



MINUTES OF THE BOARD OF COUNTY COMMISSIONERS

MONDAY, DECEMBER 13, 2021

LAND USE PUBLIC HEARING

The Board of County Commissioners met at 3:00 p.m., with Don Threewitt, Principle Planner. Chair Kefalas presided, Commissioner Stephens and Commissioner Shaddock-McNally were present. Also, present were Tawn Hillenbrand, Community Development; Lesli Ellis, Community Development Director; Steven Rothwell, Engineering; Lea Schneider, Health and Environment; Frank Haug, Assistant County Attorney; and Deirdre O'Neill, Deputy Clerk.

PUBLIC HEARING CONSENT ITEMS:

1. KIDS LLC SPECIAL REVIEW, FILE NO 21-ZONE2936: The applicant requests Special Review approval for a school-age Child Care Center, for up to 10-total children, located in the existing Chapel of the Pines facility. This use was previously granted approval through the Temporary Allowance for Educational Facilities (COVID-19).

The subject property is a 5.58-acre parcel located at 23947 W. County Road 74E in Red Feather Lakes, Colorado, approximately 710-feet east of the intersection of County Road 67J and W. County Road 74E. The property is currently zoned O – Open and is in the Red Feather Lakes Plan area.

The property currently contains an approximately 4,920 square-foot two-story church facility and an approximately 832-square foot accessory single-family dwelling used for visiting Clergy. The proposed Day Care Center would be located on the second floor of the existing church building in a space that was originally used as storage space for the church. The proposed space would be approximately 675 square feet and would require a Change of Use permit in order to be used as a classroom rather than storage space.

The proposed Kids LLC Child Care Center would operate between the hours of 8:30 a.m. and 3:00 p.m., Monday through Friday and would be closed on major holidays. The applicant indicated that the hours may change to after-school hours from 3:00pm to 6:30 p.m. Monday through Friday if the need arises. The applicant has indicated that one to two employees, including the owner of the childcare facility, would be present on site as needed on a daily basis. If a need arises in the future, the applicant

may hire one additional part-time teacher which would increase the maximum number of employees to three total.

The Kids LLC Day Care Center use was previously granted temporary approval through the temporary Allowance for Educational Facilities. The Allowance for Educational Facilities was created in response to the Covid-19 pandemic and the need for alternative schooling arrangements related to temporary school closures, remote learning, and quarantines brought on by the pandemic.

The Resolution states that long-term approval beyond June 30, 2021, would necessitate the applicant to submit a planning application to the County within six months of being granted the temporary use approval.

The Larimer County Land Use Code defines a 'Day Care Center' use as "a facility providing for the care, protection, and supervision of more than eight children under 16." Additionally, the Land Use Code states that a church that includes a school or day care requires approval through the Special Review process in all zoning districts where churches are allowed.

The Special Review application was submitted prior to March 24, 2021, prior to the adoption of the new Land Use Code, therefore, this application is required to meet the standards of the old code.

REVIEW CRITERIA

- A. The proposed use will be compatible with existing and allowed land uses in the surrounding area and will be in harmony with the neighborhood.
- B. Outside a Growth Management Area (GMA) district, the proposed use is consistent with the County Master Plan.
- C. The applicant has demonstrated that this project can and will comply with all applicable requirements of this code.
- D. The proposed use will not result in a substantial adverse impact on property in the vicinity of the subject property.
- E. The recommendations from referral agencies have been considered.
- F. The applicant has demonstrated that this project can meet applicable additional criteria listed in Section 4.3 Use Descriptions.

DEVELOPMENT SERVICES TEAM RECOMMENDATIONS:

The Development Services Team recommends approval of the Kids LLC Special Review, File #21-ZONE2936, 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 plan and with the information contained in the Kids LLC Special Review File #21-ZONE2936 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 Kids LLC Special Review.

3. The maximum number of children allowed in the Child Care Center shall not exceed 10 children.

4. The existing well serving the Child Care Center shall be equipped with a totalizing flow meter with diversions recorded by the well owner on an annual basis.

5. 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.

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

7. 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 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.

8. 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.

9. 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.

MOTION

Commissioner Shadduck-McNally moved to approve the consent agenda for Monday, December 14, 2021, subject to the conditions in the staff report and further authorize the Chair to sign the Findings and Resolution.

Motion carried 3-0

PUBLIC HEARING DISCUSSION ITEMS:

1. KIDS LLC FEE APPEAL, FILE NO 21-GNRL0521: Tawn Hillenbrand gave a brief presentation explaining that this is a request by the applicant to waive the planning application fee for Kids LLC Special Review (File #21-ZONE2936) in the amount of \$1,908.16.

Ms. Hillenbrand stated that the applicant is currently seeking approval for a proposed Child Care Center use through the Special Review process; file #21-ZONE2936. The Special Review application process is completed in two phases, Sketch Plan Review and Public Hearing Submittal.

The applicant requests a refund of all application fees required for the Special Review application process paid to date. According to the applicant's project description, paying the fees creates an undue hardship on the small business. The applicant stated that because the facility is not yet licensed, the facility has not been able to operate at full capacity thereby drastically decreasing the monthly revenue for Kids LLC. Additionally, providing affordable childcare does not allow the applicant the ability to make much of a profit after expenses.

According to the applicant, the \$837.62 application fee required at the first phase (Sketch Plan Review) of the approval process is more than what Kids LLC is currently collecting in a month of profits. Furthermore, the \$1,570.54 application fee required at the second phase (Public Hearing) of the approval process is more than two months' worth of profit for the small business. The applicant also expressed that the need to print paper copies of application materials was an additional undue hardship for the business.

