ELBERT COUNTY, COLORADO

BOARD OF COUNTY COMMISSIONERS MEETING MINUTES

Regular Meeting Held in the BOCC Meeting Room
October 10th, 2018 at 9:00 A.M.

WE VALUE

- ***Honesty, integrity and respect for the rights of all individuals***
- ***Quality service to all***
- ***Respect for our culture and history***
- ***Clear communication and transparency***
- ***Efficiency & fiscal responsibility***
- ***Recognition of employee and citizen contributions***
- ***Partnerships and collaborations***
- ***Planning for the future***
- ***Cooperative leadership and professional development***

VISION: Elbert County is recognized by our citizens and employees as the best place to live, work, and conduct business in Colorado; led in a responsive, effective, transparent, and professional manner.

A. CALL TO ORDER AND ROLL CALL 9:01 AM Commissioner Thayer – Here, Commissioner Richardson – Here, Commissioner Willcox - Here

B. INVOCATION/PLEDGE OF ALLEGIANCE: Pastor Jim Kimbriel, Harvest Bible Church

C. APPROVAL OF AGENDA
Motion: Approve Agenda

	Moved	2nd	Comments
Richardson		x	
Thayer	x		
Willcox			
	AYE	NAY	
Richardson	x		
Thayer	x		
Willcox	x		

D. CONSENT AGENDA:

1. Approval of Vouchers as needed
2. Acknowledgement CDS Pipeline Report
3. Approval of Resolution Directing CDS to begin County-Wide Rezoning of Properties designated XX/NZ
4. Kiowa Water Authority Quick Claim Deed

Motion: Approval of consent Agenda

	Moved	2nd	Comments
Richardson	x		
Thayer		x	
Willcox			
	AYE	NAY	
Richardson	x		
Thayer	x		
Willcox	x		

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OUR MISSION: Provide essential statutory services and supportive infrastructure to our citizens in a professional, respectful, cost-effective manner while creating a working environment that supports their endeavors, western lifestyle and rights as individuals.

E. ELECTED OFFICIALS/DEPARTMENT HEADS/STAFF REPORTS

Sam Albrecht, County Manager

Mr. Albrecht shared there was a fire in the Southern part of the county and maybe even into El Paso county. Road and Bridge sent equipment and several agencies responded. He also stated while the recent moisture is nice, it has caused the roads to be muddy. Road and Bridge does not work the roads when they are so muddy. They are working closely with the schools and there were some closures

Dallas Schroeder, Elbert County Clerk

Mr. Schroeder gave a brief update on the upcoming Election. He shared that the County will have a mobile Voter Service and Polling Center this year.

F. OPEN PUBLIC COMMENT (See Note 1)

G. DISCUSSION ITEMS: (See Note 2)

1. Presentation by Elbert County Agricultural Alliance

Diane Kribley, on behalf of ECAA

Ms. Kribley stated they are a non-profit and their focus is on teaching rural agricultural skills. They are teaming with EPR to use the Cimmarron athletic field. They plan to install a greenhouse, learning center, information on native plants, managing livestock, and conservation techniques for improving one's property. The goal is to be a resource for those in the community. There is survey on public opinion through Elizabeth Park and Rec. This will be placed on the County Web-site. They are looking at getting some grant money. They are getting a GoCo planning grant. They currently have about 30 members.

JC Cook, EPR President of Park District

Mr. Cook relayed they are the first group that they are willing to partner with EPR to utilize Cimmaron better. This is an outlier park for the District. Mr. Cook shared what happened at their public meeting. There has been concern on access to equestrian trails. There has been questions on flooding. Another concern was about whether trees would be cut down. Answer is no. He asked for support from the commissioners.

2. National 4H Week Proclamation

Kali Benson, CSU Extension

Ms. Benson brought up Willie Wilkins the new Ag Extension agent.

Mr. Wilkins shared a little of his history and stated he is happy to be here.

Danielle Voughtner

She has been in 4H for 7 years. 4H has been a blessing in many ways. She discussed all events she has traveled to. She was able to participate in events she otherwise would not have been a part of and she listed those. She is also involved in leadership level at the 4H. 4H challenges her and helps her grow as a person. The social side of 4H is a great benefit and fun as well. She believes 4H will be one of her best childhood memories.

