

**ELBERT COUNTY COMMISSIONER MEETING
MARCH 19, 2008**

The Board of Elbert County Commissioners met in a regular scheduled meeting on the 19th day of March 2008, with the roll call of members as follows:

Chairperson Suzie Graeff	Present
Vice Chair John Metli	Present
Commissioner Hope Goetz	Present

The Board of Commissioners convened at 9:10 a.m., and Chairperson Suzie Graeff called the meeting to order. The meeting began with a Prayer and the Pledge of Allegiance.

AGENDA:

Additions: Asphalt Bid. Commissioner Metli made a motion to approve the Agenda for the Board of County Commissioner Meeting of March 19, 2008, as amended. Commissioner Goetz seconded the motion. The roll having been called, the Chair declared the motion unanimously carried and so ordered.

CORRESPONDENCE:

Letter of Appreciation from the Elbert County Historical Society for the donation given by Elbert County.

Information regarding Victims Rights Week on April 13-19, 2008, and asking for cell phone donations.

CTSI County Salary Survey for 2008.

Brochure on the CDPHE Emergency Preparedness Conference.

Information on the Environmental Management System.

Northeastern Colorado Government Management Meeting Minutes.

Letter from Elbert County Sheriff's Department regarding National Victim Week April 1 through May 30th and requesting approval to place flyers in with the employee paychecks.

MINUTES APPROVED:

Commissioner Goetz made a motion to approve the minutes of the meeting of March 12, 2008, as written. Commissioner Metli seconded the motion. The roll having been called, the Chair declared the motion unanimously carried and so ordered.

VOUCHERS & WARRANTS:

Commissioner Goetz made a motion to approve A/P Warrant #113386 through #113459, all accounts, all funds, in the amount of \$135,680.97 on 03/19/08. Commissioner Metli seconded the motion. The roll having been called, the Chair declared the motion unanimously carried and so ordered.

Commissioner Goetz made a motion to void Warrant #113328 issued 03/12/08 in the amount of \$7.92 to Auto Parts, reason for void is wrong vendor. Commissioner Metli seconded the motion. The roll having been called, the Chair declared the motion unanimously carried and so ordered.

ASPHALT BID ACCEPTANCE:

Kiowa Road & Bridge Foreman Rick Manyik came before the Board to recommend that the bid for asphalt paving on the Kiowa-Bennett Road be awarded to Schmidt Construction. Schmidt Construction bid was \$688,108.00. Commissioner Metli made a motion to accept the bid from Schmidt Construction. Commissioner Goetz seconded the motion. The roll having been called, the Chair declared the motion unanimously carried and so ordered.

SIGNING OF MYLARS:

Planning Department Intern Emma McCardle came before the Board to request approval for the Chair to sign the mylars for the following:

Elbert 5 Ranch Rezone mylars. Commissioner Metli made a motion to approve. Commissioner Goetz seconded the motion. The roll having been called, the Chair declared the motion unanimously carried and so ordered.

Kimberly Pray Rezone. Commissioner Goetz made a motion to approve. Commissioner Metli seconded the motion. The roll having been called, the Chair declared the motion unanimously carried and so ordered.

Mustang Creek Special Use Review. Commissioner Metli made a motion to approve. Commissioner Goetz seconded the motion. The roll having been called, the Chair declared the motion unanimously carried and so ordered.

Schiller A-1 Rezone. Commissioner Goetz made a motion to approve. Commissioner Metli seconded the motion. The roll having been called, the Chair declared the motion unanimously carried and so ordered.

Levinson A-1 Rezone and Special Use Review. Commissioner Metli made a motion to approve. Commissioner Goetz seconded the motion. The roll having been called, the Chair declared the motion unanimously carried and so ordered.

FAIRGROUNDS:

Fairgrounds Manager Carol Vonfeldt came before the Board to request that the Board of Commissioners declare the following equipment as salvage:

- (1) U.S. Range Griddle
- (1) U. S. Range Grill
- (1) Wolf/Snorkler Convection Oven

Commissioner Metli made a motion to salvage the U.S. Range Griddle, U.S. Range Grill and the Wolf/Snorkler Convection Oven. Commissioner Goetz seconded the motion. The roll having been called, the Chair declared the motion unanimously carried and so ordered.

**RESOLUTION 08-19
FAIRGROUNDS EQUIPMENT DECLARED SALVAGE**

PETITION FOR ABATEMENT – TERRY GALE:

Appraiser Sylvia Goff came before the Board to present the Petition for Abatement for Terry Gale, Schedule #105775, tax year 2007, in the amount of \$1,658.52. The reason for the abatement is a clerical error in that the abstract was not taken off for vacant land and was charged residential.

Commissioner Metli made a motion to approve the Abatement for Terry Gale, Schedule #105775, tax year 2007, in the amount of \$1,658.52. Commissioner Goetz seconded the motion. The roll having been called, the Chair declared the motion unanimously carried and so ordered.

