



MINUTES OF THE BOARD OF COUNTY COMMISSIONERS

MONDAY, MARCH 6, 2023

LAND USE HEARING

The Board of County Commissioners did not hold a Land Use Hearing.

TUESDAY, MARCH 7, 2023

ADMINISTRATIVE MATTERS MEETING

The Board of County Commissioners met at 9:00 a.m. with Lorenda Volker, County Manager. Chair Shadduck-McNally presided. Commissioner Kefalas and Commissioner Stephens were present. Also present were Sarah Martin and Michelle Bird, Commissioners' Office, and Elizabeth Carter, Deputy Clerk.

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

1. **PUBLIC COMMENT:** Chair Shadduck-McNally opened public comment. The following members of the public addressed the Board: Larry Sarner spoke against the development the South Centerra Project in Loveland. Sheldon Sands and Kathleen Sands addressed the Board about Restore Colorado 22 and pesticide use. Kris Eichenberg addressed the Board about healthcare and privacy issues regarding her mother. Chair Shadduck-McNally closed public comment.

2. **APPROVAL OF THE MINUTES FOR THE WEEK OF FEBRUARY 27, 2023:**

MOTION

Commissioner Kefalas moved that the Board of County Commissioners approve the minutes for the week of February 27, 2023.

Motion passes 3 - 0.

3. **REVIEW OF THE SCHEDULE FOR THE WEEK OF MARCH 13, 2023:** Ms. Martin reviewed the upcoming schedule with the Board.

4. CONSENT AGENDA:

Commissioner Shadduck-McNally reported that staff has requested that three items be removed from the list of abatements on the Consent Agenda as the petitioner and staff have agreed to a new value (Abatement #7 Mike Cikara/Alison Gocke-R0334928; Abatement #9, Figi Eun Young/Kai Mclellan-R1644224; Abatement #11 Mastre AP Trust-R1652704).

ABATEMENTS: Petition for Abatement of Taxes: Kyle and Christine Coberly-R1664936-Tax Years 2021 and 2022; 913 Smithfield LLC- R0192279-Tax Year 2020; 1544 Oakridge Highpointe, LLC- R1617172-Tax Year 2020; Blue Federal Credit Union- R1664127-Tax Years 2020; Blutegel Vantage, LLC- R163329-Tax Year 2021; Blutegel, LLLP, Labri Egel, LLLP, DMA Loveland Egel, LLLP- R1624314-Tax Year 2021; Mike Cikara / Alison Gocke- R0334928- Tax Years 2020 and 2021; Colorado Delta Association of Sigma Alpha Epsilon-R1649863-Tax Year 2021; Figi Eun Young / Kai Mclellan-R1644224-Tax Year 2022; HSRE Flats at Oval LLC-R1655596-Tax Year 2021; Mastre AP Trust-R1652704-Tax Year 2022; McCormac Properties, LLC-R1645152-Tax Year 2021; Otterbox FCDC LLC-R1651545-Tax Year 2020; REV Real Estate Inc-R0188069-Tax Year 2020; Round River LLC-R0547522-Tax Year 2020 and 2021; Susan A Trust-R0725536-Tax Years 2020 and 2021.

AGREEMENTS:

1. **INTERGOVERNMENTAL AGREEMENT FOR THE ESTES PARK LOCAL MARKETING DISTRICT – 3RD AMENDMENT**
2. **AGREEMENT TO APPLY TO 2023 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM (JAG)**

APPOINTMENTS:

1. **RECOMMENDED MIDTERM APPOINTMENT TO THE TROTWOOD RANCHES PUBLIC IMPROVEMENT DISTRICT-** Joel Adams
2. **RECOMMENDED APPOINTMENT TO THE RED FEATHER LAKES PLANNING ADVISORY COMMITTEE-** Phillip Myers

DEEDS:

1. **DEED OF DEDICATION FOR RIGHT OF WAY PURPOSES FROM JEFFERY L. MILLER AND PATRICIA A. MILLER (OWNER) TO LARIMER COUNTY**

LIQUOR LICENSE:

Estes Park Quota-Special Event 6%-Estes Park, Co; Mini Mart Inc dba Loaf N Jug #750817-Fermented Malt Beverage and Wine-Fort Collins, Co; Mini Mart Inc dba Loaf N Jug #750821-Fermented Malt Beverage and Wine-Bellvue, Co; Mini Mart Inc dba Loaf N Jug #750824-Ferment Malt Beverage and Wine-Fort Collins, Co.

