



## MINUTES OF THE BOARD OF COUNTY COMMISSIONERS

MONDAY, MAY 23, 2022

### LAND USE HEARING

The Board of County Commissioners met at 3:00 p.m., with Don Threewitt, Planning Manager. Chair Stephens presided. Commissioner Shadduck-McNally and Commissioner Kefalas were present. Also, present were Michael Whitley, Tawn Hillenbrand, Doug May, Planning; Steven Rothwell, Traci Shambo, Engineering; Lea Schneider, Health; Frank Haug, County Attorney's Office; and Kelly Bryant, Deputy Clerk.

Chair Stephens opened the meeting with the Pledge of Allegiance.

Chair Stephens explained that there are three items on this afternoon's consent agenda and explained the process of moving an item to Discussion Item. The Commissioners nor any member of the public wished to pull any items from the consent agenda for a full hearing.

### CONSENT AGENDA

1. **JOHNSON REZONE, FILE NO. 21-ZONE3178:** The owner/applicants Jill and Justin Johnson are requesting to remove existing conditional zoning originally approved in 1982 that restricts or limits the use of the property to a "restaurant, general store, or professional offices." The property is located at 2301 W. Highway 34, Drake, Colorado.

This item was on the agenda for the April 20, 2022, Planning Commission public hearing at 6:00 pm. At the hearing, Staff presented the Development Services Team report recommending approval of the Rezone application. There were no questions or comments from the Commissioners and there was no public comment.

Planning Commission and Development Services Team Recommendation: Commissioner Johnson moved that the Planning Commission adopt the following Resolution: Be it resolved that the Planning Commission recommends to the Board of County Commissioners approval of the Johnson Rezone, File #21-ZONE3178, to remove conditional zoning that currently restricts the use of the property to 'restaurant, general store, or professional offices.' MOTION PASSED: 8-0

## BACKGROUND

The subject property is located at 2301 W. Highway 34 in Drake, approximately 3 miles east of the Town of Estes Park and is currently zoned CD – Commercial Destination. The applicants/property owners request to remove existing conditional zoning originally approved in 1982 that restricts or limits the use of the property to a ‘restaurant, general store, or professional offices’ use. The property would remain zoned CD – Commercial Destination. The applicants’/property owners’ project description indicates that no new development is proposed with this rezone. Uses in this area include residential, National Forest, and vacant land. The property currently contains two existing single-family dwellings that appear to have been constructed in 1925. In addition to the two residences, the property also contains a detached garage. The property does not currently contain a restaurant, general store, or professional office use. The proposed rezone to remove the conditional zoning would allow the two existing single-family residences and detached garage to continue as permitted uses. Additionally, the applicants/property owners would like to remove the conditional zoning to seek approval for a ‘Resort Lodge/Cottage’ use which would allow them to rent the two existing residences on a short-term basis. The proposed use would be allowed in the existing CD – Commercial Destination zone district following Site Plan Review. The applicants/property owners are concurrently seeking Site Plan Review approval for a Resort Lodge/Cottage use with the understanding that an approval is dependent upon the outcome of this rezone request. A neighborhood meeting was not required as part of this proposed Rezone

## REVIEW CRITERIA

In deciding the application to amend the zoning map, the Planning Commission and the County Commissioners shall consider the approval criteria in Article 6.6.1.D and determine whether and the extent to which the proposed amendment meets the following:

### 1. Compatible with Surrounding Uses

The proposed change in zoning is compatible with the type, intensity, character, and scale of existing and permissible land uses surrounding the subject property. Dimensional limitations of the proposed zoning district, when applied, should result in development that will be consistent with the physical character of existing or permissible uses surrounding the subject property. The proposed change shall result in a logical and orderly development pattern in the neighborhood. The parcel is currently zoned CD – Commercial Destination. Surrounding properties are currently zoned O - Open. Uses in this area include residential, National Forest, and vacant land. Generally, the CD – Commercial Destination zone district is intended to accommodate a variety of lodging and related uses. The requested rezone would remove conditional zoning that was originally approved in 1982 and that currently restricts uses on the site to ‘restaurant, general store, or professional offices’ use.

