

**EL PASO**  **COUNTY**  
**COLORADO**

COMMISSIONERS:  
DARRYL GLENN (PRESIDENT)  
MARK WALLER (PRESIDENT PRO TEMPORE)

EL PASO BOARD OF COUNTY COMMISSIONERS

STAN VANDERWERF  
LONGINOS GONZALEZ JR.  
PEGGY LITTLETON

MINUTES

(Audio and audio/video copies of the meeting are available at the Office of the Clerk and Recorder.)

Board of County Commissioners (“BOCC”) Meeting  
Tuesday, January 09, 2018 9:00 AM  
Centennial Hall Auditorium  
200 S. Cascade Avenue, Colorado Springs, Colorado  
**PRESENT: GLENN, WALLER, VANDERWERF, GONZALEZ AND LITTLETON**  
**ABSENT: N/A**  
**PRESENT LATER: N/A**

Call to Order.

1. Invocation.  
**THE INVOCATION WAS GIVEN BY REVEREND BROWN.**
2. Pledge of Allegiance to the Flag of the United States of America.
3. Staff Emergency Items.
4. Changes/Postponements/Notice of Next Meeting.

**BOCC ACTION: WALLER MOVED/LITTLETON SECONDED TO CONTINUE ITEM NO. 13 TO JANUARY 23, 2018. MOTION CARRIED (5-0).**

**ITEM NO. 7.d. TO BE CONSIDERED UNDER ITEM NO. 10.**

5. Comments by Elected Officials and Commissioner Liaison Report(s).
6. Community Service Organization Reports.
7. Consent Calendar:
  - a. Request to approve the Board of County Commissioners December 19, 21, and 28, 2017 minutes. (Vicki Ratterree - Clerk to the Board Manager, Clerk and Recorder's Office)  
**(APPROVED)**
  - b. First partial release of Letter of Credit No. 3364 for public improvements of Mesa Ridge Self Storage project in the amount of \$350,327.56. (Jim Reid - Executive Director, Department of Public Works/Jennifer Irvine - County Engineer, Department of Public Works)  
**(APPROVED)**



- c. Resolution to approve application for Final Acceptance of certain streets within Meadows at Lorson Ranch Filing No. 3 subdivision into the El Paso County road maintenance system. (Jim Reid - Executive Director of Public Works, Department of Public Works/Jennifer Irvine - County Engineer, Department of Public Works)  
**(APPROVED – RESOLUTION NO. 18-1)**
- d. Resolution approving a General Release and Settlement and a monetary settlement in the amount of \$75,000, regarding the litigation matter known as Alba v. Flaherty, et al., United States District Court Case No. 17-cv-02641-WYD-NYW. (Kenneth Hodges - Senior Assistant County Attorney)  
**(CONSIDERED UNDER ITEM NO. 10)**
- e. Contracts and Procurement 2018 Regular Items: (Eileen Gonzales - Contracts and Procurement Manager)
  - 1. Award of Services Contract and Purchase Order to Bob's Towing, Inc., for Countywide Towing Services for El Paso County Fleet and the El Paso County Sheriff's Office at a not-to-exceed cost of \$28,000.00. (IFB 18-029)  
**(APPROVED)**

**BOCC ACTION: LITTLETON MOVED/VANDERWERF SECONDED TO APPROVE WITH THE EXCEPTION OF ITEM NO. 7.d. MOTION CARRIED (5-0).**

- 8. Land Use Consent Calendar:
  - a. VARIANCE OF USE - WOODMEN HILLS TOWER - (a quasi-judicial matter before the Board of County Commissioners) - A request by Centerline Solutions for approval of a variance of use for a 93 foot tall freestanding commercial mobile radio service facility (CMRS). The property is zoned RR-0.5 (Residential Rural) and is located east of North Meridian Road and south of Woodmen Hills Drive. (Parcel No. 43061-02-001) (VA-17-005). (Nina Ruiz - Project Manager/Planner II, Planning and Community Development Department)  
**(APPROVED – RESOLUTION NO. 18-3)**
  - b. VARIANCE OF USE - FALCON SCHOOL TOWER - (a quasi-judicial matter before the Board of County Commissioners) - A request by Centerline Solutions for approval of a variance of use for a 100 foot tall freestanding commercial mobile radio service facility (CMRS). The property is zoned RR-5 (Residential Rural) and is located east of Towner Avenue and north of Stapleton Drive. (Parcel No. 52253-00-002) (VA-17-006). (Nina Ruiz - Project Manager/Planner II, Planning and Community Development Department)  
**(APPROVED – RESOLUTION NO. 18-4)**

