



MINUTES OF THE BOARD OF COUNTY COMMISSIONERS

MONDAY, APRIL 26, 2021

LAND USE HEARING

The Board of County Commissioners met at 3:00 p.m., with Don Threewitt, Principal Planner. Chair Kefalas presided. Commissioner Shaddock-McNally and Commissioner Stephens were present. Also present were Tracy Hicks, Community Development; Lesli Ellis, Community Development Director; Stephen Rothwell, Engineering; Jeannine Haag, County Attorney; and Deirdre O'Neill, Deputy Clerk.

TABLED ITEM TO JUNE 28, 2021:

DEINES MLD OF LOTS 1 AND 3 AP, FILE NO. 21-LAND4069

CONSENT AGENDA

1. GLACIER VIEW MEADOWS 12TH LOTS 150 AND 151 LOT CONSOLIDATION AND EASEMENT VACATION, FILE NO. 21-LAND4106: This is a request to consolidate lots 150 and 151 of Glacier View Meadows Subdivision 12th Filing and vacate the easement along the common lot line.

The applicant seeks to combine two contiguous lots, 150 and 151 into one 7.23-acre lot. The purpose of this request is to consolidate lot 150 and lot 151, which are both comprised of vacant land. In addition to the lot consolidation, the applicants are requesting to vacate the 20' utility easement along the common lot line between lots 150 and 151. There have been no previous land use approvals on these two lots prior to this lot consolidation.

REVIEW CRITERIA

- A. No additional lots will be created by the lot consolidation.
- B. The resultant lots will meet the required minimum lot size of the applicable zoning district and the lot dimension ratio required by subsection 8.14.1.H. If any of the lots are nonconforming with respect to the minimum lot size or the lot dimension ratio, the lot consolidation must not increase the nonconformity.

- C. The lot consolidation will not create a nonconforming setback for any existing building.
- D. The resultant lots will meet the requirements of subsection 8.14.1.I. Lots cannot be divided by a municipal or county boundary line, road, alley, or another lot.
- E. The lot consolidation will not adversely affect access, drainage, or utility easements, or rights-of-way serving the property or other properties in the area.
- F. Any covenants, deed restrictions, or other conditions of approval that apply to the original lots must also apply to the resultant lots and be noted on the final plat except those changes to a condition or note on a plat that are approved with this application. The County Commissioners shall consider the original reason, or circumstance for a condition, or note on a plat when approving the change.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends approval of the Glacier View Meadows 12th. Lots 150 and 151 Lot Consolidation and Easement Vacation, File No. 21-LAND4106 with the following conditions:

1. All conditions of approval shall be met, and the Findings and Resolution recorded by October 26, 2021, or this approval shall be null and void.
2. The resultant lots are subject to all covenants, deed restrictions, or other conditions that apply to the original lots in the subdivision.

MOTION

Commissioner Shadduck-McNally moved that the Board of County Commissioners approve the Consent Agenda subject to the conditions in the staff report and further move to authorize the Chair to sign the findings and resolutions.

Motion carried 3-0

With there being no further business, the Board adjourned at 3:05 p.m.

TUESDAY, APRIL 27, 2021

ADMINISTRATIVE MATTERS MEETING

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

Commissioner Kefalas opened the meeting with the Pledge of Allegiance.

1. PUBLIC COMMENT: Bob Overbeck, Larimer County Assessor, gave a brief update concerning the assessment appeals process beginning May 1, 2021. Assessor Overbeck explained that the notices of valuation will be sent via mail to citizens of Larimer County. Homeowners will be given the opportunity to protest their values. Due to the pandemic, we are encouraging homeowners to use our online tools and phone-in options instead of in-person appeals.

Gayla Martinez addressed the Board with concerns about oil and gas regulations.

2. APPROVAL OF THE MINUTES FOR THE WEEK OF APRIL 19, 2021:

MOTION

Commissioner Shadduck-McNally moved that the Board of County Commissioners approve the minutes for the week of April 19, 2021.

Motion carried 3-0

3. REVIEW OF THE SCHEDULE FOR THE WEEK OF MAY 3, 2021: Ms. Jeffers reviewed the upcoming schedule with the Board. Commissioner Shadduck-McNally announced that she will be attending a site visit on May 5, 2021, with the Forest Service at 9:45 a.m. at Big Thompson Canyon and that the May 3, 2021, Virtual Colorado State University Home2Health is a wrap-up meeting.

4. CONSENT AGENDA:

ABATEMENTS:

PETITION FOR ABATEMENT OR REFUND OF TAXES: Heo, LLC R1445669 tax year 2018.

