



ELBERT COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS MEETING MINUTES

Regular Meeting Held in the BOCC Meeting Room
October 25, 2023 at 9:00 AM

A. INVOCATION/PLEDGE OF ALLEGIANCE: PASTOR FARTHING

County Clerk Rhonda Braun 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 9:01 A.M. Deputy Clerk Emily Backhus-Irwin called the roll and Commissioner Grant Thayer and Commissioner Dallas Schroeder were present. Commissioner Chris Richardson was absent.

C. APPROVAL OF AGENDA

Motion: Approval of Agenda as presented.

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

Yes - Grant Thayer, Dallas Schroeder

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 - Grant Thayer, Dallas Schroeder

No - None

630462 B: 840 P: 3 MM
11/15/2023 10:58:43 AM Page: 1 of 9 R 0.00 D
Rhonda Braun Recorder, Elbert County, Co



1. Approval of CDS Mylars as needed
2. Approval of Vouchers as needed
3. Acknowledgement of Receipt of Variance Reports
4. 3rd Quarter 2023 Public Trustee Report
5. Update to the Organizational Resolution to Recognize New Appointments for Boards and Committees
6. Approval of Intergovernmental Agreement for the Assessment, Collection, and Remittance of Emergency Services Impact Fees.
7. Approval of Intergovernmental Agreement regarding the 18th Judicial and 23rd Judicial Changes

8. Consideration of a Resolution Certifying Costs Related to Prosecuting Crimes

9. Proclamation Recognizing Elbert County's Support of Israel

E. ELECTED OFFICIALS/DEPARTMENT HEADS/STAFF REPORTS

Community and Economic Development Director Marc Dettenrieder introduced Cynthia Thye as new Economic Development Manager. This is her 3rd position within a year with Elbert County, and has a background in economic development.

Economic Development Manager Cynthia Thye thanked Marc and stated that she is excited about her new role and has a heart for rural communities.

F. CITIZEN PUBLIC COMMENT (See Note 1)

Commissioner Grant Thayer read email comments from Beverly Durant of Kiowa. Dallas Schroeder read an email from Brenda Kelley of Simla. Both comments express concerns over the Xcel project.

James Williamson - 41591 Way of Goodness, Deer Trail. Mr. Williamson spoke about environmental concerns with the Xcel power lines traveling through the town of Kiowa. Expressed frustration about being lied to. He wants real questions and real answers. Mr. Williamson requested that they have a real meeting with Xcel.

Don Gray -16000 Hwy 86, Kiowa. Mr. Gray requested the county have a meeting with Xcel. He has concerns about community voices not being sent to Xcel.

Julie Snow Kloppenberg - 40500 Blue Bell Trail, Elizabeth. Ms.Kloppenberg stated that Xcel already has several easements and they want more land for their power lines. She said she received an email from Xcel saying that the routes will not be changing, but also received communication about negotiations for a permanent easement.

Rick Orcutt - 3535 CR 141, Ramah. Mr. Orcutt was presented by Xcel where route lines would run. The citizens declined. He requested that the Board of County Commissioners oppose any offers presented by Xcel.

Berna Dillavou - 6510 CR 146, Elizabeth. Ms. Dillavou stated she attended the Xcel open house. She said she saw the same information, placards and people as last time. Voiced concerns on wildfires, livestock and wildlife. She urged the commissioners to call a meeting with Xcel.

Kerry Jibblits - 19656 Wedemeyer Rd, Kiowa. Ms. Jibblits spoke about the open house and that 285 people had attended. Only 1 person didn't oppose at the meeting. She stated the citizens expected a formal meeting and that she felt uncomfortable.

Susan Knapp - 11340 Copper Canyon Cir, Kiowa. Ms. Knapp said that surveyors showed up near her property. They were with Xcel.

Gary Austin - 31820 Pvt Rd 057. Mr. Austin voiced concerns with the Xcel proposal. Concerned about the loss of trees and bushes after the 2001 drought. He's afraid of more vegetation being lost with the power lines going up.