The applicant's Project Description indicated that Kids LLC was granted an allowance from Fort Collins Early Childhood in the amount of \$500 to help offset costs.

The total amount of application fees collected by the County for Special Review approval equated to \$2,408.16. Deducting the \$500 allowance provided to the applicant by Fort Collins Early Childhood, the total amount of application fees paid by the applicant would equate to \$1,908.16.

The Kids LLC Day Care Center use was previously granted temporary approval through the temporary Allowance for Educational Facilities. The Allowance for Educational Facilities was created in response to the Covid-19 pandemic and the need for alternative schooling arrangements related to temporary school closures, remote learning, and quarantines brought on by the pandemic. The Resolution states that long-term approval beyond June 30, 2021, would necessitate the applicant to submit a planning application to the County within six months of being granted the temporary use

approval.

REVIEW CRITERIA

GENERAL FEE APPEAL CRITERIA

The County Commissioners will consider each of the following factors and make findings pertaining to each one which, in their discretion, applies to the appeal:

1. The development as proposed helps achieve a density or intensity reduction of existing uses consistent with adopted plans.
2. Staff has made an error in processing the project application
3. Exceptional, documented financial hardship exists
4. The development application is from a jurisdiction or department with a current Intergovernmental Agreement or Memo of Understanding which addresses application fees (none currently exist).

The Kids LLC Special Review application was not made by a jurisdiction or department with a current Intergovernmental Agreement or Memo of understanding that addresses application fees.

The Development Services Team finds that the request does not meet two of the four criteria listed above for fee appeal requests. The fees that are collected on planning applications directly offset the time staff in the Community Development Division spends to review and process applications. Based on this, the Community Development Department does not support this fee appeal request.

DEVELOPMENT SERVICE TEAM RECOMMENDATION:

The Development Services Team recommends Denial of the Kids LLC Fee Appeal, File #21-GNRL0521.

The Commissioners did have some questions for staff on previous appeals that did not meet the criteria and if those appeals had been approved. Don Threewitt stated that historically when the fee appeal has been approved, the Board of Commissioners have reallocated funds from other accounts to cover the loss of funds to Community Development Department. There was also discussion on the possibility of a partial fee reduction.

Commissioner Kefalas opened the hearing for public comment.

The applicant Jennifer Lansing, spoke via zoom. Ms. Lansing stated that she is the owner/ director of Kids LLC and is seeking to open this facility in Red Feather Lakes for kindergarten through fifth grade school age children. She expressed her frustration with the lengthy process and stated that her goal is to run an educational daycare facility to help children learn and grow. It is the only daycare facility in

Red Feather Lakes. Ms. Lansing reported to the Commissioners that the fees are a hardship that would take three months of her income.

Commissioner Shadduck-McNally did appreciate Ms. Lansing wanting to help families with their childcare needs but did state that with any business there are associated costs. Ms. Lansing explained that it has taken over two years to gather information and receive answers from planning staff who she believes have applications “sitting on desks” and believes the process is redundant.

Commissioner Stephens asked for clarification on whether this is before and after school as well as school breaks. Ms. Lansing stated this is a goal of hers to provide care during school breaks as well as before and after school.

Chair Kefalas had some questions on the childcare licensing.

No members of the public offered any comments.

Chair Kefalas closed public comment.

The Commissioners thanked staff and Ms. Lansing. The Commissioners did mention that childcare is part of their strategic goal and would be supportive of approving the fee appeal as childcare can be a hardship and that the Red Feather Lakes community is in dire need of childcare options. Commissioner Shadduck-McNally mentioned that she has mixed feelings and that she does understand the hardship and how much this facility is needed but also understands that there are rules and processes for all small businesses that apply for these types of applications and our staff works extremely hard on each application in a timely manner and does not believe they are delaying applications of any kind. Commissioner Shadduck-McNally stated that she would consider a partial reduction of fees. Chair Kefalas expressed his support in waiving the fees in full as childcare is a serious concern and part of their five-year strategic plan and a high priority for the Larimer County Department of Health and Environment.

MOTION

Commissioner Stephens moved that the Board of County Commissioners approve the Kids LLC Fee Appeal, File #21-GNRL0521.

Motion 3-0

- 3 LAND USE CODE AMENDMENTS TO ARTICLE 10, AREAS AND ACTIVITIES OF STATE INTEREST (1041 REGULATIONS), FILE NO 21-CODE0260:** Lesli Ellis, Community Development Director, reported to the Board that this is a request to replace Article 10, Areas and Activities of State Interest, of the Land Use Code, and Amend related Section 6.4.4, Location and Extent, Section 6.7.2 Procedures and Section 20.3, Definitions to align with the changes in Article 10.

This is a continuation of the public hearing held on November 15, 2021. The Board of County Commissioners is being asked to consider and adopt Amendments to the Larimer County Land Use

Code, specifically to Article 10, Areas and Activities of State Interest (1041 Regulations). The Board is also being asked on January 24, 2022, to designate the following additional activities of state interest: highways and interchanges, and modifications to other designations as noted below. The Code Amendments are designed to update the existing guidelines and procedures related to 1041 regulations, as well as to provide new guidelines and procedures for new activities which would be designated through a separate state statutory process. Thus, the Board is being asked to complete two separate tasks: (1) to designate activities of state interest under the state statutory process, and (2) to adopt guidelines through amendments to the Larimer County Code on the implementation and regulation of those areas.

