



Conferencing Access Information: This is viewing only access.

<https://us06web.zoom.us/j/2471968228?pwd=and3VXl3ZzdVRTBwMCs0bXhBcW9Mdz09&omn=83383446203>

**Join via phone** at 1-719-359-4580 **Meeting ID:** 889 0624 8689  
Meeting Passcode: 79264

## **AGENDA**

### **Invocation/Pledge of Allegiance**

### **Call to Order/Roll Call**

### **Agenda Consent**

- A. Approval of Agenda

### **New Business**

- A. Public Hearing
  - 1) Building permit for 811 CR 134
- B. RESOLUTION NO. 8, SERIES 2025 - A RESOLUTION SUPPORTING THE APPLICATION TO THE COLORADO DEPARTMENT OF LOCAL AFFAIRS FOR THE MAIN STREET CANDIDATE PROGRAM

### **Consent Items**

- A. Approval of Minutes
  - 1) Minutes from June 10, 2025 monthly meeting
- B. Finance Report
  - 1) Expenditures for Year-to-Date 2025
  - 2) Kiowa's Fiscal Reality in the Face of a New Normal - Kim Boyd, Town Administrator

### **Staff Reports**

- A. Mayor
- B. Board of Trustees
- C. Town Administrator
- D. Town Attorney
- E. Public Works
- F. Code Enforcement

**Executive Session**

Pursuant to C.R.S. 24-6-402(4)(b), conference with the Town Attorney to receive legal advice on specific legal questions regarding zoning restrictions and licensing, and C.R.S. 24-6-402(4)(f)(1) purpose of discussing personnel matters.

**Special Work Session with Public Comment**

The Town of Kiowa is seeking public input from the community on business restrictions imposed by the Emergency Moratorium.

**Old Business**

**Discussion/Communications**

**Adjourn**

**Agenda Approved By:**

**Theresa “Terry” Howard  
Mayor, Town of Kiowa**

Date Posted:

Date

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**Time Posted**

## Staff Report to the Kiowa Planning and Zoning Commission Special Use Permit and Site Plan Staff Report & Analysis 811 County Road 134

<b>Applicant</b>	Mackenzie Howell on behalf of Foster Houts
<b>Owner</b>	Freedom Investment X LLC
<b>Location</b>	811 County Road 134, Kiowa, CO 80117
<b>Zoning District</b>	Commercial/Professional District (CP)
<b>Legal Description</b>	NW Quarter of Section: 21, Township: 8 S, Range: 63 W, 6 <sup>th</sup> P.M. County of Elbert, State of Colorado

**Exhibit A – elevations + site plan + narrative paragraph.**

### Applicant’s Request

Applicant Mackenzie Howell of Fine Construction Inc., on behalf of property owner Foster Houts, is requesting approval of a Special Use Permit (SUP) and Site Development Plan for the operation of a distribution facility for agricultural sales at 811 County Road 134. The proposal represents a modest intensification of the existing agricultural sales use, specifically through the addition of structures used for the bulk outdoor storage of agricultural materials.

The property is zoned Commercial/Professional (CP), and the proposed use is not explicitly permitted by right within this zoning district (per Section 16-23 of the Code). As a result, staff is processing the request under the Special Use Permit review procedure.

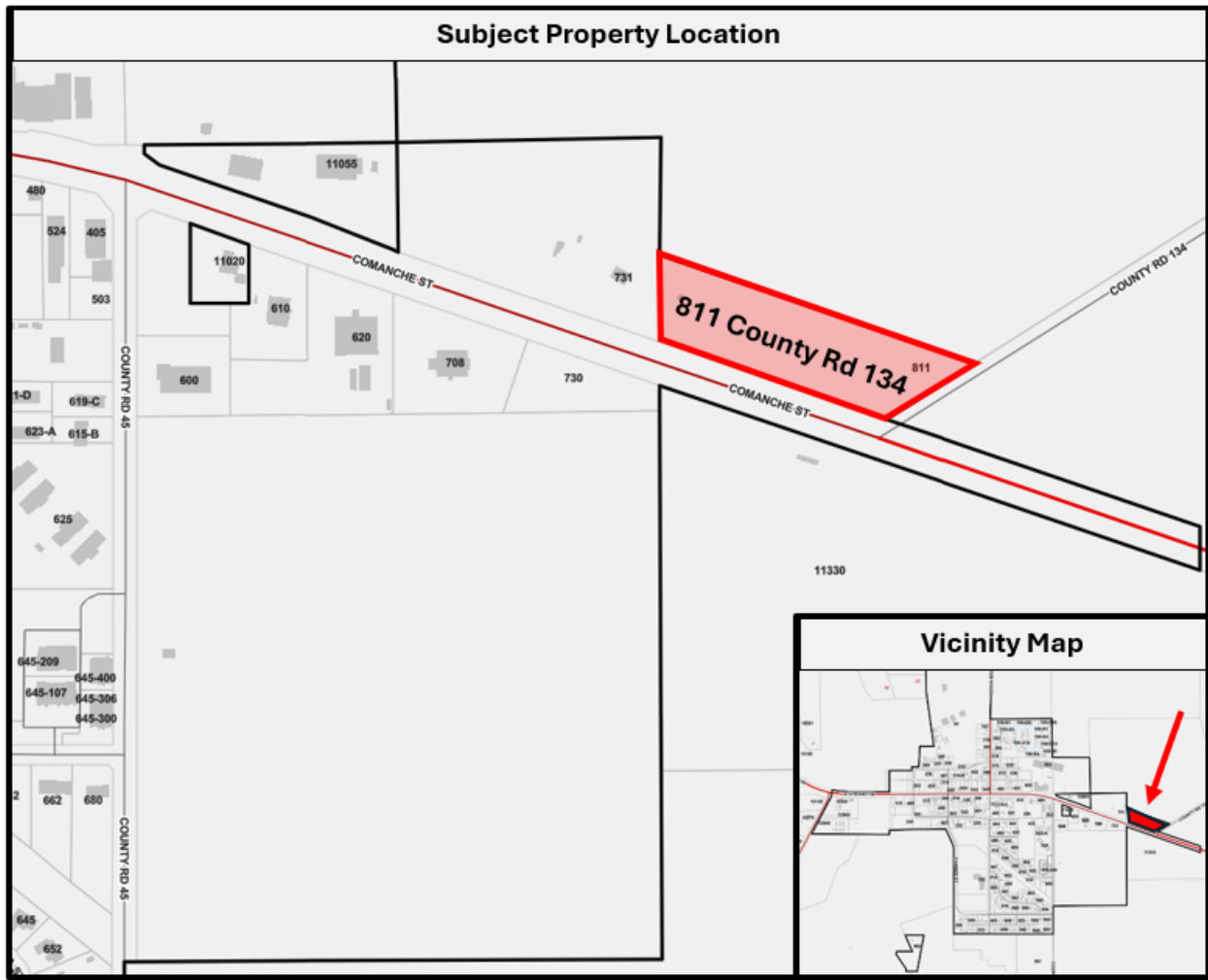
According to the applicant, the proposed facility will operate Monday through Friday from 8:00 a.m. to 5:00 p.m. and on Saturdays from 10:00 a.m. to 3:00 p.m. Deliveries will occur only during business hours, with semi-truck deliveries expected one to two times per week, though there may be weeks without deliveries depending on inventory levels. Products to be sold include hay, IBC totes, steel pipes, lumber, and railroad ties. Some of these materials will be stored in three Connex containers placed on a level dirt pad, with a canopy between the containers for additional outdoor storage of hay and equipment.

This staff report evaluates both the Special Use Permit and the Site Development Plan. The SUP review focuses on the compatibility of the proposed use with surrounding land uses and the potential for adverse impacts, while the Site Development Plan addresses compliance with development standards, site layout, and structural placement. Because the two components are subject to different review criteria, the analysis is divided into two parts: Part One addresses the SUP, and Part Two evaluates the Site Plan.

The formalization of operations through the proposed structures—intended to provide weather-protected storage and organized site layout—necessitated application of land use review procedures. The SUP and Site Plan processes provide an opportunity to establish clear operational and physical parameters for the use, helping to prevent the potential expansion of nonconforming activities in the future.

## Subject Property Location – 811 County Road 134

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## Site Images

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*Top-Down Aerial View of subject property*

