

ELBERT COUNTY, COLORADO

The Board of Elbert County Commissioners (BOCC) met in a regularly scheduled meeting on Wednesday, April 10, 2013 with roll call of members as follows:

Robert Rowland- PRESENT

Kurt Schlegel- PRESENT

Larry Ross- PRESENT

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

Prayer given by Pastor Kevin Weatherby of The Cowboy Church

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 Schlegel requested to move item b. from Consent Agenda to item b. under Old Business.
Commissioner Ross moved that the BOCC approve the Agenda as amended.
Commissioner Schlegel seconded, 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 March 27, 2013.**
Commissioner Ross moved that the BOCC approve the Consent Agenda as drafted. Commissioner Schlegel seconded, motion passed.

4. Awards/Recognition: NONE

- 5. Elected Official/Department Heads/Staff:** The Elected Officials and Department Heads & Staff comments is a time when any elected official or department head may bring forth items of interest or concern.



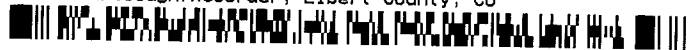
- a. Commissioner Rowland gave updates on:
1. County Budget – The “2012 Close” is coming soon; they are still finding and correcting some errors made in entries, and other items that were not paid, and need to be paid. These were also not expected.
 2. Our monthly benefits payment to County Technical Services, Inc. (CTSI), the County’s Insurance carrier, is and has been for some time, one month in arrears and we are working with them to remedy the situation. Chairman Rowland advised the public that in spite of the challenges facing them, the BOCC will be very quick to announce, publish and answer questions regarding these budget issues.
 3. Starting next week (as per Public Notice) the BOCC will be holding a weekly study session every Tuesday at 1:00 p.m. in the BOCC Meeting Room. This will be interactive between the Commissioners and Staff and is open for the Public to observe. If a meeting is ever cancelled a Public Notice will be posted.

6. Old Business:

- a. Commissioner Ross moved that the BOCC approve and adopt a Resolution imposing a temporary moratorium on review by the Board of County Commissioners of all service plans and/or service plan amendments for all new and existing Water Districts, Water and Sanitation Districts, and Metropolitan Districts which provide water services, for a period not to exceed two (2) weeks. Chairman Rowland seconded the motion then opened for discussion between the BOCC.

Commissioner Ross explained that upon review of the proposed final draft of the Special District Regulations, some errors were found and the need for additional review was discovered, and that was the reason for extending this moratorium for two weeks.

Commissioner Schlegel spoke in opposition to this moratorium, stating he still feels the original moratorium was placed by the Commissioners in response to public misinformation and fear. He stated his moratorium was extended twice since then and since Special Districts are regulated under Title 32 of the Colorado State Statute, which lays out our powers, how we would review that, and our rights to approve, approve with condition or disapprove it, then he feels we don’t need another regulation or any kind of “rule” for Elbert County that mirrors a State Regulation. Therefore, he will be voting against the motion.

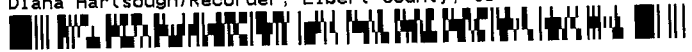


Chairman Rowland then stated when the moratorium was extended in January of this year, he advised the public then it was done because it was felt that more time was needed to become properly educated regarding an issue as important as this one. He also reminded everyone the objective was then and continues to be now, that we would get the guidelines and regulations for considering Special Districts completed by the time the moratorium expired. He stated they were completed with a remarkable amount of work, and were delivered to the BOCC 2 days ago. Commissioner Rowland admitted even though it does reflect specifically or in most cases exactly what Title 32 of the State Regulations say, in the case of these Special Districts, the Board of County Commissioners have the ability to do in some cases, better than those regulations. Therefore, they want to keep the two events: the expiration of the moratorium and the final approval or vote, up or down, on these final guidelines and regulations for Special Districts, concurrent. He added that based upon the BOCC's analysis, understanding and discussions about some of the language and legal questions, they needed more information and legal clarification to make the vote at their next meeting appropriately and with complete confidence and understanding, and is therefore in support of this 2 week extension on the moratorium.

Commissioner Schlegel reminded everyone this is not an extension of an existing moratorium as the previous one expired the day before, but rather an imposition of a new moratorium for 2 weeks.

Commissioner Rowland agreed. Commissioner Ross again made the motion that the BOCC approve and adopt a resolution imposing a temporary moratorium on review by the Board of County Commissions of all service plans and/or service plan amendments for all new and existing Water Districts, Water and Sanitation Districts, and Metropolitan Districts which provide water services, for a period not to exceed two (2) weeks. Chairman Rowland advised this was already seconded; Commissioners Ross and Rowland voted AYE, Commissioner Schlegel voted NAY. Motion Passed.

- b.** Carolyn Parkinson, Community and Development Services. Ms. Parkinson requested that the BOCC approve the request to adjust interior lot lines between 2 lots in the Pederson Minor Development that were created in Resolution 12-30. The Department of Road and Bridge requests that their approval include the following condition: The Plat will reflect a 60 ft. easement across Lot 1 to access Lot 2. A complete list of the conditions can be viewed in the online streaming recording or in the duly recorded BOCC Meeting Minutes. Commissioner Schlegel asked where the existing driveway is. Ms. Parkinson drew it out on a copy of the existing Plat for Commissioner Schlegel. Tom



Moroney, Agent/Representative for the Owners: James and Marcia Pederson requested the BOCC approve the signing of the Mylars today.

Commissioner Ross moved that the BOCC sign the Mylars as suggested by the Applicant. Commissioner Schlegel seconded, motion passed.

