



ELBERT COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS MEETING MINUTES

Regular Meeting Held in the Agriculture Building
December 13, 2023 at 9:00 AM

A. INVOCATION/PLEDGE OF ALLEGIANCE: FATHER STEARNS

Father Stearns 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 9:12 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
[Barcode]

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. Acknowledgement of CDS Pipeline Report
4. Ratification of Letter to DOLA Requesting FEMA Disaster Recovery Specialist Funding
5. Approval of the Updated Emergency Operations Plan
6. Approval of an Updated Resolution Regarding Law Enforcement Assistance Fund
7. Acknowledgment of Elbert County Noxious Weed Advisory Board Minutes

E. ELECTED OFFICIALS/DEPARTMENT HEADS/STAFF REPORTS

None

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F. CITIZEN PUBLIC COMMENT

Kerry Jibblits - 19656 Wedemeyer Rd, Kiowa - Ms. Jibblits expressed concerns about a bill that would take land use authority away from local government.

Don Gray - 16000 Hwy 86, Kiowa. Mr. Gray stated he listened to the Xcel concerns from the residents. Mr. Gray asked the BOCC to slow down development.

Tim and Peggy Patzkowsky - 950 CR 133, Rush. Ms. Patzkowsky voiced concerns about where the Xcel towers are going to be located. Ms. Patrosky said she has an email to the BOCC that she will send to them for review.

John Mott - 18087 CR 150, Kiowa. Mr. Mott spoke about green energy development and out of state trucks and wind turbines. Mr. Mott said it's about money, not green energy.

Tracy Brewer 27512 Plainview. Ms. Brewer voiced her concerns with Xcel and the wildlife impacts it would have. Ms. Brewer also said she has opposition to Xcel and will send information to the commissioners for review.

Chuck Hughes - 19753 Wedemeyer Rd, Kiowa. Mr. Hughes spoke about a segment on 60 Minutes that took place in Wyoming. Mr. Hughes said the segment was in regards to transmission lines going from Wyoming to California.

Maggie Witherbee - 44447 Homestead Rd, Elizabeth. Ms. Witherbee spoke about the covid operations that happened in August of 2020. Ms. Witherbee would like to have the health team meet with the BOCC regarding any new updates to the vaccinations.

Warren Listul - 23103 CR 73, Calhan. Mr. Listul asked about the start date of the CR 112 repairs.

Commissioner Richardson stated they are still waiting for the application from Xcel.

Commissioner Thayer stated that he was visited by Solar representatives last week. Commissioner Thayer spoke about infrastructure and said there is a lot to consider.

Commissioner Schroeder congratulated and thanked Commissioner Richardson for being selected to the 19 person statewide panel for property taxes as a voice for Elbert County & Eastern Plains.

G. DISCUSSION ITEMS

1. Discussion Regarding Contractor Licensing and Fees

Community and Economic Development Director Marc Dettenrieder provided a brief update about the Contractor Licensing and fees collected in 2023. Mr. Dettenrieder stated they adopted the fees January of 2023. Mr. Dettenrieder also stated that they collected well over \$55,000 in fees in 2023, mostly because of the hail damage from the spring and summer storms this year.

Commissioner Richardson is concerned that our fees are too high and that we are collecting more than it costs to manage the program.

Commissioner Schroeder agreed with Commissioner Richardson. He wants to be sure we are not over charging our residents.

2. Discussion on Update to Building Permit Fees

Community and Economic Development Director Marc Dettenrieder provided an update to the Building Permit Fees. Mr. Dettenrieder said the department is considering updating to the 2024 building codes. Mr. Dettenrieder stated they would like to reach out to the stakeholders to discuss it further before making a decision.

Commissioner Richardson requested that the department also reach out to the unincorporated towns and fire departments as well.

Public Comment – None

3. Discussion of Potential Renewal of Flock Camera Contract

Sheriff Norton and Undersheriff Fisher gave an overview of what the Flock cameras are used for. Sheriff Norton stated there are 9 cameras throughout our county and stated that the cameras are for license plates only. Sheriff Norton stated that the cameras do not take photos of people.

Commissioner Schroeder has reached out to Flock for further information and still has concerns that still need to be addressed.

Commissioner Richardson also voiced continued concerns regarding the data storage.

Public Comment -

Maggie Witherbee - 44447 Homestead Rd. Elizabeth. Ms. Witherbee stated she has concerns about Colorado advancing to a police state. She said she is proud of our Sheriff's department.

Commissioner Schroeder said he fully supports our law enforcement. Commissioner Schroeder also said he emailed Flock on November. 18, 2023 and has had a zoom meeting with them. Commissioner Schroeder spoke of his concerns about the retention of data and the location of the data storage.

