

MINUTES OF THE BOARD OF COUNTY COMMISSIONERS

MONDAY, JUNE 5, 2023

LAND USE HEARING

There was no land use hearing for this week.

TUESDAY, JUNE 6, 2023

ADMINISTRATIVE MATTERS MEETING

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

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

1. **PUBLIC COMMENT:** Greg Leveritt spoke about the importance of mental health in this county and his concern that there is corruption in the Department of Human Services. Mr. Leveritt asked for the commissioners to speak to him about the issues in the county.

Tammy Kurzmack from Laporte spoke about the issues of a specific business parking situation at a Vineyard in the community. Ms. Kurzmack asked for the commissioners to look specifically into this issue and to allow for changes in this situation. Mark Kurzmack from Laporte spoke about the same parking issue as Ms. Kurzmack. Mr. Kurzmack believes this permit was changed arbitrarily.

Commissioner Stephens thanked those who came to speak. Commissioner Stephens believes there is no corruption in the Department of Human Services.

Commissioner Kefalas wanted the public to know that each decision is made through a series of processes and no decision would be made without the proper procedures.

Commissioner Shadduck-McNally echoes Commissioner Stephens with the lack of corruption in the Department of Human Services. Commissioner Shadduck-McNally asked Leslie Elise to address the board about this specific parking issue.

Ms. Elise gave background on the parking issue with the vineyard and how the process needs to take place to make changes to the permit.

2. **APPROVAL OF THE MINUTES FOR THE WEEK OF MAY 22, 2023:**

MOTION

Commissioner Stephens moved that the Board of County Commissioners approve the minutes for the week of May 22, 2023.

Motion carried 3 – 0.

3. REVIEW OF THE SCHEDULE FOR THE WEEK OF JUNE 12, 2023, AND JUNE 19, 2023: Ms. Martin reviewed the upcoming schedule with the Board.

