



Date: Tuesday, June 06, 2023
Time: 9:00 AM
Location: Hearing Room, 1st Floor, 200 West Oak Street, Fort Collins

ADMINISTRATIVE MATTERS AGENDA

Pledge of Allegiance

Public Comment

All who wish to comment must follow the Rules and Procedures for Public Comment as established by the Board of County Commissioners: <https://www.larimer.org/public-comment-rules>

PLEASE NOTE: We are taking public comments via email and phone, in addition to in-person comments. If commenting via email, please send your comment to bcc-admin@larimer.org. **You must register by 4:30pm the Monday before the meeting to participate by phone.** If you wish to be called, please email bcc-admin@larimer.org or call (970) 498-7010 and provide your name, topic for comment and phone number. You will be called at that number when it is your turn.

Approval of Minutes

1. Draft minutes for the week of May 22, 2023

Upcoming Schedule Review

1. Schedule review for the weeks of June 12 and June 19, 2023

Consent Agenda

The Consent Agenda consists of items of no perceived controversy and routine administrative actions, such as Abatements, Agreements, Deeds, Final Plats, Liquor Licenses, Resolutions and other matters previously reviewed by the Board of County Commissioners. Staff recommends approval of the Consent Agenda. A Commissioner may request that an item be “pulled” off the agenda and considered separately. Items pulled from the agenda will be considered after the Board takes action on the remainder of the Consent Agenda.

[Please click here for Consent Agenda and related documents](#)

Comments from Commissioners' Guests

Honoring a community hero William Berglin

Discussion Items

Discussion Items enable the Board of County Commissioners to receive information, conduct deliberations and take necessary actions as directing staff or making official decisions. If a hearing to receive testimony from the public is planned for any discussion item, the agenda will list the item as a hearing.

1. **Proclamation declaring June 2023 as LGBTQ+ Pride Month**

Submitted by: Laurie Kadrich, Assistant County Manager

DESCRIPTION: Celebrating the hard-fought victories of the LGBTQ+ community and to acknowledge that more work remains in order to achieve full equality, inclusion, representation and acceptance.

2. Visit Estes Park 2022 Annual Report

Submitted by: Lorenda Volker, County Manager

DESCRIPTION: CEO Kara Franker will present highlights of Visit Estes Park's 2022 Annual Report.

3. 2023 Transportation Capital Expansion Fee (TCEF) Annual Adjustment

Submitted by: Mark Peterson, Engineering Department

DESCRIPTION: A decision by the BCC is needed because the annual review of the Larimer County Transportation Capital Expansion Fees (TCEFs) for 2023 is resulting in an increase of 22.4% from the 2022 values. The County Engineer, Mark Peterson, has presented this information to the Board of County Commissioners in a work session on May 22, 2023. The methodology for the annual TCEF adjustment is specified in the Land Use Code and is based on an 8-quarter moving average calculated using quarterly data from the Colorado Department of Transportation (CDOT) Construction Cost Index.

The procedure for the annual TCEF adjustment is also specified in the Land Use Code (LCLUC). The LCLUC states that if the annual change in TCEF's is greater than 5%, the BCC shall determine the percentage to be used to update the fees. If the change is less than or equal to 5%, the updated fees can become effective without BCC action.

4. Approve Ordinances

Submitted by: David Ayraud, County Attorney's Office

DESCRIPTION: Approve the ordinances for parking, animal, general assistance, noise, nude entertainment, minor tobacco possession, traffic, and repeal of security alarm.

5. Waiver of the annual renewal hearings for the Choice Organics Retail Marijuana Store License, Flower Power Botanicals Retail Marijuana Store License, and Flower Power Botanicals Retail Marijuana Cultivation Facility License.

Submitted by: Michael Whitley, Planning Department

DESCRIPTION: The Larimer County Resolution for Licensure of Retail Marijuana Establishments ("the Resolution") was adopted by the Board of County Commissioners in October, 2013. Choice Organics, Inc. and Flower Power Botanicals, LLC were each issued one Retail Marijuana Store License and one Retail Marijuana Cultivation Facility License.