Tom Lassiter - Thanked the public. Wants to sue Xcel.



Chuck Hughes 19753 Wedemeyer, Kiowa. Mr. Hughes congratulated Cynthia Thye. He claims Xcel is neither preserving or maintaining our county. He was disappointed at the presentation by Xcel.

Lark Fogel - 31242 Wedemeyer, Kiowa. Ms. Fogel attended the Xcel meeting. She hosts weddings April through October. Voiced concerns about losing scenery for her venue. She said she reached out to PUC and cited C.R.S. 42-124 in regards to eminent domain. She also said she emailed the commissioners a letter pleading them to say no to Xcel.

Deana Bossio - 3320 Meadowlark Ct, Parker. Ms. Bossio moved out to Elbert county about a year ago for the rural community. Stated she can see the effect of Xcel's project on her neighbors.

Dan Mason - Mr. Mason supports everyone present about their concerns for the power lines running through their properties. He said he was also opposed to the lines.

G. DISCUSSION ITEMS (See Note 2)

None

H. ACTION ITEMS (See Note 3)

1. Consideration of October 11, 2023 Minutes

Motion: Approval of October 11, 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 - Grant Thayer, Dallas Schroeder

No - None

I. BOARD PLANNING

1. Agenda Items for Next Meeting

Work Study Sessions Monday October 30, 2023

A) Emergency Operations Management Plan

B) Sheriff's Office and Flock Cameras

C) 2024 Draft Budget

Commissioner Grant Thayer called a recess at 9:56 A.M. until 11:00 A.M. for the Board of Health meeting.

2. Workshops/Study Sessions

3. Pending Hearings

J. BOARD OF HEALTH 11:00 A.M.

The Board of Health meeting was called to order at 11:01 A.M.

1. Quarterly Board of Health Update

Motion: To Open the Board of Health Meeting.

Commissioner Dallas Schroeder made a motion to Open the Board of Health Meeting. Commissioner

630462 B: 840 P: 3 MM
11/15/2023 10:58:43 AM Page: 3 of 9 R 0.00 D
Rhonda Braun Recorder, Elbert County, Co



Grant Thayer seconded the motion.

Yes - Grant Thayer, Dallas Schroeder
No - None

Board of Health Opened at 11:01 A.M.

1. Public Health Director Dwayne Smith presented the quarterly Board of Health report. Mr. Smith provided administrative updates, including a request for an increase in local per capita allocation due to inflation and also a staffing update. Mr. Smith introduced Teresa Claus as the new Finance and Grant Specialist, along with Juliet Madsen and her service dog Butch as the new Public Health Emergency Preparedness Coordinator. Mr. Smith provided clinic updates where the number of Elbert County residents served went up significantly, revenue for the clinic also rose. He stated WIC interest has been very slow. They have been searching for a new location for their WIC services, but have not found anything so far. On October 12, they held their quarterly Vitalent Blood Drive. The 365 Health Fair was canceled due to dissolution on September 1, 2023.

Mr. Smith provided an update on septic and food permits, vital records and Bio solids.

Mr. Smith stated the Behavioral Health Survey is now available. It should only take about 5-10 minutes to complete and can be found at www.surveymonkey.com/r/Elbert. A youth survey will be ready in a few weeks. Mr. Smith stated if you need to report a health concern, you can do that on our website at www.elbertcounty-co-gov/428/Report-a-Concern.

Motion: To Close the Board of Health Meeting.

Commissioner Dallas Schroeder made a motion to close the Board of Health Meeting. Commissioner Grant Thayer seconded the motion.

Yes - Grant Thayer, Dallas Schroeder
No - None

Board of Health Closed at 11:52 A.M.

Commissioner Thayer called a recess at 11:52 AM to return at 1:00 PM for Land Use Hearings.

K. LAND USE HEARINGS 1:00 P.M. (See Note 4)

The Land Use Hearing was called to order at 1:00 PM. Deputy Clerk Emily Backhus-Irwin called the roll and Commissioner Grant Thayer and Commissioner Dallas Schroeder were present. Commissioner Chris Richardson was absent.

