

ELBERT COUNTY, COLORADO

The Board of Elbert County Commissioners (BOCC) met in a regularly scheduled meeting on Wednesday, February 13, 2013 with roll call of members as follows:

Robert Rowland- PRESENT

Kurt Schlegel- PRESENT

Larry Ross- PRESENT

The BOCC convened at 9:05 a.m., Chairman Robert Rowland called the meeting to order.

Prayer given by Pastor Kevin Weatherby of the Cowboy 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 advised the name under item 7b. Needs to be changed to Kerri May.
- b.** Commissioner Ross advised item 9a. under Land Use needs to be moved to item 8g. under New Business.
- c.** Commissioner Rowland added new item 8h. under New Business.
Commissioner Ross moved that the BOCC accept the Agenda as amended.
Commissioner Schlegel seconded, motion passed.

2. Approval of minutes from Jan. 23, 2013:

Commissioner Rowland commented to the Public that some prior meeting minutes are still pending as the Clerk to the Board has been assisting in the Motor Vehicle Department due to short staffing.

Commissioner Ross moved that the BOCC approve the minutes from Jan. 23, 2013 as presented. Commissioner Schlegel seconded, motion passed.

3. Correspondence: NONE

- 4. 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. Chairman Rowland displayed a physical copy of all consent agenda items for this meeting and said it will be available for public review after the meeting.

Commissioner Ross moved that the BOCC accept the Consent Agenda as drafted. Commissioner Schlegel seconded, motion passed.

5. Awards/Recognition: NONE

6. Elected Official/Department Heads: The Elected Officials and Department Heads comments is a time when any elected official or department head may bring forth items of interest or concern.

- a. Cory Stark, Director Elbert County Emergency Management. Mr. Stark advised of upcoming events:
 - 1. Disaster Preparedness Day, April 20, 2013 at the Fairgrounds from 9 a.m. to 3 p.m.
 - 2. Weather Spotter class, April 4, 2013 at the Fairgrounds and May 4, 2013 at the Elbert School District, Town of Elbert.
- b. Billie Mills, Elbert County Assessor. Ms. Mills reminded the public of the Senior Exemption on property taxes. Requirements include being 65 years of age by Jan. 1, 2013 and 10 years of consecutive living in the residence as of Jan. 1, 2013. Employment status or income is not considered. The State reimburses the County the exempted amount of taxes. More information and forms can be found in the Assessor's Office or on the Elbert County Website and the State Website.
- c. Diana Hartsough, Elbert County Clerk and Recorder. Ms. Hartsough thanked the BOCC for recently approving 1 ¾ staff positions in the Motor Vehicle Department, and is looking forward to the day when they can have more Motor Vehicle business hours and have more trained staff to serve the customers quicker and still answer phone calls. She acknowledged that the current financial situation of Elbert County Government is very difficult and thanked the many citizens who were patient (even if sometimes angry) and respectful of the Motor Vehicle Employees. Ms. Hartsough confirmed an earlier remark made by the Chair that although the Clerk to the Board is responsible for the BOCC Meeting Minutes, she has been working primarily in Motor Vehicle since the beginning of January as there was only 1 employee, and anticipates the approved staff positions will now allow her to get back to her primary work. Commissioner Rowland asked for an update on the on-line registration application with the State. Ms. Hartsough advised we are still waiting and

although they have been moving rapidly on it the last few months, she asked the State this week to expedite the application.

- d.** Ed Ehmann, Director of Public Works. Mr. Ehmann gave a couple of updates:
 - 1. Last week Elbert County met with the Colorado Department of Public Health and Environment (CDPHE) and the Attorney General's Office along with the Contractor that caused the damage at the Landfill. Plans were formed to bring this item to closure later this year. Over the next few weeks they will be taking soil samples from the site and depending on the contaminants in those samples, they will be able to determine the final cost to put the site back together.
 - 2. Geo-Kinetics Seismic Survey Company has completed their work in the NW corner of Elbert County and has moved out of that area of the County. \$20,800.00 was received from Geo-Kinetics for their road use. Another firm is working in the SE corner of Elbert County right next to El Paso County.
 - 3. Commissioner Rowland confirmed that Richard Miller, Director of Community and Development resigned this week and has taken a job with a company up north. Elbert County will continue to move forward with the Memorandums of Understanding, Resolutions, best management practices, Oil and Gas Regulations and guidelines concerning special districts with the expected arrival of the oil and gas industry.
 - 4. Commissioner Rowland gave an update on the Elbert County General Fund.

