LARIMER COUNTY
COMMITTED TO EXCELLENCE

MINUTES OF THE BOARD OF COUNTY COMMISSIONERS

MONDAY, JULY 22, 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 Commissioner Stephens were present. Also present were Rebecca Everette, Community Development Director; Samantha Lasher, Planner; Samantha Mott, Senior Planner; Laura Culleton, County Planner; Christina Scrutchins, Admin Support; Lea Schneider, Environmental Health Planner; Connor Sheldon, Civil Engineer; David Pringle, Civil Engineer; Justin Currie, Planner; Matthew Lafferty, Principal Planner; Frank Haug, Assistant County Attorney; and, Heather Arment, Deputy Clerk.

Chair Kefalas opened the meeting with the Pledge of Allegiance.

TABLED ITEMS TO AUGUST 26, 2024

1. **WELCOME TO REALTY, LLC EASEMENT VACATION, FILE NO. 23-LAND4321**

PUBLIC HEARING CONSENT ITEMS:

1. **GTP INFRASTRUCTURE LLC NEW CELL TOWER ADMINISTRATIVE SPECIAL REVIEW, FILE NO. 24-WCF0138**

The Commissioners did not wish to remove the GTP Infrastructure LLC New Cell Tower Administrative Special Review, File No. 24-WCF0138, item from the Consent Agenda.

There were no individuals in person or online who wished to remove the GTP Infrastructure LLC New Cell Tower Administrative Special Review, File No. 24-WCF0138, item from the Consent Agenda.

MOTION

Commissioner Stephens moved that the Board of County Commissioners approve the item on the Consent Agenda subject to the conditions in the staff reports and further moved to authorize the Chair to sign the Findings and Resolutions.

Motion carried 3 – 0.

PUBLIC HEARING DISCUSSION ITEMS:

1. BOONDOCKS LAND LLC EXEMPTION & APPEAL, FILE NO. 24-GNRL0549

PROJECT DESCRIPTION/BACKGROUND – OVERVIEW:

The current owner, Boondocks Land LLC, purchased the subject vacant parcels in August of 2023. The prior owner had owned them since 1984. Shortly after purchasing the vacant land, Boondocks Land LLC listed the property for sale which prompted inquiring parties to reach out to the Larimer County Planning Division for development information. Through further research, it was discovered that a determination was made in March of 1995 that these two parcels were illegal. Because these parcels are not considered legal lots, they are not eligible for building permits for any use permitted by the current zoning and the provisions of the Land Use Code. The property has since been taken off the market while this application is being pursued.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends denial of the Boondocks Exemption & Appeal, File No. 24-GNRL0549.

STAFF PRESENTATION:

Ms. Culleton addressed the Board providing site information including the location featuring two vacant parcels. She explained the applicant is requesting that the Board of County Commissioners grant an exemption from the subdivision regulations and determine these two parcels to be separate legal lots. The proposed lots would be approximately 3.32-acres and 2.79-acres in size, and as a result, this request also includes an appeal to the required minimum lot size of 10-acres in the O-Open zone district. Ms. Culleton detailed the parcel history as well as the exemption request, purpose & intent of land division procedures, review criteria – lot size appeal, staff recommendation, and ended her presentation with a suggested motion.

Chair Kefalas asked about the General Review Criteria as they pertain to land division procedures, requesting additional information in this regard. Ms. Mott addressed the Board to offer additional information in regard to Chair Kefalas' question. Mr. Haug addressed the Board to offer additional clarification to Chair Kefalas' question.

APPLICANT PRESENTATION:

Bob Choate Coan, Payton & Payne LLC, addressed the Board speaking on behalf of Lacy Haugan (property owner). Mr. Choate presented the Board with details of the property and how the property owner came to become the purchaser of the property. He went on to explain the location of the property, adequate public facilities including information about the roads and nearby homes/subdivisions.

PUBLIC COMMENT:

Alan Butcher addressed the Board addressing his concern with this request setting precedence to begin building on the west side of the road.

Denise Jackson, Brian Lodwig and Richard Evans addressed the Board speaking in opposition of this request.

