

ELBERT COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS MEETING MINUTES

Regular Meeting Held in the BOCC Meeting Room

July 10, 2024 at 9:00 AM

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Rhonda Braun Recorder, Elbert County, Co



A. INVOCATION/PLEDGE OF ALLEGIANCE:

Mr. Byron McDaniel 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. 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 CED Pipeline Report

E. ELECTED OFFICIALS/DEPARTMENT HEADS/STAFF REPORTS

County Assessor Susan Murphy provided an update to the 2024 budget evaluation. Ms. Murphy emailed reports to the Commissioners for review. Ms. Murphy provided a recap of the 2023 year and stated that was the best year for her team and thanked everyone for all their hard work and diligence. Ms. Murphy stated that by August 25th, the final certification will include all the reductions and gave a brief overview of the differences from 2023 going into 2024. Ms. Murphy said that the July 15, 2024 deadline for the Senior Exemption application is rapidly approaching and urged any seniors in Elbert County to get their applications submitted.

Commissioner Thayer inquired if citizens have to re-apply each year. Ms. Murphy stated no, their application



stays in place until they either move or sell the house.

Commissioner Richardson spoke on the rebates/reductions that took place in 2023.

Public Works Director Monty Hankins provided an update to two major paving operations currently in process. Mr. Hankins stated County Road 166 between County Road 13 and Delbert Road is now in the erosion control phase and Public Works is working with Martin Marietta for this project. Mr. Hankins stated that the project is estimated for completion in September. The 2nd project is a paving operation on County Road 158 that Public Works is working with Independence. Mr. Hankins said work will begin there on July 15, 2024. Mr. Hankins also said that Public Works is working with the school district as the projects will happen after school is back in session and they will work around the timing of drop off and pick up for the school to minimize closures of any lanes to accommodate traffic.

Mr. Hankins said County Road 112 is still closed because of the storms Elbert County had last year. Public Works has been placing their full efforts on the major highways and once completed, they will finish County Road 112. Emergency personnel are still able to travel across the road and Public Works hopes to fully reopen in about 2 weeks.

F. CITIZEN PUBLIC COMMENT

Don Gray - 16000 Hwy 86. Mr. Gray stated he attended an Xcel meeting last month and was told that Xcel may be submitting their application by the end of June. Mr. Gray asked the Commissioners for an update because he hasn't heard anything. Mr. Gray said there is a lack of communication from Xcel.

Kerry Jibblits - 19656 Wedemeyer Rd. Ms. Jibblits also inquired about an update to the Xcel project. Ms. Jibblits stated that the Gazette ran an article in regard to the lack of new volunteers for our local fire departments.

Ms. Jibblits voiced her concerns about wildfires, the Xcel project and not enough resources within emergency personnel.

Commissioner Richardson stated the application from Xcel has not been submitted yet. Mr. Richardson said he did see the article from the Gazette and recognized that the fire department community is struggling to gain new younger recruits. Mr. Richardson said the average age of any of the employees in the fire departments are reaching retirement age, that everyone is aging out.

Commissioner Richardson addressed the growing concern about social media posts and the current negative remarks being made against Elbert County's Manager and Attorney for the extensions of their contracts. A lot of the information is just not true and unfair. Commissioner Richardson stated that the Commissioners themselves, and our elected officials have their positions and will willingly take what is thrown at them.

Commissioner Richardson stated it is absolutely wrong to attack any employee of Elbert County.

Commissioner Richardson also addressed questions that were raised in regard to the salaries of the Manager and Attorney and supported that it is in line with the market value for their position and the knowledge they possess. Commissioner Richardson said that he and his office will always be transparent when presented with questions and would rather people ask the Commissioners directly and not put the questions out there on social media for false truths to occur.

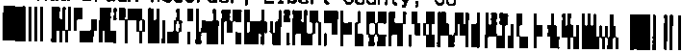
Commissioner Schroeder agreed with Commissioner Richardson and stated they have an open-door policy. Commissioner Schroeder is frustrated with social media and how people don't talk to each other anymore and just put stuff out there, becoming keyboard warriors.

Commissioner Thayer stated he likes to take a statistical approach with real knowledge and facts.

Commissioner Thayer also stated that he is always willing to answer any questions presented, and he will give the facts based on actual knowledge. The Commissioners will always treat every employee fairly and equally.

