



ELBERT COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS MEETING MINUTES
Regular Meeting Held in the BOCC Meeting Room
June 16, 2021, at 9:00 AM

A. INVOCATION/PLEDGE OF ALLEGIANCE:

Pastor Brian Janes performed the Invocation and Commissioner Richardson 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 9:02 AM. Deputy Clerk Amanda Moore performed roll call and all Commissioners were present.

C. APPROVAL OF AGENDA

Motion: Approval of Agenda as presented.

Commissioner Grant Thayer made a motion to Approve Agenda as presented. Commissioner Rick Pettitt seconded the motion.

Yes - Chris Richardson, Grant Thayer, Rick Pettitt

No - None

D. CONSENT AGENDA

Motion: Approval of Consent Agenda as presented

Commissioner Rick Pettitt made a motion to Approve Consent Agenda as presented. Commissioner Grant Thayer seconded the motion.

Yes - Chris Richardson, Grant Thayer, Rick Pettitt

No - None

1. Approval of CDS Mylars as needed
2. Approval of Vouchers as needed
3. Acknowledgement of CDS Pipeline Report
4. Approval of County Road 194 Asphalt Treatment Contract



5. Ratification of Collaborative Management Memorandum of Understanding
6. Memorandum of Understanding for administering the Colorado Works and Child Care Assistance Programs between the Colorado Department of Human Services and Elbert County.
7. Ratification of Letter of Input to the Congressional Redistricting Commission

E. ELECTED OFFICIALS/DEPARTMENT HEADS/STAFF REPORTS

County Manager Sam Albrecht stated, it is time to kick off the 2022 budget cycle as they are finishing out last year's audit.

F. CITIZEN PUBLIC COMMENT

None

G. DISCUSSION ITEMS

1. Resolution Regarding Special Event Liquor Permits

County Attorney Bart Greer provided a brief explanation regarding the current Special Event Liquor Permitting process. Mr. Greer stated that this resolution will streamline the special event liquor permit process for the applicant and Clerk's office. Mr. Greer recommends approval of the resolution.

Public Comments: None

Motion: To Move this Item to Action and Approve the Resolution regarding Special Event Liquor Permits.

Commissioner Grant Thayer made a motion to Move this Item to Action and Approve the Resolution regarding Special Event Liquor Permits. Commissioner Rick Pettitt seconded the motion.

Yes - Chris Richardson, Grant Thayer, Rick Pettitt

No - None.

2. Discussion on possible Resolution or Proclamation to Protect the Constitutional Rights of Citizens

Commissioner Richardson discussed the County's many efforts to protect its citizens' rights.

Commissioner Richardson discussed the resolution that was sent to the commissioners and explained what could and could not be done.

Public Comment:

Maggie Witherbee, 44447 Homestead Rd, Elizabeth. Ms. Witherbee stated that the citizens understand that the County is doing good things, but they want the State's Constitution protected from the Federal Government even if it's just words. Ms. Witherbee states that the citizens would appreciate a resolution.

Mike Coombs, 5734 Pinon Dr, Elizabeth. Mr. Coombs feels that we don't need anything in writing, instead we should just refuse to enforce anything unconstitutional.

3. Discussion on American Rescue Plan Status

County Manager Sam Albrecht provided an update on the American Rescue Plan and the five categories that the money can be used towards. Mr. Albrecht stated that Staff wants to make sure any changes made do not impact future budgets.

There was a brief discussion between the Commissioners and Mr. Albrecht.

Commissioner Richardson would like Staff to focus on things that will leave a positive lasting impact on the county.

Public Comment:

None

4. Discussion on IGA for the Assessment, Collection, and Remittance of Emergency Services Impact Fees

County Attorney Bart Greer stated that this is an agreement between Elbert County and Elizabeth Fire to memorialize the fact that Elbert County will no longer collect fees on behalf of the Fire Department. Mr. Greer has gone over the agreement and recommends approval.

No Further discussion and no public comment.

This item will go to action on June 30th.

5. Public Works Maintenance Shop Requirements

Public Works Director Rory Hale stated that Staff is working on identifying property for a new shop location. This resolution will allow Public Works to reimburse itself and the County for the funds used for traffic and drainage studies, etc.

There was a brief discussion on previously held workshops, concept plans and the need to facilitate appropriate accounting.

This item will go to action on June 30th.

H. ACTION ITEMS

1. Approval of May 12, 2021, Minutes

Motion: Approval of May 12, 2021, Minutes

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

Yes - Chris Richardson, Grant Thayer, Rick Pettitt

No - None

2. Approval of June 2, 2021, Special Meeting Minutes

Motion: Approval of June 2, 2021, Minutes

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

Yes - Grant Thayer, Rick Pettitt

No - None

3. Proclamation Recognizing Annual Amateur Radio Operators Week

County Manager Sam Albrecht read the proclamation.