The staff report published prior to the November 15, 2021, hearing contained the background information and attachments, including Attachment A that the County Commissioners considered and approved. At the end of the evening, the County Commissioners approved the following motion:

The Board of County Commissioners approve the request to repeal and replace Article 10, Areas and Activities of State Interest (1041 Regulations, File #21-CODE0260), and minor amendments in Sec. 6.4.4, Sec. 6.7.2.B.2.A, and definitions in Sec. 20.3, as detailed in the staff report and shown in Attachment A (clean and redline versions), and as recommended by Community Development Department staff and with changes as recommended by the Planning Commission along with additions and changes added at this hearing in the Purpose sections 10.1.2.D to change the language to reduce redundancy and add greenhouse gas emissions and 10.1.2.G to keep the language related to quality of life. Staff should continue to look at Sections 10.3.1.I, and 10.7.4.D and present options for the hearing on Dec. 13. The board continuances the hearing to Dec. 13, 2021, to refine the Findings and Resolution and any other proposed changes to the regulations. The effective date of the regulations will be Dec. 15, 2021.

At the hearing on November 15, 2021, the County Commissioners asked staff to consider water and sewer pipelines and whether there is a way to designate smaller types of utilities. To prepare a recommendation on the topic of water and sewer pipelines, staff reviewed past Larimer County decisions related to this topic and considered how other jurisdictions address designation of these utilities in their 1041 regulations.

Having reviewed the various information and input, staff recommends maintaining the current language in the 1041 regulations related to water and sewer pipelines -the language adopted in 2009/2010.

If the Board of County Commissioners want to exempt smaller projects, they could establish a lower threshold for pipeline projects that one quarter mile (1,320 feet) or greater in length to be required to apply for a 1041 permit, requiring the shorter pipeline to be reviewed through the Location and Extent process. That language was proposed in an earlier draft.

Ms. Ellis noted that contained in the current staff report are the approved Article 10 regulations with revisions accepted and additional suggestions that are in redlined format as well as the permit application contents. Staff has also included any additional written public comments that have been received since the November 15, 2021, hearing. The packet also contains water or sewer extension designation examples from other counties and the resolution adopting amendments to Larimer County Land Use Code to designate domestic water and sewer pipelines as matters of state interest from 2010.

Staff is recommending that today's hearing dated December 13, 2021, move to January 24, 2022, to provide time for noticing that meets statutory requirements and to provide additional time for public and stakeholder participation, including continued opportunity for the public to review the materials online or in person. It also provides more time to hear final testimony from anyone who has not yet commented – or who has with new information to share. The county also will provide clarity on which new activities of state interest are being recommended for designation and how existing designations are being modified.

This staff report and the one proposed for January 24, 2022, will consider both the criteria needed for the Code amendments, as well as the statutory requirements for the designation of activities which includes reasons why the particular area or activity is of state interest, the dangers that would result from uncontrolled development of any such area or uncontrolled conduct of such activity, and the advantages of development of such area or conduct of such activity in a coordinated manner per C.R.S. 24-65.1-401.

Prior to the January 24, 2022, hearing, staff will be providing newspaper notice for the continued hearing, stating the time and place of the hearing and the place at which materials relating to the matter to be designated and guidelines may be examined published once at least thirty days and not more than sixty days before the public hearing in a newspaper of general circulation in the county. The final report for that hearing will compile all the information from these earlier hearings and reports.

Finally, the related temporary moratorium on 1041 permits is recommended to be extended to February 15, 2022, to allow this regulation amendment process to be completed and to address comments related to water pipelines. Consideration of the moratorium extension is a separate agenda item today's hearing dated December 13, 2021. The extension through February is needed to ensure the accuracy and completeness of the designation process and the amended code provisions. Further, the moratorium extension is necessary to ensure that staff is prepared with updated processes and administrative resources to process the applications.

REVIEW CRITERIA

The Board must consider two separate sets of criteria. One is provided in the state statutes and regards the designation of activities and areas of state interest. The other is defined by the Larimer County Land Use Code.

For designating activities of state interest, the Board is to consider the factors in C.R.S. 24-65.1- 401 which include:

1. After public hearing, a local government may designate matters of state interest within its jurisdiction, taking into consideration: (a) The intensity of current and foreseeable development pressures.

2. A designation shall: (a) Specify the boundaries of the proposed area; and (b) State reasons why the particular area or activity of state interest, the dangers that would result from uncontrolled development of any such area or uncontrolled conduct of such activity, and the advantages of development of such area or conduct of such activity in a coordinated manner.

Amending the text of the Land Use Code is a matter committed to the legislative discretion of the County Commissioners, per section of the Land Use Code, Sec. 6.6.2.D, Amending the Code Text, and Review Criteria for Code Text Amendment. To approve a change in the Code text, the Planning Commission and the County Commissioners in their review and decision, shall consider whether the proposed change is consistent with the Comprehensive Plan and the intent and purpose of this Code, as the County Commissioners did on Nov. 15, 2021.

The Commissioners did have some questions for staff on other counties sewer designations and the language that is used. Ms. Ellis explained that the difference between Larimer County's language and other counties is that Larimer County is based on easement size not based on the pipe size. It was also explained that most other counties regulate water and sewer systems including treatment plants, extension of water supply systems to service new growth or residential units. There was also a comment on the language used in section 1.3.1.I stating "Site selection and development of new or extended domestic water or sewer transmission lines which are contained within new permanent easements greater than 30-feet or within new permanent easements greater than 20-feet that are adjacent existing easements."

Chair Kefalas opened the hearing for public comment.

