

MINUTES OF THE BOARD OF COUNTY COMMISSIONERS

MONDAY, JULY 8, 2024

LAND USE HEARING

The Board of County Commissioners met at 3:00 p.m. with Jenny Axmacher, Planning Manager. Chair Kefalas presided. Commissioners Shadduck-McNally and Stephens were present. Also present were Justin Currie, Planner; Laura Culleton, Planner; and, Christina Scrutchins, Administrative Assistant; David Pringle, Civil Engineer; Kassidee Fior, Principal Planner; Lea Schneider, Environmental Health Planner; Christine Luckasen, Assistant County Attorney; and, Heather Arment, Deputy Clerk.

Chair Kefalas opened the meeting with the Pledge of Allegiance.

PUBLIC HEARING CONSENT ITEMS:

There was nobody in-person or online who wished to pull any of the Public Hearing Consent Items off of the agenda.

1. UNIVERSITY OF DENVER APPEAL, FILE NO. 24-GNRL0552

PROJECT DESCRIPTION/BACKGROUND:

The applicant is requesting an appeal to Article 8.4 of the Land Use Code to allow construction of a 14' freestanding sign where a maximum of 6' is normally permitted. The proposal is for a monument sign to be positioned approximately 100' off the roadway in a rural area along the frontage of the James C. Kennedy Mountain Campus for the University of Denver just ahead of the campus roadway entrance along County Road 74e in Red Feather Lakes.

The James C. Kennedy Mountain Campus consists of 6 parcels of land making up over 700- acres, all owned by the University of Denver. This campus is used by both students and faculty of the University of Denver to grow their education through programs and activities. Parcel #2908000971 is a vacant parcel located adjacent to County Road 74e and serves as the access point for the Mountain Campus. This parcel will remain vacant but is the proposed location of the 14' sign.

The applicant states in their project description that this sign is designed to indicate that motorists are approaching the entrance to the James C. Kennedy Mountain Campus. Additionally, the sign has been proposed to be located slightly before the 85 entrance to the Mountain Campus due to the mature treescapes, curves in the roadway, overall terrain of the parcel. The applicant has indicated that the topography of this property is not flat and there are mature trees in this location. To preserve the integrity of the property, with minimal disturbance to the excising landscape, the applicant has indicated that the proposed sign would need to be 14 feet in height for it to be visible to motorists traveling along County Road 74e.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends approval of the University of Denver Appeal, File No. 24-GNRL0552.

2. FELLOWS LOT CONSOLIDATION & EASEMENT VACATION, FILE NO. 24-LAND4422

PROJECT DESCRIPTION/BACKGROUND:

The applicant/property owner is requesting to consolidate two legal lots in the Glacier View Meadows 9th subdivision. The applicant/property owner is also requesting to vacate the 20' wide utility easement that runs between these two lots.

The property owner originally purchased lot 82 with the understanding that the physical characteristics of the property would be a challenge to build on. Several years later, when adjacent lot 79 came up for sale, the owner recognized the addition of this property could help reduce those building challenges. The property owners decided to purchase lot 79, with the intention of one day combining the two and vacating the adjoining utility easement. This property is currently undeveloped, but the property owners are interested in constructing a single-family home in the future.

Poudre Valley REA, Centurylink, and Glacier View Meadows Water and Sewer are currently the utility providers that service this property. All utility providers have signed the utility checksheet.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends approval of the request to vacate a 20-foot wide and 290.15-foot-long utility easement within the Glacier View Meadows 9th Filing subdivision, File No. 24-LAND4422.

and

The Development Services Team recommends approval of the Fellows Lot Consolidation, File No. 24-LAND4422, subject to the following conditions:

1. The property will be subject to all restrictions, covenants, and conditions as set forth in the plat of record for the Glacier View Meadows 9th Filing Subdivision.
2. Any future uses on this lot shall obtain approval through the applicable review procedure as established in the Larimer County Land Use Code prior to commencement of the use.
3. The Findings and Resolution shall be a servitude running with the property. Those owners of the Property or any portion of the Property who obtain title subsequent to the date of

recording of the Findings and Resolution, their heirs, successors, assigns or transferees, and persons holding under applicants shall comply with the terms and conditions of this amended plat approval.

