



ELBERT COUNTY, COLORADO

The Board of Elbert County Commissioners (BOCC) met in a regularly scheduled meeting on Wednesday, August 14, 2013 with roll call of members as follows:

Robert Rowland- PRESENT

Kurt Schlegel- PRESENT

Larry Ross- PRESENT

The BOCC convened at 9:00 a.m., Chairman Robert Rowland 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:

- a.** Commissioner Schlegel requested to pull item a. under new business as it is not yet complete.
- b.** Commissioner Schlegel requested to pull item k. from the agenda as it is still being reviewed.

Commissioner Ross moved that the BOCC accept the agenda as amended.
Commissioner Schlegel seconded. Motion passed unanimously.

2. Correspondence:

- a.** Commissioner Ross commented on an article in the Denver Post about the current status of Oil and Gas wells in Colorado. He encouraged everyone who is interested in statistics concerning those wells and any spills etc. to visit the COGCC website as the State Government regulates this industry.

- 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 May 22, 2013**
- b. Approval of minutes from July 3, 2013**
- c. Approval of minutes from July 10, 2013**



- d. **Approval** of Escrow payment in the amount of \$250.00 to be paid to Enertia Consulting Group, LLC for Reformation Church of the Rockies Project.
- e. **Approval** of Escrow payment in the amount of \$1,800.00 to be paid to Enertia Consulting Group, LLC for Front Range Pipeline Project.

Commissioner Ross moved to approve the consent agenda as presented.
Commissioner Schlegel seconded, motion passed unanimously.

4. Awards/Recognition:

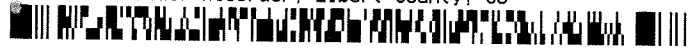
- a. Robert Rowland read out loud an email he received from Sandy Anderson regarding the much appreciated services of Elbert County Employee Gary Hartzel.

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 Ehmann, Director of Public Works. Mr. Ehmann gave an update and slide show on recent events out in the County causing some severe road destruction and approximately \$90,000.00 damage to the current paving project on County Road 194. These repairs are being covered by the reserve in Fund 20.

Commissioner Ross thanked Mr. Ehmann and his entire crew for all they do.

- b. Kyle Fenner, Director of Community and Development Services. Ms. Fenner commented on the County's agreement with Enertia Consulting, LLC as mentioned in the consent agenda. She also commented on the ongoing upgrade to their website and their goal to have as many questions answered as possible on that website to provide clarity to the public. She concluded by saying they are trying to digitize the Building Department so they can have regular reports of their monthly activity and revenues for the BOCC.
- c. Commissioner Ross read out loud the comments he made at the Conservative Breakfast on August 10, 2013 (and was also published in the August 14, 2013 Prairie Times) covering his perspective and plans for Elbert County concerning Finances, Land Use and Zoning, Water Advisory Committees, Landfill and Clerk & Recorder replacement.
- d. Commissioner Rowland commented on 3 ballot initiatives they intend to place on the November general election ballot:



1. Repeal of a machinery and machine tool tax exemption that was approved by the voters in the 2007 General Election.
2. Approve an increase in property tax MIL levy.
3. Request to be included in discussions with neighboring Colorado Counties to secede from Colorado and form a 51st State.

6. Old Business:

- a.** Commissioner Schlegel commented that back in June 2013 they held a study session regarding County Employee health benefits, which is currently through County Technical Services Inc. [CTSI], and requested proposals from the Health Insurance Industry. Three proposals were received. Staff reviewed them and discussed them at yesterday's study session and recommended the County accept the proposal from Wells Fargo Insurance. Once a proposal is accepted, the vendor puts together a package of available plans and costs for 2014 Elbert County Employee Health Insurance.

Commissioner Schlegel moved that the BOCC accept the proposal from Wells Fargo and direct staff to begin developing the package and costs for the 2014 County Employee Health insurance.

Commissioner Rowland clarified they are looking for better rates.

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

7. New Business:

- a.** Ed Ehmman, Director of Public Works. Mr. Ehmman requested that the BOCC approve the Foothills Paving and Maintenance, Inc. Chip Seal Agreement for County Roads 1, 166 and 13.

