



ELBERT COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS MEETING MINUTES

Regular Meeting Held in the BOCC Meeting Room

December 15, 2021 at 9:00 AM

A. INVOCATION/PLEDGE OF ALLEGIANCE: PASTOR BOB MEYER

Pastor Bob Meyer preformed 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 9:04 AM. Deputy Clerk Amanda Moore preformed 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 the 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 the 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. Spring Valley Ranch #6 SIA
5. Policy regarding approval of ARP projects



E. ELECTED OFFICIALS/DEPARTMENT HEADS/STAFF REPORTS

County Manager Sam Albrecht provided an update on the 2022 Budget and the hearing scheduled for the 21st. Mr. Albrecht stated that the 2021 audit process has started as well.

F. CITIZEN PUBLIC COMMENT

Maggie Witherbee, 44447 Homestead Rd. Ms. Witherbee is with Elbert County Stands Up and they are putting together information to stop this madness regarding covid-19 and the vaccine. Ms. Witherbee is asking that Elbert County Commissioners work with Elbert County Stands Up to halt vaccines and testing.
Tim Adair, 3436 Antelope Ridge. Mr. Adair supports Elbert County Stands Up and would like science to be followed.

Bob Meyer, 34807 Pine Ridge. Mr. Meyer stated that he came from a medical background and he is outraged by the medical community. Mr. Meyer feels this is to control the population and we must resist these mandates.

G. DISCUSSION ITEMS

1. Discussion on 3rd Amendment to the Dispatch Agreement between Elbert County Sheriff and Douglas County

County Attorney Bart Greer explained that he reviewed the contract and mentioned the pricing reflects rising costs. There was a brief discussion about the rising costs. Mr., Greer requested that this item be moved for action today to be able to complete it before the end of the year.

Public Comment: None

Motion: To Move Item to Action and Approve the 3rd Amendment to the Dispatch Agreement with Douglas County.

Commissioner Grant Thayer made a motion To Move Item to Action and Approve the 3rd Amendment to the Dispatch Agreement with Douglas County . Commissioner Rick Pettitt seconded the motion.

Yes - Chris Richardson, Grant Thayer, Rick Pettitt

No - None

2. Draft Annual Organizational Resolution

County Manager Sam Albrecht explained that the Organizational Resolution is a work in progress. Mr. Albrecht stated that the final resolution will come back for approval at the first meeting of the new year. There was a brief discussion regarding appointments and open positions.

Public Comment: None

3. Seeking Approval from BOCC to allow the transfer of roads to the Town of Elizabeth

County Attorney Bart Greer explained the current IGA with the Town of Elizabeth and provided a brief history of the roads and maintenance. Mr. Greer stated that he is working with the Town Attorney to terminate the current IGA and successful transfer of roads to the Town.

There were no objections with moving forward with the transfer.

Public Comment: None

4. Discussion on timeline of new Precincts

County Clerk Dallas Schroeder explained that now that the new commissioners' districts have been approved, the next step is to re-precinct. Mr. Schroeder stated that there will be 6 precincts in each district and party chairs are good with that. Mr. Schroeder explained that the process will go through the GIS system and he is hopeful to present to the BOCC for approval by the first meeting of January.

H. ACTION ITEMS

1. Consideration of November 17, 2021 Minutes

Motion: Approval of November 17, 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. Consideration of Approval on Kiowa Creek Parcel Transfer

County Attorney Bart Greer provided a recap from the last meeting on the transfer of parcels near the Kiowa carwash. Mr. Greer stated that these transfers will reduce the Country's liability in flood zones.

Commissioner Thayer asked if the parcels were unbuildable. Mr. Greer said that was correct.

Commissioner Pettitt stated that this has been in the process for around 10 years.

Public Comment: None

Motion: To Approve the Transfer of the Kiowa Creek Parcels.

