



ELBERT COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS MEETING MINUTES

Regular Meeting Held in the BOCC Meeting Room
 February 28th, 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 9:00 AM Commissioner Thayer – Here, Commissioner Richardson – Here, Commissioner Willcox - Here

B. INVOCATION/PLEDGE OF ALLEGIANCE: Pastor Brian Janes, Majestic View Church

C. APPROVAL OF AGENDA

Motion: Approval of Agenda

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

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D. CONSENT AGENDA:

1. Approval of Vouchers/Mylars as needed
2. Acknowledgement of Variance Reports
3. Approval of Emergency Operations Plan

Motion: Approval of consent Agenda

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

E. ELECTED OFFICIALS/DEPARTMENT HEADS/STAFF REPORTS

Sam Albrecht, County Manager

Mr. Albrecht recognized Sheila Kelley on her retirement and eleven years of service to

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Elbert County.

The Commissioners presented a plaque of recognition to Ms. Kelley.

Ms. Kelley made some remarks about her time with the County and with the career. She relayed her time as child in 4H and this helped guide her career path. She gave a brief overview of her career. She relayed how the 4H program shaped her life as well.

Mr. Albrecht also spoke to continuing items 2 and 3 under Action Items as they were not posted according to internal policy.

F. OPEN PUBLIC COMMENT (See Note 1)

G. DISCUSSION ITEMS: (See Note 2)

1. County Investment Policy (Rick Pettitt, Elbert County Treasurer)

Rick Pettitt, County Treasurer

Mr. Pettitt stated the formal policy will be available for next meeting. The concerns are safety, liquidity and return; in that order. This is a new opportunity for County. Statutes are being consulted as to what instruments can be invested in as a County entity. There is no cost to the County.

There were additional questions by the Commissioners that were answered by Mr. Pettitt.

2. GIS Update (Sam Albrecht, County Manager)

Mr. Albrecht gave an update on the GIS project. There has been a contract signed to have the data analyzed. Sidwell has been awarded the contract. ECCA also contributed money to the project. He outlined plans for future meetings.

3. Update on County Owned Properties (Justin Klassen, Director of Administration)

Mr. Klassen, Director of Administration

Mr. Klassen gave a brief update as they are starting to produce a list of the properties. They also have to look at restrictions on the properties.

Commissioner Thayer relayed it looks like there are about 90 properties. He gave a little history as to why the project started.

Public Comment

Marlene Groves, 33300 Ridge Road

Ms. Groves asked if there had never had a list and if they reflected on the financial statements.

Mr. Albrecht relayed they are working with the Auditors and the various departments to create an accurate list, how to best use and value those properties.

4. Sun Country Bonding (Bart Greer, County Attorney)

Bart Greer, County Attorney

Mr. Greer stated that counsel has been engaged to receive quotes and assistance for the bonding. Two proposals have been received and are currently being evaluated. No final decisions have been made.

5. CDS Update (Sam Albrecht, County Manager)

Mr. Albrecht stated they are working on rebuilding CDS. He praised Baseline and Vince Harris as the contract CDS director.

a. XX Zoning

Mr. Albrecht shared that XX Zoning and NZ Zoning are not authorized zones in County regulations. They are working on a way to reclassify these properties. There are approximately 160 properties with one of these two classifications.

Vince Harris, Baseline, made a comment on their investigation to the history of how these properties were assigned these incorrect zoning. He hopes for a sweeping change and that is what they are researching.

b. Master Plan/Comprehensive Plan Update

The rough draft has been received. They next step is to start talking to the Stakeholder groups. Then final comments and revision suggestions will be taken back and there will be a public meeting and to the commissioners. Target date is a May/June timeframe.

c. Subdivision and Zoning Regulations Update

Mr. Albrecht stated they are on track with the update.

Mr. Harris stated the target is around mid-April to in to the Planning Commission.

There were comments and questions by the Commissioners, answered by Mr. Harris.

6. Building Department Update (Sam Albrecht, County Manager/ Rory Hale, Public Works Director)

a. Building Regulations Update

Mr. Abrecht relayed that there is much activity in the Building Department. ICC codes are being evaluated. Other districts and municipalities are being consulted as well. There is no recommendation at this time, but to find the one that works for Elbert County.

b. Fee Schedule Update for Buildings and Projects

They are trying communicate with Arapahoe County and CDS as the process is being looked at and laying the proper foundation is important. Fee schedule update will be sometime this year.

7. Road and Bridge Tower Update (Rory Hale, Public Works Director)

Mr. Albrecht relayed the existing tower in Simla is unsafe. It needs to be replaced. The property owner has been contacted and is agreeable with the changes. FCC has been notified. This will go out for bid. Both the Simla school and Road and Bridge use the tower. They hope to have it done by June. This is a priority.

