



ELBERT COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS MEETING MINUTES

Regular Meeting Held in the BOCC Meeting Room
May 14, 2025 at 9:00 AM

643950 B: 853 P: 24 MM
06/25/2025 03:51:26 PM Page: 1 of 11 R 0.00 D
Rhonda Braun Recorder, Elbert County, Co



A. INVOCATION/PLEDGE OF ALLEGIANCE: PASTOR FARTHING

Pastor Farthing from Elbert 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 9:01 AM. County Clerk Rhonda Braun called the roll.

Mike Buck – Present
Dallas Schroeder – Present
Byron McDaniel – Present

C. APPROVAL OF AGENDA

Motion: Approval of Agenda

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

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

D. CONSENT AGENDA

Motion: Approval of Consent Agenda

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

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

1. Approval of CDS Mylars as needed
2. Approval of Vouchers as needed
3. Acknowledgment of CDS Development Project Report
4. Liquor License Renewal for HI-TEST Liquor

E. ELECTED OFFICIALS/DEPARTMENT HEADS/STAFF REPORTS

None

F. CITIZEN PUBLIC COMMENT

None

643950 B: 853 P: 24 MM
06/25/2025 03:51:26 PM Page: 2 of 11 R 0.00 D
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G. DISCUSSION ITEMS

1. Discussion regarding a Request for Approval of unbudgeted Rebuild Project for CR 125 south (9 Mile)

Public Works Director Monty Hankins provided an update to the CR 125 (9 Mile) road rebuild. County Road 125 is the main road from Highway 86 to Simla. The initial estimate for repairs was \$300,000. This included installing new culverts and new gravel to improve road conditions and infrastructure. After further inspection of the road, additional culverts were identified as needing replacement. The updated estimate for repairs is \$700,000.00. Mr. Hankins estimated that the asphalt is about \$1.2 million per mile and the asphalt top will cost between \$8 and \$9 million.

Commissioner Schroeder asked how this will affect the budget for Public Works.

Mr. Hankins responded that although this is an unplanned expense, it is within their approved budget and the ending balance is very strong.

Motion: Move Approval of unbudgeted funds request for CR 125 rebuild to Action Item H5. Commissioner Buck seconded the motion.

Aye – Dallas Schroeder, Mike Buck, Byron McDaniel

Nay – None

2. Discussion on the Fleet Management Policy Update

County Attorney Bart Greer stated there were discussions on the update and feels it's ready to move forward. Mr. Greer and the Commissioners had a brief discussion about items in the policy, including who is covered and if distance driving is included. Commissioner Schroeder had received a question from a citizen asking if GPS tracking data for pool cars can be monitored and if that if can be requested via a CORA request. Mr. Greer stated it was, and there are privacy protections.

The Commissioners agreed to move approval of the Fleet Management Policy Updates to the next meeting.

3. Discussion Regarding Unfunded Budget Request from the Sheriff's Department

Sheriff Norton provided follow-up information to the Commissioners about fee updates for their budget request.

The Commissioners and the Sheriff discussed equipment needed, costs for equipment and how soon they would be needed.

Commissioner McDaniel asked what the #1 priority was right now.

Sherriff Norton noted:



- 1) Records Clerk
- 2) Victim's Advocate to transition from part time to full time
- 3) Investigator

Commissioner Schroeder stated that the Sheriff's current budget should accommodate the purchase of equipment needed. Finance Director Tiffany Hermes confirmed the budget would support the purchase of equipment without purchasing vehicles at this time.

There was further discussion about the need for new radios and other equipment.

The Commissioners and County Attorney agreed that further discussion is needed, possibly in a work study session.

