

ELBERT COUNTY, COLORADO

The Board of Elbert County Commissioners (BOCC) met in a regularly scheduled meeting on Wednesday, January 14, 2015 with roll call of members as follows:

Robert Rowland- PRESENT

Kelly Dore- PRESENT

Larry D. Ross- PRESENT

The BOCC convened at 9:00 a.m., Chairman Robert Rowland called the meeting to order.

Prayer given by Pastor John Smith of Majestic View Church

Pledge of Allegiance

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

1. Agenda:

- a.** Commissioner Ross moved to add item H. to the Consent Agenda: Fourth Amendment to the Agreement for Inmate Healthcare Services with Correctional Healthcare Companies (CHC).
Commissioner Dore seconded.
All three Commissioners voted AYE. Motion passed.

Commissioner Ross moved to accept the Agenda as amended.
Commissioner Dore seconded.
All three Commissioners voted AYE. Motion passed.

2. Correspondence:

- a.** Commissioner Ross stated he just received 2 items of Correspondence:

The Elizabeth Area Chamber of Commerce has requested the BOCC write a letter of endorsement for the USDA Rural Business Enterprise Grant

County Attorney Wade Gateley suggested since this request came in so late and it is time sensitive, maybe it should be put under new business and discussed. Commissioner Dore pointed out that it already is on the Agenda under New Business as item H.



Commissioner Ross also stated The Elbert County Republican Women sponsor a patriotic essay contest each year, geared toward the middle school and high school aged students. He stated this years' theme is "Why is America exceptional?" and advised the details on this program are available on the table at the back of the BOCC meeting room.

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. Approval of minutes from Nov. 12, 2014
- b. Approval of minutes from Nov. 26, 2014
- c. Approval of minutes from Dec. 17, 2014
- d. Approval of minutes from Dec. 29, 2014
- e. Approval of annual liquor license renewal request from South Forty Saloon & Café in Elbert
- f. Approval of Special Event Liquor License for Annual Cowboy Up in Kiowa Event
- g. Approval of Kansas State Bank Contract for Sheriff's Office Vehicles
- h. Approval of Fourth Amendment to Agreement for Inmate Healthcare Services with Correctional Healthcare Companies (CHC)

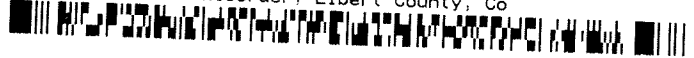
Commissioner Ross moved that the BOCC approve the Consent Agenda.
Commissioner Dore seconded. All three Commissioners voted AYE.
Motion passed.

4. Awards/Recognition:

- a. Commissioner Rowland commended Staff for their preparations for the swearing in ceremony yesterday and stated he felt it turned out very well.

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.

- a. Ed Ehmann (County Manager) provided an update on the impact the recent ice storms have had in the County. Road & Bridge crews have been out full time to control icy conditions and there were only a few incidences of slick icy spots.



- b. Commissioner Rowland commented on a current article in the Elbert County News regarding what he feels could be perceived by some that the County has violated the Sunshine Law Act or Open Records Act. His response was that there will always be issues where we don't all agree, or agree to disagree, and as a single Commissioner, he denied any assertion made that this BOCC acted illegally in any way, shape or form in any meeting, including the one last Monday; and that the BOCC is in compliance with those statutes and laws.
 - c. Commissioner Ross also stated it was unfortunate that a misunderstanding of his request regarding posting of a study session occurred. He felt if it had been a regular weekly update, no additional notice would have been required. At the Monday meeting this week, they discussed (not decided) a chain of command so that notices would go out and get posted, including to the website. He then recommended that the BOCC formalize a policy to avoid future misunderstandings, and that the policy be: when in doubt, or if a question arises, we should always default to what is more beneficial and transparent for the citizens of Elbert County.
 - d. County Attorney Wade Gateley stated they have all been working on upgrading policies and working on policies where there is none. There is no written policy on open meeting notices and procedures, and the way those types of requests are handled. Mr. Gateley advised that he and the BOCC have discussed this and they are in the process of doing that. He emphasized that all of their meetings are open to the public and he suggested that they prepare a policy on open meeting notices, agendas, a list of people to receive information via e-mail, and all the general requirements and provisions of the Colorado Sunshine Law or the open meetings law and put into policy form. He also suggested they do this in a publicly noticed work session so the public could have input in it.
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.

