



ELBERT COUNTY, COLORADO

The Board of Elbert County Commissioners (BOCC) met in a regularly scheduled meeting on Wednesday, Aug. 28, 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 Elbert County Assessor Billie Mills

Pledge of Allegiance

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

1. Agenda:

Commissioner Ross moved that the BOCC approve and accept the Agenda as presented. Commissioner Schlegel seconded. All three Commissioners voted AYE.

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 December 26, 2012.

b. Approval of minutes from July 24, 2013.

Commissioner Ross moved that the BOCC approve the Consent Agenda as presented. Commissioner Schlegel 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.



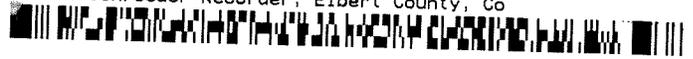
- a.** Casey Westbrook, Colorado Parks and Wildlife. Mr. Westbrook advised the public that hunting licenses have been issued for a special hunting season in unit 104: Elizabeth and west area of the County to Parker Road due to increased numbers of deer population in these areas, resulting in increased accidents and incidents where the deer themselves are becoming aggressive towards dogs. These rifle licenses will be good from Oct. 1, 2013 through Dec. 31, 2013, will focus on Does instead of Bucks, and will require heightened awareness by the hunters as to local firearms ordinances, accountability for the projectile, and permitted access onto possibly multiple properties for the hunting and actual retrieval of the deer. Mr. Westbrook advised these special licenses are already sold out, but if this trial year is safe and successful there will be more next year.

Commissioner Rowland reiterated that it will be important that these hunters seek all area property owners' permission before entering the property. He then asked if all deer tags are available through the drawing process, are there any left? Mr. Westbrook advised they are made available through the drawing process and any licenses left over will be sold; however, they started selling them on Aug. 6, 2013 and they are sold out.

Commissioner Schlegel commented that he anticipates more 911 calls due to more hunters walking around with rifles an extended amount of time and suggested to Mr. Westbrook that his Department contact the Sheriff's Office and Douglas County dispatch to work out this type of increase.

Commissioner Ross commented he expects there will be increased Department of Parks and Wildlife presence as with any hunting season. Mr. Westbrook agreed saying their intent is to be more visible.

- b.** Commissioner Ross commented again on his belief that it is the BOCC's responsibility to have night meetings when really important items are heard, so more public attendants can see our Government at work and have the opportunity to voice their views. He referred to the cost spreadsheet from Aug. 15, 2011 claiming that it would cost the County a lot of money. He countered by saying it should only be around \$600.00 and should not be a deal breaker. He stated he doesn't believe it is asking too much to afford the public an opportunity to participate in an important BOCC Meeting in the evening when they don't have to lose money by taking off from work. Commissioner Ross concluded by saying he wants to make night meetings an agenda item at a future meeting specifically targeted at the anticipated hearing on the Oil and Gas issue.



- c. Kyle Fenner, Director of Community and Development Services. Ms. Fenner gave an update on her Department and asked the BOCC to agree with her request to refer the Oil and Gas Regulations back to Community and Development Services, who want to re-engage the Planning Commission, due to some changes in State Law. Some of these changes increase the amount of power the Local Government Designee (LGD) has at the State level regarding the permitting process in Elbert County. Commissioner Ross then asked about the Attorney process in reviewing the documents before coming to the BOCC.

Commissioner Rowland asked about the increased powers of the LGD and Ms. Fenner confirmed it extends the length of time the project may be halted for further review. He then confirmed the process will still include the Editing Committee as a partner to the Planning Commission. Ms. Fenner advised yes, reminding them the previous BOCC asked then Community and Development Services Director, Richard Miller, to form a formal Editing Committee, and it is her opinion that it would be inappropriate to alter this structure and eliminate that knowledge base.

Commissioner Ross advised Ms. Fenner he approves of the approach she is taking and said they are actually talking about a Land Use item and that is why it lands on her desk.

