

Record of Proceedings

Minutes

Board of County Commissioners Weld County, Colorado Monday, March 17, 2025

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 17, 2025, 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 Perry L. Buck, Chair
Commissioner Scott K. James, Pro-Tem
Commissioner Jason S. Maxey
Commissioner Lynette Peppler
Commissioner Kevin D. Ross

Also present:

Acting Clerk to the Board, Houston Aragon
County Attorney, Bruce Barker
Chief Financial Officer, Cheryl Pattelli

Minutes: Commissioner Maxey moved to approve the below listed Minutes of the Board of County Commissioners meeting, as printed. Commissioner James seconded the motion and it carried unanimously.

1. Minutes from March 3, 2025

Read Ordinances by Audio: Commissioner Ross moved to read the below listed Code Ordinances by audio. The motion was seconded by Commissioner James and it carried unanimously.

1. Code Ordinance #2025-03
2. Code Ordinance #2025-04

Amendments to Agenda: There were no amendments to the Agenda.

Consent Agenda: Commissioner Ross moved to approve the Consent Agenda, as printed. Commissioner Maxey seconded the motion and it carried unanimously.

Warrants:

1. **General Warrants:** Commissioner Ross moved to approve the General Warrants, as printed. Commissioner Peppler seconded the motion and it carried unanimously.
2. **Commissioner Warrants – Kevin D. Ross:** Commissioner Maxey moved to approve the Warrant for Commissioner Ross, as printed. Commissioner Peppler seconded the motion, and upon a roll call vote of four (4) to zero (0), the motion carried, with Commissioner Ross abstained.

Bids:

1. **Approve Bid #B2500014, Multi-Jurisdictional Hazard Mitigation Plan Update – Office of Emergency Management:** Toby Taylor, Purchasing Department, indicated staff utilized the Best Value procurement method, which is outlined in Section 5-4-40 of the Weld County Code, for selecting a contractor to update the Multi-Jurisdictional Hazard Mitigation Plan; and after staff's review, the recommendation is to award WSB, LLC, for the total amount of \$90,000.00. Commissioner Maxey moved to approve said bid. The motion was seconded by Commissioner Ross, and it carried unanimously.
2. **Approve Bid #B2500017, Erosion Control and Revegetation Services – Department of Public Works:** Mr. Taylor explained the bid was advertised as a multi-award bid, with the recommendation from staff being to select the two (2) lowest bidders that met specifications, Merjent, Inc., and Jomax Construction. He clarified Consolidated Divisions did not meet specification due to not being located within one (1) hour for logistical and emergent reasons. Therefore, staff recommends approval, for a total amount not to exceed \$582,000.00, that will be divided between the two (2) contractors. Commissioner James moved to approve said bid. The motion was seconded by Commissioner Ross, and it carried unanimously.
3. **Approve Bid #B2500022, Boiler and Piping Replacement for Alternative Programs Building – Facilities Department:** Mr. Taylor reviewed staff's recommendation to select FRPHI Hydronics, LLC, the low bidder meeting specifications, for a total amount of \$162,147.00. Commissioner Maxey moved to approve said bid. The motion was seconded by Commissioner Peppler, and it carried unanimously.
4. **Approve Bid #B2500041, On-Call Geotechnical Materials Testing and Engineering Services – Department of Public Works:** Mr. Taylor indicated staff utilized the Qualified Best Selection (QBS) procurement method, to select a contractor for On-Call Geotechnical Materials Testing and Engineering Services. He indicated the bidder meeting specifications, Ground Engineering Consultants, is staff's recommendation for approval with a total amount not exceed of

\$400,000.00. Commissioner Maxey moved to approve said bid. The motion was seconded by Commissioner Peppler, and it carried unanimously.

5. **Present Bid #B2500024, Weld County Regional Communications Center (911) Console Furniture – Department of Public Safety Communications:** Mr. Taylor stated five (5) bids were received and staff will make a recommendation on April 23, 2025.
6. **Present Bid #B2500032, 2025 Sign Material – Department of Public Works:** Mr. Taylor stated seven (7) bids were received, with four (4) being deemed as non-responsive, and staff will make a recommendation on March 31, 2025.

