

ELBERT COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS MEETING MINUTES

Regular Meeting Held in the BOCC Meeting Room

April 24, 2024 at 9:00 AM

A. INVOCATION/PLEDGE OF ALLEGIANCE: SON COUNTRY CHURCH

Elder Dave from Son Country Church provided the Invocation. Commissioner Richardson 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 Emily Backhus-Irwin 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 - 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

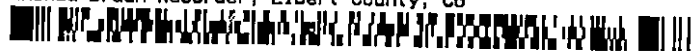
3. Acknowledgment of Receipt of Variance Reports

4. Liquor License Renewal for The Naked Goat

5. Liquor License Renewal for Walmart

6. 1st Quarter 2024 Public Trustee Report

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7. A Proclamation in Support of National Day of Prayer

E. ELECTED OFFICIALS/DEPARTMENT HEADS/STAFF REPORTS

Clerk and Recorder Rhonda Braun announced that the Recording office now has Fraud Notification up and running. The Fraud Notification system will alert Elbert County Residents who have signed up with their email address if any documents are recorded that matches their name. Ms. Braun also stated the Elections Department has Clear Ballot confirmed to come in and do a workshop on May 15th with Elections. Ms. Braun said that the contract Elections has with Dominion expires at the end of this year. They will either have to renew it or sign a new contract with Clear Ballot.

Public Trustee Sherry Hewlett presented the 2024 1st Quarter report. Ms. Hewlett stated there were no major changes compared to the same time last year. Ms. Hewlett said that releases were down compared to last year and foreclosures are about the same as last year. Ms. Hewlett also stated that the Treasurer's department has been very busy this month collecting the first half of the year's property taxes. Ms. Hewlett said that they are happy they are making the fees to fund their office and that a lot of the other counties are not able to.

Commissioner Richardson stated that back on April 6, 1874 the County Commissioners of Elbert and Bent County met for the purpose of settling matters in regard to Greenwood County. They met again on April 9, 1874 to discuss an amendment to the agreement regarding the proportions of Greenwood County's indebtedness, 1/5th would be the responsibility of Elbert County and 4/5th would be the responsibility of Bent County. The outstanding debt was in the amount of \$2000.00. \$400.00 with Elbert County and the remaining \$1,500.00

F. CITIZEN PUBLIC COMMENT

Robert Rowland - 1891 Pawnee Pkwy - Mr. Rowland stated that back in 2015 there was a county contract with the United States Geological Survey (USGS) where well conditions were tracked. Mr. Rowland said he submitted an open records request to Elbert County and was concerned that the program was suspended with tracking no longer happening. Mr. Rowland has been keeping track of his own well conditions.

Commissioner Richardson stated that the program contract is still in place and will follow up with the records request. Commissioner Richardson also stated that the Commissioners had received an email earlier this week but said because the letter contained information in regard to a formal application, it wouldn't be read aloud outside of a public hearing. Commissioner Richardson said they are going to revisit having public comments read from emails or letters since that was practice during covid. They will discuss discontinuing that practice.

A brief recess was called at 9:16AM and ended at 9:19 AM

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G. BOARD OF HEALTH

Motion: To Open the Board of Health Meeting

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

Yes - Chris Richardson, Grant Thayer, Dallas Schroeder

No - None



Board of Health Opened at 9:19 AM

1. Quarterly Board of Health Update - Public Health Director Dwayne Smith

Public Health Director Dwayne Smith presented the quarterly Board of Health report. Mr. Smith recognized John Hill who works with the local high school athletics and thanked him for all the picture taking and driving around.

Mr. Smith provided staffing updates with BOH training opportunities. Mr. Smith also provided program updates mentioning the primary care clinic, vital records, environmental health and community health improvement plan. Elbert county residents visiting the clinics has decreased in recent times. Mr. Smith said they will have new clinic services beginning in the 2nd quarter including a fluoride varnish available to children and adults for oral health. ECPH will be holding an event providing sports physicals for \$20 on June 17th at Big Sandy and will also provide health screenings at this year's county fair on August 3rd.