- a. Rick Brown – Kiowa, thanked the BOCC for the movement made toward noticing meetings and agendas. Pending adoption of a policy, he would like notice and agenda to follow the statute blueprint.

Commissioner Rowland advised “meetings” and “agenda” fall under certain definitions under state law and will be discussed further.

- b. Jill Duval – Elizabeth, asked that the website be included as part of the official posting places for the county, and asked why this is not being voted on in the first meeting of the year.

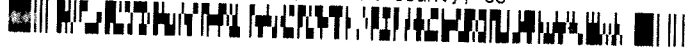
7. Old Business:

- a. Commissioner Ross presented the Newly Revised Elbert County Rural Water Supply Study Grant Application with the State. He stated the original grant application was approved and signed by the BOCC. Since then, the Colorado Water Conservation Board revised their application guidelines and they are now requesting that Elbert County contribute an additional \$10,000.00 to the already approved \$10,000.00 of their matching funds for the Grant Application. The Grant funds consist of \$40,000.00 from the Metro Roundtable and \$40,000.00 from the South Platte Basin Roundtable, and another \$40,000.00 from the State-wide funds, which totals \$120,000.00.

Commissioner Ross moved that the BOCC approve and submit to the Colorado Water Conservation Board this Elbert County Rural Water Supply Study Application.

Commissioner Dore seconded.

Commissioner Rowland supported the resubmission of this grant application and commented on the \$20,000.00 matching funds by Elbert County. He recognized several people involved in this project and stated he can't think of anything more important to the future of this County.



All three Commissioners voted AYE. Motion passed.

Commissioner Rowland took this time to respond to Ms. Duvall's question during public comment about voting on the official posting place in the first BOCC meeting of the year, stating his research did show they are allowed to vote on this item in the next BOCC Meeting.

Attorney Gateley confirmed, adding that they simply were not ready to address all of the items typically done at the first of the year. They did not want to repeat what happened in the past where a resolution was passed early on, only to be revised several times. They plan on having all their appointments and re-appointments in resolution form ready to act on Jan. 28, 2015.

8. New Business:

- a.** Commissioner Dore made a motion to nominate Commissioner Rowland as BOCC Chair.
Commissioner Ross seconded. All three Commissioners voted AYE.
Motion passed.

Commissioner Rowland made a motion to nominate Commissioner Dore as BOCC Vice-Chair.
Commissioner Ross seconded. All three Commissioners voted AYE.
Motion passed.

- b.** Ed Ehmann, County Manager requested that the BOCC Accept the Letter of Recommendation for a Two Year Owner/Developer Maintenance of Stillwater St., which is consistent with the County's design guidelines for construction of a road that is going to be fully accepted by the County at the end of 2 years.

Commissioner Ross moved that the BOCC approve the acceptance of Stillwater Street, 1,950 feet, for two year owner/developer maintenance.

Commissioner Dore seconded.

Commissioner Ross asked for clarification on where this street is in Elbert County.

Ed Ehmann advised this is centrally located between the north boundary of Elbert County and Elizabeth and is approximately 1 ½ miles east of the west County line.

All three Commissioners voted AYE. Motion passed.

- c.** Ed Ehmann, County Manager requested that the BOCC approve the annual HUTF (Highway Users Tax Fund) Mileage Certification Report, which makes up approximately 50% of the Fund 20 Road & Bridge maintenance dollars.

Commissioner Ross clarified this is basically unchanged from last year except for the addition of Fayben Circle.

Commissioner Ross moved that the BOCC approve the 2014 State HUTF Mileage Certification.

Commissioner Dore seconded. All three Commissioners voted AYE. Motion passed.

- d. Ed Ehmann, County Manager requested that the BOCC approve the Acceptance of Bid from Honnen Equipment for four (4) motor graders. Mr. Ehmann stated this is an annual program that was entered into several years ago where the County's 20 motor graders are on a rotation schedule, so every year we replace four (4). As a result of this rotation, all motor graders remain under a full warranty for five years with a guaranteed buy-back.

Commissioner Ross moved that the BOCC approve the bid for four, five year/7,500 hour lease purchases for 2015 772GP John Deere motor graders as submitted by Honnen Equipment Company for a total cost of \$1,123,364.00, with a guaranteed buy back of \$250,000.00 per motor grader. Down payment will be in the form of the trade in of three 2010 JD772GP motor graders in the amount of \$509,000.00. The total amount to be financed will be \$614,364.00. Quarterly payments in the amount of \$15,170.00, \$6,110.00, \$5,850.00, and \$5,950.00 per motor grader and will be funded out of the Fund 20 approved budget under leases.

