

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.

****Special Note: The meeting was moved to the fairground as capacity was exceeded in the regular BOCC room.****

CALL TO ORDER ROLL CALL: (By Vice-Chair)

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 18th day of November, 2015 at 9:04 a.m.

INVOCATION: Prayer given by Pastor Roger Miller, Elbert Christian Church

PLEDGE OF ALLEGIANCE:

Commissioner Dore made note that Commissioner Rowland stepped down as Chair of the BOCC at the regular Monday Morning Agenda meeting.

AGENDA:

Commissioner Ross moved to approve the Agenda as presented.

Commissioner Rowland moved to strike items A and B under new business.

Motion died for lack of a second.

Commissioner Ross moved to continue Item F under new business, Resolution for Rukavina Special Use Perming to the meeting on December 9th.

Commissioner Rowland 2nd.

All In Favor

Commissioner Ross moved to approve the Agenda as amended.

Commissioner Dore 2nd.

Commissioner Ross – AYE

Commissioner Dore – AYE



Commissioner Roland - NAY

CORRESPONDENCE: Commissioner Ross announced he has been invited to speak at the Colorado Groundwater Trust meeting on Friday, December 4. ****Note: This took place after the appointments of Chair and Vice-Chair****

MOTION REGARDING APPOINTMENT OF CHAIR AND VICE-CHAIR

Commissioner Rowland moved to nominate and appoint Commissioner Ross as the BOCC chair.

Commissioner Dore 2nd

ALL IN FAVOR

Commissioner Ross moved to appoint Commissioner Kelly Dore as Vice Chair to the BOCC.

Commissioner Dore 2nd.

Commissioner Dore – AYE

Commissioner Ross – AYE

Commissioner Rowland - NAY

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
- b. Vouchers/Warrants/
- c. Adoption of Elbert County Emergency Operations Plan
- d. Digital Data License Agreement with Design Workshop for the Elbert County Open Space Vision Plan
- e. Final Payment to A-1 Chip Seal Company for the chip sealing CR 21, CR 29 and Kiowa-Bennett Road in the amount of \$484,421.10
- f. CDHS Certification of Compliance of County Merit System

Commissioner Dore moved to accept the Consent Agenda. Commissioner Ross 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.

Dallas Schroeder, Elbert County Clerk & Recorder.



Mr. Schroeder stated he was concerned over the state of the County. He believes the County has made significant progress in the two years. He is concerned about items A & B on the Agenda. He believes they are an attempt to bring disorder back to the County. Due to their actions he does not have confidence in Commissioner Ross or Commissioner Dore to lead the County and called for their resignation.

Sheriff Shayne Heap, Elbert County Sheriff's Office.

Sheriff Heap reminded Commissioners of the meetings that the Elected Officials last spring. The Elected Officials want the County to move forward. The County has accomplished much, through hard work and teamwork. He feels Commissioners Ross and Dore are destroying those accomplishments. He cannot in good consciences stand by and watch what has been accomplished and not say anything. He also called for the resignations of Commissioners Dore and Ross.

Rick Pettitt, Elbert County Treasurer

He wanted to confirm everything that Sheriff Heap and Clerk and Recorder Dallas Schroeder said. He is concerned about the dysfunctional board. He believes there are too many personal agendas going on. He believes Commissioner Ross has not been straight forward with him or the County. He agreed changes needed to be made on the Board and he called for the resignation of Commissioners Dore and Ross.

Keith Westfall, Elbert County Surveyor

He has personally witnessed commissioners getting involved in issues they shouldn't have and it has affected the way the County is running. He agrees that those two commissioners need to do the County a favor and step down.

Kyrei Zion, Finance Department

After being involved with the finances for three years, she is in a position to know where the County has been and where it is now. If they are constantly listening to the small group of naysayer that say the County cannot get it right, then she said it was to their shame. She shared the amounts of increased ending fund balances. She said that employees are dedicated hard-working. That comes from leadership of Mr. Gateley and Mr. Ehmman. She shared that she believes the out-sourcing of the attorney duties be highly costly.

Dianna Hiatt, Benefits Coordinator

She said if the Commissioners want to know the pulse of the County they need to talk to the employees. The County employees are working hard. Please consider the employees when looking to make a half million dollar decision that could give raises, and increased personnel that most departments need. The Employees are the greatest resource. These are the people you should be concerned about.

