



MINUTES OF THE BOARD OF COUNTY COMMISSIONERS

MONDAY, JULY 25, 2022

LAND USE HEARING

The Board of County Commissioners met at 3:00 p.m., with Michael Whitley, Planning Division. Chair Pro Tem Shadduck-McNally presided. Commissioner Kefalas was present. Commissioner Stephens was excused. Also, present were: Doug May, Planning; Connor Sheldon, Engineering; Lea Schneider, Health; Leslie Ellis, Director of Community Development; Laurie Clark, Karen Nesat, Engineering; Frank Haug, Attorney's Office and Kelly Bryant, Deputy Clerk.

Chair Pro Tem Shadduck-McNally opened the hearing with the Pledge of Allegiance.

Public Hearing Consent Items:

1. The Retreat 2nd Filing Right of Way Vacation, File No. 22-LAND4235 (Addendum Items – Corrected Request and Additional Attachments) This is a request for a Vacation of a 10-foot-wide right-of-way that runs through six lots in The Retreat Subdivision. The applicant is The Retreat Landowners Association, Dan Robinson, President and the Owners are Allen & Mary Gooch, 1438 Streamside Dr (Lot 43), Glen Haven, CO 80532; Brian & Loretta Martens, 1422 Streamside Dr (Lots 41, 42), Glen Haven, CO 80532; Cynthia L. Knipple, 1142 Streamside Dr (Lot 31), Glen Haven, CO 80532; Marilyn McKnight Ferbrache & Marlene McKnight, 100 Fishermans Ln (Lot 48), Glen Haven, CO 80532; Thomas Kaszynski, Lot 40, Glen Haven, CO 80532. The property is located at Lots 31, 40-44, & 48 of The Retreat Subdivision, located along the north side of Streamside Drive and the south side of Fishermans Lane, more specifically located at 1142, 1422, and 1438 Streamside Drive and 100 Fishermans Lane in Glen Haven, CO 80532.

BACKGROUND:

The right-of-way proposed to be vacated started out as a logging road. Over time, the logging road was not used, but the right-of-way was used as a hiking/foot path, which followed Miller Fork Creek. When The Retreat Subdivision was platted in 1971 it was dedicated as 10-foot-wide public right-of-way containing the footpath. The reason for the right-of-way dedication was due to a court settlement that was won by the landowners north of the The Retreat Subdivision, who requested a 10-foot right-of-way to access their Sawmill approximately 5-miles north of County Road 43. However, because of the flooding that occurred during the summer of 2021, due to the Cameron Peak Fire, portions of the creek and the path were wiped out, including a 5 feet metal culvert under Streamside Dr as well as a 14-foot-long bridge on lot 41 crossing the Miller Fork Stream. Subsequently, Larimer County contracted with Connell Construction replaced many culverts along the creek, some within the right-

of-way in question. The flooding and the culvert work and rerouted the creek and therefore the path that it follows outside of the public right-of-way and onto private property. The applicants as well as The Retreat Land Owners Association have sited public safety concerns and liability issues as their reasons for proposing to vacate this section of right-of-way

REVIEW CRITERIA:

The Larimer County Land Use Code (Article 6.5.8.D.1) allows for the approval of a plat modification if the following review criteria are met:

1. Vacation of Right-of-Way or Easement

- a. Approval of the vacation request will not leave any land adjoining the right-of-way without an established public road or private access easement connecting the land with another established public road, or without utility or drainage services.

The vacation of the right-of-way will not leave any adjoining land without an established public road. The right-of-way proposed to be vacated does not contain a road or other means of accessing the subject properties. Until the summer of 2021 it contained a pedestrian path that has since been destroyed by a flood and the right-of-way is currently unusable and dangerous for pedestrians. The subject lots all take direct access from Streamside Drive, or Fishermans Lane, which are public roads.

- b. The recommendations of referral agencies have been considered

Recommendations of referral agencies have been considered and there are no concerns. The Engineering Department noted that since the right-of-way in question does not contain a formal road and existing roadways exist within the subdivision to access all lots, they had no issues or concerns with the proposed vacation.

- c. Any right-of-way that is vacated will be divided equally between the lots on each side, unless it can be demonstrated that of the right-of-way was originally taken from one parcel. In that case, the right-of-way will be returned to that parcel. Property owners on each side of the right-of-way may agree to divide the vacated right-of-way differently but must sign deeds to transfer ownership after the County Commissioners approve the vacation; and

The right-of-way proposed to be vacated is entirely within Lots 31, 40-44, & 48 of The Retreat Subdivision and therefore the vacated right-of-way will be absorbed entirely by the lots which it travels through.

- d. Right-of-way vacations must also meet requirements of C.R.S. § 43-2-303.

The proposed vacation of right-of-way complies with the requirements of C.R.S. § 43-2-303.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

Engineering: Engineering did not have any concerns or issues with the proposal.

Code Compliance: Code Compliance noted that three of the subject properties contained unpermitted additions which will require an as-built permit, but otherwise had no concerns with the proposal.