3. VAN BLARICOM APPEAL, FILE NO. 24-ZONE3631

DISCUSSION:

This request is an appeal to Article 3.4.5.A.3 of the Larimer County Land Use Code which limits the size of a detached accessory living area (ALA) on lots with an area of 100,000 square feet or greater to 75 percent of the square footage of the single-family dwelling, excluding any garage or basement area whether finished or unfinished, or 1,200 square feet, whichever is less. In this case, the applicant is seeking a 1,350 square foot ALA.

The subject property is a 37-acre parcel located at 3848 S County Road 29, Loveland which is approximately 1.5 miles east of Carter Lake Reservoir and approximately 2 miles south of the intersection of West County Road 18E and South County Road 29. The property is currently developed with a 1,138 square foot modular dwelling containing 3 bedrooms and 2 bathrooms and an unconditioned 212 square foot storage room for a total of 1,350 square feet, in addition to four detached accessory structures (three sheds and one barn) on the property. The applicant/property owner is proposing to construct a new single-detached dwelling with an attached garage on the property and is therefore seeking to convert the existing 1,350 square foot single-detached modular dwelling into a detached accessory living area (the subject of this request).

The property is served by an existing residential tap from the Little Thompson Water District and an on-site septic system. Both dwellings will share the existing access point off South County Road 29. Adequate parking for the proposed residence and accessory living area are provided on the property.

The applicant/property owner is seeking approval through a concurrent Administrative Special Review process for an accessory living area and is requesting an appeal to the size limit. The new primary dwelling on the property is proposed to be approximately 1,925 square feet (subject to finalization of construction drawings), while the size of the existing modular dwelling proposed to be converted to an accessory living area would be 1,350 square feet. The applicant/property owner has indicated that the accessory living area is intended to provide long term housing for an immediate family member. Excluding the basement and garage from the calculations, the proposed accessory living area would not exceed 75% of the square footage of the main home, however it would exceed the maximum 1,200 square feet requirement. The requested 1,350 square foot accessory living area would be approximately 70% of the square footage of the main home and 150 square feet over the 1,200 square feet maximum.

The Board of County Commissioners is only hearing the size appeal. If the size appeal is granted by the Board of County Commissioners, the Administrative Special Review for the detached ALA can be approved administratively by the Community Development Director or their designate.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends approval of the Van Blaricom Accessory Living Area Appeal, File 24-ZONE3631.

The Development Services Team notes that if the proposed appeal is approved, additional conditions will be placed on the Administrative Special Review approval including meeting all development standards and obtaining all applicable permits.

MOTION

Commissioner Stephens moved that the Board of County Commissioners approve the three items on the Consent Agenda subject to the conditions in the staff reports and acknowledging that there have been updated conditions to the third item, the Van Blaricom Appeal, and further moved to authorize the Chair to sign the Findings and Resolutions.

Motion carried 3-0.

TABLED ITEMS FROM MAY 20, 2024:

1. RUSSELL SHORT-TERM RENTAL, FILE NO. 22-ZONE3397

PROJECT DESCRIPTION/BACKGROUND:

The subject property is located at 3919 Joni Ln. Loveland, CO 80537. The property currently contains an existing single-family residence and is zoned RR-2 (Rural Residential). The applicant requests Administrative Special Review approval for a small Short-Term Rental (STR) located in the existing 4-bedroom single-family residence plus 1 additional sleeping area with a maximum occupancy of ten (10) total guests, two (2) guests per bedroom/sleeping area.

