



ELBERT COUNTY, COLORADO

The Board of Elbert County Commissioners (BOCC) met in a regularly scheduled meeting on Wednesday, April 8, 2015 with roll call of members as follows:

Robert Rowland- PRESENT

Kelly Dore- PRESENT

Larry D. Ross- PRESENT

The BOCC convened at 9:02 a.m., Chairman Robert Rowland called the meeting to order.

Prayer given by Pastor Roger Miller, Elbert Christian Church

Pledge of Allegiance

The Board of County Commissioner's meetings are recorded for later use

1. Agenda:

Commissioner Dore moved to add Item D to new business to discuss having the April 22nd meeting in Simla at 10 AM

Commissioner Ross 2nd,

All voted AYE

Commissioner Dore moved to accept the Agenda as amended.

Commissioner Ross 2nd,

All voted AYE

2. Correspondence:

Commissioner Ross reported that the 9 News Health Fair will be April 18th from 7 AM - 12 PM at Elizabeth Middle School. This is sponsored by the Elizabeth Lions Club.

3. Consent Agenda: All matters listed on the Consent Agenda are considered routine by the

Board and will be enacted by one (1) motion in the form below. There will be no separate discussion of these items. If discussion is desired on any item(s) and permitted by the Board, those items will be considered separately.

- a. Warrants, Voucher & Mylar Signing
- b. Grant Agreement for Elbert County Hazard Mitigation Plan Update (Brandon Linderink, OEM)
- c. Amendment to Grant Contract for Elbert County Road 29 Improvements (Ed Ehmann, County Manager)
- d. Approval of lease purchase for the John Deere motor 772 GP motor grader (Ed Ehmann, County Manager)
- e. Appoint Janet Maloney to Adult Protection Team (Jerri Spear, HHS Director)
- f. Appoint Chad Johnson as interim Building Official (Kyle Fenner, CDS Director)



Commissioner Dore moved to approve Consent Agenda as presented. Commissioner Ross 2nd, with comments. Commissioner Ross clarified that Chad Johnson works for SafeBuilt, who we have contracted with to do some work for CDS. He also asked for clarification of item C from Mr. Ehmann.

Mr. Ehmann explained that was anticipated cost due to additional storm drainage and earthwork, with funds coming from Sales and Use Tax. Hopefully done by when school lets out.

All Voted AYE

4. Awards/Recognition:

Commissioner Dore related the Governor is hosting a reception tonight at the Governor's mansion for all Commissioners and HHS directors. Commissioner Dore wanted to recognize Jerri Spear for a job well done with the Elbert County HHS department. Director Spear was presented with a card and flowers.

5. Elected Official/Department Heads/Staff Report:

The Elected Officials, Department Heads and Staff Report comments is a time when any elected official or department head may bring forth items of interest or concern.

Kyle Fenner, CDS Director

Ms. Fenner reported that SafeBuilt is keeping everything moving and the plan for now is to have inspections on Mondays and Thursdays and Plan Reviews on Tuesdays and Wednesdays.

Robert Rowland, Commissioner District 1

Mr. Rowland commented that he went online at 8 pm last night to register his motor vehicle and by this morning when he entered the building, his new tab was ready. He encouraged everyone to use this service. He also announced next Wednesday is a joint meeting of the South Platte and Metro Basin Roundtables.

Ed Ehmann, County Manager

Mr. Ehmann wanted to clarify the County Road 29 costs. The original contract was for \$2,405,112. A grant from DOLA covered \$933508 leaving the county to have the matching funds of \$1,421,604. This amendment puts the county matching funds at \$1,799,763.

Brandon Linderink, (Office of Emergency Management)

Mr. Linderink reminded all in attendance that on Saturday there would be an Emergency Preparedness Clinic at the fairgrounds. This will cover everything from Individuals and animals to fire mitigation and 72 hour kits

6. **Public Comment:** The public comment period is a time when any citizen may bring forth items pertaining to County business. During this time each individual



will have three minutes to present their view(s) on County matter(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. The public comment portion of the BOCC meeting is not to be used for political or campaign purposes; comments and questions should be limited to matters of current County affairs and business. When you approach the podium please identify yourself, spell your last name and give your address.

Trevor Smith, 414 Comanche, a member of the Fair Board.
Mr. Smith reported the this is the 4th year of being part of the Futurity. There were 120 horses last year and riders from San Diego to Florida came to ride. They have been contacted by Las Vegas Events, that they will be using Kiowa's horses for their qualifier. Age groups on the mini-ponies are 6-9 and regular-sized ponies are 10-13. The top two qualifiers in each category from Kiowa will go on to Las Vegas to compete.