MOTION

Commissioner Stephens moved that the Board of County Commissioners approve the Consent Agenda for March 7, 2023, minus the three abatement items previously listed.

Motion carried 3 – 0.

5. COMMISSIONERS' GUESTS: The Commissioners did not have any guests.

6. DISCUSSION ITEMS:

1. PROCLAMATION RECOGNIZING MARCH AS WOMEN'S HISTORY MONTH:
Laurie Kadrich, Assistant County Manager.

March is designated as Women's History Month. The designation celebrates the contributions women have made to the United States and recognizes the achievements women have made over the course of American history in a variety of fields. Women's History Month recognition began in one town in 1978 when a Task Force of the Sonoma County Commission on the Status of Women celebrated "Women's History Week" in Santa Rosa, California.

Commissioner Stephens introduced the following guests in the audience: Rosemary Rader with the Northern Colorado chapter of the National Organization of Women (NOW), Patty Smith with Zonta International and Living Her Legacy, and Beth Heckle who has founded a non-profit organization focused on helping women in Uganda. Chair Shaddock-McNally introduced Andrea Maestes and Neesa Whitney representing the Heart and Sol Foundation in Loveland, Colorado.

Commissioner Kefalas read the proclamation.

MOTION

Commissioner moved that the Board of County Commissioners approve the Proclamation recognizing March 2023 as Women's History Month.

Motion carried 3 - 0.

The Board extended its appreciation to the visitors in attendance and highlighted the important work taking place in the county to advance women's issues. The Board also acknowledged that work on women's issues must continue.

Commissioner Stephens also noted that the Larimer County Clerk and Recorder Angela Myers was present in the audience and that Irene Josey currently holds the post of Larimer County Treasurer. The Board also expressed its appreciation for the many women who serve the county and is extremely proud of the number of women who serve in leadership roles.

The Board took a brief recess. The Board reconvened.

2. FUNDING SUPPORT FOR THE COUNTY CLERK TO SECURE ADDITIONAL LEASE SPACE, EQUIPMENT AND REMODELS FOR REQUIRED ELECTION ACTIVITIES AND STORAGE CAPABILITIES. Ken Cooper, Facilities Director.

Mr. Cooper explained to the Board that this item is a follow-up to a Work Session with the Board of County Commissioners on February 27, 2023, where the County Clerk explained that the space currently available for the upcoming election is insufficient. The current space and configuration makes it a challenge to comply with statutory time limits for ballot counting. Future elections will also require additional staffing and judges, who will need more space to perform election duties. In order to reach compliance, the Clerk is requesting an additional Agilis counting machine, and more lease space that can be properly secured.

Mr. Cooper noted that the Larimer County Clerk and Recorder, Angela Myers and Deputy Clerk Tina Harris, and Jenn Johnson from Facilities were in the audience and available for questions.

The Board thanked Mr. Cooper and his team for their efforts to find and secure the necessary space for elections operations. Additionally, the Board extended its thanks to the Budget team for working to find the available funding. Lastly, the Board also expressed its appreciation to Clerk Myers and her team for bringing the issue forward and for the tremendous work they do in securing the county's elections.

MOTION

Commissioner Stephens moved that the Board of County Commissioners approve spending up to \$2 million requested for 2023 to add additional lease space for counting operations, buildout of space to include construction remodel, security needs, furniture, and equipment to support Larimer County Elections operations.

Motion carried 3-0.

3. TAKE POSITION ON SB23-175 FINANCING OF DOWNTOWN DEVELOPMENT AUTHORITY PROJECTS: Michelle Bird, Public Affairs Director.

Ms. Bird relayed to the Board of County Commissioners that this measure provides the Board with an opportunity to communicate its policy preference on SB23-175 Financing of Downtown Development Authority Projects so that their policy preferences can be communicated to Colorado State Legislators.

Ms. Bird introduced Matt Robenalt, the Executive Director of the Fort Collins Downtown Development Authority. Mr. Robenalt explained to the Board that SB23-175 extends the tax increment financing used by Downtown Development Authorities (DDAs) by creating automatic extensions of the periods when a portion of the property tax revenues may be allocated to finance DDA projects and also allows the DDA to incur debt under certain circumstances.

