



1. Approval of CDS Mylars as needed
2. Approval of Vouchers as needed
3. Acknowledgement of Receipt of Variance Reports
4. Acknowledgement of the Noxious Weed Board Minutes March 15, 2023



E. ELECTED OFFICIALS/DEPARTMENT HEADS/STAFF REPORTS

Finance Manager Tiffany Hermes provided an update on the 2022 Audit and stated that the auditors will be on site in June.

F. CITIZEN PUBLIC COMMENT

Debbie Ullom, 11195 Copper Canyon Cir, Kiowa - Ms. Ullom voiced her concerns over the housing assessment and EC West community meeting. Ms. Ullom stated that the need for homes in the \$200,000 to \$400,000 range is very important.

Diana Edstrom, 10243 Pvt Rd 106, Elbert - Ms. Edstrom presented her questions regarding Community Meetings. MS/ Edstrom asked about pre-app meeting procedures, meeting notice requirements, required attendance by CDS staff and how citizens can get copies of the sign-in sheet and minutes from those meetings.

Larry Gable, 33265 Wyndham Cir, Elizabeth. Mr. Gable stated that he opposes metro districts and feels that they are a bad idea. Mr. Gable feels that metro districts should not be allowed.

Robert Poletiek, 34006 County Rd 73, Kiowa. Mr. Poletiek felt that it was a kick in the teeth for the property owners along the preferred Xcel power line to have an increase in property taxes of 20% when their values could go down with the power lines and make it nearly impossible to sell.

Kerry Jiblits, 19656 Wedemeyer, Kiowa. Ms. Jiblits asked for clarification on the Xcel pre-app meeting question from the last meeting. Ms. Jiblits stated that she attended an El Paso Commissioners meeting where Xcel was invited to answer questions and ask if that was something that could be done here as well.

Lisanne Hewel 34221 Forest Park Dr, Elizabeth. Ms. Hewel agreed with Debbie and Larry regarding growth. Ms. Hewel stated that citizens are against growth and that it showed in the Town of Elizabeth's election.

G. DISCUSSION ITEMS

H. ACTION ITEMS

1. Consideration of May 10, 2023 Minutes

Motion: Approval of May 10, 2023 Minutes

Commissioner Grant Thayer made a motion to Approve the Minutes as presented and dispense with the reading. Commissioner Dallas Schroeder seconded the motion.

Yes - Chris Richardson, Grant Thayer, Dallas Schroeder

No – None

2. Consideration of May 17, 2023 Special Meeting Minutes

Motion: Approval of May 17, 2023 Minutes

Commissioner Dallas Schroeder made a motion to Approve the Minutes as presented and dispense with the reading. Commissioner Grant Thayer seconded the motion.

Yes - Chris Richardson, Grant Thayer, Dallas Schroeder

No - None

3. Public Hearing - Elbert Town Committee Special Event Permit - Amanda Moore

Motion: To Open a Public Hearing for Elbert Town Committee Special Event Permit

Commissioner Grant Thayer made a motion to open a Public Hearing for the Elbert Town Committee Special Event Permit. Commissioner Dallas Schroeder seconded the motion.

Yes - Chris Richardson, Grant Thayer, Dallas Schroeder

No - None

Public Hearing Opened at 9:41 AM.

Deputy Clerk Amanda Moore presented the Elbert Town Committee's application for Special Event Permit for the Elbert Days Event.

Public Comment: None

Motion: To Approve the Special Event Permit for the Elbert Town Committee

Commissioner Grant Thayer made a motion to Approve the Special Event Permit for the Elbert Town Committee. Commissioner Dallas Schroeder seconded the motion.

Yes - Chris Richardson, Grant Thayer, Dallas Schroeder

No - None

Motion: To Close a Public Hearing for Elbert Town Committee Special Event Permit

Commissioner Grant Thayer made a motion to close a Public Hearing for the Elbert Town Committee Special Event Permit. Commissioner Dallas Schroeder seconded the motion.

Yes - Chris Richardson, Grant Thayer, Dallas Schroeder

No - None

Public Hearing Closed at 9:44 AM.

Commissioner Richardson called a recess from 9:44 AM to 9:52 AM.



4. Public Hearing - New Liquor License for The Patch in Elizabeth - Amanda Moore

Commissioner Dallas Schroeder recused himself from this public hearing due to a personal relationship with the applicants.

Motion: To Open a Public Hearing for a new liquor license for the Patch in Elizabeth

Commissioner Grant Thayer made a motion to open a Public Hearing for a new liquor license for the Patch in Elizabeth. Commissioner Chris Richardson seconded the motion.

Yes - Chris Richardson, Grant Thayer

No - None

Public Hearing Opened at 9:52 AM

Deputy Clerk Amanda Moore presented the request for a new liquor license for the Patch in Elizabeth. The Patch in Elizabeth is a seasonal business located at 39980 Fox Trot Cir, Elizabeth. Ms. Moore stated that the application and fees have been submitted, Liquor Pros has completed the neighborhood petition and applicants plan to move the location of the business in 2024.