**BOCC ACTION: VANDERWERF MOVED/GONZALEZ SECONDED TO APPROVE. MOTION CARRIED (5-0).**

9. Proclamation recognizing Martin Luther King, Jr., Day. (Darryl Glenn - President, Board of County Commissioners)

**BOCC ACTION: GLENN MOVED/LITTLETON SECONDED TO APPROVE. MOTION CARRIED (5-0) (RESOLUTION NO. 18-5).**

10. Called-Up Consent Calendar.

**BOCC ACTION ITEM NO. 7.d.: LITTLETON MOVED/VANDERWERF SECONDED TO APPROVE. MOTION CARRIED (4-1) GONZALEZ OPPOSED (RESOLUTION NO. 18-2).**

11. Organizational Resolutions of the Board of County Commissioners of El Paso County:

- a. Resolution to adopt the Legislative and Parliamentary Rules and Procedures including Appointment of the President, President Pro Tempore and Third Commissioner, and administrative changes. (Amy Folsom - County Attorney)

**BOCC ACTION: LITTLETON MOVED TO APPROVE WITH NO CHANGE IN LEADERSHIP FROM 2017/GONZALEZ SECONDED. MOTION CARRIED (5-0) (RESOLUTION NO. 18-6).**

- b. Resolution to establish the organizational structure of the County's governmental offices. (Henry Yankowski - County Administrator)

**BOCC ACTION: LITTLETON MOVED/VANDERWERF SECONDED TO APPROVE. MOTION CARRIED (5-0) (RESOLUTION NO. 18-7).**

- c. Resolution to designate liaison responsibilities for each commissioner. (Henry Yankowski - County Administrator)

**BOCC ACTION: WALLER MOVED/LITTLETON SECONDED TO APPROVE. MOTION CARRIED (5-0) (RESOLUTION NO. 18-8)**

- d. Resolution to designate/reaffirm the posting location for public meetings of the Board of County Commissioners and the County Clerk and Recorder as the custodian of the minutes. (Vicki Ratterree - Clerk to the Board Manager, Clerk and Recorder's Office)

**BOCC ACTION: LITTLETON MOVED/VANDERWERF SECONDED TO APPROVE. MOTION CARRIED (5-0) (RESOLUTION NO. 18-9).**

Land Use Regular Items:

12. APPEAL OF A REVOCATION OF APPROVAL FOR AN AGRICULTURAL STRUCTURE EXEMPTION FROM BUILDING CODE - (a quasi-judicial matter before the Board of County Commissioners) - A request by Michelle and Jason Sellers to appeal a decision by the Planning and Community Development Department (PCD) Executive Director to revoke approval of an application for an agricultural structure exemption from the building code (AG-17-21) pursuant to Section 11.3.2 B of the El Paso County Land Development Code (2016). The 5 acre property is zoned RR-5 (Residential Rural) and is located on Glider Loop,

north of Vollmer Road. (Parcel No. 5233003004) (APP-17-002). (Mindy Madden - Code Enforcement Supervisor, Planning and Community Development Department/Craig Dossey - Executive Director, Planning and Community Development Department)

**BOCC ACTION: WALLER MOVED/GONZALEZ SECONDED TO DENY THE APPEAL AND UPHOLD THE DECISION OF THE EXECUTIVE DIRECTOR AND DIRECTED STAFF TO STAY ANY ENFORCEMENT ACTION FOR 120 DAYS TO ALLOW THE APPLICANT TIME TO TRY TO COME INTO COMPLIANCE. MOTION CARRIED (5-0).**

