



ELBERT COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS MEETING MINUTES

Regular Meeting Held in the BOCC Meeting Room

January 22, 2025 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 9:01 AM.

Roll Call

Present: Commissioner Mike Buck, Commissioner Dallas Schroeder, Commissioner Byron McDaniel

C. APPROVAL OF AGENDA

Motion: Approval of Agenda

Commissioner McDaniel made a motion to Approve the Agenda as presented. Commissioner Buck seconded the motion.

Aye - Dallas Schroeder, Mike Buck, Byron McDaniel

Nay - None

D. ORGANIZATIONAL MEETING

1. Discussion and Selection of Chair of the BOCC

Motion: Discussion and Selection of Chair of the BOCC

Commissioner Buck nominated Commissioner McDaniel for the position of the Chair. Commissioner McDaniel seconded the nomination.

Commissioner Schroeder commented on how the decision was made. Commissioner Schroeder learned that there were conversations and meetings between two Commissioners without the present of the third. The Board has to have trust and communication and this seriously dampens the trust factor.

Roll Call Vote.

Commissioner McDaniel – Aye

Commissioner Schroeder – Abstain

Commissioner Buck – Aye

Commissioner McDaniel clarified that discussions and decisions had been made the day before while Commissioner Schroeder was not available. It was the opinion of Commissioners Buck and McDaniel that due to pending litigation in the county right now, that this would be the best source of action. He offered an apology if Commissioner Schroeder was offended by their actions.



2. Discussion and Selection of Vice Chair of the BOCC

Motion: Discussion and selection of Vice Chair of the BOCC

Commissioner McDaniel nominated Commissioner Buck as Vice Chair. Commissioner Buck seconded the nomination.

Aye- Byron McDaniel, Mike Buck

Abstain – Dallas Schroeder

3. Discussion and Approval of the Organizational Meeting 2025 Appointments and Reappointments Resolution

Commissioner McDaniel read the Resolution verbally.

Motion: Accept Resolution 25-02 Organizational Meeting 2025 Appointments and Reappointments

Commissioner Buck made a motion to Accept Resolution of the Organizational Meeting 2025 Appointments and Reappointments. Commissioner Schroeder seconded the motion.

Aye – Byron McDaniel, Mike Buck, Dallas Schroeder

Nay - None

E. CONSENT AGENDA

Motion: Approve Consent Agenda

Commissioner Schroeder made a motion to Approve the Consent Agenda as presented. Commissioner Buck seconded the motion.

Aye – Byron McDaniel, Mike Buck, Dallas Schroeder

Nay – None

1. Approval of CDS Mylars as needed
2. Approval of Vouchers as needed
3. Acknowledgment of Variance Reports
4. Ratification of Letter of Support to the Town of Kiowa Regarding the RAISE Grant
5. Ratification of an IGA with Douglas and Lincoln County regarding the 23rd Judicial District Corrections Board
6. Ratification of an IGA with Douglas and Lincoln County Concerning Referral of Offenders from the 23rd Judicial District to the Community Corrections Facility.



F. ELECTED OFFICIALS/DEPARTMENT HEADS/STAFF REPORTS

None

G. CITIZEN PUBLIC COMMENT

Don Gray – 16000 Hwy 86 – Mr. Gray commented on the tension in the board room and said communication to the public must remain paramount with a unified force. Mr. Gray gave an update on the Xcel project and said Xcel is still moving forward whether residents are contacted or not.

Robert Rowland – 1891 Pawnee Pkwy --Mr. Rowland welcomed the new Board and asked the Commissioners to push forward, recall and remember why they were elected.

Commissioner McDaniel publicly apologized to Commissioner Schroeder and stated that he looks forward to working with Commissioner Schroeder and earn his trust to move forward.

H. DISCUSSION ITEMS

None

I. ACTION ITEMS

1. 4th Quarter 2024 Public Trustee Report

Public Trustee Sherry Hewlett provided update on the 4th Quarter Public Trustee report. Ms. Hewlett noted that excess funds are applied to the Public Trustee Fund 35 at the end of the quarter, and any remaining funds at the end of the year are transferred to the General Fund.

