



ELBERT COUNTY, COLORADO

The Board of Elbert County Commissioners (BOCC) met in a regularly scheduled meeting on Wednesday, October 23, 2013 with roll call of members as follows:

Robert Rowland- PRESENT

Kurt Schlegel- PRESENT

Larry Ross- PRESENT

The BOCC convened at 9:05 a.m., Chairman Robert Rowland called the meeting to order.

Commissioner Rowland commented that Pastor Jeremy Rose had graciously agreed to give the invocation at the beginning of today's Meeting, but his daughter was hospitalized yesterday and he won't be here.

Prayer given by Chairman Robert Rowland

Pledge of Allegiance

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

1. Agenda: No changes.

Commissioner Ross moved to adopt the Agenda as presented. Commissioner Schlegel seconded. All three commissioners voted AYE. 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 September 4, 2013; October 9, 2013, and October 15, 2013

b. Request from Elbert County Douglas Livestock Association to serve alcoholic beverages on Saturday, November 2, 2013 at Elbert County Fairgrounds Exhibit Hall.

c. Approval of escrow payment in amount of \$600.00 to Enertia Consulting Group, LLC for Front Range Pipeline Project.

d. Approval of escrow payment in amount of \$1,850.00 to Enertia Consulting Group, LLC for ELA Self Storage Project.

Commissioner Ross moved to approve the Consent Agenda. Commissioner Schlegel seconded. All three Commissioners voted AYE. Motion passed.

4. Awards/Recognition:

- a. Kyle Fenner, Director of Community and Development Services. Ms. Fenner recognized the Staff in the Building Department, saying this Staff; Ed Watkins and Faith Mehrer, generated over \$610,000.00 so far this year with half of that coming from new builds and the other half from rebuilds and improvement builds.

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. Kyle Fenner, Director of Community and Development Services. Ms. Fenner gave updates on new County website, stating she got their Department credentials this morning and their site should be up soon, and current Community and Development Services happenings. Ms. Fenner reminded everyone of the Planning Commission Meeting being held tomorrow at the usual time at the Liberty Plains Baptist Church in Simla.

Commissioner Schlegel thanked everyone involved in the new web site. Commissioner Ross thanked Ed Ehmann and the Road and Bridge Department for the work they do and also mentioned a couple of posted meetings open to the public being held later today:

- 11:00 a.m. Insurance Benefits for Elected Officials meeting
- 1:00 p.m. Budget meeting

Commissioner Ross advised copies of the draft budget can be obtained from the Finance Department next door.

Commissioner Schlegel advised:

The last of the Town Hall Meetings will be tonight at 7p.m. at the Fairgrounds.

Commissioner Rowland advised they will hear the Public Trustee Quarterly Report at this time as the Public Trustee has to leave shortly.

- b. Rick Pettitt, Elbert County Public Trustee. Mr. Pettitt requested that the BOCC approve the presented Public Trustee Quarterly Report.

Commissioner Ross moved that the BOCC approve and accept the Quarterly Public Trustee Report as presented by Public Trustee Rick Pettitt. Commissioner Schlegel seconded. All three Commissioners voted AYE. Motion passed.

Commissioner Rowland advised they were changing up the usual format and putting Public Comment before Old and New Business so the public had an opportunity to give comment before any action was taken by the BOCC.

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.

After calling out twice, no Public Comments made.

7. **Old Business:**

- a. Ed Ehmann, Director of Public Works. Mr. Ehmann requested that the BOCC approve the release of final payment to Foothills Paving & Maintenance, Inc. for chip sealing project.

Commissioner Ross moved that the BOCC approve the release of the final payment of Foothills Paving & Maintenance, Inc. for Chip Sealing Delbert Road, CR 166, and CR 13 in the amount of \$22,300.00.

Commissioner Schlegel seconded.

Commissioner Ross asked if striping was done in a different contract. Mr. Ehmann advised yes, and it has been completed.

All three Commissioners voted AYE. Motion passed.



8. New Business:

- a.** Margaret Ellis, Regent, Smoky Hill Chapter of Daughters of the American Revolution. After giving a brief history, Ms. Ellis stated November is National American Indian Heritage Month and requested that the BOCC approve and proclaim November to be the National American Indian Heritage Month in Elbert County.

Commissioner Ross read aloud the National American Indian Heritage Month Proclamation and moved that the BOCC approve and execute a proclamation proclaiming November to be the National American Indian Heritage Month. Commissioner Schlegel seconded. All three Commissioners voted AYE. Motion passed.

- b.** Ed Ehmann, Director of Public Works. Mr. Ehmann requested that the BOCC approve the release of \$5 million Bond for possible roadway damage during the construction process of the Limon Wind Farm.

Commissioner Ross moved that the BOCC approve the release of the \$5 million (\$5,000,000.00) Bond held by the County for Roadway Damage caused by the Construction of the Limon Wind Farm.

Commissioner Schlegel seconded and then commented that all road damage issues were resolved quickly with this company. Mr. Ehmann agreed.

Commissioner Rowland asked if Elbert County was reimbursed the full \$250,000.00 by the company for the section of road Elbert County maintained. Mr. Ehmann advised yes.

All three Commissioners voted AYE. Motion passed.

- c.** Alex Beltz, Attorney to the BOCC. Attorney Beltz requested that the BOCC approve an extension of an existing Independent Contractor Agreement between Elbert County Department of Health and Human Services and Arnold & Associates for two (2) months, to expire December 31, 2013.

