



MINUTES OF THE BOARD OF COUNTY COMMISSIONERS

MONDAY, NOVEMBER 8, 2021

LAND USE HEARING

The Board of County Commissioners met at 3:00 p.m., with Don Threewitt, Planning Manager. Chair Kefalas presided and Commissioner Shaddock-McNally and Commissioner Stephens were present. Also present: Michael Whitley and Samantha Mott, Planning, Traci Shambo and Connor Sheldon, Engineering; Lea Schneider, Health Department; Amy White, Code Compliance Supervisor, Alan Kee and Tony Brooks, Code Compliance, Stephen Rothwell, Andrew Lewis and Frank Haug, County Attorney's Office; and Kelly Bryant, Deputy Clerk.

Chair Kefalas opened the hearing with the Pledge of Allegiance and noted that the following items were on the consent agenda and would not be discussed unless requested to do so by the Board, staff, or members of the audience.

PUBLIC HEARING CONSENT ITEMS:

1. TWIN SISTERS MINOR LAND DIVISION, FILE NO. 21-LAND4178: The applicants seek to divide a 32.6-acre parcel with two residences, so each residence is on its own lot.

The subject property is a 32.6-acre parcel zoned FO – Forestry. The property contains two residences that were constructed in 1915. The property is located approximately 930 feet east of the intersection of Highway 7 and Levings Way and has an address of 541 Levings Way.

The homes were constructed in 1915 which pre-dates zoning regulations and building permit requirements. They are served by on-lot wells and on-lot septic systems.

The Minor Land Division process can be used to divide existing legal uses that have separate utilities. The proposed Minor Land Division would divide the parcel, so each residence is on its own lot.

The property gains access to Highway 7 via Levings Way which is a private road within an access easement. New access easements are proposed on the newly created Lot 1 to provide access to Lot 2 and to provide access to an adjacent parcel that gains access to Levings Way by crossing the subject property.

According to the applicant's project description, there are only two existing residences on the property. The Assessor's information online indicates there are three residences, and the Code Compliance research indicates that there is evidence of three residences. The clarification of the third building as a residence or accessory building will be resolved separately from the Minor Land Division process.

DEVELOPMENT SERVICES RECOMMENDATION

The Development Services Team recommends approval of the Twin Sisters Minor Land Division, File 21 LAND4178, subject to the following conditions and authorization for the chairman to sign the plat when the conditions are met and the plat is presented for signature:

1. All conditions of approval shall be met, and the Final Plat recorded by May 9, 2022, or this approval shall be null and void.
2. Prior to the recordation of the Final Plat the application shall make the technical corrections required by Ron Perkins, Land Surveyor of the Larimer County Engineering Department.

2. STARK 2ND APPEAL, FILE NO. 21-GNRL0513: The applicants seek an Appeal to Section 6.5.5.C.8.a of the Larimer County Land Use Code for an extension to the Final Plat submittal requirement of one year from the Preliminary Plat approval.

The Stark Subdivision and Appeals Preliminary Plat, File # 18-LAND3746, was approved by the Board of County Commissioners in September of 2020. The Stark Subdivision approved a land division to create one new residential lot.

This request is for an Appeal to the timeframe to submit a Final Plat after Preliminary Plat approval. The Land Use Code (Article 6.5.5.C.8.a) specifies that Preliminary Plat approvals are effective for one year. If a complete Final Plat application is not submitted to the Community Development Department within one year of Preliminary Plat approval, the Preliminary Plat approval will automatically expire. The Land Use Code does allow the County Commissioners to extend the effective period of a Preliminary Plat for good cause. The applicant must request the extension in writing prior to expiration of the Preliminary Plat. The request for this Appeal was submitted to Larimer County in early September of 2021 and met this requirement.