**RESOLUTION 08-20
APPROVAL OF PETITION FOR ABATEMENT FOR
TERRY GALE**

PETITION FOR ABATEMENT – DAVID EVANS:

Appraiser Sylvia Goff came before the Board to present the Petition for Abatement for David Evans, Schedule #108554, tax year 2006 in the amount of \$2,488.01 and tax year 2007 in the amount of \$2,488.85. The reason for the abatement is that the square foot of land was valued at \$15.39 and should have been \$7.56 square foot.

Commissioner Metli made a motion to approve the Abatement for David Evans, Schedule #108554, for tax year 2006 in the amount of \$2,488.01 and tax year 2007 in the amount of \$2,488.85. Commissioner Goetz seconded the motion. The roll having been called, the Chair declared the motion unanimously carried and so ordered.

**RESOLUTION 08-21
APPROVAL OF PETITION FOR ABATEMENT
FOR DAVID EVANS**

GIS DATA CONTRACT:

County Mapper Bart Chambers came before the Board to request approval of the GIS Digital Data Contract between Elbert County and Verizon Communications. County Attorney Mark Scheffel reviewed the contract and found it appropriate for approval as to form.

Commissioner Metli made a motion that the Chairman sign the GIS Digital Data Agreement with Verizon Communications Inc. Commissioner Goetz seconded the motion. The roll having been called, the Chair declared the motion unanimously carried and so ordered.

COMMUNITY DEVELOPMENT BLOCK GRANT PUBLIC HEARING:

Public Health Director Mary Sue Liss came before the Board to discuss the plans to submit a Community Development Block Grant application to the State of Colorado, Department of Local Affairs in a public hearing. CDBG funds are intended to provide decent housing, suitable living environments and economic opportunities, principally for low and moderate income persons through rehabilitation and preservation, economic/job development and public facilities improvements. It is estimated that \$8,265,000 will be available statewide for the "Small Cities" CDBG program projects.

The application being considered would request \$205,000.00 for the Elbert County Public Health building. It is estimated that 100% of the funds would benefit low to moderate income persons. Permanent involuntary displacement of neighborhood persons or businesses is not anticipated. Should it later become necessary to consider such displacement, alternatives will be examined to minimize the displacement. If no feasible alternatives exist, required/reasonable benefits will be provided to those displaced to mitigate adverse effects and hardships. Any low and moderate income housing which is demolished or converted will be replaced.

A public hearing was held at 9:30 a.m., on Wednesday, March 19, 2008, at the Elbert Board of County Commissioners Meeting Room in Kiowa, Colorado, to obtain citizen views and to respond to proposals and questions related to: the proposed CDBG application for the Elbert County Public Health Building.

Community development and housing needs, including the needs of low and moderate income persons, as well as other needs in the community that might be addressed through the CDBG Program; the performance of Elbert County in carrying out its community development responsibilities.

Written comments were welcomed and be received by March 14, 2008, addressed to ECPJ, P.O. Box 201, Kiowa, CO 80117. Oral and written comments will be considered in deciding whether to submit an application for the proposed project. Written summary information is available for public review at ECPH at 209 Comanche Street, Kiowa, CO 80117, during regular business hours on any CDBG applications Elbert County intends to submit to the State.

Public Comment Speakers: None.

The Board agreed that they are willing to accept funding on this project; however, a final decision will not be made until written contracts are received and reviewed.

PUBLIC HEALTH DEPARTMENT MOU:

Planning Director Mary Sue Liss came before the Board to submit an MOU with the Colorado Department of Health & Environment to supply the Elbert County Public Health Department with a laptop computer and printer with no cost to the County. County Attorney Mark Scheffel reviewed the MOU and found it appropriate for approval as to form.

Commissioner Metli made a motion that the Chairman sign the MOU Agreement with CDPHE for the laptop computer and printer they are offering us. Commissioner Goetz seconded the motion. The roll having been called, the Chair declared the motion unanimously carried and so ordered.

SOCIAL SERVICES DEPARTMENT:

Social Services Director Susan Walton came before the Board to discuss the following items:

Susan discussed the Lexis Nexis Accurint & CBCInnovis computer contracts for the Social Services Department. County Attorney Mark Scheffel reported that he working on these contracts with the companies directly due to the sensitive information that can be obtained and will discuss them with the Board of Commissioners when contracts are completed.

Susan requested approval to promote the current receptionist to a new position of Office Manager for Child Welfare. Susan stated that she will not request replacement of the receptionist position, but will make use of Senior Volunteer and other volunteer help until funds are available. Commissioner Metli made a motion that the Social Services Director create the position of Office Manager in the Child Welfare Department. Commissioner Goetz seconded the motion. The roll having been called, Commissioner Graeff “abstained”. Motion carried.

COUNTY ATTORNEY:

County Attorney Mark Scheffel came before the Board to discuss the following items:

Mark reviewed the Standard Agreement for Professional Services with CH2M Hill for review of the Spring Valley Ranch Planning Area “D” As-Built project in the amount of \$2,500.00 and found it appropriate for approval as to form. Commissioner Metli made a motion to approve. Commissioner Goetz seconded the motion. The roll having been called, the Chair declared the motion unanimously carried and so ordered.