Administrative Special Review for an STR requires both Planning Division and Building Division approval. For this case, the initial Life Safety Inspection through the Building Division was conducted first, followed by Planning Division review. In general terms, the Planning review process involves:

1. Pre-application conference and application submittal;
2. Staff and referral agency evaluation and comment review;
3. Community notice and community comment review;
4. The scheduling of a public hearing, if applicable, or an administrative review and decision by the Community Development Director.

County staff mailed a courtesy community notification about the proposed project to properties within 500-feet of the subject property and all properties within the Longs Peak Estates Subdivision. Staff mailed 48 notices on January 10, 2024. Staff received community comments from four (4) community members noting concerns.

Following a review of the application, including reviewing community member and referral agency comments, the Community Development Director determined that this application should be scheduled for a public hearing before the Board of County Commissioners for their decision, per Section 6.3.6.D.3 of the Land Use Code, based on the unresolved issues described below.

Administrative Special Review requires General Review Criteria to be met for approval (Section 6.4.3.D in the Land Use Code), in addition to supplemental review criteria for small STRs (Section 3.3.5.B.2. in the Land Use Code).

Staff finds the application and supporting materials may not have adequately met the following Administrative Special Review General Review criteria in Section 6.4.3.D of the Land Use Code, as described under the Review Criteria section below:

Criteria 1: *The proposed use has minimal impacts on existing and future development of the area.*

Criteria 2: *Any impacts associated with the environment, wildlife, access, traffic, emergency services, utilities, parking, refuse areas, noise, glare, odor, and other adverse impacts have been adequately addressed and/or mitigated.*

Staff finds the application meets all other criteria in Section 6.4.3.D and meets or will meet all Short-Term Rental Use Regulations criteria located in Section 3.3.5.B.2.

DEVELOPMENT SERVICES TEAM RECOMMENDATION: The Development Services Team is not making a specific recommendation on the Russell Short-Term Rental, File #22-ZONE3397, and has presented all the information by which the Board of County Commissioners may base their deliberation and decision.

STAFF PRESENTATION:

Ms. Culleton addressed the Board giving details of the property location including a vicinity map. She also provided details of the request, property owner/applicant, current zone district and other details in relation to this request. Ms. Culleton also detailed neighbor notification and referral agency comments along with the responses received, if any. She detailed the General Review Criteria and the Standards for Short-Term Rentals with Ten or Fewer Occupants. Ms. Culleton explained the reason for the referral to the Board of County Commissioners. She noted the Staff Findings and concluded the staff presentation with two suggested motions – one for denial and one for approval with conditions.

Chair Kefalas asked a question in regard to the referral agency letters concerning some structures that were not property permitted when they were built. Ms. Culleton stated that they (the applicant[s]) did go through the process to resolve the concerns.

APPLICANT PRESENTATION:

Jim and Debra Russell address the Board. Mr. Russell stated that they passed all of the County requirements – and explained why he believes this would be a good, suitable location. Ms. Russell described the property in question with respect to the surrounding properties. She also explained how/why they came to the decision to request approval for a short-term rental property.

Commissioner Shadduck-McNally confirmed with Mr. and Ms. Russell that as part of the conditions, there would be no off-street parking allowed – that vehicles would be required to be parked in the driveway. Mr. Russell explained that there is a long driveway and some gravel for parking as well.

Chair Kefalas asked Mr. and Ms. Russell what communication or outreach they have made with their neighbors to see if there is common ground that could be found. Ms. Russell explained their viewpoint of the situation and that she did send a letter to neighbors.

Chair Kefalas asked Mr. and Ms. Russell if the property has been vacant for the past five years per the applicant response to community comments. Mr. and Ms. Russell confirmed this and the reason why the house has been vacant.

PUBLIC COMMENT:

Joseph Mahlberg, Adrian Martinez, Louise Martinez, David Barber / Karen Barber, Cynthia Tiger, Zachary Kamerzell, Anna Holmes-Koska, and Tom Dickson each addressed the Board and spoke in opposition of this request for a short-term rental property.

