



ELBERT COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS MEETING MINUTES
 Regular Meeting Held in the BOCC Meeting Room
 April 11th, 2018 at 9:19 AM

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. Special Note: Sun Country Public Improvement District Board of Directors met at 9:00 AM

CALL TO ORDER AND ROLL CALL:

Commissioner Thayer – Here, Commissioner Richardson – Here, Commissioner Willcox - Absent

B. INVOCATION/PLEDGE OF ALLEGIANCE: Pastor John Smith, Majestic View Church

C. APPROVAL OF AGENDA

Motion: Approval of Agenda as presented with the following changes:

- Strike item G4. Update on County Owned Vehicles (delay until the next regularly scheduled BOCC meeting when all Commissioners are present)

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

D. CONSENT AGENDA:

1. Approval of Vouchers/Mylars as needed
2. Acknowledgement of CDS Pipeline
3. Elbert County Annual Fire Operation Plan

Motion: Approval of Consent Agenda

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

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 Dallas Schroeder Recorder, Elbert County, Co



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E. ELECTED OFFICIALS/DEPARTMENT HEADS/STAFF REPORTS

- a. Sam Albrecht, County Manager, gave a brief update on previously reported IT matters. Mr. Albrecht advised he meets weekly with the IT director and contractors to make sure the County is meeting all of its objectives with respect to IT.
- b. Sam Albrecht, County Manager, provided an update on the Comprehensive Plan. The Planning Commission met on April 10, 2018, and approved the final draft of the Comprehensive Plan. There will be a public meeting on the 24th of April at the Elbert County Fairgrounds, and the BOCC will be present. Notification of the meeting will be posted for the public in the near future, and the draft of the plan will be made available to the public on the County's website.
- c. Justin Klassen, Director of Administration, informed the BOCC of continued improvement and continual modification taking place with respect to the process of preparing documents in a timely matter for BOCC meetings. Mr. Klassen explained the reason for the agenda changes to this meeting.

Commissioner Richardson commented on the single document available to the public on the County website that allows for printing one large document, rather than numerous individual documents.

Mr. Klassen explained having one single document for the public was the intent for the March 28th, 2018 meeting, and provided an explanation as to why this did not occur.

- d. Commissioner Richardson introduced Alex Jakubowski, Director of the Office of Emergency Management to recognize those that provided assistance to individuals impacted by the Forest Ridge Fire.

Mr. Jakubowski, reiterated the huge efforts taking place and stated many organizations stepped up to help alleviate the burden for individuals impacted by the Forest Ridge Fire. At the request of the Commissioners, Mr. Jakubowski wanted recognize some of the donors publically:

- Rich Robbins with Team Rubicon, leveraged 25 veteran volunteers to assist with cleanup. On the private side, Mr. Robbins donated heavy equipment from his personal business.
- Pam Witucki, Director of ECCO Community Resource Center, and Kim Beaver provided funds out of their own pockets to supply Team Rubicon with meals. They are also responsible for setting up a committee to deal with the various organizations and residents to figure out any unmet needs and be the focal point for handling those needs.
- Olivia from Unbridled Acts donated payments for seven large dumpsters.
- Dennis Bells from Southern Baptist provided six volunteers to sift through debris and help with cleanup.

Mr. Jakubowski advised his office wouldn't have been able to do everything that was needed without these organizations.

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Commissioner Richardson read a complete list of organizations that assisted in this effort. A photo was taken to include the Commissioners, Mr. Jakubowski, and the organizations that were present at the meeting.

Commissioner Thayer wanted to recognize County staff to include Sam Albrecht, Faith Mehrer, and Rory Hale for their efforts in assisting a citizen whose home burned in the fire obtain the necessary permits needed to place a fifth wheel on her property until her home can be re-built.

F. OPEN PUBLIC COMMENT (See Note 1)

None

G. DISCUSSION ITEMS: (See Note 2)

1. GIS Update (Sam Albrecht, County Manager)

Sam Albrecht, County Manager, provided an update on the GIS technical audit contract. The contractor will be on site April 16th and 17th for face-to-face interviews with staff and Douglas County Emergency Management to identify user needs. After the two days of interviews are complete, a data report will be prepared. The goal is to have the GIS program available to everyone. The County will work closely with local municipalities and fire districts to ensure their GIS needs are also met. Mr. Albrecht advised in about six weeks he will provide the next update on the project.

