



ELBERT COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS MEETING MINUTES

Regular Meeting Held in the BOCC Meeting Room
 June 28th, 2017 at 9:02 A.M.

WE VALUE

- *Honesty, integrity and respect for the rights of all individuals*
- *Quality service to all*
- *Respect for our culture and history*
- *Clear communication and transparency*
- *Efficiency & fiscal responsibility*
- *Recognition of employee and citizen contributions*
- *Partnerships and collaborations*
- *Planning for the future*
- *Cooperative leadership and professional development*

VISION: Elbert County is recognized by our citizens and employees as the best place to live, work, and conduct business in Colorado; led in a responsive, effective, transparent, and professional manner.

A. CALL TO ORDER AND ROLL CALL

Commissioner Thayer – Here Commissioner Richardson - Here Commissioner Willcox - Here

B. INVOCATION/PLEDGE OF ALLEGIANCE: J.H. Schroeder

C. APPROVAL OF AGENDA

Motion: Approval of Agenda with the following changes; Item 7 under consent moved to Action and Item 3 under Action to be stricken.

	Moved	2nd	Comments
Richardson	x		
Thayer		x	
Willcox			
	AYE	NAY	
Richardson	x		
Thayer	x		
Willcox	X		

D. CONSENT AGENDA:

1. Approval of CDS Mylars as needed
2. Approval of Vouchers as needed
3. Acknowledgement of May Variance Reports
4. Approval of Department of Health and Human Services 2017-2018 IV-E Waiver MOU with Colorado Department of Human Services
5. Approval of Kiowa Fire Impact Fee Collection IGA
6. Master Road Use Agreement for Rush Creek Transmission Line Project
7. ~~Ratification of Bison Oil & Gas Partners, LLC Agreement~~ **Moved to Action**

Motion: Approval of Consent Agenda

OUR MISSION: Provide essential statutory services and supportive infrastructure to our citizens in a professional, respectful, cost-effective manner while creating a working environment that supports their endeavors, western lifestyle and rights as individuals.

	Moved	2nd	Comments
Richardson		x	
Thayer	x		
Willcox			
	AYE	NAY	
Richardson	x		
Thayer	x		
Willcox	X		

E. ELECTED OFFICIALS/DEPARTMENT HEADS/STAFF REPORTS

1. Rick Pettit, Elbert County Treasurer

Mr. Pettitt reported that thus far 97% of the taxes have been collected. He believes we are right on schedule with past years.

2. Troy McCoy, Elbert County Undersheriff

Undersheriff McCoy reported that due to over crowding some inmates have been transported to Douglas County. He reported that they will be over \$30-40000 in medical expenses and will probably be over in their food budget. Due to regulations from the State they are unable to add any additional bunks. Female inmate numbers are down from last meeting. They are looking at a draft contract with Douglas County.

3. Danny Willcox announced that Wade Gateley has submitted his resignation.

Mr. Gateley stated he will be here for the first meeting in July and would like to make some comments at that time.

F. OPEN PUBLIC COMMENT (See Note 1)

1. Marlene Groves, 33300 Ridge Rd

Ms. Groves asked when an item should be placed on the website. She would like clarification on when documents are posted.

Mr. Thayer responded that the Employee Handbook is a work in progress.

G. DISCUSSION ITEMS: (See Note 2)

1. Discussion on Public Improvement Districts/Local Improvement Districts (BOCC)
Commissioner Willcox stated that there has been many different meetings and they have discovered that it can encompass more benefit to the County than was first thought. This will take some additional investigation.

Commissioner Thayer concurred and agreed it will be a valuable tool to the County.

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Commissioner Richardson recognized the work that Commissioner Willcox did and agreed that this can create some real tools to benefit the County.

2. Status of Temporary Permit Process (Kyle Fenner, CDS Director)

Ms. Fenner has simplified the process. All her items have been drafted and submitted to Baseline. She expects Baseline to report back next week.

3. Building Permit Fees for Commercial Solar Installations, Communication/Radio Towers and Pipelines (Kyle Fenner, CDS Director)

Ms. Fenner stated she is working on this and they have pre application questions being asked. She stated that she will recommend 1% of the cost for the fees. She will recommend amending the fee schedule individually and add the others as they come along.

Commissioner Thayer asked if some of these items can be ready for Action at the next meeting.

4. Zoning Rewrite Update (Kyle Fenner, CDS Director)

Ms. Fenner stated she has updated the contract with Baseline and a separate contract on the Zoning rewrite. She asked for this to be an action item for next meeting.

Commissioner Thayer asked for a Study Session with Baseline. They would like this to occur before next meeting.

5. Discussion on Oil and Gas Permitting (Kyle Fenner, CDS Director)

Ms. Fenner stated there are two avenues. One is in drilling and the other is on the surface activity. She gave an overview of the current procedures and detailed the parts that will have to be edited.

Commissioner Thayer stated that our current regulations are super-ceded by State regulations. The County has no enforcement authority, but the State does.