This request for an extension to the timeframe for submitting the Final Plat is because the Northern Colorado Water Association (NCWA) currently has a moratorium on new water taps. The applicants were ready to submit their Final Plat within the allotted timeframe except for the ability to obtain an updated commitment letter from the NCWA. Because of this moratorium, the applicants were unable to provide all the required submittal documents for Final Plat submission. When new developable lots are created through a land division process, the Land Use Code requires the provision of adequate public facilities such as the provision of water. The Land Use Code requires that new development must be connected to either public water or be served by a well. Earlier in the land division process

the applicants did obtain a commitment letter from NCWA indicating they could provide an additional water tap to the newly created lot, but due to the moratorium NCWA now cannot issue a new water tap.

The intent with this request is to allow the applicant an extension on the Preliminary Plat approval so that once the moratorium for NCWA is lifted, the applicant can obtain a commitment letter and therefore a new water tap for the newly created lot and they can then proceed with the Final Plat phase of the land division.

The owners have approximately 40 acres located about 4 miles west of Wellington on County Road 60E. The land division would create one additional lot. The resultant lots would be 19-acres and 21-acres. The property currently has one single family dwelling, a detached garage, a quonset shed and a hobby train collection. The applicant proposes to create a 19-acre lot that would include the quonset shed to allow a new single-family dwelling, and a 21-acre lot that would include the existing single-family dwelling, the garage and the hobby train collection. This area is characterized by a mix of primarily larger lots with some smaller lots created through either the Rural Land Use or Subdivision process. The surrounding uses include residential and agricultural uses.

Water service is proposed to be provided by Norther Colorado Water Association (NCWA) which currently serves the existing single-family home. The existing home is served by on-lot septic system, and an additional on-site septic system is proposed to service the new residential lot. The lot currently takes access from the south off County Road 60E with an access easement through the vacant lot to the south which is part of the Ridgeview North Subdivision. The proposed new lot will take access off County Road 60E from the west.

This plan does not provide for connectivity and the existing lot is long and narrow so the proposed new lot cannot meet the depth to width ratio requirement. The Preliminary Plat application included appeals to Sections 8.14.1.H (Lot Depth-to-Width Ratio) and 8.14.1.R (Connectivity) of the Land Use Code which were both approved.

DEVELOPMENT SERVICES RECOMMENDATION

The Development Services Team recommends approval of the Stark 2nd Appeal, File# 21-GNRL0513, subject to the following condition:

1. The Final Plat process must be completed within one year from the date that the Findings and Resolution is recorded for this Appeal.

MOTION

Commissioner Stephens moved to approve the items on the Consent Agenda subject to the conditions in the Staff Report and further move to authorize the Chair to sign the Findings & Resolution.

Motion carried 3 - 0

CODE COMPLIANCE PUBLIC MEETING ITEMS

1. UNCLE BENNY'S BUILDING SUPPLIES COMBO VIOLATION: The purpose of this public meeting is to consider a request from the owner of the property and the principals of the business for more time to remedy violations of the Larimer County Code. Amy White from Planning as well as the owner Ben Aste were present. The property is located at 1815 S. County Road 13C, Loveland, File No. 18-CCC0386.

On August 27, 2020, Larimer County imposed a deadline for removal of the business and associated outdoor storage from the property. That deadline is December 31, 2021.

Uncle Benny's Building Supplies (Uncle Benny's) began circa 1995, without the required approvals from the Larimer County Planning Division or permits required to change the use of the warehouse to a commercial retail establishment. Per the submitted aerials, the retail and outdoor storage component expanded significantly throughout the years, still without the proper approvals.

In August 2019, Code Compliance received a complaint regarding the use of the property and concerns about the illegal business. Research was conducted and several violations were discovered. In general, the violations include:

1. Illegal additions to a structure that was permitted as a 60 x 40 storage building.
2. No permitted septic system.
3. A building permit was required for the change of use from a storage building to a Building Materials & Supply store.
4. Numerous cargo containers, sheds, etc., had been added to the property throughout the years, some of which needed building permits.
5. Numerous structures do not meet the required setbacks.
6. Site Plan Review approval was not obtained for intensified use of the property.
7. The majority of the property is located in the regulatory floodplain which would generate additional requirements to obtain compliance including Floodplain Development permits.

