

ELBERT COUNTY, COLORADO

The Board of Elbert County Commissioners (BOCC) met in a regularly scheduled meeting on Wednesday, Sept. 11, 2013 with roll call of members as follows:

Robert Rowland- PRESENT

Kurt Schlegel- ABSENT

Larry Ross- PRESENT

The BOCC convened at 9:01 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 to remove items c. and f. from under New Business. Commissioner Rowland seconded. Commissioners Ross and Rowland voted AYE. Motion passed.

Commissioner Ross moved to approve the Agenda as amended. Commissioner Rowland seconded. Commissioners Ross and Rowland 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 August 14, 2013.**

Commissioner Ross moved to approve and adopt the Consent Agenda.

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

4. Awards/Recognition:



- a. Margaret Ellis (Regent of the Smoky Hill Trail Chapter of the National Society of the Daughters of the American Revolution) gave a brief history of Constitution Week and presented the BOCC with a Constitution Week Proclamation and Poster.

Commissioner Ross read aloud the Proclamation and then moved that the BOCC proclaim September 17 through September 23, 2013 as Constitution Week. Commissioner Rowland seconded. Both Commissioners Ross and Rowland voted AYE. Motion passed.

- b. Commissioner Rowland advised they were going to introduce the new Clerk and Recorder, Dallas Schroeder but he has been detained in a meeting.

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.

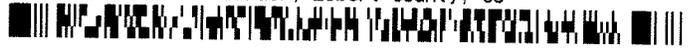
- a. Ed Ehmman, Director of Public Works gave updates on the completed chip seal project in Elbert County and completed County Road 194 project.

Commissioner Ross questioned Mr. Ehmman about comments from several Ramah residents of increased Elbert County truck traffic going through their town. Mr. Ehmman advised they regularly rotate their truck routes, so they don't cause extreme wear and tear to any one route and damage residents' roads. They do have an alternate route around Ramah that can be used the majority of the time.

- b. Kyle Fenner, Director of Community and Development Services advised:
 1. There is a formal application at the state for a well and if anyone is interested it can be seen on the COGCC website; look for it under Mustang LLC 2 and 2A applications.
 2. Community and Development Services had their first meeting with the Editing Committee concerning the Oil and Gas Regulations and information on that can be found on the County website.
 3. The pipeline is now out of our County and Carolyn Parkinson with Community and Development services will be doing the reclamation inspection soon.

Commissioner Rowland asked if Ms. Fenner is now officially our County's Local Government Designee (LGD). Ms. Fenner: Yes.

Commissioner Rowland reiterated that the Oil and Gas Regulations are actually Amendments to the Zoning Regulations.



Commissioner Ross asked if the NexGen Mustang project has been approved at the state. Ms. Fenner: Yes, once it reaches Elbert County, the Planning Commission will see it, hear it, vote on it, then it will go through the full Special Use process, and the public and the Fire Districts will be involved in the permit process.

- c. Billie Mills, Assessor recognized her employees and thanked them for their hard work in preparing for and passing the Assessor's recent audit by Wild Rose Audit, which is a savings to the County.
- d. Jerri Spear, Director of Health and Human Services gave an update on how the health care reform law will be affecting her department especially through the Medicaid applications for the state.

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. Norm Happel – Elizabeth. Mr. Happel encouraged citizen voters to be fully educated about why Elbert County has such a high debt load and approve the repeal of the machine and tool tax and support the mill levy increase to meet our financial obligations. He also encouraged the BOCC to develop a plan to give the facts to the citizens for their serious and knowledgeable consideration of the tax referendums.

NO OTHER PUBLIC COMMENT

7. Old Business:

- a. Alex Beltz, Attorney for the BOCC presented the second reading of the Elbert County Marijuana Ordinance No. 13-01.



Commissioner Ross read aloud,

“The Board of County Commissioners hereby states that Ordinance No. 13-01, AN ORDINANCE PROHIBITING THE OPERATION OF MARIJUANA CULTIVATION FACILITIES, MARIJUANA PRODUCT MANUFACTURING FACILITIES, MARIJUANA TESTING FACILITIES OR RETAIL MARIJUANA STORES WITHIN UNINCORPORATED ELBERT COUNTY, STATE OF COLORADO was introduced, read by title and adopted on first reading as an ordinance necessary for the immediate preservation of the public health, safety and welfare at the regular meeting of the Board of County Commissioners of the County of Elbert on the 14th day of August, 2013. The Board notes that at least ten days have passed since such publication date and the Board will now proceed with the second and final reading of the proposed ordinance.”