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8. Strategic Plan Update (Sam Albrecht, County Manager)

Mr. Albrecht relayed the survey to the Staff is getting good response rate. This will be an ongoing process to create the strategic plan. He expects delivery in June.

H. ACTION ITEMS: (See Note 3)

1. Approval of February 14, 2018 Minutes

Motion: Approve minutes; both the BOCC and Land Use minutes

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

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2. Approval of BOCC Meeting Policy (Justin Klassen, Director of Administration)

Motion: Continue items number 2 and 3 to the next BOCC meeting

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

3. Approval of Open Records Policy (Justin Klassen, Director of Administration)
 (Continued with the Motion outlined above.)

4. Approval of Clerk and Recorder to enter into IGA with the Town of Elizabeth (Dallas Schroeder, Elbert County Clerk and Recorder)

Mr. Schroeder gave a brief summary of the purpose of the IGA. It will create a permanent location for a 24-hour drop box that both the Town of Elizabeth and the County can use for their respective elections. He praised the willingness of the Town trustees to work cooperatively with County in this way.

Motion: Approval of Clerk and Recorder to enter into IGA with the Town of Elizabeth

	Moved	2nd	Comments
Richardson	x		
Thayer		x	
Willcox			

	AYE	NAY
Richardson	x	
Thayer	x	
Willcox	x	

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5. Appointment of Fair Board

Justin Klassen, stated they wanted to clear up some questions the CSU extension and the Chair of the Fair board to clarify what their requests for the board members. He referred to the Staff Summary that outlines the concerns.

Motion: Continue until next meeting

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

I. BOARD PLANNING

1. Agenda Items for Next Meeting
 - a. Citizen Response Survey
 - b. Volunteer Appointment Recruitment
 - c. Industrial Hemp Discussion
2. Workshops/Study Sessions
3. Pending Hearings

Motion: Recess until 1:00 PM

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

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

Out of Recess: 1:02 PM

Motion: Open a quasi- judicial hearing on Sundance Solar

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

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1. Sundance Solar 1041 Permit and Special Use Review (SU-17-0036 & 10-17-0037)

Staff Report:

Jaxon Fagan, on behalf of CDS.

Mr. Fagan began by giving a brief overview of the proposed project. The property is 1050 acres and the site improvements on 650 acres. The site is at the southeast corner of CR 154 and Kiowa-Bennett Road. Safety fencing will surround the property. He outlined the activities that have taken place in the process. He also outlined the referral agency review comments and have been addressed. The Planning Commission recommended 8-0 for approval. He also addressed citizen comments from the Planning Commission hearing. The applicant addressed these concerns and there were further discussions by the Planning Commission. CDS declared it is compatible with the current master plan. The process is consistent with Elbert County Guidelines and Regulations and in general conformance with Elbert County. CDS recommends approval with conditions. The SUR evaluation is consistent the criteria of ECZR. Elbert Panning Commissioner recommended approval with conditions.

The commissioners asked some clarifying questions regarding the location of where the panels will be placed, which were answered.

Applicant

Sundance Solar

Michelle Zimmerman, Project Manager with Cypress Creek Renewables

Ms. Zimmerman gave a brief overview of Cypress Creek Renewables.

Jeff Webber, Engineering Director with Cypress Creek Renewables

Mr. Webber wanted to address the solar basics. Solar is not new but is new to the Elbert County area. Solar projects are economic at market rate. This is growing industry and growing employment numbers as well. He gave an overview of how Solar works and the materials that they will use. This creates DC power and needs a converter to change to AC. There is a fan for the inverters. They cannot be heard from 150 feet away. They generally place them at 500 feet. The inverter had the largest amount of electromagnetic field. There is very minimal EMF emitting, even less than an overhead power line. The product is warranty of 25 years but really no limit. The steel is the weak link. At the end of project, everything is recycled and refurbished. It will take about 40 years. They try to minimize reflection and there is very little reflection.

Commissioners asked clarifying questions as to why this was important to Cypress Creek and the answer is the size of the project.

Ms. Zimmerman explained the difference between Sundance solar and Cypress Creek. She discussed the height of the fence and making it work with national wildlife code. She talked about the impact on wild life and that they are working the Parks and Wildlife. They hope to utilize IREA to purchase the power generated. The term of the agreement is from 20-40 years. She outlined their outreach to the community. She talked about the property taxes and would be about \$308,000 a year and a total of \$6.3 million over 20 years. This solar project will power 16675 houses. She also address citizen concerns; why this site, the view shed, property value impacts; construction and employment impacts, mineral owner impacts, wildlife concerns, and local solar vs. ag land usage.