Motion: To Approve the Proclamation Recognizing Annual Amateur Radio Operators Week.

Commissioner Rick Pettitt made a motion to Approve the Proclamation Recognizing Annual Amateur Radio Operators Week. Commissioner Grant Thayer seconded the motion.

Yes - Chris Richardson, Grant Thayer, Rick Pettitt

No - None.

4. Approval of Cul-de-sac Agreements for County Rd 114 and County Rd 120

Commissioner Richardson stated that these agreements are to help provide appropriate road maintenance.

Public Works Director Rory Hale stated that this has been done at no cost to the County, it is in lieu of abandoning right-a-way easements.

County Attorney Bart Greer stated that this cleans up issues for public safety and maintenance in these certain areas. Mr. Greer recommends approval.

Public Comment:

None

Motion: To Approve the Cul-de-sac Agreements for County Rd 114 and County Rd 120.

Commissioner Grant Thayer made a motion to Approve the Cul-de-sac Agreements for County Rd 114 and County Rd 120. Commissioner Rick Pettitt seconded the motion.

Yes - Chris Richardson, Grant Thayer, Rick Pettitt

No - None

I. EXECUTIVE SESSION

Motion: To Enter into Executive Session.

Commissioner Grant Thayer made a motion to Enter into Executive Session. Commissioner Rick Pettitt seconded the motion.

Yes - Chris Richardson, Grant Thayer, Rick Pettitt

No - None

Entered into Executive Session at 9:55 AM.

Executive Session Ended at 10:10 AM.



2. Possible Action based upon Executive Session Conclusion

Motion: To Grant Authority to County Manager to negotiate/purchase and not to exceed \$300,000.

Commissioner Grant Thayer made a motion to Grant Authority to County Manager to negotiate/purchase and not to exceed \$300,000. Commissioner Rick Pettitt seconded the motion.

Yes - Chris Richardson, Grant Thayer, Rick Pettitt

No - None

Public Works Director Rory Hale stated that time is of the essence with construction costs continuing to rise.

Public Works Administrator Kyrei Zion requested approval to move forward with Municipal Capital to lock in the best rate for a construction capital bond.

Motion: To Provide Road and Bridge Authority to work with Municipal Capital.

Commissioner Rick Pettitt made a motion to Provide Road and Bridge Authority to work with Municipal Capital. Commissioner Grant Thayer seconded the motion.

Yes - Chris Richardson, Grant Thayer, Rick Pettitt

No - None

Motion: To Enter into Executive Session.

Commissioner Grant Thayer made a motion to Enter into Executive Session. Commissioner Rick Pettitt seconded the motion.

Yes - Chris Richardson, Grant Thayer, Rick Pettitt

No - None

Entered into Executive Session at 10:20 AM.

Executive Session Ended at 10:44 AM.

No action was taken.



J. BOARD PLANNING

1. Agenda Items for Next Meeting

- a. Impact Fees IGA
- b. Public Works Resolution
- c. Meadows Market Public Hearing

Commissioner Richardson called a recess at 10:46 AM to return at 1:00 PM for the Land Use Hearings in the Agriculture Building.

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

The Land Use Hearings were called to order at 1:02 PM. Deputy Clerk Amanda Moore performed roll call and all Commissioners were present.

Community and Development Director Christina Stanton introduced new employees Cody Spaid, Land Use Planner and Allie McGahee, Planning Tech.

1. Swift Creek Rezone (RZ-21-0005) - A request for a rezone of 34 acres from (A) to (AR) on a property at 39750 Transition Terrace, Elizabeth

Motion: To Open a Public Hearing for Swift Creek Rezone RZ-21-0005.

Commissioner Rick Pettitt made a motion to Open a Public Hearing for Swift Creek Rezone RZ-21-0005. Commissioner Grant Thayer seconded the motion.

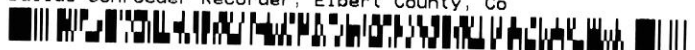
Yes - Chris Richardson, Grant Thayer, Rick Pettitt

No - None

Public Hearing Opened at 1:04 PM.

Community and Development Director Christina Stanton presented a request for rezone of 34 acres from Agriculture to Agriculture Residential located at 39750 Transition Terrace, Elizabeth. Ms. Stanton stated that the property does not have any identified wetlands and it meets the Elbert County criteria for a rezone. Ms. Stanton stated that the Colorado Division of Water is requiring the current well to be re-permitted to be in compliance. Staff and Planning Commission recommend approval with the conditions listed.

Applicant Representative Tom Maroney, PO Box 902, Elizabeth. Mr. Maroney added that the water has been taken care of and the access has been provided through an easement agreement. Mr. Maroney



stated that they accept the conditions listed.

Public Comment:

None

Motion: To Approve Swift Creek Rezone RZ-21-0005 with the conditions listed.