Mr. Smith reminded the public about the ECPH scholarship program that offers a \$500.00 award to a high school senior graduating from a local public school. Applications are due by May 15.

Motion: To Close the Board of Health Meeting

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

Yes - Chris Richardson, Grant Thayer, Dallas Schroeder

No - None

Board of Health Closed at 9:48 AM

H. DISCUSSION ITEMS

1. Discussion regarding the Veterans Service Officer Position

County Manager Shawn Fletcher stated that he has been working with El Paso County and are still trying to select the right candidate for the Veterans Service Officer position. Mr. Fletcher said they have a lot of applicants that look qualified.

2. Discussion regarding Estimated Cost of a Ballot Question - Clerk and Recorder Rhonda Braun

Clerk and Recorder Rhonda Braun provided an update to the estimated cost of adding a question to the Ballot. Ms. Braun stated that the BOCC may choose to put a ballot issue on the November 2024 ballot and that citizen initiatives are not allowed on the county level. Ms. Braun said that a proposal has been made to put forth a ballot measure to extend term limits for certain county elected officials and adding that measure would cost the county approximately \$.80 per active voter for one question. There are 22,600 active, eligible voters in Elbert County so the cost would be \$18,080 for one ballot question but would vary depending on active voter count.



Ms. Braun stated the BOCC would work with the Elections Department to certify ballot content and that the questions must be certified to the County Clerk no later than September 6, 2024 in order to appear on the November 5, 2024 ballot.

3. Discussion regarding Possibly Joining the Neighboring Counties in a Lawsuit to Overturn State Prohibition of Coordination between Local Law Enforcement and Immigration (ICE)

Commissioner Richardson stated that the lawsuit has been filed in Douglas County and also El Paso County. County Attorney Bart Greer has been in contact with Douglas County and states there really isn't anything new with the lawsuit but will follow up with them for status updates. Commissioner Richardson also said there will be no financial costs to Elbert County, it will be taken care of through Douglas County. Commissioner Richardson asked that this be moved to action and all commissioners agreed.

Public Comment: None

Commissioner Schroeder and Commissioner Thayer spoke in favor of the resolution to join the lawsuit.

Motion: To Approve the Resolution Directing the County Attorney to Join Neighboring Counties in a Lawsuit to Overturn State Prohibition of Coordination between Local Law Enforcement and Immigration (ICE)

Commissioner Grant Thayer made a motion to Approve the Resolution Directing the County Attorney to Join Neighboring Counties in a Lawsuit to Overturn State Prohibition of Coordination between Local Law Enforcement and Immigration (ICE). Commissioner Dallas Schroeder seconded the motion.

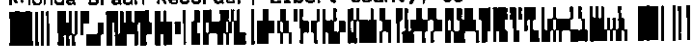
Yes - Chris Richardson, Grant Thayer, Dallas Schroeder

No – None

4. Discussion regarding Opposition to House Bill HB24-1460

Commissioner Richardson explained that this bill is pressing in time as there are only 15 days left in Legislature. Commissioner Richardson said this bill provides opportunities of causes of action to sue our Law Enforcement over mis-conduct even if it isn't mis-conduct.

Commissioner Schroeder feels this bill is punitive towards Law Enforcement. Part of the bill allows for just allegations of mis-conduct and that is a problem. Commissioner Schroeder stated that as elected officials we know that there are a lot of allegations that get thrown around, either by malice or ignorance, that are just untrue. Commissioner Schroeder can only imagine the allegations that Law Enforcement faces already. Commissioner Schroeder stated that the problem with this is, even a Peace Officer who "reasonably" should know if one of his co-workers engages in such behavior could also get in trouble if they don't report it. We all have a different ideas of what mis-conduct would be. This bill would put this in as a Class 2 Misdemeanor and that means, if convicted, up to 120 days in jail and a fine of \$750.00 could be imposed. Commissioner Schroeder feels it seems punitive, that if someone doesn't even realize a mis-conduct took place but someone rules that they should have, not just their occupation is in jeopardy, but their freedom.



