



ELBERT COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS MEETING AGENDA

Regular Meeting Held in the BOCC Meeting Room
 March 28th, 2018 at 9:00 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. Special Note: Elbert County Board of Health met at 9:00 AM

CALL TO ORDER FOR BOCC AND ROLL CALL 9:29 AM Commissioner Thayer – Here, Commissioner Richardson – Here, Commissioner Willcox - Here

B. APPROVAL OF AGENDA

Motion: Approve agenda with the change of striking the Elbert County Annual Fire Operation Plan

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

C. CONSENT AGENDA:

1. Approval of Vouchers/Mylars as needed
2. Acknowledgement of Receipt of Variance reports
3. ~~Elbert County Annual Fire Operation Plan~~

Motion: Approve as amended

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

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D. ELECTED OFFICIALS/DEPARTMENT HEADS/STAFF REPORTS

Mr. Albrecht stated that the town of Elizabeth Trustees and the BOCC met last evening to talk about economic development in the County. He has set up with the town administrators to meet every 6-8 weeks. They were able to meet the new Elizabeth Town Administrator.

Mr. Albrecht stated that there has been severe IT issues and effected not only the BOCC documents but also the Public Works and Finance and Accounting. Technology service provider is in house and working as fast as they can.

E. OPEN PUBLIC COMMENT (See Note 1)

Richard Smith 8069 Sunset Place, Elizabeth, CO

He thanked for opening Sunset Drive. He was concerned that the washboards were created by using recycled asphalt. He thinks Sun County Drive needs to have more attention.

Susan Schick, 4122 Downwest Ride, Elizabeth, CO

Ms. Schick complained that the documents for the meeting were not on the meeting. She asked that no action be taken today because the public had no way to preview the items up for action today.

Marlene Groves, 33300 Ridge Rd

Ms. Groves commented on a video and stated she has not had an apology but would like to ask for an explanation as to how that was uploaded. She wants to know how, why and what will stop it from happening again.

F. DISCUSSION ITEMS: (See Note 2)

1. Water Study Report (Forsgren and Associates)

Will Koger, Forsgren Associates

Mr. Koger presented a power point on the Elbert County Rural Water Supply Study. His report included a background, growth projections, water use projections, water supplies, conclusion and recommendations.

Commissioner Thayer and Commissioner Richardson had comments about the report.

Mr. Koger reported about additional considerations the present Commissioners asked them to investigate.

Commissioner Willcox stated this is just an initial brief and the full report will be coming.

Public Comment

Ric Morgan, CR 82, Ebert

Mr. Morgan complimented making this report understandable. He gave the history of study. He encouraged the commissioners to have a chance to look at the document and evaluate. He suggested the Water Advisory Committee be utilized to help feed public input to the Commissioners.

Commissioner Richardson stated that this is the report that needs to be used and the regional planning committees to work cooperatively. He thanked the W.A.C. for their work.

Susan Schick, 4122 Downwest Ride

Ms. Schick stated she appreciated the work that had been done and she asked for copies of the presentation to be made available for dissemination.

Mr. Morgan suggested the electronic copy be made available to the public

Mike Buck, Richards Circle

Mr. Buck stated his concern was the growth of the residents in the county. He is concerned that the wells will be drying up. He thinks that the residential growth will cause this.

2. CDS Update (Sam Albrecht, County Manager)
a. NZ & XX Zoning

Mr. Albrecht shared the status update on the NZ and XX zoning and working on a plan to fix that, either one by one or by a group.

b. Master Plan/Comprehensive Plan Update

The Planning Commission is looking at drafts on the master plan. Target date is 4/24 for a public meeting. DOLA came in and received their feedback on a rough draft to meet the grant requirements. Then will come to BOCC

c. Subdivision and Zoning Regulations Update

Now starting to get into the details between departments. First draft will be in April to get out to referral agencies.

d. CDS Director Search

CDS Director interviews on April 9. There are three or four coming in from out of state.

3. Strategic Plan Update (Sam Albrecht, County Manager)

Mr. Albrecht stated work continues to move forward. He relayed a SWOT analysis was done internally. There was an over 60% response rate. He also referenced the Citizen Engagement Survey and will give a report to the BOCC when the analysis is complete. There were only 685 responses. This may or may not be representative of the County.

This will also help drive the future planning and will influence the budget.

