



ELBERT COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS MEETING MINUTES

Regular Meeting Held in the BOCC Meeting Room

April 9, 2025 at 9:00 AM

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Rhonda Braun Recorder, Elbert County, Co



A. INVOCATION/PLEDGE OF ALLEGIANCE: PASTOR JIM KIMBRIEL

Pastor Jim Kimbriel from Redemption Valley Christian Church provided the Invocation and led the Pledge of Allegiance.

B. CALL TO ORDER AND ROLL CALL

The Regular Meeting was called to order at 9:05 AM.

Roll Call:

Commissioner Buck: Here

Commissioner Schroeder: Here

Commissioner McDaniel: Here

C. APPROVAL OF AGENDA

Motion: Approval of Agenda as presented.

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

Yes - Dallas Schroeder, Byron McDaniel, Mike Buck

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 Mike Buck seconded the motion.

Yes - Dallas Schroeder, Byron McDaniel, Mike Buck

No - None

1. Approval of CDS Mylars as needed
2. Approval of Vouchers as needed
3. Acknowledgment of CED Development Project Report
4. Liquor License Renewal for The Naked Goat
5. Liquor License Renewal for Walmart

6. Modification of Premises Application for Walmart

E. ELECTED OFFICIALS/DEPARTMENT HEADS/STAFF REPORTS

County Assessor Susan Murphy announced that 2025 is a re-appraisal year. Residents will start receiving notices beginning May 1, 2025 for their notices of value. June 8th will be the beginning of the appeals process. The county website will be available to the public as of May 1st to see the changes, if any, to re-appraised values of properties.

Commissioner Schroeder addressed his absence from the recent Work Study Sessions due to family obligations. He needed to set the record straight as rumors were circulating that he had refused to attend the work study sessions. He will be getting up to speed on meetings and discussing with the other Commissioners.

F. CITIZEN PUBLIC COMMENT

Kerry Jibblits - 19656 Wedemeyer Rd - Ms. Jibblits provided a quick Xcel update noting the financial burdens to the county residents caused by the Pathway project.

Jim Kimbriel - 1405 Pvt Rd 130 - Provided an invitation to the National Day of Prayer to be held May 1st at Casey Jones Pavilion at 6PM. Mr. Kimbriel voiced concerns over some house and senate bills and asked Elbert County and their pastors to get together to uphold the Declaration of Independence.

G. DISCUSSION ITEMS

1. **Discussion regarding Regulatory and Advisory Document Updates and Associated Potential Resolutions**

Commissioner Buck voiced areas of concern with larger subdivisions being built, including slowing growth, updating regulatory policies and consider drafting language to implement a temporary pause on land use applications until the comprehensive plan is completed.

Commissioner Schroeder doesn't support a moratorium.

Mr. Schroeder listed numerous ripple effects to be considered before a decision is made to implement a moratorium:

- Impact fees that would go to the sheriff's office, schools and fire districts – money that they are counting on for their budgets.
- Elbert County would be financially affected if we aren't collecting building fees or impact fees.
- It would effectively put a "Closed" sign on the county, deterring new businesses from coming in, and it would be difficult for the county to recover from that.
- Millions of dollars have been invested in infrastructure, and this would affect investments that come into our county.
- Individual builders, tradesmen, electricians, cement workers, plumbers, roofers and others that are depending on work

Commissioner McDaniel stated that the 10-14 month timeframe for updating the regulations seems like a long time and he would like to work with the vendor to try and speed up the process. He requested data from the legal department, financial department and County Manager to determine the impact of a



moratorium.

Commissioner Schroeder stated that a grant for the comprehensive plan came in last year and a contract was ready to go last December. Out of deference for the incoming commissioners the pre-existing board waited for the new commissioners to come in. The contract was ready on day one when the new commissioners began their term and work could have begun three months ago if there was urgency to complete the comprehensive plan.

Commissioner Buck stated that they had reviewed the contract. He was concerned that full authority was given to staff with no authority given to the BOCC to appoint a citizen advisory group. This was the reason for the delay, as they did not agree on language or verbiage for the contract.

Public Comment - None

H. ACTION ITEMS

1. Consideration of March 26, 2025 Minutes

Motion: Approval of March 26, 2025 Minutes

Commissioner Mike Buck made a motion to Approve the Minutes as presented. Commissioner Dallas Schroeder seconded the motion.

Yes - Dallas Schroeder, Byron McDaniel, Mike Buck

No - None

2. Proclamation Recognizing April as Child Abuse Prevention Month

Human Services Director Darcy Bolding introduced Missy Carnahan to read the Proclamation.