The rezone would not modify or change the existing zone district in any other way. The proposed rezone to remove the conditional zoning would allow the two existing single-family residences and detached garage to continue as permitted uses. In addition, the removal of the conditional zoning would allow the applicants/property owners the opportunity to seek approval for other uses, such as

a Resort Lodge/Cottage use, as permitted by the current CD – Commercial Destination zone district.  
7 Current Zone Map - Yellow = O – Open zoning Red = CD

## 2. Community Need or Public Benefit

The proposed change in zoning addresses a demonstrated community need or otherwise results in one or more particular public benefits that offset the impacts of the proposed uses requested, including but not limited to: affordable and senior housing; childcare facilities; medical facilities; transportation efficiencies; public recreational opportunities; infrastructure improvements; and preservation of lands of high conservation value. As noted previously, the proposed rezone request would remove conditional zoning that currently restricts the uses of the site to ‘restaurant, general store, or professional offices’ and would not change the existing CD – Commercial Destination zone district. The subject property currently contains two (2) existing residences that were constructed in 1925.

Removing the conditional zoning would allow the existing uses to continue as permitted uses while also allowing the applicants/property owners the ability to seek approval for other uses permitted by the existing CD – Commercial Destination zone district. The applicants/property owners are concurrently seeking Site Plan Review approval for a proposed Resort Lodge/Cottage use with the understanding that approval for the use is contingent upon the approval of this request. 8 3. Change of Circumstances The proposal change in zoning addresses or responds to a beneficial material change that has occurred to the immediate neighborhood or to the greater Larimer County community.

As previously mentioned, the applicants/property owners request to remove existing conditional zoning that was originally approved in 1982 and that restricts the use of the property to ‘restaurant, general store, or professional offices.’ Removal of the conditional zoning would allow the two (2) existing single-family residences, constructed in 1925, and detached garage to remain as permitted uses. Removal of the conditional zoning would not change the existing CD – Commercial Destination zone district in any way but would provide the applicants/property owners the ability to seek approval for other uses permitted by the existing zone district. 4. Adequate Infrastructure The property subject to the proposed change in zoning is, or may be served by adequate roads, water, sewer, and other public use facilities. The subject property was previously developed. There is no new development proposed with this rezone application.

The subject property currently take access from W. Highway 34. Highway 34 is classified as a State Highway on the Larimer County Functional Road Classification Map. The subject property is currently served by a well and an on-site sewage treatment system. As noted previously, the applicants/property owners are concurrently seeking Site Plan Review approval for a proposed Resort Lodge/Cottage use.

The Site Plan Review application, as well as any future development applications for the subject property, would be evaluated and reviewed to ensure that all development standards including public facilities are provided to the level required by the Land Use Code. 5. Natural Environment The proposed change does not result in significant adverse impacts on the natural environment. As previously noted, no new development is proposed with this rezone application. GIS data indicates that there are no known geological hazards on site or sensitive wildlife habitat areas. The property is

located in a very high wildfire area; however, this would be evaluated and reviewed through any future development application(s), such as Site Plan Review. The proposed rezone should not result in significant adverse impacts on the natural environment.

#### DEVELOPMENT SERVICES TEAM RECOMMENDATIONS:

The Development Services Team recommends that the Planning Commission recommend to the Board of County Commissioners approval of the Johnson Rezone, File #21-ZONE3178, to remove conditional zoning that currently restricts the use of the property to ‘restaurant, general store, or professional offices.’

**2. COUNTRY CLUB SIGN APPEAL, FILE NO. 22-GNRL0531:** The Applicants of Country Club Sign Appeal, File No. 22-GNRL0531, Darren Duroux, Russell + Mills Studio, 506 S. College Ave, Fort Collins, CO 80524, are requesting to appeal to Larimer County Land Use Code standard 8.4.3.C. to allow a 61 square foot replacement entrance sign for the Fort Collins Country Club, where 20 square feet is allowed. The property is located at 1920 Country Club Rd Fort Collins, CO 80524; approximately 400-feet west of the intersection of Country Club Rd and Turnberry Rd.

Development Services Team Recommendation: The Development Services Team recommends approval of the Country Club Sign Appeal, File 22-GNRL0531, subject to the conditions outlined in the staff report.