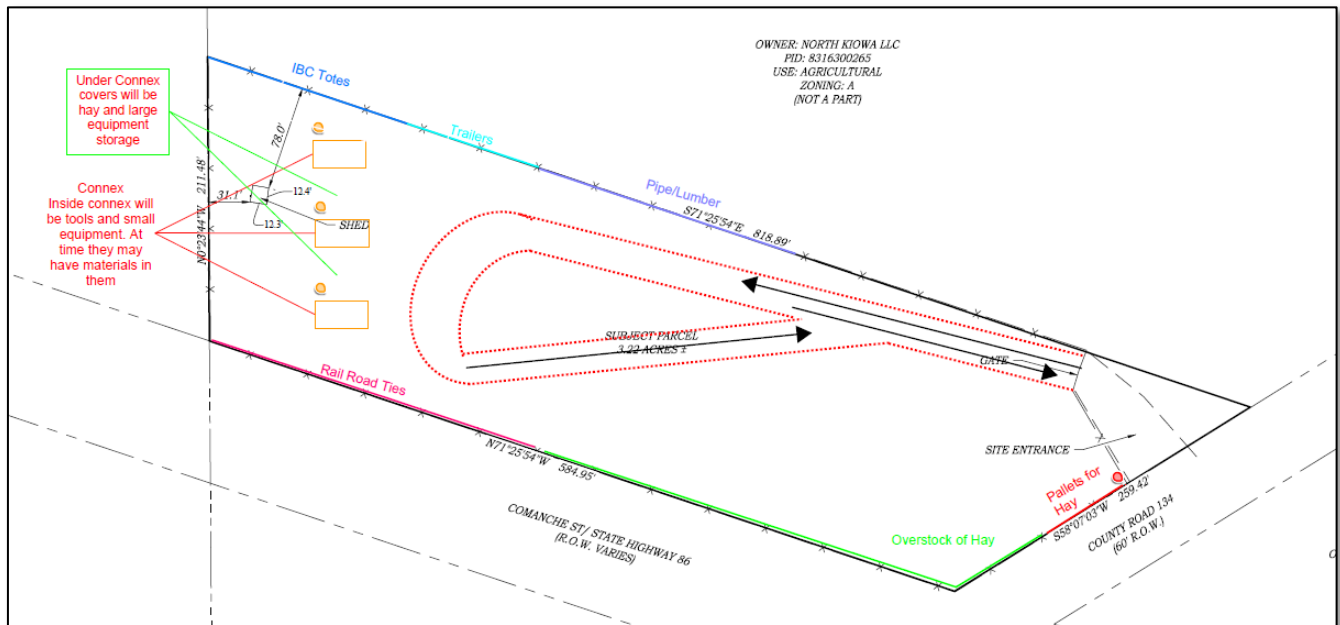


*View of subject property from CO-86 looking northeast*



View of subject property from CO-86 looking northwest

## Site Plan (also provided as Attachment A)

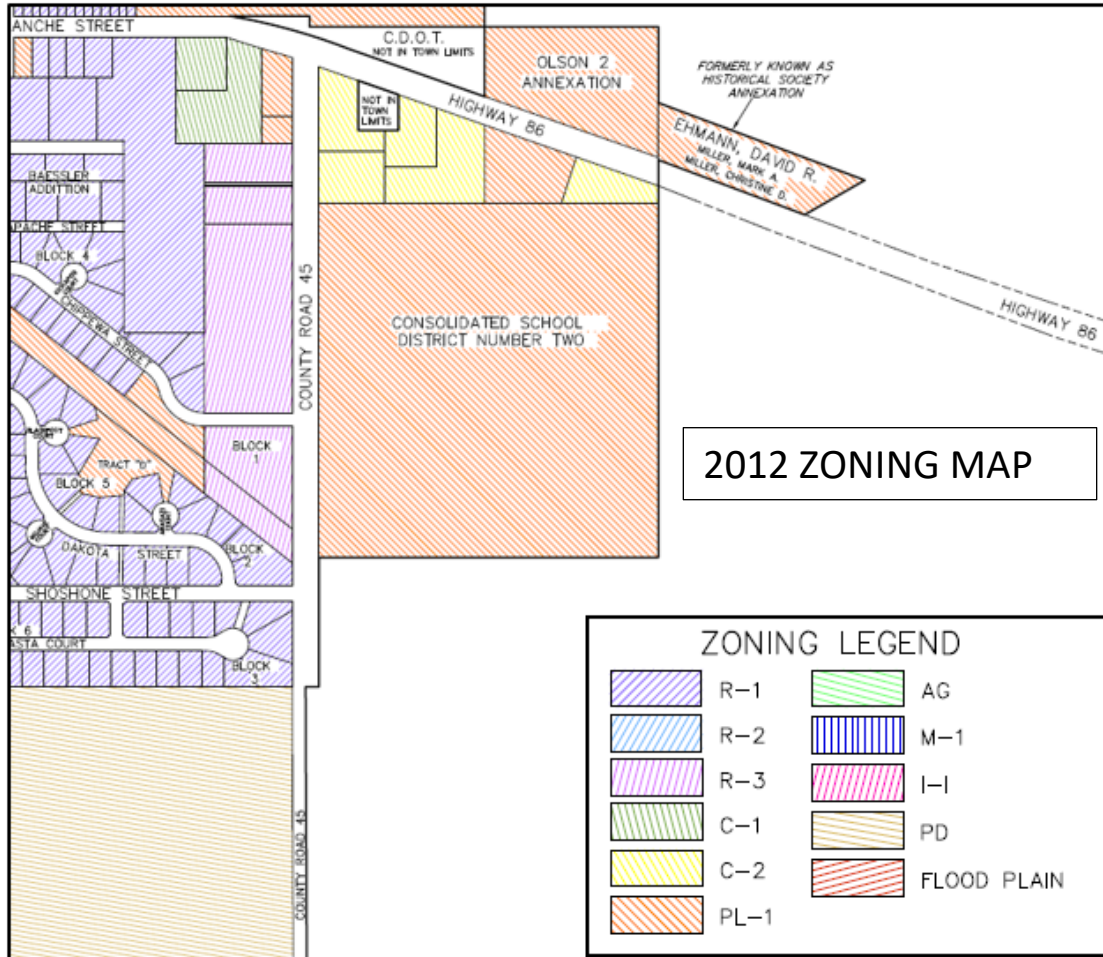


## Part One: Special Use Permit Analysis

The applicant is requesting to operate a distribution facility for agricultural sales pursuant to the Town of Kiowa Zoning Regulations. Prior to 2024, the property was zoned Public Land (PL-1) as depicted in the zoning map below (Figure 1). In 2024, staff rezoned the property to C-2 in accordance with uses more closely aligned with agricultural sales occurring on the property. Later in 2024, the Town adopted updated zoning districts and updated, permitted uses allowed in each of the districts. Formerly zoned C-2 (Wholesale/Retail Business) properties were changed to a CP (Commercial/Professional) zoning designation, rendering the agricultural sales as a nonconforming use.

Currently, the subject property, zoned *Commercial/Professional (CP)*, does not explicitly list agricultural sales as a use permitted by right in the CP district (*Sec. 16-23*), therefore staff is seeking review as a Special Use Permit (SUP). The proposed use is in line with the district’s intent, which seeks to “provide a wide range of general retail goods and services for residents of the local community and region...”.

Figure 1



**Analysis of Proposed Use**

- **Anticipated Neighborhood Impacts**

- The business currently operates as an agricultural sales facility, and the proposed use will involve the development of three Connex storage containers with covers to store and distribute agricultural projects. This slight intensification in use is not anticipated to pose harm to the adjacent properties, which are all non-residential land uses.
- At the suggestion of staff, the applicant has agreed to (as reflected on the site plan) store natural & agrarian materials in proximity to the southern boundary of the parcel, along Highway 86. Plastic and metal materials are stored along the northern boundary of the lot to offset visual impacts.
- Adjacent properties are zoned and used as follows:

Direction	Zoning District	Land Use
North	Agricultural (Unincorporated)	Vacant
East	Agricultural (Unincorporated)	Vacant
South	Agricultural (Unincorporated)	Elbert County Public Works Facility
West	PL-1 (Schools and Public Lands)	First responder training center

- No impact to adjacent properties is anticipated at this time.
- No significant harm to the neighborhood’s character is anticipated as a result of the development of this project.

- **Infrastructure Services**

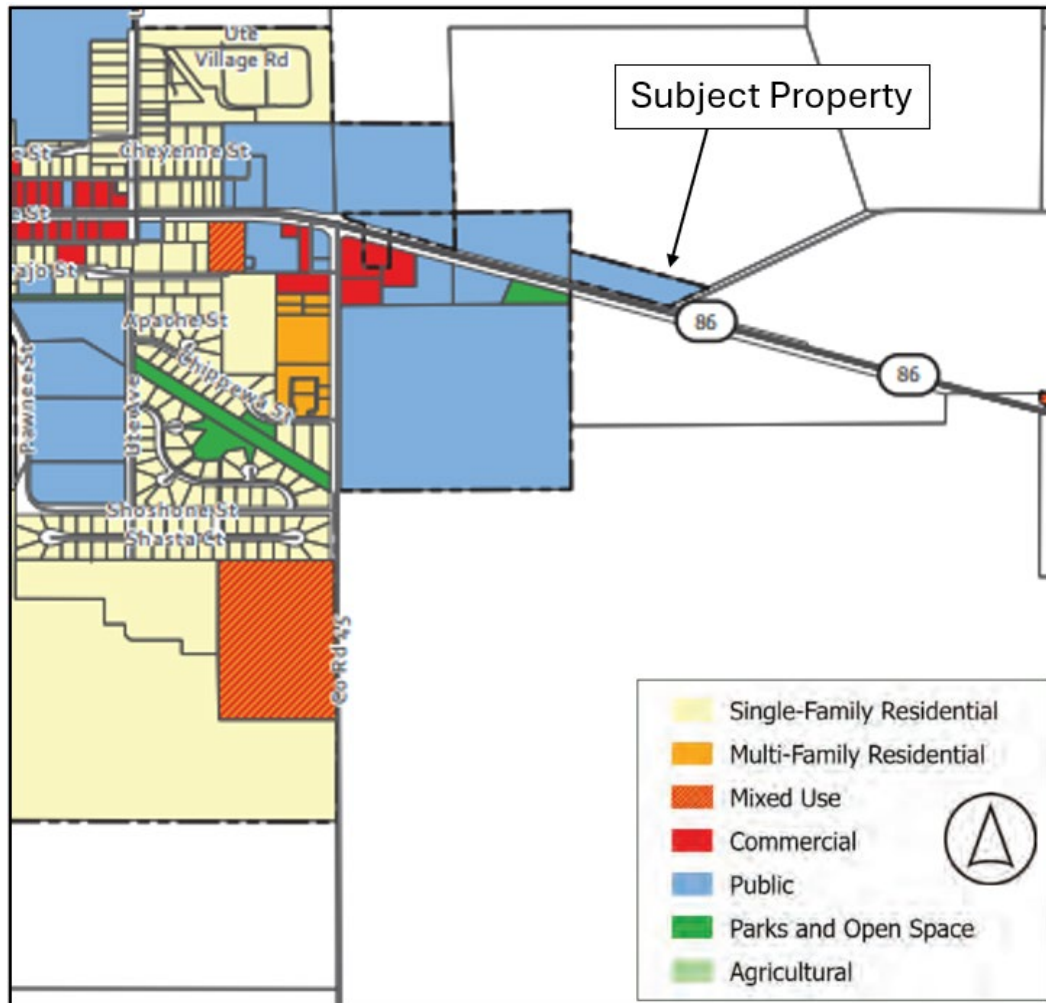
- This proposal is not expected to adversely impact the Town’s infrastructure services, financially or otherwise. No physical infrastructure is planned to be extended to the proposed structures. Infrastructure services include, but are not limited to, water, sewer, streets, and emergency services.

- **Master Plan**

- At the time of the creation of the Master Plan in 2024, the Town created a future land use map in which the subject property is projected to be used as public land. (Figure 2) Although both the current and proposed use are not public land uses, the temporary nature of the proposed structures would not significantly prevent the site from eventually becoming land used for public purposes.
- The Master Plan outlines goals that are intended to serve as a guide to direct decisions made by the Town in order to move towards a desired result. The following are goals that align with the proposed development:

- **Growth:** New development should provide a net positive fiscal impact to the Town of Kiowa.
- **Image and Design:** Promote new commercial and residential development within the current town limits of Kiowa.
- **Economic Development:** Encourage the development and expansion of existing businesses. Doing so would encourage more retail opportunities to increase convenience, maintain consumer dollars, and provide employment opportunities for residents of Kiowa.