Commissioner Schroeder asked to move this item to action. Commissioner Schroeder does not feel comfortable with continuing with Flock Cameras at this time, but with the understanding that there will be more discussion later on this matter. All commissioners agreed to move to action.

Dee Valdez Pepper - 25134 CR 5, Elbert. Ms. Pepper stated she was the emcee for Commissioner Schroeder regarding the Dominion voting. Ms. Pepper is concerned Elbert County is turning into Shanghai. Ms. Pepper stated she was happy to hear about canceling the contract and that there should be another way.



Motion: To Not Renew the Flock Camera Contract

Commissioner Schroeder made a motion to Not Renew the Flock Camera Contract. Commissioner Thayer seconded the motion.

Yes -Chris Richardson, Grant Thayer, Dallas Schroeder

No - None

4. Discussion and Possible Action on Engineering Costs for CR 162 Bridge Replacement

Public Works Director Monty Hankins spoke about the bridge on 162 near Agate and how it sustained severe damage due to flooding. Mr. Hankins presented a summary report to the commissioners concerning the proposal to approve costs for engineering of the 162 bridge. Mr. Hankins said the Federal Highway Administration would give a grant of 100% reimbursement for all flood related repairs for this project if it is completed by March of 2024. Mr. Hankins asked that this item be moved to action so they can turn it in as soon as possible. All commissioners agreed.

Motion: To Approve Engineering Costs for the County Road 162 Bridge Replacement

Commissioner Grant Thayer made a motion to Approve Engineering Costs for the County Road 162 Bridge Replacement. Commissioner Dallas Schroeder seconded the motion.

Yes - Chris Richardson, Grant Thayer, Dallas Schroeder

No – None

H. ACTION ITEMS

1. Consideration of November 8, 2023 Special Meeting Minutes

Motion: Approval of November 8, 2023 Special Meeting 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 November 15, 2023 Minutes

Motion: Approval of November 15, 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. Consideration of a Transfer of Liquor License for Meadows Market

Deputy Clerk Amanda Moore presented an application for the transfer of the Liquor License for Meadows Market. Ms. Moore explained that all forms, background checks and fees have been completed and paid. Staff has recommended approval of the transfer of liquor license for Meadows Market.

Motion: Approve a Transfer of Liquor License for Meadows Market

Commissioner Grant Thayer made a motion to Approve a Transfer of Liquor License for Meadows Market. Commissioner Dallas Schroeder seconded the motion.

Yes - Chris Richardson, Grant Thayer, Dallas Schroeder

No – None

4. Public Hearing - Adoption of the 2024 Elbert County Budget - Staff recommends continuance to December 27th, 2023 at 9:00 AM.

Motion: To Open Public Hearing for the Adoption of the 2024 Elbert County Budget

Commissioner Schroeder made a motion to open a Public Hearing for the Adoption of the 2024 Elbert County Budget. Commissioner Thayer seconded the motion.

Yes: Chris Richardson, Grant Thayer, Dallas Schroeder

No: None

Public Hearing opened at 10:43 AM.

Finance Manager Tiffany Hermes explained that she is working on suggestions and cuts from department heads regarding adjustments to the budget due to changes in legislature. Ms. Hermes asked the commissioners to approve the continuance for the 2024 budget to December 27, 2023.

Motion: to Continue the Public Hearing for the Adoption of the 2024 Elbert County Budget to December 27, 2023 at 9 am

Commissioner Dallas Schroeder made a motion to Continue the Public Hearing for the Adoption of the 2024 Elbert County Budget to December 27, 2023 at 9 am. Commissioner Grant Thayer seconded the motion.

Yes -Chris Richardson, Grant Thayer, Dallas Schroeder

No - None

Motion: To Close a Public Hearing for Adoption of the 2024 Elbert County Budget

Commissioner Dallas Schroeder made a motion to Close a Public Hearing for Adoption of the 2024 Elbert County Budget. Commissioner Grant Thayer seconded the motion.

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

Public Hearing Closed at 10:45 AM

I. BOARD PLANNING

1. Agenda Items for Next Meeting
 - A) Continuation of the Adoption of the 2024 Elbert County Budget, setting of mill levies and appropriations
 - B) Discussion regarding Contractor Licensing and Fees

Commissioner Richardson called a recess at 10:48 AM to return at 1:00 PM for the Land Use Hearing.

J. LAND USE HEARINGS 1:00 P.M. - LOCATED AT THE AG BUILDING

The Land Use Hearings were called to order at 1:05 PM. Deputy Clerk Emily Backhus-Irwin called the roll and all commissioners were present.

