

RECORD OF PROCEEDINGS

MINUTES

BOARD OF COUNTY COMMISSIONERS WELD COUNTY, COLORADO MONDAY, MAY 20, 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 20, 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 May 6, 2024, as printed, Commissioner Buck moved to approve. Commissioner James seconded the motion and it carried unanimously.

READ ORDINANCE BY AUDIO: Commissioner James moved to read Code Ordinance #2024-07 by audio. The motion was seconded by Commissioner Buck 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. There were no further amendments to the Agenda.

CONSENT AGENDA: There being no public testimony concerning Partial Vacation, VAC24-0006, of Four-Lot Recorded Exemption, RECX18-0017, for Removal of Lot D – Sanchez Living Trust, c/o Anthony Sanchez, Commissioner Freeman moved to approve the Consent Agenda, as printed. Commissioner James seconded the motion and it carried unanimously.

WARRANTS:

1) GENERAL WARRANTS – MAY 17, 2024: Commissioner Freeman moved to approve the General Warrants, as printed. Commissioner Buck seconded the motion and it carried unanimously.

BIDS:

1) APPROVE BID #B2400077, GROUNDS BUILDING DESIGN AND ENGINEERING SERVICES – FACILITIES DEPARTMENT: Toby Taylor, Purchasing Department, stated staff recommends selecting the lowest bidder who met specifications, Collab Architecture, for a total amount of \$35,950.00. Commissioner Saine moved to approve said bid. The motion was seconded by Commissioner James and it carried unanimously.

2) APPROVE BID #B2400079, DACONO GRADER SHED DESIGN AND ENGINEERING SERVICES – FACILITIES DEPARTMENT: Mr. Taylor reviewed staff's recommendation to select Robert Shreve Architects and Planners, Inc., the low bidder meeting specifications, for a total amount of \$52,700.00. Commissioner Buck moved to approve said bid. The motion was seconded by Commissioner James and it carried unanimously.

3) APPROVE BID #B2400055, CONTINUAL MOTOR VEHICLE RECORD MONITORING SOFTWARE – DEPARTMENT OF HUMAN RESOURCES (*CONT'D FROM 5/13/2024*): Mr. Taylor introduced Samba Safety as the sole bidder and confirmed they met all specifications, stating their best and final offer amounts to \$89,148.28, which includes the initial cost of software licenses, first year of support, and required professional services. He explained the cost for annual maintenance each year thereafter is \$85,236.00. Commissioner Buck moved to approve said bid. The motion was seconded by Commissioner Freeman and it carried unanimously. (*Clerk's Note: Mr. Taylor clarified this bid is for the Department of Human Resources, not the Department of Human Services.*)

NEW BUSINESS:

1) CONSIDER CONTRACT ID #8105 AMENDMENT #2 TO TASK ORDER CONTRACT FOR AIR QUALITY PROGRAM AND AUTHORIZE CHAIR TO SIGN AND SUBMIT ELECTRONICALLY: Jason Chessher, Director of the Department of Public Health and Environment, stated the amendment allows the department to conduct air quality monitoring for the Colorado Department of Public Health and Environment (CDPHE), including industrial air quality monitoring, responding to complaints, and issuing permits. He stated the CDPHE will reimburse the department \$97,134.13. Commissioner Buck moved to approve said amendment and authorize the Chair to sign and submit electronically. The motion was seconded by Commissioner James and it carried unanimously.

2) CONSIDER CONTRACT ID #8109 EDUCATION AFFILIATION CLINICAL TRAINING AGREEMENT FOR NURSING STUDENT INTERNSHIP REQUIREMENTS AND AUTHORIZE CHAIR TO SIGN – HERZING UNIVERSITY, LTD.: Mr. Chessher stated the agreement allows nursing students to obtain clinical hours at Weld County's Public Health Clinic. He noted the department currently has a part-time nurse who is working towards obtaining higher education and they are hopeful to employ her as a full-time nurse practitioner when her schooling has concluded. Commissioner Freeman moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner Buck and it carried unanimously.

3) CONSIDER SPECIAL EVENT PERMIT AND AUTHORIZE CHAIR TO SIGN – A WOMAN'S PLACE, INC.: Matthew Conroy, Assistant County Attorney, gave a brief overview of the event location and stated a Limited Event Permit was not required by the Department of Planning Services. He stated, if approved, the event will be held from May 31, 2024, through June 2, 2024, and staff recommends approval. Heather Nakamura, applicant and member of the Board of Directors for A Woman's Place, Inc., was present and shared the event is being held as a fundraiser for the organization's capital campaign to double their facilities. Nick Nakamura, representative of Bigfoot Turf, stated the event is the World Long Drive. No public testimony was offered concerning this matter. Commissioner Saine moved to approve said permit and authorize the Chair to sign. The motion was seconded by Commissioner Buck and it carried unanimously.

