



ELBERT COUNTY, COLORADO

The Board of Elbert County Commissioners (BOCC) met in a regularly scheduled meeting on Wednesday, September 25, 2013 with roll call of members as follows:

Robert Rowland- PRESENT

Kurt Schlegel- PRESENT

Larry Ross- PRESENT

The BOCC convened at 9:01 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 the date on the Meeting Minutes for approval be changed from Sept. 4, 2013 to Aug. 28, 2013 and add new item West Elbert County Landfill and Site Restoration Agreement under Old Business and have it moved to the end of the BOCC meeting today.
- b.** Commissioner Ross moved to change the date on the BOCC Meeting Minutes for approval from Sept. 4, 2013 to Aug. 28, 2013. Commissioner Schlegel seconded. All three Commissioners voted AYE. Motion passed.
- c.** Commissioner Ross moved to add new item West Elbert County Landfill and Site Restoration Agreement under Old Business and have it moved to the end of the BOCC meeting today. Commissioner Schlegel seconded. All three Commissioners voted AYE. Motion passed.

Commissioner Ross moved to approve the Agenda as amended. Commissioner Schlegel seconded. All three Commissioners voted AYE. Motion passed.

2. Correspondence:

- a.** Commissioner Schlegel: The new Annual Membership Directory of the Colorado Livestock Association has been published and is available for anyone to look at.



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 Aug. 28, 2013.**
- b. Approval of Escrow payment of \$800.00 to Enertia Consulting Group, LLC for Front Range Pipeline project.

Commissioner Ross moved to approve the Consent Agenda. Commissioner Schlegel 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. Commissioner Schlegel: As per our requirement to have a financial audit every year, the County's 2012 audit is underway. An extension has been applied for and we have missed that deadline. A team from Eide Bailly will be on site next week to assist in pulling together the required documentation so the audit can be completed prior to 2013.
- b. Kyle Fenner, Director of Community and Development Services. Ms. Fenner gave brief update on current Oil and Gas discussions and asked the BOCC to clarify what her exact order is at this time.

Commissioner Rowland: The process has been clearly defined in the County and in the State Statutes. Go forward with last order from the BOCC for Staff to develop a document. Once produced and presented formally to the Planning Commission, there is a 30 day period in which the Planning Commission has to do one of 4 things with it:

- 1. Recommend approval as presented
- 2. Recommend not to approve
- 3. Recommend approval with stand-alone changes or amendments
- 4. Do nothing within the 30 days (at which time the BOCC moves forward with their process if no extensions have been requested). There is no formal Editing Committee in that process.



Kyle Fenner: Since the Planning Commission historically has acted as a work session and a meeting has been planned for tomorrow for them to look at an unfinished draft document, what action should be taken?

Commissioner Ross: Planning Commission Meeting has been scheduled for tomorrow but document not ready to present and start 30 day clock, would it be appropriate to just say the document is still in process in Community and Development Services?

Kyle Fenner: Yes, but uncomfortable with that due to how things have historically been done.

All three Commissioners offered questions concerning the scheduled Planning Commission meeting and how these meetings are initiated.

Kyle Fenner answered each one.

Alex Beltz, Attorney to the BOCC: It is not for the BOCC to decide whether or not the Planning Commission meeting is held tomorrow night or whether or not the draft is ready to be presented. The only influence the BOCC has over its process is once it comes out of the Planning Commission, they are to consider the recommendations coming from the Planning Commission.

Commissioner Schlegel discussed further with Kyle Fenner that there is no formal Editing Committee defined within the State Statutes.

Commissioners Rowland and Ross made more comments and then asked Kyle Fenner what she wants the public to expect at this point regarding the scheduled Planning Commission meeting or anything else.

Kyle Fenner: Based on what happened last week, she has some apprehension and is unable at this point to say what will happen with tomorrow's meeting, but if it is held, she will request to have a Deputy or Police there.

Commissioner Schlegel: Please confirm for the public here that Elbert County does have in place a process if a producer comes and asks for a permit.

