



ELBERT COUNTY, COLORADO

The Board of Elbert County Commissioners (BOCC) met in a regularly scheduled meeting on Wednesday, Sept. 24, 2014 with roll call of members as follows:

Robert Rowland- PRESENT

Kurt C. Schlegel- PRESENT

Larry D. Ross- PRESENT

The BOCC convened at 9:00 a.m., Chairman Kurt Schlegel called the meeting to order.

Prayer given by Pastor John Smith of Majestic View 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:

Commissioner Rowland moved that the BOCC accept the Agenda as presented. Commissioner Ross seconded. All three Commissioners voted AYE. Motion passed.

2. Correspondence:

- a.** Commissioner Ross read a portion of the report by the Water Advisory Committee, which is available on the County bulletin boards.
- b.** Commissioner Schlegel: Colorado Water Law and Colorado Livestock Assoc publications

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 Sept. 10, 2014
- b.** Approval of Escrow Payment in the amount of \$1,450.00 to Enertia Consulting Group, LLC for the Agave Well Location Review.



- c. Approval of Escrow Payment in the amount of \$975.00 to Enertia Consulting Group, LLC for the Taco Bell Design Review.

Commissioner Rowland moved that the BOCC accept the Consent Agenda as presented.

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

4. Awards/Recognition: NONE

- 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, County Manager gave updates on:

- 1. Courthouse basement-Insurance has given ok to proceed with phone repairs but County will have to provide at least \$11,000.00 to \$12,000.00 that is not covered by Insurance. Repair bids have been approved by the Insurance Co. so rebuild will start soon.
- 2. CR 29 paving project, currently one mile has been paved. They are completing one mile at a time.

Commissioner Rowland asked if the extra cost to the County will come out of this year's budget. Mr. Ehmman advised yes.

Commissioner Schlegel asked if they had to replace cable to every telephone handset.

Jen Grote, Director of Information Technology (IT) advised yes-all old cable was damaged by flood and since it would all have to be replaced anyway, they chose to replace with up to date Voice Over IP system type cable, which is where the extra cost to the County comes in.

- b. Billie Mills, County Assessor:

- 1. Thanked BOCC for recently approving the professional services agreement with Thimgan & Assoc. Elbert County Staff met with Thimgan last week and discussed connections with IT to get the job started.



2. Documentation has been received from the Auditors stating the Assessor's Office passed their 2014 audit. The Audit booklet from the Auditors (White Rose Audit) is available for review in the Assessor's Office.

Commissioner Ross clarified the cost to use Thimgan. Ms. Mills advised the cost will cover the next 4 full years, during which time they will be able to re-appraise all the properties in the County.

- c.** Kyle Fenner, Director of Community and Development Services gave updates on:
 1. Taco Bell is through the site planning process, building permit applications expected sometime next week
 2. Starting to have talks with other parties that are interested in Wilde Point
 3. Two (2) XX properties have been cleared up, 1 more in progress of being cleared up
 4. There will be a public hearing on Oct. 8, 2014 during the BOCC Meeting for close out of Elbert Water and Sanitation DOLA grant
 5. The Planning Commission meeting has been moved from Thursday nights to the first and third Tuesday of each month starting Nov. 2014
- d.** Commissioner Rowland commented that the State Water Plan Drafts have been submitted and hearings are going on at the State Legislature for the Water Resource Committees. He again encouraged everyone to stay informed.
- e.** Tomorrow from 1p.m. to 2p.m. Commissioner Rowland and Attorney Wade Gateley will be on KLZ 560AM radio discussing water law.

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. Christopher Bailey – Elbert, read aloud an email he sent to the BOCC after the Aug. 27, 2014 BOCC Meeting regarding his concerns about the MOU process.

7. Old Business: NONE

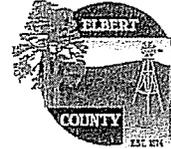
8. New Business:

- a. Ed Ehmann, County Manager requested that the BOCC approve the Surplus/Salvage of certain Public Works Department and Sheriff's Office Vehicles as presented on the next 2 pages:



COUNTY OF
 ELBERT

ELBERT COUNTY
 ROAD & BRIDGE
 DEPARTMENT
 P.O. BOX 116
 218 CHEYENNE STREET
 KIOWA, COLORADO 80117
 303-621-3157 FAX: 303-621-3159