Public Comment –

Public Trustee/Treasurer Sherry Hewlett –As County Treasurer, Ms. Hewlett has concerns about unfunded budget requests. She appreciates all department heads and the Sheriff's Office and is not saying their requests are not important or needed. There are considerations for reducing fees for citizens and implementing moratoriums, and property taxes may be flat next year. In the past the County has been in poor financial situations, and we don't want to be in that situation again. Looking to the future, Elbert County needs to plan to ensure that expenses do not exceed revenues and we have funds available for all departments to continue to provide services to our citizens.

Commissioner Buck commented that some of the requests from the Sheriff's Office are mandated and out of their control. Ms. Hewlett understands that, as mandates from the state are affecting all departments.

County Assessor Susan Murphy – Ms. Murphy stated managing a budget is challenging and acknowledged that there are unforeseen factors that require adjustment, with examples presented today by Public Works and the Sheriff's Department. We have a collective responsibility to ensure that taxpayer money is used efficiently, transparently and in alignment with our budget. The 2025 budget has deviated significantly from the planned budget. We will begin our budget process for 2026 in July, identify priorities for our departments and propose a draft budget that is refined and finalized the end of November. The purpose of a budget is not to provide short-term needs but to ensure long-term stability and sustainability. Monies in the budget are allocated, and we need to be accountable and transparent to the public.

County Clerk Rhonda Braun – Ms. Braun appreciated the questions that were asked by the commissioners during the discussion of unfunded budget items. She stated that this request from the Sheriff's Office is an out-of-the ordinary request outside of the budget cycle. Other departments may have dire needs – this request skips to the front of the line and takes away options for all other departments. If approved, this will handcuff the BOCC for hiring new employees for next year in all departments. The General Fund Expenses show that the Sheriff and Jail budget for 2025 is \$8,092,103. This is over a third of the General Fund Expenses and over four times the amount of any other department. Ms. Braun asked where an additional ongoing \$1 million expense for the Sheriff's Department would come from. Every department will need to account for more unfunded mandates handed down by our legislature on top of the statutory obligations we already have. We have already seen expenditures outside of the budget this year, and this erodes trust and shows a lack of respect for the sacrifices made by every department in order to stay within the budget. Ms. Braun encouraged the Sheriff to participate in the budget process and prioritize needs for the 2026 budget. She

encouraged the commissioners to consider the needs of the county as a whole and set the expectation that all departments follow the budget process.

Jim Marshall – Greenwood Village –Mr. Marshall stated that Elbert County was under-funded and basically bankrupt between 2008 and 2011. He doesn't want to see us fall into that situation again. He doesn't believe there is a need to impose moratoriums, and cited damages it would cause and voiced concerns about the county budget being artificially impaired.

Diana Edstrom – 10243 CR 106 – Ms. Edstrom voiced concerns about the Sheriff's Office report of crimes against children and wondered if the public was aware of this.

Public Comment Closed

4. Discussion Regarding Building Department Fees and Ordinance Updates

CBO and Building Manager Rob Dana provided an update to the building department fees, stating that the goal of the building department is to help the community.

Commissioner Schroeder thanked Mr. Dana for all the work to save money for the citizens. All items interact with the budget and Mr. Schroeder stated that he doesn't believe it is quite ready to move to action.

Commissioner McDaniel agreed with Mr. Schroeder on holding off on moving to action.

Public Comment --

Elbert County Assessor Susan Murphy stated she is compassionate to the citizens. Elbert County is already facing a possible shortfall, and we need to make adjustments for 2026, not the 2025 fiscal year.

Public Comment Closed

Commissioner McDaniel suggested holding off moving this item to action and the other Commissioners agreed.

H. ACTION ITEMS

643950 B: 853 P: 24 MM
06/25/2025 03:51:26 PM Page: 4 of 11 R 0.00 D
Rhonda Braun Recorder, Elbert County, Co


1. Consideration of April 23, 2025 Minutes

Motion: Approval of April 23, 2025 Minutes

Commissioner Buck made a motion to Approve April 23, 2025 Minutes as presented and dispense with the reading. Commissioner Schroeder seconded the motion.