4) CONSIDER APPLICATION FOR HOTEL AND RESTAURANT (COUNTY) LIQUOR LICENSE, AND AUTHORIZE CHAIR TO SIGN – RIGO’S MEXICAN RESTAURANT, LLC, DBA RIGO’S MEXICAN RESTAURANT: Mr. Conroy stated the application is for a new liquor license for Rigo’s Mexican Restaurant, located at 711 ‘O’ Street, Greeley, Colorado. He indicated today’s hearing is the second step in the process, as a previous hearing was held and Commissioner Freeman was selected to perform the inspection. Mr. Conroy stated there were no concerns from any referral agencies. Commissioner Freeman commented on his inspection, stating the diagram of the liquor licensed premises was accurate. Jennifer Orosco, applicant, was present and thanked the Board for their consideration. No public testimony was offered concerning this matter. Commissioner Freeman moved to approve said application and authorize the Chair to sign. Commissioner James seconded the motion and it carried unanimously.

5) CONSIDER CONTRACT TO BUY AND SELL REAL ESTATE (825 AND 827 7TH STREET, GREELEY), AND AUTHORIZE CHAIR TO SIGN ALL NECESSARY DOCUMENTS – DOROTHY ECKHARDT: Bruce Barker, County Attorney, stated the properties are located across from the Chase Building (822 7th Street, Greeley) and as a condition of the contract prior to closing, the County will apply for a demolition permit from the City of Greeley on behalf of the estate of Dorothy Eckhardt. 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.

6) CONSIDER RESOLUTION RE: EXPRESSION OF SUPPORT FOR ZONING FROM R-1 TO AGRICULTURAL ZONING FOR ALL RESIDENTS OF EAST GREELEY WHO HAVE SIGNED A PETITION IN SUPPORT: Commissioner Saine conveyed the Resolution is brought forth on behalf residents of east Greeley regarding land use matters, pursuant to Section 23-2-10 of the Weld County Code, and requested the Board waive the fees associated with the permitting process. Commissioner Saine moved to approve said Resolution. Due to lack of a second, the motion failed.

7) CONSIDER RESOLUTION RE: ACTIONS OUTSIDE OF FEDERAL GOVERNMENT ENUMERATED POWERS: Commissioner Saine shared her support for the farming and ranching communities in Weld County. Roni Sylvester, Town of LaSalle resident, detailed her concerns of the enumerated powers of the Federal Government regarding water rights and the importance of property rights and the local economy of Weld County. Ms. Sylvester requested the Board approve said Resolution. The motion was seconded by Commissioner Buck and she recalled a recent discussion she had with Colorado State Senator Barbara Kirkmeyer, who addressed this matter through House Bill (HB) 24-1379. Commissioner Buck stated she, therefore, cannot support the passage of this Resolution, as the matter has already been addressed. After discussion, Bruce Barker, County Attorney, stated the authority of the Board to deem this matter unconstitutional is not addressed in the Colorado State Constitution. After further discussion, Chair Ross reviewed the two water bills brought before Colorado State legislators last year and stated he appreciates Ms. Sylvester’s sentiments, but reiterated the Board does not have authority over this matter. Commissioner James echoed the sentiments of Commissioner Buck and Chair Ross, and stated he cannot support the motion. Upon a roll call vote of one (1) to four (4), the motion failed, with Commissioner Saine being the sole affirmative vote. *(Clerk’s Note: Marked as Exhibit “A.”)*

8) SECOND READING OF CODE ORDINANCE #2024-05, IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 5 REVENUE AND FINANCE OF THE WELD COUNTY CODE *(NO APPROPRIATION FOR EMERGENCY SHELTERING OF ILLEGAL ALIENS)*: Commissioner Freeman moved to read Code Ordinance #2024-05 by title only. The motion was seconded by Commissioner James and it carried unanimously. Mr. Barker read the title for the record and further stated there have been no changes since First Reading. Steve Teets, City of Greeley resident, expressed his support for this matter and agreed appropriations for foreign nationals should not be prioritized above the needs of naturalized citizens. He shared the State of Colorado provides medical insurance for foreign nationals, despite many citizens fighting for Medicaid/Medicare coverage. There

was no further public testimony concerning this matter. Commissioner Saine moved to amend Code Ordinance #2024-05 on Second Reading to state Weld County will not use any funds from any department for servicing of illegal immigrants. There being no second, the motion failed. Commissioner Freeman moved to approve said Code Ordinance #2024-05 on Second Reading, as presented. The motion was seconded by Commissioner Buck and it carried unanimously.