Johanna Saunders, Elbert County Finance Office

She has seen how a dysfunctional board can have a negative effect on the County. She referenced the 2013 report that detailed the dysfunction of the Board at that time. While that report was not specific about this Board, the report would still apply. The current leadership has made great changes. Ed and Wade have been directly involved to present a sound and balance budget to the BOCC. She said County employees are held accountable for their jobs and believes the commissioners should follow suit.

Tony Schiefelbein, UnderSherriff for the Elbert County Sheriff's office



He appraised the BOCC that there were many ongoing issues, which Attorney Wade Gateley has been assisting the Sheriff's Office with. He is concerned that a change in the attorney or attorney's services could cause a lot of harm to the County.

Brandon Linderink, Director, Office of Emergency Management

He stated what you see today is the County's foundation. He saw a foundation being built for the County. He pointed out that many departments are collaborating to work together. This action would break this foundation would be crippling to the County. Mr. Linderink stated this action would set the County back.

Billie Mills, Elbert County Assessor

She stated she is discouraged that it has come to this point. She believes there is now reason to not have an effective board. They need to come together. She is not calling for a resignation. She is for people making changes and commitment to work together. She thinks we can work together but changes need to be made. There has been a rumor her budget was being cut but affirmed this was not the case. She said no raises or new employees being hired because of the pending lawsuits.

Lt. Michelle Mattive, Elbert County Sheriff's Office

She does not have the optimism that Billie has. She said after twenty years of being here, the commissioners are an embarrassment to the employees they claim to protect. Mr. Gateley is always available for consultation and more effective than a large firm from Denver would be and no personal interest in the County. He is concerned and gives advice and they have never been sued because of it. Mr. Ehmann has spent hours of personal time working to make the County better. The County will be hurt if Mr. Gateley and Mr. Ehmann are not here.

Sgt. Partick Sowell, Elbert County Sheriff's Office

Mr. Sowell notified the Commissioners that a letter of no confidence was being circulated to the employees, specifically addressing the behavior of Commissioners Dore and Ross.

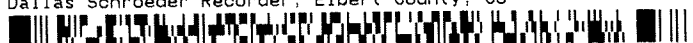
Jennifer Grote, Directory of IT

She wanted to high-lite the progress that has made. She stated Elbert County's past history was not good. She has seen the county blossom and grow since she has been here due to the selection of Mr. Gateley and Mr. Ehmann. They have led with integrity and professionalism. They have created results that the BOCC should be proud of and outlined those procedures that have made such a difference.

Teresa Crowner, Executive Assistant for the Sheriff's Office

She reminded everyone that 3-4 years ago Elbert County had an outside legal firm and it didn't work. When she started, there was not a legal option to go talk to locally. She stated Ed Ehmann has created a teamwork culture to the budget. The numbers with the S.O and finance match and it is due to the leadership of Ed Ehmann. To removed Ed and Wade from their positions would be a huge detriment to the County.

Lt. Troy McCoy, Elbert County Sheriff's Office



Mr. McCoy and his family were planning on moving to the County but after this, but now he is not sure. He doesn't want law firm who doesn't care about Elbert County. He stated the Mr. Gateley does care. He can go to Mr. Gateley to ask a question at any time. Mr. Ehmann has brought Road and Bridge together with the Sheriff's Office. They now work together. He asked the Commissioners to do the right thing.

Jerri Speak, Director of HHS

This year has been a tough one for her department. They have had great applicants in filling positions because of the great news that is out there about Elbert County. They are many great candidates and new employees. They promote the all the good things going on in the County. They saw the hiring of a County Manager as a positive. He has pulled the departments together as a team. She asked that all their comments be taken into account when making decisions. Mr. Gateley has been a great benefit to her department. She reminded them that their decisions last longer than their terms.

Monty Hankins, Elbert County Road and Bridge

Ed Ehaman's leadership is bringing the Simla R & B shop together. Progress is being made through Ed's leadership and Wade's assistance. He stated this action is a big mistake and on behalf of the guys in Road and Bridge, he said this is just dumb.

