

# ELBERT COUNTY, COLORADO

The Board of Elbert County Commissioners (BOCC) met in a regularly scheduled meeting on Wednesday, Nov. 13, 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 Roger Miller of Elbert Christian 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 Ross moved that the BOCC approve the Agenda as presented. Commissioner Schlegel seconded. All three Commissioners voted AYE. Motion passed.

## **2. Correspondence:**

- a.** Commissioner Schlegel shared:
  - 1. The Plains Pipeline Co. Guide
  - 2. The Colorado BIZ Newsletter/Magazine
  - 3. The Colorado Water Monthly issue
- b.** Commissioner Ross gave an update on the South Platte River Basin Roundtable meeting he attended last night.

- 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 October 23, 2013.**
- b. Request by Elizabeth Stampede to serve alcoholic beverages on Saturday, November 16, 2013 for end of year awards banquet.**



Commissioner Rowland moved that the BOCC adopt 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.** Ed Ehmann, Director of Public Works. Mr. Ehmann gave final update on paving project for this year (County Rd 194), stating the contractor is done including new signage.
- b.** Kyle Fenner, Director of Community and Development Services. Ms. Fenner gave an update on “code complaints” saying there has been no increase and they still just respond to calls from concerned neighbors. She also mentioned possible future Rocky Mountain Air Park Development.
- c.** Dallas Schroeder, Clerk and Recorder. Mr. Schroeder gave an update on the recent election, stating there was over 50% turnout which resulted in tight races in several different School Districts. He publicly thanked Douglas and El Paso Counties for all their help. The Election Audit and Canvas is scheduled for Nov. 18 and 19, 2013, as the last day to receive overseas military ballots in the mail is today. We will then be able to certify the election.  
Commissioner Schlegel asked Mr. Schroeder to compare this elections participation rate resulting from all mail ballots to previous off-year elections and then asked if he would write thank you letters to the Counties we received help from that the BOCC could sign.  
All three Commissioners thanked Mr. Schroeder for his hard work.
- d.** Jerri Spear, Director of Health and Human Services. Ms. Spear announced we are in the flu shot season and if anyone has not been able to get their shot yet can come to the Health Department and get one. She also announced the Low Income Energy Assistance Program (LEAP) begins taking applications for assistance on Nov. 1, 2013. Commissioner Rowland asked her about better notice to the public. Ms. Spear admitted they are actively working on their website to post a .pdf application form. Commissioner Ross also suggested there are several helpful businesses that would gladly post this information.

**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.** Roger Milller – Elbert. Mr. Miller advised he was against the tax increases and expressed concern about the County purchasing many new vehicles. He would like the public to hear more discussion and justification before BOCC approval on such topics during tight budget times.

Commissioner Schlegel responded by saying all these items are discussed in detail at the Tuesday 1pm study sessions.

Commissioner Rowland agreed Mr. Miller raised a good point and agreed maybe they need to do better with their explanations for the public and maybe post a study session agenda so the public will know ahead of time what is being discussed.

Commissioner Ross said Mr. Miller had a very valid and constructive thought and agreed they need to do better getting the information and justifications to the public, and encourages everyone to view the BOCC meeting pod casts at their convenience.

- b.** Norm Happel – Elizabeth. Mr. Happel expressed great concern over a recent document regulating the fees for use of Government Capital Assets and Facilities, stating the taxpayers are the stockholders for these capital assets and facilities. He believes there should be a separate fee for use of these facilities for the taxpayers and 4H entities versus for profit vendors. He asked the BOCC to put this document on hold until further discussion as the public's opinion at this time of these increased usage fees is just to increase revenue.

- c.** Ed Ehmann (Director of Public Works) responded to Mr. Miller's public comment by saying he would be pleased to sit down with him or anyone else about the vehicle replacement program.

He then responded to Mr. Happel's comment about the increase in Fairgrounds usage fees by saying they compared our rates and fees to 10 different counties and came up with what they thought was fair and balanced. These rates are our operational cost only, no capital replacement was considered.



He also advised they do not charge 4H groups etc. and he also would be happy to discuss this in detail with anyone interested.

- d.** Commissioner Ross asked Mr. Ehmann to explain the line item on the budget titled Culture and Recreation. Mr. Ehmann replied it is mostly conservation trust, i.e.: Fairgrounds activities.