Aye - Byron McDaniel, Mike Buck, Dallas Schroeder

Nay – None

2. PUBLIC HEARING - Special Event Liquor Permit for Elizabeth Rodeo Association

Motion: Open Public Hearing

Commissioner Schroeder made a motion to Open Public Hearing for Special Event Liquor Permit for Elizabeth Rodeo Association. Commissioner Buck seconded the motion.

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

Public Hearing Opened at 10:34 AM

Amanda Moore presented the application for a Special Event Liquor Permit for the Elizabeth Rodeo that will be held June 5-8, 2025. Ms. Moore stated all concerns have been addressed and there were no comments. Staff recommends approval.

Public Comment – None

Motion: Approve Special Event Liquor Permit for Elizabeth Rodeo Association

Commissioner Schroeder made a motion to Approve the Special Event Liquor Permit for Elizabeth Rodeo Association. 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 Special Event Liquor Permit for Elizabeth Rodeo Association. Commissioner Buck seconded the motion.

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

Public Hearing Closed at 10:46 AM

3. PUBLIC HEARING - Special Event Liquor Permit for Elbert Town Committee

Motion: Open Public Hearing

Commissioner Buck made a motion to Open Public Hearing for Special Event Liquor Permit for Elbert Town Committee. Commissioner Schroeder seconded the motion.

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

Public Hearing Opened at 10:46 AM

Amanda Moore presented the application for a Special Event Liquor Permit for the Elbert Town Committee for Elbert Days. This is an annual event that will be held on July 12, 2025, there are no changes and no comments to address. Staff recommends approval.

Public Comment – None

Motion: Approve Special Event Liquor Permit for Elbert Town Committee

Commissioner Buck made a motion to Approve the Special Event Liquor Permit for Elbert Town Committee. Commissioner Schroeder seconded the motion.

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

643950 B: 853 P: 24 MM
06/25/2025 03:51:26 PM Page: 6 of 11 R 0.00 D
Rhonda Braun Recorder, Elbert County, Co



Motion: Close Public Hearing

Commissioner Buck made a motion to Close Public Hearing for Special Event Liquor Permit for Elbert Town Committee. Commissioner Schroeder seconded the motion.

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

Public Hearing Closed at 10:48 AM

4. **Consideration of Authorization for County Attorney and CDS to pursue a contract with Logan Simpson for Comprehensive Regulation Updates**

County Attorney Bart Greer is seeking authorization to move forward with a contract with Logan Simpson whom Elbert County has used in the past.

Public Comment – None

Commissioner Schroeder inquired if Logan Simpson was the only provider. Mr. Greer stated that the county has used them before and this is time sensitive. There is an option to bid out if needed

Motion – Give Authorization for the County Attorney and CDS to pursue a contract with Logan Simpson for Comprehensive Regulation Updates.

Commissioner Schroeder made a motion to Give Authorization for the County Attorney and CDS to pursue a contract with Logan Simpson for Comprehensive Regulation Updates with the condition the Commissioners review the contract prior to execution. Commissioner Buck seconded the motion.

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

5. **Approval of Unbudgeted Rebuild Project for CR 125 south (9 Mile)**

Motion: Approval of unbudgeted Rebuild Project for CR 125 south (9 Mile)

Commissioner Schroeder made a motion to Approve the unbudgeted Rebuild Project for CR 125 south (9 Mile) as presented. Commissioner Buck seconded the motion.

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

I. **EXECUTIVE SESSION**

Motion: To Enter Executive Session

Commissioner Buck made a motion to go into Executive Session with the County Attorney, pursuant to CRS 24-6-402(4)(b) to conference with the County counsel to receive legal advice on specific legal questions or issues, and to discuss legal matters or determining positions or strategy relative to matters that may be subject to negotiations; developing strategy for negotiations; and instruction negotiators, pursuant to CRS 24-6-402(4)e of the Colorado Revised Statutes. Specifically, I move that the Board of County Commissioners go into an executive session to discuss legal advice related to the Potential Regulation Updates and Moratorium Requirements. Commissioner Schroeder seconded the motion.

