

ELBERT COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS MEETING MINUTES

Regular Meeting Held in the BOCC Meeting Room
November 13, 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 9:01 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. Acknowledgment of CED Pipeline Report
5. Ratification of Elbert County Declaration of State of Emergency and Elbert County Rescinds State of Emergency



E. ELECTED OFFICIALS/DEPARTMENT HEADS/STAFF REPORTS

Public Trustee Sherry Hewlett gave a reminder of the tax lien sale that is to be held on November 19, 2024 with registration beginning at 8:00 AM and the sale starting at 9:00 AM at the BOCC meeting room. Ms. Hewlett said there are 181 properties in the sale and last year, 162 properties sold.

County Clerk Rhonda Braun provided some results for the Presidential election. Ms. Braun said out of 20, 500 eligible voters, there was an 86% turnout with the Elizabeth ballot box seeing 40% return of ballots, the Singing Hills ballot box seeing 26% and SEB seeing 23% return of ballots. Ms. Braun said it was a record turnout for in person voting with 1,283 in person residents, many of whom brought their families and lots of 1st time legal citizens. Ms. Braun thanked all involved on election day and was very pleased with how smoothly everything went.

Commissioner Schroeder asked about the password resetting with the Secretary of State and what Ms. Braun's involvement was. Ms. Braun said she was in the room and only asked for keycard logs.

Office of Emergency Management Director Aaron Borne provided an update on Operation Winter Storm that occurred November 6, 2024 through November 10, 2024. Mr. Borne stated they declared a State of Emergency on November 8, 2024 for the safety of the residents, noting there were zero fatalities or serious incidents. Mr. Borne thanked road and bridge and coordination with other counties to help keep roads open for emergencies and rescues. Mr. Borne also said shelters were set up during the storm. He further noted the cost of the storm cleanup was in excess of \$400,000.00

Town Administrator with the Town of Kiowa Kim Boyd presented a memo to the Commissioners in response to the recent storm thanking everyone involved for keeping everyone safe.

Public Works Director Monty Hankins presented a slideshow of the work that was done due to the storm saying this storm was extremely challenging because of the weight of the snow and warm ground. Mr. Hankins said the new building made a huge difference keeping equipment and people safe during the storm.

Commissioner Thayer thanked Road and Bridge for all their hard work.

Commissioner Schroeder said it was nice to see everyone come together in an event like this.

Commissioner Richardson asked about aircraft support during the storm. Mr. Borne said it was a state resource for civil patrol. There were 2 flight patterns to identify vehicles for possible rescues.

Undersheriff Dave Fisher thanked Road and Bridge for their help and said he had concerns with minimal CDOT personnel during the storm. Mr. Fisher said there were a lot of rescues. Mr. Fisher also gave an update to the 2 deputies involved in a recent incident in Elizabeth requesting funds to upgrade equipment for Kevlar vests. All 3 Commissioners agreed to start the order for the vests.

F. CITIZEN PUBLIC COMMENT

Jan Fitzgerald – 35414 Running Brook, Franktown – Ms. Fitzgerald said she is the owner of the apartment that was involved in an incident on October 15, 2024 and is asking the Commissioners for help recovering from the damage to the building. Ms. Fitzgerald said she has a list of items needing to be replaced.

Kerry Jiblits – 19656 Wedemeyer Rd – Ms. Jiblits thanked the OEM department and also Road and Bridge for their responses during the storm. Ms. Jiblits felt she was in good hands. Ms. Jiblits asked if there was an update to the Xcel project.



Commissioner Richardson said that he will have to set up a meeting to address Ms. Fitzgerald's concerns and needs for the apartment building

Commissioner Richardson said the county has received an official submission November 7, 2024 from Xcel. Mr. Richardson said it is being reviewed and the Commissioners have 28 days to respond to Xcel.

G. DISCUSSION ITEMS

1. Annual Veterans Service Officer's Report

Veterans' Services Officer Matt Peters presented the annual report on veterans services. Mr. Peters explained the several areas the VSO provides assistance for. Mr. Peters did explain the numbers for resident assistant are lower for 2024 due to the county VSO position being vacant for approximately 4 ½ months.

2. End of Year Close Out/Transition Planning

Commissioner Richardson asked that staff review any end of year changes (updates to fees, new statutes etc.) so these could be approved as needed before the start of the new year, the transition for the 2 new Commissioners to be certified.