Memo

To: Elbert County Board of Commissioners
 From: Ed Ehmann, County Manager
 Date: September 24, 2014
 Re: Request to Surplus/Salvage Public Works Department and Sheriff's Office Vehicles

RECOMMENDED MOTIONS:

"Mr. Chairman, I hereby move that the Board of County Commissioners approve the request to surplus the following Public Works Department vehicles:

SURPLUS						
I.D.	Discript	Year	Make	Model	Vehicle ID #	Plate#
90	P.U.	2001	Dodge	Ram	3B6MF36691M247341	243EUE
164	Semi	1984	Kenworth	TT	1XKWD29X6ES321647	489EUE
184	Dump	1998	Inter	2574	1HSHBADNXXWH530518	605EUE
392	Trailer	1991	Ranco	20/40	1R9BSE504ML006420	493EUE
397	Trailer	1985	Ranco	N/A	1R9BSC505FL008272	483EUE
404	Mower	1997	Ford	NA	066173B	480EUE
528	Mower	1995	Ford	N/A	BD91973	456EUE

"Mr. Chairman, I hereby move that the Board of County Commissioners approve the request to salvage the following Public Works Department vehicles:

SALVAGE						
I.D.	Discript	Year	Make	Model	Vehicle ID #	Plate#
16	P.U.	1993	GMC	1500	1GTEK14K5PZ543464	280AVL
92	P.U.	1994	Chevy	N/A	1GCFC24K9RE229575	754EFY
114	Dump	1995	Autocar	N/A	4V1SDBPF3SR515996	782CPY
115	Dump	1995	Autocar	N/A	4V1SDBPF7SR515998	783CPY



"Mr. Chairman, I hereby move that the Board of County Commissioners approve the request to salvage the following Sheriff's Office vehicle:

SALVAGE						
I.D.	Discript	Year	Make	Model	Vehicle ID #	Plate#
34	SUV	2004	Chewy	Tahoe	1GNEK13Z34J291360	040TFH

SUMMARY

The Public Works Department and Sheriff's Office currently have seven vehicles to surplus and five vehicles to salvage.

The cost of repairs to keep these vehicles road worthy outweighs their worth.

"The proposed motion language set forth above represents a recommendation by the Elbert County Road and Bridge Department only. The recommendation does not constitute a decision of the Elbert County Board of County Commissioners. All decisions of the Board of County Commissioners with regard to the subject matter above will be made at a duly scheduled and noticed meeting. Should the recommended language not accurately reflect the final determination of the Board of County Commissioners, then the proposed motion should be revised as appropriate. If it is the intention of the Board of County Commissioners not to take action consistent with the recommended motion, then either (i) the recommended motion should not be made, or (ii) the recommended motion, if made, should not be seconded."



Commissioner Schlegel commented this type of business normally falls under the authority of the County Manager so why is it an item of new business before the BOCC today?

Mr. Ehmann replied since up to this point the County has not had a County Manager to do this type of work, it has been standard practice for the BOCC to surplus/salvage this type of equipment.

Commissioner Schlegel then stated since this was already on the Agenda, they would hear the business today, but felt from this day forward this type of business should fall under the County Manager's authority.

Commissioner Rowland moved that the BOCC approve the request to surplus/salvage of Public Works Department and Sheriff's Office Vehicles as presented by Staff Report.

Commissioner Ross seconded and commented the newest vehicle on the list is a 2004 indicating the County has gotten useful life out of each vehicle. Mr. Ehmann agreed and said the 2004 was not supposed to be taken out of service yet, but was totaled in an accident.

Commissioner Rowland asked if any of these surplus/salvage vehicles are available to the public.

Mr. Ehmann advised sometimes they are, through sealed bid or through the Lyons Club sale.

All three Commissioners voted AYE. Motion passed.

9. Land Use:

- a. Ed Ehmann (County Manager) and Kyle Fenner (Director of Community and Development Services) requested that the BOCC approve the Memorandum of Understanding with Agave Oil and Gas as presented.

Commissioner Rowland moved that the BOCC approve the Agave Oil and Gas Well MOU as presented.

Commissioner Ross Seconded.

Commissioner Ross moved to amend the existing motion in reference to Master Road Use Agreement Agave Oil and Gas Haas#1-89 re: pg. 2 of 7, item #2 b. paragraph 1 the words *company's installation of cross county pipeline* be stricken and replaced with the words *oil and gas well location*.

