

# ELBERT COUNTY, COLORADO BOARD OF COUNTY COMMISSIONERS

## MINUTES

### \*\*\*Special Note\*\*\*

This meeting was held at the Elbert County Fairgrounds in the meeting room of the Agricultural Building. (Ag Building)

*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 - Here

Kelly Dore - Here

Larry D. Ross - Here

With a quorum present I call to order this meeting of the Elbert County Board of County Commissioners, convening this 28th day of October, 2015 at 9:02 a.m.

**INVOCATION:** Prayer given by Dallas Schroeder, Elbert County Clerk & Recorder

#### PLEDGE OF ALLEGIANCE:

**AGENDA:** Commissioner Dore moved to adjust the meeting minutes listed as October 19<sup>th</sup> to reflect the actual date of October 20<sup>th</sup>. Commissioner Ross 2<sup>nd</sup>.

ALL IN FAVOR

Commissioner Dore moved to accept the agenda as amended. Commissioner Ross 2<sup>nd</sup>.

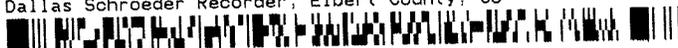
ALL IN FAVOR

#### CORRESPONDENCE:

**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 BOCC in one (1) motion.

Commissioner Dore moved to accept the consent agenda as amended. Commissioner Ross 2<sup>nd</sup>.

Joni Schiefelbein, Elbert County Sherriff's Office, was asked to explain the difference between the Grant with the Department of Public Safety and the VOCA Grant. Ms. Schiefelbein shared that the Grant with the Department of Public Safety is a four year grant that is reduced 10% each year, and the award was \$30000 this year for personnel costs. The



VOCA grant is a federal grant. This is used for part-time personnel costs for part-time on call advocate and also used for uniform costs and printing costs and operations and supplies. This can be applied for every year.

- a. Approval of minutes from October 14, 2015 & October 19, 2015
- b. Vouchers/Warrants/Mylar signing
- c. Grant with Department of Public Safety, Division of Criminal Justice for funding of \$30,000.00 for personnel costs in the Victim's Advocate Office
- d. Two Lease-Purchase Contracts with John Deere for 2015 Motorgraders
- e. 2015 VOCA Grant

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.

Rick Pettitt, Elbert County Treasurer, relayed information on the two PID's that the BOCC is the official governing board. These two are Foxwood and Meadowstation Public Improvement Districts. Mr. Pettitt relayed that there has been excess money collected and he proposed for the excess money be used to pay the bonds down. He has investigated and the bond companies require a thirty day notice and the excess can be targeted to the higher interest bonds.

Commissioner Ross asked for this to be put on a future agenda.

Commissioner Rowland asked for this to be on Study Session first.

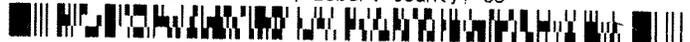
FEMA Update: Ed Ehmann/Brandon Lenderink

Mr. Lenderink relayed that not much has changed since the last meeting. FEMA is currently reviewing worksheets on work that was done by the County before FEMA became involved. Last week the repairs on Comanche Creek and other normal repairs were submitted. Everything is still moving in a positive direction.

Mr. Ehmann relayed he attended the Double El Soil Conservation District dinner where the county was presented with a certificate of appreciation on the living snow fences in that district. There is 11000 feet of living snow fence that saves money at each snow event and creates wildlife habitat.

Mr. Lenderink relayed that FEMA and State Officials had looked at some dams in the Kiowa Conservation District and there is some debris that needs to be removed and burned.

Commissioner Rowland commented on the hunt that took place on the previous Saturday with the American Heroes group. He thanked Casey Westbrook, our local DOW officer for all his assistance. Four does were harvested and two people harvested their first deer.



**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.

Rick Brown, 26493 Sherwood Forest Trail, Kiowa

Mr. Brown objected to the Agenda listing only Executive Session and not a specifically identified reason for entering into Executive Session. He declared this was improper and asked the BOCC to post-pone the Executive Session since, in his opinion, the Agenda was not posted correctly 24hours in advance.