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 & Human Services, regarding the provision of certain legal services to the Department for a term of two months through December 31, 2013, at a rate of



\$100 per hour for Attorney's general and litigation services, \$40 per hour for paralegal services and \$25 per hour for services of legal assistants. Commissioner Schlegel seconded and commented that he is concerned about there having already been several extensions. Attorney Beltz agreed and advised it will be addressed at the beginning of the year.

All three Commissioners voted AYE. Motion passed.

- d.** Alex Beltz, Attorney to the BOCC. Attorney Beltz requested that the BOCC approve an amendment to the existing Independent Contractor Agreement between Elbert County Department of Health and Human Services and Lisa Mazzola to include reimbursement of travel costs and some other expenses.

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 Health and Human Services, and Lisa Mazzola amending Section 3 of the Agreement to include reimbursement for travel costs and expenses related to the performance of the Agreement up to a maximum amount of \$700.00.

Commissioner Schlegel seconded.

Commissioner Rowland asked for clarification, which Attorney Beltz gave.

All three Commissioners voted AYE. Motion passed.

- e.** Johanna Sanders, Budget Officer. Ms. Sanders requested that the BOCC approve the Engagement Letter from Poysti & Adams to compile financial statements for the year ending December 31, 2012.

Commissioner Ross moved that the BOCC approve and execute the Engagement Letter between Elbert County and Poysti & Adams, LLC, for the provision of services for the compilation of financial statements for the year ended December 31, 2102.

Commissioner Schlegel seconded and commented that this was necessitated due to a change in Staff and we've already missed two (2) deadlines for the 2012 audit.

Commissioner Rowland commented that he requested from Poysti & Adams a more direct approximation of the cost Elbert County will incur with these services:

\$ 24,000.00 to complete audit
\$-17,500.00 offset by vacated employee position
\$ 6,500.00 approximate cost to County

All three Commissioners voted AYE. Motion passed.

- f. Kyle Fenner, Director of Community and Development Services. Ms. Fenner gave brief State Statute description of the Board of Adjustment, provided a short list of recommendations and requested that the BOCC approve 3 additional Regular Board positions and 2 Alternate Board positions to comply with State Statute.

Commissioner Ross moved that the BOCC approve and appoint Commissioner Robert Rowland from Elbert County District 1 to serve as a member to the Elbert County Board of Adjustment.

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

Commissioner Schlegel moved that the BOCC approve and appoint Bob Lewis to serve as a member to the Elbert County Board of Adjustment.

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

Commissioner Ross moved that the BOCC approve and appoint Ron Turner to serve as a member to the Elbert County Board of Adjustment.

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

Commissioner Ross moved that the BOCC approve and appoint Mr. Mike Kelly to serve as a primary member to the Elbert County Board of Adjustment.

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

Commissioner Schlegel moved that the BOCC approve and appoint Mr. Jeff Combs to serve as member to the Elbert County Board of Adjustment as an alternate. Commissioner Ross seconded. All three Commissioners voted AYE. Motion passed.



Commissioner Ross moved that the BOCC approve and appoint Ms. Jane Penley to serve as an alternate member to the Elbert County Board of Adjustment. There was no second. Motion died.

Commissioner Schlegel moved that the BOCC approve and appoint Ms. Beverly Rampy to serve as an alternate to the Elbert County Board of Adjustment. Commissioner Rowland seconded. All three Commissioners voted AYE. Motion passed.

- g.** Kyrei Zion, Fairgrounds Events Coordinator; and Ed Ehmann, Director of Public Works gave a Proposed Fairgrounds Policy and Procedures Presentation and then requested that the BOCC approve them.

Commissioner Ross suggested something be put in place to provide for a way for other non-paying users of the Fairgrounds to give services to offset their free usage (such as 4H).

Mr. Ehmann advised him they have already addressed this.

Commissioner Rowland questioned the tenant consideration on page 4 of the proposed policy and procedures paperwork handed to them. Ms. Zion advised him that part has been stricken.

Commissioner Ross moved that the BOCC approve and adopt the Elbert County Fairgrounds Policies and Procedures, effective November 1, 2013.

Commissioner Schlegel seconded.

Commissioner Ross advised since he just received this paperwork himself this morning, he has not had time to give it due diligence and therefore will abstain from voting on this motion.

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

9. Land Use: NONE

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

Meeting Adjourned at 10:36 a.m.

BOARD OF COUNTY COMMISSIONERS

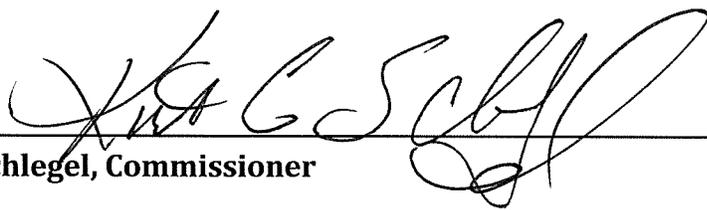
ELBERT COUNTY, COLORADO



Robert Rowland, Chairman



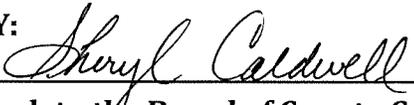
Larry Ross, Vice Chair



Kurt Schlegel, Commissioner

ATTEST: Dallas Schroeder

County Clerk

BY: 

Clerk to the Board of County Commissioners