On September 9, 2019, staff from Code Compliance, Planning, Building, Engineering and the Health Department met with the Owner, her husband, Ben Aste, Sr. and son, Ben Aste, Sr. and Ben Jr. are the primary operators of (Uncle Benny's). They have been the primary contacts during the pendency of this case. It is unknown if a formal lease between the parties exists. Uncle Benny's has been in operation since approximately 1995 and has continued to expand throughout the years without obtaining any required planning approvals or required building permits in the floodplain (flood fringe).

At this meeting in September, staff discussed floodplain implications, planning requirements, Health Department concerns and building code issues. The Astes indicated they had been looking at other options as they indicated they had outgrown the property and were attempting to determine next steps

for Uncle Benny's but were experiencing some obstacles such as finding a new location and moving the items.

Subsequently, Ben Sr. then notified Code Compliance Supervisor Amy White that he had hired a surveyor, an architect, and engineer and a hydraulic engineer.

On February 12, 2020, staff met with representatives from a consulting firm who had been hired to help the Astes move forward with the required Site Plan Review and Flood Review Board variance. On April 15, 2020, a representative from the consulting firm, Andrew Baker, Planner Michael Whitely and Code Compliance Inspector (CCI) White had a phone conference to discuss next steps.

On April 24, 2020, Mr. Baker sent an email stating in part, "I have a phasing plan which lays out my client's desired timeline for getting his site in compliance and was hoping to sent that to you this week, but Benny needs more time to review. The county received the phasing plan processed by the Astes on May 1, 2020.

Understanding that it would take some time for find a new location, and remove the extensive outdoor storage, the County accepted the phasing plan, that would end December 2021.

County Code Compliance also put in a condition that the required Site Plan Review application would need to be received by October 1, 2020. That application was received on October 2, 2020, and has since been withdrawn given the owner's planned departure from the property and pending sale.

To date, the only item that has been adhered to per the Phasing Plan is the demolition of the illegal 2-story addition on the main building. Another illegal addition on the south side of the main building was also removed as the illegal vault. At one time, some of the materials located within the front setback had been removed but have since been replaced. There has been some minor removal of the outdoor storage, and at one time one or two cargo containers had been removed, but there are still upwards of 20 structures and/or cargo containers left to be removed.

On October 7, 2021, Code Compliance received a complaint from a neighbor that Uncle Benny's had received deliveries of new "inventory", which is contrary to the phasing plan. On October 8, 2021, CCI Tony Brooks performed a site visit and confirmed the delivery of new inventory. Subsequent to verification of the newly added inventory, on October 8, 2021, Ms. White sent an email to Ben Sr. and Ben Jr. stating that the December 31, 2021, date is still in effect; the retail use must cease, and all outdoor storage and illegal structures removed by then. Ben Sr. then requested an extension of the final date until December 2022 and explained that he is making progress on his move to a Johnstown location but that he would not be able to complete the phasing plan timeline as it stands.

On October 11, 2021, in a phone call with Ben Sr., Mr. Aste informed Larimer County the Astes have identified a new site and have been working with the town of Johnstown (Town) to obtain approvals. The County was notified on October 19, 2021, that conditional approval had been received for a process that evidently needed to occur before they could close on the new property. The conditional approval is due to the need for a Development Agreement with the Town to memorialize

responsibilities regarding the required public improvements for the proposed project. Once full approval is received, the Town's next process required is a Site Plan Review. If that is approved, then the construction stage would begin.

This parcel that is the subject of this Code Compliance case is currently under contract to sell, with the closing set for December 2021.

The violation has spanned multiple years, the owner has requested an extension to the phasing plan timeline. Leslie Ellis, Community Development Director, determined the request to extend the phasing plan should be presented to the Board. Thus, this request for extension is being sent to the Board of County Commissioners for their deliberation and decision.