Commissioner Rowland clarified the Oil and Gas Regulations are really an Amendment to the Zoning Regulations.

Commissioner Schlegel thanked Ms. Fenner for what she is doing and clarified their directive never implied or stated that the Planning Commission should be circumvented. He again stated he has not and will not support the use of committees but is pleased to see this moving along.

Ed Ehmann, Director of Public Works. Mr. Ehmann gave several updates:

1. The paving on County Roads 194, 29 and 17 is complete.
2. Several roads in the southeast portion of the County were severely damaged from recent rainstorms and they are already working on restoring them.
3. The 12 ½ mile chip seal project involving portions of Elbert, County Roads 166 and 13 is due to start and will last approximately 40 days.
4. The mag-chloride treatment on portions of Sun Country Drive, Thunder Hill and London Dr. is completed.



Commissioner Schlegel commented on the pipeline construction that is underway and asked if we have had any issues with the road use. Mr. Ehmann advised there has been and we are holding a \$5 Million Bond from that Company as a part of a roadway operations and maintenance agreement for repair or damage to our roads.

Commissioner Ross asked about the site left behind close to the Steak House. Mr. Ehmann advised he was not sure as that is their administration offices.

Commissioner Rowland gave an update on the state of the County and advised the Public that he has been appointed to a position by the Metro Basin Roundtable.

6. Old Business: NONE

7. New Business:

- a. Ed Ehmann, Director of Public Works. Mr. Ehmann requested that BOCC approve the order of six (6) all purpose vehicles to be initially used by the Sheriff's Dept. (for the first 75,000 miles) as a continuation of the fleet replacement program.

Commissioner Ross moved that the BOCC approve Leasing Specialist, LLC for one, five year lease purchase for six (6) all purpose vehicles in the amount of \$287,280.00 with a buy out of \$1.00. Monthly payments will be \$4,669.75 per month.

Commissioner Schlegel seconded, and then clarified they are approving the bid for these vehicles at this time to initiate the order.

Commissioner Ross clarified that this item will come before the BOCC one more time and questioned the Dodge Charger being called an "all purpose vehicle". Mr. Ehmann said no, that vehicle will be used only in traffic; their term "all purpose" implies that it can be used later on by any other department, although it is highly unlikely the Dodge Charger will be able to be used that way.

Commissioner Ross questioned where the monthly payment of \$4,669.75 will be coming from. Mr. Ehmann advised it will not be coming from the General Fund but from the Model Traffic Code (MTC) fund. Commissioner Schlegel corrected the statement by saying it will be coming out of the Law Enforcement Assistance Fund (LEAF).

Commissioner Ross confirmed that there is a non-appropriations clause included in this lease agreement. Mr. Ehmann advised yes.



Commissioner Rowland complimented Ed Ehmann and Sheriff Heap on their financial program for the managing of their fleet vehicles.
All three Commissioners voted AYE. Motion passed.

- b.** Ed Ehmann, Director of Public Works. Mr. Ehmann requested that the BOCC approve the Independent Contractor Agreement with AFD Pavement Marking, LLC using 2012 & 2013 budgeted money for our annual striping project.

Commissioner Ross moved that the BOCC approve and execute the proposed Independent Contractor Professional Services Agreement between Elbert County and AFD Pavement Marking, LLC regarding the provision of pavement marking and striping services for a contract price of \$90,000.00 for approximately 80.36 miles of county roads.

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

- c.** Ed Ehmann, Director of Public Works. Mr. Ehmann requested that the BOCC approve the Membership/Electric Service Agreement with IREA for electrical services for a Road and Bridge yard light for \$18.00 per month.

Commissioner Ross moved that the BOCC approve and execute the Membership and Electric Service Agreement between Elbert County, on behalf of the Elbert County Public Works, and the Intermountain Rural Electric Association regarding the provision of electrical services for a yard light for a cost of \$18.00 per month.