Commissioner Ross: Funding for culture and recreation comes predominantly from conservation trust?

Mr. Ehmann: Correct.

Commissioner Rowland: What would be an example of an expenditure in that category?

Mr. Ehmann: Grandstands, infrastructure.

No more Public Comment

## **7. Old Business: NONE**

## **8. New Business:**

- a.** Ed Ehmann, Director of Public Works. Mr. Ehmann requested that the BOCC approve the final lease agreements with Kansas State Bank for the previously approved purchase of five (5) 2014 Dodge Ram Pickups. This item was budgeted for this year through the MTC fund.

Commissioner Schlegel asked Mr. Ehmann to give brief explanation behind decision to purchase these types of vehicles at this time and how they are funded.

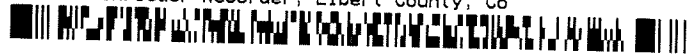
Commissioner Ross expressed concern about this purchase before the end of the year and suggested it wait until after the new budget is approved.

Commissioner Rowland asked if these are replacement vehicles to which Ed Ehmann answered yes.

Commissioner Ross restated just trying to be better informed and explain his conservative approach.

Commissioner Schlegel commented that these lease agreements contain a non-appropriations clause.

Commissioner Schlegel moved that the BOCC approve and execute the Government Obligation Contract, and any ancillary documentation thereto, between Elbert County and Kansas State Bank of Manhattan regarding the provision of financing for the purchase of five (5) 2014 Dodge Ram Trucks for the contract price of \$221,866.22, payable at \$11,890.14 quarterly for a period of five years with a first payment due at closing.



Commissioner Rowland seconded. Commissioners Schlegel and Rowland voted AYE. Commissioner Ross voted NAY. Motion passed.

- b.** Sheriff Shayne Heap requested that the BOCC approve the new Health Care Management contract for provision of inmate healthcare services within a detention facility for 2014, a service required by law. This process has saved a significant amount of money by not having to transport inmates for every medical problem.

Commissioner Schlegel asked how many hours the current Health Care Professional works at the detention facility.

Sheriff: 32 hrs. per week but is also on call.

Commissioner Ross asked about 3.09% increase since 2011.

Sheriff: That is the Consumer Price Index (CPI) increase for Medical Care Services.

Commissioner Ross moved that the BOCC approve and execute the Price Quote, between Elbert County Board of County Commissioners, on behalf of Elbert County Sheriff's Office, and Correctional Healthcare Companies, for the provision of inmate healthcare services for 2014, for the contract amount of \$137,886.96 annually.

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

- c.** Ed Ehmann, Director of Public Works. Mr. Ehmann presented the 2012 Bi-Annual Bridge Report Inspection done by Colorado Department of Transportation (CDOT). Of the 31 off-system bridges, only two bridges were reported by CDOT as structurally deficient, and are eligible for federal grants for rehabilitation or replacement.

Commissioner Rowland asked if the recent floods in Colorado caused a diversion of grant resources. Ed advised they applied for some disaster relief in August due to significant washouts in Southeastern Elbert County and were denied due to the floods up north.

Commissioner Ross asked if CDOT's designation of structurally deficient means the bridges will fail.

Ed answered no; CDOT removes those bridges from service. All Elbert County bridges have no weight restrictions, and will hold whatever is legally on road.

Commissioner Rowland asked if Oil and Gas Operations were at the location CDOT declared defective, could a Road Use Agreement with the Company include the upgrade of that defective bridge.

Ed replied yes.

Commissioner Schlegel commented the Colorado Bridge Enterprise (CBE) which is funded through "FASTER" Funding (Funding Advancement for Surface Transportation and Economic Recovery). All Colorado vehicle registrations pay from \$13 to \$32 per vehicle per year into this fund through their "Road and

Bridge fee". He encouraged everyone to follow "FASTER" (which has an estimated \$100 million per year revenue) and CBE, in the news as serious questions have been raised about how the program is being run.

- d.** Ed Ehmann, Director of Public Works. Mr. Ehmann requested that the BOCC approve the Kimley-Horn Contract for Legacy Circle at the Legacy School entrance, for a speed, signage and school zone study.

Commissioner Ross moved that the BOCC approve and execute the proposed Agreement between Elbert County and Kimley-Horn and Associates, Inc. regarding the preparation of a Speed, Signage and School Zone Study for the existing Legacy Academy on the Southwest corner of the Legacy Circle and Legacy Trail intersection for a lump sum fee of \$2,000.00.