The owner did agree to meet with the Board and Chair Kefalas opened the floor for discussion. Commissioner Shadduck-McNally had questions about the additional shipment of inventory. Mr. Brooks with Code Compliance indicated that there were multiple areas that show movement of product. Staff advised such movement suggested the phase was attainable. Commissioner Stephens mentioned that flood and fires were safety concerns on this property. The Chair asked about the stored items on the premises and whether they were hazardous materials. Ms. White, Code Compliance Supervisor, indicated that they were unaware of any hazardous material but did mention that there was a complaint regarding the septic system in 2005. This complaint however had been dropped. Chair Kefalas asked about the consequences for not extending the deadline. Ms. White stated that the buyers would be willing to lease back the property through September of 2022, in order to allow the owner to resolve the outstanding matters. It should be noted that the new buyer would be allowed to use the property as "Storage Only." Attorney Frank Haug advised the Board that it would be able to pursue legal action, if necessary, until September 2022. Ben Aste, owner of the property listed out several things that had been improved and/or resolved and mentioned the flood fringe that would no longer be an issue after 2023 based on the Colorado Hazard Mapping Program (CHAMP) report. Mr. Aste apologized for not keeping the Commissioners and Planning informed of his progress. Commissioner Stephens inquired about the shipment of new inventory which was contrary to the phasing plan and Mr. Aste stated that he needed to maintain his business and thought it was acceptable to continue operations. Commissioner Shadduck-McNally mentioned that the CHAMP study would place the property out of the flood fringe later but that he was currently in the flood fringe and the responsible party. Chair Kefalas asked Mr. Aste how many violations remained, and Mr. Aste stated about half.

Several constituents spoke to the board to include those that supported the business owner: Jason Hemp, David Lawrence, Sandra Aste, Kaleb Badke, Mr. Brandon, and Tom Donnelly and those who opposed the owner: Ester Mass aka "Loli." Mr. Aste then responded to questions and comments from the audience.

Chair Kefalas then closed the Public Comments section and proceeded to open discussions with the Commissioners.

Commissioner Shadduck-McNally asked staff of the CHAMP Report to which Devin Traff advised that this report was initiated in 2013 but would be formalized in 2023. He stated that the property in question is currently in a flood plain. He also expounded on the definition of hazardous materials. Commissioner Stephens discussed the current zoning and asked if the owner expected he could operate this business as it was purchased by the previous owner conducting the same business. Mr. Mike Whitely mentioned that the property was classified as (I) Industrial but that it is the business owner's responsibility to understand the zoning restriction. Lea Schnieder, Health, mentioned that they had not been to the property to confirm the removal of any hazardous material.

Commissioner Shadduck-McNally asked about complaints from 2005-2007 and inquired about whether the owner knew then that he was out of compliance. Staff then provided an activity log summary and did state that the County had a meeting as recent as 2019 to discuss and agree on a timeline of compliance. Staff then stated that the noted violations are still applicable and unresolved.

Chair Kefalas then reiterated the goals and plans to peruse a new location but that he wanted to see the property cleaned up soon. Ms. White from Code Compliance stated that in order to achieve a clean up the owner would need more time than the existing deadline of December 2021. Commissioner Stephens asked if it is usual to grant extensions of this kind, and staff responded that they have done so in the past.

Deliberation

Commissioner Stephens was concerned about safety if fire trucks could not enter the property in an emergency as well as customers entering non-compliant buildings on the property. She recommended an extension less than a year.

Commissioner Shadduck-McNally stated that the owners were aware of the Site Plan approval process and did not follow his own recommended phasing plan. She was not completely in favor of extending the deadline. She said she understands that this is a small business that supports several families however the lack of communication is concerning.

Chair Kefalas supports a (6) six-month extension with no additional extensions after May 8, 2022. He noted that the phased plans, flood maps and public comments were considered and the responsibility to comply rests solely with the business owner.

Commissioner Stephens then said she would support the May 8, 2022, extension but wanted a phased plan from the County. Commissioner Shadduck-McNally mentioned she could agree on an extension as well. County Attorney Frank Haug mentioned that the new owners (buyers) would not inherit the violations but that a new due diligence process would need to occur.