Figure 2



## Special Use Permit Review Criteria

Article XIII outlines the process used to determine the eligibility of an SUP request. The following criteria are used to guide the Planning and Zoning Commission in determining the appropriateness of a proposed use:

SUP Review Criteria	Staff Findings
<p>1. Relation to and effect upon the master plan generally;</p>	<p>Although the master plan’s Future Land Use Map designates the subject property as <i>public</i>, the temporary nature of the proposed structures would not significantly prevent the site from eventually becoming public land.</p>
<p>2. Effect upon light and air, distribution of population, transportation, water, sewage, schools, parks and other public improvements and requirements;</p>	<p>There will be limited impact on these listed criteria. The following comment will need to be incorporated in the conditions of approval to ensure access is maintained to ensure no negative impacts on public improvements and transportation will be created:</p> <ul style="list-style-type: none"> <li>○ A fire apparatus access road (driveway) shall be designed and maintained to support the imposed loads of fire apparatus (56,000 pounds) and shall be surfaced to provide all-weather driving capabilities (e.g. gravel, road base or recycled asphalt). 2018 IFC Section 503.2.3. Fire Department vehicle access shall be required.</li> </ul>
<p>3. Effect upon traffic in the streets, with particular reference to congestion, automotive and pedestrian safety and convenience, traffic flow and control, including control and flow of traffic entering public streets from private property, access and maneuverability and removal of snow from the streets under circumstances of heavy accumulation;</p>	<p>The driveway for the Elbert County Public Works facility and the Highway 134 intersection are aligned directly across from one another providing a better traffic safety condition than if they were offset. No vehicle conflict is anticipated.</p> <p>The following comments from Elbert County and the Colorado Department of Transportation will need to be incorporated in the conditions of approval to ensure access is maintained and traffic impacts are mitigated:</p> <ul style="list-style-type: none"> <li>○ Access from unincorporated Elbert County requires the applicant to apply for an access permit for the access off CR 134 from Elbert County Public Works and construct the access to Elbert County Public Works</li> </ul>

	<p>standards.</p> <ul style="list-style-type: none"> <li>○ Any further town reviews beyond this round of reviews in which the applicant generates additional traffic onto the Hwy 86 / CR 134 intersection (beyond what is being proposed in this review) will require a new CDOT access permit for the CR 134 / highway intersection</li> </ul>
4. Effect upon the character of a particular zoning district, including the effect upon characteristic use within such district, and the characteristic physical attractiveness of such district, its architecture and landscaping;	This development is not expected to have an adverse effect on the character of the CP district. This SUP would grant a slight intensification of the current use and is in line with the general intent of the district, which is to “provide a wide range of general retail goods and services for residents of the local community and region...”.
5. Effect upon the value of existing buildings and improvements;	There is not an anticipated impact on the value of adjacent properties. Two adjacent properties are currently vacant, and the other two are nonresidential uses that will not be impacted by an agricultural product distribution facility.
6. The appropriateness of the proposed use in relation to the land uses generally throughout the town;	Given that the proposed use is not greatly different from the existing use, granting an SUP in this scenario is deemed appropriate.
7. Complete list of the names and mailing addresses of adjacent property owners within 300 feet of subject property required to be notified of the hearing on the application for special use permit;	The applicant notified all property owners within 300 feet and has satisfied this requirement.
8. Whether the granting of the application would amount to granting to the applicant a special favor not available to other persons;	Granting a SUP for this application would not amount to the applicant receiving a special favor not available to other people.
9. The possible adverse effect of approval or denial as a precedent in future cases.	Neither approval nor denial of this SUP would create adverse effects or set a negative precedent for future cases based on the unique nature of the request.

## Part Two: Site Plan Analysis

### Town of Kiowa Zoning Code:

This development request was reviewed in accordance with the Town of Kiowa Zoning Code, Sec.16-51, and all other applicable commercial development standards and regulations.

- **Dimensional Requirements (Sec.16-51):**

- The following are the dimensional requirements required for developments within the CP zoning district:

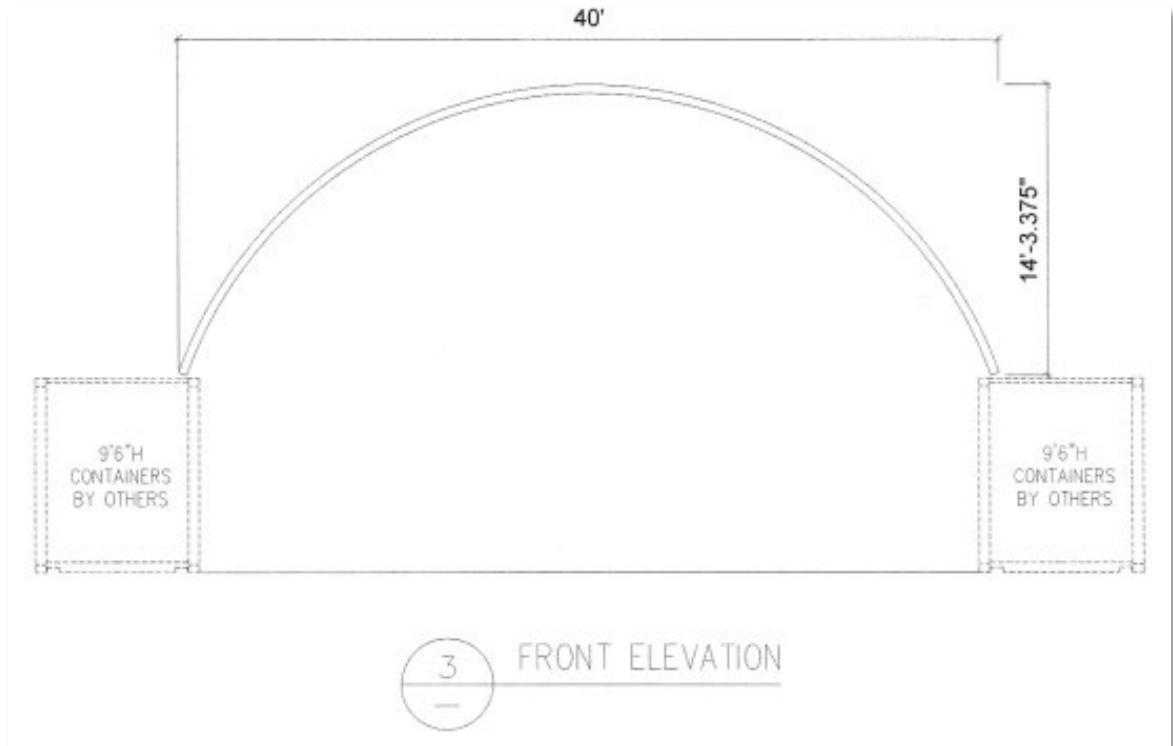
Standards	CP District Requirements	Proposed Dimensions	Substantial Compliance? (Y/N)
Height	45'	23' 9"	Y
Lot Area	1 acre	3.223 Acres	Y
Min. Lot Frontage	125'	Approx. 585 ft	Y
Setbacks			
Front	0'	Approx. 50'	Y
Side	0'	Approx. 120'	Y
Rear	0'	Approx. 55'	Y

- **Site Plan Standards – Chapter 17, Article II**

- **Landscape regulations – 17-15**
  - No formal landscaping is proposed. The site will remain in its natural vegetation state with the exception of structures, roads, and stored areas of agricultural products. All areas not occupied by structures, driveways, or agricultural products will remain covered by living material.
- **Lighting standards – 17-16**
  - No lighting is proposed for the site. The regulations largely guard against shielding light from adjacent properties. The code does not require site lighting.
- **Screening standards – 17-17**
  - No screening is proposed for any of the agricultural materials on-site. The Landscape regulations of 17-15 indicate that all open industrial or commercial storage areas shall be screened from all public rights-of-way. The code does not mention agricultural products.
- **Drainage and Stormwater**
  - Limited land disturbance and impervious surfaces are anticipated with the proposal. Historic stormwater flows and ground percolation of stormwater is anticipated.

○ **Architectural renderings – 17-13(6)**

- The following figure (also included in Attachment A) depicts the proposed structure(s)(3) that are located on the site plan labeled as “connex”. The connex boxes are proposed at 9’ 6” in height. The architectural panels placed between the boxes will reach a height of approximately 24 feet at their highest point. The Town’s building department has reviewed these proposed structures for compliance with the International Building Code. The proposed plans and anchoring connections are stamped and sealed by a Colorado Registered Professional Engineer.



*Front Elevation of Connex container with architectural panel covering the area between the two boxes.*

## Site Plan Review Criteria

- The Town’s code does not provide for specific criteria guidance as it relates to Site Plans. In determining the applicability of a Site Plan, the Board of Trustees should consider the following factors:
  - **(1)Landscaping requirements have been met by the applicant;** - No landscaping is proposed and all portions of the site not covered by buildings, driveways, or stored products will remain in natural vegetation.
  - **(2)A final drainage plan is approved by the Town Drainage Engineer;** - Limited land disturbance and drainage disruption is anticipated. No formal drainage plan was submitted or requested.
  - **(3)Parking lots and drainage facilities are in, and are useable.** - No parking areas are proposed. Truck loading will occur in close proximity to the proposed structures.

- **(4)Sufficient fire flows or protection are present and accepted by the Kiowa Fire Protection District;** - The Kiowa Fire Protection District has provided requirements that account for an all weather access roadway/driveway to the structures to allow for fire protection provided by mobile vehicles.
- **(5)Any other requirements made by the Town's Building Officials, utilities or other agencies are satisfied.** Please see the list of proposed conditions associated with the site plan

## Findings & Staff Recommendation – Special Use Permit

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Based on the analysis of the proposed Special Use Permit within the context of both the Town of Kiowa Municipal Code and Master Plan, the SAFEbuilt team recommends that the Planning and Zoning Commission recommend an approval, with conditions, to the Board of Trustees for the proposed distribution facility for agricultural sales on the property located at 811 County Road 134.

Staff recommends the following conditions for approval:

### Comments / Conditions for approval

#### Town Staff and Planning Consultant:

- Any expansion of any storage material area by more than 20% will require a Special Use Amendment hearing;
- Any new areas of material storage that exceed 10% of the site area will require a Special Use Amendment hearing;
- An increase of delivery frequency exceeding 50% of the present anticipated deliveries will require a Special Use Amendment hearing.

**\*Commissioners and Board Members may elect to add conditions**

## Findings & Staff Recommendation – Site Plan

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Based on the analysis of the proposed Site Plan within the context of both the Town of Kiowa Municipal Code and Master Plan, the SAFEbuilt team recommends that the Planning and Zoning Commission recommend an approval, with conditions, to the Board of Trustees for the Site Plan associated with the proposed distribution facility for agricultural sales on the property located at 811 County Road 134.

Staff recommends the following conditions for approval:

### Comments / Conditions for approval

#### • **Kiowa Fire Protection District:**

- A fire apparatus access road(driveway) shall be designed and maintained to support the imposed loads of fire apparatus (56,000 pounds) and shall be surfaced so as to provide all-weather driving capabilities (e.g. gravel, road base or recycled asphalt). 2018 IFC Section 503.2.3. Fire Department vehicle access shall be required.

- Each proposed site shall be reviewed by the Kiowa Fire Protection District for compliance of the Fire Code.
- The business will be subject to annual fire inspections performed by the Kiowa Fire Protection District.
- **Elbert County Planning:**
  - The applicant needs to apply for an access permit for the access off CR 134 from Elbert County Public Works and construct the access to Elbert County Public Works standards.
- **CORE / Engineering:**
  - Add a stop sign to the site entrance.

**\*Commissioners and Board Members may elect to add conditions**

**Next Steps – Motions for formal recommendations to the Town Board will be forwarded prior to their scheduled meeting & hearing on July 08, 2025.**

## ATTACHMENT A

American Custom Ag  
34638 Wolf Creek Trail  
Kiowa CO 80117  
720-355-9679

To Whom this Concerns,

The operations at 811 County Rd 134, Kiowa CO 80117 will consist of selling agricultural goods to farmers, ranchers, and livestock owners. The business hours will be Monday-Friday 8am-5pm and Saturday 10am-3pm. Delivery of the goods will normally come on a semi during business hours. We expect 1-2 semi's a week depending on the inventory. There will be weeks when we don't get any semi deliveries. The goods that will be sold will consist of hay, IBC totes, Steel pipe, lumber and railroad ties. We will have 3 connex containers on a leveled dirt pad that will have a canopy between them for hay and equipment storage.

