



MINUTES OF THE BOARD OF COUNTY COMMISSIONERS

MONDAY, OCTOBER 14, 2024

LAND USE HEARING

The Land Use Hearing scheduled for Monday, October 14, 2024, was cancelled.

TUESDAY, OCTOBER 15, 2024

ADMINISTRATIVE MATTERS MEETING

The Board of County Commissioners met at 9:00 a.m. with Assistant County Manager Laurie Kadrich. Chair Kefalas presided. Commissioner Stephens and Commissioner Shadduck-McNally were present. Also present were Sarah Martin and Tom Clayton, Commissioners' Office, and Lindsey Jones, Deputy Clerk.

Chair Kefalas opened the meeting with the Pledge of Allegiance.

1. PUBLIC COMMENT:

Cindy Buckardt reviewed an email she received from Chair Kefalas on October 3, 2024, concerning the status of the Larimer County 4-H Foundation. Ms. Buckardt did not agree with statements made in the email concerning the nature of the 4-H Foundation as an independent nonprofit entity. Ms. Buckardt explained the Foundation's use of the 4-H name and emblem and emphasized that the Larimer County 4-H Foundation should be recognized as a 4-H entity and not as a nonprofit organization. As a nonprofit organization, the Foundation will need to pay for the use of facilities at The Ranch, which may impact the ability of the Foundation to continue to fund 4-H programs, clubs, and scholarships.

Pati Thomas introduced a video featuring Linda Birnbaum, a board-certified toxicologist and microbiologist. The research done by Dr. Birnbaum argues that fluoridation of the public water supply can have negative effects on the early brain development of infants and children. The 6-minute excerpt video is from a presentation by Dr. Birnbaum for the Center for Health, Environment, & Justice in May of 2022. Ms. Thomas played the video in which Dr. Birnbaum responds to a question about the safety of fluoridation of public water. Chair Kefalas confirmed that the video was presented to the Commissioners' Office on October 14, 2024, so the Board was made aware of the contents of the video.

Zach Thode expressed his concerns regarding affordable housing and land prices in Larimer County. Mr. Thode gave several examples of problems he has encountered as a licensed engineer in building and developing affordable housing in Larimer County. Mr. Thode commented on his difficulty in

working with Larimer County Open Space staff and asked that irrigation be considered as a protected water supply use. Mr. Thode has worked on the Climate Smart, Future Ready initiative and had questions regarding how the initiative will continue to ensure that housing, water, and utilities remain affordable for Larimer County residents.

Tiffin Vaughn asked what the best way is for a member of the public to submit information and comments before the Board comes to a decision in a public hearing. Ms. Vaughn also asked for clarification around the time allotted for public comment in public hearings.

Chair Kefalas closed public comment.

The Board responded to Ms. Buckardt that the Larimer County 4-H Foundation is a nonprofit organization that is associated with 4-H and offered to do further research into the costs associated with the use of The Ranch facilities.

In response to the fluoride video, the Board commented that the Larimer County Department of Health and Environment takes guidance from the Colorado Department of Public Health and Environment. The Board commented on the efforts they have taken to research this issue and to learn from subject-matter experts what can be done to address Ms. Thomas's concerns. There are 124 water providers in Larimer County who are the ultimate decision-makers for how the water supply is handled.

The Board responded to Mr. Thode about the balance that must be made between environmental and climate issues and affordability when building codes are considered. The Board offered to learn more about the conservation easement that Mr. Thode mentioned to address the issues he has encountered with Natural Resources staff. The Board thanked Mr. Thode for bringing these concerns forward and for his continued efforts regarding affordable housing. The Board mentioned the upcoming Agricultural Advisory Board meeting in which Larimer County Natural Resources staff will be present and asked Mr. Thode to present his concerns there as well.

The Board responded to Ms. Vaughn that the public is always welcome to email their concerns to Community Development before a public hearing since there is not a word limit on email communication. The Board also explained the quasi-judicial nature of the Board and the need for impartiality when considering Land Use decisions.

2. APPROVAL OF THE MINUTES FOR THE WEEK OF OCTOBER 7, 2024:

MOTION:

Commissioner Shadduck-McNally moved that the Board of County Commissioners approve the minutes for the week of October 7, 2024.

Motion carried 3-0.