4. CONSENT AGENDA:

ABATEMENTS

1. PETITION FOR ABATEMENT OR REFUND OF TAXES FOR KRISTINE BERTRAND – R0150193

2 PETITION FOR ABATEMENT OR REFUND OF TAXES FOR STEPHEN ACKERMAN – R0044059

3 PETITION FOR ABATEMENT OR REFUND OF TAXES FOR JAMES B AND JANET C GULLEY, RCSP TAX INC – R0201537

4 PETITION FOR ABATEMENT OR REFUND OF TAXES FOR JAMES B AND JANET C GULLEY, RCSP TAX INC – R0201626

5 PETITION FOR ABATEMENT OR REFUND OF TAXES FOR JAMES B AND JANET C GULLY, RCSP TAX INC – R0201693

6 PETITION FOR ABATEMENT OR REFUND OF TAXES FOR BRUCE CHANNELL – R0266248

7 PETITION FOR ABATEMENT OR REFUND OF TAXES FOR ERICH WHISENHUNT AND ERIN MORTENSEN – R0470392

8 PETITION FOR ABATEMENT OR REFUND OF TAXES FOR JAMES B AND JANET C GULLEY, RCSP TAC INC – R1207482

9 PETITION FOR ABATEMENT OR REFUND OF TAXES FOR JAMES B AND JANEY C GULLEY, RCSP TAX INC – R1317156

10 PETITIONS FOR ABATEMENT OR REFUND OF TAXES FOR STEPHEN ACKERMAN – R1631102

11 PETITION FOR ABATEMENT OR REFUND OF TAXES FOR JAMES B AND JANET C GULLEY, RCSP TAX INC – R1239759

AGREEMENTS

- 1. FEDERAL OLDER AMERICANS ACT (OOA) SERVICE CONTRACT BETWEEN LARIMER COUNTY DEPARTMENT OF HUMAN SERVICES AND MEALS ON WHEELS OF LOVELAND AND BERTHOUD, INC**
- 2 A ONE-YEAR CONTRACT RENEWAL WITH THE COLORADO DEPARTMENT OF HUMAN SERVICES BEHAVIORAL HEALTH (24 IBEH174465 – CONTRACT AMENDMENT #2, 23 IBEH181975) FOR JAIL BASED BEHAVIORAL HEALTH SERVICES**
- 3 INTERGOVERNMENTAL AGREEMENT FOR CONNEXION COMMUNICATION SERVICES PROVISION IN LARIMER COUNTY**
- 4 LARIMER COUNTY WORKFORCE DEVELOPMENT BOARD MEMORANDUM OF UNDERSTANDING FOR SERVICE DELIVERY AGREEMENTS BETWEEN LARIMER COUNTY, LARIMER COUNTY WORKFORCE DEVELOPMENT BOARD, AND THE ONE-STOP PARTNER AS REQUIRED BY WORKFORCE INNOVATION AND OPPORTUNITY ACT OF 2014**
- 5 LARIMER COUNTY WORKFORCE DEVELOPMENT MEMORANDUM OF UNDERSTANDING FOR SERVICE DELIVERY AGREEMENTS WITH COLORADO DEPARTMENT OF LABOR AND EMPLOYMENT DIVISION OF VOCATIONAL REHABILITATION**
- 6 TRANSPORTATION ALTERNATIVES PROGRAM (TAP) GRANT FOR NORTH LCR 17 WIDENING, STATE OF COLORADO AMENDMENT, IGA AMENDMENT 2**
- 7 CONSTRUCTION SERVICES AGREEMENT FOR THE OVERLAY/PAVING PROGRAM – BID NO. B23-09_PN 9087 2023 RESURFACING PROGRAM**
- 8 PARTICIPATING AGREEMENT BETWEEN THE COUNTY OF LARIMER AND THE USDA, FOREST SERVICE ARAPAHO AND ROOSEVELT NATIONAL FORESTS AND PAWNEE NATIONAL GRASSLAND – COORDINATED TREATMENT OF NOXIOUS WEEDS ON THE CANYON LAKES RANGER DISTRICT**
- 9 CR 70 AND CR 9 ROADWAY IMPROVEMENTS PROJECT (CONSTRUCTION SERVICES AGREEMENT – BID NO. B23-06, PN 339) (\$20,994,658.00)**
- 10 AMENDMENT #4 TO THE BEHAVIORAL HEALTH FACILITY START UP CONTRACT**

APPOINTMENTS

1 RECOMMENDED REAPPOINTMENTS TO THE PARKS ADVISORY BOARD – ROBERT (PETE) BLUME, ROBERT HARRIS, KRISTINA KACHUR, AND JILL WUERTZ

2 RECOMMENDED APPOINTMENT TO THE PARKS ADVISORY BOARD – GEOFF TOWNSEND

3 RECOMMENDED REAPPOINTMENT TO THE LAND STEWARDSHIP ADVISORY BOARD- RYAN BLAKE

4 RECOMMENDED APPOINTMENT TO THE LAND STEWARDSHIP ADVISORY BOARD – BRENDA ENGLES

5 RECOMMENDED MID-TERM APPOINTMENT TO THE RED FEATHER LAKE COMMUNITY LIBRARY BOARD OF TRUSTEES – ROSS REID

LETTER OF SUPPORT

1 RENEWAL OF COLORADO PARKS AND WILDLIFE (CPW) LEASE AGREEMENT WITH WINDSOR RESERVOIR AND CANAL COMPANY (WRCC) FOR DOUGLAS RESERVOIR CONCURRENCE LETTER REQUEST

LIQUOR LICENSES:

1 LIQUOR LICENSE SPECIAL EVENT PERMIT 6% - CARING HEARTS OF RED FEATHER – CARING HEARTS OF RED FEATHER LAKES FOUNDATION – RED FEATHER, COLORADO

2. LIQUOR LICENSE RENEWAL – PLAY POINTE LLC DBA FORT FUN – FORT FUN – FORT COLLINS, COLORADO

3. LIQUOR LICENSE SPECIAL EVENT 6% – PROJECT SELF-SUFFICIENCY – PROJECT SELF-SUFFICIENCY – FORT COLLINS, COLORADO

4. LIQUOR LICENSE SPECIAL EVENT PERMIT 6% - LAPORTE FESTIVAL – LAPORTE, COLORADO

5. LIQUOR LICENSE RENEWAL – VILLA TATRA INC DBA VILLA TATRA – LYONS, COLORADO

MISCELLANEOUS

1. REQUEST FOR APPROVAL TO ENTER UPON LANDS – AMELIA VAN DYCK
2. REQUEST FOR APPROVAL TO ENTER UPON LANDS – BRUCE HAAS
3. REQUEST FOR APPROVAL TO ENTER UPON LANDS – DONALD EOFF
4. LEGAL ACTION REQUESTED FOR A NEW COURT CASE TO BE FILED IN DISTRICT COURT CONCERNING A FLOODPLAIN MATTER
5. Q1 2023 PUBLIC TRUSTEE REPORT

POLICIES

1. POLICY TO IMPLEMENT A HIRING FREEZE FOR VACANT REGULAR AND LIMITED TERM POSITIONS

RESOLUTION

1. RESOLUTION APPROVING THE LYONS FIRE PROTECTION DISTRICT 2021 INTERNATIONAL FIRE CODE AND AMENDMENTS
2. RESOLUTION ADOPTING AMENDMENTS TO THE LARIMER COUNTY LAND USE CODE REGARDING SHORT-TERM RETNALS
3. A RESOLUTION ORDERING A PUBLIC HEARING TO CONSIDER PETITIONS FOR WYNDHAM HILL PUBLIC IMPROVEMENT DISTRICT NO.78

MOTION

Commissioner Kefalas moved that the Board remove the Policy to Implement a Hiring Freeze for Vacant Regular and Limited Term Positions from the consent agenda and to discuss this further.