Chair Kefalas closed public comment.

APPLICANT REBUTTAL:

Mr. Choate addressed the Board stating he recognizes that the concerns expressed are legitimate. He went on to describe the surrounding properties stating this is not the only property that has this issue.

Commissioner Stephens confirmed with staff that this is an illegal piece of land. She then asked if there is a requirement when buying/selling land. Ms. Axmacher explained that Colorado is a "buyer beware" state.

Commissioner Shadduck-McNally asked staff to confirm a statement made by the applicant that since fire and rescue did not respond means they did not have an issue with this request. Ms. Culleton clarified that this project was not referred to the fire department as it's not been typical for any of the exemptions done in the past. Ms. Mott added that one reason they do not is because the Land Use Code does have minimum fire protection requirements if going through a land division process.

Chair Kefalas asked Mr. Haug to offer an explanation about a Memorandum from Jeannine Haag that was included in the materials regarding this request. Mr. Haug offered a detailed explanation to Chair Kefalas' question. Chair Kefalas then asked about the issue for adequate public facilities and requested additional information in regard to this issue. Ms. Culleton, Ms. Mott and Mr. Haug provided additional details thoroughly answering Chair Kefalas' question.

DELIBERATION:

Commissioner Stephens stated this is an unfortunate situation, but there do seem to be concerns in regard to adequate public facilities and lot size.

Commissioner Shadduck-McNally stated there needs to be more due diligence on exploring adequate public facilities as well as concerns with the lot size.

Chair Kefalas agreed with Commissioner Shadduck-McNally and Commissioner Stephens. He explained he believes the subdivision regulations were put in place for a reason.

M O T I O N

Commissioner Shadduck-McNally moved that the Board of County Commissioners deny the Boondocks Land LLC Exemption & Appeal, File No. 24-GNRL0549

Motion carried 3 – 0.

The Board took a short recess.

The Board returned to session.

2. **HENIUS SHORT-TERM RENTAL ADMINISTRATIVE SPECIAL REVIEW, FILE NO. 22-ZONE3353**

PROJECT DESCRIPTION/BACKGROUND:

The subject property is located at 705 White Pine Drive in Bellvue, Colorado, approximately 0.72 miles southwest of the intersection of W. County Road 48C and Santanka Trail. The property currently contains an existing single-family residence and is zoned O-Open. The applicant requests Administrative Special Review approval for a small Short-Term Rental (STR) located in the existing 4-bedroom single-family residence with a maximum occupancy of eight (8) total guests, two (2) guests per bedroom. A building permit (Permit No. 21-RES0544) was issued for a partial basement finish, passing inspection on April 19, 2022, which permitted the fourth bedroom. Otherwise, no major construction or modifications to the home are proposed with this request. The property manager is Jan Nimlo and she lives next door to the proposed STR.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team is not making a specific recommendation on the Henius Short-Term Rental Administrative Special Review, File No. 22-ZONE3353, and has presented all the information by which the Board of County Commissioners may base their deliberation and decision.

STAFF PRESENTATION:

Ms. Lasher addressed the Board providing the property location including a vicinity map, site information and photos along with the applicant, owner and property manager information. She stated the applicant requests Administrative Special Review approval for a small Short-Term Rental (STR) located in the existing four-bedroom single-family residence to accommodate a total maximum occupancy of eight guests – two guests per bedroom. Ms. Lasher also detailed the Land Use Code and advised that a courtesy neighbor notification of the proposed project was mailed to 75 properties within a minimum of 500-feet of the subject property. She went on to explain the Review Criteria, staff findings and motion options.

Commissioner Stephens asked if the applicant was required to apply for an eight-occupancy short-term rental when it was initially a six-occupancy short-term rental. Ms. Lasher explained that occupancy is based on the number of bedrooms in the home, and in this case, there are four permitted bedrooms.

Commissioner Shadduck-McNally asked about occupants of this short-term rental using open spaces and parks without paying fees. Ms. Lasher advised that the applicant was not specifically spoken to about guest usage of open spaces and parks but stated it would be a strong recommendation of staff that the applicant educate guests on proper use of open spaces and parks adding the Board could add this as a Condition of Approval if they choose to.