The following members of the public spoke via zoom: Eric Potyondy, Attorney with the City of Fort Collins. Fort Collins owns and operates Fort Collins Utilities. He mentioned that Fort Collins did issue some comments on September 9, 2021, for the 1041 regulation and wanted to thank county staff for being receptive and will be sending additional comments which he feels will benefit the county and community. Gary Wockner spoke on behalf of "Save the Poudre" stating that he appreciates the ability to comment on the 1041 regulations and is in support of the continuation until January 24, 2022, as well as the extension of the moratorium.

Chair Kefalas closed public comment

The Commissioners did have some questions on public comments that have been received after the November 15, 2021, and will they be addressed before the proposed January 24, 2022, hearing. There was the suggestion to have a work session scheduled one week prior to the January 24, 2022, hearing to answer some of the more technical questions. The work session is open to the public. The Commissioners agreed that this would be helpful

MOTION

Commissioner Shadduck-McNally moved that the Board of County Commissioners move to continue the Land Use Code Amendments ARTICLE 10, Areas and Activities of State interest (1041 REGULATIONS), FILE NO 21-CODE0260 hearing to January 24, 2022, at 6:30 p.m.

Motion carried 3-0

3. Resolution Extending a Temporary Moratorium on Processing 1041 Permit Applications: Effective December 13, 2021, the Moratorium shall be extended such that Larimer County shall not accept or process any submissions or engage in any pre-submission processes under Article 10, Areas and Activities of State Interest, of the Code, including accepting or processing 1041 permit applications and conducting pre-application meetings and processes. This extended Moratorium is effective in all unincorporated Larimer County. This extended Moratorium expires on February 15, 2021, unless sooner repealed or extended by further resolution of the Board.

Chair Kefalas opened the hearing for public comment.

No members of the public spoke.

Chair Kefalas closed public comment.

MOTION

Commissioner Stephens moved to approve the Resolution Extending a Temporary Moratorium on Processing 1041 Permit Applications so that it expires on February 15, 2022.

Motion carried 3-0

The Board adjourned at 4:50 p.m.

TUESDAY, NOVEMBER 16, 2021

ADMINISTRATIVE MATTERS MEETING

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

1. PUBLIC COMMENT: The following members of the public addressed the Board pertaining to their opposition to the public health mask mandate: Jim Winebrener, Jessica Madden, Curtis Vernon, Kyle Lundy, Taylor Degnan, Nancy Eason, Lisa Hecker, Caitlin Degnan, Robbie Rose, Heather Lahdenpera, Carmen Degnan, Erin Grambler, Jim Rudd, James Rudd, Lisa McClane, and Nicole Smith. Angela Davis and Nick Lance spoke via phone. Commissioner Kefalas stated that he did receive one email in support of the mask mandate.

Chair Kefalas closed public comment and each Commissioner thanked the public for engaging in this process and stated that they respected their right to speak and protest. The Commissioners explained

that their decisions are based on the safety and welfare of Larimer County Residents. The Commissioners commented on some of the statements that were addressed to the Board.

2. APPROVAL OF THE MINUTES FOR THE WEEKS OF DECEMBER 6, 2021.

MOTION

Commissioner Stephens moved that the Board of County Commissioners approve the minutes for the weeks of December 6, 2021.

Motion carried 3-0

3. REVIEW OF THE SCHEDULE FOR THE WEEK OF DECEMBER 20, 2021: Mr. Harvill reviewed the upcoming schedule with the Board.

4. CONSENT AGENDA:

AGREEMENTS:

1. OOA SERVICE CONTRACT BETWEEN LARIMER COUNTY DEPARTMENT OF HUMAN SERVICES AND CHOICE CITY HOME CARE LLC
2. OOA SERVICE CONTRACT BETWEEN LARIMER COUNTY DEPARTMENT OF HUMAN SERVICES AND LIVEFULLY LLC
3. AMENDMENT #4 TO PROFESSIONAL SERVICES AGREEMENT (P19-32, BUILDING SUPPORT EQUIPMENT SERVICES)
4. 22 IHJA 171993-CONTRACT AMENDMENT #3 TO JAIL BASED BEHAVIORAL HEALTH SERVICES

APPOINTMENTS:

1. RECOMMENDED APPOINTMENTS TO THE POUDRE OVERLOOK PUBLIC IMPROVEMENT DISTRICT #30-Keith Knight
2. RECOMMENDED APPOINTMENT TO THE LARIMER EMERGENCY TELEPHONE AUTHORITY (LETA) BOARD OF DIRECTORS- Estes Park Police Chief Wes Kufeld and Berthoud Fire Chief Steve Charles

DEEDS:

1. DEED OF CONSERVATION EASEMENT-ROCKIN' K DIAMOND RANCH

MISCELLANEOUS: Department of Human Services Payments for September 2021; Stipulation for IPX1 Bucking Horse Investors, LLC for 2021 Tax Year; 2022 EMPG-LEMS Annual Program Paper Part II Jurisdiction Information and Signatures; Statement of Authority Rockin' K Diamond Ranch

RESOLUTIONS

1. **FINDINGS AND RESOLUTION APPROVING THE HOUSTON SHORT-TERM RENTAL ADMINISTRATION SPECIAL REVIEW**
2. **RESOLUTION APPROVING THE ACCEPTANCE OF THE ROCKIN' K RANCH CONSERVATION EASEMENT**
3. **RESOLUTION APPROVING INTERFUND TRANSFER FROM THE MENTAL HEALTH CARE SERVICES FUND TO THE SOLID WASTE ENTERPRISE FUND**
4. **STATEMENT OF AUTHORITY RELATED TO THE CORTINA BUILDING, 224 CANYON AVE, SUITE 200, FORT COLLINS, COLORADO**
5. **RESOLUTION ACCEPTING GRANT AWARD FROM THE COLORADO DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT (CDHSEM)**

MOTION

Commissioner Shadduck-McNally moved to approve the Consent Agenda for Tuesday, December 14, 2021.

