



ELBERT COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS MEETING MINUTES

Regular Meeting Held in the BOCC Meeting Room
September 11, 2024 at 9:00 AM

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Rhonda Braun Recorder, Elbert County, Co



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 9:03 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
4. Approval of Liquor License Renewal for Murphy's Oil USA

E. ELECTED OFFICIALS/DEPARTMENT HEADS/STAFF REPORTS

Public Works Director Monty Hankins Wanted to recognize a few of his Public Works employees for going above and beyond with moving the ballot box at the County Rd 166 location. Mr. Hankins explained that it was in front of the Fire Station and they moved it behind to the county owned property. This was to alleviate issues with access. Mr. Hankins stated that it was great timing because of the CR 166 paving project and plans already in place to repave the Fire Station entrance and back to the county owned facility. Employees Jay Walp, Robert Nelson and Matt Musterman came up with the design and paint for the ballot box. Mr. Hankins



stated that it was a job very well done.

County Clerk Rhonda Braun presented a photo of the new area. Ms. Braun explained the process of moving the ballot box and how thrilled she was with it. Ms. Braun stated that with the same entrance being used for access, it will be easy for voters to still find it. Ms. Braun thanked public works and appreciated the partnership between departments.

Mr. Hankins provided an update to the FEMA reimbursements. Mr. Hankins stated that in total they have received \$175,580.10.

Finance Director Tiffany Hermes stated that they have received finalization on the single audit. Ms. Hermes said they are wrapping everything up and will present the draft budget on the 25th of September. Ms. Hermes stated that Budget Summaries have been submitted and will be presented to the Commissioners on the 17th of September.

F. CITIZEN PUBLIC COMMENT

Don Gray - 16000 Hwy 86 - Mr. Gray inquired about any updates to the Xcel Pathway's Project. The last update he heard was that it would be possibly by the 4th quarter of this year.

Dana Hays 24421 Main St - Ms. Hays asked if the roadwork on the Mainstreet in Elbert is a permanent fix and also asked if the ditch that is there is permanent. Ms. Hays also asked about the salary increases and if a policy will be created?

Commissioner Richardson stated that the CDS Director has been informed that Xcel will file by the end of the month.

Commissioner Schroeder said the Town of Elbert has been on their radar for some time. Mr. Schroeder stated that they will plan a public forum and have the Town surveyed. Mr. Schroeder explained that they plan on getting the Town Residents involved as it will require cooperation from everyone to get this done. Mr. Schroeder is not familiar with the issue Ms. Hays has brought up but will look into it and get back with her.

G. DISCUSSION ITEMS

1. Discussion on Mineral Lease Extension with Lone Tree Energy Partners

County Attorney Bart Greer spoke about the mineral lease extension with LoneTree Energy Partners and said it required an extension of fees that was agreed to.

Commissioner Thayer said the minerals are located in the northwest corner of the county and that it would provide a good income stream for the county.

Commissioner Richardson said if there were no objections, that it would get put on the consent agenda for the next meeting. There were no objections.

2. Discussion on Policy for Executive Contracts

Commissioner Chris Richardson said this item is an outgrowth from the Special Meeting that was recently held.

County Attorney Bart Greer stated that he sent an email to schedule a time to communicate with the other parties counsel with the goal to invite those concerned to engage and provide input into a policy regarding executive contracts. Mr. Greer stated that they have declined to participate. Mr. Greer stated

that up to this point he has been able to participate in the discussion with an acknowledged waiver of any conflict of interest, but feels we have reached a point that he suggests seeking additional counsel to step in and advise the Commissioners moving forward.

Commissioner Richardson agrees with Mr. Greer. Commissioner Richardson stated that they were hoping to work through this in a friendly nature that could accommodate the concerns of the citizens and if that is not the case, he does not believe it is right to put Mr. Greer in the middle of the controversy over his own contract. Commissioner Richardson stated that he has reached out to a firm that has represented the County in the past and if the other Commissioners agree, he would like to work on the getting them engaged to work on this for us. No objections noted. Commissioner Richardson would like to move forward with creating a policy that would leave no question on transparency and also protecting confidentiality. Commissioner Richardson stated that they believe if there was an error, it has since then been corrected and the contracts were ratified. Commissioner Richardson briefly discussed the importance of attracting and retaining qualified employees and being at fair market value on salaries.