Recess at 2:19

Back in Session 2:32

Public Comment

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RaeMarie Knowles, 39244 Kiowa Bennet Rd

Ms. Knowles thanked Michelle for working with those effected. She lives one mile north of project. She would like to get more information. She is concerned that the current presidential directives that could cut the profitability of the project. What happens for clean up if they become insolvent?

Corrie Massey, 37003 Kiowa Bennet Rd.

Ms. Massey lives on the west side of Kiowa-Bennet and purchased across the road of county road 154. She is concerned about property values. She is concerned about County Rd 154 and the road usage. She questioned who would pay for the road maintenance. She believes this was a hasty decision. She asked the Commissioners if they would want this in their back yard.

Larry Willard, 13250 County Rd 154

Mr. Willard borders on the South and the East side of the road. He wondered where top soil and yucca is going to placed. He wondered how long the facility is financially viable. He wondered what happens in a tornado damage who would be liability

Sue Willard, 13250 County Rd 154

Ms. Willard stated her family has owned this property since 1954. She thinks there is some drainage issues that have not been addressed. County Rd 154 is a dead end road. This is a dangerous situation. She would like to see this fixed. She is concerned about the swiftness of the process. She is concerned about the wildlife impact. She wondered about what would happen if prairie dogs move into the area.

Bob Hummel, 11340 Copper Canyon Circle, Kiowa CO

Mr. Hummel lives about one mile north of the project. He stated that with IREA, we are at the very end of line and this project will allow for a redundant power available. This is a good plan to bring a consistent power source to our community.

Debbie Ullom, 11195 Copper Canyon Circle, Kiowa, CO

Ms. Ullom owns land just to the south of this. She thinks this is better than a housing development. She does believe that this is effecting property values. She questioned if a bond that was being put up for reclamation. She questioned if they could enlarge the project later. She stated

she did not receive anything in the mail. IREA told her this was going to serve other areas.

Jim White, 29265 Kiowa-Bennet Rd

Mr. White stated his concerns were more basic. He asked how long the company had been in business. Do they know the financials of the company? He does not think they could stand on their own two feet without government subsidies. The state has mandated to IREA to use renewable energy.

Mark Jugemeyer, 5496 N US Hwy 85, Sedalia, CO

Mr. Jugemeyer stated he is representing IREA is available for questions.

Kevin Maldon, 38101 Kiowa Bennet Rd.

Mr. Maldon stated he is an adjacent landowner to the northwest. He felt the communication was poor. He just learned about the project. He is concerned about the drainage. A flood cost him several thousand dollars of damage. He is concerned of further damage. He believes the development will cause additional drainage issues. He would like to look at erosion control plan.

Applicants Response

Mr. Webber addressed the economic benefits, outlining the federal tax credits that were available. He also talked about how they have planned to be able be viable with changing federal policies. He addressed the company's solvency. They have been around for four years. He stated they are very different from Solyndra. He stated the jobs are in installation and development. He addressed erosion concerns. He said if it were to be sold, all the contracts follow to the new owner. These units are tested through a wind tunnel. They do salvage and retain the costs for reclamation. The value is at or exceeds the cost to remove.

Ms. Zimmerman addressed the question of the drainage study and drainage plan. They have to be revised. If it is decommissioned, the landowner can sell the equipment to cover cost of removal.

Ms. Massey stated thought that trees needed to be planted and that it needs to be in writing.

Ms. Zimmerman addressed this concern.

Vince Harris, Baseline Engineering stated that drainage and roadway improvements will be in road usage agreement.

Ms. Zimmerman stated that they would come online in 2020 or 2021.

Mark Jurgemeyer, 5496 n US Highway 85, Sedalia, CO

Mr. Jurgemeyer explained that they are planning to loop in the near future. It will give the County a local source. There is a mandate that 20% that is coming in the future. This will generate 7-8% of their total usage. They are required to take that power under federal law.

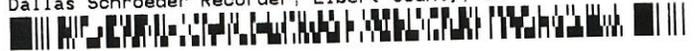
Motion: Approval of Resolution for the Sundacne Solar project with conditions as presented today

	Moved	2nd	Comments
Richardson	x		
Thayer		x	This is a property rights issue and other than
Willcox			
Roll Call Vote	AYE	NAY	

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Richardson	x	
Thayer	x	
Willcox	x	



Commissioner Thayer stated that this is a property rights issue, rather than a road issue. There needs to be a significant work on the roads. The Commissioners cannot act on aesthetics or emotion. They can only evaluate based on the facts. He does not think they have a legal basis to turn this down.

