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Dallas Schroeder Recorder, Elbert County, Co

ELBERT COUNTY, COLORADO BOARD OF COUNTY COMMISSIONERS

MINUTES

We welcome all of our visitors today, we appreciate your participation. If you need to have personal conversations if you would please step outside, we would appreciate it. Also if you have cell phones, we would ask that you put them on silent during today's meeting.

CALL TO ORDER ROLL CALL:

Robert Rowland -Present Kelly Dore - Present Larry D. Ross - Present

With a quorum present I call to order this meeting of the Elbert County Board of County Commissioners, convening this 25th day of May, 2016 at 9:03 a.m.

INVOCATION: Prayer given by Jim Kimbriel, Harvest Baptist Church

PLEDGE OF ALLEGIANCE:

AGENDA:

Commissioner Dore moved to add Item H to New Business entitled, "Engagement of Outside Firm for Limited Legal Engagement on Confidential Employee Matters".

Commissioner Ross 2nd.

Commissioners Dore and Ross – Aye

Commissioner Rowland – Nay

Commissioner Dore moved to add an Item 3 to the Work/Study Session to discuss obtaining a full transcript from the November 18, 2015 BOCC Meeting.

Commissioner Ross 2nd

Commissioners Dore and Ross – Aye

Commissioner Rowland – Nay

Commissioner Dore moved to accept the Agenda as presented and amended.

Commissioner Ross 2nd.

ALL IN FAVOR

CORRESPONDENCE:

Commissioner Dore announced that Dennis Hunt from CTSI at 1:30 a work/study session to discuss the role of Commissioners, County Manager, and County Attorney.

Commissioner Rowland objected as he had an important appointment and this late notice makes it impossible for him t attend.

There was an ongoing discussion on how to make the meeting work for all Commissioners.

The conclusion was for Staff to schedule a time when all Commissioners can be present.

CONSENT AGENDA: The consent agenda consists of matters that occur in the normal course of business between BOCC meetings. These items are summarized and available to citizens, and are approved and enacted at this time by the BOC in one (1) motion.

1. Approval of minutes: 5/11/16
2. Approval of Vouchers
3. Approval of CDS Vouchers
4. Approval of Liquor License Renewal for Hi-Test Liquor, LTD.
5. Approval of Special Event Permit for Elizabeth Celtic Festival Association

Commissioner Dore moved to approve the Consent Agenda.

Commissioner Ross 2nd.

ALL IN FAVOR

AWARDS & RECOGNITION:

ELECTED OFFICIALS/DEPARTMENT HEADS/STAFF REPORT(S): This is the time when any county elected official, department head or employee may use the podium to report on any matter of interest to the citizens and the BOCC. This is an open format and does not require prior approval or disclosure of the subject matter to be discussed and therefore cannot be added to the agenda at this time, but may be added at a later time for follow up or consideration by the BOCC if appropriate.

PUBLIC COMMENT(s): The public comment is a time when any citizen may bring forth items of interest or concern. During this time each individual will have three minutes to present view(s) on County matters(s). In the interest of time, please have your comments prepared for presentation as each person will be allowed one (1) opportunity to approach the podium. Please keep your comments to a three (3) minute maximum. No formal action will be taken on these items during this time due to open meeting provision; however, the items may be placed on a future posted Agenda if action is required. If you have comments on a regular Agenda item(s), please hold your comments until that item is up for consideration. The public comment portion of the BOCC meeting is not to be used for political or campaign purposes; comments/questions should be limited to matters of current County affairs and business. When you approach the podium please identify yourself and spell your last name and give your address.

Susan Schick, 4122 Downwest Ride, Elizabeth

Ms. Schick stated she wanted to talk about what she expects from County Government. She covered many topics from her desire to have trained employees, roads well maintained, fair property tax appraisers, improving the IT web site, and for the consistent application of County policies.

Commissioner Ross had to inform Ms.Schick her three minutes were up.

She ended by stating she had the first part of the November 18, 2016 meeting in transcript form.