3. Discussion on Clear Ballot Voting Equipment Contract

County Attorney Bart Greer stated that the questions and concerns regarding the Clear Ballot contract have been relayed and they are waiting on a response. Mr. Greer believes they will be able to work through this and have a contract in the near future.

Commissioner Thayer asked about the last contract length.

Ms. Braun stated the last one was 8 years, the new one is 6 years. Ms. Braun said she is very excited to get started with Clear Ballot and confident that they will work out the issues with the contract. Ms. Braun stated that they will finish the year with Dominion and hopefully start next year with Clear Ballot.

4. Discussion on Road Use Agreement for Hytek RV & Boat Storage

County Attorney Bart Greer stated that he has worked with CDS and Public Works on a road use agreement for improvements associated with this business operating. Mr. Greer explained that this will put something in place to cover road maintenance and damage that will increase due to the business and allows for compensation to come back to the County.

Commissioner Grant Thayer said he is comfortable moving this item to the Consent Agenda for the next meeting and was glad the terms were met for approval from the applicant.

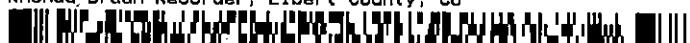
Commissioner Dallas Schroeder asked for clarification on the distance noted from Hwy 86 and the business itself.

Public Works Director Monty Hankins explained that is 1100 ft from Hwy 86 and 1100 ft past the business entrance. It is equal distance in both directions for traffic.

Commissioner Richardson agreed as well to move to Consent.

Mr. Greer stated that given the statement by Mr. Hankins, he will provide additional clarification and work with CDS, Public Works and Applicant.

Commissioner Chris Richardson is okay with it being noted in the agreement or on the graphic.



**H. ACTION ITEMS****1. Consideration of August 14, 2024 Minutes**

Motion: Approval of August 14, 2024 Minutes

Commissioner Chris Richardson abstained from the Vote as he was not present for the afternoon meeting.

Commissioner Grant Thayer made a motion to Approve the Minutes as presented. Commissioner Dallas Schroeder seconded the motion.

Yes - Grant Thayer, Dallas Schroeder

No - None

2. Consideration of August 28, 2024 Minutes

Motion: Approval of August 28, 2024 Minutes

Commissioner Dallas Schroeder abstained from the Vote as he was not present for the meeting.

Commissioner Grant Thayer made a motion to Approve the Minutes as presented. Commissioner Chris Richardson seconded the motion.

Yes - Chris Richardson, Grant Thayer

No - None

3. PUBLIC HEARING - Special Event Liquor Permit for the Elizabeth Area Chamber

Motion: To Open a Public Hearing for Special Event Liquor Permit for the Elizabeth Area Chamber

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

Yes - Chris Richardson, Grant Thayer, Dallas Schroeder

No - None

Public Hearing Opened at 9:44 AM

Deputy Clerk Amanda Moore presented the permit for the Pines in the Park. Ms. Moore stated the applicant sent all the necessary paperwork in and paid all of the fees. Ms. Moore stated there were no comments and recommends approval from the BOCC.

Public Comment: None

Motion: Approve the Special Event Liquor Permit for the Elizabeth Area Chamber

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

Yes - Chris Richardson, Grant Thayer, Dallas Schroeder

No - None

Motion: To Close a Public Hearing for Special Event Liquor Permit for the Elizabeth Area Chamber



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

Yes - Chris Richardson, Grant Thayer, Dallas Schroeder

No - None

Public Hearing Closed at 9:45 AM

4. Consideration of Approval of Quit Claim Deed for CR 150

County Attorney Bart Greer explained the history of the County Road 150. Mr. Greer stated that the surrounding land owners have put an HOA together so they will be able to take over and maintain the road. The transfer of this road is ready for approval and the road will be known as Private Road 150 once transferred.