1. Request for Waiver of Impact Fees - Touched by A Horse

Economic Development Specialist Eric Larson presented the application to request a waiver of impact fees for Touched by a Horse.

Applicant Cheryl Pierce - 6620 Shannon Cir, Kiowa. Ms. Pierce provided a background of the use of the buildings that were present on the property. Ms. Pierce noticed the impact fees were based on a 365 day use of the buildings but they are only used by the students in a limited capacity and when the weather allows. Ms. Pierce also stated that the yurts would never be open to the public, but only to the students completing certifications for the program.

Staff recommends adopting a 90% waiver of the full impact fee and approve the resolution.

Motion: To Approve the Waiver of 90% of the Impact Fees

Commissioner Grant Thayer made a motion to Approve the Waiver of 90% of the Impact Fees.
Commissioner Dallas Schroeder seconded the motion.

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



2. Maverick Rezone RZ-22-0064 (Robinson Amendment 1)

Motion: To Open a Public Hearing for Maverick Rezone RZ-22-0064

Commissioner Dallas Schroeder made a motion to Open a Public Hearing for Maverick Rezone RZ-22-0064. Commissioner Thayer seconded the motion.

Yes -Chris Richardson, Grant Thayer, Dallas Schroeder

No - None

Public Hearing Opened at 1:16 PM

Land Use Planner Danny Kilbaner presented the request for the Maverick Rezone RZ-22-0064 (Robinson Amendment 1) located at 36200 CR 1, Elizabeth. The request is to amend the current zone from Agriculture two to Agriculture Residential on order to add an additional structure. Mr. Kilbaner stated the applicant has acknowledged and/or resolved all comments raised during the referral process. The staff and Planning Commission recommend approval with conditions.

Applicant Mary (Mimi) Cushman stated the only question brought up during their meeting was that there were no bridal paths on the property.

The applicant accepted the conditions for approval.

Public Comment - None

Motion: To Approve the Maverick Rezone RZ-22-0064 (Robinson Amendment 1)

Commissioner Schroeder made a motion to approve the Maverick Rezone RZ-22-0064 (Robinson Amendment 1) with the conditions listed. Commissioner Thayer seconded the motion.

Yes: Chris Richardson, Grant Thayer, Dallas Schroeder

No: None

Motion: To Close a Public Hearing for the Maverick Rezone RZ-22-0064 (Robinson Amendment 1)

Commissioner Dallas Schroeder made a motion to Close a Public Hearing for the Maverick Rezone RZ-22-0064 (Robinson Amendment 1). Commissioner Grant Thayer seconded the motion.

Yes - Chris Richardson, Grant Thayer, Dallas Schroeder

No - None

Public Hearing Closed at 1:29 PM



3. Healing Pines Recovery Center SUR Amendment (SUR-23-43)

Motion: To Open a Public Hearing for Healing Pines Recovery Center SUR Amendment (SUR-23-43)

Commissioner Grant Thayer made a motion to Open a Public Hearing for Healing Pines Recovery Center SUR Amendment (SUR-23-43) . Commissioner Dallas Schroeder seconded the motion.

Yes - Chris Richardson, Grant Thayer, Dallas Schroeder

No - None

Public Hearing Opened at 1:30 PM

Land Use Planner Danny Kilbaner presented the request to amend the existing Special Use by Review. The amendment would include the addition of a 40X80 barn-dominium to support the existing rehabilitation center located at 5550 CR 124, Elizabeth. Mr. Kilbaner stated no terms will change with the SUR with the addition of the structure. The staff and Planning Commission recommend approval with conditions.

Commissioner Schroeder asked for clarification that this will not expand the number of clients. Mr. Kilbaner stated the number of clients will remain the same. Commissioner Schroeder also asked about the impact fees. Mr. Kilbaner said the fees should be consistent with any accessory dwelling unit in the county.

Applicant Paul Leafstead described the business as a licensed healing center. The operation is a 30 day inpatient center. The center provides treatment 7 days a week including therapies and holistic programs. The request for the amendment was to provide for a year round, multi-use space with the gym dominium and also adequate office space for staff.

Commissioner Richardson asked the applicant if he accepts the conditions listed for approval. The applicant agreed.

Public Comment - None

Motion: To Approve the Healing Pines Recovery Center SUR Amendment (SUR-23-43)

Commissioner Thayer made a motion to approve the Healing Pines Recovery Center SUR Amendment (SUR-23-43) with the conditions listed. Commissioner Schroeder seconded the motion.

