



ELBERT COUNTY, COLORADO

The Board of Elbert County Commissioners (BOCC) met in a regularly scheduled meeting on
Wednesday, May 8, 2013 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 Robert Rowland called the meeting to order.

Prayer given by Pastor Alan Small of Creekside Community 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:

Commissioner Ross moved that the BOCC approve the Agenda as presented.
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. NO CHANGES

4. Awards/Recognition: NONE

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

a. Ed Ehmann, Director of Public Works. Mr. Ehmann gave an update on the landfill, stating a meeting is scheduled today with the Colorado Department of Public Health and Environment (CDPHE).



- b. Mr. Ehmann also gave an update on the CR 194 paving project stating they have run into a couple of minor potential delays but are still on schedule. Commissioner Rowland asked about delays with the Hwy 86 project with CDOT. Mr. Ehmann advised it is just short term routine maintenance.
- c. Commissioner Schlegel advised today is the last day of the regular legislative session and urged Elbert County citizens to contact Governor Hickenlooper and let him know how they feel about the increase in electric rates and the demands being put on us by the State Legislature.
- d. Commissioner Rowland commented that they are discussing the possibility of having BOCC Meetings on a weekly basis and encouraged public comment.

6. Old Business:

- a. Ed Ehmann, Director of Public Works. Mr. Ehmann requested that the BOCC accept the bids for cutting edges for the County for the remainder of 2013.

Commissioner Ross moved that the BOCC approve the cutting edges bid as follows:

From J&S Contractors Supply Co.: 4ft. scarifier blades at \$644.50 each, 7 ft. carbon steel blades at \$60.45 each, 8ft. carbon steel blades at \$69.14 each, and 7 ½ ft. plow blades at \$101.97 each.

From Winters Equipment Co.: 3 ft. carbon insert blades at \$214.54 each, 4 ft. carbon insert blades at \$241.24 each, Scarifier bits at \$6.36 each, and Sandvick bits at \$5.82 each.

Commissioner Schlegel seconded, motion passed.

- b. Alex Beltz, Attorney to the BOCC. Mr. Beltz requested that the BOCC approve a resolution to redistrict the Commissioner District Lines as proposed during the March 27, 2013 Regular BOCC Meeting. This redistricting would equalize the populations of the districts.

Commissioner Ross moved that the BOCC approve and adopt a Resolution to effect the changes to the boundaries of the Elbert County Commissioner Districts in accordance with the provisions of C.R.S. 30-10-306. Commissioner Schlegel seconded, motion passed.



- c. Commissioner Schlegel requested that the BOCC accept the bids for selection of newspaper for the County's legal notices, recommending the Elbert County News.

Commissioner Rowland explained why he also feels the current paper used for legal notices (Elbert County News) services the needs of the County best and feels they are the best choice for Elbert County.

Commissioner Ross moved that the BOCC approve and designate The Elbert County News as the Elbert County newspaper for the publication of legal notices by Elbert County. Commissioner Schlegel seconded, motion passed.

7. New Business:

- a. Rick Pettitt, Elbert County Treasurer. Mr. Pettitt requested that the BOCC approve a resolution authorizing the creation of the Sheriff's Fee Fund.

Commissioner Schlegel asked what fines and fees will go into this account. Mr. Pettitt replied any fees collected by the Sheriff's Office including but not limited to traffic violation fees and concealed weapons permits go into this fund.

Commissioner Rowland asked if this is actually a fund or account. Mr. Pettitt replied it is an account to place these funds.

Commissioner Ross asked if any other Official's fees go into the Sheriff's Office Fee Fund. Mr. Pettitt replied no, each office has their own statutory authorization to collect certain fees.

Commissioner Ross asked where the deposits are made on behalf of the Treasurer's Office. Mr. Pettitt replied several accounts including a miscellaneous account go to Wells Fargo Bank. The newly opened account at Bank of the West was set up for the Sheriff's Office credit card payments as a "pass through" account and then the money then goes into the Wells Fargo Account. Mr. Pettitt explained the Sheriff's Office can only make deposits into the Bank of the West account and only Sherry Hewlet or himself can move the money in that account.

Sheriff Heap explained the only way the Sheriff's Office can make disbursements out of this account is to write warrants on this account and send the warrants to the Treasurer's Office and the Treasurer's Office will write a check for the amount of the warrant.

Commissioner Ross asked if some of the monies in this fund come from traffic fines from the Model Traffic Code. Sheriff Heap answered yes, and then they are disbursed through the Law Enforcement Assistance Fund (LEAF).



Commissioner Ross moved that the BOCC approve and adopt a Resolution authorizing the creation of the Sheriff's Fee Fund, which shall be administered in accordance with the provisions of C.R.S. 30-1-119. Commissioner Schlegel seconded, motion passed.

- b.** Rick Pettitt, Elbert County Treasurer. Mr. Pettitt requested that the BOCC approve a resolution authorizing the creation of the Treasurer's Fee Fund.

Commissioner Ross moved that the BOCC approve and adopt a Resolution authorizing the creation of the County Treasurer's Commission and Fee Fund, which shall be administered in accordance with the provisions of C.R.S. 30-1-119. Commissioner Schlegel seconded, motion passed.

- c.** Ed Ehmman, Director of Public Works. Mr. Ehmman requested that the BOCC approve an Agreement between Elbert County and the State of Colorado, Department of Transportation (CDOT), through the Transportation Enhancement (TE) Grant, for improvements to the Kiowa-Bennett Road, specifically the Fairgrounds area.