There was a discussion between the Board and Mr. Robenalt as to the rationale for moving the measure forward at this time. There was also a discussion between the Board and Mr. Robenalt regarding DDAs approaching the 50-year mark of operation and being able to look to alternatives if the measure was to fail to move forward. Lastly, there was a discussion between the Board and staff as to whether the measure has been slated for a hearing in the Senate.

MOTION

Commissioner Kefalas moved that the Board of County Commissioners authorizes the Chair to sign a letter of philosophical support for financing of downtown development authority projects.

Motion carried 3 - 0.

8. **COUNTY MANAGER UPDATE:** Manager Volker skipped her weekly update due to time constraints.

9. **COMMISSIONER ACTIVITY REPORTS:** The Board skipped its weekly update due to time constraints.

10. **EXECUTIVE DECISION:** Executive Session pursuant to C.R.S. 24-6-402(4)(e) Determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations and instructing negotiators relative to an intergovernmental agreement with the Loveland Urban Renewal Authority for the sharing of potential future tax increments financing revenue. (No decision expected).

MOTION

Commissioner Stephens moved that the Board of County Commissioners enter into executive session pursuant to C.R.S. 24-6-402(4)(e) determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations and instructing negotiators relative to an intergovernmental agreement with the Loveland Urban Renewal Authority for the sharing of potential future tax increments financing revenue.

Motion carried 3 - 0.

11. **LEGAL MATTERS:**

Executive Session pursuant to: C.R.S. 24-6-402(4)(a) The purchase, acquisition, lease, transfer, or sale of any real or personal property interest. C.R.S. 24-6-402(4)(b) conferences with an attorney for the purpose of receiving legal advice. C.R.S. 24-6-402(4)(e)(i) determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators about providing direction for Facilities and a 3rd party real estate broker to negotiate on behalf of Larimer County to purchase a 50-acre parcel for Emergency Services. (No decision expected).

Executive Session pursuant to C.R.S. 24-6-402(4)(b) Conferences with an attorney for the purpose of receiving legal advice about a hearing before the Colorado Oil and Gas Conservation Commission regarding an application by MRG, LP to establish an Oil & Gas Development Plan for the MRG CE Pad in Loveland, Colorado. (No decision expected).

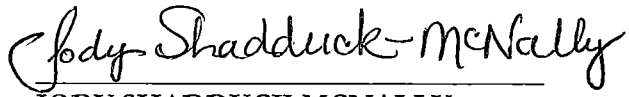
Executive Session pursuant to C.R.S. 24-6-402(4)(b) Conferences with an attorney for the purpose of receiving legal advice about a threatened lawsuit under Colorado Revised Statute 13-20-1201. (No decision expected).

MOTION

Commissioner Stephens moved that the Board of County Commissioners enter into Executive Session pursuant to C.R.S. 24-6-402(4)(a) the purchase, acquisition, lease, transfer, or sale of any real or personal property interest. C.R.S. 24-6-402(4)(b) conferences with an attorney for the purpose of receiving legal advice. C.R.S. C.R.S. 24-6-402(4)(e)(f) determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators about providing direction for Facilities and a 3rd party real estate broker to negotiate on behalf of Larimer County to purchase a 50-acre parcel for Emergency Services; Commissioner Stephens further moved the Board move into Executive Session pursuant to C.R.S. 24-6-402(4)(b) conferences with an attorney for the purpose of receiving legal advice about a hearing before the Colorado Oil and Gas Conservation Commission regarding an application by MRG, LP to establish an Oil & Gas Development Plan for the MRG CE Pad in Loveland, Colorado; Commissioner Stephens further moved the Board move into Executive Session pursuant to C.R.S. 24-6-402(4)(b) conferences with an attorney for the purpose of receiving legal advice about a threatened lawsuit under Colorado Revised Statute 13-20-1201

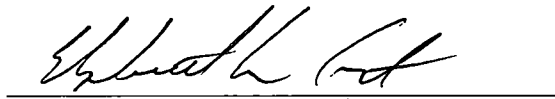
Motion carried 3 - 0.

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


JODY SHADDUCK-MCNALLY
BOARD OF COUNTY COMMISSIONERS

ANGELA MYERS
CLERK AND RECORDER

ATTEST:


Elizabeth Carter, Deputy Clerk

