



ELBERT COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS MEETING MINUTES
Regular Meeting Held in the BOCC Meeting Room
January 10, 2024 at 9:00 AM

A. INVOCATION/PLEDGE OF ALLEGIANCE:

Citizen Barry Lemley provided the Invocation and let 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 Emily Backhus-Irwin called the roll and all commissioners were present.

C. APPROVAL OF AGENDA

Motion: Approval of Agenda as presented.

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Rhonda Braun Recorder, Elbert County, Co



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

Yes - Chris Richardson, 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 - Chris Richardson, Grant Thayer, Dallas Schroeder

No – None

1. Approval of CDS Mylars as needed
2. Approval of Vouchers as needed
3. Acknowledgment of CED Pipeline Report
4. Ratification of Colorado Works Annual Reaffirmation



E. ELECTED OFFICIALS/DEPARTMENT HEADS/STAFF REPORTS

1. Update from Darlene Carpio with Congressman Buck's Office

Darlene Carpio from Congressman Buck's office provided an update, announcing he will not run again.

Ms. Carpio also stated that until Congressman Buck leaves office, they will continue to do their jobs and focus on budgeting and finance.

Public Works Director Monty Hankins provided an update on the new Road and Bridge facility just east of the post office in Kiowa. Mr. Hankins stated that the department obtained the CO on December 14th, 2023 and started moving in on December 18th, 2023. Mr. Hankins said the progress of moving equipment from north of the fairgrounds has been slow due to weather and holiday delays, but the move is about 30% complete. Mr. Hankins was excited to announce that Road and Bridge will host an open house on February 13, 2023 at the new facility for the residents of Elbert County to visit. Mr. Hankins also stated that having the new facility expedited the preparedness for the past 2 snow storms in Elbert County as snow plows were indoors and pre-loaded.

Commissioner Thayer inquired about the fuel tanks that were still at the old facility.

Mr. Hankins said the fuel tanks will get moved to the other facilities station on 166 and the tanks will remain above ground.

F. CITIZEN PUBLIC COMMENT

Suni Mills - 27310 Forest Ridge Dr, Kiowa - Ms. Mills stated that she tried to apply for the Homestead Act. Ms. Mills stated she couldn't receive an application as they were only accepted from January to June. Ms. Mills said several people were told by Xcel that they don't have to worry about fires as Power Pathway has a lot of insurance.

Don Gray - 16000 Hwy 86 - Mr. Gray stated Xcel has reached out to a lot of land owners, not all land owners, but a lot. Mr. Gray said Xcel is telling landowners that Xcel will use eminent domain and that was the bottom line. Mr. Gray inquired as to who gives Xcel the authority to use eminent domain.

Don Mason - County Road 34 - Mr. Mason expressed concerns about the illegal aliens entering Elbert County. Mr. Gray stated Congressman Buck had voted against the constitution 30% of the time. Mr. Gray said Congressman Buck should be standing up against getting involved in wars. Mr. Gray showed concern with how the cost of the illegal immigrants in Elbert County is affecting the residents and that the immigrants show no respect.

Kerry Jibblits - 19656 Wedemeyer Rod, Kiowa - Ms. Jibblits stated Xcel originally was to file their application by December of 2022. Ms. Jibblits asked the commissioners if there was any new news in regards to the Xcel application.

Commissioner Richardson addressed the questions raised by the citizens. Commissioner Richardson stated the Homestead has been taken up by the legislature, and the Commissioners have not received any new news regarding the Xcel application and also the use of eminent domain from Xcel. Commissioner Richardson stated he had no doubt they would use eminent domain if they got approval of a route.

Commissioner Thayer thanked all the citizens for their comments regarding the Xcel project and also said Xcel has regulations that they must follow.

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G. ORGANIZATIONAL MEETING

Motion: To Open the Organizational Meeting 2023 Appointments and Reappointments Resolution

Commissioner Grant Thayer made a motion to Open the Organizational Meeting 2023 Appointments and Reappointments Resolution. Commissioner Dallas Schroeder seconded the motion.

Yes - Chris Richardson, Grant Thayer, Dallas Schroeder

No – None

1. Discussion and Possible Approval of the Organizational Appointments and Reappointments Resolution

The Organizational Meeting 2023 Appointments and Reappointments was called to order at 9:25 AM. Deputy Clerk Emily Backhus-Irwin called the roll and all commissioners were present.

Commissioner Schroeder made a motion for Commissioner Richardson to continue as Chair. Commissioner Thayer seconded the motion. Commissioner Richardson accepted the appointment. The Motion carried.

Commissioner Thayer made a motion to appoint Commissioner Schroeder as Vice-Chair. Commissioner Richardson seconded the motion. Commissioner Schroeder accepted the appointment. The Motion Carried.

Motion: To Approve the Resolution for Appointments and Reappointments

Commissioner Schroeder made a motion to approve the resolution as presented to include appointment of John W. Gresham as Planning Commissioner for District 2 until 2026. Commissioner Thayer seconded the motion.

Yes – Chris Richardson, Grant Thayer, Dallas Schroeder

Motion: To close the Organizational Meeting 2023 Appointments and Reappointments Resolution

Commissioner Thayer made a motion to close the Organizational Meeting 2023 Appointments and Reappointments Resolution. Commissioner Schroeder seconded the motion.

Yes -Chris Richardson, Grant Thayer, Dallas Schroeder

No - None

The Organizational Meeting was closed at 9:30 AM

H. DISCUSSION ITEMS

1. Discussion on Update to the County Attorney's Policy

County Attorney Bart Greer spoke about the updates to the County Attorney's Policies. Attorney Greer stated they are making the required updates per statute.