Chair Kefalas asked about some materials within the packet in regard to a public comment that had been made regarding increased crime, noise and trash. He asked if this comment was based on any specific references or if this was a generalization. Ms. Lasher addressed Chair Kefalas' question giving a detailed account to his question. Chair Kefalas asked if there are any short-term rentals that are licensed and operating in the area. Ms. Lasher stated there are not.

APPLICANT PRESENTATION:

Jan Nimlo, the applicant, addressed the Board to explain to the Board how she became the property manager of this property, the guests that she came to know during their stays at the property, and her previous experience running a rental property. She addressed comments of those who expressed concerns and detailed how she will mitigate these concerns. She confirmed that she does live next door to this property and that it is a family property. Ms. Nimlo also addressed Commissioner Shadduck-McNally's comment in regard to the volume of guests visiting the open spaces and parks and agreed this is important.

PUBLIC COMMENT:

Colleen Finnman and Trish Rundquist addressed the Board speaking in favor of this request.

Chair Kefalas closed public comment.

APPLICANT REBUTTAL:

Ms. Nimlo addressed the Board and presented the Airbnb listing as well as a map of the neighborhood.

Commissioner Shadduck-McNally asked Ms. Nimlo if she had any intention of reaching out to any of those who expressed opposition to this request. Ms. Nimlo responded to this question with a detailed answer confirming at least one conversation has already taken place with a positive outcome. Commissioner Shadduck-McNally then addressed her concern with the wear and tear of the open spaces and parks.

Chair Kefalas asked Commissioner Shadduck-McNally if it would be helpful to consider a Condition of Approval stating in the operations manual or signage encouraging guests to obtain passes to the open spaces and parks as well as to be mindful of the speed limits.

Commissioner Shadduck-McNally confirmed this would be helpful.

Chair Kefalas confirmed with the applicant that an additional Condition of Approval would be acceptable, in which Ms. Nimlo agreed.

DELIBERATION:

Commissioner Shadduck-McNally expressed she would like to attach the additional Condition of Approval in regard to guests being mindful of open spaces and parks as well as speed limits, and with this, she would be in favor of supporting this request.

Ms. Lasher presented the Board with a draft of the additional Conditions of Approval as follows:

> The applicant must revise the Operations Manual that educates guests on how to buy the proper passes to access public parks and open spaces.
>
> The applicant must revise the Operations Manual that ensures guests adequately abide by posted speed limits.

Commissioner Stephens expressed she would be supporting this request and thanked the applicant for being present to speak and answer questions.

Chair Kefalas stated he too would support this application – acknowledging those comments made in favor and in opposition of this request. He noted the additional conditions of approval make this application stronger.

MOTION

Commissioner Stevens moved that the Board of County Commissioners approve the Henius Short-Term Rental Administrative Special Review, File No. 22-ZONE3353, subject to the thirteen conditions listed in the report with the additional two conditions stated earlier in the meeting.

Motion carried 3 – 0.

1. **WELLINGTON OPERATION COMPANY – WF MUDDY UNIT #26-2 SPECIAL REVIEW & APPEALS, FILE NO. 23-ZONE3571**

PROJECT DESCRIPTION/BACKGROUND:

The subject request is to deepen, by 1000 feet, an existing Wellington Operating Company oil and gas well (WF Muddy Unit #26-2) from its current depth of 4,485 feet. The purpose for deepening this well is to explore the potential availability of oil and gas resources from known zones located at greater depths. If approved this activity, which from industry standards is a minor activity, will take approximately 1 month to complete, and will have a ¾ acre disturbance area or PAD.

While considered a minor activity requiring minimal permits through the State of Colorado - Energy and Carbon Management Commission (ECMC), Article 11 of the Larimer County Land Use Code considers the deepening of an existing well as a new well. Therefore, as a new well the County requires the submittal and approval of a special review application to ensure that all surface impacts associated with the drilling meets the minimum standards or demonstrates how potential adverse impact will be mitigated during the operations.