**OLD BUSINESS:**

- a. Motion for acceptance of bid from Honnen Equipment Company for the lease/purchase of four 2016 John Deere Motor graders (Ed Ehmman, County Manager)

Commissioner Rowland explained that the county leases 20 motor graders, on five year leases. This allows for four new ones to be cycled every year. He also pointed out that there is a guaranteed buyback on the motor graders.

Commissioner Ross noted that the net cost for the 5 years, when the buyback is factored in, is \$108,841.

Commissioner Dore moved to accept the bid from Honnen Equipment Company for the lease/purchase of four 2016 John Deere Motor Graders.

Commissioner Ross 2<sup>nd</sup>

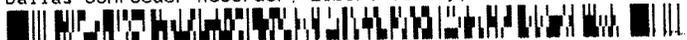
ALL IN FAVOR

- b. Recommendations and BOCC Decision on Rural Water Supply Study Grant – Professional Services Proposal

Commissioner Rowland explained that Elbert County had received a grant to conduct a rural water study in the county. The county has put out an RFP and staff has taken the lead in evaluating the companies. There is a three member panel in place to evaluate. Ric Morgan, who Commissioner Rowland complimented as being a top volunteer in the county, Bonner Gilmore, a partner with Enertia Consulting, with whom is partnered with Sean O’Hearn, our normal county engineer and Ed Ehamnn, county manager.

Mr. Ehmman thanked all the consulting companies who presented before the pane. Seven different submittals through the RFP process were received. The panel is down to the top two consultants. They will not put forth a formal recommendation for one of these over the other.

Commissioner Ross referred to a spreadsheet of the top three companies. He related that the top two were only 1.02% apart from each other.



Commissioner Dore relayed that she spent many hours looking at all the RFPs and noted that Elbert County is not in the water business. This is a state and private property issue. This should not be a political issue. This grant is a benefit as it gives Elbert County the ability to say no to developers and have a reason why. There is not much surface water and need to quantify the water in the county. There are not enough regulations to attract top tier developers, so we have been working with the lower level developers. This will help put Elbert County stay in control and be prepared for the growth. This will allow moving forward with master plan and land use plan. She wants to have a plan moving forward. She said the panel should have made the decision but because of the politics it was not.

Commissioner Dore moved that the BOCC makes a decision on the rural water supply grant between Forsgren and HRS.

It was asked that Commissioner Dore make a positive motion and in doing so choose one of the companies.

Commissioner Dore moved that the BOCC moves forward in granting the rural water study supply grant with Forsgren.

Commissioner Rowland 2<sup>nd</sup>.

Commissioner Ross commented he has been following this process all along. He believes Elbert County has a good problem to choose between two highly qualified firms. The study will give ground water supply projections and will help future decisions. He believes we will need to look for a renewable water supply from outside the county. He shared that there is a lot of interest in the USGS study on ground water levels. He believes that Arapahoe, Douglas and El Paso counties have outgrown their water. He believes that the most important aspect of the study is to be technically sound and he believes HRS would be a better choice and stated he is speaking in opposition of the motion and believes HRS to be superior.

Commissioner Dore responded that the decision was on which was more important or the local understanding. She believes that the local understanding trumped the local aspects. She stated the Forsgren understands Elbert County. She relayed how Forsgren dedicated a full time staff member for public relations. She said she consulted with several experts in the field and the majority thought that the local understanding was more important.

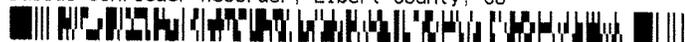
Commissioner Ross went back to the beginning of this in two years. The growth in the future will be guided or constrained by this study. He thanked Wil Koger for his service on the WAC and the help he had been to Commissioner Ross. He believes growth as quickly as our neighbors in Douglas, Arapahoe or El Paso is not necessarily required. He believes Elbert County has a rural flavor, and many want to retain that.

Commissioner Rowland – Aye

Commissioner Dore – Aye

Commissioner Ross - Nay

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



a. Public Trustee Third Quarter Report (Rick Pettitt, Elbert County Treasurer)

Mr. Pettitt reported that foreclosures are down from last year. There was only 9 in the 3<sup>rd</sup> quarter. For the year there have been not quite 40 versus 59 last year. Refis and sales are up.