3. REVIEW OF THE SCHEDULE FOR THE WEEK OF OCTOBER 21, 2024:

Ms. Martin reviewed the upcoming schedule with the Board. The Board mentioned several adjustments to the upcoming schedule.

4. CONSENT AGENDA:

AGREEMENTS

1. CONTRACT AMENDMENT #4 (25 IBEH 193641)

DEEDS

1. DEED OF CONSERVATION EASEMENT – PRAIRIE RIDGE ADDITION

LIQUOR LICENSES

1. SPECIAL EVENT LIQUOR PERMIT 6% - A CHRISTMAS CAROL GALA – GRACE VILLAGE – WELLINGTON, COLORADO
2. LIQUOR LICENSE RENEWAL – RED FEATHER LAKES HOSPITALITY DBA BEAVER MEADOWS RESORT RANCH – BEAVER MEADOWS RESORT RANCH – RED FEATHER LAKES, COLORADO

MISCELLANEOUS

1. SCOPE OF WORK – FEMA BUILDING RESILIENT INFRASTRUCTURE AND COMMUNITIES (BRIC) GRANT AND THE HAZARD MITIGATION PLAN UPDATE
2. DESIGNATION OF AUTHORIZED REPRESENTATIVE – FEMA BUILDING RESILIENT INFRASTRUCTURE AND COMMUNITIES (BRIC) GRANT AND THE HAZARD MITIGATION PLAN UPDATE
3. LARIMER COUNTY NATURAL RESOURCES PARKS ADVISORY BOARD BYLAWS (UPDATE)
4. FDC OFFICE LLC STIPULATION AS TO TAX YEAR 2024 VALUE
5. BAOGUANG WANG & SHIYAO WANG STIPULATION AS TO TAX YEAR 2024 VALUE

RESOLUTIONS

1. FINDINGS AND RESOLUTION DENYING THE BOONDOCKS EXEMPTION AND APPEAL
2. FINDINGS AND RESOLUTION APPROVING THE CECIL SIGN APPEAL
3. RESOLUTION IN SUPPORT OF PROPOSED 0.15% SALES TAX FOR TRANSPORTATION IN LARIMER COUNTY

The Board commented on their support of the Resolution in Support of Proposed 0.15% Sales Tax for Transportation in Larimer County. The Board explained the need for funding that prompted this item being added to the 2024 ballot.

MOTION

Commissioner Stephens moved that the Board of County Commissioners approve the Consent Agenda for October 15, 2024.

Motion carried 3-0.

5. COMMISSIONERS' GUESTS: Larimer County Sheriff John Feyen addressed the Board regarding comments that have been received from the public asking why a fire ban or restriction has not been imposed in Larimer County. Sheriff Feyen gave a presentation explaining how the decision is made to impose fire restrictions and fire bans. Some considerations include current drought conditions, Energy Release Components (ERC), fire potential for the coming week, temperature and precipitation outlook, relative humidity, and fuel loads. The geographic areas that are considered are the plains, foothills, and mountain areas. Sheriff Feyen explained how all the data is compiled and at what point a fire restriction or fire ban would be triggered.

The Board thanked Sheriff Feyen for coming to present this information. The Board asked about the difference between the way that Larimer County handles fire prevention and management in comparison to other surrounding counties. Sheriff Feyen stated that he would not be able to comment on the tools that other counties use. The Board commented on the need for data-driven decisions and how this information can be confusing for the public. Sheriff Feyen empathized with members of the public who are concerned for the safety of their homes and livelihoods. The Board also commented that decisions regarding fire restrictions are not made lightly and that many factors must be considered when imposing fire restrictions.

The Board asked if wind is considered as a data point. Sheriff Feyen explained that wind is not typically used as a factor when implementing or removing fire restrictions. Wind data can be very inconsistent and can change too quickly to be a useful tool. The Board had several questions regarding the recent history of fire bans in Larimer County, enforcement of fire restrictions, and the difference between a fire ban and a fire restriction.

6. DISCUSSION ITEMS:

1. AGEISM AWARENESS DAY 2024 – A PROCLAMATION: Erin Alt, Program Manager for the Larimer County Office on Aging, brought this proclamation before the Board to bring awareness to ageism for older adults living in Larimer County. Ageism diminishes the lives of older adults and deprives our communities of their invaluable experience and contributions. Ms. Alt explained that ageism can create barriers for older adults in employment, health care, and social engagement. Ms. Alt emphasized the importance of advocating for policies and practices that honor the contributions of older adults, including encouraging inter-generational interactions and fostering environments that encourage older adults to remain active and engaged in all aspects of life.