9) FIRST READING OF CODE ORDINANCE #2024-07, IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 7 EMERGENCY MEDICAL SERVICES OF THE WELD COUNTY CODE: Mr. Barker reviewed the proposal to repeal Chapter 7 from the Weld County Code, as a result of the State of Colorado assuming licensing of emergency medical services, effective July 1, 2024. Mr. Barker advised the Board to make the Ordinance effective June 30, 2024. No public testimony was offered concerning this matter. Commissioner James moved to approve Code Ordinance #2024-07 on First Reading. The motion was seconded by Commissioner Buck and it carried unanimously.

PLANNING:

1) CONSIDER CERTIFICATION TO WELD COUNTY TREASURER OF ZONING VIOLATION PENALTIES AS SPECIAL ASSESSMENT – CONSUELO HERNANDEZ (*CONT'D FROM 11/20/2023*): Adria Schiel, Assistant County Attorney, reviewed the property location and stated the Board last heard this matter on November 20, 2023, and continued it to allow the property owner further time to bring the property into compliance. She indicated a recent inspection revealed the property is still in violation of the Weld County Code and reviewed the violation history, including the court-ordered daily penalty amount of \$20.00 per day. Ms. Schiel stated the violation period is from October 10, 2022, up to, but not including, April 20, 2024 (a period of 558 days), which amounts to \$11,160.00. Jordan Cook, Department of Planning Services, displayed an updated photo taken on May 8, 2024, reflecting the current status of the property. Consuelo “Connie” Hernandez, property owner, was present and explained the history of the property violation, and summarized the work she has done towards the goal of bringing the property into compliance. She requested information from the Department of Planning Services regarding different methods that will allow her to bring the property into compliance. In response to Chair Ross, Ms. Hernandez stated she believes she contacted the Department of Planning Services in January 2024 and has researched the process for selling the box cars currently located on the property. In response to Commissioner Saine, Ms. Hernandez stated she would like to sell the property, but her mother currently resides on the property and is against it being sold. After further discussion with Commissioner Saine, Ms. Hernandez stated she needs to further research the sale of the property. Chair Ross suggested the Board continue this matter to allow Ms. Hernandez further time for discussion with the Department of Planning Services. Commissioner Freeman moved to continue said certification to August 19, 2024, at 9:00 a.m., to allow the property owner further time to bring the property into compliance. The motion was seconded by Commissioner Buck and it carried unanimously.

2) SECOND READING OF CODE ORDINANCE #2024-08, IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 24 SUBDIVISIONS OF THE WELD COUNTY CODE (*RURAL LAND DIVISIONS [RLDF]*): Commissioner Freeman moved to read Code Ordinance #2024-08 by title only. The motion was seconded by Commissioner James and it carried unanimously. Mr. Barker read the title for the record. Maxwell Nader, Department of Planning Services, displayed a PowerPoint presentation and reviewed the proposed changes to Chapter 24 of the Weld County Code, specifically regarding the requirement for lots to be accessed via a single internal publicly dedicated right-of-way, pursuant to Section 24-6-20.A.13 of the Weld County Code. Mr. Nader stated there have been no changes since First Reading and staff recommends approval. No public testimony was offered concerning this matter. Commissioner James moved to approve Code Ordinance #2024-08 on Second Reading. The motion was seconded by Commissioner Saine. Chair Ross stated he does not relish changing the Weld County Code as a result of one-off instances and he understands the property in question was likely an unintended consequence of the original Rural Land Division (RLDF) Code

language. He noted his reservations concerning this matter. There being no further discussion and upon a roll call vote of four (4) to one (1), the motion carried, with Chair Ross opposed.

PUBLIC COMMENT:

1) Steve Teets, City of Greeley resident, offered his comments to the Board.

2) Diana Seele and Billie Delancey, Town of Johnstown residents, offered their comments to the Board and invited them to the Johnstown Meteorite Centennial Celebration on July 6, 2024. *(Clerk's Note: Marked as Exhibit "B.")*

RESOLUTIONS AND ORDINANCES: The Resolutions were presented and signed as listed on the Consent Agenda. Code Ordinance #2024-07 was approved on First Reading and Code Ordinances #2024-05 and #2024-08 were 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 9:59 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

Kevin D. Ross, Chair

BY: _____
Deputy Clerk to the Board

Perry L. Buck, Pro-Tem

Mike Freeman

Scott K. James

Lori Saine