Commissioner Schlegel asked once the contract is executed, what is the time frame for all the chip seal to be done?

Mr. Ehmman stated the Company has 10 days to provide the County their insurance and bonding and then the project has a 40 day construction time frame.

Commissioner Rowland asked if it is a 20 year road.

Mr. Ehmman replied it has a 5 year life expectancy.

Commissioner Ross asked about the striping portion of the project.

Mr. Ehmman stated the contractor has agreed to stripe at last year's prices.



Commissioner Ross moved that the BOCC approve and execute the proposed Agreement, and any ancillary documentation thereto, between Elbert County and Foothills Paving and Maintenance, Inc., for the purchase and installation of roadway chip seal on County Road 1, County Road 166 and County Road 13, for the contract amount not to exceed \$435,600.00.

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

- b.** Ed Ehmann, Director of Public Works. Mr. Ehmann requested that the BOCC approve the State bid for two (2) Dump/Plow Truck replacements. He stated these are lease/purchase vehicles and do not come with a guaranteed buy back as with the heavy equipment, but they will come with quick change kits to accommodate gravel, water and lowboy trailers as well as dump and snow plow usage.

Commissioner Ross asked if they will be retiring two (2) trucks.

Mr. Ehmann advised yes, they will be trying to sell them outright as their trade value is too low.

Commissioner Rowland commented on the decreased life expectancy due to the increase of usage and Mr. Ehmann acknowledged these trucks do experience a life expectancy decrease of about 50%.

Commissioner Schlegel confirmed that we now have single and dual axle trucks doing this work.

Mr. Ehmann agreed, stating the smaller, single axle trucks have actually sped up the snow removal process due to being able to access smaller areas.

Commissioner Ross moved that the BOCC approve the State bid awarded to McCandless Truck Center, LLC in the amount of \$437,907.58 for two (2), 5 year lease purchases on 2014 Tandem Axle 7600 dump/plow trucks to include sanders, plows and Kybato quick change kits. Commissioner Schlegel seconded. All three Commissioners voted AYE. Motion passed.

- c.** Jerri Spear, Director of Health and Human Services Department. Ms. Spear requested that the BOCC approve the amendment to the Independent Contractor Agreement with Martinich Enterprises, LLC to allow an additional source of funding for services provided.

Commissioner Ross moved that the BOCC approve and execute the Independent Contractor Agreement Amendment between Elbert County, on behalf of the Elbert County Department of Health and Human Services, and Martinich Enterprises, LLC amending Section 3(a) of the Agreement to include the IV-E Waiver Grant dollars as an additional source of funding for services provided. Commissioner Schlegel seconded. All three Commissioners voted AYE. Motion passed.



- d.** Jerri Spear, Director of Health and Human Services Department. Ms. Spear requested that the BOCC approve the Independent Contractor Agreement with Susan Ludwig for providing Family Group Decision Making Facilitation 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 Susan L. Ludwig regarding the provision of Family Group Decision Making Facilitation Services, for a contract price up to \$8,000.00, through June 30, 2014. Commissioner Schlegel seconded. All three Commissioners voted AYE. Motion passed.

- e.** Jerri Spear, Director of Health and Human Services Department. Ms. Spear requested that the BOCC approve the Independent Contractor Agreement with Lisa Mazzola for providing Family Group Decision Making Facilitation 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 Family Group Decision Making Facilitation Services, for a contract price up to \$7,000.00, through June 30, 2014. Commissioner Schlegel seconded. All three Commissioners voted AYE. Motion passed.

- f.** Jerri Spear, Director of Health and Human Services Department. Ms. Spear requested that the BOCC approve the Independent Contractor Agreement with Jennifer Elliott for providing Intensive Family Therapy Services.

Commissioner Ross moved that the Board approve and execute the Independent Contractor Agreement between Elbert County, on behalf of the Elbert County Department of Health and Human Services, and Jennifer Elliott regarding the provision of Intensive Family Therapy Services, for a contract price up to \$3,000.00, through May 31, 2014.

Commissioner Schlegel seconded, and asked why the ending date of this contract is not the same as the State's fiscal year. Ms. Spear explained the CORE services funding for this comes from the cash fund, not the State's general fund. All three Commissioners voted AYE. Motion passed.