Motion carried 3-0.

1. COMMISSIONERS GUESTS: Commissioner Shadduck-McNally introduced Katie Donahue, District Ranger, Canyon Lakes Ranger, District-Forest Service. Ms. Donahue updated the Board on post recovery from the Cameron Peak Fire and the progress that has been made. She spoke about the plan for next year's work on recovery and the infrastructure bill and the continuing resolution as related to funds for Larimer County. Ms. Donahue updated the Board on proposed signage for Pierson Park related to turns on county-maintained roads and the dangers for trailers. There was discussion about the closure of Crystal Lakes recreational sport shooting. Lastly, Ms. Donahue announced that she will be leaving the county and starting a new position with the City of Fort Collins. She introduced Christopher Dahl who will be taking over in the interim until her position is filled.

The Commissioners each thanked Katie for her 20 plus years of service with the Forest Service and wished her well in her future endeavors. Commissioner Shadduck-McNally presented Ms. Donahue with a certificate for her years of service.

The Board took a brief recess.

The Board returned to session.

DISCUSSION ITEMS

1 UPDATE FROM THE PUBLIC HEALTH DIRECTOR TO THE LARIMER COUNTY BOARD OF COMMISSIONERS ON THE COVID-19 PANDEMIC: Tom Gonzales, Public Health Director, presented an update to the board on current COVID-19 numbers. Mr. Gonzales mentioned that we do have some encouraging news as he presented the current conditions versus the conditions on November 17, 2021. Currently, our 7-day positivity percentage is 6.1% down from 8.6% in November. Mr. Gonzales reported on the strategy to decrease hospitalization rates. This would include vaccinations for those who are five years of age and older, boosters for those 16 and up, suppression and therapeutics. He encouraged early testing and universal masking. He also spoke about Monoclonal antibodies and oral medications. Currently, 25% of residents have received a booster dose.

Dr. Paul Mayer, Medical Officer of Larimer County, gave a brief update on the Omicron variant. It appears to be more contagious than the Delta variant. It remains unclear if it will cause less or more severe symptoms than the Delta variant. He also encouraged vaccination, including booster doses for those 16 and up. Monoclonal antibody therapy is available to people who have tested positive for COVID-19 and within 10-days of symptom onset, exhibit mild to moderate symptoms of the disease, and who are at high risk of developing severe COVID-19 symptoms. Dr. Mayer spoke of two oral antiviral medicines-Molnupiravir and Paxlovid. Molnupiravir works by inducing mutations and is shown to be 30% effective. Paxlovid has shown 90% reduction in hospitalizations and deaths if taken within 3-day of onset symptoms. He is hoping both antiviral medications will be approved soon.

Mr. Gonzales stated to the Board that in 2021 there have been over 150 outreach events, 458,000 PCR tests done in Larimer County. The Health Department has investigated and mitigated 380 outbreaks and 31,400 calls have been made to cases to provide isolation information.

The Commissioners each thanked Mr. Gonzales and Dr. Paul Meyer for the updates and recommendations for helping decrease hospitalizations. The Commissioners did have questions on the effectiveness of vaccines for the Omicron variant as well as if there are any studies that show nontherapeutic ways to strengthen the immune system. They would like to get a response in the future from Mr. Gonzales.

2. PROVIDE OVERVIEW OF CHANGES TO THE 2022 BUDGET FROM PROPOSED PHASE TO ADOPTION: Josh Fudge, Larimer County Budget Director gave a Brief summary of how the 2022 Budget from Proposed Phase to Adoption. The initial certification that was proposed in August 2021, was \$6,812,491,185. The final certification is \$6,806,487,249. Mr. Fudge also went over total expenses and noted one new improvement district was created during the November election. He also briefly went over the agenda for the Wednesday, December 15, 2021 Budget adoption.

3. INTERGOVERNMENTAL BETWEEN LARIMER COUNTY AND THE HEALTH DISTRICT OF NORTHERN LARIMER COUNTY, COLORADO:

DESCRIPTION: Claire Bouchard, Housing Stability Manager explained that a critical need during the COVID-19 pandemic is to have a place where people who are experiencing homelessness can shelter should they need to isolate and recover due to having COVID-19 symptoms (until test results come in) or testing positive for COVID-19, or to quarantine due to being in close contact with someone else while they were contagious. In addition to meeting their needs, it is important that they have a place isolated from congregate shelters or public areas in order to prevent the spread of COVID-19.

The proposed Intergovernmental Agreement (IGA) with the Health District of Northern Larimer County, Colorado and Larimer County, authorizes the re-opening of the isolation, recovery and quarantine site (IRQ) which successfully operated from April 2020 - May 2021, in order to provide safe, non-congregated shelter for people experiencing homelessness (PEH) and Community Corrections clients who test positive for COVID-19. With the recent uptick in COVID-19 cases in the county, and with winter upon us, there is a clear need for a stable IRQ, separate from the existing shelters, to be redeveloped temporarily.

