



MINUTES OF THE BOARD OF COUNTY COMMISSIONERS

MONDAY, FEBRUARY 22, 2021

LAND USE HEARING

The Board of County Commissioners met at 3:00 p.m., with Don Threewitt, Principal Planner. Chair Kefalas presided. Commissioner Shadduck-McNally and Commissioner Stephens were present. Also present were: Jenn Cram, Leslie Ellis, and Tawn Hillenbrand, Community Development; Stephen Rothwell and Connor Sheldon; Engineering; Jeannine Haag, County Attorney; and Elizabeth Carter, Deputy Clerk.

Chair Kefalas opened the meeting with the Pledge of Allegiance.

TABLED ITEMS: SOUTH NOKOMIS LOTS 9-12, BLK 22 LOT CONSOLIDATION FILE NO. 21-LAND4072- March 8, 2021

CONSENT AGENDA

1. GOES FUNERAL SPECIAL REVIEW FILE NO. 20-ZONE2765: Goes Funeral Care and Crematory is located in Fort Collins CO. There are five units within the existing building. The property is owned by Donald J. Kloberdanz and is zoned C-Commercial. The surrounding area is also zoned C-Commercial. As noted, there is an existing building on site along with associated parking, drive aisles and landscaping associated with the general commercial uses.

Goes Funeral Care and Crematory has existed in the Suite E for 20 of the 25 years that they have been in business providing care for deceased individuals and their families. The existing Suite E includes 3,390 square feet with an area up front for funeral arrangements and private family viewing of the deceased. There is an office space upstairs. The back of the suite includes refrigeration and storage, preparation, and other care for deceased and existing flame-based cremation.

Goes Funeral Care would like to expand their services into Suite D to include Alkaline Hydrolysis Cremation (Aqua, Water Cremation) bringing the total square footage of the business to 6,280 square feet. Aqua water cremation is a water-based process which breaks the body down to its mineral elements, much like traditional flame cremation; however combustion is absent. Many concerns regarding the cremation process are therefore eliminated. Water cremation has no carbon emissions, is cleaner and thus more eco-friendly than traditional cremation. Per Section 4.1.18.A.26, a crematorium is an Institutional Use that is allowed in the C-Commercial zone district with approval

of a special review. The existing Funeral Care and Crematory has not gone through the special review process and so the expansion of the new water cremation process has triggered a special review.

DEVELOPMENT SERVICES TEAM FINDINGS:

- A. The proposed expansion of the water cremation process to the existing funeral care and crematory business is compatible with existing and allowed uses in the surrounding area and can be operated in harmony with the neighborhood.
- B. The property is located within a Growth Management Area (GMA). A crematorium is approvable through the special review process and therefore is consistent with the Larimer County Land Use Code and Comprehensive Plan.
- C. The applicant has demonstrated that this project can and will comply with all applicable requirements of the Land Use Code.
- D. The proposed expansion of the water cremation process will not result in a substantial adverse impact on other property in the vicinity.
- E. The recommendations of referral agencies have been considered.
- F. There are no specific standards found in Section 4.3 - Use Descriptions that apply to the requested Special Review Amendment.

PLANNING COMMISSION AND DEVELOPMENT SERVICES TEAM
RECOMMENDATION: Commissioner Dougherty moved, and Commissioner Best-Johnson seconded that the Planning Commission adopt the following Resolution:

Be it resolved that the Planning Commission recommends to the Board of County Commissioners approval of the Goes Funeral Special Review, File #20-ZONE2765 subject to the following conditions:

- A. This Special Review approval shall automatically expire without a public hearing if the use is not commenced within three years of the date of approval.
- B. The property shall be developed consistent with the approved plan and with the information contained in the Goes Funeral Special Review, File #20-ZONE2765 except as modified by the conditions of approval or agreement of the county and applicant. The applicant shall be subject to all other verbal or written representations and commitments of record for the Goes Funeral Special Review.
- C. Failure to comply with any conditions of the Special Review approval may result in reconsideration of the use and possible revocation of the approval by the Board of County Commissioners.