Commissioner Richardson stated that after researching the market rate for the positions of County Manager and County Attorney, the salary range was between \$210,000 - \$240,000 per year. The County Manager and Attorney are being paid for their experience and knowledge. Commissioner Richardson also stated that with the hard work the Manager and Attorney have been doing the last 2 years, bringing the I.T. department back in house, for example, has saved the county well over \$500,000.00. Commissioner Richardson said their focus is and always will be on the services provided to the county.

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G. DISCUSSION ITEMS

None

H. ACTION ITEMS

1. Consideration of June 26, 2024 Minutes

Motion: Approval of June 26, 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. Consideration of July 1, 2024 Minutes

Motion: Approval of July 1, 2024 Minutes

Commissioner Dallas Schroeder made a motion to Approve the Minutes as presented. Commissioner Chris Richardson seconded the motion.

Yes - Chris Richardson, Dallas Schroeder. Commissioner Thayer recused himself.

No - None

3. Consideration of Approval of the Update Resolution for Appointments and Reappointments

Motion: Approval of the Update Resolution for Appointments and Reappointments

Commissioner Grant Thayer made a motion to Approve the Update Resolution for Appointments and Reappointments. 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) End of Month Audit Submission Special Meeting

B) Public Works Paving Projects update

C) Update for 2025 Budget

Commissioner Richardson called a recess at 9:38 AM to return at 1:00 PM for the Land Use Hearings.

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

The Land Use Hearing was called to order at 1:06 PM. Deputy Clerk Emily Backhus-Irwin called the roll and all the Commissioners were present.

Commissioner Richardson called a recess at 1:06 PM to move the Land Use meeting to the Agricultural Building.

1. Brewer Rezone RZ-2023-6305

Motion: To Open a Public Hearing for Brewer Rezone RZ-2023-6305

Commissioner Dallas Schroeder made a motion to Open a Public Hearing for Brewer Rezone RZ-2023-6305. Commissioner Grant Thayer seconded the motion.

Yes - Chris Richardson, Grant Thayer, Dallas Schroeder

No - None

Public Hearing Opened at 1:17 PM

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Land Use Planner Kelsey Lanham presented an application to rezone 35 acres from A (Agricultural) to AR (Agricultural Residential) to allow for 3 new residential lots. Ms. Lanham stated the subject property has historically been vacant and is part of the Vista Ridge Subdivision and there are no existing structures on the property. Staff recommends approval of the rezone.

Commissioner Richardson asked about the planning commission recommendation approval numbers. Ms. Lanham stated it was voted 4-2 in favor of the rezone.

Mr. Brewer spoke about the delay back in 2021 regarding water issues that have since been resolved.

Commissioner Thayer questioned water rights and any issues. Mr. Brewer stated he does have the water rights and that each lot will have their own well and septic.

Public Comment -

James Vasquez - Lot 14, Vista Ridge. Mr. Vasquez stated he was told there are CCR's for their area and that owners cannot subdivide less than 35 acres per the documents. Mr. Vasquez also stated there is a road maintenance agreement and inquired how that is going to be addressed. Mr. Vasquez said he is concerned about the future and the other 7 families living there. Mr. Vasquez said owners of lots 16, 17, 12, 11 and 10 all oppose the rezone.

Nicole Watson - Lot 13. Ms. Watson stated she is also opposed to the rezone and raised concerns over water and road issues.

Commissioner Thayer asked the applicant to address the covenant concerns. Mr. Brewer stated that lots 1-4 were excluded from the covenants and there is a separate document for road maintenance.

Commissioner Schroeder asked if the county is involved with the CCR's. Ms. Landham stated no.

Commissioner Richardson asked the applicant if he accepted the conditions. Mr. Brewer stated, yes.

Motion: To Approve the Brewer Rezone RZ-2023-6305

Commissioner Dallas Schroeder made a motion to Approve the Brewer Rezone RZ-2023-6305.

Commissioner Grant Thayer seconded the motion.

Yes - Chris Richardson, Grant Thayer, Dallas Schroeder

No - None

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Motion: To Close a Public Hearing for Brewer Rezone RZ-2023-6305

Commissioner Dallas Schroeder made a motion to Close a Public Hearing for the Brewer Rezone RZ-2023-6305. Commissioner Grant Thayer seconded the motion.