The Office of Emergency Management will collect monthly expenses incurred by the IRQ from the Health District, and request/receive FEMA reimbursement. In short, the Health District will operate the IRQ, and the County will fund the work through FEMA reimbursements for December 2021 - March 31, 2022. The IRQ will be open through May 2022; funding for April and May 2022 will be supported through the State of Colorado and or Larimer County resources.

The Commissioners thanked Ms. Bouchard for her important work looking out for the vulnerable population in our community.

MOTION

Commissioner Shadduck-McNally moved to approve the Intergovernmental Agreement with the Health District of Northern Colorado to open and operate an isolation, recovery, and quarantine site.

Motion carried 3-0

6. **COUNTY MANAGER UPDATE:** Ms. Hoffmann passed in the interest of time.

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

8. **LEGAL MATTERS:** None requested

With there being no further business, the Board adjourned at 11:00a.m.

EXECUTIVE SESSION

The Board of County Commissioners met at 11:00 a.m. with Linda Hoffmann. Chair Kefalas presided. Commissioner Stephens and Commissioner Shadduck-McNally were present. Also present was Deirdre O'Neill, Deputy Clerk.

Executive Session to discuss details of security arrangements for county facilities -Pursuant to C.R.S. 24-6-402(4)(d)

MOTION

Commissioner Stephens moved to enter into Executive Session to discuss details of security arrangements for county facilities pursuant to C.R.S 24-6-402(4)(d).

Motion carried 3-0

The Board adjourned at 11:05 a.m.

WEDNESDAY, DECEMBER 15, 2021

BUDGET ADOPTION HEARING

The Board of County Commissioners met virtually at 10:00 a.m. with Linda Hoffman, County Manager; Chair Kefalas presided. Commissioner Stephens and Commissioner Shadduck-McNally were present. Also present were Josh Fudge, Budget Director; Matthew Behunin, Assistant Budget Analyst; and Deirdre O'Neill, Deputy Clerk.

Chair Kefalas briefly explained that the purpose of this hearing is to adopt the 2021 Budget with mill levies and approve the 2022 amendments.

1.PUBLIC COMMENT ON THE 2021 BUDGET AMENDMENT AND 2022 PROPOSED BUDGET ADOPTION:

Chair Kefalas opened the hearing for public comment.

No members of the public addressed the Board.

Chair Kefalas closed public comment.

The Commissioners and County Manager thanked the staff for the culmination of a yearlong efforts of outstanding work to carefully consider the purchasing agent role that the Board of County Commissioner serve as in applying the resources to the benefit of our community. The Commissioners as well as Mr. Fudge did mention that the public had several avenues to add comments on the budget throughout this process.

2.RESOLUTION TO TRANSFER FUNDS AND AMEND THE 2021 BUDGET: Resolution to Amend the 2021 Budget and transfer and Appropriate Monies of the County of Larimer, State of Colorado.

Josh Fudge, Budget Direct, briefly went over the 2022 Budget and the 2021 amendment and mill levy certifications including the original and revised 2021 Budget. He also spoke about the designated funds for future uses. A detailed listing of all 2021 Budget revisions is available from the Budget Office.

MOTION

Commissioner Stephens moved that the Board of County Commissioners adopt the resolution amending the 2021 Budget and transfer the appropriate sums of money of the County of Larimer, State of Colorado.

Motion carried 3-0.

3.RESOLUTION TO ADOPT 2022 BUDGET AND SET COUNTY MILL LEVIES FOR LARIMER COUNTY GOVERNMENT: Mr. Fudge went over the 2022 Budget and Set County Mill Levies.

MOTION

Commissioner Shadduck-McNally moved that the Board of County Commissioners adopt and approve the resolution to adopt the 2022 budget and set county mill levies for Larimer County Government for the calendar year commencing the first day of January 2022, and ending on the last day of December 2022, and further authorize the Chair to sign all resolutions and documents.