4. 2019 Budget Update (Sam Albrecht, County Manager)

Mr. Albrecht stated they are meeting the objectives of the Budget calendar. The meeting with budget direction and philosophy with the BOCC went well. They continue to ask departments for their future needs. The CPA firm has been in house to work on closing out 2017. This will then go to the Audit Firm.

5. Volunteer Appointment Process Update (Justin Klassen, Director of Administration)

Mr. Klassen gave a background on the process on the timeline for appointments. The goal is to standardize the process. The appointment policy will be followed and website will include a volunteer appointments page. There will be documents expected to be provided to the Clerk and Recorder. He gave an outline of the timeline.

Public Comment

Marlene Groves 33300 Ridge Rd

Ms. Groves asked a clarification question. She asked if a person can only work on one board.

This question was answered and clarified by the Commissioners.

6. Update on County Owned Properties (Justin Klassen, Director of Administration)

Mr. Klassen reported that these are not stranded properties. These are not newly found properties. He outlined how the County came to acquire the properties, what the County has and what can be done with it. This project is to standardize the process.

Public Comment

Jim Duvall 4073 CR 21, Elizabeth

Mr. Duvall asked for when this project would be completed and where this would be posted for public consumption.

G. ACTION ITEMS: (See Note 3)

1. Approval of March 14, 2018 Minutes

Motion: Approval of March 14, 2018 Minutes

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

2. Approval of Resolution Authorizing County Treasurer to Invest County Funds

Motion: Approval of Resolution Authorizing County Treasurer to Invest County Funds

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

Enter Public Hearing

Motion: Enter Public Hearing for SEP

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

3. Approval of Special Event Permit for Cowboy Up (Dallas Schroeder, Elbert County Clerk & Recorder)

4. Approval of Special Event Permit for Elizabeth Rodeo Association (Dallas Schroeder, Elbert County Clerk & Recorder)

Clerk Schroeder reported these are both events occurred last year with no reports of violation from the Department of Revenue for either event. The paperwork for both is in order.

Public Comment

Wendy Walp, Elbert, CO

Ms. Walp reported this is a fundraiser for FFA down in Elbert.

Motion: Approve Special Event Perming for cowboy Up

	Moved	2nd	Comments
Richardson		x	
Thayer	x		

Willcox			
	AYE	NAY	
Richardson	x		
Thayer	x		
Willcox	x		

Motion: Approve Special Event Permit for Elizabeth Rodeo Association.

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

H. BOARD PLANNING for April 11, 2018

1. Agenda Items for Next Meeting
 - a. Approval of March 28, 2018 Minutes
 - b. Sun Country Bonding Update
 - c. Archiving Policy Update
 - d. Update on County Owned Vehicles (Rory Hale, Public Works Director)
2. Workshops/Study Sessions
3. Pending Hearings
4. Land Use

Commissioner Willcox thanked the WAC for their service.

Public Comment

Susan Schick, 4122 Downwest Ride

Ms. Schick presented some preliminary numbers for the County Vehicle list. She stated this pertained to County Assets. She stated her data was not dated.

Motion: Recess until 1 PM

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

I. LAND USE HEARINGS 1:00 P.M. (See Note 4) (In the event the Land Use Items are completed by 5:00 PM, the BOCC will recess until Thursday, March 29, at 10:00 AM)

Back in Session: 1:04 PM

- 1) Bijou Hills Meteorological Tower Special Use Permit (SU-17-0055, Hertnecky, SU-17-0056 Mitchell, SU-17-0058 Cedar Ridge)

Cory Miller, Baseline

Mr. Miller was the project manager for all three metrological towers. These are the same and staff has chosen to present as one, but are on three separate parcels. This is to evaluate if this area if viable for a future wind farm. Mr. Miller presented the staff report. Staff recommends approval and the Planning commission had unanimous approval as well, with conditions of approval.

Applicant: Mr. Scott Caldwell of Altera

Mr. Caldwell stated he had not much to add other than these towers are used all over the country. This is an important step to evaluate the data for the possibility of a future wind farm. These sites were selected by their meteorologists to see what might be possible.

Commissioners asked some clarifying questions that were answered by the applicant.

Public comment: None

Motion: Approval of Hertnecky Special Use Permit

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

Motion: Approval of Mitchell Special Use Permit

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

Thayer	x	
Willcox	x	

Motion: Approval of Hertnecky Special Use Permit, with the correct SU number cited.