Health and Environment: No concerns with the proposal.

Surveyor: No concerns with the proposal.

The Development Services Team recommends Approval of the The Retreat 2nd Filing Right-of-Way Vacation to vacate existing 10-foot-wide right-of-way through Lots 31, 40-44, & 48.

MOTION:

Commissioner Kefalas moved that the Board of County Commissioners approve the item on the July 25, 2022, Consent Agenda [The Retreat 2nd Filing Right-of-Way Vacation, File #22-LAND4235] and to authorize the Chair to sign the Findings and Resolution.

Motion carried 2-0.

With there being no further business, the Board adjourned at 3:06 p.m.

MONDAY, JULY 25, 2022

LAND USE HEARING

The Board of County Commissioners met at 6:30 p.m., with Michael Whitley, Planning Division. Chair Pro Tem Shadduck-McNally presided. Commissioner Kefalas was present. Commissioner Stephens was excused. Also, present were: Doug May, Planning; Steven Rothwell, Engineering; Lea Schneider, Health, Frank Haug, County Attorney's Office; and Kelly Bryant, Deputy Clerk.

Chair Pro Tem Shadduck-McNally opened the hearing with the Pledge of Allegiance.

Public Hearing Discussion Item(s):

1. Larimer County North Landfill Certificate of Designation, File No. 20-ZONE2659 This is a request for a Certificate of Designation review for Larimer County Solid Waste to construct a new landfill on 626 acres. The applicant is Larimer County Solid Waste Division Duane Penney, Solid Waste Director 5887 S. Taft Hill Rd. Fort Collins, CO 80526 and the property in question is located at 14855 N County Road 9 Wellington, CO, northwest of the Town of Wellington.

BACKGROUND:

The Solid Waste Division for Larimer County is proposing development of a new municipal solid waste landfill and disposal site and facility (North Landfill). The application for a Landfill Certificate of Designation incorporating the conditions of approval as required by Colorado Department of Public Health & Environment (CDPHE) Hazardous Materials and Waste Management Division is

required to be reviewed by the governing body having jurisdiction, in this case the Larimer County Board of County Commissioners.

The North Landfill site is located on 626-acres at 14855 N County Road 9, Wellington, Colorado. The landfill site is bounded on the east by N County Road 9 and the southeast corner of the landfill site is at the intersection of E County Road 76 and N County Road 11. Interstate 25 is approximately two miles to the east and the site is seven miles north of the Town of Wellington, Colorado.

In 2006, recognizing the capacity limitations of the current landfill, the county purchased an approximately 640-acre section of property at the intersection of County Road 76 East and North County Road 9 as a potential future landfill site (see vicinity map above). The existing Larimer County Landfill located at S. Taft Hill Road is anticipated to reach capacity and close in late 2024. In 2018, the North Front Range Regional Wasteshed Coalition set out to identify options for the continued efficient, economical and environmentally responsible handling of waste generated in the Wasteshed. The Solid Waste Infrastructure Master Plan (SWIMP) was adopted in December of 2018. The North Landfill with associated infrastructure including the Central Transfer Station and Yard Composting Facility were identified in the plan to address the solid waste disposal needs of the Wasteshed.

The Larimer County Planning Commission approved the location of the North Landfill site through the Location & Extent process on August 12, 2020, file number 20-ZONE2705. The Engineering Design and Operation Plan (EDOP) was reviewed by the State, which is recommending approval to the Larimer County Board of County Commissioners subject to conditions of approval. The EDOP underwent multiple revisions based on review comments from CDPHE with the final version dated December 10, 2021. In their final determination 3 letter dated January 4, 2022, CDPHE (Attachment E) recommended approval of the EDOP stating that the Facility can comply with technical, environmental, and public health standards of the Solid Waste Act and the Solid Waste Regulations if the Facility is constructed, operated, monitored, and maintained as described in the final EDOP.

The North Landfill will include two operating units located on the southwest and northeast sides of the property on opposite sides of a Western Area Power Administration (WAPA) transmission line that bisects the property. Unit 1 will occupy 211 acres and Unit 2, 105 acres. The remaining land will be vacant or subject to the WAPA easement.

The landfill will be developed following a defined sequence of phases, each having dedicated base liner systems and leachate collection systems that will operate independently from one another. The estimated life of Unit 1 is 74 years and Unit 2 has a life expectancy of 26 years. The maximum height of the different phases within the two units varies from 86- feet to 308-feet.

Both landfill units will accept municipal waste as defined by the Colorado Department of Public and Engineering Hazardous Materials and Waste Management Division Regulations and with the County Waste Characterization and Disposal Plan.

The North Landfill is proposed to operate seven days a week from 7 am to 10 pm, with the facility closed to the public after 7 pm. The landfill will not typically operate on Sundays, unless adverse weather or other conditions occur that require it.

Access to the North Landfill will be in the northeast corner from County Road 9. Most traffic will be generated by transfer trailers from the Central Transfer Station, as well as commercial customers.