Yes - Chris Richardson, Grant Thayer, Dallas Schroeder

No - None

Public Hearing Closed at 1:49 PM

2. CR 166 Storage, LLC Economic Development Zone Site Development Plan

Motion: To Open a Public Hearing for CR 166 Storage, LLC Economic Development Zone Site Development Plan

Commissioner Dallas Schroeder made a motion to Open a Public Hearing for CR 166 Storage, LLC 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 1:49 PM

Land Use Planner Kelsey Lanham presented an application for the CR 166 Storage, LLC Economic Development Zone Site Development Plan. The application is for the establishment of an outdoor RV & Boat storage business at 3078 County Road 166 in Elizabeth. Ms. Lanham stated the subject property is 35 acres and is currently zoned Agricultural, with an Economic Development Zone overlay. The property has historically been farmland, with no other known use. Currently, there is one existing metal building on the property, but will be removed during construction. Staff recommends approval.

Engineer for the applicant, Chris Cox stated he reviewed all the major concerns and also read through the public comment letters. Mr. Cox spoke at length with regard to drainage, lighting, landscaping, fencing and traffic. Mr. Cox said a traffic impact study will be required.

Applicant Kelly Donovan spoke about the RV storage and his plans to have the nicest RV park in Elbert County. Mr. Donovan is asking for approval. Mr. Donovan said he has tried to reach out to the public about the park. Mr. Donovan also said the park will have 24/7 security and is researching flock cameras as well.

Commissioner Richardson called a recess at 2:24 PM
Land Use meeting reconvened at 2:38 PM

Ms. Lanham presented 2 videos to the Commissioners from the public about current conditions at nearby RV storage lots in Elbert County.

Public Comment -

Kevin Kirkwood - 3485 Meadowlark Ct. Mr. Kirkwood expressed concerns about the Economic Development Zone site being outdated and also about the blind spot by the driveway entrance to the property. Mr. Kirkwood also said there is no traffic enforcement.

Deana Bossio - 3320 Meadowlark Ct Ms. Bossio stated the subject property is an awkward parcel on a busy road. Ms. Bossio is asking for a denial of the project. Ms. Bossio stated that Elbert County doesn't need any more storage facilities and requested the overlay be denied. Ms. Bossio will defend her community.

Steve Hawk - 3628 Deer Creek Dr Mr. Hawk is also opposed to the construction. Mr. Hawk stated concerns about the entrance to the facility and the posted speed limit being 50 mph. The roads can be dangerous. Mr. Hawk stated the proposed facility is on a school route.

Mark Faut - 40450 Ferns Rd Mr. Faut presented a video with flooding on his property. Mr. Faut stated that he can't afford more drainage issues with the submitted plans. Mr. Faut is concerned about more flooding and read portions of his public comment letter presented to the Commissioners.

Gainey Perreira - 3342 Meadowlark Ct Ms. Perreira stated she bought her property in 2009 and also has concerns over flooding. Ms. Perreira said drainage issues will get more severe and the neighborhood can't handle any more water.

Janis Tennery - 40909 Applefield Cir Ms. Tennery referred to the EDZ regulations. Ms. Tennery stated the RV's would still be visible along with more criminal activity and wants a taller fence to avoid that.

Mike Tennery - 40909 Applefield Cir Mr. Tennery read his public comment letter presented to the Commissioners.

Michael Perreira - 3342 Meadowlark Ct Mr. Perreira said this will be the 13th storage place in Elbert County with one less than 1/4 of a mile away. Mr. Perreira requested the facility be limited to only RV's and boats to help keep it looking nicer than other facilities.

Julie Hudson - 40911 Applefield Cir Ms. Hudson said she has respect and appreciation for her community. Ms. Hudson said the impact of the facility would be disastrous. Ms. Hudson also said storage facilities are targets for criminals.

Rhonda Hufford - 3496 Pine Meadow Ave - Ms. Hufford spoke on the amount of property taxes she pays every year and read her public comment letter presented to the Commissioners.

Raylene Owen - 40877 Redfox Cir Ms. Owen said she lives 1/3 of a mile from the projected site with 2 other facilities nearby and neither of them are full. Ms. Owen said there is no need for another facility.

Ms. Owen stated this will have zero employment opportunities for Elbert County.

Dan Rosales - 3672 Deer Creek Mr. Rosales inquired as to how the county will enforce the conditions if the applicant accepts them? Mr. Rosales stated he tried to meet with the applicant with no response.

Lisa Kraemer - 3419 Meadowlark Ct Ms. Kraemer said she is in opposition of the proposal. Ms. Kraemer stated the facility is sandwiched in between other properties and there is a code stating it should fit in with the surrounding areas.

