

ELBERT COUNTY, COLORADO BOARD OF COUNTY COMMISSIONERS

MINUTES

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 - Present

Kelly Dore - Present

Larry D. Ross - Present

With a quorum present I call to order this meeting of the Elbert County Board of County Commissioners, convening this 27th day of January, 2015 at 9:00 a.m.

INVOCATION: Prayer given by Billie Mills, Elbert County Assessor

PLEDGE OF ALLEGIANCE:

AGENDA: Commissioner Dore moved to accept the Agenda as presented. Commissioner Rowland 2nd.

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.

- a. Approval of minutes from 12/21/15
- b. Vouchers/Warrants/Mylar signing
- c. 2016 Identity Theft and Fraud 24 Hour Hotline Agreement
- d. Approval of 2015 State HUFT Mileage Certification

Commissioner Rowland moved to accept the Consent Agenda as presented. Commissioner Dore 2nd.

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.



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.

OLD BUSINESS: NONE

EXECUTIVE SESSION: Attorney/Client Privileged Communication to receive legal advice concerning the Radeker Litigation, and concerning the Duvall Litigation. (Andy Nathan & Ashley Barr)

Commissioner Dore moved for the BOCC to enter into Executive Session. Commissioner Rowland 2nd.

ALL IN FAVOR.

Into Executive Session at 9:06 AM

Out of Executive Session at 9:36 AM

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

- a. Resolutions Authorizing the Indemnity of Commissioners Rowland, Ross and Schlegel in the Radeker Litigation

In regards to items a and b, Commissioner Dore read from a prepared statement.

Public Comment:

Rick Brown, 26493 Sherwood Forest Trail, Kiowa

Mr. Brown acknowledged he is a current plaintiff in an action against the BOCC. His concern today was about Resolution 15-11 and that it was not being addressed today as he believes it was improperly adopted.

Susan Schick, 4122 Downwest Ride, Elizabeth

Ms. Schick offered her services to help with the County Web-site. She wants to see the documents on the County web-site.

Commissioner Dore moved to approve Resolution 16-TBD, authorizing the indemnity of former commissioner Kurt Schlegel for any judgment entered against him in his individual capacity pursuant to any claims made in the lawsuit filed in the United States District Court for the District of Colorado under Civil Action No. 14-CV-1238.

Commissioner Rowland 2nd



Commissioner Dore – AYE

Commissioner Rowland – AYE

Commissioner Ross - AYE

Commissioner Dore moved to approve Resolution 16-TBD, 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 United States District Court for the District of Colorado under Civil Action No. 14-CV-1238.

Commissioner Ross -2nd

Commissioner Dore- AYE

Commissioner Rowland – Recused

Commissioner Ross - AYE

Commissioner Dore moved to approve Resolution 16-TBD, authorizing the indemnity of Commissioner Larry Ross for any judgment entered against him in his individual capacity pursuant to any claims made in the lawsuit filed in the United States District Court for the District of Colorado under Civil Action No. 14-CV-1238.

Commissioner Rowland 2nd

Commissioner Dore – AYE

Commissioner Rowland – AYE

Commissioner Ross – Recused

b. Resolution Affirming the County Manager’s Authority to Settle and the Settlement of the Duvall Litigation

Public Comment

Susan Schick 4122 Downwest Ride, Elizabeth

Ms. Schick stated her disagreement with the indemnification commented that the public could not speak intelligently on the subjects as the documents were not on the County website.

Commissioner Dore moved to approve Resolution 16-TBD, affirming the County Manager’s authority to settle and the settlement of the claims made in the lawsuit filed in the Colorado office of Administrative Courts under Civil Action No. 2013-0012 and the enforcement action filed in the Elbert County District Court under Civil Action No. 14-CV-30078.

Commissioner Ross 2nd.