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

- e.** Ed Ehmann, Director of Public Works. Mr. Ehmann requested that the BOCC approve the Kimley-Horn Contract for Delbert Road (which was recently chip sealed) for a speed and passing zone study.

Commissioner Ross asked if there is a safe place to put passing lanes on Delbert Road.

Ed answered this study/report will tell us that.

Commissioner Ross moved that the BOCC approve and execute the proposed Agreement between Elbert County and Kimley-Horn and Associates, Inc. regarding the preparation of a Speed and Passing Zone Study along Delbert Road between Singing Hills Road and Parker Road for a lump sum fee of \$2,500.00

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

- f.** Ed Ehmann, Director of Public Works. Mr. Ehmann requested that the BOCC approve the John Deere Financial Contract (Final Lease Agreement for a 2013 Motor Grader).

Commissioner Ross moved that the BOCC approve and execute the Lease-Purchase Agreement, and any ancillary documentation thereto, between Elbert County and Deere Credit, Inc. regarding the lease of a new 2013 model John Deere 772G Motor Grader, for the contract price of \$269,022.00, payable at \$14,363.17 quarterly for a period of five years, together with a guaranteed buy-back by Honnen Equipment of \$220,000.00 at the end of the lease-purchase term.

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



- g.** Jerri Spear, Director of Health and Human Services. Ms. Spear requested that the BOCC approve the Weld Adolescent Resources (WAR) contract for providing Administrative Services.

Commissioner Ross moved that the BOCC approve and execute the Independent Contractor Agreement between Elbert County, on behalf of the Department of Health and Human Services, and Weld Adolescent Resources, Inc. for the provision of Administrative Services to the Elbert County Interagency Oversight Group.

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

- h.** Jerri Spear, Director of Health and Human Services. Ms. Spear requested that the BOCC approve the Martinich Enterprises Contract Amendments for services and rates and charges.

Commissioner Ross moved that the BOCC approve and execute the Independent Contractor Agreement Amendments between Elbert County, on behalf of the Elbert County Department of Health and Human Services, and Martinich Enterprises, LLC to amend Section 1 of the Agreement to include additional Family & Youth Coaching services and Section 3(a) of the Agreement to increase the maximum amount of funding from \$50,000.00 to \$70,000.00 for services provided.

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

- i.** Jerri Spear, Director of Health and Human Services. Ms. Spear requested that the BOCC approve the Heads up Core Contract through CORE services for providing a para-professional mentoring program.

Commissioner Ross moved that the BOCC approve and execute the Independent Contractor Agreement between the Board of County Commissioners, on behalf of the Elbert County Department of Health and Human Services, and Heads Up Colorado regarding the provision of a para-professional mentoring program for a period through May 31, 2014, for a contract price up to \$31,394.00 out of Core Services funding.

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

At 10:40 a.m. Commissioner Ross moved that the BOCC recess until 10 minutes to 11:00 a.m.

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



Commissioner Rowland declared the BOCC Meeting re-convened at 10:52 a.m.

- j.** Commissioner Ross presented a Compliance Advisory Letter he received from the Colorado Department of Public Health and Environment (CDPHE) regarding illegal dumping at a County maintained facility near Agate, CO. He further stated he visited the site and found what appears to be a rather large trench in which it appears local citizens have thrown property and disposed of waste, and asked Mr. Ed Ehmann to respond.

Mr. Ed Ehmann responded by saying they have completed the draft of their response letter to the State containing remediation plans. They have a certain period of time to remit this letter and complete the remediation process. The Agate site has been used for years for dumping organic waste and the Fire Department would hold training burns at the site, which is the reason for the trench, and was never intended for solid household waste. The area in question at the site is relatively small and it is unknown at this time the cost of remediation but it will come out of the Road and Bridge reserve fund.

Commissioner Rowland asked what our presence is at that location.

Mr. Ehmann said it is an unmanned facility left over from when Elbert County had three (3) road districts and there is a small shop there that is used for storage, and one blade operator picks up his equipment from that facility. The facility is fenced on the front and west sides and the other two are fenced with four (4) wire barbed wire fencing that up until this time was unlocked at the beginning of the day and locked back up at the end of the day. They immediately changed their procedures and now the gates remain locked and they are discussing other options that will help police the area and keep unwanted dumping out.