Mark reviewed the Standard Agreement for Professional Services with CH2M Hill for review of the Wild Pointe Water Storage in the amount of \$2,500 and Cedar Point Wind Farm in the amount \$4,000 and found them appropriate for approval as to form. Commissioner Metli made a motion to approve. Commissioner Goetz seconded the motion. The roll having been called, the Chair declared the motion unanimously carried and so ordered.

Mark reviewed the Standard Agreement for Professional Services with CH2M Hill for review of the Miller Ranch Filing 1 Final Plat in the amount of \$5,000 and found it appropriate for approval as to form. Commissioner Metli made a motion to approve. Commissioner Goetz seconded the motion. The roll having been called, the Chair declared the motion unanimously carried and so ordered.

Recessed at 9:50 a.m.

Reconvened at 1:08 p.m.

MASTER PLAN ADVISORY DOCUMENT CONFIRMATION:

Planning Director Richard Miller came before the Board to confirm that the Elbert County Master Plan is an advisory document pursuant to C.R.S. 30-28-106(3)(f). Richard also stated that in April 2007, the Governor signed House Bill 07-1246 into law which modified the above statute and states in part the “Master Plan of Counties or Regions shall be an advisory document to guide land use development decisions; however, the plan or any part thereof may be made binding by inclusion in the counties subdivision, zoning, planning development or any other similar land use regulations after satisfying the notice of due process and the hearing requirements for a quasi-judicial process.” Under HB 07-1246, the Board of County Commissioners may decide to make a portion of the Master Plan or all of it, binding by inclusion into the zoning and subdivision regulations. Any amendments to the regulations must be accomplished by the public hearing process before the Planning Commission and the Board of County Commissioners.

Since the Community & Development Services Office, Planning Commission and the Board of County Commissioners have viewed the Master Plan as an advisory document, Richard recommended that the Community & Development Services Office should move

forward with the public hearing process to remove any reference to the Master Plan in the County's regulations.

The Board approved the recommendation and move forward with a public hearing.

JUSTICE CENTER PAYMENT & CHANGE ORDERS:

The Board of Commissioners reviewed change orders to the Justice Center work which are additional life safety systems and electric work.

Commissioner Metli made a motion to do the change for the additional electrical work in the amount of \$12,782.00. Commissioner Goetz seconded the motion. The roll having been called, the Chair declared the motion unanimously carried and so ordered.

Commissioner Metli made a motion to approve the change for the fire alarm and exhaust fan system up to \$40,462.00. Commissioner Goetz seconded the motion. The roll having been called, the Chair declared the motion unanimously carried and so ordered.

Commissioner Metli made a motion to approve the White Construction payment request in the amount of \$169,835.40. Commissioner Goetz seconded the motion. The roll having been called, the Chair declared the motion unanimously carried and so ordered.

COUNTY ATTORNEY:

County Attorney Mark Scheffel came before the Board to discuss and review the amended agreement between Elbert County and Sequoia Voting Systems for the purchase of voting machines. The original agreement had an incorrect dollar amount and the amended agreement includes the correct amount which is \$136,400.00. Mark found the agreement appropriate for approval as to form.

Commissioner Metli made a motion to accept the new bid at \$136,400 from Sequoia for voting machines. Commissioner Goetz seconded the motion. The roll having been called, the Chair declared the motion unanimously carried and so ordered.

EXECUTIVE SESSION:

Commissioner Metli made a motion that the Elbert County Board of County Commissioners will now go into Executive Session pursuant to C.R.S. 24-6-402(3) and (4) to discuss legal matters and/or pending legal actions with the Board of County Commissioners Attorney which, in the opinion of the attorney who will be in attendance during the Executive Session, believes that all or a portion of the discussion will constitute privileged attorney/client communications. Commissioner Goetz seconded the motion. The roll having been called, the Chair declared the motion unanimously carried and so ordered.

Commissioner Metli made a motion that the Elbert County Board of County Commissioners will now come out of Executive Session with the Attorney for the Board. No formal action was taken by the Board, including, but not limited to, any proposed policy, position, resolution, rule, or regulation, or formal action in contravention of C.R.S. 24-6-402(4). No further record was kept of this Executive Session. Commissioner Goetz seconded the motion. The roll having been called, the Chair declared the motion unanimously carried and so ordered.

STATEMENT: The County Attorney was present and reaffirms that attorney/client privilege discussion was all that took place during this Executive Session.

ELBERT COUNTY ATTORNEY

CHAIR OF THE BOARD

MARK SCHEFFEL

SUZIE GRAEFF

No further business coming before the Board, the meeting was adjourned at 2:10 p.m., with the next scheduled meeting to commence at approximately 9:00 a.m., March 26, 2008.

**BOARD OF COUNTY COMMISSIONERS
ELBERT COUNTY, COLORADO**

SUZIE GRAEFF, CHAIRPERSON

JOHN METLI, VICE CHAIR

HOPE GOETZ, COMMISSIONER

**ATTEST: AMY L. FORDYCE
COUNTY CLERK**

BY: _____
DEPUTY, CLERK TO THE BOARD