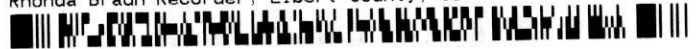
1. Systems Properties Rezone RZ-23-3557

Motion: To Open a Public Hearing for Systems Properties Rezone RZ-23-3557

Commissioner Grant Thayer made a motion to Open a Public Hearing for Systems Properties Rezone RZ-23-3557.

Commissioner Dallas Schroeder seconded the motion.

Yes - Grant Thayer, Dallas Schroeder



No - None

Public Hearing Opened at 1:00 P.M.

Land Use Planner Danny Klibaner presented the application to request a rezone of a 35.5-acre parcel from Agriculture (A) to Commercial (C) and Agriculture to Agriculture Residential (AR). Mr. Klibaner stated this application has been in the process under several case numbers and began over six years ago. The referral responses were received. The applicant has acknowledged and or resolved all comments. The Rezone meets the criteria of the comprehensive plan and staff recommends approval.

Applicant Representative Kyle Fenner was present and stated that all comments that were raised during the referral process had been resolved. All conditions have been satisfied as well.

Public Comment:

Gary Dickinson - 35568 CR 13, Elizabeth. Mr. Dickinson said he lives where the proposed rezone will occur. Stated he will be surrounded by the rezone. Mr. Dickinson voiced concerns about the use of land and any mitigation about light and sound. He is wondering what protection is going to be offered. Mr. Dickinson also claims he was told the property was agricultural not commercial.

Kyle Fenner - Larkspur. Ms. Fenner has worked with the applicant, Earl Raymond, for quite a long time. She stated the lot was created prior to Mr. Dickinson purchasing the property. She also stated that the two properties have shared a driveway since day one. Currently Mr. Raymond maintains the driveway.

Commissioner Thayer commented that the property has been commercial for a very long time. Not agricultural.

Motion: To Approve the Systems Properties Rezone RZ-23-3557

Commissioner Dallas Schroeder made a motion to Approve the Systems Properties Rezone RZ-23-3557. Commissioner Grant Thayer seconded the motion.

Yes - Dallas Schroeder, Grant Thayer

No - None

Motion: To Close a Public Hearing for System Properties Rezone RZ-23-3557

Commissioner Grant Thayer made a motion to Close a Public Hearing for the Systems Properties Rezone RZ-23-3557. Commissioner Dallas Schroeder seconded the motion.

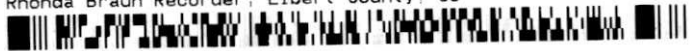
Yes - Grant Thayer Dallas Schroeder

No - None

Public Hearing Closed at 1:28 P.M.

L. ADJOURNMENT

Motion: To Adjourn



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

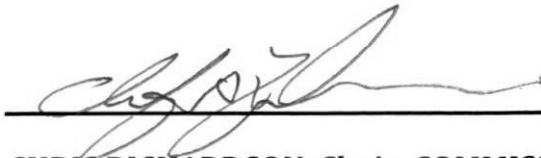
Yes - Grant Thayer, Dallas Schroeder

No - None

The meeting Adjourned at 1:28 PM

BOARD OF COUNTY COMMISSIONERS

ELBERT COUNTY, COLORADO



CHRIS RICHARDSON, Chair, COMMISSIONER District 1



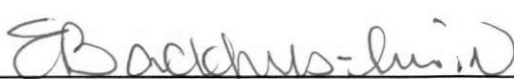
DALLAS SCHROEDER, COMMISSIONER District 2



GRANT THAYER, Vice-Chair, COMMISSIONER District 3

ATTEST: Emily Backhus-Irwin

Deputy County Clerk

BY: 