Motion: Approve and Authorize Signature for Quit Claim Deed

Commissioner Grant Thayer made a motion to Approve and Authorize Signature for Quit Claim Deed. Commissioner Dallas Schroeder seconded the motion.

Yes - Chris Richardson, Grant Thayer, Dallas Schroeder

No - None

I. BOARD PLANNING

1. Agenda Items for Next Meeting

- 1) 2023 Finance Audit
- 2) Policy for Executive Contracts draft
- 3) Ratification of Approval for Mineral Lease Extension with Lone Tree Energy Partners
- 4) Approval of September 11, 2024
- 5) Budget Workshop Sept 17th

Commissioner Richardson called a recess at 9:52 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 Emily Backhus-Irwin called the roll and all Commissioners were present.

1. BOCC assignment of hearing date for EC East Metro Districts

Community Economic Development Director Mark Dettenrieder requested a hearing date for EC East Metro Districts to be October 9, 2024 at 1:00 PM in the BOCC room. All the Commissioners agreed to the date request.

Motion: To Assign a Hearing date and time certain for EC East Metro Districts for October 9, 2024 at 1:00 PM in the BOCC room.

Commissioner Dallas Schroeder made a motion to Assign a Hearing date and time certain for EC East Metro Districts for October 9, 2024 at 1:00 PM in the BOCC room Commissioner Grant Thayer seconded the motion.

Yes - Chris Richardson, Grant Thayer, Dallas Schroeder

No - None

2. Daryana's Backyard - Special Use by Review Permit - SUR-2024-4167

Motion: To Open a Public Hearing for Daryana's Backyard - Special Use by Review Permit - SUR-2024-4167

Commissioner Grant Thayer made a motion to Open a Public Hearing for Daryana's Backyard - Special Use by Review Permit - SUR-2024-4167. Commissioner Dallas Schroeder seconded the motion.

Yes - Chris Richardson, Grant Thayer, Dallas Schroeder

No - None

Public Hearing Opened at 1:03 PM

Land Use Planner Danny Klibaner presented the application for Daryana's Backyard SUR. Mr. Klibaner stated the applicants are requesting approval of a Special Use by Review for a 1 acre area of a 35 acre property zoned AG to operate a dog boarding/kenneling business for up to 30 dogs. Mr. Klibaner said the kennel will operate out of the basement of the applicants residence which has access to a fenced play area for the dogs. Mr. Klibaner also said that no customers will be coming into the residence and there will be an established pick up and drop off area for the dogs. The Planning Commission recommends approval.

Commissioner Thayer inquired if there was a community meeting.

Mr. Klibaner stated, yes, and the applicant addressed all the comments and concerns especially with the biggest concern of dogs barking.

Applicants Representative Grace Erickson stated the amount of 30 dogs would only be around peak times and anticipates 4-8 dogs on a regular basis. Ms. Cowie stated they will be licensed for up to 30 dogs.

Commissioner Richardson asked about any issues with barking.

Applicant Representative Grace Erickson stated that the owners haven't had any problems in the past with excessive barking and the dogs won't be unsupervised. Ms. Erickson also said the dogs will be indoors at night.

Public Comment

Lou Braden - 3875 Twin Buttes Pl - Mr. Braden highly recommend not approving this permit. Mr. Braden voiced concerns about increased noise and traffic.

Barbara Brickley - 3884 Longs Peak Cir - Ms. Brickley expressed concerns about the noise from the dogs. Ms. Brickley stated she has a neighbor who has a horse therapy business and is concerned with the dogs barking.

Bill Murray - 3600 Green Mountain Cir. - Mr. Murray said he is a 45 year resident and enjoys how quiet the neighborhood is. Mr. Murray does not want this kennel to move in.

Syliva Murray - 3600 Green Mountain Cir - Ms. Murray said her property is very quiet and she's lived there quite a while. Ms. Murray raised concerns about waste removal and surrounding property values going down due to noise.

Sue Fink - 4369 Private Road 188 - Ms. Fink stated she lives near the property and is able to see a lot of animals there. Ms. Fink doesn't have any objections to the application.