7. Staff Report: NONE

8. Old Business:

- a.** Rick Pettitt, Elbert County Public Trustee. Mr. Pettitt gave an amended six (6) month Treasurer's Report stating the ending balances were the same, just some receipts and disbursements were corrected. Commissioner Ross moved that the BOCC accept and approve the amended six (6) month Treasurer's Report. Commissioner Schlegel seconded, motion passed.
- b.** Kari May, Director of Elbert County Library District. Ms. May requested the BOCC approve the appointments of 2 more members to the Elbert County Library Board:
 - 1. Ron Vermillion-reappointment.
 - 2. Jill Duvall-new appointment.

Commissioner Ross moved that the BOCC approve and amend Resolution 13-04 concerning 2013 re-appointments and appointments, to appoint Ron Vermillion and Jill Duvall to serve on the Library District Board. Commissioner Schlegel seconded, motion passed. Ms. May then gave a brief update on the Library.

Commissioner Schlegel asked if books can be checked out online. Ms. May said yes, stating it has actually doubled every year in the last 3 years.

Commissioner Rowland asked if the library district takes donations. Ms. May answered yes at any of their locations.

- c.** Jerri Spear, Director of Health and Human Services. Ms. Spear asked the BOCC to approve Tracy Corsi as an additional appointment to the Child Protection Team.

Commissioner Ross moved that the BOCC approve and amend Resolution 13-04 concerning 2013 re-appointments and appointments, to appoint Tracy Corsi to serve on the Child Protection Team. Commissioner Schlegel seconded, motion passed.

- d.** Jerri Spear, Director of Health and Human Services. Ms. Spear asked the BOCC to approve herself, Jerri Spear, to the 18th Judicial District Senate Bill 94 Juvenile Services Advisory Board.

Commissioner Ross moved that the BOCC approve and amend Resolution 13-04 concerning 2013 re-appointments and appointments, to appoint Jerri Spear to serve on the Senate Bill 94 Juvenile Services Advisory Board. Commissioner Schlegel seconded, motion passed.

- e.** Discussion and consideration of the status of the Elbert County Enterprise Authority (ECEA) Agreement with Elbert County.

Commissioner Ross moved that the BOCC approve and provide a 30 day written notice of termination of the Memorandum of Understanding (MOU) between the BOCC and the Elbert County Enterprise Authority, pursuant to article 4 of the Memorandum of Understanding.

Commissioner Rowland seconded and called for comments. Commissioner Rowland made comments explaining why he supported the motion. There were no other comments. Motion passed.

- f.** Commissioner Ross moved that the BOCC approve and amend Resolution 13-04 concerning 2013 appointments and re-appointments, to appoint Tony Corrado on behalf of Commissioner Ross; Dave Bower on behalf of Commissioner Rowland; and Will Koger on behalf of Commissioner Schlegel to the Water Advisory Committee. Commissioner Schlegel seconded and commented that he would like to see this group reaching out to see what kind

of business proposals can be developed with private industry to implement some renewable water resources for Elbert County. Commissioner Ross commented that in addition to the remarks Commissioner Schlegel made, in the future they will seek to expand the number of members on this Water Advisory Committee to gain representation not only locally but at the regional and state levels with regard to water policy and water management. Chairman Rowland commented this group is an asset to Elbert County and complimented the new appointees by recognizing their varied talents they will be bringing to the Water Advisory Committee. He then stated that the goal is to be ready with guidelines and special issues for the special water districts by the end of the Water Moratorium and be able to say in 4 years that this group was successful. Motion passed.

- g.** Commissioner Ross moved that the BOCC approve and amend Resolution 13-04 concerning 2013 appointments and re-appointments to appoint to the Oil and Gas Advisory Committee Greg Hinds on behalf of Commissioner Schlegel; Dave Bower on behalf of Commissioner Rowland and the appointee on behalf of Commissioner Ross to be determined. Commissioner Schlegel seconded, motion passed.
- h.** Commissioner Ross moved that the BOCC approve and amend Resolution 13-04 concerning 2013 appointments and re-appointments to appoint Larry Ross to the East Central Council of Governments (ECCOG) and appoint Larry Ross to the Centennial Mental Health Board. Commissioner Schlegel seconded, motion passed.

Commissioner Rowland made several comments regarding the Planning Commission appointments by each Commissioner, which are dictated by State Statute and includes a provision for an alternate (non-voting participant). He stated they will make a motion to fill the alternate position at a future date.

9. New Business:

- a.** Ed. Ehmann, Director Public Works. Mr. Ehmann requested that the BOCC approve a contract with Asphalt Specialties to pave County Road 194, a short portion of County Road 17 and approximately ½ mile of County Road 29 south, from County Road 194.
Commissioner Ross moved that the BOCC approve and execute the proposed contract, and any ancillary documentation thereto, between Elbert County Board of County Commissioners, on behalf of Elbert County Road and Bridge, and Asphalt Specialties Company, for the provision of certain asphalt services and roadway improvements on County Road 194, County Road 17 and County Road 29, for the contract amount not to exceed \$2,442,459.45. Commissioner Schlegel seconded then asked when the project is expected to start. Ed

Ehmann advised the Contractor is expected to start in late February, early March. Mr. Ehmann also stated traffic control in the area will be similar to that during the construction on the Kiowa-Bennett Road. Commissioner Rowland asked if there was any public comment on this issue.