The Resolution requires an annual renewal of all Retail Marijuana Establishment Licenses. Section XVI.B of the Resolution partially reads,

The Administrator will schedule a hearing before the Board of County Commissioners within 45 days after receipt of a complete Application, unless the Board of County Commissioners has elected to waive the hearing based on information that there is no opposition to the renewal and the Licensee has operated the Retail Marijuana Establishment in compliance with all laws and conditions of the license.

The Board of County Commissioners held license renewal hearings for the four licenses in 2015, 2016 and 2017 with no opposition to the renewal of the licenses. The Board of County Commissioners waived the license renewal hearings for the Flower Power Botanicals licenses in 2018, 2020, 2021, and 2022 and waived the license renewal hearing for the Choice Organics licenses in 2018, 2019, 2020, 2021, and 2022.

There was a renewal hearing for the Flower Power Botanicals LLC licenses in 2019 because earlier that year, an individual conducting an underage sale compliance check for the Marijuana Enforcement Division successfully purchased retail marijuana. The sale was one marijuana cone weighing 0.7 grams. The employee who sold the marijuana and one additional employee were immediately terminated by Flower Power Botanicals. Flower Power Botanicals has contracted for further training with a Marijuana Enforcement Division-approved vendor and has started electronic ID scanning.

Information provided to the Board of County Commissioners with each waiver request indicated that Community Development staff would bring another waiver request to the Board of County Commissioners for the four Retail

Marijuana Establishment Licenses the following year unless opposition to a license renewal is received or if there is a finding that a licensed facility has not operated in compliance with all laws and conditions of the licenses.

Choice Organics, Inc. and Flower Power Botanicals, LLC have applied to renew their licenses. The Community Development Department has received no complaints regarding either business and there has been no finding that either business has violated any laws or conditions of their licenses since the licenses were last renewed. On March 15, 2022, the Board of County Commissioners signed a resolution imposing a temporary moratorium on the review and issuance of licenses for Marijuana Establishments. The Board found that the suspension on the review and issuance of licenses until January 15, 2023 was necessary to enable the County to prepare and update amendments to the Marijuana Resolution and Land Use Code. After public outreach and consideration of the existing regulations, no changes were made to the Marijuana Resolution or the Land Use Code. There have been no applications for any type of license submitted since the expiration of moratorium.

6. To leverage underspending of other counties to cover overspending in our Temporary Assistance for Needy Families (TANF) expenditures.

Submitted by: Heather O'Hayre, Director of Human Services

DESCRIPTION: In State rules and regulations, counties can work together to transfer funding when allocations are insufficient to meet the local need. Larimer County Human Services has done this many times historically.

7. The request is for the issuance of a Special Event Liquor License for the Ride the Rockies event to be held on June 11, 2023, and June 12, 2023.

Submitted by: Elizabeth Carter, Recording Department of the Clerk and Recorder's Office

DESCRIPTION: At the May 22, 2023, Land Use Hearing the BoCC upheld the Community Development Director's decision to deny the food/entertainment/beer garden aspects for the Special Event Permit for the Ride the Rockies event. Additionally, when the Clerk and Recorder's Office routed the application for the special event liquor license, the Community Development Department objected to the issuance of the special event liquor license. In consultation with the Community Development Department and the County Attorney, it was determined that the item should be placed on the agenda as a discussion item.

County Manager Update

Update to the Board of County Commissioners regarding administrative matters and other items that do not require in-depth discussion or are for informational purposes only.

Commissioner Activity Reports

The Board of County Commissioners represent the County on various committees and task forces and serve as liaisons to the County's boards and commissions. Commissioners report the activities they have been involved in over the past week.

Legal Matters

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 regarding Release of Work Product from County Attorney's Office - Limited waiver of privilege.

Per the Americans with Disabilities Act (ADA), Larimer County will provide a reasonable accommodation to qualified individuals with a disability who need assistance. Services can be arranged with at least seven (7) business days' notice. Please email us at bcc-admin@larimer.org, or call (970) 498-7010 or Relay Colorado 711. "Walk-in" requests for auxiliary aids and services will be honored to the extent possible but may be unavailable if advance notice is not provided.