Commissioner Thayer agreed with Dallas' summary

Commissioner Richardson stated that the bill was just introduced on April 20, 2024 with no coordination with the state sheriff's association or any other associations within law enforcement. The chance of getting something very wrong is very high when you rush through things at the last of the session. Commissioner Richardson feels that nobody, including Law Enforcement wants to see mis-conduct amongst Law Enforcement but this is absolutely the wrong approach. Commissioner Richardson stated that several years ago legislature stripped our Deputies of several immunities that they should still have. The BOCC indemnified our own Deputies as long as they are operating within policy and not committing crimes. Commissioner Richardson said that after that bill had passed there was a lot of Law Enforcement that retired and or left their jobs for other careers due to the financial risk to their families. As a result of the decrease in Law Enforcement, it has caused a shortage in available Law Enforcement and is costing the tax payers more.

Commissioner Richardson urged the other Commissioners to vote on this resolution in a timely manner as they will not meet again until after the session.

Motion: To Move to Action and Ratify the Resolution in Opposition to House Bill 24-1460 "Law Enforcement Misconduct"

Commissioner Dallas Schroeder made a motion to Move to Acton and To Ratify the Resolution in Opposition to House Bill 24-1460 "Law Enforcement Misconduct". Commissioner Grant Thayer seconded the motion.

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

I. ACTION ITEMS

1. Consideration of April 10, 2024 Minutes
Motion: Approval of April 10, 2024 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. A Proclamation Recognizing Crime Victims' Rights Week

Commissioner Richardson read aloud the Proclamation Recognizing Crime Victims' Rights Week.

Motion: To Ratify the Proclamation Recognizing April 21-27, 2024 as Crime Victim's Rights Week

Commissioner Dallas Schroeder made a motion to Approve To Ratify the Proclamation Recognizing April 21-27, 2024 as Crime Victim's Rights Week. Commissioner Grant Thayer seconded the motion.

Yes - Chris Richardson, Grant Thayer, Dallas Schroeder

No – None

3. Consideration of an Updated Resolution for Appointments and Reappointments.

Commissioner Richardson provided a brief update for the new appointments and reappointments.

Motion: To Approve the Updated Resolution for Appointments and Reappointments

Commissioner Grant Thayer made a motion to Approve the Updated Resolution for Appointments and Reappointments. Commissioner Dallas Schroeder seconded the motion.

Yes - Chris Richardson, Grant Thayer, Dallas Schroeder

No – None

J. BOARD PLANNING

1. Agenda Items for Next Meeting

1) Discussion for well monitoring contract update for USGS

2) 2023 Budget Audit Update

Commissioner Richardson called a recess at 10:08 AM to return at 1:00 PM for Land Use Hearing.

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

The Land Use Hearing was called to order at 1:00 P.M. Deputy Clerk Emily Backhus-Irwin called the roll and all Commissioners were present.

1. Kelly Air Park PUD Amendment (Case number 2023-2465)

Motion: To Open a Public Hearing for Kelly Air Park PUD Amendment (Case number 2023-2465)

Commissioner Grant Thayer made a motion to Open a Public Hearing for Kelly Air Park PUD Amendment (Case number 2023-2465). Commissioner Dallas Schroeder seconded the motion.

Yes - Chris Richardson, Grant Thayer, Dallas Schroeder

No - None

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Public Hearing Opened at 1:00 P.M.