Bob Ware, 2681 Gold Creek Dr., Elizabeth

As chair of the Water Advisory Committee, he invited the public to attend the WAC meeting on June 1st. Mr. Rhett Everett will be discussing the well monitoring program. The entire meeting will be devoted to Mr. Everett and his report.

Marlene Groves, 33300 Ridge Rd

She commented that twenty years ago citizens budget and finance team. She served on that committee at that time. She is interested in a citizen's team to make suggestions and work together.

Commissioner Ross engaged in discussion on the idea and suggested it be a future work/study session.

Commissioner Dore agreed further discussion could be made after extensive investigation.

OLD BUSINESS:

NEW BUSINESS: (Public comment may be provided for items as deemed appropriate)

a. Resolution Authorizing Settlement for Radeker Litigation

Wade Gateley, County Attorney, presented a summary of the history of this litigation and a brief summary of what the settlement would entail. He stated that all the Commissioners can vote on the matter due to the indemnification in a prior meeting. This settlement would take care of all claims.

Commissioner Dore moved to approve Resolution 16- TBD, authorizing the full and final settlement of all claims made by Cherie Redeker against the Elbert County Board of County Commissioners and individual County Commissioners, including but not limited to all complaints submitted to the EEOC or CCRD and those claims which were raised or which could have been raised in the lawsuit filed in the United States District Court for the District of Colorado under Civil Action No. 14-CV-1238.
Commissioner Ross 2nd.

Commissioner Dore stated this was before she was a Commissioner. She is glad it is done and hopes future boards learn from it.

Commissioner Rowland stated this was a business decision and believes the Board did nothing wrong.

Mr. Gateley said there was no admission of liability.

ALL IN FAVOR

b. Mary Slade Subdivision Exemption Request

Kyle Fenner, CDS Director, gave the history which led to the parcel being assigned XX Zoning. Many different entities have recognized this as separate parcel. The department will assist Mrs. Slade in getting everything in line.

There was a discussion between Mr. Gateley on what procedure to work on the exemption.

Commissioner Dore moved that the BOCC create a waiver as an exemption to get a subdivision for Mary Slade with a resolution to be written at a later date.
Commissioner Ross 2nd.

All IN FAVOR

Commissioner Ross moved to have the County Attorney to create the resolution.
Commissioner Dore 2nd.

ALL IN FAVOR

c. Resolution for Use by Special Review for Bridger Wireless Telecommunications Site
Mr. Eathan Wattell from Baseline made the presentation for the Special Use by Review site near Simla. He gave a detailed presentation explaining how the project met Elbert County guidelines. The Planning Commission voted to approve unanimously with seven conditions of approval that we discussed.
Discussion took place further clarifying the project between Commissioner Ross, Mr Wattell and County Manager, Ed Ehmann

Commissioner Dore stated that she does sit on the ECCA board, but did not vote on this project.

Commissioner Dore moved to approve SUR 16-0002

Commissioner Ross 2nd.

ALL IN FAVOR

Recess called for at 10:16 AM
Back in Session at 10:38 AM

d. Decision regarding IGA with the Town of Kiowa
Kyle Fenner, CDS Director, presented the IGA with the Town of Kiowa. She stated this was a simple derivative of the IGA with the Town of Elizabeth. The difference is the absence of a three mile plan for both Kiowa and Simla. Neither have one. This IGA has already been approved by Kiowa.

Commissioner Dore moved to approve the IGA with the town of Simla.
Commissioner Ross 2nd.

ALL IN FAVOR

e. Decision regarding IGA with the Town of Simla

Kyle Fenner, CDS Director, presented the IGA with the Town of Simla. She stated this IGA was a bacis copy of the Town of ~~Kiowa~~ Simla IGA.

