

ELBERT COUNTY, COLORADO

The Board of Elbert County Commissioners (BOCC) met in a regularly scheduled meeting on
Wednesday, May 13, 2015 with roll call of members as follows:

Robert Rowland- PRESENT

Kelly Dore- PRESENT

Larry D. Ross- PRESENT

The BOCC convened at 9:01 a.m., Chairman Robert Rowland called the meeting to order.

Prayer given by Pastor John Smith, Majestic View Church

Pledge of Allegiance

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

1. Agenda:

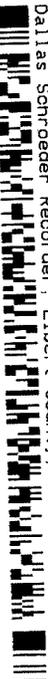
Commissioner Rowland moved to add to the Consent Agenda a letter in behalf of the Elbert County Republicans to have beer sales at Elizabeth Stampede. Commissioner Dore 2nd.
All in Favor.

Commissioner Dore moved to accept the Agenda as amended. Commissioner Ross 2nd.
All in Favor.

2. Correspondence:

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. Approval of Lease Purchase Agreements with Kansas State Bank for Two Road and Bridge Trucks (Ed Ehmann, County Manager)
- c. Special Event Liquor Permit –Elbert Town Committee for Elbert Day -7/11/15
- d. Special Event Liquor Permit – Elizabeth Celtic Festival – 7/18/15 & 7/19/15
- e. Special Event Liquor Permit – Elizabeth Stampede – 6/5/15-6/17/15



f. Letter of recommendation for Elbert County Republicans to have beer sales at Elizabeth Stampede

4. Awards/Recognition:
Commissioner Rowland wanted to thank the Road & Bridge Department for all their hard work due to all the rain we have received.

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.

Ed Ehmann, County Manager

- 1. Update on bridge program between accounting department and Treasurer's Office.**
- 2. Next step for accounting is a time sheet program.**
- 3. On track with the Audit**

Robert Rowland, County Commissioner District 1

Reported he was asked to speak at a gathering of eleven eastern counties to talk about water issues. The idea is for all the counties to begin to work collaboratively on the issue.

Kyle Fenner; Director, CDS

Has had a conference call with DOLA on the Master Plan Grant. Grant paperwork was good. Chances look good to be awarded this grant as current Master Plan was last updated in 1996.

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.

7. Old Business:

New Business:

A. Continued Public Hearing on proposed amendment to the Elbert County Zoning Regulations, Part 1 Section 2: Planning Commission

Commissioner Rowland explained an issue in regards to the number of days that the Planning Commission has that existed from the first meeting on the Zoning Regulation proposed changes in Part 1 Section 2.

Ms. Fenner believes the intention of the board was for it to read “unless commission determines the complexity.”

Mr. Gateley relayed it is within the Boards authority to amend as they see fit.

Commissioner Rowland and Mr. Gateley discussed the issue of ‘Substantive Change’. Commissioner Rowland did not believe this met the definition of “substantive change”.

Commissioner Ross gave more background information on when and where the differences come in to play.

Commissioner Dore did not believe that the situation warranted sending this document back to the Planning Commission. She is in favor in returning to the original language as it was on March 25, 2015.

Commissioners Ross and Rowland agreed that the main point was the 120 days. Commissioner Rowland further explained what was to occur in the 120 days.

Public Comment:

Susan Shick, 4122 Downwest Ride, Elizabeth:

Offered suggestion to a process to alleviate situations such as this, perhaps getting the document reviewed sooner after a meeting.

Commissioner Dore made a motion. Commissioner Ross 2nd,

Much discussion followed between the three commissioners, Ms. Fenner and Mr. Gateley.

Commissioner Rowland made a motion that he later withdrew.

Commissioner Dore withdrew her motion.

Commissioner Ross made a motion that was later withdrawn.

Commissioner Dore moved to amend Part 1 Section 2 B2 by changing it to read as follows: "When amendments to the Elbert County regulations are proposed by the Board or Staff to the commission, then the commission shall act on the amendment within 60 days of the first commission hearing at which the amendment (s) is/are considered. No extension beyond 60 days will be permitted unless the Commission determines in a recorded vote on a motion containing relevant findings that the complexity of the proposed amendment requires such additional time. A recommendation shall be made by the Planning Commission to the board no more than 120 days following the first commission hearing at which the amendment (s) is/are considered.

Commissioner Ross 2nd,

ALL in FAVOR.

Commissioner Rowland read a statement on the procedures and actions that have occurred since the March 25th meeting. There are four comments/suggestions from the Planning Commission to be considered.

Commissioner Ross stated that in regards to item D, General Provisions, Number 1 with the suggested language of the Planning Commission, moved

to adopt changes as follows: "The BOCC of Elbert County shall appoint a planning commission consisting of 9 voting members with at least one nominee from each commissioner district. Each County Commissioner shall nominate candidates to fill three seats on commission designated as seats A, B & C. Each commissioner shall nominate at least one person from that commissioners' district. Each nominee must be approved by a majority vote of the Board. The term of commission members shall be 3 years and until their respective successors have been approved."

Commissioner Dore 2nd,

Commissioner Rowland commented on motion, and voiced his support.

Commissioner Ross voiced his support of motion.