Commissioner Ross moved that the BOCC approve and adopt a resolution approving the AL-13-0003 Pederson Administrative Lot Line Adjustment subject to the conditions of approval. Commissioner Schlegel seconded, motion passed. Carolyn Parkinson, Community and Development Services advised the BOCC that the Motion needs to include, "as amended" at the end to cover the new condition required by the Road and Bridge Department.

Commissioner Ross moved that the BOCC approve and adopt a resolution approving the AL-13-0003 Pederson Administrative Lot Line Adjustment subject to the conditions of approval as amended. Commissioner Schlegel seconded, motion passed.

7. New Business:

- a.** Jerri Spear, Director Health and Human Services. Ms. Spear requested that the BOCC approve the Ninja Acrobats Contract, to be paid out of Temporary Assistance to Needy Families (TANF) funding. Commissioner Rowland asked if this is totally funded through the State. Ms. Spear advised it is actually funded through Federal and State Dollars, but 14% is paid by Elbert County and it is already budgeted for 2013.

Commissioner Ross moved that the BOCC approve and execute the TANF Independent Contractor Agreement between Elbert County, on behalf of the Elbert County Department of Human Services, and John Reardon for the provision of Ninja Acrobats Summer Camp Scholarships at a rate of up to \$12,000.00, payable out of TANF funding. Commissioner Schlegel seconded, motion passed.

- b.** Jerri Spear, Director Health and Human Services. Ms. Spear requested that the BOCC approve the Amendment to Heads-Up Colorado Core Services-Independent Contractor Agreement (ICA). This is a mentoring program to help maintain children in their homes and use CORE Service Funds. The amendment simply increases our usage of the available funding per child per month without changing the total dollars spent. Commissioner Rowland commended Ms. Spear on the very complicated budget issues that are created by all the Federal and State funding and the requirements associated with them and the important work her Department does for our County. Commissioner Ross moved that the Board approve and execute the Independent Contractor Agreement Amendment between Elbert County, on

behalf of the Elbert County Department of Human Services, and Heads Up Colorado, increasing the previously-approved monthly payment issued to Heads-Up Colorado for each Core Services-eligible youth from \$300.00 to \$600.00. Commissioner Schlegel seconded, motion passed.

- c.** Jerri Spear, Director Health and Human Services. Ms. Spear requested that the BOCC approve the Amendment to Heads-Up Colorado TANF Services. Ms. Spear advised this is the same program as before but this one is funded through TANF and the requested amendment is to increase the usage of the available funding per child per month without changing the total dollars spent. Commissioner Ross moved that the BOCC approve and execute the Independent Contractor Agreement Amendment between Elbert County, on behalf of the Elbert County Department of Human Services, and Heads Up Colorado, increasing the previously-approved monthly payment issued to Heads-Up Colorado for each TANF-eligible child from \$200.00 to \$600.00. Commissioner Schlegel seconded, motion passed.
- d.** Jerri Spear, Director Health and Human Services. Ms. Spear requested that the BOCC approve the Amendment to the Colorado East Community Action Agency TANF Independent Contractor Agreement, to include the option of ten (10) individuals to receive case-management services in a series of 6 Bootstraps sessions on an individual basis and not just in a classroom setting. There is no additional dollars involved.
Commissioner Ross moved that the BOCC approve and execute the Independent Contractor Agreement Amendment between Elbert County, on behalf of the Elbert County Department of Human Services, and the Colorado East Community Action Agency, for an addition to the Scope of Services under the previously executed Agreement for the option of up to ten (10) TANF-eligible clients to receive case-management services in a series of six (6) Bootstraps sessions on an individual basis. Commissioner Schlegel seconded, motion passed.
- e.** Ed Ehmann, Director Public Works. Mr. Ehmann requested to go out to bid for one (1) 2013 Motor Grader with a 5 year/7,500 hour guaranteed buyback. This is the fourth and final upgrade for this year.
Commissioner Ross moved that the BOCC approve the request to go out for bid for one (1) 5 year/7,500 hour lease purchase on a 2013 Model 140M, 772GP, 772G, G946 or equivalent motor grader. Commissioner Schlegel seconded, motion passed.
- f.** Ed Ehmann, Director Public Works. Mr. Ehmann requested to go out to bid for a replacement of their primary yard loader which is used in the gravel pits to load the gravel trucks. He stated they have had a lot of injector problems with this particular front end loader which has a guaranteed buy back of \$120,000.00.

Commissioner Ross moved that the BOCC approve the request to go out for bid for one (1) 5 year/5,000 hour lease purchase with guaranteed buy back on a 2013 Model 644K, 950K or equivalent four yard wheel loader. Commissioner Schlegel seconded, motion passed.

8. Land Use: NONE

9. Alex Beltz, Attorney to the Board of County Commissioners: NONE

10. 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. William Thomas – advised everyone that the 4H Gala starts Saturday Night at the Fairgrounds Exhibit Hall at 5 p.m. There will be a silent auction and entertainment by the 4H kids.

Commissioner Ross moved to adjourn the BOCC Meeting at 9:50 a.m.
Commissioner Schlegel seconded, motion passed.

Meeting Adjourned at 9:50 a.m.



BOARD OF COUNTY COMMISSIONERS

ELBERT COUNTY, COLORADO

Robert Rowland, Chairman

Larry Ross, Vice Chair

Kurt Schlegel, Commissioner

ATTEST: Diana Hartsough

County Clerk

BY:

Clerk to the Board of County Commissioners