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

- d.** Alex Beltz, Attorney to the BOCC. Attorney Beltz requested that the BOCC approve the MOU with Elbert County Library District for use of the Elizabeth Library as a mail ballot drop-off location for the upcoming election.

Commissioner Ross moved that the BOCC approve and execute the Memorandum of Understanding between Elbert County and the Elbert County Library District outlining the duties of the parties for the use of the Elizabeth Library as a mail ballot drop-off location for the upcoming election.

Commissioner Schlegel seconded.

Kari May, Director of Elbert County Library District. Ms. May advised the public that the hours on the doors of the Library read from 9:00 a.m. to 7:00 p.m. Monday through Thursday and 10:00 a.m. to 5:00 p.m. Friday and Saturday and they are also posted on the Elbert County Website.

Commissioner Rowland commented that this is part of the new election rules and everyone will be receiving a ballot in the mail this year.

All three Commissioners voted AYE. Motion passed.



Commissioner Ross moved for a brief recess. Commissioner Schlegel seconded. Commissioner Rowland advised the BOCC Meeting will reconvene at 10:40 a.m.

Commissioner Rowland reconvened the BOCC Meeting at 10:40 a.m.

- e. Alex Beltz, Attorney to the BOCC. Attorney Beltz requested that the BOCC approve a Resolution to put a Ballot Question on the upcoming Election ballot regarding the creation of a 51st state of the United States.

Commissioner Ross moved that the BOCC approve and execute a resolution to refer the following ballot question to the Elbert County electors in the upcoming election: Shall the Board of County Commissioners of Elbert County, in concert with the county commissioners of other Colorado counties, pursue the creation of a 51st state of the United States of America.

Commissioner Schlegel seconded.

Commissioner Schlegel is concerned about the hurdle that will have to be crossed in order to achieve this state, but the people are clearly concerned that they are not being heard and he is encouraged by the discussion and different ideas that this has started, and therefore will support this motion.

Commissioner Ross agreed with Commissioner Schlegel and is encouraged that this is opening dialogue and engages the public. He stated he believes this is more of a survey question to the voters and sees no harm and therefore will support this motion.

Commissioner Rowland stated he is pleased that all three Commissioners are in favor of this motion and reminded everyone that our Constitution gives us the right to seek regress against our Government and would like to see Elbert County become the 10th County to take this question to a ballot.

All three Commissioners voted AYE. Motion passed.

- f. Alex Beltz, Attorney to the BOCC. Attorney Beltz stated that pursuant to C.R.S. 30-11-117 and 30-10-404, and after the resignation of Elbert County Clerk and Recorder, Diana Hartsough, the BOCC must appoint a Clerk and Recorder for the term expiring January 1, 2015, to fill the vacancy.

Commissioner Schlegel thanked Mandy Taylor, the Deputy Clerk and Recorder for running the offices in the absence of the Clerk and Recorder and stated everyone in those offices has done an outstanding job.

Commissioner Schlegel stated his opinion of best candidate for the position is Dallas Schroeder, a private business person.



Commissioner Ross stated his opinion of best candidate for the position is Geri Scheidt.

Commissioner Rowland stated his opinion of best candidate for the position is Dallas Schroeder.

Commissioner Schlegel moved that the BOCC, pursuant to Sections 30-11-117 and 30-10-404 of the Colorado Revised Statutes and Section 9 of Article XIV of the Colorado Constitution, hereby appoint Mr. Dallas B. Schroeder to serve as the Elbert County Clerk and Recorder, in and for the County of Elbert, State of Colorado, for the term expiring on the 1st day of January, 2015, to fill the vacancy in the office of the Elbert County Clerk and Recorder.

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

- g.** Alex Beltz, Attorney to the BOCC. Attorney Beltz requested that the BOCC approve a 2 month extension to the ICA with Arnold & Associates for the provision of certain legal services to the Department of Health and Human Services.

