

# RECORD OF PROCEEDINGS

## MINUTES

### BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO WEDNESDAY, MAY 15, 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 15, 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 – EXCUSED  
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 May 1, 2024, as printed, Commissioner Buck moved to approve. Commissioner James seconded the motion and it 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. Commissioner Saine further moved to add a Resolution titled, "Expression of Support for Zoning from R-1 to Agriculture for all Residents of East Greeley who have Signed a Petition in Support," marked as Exhibit "A". Chair Ross reviewed the proper protocol for amending the Agenda to add a Resolution. After discussion, the motion was not seconded and therefore failed. There were no additional amendments to the Agenda.

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

#### **PRESENTATIONS:**

1) RECOGNITION OF SERVICES, FACILITIES DEPARTMENT – STAN ROGERS: Chair Ross read the certificate for the record. Curtis Naibauer, Interim Director of the Facilities Department, shared stories reflecting the quality work of Stan Rogers as the Custodial Supervisor since 2005. Mr. Rogers was present and thanked the Board for their recognition, stating he is looking forward to spending time with his family. Each Commissioner, in turn, extended their congratulations, wished him well in his future endeavors, and offered their appreciation for his service to the citizens of Weld County. (*Clerk's Note: The group gathered for a photo opportunity.*)

**WARRANTS:**

1) GENERAL WARRANTS – MAY 14, 2024: Commissioner Buck moved to approve the General Warrants, as printed. Commissioner James seconded the motion and it carried unanimously.

**BIDS:**

1) APPROVE BID #B2400068, DELL MAINTENANCE AND SUPPORT BEST AND FINAL OFFER (BAFO) – DEPARTMENT OF INFORMATION TECHNOLOGY: Toby Taylor, Purchasing Department, stated three (3) bids were received and evaluated by staff, who recommends selecting Lewan Technology as the lowest cost solution who met specifications, for a total amount of \$527,767.00. Commissioner Saine moved to approve said bid. The motion was seconded by Commissioner James, and it carried unanimously.

2) APPROVE BID #B2400075, GUARDICORE MAINTENANCE AND SUPPORT – DEPARTMENT OF INFORMATION TECHNOLOGY: Mr. Taylor stated three (3) bids were received and reviewed staff's recommendation to select Zivaro, Inc., as the lowest cost solution meeting specifications, for a total amount of \$105,150.26. Commissioner Saine moved to approve said bid. The motion was seconded by Commissioner Buck, and it carried unanimously.

3) APPROVE BID #B2400076, GREELEY SAND AND SALT SHED REPAIR – FACILITIES DEPARTMENT: Mr. Taylor introduced TCC Corporation as the low bidder selected by staff and confirmed they met all specifications, with said bid amounting to \$365,456.00. Commissioner Saine moved to approve said bid. The motion was seconded by Commissioner Buck, and it carried unanimously.

4) APPROVE BID #B2400078, SOUTHWEST SERVICE CENTER STOREFRONT DOOR REPLACEMENT – FACILITIES DEPARTMENT: Mr. Taylor stated staff recommends selecting the lowest bidder who met specifications, WCC Construction, LLC, for a total amount of \$256,790.00. Commissioner Saine moved to approve said bid. The motion was seconded by Commissioner Buck, and it carried unanimously.

5) PRESENT BID #B2400072, CISCO NETWORK SWITCHES OPERATIONAL TECHNOLOGIES (OT) – DEPARTMENT OF INFORMATION TECHNOLOGY: Mr. Taylor two (2) bids were received, and staff will make a recommendation on June 3, 2024.

**NEW BUSINESS:**

1) CONSIDER PETITION FOR ABATEMENT OR REFUND OF TAXES FOR ACCOUNT NO. R3725405 – VIVID HOLDINGS, LLC: Brenda Dones, Weld County Assessor, presented the petition for tax year 2023 and gave a brief overview of the property location of six (6) industrial flex garage warehouses, totaling 34,542 square feet situated on two (2) acres of land. She stated this account was not appealed during the normal appeal period and the agent filed this abatement instead. Ms. Dones stated the original assessed value was \$5.1 Million, or \$147.65 per square foot, and detailed the various approaches reviewed, stating the tax agent agreed the cost approach was a fair value. She recommended partial approval and to set the tax year 2023 value at \$3.9 Million, which alters the final calculation of taxes from \$165,433.53 to \$126,277.66, and results in an abatement of \$39,155.87. In response to Commissioner James, Ms. Dones confirmed her request is for approval, in part. Commissioner James moved to approve, in part, said petition. The motion was seconded by Commissioner Buck, and it carried unanimously.

2) CONSIDER PETITION FOR ABATEMENT OR REFUND OF TAXES FOR ACCOUNT NO. R8959229 – R K B, INC.: Ms. Dones gave a brief overview of the property location of the Interstate Ford Dealership, totaling 53,751 square feet, and situated on 9.6 acres of land. She stated this account was not appealed during the normal period for tax year 2023 and the agent filed this abatement instead.

Ms. Dones stated the original assessed value was \$13,028,310.00, or \$242.38 per square foot, and was based on the cost approach. She detailed the various approaches reviewed and stated staff was able to negotiate a fair value with the tax agent, resulting in \$234.97 per square foot, or \$12,630,000.00. Ms. Dones shared the altered final calculation of taxes from \$576,447.82 to \$558,783.38, resulting in an abatement in the amount of \$17,664.44. In response to Commissioner Saine, Ms. Dones confirmed her request is for approval, in part. Commissioner Saine moved to approve, in part, said petition. The motion was seconded by Commissioner James, and it carried unanimously.

