

MINUTES OF THE BOARD OF COUNTY COMMISSIONERS

MONDAY, JULY 15, 2024

LAND USE HEARING

There was no Land Use Hearing the week of July 15, 2024.

TUESDAY, JULY 16, 2024

ADMINISTRATIVE MATTERS MEETING

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

Chair Kefalas opened the meeting with the Pledge of Allegiance.

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

Chair Kefalas closed Public Comment.

2. **APPROVAL OF THE MINUTES FOR THE WEEK OF JULY 8, 2024**

M O T I O N

Commissioner Stephens moved that the Board of County Commissioners approve the minutes for the week of July 8, 2024.

Motion carried 3-0.

3. **REVIEW OF THE SCHEDULE FOR THE WEEK OF JULY 22, 2024:** Ms. Martin reviewed the upcoming schedule with the Board.

4. **CONSENT AGENDA:**

AGREEMENTS

1. **AQUATIC INVASIVE SPECIES PREVENTION ACTIVITIES AT HORSETOOTH AND CARTER LAKE IN COLORADO (R20AP00054-02)**
2. **2024 COLORADO STRATEGIC WILDFIRE ACTION PROGRAM (COSWAP) WORKFORCE DEVELOPMENT GRANT: WINDY GAP**
3. **AGREEMENT AMENDMENT #1 – CRYSTAL LAKES ROAD ASSOCIATION HAZARD MITIGATION GRANT (REVISED)**

APPOINTMENTS

- 1. RECOMMENDED FULL-TERM APPOINTMENTS TO THE PARKS ADVISORY BOARD – Jeannie Mounts and Joe Bakel**
- 2. RESCIND APPOINTMENT TO THE EQUITY, DIVERSITY, AND INCLUSION ADVISORY BOARD – Jaxen Maynor**

LIQUOR LICENSES

- 1. LIQUOR LICENSE RENEWAL- WE ARE ONE INC AND 7-ELEVEN INC DBA 7-ELEVEN STORE 39079B 7-ELEVEN STORE 39079B – FORT COLLINS, COLORADO**
- 2. LIQUOR LICENSE RENEWAL- BEARTAGE CHATEAU LLC DBA COLORADO CHERRY COMPANY COLORADO CHERRY COMPANY – LYONS, COLORADO**

MISCELLANEOUS

- 1. ADVANCING A 2025 LEGISLATIVE PROPOSAL THROUGH CCI'S LEGISLATIVE PRIORITY PROCESS- CONCEALED CARRY FOR NONPOST CERTIFIED DEPUTIES**
- 2. PROMENADE SHOPS – 10220472 LLC STIPULATION AS TO TAX YEAR 2023 VALUE**
- 3. PROMENADE SHOPS – 10220472 LLC STIPULATION AS TO TAX YEAR 2023 VALUE**
- 4. COUNTRY RANCH LIMITED PARTNERSHIP II STIPULATION AS TO TAX YEAR 2023 VALUE**
- 5. PLUM OWNER FT COLLINS CO LLC STIPULATION AS TO TAX YEAR 2023 VALUE**
- 6. POUDRE VALLEY HEALTH CARE INC DBA POUDRE VALLEY HEALTH SYSTEM STIPULATION AS TO TAX YEAR 2023 VALUE**
- 7. REDSTONE PLASTIC SURGERY LLC STIPULATION AS TO TAX YEAR 2023 VALUE**
- 8. BUFFALO RUN APARTMENTS LLC STIPULATION AS TO TAX YEAR 2023 VALUE**
- 9. TREASURER'S SIX-MONTH REPORT**

RESOLUTIONS

1. RESOLUTION ESTABLISHING COMPENSATION FOR DISTRICT ATTORNEY INVESTIGATOR I
2. RESOLUTION ACCEPTING QUITCLAIM DEED

MOTION

Commissioner Shadduck-McNally moved the Board to approve the Consent Agenda for July 16, 2024.

Motion carried 3-0.

5. COMMISSIONERS' GUESTS:

On behalf of the Board of County Commissioners, Commissioner Shadduck-McNally introduced Tom Gonzales, Public Health Director, Board of Health – and, Chair, Opioid Abatement Council (Region 2). Mr. Gonzales' addressed the Board. He explained that the purpose of this Council is to have oversight and allocate funds in our community to combat the opioid epidemic. Mr. Gonzales detailed those who make up the Council, noting that there is a sundry of folks that has been put together to help make sure these funds are allocated in a very data driven manner – mentioning several of these individuals by name. He ended by pointing out several facts detailed in the report.

Each of the Commissioners expressed their appreciation to, and thanks for, the work being done by the Opioid Abatement Council and all of those involved.

Commissioner Stephens asked Mr. Gonzales how the funds have and will be distributed and inquired as to any additional future settlements. Mr. Gonzales deferred to Larimer County Deputy Attorney, David Ayraud, to answer this question. Chair Kefalas added to this question by asking about a recent development with a settlement. Mr. Ayraud addressed the Board, providing a detailed answer to Chair Kefalas' and Commissioner Stephens' questions in regard to recent litigation and the possibility of future settlements – and how this may affect the funds that are allocated.