The WF Muddy Unit #26-2 well is situated on a 40+ acre property owned by the Wellington Operating Company, which property is also occupied by gathering tanks for other wells in the Wellington Field and a water treatment plant that reclaims water recovered from the wells. The well, which was originally spud (drilled) in 1979, has been temporarily abandoned (TA) since 1999, and due to its current classification, low producing, it is scheduled to be plugged before 2028.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends approval of the Wellington Operation Company – WF Muddy Unit #26-2 Special Review and Appeal, File No. 23-ZONE3571 subject to the following conditions:

1. 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.

2. The site shall be developed consistent with the approved plans and reports contained in the Wellington Operation Company – WF Muddy Unit #26-2 Special Review and Appeal, File No. 23-ZONE3571 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 Wellington Operation Company – WF Muddy Unit #26-2 Special Review.

3. 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 Commissioners.

4. This application is approved without the requirement for a Development Agreement.

5. 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 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 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 County including, but not limited to, reasonable attorney's fees.

6. 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.

7. 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.

8. Upon completion of the exploratory drilling the WF Muddy Unit #26-2 well shall be shut-in until the well is plugged and the site reclaimed, or a new application is reviewed and approved to bring the well back into production status. Said plugging a reclamation shall occur prior to January of 2028.

9. All activities associated with the site preparation and drilling of the well shall occur during the month of November and only between the hours of 7am and 7pm.

Mr. Lafferty addressed the Board providing a thorough presentation of this request showing vicinity, overall site and drilling pad site diagrams and maps. He also presented a diagram/map of air monitors.

Ms. Schneider addressed the Board to clarify that the intent of the air quality monitoring is for leak detection and explained this in detail.

Mr. Lafferty also stated that there was one property owner that came out in support of the application. He went on to relay staff recommendations and revealed that the Planning Commission added/modified some conditions noting these in detail.

Commissioner Stephens asked Mr. Lafferty to remind the Board what the Best Management Practices are in regard to high ozone days. Ms. Schneider responded to this question detailing mitigation options. Mr. Lafferty continued detailing mitigation options. Commissioner Stephens inquired about the wetlands and where they are located in relation to this site. Mr. Lafferty provided this information to the Commissioner. Commissioner Stephens then asked what the process is if the site proves to be productive. Mr. Lafferty explained the process if the site is productive.

Commissioner Shadduck-McNally asked to clarify one of the conditions discussed during Mr. Lafferty's presentation. Mr. Lafferty provided a thorough answer to this question.

APPLICANT PRESENTATION:

Conner Staley, applicant, addressed the Board introducing details in regard to Wellington Operating Company along with their history. He also provided information in regard to the project description, the reason for the project, the expectations and outcomes of the project. Mr. Staley also added mitigation measures, details in regard to notification of surrounding land owners and mineral owners including a show of support by a local landowner.

Commissioner Stephens asked why the timeframe was moved up. Mr. Staley explained why the timeframe was moved up.

Commissioner Shadduck-McNally asked about the expectation to find gas, oil or water in which Mr. Staley provided the reason for this expectation.

Chair Kefalas confirmed that if the site is productive, the process would require a new application to be submitted for gas, oil or water development. Mr. Lafferty confirmed this would be the case.

PUBLIC COMMENT:

There were no individuals in person or online who wished to make public comment.

Chair Kefalas closed public comment.

Commissioner Stephens asked if there are any concerns in regard to leaks and the monitoring process and requirements. Ms. Schneider along with Mr. Staley answered this question in detail.

DELIBERATION:

Commissioner Stephens stated her sense is to approve this Special Review based on the information presented and discussed.

Commissioner Shadduck-McNally advised that all of those involved in this have done a good job and worked hard to meet the criteria stating she would support this request.

Chair Kefalas stated he would support the Application and Appeal based on the recommendation from staff and his understanding that the applicable Review Criteria has been met including the additional Conditions of Approval made by the Planning Commission.

