

# ELBERT COUNTY, COLORADO

The Board of Elbert County Commissioners (BOCC) met in a regularly scheduled meeting on Wednesday, April 23, 2014 with roll call of members as follows:

**Robert Rowland- PRESENT**

**Kurt Schlegel- PRESENT**

**Larry Ross- PRESENT**

The BOCC convened at 9:00 a.m., Chairman Kurt Schlegel called the meeting to order.

Prayer given by Pastor Jeremy Rose, Chaplain for the Elbert County Sheriff's Office

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 made the motion to move item f. under New Business to the Consent Agenda. Commissioner Schlegel seconded and called for any discussion. Commissioner Ross commented he would like to leave the item under New Business as he feels there needs to be further discussion on it. Commissioners Rowland and Schlegel voted AYE. Commissioner Ross voted NAY. Motion passed.

## **2. Correspondence:**

- a. Commissioner Rowland read out loud a letter he received from Boy Scout Chris Kelly's Sponsor, Lynn Southam, as an update to the proposed Boy Scout project of the construction of 2 monuments on the Elbert County Courthouse lawn. Commissioner Schlegel called for any other correspondence. Commissioner Ross made a comment on the Boy Scout project. Commissioner Schlegel asked that comments be held until the item comes up on the consent agenda.

- 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 Apr. 9, 2014
- b. Elbert County Republican Central Committee request for permission to serve alcoholic beverages at the annual Lincoln Day Dinner at the Fairgrounds on Saturday, May 10, 2014.
- c. Approval for BOCC to sign as Beneficiary for proposed Boy Scout Project. Commissioner Rowland moved that the BOCC approve the consent agenda as amended. Commissioner Schlegel seconded and called for discussion.

Commissioner Ross voiced his concern that since the Attorney to the Board had crafted motion language connected to this request for signature as beneficiary that makes approval for this item conditional, placing it under Consent Agenda removes the need to make that motion and discuss and consider a conditional approval. He stated he does not want to imply consent to this project at this time because it is not finalized and disclosed fully to the County; and he does not want this to set a precedent for future people wishing the same treatment.

Commissioner Schlegel stated that this item is for approval to sign as beneficiary for the proposed Boy Scout project, and it does not bind us in any way, shape or form to approving the project.

Commissioner Rowland also clarified the intent of this item is only to sign as beneficiary to the proposed Eagle Scout Service Project of Scout Chris Kelly, a procedural step to the process.

Commissioners Rowland and Schlegel voted AYE. Commissioner Ross voted NAY. 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. Sheriff Heap commented that the Sheriff's Office has been supplementing the Law Enforcement in the Town of Simla for the last several years at a significant amount of hours each week. Last Monday night, the Simla Town Board met and did not re-appoint the Chief of Police. No one was notified of this and it was discovered Tuesday morning when they had to answer a call in Simla because there was no one to respond to it. There is an emergency meeting being held tonight in Simla to decide how they are going to handle this and he



intends to be there, to make sure that they understand that having the Sheriff's Office covering those citizens puts a huge strain on his operations.

Commissioner Rowland asked about the possibility of Simla contracting with the Sheriff's Department, and what are the statutory requirements?

Sheriff Heap: Doubt there is a plan in place for anything and State Statute requires the Sheriff's Department to respond only to significant violence in an incorporated town.

Commissioner Schlegel asked the Sheriff if he was opposed to any of the Commissioners writing a letter of displeasure to the Town Board for their choice to not adequately care for its citizens with regards to law enforcement.

Sheriff Heap: He feels it would absolutely be appropriate.

Commissioner Schlegel asked Sheriff Heap to keep them informed as to how this impacts the Sheriff's Department operations.

Commissioner Rowland asked if other emergency services have been affected by the Town Board's decision.

Sheriff Heap: No, the volunteer fire department is still in place.

Commissioner Ross asked about costs to the County for providing services after hours to these towns.

Sheriff Heap: If they have to put more Deputies on duty to cover more calls, and if it takes 100 hours a week to cover the calls, then that is 100 hours a week of more Deputies being on duty and being available, at a significant cost to the County.