Kyle Fenner: As it pertains to Oil and Gas, our process is in Section 17, Part 2 of our Zoning Regulations that outline the stringent process of the Special Use Permit. They also have to get a 2 and 2A from the State which is additionally arduous and there are a number of Federal and EPA permits that they have to get before they even get the State permit. Our Special Use process is still a public process, which still has recommendations by our Planning Commission,



which then goes to the BOCC, all of which is a public process. The producer is also required to hold a community meeting.

- c. Jerri Spear, Director of Health and Human Services. Ms. Spear gave reminder of tomorrow's afternoon meeting with the Director of Health Care Policy and Financing and a Representative from CDPHS regarding Obama's Health Care plan and how it will significantly impact the Health and Human Services Department staff and resources.
- d. Commissioner Ross advised of his new understanding that the audio recording is the official permanent record of the BOCC meetings and apologized for requesting word for word transcription of meeting minutes and in the future will be requesting a copy of the audio record for future official reference. Commissioner Ross also stated when important topics come before the BOCC, he will pursue having those meetings held at nights or weekends or such times where most people can attend if they wish to.

6. Old Business:

AMENDED AT START OF MEETING TO BE MOVED TO END

7. New Business:

- a. Jerri Spear, Director of Health and Human Services. Ms. Spear requested that the BOCC approve the Core Services Program Three Year Plan for the service years of 2013-2014, 2014-2015, and 2015-2016.

Commissioner Ross moved that the BOCC approve and execute the Core Services Program Three Year Plan between Elbert County and the Colorado Department of Human Services, Division of Child Welfare Services for the Services Years 2013-2016. Commissioner Schlegel seconded. All three Commissioners voted AYE. Motion passed.

- b. Jerri Spear, Director of Health and Human Services. Ms. Spear requested that the BOCC approve a Title IV-E Waiver Demonstration Memorandum of Understanding (MOU) with the Colorado Department of Human Services (CDHS) to receive additional funding from CDHS to fund Family Engagement and Permanency Roundtables.

Commissioner Ross moved that the BOCC approve and execute the proposed Memorandum of understanding between the Colorado Department of Human Services and the Elbert County Department of Health and Human Services for the implementation of Family Engagement and Permanency Roundtable interventions of the Title IV-E Waiver. Commissioner Schlegel seconded. All three Commissioners voted AYE. Motion passed.



- c. Rick Pettitt, Elbert County Treasurer. Mr. Pettitt requested that the BOCC approve the agreement with Autoagent Data Solutions, LLC for providing services related to real estate escrow payments at no cost to Elbert County.

Commissioner Ross moved that the BOCC approve and execute the proposed Agreement between Elbert County and Autoagent Data Solutions, LLC, for the provision of Autoagent software and related systems and services to assist with real estate escrow payments. 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. Bob Ware – Elizabeth. Mr. Ware commented on the Oil and Gas comments made earlier in this meeting and confirmed with the BOCC where the Planning Commission stands. Asked question about the format of tomorrow night’s meeting.

The BOCC directed him to asked Community and Development Services Director, Kyle Fenner that question.

- b. Beverly Kondel – Kiowa. Ms. Kondel asked how to get copy of Agenda before meeting and where she can find the “process” for the Oil and Gas. She also questioned tomorrow night’s meeting.



Alex Beltz, Attorney to the BOCC: The process can be found in Part 1, Section 4 of the Elbert County Zoning Regulations, online or a hard copy upon request down in Community and Development Services offices.

Kyle Fenner: The meeting will be held as scheduled but they will not be reviewing a draft document as it is not ready, but they will certainly be taking input from people and covering some of the recent changes in the State process.

- c. Patty Sward-Malczewski – Elizabeth. Ms. Sward-Malczewski questioned State Statutes regarding mandating the process Staff chooses to develop any changes to zoning regulations and questioned the effectiveness of public input in simple conversations compared to committees.
- d. Gary Lauer – Kiowa. Mr. Lauer commented on how the recent floods have impacted Oil and Gas operations and asked the BOCC to reflect on their decision of July 10, 2013 and not consider the citizens irrelevant.