3. Discussion regarding Elbert County Construction Standards & Specifications 2019 Edition Revision of Standards & Specifications Updated for 2025

Public Works Engineer Dale Guillen provided an update for the standards and specifications saying his department is reviewing the verbiage and adding some items. Mr. Guillen said there will be small updates to the documents to be presented to the Commissioners. Mr. Guillen stated 3 specific items to address the standards:

- 1) Clean-up
- 2) Outdated references for drainage criteria
- 3) Added road construction details

Commissioner Schroeder asked Mr. Guillen if they are changing just the infrastructure and not the building code. Mr. Guillen said yes.

H. ACTION ITEMS

1. Consideration of October 9, 2024 Minutes

Motion: Approval of October 9, 2024 Minutes

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

Yes – Chris Richardson, Grant Thayer, Dallas Schroeder

No – None

2. **Discussion and Possible Action on the Second Amendment to Subdivision Improvement Agreement for Spring Valley Ranch Filing 10**

County Attorney Bart Greer explained there are different types of surety that was allowed with this type of development. Mr. Greer said nothing else was changing with the agreement.

Motion: Approval of the Second Amendment to the Subdivision Improvement Agreement for Spring Valley Ranch Filing 10

Commissioner Dallas Schroeder made a motion to Approve the Second Amendment to the Subdivision Improvement Agreement for Spring Valley Ranch Filing 10. Commissioner Grant Thayer seconded the motion.

Yes – Chris Richardson, Grant Thayer, Dallas Schroeder

No – None

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I. BOARD PLANNING

1. **Agenda Items for Next Meeting**

A) End of Year items from staff

Commissioner Richardson called a recess at 10:25 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 1:01 PM. Deputy Clerk Emily Backhus-Irwin called the roll and all Commissioners were present.

1. **Heartland Pines Wedding and Events SUR-2024-1802**

Motion: To Open a Public Hearing for Heartland Pines Wedding and Events SUR-2024-1802

Commissioner Grant Thayer made a motion to Open a Public Hearing for Heartland Pines Wedding and Events SUR-2024-1802. 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 an application for a Special use by Review for a 2.86 acre area of a 35 acre property zoned Agricultural to open a wedding and events venue. The request includes plans to add an additional building measuring approximately 64'X65' to the property to host indoor weddings. The SUR area includes a gravel parking area with 123 parking spaces. Staff recommends approval.

Commissioner Richardson asked if there were any objections from the Planning Commission. Mr. Klibaner stated no, the vote was unanimous at 6-0.

Applicants, Eric and Victoria Markowski said they wanted to build this as there is limited affordable venues in

Elbert County and they are offering security as well for criminal activity for the patrons. Mr. Markowski also said they addressed the concerns raised by the public.

Commissioner Thayer asked how large the cistern would be since the well on the property is for the residence only. Mr. Markowski stated it would be based on the size of the building and will also provide aid for the fire department if needed.

Public Comment -

Jan Mark – 5500 Russellville Rd, Franktown – Ms. Mark said she used to live at that address and asked the Commissioners if they had received her letter stating concerns about fires and increased traffic and parking.

Rob Parker – 13871 S Delbert Rd – Mr. Parker said he lives north of the property and has concerns about the gravel roads with traffic increasing. Mr. Parker said that road could be treacherous.

Rae Wilson – 14001 S. Delbert Rd – Ms. Wilson wants the Commissioners to come drive the road to see the conditions and how dangerous they can be.

Rick Wilson – 14001 S. Delbert Rd – Mr. Wilson said he is a 4th generation rancher and that is his way of life raising cattle. Mr. Wilson feels this application is a threat to country life.

The applicants addressed the public concerns speaking on road issues, fires and trash.

Commissioner Richardson asked the applicants if the conditions were acceptable.
The applicants agreed.

Motion: To Approve Heartland Pines Wedding and Events SUR-2024-1802 with conditions

Commissioner Grant Thayer made a motion to Approve Heartland Pines Wedding and Events SUR-2024-1802.
Commissioner Dallas Schroeder seconded the motion.

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

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Motion: To Close a Public Hearing for Heartland Pines Wedding and Events SUR-2024-1802

Commissioner Grant Thayer made a motion to Open a Public Hearing for Heartland Pines Wedding and Events SUR-2024-1802. Commissioner Dallas Schroeder seconded the motion.

