



ELBERT COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS MEETING MINUTES

Regular Meeting Held in the BOCC Meeting Room
October 27, 2021, at 9:00 AM

A. INVOCATION/PLEDGE OF ALLEGIANCE: MINISTER TRACE FARTHING

Minister Trace Farthing performed the Invocation and led the Pledge of Allegiance.

B. CALL TO ORDER AND ROLL CALL

The regular Board of County Commissioner meeting was called to order at 9:03 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. BOARD OF HEALTH

Motion: To Open the Board of Health

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

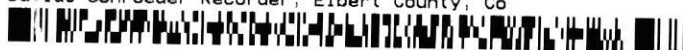
Yes - Chris Richardson, Grant Thayer, Rick Pettitt

No - None

Board of Health Opened at 9:04 AM.

County Manager Sam Albrecht announced that we were having audio issues with the live stream.

Commissioner Richardson called a recess at 9:05 AM to allow time to reset the system. Commissioner Richardson called the meeting to order at 9:11 AM and announced that we will not have audio on the livestream this morning, but they will work on a fix for the afternoon land use hearings.





1. Quarterly Board of Health Update

Public Health Director Dwayne Smith provided an update on COVID-19 infection rates. Mr. Smith reported 2,646 known confirmed infections since March 2020. Mr. Smith stated that since August 2021 there have been 66 hospitalizations and 9 fatalities.

Public Health Nurse Sara McIntosh began offering rapid antigen testing in September and averages 20 tests per week. Ms. McIntosh stated that there is one active case of Tuberculosis in Elbert County.

Environmental Health Specialist Stacey Rinehart provided an update on septic permits, food licenses and revenue up to the 3rd quarter.

Public health Director Dwayne Smith stated that there was a planning delay due to uptick in COVID-19 response and coordination efforts on the Community Health Assessment. Mr. Smith stated that they have received one quote from OMNI Institute in the amount of \$65,000 for the comprehensive assessment. Mr. Smith said that there could be a cost savings to ECPH to conduct designated activities on their own and a revised start time for January 2022.

Public Comment:

Ursula Hummel, 11340 Copper Canyon Cir, Kiowa. Ms. Hummel thanked County Clerk Dallas Schroeder for the election's town hall. Ms. Hummel would like more specific information when it comes to the public health update. Ms. Hummel asked about vaccinated vs. non-vaccinated hospital rates and vaccine effectiveness.

Mr. Smith stated that no vaccine is 100% effective.

Commissioner Richardson stated that there are frustrations with ever changing information from the CDC and the lowest trust in the Government in a very long time.

Bob Hummel, 11340 Copper Canyon Cir, Kiowa. Mr. Hummel, Director of the Kiowa Creek Food Bank, appreciates the help and grants from the County. Mr. Hummel stated that demand for assistance is higher for those with food needs and he feels the Health and Human Services website does not help those in need find the resources they are looking for. Mr. Hummel would like to see the website updated because Health and Human Services are close a lot.

Motion: To Close the Board of Health

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

Yes - Chris Richardson, Grant Thayer, Rick Pettitt

No – None



The Board of Health Closed at 9:54 AM.

E. 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 Receipt of Variance Reports
4. 3rd Quarter 2021 Public Trustee Report
5. Proclamation Recognizing Emergency Responders
6. Acknowledgement of Receipt of 2022 Draft Budget
7. Axon Taser Contract

F. ELECTED OFFICIALS/DEPARTMENT HEADS/STAFF REPORTS

County Treasurer Sherry Hewlett reminded everyone that the tax sale is coming up on November 16, 2021, in the BOCC Meeting Room. Ms. Hewlett stated that you can register for the sale beforehand on the website.

County Clerk Dallas Schroeder asked for a definition on "fully vaccinated". Mr. Schroeder thank Bobby with facilities for the SEB Building parking lot, it looks great. Mr. Schroeder provided an election update and said that elections has received about 3,000 ballots so far.

County Manager Sam Albrecht presented the Proclamation Recognizing Emergency Responders and read it out loud. Mr. Albrecht stated that the draft budget was delivered to the Commissioners on the 15th of October. Mr. Albrecht said a Public Hearing for the 2022 Draft Budget will be held on November 10th.



G. CITIZEN PUBLIC COMMENT

Ursula Hummel, 11340 Copper Canyon Cir, Kiowa. Ms. Hummel wanted to let anyone in need of food to come to the Kiowa Creek Food Bank, they are there to help you.

H. DISCUSSION ITEMS

1. Discussion on Recommendation for CM/GC for Elbert County Road & Bridge Shop and Contract Execution.

Road and Bridge Administrative Assistant Kyrei Zion provided an update on the RFP for the build of the new facility. Ms. Zion stated that FCI was picked and received high scores.