Commissioner Richardson stated this would allow for the taxing on surface activity.

Ms. Fenner recommended that the Building Department to be the Local Government Designee.

6. Status of Economic Overlay (Kyle Fenner, CDS Director)

Ms. Fenner expects the draft back from Baseline next week.

7. Employee Handbook Update (Dianna Hiatt, Personnel and Benefits)

Ms. Hiatt stated that the hope is to have the Handbook ready to go before the BOCC in July.

8. Update on Current Open Positions/Contract Employees (Dianna Hiatt, Personnel and Benefits)

Ms. Hiatt stated the county currently has 150 employees on payroll. The county recently hired three deputies and three road and bridge employees, which brings them to full staffing levels. She outlined some of the positions that are in process, from posting to interview, to pending offers.

Commissioner Richardson relayed some of the status from the other counties they heard from at their conference.

9. 2018 Budget Development Plan (Rick Pettitt)

Rick Pettitt, Treasurer, reported the Budget Development Plan is online and they are following that outline. He stated the budget meetings will begin soon. A preliminary budget will be presented to the Commissioners. He stated he wanted to talk to the Commissioners to find their priorities.

Commissioner Richardson thanked Mr. Pettitt for his willingness to step up and help in this area.

Mr. Pettitt stated we should be able to maintain the three month reserve with no problem and be able to move forward with things that have been neglected for years.

Mr. Pettitt answered questions from the Commissioners.

Marlene Groves stated she appreciated the online variance reports and asked if there was any consideration for a Citizens Advisory Committee.

10. Transparency Policy (BOCC)

Commissioner Richardson outlined the overarching aspects of the proposed policy. This will include archiving; open records and outlines they intend for the County.

Commissioner Willcox stated they are trying to be as transparent as possible.

Commissioner Thayer thanked and recognized Commissioner Richardson for his hard work on the policies.

Marlene Groves, 33300 Ridge Rd.

Ms. Groves stated she has seen a lot of improvement than before and suggested that the transparency policy document be made available at the meeting if not on the website.

H. ACTION ITEMS: (See Note 3)

~~1. Approval of June 14, 2017 Minutes~~

2. SEP Approval for Elbert Days (Dallas Schroeder, Elbert County Clerk and Recorder)

Dallas Schroeder, Elbert County Clerk and Recorder, presented the application for a Special Events Permit for Elbert Days. All application paper work is in order.

Motion: Approval of SEP for Elbert Days

	Moved	2nd	Comments
Richardson	x		
Thayer		x	
Willcox			
	AYE	NAY	
Richardson	x		
Thayer	x		
Willcox	X		

~~3. Appointment Policy~~

4. Bison Agreement

Motion: Ratification of Bison Oil & Gas Partners, LLC Agreement

	Moved	2nd	Comments
Richardson		x	This shows there is interest in Elbert County in energy production.
Thayer	x		3 yr lease @ \$3000 an acre. 2 year extension available at \$4500 an acre and a 20% Royalty.
Willcox			
	AYE	NAY	
Richardson	x		
Thayer	x		
Willcox	x		

Commissioner Thayer gave an overview of the drilling operations in the County.

Public comment:

Linda Estes

Asked if there was a remedy if the roads were affected by the drilling operations.

The Commissioners stated they will have to follow the process which includes a monitoring of the roads.

5. Public Hearing for Supplemental Appropriation (Kyrei Zion, Finance & Budget)

Motion: Open Public Hearing

	Moved	2nd	Comments
Richardson	x		
Thayer		x	
Willcox			
	AYE	NAY	
Richardson	x		
Thayer	x		
Willcox	X		

Kyrei Zion, Finance Department, presented a summary and outlined the reasons for the need for the Supplemental Appropriation, which is primarily related to the Bank of the West Building Purchase.

Motion: Approve the Resolution for the Supplemental Appropriation.

	Moved	2nd	Comments
Richardson	x		
Thayer		x	
Willcox			
	AYE	NAY	
Richardson	x		
Thayer	x		
Willcox	X		

Motion: Close Public Hearing

	Moved	2nd	Comments
Richardson	x		
Thayer		x	
Willcox			
	AYE	NAY	
Richardson	x		
Thayer	x		
Willcox	X		

I. BOARD PLANNING

1. Determination of the Tentative Agenda for the July 12, 2017 BOCC Regular Meeting

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- a. Resolutions on Contingency and Stabilization line item creation
- b. Presentation of 2016 Draft Audit Results
- c. Approval of June 28, 2017 BOCC Minutes
- d. Approval of June 27, 2017 BOCC Minutes
- e. Approval of June 14, 2017 BOCC Minutes
- f. Building Permit Fee Adjustment for Commercial Solar
- g. Extended Contract with Baseline
- h. Specific Contract with Baseline
- i. Discussion: Employee Handbook
- j. Discussion: Hoo House Update
- k. Discussion: Temporary Housing Space for HHS
- l. Update on Gravel Pit
- m. Bank of the West Update Update and timeline