M O T I O N

Commissioner Stephens moved that the Board of County Commissioners approve of the Wellington Operation Company – WF Muddy Unit #26-2 Special Review & Appeal, File No. 23-ZONE3571, subject to the conditions listed including the conditions added by the Planning Commission.

Motion carried 3 – 0.

With there being no further business, the Board adjourned at 6:30 pm

TUESDAY, JULY 23, 2024

ADMINISTRATIVE MATTERS MEETING

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

Chair Kefalas opened the meeting with the Pledge of Allegiance.

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

Chair Kefalas closed Public Comment.

2. **APPROVAL OF THE MINUTES FOR THE WEEK OF JULY 15, 2024**

M O T I O N

Commissioner Stephens moved that the Board of County Commissioners approve the minutes for the week of July 15, 2024.

Motion carried 3 – 0.

3. **REVIEW OF THE SCHEDULE FOR THE WEEK OF JULY 29, 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**

AGREEMENTS

1. **SIGNAL BEHAVIORAL HEALTH NETWORK-SUBSTANCE USE DISORDER SERVICES AGREEMENT**

2. COLORADO DEPARTMENT OF TRANSPORTATION MEMORANDUM OF AGREEMENT (TEMPORARY CONSTRUCTION EASEMENT)

3. FEDERAL LANDS ACCESS PROGRAM PROJECT MEMORANDUM OF AGREEMENT

DEEDS

1. DEED OF DEDICATION FROM ULRICH FAMILY LIMITED PARTNERSHIP FOR RIGHT-OF-WAY FOR PROJECT NUMBER 6017 ON COUNTY ROAD 62

LIQUOR LICENSES

1. SPECIAL EVENT LIQUOR PERMIT 6% - THE VEGETABLE CONNECTION – FORT COLLINS, COLORADO

2. LIQUOR LICENSE RENEWAL – BLAM LLC DBA THE THIRSTY MOOSE – RED FEATHER LAKES, COLORADO

MISCELLANEOUS

1. AGREEMENT – EQUITY, DIVERSITY, INCLUSION 2024 BYLAWS

2. EXTENSION ADVISORY BOARD COMMITTEE BYLAWS 2024

3. Q2 2024 PUBLIC TRUSTEE REPORT

4. ANNUAL COMPLIANCE CERTIFICATION REPORT; MONITORING AND PERMIT DEVIATION REPORT FOR LARIMER COUNTY LANDFILL

5. CENTERRA OFFICE TECH I LLC STIPULATION AS TO TAX YEAR 2023 VALUE

6. FDC OFFICE II LLC STIPULATION AS TO TAX YEAR 2023 VALUE

7. CENTERRA MARKETPLACE PROPERTIES LLC STIPULATION AS TO TAX YEAR 2023 VALUE

8. CENTERRA OFFICE TECH II LLC STIPULATION AS TO TAX YEAR 2023 VALUE

9. NCSA BUILDING PARTNERSHIP LLP STIPULATION AS TO TAX YEAR 2023 VALUE

10. BRINKER RESTAURANT CORP STIPULATION AS TO TAX YEAR 2023 VALUE

11. 1505 ROCKY LLC STIPULATION AS TO TAX YEAR 2023 VALUE

12. HTP 5042 LLC STIPULATION AS TO TAX YEAR 2023 VALUE

RESOLUTIONS

1. **RESOLUTION CALLING AN ELECTION REGARDING LARIMER COUNTY POUDRE OVERLOOK PUBLIC IMPROVEMENT DISTRICT NO. 30**

2. **RESOLUTION CALLING AN ELECTION REGARDING LARIMER COUNTY VINE DRIVE PUBLIC IMPROVEMENT DISTRICT NO. 29**

3. **RESOLUTION CALLING AN ELECTION REGARDING LARIMER COUNTY GRAYHAWK KNOLLS PUBLIC IMPROVEMENT DISTRICT NO. 43**

M O T I O N

Commissioner Shadduck-McNally moved that the Board of County Commissioners approve the Consent Agenda for July 23, 2024.

Motion carried 3 – 0.