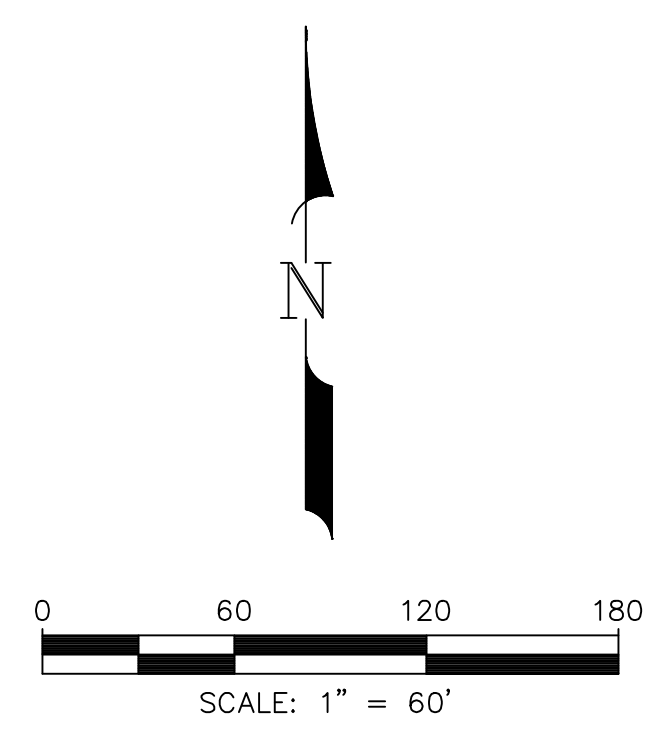
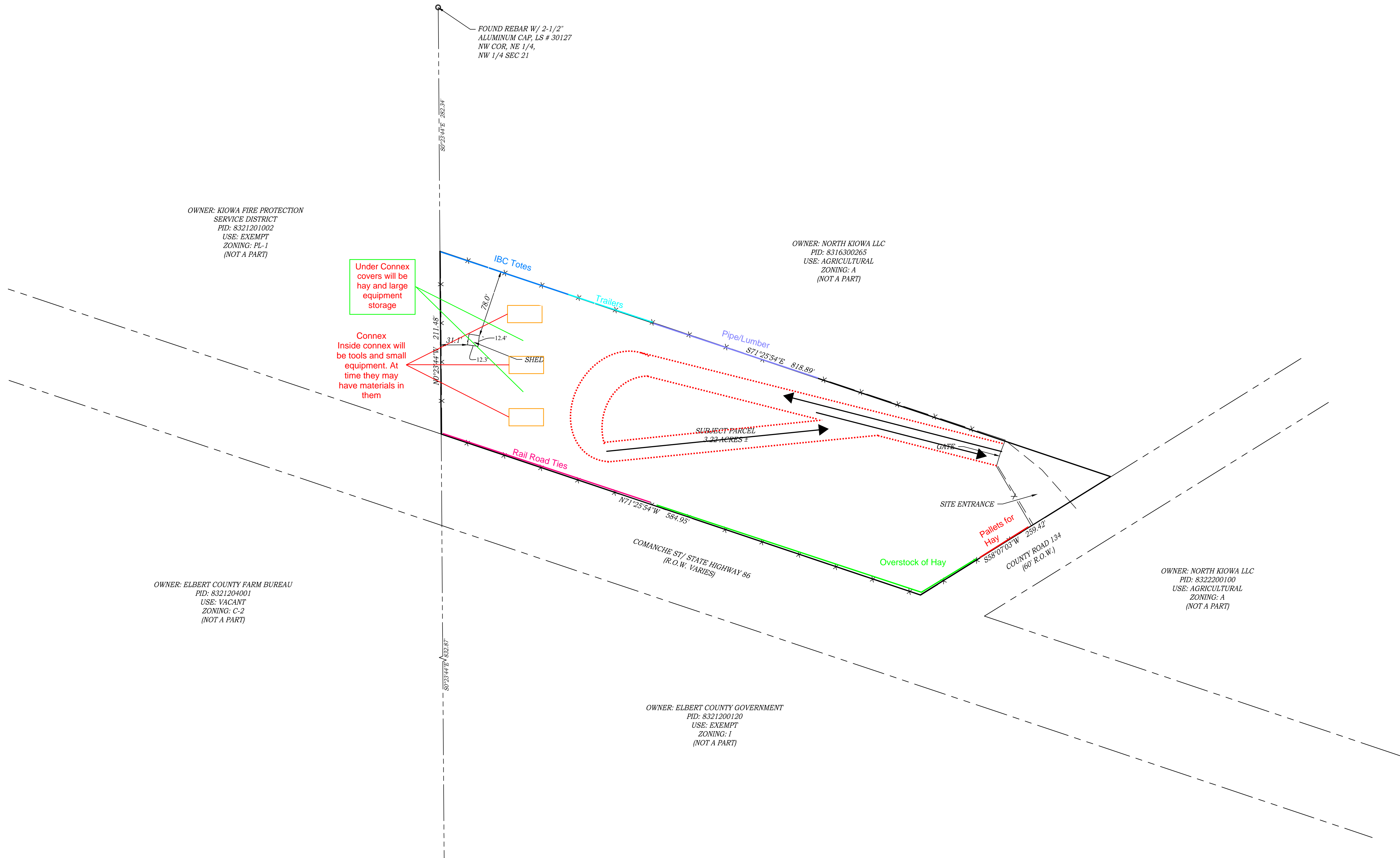
Sincerely,

A handwritten signature in black ink, appearing to read "Foster Houts". The signature is stylized and cursive.

Foster Houts

# 811 CR 134 REZONE EXHIBIT

PART OF THE NORTHWEST 1/4 OF SECTION 21, T. 8 S, R. 63 W, 6TH P.M.  
COUNTY OF ELBERT, STATE OF COLORADO



OWNER: KIOWA FIRE PROTECTION  
SERVICE DISTRICT  
PID: 8321201002  
USE: EXEMPT  
ZONING: PL-1  
(NOT A PART)

OWNER: NORTH KIOWA LLC  
PID: 8316300265  
USE: AGRICULTURAL  
ZONING: A  
(NOT A PART)

OWNER: ELBERT COUNTY FARM BUREAU  
PID: 8321204001  
USE: VACANT  
ZONING: C-2  
(NOT A PART)

OWNER: NORTH KIOWA LLC  
PID: 8322200100  
USE: AGRICULTURAL  
ZONING: A  
(NOT A PART)

OWNER: ELBERT COUNTY GOVERNMENT  
PID: 8321200120  
USE: EXEMPT  
ZONING: 1  
(NOT A PART)

**LEGEND:**

	SUBJECT PROPERTY LINE
	ADJOINER PROPERTY LINE
	EASEMENT LINE
	ROAD RIGHT OF WAY
	EDGE OF ROAD
	SECTION LINE
	FENCE LINE
	FOUND REBAR W/ 2-1/2" ALUMINUM CAP

**REVISIONS:**

NO.	DATE	DESCRIPTION

2750 S. WADSWORTH BLVD, SUITE C-202  
DENVER, COLORADO 80227  
303-955-6080  
WWW.ENCOMPASSSERVICES.COM

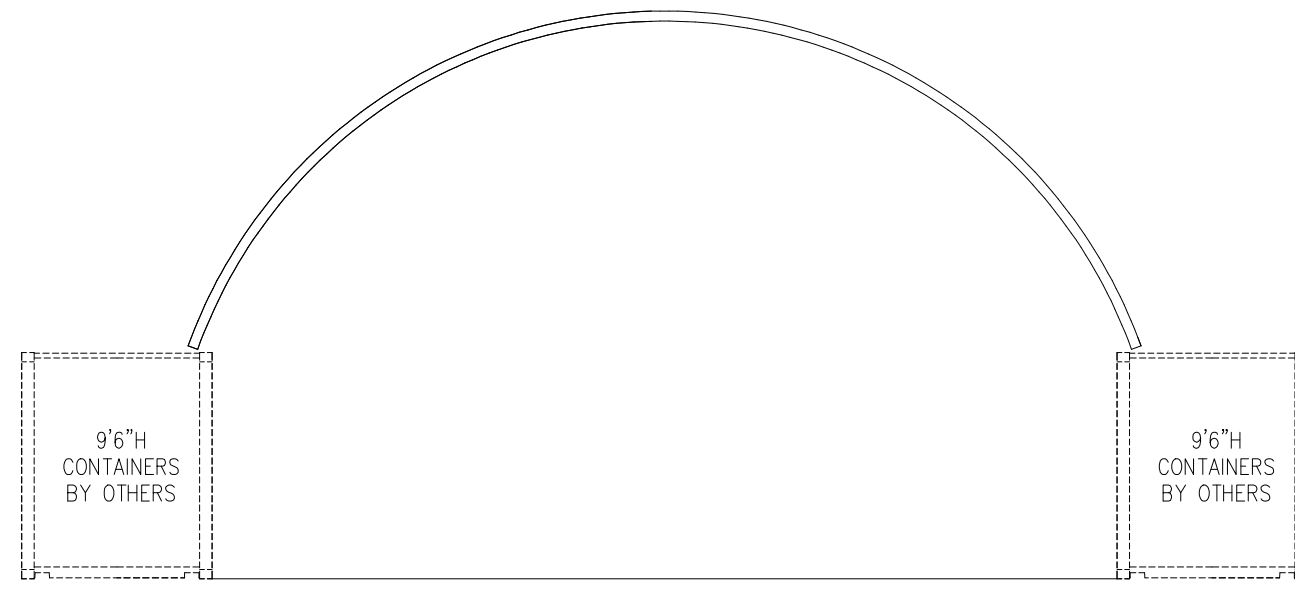
60' 0" 120' 0" 180' 0"

HORIZONTAL SCALE IN FEET

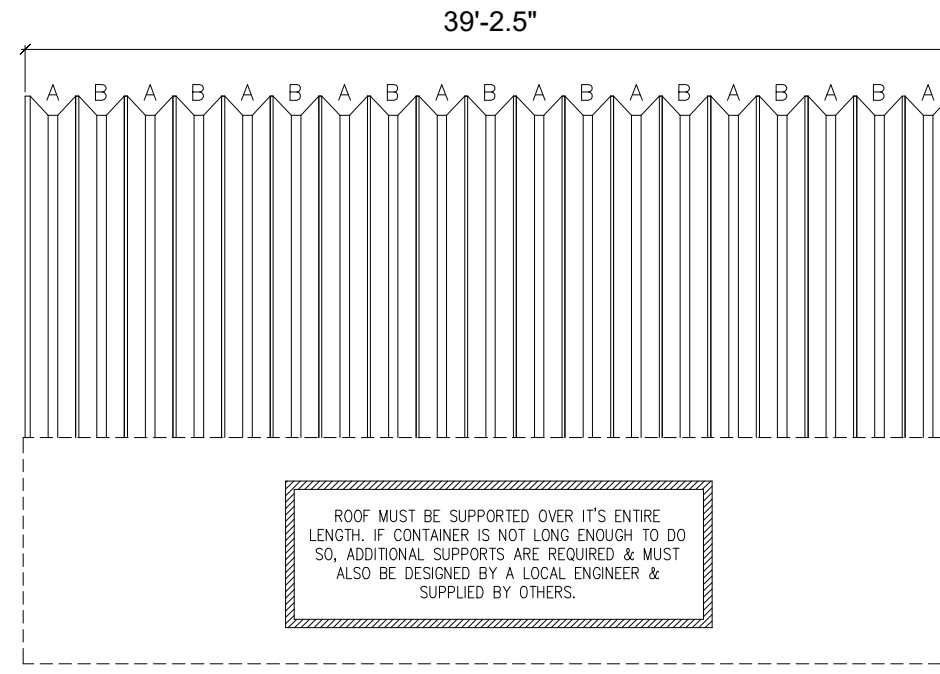
DRAWN BY: MBB PROJECT NO: 65299  
CHECKED BY: BRB DATE: 10/31/2023 SCALE: 1" = 60'  
FIELD WORK COMPLETED: 10/27/2023 SHEET 2 OF 2