County Manager Sam Albrecht requested that the item be moved to action.

Public Comment:

None

Commissioner Richardson agreed that it should be moved to action.

Motion: To Approve the Contract Execution with FCI

Commissioner Grant Thayer made a motion to Approve the Contract Execution with FCI. Commissioner Rick Pettitt seconded the motion.

Yes - Chris Richardson, Grant Thayer, Rick Pettitt

No - None

2. Redistricting Presentation and Discussion

County Clerk Dallas Schroeder provided an overview of the redistricting rules and process. Mr. Schroeder spoke about the recent public meeting, major party meeting and the BOCC workshop and the feedback received regarding the redistricting maps provided. Mr. Schroeder stated that there are 2 favored maps and explained each pro and con.

Commissioner Richardson asked that we encourage more public input between now and the November meeting.

Commissioner Thayer shared his thoughts on his preferred map.

Public Comment:

Bob Hummel, 11340 Copper Canyon Cir, Kiowa. Mr. Hummel asked which map would simplify our ballots and if we investigated future growth.

County Clerk Dallas Schroeder stated that neither map would simplify the ballot and we did investigate future growth, but it was not a determining factor.

I. ACTION ITEMS

1. Approval of October 13, 2021, Minutes

Motion: Approval of October 13, 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. Discussion on Colorado Opioid Settlement and MOU

Commissioner Richardson stated that this MOU is part of a Nationwide settlement.

County Attorney Bart Greer provided the background information discussed at the last meeting.

Public Comment:

None

Motion: To Approve the Colorado Opioid Settlement and MOU

Commissioner Grant Thayer made a motion to Approve the Colorado Opioid Settlement and MOU. Commissioner Rick Pettitt seconded the motion.

Yes - Chris Richardson, Grant Thayer, Rick Pettitt

No - None

J. BOARD PLANNING

1. Agenda Items for Next Meeting

- a. November 10th Public Hearing for 2022 Draft Budget
- b. Veterans Services Update
- c. Possible Approval of Redistricting Map

Commissioner Richardson called a recess at 10:43 AM to return at 1:00 PM for the Land Use Hearings.



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

The Land Use Hearings were called to order at 1:05 PM. Deputy Clerk Amanda Moore performed roll call and all Commissioners were present.

Motion: To Open the Board of Adjustments

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

Yes - Chris Richardson, Grant Thayer, Rick Pettitt

No - None

Board of Adjustments Opened at 1:07 PM.

1. Fitch (VA-21-0056) --A request for a major variance to the side setback on property located at 24071 Eccles St., Elbert

Motion: To Open a Public Hearing for Fitch VA-21-0056

Commissioner Grant Thayer made a motion to Open a Public Hearing for Fitch VA-21-0056. Commissioner Rick Pettitt seconded the motion.

Yes - Chris Richardson, Grant Thayer, Rick Pettitt

No - None

Public Hearing Opened at 1:07 PM.

Land Use Planner Matthew Karney presented a request for variance to the side setback on a property located at 24071 Eccles St. Elbert. Mr. Karney stated that the current residence will be demolished, and a new residence will be placed on the property. Mr. Karney reported that there were no objections in the referral process and the request is within the criteria listed in regulations. Mr. Karney stated that Staff recommends approval with the condition listed.

Applicant Robert Fitch agrees with the condition listed and had nothing further to add.

Public Comment:

None

Commissioner Thayer said that this is a problem in most of the unincorporated Towns because of the long skinny lots.

Commissioner Rick Pettitt mentioned that there have been talks of amending regulations for these Towns setback requirements.

Motion: To Approve the Fitch Variance VA-21-0056 with the condition listed.

Commissioner Grant Thayer made a motion to Approve the Fitch Variance VA-21-0056 with the condition listed. Commissioner Rick Pettitt seconded the motion.

Yes - Chris Richardson, Grant Thayer, Rick Pettitt

No - None

Motion: To Close a Public Hearing for Fitch VA-21-0056.

Commissioner Rick Pettitt made a motion to Close a Public Hearing for Fitch VA-21-0056. Commissioner Grant Thayer seconded the motion.

Yes - Chris Richardson, Grant Thayer, Rick Pettitt

No - None

The Public Hearing Closed at 1:16 PM.

Motion: To Close the Board of Adjustments.

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

Yes - Chris Richardson, Grant Thayer, Rick Pettitt

No - None

The Board of Adjustments Closed at 1:17 PM.

2. Prairie Ranch, formerly Diamond Ridge (DG-21-0026) --A request to amend the existing Development Guide (DG) to reduce the density from 27 lots to 4 lots of 10+ acres each on property located north of County Road 150, west of County Road 13 and east of Quail Drive, Elizabeth

Motion: To Open a Public Hearing for Prairie Ranch aka Diamond Ridge DG-21-0026.