ALL in FAVOR

Commissioner Ross moved to amend D. General Provisions Number 3 of the Elbert County Zoning Regulations to read as follows:
Commission member shall be appointed at or before the annual or organizational public hearing or meeting of the Board, which is the second public hearing or meeting of the calendar year or as soon after as is practicable, and at such other times as are necessary to complete terms and to fill vacancies. The terms of office shall be staggered by making the appointments so that approximately one-third expire each year. Expiration dates for each of the three seats nominated by each Commission, as of the date of adoption of Resolution 15-TBD, approving this amended Part 1, Section 2 of the Elbert County zoning Regulations are as follows: each commissioner will have one appointee expire in each of the following years, 2016, 2017 & 2018 with the subsequent expiration date shall fall three years after the dates reflected above.
Commissioner Dore 2nd,

Commissioner Rowland commented that this does not put timelines on when appoints have to be made.

ALL in FAVOR

Commissioner Ross made a motion that he later withdrew after discussion among the commissioners.

Commissioner Rowland made a motion to approve the Planning Commission recommendation to re-instate in General Provisions, D 5 b. and first part of sentence on D 5 c regarding Oral Warning.

Discussion followed between Commissioner Ross, Commissioner Rowland, Ms. Fenner and Mr. Gateley.

Commissioner Ross 2nd,

Commissioner Rowland spoke against the recommendation.

Commissioner Ross spoke in favor of the recommendation.

Commissioner Dore spoke against the recommendation.

Commissioner Ross AYE

Commissioner Rowland NAY

Commissioner Dore NAY

Commissioner Dore moved to amend in General ProvisionsD. 5. C to change the first sentence to read, "The BOCC shall conduct a hearing to consider removal of a member at the time and place stated in a written charge" and to re-name subset letter as follows: a. Grounds for Removal b. Hearing and c. Decision

Commissioner Ross 2nd,

ALL in FAVOR

Commissioner Dore moved to approve the entire Elbert County Zoning Regulation Part 1, Section 2 as amended.

Commissioner Ross 2nd,

ALL in FAVOR

Commissioner Dore moved to approve the Resolution 15-TBD, Amendment to Elbert County Zoning Regulations pertaining to the Planning Commission.

Commissioner Ross 2nd,

ALL in FAVOR

Commissioner Dore moved to move Item F to Item B after a 5 minute break.

ALL in FAVOR

10:41 AM Back in session

In the interest of not making the public wait to make their comments on the road conditions, Commissioners agreed to skip to item

F: County Road Conditions

Commissioner Rowland read from a fact sheet about the Elbert County Roads, Funding and costs of improvements.

Commissioner Dore commented on funding from state is less than this year.

Ed Ehmann, County Manager gave a report on storm and road conditions and the response by Road and Bridge. At one point the EOC opened and they have had assistance from the Sheriff's Office.

Public Comment

Kevin Lang 45531 Rampart Road

His comments were unrelated to the storms. Concerned that fire trucks can't pass on the roads. Curious as to why bricks aren't used to help the roads. Believes the current equipment can do it, just without crowning and blading flat.

Rick Brown, 26349 Sherwood Forest Trl

Live south of the Woodlands. Believes the crowning is an issue and made some suggestions.

Robyn Pickrim, 852 Cheyenne Place

She commented on the lack of road base, creating sloppy roads. Believes that emergency vehicles couldn't get to her house if they were needed. Was curious about the brick comments made by Mr. Lang.

Ed Ehmann, County Manager



Responded to some of the comments

Rampart Road has been identified as needing pavement.

A high crown, breaks down the edges quicker. Currently at 2% crown, but is going to try a 4% crown.

Main problem is too many roads in county exceed 200 vehicles a day.

Does not like to use bricks. They have buried some in soft spots.

Our Road Base comes from native material which is lighter sands. One vehicle will throw off one ton of material in one year.

B: Request for Authorization for CDS to conduct Administrative Review: Elkhorn Ranch, Lot 229, (Carolyn Parkinson, CDS, Planner I

Commissioner Dore moved to allow administrative hearing process for this request.
Commissioner Ross 2nd.

ALL IN FAVOR

C: Proposed County Attorney Policy (Wade Gateley, County Attorney)

Commissioner Dore moved to approve the policy as presented.

Commissioner Ross 2nd

Commissioner Rowland spoke in favor of the motion.

Commissioner Dore spoke in favor of the motion.

ALL IN FAVOR

D: Proposed Staff/Elected Officials Report Meetings and Agenda Meetings – Policies and Posting Practices (Wade Gateley, County Attorney)

Commissioner Dore moved to approve policies and posting practices as presented.

Commissioner Ross 2nd.

ALL IN FAVOR

E: Bid Acceptance: Bucket Mount Road Reclaimier (Ed Ehmann, County Manager)

Commissioner Dore moved to approve the bid for the bucket mount road reclaimier.

Commissioner Ross 2nd.

ALL IN FAVOR

G: Hi Test Liquor – New Liquor License (Dallas Schroeder, County Clerk & Recorder)

Commissioner Dore moved to approve the new liquor license for Hi Test Liquor.

Commissioner Ross 2nd.

ALL IN FAVOR

Recess for lunch.

Back in session @ 1:23 pm.

Kyle Fenner, CDS Director presented the updated document, with the changes approved in item A to the Elbert County Zoning Regulations, Part 1 Section 2.

Commissioner Dore moved to approve the Part 1 Section 2 of the Elbert County Zoning Resolution.

Commissioner Ross 2nd

ALL IN FAVOR

- 8.
9. **Land Use:**

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

Meeting Adjourned at 1:27 PM

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

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Dallas Schroeder Recorder, Elbert County, CO