Z:\SHARED\PROJECTS\00000 - CIVIL PROJECTS\65299 - MARK MILLER - 811 CR 134\04 - DRAWINGS\01 - WORKING\65299 - REZONE PLAT.DWG

**ATTACHMENT A**

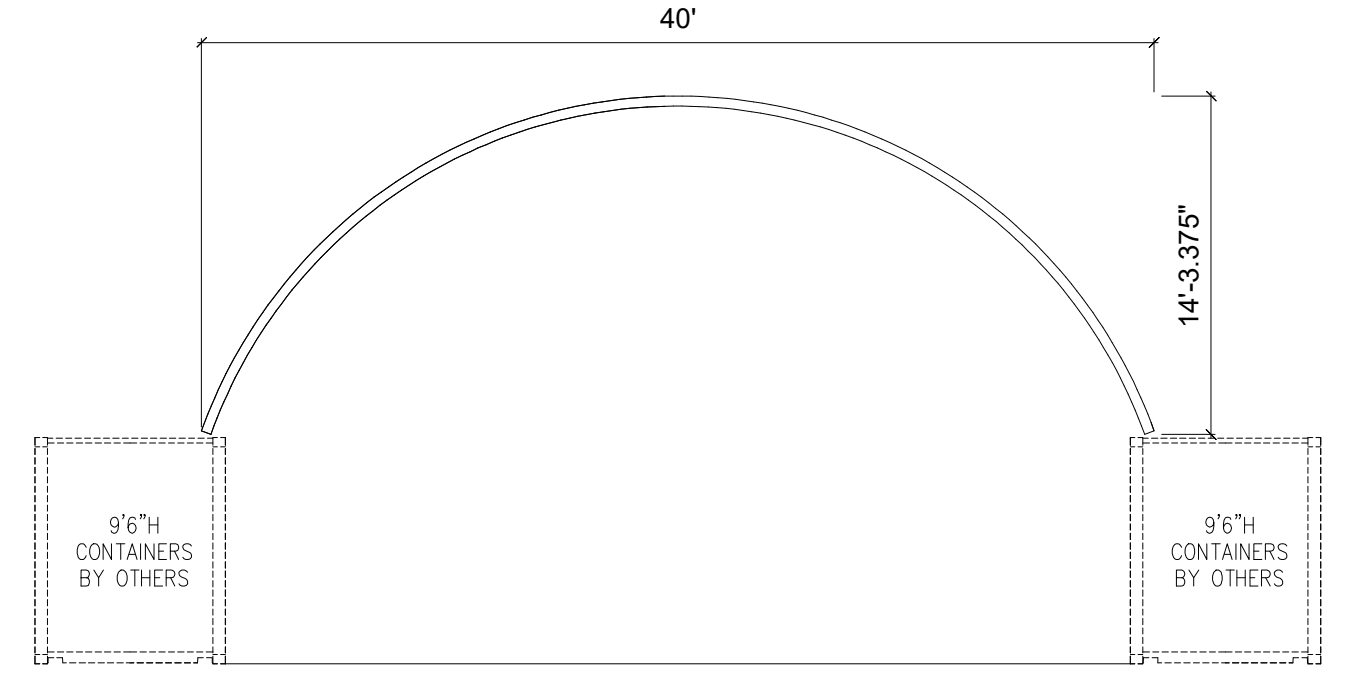


1 REAR ELEVATION

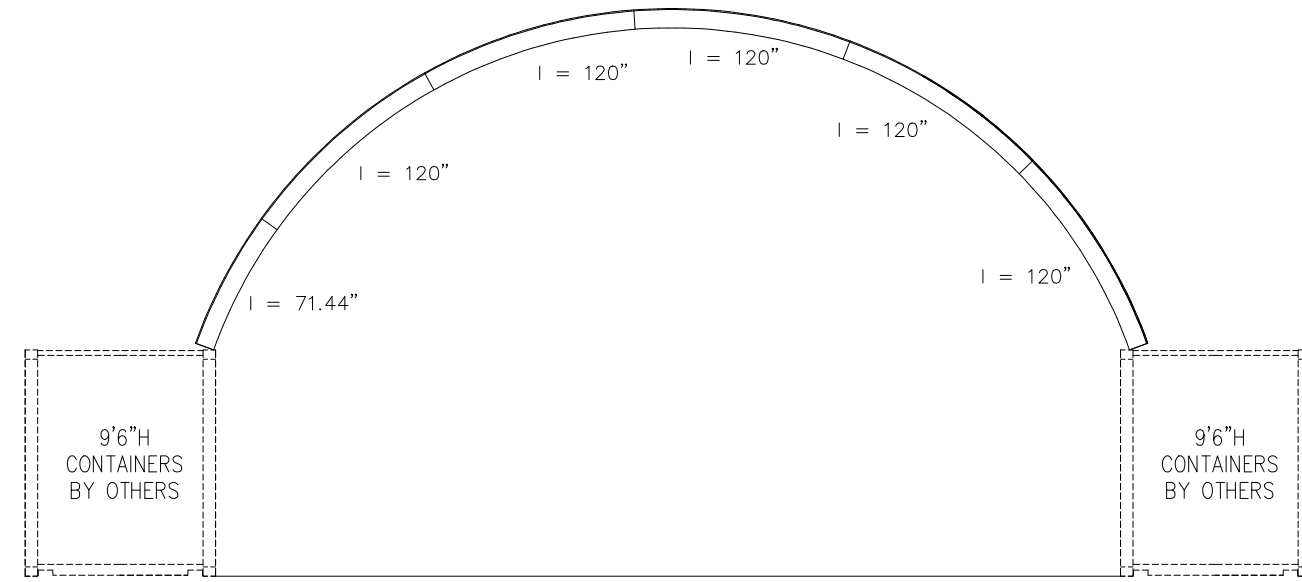


NOTE: Arch sequence must follow pattern shown above.