Commissioner Ross asked Mr. Ehmann to explain where in the 5 year rotation we are.

Mr. Ehmann stated this is the final rotation that involves owned/rented vehicles.

All three Commissioners voted AYE. Motion passed.

- e. Ed Ehmann, County Manager presented the BOCC with a resolution for Clarification and Correction of the Elbert County 2015 Mill Levy Certification, stating this is just a clean-up since the original document had projected amounts instead of actual numbers (which were in the approved budget). The total Mill Levy of 28.209 remains the same as do all of the individual mill levies.

Commissioner Ross moved that the BOCC adopt the Resolution Clarification and Correction of Elbert County Mill Levy Certification.

Commissioner Dore seconded.

Commissioner Rowland clarified the actual numbers raised the valuation which adjusted the revenue up slightly.



Ed Ehmann answered yes, but the budget already contained the actual numbers, so the total in the budget remained the same.

All three Commissioners voted AYE. Motion passed

- f. Ed Ehmann, County Manager requested that the BOCC approve the County Credit Card Policies and Procedures Agreement and stated this is just to tighten up and clarify policies and procedures for the County credit cards.

Commissioner Ross moved that the BOCC adopt the policy on County credit card policies and procedures card holder agreement.

Commissioner Dore seconded.

Commissioner Ross asked for clarification on page 3 under documentation and lost receipts on purchases.

Ed Ehmann advised if the cardholder loses a receipt, they will be required to document what the receipt was and what it was for and sign off on it, and that will be kept in the files for tracking purposes.

Commissioner Ross asked Mr. Ehmann if he will be enforcing this policy.

Ed Ehmann advised yes.

Commissioner Dore asked what the time frame for turning in all receipts is.

Ed Ehmann replied they monitor it constantly and when the statements come in, they balance back to the receipts they have already received, so if there is a missing receipt they can deal with it immediately.

Commissioner Ross read this subject from the policy out loud for clarification to the public.

Commissioner Rowland commented the 2013 audit from Eide Bailey stated we needed to have better procedures and policies in place, which this is doing.

All three Commissioners voted AYE. Motion passed.

- g. Commissioner Ross presented the Elizabeth Area Chamber of Commerce request for letter of endorsement from the BOCC, stating he had already read this item into the record at the beginning of this meeting.

Commissioner Ross moved that the BOCC Chair execute the USDA Rural Business Enterprise Grant Recommendation Letter.

Commissioner Dore seconded. All three Commissioners voted AYE. Motion passed.

- h.** Rick Pettitt, Elbert County Public Trustee presented the Public Trustee Quarterly Report for the 4th quarter of 2014 and recommended that the BOCC approve it.

Commissioner Ross moved that the BOCC accept the Elbert County Public Trustee Quarterly Report for the 4th quarter of 2014.

Commissioner Dore seconded.

Commissioner Ross asked when excess funds are transferred to the General Fund.

Mr. Pettitt answered usually at the end of the year as soon as the report is approved.

All three Commissioners voted AYE. Motion passed.

9. Land Use:

- a.** Curtis Carlson (Community and Development Services) gave a presentation of SU14-0006, Direct Link Wireless Internet Tower (known as McAskill Tower) for special use review and requested that the BOCC approve the request for Special Use.

Commissioner Ross moved that the BOCC approve a Resolution for SU14-0006 Direct Link Wireless Internet Tower (McAskill Tower) a request for Special Use Review for an Internet Transmission Facility, located in a portion of Section 26, Township 9 South, Range 63 West in Elbert County.

Commissioner Dore seconded.

Commissioner Ross commented on the taxable value of this business/personal property and the subsequent revenue source for this County.

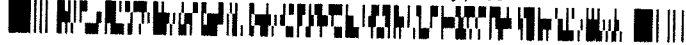
Chairman Robert Rowland opened the meeting for public comment.

THERE WAS NONE

ALL three Commissioners voted AYE. Motion passed.

10. Wade Gateley, Attorney to the Board of County Commissioners:

NONE



Commissioner Rowland declared the Jan. 14, 2015 BOCC

Meeting Adjourned at 10:35 a.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