Commissioner Richardson asked if they agree to conditions and was answered in the affirmative. He complimented Ms. Zimmerman for her willingness to work with adjacent landowners. He is concerned about the number of people who did not receive the mailing. He thinks this is a good application.

Commissioner Willcox complimented the players involved and how they worked and tried to work with people and would like to see that continue. He asked for affirmation that the emergency response plan, the agencies to continue to be worked with, and that was acknowledged.

3:35 Recess

3:51 Back in Session

Commissioner Willcox noted that the following hearing would be a legislative process.

Motion: Open legislative hearing to hear ECR amendments

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

2. Elbert County Zoning Regulation Amendments: New Part II, Section 27, Economic Development Overlay District
3. Elbert County Zoning Regulation Amendments: Revisions to Part I, Section 6, Rezoning Procedures and Requirements
4. Elbert County Zoning Regulation Amendments: Revisions to Part I, Section 7, Enforcement of the Zoning Regulations

Vince Harris, Baseline, representing CDS

Mr. Harris gave a brief overview of the resolutions to be considered. He presented four steps to the EDZ overlay district. This is not implementing that zoning today. That would be in the future. He then showed a map showing the overlay zone.

Public Comment

Jim Marshall 7108 S Altom way, Centennial

He understands with what is trying to be achieved but asked that the EDZ zone not mess up his ability of development in the town.

Megan Vasquez, 151 Banner St. Elizabeth

She is representing the Town Board of Trustees. The board requested that the Commissioners to not approve the resolutions as drafted. They oppose for the overlay is inconsistent with the current town plan. They want the buffer on the 3-mile zone to not be developed until annexed by the town. The Town Board urges them not to approve.

Cory Hoffman, Attorney for Town of Elizabeth

Mr. Hoffman understands the goal of the IGA and wanted to suggest a compromise. He believes it could do the opposite to the growth desired. He does not think that it gets the maximum results. He asks for no action until the town and County can relook at the agreement. He suggests that the overlay avoids the three-mile zone.

Rudy Renckacer, Elizabeth

He supports the overlay. He is at corner at 17-21 and 166. He wants the option to develop his land. He believes the county should make it easy to start a business on their land.

Kara Gerczynski, Fire Marshall, Elizabeth Fire Prevention District

Ms. Gerazynski stated all fire developments have agreed to the changes and so people will know the fire requirements ahead of time.

Commissioner Richardson stated that everyone is working for the correct growth. He does want to work together to make this right. The county desires towns to grow. This just establishes a new type of zoning. The actual use area is smaller. The county is the county up to the town lines. He thinks the town the first right to annex. The intent to make it easier to start a business.

Commissioner Willcox is that this will start the interaction between the town and county. There needs to be plans to make things work for both.

Commissioner Thayer stated that this does not act in a negatively affect the IGA. He stated that there needs to be economic activity taking place. This is a catalyst to make activity occur. There are costs of entry that has been too burdensome in the county and has gone to other areas. The purpose it to reduce the cost of entry and rezoning. The EDZ zoning is an option for the landowner to request to have that option, if they have an opportunity.

Motion: Continue until March 14th.

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

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Willcox	x	
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Commissioner Richardson stated that it has been too hard for people to exercise their rights and this is supposed to make things easier. Everyone should be committed to make this work.

Sam Albrecht, County Manager

He stated that in reality this gives us one week to get it done.

Mark Jurgemeyer, Town of Elizabeth Attorney

They are glad to work with the County and agrees with County Manager and to give some more time. He shared some of his more ideas in making it right.

There was a discussion on compliance being moved until March 14th.

Citizen comment. There needs to be a uniform between all three municipalities.

Motion: Continue both resolutions to the March 28th meeting.

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

ADJOURNMENT

Motion: Adjourn at 4:45

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

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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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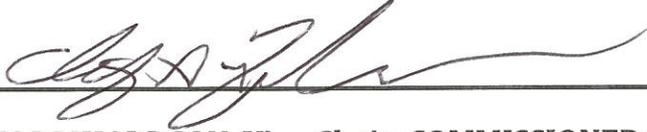
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BOARD OF COUNTY COMMISSIONERS

ELBERT COUNTY, COLORADO



CHRIS RICHARDSON, Vice-Chair, COMMISSIONER District 1



DANNY WILLCOX, Chair, COMMISSIONER District 2



GRANT THAYER, COMMISSIONER District 3

ATTEST: Dallas Schroeder

County Clerk



BY: 

Clerk to the Board of County Commissioners