MOTION

Commissioner Stephens moved to extend the deadline for Uncle Benny's Building Supply to May 8, 2022, on the condition that the owner work with the county to develop a modified phasing plan to remedy the violations during that same time frame.

Motion carried 3 – 0

Second Reading of the Larimer County Ordinance for Implementation and Enforcement of Short-Term Rental Regulations

Ms. White, Code Compliance Supervisor read into the record the ordinance with the following:

- Section 7 requirements add item E: Advertising. Any advertising shall contain the Larimer County approval number
- Section 8 Violations Enforcement and Revocation. Amend Section 8, D, G to read An owner whose short term rental approval has been suspended must immediately cease all operations during the pendency of the suspension. All advertising shall cease during the pendency of the suspension.
- Section 8.D.F to read An owner whose short term rental approval has been revoked must cease all operations. All advertising shall cease immediately.
- Section 8 – add Section I Advertising. Any advertising listing the short-term rental for rent such as on-line rental sales i.e., VRBO, AirBNB, etc. or publish to solicit rental of a short-term rental without prior approval from the authorizing and enforcement agency is a violation.

MOTION

Commissioner Stephens moved that the Larimer County Ordinance for implementation and enforcement of short-term rental regulations regarding short term rentals, which was first read on October 25, 2021, be adopted by the Board of County Commissioners, including the changes presented by staff at today's meeting. Further, that the staff publish the ordinance by title only, including a reprint of all sections that were amended following the initial publication. Further that the effective date of the ordinance will be 30 days after the date of final publication.

Motion carried 3 – 0.

With there being no further business to discuss the Board adjourned at 5:30 p.m.

MONDAY, NOVEMBER 8, 2021

SPECIAL MEETING

The Board of County Commissioners met at 6:30 p.m., with Linda Hoffmann, County Manager. Chair Kefalas presided and Commissioner Shadduck-McNally and Commissioner Stephens were present. Also present were: Michelle Bird, Public Affairs Director; Josh Fudge, Budget Director; Matthew Behunin, Budget Analyst; Duane Penney, Solid Waste Director; and Kelly Bryant, Deputy Clerk.

1. Discussion Item: Proposed Budget Hearing & Proposed Landfill and Estes Park Transfer Station, Red Feather Lakes Convenience Center, & Wellington Convenience Center Fee Rate Increase

Review 2022 Proposed Budget and consider proposed landfill, Estes Park Transfer Station, Red Feather Lakes Convenience Center, and Wellington Convenience Center rate increases.

Duane Penny, Director of Solid Waste summarized the proposed budget for 2022 by reviewing the income and expenses for his division. He compared Larimer County to surrounding counties and mentioned the differences and benefits of Larimer County's services. He then discussed the proposed fee schedule update which would increase fees by \$1.00 for main areas.

Josh Fudge, Budget Director then reviewed the 2022 proposed Budget. He then discussed the processes, procedures and deadlines that would need to be met in order to have discussions at the December 7, 2021, Administrative Matters Hearing. The Budget would then be adopted on December 15, 2021, by the Board of County Commissioners.

Mr. Fudge and the Commissioners mentioned that there is a sample budget for the public and that the public is encouraged to provide feedback. Commissioner Stephens thanked Mr. Fudge and noted her appreciation for the public comments. Commissioner Shadduck-McNally also provided thanks and was confident in the budget process. Chair Kefalas mentioned that he would be having an open meeting on November 13, 2021, from 8:30 – 10:00 a.m. at the Me Oh Mi business, Laporte. County Manager Hoffman thanked Mr. Fudge and Mr. Behunin for their great leadership.

With there being no further business to discuss the Board adjourned at 7:17 p.m.

