



ELBERT COUNTY, COLORADO

The Board of Elbert County Commissioners (BOCC) met in a regularly scheduled meeting on Wednesday, Oct. 8, 2014 with roll call of members as follows:

Robert Rowland- PRESENT

Kurt C. Schlegel- PRESENT

Larry D. Ross- PRESENT

The BOCC convened at 9:05 a.m., Chairman Kurt Schlegel called the meeting to order.

Prayer given by Elbert County Sheriff's Chaplain Jeremy Rose

Pledge of Allegiance

The Board of County Commissioner's meetings are streamed live via the Internet and are recorded for later use

1. Agenda:

- a. Commissioner Rowland moved that the BOCC accept the Agenda as presented. Commissioner Ross seconded. All three Commissioners voted AYE. Motion passed.

2. Correspondence:

- a. Commissioner Schlegel advised he received a thank you card from the Colorado Oil & Gas Association for recently attending the Governor's Task Force and speaking with them.

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 BOCC minutes from Sept. 24, 2014
- b. Approval of Board of Health minutes from Sept. 24, 2014

Commissioner Rowland moved that the BOCC accept the Consent Agenda as presented.

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.** Kyle Fenner (Director of Community and Development Services) gave an update on commercial inspections. Since Elbert County does not have a commercial inspector, we have contracted 2 single project commercial inspections with Safe-Built: a Mini Storage inspection and the Taco Bell inspection.

- b.** Brandon Linderink (Elbert County Director of Office of Emergency Management) gave an update on the Sept. 27, 2014 mass casualty exercise involving a shooting scenario. This was over a year in planning with numerous agencies: fire, law enforcement etc. participating and learning to work together regarding mass casualty incidents such as fire, tornado etc. Elbert County has never had an exercise of this magnitude and it was very successful! Multiple agencies across the region helped; 50-60 volunteers brought the total to about 200 people participating. A Denver Police Department representative from Colorado Information Analysis Center (CIAC) was there to evaluate.

- c.** Dallas Schroeder (Elbert County Clerk and Recorder) gave an update on the upcoming election and thanked the Commissioners for allowing the Elections Dept. to utilize the BOCC room during election time. Ballot mail out is starting next week. Mr. Schroeder stated he has been invited as a member of the Clerk's Association to be a part of a working group in collaboration with the Municipal League to try to iron out some issues that are occurring concerning Special District Elections.

- d.** Ed Ehmann (County Manager) gave updates on:
 - 1. The proposed draft budget will be completed and delivered to the BOCC by Oct. 15 pursuant to Statute and it will be published that the draft budget has been delivered. Nov. 1 is the statutory deadline for submitting applications to the division for increased mill levies; Dec. 10 is the deadline for Assessor changes and evaluations; Dec. 15 is the deadline for certification of mill levies and adoption of the budget. The public will be able to view the budget between publication of the notice and Dec. 15th, and it will be published 10 days in advance of the Dec. 10 public meeting.



2. Analysis of the live video feeds shows that of 145 broadcasts; on average 20 viewers (which represents .09% of our population) is watching the live videos. It has cost the County approximately \$21,600.00 in equipment and labor to broadcast (or \$148/viewing). They will stop doing live video for cost savings, but are still looking into pod-cast type recordings by fixed camera. We will continue to do live audio recordings.
 3. Phone system equipment has been ordered but has a 30 day delay.
 4. Anticipate being back in the basement by Christmastime.
 5. There will be Staff monitoring the election set-up to insure we remain in compliance with the ADA (American Disabilities Act).
- e.** Commissioner Schlegel stated since the two BOCC meetings in December 2014 fall on the 10th and the 24th, he suggested it be discussed in a Staff meeting whether or not they cancel or re-schedule the 12-24-14 BOCC meeting.
- f.** Kyle Fenner (Director of Community and Development Services) stated they had previously announced moving Planning Commission Meetings from the 2nd and 4th Thursdays to the 2nd and 4th Tuesdays starting in November, but due to Elections in November, had to change that to starting in December.
- g.** Commissioner Rowland announced he participated in a 2 hour radio program concerning water in Colorado with a lot of emphasis in Elbert County. There is a pod cast now available if anyone would like to hear it. Also, last week he and Commissioner Schlegel conducted their annual statutorily required Jail Tour and were once again reminded of the challenging and complex job the Sheriff's Office has.
- h.** Commissioner Ross commented Ed Ehmann will be the point of contact for the Colorado Water Conservation Board well monitoring study. As of Sept. 12, 2014, the final round of funding was approved for a total of \$247,000.00 of federal and state funds for a 3 year study to measure rates of decline of bedrock aquifers in Elbert County. This will be a great tool with regard to decision making and development.
- i.** Commissioner Rowland reminded everyone once again that this is strictly a voluntary program for well monitoring of approximately 30 pre-existing wells.
- 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. Brad Thompson, President of the Elbert Water & Sanitation District, presented a couple questions to the BOCC as part of the closing out of the Community Development Block Grant (CDBG) process.

