



ELBERT COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS MEETING MINUTES
Regular Meeting Held in the BOCC Meeting Room
May 8, 2024 at 9:00 AM

A. INVOCATION/PLEDGE OF ALLEGIANCE:

County Manager Shawn Fletcher 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. Clerk to the Board Rhonda Braun 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

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Rhonda Braun Recorder, Elbert County, Co



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. Liquor License Renewal for Hi-Test Liquors
5. Consideration of Appointment of Jim Faughnan to the Noxious Weed Advisory Board
6. Acknowledgement of the Noxious Weed Advisory Boards Approved Meeting Minutes



E. ELECTED OFFICIALS/DEPARTMENT HEADS/STAFF REPORTS

Community and Economic Development Director Marc Dettenrieder provided an update to the USGS groundwater study.

- In 2015, USGS and EC began a study to monitor groundwater levels in EC.
- analyze trends and changes in groundwater level elevations in the aquifers, basically measuring any rise and decline over time. 37 wells are being monitored in the County.
- USGS is currently working on the Scientific Investigation Report (SIR) updating the water-level trends from 2015-2023.
- At the moment, USGS is not collecting water-levels on the same frequency as before (bi-monthly) to focus on getting the SIR finalized by the end of the year.
- they plan to go back out onto the field in June to check on some of the equipment and get water-level measurements
- the most recent contract with USGS and the County ends at the end of September this year
- Commissioners are planning to renew the contract
- YTD – the County has paid \$20,480 for this contract
- We are beginning to look at grant opportunities that could help fund this study in the future.
- In fact, in the State legislature, the annual "Projects Bill" is under consideration, authorizing over \$200 million in additional funding for water projects and studies.

County Attorney Bart Greer provided an update on joining the lawsuit with 5 other counties regarding the statute preventing Law Enforcement to cooperate with Immigration. Douglas County is paying for the lawsuit, so there will not be a fee for us to join.

F. CITIZEN PUBLIC COMMENT

Don Gray, 16000 Hwy 86, Mr. Gray stated that he attended a meeting with Xcel on April 24th that included the eight affected property owners, Xcel President R. Kennedy, the V.P. and Manager. Mr. Gray stated that Xcel would not be moving the lines to the east. It is not an option, and they will not consider burying the lines underground. Mr. Gray explained that Xcel also said that an application would be filed sometime in June, and with the PUC they can do whatever they want, regardless of what the County says.

G. DISCUSSION ITEMS

1. Discussion regarding the Fleet Management Policy Updates

County Attorney Bart Greer presented the updated Vehicle Maintenance Policy. The policy is county-wide for all departments and refers to the maintenance, use, management and disposal of county vehicles. Mr. Greer stated that he would send the policy to all departments for their input. Mr. Greer would like to bring this for approval in the near future.

The commissioners briefly discussed the need for all the departments' input.

No public comment



2. Discussion regarding Unforeseen Engineering Costs for County Road 170 Bridge in Agate

Public Works Director Monty Hankins presented the Board a request for engineering costs for the replacement of County Road 170 bridge in Agate. FEMA suggested reaching out to the Colorado School of Mines to see if they could provide engineering and hydrology studies at a reduced cost for the bridge project. Mr. Hankins explained that Public Works contacted them and that is not a possibility. A rough estimate of the engineering costs for the bridge is between \$270,000 and \$300,000. Mr. Hankins explained the bridge age, the impact on infrastructure for the Agate Water and the need for replacement. Mr. Hankins explained that this bridge did not qualify for FEMA replacement after the floods.

There was a brief conversation between the Commissioners and Mr. Hankins regarding age, safety and replacement costs.

No Public Comment

H. ACTION ITEMS

1. Consideration of April 24, 2024 Minutes

Motion: Approval of April 24, 2024 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

2. PUBLIC HEARING - Consideration of a Special Event Liquor Permit for the Elizabeth Stampede - Amanda Moore

Motion: To Open a Public Hearing for Consideration of a Special Event Liquor Permit for the Elizabeth Stampede

Commissioner Dallas Schroeder made a motion to Open a Public Hearing for Consideration of a Special Event Liquor Permit for the Elizabeth Stampede. Commissioner Grant Thayer seconded the motion.

Yes - Chris Richardson, Grant Thayer, Dallas Schroeder

No - None

Public Hearing Opened at 9:35 AM.

Liquor License Clerk Amanda Moore presented the application for a Special Event Liquor Permit for the Elizabeth Rodeo Association, Elizabeth Stampede event. Ms. Moore explained the application and event dates and times. Ms. Moore stated that she had received two comments regarding the application. One from the Elbert County Sheriff Tim Norton and Elizabeth Fire Chief TJ Steck. Those comments were over concerns about last year's event. Ms. Moore said that she was informed that the Sheriff's Office and the Elizabeth Rodeo Association had met to go over the concerns and that an operation plan has been put in place to make sure they do not have a repeat of those issues. Staff feels these concerns have been addressed by the applicant. Staff recommends that since the Board is the Local Liquor Licensing Authority, if the Sheriff's Office have any concerns during the event, that they call the Chair of the Board to discuss the situation and options. Staff recommends approval of the Special Event Liquor Permit.