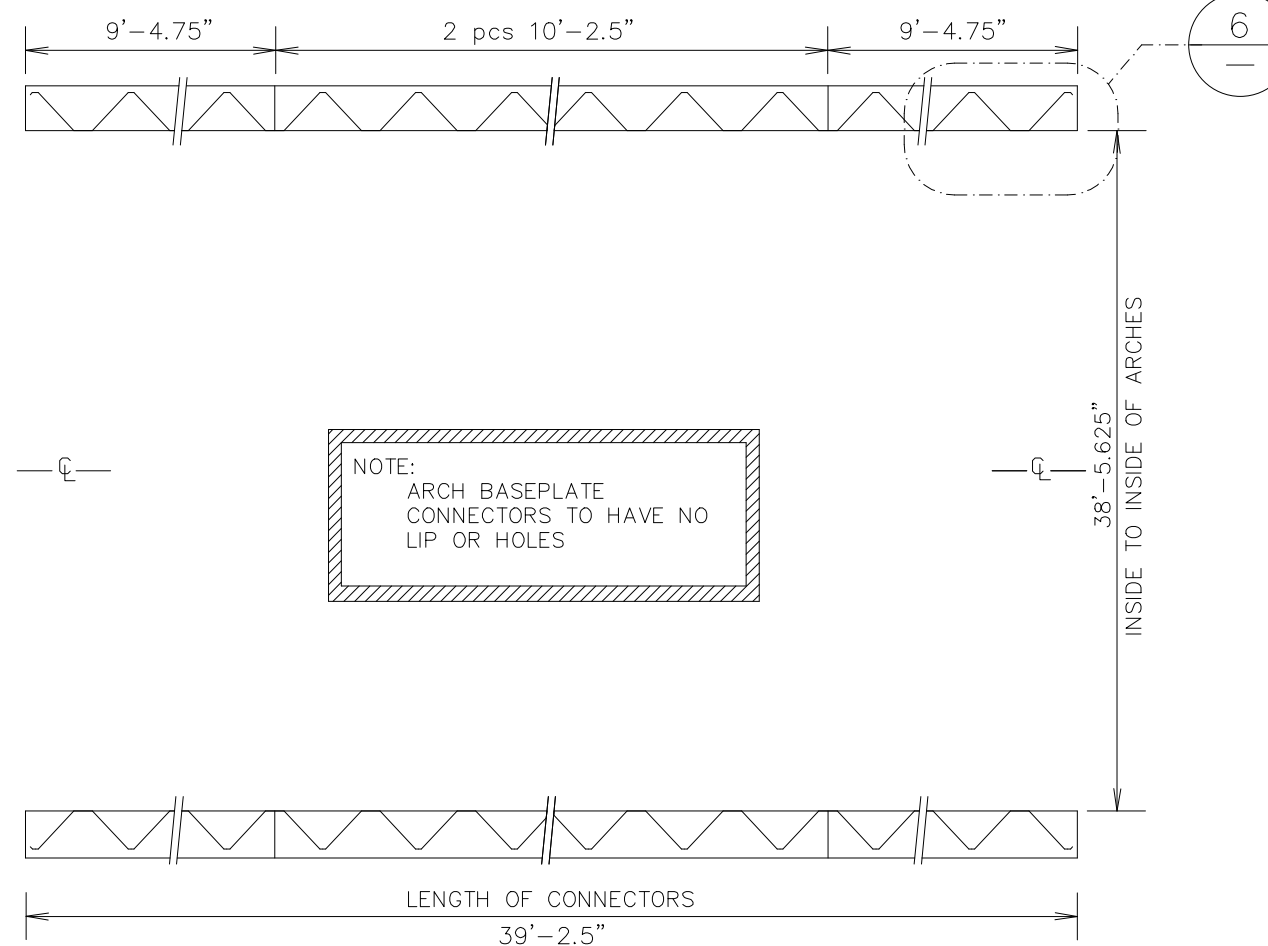
2 SIDE ELEVATION



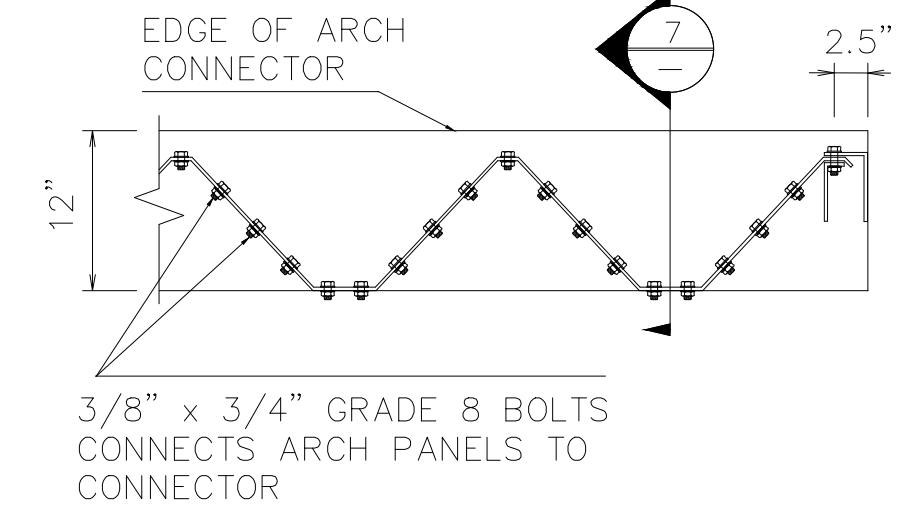
3 FRONT ELEVATION



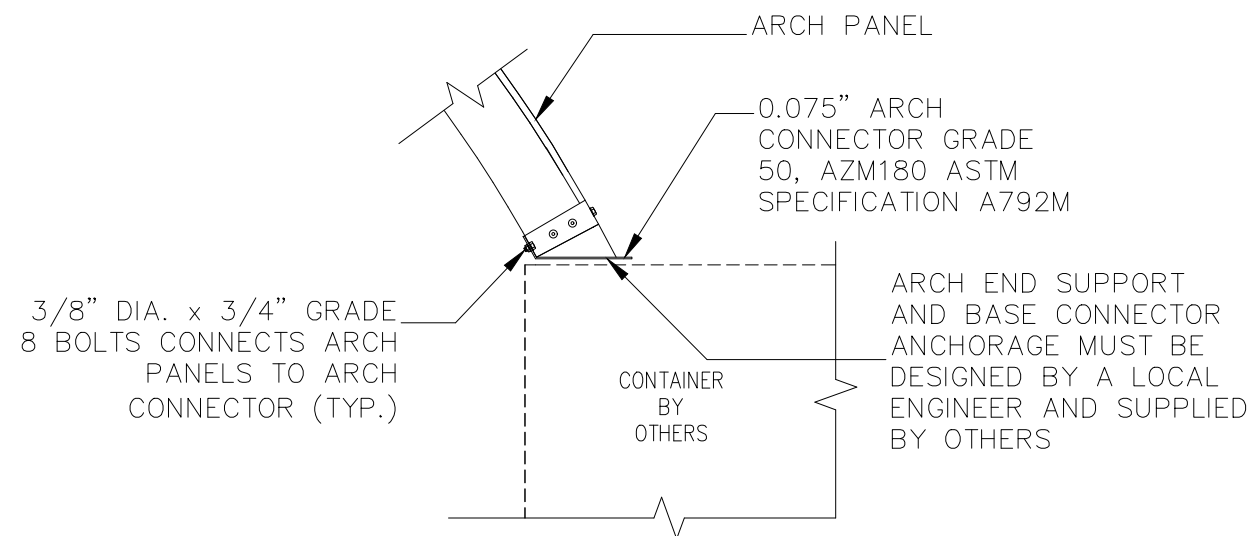
4 ARCH PROFILE



5 CUSTOM CONNECTOR LAYOUT

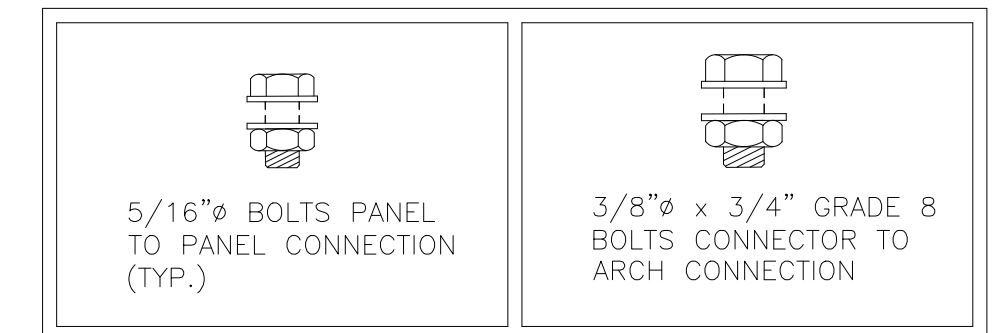


6 CORNER DETAIL



7 ARCH BASE/ CONNECTOR DETAIL

SPECIFIED ARCH REACTIONS PER ARCH END		
LOAD TYPE	Rh (lbs/ft)	Rv (lbs/ft)
DEAD LOAD	67	101
LIVE LOAD	251	383
SNOW LOAD	378	525
EXTERNAL WIND	-293	-326
INTERNAL WIND PRESSURE	-27	-76



8 BOLT DATA

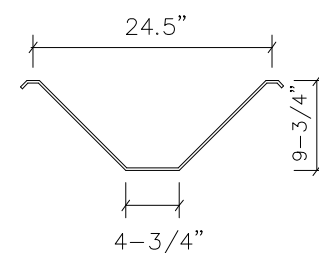
**GENERAL NOTES**

- ALL MATERIAL AND WORKMANSHIP SHALL CONFORM WITH THE REQUIREMENTS OF THE LATEST REVISION OF THE IBC 2018. DESIGN ACCORDING TO AISI S100-16W/S1-18 NORTH AMERICAN SPECIFICATION FOR THE DESIGN OF COLD-FORMED STEEL STRUCTURAL MEMBERS, AND WITH ANSI/ASCE 7-16.
- NO LOADS OTHER THAN THOSE GIVEN UNDER "DESIGN DATA" BESIDE SHALL BE IMPOSED ON THE "STRUCTURE".
- SPECIFIC NOTES AND DETAILS SHOWN ON THE DRAWINGS SHALL TAKE PRECEDENCE OVER THE BUILDING MANUAL SUPPLIED.

- THE BUILDING, INCLUDING THE FOUNDATION, MUST BE CONSTRUCTED IN STRICT ACCORDANCE WITH THE DRAWING AND ERECTION INSTRUCTIONS. ANY DEVIATION, UNLESS APPROVED BY US IN WRITING, SHALL NULLIFY OUR CERTIFICATE AND SEAL AND SHALL BE THE SOLE RESPONSIBILITY OF THE ERECTOR.
- A PROFESSIONAL ENGINEER SHOULD BE RETAINED WHERE SITE INSPECTIONS ARE WARRANTED.
- NO ARCH PANEL MAY BE CUT OR MODIFIED UNLESS IT IS TO ACCOMMODATE AN ACCESSORY PROVIDED BY THE MANUFACTURER IN ACCORDANCE WITH ITS INSTRUCTIONS AND/OR THIS DRAWING.
- MINIMUM SEPARATION FROM THIS BUILDING TO ANY TALLER BUILDING MUST BE THE SMALLER OF 20 FEET AND 6 TIMES THE HEIGHT DIFFERENCE.
- IF SEALED BY AN ENGINEER, THIS DRAWING IS FOR PERMIT APPLICATION, OTHERWISE IT IS A DRAFT AND NOT FOR CONSTRUCTION.

- THE ANCHORAGE & STRUCTURAL SUPPORT FOR OUR ROOF SYSTEM, THE ANCHORAGE OF THE CONTAINER TO A BASE AND ITSELF MUST BE DESIGNED BY A LOCAL ENGINEER BASED ON THE ARCH REACTIONS, SITE CONDITIONS AND BUILDING CODE REQUIREMENTS & SUPPLIED BY OTHERS.
- OUR DESIGN IS LIMITED TO OUR ROOF SYSTEM ITSELF ONLY AND CONDITIONAL ON PROPER LEVEL SUPPORT & ANCHORAGE BY OTHERS.

**ARCH DATA**



BOLTS: SAE GRADE 2 OR ASTM A307  
Arch A: 10 Arches  
ROOF STEEL THICKNESS = 0.05"  
Arch B: 9 Arches  
ROOF STEEL THICKNESS = 0.04"

GALVALUME SHEET STEEL:  
STRUCTURAL QUALITY ASTM SPECIFICATION A792-10 (2015)  
55% ALUMINUM-ZINC ALLOY (HOT DIP COATING)  
ASTM A792 GRADE 50 CLASS 1  
50 KSI MINIMUM YIELD  
65 KSI MINIMUM TENSILE  
OTHER SECTIONS SHALL CONFORM TO:  
ASTM A36 (Fy=36 KSI)

ARCH DESIGN DATA IN ACCORDANCE WITH ASCE/SEI 7-16:  
Lr: ROOF LIVE LOAD (PSF) = 30  
Pg: GROUND SNOW LOAD (PSF) = 35  
Ce: EXPOSURE FACTOR = 1.0  
Ct: THERMAL FACTOR = 1.2  
I: IMPORTANCE FACTOR (SNOW) = 0.8  
CATEGORY 1 BUILDING  
Pnet: COMPONENT WIND PRESSURE (PSF) = +/- 21  
V: BASIC WIND SPEED (MPH) = 105  
Kt: VELOCITY PRESSURE EXPOSURE = 0.85  
Kd: PEAK GUST TOPOGRAPHIC FACTOR = 1.00  
Gcpl: INTERNAL PRESSURE COEFFICIENTS = +/- 0.18  
Kd: DIRECTIONALITY FACTOR = 0.85  
Ke: GROUND ELEVATION FACTOR = 1.00  
WIND EXPOSURE FACTOR = C  
SEISMIC DESIGN CATEGORY = B

ENGINEERS SEAL:

LEGAL NOTE  
This drawing is the property of Future Steel Buildings Intl. Corp. Any duplication of this drawing in whole or in part is strictly forbidden. Anyone doing so will be prosecuted to the full extent of the law.



SCALE: N.T.S.	APPROVED BY: P.G.	CHECKED BY: N.M.	DATE: NOV. 15, 2024.
PROJECT: Henry Houts		American Custom Agriculture LLC Kiowa, Colorado	
MODEL: XR40-14	DWG: 24-1396		



404 Comanche St  
Kiowa, CO 80117  
(303) 621-2366

## NOTICE OF PUBLIC HEARING

ALL INTERESTED PERSONS MAY ATTEND.

Notice is hereby given that the Town of Kiowa Board of Trustees shall hold a public hearing concerning an application for **Site Plan Review** to consider the property generally located at the southwest corner of County Road 134 and Highway 86 (Address: 811 CR 134) – for site plan approval in conjunction with an application for a Special Use permit.

As required, a public hearing shall be held before the Town Board of Trustees on **July 8th, 2025 at the hour of 7:00 p.m.** or as soon as possible thereafter as the agenda for the Town Board of Trustees permits.

The public hearings will be held at the Kiowa Town Hall, 404 Comanche Street, Kiowa, Colorado 80117, or at a place otherwise specified by the Town Clerk. Further information is available by calling (303) 621-2366.



404 Comanche St  
Kiowa, CO 80117  
(303) 621-2366

## NOTICE OF PUBLIC HEARING

ALL INTERESTED PERSONS MAY ATTEND.