RECOMMENDED DENIAL OF PETITION FOR ABATEMENT OR REFUND OF TAXES: Jeremy Saul Salazar R0554782 tax year 2019/2020; Chris Winey and Tracy Winey R0176923 tax year 2019/2020

AGREEMENTS:

1. MEALS ON WHEELS OF LOVELAND AND BERTHOUD SUPPLEMENTAL FUNDING AMENDMENT

2. PN 8506(B21-03) – 2021 PID RESURFACING PROGRAM (HIGHLAND HILLS AND PTARMIGAN) CONTRACT AND BONDS

3. PROFESSIONAL SERVICES AGREEMENT (AS-NEEDED ENVIRONMENTAL ENGINEERING SERVICES PER CDOT CONTRACT #18-HA4-XB-00196)

4. H1-B READY TO WORK PARTNERSHIP GRANT: THE TECHNOLOGY EMPLOYMENT IN COLORADO PARTNERSHIP 2.0(TEC-92.0)

APPOINTMENTS

5. RECOMMENDED REAPPOINTMENT OF RICHARD SEAWORTH TO THE BOXELDER BASIN REGIONAL STORMWATER AUTHORITY BOARD OF DIRECTORS AS JOINT LARIMER COUNTY/TOWN OF WELLINGTON REPRESENTATIVE

LIQUOR LICENSES: Mini Mart Inc. DBA Loaf N' Jug #750817, Mini Mart Inc, DBA Loaf N' Jug #750821, Mini Mart Inc, DBA Loaf N' Jug # 750824- Retail Fermented Off-Premise; Villa Tatra Inc-Hotel and Restaurant-Lyons; Zippy's Liquor- Retail Liquor Store- Fort Collins

Miscellaneous: Department of Human Services Payments for March 2021; Stipulation as to Tax Year 2020 Value

MOTION

Commissioner Stephens moved that the Board of County Commissioners approve the Consent Agenda for April 27, 2021.

Motion carried 3-0

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

6. INTERGOVERNMENTAL AGREEMENT WITH LOVELAND PULSE BROADBAND: Intergovernmental agreement between Larimer County and Loveland Pulse Broadband to permit Pulse to provide communications services to Larimer County. This agreement provides approval for a portion of Big Thompson Canyon near Drake and Lago Vista Mobile Home Park. Funding for the project to expand Pulse Broadband services into Larimer County was obtained by Thompson School District via the Connecting Colorado Students grant to improve connectivity to underserved areas.

Mark Pfaffinger, Chief Information Office of Larimer County, Briana Reed- Harmel, Municipal Fiber Manager for Loveland Pulse, and Dr. Matt Kuhn, Chief Technology Officer for Thompson School District, gave a brief presentation to the Board.

The Thompson School District has received a grant from the state of Colorado which will service this project. These areas have been hit especially hard during the pandemic for remote learning as some students are not connected to internet services in these areas. This has made it very difficult for the students and teachers and will help with learning in the future.

The agreement states that Pulse has the means to provide robust communications services to Larimer County residents located both in enclaves within the City of Loveland and unincorporated areas

outside the City of Loveland. Pulse shall be solely responsible for all costs related to providing the communications service. This agreement positions the county to amend and add additional projects and service areas in the future.

The Commissioners mentioned that they are pleased to see this partnership that addresses these issues. There were some questions on the project timelines as well as preserving mobile home parks as a part of affordable housing as we strive to breach the digital divide.

The construction will begin in June of 2021, with an anticipated completion of January 2022. The Lago Vista area will be underground installation and Big Thompson Canyon near Drake will be arial construction.

MOTION

Commissioner Shadduck-McNally moved to approve the Intergovernmental agreement to allow Loveland Pulse Broadband to expand communication services to areas of Big Thompson Canyon near Drake and the Lago Vista Mobile Home Park.

Motion carried 3-0

7. COVID-19 UPDATES AND DECISIONS: Linda Hoffmann, County Manager, introduced Larimer County Health Director, Tom Gonzales, to present an update to the Board.

Mr. Gonzales updated the Board on the county dashboard and vaccinations. He updated the Board on the risk score and stated that we are currently in the “blue” caution field on the dial. We are concentrating on four main areas of metrics which would include the seven-day case rate per 100,000 residents, seven-day positivity percentage, Covid patients in the hospital, and Intensive Care Unit (ICU) Census percentage utilizations. There was an update on trending week by week.

