



MINUTES OF THE BOARD OF COUNTY COMMISSIONERS

MONDAY, APRIL 15, 2024

LAND USE HEARING

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

TUESDAY, APRIL 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 Shadduck-McNally was present. Also, present were Sarah Martin and Tom Clayton, Commissioner's Office, and Heather Arment, Deputy Clerk. Commissioner Stephens was excused.

Chair Kefalas opened the meeting with the Pledge of Allegiance.

PUBLIC COMMENT:

No public comment offered in person or online.

Chair Kefalas closed public comment.

2. APPROVAL OF THE MINUTES FOR THE WEEK OF APRIL 8, 2024:

M O T I O N:

Commissioner Shadduck-McNally moved that the Board of County Commissioners approve the minutes for the week of April 8, 2024.

Motion carried 2-0.

3. REVIEW OF THE SCHEDULE FOR THE WEEKS OF APRIL 22, 2024: Ms. Martin reviewed the upcoming schedule with the Board.

4. CONSENT AGENDA:

AGREEMENTS

1. SECOND AMENDMENT TO PROFESSIONAL SERVICES & OPERATIONAL AGREEMENT (P19-18-BEHAVIORAL HEALTH FACILITY

2. STREET OVERSIZING AGREEMENT FOR PHASE I IMPROVEMENTS TO FAIRGROUNDS AVENUE

APPOINTMENTS

1. RECOMMENDED REAPPOINTMENT TO THE PARKS ADVISORY BOARD – KATHY MAHER

LIQUOR LICENSES

1. LIQUOR LICENSE RENEWAL – SEVEN KEYS LODGE LLC DBA SEVEN KEYS LODGE – ESTES PARK, COLORADO

2. LIQUOR LICENSE RENEWAL – MORIN & MORIN INC DBA SUNDANCE TRAIL GUEST RANCH – RED FEATHER LAKES, COLORADO

3. LIQUOR LICENSE RENEWAL – VILLA TATRA INC DBA VILLA TATRA – LYONS, COLORADO

MISCELLANEOUS

1. UPDATED BEHAVIORAL HEALTH POLICY COUNCIL BYLAWS

M O T I O N

Commissioner Shadduck-McNally moved the Board of County Commissioners to approve the Consent Agenda for April 16, 2024, minus the item, Miscellaneous Updated Behavioral Health Policy Council Bylaws.

Motion carried 2-0.

Commissioner Shadduck-McNally asked Laura Walker, Human & Economic Health Director, if revisions to the language in the Behavioral Health Policy Council Bylaws had been made per a previous discussion – and if the revisions are reflected in this Updated Behavioral Health Policy Council Bylaws. Ms. Walker confirmed that the language has been revised and should be more simplified and streamlined.

M O T I O N

Commissioner Shadduck-McNally moved the Board of County Commissioners to approve the Updated Behavioral Health Policy Council Bylaws as submitted in the Consent Agenda.

Motion carried 2-0.

5. COMMISSIONERS' GUESTS: There were no Commissioners' Guests.

6. DISCUSSION ITEMS:

1. COLORADO SECURE TRANSPORTATION, LLC, BEHAVIORAL HEALTH SECURE TRANSPORTATION LICENSE & VEHICLE PERMIT:

Laura Walker, Human & Economic Health Director and Interim Director of the Behavioral Health Services Department, addressed the Board. Ms. Walker began by reminding the Board of a 2022 state law that had passed giving counties the responsibility of licensing and permitting transportation services to persons experiencing a mental health crisis. This is the third application for such a license and permit for Colorado Secure Transportation, LLC. They are requesting a single vehicle to be licensed and a single permit to go along with the license. All requirements have been complied with and all safety considerations have been vetted. The permit will last one year, the license for the vehicle will last three years.

