

MINUTES OF THE BOARD OF COUNTY COMMISSIONERS

MONDAY, JUNE 3, 2024

LAND USE HEARING

There was no Land Use Hearing for this week.

TUESDAY, JUNE 4, 2024

ADMINISTRATIVE MATTERS MEETING

The Board of County Commissioners met at 9:00 a.m. with County Manager Lorenda Volker. Chair Pro-Tem Stephens presided. Commissioner Shaddock-McNally was also present. Commissioner Kefalas was excused. Also present were Sarah Martin and Tom Clayton, Commissioners' Office, and Lindsey Jones, Deputy Clerk.

Commissioner Stephens opened the meeting with the Pledge of Allegiance.

1. PUBLIC COMMENT:

Van Doherty, a Fort Collins business owner, addressed the Board regarding disposable vapes. Mr. Doherty stated that these single-use devices have increased in popularity, and they can be very difficult to dispose of or recycle properly. Mr. Doherty's business has been collecting disposable vapes from customers to recycle and was told that Larimer County recycling centers would not accept them for recycling. Mr. Doherty asked the Board to explore the possibility of creating a disposable vape recycling program in Larimer County like the program in place in Boulder County.

Charlie Meserlian, a Larimer County resident, addressed the board stating that property taxes are too high, and citizens cannot afford them. Mr. Meserlian stated that temporarily lowering the mill levy will not provide enough relief to citizens.

Commissioner Stephens closed public comment.

The Board thanked Mr. Doherty for bringing the issue regarding disposable vapes to the Board's attention. The Board offered to speak with Boulder County and Larimer County Solid Waste to explore the possibility of creating a vape recycling program in Larimer County. The Board also addressed Mr. Meserlian's comments, stating that they understand his frustration. The Board reminded the public of Senate Bill 24-433, which places a cap on property taxes, and mentioned how property tax dollars are spent.

2. APPROVAL OF THE MINUTES FOR THE WEEK OF MAY 20, 2024:

MOTION:

Commissioner Shaddock-McNally moved that the Board of County Commissioners approve the minutes for the week of May 20, 2024.

Motion carried 2-0.

3. REVIEW OF THE SCHEDULE FOR THE WEEK OF JUNE 10, 2024: Ms. Martin reviewed the upcoming schedule with the Board.

4. CONSENT AGENDA:

ABATEMENTS

1. PETITION FOR ABATEMENT OR REFUND OF TAXES: EXCEEDS THE ALLOTTED REFUND AMOUNT OF \$10,000 – R1677076 – Arnold Family Holdings LLC – Tax Year 2023
2. PETITION FOR ABATEMENT OR REFUND OF TAXES: EXCEEDS THE ALLOTTED REFUND AMOUNT OF \$10,000 – R1603755 – Rudkin Investments LLC – Tax Year 2023
3. PETITION FOR ABATEMENT OR REFUND OF TAXES: EXCEEDS THE ALLOTTED REFUND AMOUNT OF \$10,000 – R1677076 – Arnold Family Holdings LLC – Tax Year 2023
4. PETITION FOR ABATEMENT OR REFUND OF TAXES – R1666939 – Prospect of Estes LLC – Tax Year 2023
5. PETITION FOR ABATEMENT OR REFUND OF TAXES – R1663478 – Friedmann, Matthew and Cathey – Tax Year 2022/2023
6. PETITION FOR ABATEMENT OR REFUND OF TAXES – R1603815 – 7051 North Franklin LLC – Tax Year 2022
7. PETITION FOR ABATEMENT OR REFUND OF TAXES – R1676477 – 1301 Grand Market Partners LLC – Tax Year 2023
8. PETITION FOR ABATEMENT OR REFUND OF TAXES – R1631114 – Campus Village LLC – Tax Year 2022
9. PETITION FOR ABATEMENT OR REFUND OF TAXES – R1456296 – Cordova, Richard M and Lupe – Tax Year 2023
10. PETITION FOR ABATEMENT OR REFUND OF TAXES – R1634671 – Johnstown LLP – Tax Year 2023
11. PETITION FOR ABATEMENT OR REFUND OF TAXES – R1075179 – Schuster Trust -Tax Year 2023
12. PETITION FOR ABATEMENT OR REFUND OF TAXES – R1604939 – Specht Point LLC – Tax Year 2023