7. Old Business:

8. New Business:

A. Proclamation of Child Abuse prevention Month (Jerri Spear, HHS Director)
Commissioner Dore moved to proclaim April as child abuse prevention month in Elbert County. Commissioner Ross 2nd.
All voted AYE

B. Approval for CDS to apply for a Master Plan Grant (Kyle Fenner, CDS Director)
Commissioner Dore moved to approve CDS to apply for a Master Plan Grant. Commissioner Ross 2nd.

Much discussion followed, even veering off into a discussion if all grant applications need to come before the BOCC and the purpose of Agenda meetings.

Commissioner Rowland made a motion that was later withdrawn.

Commissioner Rowland called the question.

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

C. Nomination and Appointment of Planning Commission Members. (Kyle Fenner, CDS Director)
Commented on the issues the Planning Commission has had in meeting and fulfilling a quorum due to family emergencies and vacations. Believes there is a need for open slots to be filled. There is a DOLA training on the 16th and would like any new members to be able to attend.

Commissioner Dore made a motion that was withdrawn.

Commissioner Rowland moved to appoint Chris Richardson to the Planning Commission.
Commissioner Ross 2nd.
All voted AYE

Commissioner Rowland moved to appoint Susan St. Vincent to the Planning Commission.
Commissioner Dore 2nd.
All voted AYE

Commissioner Ross made a motion that was withdrawn.

D. Discussion on moving April 22nd BOCC Meeting to Simla School.
Commissioner Dore moved to have the April 22nd meeting of the BOCC moved to the school in Simla at 10 AM. Commissioner Ross 2nd.

Discussion followed with general consensus of liking the idea and doing more remote meetings at other schools also

All voted AYE

9. Land Use: None

10. Wade Gateley, Attorney to the Board of County Commissioners: None

Commissioner Rowland moved to recess until 10:55 A.M. Commissioner Ross 2nd.

All voted AYE

Commissioner Rowland declared BOCC back in session and reconvened at 11:05 A.M.

Commissioner Dore moved to enter into an Executive Session to discuss Readeker litigation and the Jill Duvall litigation. Commissioner Ross 2nd.

All voted AYE

Return to open meeting at 11:50 A.M.

Commissioner Dore moved to approve the resolution authorizing the indemnity of Commissioner Robert Rowland for any judgment entered against him in his individual capacity pursuant to any claims made in the lawsuit filed in the Colorado Office of Administrative courts under civil action #2103-0012 and the enforcement action filed in Elbert County District Court under civil action #14-CV-30078.

Commissioner Dore moved to add the previously stated resolution to the Agenda. Commissioner Ross 2nd.

Wade Gateley, County Attorney

Mr. Gateley commented on the fact the he was to represent the Commissioners in their official capacity and for what is best for the county. He has no recommendation pertaining to this resolution. He has advised they can act upon it. He has also advised Robert Rowland he is may hire individual counsel but, as of now, has not elected to do so. Mr. Gateley also stated he advised the recusal is proper for those who have an interest in this resolution.

Commissioner Dore - Aye

Commissioner Ross - Recused himself and stated he will not engage in any discussion of this matter.

Commissioner Rowland - Recused himself and stated he will not engage in any further public discussion of this matter

Commissioner Dore asked for clarification of Staff Position.

Ed Ehmman, County Manager, recommended approval.

Commissioner Dore read a statement further explaining her support of the resolution.

Commissioner Dore moved to approve a resolution authorizing the indemnity of former commissioner Kurt Schlegel, Commissioner Robert Rowland and Commissioner Larry Ross for any judgment issues against them in their individual capacities pursuant to any claims made in the lawsuit filed in the United States District Court for the district of Colorado under civil action 14-cv-1238.

Commissioner Ross 2nd.

Commissioner Dore asked for Staff recommendation.

Ed Ehmman, County Manager, recommended approval.

Wade Gateley, County Attorney, restated his comments made on about previous resolution.

Commissioner Ross recused himself on this matter and stated he will have no further discussion.

Commissioner Rowland recused himself on this matter and stated he will have no further discussion.

Commissioner Dore would like to vote, with comment.

Commissioner Dore read her comments.

Call for vote.

Commissioner Dore - Aye

Commissioner Rowland - Recused

Commissioner Ross - Recused

Meeting Adjourned at 12:07 P.M.



BOARD OF COUNTY COMMISSIONERS

ELBERT COUNTY, COLORADO

Robert Rowland, Chairman

Kelly Dore, Vice Chair

Larry D. Ross, Commissioner

ATTEST: Dallas Schroeder

County Clerk

BY:

Clerk to the Board of County Commissioners