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

Motion: Approval of Cedar Ridge Special Use Permit

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

2) Sage Circle Right of Way Vacation, Case No. VC-18-0009

Jaxson Fagan, Baseline Engineering

Mr. Fagan gave the staff report. This is a request to vacate a portion of the right of way and Sage Circle. CDS recommends that the ROW vacation is approved with conditions.

Commissioner Richardson asked for clarification for timing of the vacated land returned to the adjacent landowners.

Applicant: CJ Kearse

Mr. Kearse is here representing both properties. He does not have any objections to the timing of returning the vacated land.

Public Comment: None

Vince Harris, Baseline

Mr. Harris provided suggested language to the conditions of approval to accommodate the timing of returning the vacated land.

Motion: Approval of Sage Circle Right of Way Vacation

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

3) Prairie Ridge Rezone and Minor Residential Development (RZ-17-0010, & MD-17-0041

Jaxson Fagan, Baseline engineering

Mr. Fagan gave the staff presentation on the Prairie ridge rezone and Minor residential Development. The Planning Commission approved this rezone application. Staff recommends approval of rezoning with conditions. The Planning Commission approved the rezone. CDS recommends approval with the conditions discussed

Applicant: CJ Kears

Mr. Kears is representing the applicant. It is a pretty straightforward application rezone and minor development.

Commissioner Thayer suggested a surface use agreement be put in place. He also suggested language about ore retrieval for the mineral right owners.

Public comment: None

Commissioner Thayer stated the mineral and ore issues need to be taken care of. He is not comfortable with the idea of the extending the cul-de-sac and doing it as serial continuous minor subdivision. He thinks this circumvents the intent of the regulations. He stated the small developmental portion is concerning. He wants to see these serial minors be addressed in the new regulations.

This will result in a recordable document on with the minerals or ore for the conditions of approval.

5 minute recessed called at 1:59 PM.

Back in session at 2:19 PM.

Mr. Kears stated that he could not enter into the agreement but that the owner.

Motion: Continue hearing until 4/11/18 at 1 pm

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

4) Elbert County Zoning Regulations Amendments: New Part II, Section 27, Economic Development Overlay District

Move: Re-open Hearing that was continued on March 14, 2018.

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

Vince Harris, Baseline Engineering

Mr. Harris gave a brief history of what happened at the meeting on February 28, 2018. This change is being inserted into the zoning regulations. The second part allow the BOCC to prepare an application to the Planning Commission and then back to BOCC that would add the EDZ within the County. Mr. Harris discussed the timeline for implementation. This is not changing any zoning. Mr. Harris presented a map of the EDZ.

Commissioner Thayer pointed out that the map may over emphasize how much land is actually available to be developed with the EDZ.

Commissioner Richardson made some additional comments in regards to their meeting of the town of Elizabeth Trustees.

Commissioner Thayer discussed the purpose of the EDZ. This is to streamline the zoning process. There is a very small percentage of the county that is zoned commercial, which is potentially a problem down the road.

Commissioner Richardson stated this was to make it quicker and more streamlined to get small business started in the County.

Commissioner Thayer offered to allow a free time for the Town of Elizabeth to get on board and put things together. If things don't get done then it would revert to the original language.

Public Comment

Susan Schick, 4122 Downwest Ride, Elizabeth

Ms. Schick though that there was an impasse regarding the area west of Elizabeth.

Commissioners Thayer, Willcox and Richardson clarified that the disagreement was over a proposed IGA and there was an agreement to utilize the existing IGA.

Ms. Schick stated that the documents were not on the website and that they needed to be placed on the website.

June Jurczewsky, Board of Trustee from Elizabeth

She complimented the board for them getting together and relayed that they have a new administrator and an election coming up in April. She said people listen too much to gossip. She encouraged people to attend the meetings.

Motion: Approve zoning EDZ

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

Motion: Direct staff to implement steps 2,3 and 4 in moving forward to implement the EDZ.

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

5) Elbert County Zoning Regulation Amendments Pertaining to Compliance: Revisions to Part I, Section 6&7 Rezoning Procedures and Requirements

Vince Harris, Baseline Engineering

This is an additional section related to code enforcement. There are currently very little consequences for improper use.

Commissioner Willcox clarified that all these patches will be incorporated into the new regulation

Bart Greer, County Attorney

Mr. Greer presented a brief summary of what the new resolution will address. These can be utilized from civil or criminal court. This leaves these options open. He encouraged board to approve the resolution.

Public Comment: NONE

Motion: Approve code enforcement regulations

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

Motion: ADJOURNMENT 3:14 PM

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

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.

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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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