- b. Bill Thomas, Parker, questioned why there was a jump in Temporary Assistance to Needy Families (TANF) funds from 2012 at \$99,000.00 to 2014 at \$233,000.00.
Commissioner Schlegel advised the jump in funds represented additional Federal dollars connected to a new Federal program started by the State and approved by contract amendment that each County in the State was required to take on.

- c. Jill Duvall, Elizabeth, commented on the Bambuser live video issue, stating the quality has always been poor and suggested the County research other live video options before shutting the live feed down; and also asked Commissioner Rowland when he was going to hold the town hall meeting in his district.

Commissioner Schlegel stated Bambuser's quality is poor because it is a free service.

7. Old Business: NONE

8. New Business:

- a. Dallas Schroeder (Clerk & Recorder) requested that the BOCC approve the Application for a Liquor License for Western Trails Steakhouse.
Commissioner Rowland moved that the BOCC approve the liquor license for the Western Trails Steakhouse.
Commissioner Ross seconded.
Commissioner Schlegel verified Western Trails Steakhouse had no history of violations.
All three Commissioners voted AYE. Motion passed.



Public Comment: There was none.

- b.** Wade Gateley (County Attorney) requested that the BOCC reaffirm the County's Policy of nondiscrimination and compliance of the American Disabilities Act by approving the ADA Compliance Resolution and putting into place a grievance procedure. The resolution appoints Ms. Kyle Fenner as the temporary ADA coordinator but once a new Employment Coordinator is hired, they will take on the full position of ADA Coordinator and the grievance process. As per the Resolution, the County Manager is authorized to appoint that Coordinator.

Commissioner Rowland moved that the BOCC approve the ADA compliance Resolution as presented by County Attorney Wade Gateley.

Commissioner Ross seconded.

Commissioner Schlegel commented this is just another example of unintended consequences of legislation coming down from the Federal Government creating unfunded mandates that we must all comply with i.e.: this special coordination to take care of any grievance procedure.

All 3 Commissioners voted AYE. Motion passed.

- c.** Kyle Fenner (Director of Community & Development Services) requested that the BOCC approve the close-out of the Elbert Water & Sanitation District DOLA Grant. This is a formal closure of the Community Development Block Grant (CDBG). Ms. Fenner then read out loud the public notice that was posted in the Elbert County News on Thursday, Oct. 2, 2014.

Public Comment: NONE

No further action necessary.

- d.** Ed Ehmann (County Manager) requested that the BOCC approve the standard Intergovernmental Agreement with the Douglas County Board of County Commissioners and the Elbert County Board of County Commissioners for Elbert County Sheriff's Office Dispatch Services.

Commissioner Rowland moved to approve the IGA with Douglas County for the Elbert County Sheriff's Office Dispatch Services.

Commissioner Ross seconded.

Commissioner Rowland spoke in favor of this motion.



Commissioner Ross asked if past experience with this agreement has been positive. Ed Ehmann replied YES.

Commissioner Schlegel confirmed the cost between this year and last year and spoke in favor of this motion.

Ed Ehmann stated a little over half of our portion is funded through the Model Traffic Code (MTC).

All 3 Commissioners voted AYE. Motion passed.

Commissioner Rowland advised he will hold his district's town hall meeting after Nov. 4, 2014 to cover items including the 2015 budget and year-end budget.

9. Land Use:

- a. Carolyn Parkinson (Community and Development Services) requested that the BOCC approve the PD14-0013-Hitchin Post Hay XX to PUD Rezone request.

Commissioner Rowland moved that the BOCC approve the resolution for PD14-0013-Hitching Post Hay PUD.