- g.** Jerri Spear, Director of Health and Human Services. Ms. Spear requested that the BOCC approve the Independent Contractor Agreement with Glenn Ohrns to provide Public Health Emergency Preparedness and Response Coordination Services on a contract basis.

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 Glenn Ohrns regarding the provision of Public Health Emergency Preparedness and Response Coordination Services, for a contract price up to \$18,880.00 plus up to \$1,200.00 for travel and mileage costs at a rate of \$0.50 per mile, through June 30, 2014. Commissioner Schlegel seconded. All three Commissioners voted AYE. Motion passed.

- h.** Commissioner Rowland stated Ms. Paula Koch has resigned from her position on the Elbert County Planning Commission and he recommends appointing Mr. Robert (Bob) Ware, who is already the designated Alternate, to complete Ms. Koch's term which will expire on January 1, 2014. Commissioner Rowland moved that the BOCC approve and execute a resolution appointing Robert Ware to serve as member to the Elbert County Planning Commission. Commissioner Ross seconded. All three Commissioners voted AYE. Motion passed.
- i.** Commissioner Schlegel stated The Elbert County Communication Authority (ECCA) is currently authorized to collect a 911 surcharge from any wired telephone line or any wireless line of \$0.70 per line. Due to cost increases related to the Dispatch Services Contract with Douglas County, he is asking the BOCC to support a request by ECCA to the Public Utilities Commission (PUC) for an increase in the surcharge from \$0.70 to \$1.20 per line. Commissioner Schlegel moved that the BOCC approve and execute a resolution in support of the Elbert County Communication Authority's request to the Public Utility Commission for a 911 surcharge increase from \$0.70 to \$1.20. Commissioner Ross seconded. Commissioner Rowland asked what Elbert County's current contract with Douglas County 911 Dispatch services is. Commissioner Schlegel stated that ECCA currently pays 62 % of what the actual charge is and Elbert County's share of the 911 contract is \$35,000.00 per year. All three Commissioners voted AYE. Motion passed.
- j.** Alex Beltz, Attorney to the BOCC. Attorney Beltz presented the first reading of an Ordinance prohibiting the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities or retail marijuana stores within unincorporated Elbert County, as provided for by the Colorado constitutional provisions. The County voted 54.1% in opposition of Amendment 64, thereby indicating their desire to prohibit this type of activity. The second reading of this proposed Ordinance will be September 11, 2013.

Commissioner Schlegel clarified that should the Federal Government make this legal in the next few years, this Ordinance, if adopted, can be rescinded later. Attorney Beltz advised yes.



Commissioner Ross asked if any adjacent Counties have also adopted an Ordinance like this. Attorney Beltz advised yes and we are all well within our parameters to do so.

Commissioner Ross moved that Ordinance No. 13-01, entitled "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," be adopted on first reading as an ordinance necessary for the immediate preservation of the public health, safety and welfare. Commissioner Schlegel seconded. Commissioner Rowland opened for public comment. No public comment. All three Commissioners voted AYE. Motion passed.

Commissioner Ross moved that Ordinance No. 13-01 be published in full in the Elbert County News, a newspaper of general circulation published in Elbert County, and that a second and final reading of the ordinance be scheduled at a public hearing of the Board of County Commissioners no sooner than ten days after the date of such publication. Commissioner Schlegel seconded. All three Commissioners voted AYE. Motion passed.

8. Land Use: NONE

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

10. 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. Jill Duvall – Elizabeth. Ms. Duvall asked the BOCC to either reconsider the proposed Oil and Gas Regulations and MOU or take these items to a vote of the people. She supported her request with several reasons such as:
 1. Conflict of understanding who wrote the Regulations