5. COMMISSIONERS' GUESTS:

Corra Fetzer, Larimer County Fair and Professional Rodeo Cowboys Association (PRCA) Rodeo Queen addressed the Board. Ms. Fetzer detailed the events taking place at the upcoming fair and revealed the 2025 Larimer County Fair and PRCA Rodeo Queen.

Each of the Commissioners congratulated Ms. Fetzer, commending her for all of her hard work and expressing their appreciation for her leadership in the community.

Chair Kefalas asked Ms. Fetzer about her future plans in which she answered in detail.

County Manager Volker thanked Ms. Fetzer for all that she has done in representing the fair and rodeo – and, the County as a whole so well. She continued, this is working job, not just a title – "and, you have worked."

The Board took a brief recess.

The Board reconvened.

Each of the Commissioners expressed their gratitude to Stephanie Fancher-English who has directed the Queens Royalty Program for many years in addition to being an advocate and supporter of many activities throughout the County.

6. DISCUSSION ITEMS:

1. **APPROVAL OF THE BOARD OF EQUALIZATION REFEREE RECOMMENDATIONS**

M O T I O N

Commissioner Stephens moved that the Board of County Commissioners convene as the Board of Equalization.

Motion carried 3 – 0.

Elizabeth Carter, Recording Manager and Deirdre O'Neill, Recording Operations Manager, addressed the Board. Ms. Carter advised that the County is in a non-valuation year, so the volume of petitions this year has been significantly less than last year. She also noted that this year, virtual hearings are being offered in addition to in-person hearings. Ms. Carter also noted the scheduling completion dates for personal property petitions as well as commercial and residential property. She went on to thank the partnership with the Assessor's Office, the Manager's Office, the referees, and the petitioners. Ms. Carter then gave an overview of the hearings held from July 15 through July 17.

The Commissioners, collectively, thanked Ms. Carter and Ms. O'Neill for their work and innovation.

Commissioner Shadduck-McNally asked about the adjustments recommended by the referees in which Ms. Carter explained.

Chair Kefalas asked Ms. Carter to share the total dollar amount regarding the Notice of Determination (NOD) value and asked her how the number of hearings this year compares to the number of hearings last year. Ms. Carter provided facts and figures to thoroughly answer Chair Kefalas' questions.

M O T I O N

Commissioner Stevens moved that the Board of County Commissioners approve the recommendations submitted by the Board of Equalization referees for the hearings held July 15. 2024 through July 17, 2024.

Motion carried 3 – 0.

M O T I O N

Commissioner Stevens moved that the Board of County Commissioners adjourn the meeting as the Board of Equalization and reconvene as the Board of County Commissioners.

Motion carried 3 – 0.

2. **TO PROVIDE COMMUNITY MEMBERS, THE PUBLIC, AND THE BOARD OF COUNTY COMMISSIONERS WITH AN UPDATE REGARDING THE 2024 JUNE PRIMARY ELECTION.**

Tina Harris, Clerk and Recorder, addressed the Board. Clerk Harris shared details of the June 25, 2024, election with the Board. She also explained that for unaffiliated voters, the County implemented something new – a secrecy sleeve with enhanced voter instructions to return only one ballot. Clerk Harris advised that anybody who did not receive a ballot for the June 2024 election, to please go online and check their voter registration. She also encouraged everyone to apply to become an election judge

– a paid position. Clerk Harris then detailed upcoming events that the Clerk's office will be participating in, extending an invitation to anybody wanting to ask questions or engage in conversation. She also made mention of the Clerk's new Instagram page.

Each of the Commissioners thanked Clerk Harris and her team for their hard work and

Commissioner Stephens asked about the Clerk's Office outreach – what it looks like at these events. Clerk Harris gave a detailed answer to Commissioner Stephens' question including that Elections, Motor Vehicle, and Recording department staff will be onsite to engage the community at these events.

Commissioner Shadduck-McNally mentioned the Corn Festival as a possible event to participate in. She also highlighted the "I Voted" sticker and asked if the Clerk's Office would be taking the opportunity at these events to share why the sticker looks different this year. Clerk Harris advised that the "I Voted" sticker will be a topic of discussion throughout these events.