Motion: To Approve the 2024 4th Quarter Public Trustee Report

Commissioner Schroeder made a motion to Approve the 2024 4th Quarter Public Trustee Report.

Commissioner Buck seconded the motion.

Aye – Byron McDaniel, Mike Buck, Dallas Schroeder

Nay – None

2. Cancellation of Uncollectable Tax Assessments

Treasurer Sherry Hewlett provided an explanation of taxes that will be written off as uncollectable. These include mainly oil & gas and personal properties that have been deactivated by the Assessor's Office.

Commissioner Schroeder made a motion to Approve Resolution 25-03 for Cancellation of Uncollectable Tax Assessments. Commissioner Buck seconded the motion.

Aye – Byron McDaniel, Mike Buck, Dallas Schroeder

Nay – None

J. BOARD OF HEALTH

1. Quarterly Board of Health Update



Prior to Board of Health Update, Commissioner McDaniel provided information regarding a situation in Agate where the pipes had frozen during the cold spell and what steps are being taken to provide water to the town.

Motion: To Open Public Hearing as Board of Health

Commissioner Schroeder made a motion to Open as Board of Health.

Commissioner Buck made a motion to Open as Board of Health. Commissioner McDaniel seconded the motion.

Aye – Byron McDaniel, Mike Buck, Dallas Schroeder

Nay – None

Board of Health Opened at 9:25 AM

An update for the Agate water situation was provided by Public Health Director Sara McIntosh before her presentation.

Ms. McIntosh provided the quarterly update for the Board of Health.

Motion: Close Board of Health.

Commissioner Buck made a motion to Close Board of Health. Commissioner Schroeder seconded the motion.

Aye – Byron McDaniel, Mike Buck, Dallas Schroeder

Nay – None

Board of Health Closed at 9: 46 AM

K. BOARD PLANNING

1. Agenda Items for Next Meeting

None

2. Workshops/Study Sessions

None

3. Pending Hearings

None

Commissioner Buck made a motion to call a Recess for Land Use at 1:00 PM. Commissioner Schroeder seconded the motion.

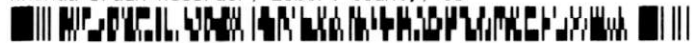
Aye – Byron McDaniel, Mike Buck, Dallas Schroeder

Nay – None

Recess was called at 9:47 AM to return at 1:00 PM for the Land Use Hearings.

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

Land Use Hearings were called to order at 1:01 PM



1. Hughes Landscaping Special Use by Review (SU-2024-4260)

Motion: To Open Public Hearing for Hughes Landscaping Special Use by Review (SU-2024-4260)

Commissioner Buck made a motion to Open Public Hearing for Hughes Landscaping Special Use by Review (SU-2024-4260). Commissioner Schroeder seconded the motion.

Aye - Byron McDaniel, Mike Buck, Dallas Schroeder

Nay - None

Public Hearing opened at 1: 01PM

Land Use Planner Danny Klibaner presented the application for approval of a Special Use by Review for landscaping services and a sod business to continue operation in northwest Elbert County. This application is to bring the business into compliance with County standards. All comments and concerns have been addressed and staff recommends approval.

Commissioner Buck inquired if the sod was brought in or grown on site.

Applicant Representative, Grace Erickson said yes, it is brought on site and stored on the property.

Public Comment – None

Motion: To Approve Hughes Landscaping Special Use by Review (SU-2024-4260)

Commissioner Buck made a motion to Approve Hughes Landscaping Special Use by Review (SU-2024-4260). Commissioner Schroeder seconded the motion.

Aye - Byron McDaniel, Mike Buck, Dallas Schroeder

Nay - None

Motion: Close Public Hearing for Hughes Landscaping Special Use By Review (SU-2024-4260)

Commissioner Buck made a motion to Close Public Hearing for Hughes Landscaping Special Use by Review (SU-2024-4260). Commissioner Schroeder seconded the motion.

Aye - Byron McDaniel, Mike Buck, Dallas Schroeder

Nay – None

Public Hearing Closed at 1:22 PM

2. Richer Lands Composting Special Use by Review (SUR-2023-1558)

Motion: To Open a Public Hearing for Richer Lands Composting Special Use by Review (SUR-2023-1558)

Commissioner Schroeder made a motion to Open a Public Hearing for Richer Lands Composting Special Use by Review (SUR-2023-1558). Commissioner Buck seconded the motion.