Motion: Recess at 10:21 AM until 1PM

	Moved	2nd	Comments
Richardson	x		
Thayer		x	
Willcox			
	AYE	NAY	
Richardson	x		
Thayer	x		
Willcox	X		

J. LAND USE HEARINGS 1:00 P.M. (See Note 4)

Motion: Open Land Use Hearing at 1:05 PM

	Moved	2nd	Comments
Richardson		x	
Thayer	x		
Willcox			
	AYE	NAY	
Richardson	x		
Thayer	x		
Willcox	X		

1. Catholic Radio Network – Communication Towers

Cory Miller, Baseline

Mr. Miller was the planner for the project. Mr. Miller gave an overview of the project and use of the tower. The application is satisfactory to the Elbert County Master Plan. The Planning Commission recommended approval by unanimous vote. Staff recommends approval subject to conditions of approval.

CJ Kears, Title Consulting

Mr. Kears thanked the staff for their assistance. He highlighted the benefits of the tower to the County and the applicant. They are accepting of all the conditions of approval. He answered some clarifying questions from the commissioners.

Public Comment:

Richard Tunny, 27545 State Highway 86

Mr. Tunny spoke in opposition to the tower. He believes it is in opposition to the Master Plan. He went through his presentation to attempt to support his position. He believes the cost is greater than the benefit.

Kim Burgess, 26608 State Highway 86

Ms. Burgess stated she is building a house 1000 feet to the east. She believes the master plan is to guide these decisions and believes the project is in conflict with the master plan. She stated the tower will not benefit anyone in Elbert County. She asked the commissioners not to approve it.

Lance Wheeler, 27178 State Highway 86

Mr. Wheeler stated that he believed the towers could pose a threat based on a study in 2007 on AM towers that showed an increase in childhood cancer within a 2 KM radius. Many people live within the 2 KM radius. He is also concerned about property values and the potential of reducing the value.

Public Comment closed.

Commissioner Thayer stated that the problem with the protests is that it follows on the Master Plan, not the regulations. If they fulfil the regulations, then they are obligated to approve. Potential litigation is possible if an applicant meets all regulation and the BOCC denies.

Commissioner Richardson state that some towers could be put up to 75 feet without any approval. He asked if the applicant had any response.

Mr. Kears said they did have a community meeting. He stated they are not looking to develop the rest of the land. The fence is to separate the property and to keep the public safe.

Commissioner Thayer asked clarifying questions. Mr. Miller and Ms. Fenner answered the questions.

Motion: Approval of the Catholic Radio Network.

	Moved	2nd	Comments
Richardson	x		
Thayer		x	
Willcox			
	AYE	NAY	
Richardson	x		
Thayer	x		
Willcox	X		

2. Elbert County Subdivision Regulations Administrative Parcel Consolidation

Ms. Fenner stated she spoke with Commissioner Thayer and the decision was made to not have the full presentation, as this is a procedural event. She outlined the basic tenants of the Regulation.

Commissioner Thayer stated that this was a problem when he was on the Planning Commission and is glad that some of these problems are being corrected. This gives options to the homeowner.

Ms. Fenner explained why this was necessary. This is a piece of housekeeping

Motion: Approval of Elbert County Subdivision regulations Administrative Parcel consolidation

	Moved	2nd	Comments
Richardson		x	
Thayer	x		
Willcox			
	AYE	NAY	
Richardson	x		
Thayer	x		
Willcox	X		

.ADJOURNMENT DECLARED @ 2:06 PM

NOTES ON PUBLIC COMMENT:

Note 1: General Public Comment - *This portion of the agenda is reserved for citizens who wish to comment to the BOCC on items of county interest that are not scheduled for Discussion or Action. This time will not be used to make political speeches nor will personal attacks be tolerated. Individuals will be limited to one opportunity to speak for a period of up to three minutes during this portion of the agenda.*

Note 2: Discussion Items - *This portion of the agenda is intended to introduce items that may require future board action. It allows for shaping of final decisions, and allows for public input to ensure all aspects of the issue are fully considered before decisions are made. After each item, the chair will offer time for public comment limited to three minutes per person.*

Note 3: Action Items - *This portion of the agenda is intended for items requiring a board decision. Prior to taking action, the chair will offer time for any final public input, limited to three minutes per person, prior to a vote.*

Note 4: Land Use Hearings - *Hearings for Land Use Items will be held at 1:00pm on meeting days. If all other agenda items are completed earlier, the chair will recess until this scheduled time. If previous agenda items are not complete by 1:00pm, the land use hearings will be opened and completed before proceeding to any remaining agenda items. Land use hearings will follow the following sequence:*

- *Open Land Use Hearing*
- *Staff Presents Application and Recommendation of Planning Commission*
- *Applicant Presents*
- *Public Input on Application (three minutes per person)*
- *BOCC Questions and Discussion*
- *BOCC Decision*
- *Close Land Use Hearing*

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