TUESDAY, NOVEMBER 9, 2021

ADMINISTRATIVE MATTERS MEETING

The Board of County Commissioners met at 9:00 a.m. with Linda Hoffmann, County Manager. Chair Kefalas presided, and Commissioner Shadduck-McNally and Commissioner Stephens were present. Also present were: Austin Harvill, Commissioners' Office; and Kelly Bryant, Deputy Clerk.

Commissioner Kefalas opened the meeting with the Pledge of Allegiance.

1. PUBLIC COMMENT: The following spoke to the Board regarding mask mandates, vaccine concerns and communications with the Director of Public Health: Paige Hornbeck, Martin Gerlach, Jessica Madden, Jim Winebrener, Sara Wiley, Melanie Cline, Donald O'Connell, Jessica Langer, Hannah Lacy, Kristen Lindo, Debbie Bee, Judy Blum, Nick Lance, Lisa Maclean, Lisa Hecker, James Rudd, Sherrel Jackson, Ellie Lindo, Jan Lacy, Caitlin Daylin, Kelly Pigma, Angela Myers. Angela Myers, Larimer County Clerk & Recorder gave an update on Elections to include an upcoming Risk Limited Audit (RLA) on November 15, 2021. Brian Hansen led the meeting in the Pledge of

Allegiance as well as a prayer. Commissioner Stephens and Commissioner Shadduck-McNally thanked those for speaking and welcomed dialogue and citizens' viewpoints. Commissioner Stephens mentioned that she valued and wanted to protect life and, as per science recommendations, masks and vaccines are the best way to prevent transmission. Commissioner Shadduck-McNally reiterated that the Board of County Commissioners does not have statutory jurisdiction over the Health Department. Chair Kefalas stated that he accepted responsibility for partaking in an email exchange with the Director of Public Health. He also informed the audience (in person and watching) that the proposed vaccine verification provision of the 9th Public Health Order had been removed on October 25, 2021. Lastly, Chair Kefalas said "pains him greatly" that our community is at odds with one another regarding the Health Departments mandate.

2. APPROVAL OF THE MINUTES FOR THE WEEKS OF NOVEMBER 1, 2021:

MOTION

Commissioner Stephens moved that the Board of County Commissioners approve the minutes for the weeks of November 1, 2021.

Motion carried 3-0.

3. REVIEW OF THE SCHEDULE FOR THE WEEK OF NOVEMBER 15, 2021: Mr. Harvill reviewed the upcoming schedule with the Board.

4. CONSENT AGENDA:

ABATEMENTS:

- 1. PETITION FOR ABATEMENT OR REFUND OF TAXES:** LARIMER COUNTY AND NINTH AND DENVER, LLC ACCOUNT NUMBER: R0341029
- 2. PETITION FOR ABATEMENT OR REFUND OF TAXES:** LARIMER COUNTY AND NINTH AND DENVER LLC ACCOUNT NUMBER: R1645725
- 3. PETITION FOR ABATEMENT OR REFUND OF TAXES:** LARIMER COUNTY AND NINTH AND DENVER LLC ACCOUNT NUMBER: R1648619
- 4. PETITION FOR ABATEMENT OR REFUND OF TAXES:** LARIMER COUNTY AND NINTH AND DENVER LLC ACCOUNT NUMBER: R1643779
- 5. PETITION FOR ABATEMENT OR REFUND OF TAXES:** LARIMER COUNTY AND NINTH AND DENVER LLC ACCOUNT NUMBER: R1645724

AGREEMENTS:

- 1. GRANT AGREEMENT-LCBHS GRANT AGREEMENT 21-RES-HCAT**

2. **OFFICE ON AGING SERVICE CONTRACT BETWEEN LARIMER COUNTY DEPARTMENT OF HUMANS SERVICES AND MEALS ON WHEELS OF LOVELAND AND BERTHOUD, INC.**
3. **ALTERNATIVE SENTENCING EXPANSION CONSTRUCTION CONTRACT**
4. **AMENDMENT #3 TO PROFESSIONAL SERVICES AGREEMENT (RE: P16-10, JAIL MEDICAL PROVIDER SERVICES)**
5. **PRESCRIPTION DRUG BENEFIT ADMINISTRATION AGREEMENT**
6. **AUTHORIZED SIGNATURE REQUESTED FOR DOLA/DOH ESG-CV GRANT APPLICATION**
7. **HEALTH CARE POLICY AND FINANCE (HCPF) CONTRACT AMENDMENT WITH HUMAN SERVICES**
8. **DEVELOPMENT AGREEMENT FOR MOUNTAIN SUNSET TOWNHOMES SUBDIVISION, 20-LAND3984**

