



ELBERT COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS MEETING MINUTES
Regular Meeting Held in the BOCC Meeting Room
September 13, 2023 at 9:00 AM

A. INVOCATION/PLEDGE OF ALLEGIANCE: PASTOR JOHN SMITH

Pastor John Smith provided the Invocation and led the Pledge of Allegiance.

B. CALL TO ORDER AND ROLL CALL

The regular meeting of the Board of County Commissioners was called to order at 9:02 AM. Deputy Clerk Amanda Moore called the roll and all commissioners were present.

C. APPROVAL OF AGENDA

Motion: Approval of Agenda as presented.

Commissioner Grant Thayer made a motion to Approve the Agenda as presented. Commissioner Dallas Schroeder seconded the motion.

Yes - Dallas Schroeder, Grant Thayer, Chris Richardson

No - None

D. CONSENT AGENDA

Motion: Approval of Consent Agenda as presented

Commissioner Dallas Schroeder made a motion to Approve the Consent Agenda as presented. Commissioner Grant Thayer seconded the motion.

Yes - Dallas Schroeder, Grant Thayer, Chris Richardson

No - None

1. Approval of CDS Mylars as needed
2. Approval of Vouchers as needed
3. Acknowledgement of CDS Pipeline Report
4. Liquor License Renewal - Spring Valley Golf Club

E. ELECTED OFFICIALS/DEPARTMENT HEADS/STAFF REPORTS

County Treasurer Sherry Hewlett announced the Tax Lien Sale date of November 14th at 9 am located in the Board Room. Ms. Hewlett said the delinquent list will be available in late October.





F. CITIZEN PUBLIC COMMENT

Kerry Jiblit, 19656 Wedemeyer Rd, Kiowa - Ms. Jiblit asked the Commissioners for an update on the Xcel project application.

Commissioner Richardson explained that the pre-application meeting had happened and Xcel asked for a decision on if the application would be considered a minor or major 1041. There will be a community meeting held in October in Kiowa.

G. DISCUSSION ITEMS

1. Discussion and Possible Action on Request to Vacate Right of Way - Jessi Mead Property

Public Works Director Monty Hankins presented the request for vacation of right of way for the Jessi Mead property. Mr. Hankins stated that the easement is an unused driveway on the property and it creates an issue for the owner because current GPS shows it as a public road. This allows hunters in the area to gain access to the property. Mr. Hankins also explained that with the terrain, it is not a buildable area. Mr. Hankins asked that it be placed on the next agenda for approval.

County Attorney Bart Greer added that the vacation does not mean that the easement still could not be used, just that it would no longer be a public roadway.

Mr. Hankins stated that the owner would be able to add a fence and place signs on the area.

The Commissioners agreed to place it on the next agenda.

2. Presentation of the 2022 Audit Budget Report

County Manager Shawn Fletcher explained that the audit is on track and should be ready to present on the 27th.

H. ACTION ITEMS

1. PUBLIC HEARING - New Liquor License for the Patch in Elizabeth - New location

Motion: To Open a Public Hearing for a New Liquor Lince 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 - Grant Thayer, Chris Richardson

No - None

Public Hearing Opened at 9:12 AM.

Deputy Clerk Amanda Moore stated that the applicants Dusty and Kathy Smith have requested a continuance of the public hearing. Ms. Moore asked that the hearing be continued to September 27th at 9 AM.



Motion: To Continue the Public Hearing for a New Liquor License for the Patch in Elizabeth to September 27th at 9 AM.

Commissioner Grant Thayer made a motion to Continue the Public Hearing for a New Liquor License for the Patch in Elizabeth to September 27th at 9 AM. Commissioner Chris Richardson seconded the motion.

Yes - Grant Thayer, Chris Richardson

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 - Grant Thayer, Chris Richardson

No - None

Public Hearing Closed at 9:13 AM.

2. PUBLIC HEARING - Special Event Permit for The Elbert County Sheriff's Foundation

Motion: To Open a Public Hearing for a Special Event Permit for the Elbert County Sheriff's Foundation.

