

**CROWLEY COUNTY BOARD OF COUNTY COMMISSIONERS
RECORD OF PROCEEDINGS**

APRIL 30, 2020

CALL TO ORDER

Board of County Commissioners met in regular session on April 30, 2020. The meeting was called to order by Chairman Blaine Arbuthnot at 8:30 a.m. The following were present:

Blaine Arbuthnot-----Chairman
T. E. Allumbaugh-----Vice Chairman
Roy Elliott-----Member
LaShelle Benbow-----Deputy Clerk to the Board

RESOLUTION NO. 2020-7825

APPROVE DISBURSEMENTS, APRIL 30, 2020

Motion by Allumbaugh, seconded by Elliott to approve the disbursements from April 30, 2020 and authorize transfer of funds in the following amounts:

General Fund	\$ 95,635.89
Road and Bridge Fund	\$ 15,828.31
EMS Fire Fund	\$ 20,784.95
Ambulance Fund	\$ 6,327.48
Water Fund	\$ 23,634.69
DHS Fund	\$ 42,471.64
Conservation Trust	\$ 6,000.00
E911 Fund	\$ 527.34
SECRETAC	\$ 13,250.00
Total Disbursements	\$224,460.30

Upon motion duly made and seconded the foregoing resolution was adopted by the following vote:

Allumbaugh-----Aye
Arbuthnot-----Aye
Elliott-----Aye

RESOLUTION NO. 2020-7826

APPROVE PAYROLL, APRIL 2020

Motion by Elliott, seconded by Arbuthnot to approve the disbursements for April 30, 2020 payroll, and authorize transfer of funds in the following amounts:

General Fund	\$ 76,845.64
Road and Bridge Fund	\$ 18,150.80
EMS Fire Fund	\$ 2,179.26
Ambulance Fund	\$ 7,629.57
DHS Fund	\$ 49,089.47
Total	\$153,894.74

Upon motion duly made and seconded the foregoing resolution was adopted by the following vote:

Allumbaugh-----Aye
Arbuthnot-----Aye
Elliott-----Aye

RESOLUTION NO. 2020-7827

APPROVAL ON FIRST READING ORDINANCE 2020-01, ADOPTION OF AN ORDINANCE IMPLEMENTING A PERMIT SYSTEM FOR OPEN BURNING

Audience: Gary Gibson

Gary Gibson attended the meeting to hear what changes were being made to the ordinance. He expressed concern about persons not cancelling the burn permit request upon completion. He stated that it would be helpful if dispatch returned a call to the person to confirm if the burning has been completed.

The Board discussed revisions to Ordinance 2006-01. This Ordinance will be repealed and replaced with Ordinance 2020-01.

Motion by Allumbaugh, seconded by Elliott to pass on first reading the adoption of the Ordinance Implementing a Permit System for Open Burning. Final reading and passage after public hearing scheduled for May 18, 2020, at 10:00 a.m.

ORDINANCE NO. 2020-01

AN ORDINANCE IMPLEMENTING A PERMIT SYSTEM FOR OPEN BURNING

WHEREAS, section 30-15-401(1)(n.5), C.R.S., authorizes the Board of County Commissioners ("Board") to adopt an ordinance banning open fires to a degree and in a manner that the Board deems necessary to reduce the danger of wild fires within those portions of the unincorporated areas of the county where the danger of forest or grass fires is found to be high; and

WHEREAS, the Board of County Commissioners of Crowley County, Colorado, believes it to be in the best interest of the citizens of Crowley County for the Crowley County Fire Departments to be notified of open burning and approve open burning prior to the starting of such fires.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF CROWLEY COUNTY, COLORADO, as follows:

1. Application. That open, controlled fires utilized for specific purposes and confined to limited areas, such as, but not limited to, cooking, recreational, warming, or branding purposes, are hereby permitted, and shall not require any sort of permit or permission prior to starting the same.
2. Permission to Burn Required. That any person desiring to conduct any other sort of burn, other than as above mentioned, such as, but not limited to, agriculture burning in the nature of field and ditch burning, shall contact the Crowley County Dispatch Center, by telephone, at (719) 267-5555, extension 2, to secure permission and approval of such open burn prior to conducting any such burn to secure consent for said burn. Verbal, telephone permission to conduct any such burn shall be expressly allowed. The Dispatch Center must also be notified when the burn is completed.
3. Time and Atmospheric Restrictions. Open burning shall only be performed when time and atmospheric conditions comply with the limits set forth in the open-burning permit.
4. Location. Open burning shall not be conducted within 25 feet of any structure. Conditions which could cause the fire to spread to within 25 feet of a structure shall be eliminated prior to ignition. Exception, the 25 feet limit does not apply to residential lawn burning.
5. Fire-extinguishing Equipment. A garden hose connected to a water supply or other approved fire-extinguishing equipment, including but not limited to fire extinguishers, rakes, shovels, and farm machinery, shall be readily available for use at open-burning sites. If water is not available, then proper firebreaks must be achieved prior to burning.
6. Attendance. Burning material shall be constantly attended by a person knowledgeable in the use of the fire-extinguishing equipment required herein and familiar with the permit limitations which restrict open burning. An attendant shall supervise the burning material until the fire has been extinguished.
7. Discontinuance. The Crowley County Fire Chief, or his designee, is authorized to require that open burning be immediately discontinued if the chief determines that smoke emissions are offensive to occupants of surrounding property or if the open burning is determined by the chief to constitute a hazardous condition.