- D. This application is approved without the requirement for a development agreement.
- E. In the event the applicant fails to comply with any conditions of approval or otherwise fails to use the property consistent with the approved special review, applicant agrees that in addition to all other remedies available to county, county may withhold building permits, issue a written notice to applicant to appear and show cause why the Special Review approval should not be revoked, and/or bring a court action for enforcement of the terms of the special review. All remedies are cumulative and the county's election to use one shall not preclude use of another. In the event the county must retain legal counsel and/or pursue a court action to enforce the terms of this Special Review approval, applicant agrees to pay all expenses incurred by the county including, but not limited to, reasonable attorney's fees.
- F. The county may conduct periodic inspections to the property and reviews of the status of the special review as appropriate to monitor and enforce the terms of the Special Review approval.
- G. 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 the special review approval.

2. **BARNETT ROW VACATION, FILE NO. 20-LAND4062:** The applicants request a partial vacation of the right-of-way (ROW) for Chinook Lane. The area to be vacated is a small arc of the ROW, which corresponds to maintaining a 25-foot setback for the edge of the ROW. The patio was constructed with the owner's belief that the construction company who was doing the work had applied for and obtained the appropriate permits; but after the patio was constructed, found out that the permits had not been obtained. It was only after the owners learned that the appropriate permits had not been obtained that they also learned that the patio had been constructed 7.6 feet too close to the right-of-way. This is the second instance on this property. Previously, a building permit for a new home was issued with a surveyor's certification requirement. When the foundation was poured, the 4.5-foot encroachment was found. The ROW for Chinook Lane is a part of the lot, so no lot boundary change occurs with this proposal. The applicant has pursued this course of action rather than a variance to the setback due to the self-imposed nature of the need for the action.

REVIEW CRITERIA:

The Larimer County Land Use Code (Section 5.9.3) allows for the approval of a right-of-way or Easement Vacation if the following review criteria are met:

- A. Approval of the vacation request will not leave any land adjoining the right-of-way without an established public road or private access easement connecting the land with

another established public road, or without utility or drainage services; No other properties are accessed by this ROW.

- B. The recommendations of referral agencies have been considered. The Engineering Department has noted a preference for a variance rather than this vacation, and requested that the vacation only be of the ROW, and that an easement for utilities and drainage be retained.
- C. Any right-of-way that is vacated will be divided equally between the lots on each side, unless it can be demonstrated that all the rights-of-way were originally taken from one parcel. In that case, the right-of-way will be returned to that parcel. Property owners on each side of the right-of-way may agree to divide the vacated right-of-way differently, but must sign deeds to transfer ownership after the Board of County Commissioners approve the vacation. This is only a partial vacation of the ROW; a small arc of the ROW is necessary to maintain the setback requirements. This ROW is not a part of any plat, so there is no dedication to reflect from where the property was taken nor is any amended plat required.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends Approval of the Barnett Chinook Lane ROW vacation file # 20-LAND4062, subject to the following conditions:

- A. The final legal description shall be provided.
- B. An easement for utilities and drainage shall be granted or retained as a part for this action.

MOTION

Commissioner Stephens moved that the Board of County Commissioners approve the Consent Agenda for February 22, 2021, with the conditions as outlined; and to authorize the Chair to sign the Findings and Resolutions.

Motion carried 3-0

With there being no further business, the Board adjourned at 3:10 p.m.

TUESDAY, FEBRUARY 23, 2021

ADMINISTRATIVE MATTERS MEETING

The Board of County Commissioners met at 9:00 a.m. with Linda Hoffmann, County Manager. Chair Kefalas presided. Commissioner Shadduck-McNally and Commissioner Stephens were present. Also present were: Alisha Jeffers, Commissioners' Office, and Elizabeth Carter, Deputy Clerk.

Chair Kefalas opened the meeting with the Pledge of Allegiance.

1. PUBLIC COMMENT: The following members of the public addressed the Board by teleconference: Lori Brunswig and Karen Wagner. The following members of the public addressed the Board in person: Doug Henderson, Tim Gosar and Bill Feldman.