Motion carried 3-0

4.RESOLUTION TO ADOPT 2022 BUDGET AND SET LEVIES FOR GENERAL AND PUBLIC IMPROVEMET DISTRICTS

LARIMER COUNTY GID #1 IMPERIAL ESTATES RESOLUTION TO ADOPT 2022 BUDGET AND SET LEVIES

LARIMER COUNTY GID #2 PINWOOD SPRINGS RESOLUTION TO ADOPT 2022 BUDGET AND SET LEVIES

LARIMER COUNTY GID #4 CARRIAGE HILLS RESOLUTION TO ADOPT 2022 BUDGET AND SET LEVIES

LARIMER COUNTY GID #8 NAMAQUA HILLS RESOLUTION TO ADOPT 2022 BUDGET AND SET LEVIES

LARIMER COUNTY GID #1191-1 ARAPOHOE PINES RESOLUTION TO ADOPT 2022 BUDGET AND SET LEVIES

LARIMER COUNTY GID #10 HOMESTEAD ESTATES RESOLUTION TO ADOPT 2022 BUDGET AND SET LEVIES

LARIMER COUNTY GID #11 MEADOWDALE HILLS RESOLUTION TO ADOPT 2022 BUDGET AND SET LEVIES

LARIMER COUNTY GID #12 CLUB ESTATES RESOLUTION TO ADOPT 2022 BUDGET AND SET LEVIES

LARIMER COUNTY GID #13A RED FEATHER RESOLUTION TO ADOPT 2022 BUDGET AND SET LEVIES

LARIMER COUNTY GID #14 LITTLE VALLEY ROAD RESOLUTION TO ADOPT 2021 BUDGET AND SET LEVIES

LARIMER COUNTY GID #16 KITCHELL SUBDIVISION RESOLUTION TO ADOPT 2022 BUDGET AND SET LEVIES

LARIMER COUNTY GID #17 COUNTRY MEADOWS RESOLUTION TO ADOPT 2022 BUDGET AND SET LEVIES

LARIMER COUNTY GID #18 VENNER RANCH RESOLUTION TO ADOPT 2022 BUDGET AND SET LEVIES

LARIMER COUNTY PID #19 HIGHLAND HILLS RESOLUTION TO ADOPT 2022 BUDGET AND SET LEVIES

LARIMER COUNTY PID #20 PTARMIGAN RESOLUTION TO ADOPT 2022 BUDGET AND SET LEVIES

LARIMER COUNTY PID #21 SOLAR RIDGE RESOLUTION TO ADOPT 2022 BUDGET AND SET LEVIES

LARIMER COUNTY PID #22 SADDLEBACK RESOLUTION TO ADOPT 2022 BUDGET AND SET LEVIES

LARIMER COUNTY PID #23 EAGLE ROCK RANCHES RESOLUTION TO ADOPT 2022 BUDGET AND SET LEVIES

LARIMER COUNTY PID #24 WESTRIDGE RESOLUTION TO ADOPT 2022 BUDGET AND SET LEVIES

LARIMER COUNTY PID #25 ESTES PARK ESTATES RESOLUTION TO ADOPT 2022 BUDGET AND SET LEVIES

LARIMER COUNTY PID #26 EAGLE RANCH ESTATES RESOLUTION TO ADOPT 2022 BUDGET AND SET LEVIES

LARIMER COUNTY PID #27 CROWN POINT RESOLUTION TO ADOPT 2022 BUDGET AND SET LEVIES

LARIMER COUNTY PID #28 TROTWOOD RANCHES RESOLUTION TO ADOPT 2022 BUDGET AND SET LEVIES

LARIMER COUNTY PID #29 VINE DRIVE RESOLUTION TO ADOPT 2022 BUDGET AND SET LEVIES

LARIMER COUNTY PID #30 POUDRE OVERLOOK RESOLUTION TO ADOPT 2022 BUDGET AND SET LEVIES

LARIMER COUNTY PID #31 FOOTHILLS SHADOW RESOLUTION TO ADOPT 2022 BUDGET AND SET LEVIES

LARIMER COUNTY PID #32 CHARLES HEIGHTS RESOLUTION TO ADOPT 2022 BUDGET AND SET LEVIES

LARIMER COUNTY PID #33 PRAIRIE TRAILS RESOLUTION TO ADOPT 2022 BUDGET AND SET LEVIES

LARIMER COUNTY OID #34 MOUNTAIN RANGE SHADOWS RESOLUTION TO ADOPT 2022 BUDGET AND SET LEVIES

LARIMER COUNTY PID #35 BRUNS RESOLUTION TO ADOPT 2022 BUDGET AND SET LEVIES

LARIMER COUNTY PID #36 BONNELL WEST RESOLUTION TO ADOPT 2022 BUDGET AND SET LEVIES

LARIMER COUNTY PID #37 TERRY COVE RESOLUTION TO ADOPT 2022 BUDGET AND SET LEVIES

LARIMER COUNTY PID #38 CENTRO BUSINESS PARK MAINTENANCE RESOLUTION TO ADOPT 2022 BUDGET AND SET LEVIES

LARIMER COUNTY PID #39 RAINBOW LAKES RESOLUTION TO ADOPT 2022 BUDGET AND SET LEVIES

LARIMER COUTNY PID # 40 -PARAGON ESTATES RESOLUTION TO ADOPT 2022 BUDGET AND SET LEVIES

LARIMER COUNTY PID #41 THE BLUFFS RESOLUTION TO ADOPT 2022 BUDGET AND SET LEVIES

LARIMER COUNTY PID #42 COTTONWOOD SHORES RESOLUTION TO ADOPT 2022 BUDGET AND SET LEVIES

LARIMER COUNTY PID #43 GRAYHAWK KNOLLS RESOLUTION TO ADOPT 2022 BUDGET AND SET LEVIES

LARIMER COUNTY PID #44 HORSESHOE VIEW SOUTH RESOLUTION TO ADOPT 2022 BUDGET AND SET LEVIES

LARIMER COUNTY PID #45 WILLOWS RESOLUTION TO ADOPT 2022 BUDGET AND SET LEVIES

LARIMER COUNTY PID #46 KORAL HEIGHTS RESOLUTION TO ADOPT 2022 BUDGET AND SET LEVIES

LARIMER COUNTY PID #47 PARK HILL RESOLUTION TO ADOPT 2022 BUDGET AND SET LEVIES

LARIMER COUNTY PID #48 PUEBLA VISTA ESTATES RESOLUTION TO ADOPT 2022 BUDGET AND SET LEVIES

LARIMER COUNTY PID #49 WAGON WHEEL RESOLUTION TO ADOPT 2022 BUDGET AND SET LEVIES

LARIMER COUNTY PID #51 CLYDESDALE ESTATES RESOLUTION TO ADOPT 2022 BUDGET AND SET LEVIES

LARIMER COUNTY PID #52 SOLDIER CANYON ESTATES RESOLUTION TO ADOPT 2022 BUDGET AND SET LEVIES

LARIMER COUNTY PID #53 HORSESHOE VIEW NORTH RESOLUTION TO ADOPT 2022 BUDGET AND SET LEVIES

LARIMER COUNTY PID #54 TERRY SHORES RESOLUTION TO ADOPT 2022 BUDGET AND SET LEVIES

LARIMER COUNTY PID #55 STORM MOUNTAIN RESOLUTION TO ADOPT 2022 BUDGET AND SET LEVIES