New Business – General:

1. **Consider Sales Quote for Purchase of Vehicle Pursuant to Colorado State Cooperative Pricing Agreement and Amendment #1 Terms and Conditions, and Authorize Controller to Sign Any Necessary Documents – KGA-FLG, LLC, dba Ken Garff Ford Greeley:** Mr. Taylor stated the Department of Fleet Services desires to purchase one (1) vehicle for the benefit of the Department of Public Works pursuant to a cooperative agreement and amendment, which allows the County to purchase items of this nature pursuant to Section 5-4-100 and Section 5-4-80 of the Weld County Code. Therefore, he indicated staff recommends approval of said purchase of a new 2025 Ford F550 with custom flatbed from Ken Garff Ford Greeley, pursuant to the Colorado State Cooperative Pricing Agreement #193819, for the amount of \$66,694.00. Commissioner James moved to approve said quote and authorize the Controller to sign any necessary documents. The motion was seconded by Commissioner Peppler, and it carried unanimously.
2. **Consider 4Rivers Equipment, LLC, Sales Quote for Purchase of Equipment Pursuant to Cooperative Purchasing Contract Terms and Conditions Between Sourcewell and Wirtgen America, Inc., and Authorize Controller to Sign Any Necessary Documents:** Mr. Taylor stated the Department of Fleet Services desires to purchase new equipment for the benefit of the Department of Public Works pursuant to a cooperative agreement and amendment, which allows the County to purchase items of this nature pursuant to Sections 5-4-100 and 5-4-80 of the Weld County Code. Therefore, staff recommends approval of said purchase of a new 2025 Wirtgen WR240i Soil Stabilizer from 4Rivers Equipment, LLC, pursuant to the Sourcewell Cooperative Purchasing Contract #060122, for the amount of \$753,972.37. Commissioner James moved to approve said quote and authorize the Controller to sign any necessary documents. The motion was seconded by Commissioner Maxey, and it carried unanimously.

- 3. Consider Sales Quote for Purchase of Used Equipment and Authorize Controller to Sign Any Necessary Documents – 4Rivers Equipment, LLC:** Mr. Taylor stated the Department of Fleet Services desires to purchase used equipment for the benefit of the Department of Public Works to replace a similar unit currently leased. He noted Section 5-4-50 of the Weld County Code allows the County to purchase items of the unbiddable nature. Therefore, staff recommends approval of said purchase of a new 2024 John Deere 410P Articulated Haul Dump Truck from 4Rivers Equipment, LLC, for the amount of \$601,102.41. Commissioner Maxey moved to approve said quote and authorize the Controller to sign any necessary documents. The motion was seconded by Commissioner Ross, and it carried unanimously.
- 4. Consider Establishing Neighborhood to be Served, Designating Commissioner to Make On-Site Inspection, and Setting Hearing Date Concerning Application for Retail Liquor Store (County) License – Crow Valley Liquor, Inc., dba Crow Valley Liquors:** Mathew Conroy, Assistant County Attorney, stated the Resolution is the first step to obtain a new county liquor license at an existing establishment and explained the former owner has moved out of state. He indicated Commissioner Maxey has volunteered to perform the site inspection and report back to the Board with findings and a recommendation on April 2, 2025, at 9:00 a.m. Commissioner James moved to approve said establishment of neighborhood to be served, designate Commissioner Maxey for an on-site inspection, and set the hearing date for the retail liquor store application. The motion was seconded by Commissioner Ross and it carried unanimously.
- 5. Consider Appointment of David Eisenbraun as Interim Chief Building Official of Weld County Department of Planning Services:** David Eisenbraun, Director of the Department of Planning Services, explained, as a result of the resignation of the former Chief Building Official, he will provide interim guidance until a new Chief Building Official is employed for Weld County. Commissioner James moved to approve said appointment. The motion was seconded by Commissioner Ross and it carried unanimously.
- 6. Consider Contract ID #9206 Memorandum of Agreement to Purchase Property Interest for Right-of-Way Acquisition for County Roads 13 and 54 Intersection Roundabout Project (Southeast Corner), and Authorize Chair to Sign – Loveland Ready-Mix Concrete, Inc.:** Clay Kimmi, Department of Public Works, stated the agreement is for the purchase of right-of-way located on the southeast corner of the County Roads 54 and 13 intersection for the construction of a roundabout project, for the cost of \$2,937,384.00, plus closing costs which are estimated to be no more than an additional \$2,000.00. He indicated the total amount is less than the original amount previously indicated in the pass around request, noted the money is in the 2025 budget, and stated staff recommends approval. In response to Commissioner James, Mr. Kimmi detailed the cost breakdown between the value of the land and the infrastructure improvements