Motion: Approve Proclamation Recognizing April as Child Abuse Prevention Month

Commissioner Dallas Schroeder made a motion to Approve the Proclamation as read. Commissioner Mike Buck seconded the motion.

Yes - Dallas Schroeder, Byron McDaniel, Mike Buck

No - None

I. EXECUTIVE SESSION

Motion: Enter Executive Session

Commissioner Mike Buck made a motion to Enter Executive Session for the purpose of discussion related to the purchase, acquisition, lease, transfer or sale of any real, personal or other property interest pursuant to Section 24-6-402(4)(a) of the Colorado Revised Statutes. Commissioner Dallas Schroeder seconded the motion.

Yes - Dallas Schroeder, Byron McDaniel, Mike Buck

No - None

Entered Executive Session at 9:30 AM



Exited Executive Session at 10:14 AM

Commissioner McDaniel stated the time is now 10:14 AM, and the Board of County Commissioners will now come out of Executive Session. The participants in the Executive Session were Commissioner Schroeder, Commissioner Buck, Commissioner McDaniel, County Attorney Bart Greer, County Manager Shawn Fletcher, and County Finance Manager Tiffany Hermes. The Board took no formal action in the contravention of Section 24-6-404(4) of the C.R.S. and no adoption of any proposed policy, position, resolution, rule or regulation took place. Commissioner McDaniel further stated for the record, if any person who participated in the Executive Session believes that any substantial discussion of any matters not included in the motion to go into Executive Session in violation of the Colorado Open Meetings Law, that they would state their concerns for the record.

None of the members present in the Executive Session had concerns of improper action in the Executive Session.

1. Notice is hereby given that on April 9th, 2025 at or around 9:00 am the Elbert County Board of County Commissioners will hold a public meeting, during which the board will engage in an Executive Session pursuant to C.R.S. 24-6-402(4)(a) for the purpose of discussion related to the purchase, acquisition, lease, transfer or sale of any real, personal or other property interest pursuant to Section 24-6-402(4)(a) of the Colorado Revised Statutes. The Board shall take no formal action in the executive session contravention of C.R.S. 24-6-402(4), nor will the board engage in any adoption of any proposed policy, position, resolution, rule, or regulation during the executive session. At the conclusion of the executive session, the board will come out of executive session and make any motions, take any action, or vote in an open public session upon the resumption of a public meeting related to executive session discussion during the public portion of such meeting.

J. BOARD PLANNING

1. **Agenda Items for Next Meeting**
 - A) Proclamation for National Day of Prayer
 - B) Updated Fleet Management Policy

Recess was called at 10:17 AM to return at 1:00 PM for the Land Use Hearings.

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

The Land Use Meeting was called to order at 1:00 PM.

1. **Goodman Rezone - RZ-2023-00026 - Staff will request a continuance to a new date and time certain**

Motion: To Open a Public Hearing for Goodman Rezone - RZ-2023-00026

Commissioner Mike Buck made a motion to Open a Public Hearing for Goodman Rezone - RZ-2023-00026. Commissioner Dallas Schroeder seconded the motion.

Yes - Dallas Schroeder, Byron McDaniel, Mike Buck

No - None



Public Hearing Opened at 1:00 PM

Community and Economic Development Director Mark Dettenreider requested a continuance to May 14, 2025 at 1:00 PM.

Motion: To Continue

Commissioner Mike Buck made a motion to Continue the Goodman Rezone - RZ-2023-00026 to May 14, 2025 at 1:00 PM. Commissioner Dallas Schroeder seconded the motion.

Yes - Dallas Schroeder, Byron McDaniel, Mike Buck

No - None

2. Shaw Rezone - RZ-2024-2571

Motion: To Open a Public Hearing for Shaw Rezone - RZ-2024-2571

Commissioner Dallas Schroeder made a motion to Open a Public Hearing for Shaw Rezone - RZ-2024-2571. Commissioner Mike Buck seconded the motion.

Yes - Dallas Schroeder, Byron McDaniel, Mike Buck

No - None

Public Hearing Opened at 1:03 PM

Land Use Planner Danny Klibaner presented the application request for a rezone from Agricultural (A) to Agricultural Residential zoning (AR). The intent of the AR zone district is to permit a mix of agricultural uses and/or private residences. The minimum lot size is ten acres. Mr. Klibaner noted during the planning commission, there were public comments in favor of or opposing the rezone and all comments have been addressed. Staff recommends approval with conditions.