Commissioner Dallas Schroeder made a motion to open a Public Hearing for a Special Event Permit for the Elbert County Sheriff's Foundation. Commissioner Grant Thayer seconded the motion.

Yes - Dallas Schroeder, Grant Thayer, Chris Richardson

No - None

Public Hearing Opened at 9:13 AM.

Deputy Clerk Amand Moore presented the request for Special Event Permit for the Back the Badge event put on by the Elbert County Sheriff's Foundation. There are no changes to the previous year, as this is an annual event and will be held at the Messer Event Center for the second year in a row. Staff recommends approval.

Motion: To Approve the Special Event Permit for the Elbert County Sheriff's Foundation.

Commissioner Dallas Schroeder made a motion to Approve the Special Event Permit for the Elbert County Sheriff's Foundation. Commissioner Grant Thayer seconded the motion.

Yes - Dallas Schroeder, Grant Thayer, Chris Richardson

No - None

Motion: To Close a Public Hearing for a Special Event Permit for the Elbert County Sheriff's Foundation.

Commissioner Dallas Schroeder made a motion to close a Public Hearing for a Special Event Permit for the Elbert County Sheriff's Foundation. Commissioner Grant Thayer seconded the motion.

Yes - Dallas Schroeder, Grant Thayer, Chris Richardson
No - None

Public Hearing Closed at 9:15 AM.

3. PUBLIC HEARING - Special Event Permit for the Elizabeth Area Chamber

Motion: To Open a Public Hearing for a Special Event Permit for the Elizabeth Area Chamber.

Commissioner Grant Thayer made a motion to open a Public Hearing for a Special Event Permit for the Elizabeth Area Chamber . Commissioner Dallas Schroeder seconded the motion.

Yes - Dallas Schroeder, Grant Thayer, Chris Richardson
No - None

Public Hearing Opened at 9:15 AM.

Deputy Clerk Amanda Moore presented the request for a Special Event permit for the Pints in the Pines event put on by the Elizabeth Area Chamber. Ms. Moore explained that this was an annual event held at Casey Jones Park and there had been no changes from the previous years. Staff recommends approval of the Special Event Permit.

Motion: To Approve the Special Event Permit for the Elizabeth Area Chamber.

Commissioner Grant Thayer made a motion to Approve the Special Event Permit for the Elizabeth Area Chamber. Commissioner Dallas Schroeder seconded the motion.

Yes - Dallas Schroeder, Grant Thayer, Chris Richardson
No - None

Motion: To Close a Public Hearing for a Special Event Permit for the Elizabeth Area Chamber.

Commissioner Grant Thayer made a motion to close a Public Hearing for a Special Event Permit for the Elizabeth Area Chamber . Commissioner Dallas Schroeder seconded the motion.

Yes - Dallas Schroeder, Grant Thayer, Chris Richardson
No - None

Public Hearing closed at 9:16 AM.

4. Consideration of August 23, 2023 Minutes

Motion: Approval of August 23, 2023 Minutes

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

Yes - Dallas Schroeder, Grant Thayer, Chris Richardson
No - None



I. BOARD PLANNING

1. Agenda Items for Next Meeting

- a. The Patch in Elizabeth Public Hearing
- b. Jessi Mead Right of Way Vacation
- c. Audit Presentation

Commissioner Richardson called a recess at 9:18 AM to return at 1:00 PM for the Land Use Hearings.

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

The Land Use Hearings as the Board of Adjustments were called to order at 1:00 PM. Deputy Clerk Amanda Moore called the roll and all commissioners were present.

1. Board of Adjustments - Kelly Variance VA-23-18838

Motion: To Open the Board of Adjustments for the Kelly Variance VA-23-18838.

Commissioner Grant Thayer made a motion to open the Board of Adjustments for the Kelly Variance VA-23-18838 . Commissioner Dallas Schroeder seconded the motion.

Yes - Dallas Schroeder, Grant Thayer, Chris Richardson

No - None

The Board of Adjustments Opened at 1:01 PM.

