

ELBERT COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS MEETING MINUTES

Regular Meeting Held in the BOCC Meeting Room

July 24, 2024 at 9:00 AM

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Rhonda Braun Recorder, Elbert County, Co



A. INVOCATION/PLEDGE OF ALLEGIANCE:

County Clerk Rhonda Braun 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 9:03 AM. Deputy Clerk Emily Backhus-Irwin called the roll and all Commissioners were present.

C. APPROVAL OF AGENDA

Motion: Approval of Agenda with the addition of item H5

Commissioner Grant Thayer made a motion to Approve the Agenda with the addition of item H5.
Commissioner Dallas Schroeder seconded the motion.

Yes - Chris Richardson, Grant Thayer, Dallas Schroeder

No - None

D. CONSENT AGENDA

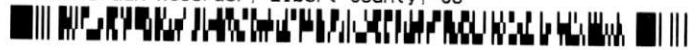
Motion: Approval of Consent Agenda as presented

None made a motion to Approve the Consent Agenda as presented. None 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. Ratification of an IGA with Phillips County for Child Support
5. Ratification of Annual Core Services Plan Approval 2024-2025
6. Public Trustee 2nd Quarter 2024 Report
7. Six Month Report January-June 2024
8. Ratification of First Renewal and Amendment of MOU with the Colorado Judicial Department

**E. ELECTED OFFICIALS/DEPARTMENT HEADS/STAFF REPORTS**

Public Trustee Sherry Hewlett presented the 2nd quarter report. Ms. Hewlett said that their office has had 17 new foreclosures in 2024 and 13 withdrawals. Ms. Hewlett stated that effective July 1, 2024, the public trustee fees due to HB1443 have doubled. Ms. Hewlett stated the Treasurer's office has collected over 96% of the property taxes due and are staying on track.

Public Works Director Monty Hankins provided an update to the 2 major paving projects currently in progress in Elbert County. Mr. Hankins stated that County Road 158 is in full swing and should be completed by next week, and County Road 166 is estimated for completion by August 15th, 2024. Mr. Hankins also gave an update to some of the paving that has been happening on CR 53. The public works department is trying to catch up from all the flooding last year and will move to Elbert Road once CR 53 is completed. Mr. Hankins said that CR 112 will be finalized by August 15, 2024, it is a huge project for his team.

Finance Director Tiffany Hermes provided an update to the budget audit and stated that there is some additional testing needed before the final audit in August. Ms. Hermes said a rough draft of the audit will be done by August 21, 2024 and a workshop for general fund requests in 2025 will be September 18, 2024.

F. CITIZEN PUBLIC COMMENT

Michelle Ingersoll - 8445 CR 122 - Ms. Ingersoll provided an update regarding a ballot question to extend term limits for a 3rd term for elected officials. Ms. Ingersoll stated she has had a survey out for about 3 months and an approval rating of just over 70%. Ms. Ingersoll handed out a packet for ballot language to the Commissioners. Commissioner Schroeder inquired about an updated list from the survey and Ms. Ingersoll said about 200 responses have been received.

Several residents from Arapahoe County volunteering for United Sovereign Americans presented a Resolution that they took turns reading out loud and voicing concerns about the nation's election systems and procedures.

Paul O'Meara - 13785 E. Marina Dr. Aurora

Paul Litschewski - 5722 S. Kalispell Ct. Centennial

Scott Russell - 9362 Loggia St. Littleton

Chris Hoagland - 3041 S. Franklin St. Englewood

Karen Tallentine 5356 S. Crocker St. Littleton

Mila Shusterman - 17083 E. Dorado Dr. Centennial

Commissioner Richardson thanked the visitors for their presentation and will read more in depth about the resolution that was presented to the Board.

Don Gray - 16000 Hwy 86 - Mr. Gray provided an update about Xcel. Mr. Gray stated Xcel requested an extension of 75 days for the pathway project. Mr. Gray said Xcel just wants more money. Mr. Gray stated the PUC is coordinating the extension and hasn't heard a word in Elbert County for about a month about the project.