No Public Comment

2. Timeline of the Water Study (Sam Albrecht, County Manager)

Sam Albrecht, County Manager gave a brief update on the status of the water study commissioned to determine future water needs and availability to meet those needs in the future in Elbert County. The presentation given two weeks ago by Forsgren has been given to the Water Advisory Committee. The WAC will hold a public meeting on April 25, 2018, at the Elizabeth Public Library to compile comments and deliver those back to the BOCC at a future date. A draft copy of the water study will be placed on the County website prior to the meeting.

Commissioner Thayer advised this study will be used as a basis for the Commissioners to make future decisions. He advised the Commissioners asked the contractor for a base study so the right recommendations could be made by focusing on facts only and taking the emotion out of the issue.

No Public Comment

3. BOCC Resolution to allow the County Manager to set Annual Holiday Schedule (Dianna Hiatt, Human Resources)

Dianna Hiatt, Human Resources, explained it is a benefit to the employees and the public to determine the County Annual Holiday Schedule far in advance. Ms. Hiatt briefed the room on the 10 federal holidays the County observes as well as the future plans for floating holidays given to employees. Ms. Hiatt stated a resolution will be prepared for the Commissioners to approve at the next regularly scheduled BOCC meeting, allowing the County Manager to set the Annual Holiday Schedule.

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No Public Comment

4. ~~Update on County Owned Vehicles (Rory Hale, Public Works Director & Undersheriff Troy McCoy, Elbert County Sheriff's Office)~~

H. ACTION ITEMS: (See Note 3)

1. Resolution for Supplemental Appropriation

Kyrei Zion, Finance, stated with the close of 2017 financials, supplemental appropriations to the 2017 Budget must be made. Ms. Zion spoke to the specific funds and dollar figures contained within the resolution. Ms. Zion stated none of this comes as a surprise, this is a housekeeping item, and must be done in order to meet statutory requirements.

Motion: Approve Resolution for Supplemental Appropriation

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

No Public Comment

2. Child Abuse Prevention Awareness Month Proclamation (Jerri Spear, HHS Director)

Jerri Spear, HHS Director, explained the purpose of annual awareness and introduced Sherry Hansen, Protective Services Administrator. Ms. Hansen advised child abuse prevention awareness has been publicized in various ways to include the electronic sign board in Elizabeth. Ms. Hansen gave a brief update on past and current referral numbers and advised the County is projecting a 35% increase in referrals this year. Ms. Spear read the proclamation. Commissioner Richardson requested the County Manager put this out as a press release and share it with the Chamber of Commerce as well as with local pastors.

Motion: Recognize Child Abuse Prevention Awareness Month Proclamation

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

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No Public Comment

I. BOARD PLANNING

Determination of the Tentative Agenda for the April 25, 2018 BOCC Regular Meeting

1. Agenda Items for Next Meeting
 - a. Master Plan/Comprehensive Plan Update (Sam Albrecht, County Manager)
 - b. Franchise Fee Agreements (Bart Greer, County Attorney)
 - c. Updated TANF Policies (Jerri Spear, Director of Health and Human Services)
 - d. Records Retention Policy (Justin Klassen, Director of Administration)
 - e. Update on County Owned Vehicles (Rory Hale, Public Works Director & Undersheriff Troy McCoy, Elbert County Sheriff's Office)
 - f. March 28, 2018 Minutes
 - g. April 11, 2018 Minutes
 - h. Resolution to allow County Manager to set Annual Holiday Schedule
 - i. Special Event Permit for Elizabeth Rodeo Association
2. Workshops/Study Sessions
 - a. Commissioner Town hall at Sun Country Community Church on April 18th
 - b. Commissioner Town hall in Elizabeth (exact location TBD) on April 19th
3. Pending Hearings

At 10:10 AM, recess until 1:00 PM

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

Special Note: Sun Country Public Improvement District Board of Directors reconvened at 1:00 PM and ended at 1:09 PM

Out of recess and reconvened as the BOCC: 1:09 PM

Commissioner Richardson started the meeting by reminding everyone of Commissioner Willcox's absence and conveyed that a split vote with only two Commissioners present is a no vote. Commissioner Richardson gave each applicant the option to continue until the full board is present, or continue with two Commissioners.