3) CONSIDER CONTRACT ID #8114 INDIVIDUAL PROVIDER CONTRACT FOR PURCHASE OF FOSTER CARE SERVICES IN A FOSTER CARE HOME AND AUTHORIZE CHAIR TO SIGN – ALAINA MAUS: Karin McDougal, Deputy County Attorney, on behalf of the Department of Human Services, stated the contract is for a fully certified kinship foster care provider located in Centennial, Colorado. Commissioner James moved to approve said contract and authorize the Chair to sign. The motion was seconded by Commissioner Buck, and it carried unanimously.

4) CONSIDER 2024 FUNDING AWARD ALLOCATIONS FOR VARIOUS PROJECTS THROUGH COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM: Elizabeth Relford, CDBG Project Manager, introduced Cynthia Martin, CDBG Analyst, and Nick Wharton, Chair of the CDBG Advisory Committee (CDBGAC), and detailed the 2024 projects and allocated funding amounts recommended by the CDBGAC. She stated the County had not yet received formal grant funding when the CDBGAC approved the project recommendations, which were based on last year's amounts and would be adjusted accordingly once funds were received. She explained, now that they have received the final awarded dollar amount, there are two (2) additional project requests that can be considered. Ms. Martin expressed her appreciation towards the CDBGAC and their dedication to the citizens of Weld County. Mr. Wharton thanked the Board for their consideration and the opportunity to represent the citizens of Weld County. Commissioner James moved to approve said funding award allocations. The motion was seconded by Commissioner Buck. Chair Ross extended his gratitude to staff for their dedication. There being no further discussion, the motion carried unanimously.

5) CONSIDER CONTRACT TO BUY AND SELL REAL ESTATE (LOTS 3 AND 5, 3109 35TH AVE, GREELEY), AND AUTHORIZE CHAIR TO SIGN ALL NECESSARY DOCUMENTS – 3109, LLC: Bruce Barker, County Attorney, stated the contract is for the purchase of Lots 3 and 5 of the US West Communications First Filing First Replat, which is adjacent to a property the County already owns and utilizes as the backup Regional Communications Dispatch (911) site. He further stated the purpose for this purchase is to accommodate future needs of the County as growth occurs. Mr. Barker indicated there are two (2) conditions that need to occur prior to closing: 1) extraction of Lots 3 and 5 from a current agreement similar to a Homeowners Association, and 2) establish an agreement to share costs associated with the maintenance of the entrance road. Commissioner James moved to approve said contract and authorize the Chair to sign all necessary documents. The motion was seconded by Commissioner Buck, and it carried unanimously.

**PLANNING:**

1) SECOND READING OF CODE ORDINANCE #2024-04, IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 23 ZONING OF THE WELD COUNTY CODE (*ACCESSORY DWELLING UNITS AND R-1 REVISIONS*): Commissioner James moved to read Code Ordinance #2024-04 by title only. The motion was seconded by Commissioner Buck, and it carried unanimously. Mr. Barker read the title for the record. Maxwell Nader, Department of Planning Services, displayed a PowerPoint presentation and gave a brief overview of the proposed changes to Chapter 23 of the Weld County Code, which are minor clean-up items or are being suggested to bring the Weld County Code into compliance with House Bill (HB) 24-1007 and HB 24-1152. He further detailed additional proposed changes as a result of a work session held on April 29, 2024, to address Code

changes specific to the Oil and Gas Energy Department (OGED). Additionally, Mr. Nader indicated staff has scheduled a work session for May 22, 2024, prior to the Final Reading, to discuss other potential changes to the Ordinance, including allowing Accessory Dwelling Units (ADUs) on certain R-1 (Residential) lots that do not have public sewer access, and changing the definition of "Gardening" to allow the use of tractors.

Chair Ross opened the hearing to the public for comment. MaryRose Cullen, City of Longmont resident, stated there are currently approximately 70 subdivisions with lots that are between zero (0) and 35 acres, in the R-1 (Residential) Zone District within Weld County, with City or District water and a septic system. She clarified that means there are approximately 70 subdivisions in unincorporated Weld County that are not eligible for ADUs with the current proposed language. After further discussion between Commissioner Saine and Ms. Cullen, Commissioner Saine requested the language be amended to allow properties within these subdivisions to have ADUs. Commissioner James thanked Ms. Cullen for her input, sharing he would like to discuss further with staff to ensure there are not unintended consequences and to develop a compromise, if possible. Ms. Cullen thanked Commissioner James for his consideration. Commissioner Buck likewise thanked Ms. Cullen for her input. Ms. Relford also extended gratitude toward Ms. Cullen and stated staff has drafted language to be considered in response. Ms. Cullen discussed the suggestion of rezoning her property and the challenges that presents.

Michelle Smith, City of Greeley resident, spoke of her concerns regarding land use application fees, but Chair Ross requested she hold her comments until the 'Public Comment' section of the Board Meeting. There being no further comments, Commissioner James moved to approve Code Ordinance #2024-04 on Second Reading. The motion was seconded by Commissioner Buck, and upon a roll call vote, the motion passed with four (4) affirmative votes.

**PUBLIC COMMENT:**

- 1) Michelle Smith, City of Greeley resident, offered her comments to the Board, with responses from Chair Ross, and Commissioners Saine and Buck.
- 2) John Maulsby, Town of Wellington resident, offered his comments to the Board, with response from Chair Ross.
- 3) Carlene Ferguson-Smith, City of Greeley resident, offered her comments to the Board.

**RESOLUTIONS AND ORDINANCES:** The Resolutions were presented and signed as listed on the Consent Agenda. Code Ordinance #2024-04 was approved on Second 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 9:47 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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EXCUSED  
Mike Freeman

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

\_\_\_\_\_  
Lori Saine