocation to occur. Commissioner Buck moved to approve said warranty deed and authorize the Chair to sign. The motion was seconded by Commissioner Freeman, which carried unanimously.

4) CONSIDER ACCEPTANCE OF DEED OF DEDICATION FOR PUBLIC ROAD RIGHT-OF-WAY FOR CRS 76 AND 33 INTERSECTION PROJECT, AND AUTHORIZE CHAIR TO SIGN – KTC FARM, LLC: Trace Anderson, Department of Public Works, stated the agreement for purchase was presented and approved by the Board on March 4, 2024, and this deed of dedication is to grant Weld County 0.026 acres of public road right-of-way (ROW) in the southeast quadrant of the CRs 76 and 33 intersection to complete roadway and intersection improvements for the Town of Eaton's truck route. Commissioner Freeman moved to approve said deed of dedication and authorize the Chair to sign. The motion, which was seconded by Commissioner James, carried unanimously.

5) CONSIDER ACCEPTANCE OF DEED OF DEDICATION FOR PUBLIC ROAD RIGHT-OF-WAY FOR CRS 76 AND 33 INTERSECTION PROJECT, AND AUTHORIZE CHAIR TO SIGN – GLENN AND LEE SHANNON LEFFLER: Mr. Anderson stated the agreement for purchase was presented and approved by the Board on March 4, 2024, and this deed of dedication is to grant Weld County 0.033 acres of public road ROW in the northeast quadrant of the CRs 76 and 33 intersection to complete roadway and intersection improvements for the Town of Eaton's truck route. Commissioner Freeman moved to approve said deed of dedication and authorize the Chair to sign. Seconded by Commissioner James, and the motion carried unanimously.

6) CONSIDER TEMPORARY CLOSURE OF CR 39 BETWEEN CRS 70 AND 74: Amy Mutchie, Department of Public Works, presented this closure on behalf of Goodell Construction and Machinery, to begin April 1, 2024, and go through April 19, 2024, for the completion of road improvements for the Omaha Track Facility. She stated the detour route is paved, road signs and message boards will be placed in advance of the closure, and local access will be accommodated. Commissioner James moved to approve said temporary closure. The motion was seconded by Commissioner Buck, and it carried unanimously.

7) CONSIDER CONTRACT ID #7958 APPLICATION FOR FEDERAL ASSISTANCE (FORM SF-424) FOR ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT (EECBG) PROGRAM, AND AUTHORIZE CHAIR TO SIGN: Chris D'Ovidio, Weld County Controller, stated last year the County submitted a pre-application for an opportunity to participate in the Energy Efficiency and Conservation Block Grant (EECBG) Program. He further stated, if awarded, the grant funds, in the amount of \$231,790.00, will be applied toward lighting and control upgrades at Weld County facilities. Commissioner Freeman moved to approve said application and authorize the Chair to sign. The motion was seconded by Commissioner Buck, and it carried unanimously.

8) FIRST READING OF CODE ORDINANCE #2024-01, IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 8 PUBLIC WORKS OF THE WELD COUNTY CODE (*APPENDIX 8-O – FUNCTIONAL CLASSIFICATION MAP*) – (*CONT'D FROM 2/26/2024*): Evan Pinkham, Department of Planning Services, expressed his appreciation for the added time to gather and review public input, and explained the Functional Classification Map (Appendix 8-O) is used for the 2045 Weld County Transportation Plan, and as such, it allows for Weld County to plan future infrastructure needs in the most cost effective manner. He reviewed a calendar timeline of the various maps establishing the hierarchy of road classifications, and explained these maps are now reviewed and updated every 2-3 years to reflect the growth of Weld County. Mr. Pinkham gave a detailed explanation of setbacks, typical cross-section diagrams and other tools that help forecast and address the safety needs of the county. Commissioner Saine expressed her concern regarding federal bill H.R. 3372, concerning the safety data collection pilot project for certain 6-axle vehicles that would allow up to 91,000 pounds of weight. She inquired if this Functional Classification Map has accounted for that weight, and should there be roads, bridges, and culverts at risk for safety concerns. In response, Mr. Pinkham indicated he is not familiar and would need to confirm with staff. Elizabeth Relford, Interim Director of the Department of Planning Services, stated the County does have an over-sized/over-weight permit process that is required for those types of vehicles. She elaborated, as part of that permitting process, the Department of Public Works partners closely with the Colorado Department of Transportation (CDOT) to consider routes within the transportation system. Commissioner Freeman indicated he believes this is a great thing to keep in mind while moving forward, but in his opinion, it does not impact this current Functional Classification Map.

Dave Mitchell, City of Greeley resident, thanked the Board for listening to their concerns and allowing for public involvement.

Glenn Peterson, City of Greeley resident, expressed his concerns with road safety regarding the proposed classification change for County Road (CR) 27, from local to arterial.

Kevin Schumacher, City of Greeley resident, stated as President of the Bracewell Homeowners Association (HOA), he appreciates the thought and efforts put into future growth and roadway expansion, but expressed his concerns and cited statistics regarding accidents that occur at the 'Bracewell Curve'.

Bob Leisy, City of Greeley resident, stated his concerns with the original map layout for the CR 27 State Highway (SH) 392 intersection for vehicle safety, and expressed appreciation for the modifications made to address those concerns to minimize the risk of accidents.

Stephanie Favel, City of Greeley resident, expressed interest in the Capital Improvement Plan (CIP) process, and questioned if those meetings are open to the public. In response, Chair Ross and Commissioner Freeman confirmed the work session is open to the public and is scheduled for June 27, 2024. She further questioned the communication efforts with the City of Greeley regarding the 'Bracewell Curve', and if the County is aware of a timeline. In response, Mr. Pinkham indicated he was not aware of the City of Greeley's public input process concerning details of their design phase timeline, but generally,

construction is slated for 2025-2026. Ms. Relford indicated a meeting with the City of Greeley has resulted in the likelihood of an annexation agreement to move forward as a simultaneous project. Lastly, Ms. Favel expressed her appreciation to the Board and staff in taking the extra time to have public input concerning this process that will be affecting their properties at some point.

Ken Schraeder, City of Greeley resident, expressed his concern with dangerous curves in roadways, including the 'Bracewell Curve', if the City of Greeley takes possession of the area through an Annexation Agreement.

Commissioner James moved to approve Code Ordinance #2024-01 on First Reading. The motion was seconded by Commissioner Buck. Chair Ross thanked the public for being involved in this process and expressing their concerns, and further thanked staff for listening and adjusting the map to the best of their abilities. There being no further discussion, the motion carried unanimously.

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

**RESOLUTIONS AND ORDINANCES:** The Resolutions were presented and signed as listed on the Consent Agenda. Code Ordinance #2024-01 was 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 10:13 a.m.

These Minutes were approved on the 10th day of April, 2024.

BOARD OF COUNTY COMMISSIONERS  
WELD COUNTY, COLORADO

ATTEST:

Weld County Clerk to the Board

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Kevin D. Ross, Chair

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Perry L. Buck, Pro-Tem

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

\_\_\_\_\_  
Mike Freeman

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Scott K. James

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Lori Saine