Chair Kefalas would like to see a breakdown of the actual number of ICU patients that are in the hospital for COVID-19 and not in the ICU for other types of medical reasons. Mr. Gonzales explained that the state looks at ICU numbers. Chair Kefalas stated there is value to the public in clarifying the breakdown of these numbers. We would like to continue to give cautious optimism.

Mr. Gonzales stressed to keep being vigilant in social distancing, washing hands, and face coverings as we do not want to be in a situation where we would need to put stronger restrictions in place. Larimer County needs to keep a seven-day incidence rate of no more than 300 cases per 100,000. There cannot be more than 60 COVID-19 patients in the hospital and the percentage of positivity cannot exceed 7.5%.

Mr. Gonzales sadly mentioned that we have had a death in April due to Coronavirus and that was a 53-year-old male, and we send out condolences to his family.

The Commissioners had some questions concerning guidelines for neighboring counties especially for restaurants, and Centers for Disease Control (CDC) guidance on mask mandates for outdoor use. Mr. Gonzales explained that Larimer County is not requiring face coverings while outdoors, it is only recommended in high-conjected places.

Mr. Gonzales gave an update on vaccinations. We have a total of 272,073 total doses given. Of that number 117,585 have been given both doses. Mr. Gonzales urged citizens to get vaccinated. A recent report from the hospitals show that 95% of the patients that have been hospitalized have not received the vaccine. He went over the vaccine percentage by age group graph and the state data percentage of those vaccinated versus those not vaccinated. Full vaccinations correspond to approximately 93% protection.

The vaccine clinics the week of April 26-May 1, 2021, are as follows:

Monday - Moby Arena
Tuesday - Foundations Church
Thursday- Aztlan Center
Saturday – Moby Arena and Conrad Ball Middle School

Larimer County is currently at 56% vaccinated with the drive to reach 65%. Every person who gets the vaccine helps stop COVID-19 from spreading. As a reminder if any citizens have vaccine questions, they may reach out to the public health department in a variety of ways:

Call - 970-498-5500 (M-F 9:00 a.m.-4:30 p.m.)
Text- 970-999-1770
Email – publichealth@larimer.org

The Commissioners had questions on the percentage of Larimer County residents who have been diagnosed with COVID-19 compared to Colorado as a whole. Mr. Gonzales stated that Larimer County comes in on the lower end due to our guidelines and compliance. There was discussion on efforts to register those citizens who do not have internet access. There are door-to-door campaigns and pop-up clinics around the county. The Commissioners had some ideas for getting younger individuals vaccinated such as bike or skateboard events and reaching out via social media as well as communicating with parents. There was mention of vaccine hesitancy and what we are doing as far as outreach and education. There is also an outreach program currently contacting local places of worship.

The Commissioners wanted to thank Public Health Director Tom Gonzales for all his hard work as well as the IT team for their continued work on the dashboard.

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

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

10. **EXECUTIVE SESSION:** Executive Session pursuant to C.R.S. 24-6-402(4)(b) for the purpose of receiving legal advice on specific legal questions regarding Hanson v. Larimer County, Larimer County Sheriff, et al.

Executive Session pursuant to C.R.S. 24-6-402(4)(b) for the purpose of receiving legal advice on specific legal questions regarding various provisions of oil and gas legislation and scope of review related to previously applied for and issued permits.

MOTION

Commissioner Stephens 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 Hanson v. Larimer County, Larimer County Sheriff, et al and further move that the Board of County Commissioners enter into Executive Session pursuant to C.R.S. 24-6-402(4)(b) for the purpose of receiving legal advice on specific legal questions regarding various provisions of oil and gas legislation and scope of review related to previously applied for and issued permits.

Motion carried 3-0

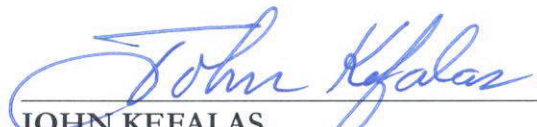
David Ayraud, County Attorney's office gave a brief explanation of the request for the Board to authorize the Chair to sign the verification form for interrogatory and request for production.

MOTION

Commissioner Shadduck-McNally moved that the Board of County Commissioners sign the Responses to Interrogations and Requests for Production for United States District court case 20-CV-00317-RBJ.

Motion carried 3-0

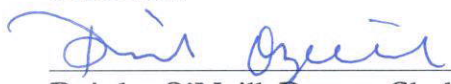
With there being no further business, the Board adjourned at 10:55 a.m.



JOHN KEFALAS
BOARD OF COUNTY COMMISSIONERS

ANGELA MYERS
CLERK AND RECORDER

ATTEST:



Deirdre O'Neill, Deputy Clerk