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

Enter Executive Session at 10:53 AM

643950 B: 853 P: 24 MM
06/25/2025 03:51:26 PM Page: 7 of 11 R 0.00 D
Rhonda Braun Recorder, Elbert County, Co



Exited Executive Session at 12:12 PM

Commissioner McDaniel stated the time is now 12:12 PM, and the Board of County Commissioners will now come back out of Executive Session. The participants in the Executive Session were Jennifer Jones, Wendy Holmes, Monty Hankins, Tiffany Hermes, Dallas Schroeder, Mike Buck, Bart Greer and myself, Byron McDaniel. The Board took no formal action in the contravention of Section 24-6-402(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 occurred during the Executive Session, or that any improper action occurred during the 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 about improper action in the Executive Session after being given an opportunity to do so.

J. BOARD PLANNING

1. Agenda Items for Next Meeting

- A) Acceptance of Fleet Management Policy Update
- B) Building Department Fees and Ordinance Updates

2. Workshops/Study Sessions

- A) Pretrial Services to be held May 22, 2025 at 3:00 PM at the BOCC

Commissioner McDaniel called a recess at 12:14 PM 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 1:04 PM

1. Goodman Rezone - RZ-2023-00026

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

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

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

643950 B: 853 P: 24 MM
06/25/2025 03:51:26 PM Page: 8 of 11 R 0.00 D
Rhonda Braun Recorder, Elbert County, Co


Public Hearing Opened at 1:04 PM

Land Use Planner Kelsey Lanham presented the application. This is a request to rezone 40.032 acres from Agricultural (A) to Residential Agricultural (RA). All comments have been addressed, and staff recommends approval with conditions.

Public Comment – None

Motion: Approve Goodman Rezone – RZ-2023-00026

Commissioner Buck made a motion to Approve Goodman Rezone – RZ-2023-00026. Commissioner Schroeder seconded the motion.

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

Motion: Close Public Hearing for Goodman Rezone – RZ-2024-00026

Commissioner Buck made a motion to Close Public Hearing for Goodman Rezone – RZ-2024-00026.
Commissioner Schroeder seconded the motion.

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

Public Hearing Closed at 1:15 PM

2. Sundance Solar - 1041-2024-1310 and SUR-2024-0028

Motion: Open Public Hearing for Sundance Solar – 1041-2024-1310 and SUR-2024-0028

Commissioner Schroeder made a motion to Open Public Hearing for Sundance Solar – 1041-2024-1310 and SUR-2024-0028. Commissioner Buck seconded the motion.

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

Public Hearing Opened at 1:16 PM

Planning Manager Jennifer Jones presented the applications for the 1041-2024-1310 and SUR-2024-0028. Per the Elbert County Zoning Regulations, land use approval is required through both a Major 1041 Permit and a Special Use by Review. The applications will be presented concurrently, as the approval criteria is very similar

for both applications. There will be two separate approval criteria and there will need to be two separate motions for the BOCC to vote on. The request is for the approval of a solar facility on approximately 1100 acres in Elbert County. The project is located across three parcels south of County Road 154, east of Kiowa-Bennett Road. All comments have been addressed and/or acknowledged. Conditions for approval will include a road use agreement and Development Guide Agreement (DGA). The Planning Commission recommends that the Board of County Commissioners denies the Sundance Solar Special Use by Review and the 1041 Application by a vote of 7-2. Staff recommends that the BOCC approve with conditions.

Applicant Peter Moritzburke and Zac Bartholomew with Cypress Creek Renewables gave a presentation on the project details.

Commissioner McDaniel inquired about trees, fences and berms.

Commissioner Schroeder had questions about the materials the panels are made from, fire concerns and battery storage.