13. PETITION FOR ABATEMENT OR REFUND OF TAXES – R0483621 – TDS
Bimson Land Company LLC – Tax Year 2023
14. PETITION FOR ABATEMENT OR REFUND OF TAXES – R1641032 – Unnithan,
Prabha and Shashikala – Tax Year 2023
15. PETITION FOR ABATEMENT OR REFUND OF TAXES – R1657058 – EPC
Properties – Tax Year 2021/2022
16. PETITION FOR ABATEMENT OR REFUND OF TAXES – R1657058 – EPC
Properties – Tax Year 2023
17. PETITION FOR ABATEMENT OR REFUND OF TAXES – R1633347 – EPC
Properties – Tax Year 2023
18. PETITION FOR ABATEMENT OR REFUND OF TAXES – R1623052 – Jones,
Kevin J and Jessica – Tax Year 2021/2022
19. PETITION FOR ABATEMENT OR REFUND OF TAXES – R1669905 – Craig,
Torbett – Tax Year 2021
20. PETITION FOR ABATEMENT OR REFUND OF TAXES – R0197327 – The Hirsch
Family Trust – Tax Year 2022
21. PETITION FOR ABATEMENT OR REFUND OF TAXES – R0197327 – The Hirsch
Family Trust – Tax Year 2023

AGREEMENTS

1. AMENDED AND RESTATED 2024 MUNICIPAL ENFORCEMENT
AGREEMENT BY AND BETWEEN LARIMER COUNTY, COLORADO AND
THE TOWN OF TIMNATH, COLORADO
2. PROFESSIONAL SERVICES AGREEMENT (P24-05, DEBRIS REMOVAL &
HAULING SERVICES – CERES)
3. PROFESSIONAL SERVICES AGREEMENT (P24-05, DEBRIS REMOVAL &
HAULING SERVICES – DRC)
4. CONTRACT AMENDMENT #3 (25 IBEH 188994)
5. INTERGOVERNMENTAL AGREEMENT FOR FUNDING OF WAYFINDING
SIGNAGE ALONG THE POUDRE RIVER TRAIL BETWEEN I-25 AND ISLAND
GROVE PARK IN GREELEY
6. CORE SERVICE CONTRACT BETWEEN LARIMER COUNTY DEPARTMENT
OF HUMAN SERVICES AND MAPLE STAR COLORADO

APPOINTMENTS

1. RECOMMENDED MIDTERM APPOINTMENTS TO THE OPEN LANDS ADVISORY BOARD – Debbie Hayhow and Jim Wurz
2. RECOMMENDED APPOINTMENT TO THE OPEN LANDS ADVISORY BOARD – Wes Knoll

LIQUOR LICENSES

1. LIQUOR LICENSE RENEWAL – PLAY POINTE LLC DBA FORT FUN – TAVERN – FORT COLLINS, COLORADO
2. LIQUOR LICENSE RENEWAL – WHITAKER OIL INC DBA LOVELAND COUNTRY STORE – FERMENTED MALT BEVERAGE & WINE – LOVELAND, COLORADO
3. LIQUOR LICENSE RENEWAL – G2G LEGACY LLC DBA MASONVILLE MERCANTILE – FERMENTED MALT BEVERAGE ON/OFF PREMISES – LOVELAND, COLORADO
4. LIQUOR LICENSE RENEWAL – DISH UP TOO LLC DBA VERN'S PLACE – HOTEL & RESTAURANT – LAPORTE, COLORADO
5. LIQUOR LICENSE TRANSFER OF OWNERSHIP – HORSETOOTH STORE GAS & LIQUOR LLC DBA HORSETOOTH STORE GAS & LIQUOR – RETAIL LIQUOR STORE – FORT COLLINS, COLORADO