Yes: Chris Richardson, Grant Thayer, Dallas Schroeder

No: None

Motion: To Close a Public Hearing for Healing Pines Recovery Center SUR Amendment (SUR-23-43)

Commissioner Grant Thayer made a motion to Close a Public Hearing for Healing Pines Recovery Center SUR Amendment (SUR-23-43) . Commissioner Dallas Schroeder seconded the motion.

Yes - Chris Richardson, Grant Thayer, Dallas Schroeder

No - None

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Public Hearing Closed at 1:54 PM

4. BOCC assignment of hearing date for EC West Service Plans

Marc Dettenrieder recommended the date of January 10, 2024 for the hearing about EC West Service Plans. Mr. Dettenrieder stated that date was agreed upon with the applicant.

Motion: To accept the BOCC assignment of hearing date for EC West Service Plans on January 10, 2024

Commissioner Thayer made a motion to accept the BOCC assignment of hearing date for EC West Service Plans on January 10, 2024 at 1:00 PM. Commissioner Schroeder seconded the motion.

Yes: Chris Richardson, Grant Thayer, Dallas Schroeder

No: None

Commissioner Richardson called recess at 1:58 PM to return at 2:05 PM.

5. EC West Preliminary Plat & EC West Planned Unit Development (PUD)

Returned from recess at 2:10 PM

Motion: To Open a Public Hearing for EC West Preliminary Plat PP-21026 and concurrently, EC West Planned Unit Development (PUD) PD-22-0060

Commissioner Schroeder made a motion to Open a Public Hearing for EC West Preliminary Plat PP-21026 and concurrently, EC West Planned Unit Development (PUD) PD-22-0060. Commissioner Thayer seconded the motion.

Yes - Chris Richardson, Grant Thayer, Dallas Schroeder

No - None

Public Hearing Opened at 2:10 PM.

Director of Community and Economic Development Marc Dettenrieder introduced Sandy Hoffman, the contract planner with Logan-Simpson.

Ms. Hoffman explained that the rezone is to go from agricultural to Planned Unit Development. Ms. Hoffman stated the area will be 1,464 acres at the intersection of County Road 29 and County Road 174. Ms. Hoffman also stated all the comments and concerns were addressed through the referral process. The maximum number of new dwelling units will be 2,850. Ms. Hoffman stated there will be 3 access points from County Road 174 and 1 access point from County Road 29. Ms. Hoffman said the project proposed two new school sites and additional resources for Kiowa and Rattlesnake Fire districts.

Staff recommends approval of the EC West Planned Unit Development (PUD) with conditions listed.

Commissioner Thayer inquired about the water for agricultural uses. Ms. Hoffman deferred to the applicant for details.

Ms. Hoffman presented the application for the EC West Preliminary Plat. Ms. Hoffman stated the homes are clustered together to protect open space and the minimum open space will be 50% of the gross land area, the open space is for perpetuity, the subdivision cannot come back later to add additional homes or change the plat.

Staff recommends approval with conditions of the EC West Preliminary Plat.

Jim Yates with Craft Companies introduced his team. Craft Companies Land Use Attorney Claire Havelda shared the presentation of the project. Ms. Havelda stated that this will be completed in phases and could take up to 20 years to build out.

Water resource engineer Bruce Lytle provided an overview of the projects previously adjudicated 300 year water supply. Mr. Lytle stated the water will be provided through the Denver Aquifer System. Mr. Lytle also stated the water for the project will have no adverse effect on current residential wells.

LSC Transportation Consultant Chris McGranahan presented the Elbert County Master Transportation Plan for the project.

Managing Principal with Economic and Planning Systems Andrew Knudtsen shared his presentation about the economic and fiscal impact and benefits.

Mr. Yates spoke about the community services within the project. Mr. Yates said they have met with the Rattlesnake and Kiowa fire departments and have a mutual agreement already. Mr. Yates stated that EC West has allocated space to create additional facilities if necessary in the future. Mr. Yates also stated they have met with Elizabeth School District and the Superintendent who assisted in selecting sites and signed off to open 2 new schools. Mr. Yates said they will hold off on building until the district confirms the expansion of the schools. Mr. Yates said that their district will build and maintain the roads to standards.

Ms. Havelda requested approval of the EC West Preliminary Plat and also EC West Planned Unit Development. Ms. Havelda also requested their presentation be offered into the record. Commissioner Richardson agreed.

Commissioner Richardson called recess at 3:30 PM and returned at 3:44 PM.

Public Comment:

Bob Lewis - 1845 Buttercup Rd, Elizabeth. Mr. Lewis voiced concern about a water plan and also any fire mitigation plans.