“The Board notes that the entire text of the proposed ordinance has been submitted in writing to the Board of County Commissioners before its adoption. The Board further notes that no revisions to the proposed ordinance have been made since the August 22, 2013 publication in the Elbert County News. Therefore, in accordance with C.R.S. 30-15-407, this second and final reading of the proposed ordinance shall be deemed satisfied upon the reading of the title of the proposed ordinance into the record. The title of Ordinance No. 13-01 is as follows: AN ORDINANCE PROHIBITING THE OPERATION OF MARIJUANA CULTIVATION FACILITIES, MARIJUANA PRODUCT MANUFACTURING FACILITIES, MARIJUANA TESTING FACILITIES OR RETAIL MARIJUANA STORES WITHIN UNINCORPORATED ELBERT COUNTY, STATE OF COLORADO. This ordinance shall be known and referred to as the Elbert County Marijuana Ordinance.”

Commissioner Ross moved that Ordinance No. 13-01 be adopted on this second and final reading as an ordinance necessary for the immediate preservation of the public health, safety and welfare. Commissioner Rowland seconded. Both Commissioners Ross and Rowland voted AYE. Motion passed.

8. New Business:

- a.** Jerri Spear, Director of Health and Human Services presented information regarding the revision on the Preserving Safe and Stable Families (PSSF) Program Plan that has already been approved by the BOCC. She commented that this is a prevention/intervention program and they are revising it to better utilize the grant money they are allotted.



- b.** Jerri Spear, Director of Health and Human Services requested that the BOCC approve the proposed ICA with Lisa Mazzola for providing Review Team Liaison Services.

Commissioner Ross moved that the BOCC approve and execute the Independent Contractor Agreement between Elbert County, on behalf of the Elbert County Department of Health and Human Services, and Lisa Mazzola regarding the provision of Services Review Team Liaison Services, for a contract price up to \$15,000.00 through June 30, 2014. Commissioner Rowland seconded. Both Commissioners Ross and Rowland voted AYE. Motion passed.

- c.** Ed Ehmann, Director of Public Works requested that the BOCC approve and execute the Government Obligation Contract for the financing of two (2) 2014 International 7600 Dump/Plow trucks with multiple use hitches on the back previously approved for purchase by the BOCC.

Commissioner Ross moved that the BOCC approve and execute the Government Obligation Contract, and any ancillary documentation thereto, between Elbert County, on behalf of Elbert County Public Works, and Kansas State Bank of Manhattan regarding the provision of financing for the purchase of two (2) 2014 International 7600 Dump/Plow Trucks for the contract price of \$437,907.58, payable at \$23,841.39 quarterly for a period of five years with a first payment date of December 20, 2013.

Commissioner Ross commented for the Public's benefit that they might hear of this type of equipment coming before the BOCC numerous times; it is not multiple pieces of equipment, but rather the multiple stages the BOCC must go through for proper bidding, approval and financing for each piece of equipment. He then commended Mr. Ehmann for getting trucks with greater utility use.

- d.** Ed Ehmann, Director of Public Works requested that the BOCC approve the Lease Purchase Agreement for the John Deere 644K Loader to replace the Caterpillar on site at the gravel pits.

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 644K Loader, for the contract price of \$202,225.00 less \$125,000.00 of trade-in of 2007 Cat 950H Wheel Loader for a total cost to Elbert County of \$77,225.00, payable at \$4,170.85 quarterly for a period of five years, together with a guaranteed buy-back by Honnen Equipment of \$160,000.00 at the end of the lease-purchase term. Commissioner Rowland



seconded. Both Commissioners Ross and Rowland voted AYE. Motion passed.

Norm Happel – Elizabeth questioned the BOCC as to whether this equipment was approved and budgeted in the 2013 budget.

Ed Ehmann, Director of Public Works advised all items which have come before the BOCC to date have been anticipated and budgeted and allocated as part of the vehicle replacement plan.

9. Land Use: NONE

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

Commissioner Rowland called for Public Comment once again since the Agenda still showed it at the end of the meeting as well as before New Business.

No Public Comment.

Meeting Adjourned at 10:10 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