2. APPROVAL OF THE MINUTES FOR THE WEEK OF FEBRUARY 15, 2021:

MOTION

Commissioner Shadduck-McNally moved that the Board of County Commissioners approve the minutes for the week of February 15, 2021.

Motion carried 3-0

3. REVIEW OF THE SCHEDULE FOR THE WEEK OF FEBRUARY MARCH 1, 2021: Ms. Jeffers reviewed the upcoming schedule with the Board.

4. CONSENT AGENDA:

RECOMMENDED DENIAL OF PETITION FOR ABATEMENT OR REFUND OF TAXES: WDA, LLC-R0543535

AGREEMENTS:

1. PROFESSIONAL SERVICES AGREEMENT (P21-01, NON-PAVED ROAD MAINTENANCE SERVICES)

LIQUOR LICENSES: The following liquor licenses were approved/issued: Werthwhile LLC/Inlet Bay Marina-Fermented Malt Beverage On/Off Premises-Fort Collins.

Miscellaneous: Stipulation as to Tax Year 2020 Value- Larimer County and Fraley Holding Company LLC; Stipulation as to Tax Year 2020 Value- Larimer County and 3760 E 15th LLC Docket Nos. 80225 & 80214; Stipulation as to Tax Year 2020 Value- Larimer County and Morguard Settlers Creek Apartments LLC; Stipulation as to Tax Year 2020 Value- Larimer County and Crossroads Property LLLP; Stipulation as to Tax Year 2020 Value- Larimer County and Poudre Valley Health Care (Docket Nos. 79747, 79748 & 79749); Stipulation as to Tax Year 2020 Value- Larimer County and RDF 247 Harmony Fort Collins CO LLC.

MOTION

Commissioner Stephens moved that the Board of County Commissioners approve the Consent Agenda.

Motion carried 3-0

5. COMMISSIONERS GUESTS: The Commissioners' did not have any guests.

6. **RECOGNITION OF SHARON ZAMORA FOR HER VOLUNTEER SERVICE TO THE LARIMER COUNTY OFFICE ON AGING:** Katie Stieber, Director, Office on Aging. Ms. Stieber noted that Sharon Zamora was a special individual who touched the lives of many through her volunteer service to the Larimer County Office on Aging, Northside Aztlan Community Center, and her membership and contributions to the Office on Aging Advisory Council. Ms. Stieber also noted that Sharon and her husband, Ernie Zamora covered many miles in Larimer County handing out the “Answers on Aging” pamphlet to a variety of stakeholders and citizens.

The Board offered its deepest condolences to Mr. Zamora on the passing of his wife. The Board also thanked Mr. Zamora for both sharing his wife with the county through the various boards she served on as well as his own service to residents of Larimer County.

The Board took a brief recess.

7. **RECOGNITION OF THE AMERICAN LEGION POST 2000 AND THE ASSOCIATED VETERANS OF LOVELAND:** Jacob Castillo, Economic and Workforce Development. Mr. Castillo introduced members of the staff in the audience including Lee Cooper, Marcie Kasner and Patricia Reynolds. Mr. Castillo reported to the Board that the Larimer County Veterans Service Office (VSO) has the privilege of serving veterans and their families. He noted that the 2020 holiday season proved to be tremendously difficult for many veterans in our community.

Mr. Cooper stated that the primary mission of the Larimer County VSO is to assist and advise veterans and their families in accessing their Department of Veterans Affairs’ benefits. The VSO staff, however, is frequently called upon to respond to more immediate needs of veterans in crisis.

Mr. Cooper noted that this holiday season the office saw many veterans and their families teetering on the edge of homelessness, at risk of utility shut-offs, or battling to maintain a façade of stability and normalcy for their children at Christmas. Additionally, there were homeless veterans struggling to muster the resources to get into scarce housing or even just to stay warm on a winter night. In these perilous cases, the county VSO owes its ability to lend a hand to the generosity, hard work, and selflessness of the volunteers and service organizations in our community.