Aye - Byron McDaniel, Mike Buck, Dallas Schroeder



Nay - None

Public Hearing Opened at 1:22 PM

Land Use Planner Danny Klibaner presented the application requesting approval of a Special Use by Review for a 39.25 acre property zoned Agricultural to operate a Class II Composting facility. Mr. Klibaner said the facility would process animal manures among other types of agricultural waste as the applicant also owns Colorado Manure Hauling. All comments have been addressed. Community and Economic Director Marc Dettenrieder presented the Commissioners with a last minute public comment that came after the Agenda cutoff. Staff recommends approval with conditions.

Applicant Jonathan Whetstine provided a short presentation for Richer Lands Compost. Mr. Whetstine clarified that there will be no food or biosolids coming from this compost.

Public Comment –

Jackie Allis – 6984 N. Roxborough Park, Larkspur - Ms. Allis said she purchased 2 lots prior to the Richer Lands and was unaware of the development. Ms. Allis read a letter to the Commissioners and expressed concerns about property value with opposition the SUR.

Discussions between the Commissioners and the Applicant about conditions for approval, fencing, water usage and responses to odors and/or complaints were made.

There was discussion between the Commissioners and the County Attorney about how Special Use by Review works and if other requirements are needed and also the late submission for the public comment.

Commissioner Schroeder asked if the applicant agrees to the additional conditions of approval. The applicant agreed.

Motion: Approval of Richer Lands Composting Special Use by Review (SUR-2023-1558).

Commissioner Schroeder made a motion to Approve Richer Lands Composting Special Use by Review (SUR-2023-1558). Commissioner Buck seconded the motion.

Aye - Byron McDaniel, Mike Buck, Dallas Schroeder

Nay – None

Motion: Close Public Hearing for Richer Lands Composting Special Use by Review (SUR-2023-1558).

Commissioner Schroeder made a motion to Close Public Hearing for Richer Lands Composting Special Use by Review (SUR-2023-1558). Commissioner Buck seconded the motion.

Aye - Byron McDaniel, Mike Buck, Dallas Schroeder

Nay – None

Public Hearing Closed at 2:20 PM

3. Independence PUD Amendment 4 - (Applicant has requested a continuance)

Community and Economic Director Marc Dettenreider said the applicant requested a continuance to February 26, 2025 at 1:00 PM.

Motion: Open Public Hearing for Independence PUD Amendment 4.



Commissioner Schroeder made a motion to Open Public Hearing for Independence PUD Amendment 4.
Commissioner Buck seconded the motion.

Aye - Byron McDaniel, Mike Buck, Dallas Schroeder
Nay - None

Public Hearing Opened at 2:22 PM

Motion: To Continue

Commissioner Schroeder made a motion to Continue the Public Hearing to time and date certain of February 26, 2025 at 1:00 PM in the BOCC. Commissioner Buck seconded the motion.

Aye - Byron McDaniel, Mike Buck, Dallas Schroeder
Nay - None

Motion: Close Public Hearing

Commissioner Schroeder made a motion to Close Public Hearing for Independence PUD Amendment 4.
Commissioner Buck seconded the motion.

Aye- Byron McDaniel, Mike Buck, Dallas Schroeder
Nay - None

Public Hearing Closed at 2:22 PM

M. ADJOURNMENT

Motion: To Adjourn

Commissioner Buck made a motion to Adjourn. Commissioner Schroeder seconded the motion.

Aye- Byron McDaniel, Mike Buck, Dallas Schroeder
Nay - None

Land Use Meeting Adjourned at 2:23 PM



BOARD OF COUNTY COMMISSIONERS

ELBERT COUNTY, COLORADO

BYRON MCDANIEL, Chair, COMMISSIONER District 3

DALLAS SCHROEDER, COMMISSIONER District 2

MIKE BUCK, COMMISSIONER District 1

ATTEST: Emily Backhus-Irwin

Deputy Clerk

BY:

Deputy Clerk to the Board of County Commissioners