Commissioner Shadduck-McNally asked Ms. Walker if Colorado Secure Transportation, LLC operates in other counties or only in Larimer County. Ms. Walker stated they operate in multiple counties. She went on to say that their home offices are based out of Aurora and Pueblo but serve multiple counties. Commissioner Shadduck-McNally asked the age of this organization. Ms. Walker deferred to Ryan Barstow, Business Operations Coordinator, for the answer to this question. Mr. Barstow advised that this question is not part of the application and unknown at the time of the question. Commissioner Shadduck-McNally then asked if this licensure allows for transporting across county lines. Mr. Barstow clarified that the licensure is based off of where the service picks up an individual.

MOTION

Commissioner Shadduck-McNally moved the Board of County Commissioners to approve the Behavioral Health Secure Transport License and one Vehicle Permit for Colorado Secure Transportation, LLC.

Motion carried 2-0.

7. COUNTY MANAGER UPDATE: County Manager Volker briefly detailed the events from the previous week.

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

9. LEGAL MATTERS:

Executive Session pursuant to C.R.S 24-6-402(4)(b): Conference with an attorney for the purpose of receiving legal advice about court case number 23-CV-258, John Coy Deming vs. Staci Shaffer, et al.

MOTION

Commissioner Shadduck-McNally moved the Board of County Commissioners to enter Executive Session pursuant to C.R.S 24-6-402(4)(b): Conference with an attorney for the purpose of receiving legal advice about court case number 23-CV-258, John Coy Deming vs. Staci Shaffer, et al.

Motion carried 2-0.

David Ayraud, Deputy County Attorney, summarized that during Executive Session, he communicated to the Board background information on a new complaint and lawsuit filed against Larimer County – in particular, Captain Staci Shaffer. Mr. Ayraud stated that the Board has been asked to approve their office to defend and for the County to indemnify Staci Schaffer in this matter and authorize them to seek co-counsel if appropriate.

M O T I O N

Commissioner Shadduck-McNally moved the Board of County Commissioners to authorize the County Attorney to defend Staci Shaffer in her individual and official capacities and provide full indemnity to her including punitive damages in the John Coy Deming case U.S. District Court Case Number 23-CV-258 and further move that Bruno, Colin, Goddard & Lowe be retained as co-counsel.

Motion carried 2-0.

With there being no further business, the Board adjourned at 9:50 a.m.

WEDNESDAY, APRIL 17, 2024

WEED MANAGEMENT ENTERPRISE RATE HEARING

The Board of County Commissioners met at 10:30 a.m. with County Manager, Lorenda Volker. Chair Kefalas presided. Commissioner Shadduck-McNally and Commissioner Stephens were present. Also present were Casey Cisneros, Land Stewardship Manager and Heather Arment, Deputy Clerk.

County Manager Lorenda Volker began by explaining that because the department has requested a rate increase, a public hearing is required.

Mr. Cisneros addressed the Board stating that he manages the Weed Management Enterprise Program. He explained that Enterprise works strategically with several partners to manage weeds on a strategic and science-based approach throughout the two major water sheds. He went on to say that Enterprise was established in 1998 by resolution and is a county service that performs noxious weed control. Service is charged on a per-hour basis. To ensure financial sustainability, they are asking for a rate increase to cover expenses that have inflated over the past few years - requesting a 10% increase at this time plus the discretion for the director to increase rates based on the Consumer Price Index and an additional 3%. In regard to community outreach, Mr. Cisneros disclosed meeting with each partnering organization to discuss a potential rate increase of 10% and advised that there were no issues displayed by any of the partners. He noted that this request was conveyed to the Land Stewardship Advisory Board who recommended it for adoption. Mr. Cisneros advised that he attended a work session in regard to this request – and the Rate Hearing was advertised in the local newspaper for the two weeks prior to this Hearing.

The Commissioners collectively expressed their gratitude and thanked Mr. Cisneros and team for a job well done.

Commissioner Stephens asked Mr. Cisneros if increases like the current request are expected going forward. Mr. Cisneros advised that they are hopeful they will not have to come back repeatedly to request rate increases, but some costs are out of their control.

Chair Kefalas opened the hearing for public comment.

There was no public comment in person, online or received in written material.