#### REVIEW CRITERIA

To approve an appeal from the applicable requirements in Article 8.0, Signs, of this Code the County Commissioners must consider the following review criteria and find that each criterion has been met or determined to be inapplicable:

A. Approval of the appeal is consistent with the purpose and intent of this Code; The purpose and intent of the regulations within Article 8.0, Signs, of the Land Use Code is to provide a consistent regulation for the overall allotment of signage for nonresidential uses in urban residential districts, while maintaining the residential character of the area.

While the approval of the appeal would allow this property to have a freestanding sign that is larger than what currently exists, and what is allowed in Section 8.4.3.C., the applicants are proposing to replace the existing sign panel and keep the existing stone wall the same. The visual impact of the proposed sign would be consistent with other signs in the area and other signs used for similar purposes. The applicants have provided examples of other signs in their project description with similar dimensions as to what is being requested. There are unique circumstances in this instance that warrant the appeal request.

The Development Services Team’s assessment is that approval of the appeal would be consistent with the intent and purpose of the Land Use Code. The proposal complies with this criterion.

B. There are extraordinary or exceptional conditions on the site which would result in a peculiar or undue hardship on the property owner if Article 8.0, Signs, of this Code is strictly enforced; While the requested appeal would increase the existing sign face from 39-square feet to 61- square feet and would increase the sign area over the maximum of 20-square feet, there are unique circumstances in this instance that warrant the appeal request. The subject property is a 126.8-acre parcel that contains the Fort Collins Country Club.

Despite its large size, the property has street frontage along Country Club Road measuring approximately 100-feet long. This frontage, which contains the main entrance to the property, is also located at a sharp turn, which can make the entrance easy to miss when driving down Country Club Road. Additionally, country clubs, which are large institutional type uses, are not uses found in every residential area, but they are uses that are usually located within residential areas.

The Sign Code does not necessarily account for uses the size of the Fort Collins Country Club, and the 20 square foot sign allowance is generally intended for smaller scale uses. In this case, because of the scale of the property and the use and its location on a sharp turn with limited street frontage, the Development Services Team finds the requested appeal to be reasonable. The proposal complies with this criterion.

C. Approval of the appeal would not result in an economic or marketing advantage over other businesses which have signs which comply with Article 8.0, Signs, of this Code.

There are no other commercial or nonresidential uses within the vicinity of the proposed sign. The neighborhood is predominantly single-family residential, with the Fort Collins Country Club being the only commercial or non-residential use in the immediate area. The applicants have included photos and dimensions of other monuments signs in the area. These signs are not commercial in nature, but are entrance monuments for residential subdivisions, and these signs are similar in size to the proposed sign for which the appeal is requested. Approval of the appeal would not provide an economic and marketing advantage over businesses that comply with Article 8.0, Signs, of the Land Use Code. The proposal complies with this criterion.

DEVELOPMENT SERVICES TEAM RECOMMENDATION: 22 The Development Services Team recommends approval of the Country Club Sign Appeal, File 22-GNRL0531.

**3. LITTLE VALHALLA CONDOMINIUM MAP, FILE NO. 22-LAND4241:** The applicant, Frank Theis, CMS Planning and Development, P.O. Box 416, Estes Park, CO 80517, are requesting approval of a Condominium Map for a 0.87-acre property with three dwellings Location: 2131 Eagle Cliff Road, Estes Park; located on the north side of Eagle Cliff Road approximately 1,200 feet west of the intersection of Eagle Cliff Road and Highway 66 1

Development Services Team Recommendation: The Development Services Team recommends approval of Little Valhalla Condominium Map, File 22-LAND4241 subject to the conditions found in the staff report.

## BACKGROUND

The applicant requests approval of a Condominium Map for a 0.87-acre property with three dwellings. Approval of the Condominium Map would allow for the sale of each of the dwellings individually. The Condominium Map identifies unit numbers for each dwelling and identifies limited common element areas surrounding each unit. The dwellings would be individually owned with limited common element areas collectively owned by an association. Although the limited common element areas would be collectively owned, the three limited common element areas would be maintained by owner(s) of the condominium unit associated with limited common element area. Approval of the proposed Condominium Map would not result in additional development or physical changes to the property.