Chair Kefalas asked Mr. Gonzales about the outreach and transparency in regard to communication of this program – what is available and when. Mr. Gonzales answered this question detailing how the Council goes about this. Commissioner Shadduck-McNally went on to explain how Colorado chose to manage these settlement funds in a regional way – working in a deliberate and focused way to get these funds to those who have been impacted by this epidemic. Chair Kefalas then asked about the evaluation process to determine whether this investment in the community is saving lives or benefiting folks. Jared Olson, Senior Population Epidemiologist, Larimer County Health Department addressed the Board. Mr. Olson stated that collecting this data can be a challenge, but detailed how this data is obtained and noted that they have seen a decline in the number of deaths related to fentanyl or other high potency synthetic opioid in their system at the time of death.

Commissioner Shadduck-McNally remarked that the Council is working hard to be thoughtful and good stewards for the public.

County Manager Volker clarified that this is a true regional effort, and that Larimer County is happy to be part of and to support – it fits the County’s values, and it coordinates what the County is doing in behavioral health. It is not a County department or service – it is a community effort.

6. DISCUSSION ITEMS:

1. ADLAN TRANSPORTATION, BEHAVIORAL HEALTH SECURE TRANSPORTATION LICENSE & VEHICLE PERMIT

Laura Walker, Human and Economic Health Director addressed the Board. Ms. Walker introduced Amy Martonis, the new Behavioral Health Services Director, to the Board. Ms. Walker explained that this request is an application for a license and permit for Adlan Transportation who already services approximately eight counties in the state – mostly in the metro Denver area but wants to include Larimer County as part of their service area. The request is for a Class B license which is the authority to provide the service. The permit is for the vehicle – a non-partitioned vehicle. All of the materials submitted as part of the application have been vetted and a staff expert has recommended approval.

Commissioner Shadduck-McNally reiterated Ms. Walker’s comment – that this is a relatively new program and Larimer County was one of the first in the state to have a really solid and well-vetted process to provide Behavioral Health secure transportation for people in our community that need these services. Commissioner Shadduck-McNally thanked Ms. Walker for the efforts of all involved in this process stating – “well done.”

Commissioner Stephens asked how long Adlan Transportation has been operating in the metro Denver area. Ms. Walker stated they have been operating since earlier this year (2024). Commissioner Stephens asked if the car is required to have anything in order to be licensed (in regard to equipment). Ms. Walker advised that there is nothing required in regard to equipment other than a certified mechanical assessment done by a professional.

Commissioner Kefalas inquired as to whether individuals requesting this secure transportation service would be in a crisis situation. Ms. Walker explained it could be, but it is more for people who require the next level of care whether a step up or a step down.

County Manager Volker clarified that this licensure is important for reimbursement through Medicare, Medicaid and insurance programs. While there are other options for people to access these services – this law is designed to encourage [those providing this service] to get licensed so there is a safe vehicle and checks along the way, but this is not the only way for people to access these services.

MOTION

Commissioner Stephens moved the Board of County Commissioners to approve the Behavioral Health Secure Transportation license and one vehicle permit for Adlan Transportation.

Motion passed 3-0.

2. PROVIDE AND UPDATE TO THE BOARD OF COUNTY COMMISSIONERS ON THE CURRENT FIRE DANGERS CONDITIONS IN LARIMER COUNTY

Justin Whitesell, Emergency Services Director – Sheriff's Office, addressed the Board to offer a fire danger update. Mr. Whitesell provided a hard copy presentation to each of the Commissioners. Mr. Whitesell went on to detail the data and metrics they look at when determining whether or not to recommend restrictions.

Commissioner Stephens thanked Mr. Whitesell for the detailed information – “it gives us a full picture of what is happening in our County.” She asked, based on information in the presentation, how are things different in Boulder County (they are fairly close and probably seeing very similar conditions). Mr. Whitesell answered Commissioner Stephens' question in detail including data and metrics.

Commissioner Shadduck-McNally asked how technology helps with modeling. Mr. Whitesell offered an answer to this question explaining he is currently working on this with companies that have expertise in this area.

Chair Kefalas asked how community members are informed and reassured that the County is not being reactive, but being as proactive as humanly can be. Mr. Whitesell stated they are working to create a website where community members can go on and see what the conditions are and what they look at to provide this information to community members in determining whether or not to go into restrictions.

Mr. Whitesell offered a recommendation to hold off on going into restrictions at this time.

The Board requested Mr. Whitesell to come back next week for another fire danger update.

- 7. COUNTY MANAGER UPDATE:** County Manager Volker briefly detailed the events of the previous week.
- 8. COMMISSIONER ACTIVITY REPORTS:** The Board briefly detailed their attendance at events during the previous week.