Land Use Planner Guilherme Motta presented an amendment for the Kelly Air Park PUD. Mr. Motta stated that the Guide amendment is to allow for AWOS (Automated Weather Observation System) and Elbert County Fire District's cistern/well/head in the common area, along with storing materials and equipment necessary for repairs and maintenance of the common area. The location of the PUD is 24652 David C. Johnson Loop.

Applicant Jim Norman stated that he would like to speak with the planning department to possibly update the plat for Kelly Air Park as well.

Commissioner Richardson inquired if the cistern is still on the property.

Mr. Norman stated it has been there since the beginning.

Commissioner Richardson asked Mr. Norman if he accepts the conditions and Mr. Norman agreed.

Public Comment - None

Motion: Approve Kelly Air Park PUD Amendment (Case number 2023-2465)

Commissioner Grant Thayer made a motion to Approve Kelly Air Park PUD Amendment (Case number 2023-2465). Commissioner Dallas Schroeder seconded the motion.

Yes - Chris Richardson, Grant Thayer, Dallas Schroeder

No - None

Motion: To Close a Public Hearing for Approve Kelly Air Park PUD Amendment (Case number 2023-2465)

Commissioner Grant Thayer made a motion to Close a Public Hearing for Approve Kelly Air Park PUD Amendment (Case number 2023-2465). Commissioner Dallas Schroeder seconded the motion.

Yes - Chris Richardson, Grant Thayer, Dallas Schroeder

No - None

Public Hearing Closed at 1:17 PM

2. Alpine Ready-Mix Economic Development Zone Site Development Plan

Motion: To Open a Public Hearing for Alpine Ready-Mix Economic Development Zone Site Development Plan

Commissioner Dallas Schroeder made a motion to Open a Public Hearing for Alpine Ready-Mix Economic Development Zone Site Development Plan. Commissioner Grant Thayer seconded the motion.

Yes - Chris Richardson, Grant Thayer, Dallas Schroeder

No - None

Public Hearing Opened at 1:19 PM

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Community and Economic Development Director Marc Dettenrieder stated that the applicant would like to request a continuance to May 22, 2024 at 1:00 PM at the BOCC building.

Motion: To Continue Alpine Ready-Mix Economic Development Zone Site Development Plan to May 22, 2024 at 1:00 PM.

Commissioner Dallas Schroeder made a motion to Continue Alpine Ready-Mix Economic Development Zone Site Development Plan to May 22, 2024 at 1:00 PM. Commissioner Grant Thayer seconded the motion.

Yes - Chris Richardson, Grant Thayer, Dallas Schroeder

No - None

Motion: To Close a Public Hearing for Alpine Ready-Mix Economic Development Zone Site Development Plan

Commissioner Dallas Schroeder made a motion to Close a Public Hearing for Alpine Ready-Mix Economic Development Zone Site Development Plan. Commissioner Grant Thayer seconded the motion.

Yes - Chris Richardson, Grant Thayer, Dallas Schroeder

No - None

Public Hearing Closed at 1:20 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

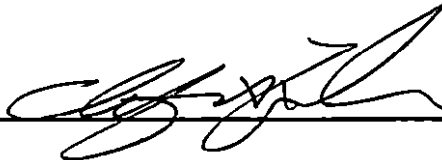
No - None

The meeting Adjourned at 1:20 PM

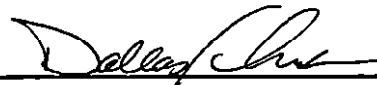


BOARD OF COUNTY COMMISSIONERS

ELBERT COUNTY, COLORADO



CHRIS RICHARDSON, Chair, COMMISSIONER District 1



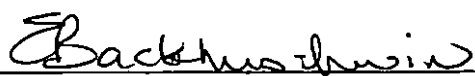
DALLAS SCHROEDER, Vice-Chair, COMMISSIONER District 2



GRANT THAYER, COMMISSIONER District 3

ATTEST: Emily Backhus-Irwin

Deputy Clerk

BY: 

Deputy Clerk to the Board of County Commissioners