Deputy Clerk to the Board of County Commissioners; Emily Backhus-Irwin



Emily Backhus

From: Amy Espinoza <lugriffhl@hotmail.com>
Sent: Tuesday, October 24, 2023 4:26 PM
To: ClerktoBOCC; chris.richardson@elbertcounty-co.gov; grant.thayer@elbertcounty-co.gov; Dallas Schroeder
Subject: [External] Excel Powerline Proposed Project

BOCC, Chris, Dallas, Grant:

I'm writing to state my great concerns with Excel's proposed powerline project in Elbert County. I have yet to hear from any community member supporting this project idea, and nearly everyone, if not everyone, stands opposed. Why this is even being "pushed" at this point is clearly not because meetings have been handled with integrity, sadly, and it's not because the peoples' concerns have been heard, weighed out and considered in the problem solving process.

These are red flags to anyone who cares about Elbert County that this is not an upstanding project.

I have been following this proposal from the first announcement several years ago. I did not attend the last meeting at the Elbert County fair grounds. However, the lack of integrity shown at this important gathering was evident based on those who attended. It was a time to show respect for this community, to clearly inform the current Excel stand and kindly provide time for respectful and educated questions and answers. I heard this was not apart of the meeting. This is essential moving forward. Integrity.

There are many points about this proposal that are concerning. However, above all, I stand for Life and Health for the people, the wildlife and farm animals, and the plants and land of Elbert County. This proposal has great disregard for all of these. Simply put, it is a health hazard, (and there's lots of science to back this up if you want to go there).

May Life, Health, Truth and Integrity reign in Elbert County, in Colorado and in America.

Thank you,
Amy Espinoza
Kiowa, Colorado

Sent from my Galaxy

Emily Backhus

From: Kent Hayne <krhayne@yahoo.com>
Sent: Tuesday, October 24, 2023 5:45 PM
To: ClerktoBOCC
Cc: Chris Richardson; Grant Thayer; Dallas Schroeder; Marc Dettenrieder
Subject: [External] Xcel Powerline Project

Dear Clerk,

I would appreciate it if you please have the below email read at the upcoming BOCC meeting on October 25, 2023.

Dear Commissioners:

I attended the so **called** Xcel Powerline Project meeting on October 18, 2023 at the Elbert County Fairgrounds. At that meeting, there was **NO** presentation made. There were only placards and displays with very vague maps which did not provide enough detail to determine the actual proposed route. There were several Xcel representatives present who could not answer my questions but instead referred me to a 200-page report that will be submitted with the application. I was told this report would describe in detail what they are going to do.

Xcel should be required to have an actual public meeting with a truthful presentation and allow a question and answer session to follow.

I personally am opposed to this Project and I have several major concerns as follows:

***Safety** - Where I previously lived, high voltage powerlines caused fires and entire towns were destroyed due to the powerlines not being properly maintained. Is Xcel going to properly maintain the powerlines? What steps will be put in place in order to ensure that these powerlines are properly maintained? CORE presently has a lawsuit against Xcel for not maintaining a power generating station. Since Kiowa has a volunteer fire department, is Xcel going to provide additional fire fighting services?

I posed the above questions to an Xcel representative who only referred me to the 200-page report.

***Location** - Powerline towers should be nowhere near the Town of Kiowa. Those towers should be east of Kiowa and up north to I-70 then west into Denver. There are larger properties out that direction with less population. As far as I can determine, given the vague maps displayed at the meeting, the path of these towers is very near to the Kiowa water tower and the Kiowa schools.

***Property Values** - This Project would lower property values in Elbert County and will provide **NO** benefit to Elbert County as the power generated by these towers will be going to Denver.

***Overhead Lines** - A much safer alternative than overhead lines would be to run the lines underground. Underground lines would help with fire safety and property values. The Xcel representative told me they would not do that due to the high cost. My question is, what is more important to Xcel the cost of their Project or the cost of loss of life and property?

In closing, I would ask the Planning Commission and the Commissioners to take a hard look at this Project and take into consideration my concerns listed above as well as the concerns of your other constituents.

Thank you,

Kent Hayne
11300 Indian Hills Circle
Kiowa, CO