10. 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 about enforcement actions regarding Prospect Energy at the ECMC regarding flaring of oil and gas, cooperative agreements related to oil and gas matters, and state level plugging and abandoning requests and settlement of outstanding issues.

M O T I O N

Commissioner Shadduck-McNally moved that the Board of County Commissioners enter into executive session pursuant to C.R.S. 24-6-402(4)(b): Conferences with an attorney for the purpose of receiving legal advice about enforcement actions regarding Prospect Energy at the ECMC regarding flaring of oil and gas, cooperative agreements related to oil and gas matters, and state level plugging and abandoning requests and settlement of outstanding issues.

Motion carried 3-0.

With there being no further business, the Board adjourned at 10:50 a.m.

HIDDEN LAKES GOLF & TROUT CLUB LLC dba GOLF CLUB AT FOX ACRES LIQUOR LICENSE HEARING – CHANGE OF MANAGER

The Board of County Commissioners reconvened at 4:00 p.m. with David Ayraud, Deputy County Attorney. Chair Kefalas presided. Commissioner Shadduck-McNally and Commissioner Stephens were present. Also present were: Elizabeth Carter and Deirdre O'Neill, Clerk and Recording Department; and, Heather Arment, Deputy Clerk.

Chair Kefalas opened the hearing.

Mr. Ayraud asked the licensee/manager to state his name, the business address, and his position with the business.

The licensee/manager responded: Jeffrey Kelly, 3350 Fox Acres Drive East, Red Feather Lakes, Colorado, 80545, new General Manager of the business.

Mr. Ayraud asked, preliminarily, if there were any persons in favor or in opposition to this matter.

Preliminarily, there were no individuals in favor or in opposition to this matter.

Mr. Kelly was sworn in.

Mr. Ayraud detailed the reason for this hearing, which is for a change of manager. As part of the licensing process, Mr. Kelly was required to submit an individual history report and have a criminal background check conducted. Mr. Kelly appropriately disclosed a charge of serving a minor in 2014 in Colorado Springs. The sole basis of this hearing is to determine whether the manager has the good character and reputation to satisfactorily perform the function. Mr. Ayraud requested Mr. Kelly to provide the Board with some factual background on that event. Mr. Kelly detailed the event in which he failed a spot check by the Liquor Enforcement Board.

Mr. Ayraud asked Mr. Kelly if he completed all of the requirements (by the courts) due to this event. Mr. Kelly stated he had and detailed the requirements set by the courts.

Mr. Ayraud asked Mr. Kelly if there have been additional spot checks since this event. Mr. Kelly confirmed there had been additional spot checks, which were passed.

Mr. Ayraud asked Mr. Kelly if he has been employed in the same industry of serving alcohol for approximately the past ten years. Mr. Kelly affirmed this information.

Mr. Kelly then went on to explain that this event taught him a valuable lesson, which has helped in training his staff – this is a very serious matter that is taken very seriously. Employees are required to become TIPS certified and Responsible Alcohol Vendor Service training is required. If there are any violations or missteps that would jeopardize the liquor license of the facility, there is a zero-tolerance policy for all employees including Mr. Kelly.

Mr. Ayraud confirmed there were no individuals present to speak in favor or opposition to this matter.

Commissioner Stephens asked if this was a one-time incident. Mr. Kelly confirmed it was a one-time occurrence. Commissioner Stephens asked if there was a zero-tolerance policy at the time this event occurred. Mr. Kelly stated there was not, and the establishment acknowledged there had been a lack of training for Mr. Kelly prior to this event.

Commissioner Shadduck-McNally stated that while training is required for new employees, is refresher training offered to long-term employees. Mr. Kelly explained that TIPS training is required every two years. But every spring any changes to, or new liquor license laws, as well as present/in-place liquor laws are reviewed with all employees.

Chair Kefalas asked Mr. Kelly what kind of community service Mr. Kelly performed (which was ordered by the courts due to this event). Mr. Kelly stated he was a parking attendant during the Halloween season for The Haunted Mines.

DELIBERATION

Each of the Commissioners stated to Mr. Kelly their appreciation for the additional information provided by Mr. Kelly in regard to this event – that the disclosure and being forthcoming was important, and for following through in correcting and making amends in regard to this incident.

MOTION

Commissioner Stephens moved that Larimer County Board of County Commissioners acting as the Local Liquor Authority accept the filing of a change of manager for Hidden Lakes Golf & Trout Club LLC dba Golf Club at Fox Acres.

Motion carried 3-0

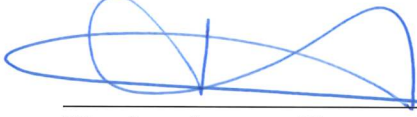
With there being no further business, the Board recessed at 4:20 p.m.



JOHN KEFALAS
BOARD OF COUNTY COMMISSIONERS

TINA HARRIS
CLERK AND RECORDER

ATTEST:



Heather Arment, Deputy Clerk