1. Norm Happell – Elizabeth. Mr. Happell commented on the use of Sales Taxes, asked if it was a capital improvement and if there were any Elbert County operational costs. He stated he felt there was a need for more detail and full accountability to the taxpayers.

Ed Ehmann advised this project is being funded 100% out of sales and use tax, as is defined in the Resolution for the sales and use tax, so it is Capital, except for a portion of County Road 17 which is funded in the amount of approximately \$117,000 to \$120,000 as outlined in an Intergovernmental Agreement (IGA) with the Elkhorn Ranch Metropolitan District #1 for outside improvements, so they are well within the sales and use tax guidelines. Once the project is constructed, the operational cost (maintaining it) will be through Fund 20, which is the operating fund. The anticipated maintenance cost is progressive over the 20 year life of the road, meaning minimal maintenance years 1-5, with possible crack seal years 5-10 and patching potential years 10-15 and expected replacement after 20 years. There was no further discussion, motion passed.

- b.** Ed Ehmann, Public Works Director. Mr. Ehmann requested the BOCC to approve the speed limit changes to include: increase the speed limit on County Road 146 between County Line and County Road 5 from 35 mph to 40 mph; increase the speed limit on County Road 5 between County Road 146 and County Road 150 from 35 mph to 40 mph; increase the speed limit on County Road 150 between County Road 5 and County Road 13 from 35 mph to 40 mph; and modify the control at County Road 146/Pawnee Parkway and County Road 5 intersection to an All Way Stop.
Commissioner Ross moved that the BOCC approve and execute a resolution to change the speed limit signage on County Road 146, County Road 5 and County Road 150 from 35 mph to 40 mph and to place a stop control signage at the intersection of Pawnee Parkway and County Road 5 as recommended by the Kimley-Horn and Associates, Inc. Speed Study.
Commissioner Schlegel seconded, motion passed.
 - c.** Jerry Spear, Director Health and Human Services. Ms. Spear requested the BOCC approve an agreement with YTime: Now, LLC for provision of software and services, which is recommended by the State Department of Human Services, for a time and labor management system which ties directly into some of the State Financial System that the Department of Health and Human Services has to provide monthly reports to.
Commissioner Ross moved that the BOCC approve and execute the proposed Agreement between the YTime: Now, LLC and the Elbert County Department of Health and Human Services regarding the provision of certain software, hardware and maintenance services for a time and labor management system for the Elbert County Department of Health and Human Services for an initial

setup fee of \$500.00 and an estimated \$67.20 per month. Commissioner Schlegel seconded, motion passed.

- d.** Jerri Spear, Director Health and Human Services. Ms. Spear requested the BOCC approve an agreement with LexisNexis for help through their services in fulfilling required child support services and child welfare services. Commissioner Ross moved that the BOCC approve and execute the proposed Agreement, and any ancillary documentation thereto, between LexisNexis and the Elbert County Board of County Commissioners on behalf of the Elbert County Department of Health and Human Services regarding the use of the Accurint for Government Services by the Elbert County Department of Health and Human Services for a monthly minimum commitment of \$50.00.
- e.** Jerry Spear, Director Health and Human Services. Ms. Spear requested the BOCC approve a Memorandum of Understanding (MOU) between Plains Medical Center, Inc. and the Elbert County Department of Health and Human Services. This would allow Plains Medical Center, Inc. to deputize and oversee the Elbert County Department of Health and Human Services so they can provide Vaccines for Children (VFC) purchased vaccine to entitled underinsured children. The term is effective immediately and there is no cost to Elbert County. Commissioner Ross moved that the BOCC approve and execute the proposed Memorandum of Understanding between Plains Medical Center, Inc., the Elbert County Department of Health and Human Services and the Colorado Department of Public Health and Environment for the deputizing and oversight of Elbert County Department of Health and Human Services to Provide Vaccines for Children Purchase Vaccine to Entitled Underinsured Children. Commissioner Schlegel seconded, motion passed.
- f.** Jen Grote, Director Information Technology (IT). Ms. Grote requested the BOCC approve a services proposal between Elbert County and Phoenix Technology Group, LLC for provision of analyzing the current state of the County Network to identify security and functional issues and to provide remediation plans based on the findings. Commissioner Ross moved that the BOCC approve and execute the Managed Services Proposal between Elbert County and Phoenix Technology Group, LLC, regarding the provision of certain IT network managed services, for a contract price of \$3200.00 per month. Commissioner Schlegel seconded, motion passed. Commissioner Rowland commented that this is not an additional expense but rather a replacement of a service Elbert County had with another group.
- g.** Request for Elbert County BOCC to set bond amount for the proposed Maia Irrigation District, presented by Mary Choate, Agent for the Maia Irrigation District Petitioners. Chairman Rowland opened this item for discussion by the BOCC. Commissioner Ross asked for clarification on the amount of bond needed. Ms. Choate advised they are prepared to present \$5,000.00 for the bond amount which should cover all expected costs. Commissioner Schlegel asked several questions to verify the concept and purpose of the Maia