Chair Kefalas inquired about the Instagram platform – is this new and was the reasoning to reach out to a different demographic? Clerk Harris confirmed that the Instagram platform is new and was created to reach additional demographics.

3. REVIEW OF AUDITOR'S RESULTS AND ACCEPTANCE OF 2023 ANNUAL COMPREHENSIVE FINANCIAL REPORT

Carol Block, Finance Director addressed the Board to provide a broad overview of the 2023 Annual Comprehensive Financial Report.

Lorrie Lopez, Controller addressed the Board. Ms. Lopez introduced the Accounting Manager and pointed out that this is a team effort, specifically the collaboration with the Treasurer's Office.

Matt Marino and Max Haberkorn, auditors from RubinBrown addressed the Board to go over the results – a summarization of the audit.

Commissioner Shadduck-McNally expressed her gratitude and thanks – this is important for the public to hear to know that the County is accountable, transparent, and good stewards.

Commissioner Stephens asked, based on information from the summarization, the seven major programs that were tested – do these change each year. Mr. Marino and Mr. Haberkorn confirmed these do change each year and explained how these programs are chosen to be tested.

Chair Kefalas asked, based on information from the summarization, regarding roads and bridges – when and why did the County move to the modified infrastructure approach rather than the more traditional approach that involves depreciation. Ms. Lopez addressed the Board to answer this question in detail. Chair Kefalas then asked about the Management Discussion & Analysis Report (MD&A). Ms. Lopez provided a thorough explanation of this report.

County Manager Volker expressed her appreciation to all of those who participated in this work – this is a team effort.

MOTION

Commissioner Shadduck-McNally moved the Board of County Commissioners to approve the 2023 Annual Comprehensive Financial Report.

Motion carried 3 – 0.

4. SETTLEMENT AGREEMENT

Rebecca Everette, Community Development Director addressed the Board to present details of an agreement between Larimer County and Prospect Energy. She went on to detail violations of the Energy and Carbon Management Commission (ECMC) made by Prospect Energy at its Krause Facility and Fort Collins Tank Battery site over the past several years. Ms. Everette communicated that Larimer County has entered into an agreement with Prospect Energy that best protects the County's interests and went on to explain the obligations of Prospect Energy and the obligations of the County in exchange. She went on to acknowledge and thank all of those who have been involved in supporting this effort over the years.

Commissioner Shadduck-McNally asked about the timeline in regard to the hearing, and when the County will verify the wells have been shut down. Ms. Everette offered a thorough answer to these questions.

Commissioner Stephens asked a question that she received from a resident watching online in regard to whether Prospect Energy had the funds to close, plug and reclaim 49 wells. Ms. Everette answered this question in detail.

Chair Kefalas asked a question in regard to the fines and penalties assessed to Prospect Energy in which Frank Haug, Assistant County Attorney provided clarification.

County Manager Volker thanked staff. She went on to thank the Board for their work and how they advocated for residents across the County – and, for their consistent messaging both to the public and to staff.

MOTION

Commissioner Stephens moved the Board of County Commissioners to approve the Settlement Agreement between Larimer County and Prospect Energy, LLC

Motion carried 3 – 0.

5. PROVIDE AN UPDATE TO THE BOARD OF COUNTY COMMISSIONERS ON THE CURRENT FIRE DANGER CONDITIONS IN LARIMER COUNTY.

Justin Whitesell, Emergency Services Director addressed the Board to provide an update on the current fire danger conditions in Larimer County. He stated that the Sheriff's Office is not recommending the County go into fire restrictions at this time and will continue to monitor conditions.

Collectively, the Commissioners thanked Mr. Whitesell for the detailed presentation and requested an update if/when conditions change.

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:** None Requested

With there being no further business, the Board adjourned at 11:38 a.m.

John Kefalas

JOHN KEFALAS
BOARD OF COUNTY COMMISSIONERS

TINA HARRIS
CLERK AND RECORDER

ATTEST:

Heather Arment, Deputy Clerk

LARIMER COUNTY CLERK
SEAL
COLORADO