Elizabeth Rodeo Association Representatives Leanne Russell and Kevin Whitacre spoke about their operation plan and changes they are making for safety and alcohol sales. Their main goal is the safety of patrons and contestants during the event.

Commissioners asked about this year's parking and how many attendees they expect.

County Sheriff Tim Norton stated that last year there was an issue with over serving alcohol, and two people had to be transported because of it. There were several calls for impaired driving as well. Sheriff Norton asked that the cut off for alcohol sales be 11:00 pm and that the Board give him permission to shut them down if there is a concern.

Commissioner Schroeder asked what authority the Sheriff's Department has now.

Sheriff Tim Norton stated that they can escort people out of the event but there are not any local ordinances in Elbert County against public intoxication. Sheriff Norton wants to make sure it's a safe event for all.

Commissioner Richarson stated that the Sheriff should consult with the Board who is the Liquor Licensing Authority if there are any concerns.

There was a brief discussion regarding a designated driver program and training for staff on spotting intoxication.

No Public Comment

Motion: To Approve the Special Event Liquor Permit for the Elizabeth Rodeo Association

Commissioner Dallas Schroeder made a motion to Approve the Special Event Liquor Permit for the Elizabeth Rodeo Association . Commissioner Grant Thayer seconded the motion.

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

Motion: To Close a Public Hearing for Consideration of a Special Event Liquor Permit for the Elizabeth Stampede

Commissioner Dallas Schroeder made a motion to Close a Public Hearing for Consideration of a Special Event Liquor Permit for the Elizabeth Stampede. Commissioner Grant Thayer seconded the motion.

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

Public Hearing Close at 9:59 AM.



3. PUBLIC HEARING - Resolution Authorizing Appropriation of Funds

Motion: To Open a Public Hearing for a Resolution Authorizing Supplemental Appropriation of Funds

Commissioner Grant Thayer made a motion to Open a Public Hearing for a Resolution Authorizing Supplemental Appropriation of Funds. Commissioner Dallas Schroeder seconded the motion.

Yes - Chris Richardson, Grant Thayer, Dallas Schroeder

No - None

Public Hearing Opened at 9:59 AM.

Finance Director Tiffany Hermes provided information regarding the supplemental appropriation of funds for the 2023 budget. Ms. Hermes explained that this is part of housekeeping for the 2023 audit.

No Public Comments

Motion: To Approve a Resolution Authorizing Supplemental Appropriation of Funds

Commissioner Grant Thayer made a motion to Approve a Resolution Authorizing Supplemental Appropriation of Funds. Commissioner Dallas Schroeder seconded the motion.

Yes - Chris Richardson, Grant Thayer, Dallas Schroeder

No - None

Motion: To Close a Public Hearing for a Resolution Authorizing Supplemental Appropriation of Funds

Commissioner Grant Thayer made a motion to Close a Public Hearing for a Resolution Authorizing Supplemental Appropriation of Funds. Commissioner Dallas Schroeder seconded the motion.

Yes - Chris Richardson, Grant Thayer, Dallas Schroeder

No - None

Public Hearing Close at 10:02 AM.

4. Reaffirmation of Support of Indemnification for the Deputies of Elbert County

County Attorney Bar Greer spoke about the County providing indemnification for deputies back in 2020 after SB20-217 limited protection. Mr. Greer stated that another bill had been brought forward, HB24-1460, but has not passed. The Board wants to re-assure the protection of our deputies. Commissioner Schroeder stated that there a few minor edits he would like to see. Mr. Greer read the letter with the minor edits of reaffirmation of support for our Law Enforcement Officers.

Sheriff Tim Norton appreciates the support and backing of the Commissioner and County.

No Public Comment



Motion: To Ratify Reaffirmation of Support of Indemnification for the Deputies of Elbert County with the minor edits

Commissioner Dallas Schroeder made a motion to Ratify Reaffirmation of Support of Indemnification for the Deputies of Elbert County with the minor edits. Commissioner Grant Thayer seconded the motion.

Yes - Chris Richardson, Grant Thayer, Dallas Schroeder

No - None

5. Consideration of a Proclamation Recognizing May 6th - 10th as National Economic Development Week in Elbert County

Community and Economic Development Director Marc Dettenrieder presented the proclamation for National Economic Development Week, May 6th - 10th. Mr. Dettenrieder explained the importance of economic development and the different types of zoning to help with creating business areas. Mr. Dettenrieder introduced two local business owners, Jacob Prezcuta of Drill Tech and Dave Mushianisi of Rattler Racing. Mr. Dettenrieder read the proclamation.

Motion: To Ratify the Proclamation Recognizing May 6th - 10th as National Economic Development Week in Elbert County

Commissioner Grant Thayer made a motion to Ratify the Proclamation Recognizing May 6th - 10th as National Economic Development Week in Elbert County. Commissioner Dallas Schroeder seconded the motion.