Mr. Cooper reported that while many partners and organizations support veterans, today the county would like to honor and recognize two organizations that answered the call to help veterans in Larimer County during the 2020 holiday season: the American Legion Post 2000, Loveland, Colorado, and the Associated Veterans of Loveland. Mr. Cooper relayed that their specific contributions were a lifeline to veterans in crisis during this very difficult time.

Rob Smith, American Legion Post 2000, Loveland and Tom Parker, Associated Veterans of Loveland addressed the Board on behalf of their organizations. Collectively, they reported to the Board how much they appreciate the partnership with the county to make sure our veterans are receiving needed services.

The Board expressed its gratitude to Mr. Smith and Mr. Parker and their organizations in serving the veterans of Larimer County. The Board also thanked staff for their hard work and the effort made to partner with local organizations to help with critical services for veterans.

The Board took a brief recess.

8. **CONSTRUCTION CONTRACT AGREEMENT WITH BRYAN CONSTRUCTION:** Jennifer Johnson, Facilities. Ms. Johnson reported to the Board that the Emergency Operations Center (EOC) was previously approved for purchase, design and construction to complete the space through a formal budget approval. The approval before the Board today is for information purposes and to update the Board of County Commissioners (BOCC) on the status and process of construction contract approvals that will come to the Board in the future. Typically, these contracts are on the consent agenda with the full project being approved previously with the BOCC, so long as the final cost meets the budget set forth.

Ms. Johnson relayed to the Board that the county has received grant funding from the Department of Local Affairs (DOLA) as well as grants for fiber connections and equipment which will be utilized for the project.

There was a discussion between the Board and staff regarding the match for the grant from DOLA. Additionally, the Board asked for clarification on the 3.25 percent fee regarding the contract with Bryan Construction.

Manager Hoffman reported to the Board that this is for the building of a dedicated Emergency Operations Center. She noted that the county is the primary provider of emergency operation for municipalities that do not have their own emergency operations staff. Manager Hoffman further reported that Lori Hodges, the Director of the Office of Emergency Management, has worked over many years to coordinate local emergency response efforts in the county to support each other in response to emergencies and to share resources. In this vein, the City of Loveland and the Larimer Emergency Telephone Authority (LETA) will be sharing space with the county.

MOTION

Commissioner Shadduck-McNally moves that the Board of County Commissioners approve the Cost of Work Plus a Fee (3.25%) contract with Bryan Construction with a guaranteed maximum price of \$890,000.

Motion carried 3-0

9. **COVID-19 UPDATE AND DECISIONS:** Linda Hoffmann, County Manager. Manager Hoffman introduced Tom Gonzales, Public Health Director and Katie O'Donnell, Community Relations, Department of Public Health. Mr. Gonzalez updated the Board on vaccination efforts in the county. Currently, there are 98,000 citizens who are eligible for the vaccine. Of those eligible, 54,323 citizens have received at least one dose of the vaccine. Mr. Gonzales stated that the county is receiving 10,000 doses of the vaccine a week. While this is an increase, it is still not enough to keep pace with the number of individuals who are eligible.

Mr. Gonzalez relayed to the Board that 66.9 percent of 70-plus residents have received at least one dose of the vaccine and 32.3 percent are vaccinated. He did note that a mass vaccination scheduled for the previous Saturday for the 70-plus age group had to be cancelled due to the winter storms across the south which stalled the delivery of vaccines. Still, he believes the county is on track to meet the state's goal of having 70 percent of the 70-plus age group of citizens vaccinated.

Mr. Gonzalez also updated the Board on efforts to reach out to various subgroups within the community regarding vaccinations and testing. He reported that currently only 722 (4.4 percent) of non-White or non-Latinx and 688 (1.6 percent) of Latinx individuals have been vaccinated. Mr. Gonzalez did report that the Public Health Department has submitted an application to the state to receive additional vaccines for “Equity Point of Distribution” events.