Rebecca Spence, an attorney with Messer Spence explained the application. Ms. Spence stated that a decision based on speculation is not adequate for a denial when it comes to a liquor license.

Applicant Dusty Smith explained the reason for requesting a liquor license. Mr. Smith stated that they are a rural family-owned business and will be open for 18 days this season. Mr. Smith stated that they purchased property off of Hwy 86 and plan to move the business to that location next year. Mr. Smith explained the plan for serving alcohol, training employees and servers and that they will limit it to one drink per person.

Commissioners asked why the applicant did not wait until they moved to the new location.

Applicant Dusty Smith stated that it is due to demand and increased sales.

Public Comment:

Amy Ford, 9702 Fox Trot Cir, Elizabeth - Ms. Ford spoke on behalf of herself and her neighbors regarding the concerns over safety, road conditions and liability of the neighborhood. Ms. Ford explained that the road is a private road that supports 11 residences and is maintained by them as well. The residents completed a traffic study after purchasing equipment to do so and explained the increase in traffic, speed and road damage due to the commercial use of the Patch. Ms. Ford presented the covenants of the neighborhood and said that it clearly states there is to be no commercial use of the properties.

Lisanne Hewel, 34221 Forest Park Dr, Elizabeth - Ms. Hewel explained that she visits the Patch each year and does not have children. Ms. Hewel feels this is an opportunity for them to increase their profit. Ms. Hewel asked why, if in the covenants that there can't be a business, there was nothing said until they applied for a liquor license.



Bart McTaggart, 39600 Fox Trot Cir, Elizabeth - Mr. McTaggart stated that he has been fighting with their operation from day one and is the one who does most of the road maintenance. Mr. McTaggart stated that there is an increase in the amount of trash, cigarette butts and traffic during the times that the Patch is open. Mr. McTaggart stated that the covenants are not being followed by the Smith's.

Vaughn Stack, 5886 Pronghorn Ave, Elizabeth - Mr. Stack is opposed to this application because of concerns over traffic and impaired drivers.

Diana Edstrom, 10243 Pvt Rd 106, Elbert - Ms. Edstrom asked how many years that Patch had been in operation. Do they have permits or a special use, why are they not being taxed as commercial and who's property rights trip who's.

Author Riedel, 39705 Fox Trot Cir, Elizabeth - Mr. Riedel said he personally feels "live and let live" and it pains him to join in the opposition as he thinks the Smiths are very good people, but the liquor license took things too far.

Greg Hinds, 5113 Pronghorn, Elizabeth -Mr. Hinds wanted to clear up the one drink limit comment. Mr. Hinds asked if it was one drink per person per trip to the bar.

Applicant Dusty Smith answered, Yes.

Mr. Hinds asked if the applicants are willing to defend neighbors in litigation if someone gets hurt on their roads. Mr. Hinds stated that alcohol does not make for family memories.

Sandra Reidel, 393705 Fox Trot Cir, Elizabeth - Ms. Reidel stated that she was a trauma nurse and is concerned over the dangerous roads.

Public Comment was closed.

Attorney Rebecca Spence stated that it is against the liquor code to serve intoxicated persons and that the applicants are working hard to prevent liquor issues. Ms. Spence also reminded the Board that speculative information is information not completed by professionals.

Applicant Dusty Smith provided the Board with a road engineering study and recommendations. Mr. Smith stated that the roads were contracted out for maintenance and dust control. Mr. Smith stated that he would have 2 Sheriff's Posse members out each weekend.

Commissioner Richardson called a recess from 10:53 AM to 11:07 AM.

Commissioner Thayer would like to see a road agreement as the road is owned by all in the subdivision.

Commissioner Richardson asked if there had been any accidents on the roads since they started their operation. Commissioner Richardson also asked what the average number of cars/people per day and if there are currently any other businesses in the subdivision.



Applicant Dusty Smith stated that there have not been any accidents to his knowledge. There were around 2700 people per day at the highest. There is a firewood business in the neighborhood.

William Hammond, 39410 Lone Elk Cir, Elizabeth - Mr. Hammond said that he does have a firewood business but is not part of their neighborhood or covenants.

Commissioner Richardson clarified the fact that when an HOA does not exist, the covenants are enforced by civil means.

Both commissioners suggested a continuance of the hearing so that they have time to take in all the information presented.

Attorney Rebecca Spence requested a recess so that she may talk to her client.

Commissioner Richardson called a recess from 11:21 AM to 11:27 AM.

Attorney Rebecca Spence requested a continuance of the public hearing.

Motion: To Continue the Public Hearing for the Patch in Elizabeth to June 28th at 9:00 AM.

Commissioner Grant Thayer made a motion to Continue the Public Hearing for the Patch in Elizabeth to June 28th at 9:00 AM . Commissioner Chris Richardson seconded the motion.

Yes - Chris Richardson, Grant Thayer

No - None

Motion: To Close a Public Hearing for a new liquor license for the Patch in Elizabeth

Commissioner Grant Thayer made a motion to close a Public Hearing for a new liquor license for the Patch in Elizabeth. Commissioner Chris Richardson seconded the motion.