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 9:54 AM

1. Quarterly Board of Health Update

Interim Public Health Director Sara McIntosh provided a quarterly update for the Board of Health. Ms. McIntosh said their office looking to hire an administrative assistant for the front desk and are also transitioning Marissa Ginger to the role of Environmental Specialist I when Stacey Rinehart retires in the fall.

Upcoming events this summer and fall:

- Sports Physicals available for \$20 by appointment only
- Health fair will be August 3, 2024 from 12:30 PM to 5:00 PM at the Agricultural building
- Legacy Film tour will be August 8, 2024 from 5:00 PM to 8:00 PM in the Agricultural building
- Vitalant Blood Drive will be held September 9, 2024 from 10:00 AM to 2:00 PM at the fairgrounds and walk ins are welcome

Ms. McIntosh said that Jordan Perreault from Kiowa won the ECPH Scholarship award this year. Ms. McIntosh said she graduated last year.

Commissioner Richardson thanked Ms. McIntosh for the update.

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 10:12 AM



H. DISCUSSION ITEMS

1. **Discussion and Possible Approval regarding a Resolution Accepting Full County Maintenance of Independence Roads, Filing 1, Phases 3, 4, 5, 6, & 7**

Public Works Engineer Dale Guillen presented a resolution accepting full county maintenance of Independence roads, consisting of about 10,197 feet of paved roads. Mr. Guillen stated he verified the 2 year warranty for deficiencies has been corrected.

Commissioner Thayer inquired about the conditions of the roads. Mr. Guillen said some streets aren't so great and others work out really well. Overall, they are pretty good. Mr. Guillen stated they are trying to get more quality control from the developers as far as roads and maintenance.

Commissioner Richardson said the roads have greatly improved over the years.

Public Comment - None

Commissioner Richardson took the item to acceptance for the next BOCC meeting.

2. **Discussion and Possible Approval on the Third Amendment and Restated IGA to Secure Transportation (Ambulance) Licensing and Inspection**

County Attorney Bart Greer presented an amendment and restated IGA to secure transportation licensing and inspection. The amendment would remove multi-county ambulance licensing from the current intergovernmental agreement (IGA) and maintain the IGA for multi-county secure transportation inspection and licensing. Mr. Greer stated that the State of Colorado would be responsible for ambulance inspections and licensing.

Commissioner Richardson inquired if there was an urgency to get this resolution approved and signed. Mr. Greer stated he didn't see a rush on it even though it does need to go to other agencies for signatures.

Motion: To approve the Third Amendment and Restated IGA to Secure Transportation Licensing and Inspection

Commissioner Grant Thayer made a motion to Approve the Third Amendment and Restated IGA to Secure Transportation Licensing and Inspection. Commissioner Dallas Schroeder seconded the motion.

Yes - Chris Richardson, Grant Thayer, Dallas Schroeder

No - None

3. **Discussion and Possible Approval on the Updated Fleet Management Policy**

County Attorney Bart Greer provided an update to the Fleet Management Policy. Mr. Greer stated there was a slight amendment to the policy, and it was minor, but the changes were important. Mr. Greer said the county does have a new fleet manager and he, along with Public Works Director, Monty Hankins, have reviewed the prior policy. Mr. Hankins reviewed the new edits and is comfortable with the changes and adoption.

Public Comment: None

Motion: To Approve the Updated Fleet Management Policy

Commissioner Dallas Schroeder made a motion to Approve the Updated Fleet Management Policy.
Commissioner Grant Thayer seconded the motion.

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Yes - Chris Richardson, Grant Thayer, Dallas Schroeder

No - None

4. **Discussion on Mountain View Grant of Right-of-Way Agreements**

County Attorney Bart Greer presented an agreement from Mountain View Electric Association. Mr. Greer said it will be for the installation of utilities utilizing an easement or right-of-way. Mr. Greer stated he has no concerns over the agreements and is comfortable moving forward.

Commissioner Richardson asked that this item be moved to action at the next meeting.

Public Comment: None

5. **Discussion on Comments received at the Elbert Town Hall**

Commissioner Schroeder was approached with questions about how spending was done from fund 10 and not fund 20 to fund the roads. Commissioner Schroeder stated they are 2 different and separate accounts and that you cannot just transfer funds around. There are designated funds for specific departments.