MISCELLANEOUS

1. AMERICAN BUILDERS AND CONTRACTORS SUPPLY CO INC STIPULATION AS TO TAX YEAR 2023 VALUE
2. CANVAS CREDIT UNION STIPULATION AS TO TAX YEAR 2023 VALUE
3. FIRST NATIONAL BANK STIPULATION AS TO TAX YEAR 2023 VALUE
4. HARMONY HOSPITALITY LLC STIPULATION AS TO TAX YEAR 2023 VALUE
5. CURACORE HOLDINGS LLC STIPULATION AS TO TAX YEAR 2023 VALUE
6. FIRST INTERSTATE BANK OF FT COLLINS STIPULATION AS TO TAX YEAR 2023 VALUE
7. V AND S PARTNERSHIP STIPULATION AS TO TAX YEAR 2023 VALUE
8. 1497 E EISENHOWER LLC STIPULATION AS TO TAX YEAR 2023 VALUE

9. DAVIS NICHOLAS C STIPULATION AS TO TAX YEAR 2023 VALUE
10. LINCOLN AVENUE SELF STORAGE OWNER LP STIPULATION AS TO TAX YEAR 2023 VALUE
11. BRISBEN WATERFORD PLACE LP STIPULATION AS TO TAX YEAR 2023 VALUE
12. ACQUEST HOLDINGS INC ISTAR FINANCIAL STIPULATION AS TO TAX YEAR 2023 VALUE
13. RETAIL MARIJUANA STORE AND CULTIVATION LICENSES
14. 2024 TRANSPORTATION CAPITAL EXPANSION FEES INCREASE
15. USE OF UNANTICIPATED OIL AND GAS REVENUE FOR 2024
16. SOLID WASTE ASSURANCE LETTER
17. WAGNER-PEYSER MERIT SYSTEM CERTIFICATION

RESOLUTIONS

1. RESOLUTION ORDERING A PUBLIC HEARING TO CONSIDER PETITIONS FOR FOX RIDGE ESTATES PUBLIC IMPROVEMENT DISTRICT NO 79
2. RESOLUTION ORDERING A PUBLIC HEARING TO CONSIDER PETITIONS FOR THE TANAGER PUBLIC IMPROVEMENT DISTRICT NO 72

MOTION

Commissioner Shadduck-McNally moved that the Board of County Commissioners approve the Consent Agenda for June 4, 2024.

Motion carried 2-0.

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

6. DISCUSSION ITEMS:

1. **PROCLAMATION DECLARING JUNE 2024 AS LGBTQ+ PRIDE MONTH:** Chair Pro-Tem Stephens announced a proclamation designating June 2024 as LGBTQ+ Pride Month to celebrate the hard-fought victories of the LGBTQ+ community while acknowledging that more work needs to be done in order to achieve full equality, representation, and acceptance.

Commissioner Shadduck-McNally read the proclamation detailing the history of the LGBTQ+ movement and emphasizing the need for all members of our community to feel welcomed and safe.

Laura MacWaters of the Larimer County Equity, Diversity, and Inclusion Board addressed the Board. Ms. MacWaters expressed her appreciation that the Board has recognized the importance of this proclamation. As a member and leader of the local LGBTQ+ community, Ms. MacWaters hopes that the ideas behind the proclamation will make it out of the hearing room and into the community.

Kimberly Chambers, founder of NoCoSafeSpace, original co-founder of NoCo Pride and Northern Colorado Equality, and current Executive Director for SPLASH Youth of Northern Colorado addressed the Board. Ms. Chambers thanked the Board for making this proclamation on behalf of the County. Ms. Chambers also asked for Larimer County to take action along with this proclamation by increasing funding to organizations that support the LGBTQ+ community.

The Board emphasized the need to ensure that all areas of the County are a safe place for everyone, both within the city of Fort Collins and in the rural areas of the County. While there is much reason to celebrate, we must also remember that there is still work to be done.

County Manager Volker thanked the guests for speaking. She stated that proclamations are a moment in time for us to celebrate, but we also need to eliminate bias and welcome everyone to the community not just today but every day.

M O T I O N

Commissioner Shadduck-McNally moved that the Board of County Commissioners approve the proclamation declaring June 2024 as LGBTQ+ Pride Month.

Motion carried 2-0.