Public Comment –

Dee Pepper - 25134 County Road 5 - Ms. Pepper voiced concerns about the additional traffic if the rezone is approved and asked if County Road 5 would be widened and improved.

Joe Pepper - 25134 County Road 5 - Mr. Pepper asked if there was a water study and what kind of impact on utilities the rezone would have.

Kelly Air Park Resident - Mr. Resident said there have been so many complaints over the airport noise that the traffic pattern had to change. He is worried this rezone will have an impact and squeeze Kelly Air Park out.

Mark Sutfin - 1777 County Road 86 - Mr. Sutfin said he did not receive a notice regarding the rezone. Not compatible with surrounding land uses.

Scott English - 24940 Cave Spring Trail - Mr. English voiced his concerns about whether water is provided when subdividing and if there will be electricity available.



Roberta Sutfin - 1777 County Road 86 - Ms. Sutfin asked what the next steps will be and how she and her neighbors be notified.

Close Public Comment

Applicant Tracey Aaron addressed the public concerns and questions.

The applicant and the Commissioners had a brief discussion regarding notifications and requests from the public.

Motion: To Approve Shaw Rezone - RZ-2024-2571

Commissioner Dallas Schroeder made a motion to Approve Shaw Rezone - RZ-2024-2571 with conditions as presented. Commissioner Mike Buck seconded the motion.

Yes - Dallas Schroeder, Mike Buck

No - Byron McDaniel

Motion: To Close a Public Hearing for Shaw Rezone - RZ-2024-2571

Commissioner Dallas Schroeder made a motion to Close a Public Hearing for Shaw Rezone - RZ-2024-2571. Commissioner Mike Buck seconded the motion.

Yes - Dallas Schroeder, Byron McDaniel, Mike Buck

No - None

Public Hearing Closed at 1:44 PM

3. **Cook Rezone - RZ-2024-2439**

Motion: To Open a Public Hearing for Cook Rezone - RZ-2024-2439

Commissioner Mike Buck made a motion to Open a Public Hearing for Cook Rezone - RZ-2024-2439. Commissioner Dallas Schroeder seconded the motion.

Yes - Dallas Schroeder, Byron McDaniel, Mike Buck

No - None

Public Hearing Opened at 1:44 PM

Land Use Planner Danny Klibaner presented the application for the Cook rezone. The property is currently zoned commercial and has a residence on the western portion of the lot. The request is to rezone 0.276 acres of the 0.583 acre lot from Commercial (C) to Residential (R-2). The R-2 zone allows

for areas of medium to high density. No major concerns and no public comment was received. Staff recommends approval with conditions.

Motion: To Approve Cook Rezone - RZ-2024-2439

Commissioner Mike Buck made a motion to Approve Cook Rezone - RZ-2024-2439. Commissioner Dallas Schroeder seconded the motion.

Yes - Dallas Schroeder, Byron McDaniel, Mike Buck

No - None

4. Request to waive open space fee for Cook Minor Plat

Continued from Cook Rezone application, the applicant Oliver Cook made a formal request to the Commissioners to waive the open space fee. Mr. Cook gave a brief background for the request.

Commissioner Buck was concerned with setting a precedent by waiving fees for some and not for others. Commissioner Schroeder agreed and understands Mr.-Buck's concern; however, Mr. Schroeder stated that this was not a usual request and there were valid reasons for waiving the fees.

Motion: Approve waiving the open space fee

Commissioner Dallas Schroeder made a motion to Approve waiving the open space fee. Commissioner Mike Buck seconded the motion.

Yes - Dallas Schroeder, Byron McDaniel, Mike Buck

No - None

Motion: To Close a Public Hearing for Request to waive open space fee for Cook Minor Plat

Commissioner Mike Buck made a motion to Close Cook Rezone - RZ-2024-2439. Commissioner Mike Buck seconded the motion.

Yes - Dallas Schroeder, Byron McDaniel, Mike Buck

No - None

Public Hearing Closed at 2:05 PM

L. ADJOURNMENT

Motion: To Adjourn

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

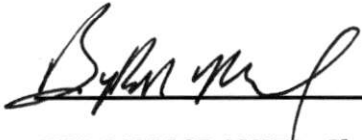
Yes - Dallas Schroeder, Byron McDaniel, Mike Buck

No - None

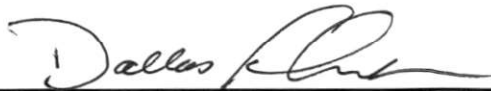
The meeting Adjourned at 2:05 PM

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