Commissioner Rick Pettitt made a motion to Open a Public Hearing for Prairie Ranch aka Diamond Ridge DG-21-002. Commissioner Grant Thayer seconded the motion.

Yes - Chris Richardson, Grant Thayer, Rick Pettitt

No - None

The Public Hearing Opened at 1:17 PM.

614172 B: 822 P: 610 MM
11/17/2021 02:59:09 PM Page: 8 of 13 R 0.00 D
Dallas Schroeder Recorder, Elbert County, Co



Land Use Planner Matthew Karney presented a request for an amendment to the existing development guide from lots 27 lots to 4 lots of 10 acres located west of County Rd 13 on County Rd 150. Mr. Karney reported that there were no objections in the referral process and that the metro district will be dissolved. Mr. Karney stated that Staff recommends approval with the conditions listed.

Applicant Representative Tom Maroney, PO Box 902, Elizabeth. Mr. Maroney explained that if this amendment is approved, they can start on dissolving of the metro district.

Commissioner Richardson would like it to be added as a condition and to be done within 180 days of approval.

Mr. Maroney agreed.

Public Comment:

None

Motion: To Approve the Amendment to Prairie Ranch aka Diamond Ridge Development Guide with the addition of a condition, the metro district to be dissolved within 180 days of approval and before recordation.

Commissioner Grant Thayer made a motion to Approve the Amendment to Prairie Ranch aka Diamond Ridge Development Guide with the addition of a condition, the metro district to be dissolved within 180 days of approval and before recordation. Commissioner Rick Pettitt seconded the motion.

Yes - Chris Richardson, Grant Thayer, Rick Pettitt

No - None

Motion: To Close a Public Hearing for Prairie Ranch aka Diamond Ridge DG-21-0026.

Commissioner Grant Thayer made a motion to Close a Public Hearing for Prairie Ranch aka Diamond Ridge DG-21-0026. Commissioner Rick Pettitt seconded the motion.

Yes - Chris Richardson, Grant Thayer, Rick Pettitt

No - None

The Public Hearing Closed at 1:28 PM.



3. **Burnco Concrete Batch Plant EDZ Site Plan (EZS-21-0023) --An Economic Development Zone (EDZ) Site Plan for the development of Lot 5 of the *Prairie View Industrial Development* into a concrete batch plant on property located at 8750 Alan Ridge Drive, Kiowa**

STAFF IS RECOMMENDING CONTINUATION OF THIS ITEM TO DECEMBER 15, 2021, DUE TO INADEQUATE NOTICE AND AN OUTSTANDING WATER ISSUE.

Motion: To Open a Public Hearing for Burnco Concrete Batch Plant EDZ Site Plan EZS-21-0023.

Commissioner Rick Pettitt made a motion to Open a Public Hearing for Burnco Concrete Batch Plant EDZ Site Plan EZS-21-0023. Commissioner Grant Thayer seconded the motion.

Yes - Chris Richardson, Grant Thayer, Rick Pettitt

No - None

Public Hearing Opened at 1:29 PM.

Motion: To Continue Burnco Concrete Batch Plant EDZ Site Plan EZS-21-0023 to December 15, 2021 at 1:00 PM.

Commissioner Rick Pettitt made a motion to Continue Burnco Concrete Batch Plant EDZ Site Plan EZS-21-0023 to December 15, 2021 at 1:00 PM. Commissioner Grant Thayer seconded the motion.

Yes - Chris Richardson, Grant Thayer, Rick Pettitt

No - None

Motion: To Close a Public Hearing for Burnco Concrete Batch Plant EDZ Site Plan EZS-21-0023.

Commissioner Rick Pettitt made a motion to Close a Public Hearing for Burnco Concrete Batch Plant EDZ Site Plan EZS-21-0023. Commissioner Grant Thayer seconded the motion.

Yes - Chris Richardson, Grant Thayer, Rick Pettitt

No - None

Public Hearing Closed at 1:30 PM.



4. Branded Iron (RZ-21-0024) --A request to Rezone approximately 5-acres from Residential Agriculture-One (RA-1) to Industrial (I) on property located at 40700 Wind Spirit Lane, Elizabeth

Motion: To Open a Public Hearing for Branded Iron RZ-21-0024.

Commissioner Grant Thayer made a motion to Open a Public Hearing for Branded Iron RZ-21-0024. Commissioner Rick Pettitt seconded the motion.

Yes - Chris Richardson, Grant Thayer, Rick Pettitt

No - None

Public Hearing Opened at 1:31 PM.