2. GRANT AGREEMENT REGARDING AMERICAN RESCUE PLAN COLLABORATIVE PROJECTS GRANT SUB AWARD TO FORT COLLINS HABITAT FOR HUMANITY: Alea Rodriguez, the Housing Stability Program Manager for Larimer County, detailed how Larimer County was awarded \$69,000,000 of American Rescue Plan Act (ARPA) funds which were intended to help Larimer County bounce back from the impacts of the COVID-19 pandemic. Ms. Rodriguez explained that Larimer County partnered with Bohemian Foundation and various community partners to determine where these funds could have the greatest impact. This grant agreement is intended to finalize a contribution of \$1,000,000 in ARPA funds to Fort Collins Habitat for Humanity. The funds will be used to purchase nine lots in the Heartside Hill Development Site. These lots will add nine future permanently affordable homeownership opportunities to the community that will be built by Poudre High School students.

Kristin Candella, CEO and Executive Director of Fort Collins Habitat for Humanity addressed the Board. Ms. Candella thanked the Commissioners for prioritizing affordable housing, homeownership, and inclusivity in Larimer County. Fort Collins Habitat for Humanity has partnered with the Poudre High School Poudre Builds program for the past nine years. This program allows Fort Collins High School students to learn valuable trade skills that can help them to build future careers in construction, trades, architecture, or engineering. These nine lots will double the impact of the program by allowing more students to participate in the program, and by providing opportunities for community members to purchase affordable housing on these nine lots.

The Board thanked Ms. Candella for speaking and expressed their pride in seeing this program continue to grow and impact the community. The Board had questions about the funding for the Poudre Builds program, as well as whether the program allows for homeowners to build equity.

County Manager Volker reminded the community that the Board chose to use the \$69,000,000 in ARPA funds in transformational ways to address needs within the community such as housing.

MOTION

Commissioner Shadduck-McNally moved that the Board of County Commissioners approve the Grant Agreement American Rescue Plan Collaborative Projects Grant Sub Award to Fort Collins Habitat for Humanity.

Motion carried 2-0.

7. **COUNTY MANAGER UPDATE:** County Manager Volker briefly detailed 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 Statute 24-6-402(4)(b): Conferences with an attorney for the purpose of receiving legal advice regarding the Estate of Ryan Wayne Harmon, et al vs. Board of County Commissioners for the County of Larimer, et al.

Executive Session pursuant to the Colorado Revised Statute 24-6-402(4)(a): Purchase acquisition, lease, transfer or sale of any real or personal property in the furtherance of Larimer County open space program and in coordination with the City of Fort Collins Natural Areas Department.

MOTION

Commissioner Shadduck-McNally moved that the Board of County Commissioners enter into executive session pursuant to C.R.S. 24-6-402(4)(b) conferences with an attorney for the purpose of receiving legal advice regarding the Estate of Ryan Wayne Harmon, et al vs. Board of County Commissioners for the County of Larimer, et al.

Motion carried 2-0.

David Ayraud, Deputy County Attorney, addressed the Board. Mr. Ayraud explained that the purpose of the executive session was to discuss a jail suicide lawsuit that was filed and legal analysis pertaining to the lawsuit. Mr. Ayraud asked if the Board would support indemnification and defense of the County employees involved.

MOTION

Commissioner Shadduck-McNally moved that the Board of County Commissioners authorize the County Attorney to defend the Board of County Commissioners, John Feyen, in his official capacity as Larimer County Sheriff and Kyle Deneen, individually in his individual capacity and other county employees as the complaint is amended and provide full indemnity to them, including punitive damages, in the Estate of Ryan Wayne Harmon case, U.S. District Court Case No. 24-CV-1422 and further move that Bruno, Colin, Goddard and Lowe, P.C. be retained as co-counsel.

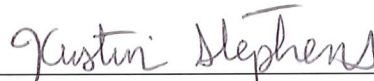
Motion carried 2-0.

MOTION

Commissioner Shadduck-McNally moved that the Board of County Commissioners enter into executive session pursuant to the Colorado Revised Statute 24-6-402(4)(a): Purchase acquisition, lease, transfer or sale of any real or personal property in the furtherance of Larimer County open space program and in coordination with the City of Fort Collins Natural Areas Department.

Motion carried 2-0.

With there being no further business, the Board adjourned at 11:00 a.m.



KRISTIN STEPHENS

BOARD OF COUNTY COMMISSIONERS

TINA HARRIS
CLERK AND RECORDER

ATTEST:



Lindsey Jones, Deputy Clerk