## REVIEW CRITERIA

The Larimer County Land Use Code (Section 6.5.9.D) allows for the approval of a Condominium Map if the following review criteria are met:

1. The proposed uses in the condominium units are consistent with existing zoning of the site; The EV A-1 – Estes Valley Accommodations/Low Intensity zoning district allows single-family homes by right and allows multiple principal residences at the rate of one dwelling per 10,890 square feet of lot area. This 0.87-acre (37,897.2 square feet) parcel contains three dwellings which is consistent with the existing zoning. Approval of the Condominium Map would allow for individual ownership of the dwellings and would continue to be consistent with the property's zoning.
2. The site complies with §4.7, Landscaping, §4.6, Off-Street Parking and Loading, and Article 8.0, Signs; There are no landscaping requirements found in Article 4.7 of the Land Use Code that are applicable to this request. The standards found in Article 4.6 require two parking spaces per single-family dwelling. The site complies with this standard. There are currently no signs on the property. Any future signs would be required to comply with the applicable regulations found in Article 8 (Signs) of the Land Use Code. 39
3. The condominium map complies with the monumentation, and plat preparation standards required by state statute; and The Larimer County Surveying staff provided comments which will require minor modifications to the Condominium Map prior to recording the map.
4. The applicant has submitted property owner's association documents or their equivalent that address the unit owners' rights and responsibilities with respect to parking, loading and access facilities, landscaping, utilities, and any other common areas and facilities on the site. The documents must also provide for perpetual maintenance of common facilities by property owners. If property owners fail to adequately maintain the common facilities, the County Commissioners may take over maintenance and charge the cost to the property owners until property owners demonstrate they can adequately maintain the property.

The Declaration specifies unit owners' rights and responsibilities with respect to parking, loading and access facilities, landscaping, utilities, and any other common areas and facilities on the site and provides for perpetual maintenance of common facilities by property owners. Typically, maintenance of common areas within condominium projects is provided by a property owner's association or equivalent entity. In this instance, there are three limited common element areas surrounding the three residential units.

Maintenance of the limited common element areas will be the responsibility of the individual property owners and not the association. Article VI of the Declaration addresses maintenance of the property and Section B.10 in Article VIII addresses enforcement of the covenants, which includes the maintenance provisions.

In some instances, Larimer County may hire contractors to correct violations on a property and charge the cost to the property owner, but this is done as a last resort after failure of a property owner to remedy a violation. Larimer County would not become involved in maintenance of the subject property beyond the correction of a violation.

#### DEVELOPMENT SERVICES TEAM REVIEW COMMENTS:

The following review comments were received:

- Planning The Planning Department has no comments on the Condominium Map and supports the request.
- Engineering The Engineering Department provided advisory comments regarding access and grading. Their comments note that grading should be done in such a way that existing drainage patterns are not adversely affected.
- Surveying The surveying staff provided redlines and written comments regarding minor changes to the map.
- Code Compliance Code Compliance staff noted that there are no known building code violations on the property. 40
- Health The Health Department did not provide comments on the request.

#### OTHER AGENCY REVIEW COMMENTS

- Estes Valley Fire Protection District The Estes Valley Fire Protection District provided addressing, access, and water supply standards.

SUMMARY AND CONCLUSIONS: Staff finds that the proposal meets the requirements of the Larimer County Land Use Code.

DEVELOPMENT SERVICES TEAM RECOMMENDATION: The Development Services Team recommends approval of Little Valhalla Condominium Map, File 22- LAND4241 with the following conditions:

1. All conditions of approval shall be met, and the Condominium Map recorded by November 23, 2022, or this approval shall be null and void.

2. Prior to the recordation of the Condominium Map the applicant shall make the technical corrections required by Celine M. LeBeau, Land Surveyor of the Larimer County Engineering Department.
3. The establishment of the condominium units and definition of limited common element areas shall be finalized at such time when the Condominium Map and findings and resolution of the County Commissioners are recorded.
4. Larimer County may follow standard Code Compliance procedures to correct Land Use Code or other violations, but Larimer County is under no obligation to assume any maintenance or other management responsibilities.

Commission Shadduck-McNally had some clarifying questions involving Low Intensity definitions. Mr. Whitley was able to provide a detailed explanation of the definitions for the three dwellings.

## **MOTION**

Commissioner Kefalas moved that the Board of County Commissioners approve the three items on the Consent Agenda for May 23, 2022, subject to the staff reports and further authorize the Chair to sign the findings and resolutions.

**Motion carried 3-0**

With there being no further business, the Board adjourned at 3:10 p.m.