Irrigation District and the number of dams that will be involved. Ms. Choate advised the initial petition has several dams planned, some are jurisdictional and some are non-jurisdictional and the initial number of dams in no way limits the total number of dams in the future scope of the District.

Commissioner Ross moved that the BOCC fix the bond amount as required under 37-42-101 of the Colorado Revised Statutes, for the proposed Maia Irrigation District in the amount of \$5,000.00. Commissioner Schlegel seconded, motion passed.

- h.** Billie Mills, Assessor. Ms. Mills requested that the BOCC approve an Agreement with Thimgan & Associates for assisting the Elbert County Property Appraiser in developing market models and training in Elbert County for valuing land and improvements within the county.

Commissioner Ross moved that the BOCC approve and execute the proposed Professional Services Agreement between Thimgan & Associates and The Elbert County Board of County Commissioners, on behalf of the Elbert County Assessor's Office, for the provision of certain consulting services related to developing market models and training for valuing land and improvements within Elbert County for a contract price of \$34,350.00 payable over the next four years. Commissioner Rowland seconded and opened the item for discussion. Commissioner Ross asked how this will be paid for. Ms. Mills advised the amount of \$6500.00 due in 2013 will be paid as follows:

\$2500.00 due at beginning of agreement and \$4000.00 due by June 12, 2013.

In 2014, 2 payments of \$4500.00 will be due: one by March 1, 2014 and one by July 31, 2014.

In 2015, 2 payments of \$4500.00 will be due: one by March 1, 2015 and one by July 31, 2015.

In 2016, one payment of \$4000.00 will be due by March 1, 2016, with the balance being due by July 31, 2016.

Commissioner Schlegel asked how this \$6500.00 will be paid in 2013 as it is not a budgeted item. Ms. Mills responded by saying it was her understanding after talking to the Finance Director that there is extra money sitting in the General Fund due to loss of employees and it was suggested to her that this can be paid from that General Fund. Commissioner Schlegel verified that this agreement is for existing software being rebuilt or upgraded by an individual providing these professional services, and that this would need to be budgeted for the next 3 years. Ms. Mills advised that was correct. Motion passed.

10.Land Use: NONE

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

12. 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. Kyle Fenner, Colorado Horse Park Foundation. Ms. Fenner brought a previously scheduled informative and meaningful presentation on the Economic Impact of the Equine Industry in Douglas and Elbert Counties.

No other public comment.

Chairman Rowland recessed the BOCC meeting at 11:04 a.m., to reconvene at 1:00 p.m. for one remaining item on the agenda, an Executive Session with CTSI, the Organization the County carries its insurance through. Today, the BOCC will be meeting with the Senior Human Resource Specialist from CTSI, who is also an attorney to discuss legal issues and questions.

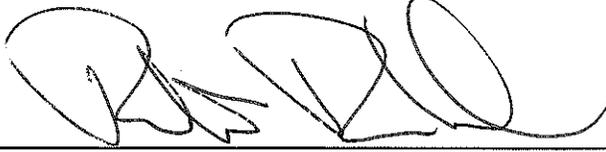
Chairman Rowland called the BOCC Meeting back into session at 1:10 p.m. Commissioner Ross moved that the Elbert County Board of County Commissioners go into Executive Session with Cynthia Barnes of CTSI for the purpose of discussing matters pertaining to employment issues pursuant to section 24-6-402. 4(b) of the Colorado Revised Statutes (CRS). Commissioner Schlegel seconded, motion passed.

Chairman Rowland declared The Elbert County Board of County Commissioners out of Executive Session and back into public meeting at 2:19 p.m.

Meeting Adjourned at 2:20 p.m.

BOARD OF COUNTY COMMISSIONERS

ELBERT COUNTY, COLORADO



Robert Rowland, Chairman



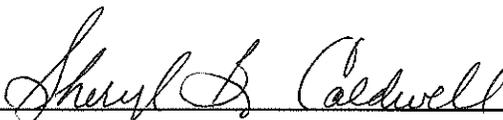
Larry Ross, Vice Chair



Kurt Schlegel, Commissioner

ATTEST: Diana Hartsough

County Clerk

BY: 
Clerk to the Board of County Commissioners