associated with the relocation of easement accesses, scale house, and other noted items for Loveland Ready-Mix Concrete, Inc., as a result of the design impeding the current locations. Commissioner James moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner Ross and it carried unanimously.

7. **Consider Contract ID #9118 Professional Service Agreement for Photography at 2025 Weld County Fair and Authorize Chair to Sign – Flying M Photography, LLC:** Mikayla Gabel, Fair Coordinator for the CSU Extension Service of Weld County, stated the Weld County Fair Board has recommended Flying M Photography, LLC, as the official photographer for the 2025 Weld County Fair. She indicated a sponsorship, in the amount of \$7,500.00, has been secured to provide payment for the photography. Commissioner Maxey moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner Ross and it carried unanimously.
8. **Consider Professional Service Agreement for Property Cleanup Services (3716 Yosemite Drive, Greeley) and Authorize Chair and County Attorney's Office to Sign – Oak Environmental, LLC:** Adria Schiel, Assistant County Attorney, stated the agreement, in the amount of \$7,200.00, allows for the first phase of the clean-up efforts to begin for a property located at 3716 Yosemite Drive in the Hill N Park neighborhood of Greeley, Colorado, as a result of the district court's determination that the property is a public nuisance. Commissioner Ross moved to approve said agreement and authorize the Chair and County Attorney's Office to sign. The motion was seconded by Commissioner Maxey and it carried unanimously.
9. **Consider Cancellation of Board of County Commissioners Meeting Scheduled for April 16, 2025:** Commissioner James moved to approve said Resolution due to the Board attending an Oil and Gas Symposium. The motion was seconded by Commissioner Ross and it carried unanimously.

New Business – Ordinances:

1. **First Reading of Code Ordinance #2025-03, In the Matter of Repealing and Reenacting, with Amendments, Chapter 2 Administration and Chapter 5 Revenue and Finance of the Weld County Code (Miscellaneous Finance Policy Changes):** Cheryl Pattelli, Chief Financial Officer, reviewed the proposed changes to miscellaneous policies related to mileage reimbursement, p-cards, employee travel, frequency of warrant payments, convenience fees, and equipment and capital improvement depreciation. There was no public testimony concerning the matter. Commissioner James moved to approve Code Ordinance #2025-03 on First Reading. The motion was seconded by Commissioner Ross and it carried unanimously.

2. **First Reading of Code Ordinance #2025-04, In the Matter of Repealing and Reenacting, with Amendments, Chapter 8 Public Works and Chapter 11 Franchises of the Weld County Code (Collateral Records and Franchises):** Bruce Barker, County Attorney, reviewed the proposed changes to Chapters 8 concerning collateral records and Chapter 11 concerning franchises for cable contracts. There was no public testimony concerning the matter. Commissioner Maxey moved to approve Code Ordinance #2025-04 on First Reading. The motion was seconded by Commissioner James and it carried unanimously.