Finance Manager, Health and Human Services

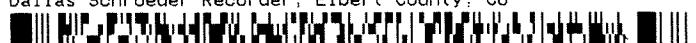
She was disappointed and shocked at the events of today. She is voting resident of the County and this makes her upset. She stated the departments have come together and she is infuriated that this event is tearing us back twenty years. She said she stood with her co-workers of Elbert County and agrees that something needs to be changed.

Commissioner Ross stated he thought there was a gross miss-understanding of what was going on. The County has done better. He has worked with Mr. Ehmann, almost on a daily basis. These agenda items do not relate to the County Manager. He stated another miss-conception that these items were for issues with the County Attorney only.

Commissioner Rowland said it was obvious the County is where it is today because a County Manager was brought in to do the job. Then brought on Wade Gateley, by the grace of God, who was the missing piece of the puzzle and they work together. He is stunned to find the two items on the Agenda. He stated he had a letter that shows a unilateral decision, in which Commissioner Dore listed grievances to Mr. Gateley, one of which was the issue of Mr. Rowland's fine. The letter is asking for resignation or gives intent to terminate. This is a unilateral decision. He believes it is unacceptable what these two are doing and could cost the county lots of money.

Commissioner Dore stated she will not argue with Commissioner Rowland. She does not believe he is trustworthy. Commissioner Dore explained why she indemnified the elected officials. She said she came into a difficult situation and this had never been about the County manager or staff. She wanted to have a retreat for the BOCC. She said the problem and the reason the event of today were happening was because of Commissioner Rowland. She said no decision has been made yet, we placed this item on the Agenda because the BOCC could not come together. She feels that only one Commissioner is being told what is going on. She has full confidence in what Mr. Ehmann is doing. She said we are here because of Commissioner Rowland's one thousand dollar fine.

Commissioner Rowland doesn't understand how the retreat was related to the strategic plan that the Elected Officials brought last spring. He was not opposed to retreat. He said he has not unilaterally worked with staff.



Commissioner Dore stated she does not want to be the pinball anymore.

Ed Ehmann, County Manager

Mr. Ehmann disagreed that this was not about him. It is about everyone in the room. This action injures the team. He refuted her claim that they were not going to take action today. He presented the letter written to Mr. Gateley, and presented it to the audience. He stated that we are a team. Personal agendas have been going on over the past eleven months, to the detriment of the County. He said that Commissioner Dore and Ross have put themselves on a pedestal above everyone in the County and that is not correct.

Keith Westpfall, County Surveyor

He said they just proved everything that these people have been talking about. He again asked for both of their resignations.

Amy Fordyce, Elbert County Sheriff's Office

She said she appreciated Ed and Wade and what they did for the County. She said they were a total embarrassment to the County and she also asked for their resignations.

Commissioner Ross thanked the employees, Road and Bridge for their efforts. He was initially opposed to the County Manager, but after words he sat down with Ed and wanted to help him be successful. He felt he needed sound legal advice and that is why the decision was made.

Sheriff Heap asked if counsel had been retained.

Commissioner Ross stated it had just been placed on the Agenda.

Commissioner Rowland asked for Mr. Gateley to speak.

Wade Gateley, County Attorney

He stated he was not going to resign. He thought he was caught in the middle of a political battle and the BOCC should be able to overcome their differences without targeting County Attorney. He believes there was wrongful conduct of Commissioner Dore and Ross and he has always acted in the best interest of the County. Reminded Commissioner Ross that he was not only not in favor the County Manager position but has hindered his ability to do his job. He is here to represent the best interest of the County.

Commissioner Ross asked what his personal agenda was.

Mr. Gateley said he did not have the best interest of the employees and the directions they want to go and the asked resignations are evidence of that. He thanked everyone on the team who showed up to support the team and the progress that has been made. He gave credit to Ed for pulling the team together. He wants to continue to make a difference for Elbert County.

Joni Scheffelbein, Elbert County Sheriff's Office

She said this is not a miss-understanding, it is a smoke screen. She has personally witnessed Commissioner Dore trying to divide the County. She also called for their resignations.

Lt. Michelle Mattive, Elbert County Sheriff's Office

Ms. Mattive asked if there was a representative from the proposed law firm in the audience.

One was identified.

She asked if he has been retained by Elbert County.

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Dallas Schroeder Recorder, Elbert County, Co



The answer was “no.”