Commissioner Rick Pettitt made a motion to Approve Swift Creek Rezone RZ-21-0005 with the conditions listed. Commissioner Grant Thayer seconded the motion.

Yes - Chris Richardson, Grant Thayer, Rick Pettitt

No - None

Motion: To Close the Public Hearing

Commissioner Grant Thayer made a motion to Close the Public Hearing. Commissioner Rick Pettitt seconded the motion.

Yes - Chris Richardson, Grant Thayer, Rick Pettitt

No - None

The Public Hearing Closed at 1:18 PM.

2. Promised Land Rezone (RZ-21-0007) - A request for a rezone of 37.85 acres from (A) to (AR) on a property at 41527 County Road 17-21, Elizabeth

Motion: To Open a Public Hearing for Promised Land Rezone RZ-21-0007.

Commissioner Rick Pettitt made a motion to Open a Public Hearing for Promised Land Rezone RZ-21-0007. Commissioner Grant Thayer seconded the motion.

Yes - Chris Richardson, Grant Thayer, Rick Pettitt

No - None

Public Hearing Opened at 1:19 PM.

Community and Development Director Christina Stanton presented a request for a rezone of 37.85 acres from Agriculture to Agriculture Residential located at 41529 County Road 17/21, Elizabeth. This request is in compliance with Elbert County standards. Mr. Stanton explained that the Colorado Department of Water needed additional information. Staff and Planning Commission recommend approval with the conditions listed.



There was a brief discussion regarding the unpermitted modular buildings currently on the property.

Applicant Representative C.J. Kirst explained the trailer process. Mr. Kirst stated that they got their plan of augmentation approved and mobile home was put on a foundation.

Public Comment:

None

Motion: To Approve the Promised Land Rezone RZ-21-0007 with the conditions listed.

Commissioner Grant Thayer made a motion to Approve the Promised Land Rezone RZ-21-0007 with the conditions listed. Commissioner Rick Pettitt seconded the motion.

Yes - Chris Richardson, Grant Thayer, Rick Pettitt

No - None

Motion: To Close the Public Hearing

Commissioner Grant Thayer made a motion to Close the Public Hearing. Commissioner Rick Pettitt seconded the motion.

Yes - Chris Richardson, Grant Thayer, Rick Pettitt

No - None

The Public Hearing Closed at 1:34 PM.

3. Lloyd ADU Setback Variance (VA-21-0033) --A request for a Variance of approximately 45-feet from the required 100-foot side yard setback for an Accessory Dwelling Unit located on property at 18510 County Road 69, Calhan

Motion: To Open the Board of Adjustments

Commissioner Grant Thayer made a motion to Open the Board of Adjustments. Commissioner Rick Pettitt seconded the motion.

Yes - Chris Richardson, Grant Thayer, Rick Pettitt

No - None

Board of Adjustments Opened at 1:35 PM.



Community and Development Director Christina Stanton presented a request for major variance of 45 feet from the required 100-foot side yard setback for an accessory dwelling unit located at 18510 County Rd 69, Calhan. Ms. Stanton stated that due the steep and rocky topographic conditions it warrants the variance, and it is in general compliance of the Elbert County Comprehensive plan. Staff recommends approval with the condition listed.

Public Comment:

None

Motion: To Approve the Lloyd ADU Setback Variance VA-21-0033 with the condition listed.

Commissioner Rick Pettitt made a motion to Approve the Lloyd ADU Setback Variance VA-21-0033 with the condition listed. Commissioner Grant Thayer seconded the motion.

Yes - Chris Richardson, Grant Thayer, Rick Pettitt

No - None

Motion: To Close the Board of Adjustments

Commissioner Grant Thayer made a motion to Close the Board of Adjustments. Commissioner Rick Pettitt seconded the motion.

Yes - Chris Richardson, Grant Thayer, Rick Pettitt

No - None

Board of Adjustments Closed at 1:43 PM.

L. ADJOURNMENT

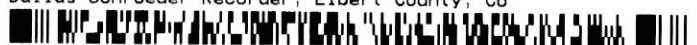
Motion: To Adjourn

Commissioner Rick Pettitt made a motion to Adjourn. Commissioner Grant Thayer seconded the motion.

Yes - Chris Richardson, Grant Thayer, Rick Pettitt

No - None

The meeting Adjourned at 1:44 PM.



BOARD OF COUNTY COMMISSIONERS

ELBERT COUNTY, COLORADO



CHRIS RICHARDSON, Chair, COMMISSIONER District 1



RICK PETTITT, COMMISSIONER District 2



GRANT THAYER, Vice-Chair, COMMISSIONER District 3

ATTEST: Amanda Moore

Deputy Clerk

BY:



Deputy Clerk to the Board of County Commissioners; Amanda Moore