Land Use Planner Danny Kilbaner presented an application for a major variance to the front set-back to allow for construction of an addition to an existing legal structure. The home was built before the set-back requirements were put into place. Mr. Kilbaner explained that the existing home is 65 ft from the property line and the addition would be the same. Mr. Kilbaner stated that the applicant has acknowledged or resolved all comments. Staff recommends approval with the conditions listed.

Applicant Mike Kelly accepted the conditions of approval.

Public Comment:

Patricia Fritz, 4145 Beth Ct. Elizabeth - Ms. Fritz stated that the Kelly's are wonderful neighbors who maintain and take care of their property. Ms. Fritz and her husband had no objections to this variance.

Janice Orr, Annie Ct, Elizabeth - Ms. Orr is in favor of the variance.

Motion: To Approve the Kelly Variance VA-23-18838 with the conditions.

Commissioner Grant Thayer made a motion to Approve the Kelly Variance VA-23-18838 with the Conditions. Commissioner Dallas Schroeder seconded the motion.

Yes - Dallas Schroeder, Grant Thayer, Chris Richardson

No - None

Motion: To Close the Board of Adjustments for the Kelly Variance VA-23-18838.

Commissioner Grant Thayer made a motion to close the Board of Adjustments for the Kelly Variance VA-23-18838 . Commissioner Dallas Schroeder seconded the motion.

Yes - Dallas Schroeder, Grant Thayer, Chris Richardson
No - None

The Board of Adjustments Closed at 1:13 PM.

2. Board of Adjustments - Peter's Variance - P-2023-00002

Commissioner Schroeder stated that he knows the Peter's personally but feels he can still make an impartial decision if the applicant agrees. The applicant, Kyle Peter, agreed.

Motion: To Open the Board of Adjustments for the Peter's Variance P-2023-00002.

Commissioner Dallas Schroeder made a motion to open the Board of Adjustments for the Peter's Variance P-2023-00002 . Commissioner Grant Thayer seconded the motion.

Yes - Dallas Schroeder, Grant Thayer, Chris Richardson
No - None

The Board of Adjustments opened at 1:14 PM.

Community and Economic Development Director Marc Dettenrieder presented the request for a major variance to the front set back to allow for a garage. Mr. Dettenrieder provided a background on the property. Mr. Dettenrieder explained that in 2021 a variance was approved for a 40 ft front & 20 ft side set back. In 2022 a garage was constructed and then later found to not be in compliance and now the applicant is seeking a variance to accommodate the error in building placement. They are also seeking a vacation of utility easement. The utility companies do not support a vacation of easement, but they have agreed upon a utility encroachment. Mr. Dettenrieder stated that the variance is the only thing to be considered today. There were no objections during the referral process. Staff recommends approval with the conditions listed.

Applicant Kyle Peter agrees to the conditions listed. The applicant explained that there was confusion about where they were to start measuring.

County Attorney Bart Greer stated that granting the vacation today could happen today, but it can't invalidate others rights to the easement. A third party could use those easements later.

Public Comment:
None

Motion: To Approve Peter's Variance P-2023-00002 with the conditions listed.

Commissioner Grant Thayer made a motion to Approve Peter's Variance P-2023-00002 with the conditions listed. Commissioner Dallas Schroeder seconded the motion.

Yes - Dallas Schroeder, Grant Thayer, Chris Richardson
No – None





Motion: To Close the Board of Adjustments for the Peter's Variance P-2023-00002.

Commissioner Dallas Schroeder made a motion to close the Board of Adjustments for the Peter's Variance P-2023-00002 . Commissioner Grant Thayer seconded the motion.

Yes - Dallas Schroeder, Grant Thayer, Chris Richardson

No - None

The Board of Adjustments closed at 1:31 PM.

K. ADJOURNMENT

Motion: To Adjourn

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

Yes - Dallas Schroeder, Grant Thayer, Chris Richardson

No - None

The meeting Adjourned at 1:32 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