Additionally, Mr. Gonzalez reported to the Board that recent wastewater surveillance has shown an upward trend in viral loads in six out of eight of the monitored sewersheds. He reminded the Board that wastewater surveillance serves as an early-warning indicator. Further, Mr. Gonzales noted that variant strains have been detected in the wastewater. He relayed that these trends serve as a reminder to our community that we need to continue to mask up, keep social distance, wash hands, and continue to be vigilant against the spread of the virus.

Lastly, Mr. Gonzalez relayed to the Board that the seven-day case rate per 100,000 numbers continue to plateau. He also noted that hospitalizations for COVID-19 are less than 20 patients. Finally, he stated that the number of cases of COVID-19 in long-term care facilities is down by 90 percent. He also noted that of the individuals in long-term care facilities that have been fully vaccinated has not had any reports of death or hospitalization due to COVID.

There was a discussion between the Board and Mr. Gonzalez regarding the equity of the vaccine distributions. Mr. Gonzalez noted that his team is working to build trust within many of the communities, and in particular, the Latinx community. The Board and Mr. Gonzalez also discussed partnering with trusted leaders in various communities to help bridge gaps and aid in communication efforts.

The Board also asked Mr. Gonzalez about the upward trend in the monitored sewersheds and efforts to communicate with residents in those areas. Ms. O'Donnell relayed to the Board that the public health team has been in targeted communication with the areas impacted. The Board also asked for clarity regarding variants of the virus and if the symptoms associated with the variants are more serious.

There was further discussion between the Board and Mr. Gonzalez as to how reaching the threshold of have 70 percent of residents aged 70 years or older will aid the county in moving into the level blue on the state dial. Lastly, the Board asked Mr. Gonzales about communications with the hospitals in the county. Mr. Gonzalez noted that he is in frequent contact with the hospitals and that they are continually working through issues that arise, especially as it relates to vaccination efforts.

The Board thanked Mr. Gonzalez and his team for their ongoing work to keep residents safe and to distribute the vaccine throughout the county.

Manager Hoffmann introduced Shayle Sabo, Emergency Management Coordinator. Ms. Sabo updated the Board on recovery efforts in the county. She explained to the Board that the county is partnering with local groups to provide rides for vaccinations. She did note that the county is requesting citizens to coordinate those rides through their provider. Additionally, she relayed to the Board that the Emergency Management team is working on a written summary of both the short-term and long-term recovery efforts. That information will be submitted to the Board by March 5, 2021.

Lastly, Ms. Sabo reminded citizens that they can sign up for Larimer Connects to get the latest information on disasters and available resources. She noted that research indicates that communities which are connected and have information readily available recover more quickly and more successfully.

The Board thanked Ms. Sabo for the update.

10. COUNTY MANAGER UPDATE: Manager Hoffmann updated the Board on this week's coordination meetings and upcoming projects and activities.

11. COMMISSIONER ACTIVITY REPORTS: The Board detailed their attendance at events during the previous week.

12. EXECUTIVE SESSION: Executive Session pursuant to C.R.S. 24-6-402(4)(a) regarding the purchase acquisition, lease, transfer or sale of any real or personal property interest. Executive Session pursuant to C.R.S. 24-6-402(4)(b) conference with an attorney for the purpose of receiving legal advice.

M O T I O N

Commissioner Stephens moved that the Board of County Commissioners enter into executive session pursuant to C.R.S. 24-6-402(4)(a) regarding the purchase acquisition, lease, transfer or sale of any real or personal property interest.

Motion carried 3-0

M O T I O N

Commissioner Shadduck-McNally moved that the Board of County Commissioners enter executive session pursuant to C.R.S. 24-6-402(4)(b), conferences with an attorney for the purpose of receiving legal advice on specific legal questions regarding surface water discharge permit and solid waste compliance items for the Larimer County Landfill, and orders from the Colorado Department of Public Health and Environment regarding same.

Motion carried 3-0

With there being no further business, the Board adjourned at 11:45 a.m.


JOHN KEFALAS
BOARD OF COUNTY COMMISSIONERS

ANGELA MYERS
CLERK AND RECORDER

ATTEST:


Elizabeth Carter, Deputy Clerk