Commissioner Kefalas moved the Board to approve the rest of the consent agenda.

Motion carried 3 – 0.

Manager Volker gave some explanation of this specific policy and how elected offices don't have to comply with this hiring freeze though it is likely that they will follow the spirit of the policy. The changes to this policy include the removal of the phrase "Elected Office", to be replaced with "service areas". Additionally, the line "The Board of County Commissioners requested that the independently elected offices support this effort by voluntarily following this policy" was added to the policy.

Commissioner Kefalas and Stephens expressed satisfaction with the changes to this policy and expressed the importance of using funds efficiently.

MOTION

Commissioner Stephens moved the Board to approve the amended policy with the changes discussed.

Motion carried: 3-0

5. COMMISSIONERS' GUESTS: William Berglin was the guest of Commissioner Shadduck-McNally. Also present was Matt DeDecker, Training Lieutenant of the Loveland Fire Authority, Chief Timothy Sendelback of the Loveland Fire Authority, and James Robinson, Chief of the Thompson Valley Emergency Medical Services. Mr. DeDecker spoke about William Berglin who jumped into action in a local McDonalds. There was an unresponsive citizen in the bathroom. Mr. Berglin described the situation in which he was able to deploy Narcan to this citizen, start CPR, and save this person's life.

Mr. Robinson explained the importance of this partnership with the community and teaching citizens these life-saving measures. The program can help make an impact on the community.

The Board and Manager Volker expressed gratitude for William Berglin and his heroic efforts.

6. DISCUSSION ITEMS:

1. PROCLAMATION DECLARING JUNE 2023 AS LGBTQ+ PRIDE MONTH:

MOTION

Commissioner Kefalas read the proclamation.

Commissioner Kefalas moved the board to approve the Proclamation Declaring June 2023 as LGBTQ+ Pride Month.

The Board thanked those working hard to advance the rights of everyone in our community. Commissioner Shadduck-McNally wanted to ensure that the youth are feeling accepted and welcomed in our community.

Commissioner Kefalas moved the board to approve the Proclamation Declaring June 2023 as LGBTQ+ Pride Month.

Motion carried 3-0.

2. VISIT ESTES PARK 2022 ANNUAL REPORT Rebecca Domenico-Gelsinger, the Chief Operating Officer of Visit Estes Park, presented a video of the 2022 annual report.

The Board is appreciative of this partnership between the county and Estes Park and the focus of sustainability and inclusion.

3. 2023 TRANSPORTATION CAPITAL EXPANSION FEE (TCEF) ANNUAL ADJUSTMENT: Mark Peterson, Engineering Director, gave a presentation about the transportation capital expansion fees. This presentation gave a history of this fee and how it is incorporated in the

local land use code. Mr. Peterson explained how the fee has increased and how the board will need to decide whether this adjustment should go through. Mr. Peterson showed how this fee would compare to others in the area.

Commissioner Stephens asked about the waiving of fees for affordable housing projects. Mr. Peterson affirmed that this is possible due to the land use code. Commissioner Stephens expressed support for the increase in these fees to ensure that the infrastructure remains solid in our county.

Commissioner Kefalas asked about the specifics of the numbers of how much the fees would collect. Commissioner Kefalas also expressed a want to implement this fee over a two-year period and asked about the ramifications of this method. Mr. Peterson explained how this would cause a onetime loss of fee collection and how this may affect things over time.

Commissioner Shadduck-McNally echoes the comments that Commissioner Stephens made. Commissioner Shadduck-McNally expressed concern about the impact of housing but the comments about affordable housing have helped. These fees may be painful but “innovation should pay its way”.

Commissioner Stephens spoke about measures that some municipalities have found funding elsewhere while the County is pushed to find their funding through fees like this.

Manager Volker spoke about the complication of these kinds of issues and the importance of understanding these issues fully.

Commissioner Kefalas expressed his appreciation for the hard work on this project but will be voting no for this movement.

MOTION

Commissioner Stephens moved the board to approve the 2023 Transportation Capital Expansion adjustment and the associated 2023 fee schedule effective July 1, 2023.

