

# RECORD OF PROCEEDINGS

## MINUTES

### BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO MONDAY, MAY 13, 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, May 13, 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 April 29, 2024, as printed, Commissioner Buck moved to approve. Commissioner James seconded the motion and it carried unanimously.

**CERTIFICATION OF HEARINGS:** Commissioner Buck moved to approve the Certification of Hearings conducted on April 29, 2024, as follows: 1) Public Hearing to Consider Abatement of Dangerous Building Proceedings and Abatement of Nuisance Condition Concerning Property Described as: 3716 Yosemite Drive, Greeley, Colorado 80634. Commissioner James seconded the motion, which carried unanimously.

**AMENDMENTS TO AGENDA:** Commissioner Saine moved to remove the 15-minute time limit and majority vote provisions under 'Public Comment'. There being no second, the motion failed. *(Clerk's Note: See discussion following Bids.)*

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

#### **PROCLAMATIONS:**

1) NATIONAL PEACE OFFICERS MEMORIAL DAY – MAY 15, 2024; WELD COUNTY FALLEN OFFICER MEMORIAL TRIBUTE CEREMONY – MAY 16, 2024; AND NATIONAL WELD COUNTY POLICE OFFICERS WEEK – MAY 12-18, 2024: Captain Matthew Turner, Sheriff's Office, spoke of the legacy left by fallen officers in Weld County and shared 137 officers died in the line of duty in 2023. He impressed the importance of remembrance ceremonies and announced the opportunity to honor and recognize those fallen in the line of duty at a ceremony on May 16, 2024, at 6:30 p.m., at Bittersweet Park, located in Greeley, Colorado. Captain Turner stated former Sheriff John Cook will be the keynote speaker

and he recognized Sergeant Michael Recor, Sheriff's Office and Honor Guard representative, for coordinating the event with all of the municipalities in Weld County. In turn, each Commissioner expressed their respect and appreciation for the Weld County Sheriff's Office and all law enforcement. *(Clerk's Note: The group gathered for a photo opportunity.)*

**WARRANTS:**

1) GENERAL WARRANTS – MAY 10, 2024: Commissioner James moved to approve the General Warrants, as printed. Commissioner Freeman seconded the motion and it carried unanimously.

**BIDS:**

1) APPROVE BID #B2400055, CONTINUAL MOTOR VEHICLE RECORD MONITORING SOFTWARE – DEPARTMENT OF HUMAN RESOURCES: Toby Taylor, Purchasing Department, requested the consideration of the bid be continued to May 20, 2024, to allow staff more time to further review the proposals received. Commissioner Freeman rescinded his first motion to approve said bid and moved to continue it to May 20, 2024, at 9:00 a.m. The motion was seconded by Commissioner Buck, and it carried unanimously.

2) PRESENT BID #B2400017, 2024 FORD INTERCEPTOR UTILITY BASE (K8A - QTY 2) – DEPARTMENT OF FLEET SERVICES AND SHERIFF'S OFFICE: Mr. Taylor stated two (2) bids were received and staff will make a recommendation on June 3, 2024.

3) PRESENT BID #B2400092, WELD COUNTY FUEL – DEPARTMENT OF FLEET SERVICES: Mr. Taylor stated six (6) bids were received, one (1) of which was deemed incomplete, and staff will make a recommendation on June 3, 2024.

4) PRESENT BID #B2400083, COURTHOUSE AND CENTENNIAL CENTER HOT WATER GENERATOR AND CHILLED WATER PUMP REPLACEMENT – FACILITIES DEPARTMENT: Mr. Taylor stated two (2) bids were received and staff will make a recommendation on June 3, 2024.

5) PRESENT BID #B2400091, SECURITY CAMERA EQUIPMENT AND LICENSING ACQUISITION – FACILITIES DEPARTMENT: Mr. Taylor stated seven (7) bids were received and staff will make a recommendation on June 3, 2024.

With approval of Chair Ross, Commissioner Freeman moved to remove Item #7 under 'New Business' and add it as Item #1 under 'Public Hearings': Consider Special Event Permit and authorize Chair to sign – Erie Makerspace [2024-1174]. Commissioner James seconded the motion and it carried unanimously. *(Clerk's Note: See Hearing Certification, HE24-28, Concerning LEP24-0001 to review, minutes and audio for this item.)*

**NEW BUSINESS:**

1) CONSIDER APPLICATION FOR COMMUNITY INVESTMENT GRANT OPPORTUNITY FOR DIABETES PREVENTION PROGRAM AND AUTHORIZE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT TO SUBMIT ELECTRONICALLY – NORTHEAST HEALTH PARTNERS, LLC: Jason Chessher, Director of the Department of Public Health and Environment, requested permission to apply for grant funding, in the amount of \$25,000.00, to supplement an existing program and offset County costs. Commissioner Buck moved to approve said application and authorize the Department of Public Health and Environment to submit electronically. The motion was seconded by Commissioner James, and it carried unanimously.

2) CONSIDER CONTRACT ID #8079 GRANT AGREEMENT FOR SAFE STREETS AND ROADS FOR ALL (SS4A) PLANNING GRANT PROGRAM, AND AUTHORIZE CHAIR TO SIGN: Evan Pinkham, Department of Planning Services, stated the County has received \$400,000.00 in grant funding, with a local match of \$100,000.00, for the development of a Safety Action Plan to encompass all roadways in unincorporated Weld County, including the State highway system. He elaborated this plan is a tool to help reduce roadway injuries and fatalities, and indicated once the plan is complete, the County can move forward with implementation grant applications for improvements to the roadways indicated in the plan. Commissioner James moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner Buck, and it carried unanimously.