Commissioner Grant Thayer made a motion to Approve the Transfer of the Kiowa Creek Parcels. Commissioner Rick Pettitt seconded the motion.

Yes - Chris Richardson, Grant Thayer, Rick Pettitt

No - None



**I. BOARD PLANNING****1. Agenda Items for Next Meeting**

- a. Budget Hearing on the 21st
- b. Organizational Resolution on January 12th
- c. Re-precinting Map on January 12th

Commissioner Richardson called a recess at 9:36 AM to return at 1:00 PM for Land Use Hearings

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

The Land Use Hearings were called to order at 1:00 PM. Deputy Clerk Amanda Moore preformed the roll call and all Commissioners were present.

1. **Independence Filing 2 & 3 Final Plat (FP-21-0045 & FP-21-0046)--A request to approve final plats to subdivide acreage identified as Tract T-1 (Filing1) for Filings 2 & 3 of the Independence PUD - Filing2 being 136 lots and Filing3 being 232 lots - on property at the intersection of County Road 5 & Hilltop Road**

Motion: To Open a Public Hearing for Independence Filing 2 & 3 Final Plat FP-21-0045 & FP-21-0046.

Commissioner Rick Pettitt made a motion to Open a Public Hearing for Independence Filing 2 & 3 Final Plat FP-21-0045 & FP-21-0046. Commissioner Grant Thayer seconded the motion.

Yes -Chris Richardson, Grant Thayer, Rick Pettitt

No - None

The Public Hearing Opened at 1:02 PM.

Land Use Planner Jenn Klich presented a request to approve final plat's to subdivide acreage identified as tract T-1 for filings 2 & 3 of the independence PUD. Ms. Klich explained that filing 2 is 136 lots and filing 3 is 232 lots. CDS finds the request in general compliance with regulations set by the County. CDS and Planning Commission recommend approval, with the conditions listed.

Commissioner Richardson asked if the total amount of homes is still within the original allowed amount. Ms. Klich stated that it was.

Three representatives for Craft/ Independence provided information on the development. Brian Connolly as land use legal counsel, Mark Kieffer with Norris Design and owner Jim Yates.

Commissioner Thayer asked when they will start on the interconnect of CR 5 and Delbert. There was a brief discussion on the road and amount of building permits before the road is required.

Public Comment:

Diana Edstrom, 26060 CR 41, Elbert. Ms. Edstrom asked why the list of property owners does not match the assessor's records. Ms. Edstrom mentioned the planning commission meeting for this item was not live and there are no minutes.

Commissioner Richardson responded with a brief explanation of notices, timelines and minutes of record.

Commissioner Richardson asked if the applicant agreed to the conditions listed and the applicant agreed.

Motion: To Approve Independence Filing 2 & 3 Final Plat FP-21-0045 & FP-21-0046

Commissioner Grant Thayer made a motion to Approve Independence Filing 2 & 3 Final Plat FP-21-0045 & FP-21-0046. Commissioner Rick Pettitt seconded the motion.

Yes - Chris Richardson, Grant Thayer, Rick Pettitt

No - None

Motion: To Close a Public Hearing for Independence Filing 2 & 3 Final Plat FP-21-0045 & FP-21-0046

Commissioner Rick Pettitt made a motion to Close a Public Hearing for Independence Filing 2 & 3 Final Plat FP-21-0045 & FP-21-0046. Commissioner Grant Thayer seconded the motion.

Yes -Chris Richardson, Grant Thayer, Rick Pettitt

No - None

Public Hearing Closed at 1:39 PM.

Commissioner Richardson called a recess at 1:40 PM and returned at 1:47 PM.

2. Potter (RZ-20-0012) - A request to rezone 40.37-acres from Agriculture (A) to Agriculture Residential (AR) on a property located at 109 Bozeman Trail, Elizabeth.

Motion: To Open a Public Hearing for Potter Rezone RZ-20-0012

Commissioner Grant Thayer made a motion to Open a Public Hearing for Potter Rezone RZ-20-0012. Commissioner Rick Pettitt seconded the motion.