Yes - Chris Richardson, Grant Thayer

No - None

Public Hearing Closed at 11:30 AM

Commissioner Richardson called a recess from 11:30 AM to 11:36 AM to allow time for Commissioner Schroeder to return.

5. Resolution to Dissolve the Meadow Station PID

Commissioner Richardson explained that the Meadow Station PID was for road construction loans and now has a zero balance with no future collection.

Public Comment: None

Motion: To Approve the Resolution to Dissolve the Meadow Station PID

Commissioner Dallas Schroeder made a motion to Approve the Resolution to Dissolve the Meadow Station PID. Commissioner Grant Thayer seconded the motion.

Yes - Chris Richardson, Grant Thayer, Dallas Schroeder

No - None

6. Resolution to Dissolve the Foxwood PIDs

Commissioner Richardson explained that the Foxwood Ranches and Foxwood Estates PID's was for road construction loans and now has a zero balance with no future collection.

Public Comment: None

Motion: To Approve the Resolution to Dissolve the Foxwood PID's

Commissioner Grant Thayer made a motion to Approve the Resolution to Dissolve the Foxwood PID's. Commissioner Dallas Schroeder seconded the motion.

Yes - Chris Richardson, Grant Thayer, Dallas Schroeder

No - None

7. Resolution to Dissolve Chaparral LID

Commissioner Richardson explained the Local Improvement District and that it is at a zero balance with no further collection.

Public Comment: None

Motion: To Approve the Resolution Dissolving the Chaparral Local Improvement District

Commissioner Dallas Schroeder made a motion to Approve the Resolution Dissolving the Local Improvement District. Commissioner Grant Thayer seconded the motion.

Yes - Chris Richardson, Grant Thayer, Dallas Schroeder

No – None



I. BOARD PLANNING

1. Agenda Items for Next Meeting

No items mentioned. The next meeting is June 14th.

Commissioner Richardson called a recess at 11:39 until 1:00 PM for the Land Use Hearing.

J. LAND USE HEARINGS 1:00 P.M.

The Land Use Hearing was called to order at 1:00 PM. All Commissioner were present.

1. Old Sawmill Ranch Rezone (case RZ-22-0032)

Motion: To Open a Public Hearing for the Old Sawmill Ranch Rezone RZ-22-0032

Commissioner Grant Thayer made a motion to open a Public Hearing for the Old Sawmill Ranch RZ-22-0032. Commissioner Dallas Schroeder seconded the motion.

Yes - Chris Richardson, Grant Thayer, Dallas Schroeder

No - None

Public Hearing Opened at 1:01 PM.

Land Use Planner Laura Santos Granja presented the request for a rezone of 10 acres from agriculture to AR and 32.2 from agriculture to agriculture 2 on a property located at N.E. corner of N Elbert Rd and CR 74-82. Ms. Granja stated that there is a concurrent review of a minor plat as well. Ms. Granja explained the referral process and that there were no outstanding comments.

Applicant Andrew Horibe stated that the Father-in-law owns the property and the adjacent property. Mr. Horibe stated that they are excited about building their family home.

Public Comments:

Deborah Thomas, 9400 N Elbert Rd, Elbert - Ms. Thomas stated that she was opposed to this application and has concerns over water issues, flood plains and a past tornado that hit that area.

Public Comment Closed

There was a brief discussion regarding water resources and the public health department for well and septic.

Applicant agrees to the conditions

Commissioner Thayer and Commissioner Richardson both spoke regarding minimum ag requirements and allowance for two residences on 35 acres.



Motion: To Approve the Old Sawmill Ranch Rezone RZ-22-0032

Commissioner Grant Thayer made a motion to Approve the Old Sawmill Rezone RZ-22-0032 with the conditions listed. Commissioner Dallas Schroeder seconded the motion.

Yes - Chris Richardson, Grant Thayer, Dallas Schroeder

No - None

Motion: To Close a Public Hearing for the Old Sawmill Ranch Rezone RZ-22-0032

Commissioner Grant Thayer made a motion to close a Public Hearing for the Old Sawmill Ranch RZ-22-0032. Commissioner Dallas Schroeder seconded the motion.

Yes - Chris Richardson, Grant Thayer, Dallas Schroeder

No - None

Public Hearing Closed at 1:19 PM.

K. ADJOURNMENT

Motion: To Adjourn

Commissioner Grant Thayer made a motion to Adjourn. Commissioner Dallas Schroeder seconded the motion.

Yes - Chris Richardson, Grant Thayer, Dallas Schroeder

No - None

The meeting Adjourned at 1:20 PM.



BOARD OF COUNTY COMMISSIONERS

ELBERT COUNTY, COLORADO

CHRIS RICHARDSON, Chair, COMMISSIONER District 1

DALLAS SCHROEDER, COMMISSIONER District 2

GRANT THAYER, Vice-Chair, COMMISSIONER District 3

ATTEST: Amanda Moore

Deputy Clerk

BY:

Deputy Clerk to the Board of County Commissioners