Commissioner Schlegel asked when the project was expected to begin. Mr. Ehmman advised they were already behind due to other projects, so will begin as soon as possible, but probably won't be completed in time for the Fair this year.

Commissioner Ross asked about the County's matching funds. Mr. Ehmman stated they utilized a cost estimate submitted to the State and our part comes out of Conservation Trust, not Road and Bridge Funds.

Commissioner Schlegel asked if this project was identified as part of the Fairgrounds Master Plan. Mr. Ehmman answered yes.

Commissioner Ross moved that the BOCC approve and execute the Department of Transportation Agreement and all ancillary documentation necessary between Elbert County and the State of Colorado, Department of Transportation regarding the distribution of up to \$264,573.00 to the county for the purpose of installing certain roadway improvements to the Kiowa-Bennett Road, at a funding match to the county of up to \$66,143.00. Commissioner Schlegel seconded, motion passed.

- d.** Commissioner Rowland reminded everyone that the County has limited resources and are operating on short staff including in the Building Department. They still have 139 pending roofing inspections, some from the hail storms of last summer, affecting the homeowners' ability to collect on their insurance checks; and only one building inspector in the field. Commissioner Rowland stated he feels due to their responsibility to our citizens and homeowners, they have no choice but to hire some outside resources on a contractual basis to get the inspections completed.



Commissioner Ross clarified from the provided paperwork that payments are to be made to the contractor within 2 WEEKS of the invoice date.

Commissioner Ross moved that the BOCC approve and execute the Independent Contractor Agreement between Elbert County, on behalf of the Elbert County Building Department, and RE/COR Inc. regarding the provision of certain roofing inspections services for a contract price of \$150.00 for the First Final Roof Inspection per day, performing a minimum of five (5) roof inspections per day and \$60.00 per Final Roof Inspection performed after the First Final Roof Inspection each day. Commissioner Schlegel seconded, motion passed.

- e. Mike Graeff, Elbert County Coroner. Mr. Graeff requested that the BOCC adopt a policy for burial of human remains on private property in unincorporated Elbert County, with some addendums to the State's policy regarding this as stated in C.R.S 25-2-111.

Commissioner Rowland commented the biggest change that was discussed for the Elbert County policy, if adopted, was the 35 acre minimum requirement which is NOT a State Statute.

Commissioner Schlegel asked if there is any variance process allowed on an individual basis. Mr. Graeff suggested that be a part of the discussion between the BOCC.

Commissioner Ross questioned the validity of calling it a policy "addendum to C.R.S. 25-2-111.

Attorney Alex Beltz recommended changing the name to "Policy for Burial of Human Remains on Private Property", the state statutes still remain in effect.

Commissioner Ross clarified that the Elbert County vital statistics and Registrar's Office IS the Coroner's Office, by State appointment.

Curtis Carlson (Community and Development Services). Mr. Carlson made the comment that in the past under the Zoning Ordinance, private cemeteries have gone through Special Use. Do the zoning regulations need to address Private Burial?

Commissioner Rowland stated he doesn't believe a single private burial constitutes a "private cemetery".

Curtis Carlson then asked if it needs to be taken out of the Regulations and put under permits.

Attorney Alex Beltz suggested no changes be made to the Regulations at this time; this is just a policy for a single private burial.



Commissioner Ross moved that the BOCC approve and adopt the policy titled: Policy for Burial of Human Remains on Private Property in Unincorporated Elbert County, as proposed by the Elbert County Coroner. 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.** Allen Small – Pastor, Creekside Community Church, Elizabeth. Mr. Small requested that the BOCC waive the \$15,000.00 Impact Fee that is being imposed on their Church as a result of the Education Building that is being added to their Church.
- b.** Jill Duvall – Elizabeth. Ms. Duvall commented she likes the idea of weekly BOCC meetings and reminded the Commissioners of their campaign promise to consider occasional weekend or evening BOCC meetings. She also commented that according to a Lincoln County Meeting she recently attended in Limon, they are receiving millions of dollars from their Wind Towers and stated Elbert County needs to rescind the Moratorium on the Machine and Tool tax that was implemented by previous Commissioners.
Commissioner Schlegel advised the tax was waived several years ago when the 1% County sales tax was implemented. The BOCC is looking into that and hope to have it on the ballot in November.
- c.** Bob Ware – Elizabeth. Mr. Ware stated that HB 1312-73 would have brought a lot of money to Elbert County, but was indefinitely postponed. He asked



Commissioner Schlegel to explain what happened to this since he was at the State Capital and testified against the bill at that time.

Commissioner Schlegel explained the bill that was proposed wanted to establish a fee structure that the COGCC would charge to the oil and gas producers. The State would collect these fees and the Counties would have to apply to the State to get those fees to come back in. He was against it because he felt our local government didn't need the State collecting the fees for us and the State would use certain criteria to determine how much of those impact fees would come down to the County. Part of the bill's design was to start a "slush fund" for planning purposes and they already have grant funds that are established through the taxes that the Oil and Gas Companies pay and any County has the option to apply to the State to use that grant money for a planning fund.

Commissioner Rowland commented that he also opposed the bill, stating that generally when you are dealing with State and Federal money; it has strings attached and causes concerns of loss of local control.

Commissioner Ross commented he also was in favor of maintaining as much local control over land use, permits and fees as possible and not giving it over to the State.

Being no more Public Comment, Commissioner Rowland declared the meeting adjourned at 10:25 a.m.

Meeting Adjourned at 10:25 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