Residential customers will dispose of waste at the Central Transfer Station, or other local transfer stations such as those located in Wellington and Estes Park.

Additional features are necessary to support the landfill operation including fencing, a maintenance building, scales, scale house, on-site storm water control, on-site operations water storage for construction, fire suppression, dust control and roadway systems. Additionally, soil screening berms are located south of Unit 1 and east of Unit 2 to mitigate viewsheds from points south and east of the landfill.

The North Landfill can begin to operate with the completion of Unit 1 and ancillary features noted above and then the use of the existing landfill on S Taft Hill Road will cease.

Colorado Department of Public Health and Environment (CDPHE) initiated the technical review of the EDOP on April 23, 2020. The CDPHE technical review evaluates if the siting, design, and operating criteria of the proposed municipal solid waste disposal facility are protective of human health and the environment as required by the Colorado Revised Statutes (CRS) Regulations Pertaining to Solid Waste Sites and Facilities, 6 CCR 1007-2, Part 1 (Solid Waste Regulations).

REVIEW CRITERIA:

To approve a Certificate of Designation application, the Larimer County Board of County Commissioners must find that the proposal complies with CRSA § 30-20-104. The criteria to be evaluated are listed and addressed below.

1. In considering an application for a proposed solid wastes disposal site and facility, the governing body having jurisdiction shall take into account:
 - a) The effect that the solid wastes disposal site and facility will have on surrounding property, taking into consideration the types of processing to be used, surrounding property uses and values, and wind and climate conditions.

The EDOP outlines how the facility will be designed and operated based on exploration of existing conditions including topography, geology, hydrology/groundwater, meteorology, past and current land uses. Several plans for continued operation of the Facility were also developed to support the EDOP and ensure continued protections of the environment and public health during construction and operation. These plans outline parameters for sampling, monitoring, record keeping, reporting and training, for waste characterization, groundwater sampling, gas monitoring, litter control, stormwater management/protection during construction and operation, closure and post closure monitoring.

Waste Acceptance and Handling:

The North Landfill Waste Characterization and Disposal Plan is attached to the EDOP as Appendix G. This document includes acceptance criteria, routinely accepted wastes, conditionally accepted wastes and unacceptable wastes, as well as screening criteria for

hazardous waste exclusion. State solid waste regulations require that a MSW landfill “shall not knowingly receive any hazardous waste”. To prevent the disposal of hazardous waste at the North Landfill, the Solid Waste Department has implemented a hazardous waste exclusion program which incorporates screening, random load inspections, personnel training, and recordkeeping procedures designed to keep hazardous waste out of the landfill.

Liner System and Leachate:

The liner system and methods for leachate collection and removal are discussed in Section 4.4 of the EDOP.

- The landfill liner system for both Unit 1 and Unit 2 will be comprised of a 12-inch-thick prepared subgrade overtopped by a geosynthetic clay liner (GCL) layer and a 60-mil HDPE textured geomembrane layer. The liner system will be installed across the landfill base and up the 3:1 side slope where it will be terminated at the top of the landfill perimeter berm. In areas where the landfill base grades are achieved via excavation, the native soils will be disced, recompacted, and proof rolled as needed prior to the barrier layer construction.

Fugitive Dust and Debris:

The EDOP indicates that the facility will be closed during periods of high wind (sustained $\geq$ to 40 mph or gusts $\geq$ 55 mph) based on wind speed measured at the onsite anemometer.

The applicants have supplied a Litter Control Plan, attached to the EDOP as Appendix F. Litter control tools include portable litter control panels, litter fencing, perimeter litter netting, windscreens, portable litter collection equipment, and a clean-up work crew. Dust control is discussed Section 5.1.6 of the EDOP and consists of the following:

- Wetting the operational surfaces with water as required and/or applying a commercially available dust suppressant.
- Shutting down landfill operations during high wind conditions.
- Placing aggregate on high use roads including the entrance facilities • Sweeping primary hard-topped roads on site.
- Minimizing the size of the active working disposal area to the extent practical.
- Minimizing the size of onsite borrow areas and soil stockpiles.
- Introducing leachate to the active working disposal area via spraying.
- Vegetating inactive areas. • Posting and enforcing speed limits on site access and haul roads

Water Quality:

Impacts to hydrogeology including aquifers, groundwater travel times, area groundwater wells, groundwater quality, wetlands, and drainages are discussed in Section 3.3 of the EDOP.

- Groundwater monitoring will be conducted in accordance with the Groundwater Sampling and Analysis Plan. The Groundwater Sampling and Analysis Plan depicts groundwater

monitoring locations and monitoring well details. There are 53 permitted wells located within one mile of the landfill property using the Colorado Division of Water Resources on-line database.