APPOINTMENTS:

1. **RECOMMENDED APPOINTMENTS TO THE BEHAVIORAL HEALTH POLICY COUNCIL - BRIAN FERRANS, CLARK MCCOY**
2. **RECOMMENDED APPOINTMENTS TO THE BEHAVIORAL HEALTH TECHNICAL ADVISORY COMMITTEE - MONICA FOSTER, DONNA GOLDSTROM, TYRELL HIRCHERT, KYLE MCPHERSON, HEATHER O'HAYRE, LYN SADLER, LAURA SCHWARTZ, CELESTE SIMMONS**
3. **RECOMMENDED APPOINTMENTS TO THE BEHAVIORAL HEALTH CONSUMER ADVISORY COMMITTEE - KAREN BARRETT, ALISON DAWSON, SARAH MCKEEN, EMILY POTTS, WENDY STINE, MARY BETH SWANSON, SILEN WELLINGTON**

DEEDS

1. **BARGAIN AND SALE DEED - CONVEYS NEEDED RIGHT-OF-WAY FOR I-25 TO CDOT AT THE HWY 402 INTERSECTION**

LIQUOR LICENSES: HANGLOOSE LIQUORS LLC, RETAIL LIQUOR STORE RENEWAL LOVELAND; VERN'S PLACE, HOTEL & RESTAURANT, LAPORTE; WINDJAMMER LLC, TAVERN, LOVELAND.

MISCELLANEOUS

1. **STIPULATION AS TO TAX YEAR 2020 VALUE**
2. **Q3 2021 PUBLIC TRUSTEE REPORT**
3. **COLORADO-BIG THOMPSON PROJECT SPECIAL USE PERMIT**

4. **MOUNTAIN SUNSET TOWNHOMES SUBDIVISION, 20-LAND3984**
5. **STIPULATION FOR WAL-MART REAL ESTATE BUSINESS TRUST (2021BAA2369) FOR TAX YEAR 2021**
6. **STIPULATION FOR SAM'S ESTATE BUSINESS TRUST (2021BAA2371) FOR TAX YEAR 2021**
7. **STIPULATION FOR WAL-MART REAL ESTATE BUSINESS TRUST C/O WAL-MART STORES INC 1008 (2021BAA2372) FOR TAX YEAR 2021**
8. **STIPULATION FOR WAL-MART STORES INC (2021BAA2374) FOR TAX YEAR 2021**
9. **Stipulation as to Tax Year 2021 Value**
10. **Stipulation for Benenson Boardwalk Ft Collins CO LLC (2021BAA2380) for Tax Year**

M O T I O N

Commissioner Shadduck-McNally moved that the Board of County Commissioners approve the consent agenda as published on November 9, 2021.

Motion carried 3-0

5. **COMMENTS FROM COMMISSIONERS' GUESTS:** The were no guests present.
6. **DISCUSSION ITEMS:**
 1. **Shining Star of Disability Employment Individual Award Received by Nicole Berg, Inclusion Administrator, Human Resources**

The Division of Vocational Rehabilitation has presented the "Shining Star of Disability Employment Individual Award" to Nicole Berg of Human Resources Department. Bridget Paris, Director of Human Resources, read the submission in full and said that during Nicole's short tenure she has been an asset and a leader in the community.