Ms. Benson talked about how they are proud of Danielle. This is National 4H week and she requested approval of the Proclamation.

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Sam Albrecht, County Manager

Mr. Albrecht read the proclamation.

Motion: Approval/Adoption of 4H week Proclamation

	Moved	2nd	Comments
Richardson	x		Thanked Kali and Danielle for her presentation
Thayer		x	Commented the professional presentation by Danielle
Willcox			
	AYE	NAY	
Richardson	x		
Thayer	x		
Willcox	x		

3. Budget Calendar Update for 2019 Budget

Sam Albrecht, County Manager

Mr. Albrecht shared where we are as a County. There has been individual meetings and 2 group meetings so far.

These are the main events remaining.

Oct 15 Draft budget due.

Work/Study Session on 10/31 at 9 AM

Public Hearing

Certify mills

Approve and submit in December

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H. ACTION ITEMS: (See Note 3)

1. Consideration of August 29, 2018 Minutes

Motion: Approval of August 29, 2018 Minutes

	Moved	2nd	Comments
Richardson		x	
Thayer	x		
Willcox			
	AYE	NAY	
Richardson	x		
Thayer	x		
Willcox	x		

2. Consideration of September 12, 2018 Minutes

Motion Approval of September 12 Minutes

	Moved	2nd	Comments
Richardson	x		
Thayer		x	
Willcox			
	AYE	NAY	
Richardson	x		
Thayer	x		
Willcox	x		

3. Consideration of Resolution Against Passage of Proposition 112

Motion: Approval of Resolution Against Passage of Prop 112

	Moved	2nd	Comments
Richardson	x		
Thayer		x	
Willcox			
	AYE	NAY	
Richardson			
Thayer			
Willcox			

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Public Comment

Chris McGowan, Colorado Petroleum

Mr. McGowan is here to support the resolution. He talked of the detriment to the Colorado Economy. He shared some surveys and data supporting his position. He thanked the Commissioners for the consideration of opposing this proposition.

Jim Duvall, Elizabeth

Mr. Duvall relayed he was in favor of Prop 112. He suggested that they take a positon on the other issues as well and not just one or two.

Commissioner Thayer shared he was in the oil and gas industry. He commented that this particular proposition has impacts within the County. This takes away +98% of drillable locations in the County. He stated how it effects the State economy and harms the mineral rights owner. The State body here is very forceful in enforcement. He thinks this would involve court action due to the loss of revenue to various entities. This would have a substantial negative impact on the county.

Commissioner Richardson talked about the history and direction the Commissioners have put in place. They are looking for stability in the revenue stream for future years. Energy is an option of revenue for the County. They have approved energy projects in the past and this Prop would take this option away.

Commissioner Richardson read the Proclamation.

Motion: Approval of Proclamation (Re-stated)

	Moved	2nd	Comments
Richardson			
Thayer			
Willcox			
	AYE	NAY	
Richardson	x		
Thayer	x		
Willcox	x		

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I. BOARD PLANNING

1. Agenda Items for Next Meeting (October 24, 2018)
   a. Consideration of October 10, 2018 minutes
   b. Consideration of Resolution Requiring Fire Service be Provided/ Fire District Inclusion Fee
   c. Acknowledgement of Receipt of Draft 2019 Budget
   d. Elbert County Strategic Plan Rollout
   e. Update on Elbert County Building Authority
2. Workshops/Study Sessions
   a. Work-Study Session on Fees and Applications Tentative 10/17/18, 11 AM
   b. Town Hall 10/17/18 at Agate School (6:30-8:30 pm)
   c. Town Hall 10/18/18 at County Fairgrounds (6:30-8:30 pm)
   d. 2019 Budget Work-Study Session. Tentative 10/31/18, 9 AM
3. Pending Hearings
   a. Consideration of Liquor License for Singing Hills Liquor