Trish Hoogland addressed the Board and spoke in favor of this request for a short-term rental property.

Chair Kefalas closed public comment.

APPLICANT REBUTTAL

Mr. and Ms. Russell addressed the Board to reiterate their reasoning for their request for a short-term rental property and made a point to note that their intention is not to hurt the neighborhood.

Commissioner Shadduck-McNally asked staff to confirm – are short-term rentals considered single family residences, or what does the code classify them as. Ms. Culleton confirmed that short-term rentals are classified as commercial lodging facility use.

Chair Kefalas asked staff – are there currently any short-term rentals operating. Ms. Culleton advised there are not any approved short-term rentals in this neighborhood or in the direct vicinity.

BOARD OF COUNTY COMMISSIONER DELIBERATION

Commissioner Shadduck-McNally stated that the Board is aware of the pros and cons in regard to short-term rental property requests.

Commissioner Stephens stated that it is important to have these conversations publicly and appreciates all of those who spoke during public comment.

Chair Kefalas stated that, fundamentally, he will base his decision on whether the criterion has been met.

MOTION

Commissioner Shadduck-McNally moved that the Board of County Commissioners deny the Russell Short-Term Rental, File No. 22-ZONE3397.

Motion carried 3-0.

The Board took a brief recess.

The Board returned to session.

PUBLIC HEARING DISCUSSION ITEMS:

1. CECIL SIGN APPEALS, FILE NO. 24-GNRL0553

DISCUSSION:

The applicant requests seven (7) appeals to Article 8.0 of the Land Use Code to allow a new electronic billboard where none would be allowed and to allow it to be larger and taller than a freestanding sign is allowed in the CC – Commercial Corridor zoning district. The sign is proposed to be located at the northwest corner of I-25 and Highway 60.

In exchange for the new billboard, the applicant proposes to remove 24 existing billboards from unincorporated Larimer County and Fort Collins, including 14 along the Cache la Poudre-North Park Scenic Byway and 2 located on the subject property. They propose to remove 34 total sign faces and 2,311 square feet of sign area. They will replace the items mentioned above with one (1) two-sided electronic message display (EMD) billboard with a sign area of 396 square feet for each face, (36 ft. x 11 ft.) for a total sign area of 792 square feet.

Lamar is the lessee of a portion of the property and requests appeals from the following Larimer County Land Use Code sections for the new sign:

- **Appeal #1** 8.2.4.A.3.b. (Prohibited Signs - Billboards)

- The applicant is appealing the land use standard of prohibiting billboards in unincorporated Larimer County in order to allow a new electronic billboard.
- **Appeal #2** 8-10 (Definitions - Billboard)
 - Applicant requests an appeal to the prohibition of billboards as a sign type, set out in 8.2.4.A.3.b.
- **Appeal #3** 8.3.2.B.1.b.(EMD Display Time & Transitions)
 - The applicant is appealing the display change standard, the code requires a change every 90 seconds and the applicant is proposing a change every 60 seconds.
- **Appeal #4** 8.3.2.F. (EMD in Monument, Pole, or Attached Sign)
 - The applicant is appealing that an EMD can only be permitted as an element of a monument, pole, or attached sign. They are proposing attaching the EMD to a billboard instead.
- **Appeal # 5** 8.4.3.B.2.a.(Calculation of Maximum Total Sign Area) and Table 8-7 & 8-8
 - The applicant is appealing the total sign area. Per the Land Use Code, the total sign area shall not exceed two square feet per linear foot of building frontage. The subject property has approximately 95 feet of frontage, limiting the sign area to 190 square feet. The applicant is asking for 396 square feet of sign area per sign face, for a total of 792 square feet. With that proposed increase they proposed removing 2,311 square feet of existing billboard sign area through the County.
- **Appeal # 6** 8.4.3.D.1.(Freestanding Sign Standards by Setback) and Table 8-8
 - The Larimer County Land Use Code does not allow freestanding signs taller than 18 feet or larger than 90 square feet per sign face. To have a freestanding sign of that height and size, the sign would need to have a setback of 36 feet or more from the property line. The applicant is appealing this standard and proposing a 5-foot setback, a sign height of 31 feet, and a sign area of 396 square feet per sign face (two total) for a total of 792 square feet.
- **Appeal #7** 8.4.3.E.3.a.(Illumination Standards)
 - The applicant is proposing a larger percent of sign face that can be an EMD as part of an attached or freestanding sign. They are requesting 94.2% of EMD sign face where the Code allows a freestanding pole sign to have a maximum of 50% of total sign face a