3) CONSIDER TEMPORARY CLOSURE OF CR 72 BETWEEN CRS 45 AND 47: Kevin Hettinger, Department of Public Works, stated the closure will begin on May 16, 2024, and go through May 22, 2024, for an emergency culvert repair. He stated the portion of the detour route that is gravel will have water applied for dust control, and the rest of the detour route is paved. Commissioner Freeman moved to approve said temporary closure. The motion was seconded by Commissioner James, and it carried unanimously.

4) CONSIDER EXTENSION OF TEMPORARY CLOSURE OF CR 4 BETWEEN CRS 41 AND 45: Mr. Hettinger requested an extension through June 14, 2024, to allow for completion of a second bridge. Commissioner Buck moved to approve said extension. The motion was seconded by Commissioner James, and it carried unanimously.

5) FINAL 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*) – (*RESCHEDULED FROM 3/27/2024*): Commissioner Freeman moved to read Code Ordinance #2024-01 by title only. The motion was seconded by Commissioner James, and it carried unanimously. Bruce Barker, County Attorney, read the title for the record. Evan Pinkham, Department of Planning Services, displayed a PowerPoint presentation to summarize the proposed changes to Chapter 8 of the Weld County Code and stated there have been no changes since Second Reading. No public testimony was offered concerning this matter. Commissioner James moved to approve Code Ordinance #2024-01 on Final Reading. The motion was seconded by Commissioner Freeman, and upon a roll call vote of four (4) to one (1), the motion carried, with Commissioner Saine opposed.

6) CONSIDER SPECIAL EVENT PERMIT AND AUTHORIZE CHAIR TO SIGN – WISH RIDE OF COLORADO, FOB MAKE-A-WISH FOUNDATION OF COLORADO, INC.: Matthew Conroy, Assistant County Attorney, gave a brief overview of the request, stating the event will be held at Anderson Farms in Erie, Colorado, which has a Use by Special Review Permit to host events. He expanded the applicant has secured a temporary food establishment license, there are no concerns from referral agencies, and staff recommends approval. Tabitha Keagle, Marketing and Fundraising Coordinator, was present and offered details pertaining to the event, sharing a heart-felt story from this year's recipient. Commissioner Buck moved to approve said Special Event Permit and authorize the Chair to sign. The motion was seconded by Commissioner Saine, and it carried unanimously.

**PLANNING:**

1) CONSIDER DECOMMISSIONING PLAN AND ACCEPT COLLATERAL FOR SITE SPECIFIC DEVELOPMENT PLAN AND USE BY SPECIAL REVIEW PERMIT, USR23-0032, FOR A 7.5 MW SOLAR ENERGY FACILITY (SEF) IN THE A (AGRICULTURAL) ZONE DISTRICT – MCKEE RANCH, LLLP, C/O CBEP SOLAR 6, LLC: Chris Gathman, Department of Planning Services, stated the applicant, per Condition of Approval (COA) #4.C of Use by Special Review Permit, USR23-0032, has submitted a Decommissioning Plan and bond in the amount of \$288,700.47. He stated staff recommends approval of

the plan and acceptance of the collateral. Commissioner James moved to approve said decommissioning plan and accept said collateral. The motion was seconded by Commissioner Freeman, and it carried unanimously.

2) CONSIDER IMPROVEMENTS AND ROAD MAINTENANCE AGREEMENT ACCORDING TO POLICY REGARDING COLLATERAL FOR IMPROVEMENTS, AUTHORIZE CHAIR TO SIGN, AND ACCEPT COLLATERAL FOR ACCESS PERMIT, AP24-00029 – BHS SOLAR, LLC: Jazmyn Trujillo-Martinez, Department of Planning Services, requested approval of the Improvements and Road Maintenance Agreement required by Access Permit, AP24-00029 and acceptance of project collateral in the amount of \$3,444,489.44, procured in the form of a Performance Bond issued by Zurich American Insurance Company. She stated this collateral amount includes a portion of work that needs to be completed by BHS Solar, LLC, on County Roads (CRs) 90 and 84; however, the CR 90 portion of the project will be completed through a separate agreement to be considered on the Consent Agenda at a later date. Commissioner Saine moved to approve said agreement, authorize the Chair to sign, and accept said collateral. The motion was seconded by Commissioner James, and it carried unanimously.

3) CONSIDER VACATION, VAC24-0012, OF USE BY SPECIAL REVIEW PERMIT, USR19-0015 – ECO PROPERTIES, LLC: Kim Ogle, Department of Planning Services, stated staff received a letter dated April 2, 2024, from the representative of ECO Properties, LLC, requesting the complete vacation of Use by Special Review Permit, USR19-0015, as a result of the Board's approval of USR23-0043, on January 31, 2024. He explained Weld County does not allow overlapping USR's; therefore, staff recommends approval of the vacation, pursuant to Condition of Approval (COA) #1.F of USR23-0043. Hannah Dutrow, AGPROfessionals, was present to address questions. Commissioner Saine moved to approve said vacation. The motion was seconded by Commissioner Buck, and it 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 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 9:39 a.m.

These Minutes were approved on the 3rd day of June, 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