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

Public Hearing Closed at 1:54 PM

2. Tailwind Crossing Rezone RZ-2023-6236

Motion: To Open a Public Hearing for Tailwind Crossing Rezone RZ-2023-6236

Commissioner Dallas Schroeder made a motion to Open a Public Hearing for Tailwind Crossing Rezone RZ-

2023-6236. Commissioner Grant Thayer seconded the motion.

Yes – Chris Richardson, Grant Thayer, Dallas Schroeder

No – None

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Public Hearing Opened at 1:56 PM

Commissioner Schroeder did say he lives near this property, having no vested interest, and asked the applicants if they would request he recuse himself. Counsel, for the applicants, Grace Erickson said they had no objections to Mr. Schroeder hearing the application.

Land Use Planner Danny Klibaner presented an application for a request to rezone from Agricultural to Residential Agricultural. The applicant stated that the intention for the change in zoning would be to subdivide the property into a maximum of 14 residential lots and open space. Staff recommends approval.

Applicant representative Grace Erickson stated the applicants had careful review about which zone to choose. The largest concerns were the roads and no plans to pave yet. Ms. Erickson that will be addressed in the future.

Public Comment – None

Commissioner Richardson asked Ms. Erickson if the other items will be addressed. Ms. Erickson said yes, they will be addressed further during development.

Commissioner Richardson asked if the conditions were acceptable. Ms. Erickson said yes.

Motion: To Approve Tailwind Crossing Rezone RZ-2023-6236

Commissioner Dallas Schroeder made a motion to Approve Tailwind Crossing Rezone RZ-2023-6236.
Commissioner Grant Thayer seconded the motion.

Yes – Chris Richardson, Grant Thayer, Dallas Schroeder

No – None

Motion: To Close a Public Hearing for Tailwind Crossing Rezone RZ-2023-6236

Commissioner Dallas Schroeder made a motion to Close a Public Hearing for Tailwind Crossing Rezone RZ-2023-6236. Commissioner Grant Thayer seconded the motion.

Yes – Chris Richardson, Grant Thayer, Dallas Schroeder

No – None

Public Hearing Closed at 2:17 PM

3. Triple Acres Rezone - RZ-2023-33442

Motion: To Open a Public Hearing for Triple Acres Rezone – RZ-2023-33442

Commissioner Grant Thayer made a motion to Open a Public Hearing for Triple Acres Rezone – RZ-2023-33442. Commissioner Dallas Schroeder seconded the motion.



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

Public Hearing Opened at 2:18 PM

Land Use Planner Kelsey Lanham presented an application for a request to rezone 39.312 acres from agricultural to agricultural residential ta 33442 County Road 25 in Elizabeth. The subject property is 35 acres and is currently zone agricultural. The subject property has historically been vacant and is part of the Vista Ridge Subdivision with no existing structures. Staff recommends approval.

Commissioner Richardson asked the applicant if there was anything additional they wanted to provid and the applicant said no.

Public Comment – None

Commissioner Richardson asked if the applicant accepts the conditions. The applicant agreed.

Motion: Approve Triple Acres Rezone RZ-2023-33442

Commissioner Grant Thayer made a motion to Approve Triple Acres Rezone RZ-2023-33442. Commissioner Dallas Schroeder seconded the motion.

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

4. Industrial Tower West - Simla - VAR-2024-28526

Motion – To Open a Public Hearing as Board of Adjustments for Industrial Tower West – Simla – VAR-2024-28526

Commissioner Dallas Schroeder made a motion to Open a Public Hearing as Board of Adjustments for Industrial Tower West – Simla – VAR-2024-28526. Commissioner Grant Thayer seconded the motion.

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

Public Hearing Opened at 2:38 PM

Land Use Planner Kelsey Lanham presented an application for approval for a height variance for a 330' telecommunications tower. The variance is being requested due to the fall radius requirements within the Elbert County Zoning Regulations. Ms. Lanham said if the proposed 330' guyed tower was to fail, it is engineered and structurally designed to collapse on itself, rather than fall onto adjacent properties. Ms. Lanham stated the proposed tower will be lit per Federal Aviation Administration requirements and only requires periodic maintenance. Staff recommends approval.

Commissioner Richardson asked the applicant if he accepts the conditions. The applicant agreed.