Commissioner Schroeder was also asked about over stepping boundaries into other elected offices. Commissioner Schroeder stated the BOCC has a fiduciary responsibility. Preventing litigation, saving taxpayer money and the policies that are there are for citizen protections.

Commissioner Schroeder was approached about the County Manager and contract extensions. Commissioner Schroeder was very comfortable with the research the BOCC did and what decisions they made for those salaries.

County Attorney Bart Greer spoke at length about some case laws and state public body.

Commissioner Richardson said it is not appropriate to have discussion about county employee's compensation in a public hearing.

Commissioner Thayer complimented Commissioner Schroeder's work and understands that sometimes the public asking questions may be uncomfortable, but all the Commissioners are open to any and all questions at any time.

Commissioner Richardson stated his office are the caretakers of the county and yes there are changes coming this January, but they always fought for more transparency and never had intention to surprise the public.

Motion: Ratify the contracts for the County Manager and County Attorney

Commissioner Dallas Schroeder made a motion to Ratify the contracts for the County Manager and County Attorney. Commissioner Grant Thayer seconded the motion.

Yes - Chris Richardson, Grant Thayer, Dallas Schroeder

No - None



I. ACTION ITEMS

1. Consideration of July 10, 2024 Minutes

Motion: Approval of July 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. Consideration of a Resolution to Appoint a Hearing Officer(s) for the Board of Equalization for 2024

Motion: Approve a Resolution to Appoint a Hearing Officer(s) for the Board of Equalization for 2024

Commissioner Grant Thayer made a motion to Approve a Resolution to Appoint a Hearing Officer(s) for the Board of Equalization 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) Discussion and Possible Approval regarding a Resolution Accepting Full County Maintenance of Independence Roads, Filing 1, Phases 3, 4, 5, 6 & 7
- b) Approval of Mountain View Grant of Right-of-Way Agreements

Commissioner Richardson called a recess at 11:06 AM to return at 1:00 PM for the Land Use Hearings

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

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

1. Spring Valley Ranch Metropolitan District No. 5 Amended and Restated Service Plan and No. 7 Service Plan for Metro Districts (Staff Recommends Continuance)

Motion: To Open a Public Hearing for Spring Valley Ranch Metropolitan District No. 5 Amended and Restated Service Plan and No. 7 Service Plan for Metro District

Commissioner Dallas Schroeder made a motion to Open a Public Hearing for Spring Valley Ranch Metropolitan District No. 5 Amended and Restated Service Plan and No. 7 Service Plan for Metro District. Commissioner Grant Thayer seconded the motion.

Yes - Chris Richardson, Grant Thayer, Dallas Schroeder

No - None

Public Hearing Opened at 1:02 PM

Community and Economic Development Director Marc Dettenrieder presented a request for a continuance until September 25, 2024 at 1:00 PM in the BOCC building.

Motion: To Continue Spring Valley Ranch Metropolitan District No. 5 Amended and Restated Service Plan and No. 7 Service Plan for Metro Districts

Commissioner Dallas Schroeder made a motion to Continue Spring Valley Ranch Metropolitan District No. 5 Amended and Restated Service Plan and No. 7 Service Plan for Metro Districts. Commissioner Grant

Thayer seconded the motion.

Yes - Chris Richardson, Grant Thayer, Dallas Schroeder

No - None

Motion: To Close a Public Hearing for Spring Valley Ranch Metropolitan District No. 5 Amended and Restated Service Plan and No. 7 Service Plan for Metro Districts

Commissioner Dallas Schroeder made a motion to Close a Public Hearing for Spring Valley Ranch Metropolitan District No. 5 Amended and Restated Service Plan and No. 7 Service Plan for Metro Districts. Commissioner Grant Thayer seconded the motion.