Commissioner Dore moved to approve the IGA with the Town of Simla.
Commissioner Ross 2nd

ALL IN FAVOR

f. Resolution for Fee Schedule Changes (Kyle Fenner, CDS Director)

Kyle Fenner, CDS Director, presented a power point slide show outlining the reasons and the impacts to the Fee Schedule, if adopted. She believes that the costs associated with a project should be borne by the applicant, no the taxpayer. Her goal was to be cost neutral. She presented scenarios on what the proposed changes would entail.

Public Comment

Marlene Groves, 33300 Ridge Rd

She stated she agreed with the applicant paying his own way is a good thing. She also asked if there was a goal to retain a certain amount of costs on an application.

Ms. Fenner responded that the goal was to have zero cost to the County.

Dottie Whitcomb 1760 Territory Circle.

Ms. Whitcomb questioned the charges on smaller sub-divisions and asked if the intent was to stop smaller sub-divisions. In her opinion, she doesn't like fees and like to see an open forum and voted on by the people.

Ms. Fenner commented that this was not about stopping development but to have the costs borne by the applicant and trying to make sure this is not being subsidized by the taxpayer.

Paula Wilderman, 4743 Silver Fir St.

Ms. Wilderman said there is a difference in ideologies and facts when talking about fees and taxes. She said there is a difference between the two. She believes the County should look to have the costs be neutral. The spending of tax money is a different issue.

Gary Lauer, 12405 County Rd 134, Kiowa

Mr. Lauer stated this was for net neutrality and to move forward and get something done or postpone but that would punish the citizens.

Marie Soderburg, 42946 County Rd 13, Elizabeth

Ms. Soderburg said this is like the Titantic sinking and we are asking if we are going to paint or not paint the deck chairs. The focus needs to be on the bigger picture and the reality of the County. This needs to be voted on and get it out of the way and move on.

Commissioner Dore moved to approve the resolution for fee schedule changes as presented by Community Development Services,; o4-02, 07-83, 08-29, 09-59, 13-23.

Commissioner Ross 2nd.

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Commissioner Dore – Aye
Commissioner Ross – Aye
Commissioner Rowland -Nay

g. Resolution Amending Impact Fees Imposed Under Resolution 08-17 and Resolutions 04-01
There was a recommendation to leave impact fees as they are and to only change the language in one area. Thi is under the category Mini-warehouse, and to add to the Mini-warehouse; surface RV, Equipment and Materials and Auto Storage.

Commissioner Dore moved to approve all provisions of Resolution 04-01 and Resolution 08-17 and that they remain in full force and effect except as particularly modified or amended by the provisions of this Resolution specifically stating the surface RV, Equipment and Material and Auto Storage to the Impact Fee category of Mini warehouse.

Commissioner Ross 2nd.

Discussion of why this is the mechanism to make minor changes was had between Commissioners Rowland & Ross, Ms. Fenner, and Mr. Gateley.

ALL IN FAVOR

h. Engagement of Outside Firm for Limited Legal Engagement on Confidential Employee Matters
Commissioner Dore explained that she wished this to be added to the Agenda for each Commissioner to pick a firm and then decide at the next meeting, which firm to utilize.

Commissioner Dore moved to vote on the agreement of an outside firm for limited legal engagement on confidential employee matters.

Commissioner Ross 2nd.

Commissioner Ross – Aye
Commissioner Dore – Aye
Commissioner Rowland - Nay

LAND USE:

ATTORNEY TO THE BOCC:

ADJOURNMENT

Commissioner Dore moved to adjourn at 12:09 PM.

Commissioner Ross 2nd.

ALL IN FAVOR

Work/Study Session

1. Update to the Elbert County Employee Handbook (Ed Ehmann, County Manager & Wade Gateley, County Attorney
2. Forsgren Contract for Professional Services (Rural Water Supply Grant)

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BOARD OF COUNTY COMMISSIONERS

ELBERT COUNTY, COLORADO

Larry Ross, Chairman

Kelly Dore, Vice Chair

Robert Rowland, Commissioner

ATTEST: Dallas Schroeder

County Clerk

BY:

Clerk to the Board of County Commissioners