Nicole Berg accepted the award and said that it was a team effort. Commissioner Stephens congratulated her and commented on her humility. Commissioner Shadduck-McNally thanked Nicole for her important work and recognized her "lead by example" approach. Chair Kefalas thanked Nicole for her progress in making the community more inclusive. He thanked the Human Resources team as well for their work. County Manager Linda Hoffmann mentioned that Nicoles position was newly created and appreciated all her work thus far.
 2. **Presentation of the 2021 Advocacy Leadership Award for Organizational Achievement in Advocacy by The Council for Mental Wellbeing.**

Laurie Stolen, Behavioral Health Services Director, presented Larimer County Board of County Commissioners with the 2021 Advocacy Leadership Award for Organizational

Achievement in Advocacy by The Council for Mental Wellbeing. Larimer County is recognized for its commitment to behavioral health. The award was accepted by Laurie Stolen, on behalf of the County at a previous ceremony. Former Commissioner Steve Johnson and retired Sheriff's Office member Gary Darling spoke to the Board and thanked this Board, former Board of County Commissioner members, Linda Mott and especially Laurie Stolen for their leadership on this effort. Commissioners Stephens congratulated Mr. Darling, Mr. Johnson and Ms. Stolen for "shepherding" this effort as well as efforts from previous boards. Chair Kefalas recognized Mr. Darling and previous boards to integrate of behavioral health within the Criminal Justice system as well as the Alternative Sentencing program. He stated that he was proud to be national recognized. County Manager, Linda Hoffmann, congratulated Laurie Stolen as well as Mr. Darling for his ideas and former Commissioner Johnson for his leadership. Behavioral health is a critical issue, and it has been included in the Strategic Plan for the good of the community.

3. Approval to have Larimer County Manager apply for unspent federal funds in the US Treasury's Emergency Rental Assistance Program (ERAP).

Claire Bouchard, Housing Stability Program Manager spoke to the Board. The US Treasury's ERAP program contains allowance for a statutory reallocation process. This is a critical step towards ensuring additional funds are made available to grantees with a proven capacity to deliver ERA in jurisdictions where families remain at serious risk of eviction or housing instability. Locations with unspent ERAP monies may have their funds reverted to the US Treasury for redistribution. Chair Kefalas thanked Ms. Bouchard. He also mentioned owners of Mobile Homes could use funds to pay a lot fee in order to stay in their homes. Commissioner Shadduck-McNally stated that the amount of \$52 million still needed was "stunning."

M O T I O N

Commissioner Stephens moved to approve that Larimer County apply for unspent federal funds in the United States Treasury's Emergency Rental Assistance Program (ERAP) for the amount of \$10 million

Motion carried 3 – 0.

7. COUNTY MANAGER UPDATE: Manager Hoffmann updated the Board on this week's coordination meetings and upcoming projects and activities. She also mentioned, in reference to the above-mentioned matter, that when "Larimer County initiates something new that we're successful."

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

9. LEGAL MATTERS

No Decision Expected

Executive Session pursuant to C.R.S. 24-6-402(4)(b): Conferences with an attorney for the purpose of receiving legal advice regarding Colorado's Open Meeting and Public Records laws.

MOTION

Commissioner Shadduck-McNally moved that the Board of County Commissioners move 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 Colorado's Open Meeting and Public Records laws.

Motion carried 3 – 0.

With there being no further business, the Board adjourned at 11:31 a.m.

MONDAY, NOVEMBER 9, 2021

EXECUTIVE SESSION

The Board of County Commissioners met at 1:30 pm with Bridget Paris, Human Resources Director. Chair Kefalas presided. Commissioner Shadduck-McNally and Commissioner Stephens were present.

MOTION

Commissioner Shadduck-McNally moved that the Board of County Commissioners move into Executive Session regarding County Attorney Performance Review (C.R.S. 24-6-402(4)(f) - Personnel matters)

Motion carried 3-0.

With there being no further business, the Board adjourned at 2:35 p.m.



JOHN KEFALAS
BOARD OF COUNTY COMMISSIONERS

ANGELA MYERS

CLERK AND RECORDER

ATTEST:



Kelly Bryant, Deputy Clerk