While the approval of the appeal(s) would allow an EMD billboard on this property, the applicants are proposing to remove 24 existing non-EMD billboards. The removal of those existing billboards will reduce overall sign clutter and place an EMD billboard on a site where such a use is more appropriate, located along I-25.

The applicant worked with County Staff prior to submitting the appeal request on the number of existing signs to be removed along with the appropriate ratio of sign area being removed and sign area being added. In this case the applicant proposes a 3:1 ratio of sign area removed to sign area added, 2,311 square feet being removed, and 792 square feet being added (396 square feet per sign face). This results in 24 sign structures being removed with one new sign proposed (24:1 ratio) and 34 total sign faces being removed with 2 new faces proposed (17:1 ratio).

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends approval of the Cecil Sign Appeal, File# 24-GNRL0553

STAFF PRESENTATION:

Mr. Currie addressed the Board giving details in regard to the location, request, appeal summary, review criteria, recommendation, and suggested motion subject to conditions.

Ms. Axmacher clarified that the proposed new sign is in exchange for removing 24 existing signs as part of the proposal.

Commissioner Shadduck-McNally confirmed with staff that the current 24 signs are not electronic. She also asked if the proposed sign would be within code/meet standards in regard to night-sky in relation to light pollution. Mr. Currie addressed the Commissioner's questions. Commissioner Shadduck-McNally asked that staff restate the undue hardship on the applicant. Mr. Currie restated the undue hardship on the applicant to the Board.

Commissioner Stephens asked staff to explain in further detail Appeal #2 (definitions). Ms. Luckasen addressed the Board to give additional details in regard to Appeal #2.

Chair Kefalas asked Mr. Currie if he would like to comment on the letter received from the Town of Johnstown. Mr. Currie addressed this with the Board.

Rebecca Everette, Community Development Director, addressed the Board to offer additional information. A significant aspect of this application was the conversation about the ratio of replacement of existing signs and new signs as well as the level of community benefit of removing sign clutter and driver distraction with removal of existing signs in exchange for a new electronic billboard. And, also taking into consideration the location of existing billboards versus where the new billboard would be located – visually.

Commissioner Shadduck-McNally asked staff – if the current signs are removed, what is keeping the signs from reappearing in future years. Ms. Everette and Mr. Currie addressed the Commissioner's question.

APPLICANT PRESENTATION

Steve Cecil, Lamar Advertising, addressed the Board giving details of the application including the conditions of approval.

Chair Kefalas opened public comment.

There was no public comment in person or on-line.

Commissioner Shadduck-McNally asked staff what their response is to Mr. Cecil's concerns to the conditions of approval. Chair Kefalas requested clarification as to which condition(s) modifications are being asked for. Mr. Currie and Ms. Axmacher clarified the conditions in which the applicant is requesting adjustments to as well as clarifying staff recommendations. Chair Kefalas asked staff to clarify the applicant's concern regarding a gap between removing the existing signs and building the new sign. The Board and staff continued to discuss this matter in further detail.

BOARD OF COUNTY COMMISSIONER DELIBERATION

Commissioner Stephens stated she could not support this application due to the number of appeals and does not believe the application is consistent with the code.