Motion: Open Land Use Hearings

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

1. Prairie Ridge Rezone & Minor Development (RZ-17-0010 & 10-17-0041)

Hearing continued from March 28, 2018.

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Jaxon Fagan, Baseline Engineering (on behalf of CDS)

Mr. Fagan provided a brief recap on what was presented to the BOCC on March 28, 2018.

Representing the applicant: CJ Kearse

Mr. Kearse advised the applicant is willing to agree to a surface use agreement with the severed mineral rights owner that the BOCC required. The applicant agrees to all other conditions of approval.

Motion: Approval of Prairie Ridge Rezone & Minor Development (RZ-17-0010 & 10-17-0041)

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

2. IREA Eastern Reliability upgrade 1041 Permit & Special Use Review (SU-17-0002 & 10-17-0004)

Ethan Watel, Baseline Engineering (on behalf of CDS)

Mr. Watel read an email from Commissioner Willcox. Mr. Willcox planned to recuse himself from this application. Whether the applicant chooses to be heard today or in the future, it will be by two Commissioners.

Jaxon Fagan, Baseline Engineering (on behalf of CDS)

Mr. Fagan provided the staff presentations for both the 1041 Permit and Special Use Review. Mr. Fagan reviewed the site and project area (running directory north of the town of Kiowa). Mr. Fagan gave a history of the application process. This application has gone through an internal and external review. The Elbert County Planning Commission voted yes (6 to 1) after hearing the application on March 20, 2018. The application is in general conformance with the Elbert County Master Plan, and CDS recommends approval.

Commissioner Richardson requested the status of the application for the 4.3 miles of transmission line that would extend into Arapahoe County.

Mr. Fagan advised the applicant could speak to the Arapahoe County portion.

Applicant: Dale Murphy, Project Manager with Colorado Engineers, working on behalf of IREA

Mr. Murphy advised the Arapahoe County application is on track and running in parallel with this application. Mr. Murphy discussed the project purpose and need. Currently IREA has only a single direction 115 kilovolt electric power transmission line to Kiowa substation and this substation provides power to all IREA customers in the area. Without a looped system, maintenance work to improve system reliability is difficult to undertake

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without causing power outages impacting many customers. The project is 115 kv trans line extending between the existing brick center and Kiowa substation. Approximately 12.2 miles would be located within Elbert County. IREA Started discussing the project in 2016. In 2017 there were three open houses and multiple mailings to citizens in the area. If approved, construction would begin early 2019, and finish in 2019. Mr. Murphy also reviewed land use and environmental evaluation criteria.

Public Comment:

Paul Bruchez, P.O. Box 908, Kremmling, CO

Mr. Bruchez started by confirming the BOCC received the letter he provided in their board packets that describes his family's situation in detail, and explained he is here representing his father and aunt. Mr. Bruchez advised Route A cuts his family's property in half. IREA made an assumption based on Assessor records that there were two separate owners, his father and aunt, but in fact it is tenancy in common. Mr. Bruchez reviewed a history of communication that took place with IREA, and pointed out the title research that has been done by Land Title and his family's attorney to prove this is one tract of land. Mr. Bruchez formally requested the BOCC please postpone 1041 permit until this is resolved with IREA.

Jim Campbell – 270 St Paul Street, Denver, CO 80209

Mr. Campbell, an attorney with Campbell Killin Brittan & Ray, is here representing Freund Investments and Running Creek Ranch, the largest land owner impacted by this power line. Mr. Campbell advised his client bears a substantial burden with this facility. Mr. Campbell stated he submitted a health study which shows the negative effects of EMF on humans and animals alike. Mr. Campbell stated loss of development value will be considerable and substantial to his client. Mr. Campbell advised an offer was received by his client on April 10, 2018, just one day before coming to the BOCC. Mr. Campbell would like IREA to consider other alternatives or use existing facilities, and does not think the application should be approved until the landowner and the applicant have more time to come to an agreement.

Tim Ulmer, 44025 Kiowa Bennett Rd

Mr. Ulmer is here today on behalf of Chris and Charlie Weams, his partners with Rocky Mountain Cattle Company. Mr. Ulmer advised they have the same concerns as the Bruchez Family with the transmission line cutting into the property. Mr. Ulmer asked for approval to be postponed.