Commissioner Shadduck-McNally read the proclamation declaring October 15, 2024, as Ageism Awareness Day in Larimer County.

The Board asked what tangible actions can be taken to celebrate older adults in Larimer County. The Board commented on the importance of connecting with older adults in the community and celebrating them in day-to-day life.

The Board asked about Senior Access Points and the Answers on Aging Resource Guide. Ms. Alt responded that the newest version of the Answers on Aging Resource Guide is currently being printed and will be released and distributed later this week. Members of the public can access this guide by calling the Office on Aging at 970-498-7750. These guides will also be circulated to County offices and nearly 300 community partners. There is a digital version available in both Spanish and English at larimer.gov/seniors.

Assistant County Manager Kadrich commended Heather O'Hayre, Human Services Director, and her staff for their work in bringing this proclamation forward and for their thoughtfulness and clarity in explaining these issues concerning older adults.

MOTION

Commissioner Shaddock-McNally moved that the Board of County Commissioners approve the proclamation declaring October 15, 2024, as Ageism Awareness Day in Larimer County.

Motion carried 3-0.

The Board took a brief recess.

The Board reconvened.

2. A RESOLUTION TO ESTABLISH THE SALES TAX EXEMPTION OF MANUFACTURED HOMES, MODULAR HOMES, TINY HOMES, OR ANY CLOSED PANEL SYSTEM UTILIZED IN THE CONSTRUCTION OF FACTORY-BUILT RESIDENTIAL STRUCTURES: Tracy Hines, Larimer County Sales Tax Manager, and Alea Rodriguez, Housing Program Manager, presented the resolution for Larimer County to adopt a sales tax exemption on manufactured homes, modular homes, tiny homes, or any closed panel system utilized to construct a factory-built residential structure, as defined in C.R.S. 39-1-102 (7.8), 3-1-102 (8.3), 24-32-3302 (35), and 24-32-3302 (10), respectively.

Ms. Rodriguez explained the importance of this sales tax exemption for creating more affordable housing within Larimer County. Ms. Rodriguez also thanked the Board for their commitment to finding creative solutions for affordable housing, and for encouraging diversity in the types of housing available. By lowering the cost of manufactured housing, this type of housing will become more available throughout the County. Lowering the purchase price also makes this type of housing more accessible to more community members of various income levels.

The Board commended Ms. Hines for her diligence and expertise in working on this and many other issues. The Board thanked Ms. Rodriguez for her partnership in looking for ways to address affordable housing in Larimer County. The Board also mentioned that the updated Comprehensive Plan adopted in July of 2019 included a target area of affordable housing and housing diversity, so this sales tax exemption is working toward that goal. The Board asked what the actual savings would

be with this exemption. Ms. Hines stated that for a manufactured home with a sale price of \$214,000, the County sales tax exemption would save the buyer about \$1,700. When combined with the State sales tax exemption, the total savings would be around \$8,000.

MOTION

Commissioner Stephens moved that the Board of County Commissioners approve the Resolution to Establish the Sales Tax Exemption of Manufactured Homes, Modular Homes, Tiny Homes, or Any Closed Panel System Utilized in the Construction of a Factory-Built Residential Structure.

Motion carried 3-0.

7. COUNTY MANAGER UPDATE: Assistant County Manager Kadrach gave a brief update on the events of 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 Colorado Revised Statutes 24-6-402(4)(b): Conferences with an attorney for the purpose of receiving legal advice about Case 1:23-cv-02051-PAB-JPO Astrid v. Board of County Commissioners of Larimer County regarding discovery requests.

MOTION

Commissioner Shadduck-McNally moved that the Board of County Commissioners enter into Executive Session pursuant to Colorado Revised Statutes 24-6-402(4)(b): Conferences with an attorney for the purpose of receiving legal advice about Case 1:23-cv-02051-PAB-JPO Astrid v. Board of County Commissioners of Larimer County regarding discovery requests.

Motion carried 3-0.

With there being no further business, the Board adjourned at 11:15 a.m.


JOHN KEFALAS, CHAIR
BOARD OF COUNTY COMMISSIONERS

TINA HARRIS
CLERK AND RECORDER

ATTEST:


Lindsey Jones, Deputy Clerk