**TUESDAY, MAY 24, 2022**

## **ADMINISTRATIVE MATTERS MEETING**

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

Chair Stephens opened the meeting with the Pledge of Allegiance.

**1. PUBLIC COMMENT:** The following members of the public addressed the Board: Clayton Roth and Daniel Roth regarding Horton Feedlot; County Clerk Angela Myers provided an update on Election activity. She mentioned that this Friday there will be an Open Comment on the Voting and Polling Station Locations as well as the Drop Boxes. May 22<sup>nd</sup> through June 11<sup>th</sup> will be the commenting window and the public is encouraged to go to [VOTE.LARIMER.GOV](https://vote.larimer.gov) and provide feedback. Election worker applicants are currently being assigned. If there are any questions, please call 498-7820.

Chair Stephens closed public comment.



Commissioner Kefalas thanked the speakers but did mention that, due to pending litigation, they were not able to make comment on the issues brought up in public comment. He thanked the Clerk & Recorder for all that she does to manage and operate the elections. He also mentioned that there is a Primary on June 28th and that ballots should be in the mail around June 6<sup>th</sup>. Chair Stephens thanked the speakers today and mentioned hoping to have the Clerk report back as the Primary gets closer.

## **2. APPROVAL OF THE MINUTES FOR THE WEEK OF MAY 16, 2022**

### **MOTION**

Commissioner Shadduck-McNally moved that the Board of County Commissioners approve the minutes for the week of May 16, 2022.

**Motion passes 3-0**

**3. REVIEW OF THE SCHEDULE FOR THE WEEK OF MAY 16, 2022:** Mr. Harvill reviewed the upcoming schedule with the Board.

## **4. CONSENT AGENDA**

### **ABATEMENTS:**

**1. PETITION FOR ABATEMENT OR REFUND OF TAXES; AND LARIMER COUNTY; R0452815; TAX YEAR(S): 2021**

**2. PETITION FOR ABATEMENT OR REFUND OF TAXES; TIMOTHY AND LINDA FEILEN AND LARIMER COUNTY; R1149687; TAX YEAR(S): 2021**

**3. PETITION FOR ABATEMENT OR REFUND OF TAXES; HENRY FANG AND LARIMER COUNTY; R0053279; TAX YEAR(S): 2021**

**4. PETITION FOR ABATEMENT OR REFUND OF TAXES; CHARLES AND TAMMY MARTINEZ AND LARIMER COUNTY; R0466433; TAX YEAR(S): 2021**

**5. PETITION FOR ABATEMENT OR REFUND OF TAXES; HOURGLASS PROPERTY LLC AND LARIMER COUNTY; R1660796; TAX YEAR(S): 2021**

**6. PETITION FOR ABATEMENT OR REFUND OF TAXES; SHERIDAN LORENTZEN AND LARIMER COUNTY; R0517836; TAX YEAR(S): 2021**

**7. PETITION FOR ABATEMENT OR REFUND OF TAXES; JAY AND DENISE STRAUB AND LARIMER COUNTY; R05259926; TAX YEAR(S): 2021**

8. PETITION FOR ABATEMENT OR REFUND OF TAXES; GARY COLEMAN AND LARIMER COUNTY; R0573922; TAX YEAR(S): 2021

**AGREEMENTS:**

1. AMENDMENT TWO TO THE CONTRACT BETWEEN LARIMER COUNTY DEPARTMENT OF HUMAN SERVICES AND MAPLE STAR COLORADO

2. COLORADO DEPARTMENT OF HUMAN SERVICES DIVISION OF CHILD SUPPORT SERVICES CONTRACT AMENDMENT

3. SECOND AMENDMENT TO ELECTIONS PRINTING-MAILING AGREEMENT

4. CONTRACT #2022.001 FOR SERVICES WITH SUMMITSTONE HEALTH PARTNERS

5. CITY OF FORT COLLINS WORKFORCE INNOVATION GRANT (WIG)

6. AMENDMENT #1 TO PROFESSIONAL SERVICES AGREEMENT (P21-08, ARCHITECTURAL ENGINEERING DESIGN SERVICES - FLEET CAMPUS)

7. CONTRACT BETWEEN LARIMER COUNTY DEPARTMENT OF HUMAN SERVICES AND MAPLE STAR COLORADO

8. CONTRACT BETWEEN LARIMER COUNTY DEPARTMENT OF HUMAN SERVICES AND HEART CENTERED COUNSELING, INC. DBA LIFESTANCE HEALTH