Commissioner Dore – AYE

Commissioner Rowland – Recused



Commissioner Ross – AYE

Commissioner Rowland moved for a ten minute recess. Commissioner Dore 2nd

ALL IN FAVOR

c. Resolution for Organizational Meeting and 2016 Appointments and Reappointments

Commissioner Dore moved to approve the resolution for the Organizational Meeting and 2016 Appointments and Reappointments.

Commissioner Ross read the Resolution.

Commissioner Rowland moved to remove Kyle Fenner from the Prairie Development Corporation.

Commissioner Dore commented on the motion.

Commissioner Rowland withdrew motion.

Commissioner Rowland 2nd the original motion.

ALL IN FAVOR

d. Agate School Fee Waiver for Land Use Application (Kyle Fenner, CDS Director)

There were no representatives from Agate School in attendance and Ms. Fenner suggested the item be post-poned until the next BOCC meeting.

Commissioner Dore moved to post-pone the Agate School Fee Waiver for Land Use Application until the February 10, 2016 meeting.

Commissioner Rowland 2nd

ALL IN FAVOR

e. Approval of Contract for Planning Services with Baseline Engineering Corp. (Kyle Fenner, CDS Director)

Ms. Fenner presented a spreadsheet on financial status and projections in regards to the contract for Planning Services.

Commissioner Dore moved to approve the Contract for Planning Services with Baseline Engineering Corporation.

Commissioner Ross 2nd.

A discussion ensued with all three commissioners and Ms. Fenner as to the cost and effect to Fund 10, the needs of the department and the details of the length of the contract.

Question was called.

Commissioner Dore – AYE

Commissioner Rowland – NAY

Commissioner Ross – AYE



Vince Harris, Planning Director for Baseline Engineering

Mr. Harris introduced two of the planners that will be working with CDS as stated that they will begin working to get applications processed as cost neutral as possible.

Commissioner Rowland stated he believed cost neutral to have no additional cost to the county and no additional funds expended.

- f. Award and Approval of Contract for Temporary Building Inspection Services with Richard A Clawson (Kyle Fenner, CDS Director)

Ms. Fenner commented on why the final version of the contract was not ready for approval.

Wade Gateley, County Attorney, thanked Baseline for their teaming up with Elbert County and stated he thought the BOCC could award the contract without approving a final contract.

Commissioner Dore moved the Board of County Commissioners award the contract to Richard A Clawson and to have a special meeting for February 3, 2016 to approve the contract.

Commissioner Ross 2nd.

Commissioner Dore – AYE

Commissioner Rowland – NAY

Commissioner Ross – AYE

At 11:01 AM, Commissioner Ross called for a fifteen minute recess and to reconvene at 11:16 AM.

BOCC reconvened at 11:26 AM.

LAND USE:

ATTORNEY TO THE BOCC:

EXECUTIVE SESSION: Proposed Acquisition of Real Property

Commissioner Rowland moved to enter into Executive Session at 11:26.

Commissioner Dore 2nd.

ALL IN FAVOR

12:01 PM Out of Executive Session

ADJOURNMENT

Meeting Adjourned at 12:02 PM



BOARD OF COUNTY COMMISSIONERS

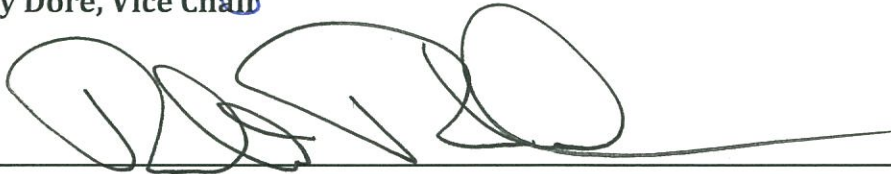
ELBERT COUNTY, COLORADO



Larry Ross, Chairman



Kelly Dore, Vice Chair



Robert Rowland, Commissioner

ATTEST: Dallas Schroeder

County Clerk

BY:



Clerk to the Board of County Commissioners