Commissioner Shadduck-McNally stated her concern with the size and timing of the sign.

Chair Kefalas acknowledged the requests for variances but believes staff has justified why the appeals are being requested.

Staff presented the Board with revised conditions.

The Board asked for and received additional clarification from staff and Mr. Cecil in regard to the size and timing of the sign.

MOTION

Commissioner Shadduck-McNally moved that the Board of County Commissioners approve the Cecil Sign Appeal File No. 24-GNRL0553 subject to the conditions that appear on the screen that staff have revised and presented in the meeting today to the Board and those following conditions.

Motion carried 2-1, with Commissioner Stephens dissenting.

With there being no further business, the Board adjourned at 5:35 pm

TUESDAY, JULY 9, 2024

ADMINISTRATIVE MATTERS MEETING

The Board of County Commissioners met at 9:00 a.m. with County Manager Lorenda Volker. Chair Pro-Tem Stephens presided. Commissioner Shadduck-McNally was present. Chair Kefalas was excused. Also present were Sarah Martin and Tom Clayton, Commissioners' Office, and Heather Arment, Deputy Clerk.

Chair Pro-Tem Stephens opened the meeting with the Pledge of Allegiance.

1. **PUBLIC COMMENT:** There was no public comment in person or on-line.

Chair Pro-Tem Stephens closed Public Comment.

2. **APPROVAL OF THE MINUTES FOR THE WEEK OF JULY 1, 2024**

M O T I O N

Commissioner Shadduck-McNally moved that the Board of County Commissioners approve the minutes for the week of July 1, 2024.

Motion carried 2 – 0.

3. **REVIEW OF THE SCHEDULE FOR THE WEEK OF JULY 15, 2024:** Ms. Martin reviewed the upcoming schedule with the Board.

4. **CONSENT AGENDA:**

ABATEMENTS

1. **PETITION FOR ABATEMENT OR REFUND OF TAXES: EXCEEDS THE ALLOTTED REFUND AMOUNT OF \$10,000 – BRANDS WEST PHASE I LLC, R1677407, Tax Year 2023**
2. **PETITION FOR ABATEMENT OR REFUND OF TAXES: EXCEEDS THE ALLOTTED REFUND AMOUNT OF \$10,000 - STONEBOX 22 LLLP, R1605211, Tax Year 2023**
3. **PETITION FOR ABATEMENT OR REFUND OF TAXES: EXCEEDS THE ALLOTTED REFUND AMOUNT OF \$10,000 - VALLEY BANK AND TRUST CO NKA WESTERN STATES BANK, R1317253, Tax Year 2023**

AGREEMENTS

1. **DEVELOPMENT AGREEMENT FOR MONTY SUBDIVISION FILE NO. 20-LAND4018**

APPOINTMENTS

1. **RECOMMENDED MIDTERM APPOINTMENT TO THE FAIR BOARD - Michelle Wilcox**

2. **RECOMMENDED MIDTERM APPOINTMENTS TO THE WORKFORCE DEVELOPMENT BOARD - David Roecker, Luke Margheim, Hope Hartman, and Joshua Alvarez**

LIQUOR LICENSES

1. **LIQUOR LICENSE RENEWAL-ME OH MY COFFEE AND PIE LLC DBA ME OH MY COFFEE AND PIE ME OH MY COFFEE AND PIE – Laporte, Colorado**
2. **LIQUOR LICENSE RENEWAL- SUPERMARKET LIQUORS INC DBA SUPERMARKET LIQUORS INC SUPERMARKET LIQUORS INC – Fort Collins, Colorado**

MISCELLANEOUS

1. **ADVANCING A 2025 LEGISLATIVE PROPOSAL THROUGH CCI'S LEGISLATIVE PRIORITY PROCESS- AGRICULTURAL LAND IN URBAN RENEWAL AUTHORITIES**
2. **FOUNDRY THEATRE LLC STIPULATION AS TO TAX YEAR 2023 VALUE**
3. **FRRE LLC STIPULATION AS TO TAX YEAR 2023 VALUE**
4. **SPIRIT REALTY LP STIPULATION AS TO TAX YEAR 2023 VALUE**

M O T I O N

Commissioner Shadduck-McNally moved the Board to approve the Consent Agenda for July 9, 2024.