Commissioner Richardson called a recess at 3:30 PM
Land Use meeting reconvened at 3:40 PM

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Steve Rossman - 3694 Pine Meadow Ave Mr. Rossman expressed major concerns about the property being on top of a hill. Mr. Rossman said light pollution is inevitable. Mr. Rossman read his public comment letter presented to the Commissioners.

Pat Rosales - 3672 Deer Creek Dr Ms. Rosales is in opposition to the proposal.

Gary McIntyre - 3474 Deer Creek Dr Mr. McIntyre stated he is a 27 year resident and moved here for the rural life. Mr. McIntyre requested the Commissioners to deny the proposal.

Randy Nelson - 3074 CR 166 Mr. Nelson stated he is 100% opposed along with his family. Mr. Nelson said the new facility does not fit in the community.

Rick Hopp - 40216 Margaret Dr Mr. Hopp stated he lives downhill from the projected site. Mr. Hopp said there is noise pollution, and he has had to do major repairs on his property from water flowing down.

Wade Parker 40192 Margaret Dr M. Parker sees what the applicant is trying to do and supports what his efforts are until it affects him directly.

Jane Worth - 3705 Deer Creek Dr Ms. Worth stated concerns about where the lights will be and the traffic impacts from other counties. Ms. Worth also said that black ice concerns hadn't been mentioned.

Nancy Ray - 3650 Pine Meadow Ms. Ray said she is 10 months new to the community and has concerns over the increased traffic flow.

Ted Keller - 3419 Meadowlark Ct Mr. Keller said Elbert County will not benefit from another facility and does not want a glorified junkyard.

Linda Hockaday - 40074 Margaret Dr Ms. Hockaday said she's lived here for 42 years and is concerned with maintenance.

Jeni Sylvarness - 40123 Margaret Dr Ms. Sylvarness states she lives south of the project. Ms. Sylvarness said things are done legally, but the proposal is in the wrong spot. Ms. Sylvarness stated that the proposal is an inappropriate choice the county is considering.

Dave Hockaday - 40074 Margaret Dr Mr. Hockady stated he has been in landscaping for years and is opposed to the new facility.



Bruce Gustafson - 3800 CR 166 Mr. Gustafson is currently contesting the parcel dispute between his land and the owners of the proposed facility.

Jane Kirkwood - 3485 Meadowlark Dr Ms. Kirkwood said she has concerns over zoning changes and requested that the project be rescinded.

Close Public Comment

Commissioner Richardson called a recess at 4:13 PM

Land Use meeting reconvened at 4:32 PM

Engineer Chad Cox spoke in regard to other RV storage sites, noting there was no landscaping or screening. Mr. Cox said the applicant is willing to double the screen for visibility and also re-visit with Kimley-Horn about potential traffic issues. Mr. Cox stated the hours of the site would be from 6:00 AM-9:00 PM for posted hours. Mr. Cox also said it is the intention of the applicant to live on the property in the future.

Commissioner Richardson stated he and the other commissioners still have lots of questions.

Mr. Donovan stated that when the property was up for sale it was listed as an EDZ, and he wants to use it as it's intended.

Commissioner Thayer requested a better understanding of the traffic issues and would like to hear a better plan for security. Recommended a developer plan.

Commissioner Schroeder agreed with Commissioner Thayer and also has more traffic study questions.

Commissioner Richardson stated he has phases concerns as well from the applicant's statement and asked Ms. Lanham for a representative from Kimley-Horn and the Sheriff's office in regard to traffic. Commissioner Richardson also agreed on doubling the screen for the fencing around the property.

Motion: To Continue CR 166 Storage, LLC Economic Development Zone Site Development Plan

Commissioner Grant Thayer made a motion to Continue CR 166 Storage, LLC Economic Development Zone Site Development Plan to August 14, 2024 at 1:00 PM in the BOCC. Commissioner Dallas Schroeder seconded the motion.

Yes - Chris Richardson, Grant Thayer, Dallas Schroeder

No - None

Motion: To Close a Public Hearing for CR 166 Storage, LLC Economic Development Zone Site Development Plan

Commissioner Grant Thayer made a motion to Close a Public Hearing for CR 166 Storage, LLC Economic Development Zone Site Development Plan. Commissioner Dallas Schroeder seconded the motion.

Yes - Chris Richardson, Grant Thayer, Dallas Schroeder



No - None

Public Hearing Closed at 5:07 PM

K. 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 5:07 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