Commissioner Dore moved to accept the Public Trustee's Third Quarter Report.

Commissioner Ross 2<sup>nd</sup>.

ALL IN FAVOR

b. Cooperative Planning Agreement (IGA) with the Town of Elizabeth (Ed Ehmann, County Manager)

Mr. Ehmann stated this agreement provides a path on how to deal with different development situations that both the Town of Elizabeth and Elbert County have an interest in. The template was supplied from DOLA. He thanked the Elizabeth staff, Dick Eason and the Elbert County Staff for working on this agreement. The document was also reviewed by the Planning Commission. This agreement was passed and signed last night at the Town of Elizabeth's Trustee's meeting.

Commissioner Dore moved to approve the Cooperative Planning Agreement (IGA) with the Town of Elizabeth.

Commissioner Ross 2<sup>nd</sup>.

Commissioner Ross stated it was beneficial to have an understanding with the municipalities and believes this can provide a template for agreements with Kiowa and Simla. He believes this will promote growth in an orderly fashion. This is especially important in Elizabeth and for developers around Elizabeth to understand the aspects of annexation into the town limits. He spoke in favor of the motion.

Commissioner Dore stated she agreed with Commissioner Ross.

Commissioner Rowland stated the public needs to understand municipalities' annexation plans. He thanked Dick Eason, representative from Elizabeth, for all his help in this matter. The annexation option being made public is beneficial to everyone and for the Town to have that option is beneficial. He stated this was a long time coming and clarified mis-understandings about the three mile zone.

ALL IN FAVOR

c. Contract between Elbert County and Sun construction, Inc. for Running Brook Road Improvements

Commissioner Dore moved to approve the contract between Elbert County and Sun Construction, Inc. for Running Brook Road Improvements.

Commissioner Ross 2<sup>nd</sup>.

Mr. Ehmann gave a brief summary of the project and confirmed that the County does have funding for the project.

ALL IN FAVOR



**LAND USE:**

**ATTORNEY TO THE BOCC:**

Commissioner Ross moved to suspend today's Executive Session due to the lack of specificity on the Agenda and to post to have the meeting tomorrow afternoon after the necessary changes to the Agenda.

Commissioner Rowland stated as they move to Executive Session that it will be read into the record as to the purpose of the Executive Session. He asked for comments from Wade Gateley, County Attorney.

Mr. Gateley stated he disagreed with the statements made by Mr. Brown and that the BOCC should proceed with the Executive Session. He believes that the specificity is noted when the BOCC enters into Executive Session. Mr. Gateley believes the procedure does comply with open meetings laws.

Commissioner Ross restated his motion.

Commissioner Dore stated that since this Executive Session is for informative purposes only with no pending decisions that she saw no reason to not have the Executive Session.

Motion Died.

Commissioner Ross moved for a 10 minute recess. Commissioner Rowland 2<sup>nd</sup>.

**EXECUTIVE SESSION – Discussion of Pending Litigation**

**Commissioner Dore moved to enter Executive Session to discuss pending litigation.**

**Commissioner Ross 2<sup>nd</sup>.**

**Enter Executive Session at 10:43 am**

**Exit Executive Session at 11:32 am.**

**ADJOURNMENT**

**Commissioner Ross moved to adjourn.**

**Commissioner Rowland 2<sup>nd</sup>.**

**ALL IN FAVOR**

**Work/Study Session (following regular meeting)**

- 1. Discussion of proposed Reroofing Resolution (Kyle Fenner, CDS Director)**
- 2. Discussion regarding requested access to landfill by Army Corp. of Engineers**
- 3. Accounting procedure for commissioner expenses**
- 4. IT issues regarding website posting of BOCC meeting documents & Board Calendar**



556473 B: 765 P: 379 MM

01/14/2016 12:26:43 PM Page: 7 of 7 R 0.00 D

Dallas Schroeder Recorder, Elbert County, Co



**BOARD OF COUNTY COMMISSIONERS**

**ELBERT COUNTY, COLORADO**

**Larry D Ross, Chairman**

**Kelly Dore, Vice Chair**

**Robert Rowland, Commissioner**

**ATTEST: Dallas Schroeder**

**County Clerk**