9. STATE AND LOCAL FISCAL RECOVERY FUNDS COMPLIANCE - AGREEMENT AMENDMENT #1

10. MANAGEMENT AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND LARIMER COUNTY FOR THE MANAGEMENT OF RECREATION AT CARTER LAKE, HORSETOOTH, PINWOOD, AND FLATIRON RESERVOIRS

11. CONTRACT AMENDMENT #1 TO CONTRACT # 139930 FOR COMMUNITY CORRECTIONS SERVICES

**APPOINTMENTS:**

1. RECOMMENDED APPOINTMENT TO EAGLE RANCH ESTATES PUBLIC IMPROVEMENT DISTRICT #26 - KURT LONG

2. RECOMMENDED APPOINTMENT TO THE RODEO BOARD - BRANDY EDMONDS

**3. RECOMMENDED APPOINTMENT TO BERTHOUD COMMUNITY LIBRARY DISTRICT BOARD OF TRUSTEES - AMANDA THORSTENSEN**

**LIQUOR LICENSES:** Liquor License Renewal: Beaver Meadows Resort Ranch – Hotel & Restaurant License in Red Feather Lakes; Liquor License Renewal: JJ’s Bar & Grill – Tavern in Fort Collins; Liquor License Renewal: Zgolf Food & Beverage Services LLC dba Wedgewood Wedding & Banquet Center – Tavern in LaPorte

**MISCELLANEOUS:**

- 1. REQUEST FOR APPROVAL TO ENTER UPON LANDS – TERRI DEBIN**
- 2. REQUEST FOR APPROVAL TO ENTER UPON LANDS –SHIRLEY PINERA**
- 3. REQUEST FOR APPROVAL TO ENTER UPON LANDS – ANTOINE SMITH**
- 4. REQUEST FOR APPROVAL TO ENTER UPON LANDS – CHETANA WHITE**
- 5. ASPEN-FORT COLLINS LTD PARTNERSHIP STIPULATION AS TO TAX YEAR 2021 VALUE**
- 6. CENTERRA FLEX TWO LLC STIPULATION AS TO TAX YEAR 2021 VALUE**

**RESOLUTIONS:**

- 1. RESOLUTION AMENDING COMMISSIONER AUTHORIZATION FOR ANNUAL BUILDING AND ELECTRICAL PERMIT FEE ADJUSTMENTS**
- 2. RESOLUTION DECLARING SEASONAL ALLOWANCE FOR CERTAIN SPECIAL EVENTS RELATED TO LOCAL FOOD AND FARM STANDS**
- 3. RESOLUTION DECLINING PARTICIPATION IN THE COLORADO FAMILY AND MEDICAL LEAVE INSURANCE (FAMLI) PROGRAM**

**M O T I O N**

Commissioner Kefalas moved that the Board of County Commissioners approve the Consent Agenda for May 24, 2022.

**Motion passes 3-0**

- 5. COMMISSIONERS GUESTS:** Commissioner Shadduck-McNally invited Estes Park Mayor Wendy Koenig and Loveland Mayor Jacki Marsh to celebrate 50 years of trailblazing in women's sports. They are celebrating 50 years of women pioneers and leaders in the area. Mayor

Marsh went on to explain her experience when she made history at the age of 17 winning the first 6-mile race by a woman. It was called Crazy Lakes Mini marathon based on the miniskirt. Title Nine ensured equal funding in academic as well as athletics under the Nixon administration. Mayor Marsh explained that women were prevented from participating in Track & Field and the Olympics. Mayor Marsh then shared the viewing of the official t-shirt from that race. Mayor Koenig explained her experience in 1972 when she qualified for the US Olympic team in Munich. She also displayed her 1976 Olympics uniforms as well. She thanked the Commissioners for recognizing women's efforts and honors in athletics.

Commissioner Kefalas acknowledged their public service. He mentioned that he was a marathon runner and knew firsthand of the discrimination. He said that the AAU (Amateur Athletic Union) then let women participate but in separated events. He thanked them for being trailblazers. Commissioner Shadduck-McNally said that these ladies were inspiring. Chair Stephens recognized the discriminatory events that had occurred and noted how far society has advanced. She was appreciative of their work.