Mike Walker - 37361 Forest Trl, Elizabeth - Mr. Walker stated the traffic study doesn't take into account with real world driving. Mr. Walker voiced concerns with County Road 29 not having turn lanes, an acceleration or deceleration lanes. Mr. Walker was also concerned if the new subdivision would be mixing wells.



Bill Howell - Mr. Howell voiced concerns as well about the traffic plan. Mr. Howell stated he was very impressed about the work done building Independence. Mr. Howell stated the new project opens up new opportunities to work in the county to align with the county's goals.

Valerie - Ms. Valerie stated she and her husband are not residents of Elbert County due to a housing scarcity. Ms. Valerie stated her husband is in law enforcement and the development of this project would make a difference to first responders, health care workers and law enforcement to have an affordable home in Elbert County.

Shelly Manning - 1160 Elbridge Cir, Elizabeth - Ms. Mannin stated she is a 3rd generation Coloradan. Ms. Manning said she lives in Independence with great neighbors and feels a sense of community. Ms. Manning supports the new subdivision to help Elbert County grow and show others what a wonderful county we have.

Jenessa Turbish - Ms. Turbish stated she is a real estate agent who supports the approval of EC West and wants to make home ownership possible for new residents to our county.

Chrissy Howell - Ms. Howell stated Elbert county is lacking in dedicated open space. Ms. Howell also stated she is proud of the bridal paths that are currently built. Ms. Howell is grateful with the dedicated open space within this project.

Hannah Brown with the Butterfly Pavilion - Ms. Brown is in full support of the EC West development. Ms. Brown explained how the Butterfly Pavilion will support EC West in in the landscaping to keep water usage down.

Marie Phipps - 41348 CR 29, Elizabeth - Ms. Phipps said she was never contacted about the new subdivision and didn't receive any communication via email or letters. Ms. Phipps is concerned about the buffer between her property and the new subdivision. Ms. Phipps also voiced a concern about the congestion of traffic and amount of new people moving in.

Jon Waller - 1799 Appaloosa Trl, Elizabeth. Mr. Waller stated the presentations were done very well. Mr. Waller said the county is going to grow, that it is inevitable. Mr. Waller raised a concern over the size of commercial space dedicated to the development. Mr. Waller congratulated the applicant for a well planned development.

Dan Rosales - 3672 Deer Creek Dr, Parker. Mr. Rosales stated Elbert County is lucky to have Craft Developers working this project. Mr. Rosales commended Craft for all the work they have done to provide affordable, larger homes. Mr. Rosales also said that education, jobs and housing is necessary for economic development.

Close Public Comment



Commissioner Richardson called a recess at 4:25 PM and returned at 4:35 PM

Mr. Yates addressed the comments and questions that were raised during Public Comment.

Mr. Yates spoke about the traffic process with a master plan and will be further evaluated when the plat is presented.

Mr.. Lytle addressed the comments from Mr. Lewis for the combining of wells. Mr. Lytle explained how the process of wells are completed. Mr. Lytle stated all the wells are metered.

Commissioner Richardson said that Elbert County is in the process of developing a master water plan and asked Mr. Lytle if his team would be available to assist in the process. Mr. Lytle stated yes and that they have consulted with Douglas County for over 30 years.

Mr. Yates spoke in regards to the maintenance to reduce fires. Mr. Yates stated they have provided drafts to both fire departments. Mr. Yates said there are several good plans they could adopt, that they don't have to create them on their own.

Mr. Yates responded to the questions about a property buffer. Mr. Yates said their southern border is the owner's northern border. The buffer is generally 100-150 feet. Mr. Yates stated they would treat the private property just the same as any other private property.

Mr. Yates also responded in question to the commercial space allocated may not be large enough. Mr. Yates said the space has the flexibility to expand the site. Mr. Yates agreed with the concern Mr. Waller has.

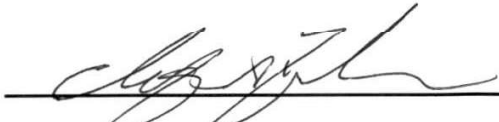
Commissioner Richardson recessed for the day at 4:50 PM to return Thursday at 1:00 PM

K. ADJOURNMENT



BOARD OF COUNTY COMMISSIONERS

ELBERT COUNTY, COLORADO



CHRIS RICHARDSON, Chair, COMMISSIONER District 1



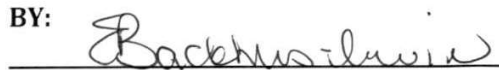
DALLAS SCHROEDER, COMMISSIONER District 2



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