**b.** Kyle Fenner, Director of Community and Development Services gave an update regarding:

- i. Zoning applications
- ii. Prescott Ranches Well permit
- iii. Meteorological Tower Application about 60 days out (wind farm)
- iv. New Air Quality Rules

Commissioner Rowland asked if the new air quality tests will be part of the standard COGCC inspections.

Ms. Fenner advised those specific tests will be done by the Air Quality Control Division.

- v. Web site update
- vi. Arkansas River Basin Roundtable outreach meeting
- vii. Expecting at least one commercial project this year and still don't have a certified commercial building inspector

- c. Commissioner Ross commented on his concerns about erecting monuments at the Courthouse or any County property and how it ties into a situation with the Fairgrounds monument issue. He stated again he does not want to imply consent on the Boy Scout project until it is fully planned and disclosed.
  
- d. Commissioner Rowland announced the County has won \$983,508.00 in State Grant money for paving County Road 29 near Sun Country, and read aloud a letter from Reeves Brown, Executive Director of Department of Local Affairs (DOLA).

Ed Ehmann , County Manager gave an overview on receiving Grant Money from the State, commenting this grant money is offered State wide so each County application and Representatives must compete for the award. Construction on paving County Road 29 will start this year and is expected to be completed this year.

Commissioner Schlegel asked Mr. Ehmann if he anticipates closing that road at any time due to the construction.

Mr. Ehmann: They will attempt to leave the road partially open, as they did County Road 194, but it will be decided by weather.

Commissioner Ross thanked everyone involved in competing for this grant and then asked how much elevation the road will need.

Mr. Ehmann: There will be a minimum of one (1) foot of elevation at the lowest point for drainage and snow etc.

Commissioner Schlegel requested they move the first item of new business (Public Trustee Quarterly Report) up to this time as the Public Trustee has a sale he must attend. All 3 Commissioners agreed.

- a. Rick Pettitt, Elbert County Public Trustee presented the Quarterly Public Trustee Report and asked the BOCC to approve it.

Commissioner Rowland moved that the BOCC accept the Elbert County Public Trustee Quarterly Report as presented. Commissioner Ross seconded. All three Commissioners voted AYE. Motion passed.



- 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:**

- b.** Ed Ehmann, County Manager requested that the BOCC approve the Resolution to give final acceptance of the Elkhorn Ranch Subdivision Roads for County Maintenance. He advised this was actually accepted over a year ago, it was just not formalized through a resolution and the County actually did take over the maintenance of those roads back then.

Commissioner Schlegel clarified this was discovered as the Elkhorn Ranch Metropolitan District #1 is in the process of their audit and the roads were still being carried as an asset, so it had to be corrected by a resolution.

Commissioner Rowland moved that the BOCC approve final acceptance of Antelope Ridge Trail (5.00 miles), Coal Creek Street (.49 miles), County Road 9 (.27 miles), Eastout Avenue (.61 miles), Elkhorn Ranch Street (2.35 miles), Elkhorn Street (1.01 miles), Loyd Circle (.43 miles), Northout Avenue (.13 miles), Paintbrush Lane (.71 miles), Sagebrush Avenue (.39 miles), Sagebrush Street (1.21 miles), and Westout Avenue (.47 miles) in the Elkhorn Ranch Subdivision for full County maintenance.

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

- c.** Ed Ehmann, County Manager asked the BOCC to accept the request to surplus three (3) vehicles.

Commissioner Rowland moved that the BOCC approve the request to surplus three (3) County vehicles; a 2003 Ford van, serial #1FBSS31L93HB12772,

2001 Dodge van, serial #2B5WB25Y61K554117, and a 1988 Honda four wheeler, no serial #. Commissioner Ross seconded.

Commissioner Rowland asked how these are disposed of.

Ed: Through the Lyons club auction and the Honda 4 wheeler to the highest bidder.

Commissioner Ross asked why the 4 wheeler by bid?

Ed: They have received offers from interested parties that they feel are higher than what it would auction for.

All three commissioners voted AYE. Motion passed.

- d.** Ed Ehmann, County Manager asked the BOCC to accept the request to salvage one (1) vehicle and miscellaneous office furniture and equipment.

Commissioner Rowland moved that the BOCC approve the request to salvage one County vehicle, a 1994 Chevrolet pickup, serial #1GCFC24K9RE229575, and miscellaneous office furniture and equipment. Commissioner Ross seconded.