MOTION

Commissioner Stephens moved that the Board of County Commissioners increase the Larimer County Weed Management Enterprise rates, as allowed by C.R.S. 35-5.5, by 10% in 2024 and give the Department of Natural Resources Director discretion to increase rates by annual Consumer Price Index inflation in the Denver/Lakewood/Aurora area plus an additional 3% in future years.

Motion carried 3-0.

With there being no further business, the Board recessed at 10:40 a.m.

WEDNESDAY, APRIL 17, 2024

HORSETOOTH TAVERN LLC LIQUOR LICENSE HEARING

The Board of County Commissioners reconvened at 11:00 a.m., with David Ayraud, Deputy County Attorney. Chair Kefalas presided. Commissioner Shadduck-McNally and Commissioner Stephens were present. Also present were: Alison Cofer and Elizabeth Carter, Clerk and Recording Department; and Heather Arment, Deputy Clerk.

Chair Kefalas opened the hearing and Dawn Isaacs, applicant, was sworn-in.

Mr. Ayraud reviewed the following exhibits with the Board: Exhibit A – publishing of the notice in the newspaper; Exhibit B – diagram of the premises; Exhibit C – photos of Notice of Public Hearing posting on the premises; and Exhibit D – petition of the surrounding neighborhood.

Mr. Ayraud asked a series of questions of Ms. Isaacs regarding the exhibits, and then questioned whether or not Ms. Isaacs felt the needs and desires of the surrounding neighborhood support a hotel and restaurant license. Ms. Isaacs replied in the affirmative, based upon the results of her petitioning process. When questioned whether or not Ms. Isaacs was familiar with the liquor laws and if she had any alcohol server training, she advised she was familiar with the liquor laws – operating a liquor store, previously – and, will be taking the TIPS training.

Mr. Ayraud noted for the record that there was nobody present to speak in favor or in opposition to this license.

Under discussion, the Board asked questions of the applicant. Commissioner Shadduck-McNally asked Mr. Ayraud for clarification in regard to the licensing process. Does the business have to get the restaurant approval (license) first, or does it matter. Mr. Ayraud detailed the process of obtaining the bar and restaurant licenses so the business operates in accordance with the laws and statutes. Commissioner Shadduck-McNally then asked Mr. Ayraud if the Board is allowed, as part of issuing the liquor license, to require additional training for a specific number of employees (in management or supervisor roles). Mr. Ayraud answered the Commissioner's question, providing details in regard to training.

Commissioner Stephens asked Mr. Ayraud for clarification of the restrictions for employees under 21 years of age serving alcohol. Mr. Ayraud explained that the underage employee must be supervised by someone who is at least 21 years of age.

In a follow up to Commissioner Shadduck-McNally's question, Chair Kefalas requested clarification from Mr. Ayraud – because the state statute already requires employees get proper training, is it necessary to add a condition stipulating a specific number of employees get training? Mr. Ayraud explained that adding a condition would not particularly add to anything the business is already required to do. Chair Kefalas then asked Ms. Isaacs to further detail the layout of the premises including the entrance(s)/exit(s), which she did. He went on to ask Ms. Isaacs – you're charging yourself rent, but in the lease agreement you're listed as the owner and the tenant – why? Ms. Isaacs explained this is due to business and tax purposes.

In regard to the premises entrances and exits, Commissioner Shadduck-McNally asked Ms. Isaacs how the business plans to monitor customers from walking off of the premises with alcohol. Ms. Isaacs detailed that signs would be posted, and employees would monitor customers.

MOTION

Commissioner Shadduck-McNally moved that the Board of County Commissioners approve the liquor license for Dawn Isaacs dba Horsetooth Tavern LLC, located at 4791 West County Road 38E Fort Collins, Colorado 80526, for a hotel and restaurant license.

Motion carried 3-0.

With there being no further business, the Board recessed at 11:30 a.m.


JOHN KEFALAS
BOARD OF COUNTY COMMISSIONERS

TINA HARRIS
CLERK AND RECORDER
ATTEST:


Heather Arment, Deputy Clerk