- No waste will be placed in groundwater or surface water bodies. Waste isolation from groundwater will be further accomplished by an engineered base liner system that extends to the top of the perimeter berm around the landfill. There are no jurisdictional surface water features on the site. The two existing man-made farm stock ponds will be drained and filled with compacted soil and incorporated into the Unit 1 design. Surface water proximate to the landfill units are limited to temporary stormwater basins around the site. These basins are 6 physically separated from the landfill units and are configured and graded to discharge away from the landfill units as part of the site wide stormwater control system. In addition, surface water will be isolated from placed waste via the engineered landfill final cover system which will be physically and continuously joined to the base liner system at the top of the perimeter berm of the landfill. Surface water monitoring will be conducted in accordance with the Storm Water Management Plan (SWMP). The SWMP depicts surface water monitoring locations, sampling requirements, and inspection and reporting procedures.

Water Sources:

Water sources are discussed in Section 2.5 of the EDOP. Operational water will be required on site for dust control, fire suppression, and incidental site earthwork construction. Operational water will be stored on site in a lined water storage pond designed to provide a sustained minimum 250,000-gallon capacity and a minimum three-foot freeboard.

Surrounding Property Uses and Values:

The area within three miles is generally surrounded by dryland agriculture and rural residential uses. The area within three miles of the site is generally bounded to the north by West County Road 84, to the west by North County Road 17, to the east by North County Road 5/Interstate 25, and to the south by East County Road 70. The area within three miles of the site is traversed by Boxelder Creek, Coal Creek, Indian Creek and Rawhide Creek, which all flow north to south. The following subdivision are within a three mile radius of the site: Boresen Farm RLUP, Busteed Exemption, Canyon Ranch Estates RLUP, Criswell Minor Land Division (MLD), Detomasi Minor Land Division (MLD), Diamond Farms RLUP, DK Cattle Minor Land Division (MLD), Hasenauer Exemption, Horseman Hills Subdivision (Sub), J&D Ranch Minor Residential Development (MRD), Kilpatrick Exemption, Lubin Minor Land Division (MLD), Martin Conservation Development (CD), Matsuda Exemption, Native Hills RLUP, Olsen Minor Land Division (MLD), Owl Prairie Estates RLUP, Piedmont Farms - Grant Exemption, Rogers Exemption, Silver Reef Farms RLUP, Sparks Exemption, Three Sisters Minor Land Division (MLD), Wagner Minor Land Division (MLD), and Wingate Subdivision (Sub).

Property values are based on many factors and a single use may impact values differently based on proximity, buyer preference, and proposed future uses of the subject property. Values are also impacted based on individuals' preferences and different people value different things. Rural residential occupants are prepared to accept activities, sights, sounds, and smells of agricultural

operations as a normal and necessary aspect of living in a rural agricultural area. The regulated impacts of the proposed landfill are substantially like large agricultural operations.

Wind and Climate Conditions:

Larimer County is in northern Colorado at the northern end of the Front Range, at the edge of the Colorado Eastern Plains and is bordered by Wyoming to the north. Larimer County gets 16 inches of rain, on average, per year and averages 67 inches of snow per year. On average, there are 237 sunny days per year in Larimer County. In winter, the average temperature is 29° F. In the mountains in the west the average temperature in summer is 60° F and the average daily high is 76° F. The prevailing wind direction is from the south with an average annual windspeed of 9 miles per hour.

b. The convenience and accessibility of the solid waste disposal site and facility to potential users.

The solid waste facility will be in a rural area north of Wellington for the primary disposal of solid waste transported from the future Larimer County Transfer Station located at the existing Larimer County Landfill. (The Transfer Station has undergone a Location and Extent review process and one review under the Technical Review application process.) Relying on a transfer station for most of the waste produced in southern Larimer County requires more miles for waste to be properly disposed by utilizing trucks hauling transfer trailers in a time when Larimer County is trying to find ways to reduce transportation miles driven to improve air quality.

c. The ability of the applicant to comply with health standards and operating procedures provided for in this part 1 and such rules and regulations as may be prescribed by the department.

Based on the January 4, 2022, Recommendation of Approval with Conditions document from the CDPHE Hazardous Materials and Waste Management Division, it has been determined that the North Landfill facility will be designed and operated in compliance with technical, environmental, and public health standards of the Solid Waste Regulations as detailed in the final EDOP dated December 2021

d. Recommendations by county district, or municipal health agencies.

Based on the CDPHE's Recommendation of Approval with Conditions document for the final EDOP dated December 2021, LCDHE concurs that the facility has demonstrated that they can operate in compliance with the Solid Waste Regulations if the facility is constructed, monitored and operated as detailed in the EDOP and associated plans. Larimer County Department of Health and Environment supports the approval of the CD understanding that the applicant shall submit additional planning documents as part of the future Technical Site Plan Review application

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends Approval of the Larimer County North Landfill Certificate of Designation, File #20-ZONE2659, subject to the following conditions:

1. In accordance with Section 4 of the Solid Waste Regulations, third party financial assurance cost estimates for closure and post closure care (financial assurance cost estimate) must be submitted to the division within sixty (60) days of the issuance of the certificate of designation (the CD). Once the financial assurance estimates have been approved by the division, the Facility will have thirty (30) days to submit a financial assurance mechanism for review and approval. The financial assurance mechanism must be in-place and approved by the division before the start of construction of the Facility. Pursuant to Section 4 of the Solid Waste Regulations, the financial assurance cost estimate must be adjusted annually to account for inflation or deflation by using the implicit price deflator for the gross domestic product. Additionally, the Facility must replace the original cost estimate every five (5) years unless otherwise required by the division. Any certificate of designation that is issued for this proposed Facility does not become effective until the required financial assurance requirements and mechanism have been fully implemented.
2. Compliance with this CD requires the owner/operator comply with the attached EDOP and any future Department-approved EDOP conditions, including both Department approved revisions or additions to the EDOP and stand-alone plans necessary to comply with the Solid Waste Act and Regulations. Non-compliance of the EDOP as revised constitutes a violation of this CD. This CD need not be necessarily amended upon EDOP amendment unless required by the local governing authority. CDPHE reserves the right to make unilateral modifications to the EDOP language and conditions at any time during the life of the Facility, including during the post closure care period. CDPHE will attempt to consult with the local governing body prior to doing so.
3. In addition to complying with the division's Solid Waste Regulations, the Facility must comply with all relevant federal, state, and local regulations, including but not limited to the appropriate requirements of the Division of Water Resources, the Water Quality Control Division, and the Air Pollution Control Division.
4. The source of water for construction has not been determined by the owner and operator at this time. If clean, potable water is not used as the source of water used for construction, the source and lined water storage pond design details must be approved by the division, in addition to other approvals needed from the Water Quality Control Division, prior to waste placement.
5. Technical Review approval is required prior to any construction at the site and prior to applying for building permits.
6. This Certificate of Designation is not transferrable and any change in ownership or operation will require compliance with applicable law.

Commissioner Kefalas questioned the two units and how many cells would be included in each location. He asked the facility's hours of operation and the discrepancy in the report versus the presentation. Also questioned was the impact of the surrounding habitants of the community. Lastly, he asked the fugitive dust and suppression plan on County Road 9.

The applicant, **Duane Penney**, Director of Solid Waste for Larimer County introduced Doug DeCesare, the assigned engineer for the landfill. He provided an in-depth presentation on the history of this landfill project and the need of the community based on current needs. Mr. DeCesare answered those questions posed by Commissioner Kefalas at the onset of the hearing. Planning of the infrastructure with Colorado Department of Public Health and Environment (CDPHE) approval has begun.

Mr. DeCesare reviewed the operation plan and financial assurances to allot funds to be set aside when the facility closes. He detailed the liner system and design to reduce the ability to leak based on Environmental Protection Agency (EPA) guidelines.

Commissioner Kefalas asked about the planting of native vegetation and options for the berm. He also asked for further clarification on the groundwater monitoring on a semi-annual basis. Mr. DeCesare provided additional information on this subject. Chair Pro Tem Shadduck-McNally requested specific information on proper lighting at the facility. She also questioned the eight rounds of ground water sampling over two years. Mr. DeCesare stated that a summary report would be prepared soon.

Public Comment:

Bob Benson, Jill Johnson, James Johnson, Richard Seaworth, Barb Moncrief, Keith Moncrief and James Hejmanowski spoke to the Board. They talked about the potential traffic concerns, the study of the wind speeds, water usage for the facility, garbage management, soil deterioration, misinformation and lack of information coming from the government, carbon footprint, inadequate notices to the surrounding landowners and reduced quality of life as well as property value reduction.

Chair Pro Tem Shadduck-McNally closed public comment.

Duane Penney spoke about the operating hours of the facility. Jake Wilson, Engineering Program Manager, provided details on right-of-way as well as road improvements that are planned.

Commissioner Kefalas questioned the road improvements. Mr. Wilson advised on the specifics of the roadway improvements and the standards that are in place. Commissioner Kefalas mentioned a round-about that was mentioned earlier and Mr. Wilson said that there are many layers of this project that will be determined as they continue with the project. Chair Pro Tem Shadduck-McNally asked about the widening and asphalt bumpers that would be placed on every driveway and if this type of project has been done before for larger trailers.

Chair Pro Tem Shadduck-McNally also questioned the speed limit and Mr. Wilson said that a study, after the project is completed, would help determine a proper speed limit. He did say that it would not exceed 55 mph. Mr. Wilson said that through experience and input from other entities, considerations would be utilized when designing the round-about construction.

Mr. Penney addressed the wind concerns and stated that wind speeds are monitored 24/7. He mentioned the wind fence structures that will be in place and noted that wind and possible closures based on wind speed are directed via CDPHE. Mr. DeCesare further addressed water mitigation for the facility. Natural watershed issues were reviewed as well. Mr. Penney mentioned that wind management is a large part of the operation and then introduced the Plant Manager, Mr. Jeremy Gross.