Commissioner Ross asked what the distinction was between surplus and salvage.

Ed: Surplus is something that is operable or usable and salvage is scrap (missing a critical part) and will go through the Lyons club auction.

Commissioner Schlegel: What if the item doesn't sell? Is it then salvaged?

Ed yes.

All three Commissioners voted AYE. Motion passed.

- e.** Ed Ehmann, County Manager requested that the BOCC approve and sign the IPT Contract, which is a governmental contract at no cost to the county, for Internet Bidding Services.

Commissioner Rowland moved that the BOCC approve and execute the contract for services with International Data Base Corporation, doing business as Interactive Procurement Technologies by BidNet, to participate in a web-based bidding network.

Commissioner Ross seconded.

Commissioner Rowland clarified his understanding of group bidding at group rates.

Mr. Ehmann: This is very similar to the State Bid process, saves time and money on research.

Commissioner Ross confirmed there is no cost to the County?

Jen Grote, Director of Information Technology (IT): None.

Commissioner Ross: Will this have any impact on the statute to post in paper?

Mr. Ehmann: No

All three commissioners voted AYE. Motion passed.



Commissioner Schlegel asked Ed Ehmann to give the 1<sup>st</sup> quarter update on the Elbert County budget.

Ed Ehmann, County Manager, gave a comparison of the 1<sup>st</sup> quarter general fund balances to last year's 1<sup>st</sup> quarter balances. He pointed out overall an additional 8% in revenue from last year, and a reduction in expenses of 18% from last year and explained how the balances fluctuate due to tax revenues and payment of past due bills being held until those taxes started coming in. He stated the County is now caught up on all required payments (including those discovered unpaid from previous years). Starting this year, the debt service for our bonds will be held in a fund account for debt service only and will maintain not only the \$500,000.00 we must have in reserve, but also the funds that we need to make the annual debt service payment. This year it will be done by resolution and be posted in the paper and the public will be able to come and voice their opinion on it. He also reminded everyone that our first debt service payment of about \$167,000.00 on the Wells Fargo note is due on June 1<sup>st</sup>, 2014.

Commissioner Schlegel asked where we are on the 2013 Audit.

Mr. Ehmann: We are on schedule to have the Audit completed by the July 31, 2014 deadline.

Commissioner Ross confirmed that the creation of a separate fund for escrow (debt service payments) will be publicly noticed and there will be a public hearing on it (as required by statute) on May 14, 2014 at the next BOCC meeting.

## **9. Land Use:**

- a.** Carolyn Parkinson, Community and Development Services requested that the BOCC approve the Resolution to rescind approval of SU 12-0006 Sylvester Well Special Use Permit (Resolution 12-48) for an Oil and Gas Well. Applicant, Southwestern Energy, after already having been approved for two (2) extensions, allowed Staff to let current extension expire.

Commissioner Rowland moved that the BOCC approve resolution to rescind approval of SU 12-0006 Sylvester Well Special Use Permit Review (Resolution 12-48), Approval of a Special Use Permit for an Oil and Gas Well in Section 22, T7, R58.

Commissioner Ross seconded.

Commissioner Schlegel clarified that the BOCC approved this application in 2012. Ms. Parkinson said yes.

Commissioner Schlegel asked if we knew why the Applicant let this permit expire. Ms. Parkinson said they did not give a reason, but the road maintenance bond was the only condition not completed.

All three Commissioners voted AYE. Motion passed.

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

Attorney Gateley commented on grant funding and there being no need to do anything further since the funds were already budgeted for this year. Also, since they are proposing to move some of the general fund budgeted items into a restricted fund which is specifically dedicated for our debt service payments, the statute requires that they publish that proposal and that allows the public to come and view the resolution before it is acted on.

Commissioner Rowland moved to adjourn the BOCC Meeting.

Commissioner Ross seconded. All three Commissioners voted AYE.

**Meeting Adjourned at 10:32 a.m.**



**BOARD OF COUNTY COMMISSIONERS**

**ELBERT COUNTY, COLORADO**

Kurt Schlegel, Chairman

Robert Rowland, Vice Chair

Larry Ross, Chairman

ATTEST: Dallas Schroeder

County Clerk



BY:

Clerk to the Board of County Commissioners