Commissioner Rowland advised he agrees they are responsible to protect Elbert County's water, resources, etc. He disagrees in that the document was not ready to vote on July 10, 2013.

- e. Rick Blotter – Agate. Mr. Blotter stated he feels the BOCC are following their own agenda and wants to know exactly what the BOCC wants for Elbert County and what are we doing beyond the State Regulations and taking care of our Public Health and Safety?

Kyle Fenner: Will be asking I. T. for some help navigating the COGCC website for the Community Right to Know Act for more disclosure.

Commissioner Schlegel reminded there is a process in place right now (Use by Special Review) and all the agencies involved in Public Safety are review agencies for any Permit applications.

- f. Jill Duvall – Elizabeth. Ms. Duvall commented on the County's website and the proposed mill levy increase.

Commissioners Schlegel and Rowland responded by reminding everyone that they just recently approved a service provider to rebuild the county's website



which is currently in progress and we hope to have it up and running by Oct. 15, 2013. There will also be more public meetings to discuss ballot issues.

- g.** Tony Corrado – Elbert. Mr. Corrado commented on the diversity of views by an editing committee and questioned the state statute that requires “staff” alone to develop the regulations and is concerned of possible bias on the part of staff.

Commissioners Schlegel and Rowland responded by reminding everyone these are not “Oil and Gas Regulations” but amendments to the Zoning Regulations and the statutory process is for Staff to present a document to the Planning Commission where it has a certain number of days to debate it and accept public input before it ever comes to the BOCC.

- h.** Michael Collins – Elizabeth. Mr. Collins stated he also wants the best for Elbert County and suggested maybe the process could be better defined for these types of events.

NO MORE PUBLIC COMMENT

Commissioner Schlegel moved that the BOCC recess until 12:30 p.m. Commissioner Ross seconded. All three Commissioners voted AYE. Motion passed.

Commissioner Rowland declared the BOCC Meeting reconvened at 12:35 p.m. Sept. 25, 2013.

11. OLD BUSINESS:

- a.** Alex Beltz, Attorney to the BOCC. Attorney Beltz requested that the BOCC accept the West Elbert County Landfill and Site Restoration Agreement with Backhoe Services for site restoration at the West Elbert County Landfill.

Commissioner Ross moved that the BOCC approve and execute the West Elbert County Landfill and Site Restoration Agreement between Elbert County and Backhoe Services for the provision of site restoration work at the Former Lowery AFB Titan 1 Missile Site 2, Complex 2C and West Elbert County Landfill. Commissioner Schlegel seconded.



Commissioner Ross questioned the Attorney to the BOCC if this will satisfy the Colorado Department of Public Health and Environment (CDPHE). Attorney Beltz advised yes, but any non-compliance to be enforced on this particular contract will be done by this County.

Commissioner Rowland asked what our status will be at successful completion, in relation to the compliance order by CDPHE.

Mr. Beltz advised the order will be dismissed.

Commissioner Schlegel praised everyone involved in this project and asked the Attorney to the BOCC if there is anything precluding us from possibly seeking monetary repayment after all is done.

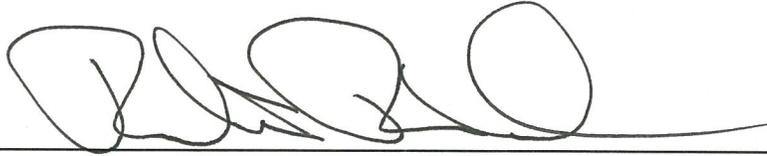
Attorney Beltz said no and advised this agreement does not affect any other agreement; all lien releases will be final, there will be no cause for liens to be imposed on County property and Attorney Beltz will be personally monitoring that situation.

All three Commissioners voted AYE. Motion passed.

Meeting Adjourned at 12:48 p.m.

BOARD OF COUNTY COMMISSIONERS

ELBERT COUNTY, COLORADO



Robert Rowland, Chairman



Larry Ross, Vice Chair



Kurt Schlegel, Commissioner

ATTEST: Dallas Schroeder

County Clerk

BY:



Clerk to the Board of County Commissioners