- k.** Commissioner Rowland stated after a good deal of study and factual information gathering, and as provided for in the case of either nonperformance of duty or misconduct, and in the best interest of the County, he moved that the BOCC remove Paul Crisan as a member of the Planning Commission pursuant to CRS 30-28-103 (3) in the Elbert County Zoning Regulations.

Commissioner Schlegel seconded. There was discussion between the BOCC resulting in Commissioner Ross stating that due to his lack of first-hand knowledge, he will abstain from voting.

Commissioner Schlegel supported the motion, stating he received several calls from Planning Commission Staff and several complaints from members of the public immediately after the meeting in Simla.

Commissioners Rowland and Schlegel both voted AYE. Commissioner Ross abstained from voting. Motion passed.

- l.** Alex Beltz, Attorney to the BOCC brought before the BOCC an item involving a combined contract with Brazos Technology for a Software License and





Maintenance Agreement, explaining it is for provision of software in connection with eCitation.

Under Sheriff Joe Winkle further explained to the BOCC how this will speed up the Sheriff's Office operations on a traffic stop and how the Grant amount of \$47,489.00 and matching County money of \$11,872.00 will pay for it.

At Commissioner Ross' concern, Attorney Alex Beltz agreed none of the paperwork before them addresses the \$11,872.00 the County will provide or the whole amount of the grant, as that portion is between the Sheriff's Office and the State, the only reason it is before the BOCC today is because an agreement has to be entered into and they are requesting BOCC approval to enter into that contract.

Commissioner Ross asked for several more budget related clarifications to which Under Sheriff Joe Winkle responded.

Commissioner Ross explained he previously thought he understood the process but has some remaining questions and requested time to look into it further.

Sheriff Shayne Heap said the only reason they have come before the BOCC is for formal approval of a contract and asked that the question be called.

Commissioner Schlegel called the question and moved that the BOCC approve and execute the Software License Agreement and Software Maintenance Agreement between Elbert County and Brazos Technology Corporation for the provision of a non-exclusive software license and maintenance and support services to the Elbert County Sheriff's Office through the use of Brazos software and for a total cost of \$22,000.00. Commissioner Rowland seconded. All three Commissioners voted AYE. Motion passed.

- m.** Alex Beltz, Attorney brought before the BOCC a Letter of Understanding proposed by Union Pacific for the purchase and acquisition of Union Pacific land by Elbert County. The property which amounts to 15.309 acres near Agate had been leased by Elbert County from Union Pacific Railroad Company for 50 years, with the previous lease expiring in 2008, and a proposal in 2010 to purchase the property for \$22,000.00. It was determined by Elbert County that a new survey of the property was required to provide the correct legal descriptions in the various deeds and agreements required to complete the sale, which if approved, will transfer title to the County in the form of a QUITCLAIM deed.

Ed Ehmann also gave further information stating the County has been utilizing this area for the past 55 years with County roads constructed and maintained in the right of ways and recommended proceeding with the purchase of the land.

Mr. Ehmann stated Public Works has anticipated this purchase for the past few years and \$22,000.00 has been budgeted in the sales and use tax budget.



All three Commissioners asked questions and Attorney Alex Beltz assisted Ed Ehmann with information.

Commissioner Ross moved that the BOCC approve and execute the Letter of Understanding between Elbert County and union Pacific Railroad Company providing for the terms and conditions of the sale of approximately 15.309 acres to Elbert County for a purchase price of \$20,315.00.  
Commissioner Schlegel seconded.

Commissioner Ross wanted further assurances that due diligence has been given through environmental testing and title insurance before purchase.

Commissioner Schlegel spoke in favor of the motion as it stands.

Commissioners Rowland and Schlegel voted AYE. Commissioner Ross voted NAY. Motion Passed.

**9. Land Use: NONE**

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

**Meeting Adjourned at 11:49 a.m.**



**BOARD OF COUNTY COMMISSIONERS**

**ELBERT COUNTY, COLORADO**

**Robert Rowland, Chairman**

**Larry Ross, Vice Chair**

**Kurt Schlegel, Commissioner**

**ATTEST: Dallas Schroeder**

**County Clerk**

**BY:**

**Clerk to the Board of County Commissioners**