Commissioner Kefalas mentioned the transfer trailers and open truck issues. Mr. Penney said that bailing the waste was an option. He said that with an average of 400,000 tons a year, it would be difficult to manage. Diversion plans will be implemented, and, in the future, bailing may be an option. Commissioner Kefalas asked for clarification and Mr. Penney stated that these trucks would be tarped. Another matter mentioned in the public comment was carbon footprint and Mr. Penney stated that they were working to mitigate these transfer trailers by combining loads.

Mr. Penney said that hybrid or electric vehicles are also a possible option as studies are being conducted. He also followed up on other questions as mentioned by the public. Commissioner Kefalas asked about storing water and dust suppression and Mr. Penney said they are mindful of water use in this region.

Lastly, Commissioner Kefalas asked about the impact of the landfill and the properties near the facility. Mr. Penney said that there are many studies, and, with his 30-year experience, good management of the facility can determine the impact on the quality of life in any region. His interest is to mitigate any issue that may impact the surrounding areas. Chair Pro Tem Shaddock-McNally mentioned the state-of-the-art equipment and plans for this new facility. Mr. Penney stated that this facility is considered a “modern landfill” and that CDPHE and EPA provide guidance and direction. He also mentioned that the entrance of this new facility would be on County Road 9 because it is a paved road.

Mr. Penney stated that Mr. Alex Study, Project Manager, will be posting information on the website so the public can file a complaint or express a concern at any time.

Deliberation:

Commissioner Kefalas thanked everyone for their public comments. He was thankful for the time taken in the rebuttal to answer questions on this matter. He said the county had purchased this land, knowing the need was expected while mentioning the diversion programs. He was supportive of the certification of this project. Chair Pro Tem Shaddock-McNally stated that she will be supportive of the project after hearing the testimony, presentations, and public comments. She mentioned the efforts to mitigate the impact on quality of life in the surrounding community. Commissioner Kefalas said they strive to remain fair, and it is important to know that the review criteria have been met for this project.

MOTION

Commissioner Kefalas moved to approve application File No. 20-zone2659, to designate the North Landfill, as described in the staff report and for reasons outlined in the staff report and application, as a solid waste disposal site and facility to be owned by Larimer County and operated by Larimer County Solid Waste Division, subject to the conditions included by the Colorado Department of Public Health and Environment and the approved Engineering Design and Operations Plan.

Motion carried 2-0.

With there being no further business, the Board adjourned at 8:25 p.m.

TUESDAY, JULY 26, 2022

ADMINISTRATIVE MATTERS MEETING

The Board of County Commissioners met at 9:00 a.m. with Lorenda Volker, County Manager. Chair Pro Tem Shadduck-McNally presided. Commissioner Kefalas was present. Commissioner Stephens was excused. Also present were: Michelle Bird, Public Affairs Director; and Kelly Bryant, Deputy Clerk.

Commissioner Shadduck-McNally opened the meeting with the Pledge of Allegiance.

1. **PUBLIC COMMENT:** There was no public comment at today's hearing.
2. **APPROVAL OF THE MINUTES FOR THE WEEK OF JULY 18, 2022:**

M O T I O N

Commissioner Kefalas moved that the Board of County Commissioners approve the minutes for the week of July 18, 2022.

Motion carried 2-0

3. **REVIEW OF THE SCHEDULE FOR THE WEEK OF AUGUST 1, 2022:** Ms. Bird reviewed the upcoming schedule with the Board.
4. **CONSENT AGENDA:**

AGREEMENT:

1. **PROFESSIONAL SERVICES AGREEMENT (P22-01 INMATE MEDICAL SERVICES)**
2. **NATIONAL FISH & WILDLIFE FOUNDATION GRANT AGREEMENT**
3. **NATURAL RESOURCES CONSERVATION SERVICES (NRCS), EMERGENCY WATERSHED PROGRAM (EWP) NOTICE OF GRANT AGREEMENT AWARD, AMENDMENT 0006**
4. **THE RANCH EQUINE IMPROVEMENTS CONSTRUCTION**
5. **BUREAU OF JUSTICE ASSISTANCE FY 2020 STATE CRIMINAL ALIEN ASSISTANCE PROGRAM**

APPOINTMENTS:

1. RECOMMENDED APPOINTMENT TO THE BOARD OF ADJUSTMENT:
DAVID LEIGHTON
2. RECOMMENDED REAPPOINTMENTS TO THE FLOOD REVIEW BOARD:
JOHN HUNT, CHAD MORRIS, AND CHRIS THORNTON
3. RECOMMENDED REAPPOINTMENTS TO THE EQUITY, DIVERSITY, AND
INCLUSION ADVISORY BOARD: KARISSA COOK, FRED GARCIA, AND
HILLEL KATZIR
4. RECOMMENDED REAPPOINTMENT TO THE JUVENILE COMMUNITY
REVIEW BOARD: DIRK KETTELKAMP

DEEDS:

1. DEED OF DEDICATION FOR RIGHT OF WAY PURPOSES FROM ERIN
PETRILLI AND KELLY DUFFY-TRAUSCHT (OWNER) TO LARIMER COUNTY

MISCELLANEOUS:

1. TOLL SOUTHWEST LLC STIPULATION AS TO TAX YEAR 2021 VALUE
2. KAUFFMAN INVESTMENTS LLC STIPULATION AS TO TAX YEAR 2021
VALUE
3. FIRST NATIONAL BANK IN FT COLLINS STIPULATION AS TO TAX YEAR 2
021 VALUE
4. HARTFORD HOMES LLC STIPULATION AS TO TAX YEAR 2021 VALUE
5. REQUEST FOR APPROVAL TO ENTER UPON LANDS
6. REQUEST FOR APPROVAL TO ENTER UPON LANDS
7. REQUEST FOR APPROVAL TO ENTER UPON LANDS
8. TREASURER'S SIX-MONTH REPORT
9. ANNUAL COMPLIANCE CERTIFICATION REPORT; MONITORING AND
PERMIT DEVIATION REPORT

RESOLUTIONS:

1. RESOLUTION AUTHORIZING LARIMER COUNTY LIQUOR LICENSE
STAFF TO ACT ON TRANSFER OF LIQUOR LICENSES

MOTION

Commissioner Kefalas moved that the Board of County Commissioners approve the Consent Agenda for July 26, 2022.

Motion carried 2-0

5. DISCUSSION ITEMS

- 1. CONSIDER EXTENDING FIRE RESTRICTIONS FOR UNINCORPORATED LARIMER COUNTY** Mr. Justin Whitesell, Emergency Operations Director, spoke to the Board. He presented a report with full explanation in support of extending fire restrictions in Larimer County. Fire danger indices are trending up. There is potential that the indices will meet fire restriction criteria next week.

Chair Pro Tem Shadduck-McNally thanked Mr. Whitesell and his team for their work and for supporting Larimer County Dive Team on their 50-year anniversary. Commissioner Kefalas extended his appreciation and gratitude for their work. Chair Pro Tem Shadduck-McNally presented Mr. Whitesell with information from Chaffe County Fair to share what other counties are participating in. Commissioner Kefalas mentioned that the 2023 Colorado Wildfire Conference would be held in Fort Collins and encouraged our teams to be included.

MOTION

Commissioner Kefalas moved to approve extending the Resolution Declaring Fire Restriction in Larimer County effective 12:01 p.m., July 29, 2022, through 12:00 p.m., August 29, 2022.

Motion carried 2-0

- 2. Behavioral Health Services is requesting approval by the Board of County Commissioners for the recommended naming and branding concept of the Behavioral Health campus** Laurie Stolen, Behavioral Health Services Director, spoke to the Board. She stated that Behavioral Health Services has previously met with the Board of County Commissioners to present options and the work done on this initiative in two work sessions. Ms. Stolen thanked Lorenda Volker and Ken Cooper for supporting this effort. The campus will be named: Behavioral Health Services at Longview. She mentioned that once the Commissioners approve this name submission, they can begin marketing efforts.

Ms. Jennifer Wolf-Kimbell, Communication Specialist, spoke to the Board and explained the Longview name. She stated that it was based on local inspirations, the hopes for the facility, and what it can do for the community.

Commissioner Kefalas thanked the team for all their hard work. He said that Larimer County has done its best to be inclusive including the community and SummitStone partners. He said this project exhibits many of our guiding principles. He also stated that the facility was

centrally located to serve the whole community. Ms. Volker congratulated the team and was very appreciative of the teamwork exhibited in naming this facility.

Chair Pro Tem Shadduck-McNally thanked Ms. Stolen for finding solutions for needs in the community. She thanked those in the audience, who assisted in this project, for sharing the background information and all the work that's been invested with the consultants. She said that hard work and hope went into the naming of the facility and further thanked the Board of County Commissioners who came before them and allowed the current team to "carry the baton."

The Board took a brief recess.

The Board reconvened.

MOTION

Commissioner Kefalas moved to approve the logos presented and the name "Larimer County Behavioral Health Services at Longview" for the Behavioral Health campus, while identifying each building by the service type provided.

Motion carried 2-0

3. **Celebrate the updated name of the county building located at 200 W. Oak Street to the Larimer County Administrative Services and acknowledge the Strategic Goal 3, Objective 3 team for their hard work.** Ms. Bird announced the unveiling of the building name. Ms. Sarah Melocco spoke to the Board and recognized the team working to bring this project to fruition. Those individuals were Greg Turnbull, Bryan Schissler, Clerk and Recorder, Angela Myers, Brian Vance, and Kiersten Runnels. The 200 West Oak St building bears the name "Courthouse Offices" yet has no association with the actual courthouse. As a result, the name of the building has long been a source of confusion for the public. This primarily happens with in-person interactions and phone calls to the Clerk's office.