2. Discussion on Update to the Finance Policy

County Attorney Bart Greer spoke about the Finance policy and how it will be improved. Attorney Greer stated that this office is working to make the policies more efficient with less risk management. Attorney Greer also stated that he is reviewing the contracts for the county and will have new line items or signatures on the contract stating it has been reviewed and approved as to form.

3. Discussion regarding Amended and Restated Wellpath Agreement for 2024

County Attorney Bart Greer spoke in regard to the Amended and Restated Wellpath Agreement for 2024. Attorney Greer stated the Wellpath contract will provide services to the residents of the jail. Attorney Greer said the Attorney's office should have a final draft for a resolution at the next BOCC meeting.

I. ACTION ITEMS

1. Consideration of December 13, 2023 Minutes

Motion: Approval of December 13, 2023 Minutes

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

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

2. Consideration of December 14, 2023 Minutes

Motion: Approval of December 14, 2023 Minutes

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

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



3. Consideration of December 27, 2023 Minutes

Motion: Approval of December 27, 2023 Minutes

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

Yes - Chris Richardson, Grant Thayer, Dallas Schroeder

No – None

4. Consideration of Approval of a Resolution regarding Contractor Licensing Fees for 2024

Motion: Approval of a Resolution regarding Contractor Licensing Fees for 2024

Commissioner Grant Thayer made a motion to Approve the Resolution regarding Contractor Licensing Fees for 2024. Commissioner Dallas Schroeder seconded the motion.

Yes - Chris Richardson, Grant Thayer, Dallas Schroeder

No – None

J. BOARD PLANNING

1. Agenda Items for Next Meeting

A) County's Attorney Policy and Finance Policy

B) Amended and Restated Wellpath Agreement for 2024

C) Special Meeting on January 17, 2024 for the 2024 Mill Levy for the Foxwood Estates

Commissioner Richardson called recess at 9:37 AM to return at 1:00 PM for the Land Use Hearings

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

The Land Use Hearings were called to order at 1:00 PM. Deputy Clerk Emily Backhus-Irwin called the roll and all commissioners were present.

1. Charnobragan Acres Dog Breeding SUR

Motion: To Open a Public Hearing for Charnobragan Acres Dog Breeding SUR

Commissioner Thayer made a motion to Open a Public Hearing for Charnobragan Acres Dog Breeding SUR. Commissioner Schroeder seconded the motion.

Yes - Chris Richardson, Grant Thayer, Dallas Schroeder

No - None

Public Hearing Opened at 1:01PM

Land Use Planner Catherine Armstrong presented an application for the Charnobragan Acres Dog Breeding SUR. Ms. Armstrong stated the property will be used for breeding dogs and that there will be

less than 10 dogs at a time on the premises. Ms. Armstrong said the property is located at 1397 Santa Fe Trail with 27 acres of land. The Land Use staff recommends approval from the commissioners.

Applicant Samantha Graham stated she has no further comment and accepted conditions.

Public Comment - None

Motion: To Close a Public Hearing for Charnobragan Acres Dog Breeding SUR

Commissioner Thayer made a motion to Close a Public Hearing for Charnobragan Acres Dog Breeding SUR. Commissioner Schroeder seconded the motion.

Yes - Chris Richardson, Grant Thayer, Dallas Schroeder

No - None

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Public Hearing Closed at 1:18 PM.

Commissioner Richardson called a recess at 1:18 PM until 1:26 PM to set up for the next meeting.

2. **EC West Service Plans**

Motion: To Open a Public Hearing for EC West Service Plans

Commissioner Schroeder made a motion to Open a Public Hearing for EC West Service Plans. Commissioner Thayer seconded the motion.

Yes - Chris Richardson, Grant Thayer, Dallas Schroeder

No - None

Public Hearing Opened at 1:26 PM

Community and Economic Development Director Marc Dettenrieder presented the service plans for EC West and the 8 new metropolitan districts. Mr. Dettenrieder explained the water and sanitation plans have not been revised. Staff recommends approval.

Staff Consultant from Anderson Analytics, Graham Anderson, presented a lengthy summary and overview of the proposed EC West Districts. Mr. Anderson stated the new EC West Overlay Metro District will be created in lieu of an HOA for the subdivision. Mr. Anderson gave an example of property taxes in the range of \$7,300 - \$7,400 based on a \$600,000 home.

Commissioner Schroeder inquired about the tap fee and if it was paid by the developer.

Mr. Anderson said yes.

Commissioner Richardson called a recess at 2:28 PM and returned at 2:37 PM.

Attorney Dianne Miller for the Applicant made a presentation in regard to the proposed EC West Districts as well. Ms. Miller presented safeguards that her firm is putting in place for the Districts. Ms. Miller requested approval of the plans.

Commissioner Schroeder asked if there is a timeline for bond approvals.

Ms. Miller said they have an election in November for the bond approvals.

The Applicant, Mr. Yates stated they have to put in infrastructure then the bonds will be issued.

Public Comment - None

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Motion: To Approve the EC West Plans



Commissioner Schroeder made a motion to approve the EC West Plans Commissioner Thayer seconded the motion.

Yes - Chris Richardson, Grant Thayer, Dallas Richardson

No - None

Motion: To Close a Public Hearing for the EC West Plans

Commissioner Schroeder made a motion to Close a Public Hearing for the EC West Plans. Commissioner Thayer seconded the motion.

Yes -Chris Richardson, Grant Thayer, Dallas Schroeder

No - None

Public Hearing Closed at 3:02 PM

L. 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 3:02 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