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



Commissioner Ross moved to amend the motion in reference to the first page of the MOU, item 1; Intent to supplement Commission Rules and Regulations at the end of that paragraph: replace the word *stricker* with *stricter*.
Commissioner Rowland seconded. All three Commissioners voted AYE.
Motion passed.

Commissioner Ross clarified the source of water & large vehicle use of County Roads before reaching Comanche Creek, and mentioned post-drilling site security concerns.

Commissioner Rowland advised security issues are addressed in the COGCC regulations.

Commissioner Schlegel pointed out in the application, section 20, Fire Protection Safety Agreement, item 4 of Safety Security Requirements states it is up to the local fire districts to determine how that site should be secured.

Attorney Wade Gateley pointed out that Staff was informed that a couple of telephone calls were received by Commissioner Rowland during this process and he was at this time disclosing them to public.

Attorney Gateley asked Commissioner Rowland, for the record, if he had received any unsolicited calls from Representatives of AGAVE on Aug. 20, 2014.

Commissioner Rowland confirmed he had received phone calls from the office of AGAVE, inquiring as to the status of the consideration before the Board of County Commissioners for the upcoming BOCC meeting.

Commissioner Rowland said he advised them he didn't know, that was a question for staff.

Attorney Gateley asked Commissioner Rowland if he discussed the details of the application or the MOU during those calls.

Commissioner Rowland responded: No, and he advised them this was something he could not discuss with them, that this was something for Staff.

Attorney Gateley asked Commissioner Rowland if there was anything discussed that influenced his decision today or prevented him from making a fair and impartial decision.

Commissioner Rowland replied: No.

Commissioner Rowland pointed out this is first time a standard MOU has come before the BOCC and reminded everyone of a few points that are covered in the MOU, some of which are: who performs and pays for the monthly water quality tests submitted to the County for review; where the



dust mitigation water comes from; set back variations, and who would be allowed to access the site, items all covered in this individual MOU.

Sean O'Hearn, Representative for Enertia Consulting Group answered Commissioner Rowland's questions.

Representative of Agave Oil and Gas had no further comments or questions.

Commissioner Schlegel commented that he would like to see the Office of Emergency Management included in the list of authorized personnel for on-site access and be provided with training.

Commissioner Schlegel opened for Public comment

- a.** Rick Blotter – Agate, had concerns about Public Safety and Health (specifically school students) concerning this MOU.
- b.** Robert Whitehead – Elizabeth had concerns about water testing of homes close to the HAAS well and traffic on Comanche Creek.
- c.** Cevey Pennington – Kiowa, lives in the immediate area of the project and had concerns about traffic on Comanche Creek and the current condition of the road.
- d.** Trevor Smith – Kiowa, is looking forward to this project for Elbert County.
- e.** Christopher Bailey – Elbert, had concerns about the standard MOU and recommended that the BOCC not approve this MOU today and completely re-evaluate the complete application.
- f.** John Dorman – Parker, advised that while the COGCC does not define what fresh water is, it does specify what it is not.

Commissioner Schlegel closed Public Comment at this time.,

Ed Ehmann, County Manager addressed some of the concerns raised in Public Comment.

Kyle Fenner, Director of Community and Development Services also addressed water well testing mandate brought up by public comment.

Commissioner Schlegel asked the Sheriff to comment on the procedure of notifying county residents of any emergency regarding this operation.



Sheriff Heap stated in the event of a real emergency regarding this operation, they would utilize code red, alternate 911, social media, sign boards, and set up alternate routes at the area of the site.

Commissioner Schlegel & Rowland complimented Staff for their diligence on this project and spoke in favor of passing this motion.

Commissioner Ross said his first priority will always be safety and thanked all who contributed to this project.

All three Commissioners voted AYE. Motion passed.

10. Wade Gateley, Attorney to the Board of County Commissioners: NONE

Commissioner Schlegel announced that they would take a 30 minute break after adjourning the BOCC Meeting and then convene as the Elbert County Board of Health. Immediately following that they will have a study session.

Commissioner Rowland moved that the BOCC adjourn at 10:29 a.m. Commissioner Ross seconded. All three Commissioners voted AYE. Motion passed.

Meeting Adjourned at 10:29 a.m.



BOARD OF COUNTY COMMISSIONERS

ELBERT COUNTY, COLORADO

Kurt C. Schlegel, Chairman

Robert Rowland, Vice Chair

Larry D. Ross, Commissioner

ATTEST: Dallas Schroeder

County Clerk

BY:

Clerk to the Board of County Commissioners