2. Use of MOU (minor and major facilities) and the loss of the right of the citizens to public comment by going the MOU route.
 3. Negotiations with “Heavy Weight” Oil Companies should be done by a neutral third party that has Elbert County’s best interest in mind.
 4. Loss of 2 well qualified Elbert County volunteers, who resigned as a result of the negative vote on Oil and Gas Regulations
 5. No incentive for Oil Companies to negotiate an MOU when there are no regulations; they just go by the minimally protecting State Regulations
- b.** Norm Happel – Elizabeth. Mr. Happel asked for clarification of the 911 Elbert County surcharge share determination. Commissioner Schlegel advised it is determined by the cost per 911 dispatch call to Douglas County dispatch after ECCA pays the first 62%.
- c.** Sonia Skakich-Scrima – Arapahoe County. Ms. Skakich-Scrima comes with much experience and involvement in Arapahoe County and said they felt Elbert County was doing well with its conservative approach regarding Oil and Gas and is concerned why Elbert County retreated from the direction it had started with. She concluded by mentioning an interview she did with a resident in Garfield County who had open pits and the many health consequences he and his livestock suffered without compensation. Commissioner Rowland asked her if she participated in Arapahoe County in the process that they arrived at. Ms. Skakich-Scrima advised she did and was very sad that their process was not as accountable as Elbert County’s.
- d.** Grant Thayer – Co Rd 122. Mr. Thayer advised the point here is that the Regulations that were proposed were unique to Elbert County and after contemplating the Board’s decision and his reaction, he suggested that the negatives be turned into positives by returning the proposed regulations back to the editing committee and ultimately the planning commission, recognizing the need for some clarification and some re-writing. He acknowledged that language is very unique and important in this industry and he is very concerned about the universal MOU route that is now being considered. Commissioner Rowland asked if the foundation or basis of the “editing committee” comes from the Planning Commission or from the BOCC.
- e.** Paul Crisan – Elizabeth. Mr. Crisan interrupted and explained to the BOCC that historically the Planning Director and his staff would always create the document and then a public/advisory/editing committee would be brought in to review it, with some of the people being brought in by the Director and some appointed by the BOCC. Mr. Crisan stated he also feels we have gotten off track with this process and wants to see it get back on by going back to the editing committee with it and moving forward from there.



- f. Tina Huston – Hilltop Rd. Ms. Huston gave several reasons why some people are still opposed to any drilling and she gave contact information for an organization known as “Americans against Fracking”.
- g. Don Draper. Mr. Draper asked Mr. Thayer to come back to the editing committee and the BOCC to consider his return.
- h. Carolyn Parkinson – Community and Development Services. Ms. Parkinson stated that she was present in January of 2010 when the Planning Director at that time (Richard Miller) presented them with a 64 page document of regulations that he drafted. The Planning Commission asked him to put together an editing committee at that time to take a look at the very lengthy, detailed document for any corrections. He drew people from the community with expertise, interest and different perspectives about this subject.
- i. Rick Blotter – Agate. Mr. Blotter said his preference is still to go with the Moratorium and proceed with the health impact study. Mr. Blotter thinks Mr. Grant Thayer’s suggestion is a reasonable compromise.
- j. William C. Thomas. Mr. Thomas stated this is the third time during public comment that he has told the BOCC that they need to have night meetings. Commissioner Ross responded by saying he will be bringing this issue forward in study sessions and planning meetings and encourage the BOCC to bring the proposed new or similar regulations before the public at a time where the maximum amount of people can attend and have input.
- k. Randee Webb – Aurora, Arapahoe County. Ms. Webb stated since we are in neighboring counties, what Elbert County decides to do about their air affects the air in her county and what Elbert County does with their water ultimately affects all Coloradoans. She agrees with what everyone has already said so she encouraged everyone to go online and check out information concerning toxins, spills and anything else that could negatively impact Elbert County. She also mentioned several publications and websites that can be found regarding statistics and pipeline incidents.

No further Public Comment.

Meeting Adjourned at 11:12 a.m.

Commissioner Ross moved that the Elbert County Board of County Commissioners go into Executive Session pursuant to CRS 24-6-402 (4)(f) for the purpose of discussion related to personnel matters. Commissioner Schlegel seconded. All three Commissioners voted AYE. Motion passed.



BOARD OF COUNTY COMMISSIONERS

ELBERT COUNTY, COLORADO

Robert Rowland, Chairman

Larry Ross, Vice Chair

Kurt Schlegel, Commissioner *ABSENT*

ATTEST: Mandy Taylor

Interim County Clerk

BY:

Clerk to the Board of County Commissioners