Recess declared at 9:51 AM

Back in Session at 1:02 PM
Roll Call All Present

J. LAND USE HEARINGS 1:00 P.M. (See Note 4)

1. SIA for DB Speed

Motion: open land use for DB Speed

	Moved	2nd	Comments

Richardson		x	
Thayer	x		
Willcox			
	AYE	NAY	
Richardson	x		
Thayer	x		
Willcox	x		

Vince Harris, CDS on behalf of CDS

Mr. Harris stated the applicant has not agreed to the SIA. Mr. Harris gave a summary of the history that got us to this point. As part of agreement for the approval is for a SIA to be approved. The applicant has not agreed to the expectations and requirements provided in the SIA. In order for applicant to get a building permit, both parties must sign off on the SIA.

Sean O'Hearn, County Engineer

Mr. O'Hearn presented what is in the SIA. This is similar to other SIAs improved. Mr. O'Heran presented a power point that outlines the SIA and discussed the details of the SIA, encompassing a traffic summary, and SIA provisions that are specific to this project. A lot of time and thought to be safe to develop the current SIA.

Applicant

Lorene Grill, The Applicant

DB Speed is a small, family owned business and their dream is to grow and serve Elbert County. They would like the requirement of the SIA signed before they get a building permit and a discussion on 11-foot turn lines. She stated they were told that they did no need and SIA. They did not know they needed a SIA until September. They felt the received incorrect information. They are looking for a win situation. They are also looking for an 11 foot turn lane an 11ft through lane. They noted of other left hand turn lanes on CR 166 were 11 feet wide already. They feel they are receiving conflicting information. They are willing to sign an SIA that is satisfactory to everyone.

There was ongoing discussing on the width of the turn lanes and what the requirements are for the usage would be.

Dave Rubal,

Mr. Rubal has been doing traffic studies for twenty years. He has done other studies in the county. He could not find a standard in the EC regulations, He used stat highway standards. He stated there is another way to determine if a left turn was need. There should be a gap study done. He believes there is enough room to not have the left turn. He felt there will never be a time when there will be a need for a left hand tune.

Mr. O'Hearn asked some questions.

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Mr. Rubal and Mr. O'Hearn had a discussion on what the trigger would be for a left hand turn lane.

There was an ongoing discussion of the turn lanes between the Commissioners, Mr. O'Hearn and Mr. Rubal. There was also a discussion of deceleration lanes. Mr. Rubal stated the other improvements down Wind Spirit Lane will be what triggers the left turn lanes.

There was ongoing discussions to trying to find solutions.

Dave Grill, The Applicant

Mr. Grill offered a solution to move forward and try to and re-stipe so there is a turn lane that would be at 11 foot width. He has trouble thinking of putting a lot of money in a road that may be improved later. He felt that the requirements have been changing.

There was ongoing discussion between the applicant and the Commissioners.

Commissioner Thayer asked for this continue until next meeting and for the Applicant to work with the County to find a solution by the next meeting.

The applicant requested a continuance.

Commissioner Willcox stated his concerns in narrowing lanes and narrow turn lanes.

Motion: Continuance until Oct. 24.

	Moved	2nd	Comments
Richardson		x	
Thayer	x		
Willcox			
	AYE	NAY	
Richardson	x		
Thayer	x		
Willcox	x		

Motion: Close DB Sped and open Atkinson Re-zone

	Moved	2nd	Comments
Richardson	x		
Thayer		x	
Willcox			
	AYE	NAY	
Richardson	x		
Thayer	x		
Willcox	x		

5 Minute Recess declared at 2:21.

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Back in session 2:35

2. RZ-17-0047 & MD 17-0048 Atkinson

Vince Hooper, Baseline representing CDS

Mr. Hooper said this was two separate hearings. One is a rezone and one a minor development. Mr. Hooper gave the staff summary. The proposal is to have 4 lots all with access to the road. 3 off of 106 and one on CR 17. This is the major point of contention. The Planning commission recommended approval with one condition. This has been met. Mr. Hooper relayed concerns received from a neighbor, dubbed the Olson letter, and this has been given to the applicant and a response given and all the information is in the Commissioner's packets. There was also a staff response to the Olson letter, which Mr. Hooper outlined. Staff recommends approval of the RZ-17-0047 with standard conditions. Staff recommends approval of MD-17-0048 with standard conditions. Planning Commissioner recommends approval.