LARIMER COUNTY PID #56 BOYD'S WEST RESOLUTION TO ADOPT 2022 BUDGET AND SET LEVIES

LARIMER COUNTY PID #57 COBBLESTONE FARMS RESOLUTION TO ADOPT 2022 BUDGET AND SET LEVIES

LARIMER COUNTY PID #58 MISTY CREEK RESOLUTION TO ADOPT 2022 BUDGET AND SET LEVIES

LARIMER COUNTY PID #59 GRASSLANDS RESOLUTION TO ADOPT 2022 BUDGET AND SET LEVIES

LARIMER COUNTY PID #60 SMITHFIELD RESOLUTION TO ADOPT 2022 BUDGET AND SET LEVIES

LARIMER COUNTY PID #61 LITTLE THOMPSON RESOLUTION TO ADOPT 2022 BUDGET AND SET LEVIES

LARIMER COUNTY PID #62 RIDGEWOOD MEADOWS RESOLUTION TO ADOPT 2022 BUDGET AND SET LEVIES

LARIMER COUNTY PID #63 AUTUM CREEK RESOLUTION TO ADOPT 2022 BUDGET AND SET LEVIES

LARIMER COUNTY PID #64 SOARING PEAKS RANCHES RESOLUTION TO ADOPT 2022 BUDGET AND SET LEVIES

LARIMER COUNTY PID #65 RIVIERA ESTATES RESOLUTION TO ADOPT 2022 BUDGET AND SET LEVIES

LARIMER COUNTY PID #66 CARTER LAKES HEIGHTS RESOLUTION TO ADOPT 2022 BUDGET AND SET LEVIES

LARIMER COUNTY PID #67 MANOR RIDGE ESTATES RESOLUTION TO ADOPT 2022 BUDGET AND SET LEVIES

LARIMER COUNTY PID #68 SCENIC RANCH ESTATES RESOLUTION TO ADOPT 2022 BUDGET AND SET LEVIES

LARIMER COUNTY PID #69 CRYSTAL VIEW RESOLUTION TO ADOPT 2022 BUDGET AND SET LEVIES

LARIMER COUNTY PID #70 TRAPPERS POINT RESOLUTION TO ADOPT 2022 BUDGET AND SET LEVIES

LARIMER COUNTY PID #71 ROCKVIEW WILDFLOWER RIDGE RESOLUTION TO ADOPT 2022 BUDGET AND SET LEVIES

LARIMER COUNTY PID #73 MEADOWS AT ROLLING HILLS RESOLUTION TO ADOPT 2022 BUDGET AND SET LEVIES

LARIMER COUNTY PID #74 EAGLE CREST RESOLUTION TO ADOPT 2022 BUDGET AND SET LEVIES

LARIMER COUNTY PEST CONTROL RESOLUTION TO ADOPT 2022 BUDGET AND SET LEVIES

PUBLIC TRUSTEE RESOLUTION TO ADOPT 2022 BUDGET AND SET LEVIES

MOTION

Commissioner Stephens moved that the Board of County Commissioners approve the resolution to adopt the 2022 budget and set County Mill Levies for the County of Larimer for General Improvement District and Public Improvement Districts as well as Public Trustee and Pest Control Districts.

Motion carried 3-0

COUNTY OF LARIMER RESOLUTION TO APPROPRIATE SUMS OF MONEY FOR 2022: This resolution makes all funds in the adopted budget available for expenditure and sets spending limits for spending agency. This limits spending by County departments to the categories and amounts in this resolution.

M O T I O N

Commissioner Shadduck-McNally moved that the Board of County Commissioners approve the resolution to appropriate the sums of money for 2022 for the calendar year commencing the first day of January 2022, and ending on the last day of December 2022, and to authorize the Chair to sign all resolutions.

Motion carried 3-0

COUNTY OF LARIMER RESOLUTION TO DESIGNATE ENDING 2022 FUND BALANCES: The ending balances of each County fund is identified as to its purpose. The grand total to be designated is just over \$305 million dollars.

M O T I O N

Commissioner Stephens moved that the Board Commissioners approve the resolution to designate ending 2022 fund balances for the county of Larimer commencing on the first day of January 2022, and ending on the last day of December 2022.

Motion carried 3-0

RESOLUTION TO DELEGATE CERTIFICATION AND SUBMISSION OF MILL LEVIES: Certifies a listing of mill levies and revenue that are true and accurate copies of those certified to the Board of County Commissioners by varying tax authorities. This is a new resolution as there was a change in state law that allows the Commissioners to delegate to county staff the certification and submission of mill levies to the office of the Assessor and to the State of Colorado and various agencies.

M O T I O N

Commissioner Shadduck-McNally moved that the Board of County Commissioners approve the resolution granting signature authority to the Budget Director for certification of mill levies to the County Assessor and various state entities and to authorize the Budget Director and Chair to sign all documents associated with the resolution.

Motion carried 3-0

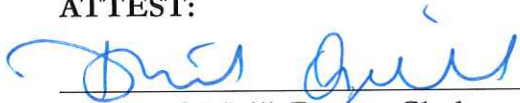
The Commissioners thanked staff for all their hard work.

There being no further business, the Board adjourned at 10: 25 a.m.


JOHN KEFALAS
BOARD OF COUNTY COMMISSIONERS

ANGELA MYERS
CLERK AND RECORDER

ATTEST:


Deirdre O'Neill, Deputy Clerk