For in-person interactions, being in the wrong building has been identified as one of the top reasons someone is redirected from the Clerk's Office. The delay is frustrating and inconvenient for the public, the Clerk's staff, as well as the staff of the actual courthouse. In addition, people attending court for any reason typically are a bit nervous or flustered, and discovering they are in the wrong place is undoubtedly a cause for frustration.

Brian Schissler, Criminal Justice Alternatives, also spoke to the Board and further explained the need to clarify the building name and the confusion it had caused the community. Ms. Volker spoke of their efforts and how impressed she was with their perseverance.

Commissioner Kefalas was thankful for this team, Ms. Volker, and Ms. Bird in bringing world-class customer service and adaptability (guiding principles) to the community. He also thanked Clerk Myers and the Treasurer, Irene Josey for their efforts in this project. Chair Pro Tem

Shadduck-McNally thanked the amazing staff and was very thankful to be a part of this county. She was pleased with the teamwork and the use of the guiding principles in the project.

The Board took a brief recess.

The Board reconvened.

- 4. REVIEW OF AUDITOR'S RESULTS AND ACCEPTANCE OF 2021 ANNUAL COMPREHENSIVE FINANCIAL REPORT (ACFR)** The County's 2021 Annual Comprehensive Financial Report (ACFR) was prepared by County staff under the direction of Lorrie Lopez, Controller, and Alex LeBlanc, Accounting Manager. As required by State statutes, the report was audited by a firm of independent public accountants. The public accounting firm, RubinBrown, issued an unmodified ("clean") audit opinion.

Matt Marino, representing RubinBrown, will attend the meeting to review the audit results with the Board and address any questions. The Auditor Communication Letter and the audit of federal programs, known as the "Single Audit" are also attached for the Board's information. The Board acts as the County's audit review committee.

Carol Block, Finance Director, introduced her staff including Lori Lopez, Controller and Alex LeBlanc, Manager. Matt Moreno, representing RubinBrown, spoke to the Board on the specifics of the 2021 Annual Comprehensive Financial Report for Larimer County.

Commissioner Kefalas inquired about the high-risk areas (example: child support collection) and the state programs. Mr. Moreno stated that the review was more of a federal review for compliance. Mr. Moreno said that the report provides "clean opinions" on the audits that have been conducted. Chair Pro Tem Shadduck-McNally thanked Ms. Blocks' team and the collaboration of Mr. Moreno with RubinBrown. Ms. Volker said that this team was able to complete this project on time given certain obstacles such as COVID, etc. Commissioner Kefalas mentioned that there is a pattern in our guiding principles of being good steward of county funds. Ms. Block said all of these "Financial Reports" are available online. Chair Pro Tem Shadduck-McNally appreciated the great news provided today and stated she was thankful for the transparency in this process.

MOTION

Commissioner Kefalas moved to approve the acceptance of the 2021 Annual Comprehensive Financial Report.

Motion carried 2-0

- 5. APPROVAL OF THE BOARD OF EQUALIZATION REFEREE RECOMMENDATIONS** Elizabeth Carter spoke to the Board. She introduced Jared Jaques, Applications Support Manager and Tina Harris, Recording Manager. The referee's recommendations to the Board of Commissioners convened as the Board of Equalization need to be reviewed and approved for the hearings held from July 18-20, 2022.

MOTION

Commissioner Kefalas moved that the Board of County Commissioners convene as the Board of Equalization.

Motion carried 2-0

Elizabeth Cater, Clerk and Records office, gave a brief update to the Board on the hearings held from July 18-July 20, 2021. There was a total of 7 accounts. Out of the 7 hearings, 4 accounts were adjusted, 3 were denied, 0 were stipulated and 0 were withdrawn.

MOTION

Commissioner Kefalas moved that the Board of County Commissioners, convened as the Board of Equalization, approve the recommendations submitted by the referees for the hearings held July 18-July 20, 2022.

Motion carried 2-0

MOTION

Commissioner Kefalas moved to adjourn the meeting as the Board of Equalization and reconvene as the Board of County Commissioners.

Motion carried 2-0

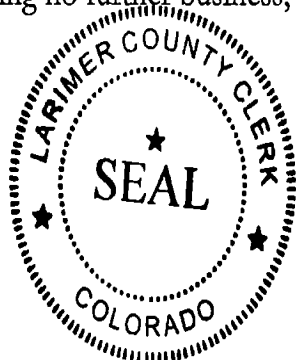
7. **COUNTY MANAGER UPDATE:** Manager Volker updated the Board on this week's coordination meetings and upcoming projects and activities.

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

10. **LEGAL MATTERS:**

None requested

With there being no further business, the Board adjourned at 10:57 a.m.



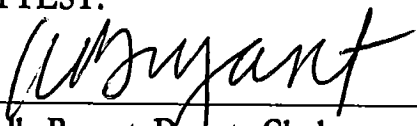


JODY SHADDUCK-MCNALLY
BOARD OF COUNTY COMMISSIONERS

ANGELA MYERS

CLERK AND RECORDER

ATTEST:



Kelly Bryant, Deputy Clerk