Richard & Kay Snow & Susan Wallder – 42759 CR 53 Kiowa, CO

No comment at this time

Applicant responses to Public Comment:

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Bruchez Comment: Mr. Murphy commented he doesn't recall the single parcel issue. Mr. Murphy advised they are working in good faith, and retrieved the appropriate paperwork from Elbert County and confirmed just last week with the Elbert County Assessor there are two parcels. IREA is trying to understand the situation and resolve the issue.

Campbell Comment: Mr. Murphy explained the process. IREA would not approach land owners to purchase easements until the final path for the transmission line was decided by the Planning Commission, which just took place last week.

Weams Comment: Mr. Murphy advised they are running the line along parcel boundaries and the Weams own several parcels that butt up next to one another.

Commissioner Thayer asked what a reasonable response time from the landowners is.

Applicant: 30 days

Commissioner Thayer asked clarifying questions in regards to offers that were made to the landowners.

Commissioner Thayer asked about fees to the county and the applicant clarified.

Commissioner Thayer clarified IREA could pursue eminent domain if the landowners don't agree to offers presented.

The applicant responded yes.

Mark Turgemeir, Engineer with IREA

Mr. Turgemeir explained there were many factors and regulations that formed the decision in how the route was chosen. There are many subdivisions along Kiowa-Bennet that don't allow for lines to be placed there.

Commissioner Thayer had questions on right of way.

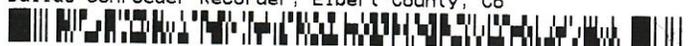
Baseline clarified this is defined by the 1041 Permit and the 1041 is conditioned on approval of the SUR.

Both Commissioners relayed the importance of additional time needed for landowners to respond to offers presented by IREA.

Motion: Continue hearing for IREA Eastern Reliability upgrade 1041 Permit & Special Use Review (SU-17-0002 & 10-17-0004) to May 9, 2018 at 1:00 PM

	Moved	2nd	Comments
Richardson		x	Recommended 30- day continuance
Thayer	x		

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Willcox			Commissioner Richardson accepted a motion to move to a date certain of May 9, 2018 at 1:00 PM
	AYE	NAY	
Richardson	x		
Thayer	x		
Willcox			

Recess: 2:30 PM

Back in session: 2:40 PM

3. Sawyer Rezone & Minor Development (RZ-17-0033 & MD-17-0034)

Jaxon Fagan, Baseline Engineering (on behalf of CDS)

Mr. Fagan began by giving a brief overview of the proposed project. The Planning Commission recommended approval, and the project is in compliance with the current Elbert County Master Plan. CDS recommends approval with conditions.

Applicant: Tom Maroney complimented Elbert County Staff.

Motion: Approve Sawyer Rezone & Minor Development (RZ-17-0033 & MD-17-0034)

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

4. Burmaster Second Residence Special Use Review (SU-18-0007)

Ethan Watel, Baseline Engineering (on behalf of CDS)

Mr. Watel advised the meeting was noticed for today and therefore brought before the BOCC, but has not gone through the Planning Commission yet. The Planning Commission opened a hearing at their last meeting but continued it until May 1, 2018. Mr. Watel recommended this to come back before the BOCC on May 9, 2018.

Motion: Continue hearing for Burmaster Second Residence Special Use Review (SU-18-0007) on May 9, 2018, at 1:00 PM

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

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Thayer	x	
Willcox		

ADJOURNMENT

Motion: Adjournment at 2:53 PM

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

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.

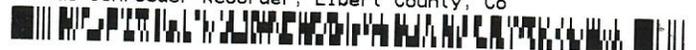
Note 2: Discussion Items - This portion of the agenda is intended to introduce items that may require future board action. It allows for shaping of final decisions, and allows for public input to ensure all aspects of the issue are fully considered before decisions are made. After each item, the chair 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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BOARD OF COUNTY COMMISSIONERS

ELBERT COUNTY, COLORADO



CHRIS RICHARDSON, Vice-Chair, COMMISSIONER District 1



DANNY WILLCOX, Chair, COMMISSIONER District 2



GRANT THAYER, COMMISSIONER District 3

ATTEST: Rachel Buchanan

Deputy Clerk to the Board

BY:



Deputy Clerk to the Board of County Commissioners; Rachel Buchanan