Motion carried 2– 0.

5. **COMMISSIONERS' GUESTS:** The Commissioners did not have any guests.
6. **DISCUSSION ITEMS:** None Requested
7. **COUNTY MANAGER UPDATE:** County Manager Volker briefly detailed the events of the previous week.
8. **COMMISSIONER ACTIVITY REPORTS:** The Board briefly detailed their attendance at events during the previous week.
9. **LEGAL MATTERS: EXECUTIVE SESSION**

Executive Session pursuant to C.R.S. 24-6-402(4)(b): Conferences with an attorney for the purpose of receiving legal advice regarding Jordan Rich vs. John Feyen, et al.

Executive Session pursuant to C.R.S. 24-6-402(4)(b): Conferences with an attorney for the purpose of receiving legal advice regarding Dustin Bartles vs. Larimer County Sheriff's Office, et al.

MOTION

Commissioner Shadduck-McNally moved that the Board of County Commissioners enter into executive session pursuant to C.R.S. 24-6-402(4)(b): Conferences with an attorney for the purpose of receiving legal advice regarding U.S. District Court Case No. 24-CV1496 Jordan Rich vs. John Feyen, et al.

Motion carried 2-0.

David Ayraud, Deputy County Attorney, addressed the Board. Mr. Ayraud explained that the purpose of the executive session was in regard to some civil rights issues concerning the placement of a dog in the humane society and some issues surrounding the towing of a vehicle. Mr. Ayraud asked the Board to authorize their office to defend the defendants plus any others that are named in the future in this case, plus authorize defense and indemnification costs including potential outside council if necessary.

MOTION

Commissioner Shadduck-McNally moved that the Board of County Commissioners authorize the County Attorney to defend the Board of County Commissioners; John Feyen, in his official capacity as Larimer County Sheriff; and, other County employees as the complaint is amended, and provide full indemnity to them including punitive damages in the Jordan Rich case U.S. District Court Case No. 24-CV1496 and further move that Bruno, Colin, Goddard and Lowe, P.C. be retained as co-council.

Motion carried 2-0.

MOTION

Commissioner Shadduck-McNally moved that the Board of County Commissioners enter into executive session pursuant to the C.R.S. 24-6-402(4)(b): Conferences with an attorney for the purpose of receiving legal advice regarding U.S. District Court Case No. 24-CV00080 Dustin Bartles vs. Larimer County Sheriff's Office, et al.

Motion carried 2-0.

David Ayraud, Deputy County Attorney, addressed the Board. Mr. Ayraud explained that the purpose of the executive session was in regard to allegations about civil rights claims surrounding an incident that happened in January 2022. Mr. Ayraud asked the Board to authorize their office to defend named

defendants and approve defense and indemnification costs including potential outside council if necessary.

MOTION

Commissioner Shadduck-McNally moved that the Board of County Commissioners authorize the County Attorney to defend the Board of County Commissioners, Larimer County Sheriff's Office, James Sazama, Walter Stuller, Gordon McLaughlin, Jackie Stimac, and other County employees as the complaint is amended, and provide full indemnity to them including punitive damages in the Dustin Bartles case U.S. District Court Case No. 24-CV00080 and further move that Bruno, Colin, Goddard and Lowe, P.C. be retained as co-council.

Motion carried 2-0.

With there being no further business, the Board adjourned at 10:00 a.m.


JOHN KEFALAS
BOARD OF COUNTY COMMISSIONERS

TINA HARRIS
CLERK AND RECORDER

ATTEST:


Heather Arment, Deputy Clerk