Yes - Chris Richardson, Grant Thayer, Dallas Schroeder

No - None

I. BOARD PLANNING

1. Agenda Items for Next Meeting
 - a. Update on 2023 Audit and Schedule for 2025 Budget
 - b. Fleet Management Policy Update
 - c. Engineering Costs for CR 170 Bridge

Commissioner Richardson called a recess at 10:30 AM to return at 1:00 PM for the Land Use Hearings



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

The Land Use meeting was called to order at 1:00 PM. Deputy Clerk Amanda Moore called the roll. Commissioner Schroeder and Commissioner Thayer were present. Commissioner Richardson recused himself from the Phantom Creek application.

1. Phantom Creek Preliminary Plat (P-2023-00040)

Motion: To Open a Public Hearing for Phantom Creek Preliminary Plat P-2023-00040

Commissioner Grant Thayer made a motion to Open a Public Hearing for Phantom Creel Preliminary Plat P-2023-00040. Commissioner Dallas Schroeder seconded the motion.

Yes - Grant Thayer, Dallas Schroeder

No - None

Public Hearing Opened at 1:01 PM

Land Use Planner Danny Klibaner presented a request from the applicant for continuance to August 14, 2024 at 1:00 PM.

Commissioner Schroeder is concerned about the length of time between continuances.

Commissioner Thayer agreed and feels it is necessary to repost a hearing sign.

Motion: To Continue the Phantom Creek Preliminary Plat P-2023-00040 to August 14, 2024 at 1:00 PM.

Commissioner Grant Thayer made a motion to Continue the Phantom Creek Preliminary Plat P-2023-00040 to August 14, 2024 at 1:00 PM. Commissioner Dallas Schroeder seconded the motion.

Yes - Grant Thayer, Dallas Schroeder

No - None

Motion: To Close a Public Hearing for Phantom Creek Preliminary Plat P-2023-00040

Commissioner Grant Thayer made a motion to Close a Public Hearing for Phantom Creel Preliminary Plat P-2023-00040 . Commissioner Dallas Schroeder seconded the motion.

Yes - Grant Thayer, Dallas Schroeder

No - None

Public Hearing Close at 1:04 PM

2. Elora Preliminary Plat (Case Number PP-2023-2003)

Deputy Clerk Amanda Moore called the roll and all commissioners were present.

Motion: To Open a Public Hearing for Elora Preliminary Plat PP-2023-2003

Commissioner Dallas Schroeder a motion to Open a Public Hearing for Elora Preliminary Plat PP-2023-2003. Commissioner Grant Thayer seconded the motion.

Yes - Chris Richardson, Grant Thayer, Dallas Schroeder

No - None

Public Hearing Opened at 1:06 PM.

Contract Planner Sandra Hoffman with Logan Simpson presented a preliminary plat to subdivide 196.8-acres with a minimum Conservation Community 50% open space area, 308 residential lots and a 4.1-acre commercial lot with PUD zoning. Ms. Hoffman explained the access points, the referral process and open space. Ms. Hoffman stated that the applicant is working through coordinating details for water and sewer with the City of Aurora and completion of the Subdivision Improvement Agreement. Planning Commission vote was 5/0. Staff recommends approval.

Mike Kieffer of Norris Design, representing the applicant Dan Sheldon explained that there are many stakeholders involved in this project. Mr. Kieffer stated that they are working on the water and sewer agreement with the City of Aurora and no wells will be drilled on the site. Mr. Kieffer explained that there have been community meetings and many have attended, they also have a website set up to provide updates on the project.

Property Owner Dan Sheldon with Miller United Real Estate, LLC spoke with the commissioners regarding the verbiage on the preliminary plat on the equestrian trail, he would like to be able to remove it.

There was discussion at length regarding the trail system and parking for those trail heads.

No Public Comment

Commissioner Thayer asked what the road agreements are going to look like.

Mr. Sheldon stated that Delbert Road, although owned by Douglas and Elbert County is maintained solely by Douglas County, so the agreement will be Douglas County. County Line Road would have an agreement with Arapahoe and Elbert County.

The Commissioners appreciate the developments willingness to work with the community.

The additional conditions to remove equestrian trail verbiage and a trail head off of Delbert Road were agreed upon by the commissioners and the applicant.



Motion: To Approve Elora Preliminary Plat PP-2023-2003 with the additional two conditions

Commissioner Dallas Schroeder made a motion to Approve Elora Preliminary Plat PP-2023-2003 with the additional two conditions. Commissioner Grant Thayer seconded the motion.

Yes - Chris Richardson, Grant Thayer, Dallas Schroeder

No - None

Motion: To Close a Public Hearing for Elora Preliminary Plat PP-2023-2003

Commissioner Dallas Schroeder a motion to Close a Public Hearing for Elora Preliminary Plat PP-2023-2003. Commissioner Grant Thayer seconded the motion.

Yes - Chris Richardson, Grant Thayer, Dallas Schroeder

No - None

Public Hearing Closed at 1:55 PM.

K. ADJOURNMENT

There was a brief discussion regarding the concerns over continuance and re-noticing requirements. Community and Economic Development Director Marc Dettenrieder stated that staff will take a look at the regulations and possibly make regulation changes.

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 2:01 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: Amanda Moore

Deputy Clerk

BY:

Deputy Clerk to the Board of County Commissioners