Commissioner Buck had comments and concerns about fire safety, trees for buffering and property values.

Commissioner McDaniel called a recess at 3:02 PM and returned at 3:19 PM.

The applicant addressed the Commissioners

- Contamination - The modules have been tested and no leakage was found even from breakage.
- The batteries will be on concrete pads
- Per Colorado Parks & Wildlife - Berms and trees were not advised due to increased fire hazard and increased water use
- There is a draft Road Use Agreement ready to finalize
- Applicant has proposed a 1000' setback from Kiowa-Bennet Road and a 200' setback along CR 154
- Color options for fencing have been provided for review

Public Comment –

Linda Ehmann – 35975 Kiowa-Bennett Rd – Ms. Ehmann stated she is a 5th generation resident and in favor of the project. Ms. Ehmann is the landowner. She believes it will benefit the residents of Elbert County and asked that her property rights be respected.

Craig Arcan – McCarthy Properties – spoke of the core values of the company and willingness to invest in Elbert County. Benefits to Elbert County include energy security, will provide enough power for 15,000 homes and they will support local when hiring and use local vendors.

Deanna Miller – 13995 CR 154 – Ms. Miller spoke on behalf of her neighbors. She voiced concerns that if there is an emergency, they would not be able to get out of the neighborhood, and concerns about the reflection from the sun on the panels. She is opposed to the project.

Josh Odendahl – 13653 Wendling Trl – Mr. Odendahl voiced concerns about response time from the Kiowa Fire Department and water usage if there was a fire.



Geri Glover – 14095 Long View – Ms. Glover stated she is not opposed to renewable energy, but the placement and scale of this solar farm project.

Katie Betencourt – 13671 CR 154 – Ms. Betencourt spoke on behalf of her folks and voiced concerns of location of the project. A fire would lock 20+ residents in with no way out.

Larry Willard – 13250 CR 154 – Mr. Willard is a proponent of personal property use rights with conditions. Mr. Willard voiced concerns about what a major hailstorm would do.

Russ Steele – 113990 Long View Cir – Mr. Steele inquired if the air space above the site has been investigated and if a 74.60-1 form was filed with the FAA by Cypress.

Sue Willard – 13250 CR 154 – Ms. Willard stated there were discrepancies with the project and is concerned about impacts to neighbors.

Chad Ritter – 760 Mosquito Ct – Mr. Ritter works with the Elbert County Wranglers youth program. The program depends on scholarships to keep them running. He would like to see Elbert County partner with a company that will pour into the county. This project provides necessary energy and tax revenue coming into the county. He is in favor of the project.

Debby Ullom – 11195 Copper Canyon Cir – Ms. Ullom wondered why the project stalled in 2018. She shared concerns about water. Cypress Creek donated \$15,000 to the Kiowa Fire Department; however, there will be no impact fees to the Fire Department.

Alyssa Richter – 37210 Sky View Cir – Ms. Richter is in opposition of the project, stating concerns about fire danger and panels releasing toxins.

Gary Richter – 37210 Sky View Cir – Mr. Richter wondered if there would be toxic fumes if there was a fire and was concerned that there is only one way out of the neighborhood.

Jim Marshall – 4091 E. Chestnut Ct – Addressed concerns about lower property values around solar farms, stating that property values around a solar farm in Bennett increased in 2023, and homes are selling for market value.

Commissioner McDaniel called a recess at 4:12 PM to return Thursday May 15, 2025 at 10:00 AM at the BOCC.



BOARD OF COUNTY COMMISSIONERS

ELBERT COUNTY, COLORADO

BYRON MCDANIEL, Chair, COMMISSIONER District 3

DALLAS SCHROEDER, COMMISSIONER District 2

MIKE BUCK, Vice Chair, COMMISSIONER District 1

ATTEST: Emily Backhus-Irwin

Deputy Clerk

BY:

Deputy Clerk to the Board of County Commissioners