Notice is hereby given that the Town of Kiowa Planning and Zoning Commission and the Board of Trustees shall hold a public hearing concerning a **Special Use Permit** to allow the property generally described as the southwest corner of County Road 134 and Highway 86 (Address: 811 CR 134) - to operate as a distribution facility for agricultural sales pursuant to the Town of Kiowa Zoning Regulations.

The Planning & Zoning Commission public hearing will be held on **July 2nd, 2025 at the hour of 6:00 p.m.** or as soon as possible thereafter as the agenda of the Planning and Zoning Commission permits.

As required, a second public hearing shall be held before the Town Board of Trustees on **July 8th, 2025 at the hour of 7:00 p.m.** or as soon as possible thereafter as the agenda for the Town Board of Trustees permits.

The public hearings will be held at the Kiowa Town Hall, 404 Comanche Street, Kiowa, Colorado 80117, or at a place otherwise specified by the Town Clerk. Further information is available by calling (303) 621-2366.

**TOWN OF KIOWA  
RESOLUTION NO. 8, SERIES 2025**

**A RESOLUTION SUPPORTING THE APPLICATION TO THE COLORADO  
DEPARTMENT OF LOCAL AFFAIRS FOR THE MAIN STREET CANDIDATE  
PROGRAM**

**WHEREAS**, the Town of Kiowa (“Town”) is a home-rule municipality in the State of Colorado; and,

**WHEREAS**, the Town embraces the four established principles of the Colorado Main Street Program and, with our partner members, will fully utilize the technical assistance and principles to enhance and diversify the town’s downtown economic and historic base; and

**WHEREAS**, the Board of Trustees strongly believes it should become a Main Street Community and will commit to the revitalization of the downtown district through the context of preservation, community self-reliance, local ownership, enhancement, and development of the downtown area.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Trustees of the Town of Kiowa in Elbert County, State of Colorado:

The Kiowa Board of Trustees supports application to the Department of Local Affairs Main Street Program for the purpose of becoming a Candidate Community and will commit to the revitalization of the Town’s downtown district through the principles of the Colorado Main Street Program.

**PASSED AND RESOLVED** by the Board of Trustees of the Town of Kiowa, Elbert County, Colorado, this the \_\_\_\_ day of July 2025, by a vote of \_\_\_\_ for and \_\_\_\_ against.

**TOWN OF KIOWA, COLORADO**

By: \_\_\_\_\_  
Theresa Howard, Mayor

ATTEST:

By: \_\_\_\_\_  
Sasha Davidson, Town Clerk



**INVOCATION/PLEDGE OF ALLEGIANCE**

Pastor Kevin Weatherby of Save the Cowboy Ministry gave the invocation, and Mayor Howard led the Board in the Pledge of Allegiance.

**CALL TO ORDER/ ROLL CALL**

Mayor Howard called the regular monthly meeting of the Board of Trustees to order on June 10, 2025, at 7:01 PM.

Present: Mayor Howard, Mayor Pro Tem Hart, Trustee Wineland, Trustee Stahl, Trustee Shafer, and Trustee Smith were present. The Town of Kiowa had a quorum to conduct business.

Also present:

Kim Boyd, Town Administrator

Sasha Davidson, Town Clerk

Ruth Borne, general counsel for Town of Kiowa

Eric Miller, Adam's Group auditor via Zoom

Mona Schantz, local business owner and resident

Charles Valenzuela, resident via Zoom

Debbie Ullom, local business owner

Nikki Ullom via Zoom

Annette Burmaster, local business owner via Zoom

Joey Kuhn, local business owner and Main Street Board member

JR Prokop, local business owner

Ashley ALrson, Main Street Board member via Zoom

Andrew Lowry, resident via Zoom

Ed Konales via Zoom

Richard Croisant, resident via Zoom

Rhonda (unknown last name) via Zoom

Laura (unknown last name) via Zoom

**AGENDA CONSENT**

Trustee Shafer motioned to approve the agenda with a revision to move NEW BUSINESS before PUBLIC COMMENT. Trustee Wineland seconded, and the motion was carried 6-0 with no discussion.

**NEW BUSINESS**

Mayor Howard opened the public hearings at 7:02 pm.

## **PUBLIC HEARINGS**

### 1. Special Event Liquor Permit

#### a. Save the Cowboy (September 20, 2025)

No public comment was given. Trustee Smith moved to approve the special event liquor permit for this event, and Trustee Shafer seconded it. The motion passed 6-0 with no further discussion.

#### b. Santoyo & Ramirez Wedding (June 20, 2025)

No public comment was given. Trustee Wineland moved to approve the special event liquor permit for this event, and Trustee Shafer seconded it. The motion passed 6-0 with no further discussion.

Mayor Howard closed the public hearings at 7:06 pm

2. Eric Miller of the Adams Group and auditor for the Town of Kiowa gave a summary report for the 2024 Financial Statements.
3. Charlie Stevens, of the State of Colorado Department of Energy, gave a high-level overview presentation of the Energy Performance Contracting Program.

## **PUBLIC COMMENT**

- *Mona Schantz - Owner of High Plains Food at 403 Arapahoe Street and Kiowa resident. Spoke to the moratorium.*
- *Chris Shantz – local property owner and son of Mona and Steve Shantz. Spoke to the moratorium.*
- *Annette Burmaster – Owner of Patty Ann’s Café at 230 Comanche Street, Kiowa. Spoke to the moratorium and previous Hoo Motors sidewalk repairs.*
- *Joey Kuhn - Owner of Just Peachy Day Spa at 320 Comanche Street, Kiowa. Spoke to the moratorium*
- *Jay Vier – President of the Kiowa Lions Club and Main Street Board member. Spoke to the moratorium.*
- *Rick Pettit – local resident and Kiowa Lions Club member. Spoke to the moratorium.*

*Came on Zoom late at 8:53 pm and asked to comment:*

- *Richard Croisant – local resident. Spoke briefly about the planned gazebos in the town parks in 2023, the skid steer the Town is currently leasing from Kubota, and his disgust with the Town staff, board, and the Mayor.*

## **STAFF REPORTS**

4. Mayor  
Read prepared statement into record.
5. Town Attorney

Gave a high-level overview of what a moratorium is and why municipalities put them in place. Addressed questions and concerns of those present.

6. Board of Trustees

None.

7. Town Administrator

- **Kiowa Lions Club**

The Kiowa Lions Club has decided not to partner with the Town on the upcoming Father's Day Pancake Breakfast. However, they are moving forward with the event, and the Town will still encourage the community and visitors to attend and support the Lions Club at this event.

- **Music in the Park this past weekend**

Had a food truck back out unexpectedly, and Bino's, as always, stepped up and saved the day for us by putting together a great nacho bar, which we may carry over into the next event if we do not locate a food truck in the meantime. We had terrific weather with approximately 80-90 in attendance. The next event is scheduled for Saturday, June 21st, at 4:00 p.m. The featured artist is Kevin Betts.

- **SH-86 Sidewalk and Storm Drainage Project**

The next Community Meeting with Kimley Horn on this project is scheduled for next Thursday, June 19<sup>th</sup>, at 6 pm, at the Fairgrounds again. Flyers will be distributed door-to-door this weekend, as was done at the last community meeting.

8. Public Works

None.

9. Code Enforcement –*2<sup>nd</sup> quarter report due in July 2025*

## CONSENT ITEMS

10. Trustee Wineland motioned to approve the minutes of the May 13, 2025, monthly meeting. Mayor Pro Tem Hart seconded, and the motion was carried 6-0 with no discussion.

11. Trustee Wineland motioned to approve the minutes of the May 21, 2025, special meeting with revisions to indicate Debbie Ullom was present via Zoom and not in person. Mayor Pro Tem Hart seconded, and the motion was carried 6-0 with no discussion.

12. Trustee Wineland motioned to approve the minutes of the May 28, 2025, special meeting. Mayor Pro Tem Hart seconded, and the motion was carried 6-0 with no discussion.

13. Ms. Boyd noted the following in this month's YTD expenditure report and mid-year budget report:

- **4216—CDOT TAP Grant**— Expecting \$146,330 in the coming weeks as out first reimbursement on this grant.
- **4222 – Town Parks Improvements Donations** – This account was created to track the donations made specifically toward this project, which totals today at \$3,057. Separate from the \$15,520 made toward the Town Events this year, to date.
- **6240 – General Fund – Board Trustees** – did not allocate sufficient funds for the reinitiated monthly stipends. Short by \$4200. It will need to be appropriated at the end of the year.
- **6600—Contributions & Sponsorships**—This was higher due to the matching donations made to the park project's fundraising activity.
- **6512—Insurance – WC** —Received a refund for 2024 premiums.
- **6330 – Town Events** – made payment for the July fireworks show of \$15,000 and offset by the sponsorships and donations reflected in **4221 – Town Event Sponsorships and Donations**

Trustee Wineland motioned to approve the Year-to-Date expenditures and Mid-Year Budget Report. Trustee Shafer seconded, and the motion was carried 6-0 with no discussion.

## **DISCUSSION/COMMUNICATIONS**

Ms. Boyd opened the discussion on sign code enforcement by advising that Ms. Ellis requested clarification regarding the pause in sign code enforcement. For transparency, and how a pause in enforcement is conducted under the law, this pause does not negate a notice of violation; it merely pauses any court summons that would have been issued. The notice of a violation under the code remains in effect. Once the code is updated, the parameters dictating what constitutes a violation will change. Board advised it is their intention and request that ALL letters and summons of enforcement be halted until the municipal code is updated.

Mayor Howard advised the board she would like to see the Town participate in this year's Fair Parade on August 3<sup>rd</sup> with a float.

## **ADJOURN**

Trustee Smith moved to adjourn at 9:11 p.m. Trustee Shafer seconded, and the motion carried 6-0 with no discussion.

The next monthly meeting will be held on July 8, 2025.