Yes -Chris Richardson, Grant Thayer, Rick Pettitt

No - None

Public Hearing Opened at 1:47 PM.

Land Use Planner Matthew Karney presented a request to rezone approximately 40.37 acres from Agriculture to Agriculture Residential located at 109 Bozeman Trail. Mr. Karney explained that the owner would like to subdivide into four (4) lots for a minor development. Mr. Karney stated that issues that came up in the referral process have all been addressed and the request complies with the rezone requirements. Staff recommends approval with the conditions listed.



Applicant Steve Potter stated that all the houses will have sprinkler systems per the fire department and they agree to the conditions listed.

Public Comment: None

Motion: To Approve Potter Rezone RZ-20-0012 with the conditions listed.

Commissioner Rick Pettitt made a motion to Approve Potter Rezone RZ-20-0012 with the conditions listed. Commissioner Grant Thayer seconded the motion.

Yes - Chris Richardson, Grant Thayer, Rick Pettitt

No - None

Motion: To Close a Public Hearing for Potter Rezone RZ-20-0012

Commissioner Rick Pettitt made a motion to Close a Public Hearing for Potter Rezone RZ-20-0012 . Commissioner Grant Thayer seconded the motion.

Yes - Chris Richardson, Grant Thayer, Rick Pettitt

No - None

Public Hearing Closed at 1:56 PM.

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Dallas Schroeder Recorder, Elbert County, Co


3. **Mountain Tower (RZ-21-0065) - A rezone of approximately 11-acres from Agriculture (A) to Planned Unit Development (PUD) on a property located on the full Section 7 of Township 8 South, Range 57 West.**

Commissioner Rick Pettitt recused himself from this item and will not be voting.

Motion: To Open a Public Hearing for Mountain Tower RZ-21-0065.

Commissioner Grant Thayer made a motion to Open a Public Hearing for Mountain Tower RZ-21-0065. Commissioner Chris Richardson seconded the motion.

Yes - Chris Richardson, Grant Thayer

No - None

Public Hearing Opened at 1:58 PM.

Land Use Planner Matthew Karney presented a request to rezone 11 acres from agriculture (A) to Planned Unit Development (PUD) on a property located on the full section 7 of Township 8 South, Range 57 West. Mr. Karney explained the importance of the PUD to this request and why CDS felt it was the best option. Mr. Karney stated that the tower is 340 feet tall and 340 feet from the surrounding property lines. Mr. Karney stated that there were no objections in the referral process. Staff and the Planning Commission recommend approval with the conditions listed.

Applicant Kyle DeNardo of Industrial Tower West has reviewed the conditions and agrees. Mr. DeNardo stated that once they close on the 11 acres, they will obtain an access agreement from the surrounding property owner.

Public Comment:

Diana Edstrom, 26060 County Rd 41, Elbert. Ms. Edstrom mentioned a few of her concerns regarding the information in the packet. Conflicting locations, why a PUD, List of property owners is missing and will the current SUR be vacated.

Commissioner Thayer explained that the tower has been in this location for the last 23 years. The only difference is that the tower owner wants to own the property under the tower.

Motion: To Approve Mountain Tower RZ-21-0065 with the conditions listed.

Commissioner Grant Thayer made a motion to Approve Mountain Tower RZ-21-0065 with the conditions listed. Commissioner Chris Richardson seconded the motion.

Yes - Chris Richardson, Grant Thayer

No - None

Motion: To Close a Public Hearing for Mountain Tower RZ-21-0065.

Commissioner Grant Thayer made a motion to Close a Public Hearing for Mountain Tower RZ-21-0065. Commissioner Chris Richardson seconded the motion.

Yes - Chris Richardson, Grant Thayer

No - None

Public Hearing Closed at 2:14 PM.