She then asked if there had been discussion of the firm representing Elbert County,

He responded that was Attorney-client privileged information.

Commissioner Ross thanked everyone for their passion for Elbert County and he ran for office for water security for Elbert County. He didn't mean to be stand offish at all.

a. FEMA Update: Ed Ehmann, County Manager & Brandon Lenderink, OEM Director

Brandon Lenderink, OEM Director

Mr. Lenderink reported that \$208,000 and 173 total budget worksheets signed. He gave an update on various road costs to be reimbursed at 75% of total costs. They will prioritize with Road and Bridge and have 18 months to complete the project worksheets. There is an option to apply for an extension if the work is not complete by then. He is working with Mr. Ehmann, Finance Department and Road & Bridge to make sure the proper improvements are taking place. Mr. Lenderink outlined some additional projects and some have crossed the threshold of being a major project. FEMA will be closing their Colorado Springs office soon. He also is working with the Kiowa Conservation District to get some additional help on dams that were damaged.

There was additional discussion time that Commissioner Ross, Mr. Lenderink and Kyrei Zion, Finance Department, participated in, primarily discussing timelines.

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.

Art Evans, 40820 Clear Creek Drive

He and his wife are on the Kiowa Conservation Board. He asked the Commissioners to consider giving some money from the Conservation Trust monies that the County receives to the Kiowa Conservation Board. They are responsible for 63 of the dams on Kiowa Creek.

Commissioner Rowland asked for the particular budget line identified.

Mr. Evans said they needed extra money to fully participate in the matching funds from FEMA.



Dan Kelly 25378 CR 89,

The Kiowa Creek watershed dams were brought about because of the 1935 flood. He said it was important to understand the importance of these dams. He said any funds the County can contribute would be a great benefit. The 1965 dam proved these flood control dams worked.

Tony Baker 7418 Patrick Trail, Elizabeth

He was disappointed in the events of today. He thought this would be another pat on the back to the employees for the progress made financially by the County. He observed the Commissioners were not the leaders. All the progress is due to the other elected officials and staff. He said progress is being made in spite of the Commissioners and he found that disgusting. He can't imagine what is going on in the Administration building to bring about the Jerry Springer moment. He asked the Commissioners to do their job and if they can't then you need to walk away. The problems are because of the three Commissioners. The Commissioners do not have the public support. They need to go back to "commissioning" or go home.

Tony Scheffelbien, 20782 Way of Peace, Deer Trail

He noted that he is changing hats to speak as a citizen. He has heard some Commissioners are thinking about allowing large marijuana grows. That saddens him. He hopes large commercial grows will not come to the County because that is not the pulse of the County.

Commissioner Ross noted Amendment 64 and the BOCC banned commercial grows. The Sheriff has brought forth various resolutions to address this issue.

Rick Brown, 26493 Sherwood Forest Trail, Kiowa

He stated he is going to say some things the crowd will not like. He noted he has a pending suit, but will not discuss that today. As a prior attorney, representing many school boards, he didn't always agree but he kept any disagreements to himself. He found an Attorney publically attacking his client in public and found it unprofessional. He noted the County Attorney contract answers to the BOCC. He felt the lack of respect shown by the County Attorney should play a part in deciding on his future employment.

OLD BUSINESS: NONE

Commissioner Dore requested a recess. A 15 minute recess was declared.

Reconvened at 12:03 PM

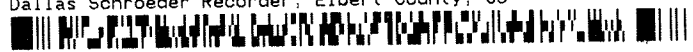
Commissioner Rowland moved to removed Item A from the Agenda permanently.

No second. Motion died.

Commissioner Rowland moved to remove Item B from the Agenda permanently.

No second. Motion died.

Commissioner Dore made a lengthy statement regarding her role as a Commissioner.



Commissioner Dore moved to tabled Items A & B.

Commissioner Ross 2nd.

Commissioner Rowland commented that he didn't want them tabled, but removed.

Commissioner Rowland moved that Items A & B be removed from the Agenda permanently.

Commissioner Dore 2nd.

Commissioner Dore agreed as long as she was able to sit down with Mr. Gateley and Mr. Ehmann to discuss this issue.

Commissioner Dore withdrew her motion.