Commissioner Ross seconded.

Commissioner Rowland clarified requirements from the Colorado Wildlife Division.

Kyle Fenner (Director of Community and Development Services) advised all stock will be personally owned by the applicant.

Representative for the Applicant (Tom Morony) advised he had nothing to add to what CDS presented to the BOCC.

Commissioner Rowland asked Ed Ehmann about any concerns regarding impacts when the semis leave the property with hay.

Mr. Ehmann advised everything has been taken into consideration and they find the application appropriate.

Commissioner Schlegel opened for Public Comment.

There was none.

Commissioner Schlegel spoke in favor of the motion and recognized and commended these applicants for having done this whole application process the "right way" and reminded CDS he would like to see Staff re-evaluate the many county "fees" that affect this process for future applicants

Ed Ehmann also commented on the fees and advised Staff should have a report on that before the end of the year.

Applicant Representative (Tom Morony) stated it would be better if the impact fees were collected at time of impact i.e.: building permit.

All three Commissioners voted AYE. Motion passed.

- b.** Carolyn Parkinson (Community and Development Services) requested that the BOCC approve the PD14-0013-Owens XX to AR Rezone request.

Commissioner Rowland moved that the BOCC approve the resolution for RZ14-0008-Owens XX to AR rezone.

Commissioner Ross seconded.

Commissioner Schlegel questioned if IREA wants the power lines moved, who pays?

Carolyn advised the applicants pay for this.

Applicant Representative Tom Morony stated that he feels condition #2 should be followed up by an easement deed. Attorney Wade Gateley agreed.

Commissioner Schlegel opened for public comment.

There was none.

Commissioner Schlegel spoke in favor of this resolution.

All 3 Commissioners voted AYE. Motion passed.

- c.** Carolyn Parkinson (Community and Development Services) requested that the BOCC approve the SU14-0014 Gustafson/Petri Special Use request.

Commissioner Rowland moved that the BOCC approve the SU14-0014 Gustafsen/Petri Kennel Special Use Permit.

Commissioner Ross seconded.

Commissioner Rowland questioned the total number of dogs and cats allowed; and at the public meeting where the public attended, are there any objections still remaining.

Carolyn Parkinson answered 50 animals total; and there may still be a few people worried about noise, but the acoustical study should diminish those concerns and after review, staff does recommend this applicant for Special Use.

Commissioner Ross asked why condition 1 was removed.

Carolyn advised the Applicant already met that condition.

Applicant Representative Tom Morony advised he was very impressed with this state of the art facility and applicant, and had nothing further to add.



Applicant Lisa Petri, Franktown gave the background for this business and offered assurances that they will not do anything to risk losing this business or Special Use.

Commissioner Schlegel asked if this facility would be able to provide kennel space to animals picked up by Sheriff's Office that are required to be held for a certain amount of days.

Ms. Petri responded possibly, intake is based on space, affordability, level of care etc.

Commissioner Schlegel then asked Staff about item 12 under conditions; regarding 12 or more complaints within one year, then the special use permit is reviewed by the County. Does the County usually do this for Special Use Permits?

Carolyn advised they do for kennels, but is very carefully investigated.

Commissioner Ross asked if there is a method of revocation for a Special Use. Ms. Parkinson advised: if they don't stay within the conditions for approval; if the facility stops operating for a year, etc. the Special Use can be revoked. It requires notification, bringing it before the BOCC for approval etc.

All three Commissioner voted AYE. Motion passed.

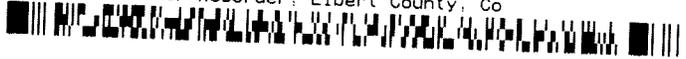
d. Wade Gateley, Attorney to the Board of County Commissioners: NONE

Commissioner Rowland moved that the BOCC meeting adjourn at 11:16 a.m.

Commissioner Ross seconded.

All three Commissioners voted AYE. Motion passed.

Meeting Adjourned at 11:16 a.m.



BOARD OF COUNTY COMMISSIONERS

ELBERT COUNTY, COLORADO

ABSENT

Kurt C. Schlegel, Chairman

Robert Rowland, Vice Chair

Larry D. Ross, Commissioner

ATTEST: Dallas Schroeder

County Clerk

BY:

Clerk to the Board of County Commissioners