13. SPECIAL DISTRICT SERVICE PLAN - ROCK CREEK METROPOLITAN DISTRICT - (a quasi-judicial matter before the Board of County Commissioners) - A request by The Equity Group, LLC, for approval of a Colorado Revised Statutes Title 32 Special District service plan for the Rock Creek Metropolitan District. The proposed 30 acre district service area is located on the west side of State Highway 115 across from the intersection of State Highway 115 and Titus Boulevard and is within Section 30, Township 15 south, Range 66 west of the 6th P.M. The purposes of the district include the provision of the following services to property within the proposed service area boundaries: 1) design, construction, and financing of water and wastewater lines; 2) design, construction, and financing of street improvements and safety protection; and 3) design, construction, and financing of drainage facilities; 4) park and recreation service; 5) mosquito control; 6) television relay and translation; 7) covenant enforcement and design review; 8) security services; and 9) ongoing operation and maintenance of District facilities and services. The single district service plan proposes the following: a maximum debt authorization of \$8 million and a maximum combined mill levy of 65 mills, which represents a maximum of 50 mills assessed to residential property and 35 mills assessed to commercial property for debt service, a maximum of 10 mills for operations and maintenance, and a maximum special purpose mill levy of 5 mills for covenant enforcement and design review. The proposed District is not included within the boundaries of a small area master plan. (Parcel Nos. 65000-00-135, 65303-07-001, 65303-07-002, 65303-07-003, 65303-07-004, 65303-07-005, 65303-07-008, 65303-07-009, 65303-07-019, 65303-08-007, 65303-08-008, 65303-08-009, 65303-08-010, 65303-08-011, 65303-08-012, 65303-08-013, 65303-08-014, 65303-08-015, 65303-08-016, 65303-09-015, and 65304-00-009) (ID-17-003). (Raimere Fitzpatrick - Project Manager/Planner II, Planning and Community Development Department)  
**(CONTINUED TO JANUARY 23, 2018)**
14. EL PASO COUNTY LAND DEVELOPMENT CODE AMENDMENT - VEHICLES - (a legislative matter before the Board of County Commissioners) - A request by the El Paso County Planning and Community Development Department to


amend the El Paso County Land Development Code (2017) to remove errors and discrepancies and to address reoccurring issues pertaining to vehicle and machine storage and repair. The proposed amendments include: adding a definition for Machine Repair; adding a definition for Parking, Storage, and Repair of Vehicles and Machines, Personal; renaming Vehicle Repair Garage as Vehicle Repair Garage, Commercial; updating the Allowed Uses Chart 5-1 to include Truck and Recreational Vehicle Repair Garage and identifying that it is subject to use specific standards; renaming Storage and Repair of Vehicles and Machines to Parking, Storage and Repair of Vehicles and Machines, Personal; limiting the number of vehicles associated with a residential home occupation to two (2) and that all parking be located onsite; renaming automobile storage and repair business to vehicle storage or repair business in the list of allowed rural home occupations; adding Parking, Storage, and Repair of Vehicles and Machines, Personal to the Use Specific Standards found in Chapter 5; and relocating all vehicle and storage language from Chapter 6 to Chapter 5. (LDC-17-004). (Nina Ruiz - Project Manager/Planner II, Planning and Community Development Department/Mindy Madden - Code Enforcement Supervisor, Planning and Community Development)

**BOCC ACTION: VANDERWERF MOVED/WALLER SECONDED TO APPROVE. MOTION CARRIED (5-0) (RESOLUTION NO. 18-10).**

15. Public comment on items not scheduled on the agenda.  
**DEBORAH STOUT MEININGER STATED SHE FEELS LAND DEVELOPMENT CODE MATTERS ARE HANDLED INCONSISTENTLY FOR REGULAR RESIDENTS AND THOSE WHO GROW MARIJUANA.**
16. Department and Committee Reports/Non Action Items.
17. Addendum.
18. Executive Session.

**THE MEETING ADJOURNED AT 11:32 A.M.**

Approval Date: January 23, 2018

By:   
Chuck Broerman  
County Clerk and Recorder