Close Public Comment

There was a lengthy conversation between the applicants and the Commissioners regarding PACFA (Colorado 's Pet Animal Care and Facilities) inspections, noise levels, previous location of kennel and clientele.

Commissioner Richardson requested a minor change to the condition regarding water for the animals and would like receipts included showing the purchases of the bulk water since the applicants will not be using well water as required. The applicants agreed.

Motion: Approval of Daryana's Backyard - Special use by Review Permit - SUR-2024-4167 with conditions of approval.

Commissioner Chris Richardson asked that a minor change be made to the condition regarding bulk water. The condition should include "must retain receipts of bulk water purchases and provide if requested. The Applicant agreed to the condition.

Commissioner Grant Thayer made a motion to Approve of Daryana's Backyard - Special use by Review Permit - SUR-2024-4167 with conditions of approval . Commissioner Dallas Schroeder seconded the motion.

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



Motion: To Close a Public Hearing for Daryana's Backyard - Special use by Review Permit - SUR-2024-4167

Commissioner Grant Thayer made a motion to Close a Public Hearing for Daryana's Backyard - Special use by Review Permit - SUR-2024-4167. Commissioner Dallas Schroeder seconded the motion.

Yes - Chris Richardson, Grant Thayer, Dallas Schroeder

No - None

Public Hearing Closed at 1:47 PM

Commissioner Richardson called a recess at 1:48 PM and returned at 1:54 PM.

3. Industrial Tower West - Matheson - Special Use by Review Permit

Motion: To Open a Public Hearing for Industrial Tower West - Matheson - Special use by Review Permit SUR-2024-2063

Commissioner Dallas Schroeder made a motion to Open a Public Hearing for Industrial Tower West - Matheson - Special use by Review Permit SUR-2024-2063. Commissioner Grant Thayer seconded the motion.

Yes - Chris Richardson, Grant Thayer, Dallas Schroeder

No - None

Public Hearing Opened at 1:54 PM

Land Use Planner Kelsey Lanham presented the application for Industrial Tower West. Ms. Lanham stated the applicant is seeking approval for the installation of a 195' wireless telecommunications tower at 20631 County Road 149. Ms. Lanham also stated the property, applicant and owner had previously gone through a Special Use by Review application and received approval in 2020, but due to no action being taken, Elbert County required the applicant to restart the application process. The Planning Commission recommends approval.

Commissioner Richardson asked if there were any concerns brought up at the community meeting?

Ms. Lanham stated there were no objections.

Commissioner Thayer asked when construction would commence on the property.

Applicant Representative Teresa Swaggert stated construction will start within the year and they agree to the conditions listed.

Public Comment -- None



Motion: Approve Industrial Tower West - Matheson - Special use by Review Permit SUR-2024-2063 with the conditions.

Commissioner Dallas Schroeder made a motion to Approve Industrial Tower West - Matheson - Special use by Review Permit SUR-2024-2063 with the conditions. Commissioner Grant Thayer seconded the motion.

Yes - Chris Richardson, Grant Thayer, Dallas Schroeder

No - None

Motion: To Close a Public Hearing for Industrial Tower West - Matheson - Special use by Review Permit

Commissioner Dallas Schroeder made a motion to Close a Public Hearing for Industrial Tower West - Matheson - Special use by Review Permit. Commissioner Grant Thayer seconded the motion.

Yes - Chris Richardson, Grant Thayer, Dallas Schroeder

No - None

Public Hearing Closed at 2:06 PM

K. ADJOURNMENT

Motion: To Adjourn

Commissioner Grant Thayer made a motion to Adjourn. Commissioner Dallas Schroeder seconded the motion.

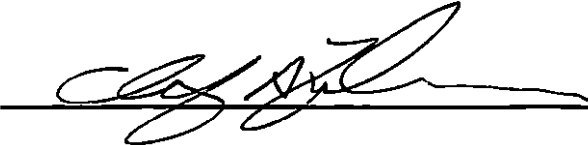
Yes - Chris Richardson, Grant Thayer, Dallas Schroeder

No - None

The meeting Adjourned at 2:07 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: Amanda Moore

Deputy Clerk

BY: 

Deputy Clerk to the Board of County Commissioners