New Business – Planning:

1. **Consider Contract ID #9209 Professional Service Agreement for On-Call Planning Services and Authorize Chair to Sign – Ayres Associates, Inc.:** Mr. Eisenbraun explained, as a result of a work session held on February 3, 2025, regarding staff workload and high priority cases, it was determined to contract with temporary consultants to assist senior-level planning staff. He further noted the temporary assistance will be provided by former Weld County planning staff, which is an added benefit with their understanding to avoid delays in processing cases. Mr. Eisenbraun indicated the contract is through December 31, 2025, for the total amount of \$100,000.00, and staff recommends approval. Commissioner Ross moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner Peppler and it carried unanimously.
2. **Consider Termination of Improvements Agreement According to Policy Regarding Collateral for Improvements for Use by Special Review Permit, USR11-0019 – Kenneth Everitt:** Jazmyn Trujillo-Martinez, Department of Planning Services, requested the termination of the agreement as a result of the approved vacation of Use by Special Review Permit, USR11-0019. Commissioner Ross moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner Maxey and it carried unanimously.
3. **Consider Termination of Improvements and Road Maintenance Agreement for According to Policy Regarding Collateral Use by Special Review Permit, USR17-0067 – Robert L. Seltzer Family Trust, c/o Gallacher Development, LLC:** Ms. Trujillo-Martinez requested the termination of the agreement as a result of the property being acquired by new owners, Public Storage Operating Company, who have entered into a new contract with the County that was approved on the Consent Agenda this morning. Commissioner James moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner Peppler and it carried unanimously.

- 4. Consider Termination of Improvements and Road Maintenance Agreement According to Policy Regarding Collateral for Improvements for Use by Special Review Permit, USR18-0044 – Tricycle Lane Texas, LLC:** Ms. Trujillo-Martinez requested the termination of the agreement as a result of the approved vacation of USR18-0044. Commissioner Maxey moved to approve said agreement and authorize the Chair to sign. The motion was seconded by Commissioner Ross and it carried unanimously.
- 5. Consider Cancellation and Full Release of Warranty Collateral for Minor Subdivision Final Plan, MINF12-0001, Weld County Industrial Park – Weld County Industrial Park Association/Peckham Development Corporation, c/o Mark Goldstein:** Ms. Trujillo-Martinez requested the release of warranty collateral, in the amount of \$111,118.85, that has been held in the form of an Irrevocable Letter of Credit issued by FirstTier Bank. She stated the applicant has fulfilled the two (2) year warranty obligation, and noted staff is supportive of said release after inspection of the improvements were deemed satisfactory. Ms. Trujillo-Martinez indicated all terms and conditions of the Road Maintenance Agreement (RMA) will remain in effect for the life of the USR. Commissioner James moved to approve said cancellation and authorize the full release of said warranty collateral. The motion was seconded by Commissioner Ross and it carried unanimously.
- 6. Consider Cancellation and Full Release of Warranty Collateral for Planned Unit Development Final Plan, PUDF18-0007 (Spanish Fox Estates) – Lawrence and Jacquelyn Bebo:** Ms. Trujillo-Martinez requested the release of warranty collateral, in the amount of \$46,326.60, that has been held in the form of a Decree Certificate issued by Travelers Casualty and Surety Company of America. She stated the applicant has fulfilled the two (2) year warranty obligation, and noted staff is supportive of said release after inspection of the improvements were deemed satisfactory. Ms. Trujillo-Martinez indicated all terms and conditions of the Road Maintenance Agreement (RMA) will remain in effect for the life of the USR. Commissioner Maxey moved to approve said cancellation and authorize the full release of said warranty collateral. The motion was seconded by Commissioner Ross and it carried unanimously.

Public Comment: No public comment was offered.

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 9:33 a.m.

The Board of County Commissioners of Weld County, Colorado, approved the above and foregoing Minutes, on motion duly made and seconded, by the following vote on the 31st day of March, A.D., 2025:

Perry L. Buck, Chair: Aye
Scott K. James, Pro-Tem: Aye
Jason S. Maxey: Aye
Lynette Peppler: Aye
Kevin D. Ross: Aye



Attest:

Esther E. Gesick, Clerk to the Board