



# ELBERT COUNTY, COLORADO

The Board of Elbert County Commissioners (BOCC) met in a regularly scheduled meeting on Wednesday, March 11, 2015 with roll call of members as follows:

**Robert Rowland- PRESENT**

**Kelly Dore- PRESENT**

**Larry D. Ross- PRESENT**

The BOCC convened at 9:03 a.m., Chairman Robert Rowland called the meeting to order.

Prayer given by Pastor Chuck Norwood of Bible Missionary Church

Pledge of Allegiance

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

## **1. Agenda:**

- a. County Attorney Wade Gateley clarified that the executive session notice at the end of the BOCC meeting is to discuss the Cherie Radeker litigation update and also other litigation update.

Commissioner Dore moved to accept the Agenda as amended.

Commissioner Ross seconded. All three Commissioners voted AYE.

Motion passed.

## **2. Correspondence: NONE**

- 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 Jan. 14, 2015
- b. 2015 Elbert County Annual Operating Fire Plan, Brandon Lenderink (OEM Director)
- c. Vouchers/Warrants/Mylar signing

Commissioner Dore moved to approve the Consent Agenda.

Commissioner Ross seconded. All three Commissioners voted AYE.

Motion passed.



**4. Awards/Recognition:** NONE

**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.** Brandon Lenderink (Director of Office of Emergency Management) provided a brief description of the 2015 Annual Operating Fire Plan, noting there are very few changes from last year.

Mr. Lenderink also gave updates on upcoming events:

1. Mar. 26, 2015 a Weather Spotter Class will be provided at Rattlesnake Fire Station from 6:30 p.m. to 9:00 p.m., hosted by the National Weather Service.
2. Apr. 21, 2015 a repeat Weather Spotter Class will be held in the BOCC Meeting Room, 2<sup>nd</sup> floor of the Elbert County Administrative Building from 6:30 p.m. to 9:00 p.m.
3. Apr. 11, 2015 the Office of Emergency Management, working with the Douglas/Elbert Horse Council and the Animal Response team, will host an Emergency Preparedness Clinic at the Elbert County Fairgrounds from 9:00 a.m. to 4:00 p.m.

**b.** Kyle Fenner (Director of Community and Development Services) advised the BOCC the Mylars being signed today are for the DirectLink/McCaskill Tower SU 14-0006.

**c.** Ed Ehmann (County Manager) provided updates on:

1. The \$350,000.00 that was loaned between funds has been paid back, about 20 days earlier than promised.
2. Final payment has been made on the Health Escrow Fund (error going back to 2004) which means starting 2016 there will be approximately \$62,000.00 more in the general fund.
3. Elbert County has already made its first quarterly payment this year of \$128,131.00 to the 18<sup>th</sup> Judicial District Attorney, so the County will not be hit with a quarter or half million dollar debt at the end of the year as in previous years.
4. The Eagle System/Sage program has been reconciled through February to within \$70.00, so everything is coming together and he hopes will be up and running this year.



d. Commissioner Rowland commented the Department of Wildlife (DOW) is offering our Wounded Warriors the opportunity to participate in deer hunts with whatever class License they are able to hunt in. Then they are going to try to get access from the public and landowners that have areas that the Wounded Warriors can hunt in with a sponsor, so they can get a deer. The DOW has even said if these special military service people don't get a deer, they are going to give them a refund on their tag.

**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.

NO PUBLIC COMMENT

**7. Old Business:** NONE

**8. New Business:**

a. Commissioner Dore moved that the BOCC adopt the Colorado Water Conservation Board Grant Agreement and U.S. Geological Survey Joint Funding Agreement.

Commissioner Ross seconded.

Ed Ehmann (County Manager) stated this item is the funding mechanism which the County needs to execute so that the grant application that they have been working on for several months for the well monitoring program in Elbert County can be serviced.



Commissioner Rowland reviewed some background of this program, clarified the purpose of grant and then spoke in favor of the motion. He also stated that moving forward; there is a need for designating somebody who will be representing the County in the administration of this grant process.

Commissioner Dore moved that the BOCC designate County Manager Ed Ehmann as the contact person with the U.S.G.S., in collaboration with County Attorney Wade Gateley.

County Attorney Wade Gateley suggested a vote be taken on the first motion and then separate motions and votes on the U.S.G.S. Joint Funding Agreement and the Contact Person.

All three Commissioners voted AYE on the original motion.  
Motion passed.

Commissioner Dore moved that the BOCC designate County Manager Ed Ehmann as the contact person with the U.S.G.S. and the Colorado Water Conservation Board, with County Attorney Wade Gateley as backup.

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

County Attorney Wade Gateley then addressed the U. S. Geological Survey (U.S.G.S.) Joint Funding Agreement, which is complimentary to the well monitoring program grant application by contributing \$64,500.00 to the grant, and requested the BOCC approve it.

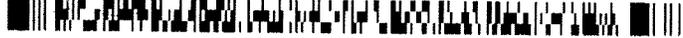
Commissioner Dore moved that the BOCC approve the Joint Funding Agreement for the Water Resource Investigation between the U. S. Department of the Interior and the U. S. Geological Survey.

Commissioner Ross seconded. All three Commissioners voted AYE.  
Motion Passed.

- b.** County Attorney Wade Gateley presented the BOCC with a Resolution to Rescind the Animal Control Resolution (99-44), stating the resolution currently in effect was done in 1999 and now conflicts with current State Statute. He pointed out several conflicts and recommended that the BOCC rescind resolution 99-44 and allow State Statute to remain in control.

Commissioner Dore moved that the BOCC rescind Animal Control Resolution 99-44 and allow the Sheriff's Office to follow current State Statutes.

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



- c. County Attorney Wade Gateley presented the BOCC with a Resolution to Rescind Noise Resolution 2000-81, stating the resolution currently in effect was done in 2000 and subsequent changes to the State Statutes now conflict with our resolution. He pointed out this has called into question the enforceability of Resolution 00-81 and recommended that the BOCC rescind it.

Commissioner Dore moved that the BOCC Rescind Noise Resolution 00-81 Pertaining to the Regulation of Noise on Public and Private Property in Unincorporated Elbert County and allow the Sheriff's Office to follow Colorado State Statutes.

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

**9. Land Use: NONE**

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

Commissioner Rowland moved to recess from 9:54 a.m. until 10:05 a.m.  
Commissioner Dore seconded. All three Commissioners voted AYE.  
Motion passed.

Commissioner Rowland declared the BOCC meeting reconvened at 10:06 a.m.

Commissioner Dore moved that the BOCC adjourn so that the Work/Study Session could be conducted before the Executive Session, as the Sheriff must leave shortly and he has items for the work/study session.

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

**Meeting Adjourned at 10:07 a.m.**

### **Executive Session**

- a. Radeker litigation update
- b. Other litigation



**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