Motion carried 2-1 with Commissioner Kefalas dissenting.

4. **APPROVE ORDINANCES:** David Ayraud, Deputy County Attorney, explained the process of approving these ordinances. Mr. Ayraud explained how the Health Department raised some concerns about the animal ordinance and how rabies regulation would be involved. Mr. Ayraud explained how this is not the scope of the ordinance but if the Board had concerns about this, they could discuss this further. One ordinance concerning the sale of tobacco products, that was removed on May 2, 2023, will have a work session and has been scheduled for July 5, 2023.

MOTION

Commissioner Kefalas moved the Board to adopt the following ordinances as amended and previously read before the Board on May 2, 2023, and published on May 21, 2023: The Amended Ordinance Concerning Nude Entertainment, The Amended Ordinance Concerning Animals, The Amended Ordinance Concerning Parking, The Amended Ordinance Concerning Traffic, The Amended Ordinance Concerning Noise Levels, and the Repeal of the Security Alarm Ordinance, and direct that such ordinances be published again, by title. Furthermore, I move that the Larimer County Board of

County Commissioners adopt the General Assistance Ordinance and amended, and previously read before the Board on May 2, 2023, and published May 3, 2023, and direct that it be published again by title.

Motion carried 3-0.

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: Michael Whitley from the Planning Department explained the history of this license. There have been no concerns expressed by the public about this discussion item.

Commissioner Kefalas expressed gratitude for the work that went into this movement. The Board expressed support for this discussion item.

MOTION

Commissioner Stephens moved the board to approve waiving the annual renewal hearings for the Choice Organics, Inc. and Flower Power Botanicals, LLC Retail Marijuana Establishment Licenses and move to approve the renewal of the Choice Organics Retail Marijuana Store License, Flower Power Botanicals Retail Marijuana Store License, and Flower Power Botanicals Retail Marijuana Cultivation Facility License.

Motion carried 3-0.

6. TO LEVERAGE UNDERSPENDING OF OTHER COUNTIES TO COVER OVERSPENDING IN OUR TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) EXPENDITURES: Heather O'Hayre addressed the Board. Ms. O'Hayre gave a brief history of this movement and how the issues with not having enough funds for these expenditures. A couple of county partners have underspent their TANF funds and have agreed to give funds to our county. This movement would reduce the amount of overspending.

The Board did not have any questions.

MOTION:

Commissioner Kefalas moved to approve the policy for the transfer of Temporary Assistance for Needy Families funds for other counties to Larimer County.

Motion carried 3-0.

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: Lorenda Volker gave a brief history of this discussion item for the public. David Ayraud, Deputy County Attorney, gave additional information about this license and how a hearing has been initiated. No one addressed the Board on behalf of the applicant.

Commissioner Kefalas asked about the location of the alcohol sales. Mr. Ayraud gave additional information about the types of licenses required for this event.

Rebecca Everett, Community Development Director, addressed the Board. Ms. Evert explained how the license would be coordinated with this event. The special event liquor license is prohibited to be transferred and would require posting of the event at least ten days prior to the event being held.

Commissioner Kefalas expressed concern about the confusion associated with this event as there are two land use applications in effect.

MOTION

Commissioner Stephens moved the Board to approve the Special event Liquor License to the applicant Bicycle Colorado for the Ride Rockies event held on June 11 and June 12, 2023.

Commissioner Stephens rescinds this motion.

Commissioner Stephens moved to deny the approval of the it would be injurious to the public because of the location does not allow a special event liquor license.

Motion carried 3-0.

Ms. Everts will update the board as the event season progresses.

7. COUNTY MANAGER UPDATE: County Manager Volker was absent this last week and did not have an update.

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

9. LEGAL MATTERS:

Executive Session pursuant to C.R.S 24-6-402(4)(b): Conference with an attorney for the purpose of receiving legal advice regarding Release of Work Product from County Attorney's Office – Limited waiver of privilege.

Commissioner Kefalas moved that the Board enter Executive Session pursuant to C.R.S 24-6-402(4)(b): Conference with an attorney for the purpose of receiving legal advice regarding Release of Work Product from County Attorney's Office – Limited waiver of privilege.

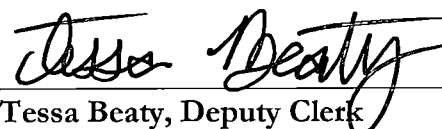
Motion carried 3-0.

With there being no further business, the Board adjourned at 11:45 a.m.


JODY SHADDUCK-MCNALLY
BOARD OF COUNTY COMMISSIONERS

TINA HARRIS
CLERK AND RECORDER

ATTEST:


Tessa Beaty, Deputy Clerk