Commissioner Ross commented that going forward folks will be willing to discuss issues personally.

ALL IN FAVOR

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

- a. ~~Execute engagement letter for Brownstein Hyatt Farber Schrek~~
- b. ~~Proposed placement of Elbert County Attorney, Wade Gateley, on 30 day paid administrative leave, effective immediately~~
- c. Resolution for Quail Run Gun Club Special Use Review Amendment (Kyle Fenner, CDS Director)
Ms. Fenner commented this was a straight forward application. She went through the amendment with the Commissioners while they followed along with the documents provided. The Planning Commission has heard the request. The Planning Commission recommended approval unanimously. CDS is in full support and the approval of the amendment with five conditions outlined in the documents.

Commissioner Rowland moved to approve the Resolution for Quail Run Gun Club Special Use Review Amendment SU 15-006.

Commissioner Dore 2nd.

Sheriff Heap believed that one of the five conditional approval points may violate State Statute. There was a discussion with Commissioner Rowland, Commissioner Ross, CDS Director Kyle Fenner and County Attorney Wade Gateley.

ALL IN FAVOR

- d. Resolution for Cross Parcel Rezone (Kyle Fenner, CDS Director)
Ms. Fenner, CDS Director, commented that this was a clean-up and owner has brought zoning into compliance. Ms. Fenner gave a report on Rezone proposal.
Commissioner Ross noted the Planning Commission voted unanimously to approve and forward to the BOCC. CDS recommend approval of the Resolution with conditions that were outlined.

Commissioner Dore moved that resolution 15-TBD for RZ 14-0017 Cross XX to AR rezone to be approved.

Commissioner Rowland 2nd.



ALL IN FAVOR

e. Signing of Cross Re-Zone Mylar

Commissioner Dore moved that the Chair meet Ms. Fenner at the Recorder's office for the signing of the Cross Re-Zone Mylar.

Commissioner Rowland 2nd.

ALL IN FAVOR

f. Resolution for Rukavina Special Use Permit (Kyle Fenner, CDS Director)

Moved by motion to the December 9th, 2015 meeting.

g. Proposed appointment of Mr. Brian Harris to the Planning Commission

Commissioner Ross moved to appoint Mr. Brian Harris to serve the remaining Planning Commission term of Mr. Rick Brown.

Commissioner Rowland 2nd.

Commissioner Ross gave some background information on Mr. Harris.

ALL IN FAVOR

Board in Recess for ten minutes.

Back in Session at 1:11 p.m.

h. 2016 Public Hearing and Budget Presentation (Ed Ehmann, County Manager)

Mr. Ehmann presented the 2016 Budget Presentation and noted that this presentation has been posted to the County web-site. He thanked Department Heads and Elected Officials in helping put together this document. He answered questions that had come up at the Agenda meeting, particularly with the CDS and Assessor's budgets. There was an ongoing discussion with Commissioners Ross, Rowland, Mr. Ehmann and also included Assessor, Billie Mills.

Mr. Ehmann reported the summary of the budget for each fund. Questions were posed and answered as well as comments made during the presentation.

Public Comment

Susan Shick, 4122 Downwest Ride.

Ms. Shick thought the numbers presented were different than what was on the website.

The number in question was found.

Public Comment Closed

No formal action on budget until next meeting.

LAND USE:

ATTORNEY TO THE BOCC:

ADJOURNMENT Meeting Adjourned.



BOARD OF COUNTY COMMISSIONERS

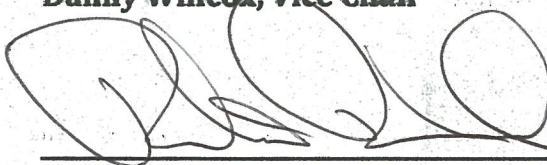
ELBERT COUNTY, COLORADO



Larry D. Ross, Chairman

REUSED

Danny Willcox, Vice Chair

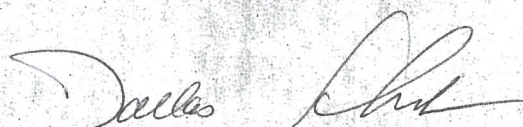


Robert Rowland, Commissioner

ATTEST: Dallas Schroeder

County Clerk

BY:



Clerk to the Board of County Commissioners