Commissioner Ross moved that the BOCC approve and execute the Independent Contractor Agreement between Arnold & Associates and the Board of County Commissioners, on behalf of the Department of Health and Human Services, regarding the provision of certain legal services to the Department for a term of two months through October 31, 2013, at a rate of \$100.00 per hour for Attorney's general and litigation services, \$40.00 per hour for paralegal services and \$25.00 per hour for services of legal assistants. Commissioner Schlegel seconded. All three Commissioners voted AYE. Motion passed.

- h.** Commissioner Schlegel advised the next item of business is an employment issue regarding the Office of Emergency Management Director, and typically the BOCC discusses confidential employment issues only in Executive Session. But he did remind everyone that Cory Stark resigned several weeks ago and the BOCC reached out to the community and asked for some involvement to help select the new OEM Director. A panel was appointed to do the interviews. The recommendation from that panel was unanimous and that job offer was made yesterday and accepted. Mr. Brandon Linderink will be starting in the near future and the BOCC welcomes him as the new OEM Director.

Commissioner Ross confirmed the extensive process that was gone through to appoint the new OEM Director and adds that he felt they gave this their best effort.



- i. Commissioner Ross read into the minutes a letter he sent to the USGS Colorado Water Science Center regarding a requested proposal for them to help determine the rates of decline in the Denver Basin aquifers within Elbert County to better define what our limited amount of groundwater is.

An exact copy of the letter Commissioner Ross read is on the next page.



August 26, 2013

Ms. Suzanne Paschke, Ph.D.
Associate Director for Hydrologic Studies
USGS Colorado Water Science Center
Denver Federal Center MS 415
P.O. Box 25046
Denver, CO 80225

RE: Groundwater Monitoring for Elbert County

Dear Dr. Paschke,

We thank you and Mr. Everett for meeting recently with Commissioner Schlegel and other Elbert County representatives to discuss groundwater monitoring. As you know, the western portion of the county is very dependent on nonrenewable Denver Basin groundwater; this is also the more populated part of the county, and expected to grow at a higher rate in the years ahead. We respectfully request a proposal from the USGS to help determine the rates of decline in the Denver Basin aquifers within Elbert County.

As discussed at the meeting, groundwater monitoring in our county would mirror the monitoring program that the USGS has established in rural Douglas County. Our goal is to obtain three to five years' worth of continuous/frequent well level measurements in a statistically significant number of wells. The trends determined through this monitoring will help us make informed policy decisions as we plan for Elbert County's future.

Many residents also rely on alluvial wells throughout the county. Although those well levels are based on seasonal and annual variations in surface water, we may also want to perform some monitoring of alluvial wells. If so, we would enlist volunteers to perform that work with some coordination with the USGS (but not requiring direct USGS support).

Unfortunately, we have very limited financial resources to put toward groundwater monitoring. In your proposal, please consider: (1) including a minimal program alternative; (2) how we might leverage additional assistance from volunteers; and (3) providing assistance in seeking state and federal grant funding.

We look forward to receiving the USGS proposal, and the potential opportunity to work with you and your team. Please contact me at (303)621-3114 or larry.ross@elbertcounty-co.gov if you have any questions or comments.

Sincerely,

Larry Ross
Commissioner, District 3
Elbert County



Commissioner Rowland stated he agrees with asking for a proposal from the USGS, adding that the Water Advisory Committee sees value in doing this and also the Elizabeth Board of Trustees sees value in this in light of the new wells they are drilling.

Commissioner Ross moved that the BOCC approve and submit a letter to the United States Geological Survey for the purpose of receiving proposals for groundwater monitoring.

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

8. Land Use:

- a.** Curtis Carlson, Community and Development Services. Mr. Carlson stated Southwest Energy is requesting a six (6) month extension to satisfy condition approval #15 for the special use 12-0006 Sylvester Well Special Use Permit. Mr. Carlson also stated a 90 day extension has previously been granted and now they are requesting an additional six (6) month extension.