**Approved:**

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Theresa Howard, Mayor

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Kimberly Boyd, Town Administrator

# Statement of Activity

Town of Kiowa

January 1-July 3, 2025

DISTRIBUTION ACCOUNT	TOTAL
Income	
4000 Tax Revenue	0
4010 Roads & Streets	0
4011 Road & Bridge Distribution	16,280.75
4012 Highway Users Tax Fund (HUTF) R & B Quarterly Distribution	13,455.11
	16,856.23
<b>Total for 4010 Roads &amp; Streets</b>	<b>\$46,592.09</b>
4015 Cigarette Distribution	907.13
4020 Current Interest	16.54
4050 Personal Property Exemption	601.00
4051 Property Tax	130,889.67
4060 Sales Tax - DOR	132,945.36
4061 Senior/Vet Exemption	1,658.14
4063 Specific Ownership Taxes (SOT)	10,907.76
4065 Use tax	2,591.81
<b>Total for 4000 Tax Revenue</b>	<b>\$327,109.50</b>
4070 CORA Request Fees	10.00
4200 Contributed Income	0
4203 DOLA - Conservation Trust Fund (CTF)	4,247.33
4210 Government Grants & Contracts	0
4215 DOLA - EIAF 9734 Grant	140,356.94
<b>Total for 4210 Government Grants &amp; Contracts</b>	<b>\$140,356.94</b>
4221 Sponsorships & Donations for Town Events	\$15,250.00
4222 Town Parks Improvement Project - Donations	3,056.84
<b>Total for 4221 Sponsorships &amp; Donations for Town Events</b>	<b>\$18,306.84</b>
<b>Total for 4200 Contributed Income</b>	<b>\$162,911.11</b>
4250 Sales	0
4071 Court Fines	350.00
4251 Business License Fees	2,622.49
4252 Building Permit and Plan Review Fees	8,399.35
4253 Business License	435.00
4256 Liquor License Renewal Fee	100.00
4257 Special Event Liquor License Fee	500.00
<b>Total for 4250 Sales</b>	<b>\$12,406.84</b>
4280 Franchise Tax	0
4281 Black Hills	6,770.83
4282 Comcast	200.00
4283 CORE	7,749.38
<b>Total for 4280 Franchise Tax</b>	<b>\$14,720.21</b>

# Statement of Activity

Town of Kiowa

January 1-July 3, 2025

DISTRIBUTION ACCOUNT	TOTAL
4400 KWWA Operating Contract	41,604.98
<b>Total for Income</b>	<b>\$558,762.64</b>
Cost of Goods Sold	
<b>Gross Profit</b>	<b>\$558,762.64</b>
Expenses	
6000 Payroll expenses	0
6010 Salary & Wages	0
6030 Salary & Wages- Public Works-Streets	8,048.67
6040 Salary & Wages - Admin Staff	62,500.08
<b>Total for 6010 Salary &amp; Wages</b>	<b>\$70,548.75</b>
6020 Board Monthly Stipend	3,900.00
6100 Payroll Taxes (Employer)	6,398.78
6210 Deferred Health Care	10,087.50
6212 ToK Benefit Expense	1,179.63
6250 Reimbursements - Employee	381.21
6270 MyPay Solutions Contractual Fees	915.50
<b>Total for 6000 Payroll expenses</b>	<b>\$93,411.37</b>
6290 Professional Training & Conference	2,960.95
6300 Advertising & Public Notices	\$510.75
6310 Display Ads	933.00
6320 Public Notices	1,901.56
6330 Town Sponsored Events	3,934.79
<b>Total for 6300 Advertising &amp; Public Notices</b>	<b>\$7,280.10</b>
6400 Subcontractor	0
6401 Snowplowing	5,411.25
6402 Christmas Tree Lights	3,000.00
6403 Event Coordinator	375.00
<b>Total for 6400 Subcontractor</b>	<b>\$8,786.25</b>
6500 Insurance	0
6510 CIRSA Insurance (PC & Liability)	15,523.95
6512 CIRSA (Workers Compensation)	-963.16
6530 STD & LTD Insurance	76.52
<b>Total for 6500 Insurance</b>	<b>\$14,637.31</b>
6600 Donations & Sponsorships to Others	6,564.56
6620 Meals & Entertainment	\$229.38
6621 Community Engagement	660.98
<b>Total for 6620 Meals &amp; Entertainment</b>	<b>\$890.36</b>

# Statement of Activity

Town of Kiowa

January 1-July 3, 2025

DISTRIBUTION ACCOUNT	TOTAL
6630 Dues & Subscriptions	\$469.20
6631 Newspaper & Publication Subscription	468.00
6632 Website/Apps	\$300.00
6632.1 Accounting Software - Intuit QuickBooks	1,022.09
6632.2 Adobe Subscription	239.90
6632.4 Indeed	506.46
6632.9 Zoom	42.16
<b>Total for 6632 Website/Apps</b>	<b>\$2,110.61</b>
6633 Professional Memberships	2,873.57
<b>Total for 6630 Dues &amp; Subscriptions</b>	<b>\$5,921.38</b>
6710 Repairs & maintenance	0
6711 Trash and Janitorial	986.10
6712 Repairs & Maintenance - Streets	8,429.53
6713 Repair & Maintenance - Town Hall	998.56
6714 Repairs & Maintenance - Parks & Rec	3,514.55
<b>Total for 6710 Repairs &amp; maintenance</b>	<b>\$13,928.74</b>
6760 Rent & Lease Equipment	0
6761 Parks & Rec - Parker Port-a Potty	4,585.00
6762 Equipment Purchase/Lease	21,078.66
<b>Total for 6760 Rent &amp; Lease Equipment</b>	<b>\$25,663.66</b>
6770 Facility rental	1,440.55
6771 Town Event Entertainment	17,100.00
6800 General Office Expenses	\$9,606.12
6805 Shipping & Postage	29.04
6820 Office supplies	\$2,338.82
6822 Supplies for Events/Specialty	5,348.36
6823 Specific Use Supplies & Materials for Parks	485.69
6824 Specific Use Supplies for R & B	7,030.53
6827 Supplies & materials	86.36
<b>Total for 6820 Office supplies</b>	<b>\$15,289.76</b>
6821 Specific Use Supplies for Office	564.86
6830 Copier Lease	1,786.80
6850 Computer Supplies/Software & apps	7,545.07
6860 Printing & Photocopying	3,443.39
<b>Total for 6800 General Office Expenses</b>	<b>\$38,265.04</b>
6900 Utilities	\$394.52
6905 Utilities- Power - CORE	1,252.93
6906 Utilities- Power- Street Lights - CORE	6,400.18
6910 Utilities- Heat - Black Hills	2,437.64
6920 Utilities - Water and Sewer - KWWA	2,280.48

# Statement of Activity

Town of Kiowa

January 1-July 3, 2025

DISTRIBUTION ACCOUNT	TOTAL
6940 Utilities Telephone/Internet	2,087.19
6970 Security/Alarm Monitoring	334.46
<b>Total for 6900 Utilities</b>	<b>\$15,187.40</b>
7000 Professional Services	0
7016 Legal Services	0
7012 Legal Services - General Counsel	12,175.00
7013 Legal Services - Special Counsel	280.50
7014 Professional Services - Municipal Court	7,117.33
<b>Total for 7016 Legal Services</b>	<b>\$19,572.83</b>
7020 IT Services	0
7021 Professional - IT - Phoenix Technologies	6,679.00
7022 Professional - Web Design	1,900.00
<b>Total for 7020 IT Services</b>	<b>\$8,579.00</b>
7030 Financial Services	0
7031 Professional Services - Accountant	618.00
7032 Professional Services - Auditor	16,500.00
<b>Total for 7030 Financial Services</b>	<b>\$17,118.00</b>
7040 Consulting Services	0
7041 Professional - Consulting - SafeBuilt	5,333.57
7042 Professional - Consulting - Kimley-Horn	367,395.86
7043 Professional - Consulting - CORE Engineering	2,200.00
<b>Total for 7040 Consulting Services</b>	<b>\$374,929.43</b>
7070 IGA with ECSO	38,081.00
7090 Professional Services- Other	0
7091 Professional - Code Enforcement	7,715.17
7092 Professional - Fischer Project Mgmt	10,000.00
<b>Total for 7090 Professional Services- Other</b>	<b>\$17,715.17</b>
<b>Total for 7000 Professional Services</b>	<b>\$475,995.43</b>
7200 Vehicle Expenses	0
7210 Vehicle Gas & Fuel	1,180.62
7220 Licenses/Registrations	22.47
<b>Total for 7200 Vehicle Expenses</b>	<b>\$1,203.09</b>
7500 Other Miscellaneous Expense	\$100.00
7502 Park Expenses	2.50
7503 Elbert County Clerk & Recorder	511.25
7504 Elbert CO Treasurer Fee	2,669.30
<b>Total for 7500 Other Miscellaneous Expense</b>	<b>\$3,283.05</b>
<b>Total for Expenses</b>	<b>\$732,519.24</b>
<b>Net Operating Income</b>	<b>-\$173,756.60</b>

# Statement of Activity

Town of Kiowa  
January 1-July 3, 2025

DISTRIBUTION ACCOUNT	TOTAL
Other Income	
8000 Interest Income	12,676.59
<b>Total for Other Income</b>	<b>\$12,676.59</b>
Other Expenses	
7505 Miscellaneous Receipts	445.38
<b>Total for Other Expenses</b>	<b>\$445.38</b>
<b>Net Other Income</b>	<b>\$12,231.21</b>
<b>Net Income</b>	<b>-\$161,525.39</b>

# Statement of Financial Position

Town of Kiowa

As of July 3, 2025

DISTRIBUTION ACCOUNT	TOTAL
<b>Assets</b>	
Current Assets	
Bank Accounts	
1010 TOK Primary Checking (6476)	229,926.31
1020 TOK Money Market Account (6484)	578,342.00
1050 Petty Cash	160.41
<b>Total for Bank Accounts</b>	<b>\$808,428.72</b>
Accounts Receivable	
1100 Accounts Receivable (A/R)	65,276.07
1101 Property Tax Receivable	186,050.00
<b>Total for Accounts Receivable</b>	<b>\$251,326.07</b>
Other Current Assets	
1493 Investment in Fixed Assets	
<b>Total for Other Current Assets</b>	<b>0</b>
<b>Total for Current Assets</b>	<b>\$1,059,754.79</b>
Fixed Assets	
1492 Buildings	
1540 Furniture & fixtures	
1600 Accumulated depreciation	
6750 Equipment & Furniture	
<b>Total for Fixed Assets</b>	<b>0</b>
Other Assets	
<b>Total for Assets</b>	<b>\$1,059,754.79</b>
<b>Liabilities and Equity</b>	
Liabilities	
Current Liabilities	
Accounts Payable	
2000 Accounts Payable (A/P)	127,997.11
<b>Total for Accounts Payable</b>	<b>\$127,997.11</b>
Credit Cards	
2040 VISA (5418)	2,945.14
<b>Total for Credit Cards</b>	<b>\$2,945.14</b>
Other Current Liabilities	
2104 Deferred Revenue	\$0.16
2114 Committed Fund Balance Conservation Trust	13,085.00
2124 Committed Fund Balance Road and Bridge	247,177.00

# Statement of Financial Position

Town of Kiowa

As of July 3, 2025

DISTRIBUTION ACCOUNT	TOTAL
<b>Total for 2104 Deferred Revenue</b>	<b>\$260,262.16</b>
2105 Deferred Property Tax	186,050.00
2109 Adjustment for TABOR	-15,054.00
2210 Payroll tax to pay	0
2211 FICA- Payroll Taxes	-3,398.98
2212 FIT	3,354.89
2213 Colorado SIT	500.00
2214 Retirement benefits to pay 457	-60.00
2215 FUTA	-130.94
2216 CO FLI - Family leave	
2217 Colorado SUI	-59.35
2501 ICMA 401(a)	-3,395.49
<b>Total for 2210 Payroll tax to pay</b>	<b>-\$3,189.87</b>
2510 Impact Fees Collected	3,149.00
Fund Balance--Res'd for Emergency	14,554.00
<b>Total for Other Current Liabilities</b>	<b>\$445,771.29</b>
<b>Total for Current Liabilities</b>	<b>\$576,713.54</b>
Long-term Liabilities	
<b>Total for Liabilities</b>	<b>\$576,713.54</b>
Equity	
3300 Retained Earnings	644,566.70
Net Income	-161,525.39
3150 Opening balance equity	-0.06
<b>Total for Equity</b>	<b>\$483,041.25</b>
<b>Total for Liabilities and Equity</b>	<b>\$1,059,754.79</b>