## **DISCUSSION ITEMS:**

### **6. PROVIDE INFORMATION REGARDING CURRENT FIRE DANGER CONDITIONS AND CONSIDER IMPLEMENTING FIRE RESTRICTIONS.**

Justin Whitesell, Larimer County Sheriff's Office, provided an update on the fire conditions within Larimer County. He said that the metrics they used were averages and it was noted that the fire dangers are reduced due to recent precipitation. He reviewed the documents presented to the Commissioners.

Commissioner Shadduck-McNally thanked Mr. Whitesell for his work. She mentioned that she had been in contact with other Commissioners from other counties. She questioned some of the information provided from the other counties and how it might apply to Larimer County. Mr. Whitesell reviewed several points of interest and said that our region was not in a fire danger at this moment. Commissioner Kefalas mentioned that the County had removed the State 1 Restrictions and thanked Mr. Whitesell for his work. He recommended having this information available on the public website. Commissioner Kefalas mentioned the Poudre River is at a lower level and asked if we should anticipate a June rise in water levels. Chair Stephens thanked Mr. Whitesell and was pleased that fire restrictions are not currently needed. She asked that he report back with updates as needed. Commissioner Shaddock-McNally asked for a breakout of multiple zones based on geographical regions to be included in future updates.

**7. INTERIM COUNTY MANAGER UPDATE:** Interim Manager Volker updated the Board on this week's coordination meetings and upcoming projects and activities.

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

**9. LEGAL MATTERS:**

## **MOTION**

Commissioner Shadduck-McNally moved that the Board of County Commissioners move into Executive Session pursuant to the C.R.S. 24-6-402(4)(b) conferences with the County Attorney for receiving legal advice regarding case 2022CV106 Ramler v. LCDPHE et al. to determine appropriate response; C.R.S. 24-6-402(4)(b): Conferences with the County Attorney for receiving legal advice regarding case 2019CV30402 Simon Contractors v. WSSC et al. to determine future approach to matter; C.R.S. 24-6-402(4)(b): Conferences with the County Attorney for receiving legal advice regarding Roth v. Board of County Commissioners; and, Executive session pursuant to the C.R.S. 24-6-402(4)(b): Conferences with the County Attorney for receiving legal advice regarding No Laporte Gravel Corporation v. Board of County Commissioners.

### **Motion passed 3-0**

Decision expected

Executive session pursuant to the C.R.S. 24-6-402(4)(b): Conferences with the County Attorney for receiving legal advice regarding case 2022CV106 Ramler v. LCDPHE et al. to determine appropriate response.

## **MOTION**

Commissioner Shadduck-McNally moved that the Board of County Commissioners approve Larimer County to defend and indemnify the County defendants named in the lawsuit filed by Ramler v. LCDPHE, case no. 2022CV106.

### **Motion passed 3-0**

Decision expected

Executive session pursuant to the C.R.S. 24-6-402(4)(b): Conferences with the County Attorney for receiving legal advice regarding case 2019CV30402 Simon Contractors v. WSSC et al. to determine future approach to matter.

## **MOTION**

Commissioner Shadduck-McNally moved that the Board of County Commissioners approve the Larimer County Attorney's Office to file appropriate documents to protect the county's interest without accruing additional unnecessary cost.

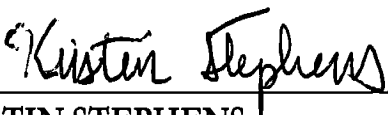
### **Motion passed 3-0**

No decision expected

Executive session pursuant to the C.R.S. 24-6-402(4)(b): Conferences with the County Attorney for receiving legal advice regarding Roth v. Board of County Commissioners

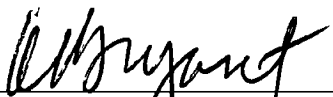
Executive session pursuant to the C.R.S. 24-6-402(4)(b): Conferences with the County Attorney for receiving legal advice regarding No Laporte Gravel Corporation v. Board of County Commissioners

With there being no further business, the Board adjourned at 11:35 a.m.

  
KRISTIN STEPHENS  
BOARD OF COUNTY COMMISSIONERS

ANGELA MYERS  
CLERK AND RECORDER

ATTEST:

  
Kelly Bryant, Deputy Clerk