Commissioner Ross moved that the BOCC grant a six (6) month extension to Southwestern Energy to complete the conditions of approval as required for SU 12-0006 Sylvester Well Special Use Permit, specifically to complete the geologic assessment recently gathered well data.

Commissioner Schlegel seconded and stated he supports this motion but encouraged Staff to get this moving or the applicant will end up having to start this process over.

Commissioner Rowland concurred with Commissioner Schlegel and confirmed with the Attorney to the BOCC that this is a discretionary decision by the BOCC at this point. Commissioner Rowland then asked Planning and Development if they had any input on this request.

Kyle Fenner, Director of Planning and Development. Ms. Fenner advised this was an 11th hour request by email and they know nothing more about it than what was presented to the BOCC.

Commissioner Rowland then asked when it actually expires. Ms. Fenner advised today.

Commissioner Ross asked Ed Ehmann since there has been heavy rainfall recently in this area, has there been any changes that could affect this Well Permit?

Ed Ehmann, Director of Public Works. Mr. Ehmann advised he is not aware of any, but if any heavy traffic related to this well were to use the softened roads before they dried, there would be damage to the roads.

Commissioner Ross then expressed concern about and asked Mr. Ehmann if there were any instances of fluids and liquids and items placed on the surface of the ground during drilling and production getting rained on during these heavy rains and any leaks or escapes during the process winding up in Big Sandy Creek or other drainages in Elbert County from the area of the Sylvester well.

Mr. Ehmann said not in that particular area but they have had some roads washed out in surrounding areas.

Commissioner Rowland asked Community and Development Services if all other requirements have been met on the Sylvester Well Special Use Permit. Mr. Carlson advised that is unknown to him.

All 3 Commissioners voted AYE. Motion passed.

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. Paul Crisan – Elizabeth. Mr. Crisan commented on the 51st State Ballot Issue, encouraging everyone to consider the possibly negative economic impacts i.e.: housing and other markets. He also thanked the BOCC for getting the Oil and Gas issue going again.

Commissioner Ross gave his comments regarding the BOCC's neutral stance on this ballot issue.

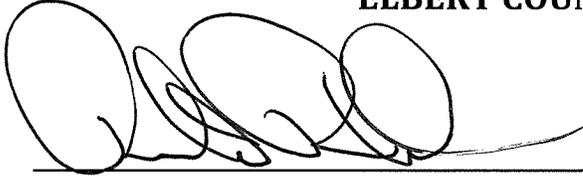
Alex Beltz, Attorney to the BOCC. Attorney Beltz advised the BOCC the ballot has not been certified as of yet, but he cautioned on them on any negative or positive comments on this ballot or any ballot measure.

- b. Rick Brown – Kiowa. Mr. Brown thanked the BOCC for referring the Oil and Gas issue back to the Planning Commission. He also asked the BOCC to consider whether it might be a political mistake to put both tax initiatives on the same ballot.

Meeting Adjourned at 11:36 a.m.

BOARD OF COUNTY COMMISSIONERS

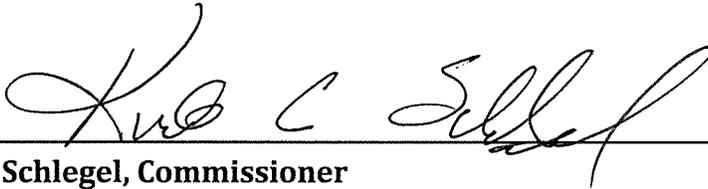
ELBERT COUNTY, COLORADO



Robert Rowland, Chairman

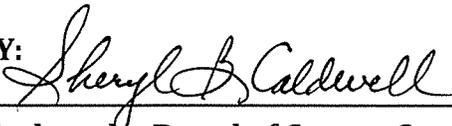


Larry Ross, Vice Chair



Kurt Schlegel, Commissioner

ATTEST: ~~Diana Hartsough~~
DALLAS SCHROEDER
County Clerk

BY: 

Clerk to the Board of County Commissioners