Tom Maroney, PO box 902 Littleton

Mr. Maroney stated the staff has been thorough in their work. The project has satisfied all referral agencies.

Commissioner Thayer asked staff about paying all fees before recordation. Is there a provision for cash-in-lieu of open space? Yes. This was explained by Mr. Hooper.

Public Comment

Jennifer Little 4195 CR 106

Ms. Little is concerned with the continuity of the surrounding area. She does not like the smaller lots. She does not think the road safety is appropriate. She thinks there will be an impact to the neighbors. The PC looked at one access point, not four. She did not move there to be part of small parcel areas. She said that the development will have a negative impact.

Mr. Hooper said there was not condition of one access by the Planning Commission. The requirements for public notifications have been met

Ms. Little stated she had asked about the sign and was told it would be updated.

Commissioner Thayer said that the current regulations to allow for this development.

Commissioner Richardson stated there has been neighbors at every meeting and every continuation. The driveway standards are met.

Commissioner Willcox stated he visited the site and observed for 20 minutes. He saw two vehicles. He understands the objection the project.

Motion: Approve Atkinson rezone and Atkinson MD

	Moved	2nd	Comments
Richardson		x	

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Thayer	x		
Willcox			
	AYE	NAY	
Richardson	x		
Thayer	x		
Willcox	x		

3. VC-18-0026 Indian Rock Circle Vacation

Motion: Close Atkinson Hearing and open Indian Rock Vacation

	Moved	2nd	Comments
Richardson	x		
Thayer		x	
Willcox			
	AYE	NAY	
Richardson	x		
Thayer	x		
Willcox	x		

Vince Hooper, Baseline representing CDS

Mr. Hooper gave the staff summary. This is to vacate a road right-of way. This is to convert 4 lots into 2 lots, via administrative adjustment. The Planning Commission recommended approval with standard conditions.

Tom Maroney spoke on behalf of applicant.

Mr. Maroney has nothing to add and accepts conditions of approval.

Motion: Approval Indian Rock Circle vacation

	Moved	2nd	Comments
Richardson	x		
Thayer		x	
Willcox			
	AYE	NAY	
Richardson	x		
Thayer	x		
Willcox	x		

Motion: Adjourn at 3:19 PM

	Moved	2nd	Comments
Richardson	x		
Thayer		x	

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Willcox			
	AYE	NAY	
Richardson	x		
Thayer	x		
Willcox	x		

ADJOURNMENT3:19 PM

NOTES ON PUBLIC COMMENT:

Note 1: General Public Comment - *This portion of the agenda is reserved for citizens who wish to comment to the BOCC on items of county interest that are not scheduled for Discussion or Action. This time will not be used to make political speeches nor will personal attacks be tolerated. Individuals will be limited to one opportunity to speak for a period of up to three minutes during this portion of the agenda.*

Note 2: Discussion Items - *This portion of the agenda is intended to introduce items that may require future board action. It allows for shaping of final decisions, and allows for public input to ensure all aspects of the issue are fully considered before decisions are made. After each item, the chair will offer time for public comment limited to three minutes per person.*

Note 3: Action Items - *This portion of the agenda is intended for items requiring a board decision. Prior to taking action, the chair will offer time for any final public input, limited to three minutes per person, prior to a vote.*

Note 4: Land Use Hearings - *Hearings for Land Use Items will be held at 1:00pm on meeting days. If all other agenda items are completed earlier, the chair will recess until this scheduled time. If previous agenda items are not complete by 1:00pm, the land use hearings will be opened and completed before proceeding to any remaining agenda items. Land use hearings will follow the following sequence:*

- *Open Land Use Hearing*
- *Staff Presents Application and Recommendation of Planning Commission*
- *Applicant Presents*
- *Public Input on Application (three minutes per person)*
- *BOCC Questions and Discussion*
- *BOCC Decision*
- *Close Land Use Hearing*

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