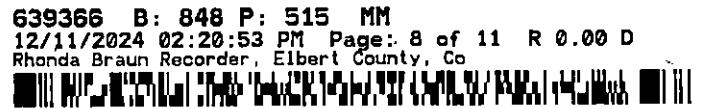
Public Comment: None

Motion – To Approve Industrial Tower West – Simla – VAR-2024-28526

Commissioner Dallas Schroeder made a motion to Approve Industrial Tower West – Simla – VAR-2024-28526. Commissioner Grant Thayer seconded the motion

Yes – Chris Richardson, Grant Thayer, Dallas Schroeder

No – None



Motion: To Close Public Hearing as Board of Adjustments for Industrial Tower West – Simla – VAR-2024-28526

Commissioner Dallas Schroeder made a motion to Close Public Hearing as Board of Adjustments for Industrial Tower West – Simla – VAR-2024-28526. Commissioner Grant Thayer seconded the motion.

Yes – Chris Richardson, Grant Thayer, Dallas Schroeder

No – None

Public Hearing Closed at 2:48 PM

Commissioner Richardson called a brief recess.

5. Industrial Tower West - Simla - SUR-2024-28526

Motion – To Open a Public Hearing for Industrial Tower West – Simla – SUR-2024-28526

Commissioner Dallas Schroeder made a motion to Open a Public Hearing for Industrial Tower West – Simla – SUR-2024-28526. Commissioner Grant Thayer seconded the motion.

Yes - Chris Richardson, Grant Thayer, Dallas Schroeder

No – None

Public Hearing Opened at 2:26 PM

Land Use Planner Kelsey Lanham presented an application for a permit for the installation of a 330' wireless telecommunications tower at 28526 County Road 10 in Simla. Ms. Lanham said the applicant is proposing to replace the existing 320' H-tower on the property. Ms. Lanham stated the proposed tower will be lit per Federal Aviation Administration requirements and will not be staffed but will continue to only require monthly maintenance. Staff recommends approval.

Commissioner Richardson asked who uses the tower.

Trisha with Industrial Tower West, LLC stated Viaero Wireless uses the tower.

Commissioner Richardson asked the applicant if they accept the conditions. The applicant agreed.

Public Comment – None

Motion – To Approve Industrial Tower West – Simla – SUR-2024-28526

Commissioner Dallas Schroeder made a motion to Approve Industrial Tower West – Simla – SUR-2024-28526. Commissioner Grant Thayer seconded the motion.

Yes – Chris Richardson, Grant Thayer, Dallas Schroeder



No – None

Motion: To Close Public Hearing for Industrial Tower West – Simla – SUR-2024-28526

Commissioner Dallas Schroeder made a motion to Close Public Hearing for Industrial Tower West – Simla – SUR-2024-28526. Commissioner Grant Thayer seconded the motion.

Yes – Chris Richardson, Grant Thayer, Dallas Schroeder

No – None

Public Hearing Closed at 2:37 PM

EC East Metropolitan Districts and Service Plans

EC East Metropolitan Districts 1-5

6. **EC East Commercial District**

EC East Industrial District

EC East Overlay District

EC East Water and Sanitation District

Motion: To Open a Public Hearing for the EC East Metropolitan Districts and Service Plans

Commissioner Grant Thayer made a motion to Open a Public Hearing for the EC East Metropolitan Districts and Service Plans. Commissioner Dallas Schroeder seconded the motion.

Yes – Chris Richardson, Grant Thayer, Dallas Schroeder

No – None

Public Hearing Opened at 2:55 PM

Graham Anderson from Anderson Analytics presented an application requesting approval for the creation of nine new metropolitan districts and associated service plans. Staff recommends approval.

Diane Miller from Miller Law PLLC explained the benefits for the metro districts and gave a summary of each of the new districts.

Public Comment – None

Motion: To Approve the EC East Metropolitan Districts and Service Plans

Commissioner Grant Thayer made a motion to Approve the EC East Metropolitan Districts and Service Plans. Commissioner Dallas Schroeder seconded the motion.

Yes – Chris Richardson, Grant Thayer, Dallas Schroeder

No – None

Motion: To Close a Public Hearing for the EC East Metropolitan Districts and Service Plans

Commissioner Grant Thayer made a motion to Close a Public Hearing for the EC East Metropolitan Districts and Service Plans.

Commissioner Dallas Schroeder seconded the motion.

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

Public Hearing Closed at 3:46 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 3:48 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