Yes - Chris Richardson, Grant Thayer, Dallas Schroeder

No - None

Public Hearing Closed at 1:03 PM

2. **Hytek RV & Boat Storage - Economic Development Zone Site Development Plan**

Motion: To Open a Public Hearing for Hytek RV & Boat Storage - Economic Development Zone Site Development Plan

Commissioner Grant Thayer made a motion to Open a Public Hearing for Hytek RV & Boat Storage - Economic Development Zone Site Development Plan. Commissioner Dallas Schroeder seconded the motion.

Yes - Chris Richardson, Grant Thayer, Dallas Schroeder

No - None

Public Hearing Opened at 1:06 PM

Land Use Planner Kelsey Lanham presented an application for a new RV & Boat storage center east of Kiowa about 4 miles. Ms. Lanham said CJ Kirst is the applicant on behalf of the owners Brenda Lee and Wojciech Zdanowicz. Ms. Lanham stated there were no public comments received yet in regard to the project which will be located on State Highway 86 and Maul Road.

Ms. Lanham said the new lot will have 514 spaces, will not be built in phases and will be fenced and secured with a code entry. Public Works Director Monty Hankins requested to leave Maul Road as is, it will not be paved. Staff recommends approval.

Commissioner Thayer asked the applicant about not having to pave Maul Road anymore and how will he maintain the road?

Mr. Kirst said he was just made aware the morning of the meeting. Mr. Kirst stated he is still willing to pave the road.

Commissioner Schroeder said there would be a possibility of ditch work needed and that he spoke with Mr. Hankins in Public Works. Possibly a road maintenance agreement?

Mr. Kirst agreed with the idea.

Commissioner Richardson asked how far off the road is the set back?

Mr. Kirst stated it is 193' and will have an evergreen buffer.

Owner, Mr. Zdanowicz, said he doesn't want to have any impact from the road and intentionally pushed the location that far back from traffic. Mr. Zdanowicz also agrees with a maintenance agreement with Public Works.

Mr. Kirst presented a drainage plan to the Commissioners and there was a brief discussion.

Public Comment:

Anthony Osborn - 14255 State Hwy 86 - Mr. Osborn appreciates how far back it will be and asked how many trees would be planted. Mr. Osborn also expressed some concern about increasing traffic.

Commissioner Richardson suggested reaching out to CDOT and Public Works for additional signage. Commissioner Richardson asked the owner/applicant once the newest condition was added if they agree with those conditions. Owner and applicant agreed.

A brief recess was called to add additional condition to EDZ plan.

Motion: To Approve Hytek RV & Boat Storage - Economic Development Zone Site Development Plan

Commissioner Grant Thayer made a motion to Approve Hytek RV & Boat Storage - Economic Development Zone Site Development Plan. Commissioner Dallas Schroeder seconded the motion.

Yes - Chris Richardson, Grant Thayer, Dallas Schroeder

No - None

Motion: To Close a Public Hearing for Hytek RV & Boat Storage - Economic Development Zone Site Development Plan



Commissioner Grant Thayer made a motion to Close a Public Hearing for Hytek RV & Boat Storage - 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 1:40 PM

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3. Regulation Updates

Motion: To Open a Public Hearing for Regulation Updates

Commissioner Dallas Schroeder made a motion to Open a Public Hearing for Regulation Updates. Commissioner Grant Thayer seconded the motion.

Yes - Chris Richardson, Grant Thayer, Dallas Schroeder

No - None

Public Hearing Opened at 1:42 PM

Community and Economic Development Director Marc Dettenrieder provided an update to the regulations and stated they were done in manageable pieces based on Commissioner recommendations and suggestions. Mr. Dettenrieder stated the Planning Commission made some changes and spoke on what those changes were.

Public Comment - None

Motion: Approve the Regulation Updates

Commissioner Dallas Schroeder made a motion to Approve the Regulation Updates. Commissioner Grant Thayer seconded the motion.

Yes - Chris Richardson, Grant Thayer, Dallas Schroeder

No - None

Motion: To Close a Public Hearing for Regulation Updates

Commissioner Dallas Schroeder made a motion to Close a Public Hearing for Regulation Updates. Commissioner Grant Thayer seconded the motion.

Yes - Chris Richardson, Grant Thayer, Dallas Schroeder

No - None

Public Hearing Closed at 1:50 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 1:54 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