Land Use Planner Jenn Klich presented a request to rezone approximately 5 acres from RA1 to Industrial to allow for an outdoor RV Storage Unit located at 40700 Wind Spirit Lane, Parker. Ms. Klich explained that 4 1/2 of the 5 acres would be used per the site plan. Ms. Klich reported that during the referral process, the fire department requested larger access to the property. Ms. Klich also reported that there was extensive public comment on this request. Ms. Klich stated that the request was general conformance with the Elbert County Comprehensive Plan and that Staff and Planning Commission recommend approval with the conditions listed.

Commissioner Richardson asked about the Planning Commission vote as it was not unanimous.

Ms. Klich explained that the request passed with a vote of 5-3.

Applicant Bailey Short, PO Box 2622, Elizabeth. Ms. Short asked if the Commissioners had any questions for her.

Commissioner Thayer asked her to explain the protective covenants for Wind Spirit.

Ms. Short explained that the covenants were not recorded until after they purchased their lot.

Public Comment:

Gary Levinson, 40550 Wind Spirit Ln, Parker. Mr. Levinson stated that he is the original owner and developer of Wind Spirit Lane. Mr. Levinson said that he did not want to profit from the suffering of his neighbors and offered to purchase the property back from the Shorts. Mr. Levinson explained that this property is not within the EDZ zone.

Ian Ferrell, 3100 Cherry Creek S. Dr., Denver. Attorney for 610 Singing Hills LLC and Mr. Levinson. Mr. Ferrell stated that the covenants prohibit industrial use of these lots and that he has affidavits proving that the Shorts received a copy of the covenants before purchasing. Mr. Ferrell stated that they are willing to file suit against the applicants if this is approved.



Ron Brill, owner of lot 4. Mr. Brill purchased his lot in June of this year not knowing that an RV Storage would possibly be next door. Mr. Brill does not want his investment to go under and decrease in value. Mr. Brill asked that more requirements be placed on the RV Storage if it is approved.

Vivian Peterson, 655 Madrid Ct. Parker. Ms. Peterson shared her concerns over chemicals, waste and water washing into her yard from this property as she is directly behind it. Ms. Peterson stated that there is no fence that can protect her property from that kind of damage. Ms. Peterson expressed that she is also concerned over increased fire and crime and a decreased property value. Ms. Peterson stated that exiting the neighborhood is already difficult.

Ann Veenstra, 40575 Madrid, Parker. Ms. Veenstra objects to this rezone. Ms. Veenstra stated that this property is outside of the EDZ zone and there are at least 3 outdoor RV storage facilities within miles. Ms. Veenstra has concerns over safety, security, traffic and decrease property values.

Art Evans, 40820 Madrid Pl. Parker. Mr. Evans would like the Commissioners to deny this application. Mr. Evans feels it will hurt the property values and traffic is difficult without trying to pull a large truck and trailer out.

Lambert's, 40605 Madrid, Parker. The Lambert's object to the request and feel it is outside of the EDZ zone. The Lambert's feel there are enough RV Storage facilities in the area and this request does not support the economic growth plan.

Public Comment Closed

Applicant Bailey Short explained that when they bought the property it was listed as commercial. Mr. Short stated that they never spoke to anyone on their plans for this property. Ms. Short stated that they were thinking of all the new subdivisions going in and the need for RV Storage. Ms. Short said that it would be a dry storage facility with no electrical, dumping or living. Ms. Short stated that the lighting they planned will point down and not leave the property.

Commissioner Richardson called a brief recess at 2:26 PM and returned at 2:36 PM.

Commissioner Thayer mentioned that he has never seen a platted residential subdivision lot rezoned to industrial before. Commissioner Thayer stated that lot 1 is also residential and will have to go through a rezone as well to be changed. Commissioner Thayer can't imagine the list of conditions for this rezone if it were to be approved.

Commissioner Pettitt explained that industrial is not a use that is allowed in RA1 and residential subdivision. Commissioner Pettitt asked, why would we have these regulations if you just find ways around them.



Commissioner Richardson question the covenants being signed and recorded after purchase of the property. Commissioner Richardson feels there are oddities that need to be sorted out in this subdivision.

Motion: To Approve Branded Iron RZ-21-0024

Commissioner Grant Thayer made a motion to Approve COMMENT. Commissioner Chris Richardson seconded the motion.

Yes - None

No - Chris Richardson, Grant Thayer. Rick Pettitt

Motion Failed, Rezone Denied.

Motion: To Close a Public Hearing for Branded Iron RZ-21-0024.

Commissioner Rick Pettitt made a motion to Close a Public Hearing for Branded Iron RZ-21-0024. Commissioner Grant Thayer seconded the motion.

Yes - Chris Richardson, Grant Thayer, Rick Pettitt

No - None

Public Hearing Closed at 2:54 PM.

L. ADJOURNMENT

Motion: To Adjourn

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

Yes - Chris Richardson, Grant Thayer, Rick Pettitt

No - None

The meeting Adjourned at 2:55 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