**4. Miller Ranch Service Plan Amendments (SR-21-0044)-- TO BE CONTINUED TO JANUARY 12, 2022
BOCC MEETING**

A Request to Approve Amendments to:

1. Miller Ranch Metropolitan District Service Plan

2. Miller Ranch Water & Sanitation District Service Plan

Motion: To Open a Public Hearing for Miller Ranch Service Plan and Continue to January 12, 2022 at 1:00 PM.

Commissioner Rick Pettitt made a motion to Open a Public Hearing for Miller Ranch Service Plan and Continue to January 12, 2022 at 1:00 PM. Commissioner Grant Thayer seconded the motion.

Yes -Chris Richardson, Grant Thayer, Rick Pettitt

No - None

Public Hearing Opened at 2:15 PM.

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Dallas Schroeder Recorder, Elbert County, Co





Public Comment:

Diana Edstrom, 26060 County Rd 41, Elbert. Ms. Edstrom asked about the mailing list in this packet.

Motion: To Close a Public Hearing for Miller Ranch Service Plan.

Commissioner Rick Pettitt made a motion to Close a Public Hearing for Miller Ranch Service Plan.
Commissioner Grant Thayer seconded the motion.

Yes -Chris Richardson, Grant Thayer, Rick Pettitt

No - None

Public Hearing Closed at 2:17 PM.

Commissioner Richardson called a recess at 2:17 PM to Return at 2:28 PM

5. **BURNCO (EZS-20-0077) - An Economic Development Zone Site Plan for a concrete batch plant and administrative building on Lot 5 of the Prairie View Industrial subdivision.**

Motion: To Open a Public Hearing for Burnco EZS-20-0077

Commissioner Rick Pettitt made a motion to Open a Public Hearing for Burnco EZS-20-0077 .
Commissioner Grant Thayer seconded the motion.

Yes -Chris Richardson, Grant Thayer, Rick Pettitt

No - None

Public Hearing Opened at 2:29 PM.

Land Use Planner Matthew Karney presented an EDZ site plan for Burnco, a concrete batch plant and administrative building on lot 5 of the Prairie View Industrial Subdivision. Mr. Karney explained that the property to the south of the lot will remain untouched and include a retention pond. Mr. Karney stated that the potable water will be supplied by Summit Park Metro District and the Industrial water will be supplied by an onsite well. Staff and Planning Commissioner recommend approval with the conditions listed.

Commissioner Thayer asked about conditions on plat map and the water.

Commissioner Richardson asked about dust and noise mitigation plans.

Applicant Rob VanderSchaaf, General Manager of Burnco, provided information on the company and plans for employment.

Civil Engineer Andrew Rodriguez explained the water usage and needs for the business.

Applicant Representative Tom Maroney stated that he has worked on most of EDZ's in the County, this process is supposed to promote business growth and expedite the process. Mr. Maroney feels the process is still difficult and long. Mr. Maroney requested a recess.

Commissioner Richardson called a recess at 2:50 PM to return at 3:01 PM.

Mr. Maroney requested a continuance to January 12, 2022 at 1: 00 PM.

Motion: To Continue Burnco EZS-20-0077 to January 12, 2022 at 1:00 PM and close the Public Hearing.

Commissioner Grant Thayer made a motion to continue Burnco EZS-20-0077 to January 12, 2022 at 1:00 PM and close the Public Hearing. Commissioner Rick Pettitt seconded the motion.

Yes - Chris Richardson, Grant Thayer, Rick Pettitt

No - None

Public Hearing Closed at 3:03 PM.

K. ADJOURNMENT

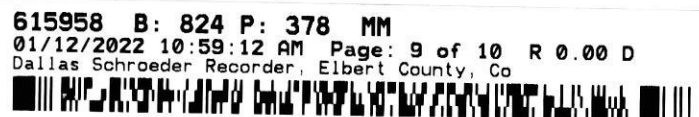
Motion: To Adjourn

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 3:03 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