8. Administration and Enforcement. The Crowley County Fire Chief with the assistance of the Crowley County Sheriff shall be responsible for the administration and enforcement of this ordinance. All inquiries regarding the current status of fire restrictions in Crowley County should be directed to the Fire Chief's Office.

9. Penalty for Violations. Any person who violates this ordinance commits a class 2 petty offense under section 30-15-402(1), C.R.S. and, upon conviction thereof, shall be punished by a fine of not more than \$1,000 for each separate violation, plus a surcharge of \$10 under section 30-15-402(2), C.R.S.

10. Penalty Assessment Procedure. The penalty assessment procedure provided in section 16-2-201, C.R.S., may be followed by the arresting officer for any such violation of this ordinance. Pursuant to the penalty assessment procedure, the violator may pay a fine in the amount of \$100, plus a \$10 surcharge. If the penalty assessment procedure is not used, and the alleged offender is found guilty, court costs may be assessed in addition to the fine.

11. Disposition of Fines and Forfeitures. All fines and forfeitures for the violation of this ordinance shall be paid to the Treasurer of Crowley County.

12. Additional Remedies. The remedies provided in this ordinance shall be cumulative and in addition to any other federal, state or local remedy, criminal or civil, which may be available.

13. Severability. If any section, subsection, clause, sentence or phrase of this ordinance is adjudged by any court of competent jurisdiction to be invalid, such invalidity shall not affect, impair or invalidate any other provisions of this ordinance which can be given affect without such invalid provision.

14. Emergency. The Board hereby finds, determines and declares that this ordinance is necessary for the immediate preservation and protection of the health, safety and welfare of the citizens of Crowley County, Colorado.

15. Effective Date. This ordinance shall be effective immediately and shall remain in effect until such time as this ordinance is amended, temporarily suspended or repealed. All prior resolutions or ordinances adopting a permit system for open burning, and amendments thereto, are hereby repealed effective immediately following the adoption of Ordinance 2020-10. The Board, by resolution, may temporarily suspend, in whole or in part, this ordinance from time to time should the fire danger in Crowley County decrease. Likewise, the Board may reinstate this ordinance, by resolution, after it has been temporarily suspended.

INTRODUCED, READ AND ADOPTED ON FIRST READING ON THE 30th day of April, 2020, and ordered published in full in the Ordway New Era in Ordway, Crowley County, Colorado.

Upon motion duly made and seconded the foregoing resolution was adopted by the following vote:

Allumbaugh-----Aye
Arbuthnot-----Aye
Elliott-----Aye

RESOLUTION NO. 2020-7828

APPROVE CONTRACT FOR APPRAISAL SERVICE OF CROWLEY COUNTY CORRECTIONAL FACILITY

The Board reviewed the appraisal proposal and contract from Pro View Valuation to provide a narrative appraisal report on Crowley County correctional Facility, at a cost of \$12,500.00, due at the signing of the agreement, and the balance due at the completion of the appraisal report for a total estimated fee of \$25,000.00.

Motion by Elliott, seconded by Allumbaugh to approve the contract for appraisal service with Pro View Valuation.

Upon motion duly made and seconded the foregoing resolution was adopted by the following vote:

Allumbaugh-----Aye
Arbuthnot-----Aye
Elliott-----Aye

DISCUSSION NEW INTEREST IN OUTDOOR MARIJUANA GROW

Audience: Dean Diehl and Anthonly Moreland

Dean discussed his interest in purchasing property for an outdoor marijuana cultivation.

DISCUSSION COLORADO COVID RELIEF FUND

Blain applied for a \$25,000.00 Colorado COVID Relief Fund grant, which was approved. It will assist our Health Department with economic impacts of the coronavirus (COVID-19) crisis.

PLANNING AND ZONING HEARING

The board conducted a planning and zoning hearing. Those present were:

Commissioners: Allumbaugh, Elliott and Arbuthnot
Deputy Clerk to the Board: LaShelle Benbow
Land Use Administrator: Matt Carter
Other Attendee: Dean Hiatt

RESOLUTION NO. 2020-7829

APPROVAL SUBDIVISION EXEMPTION REQUEST, PW CO CANRE MAV 5, LLC, FILE 2020-04

PW CO CanRe Mav 5, LLC, applied for a subdivision exemption request for dividing an existing lot into two separate, 2.5 M/L acre parcels. The property is located at 8293 Maverick Lane, Ordway, CO 81063. Crowley County Planning and Zoning Commission heard the request on April 27, 2020, and recommended approval by the Board.

WHEREAS, PW CO CanRe Mav 5, LLC, has filed a request for Subdivision Exemption with the Crowley County Planning and Zoning Commission concerning certain property located in Crowley County, Colorado

WHEREAS, a hearing was held before the Crowley County Planning and Zoning Commission concerning this request on 04/27/2020; and

WHEREAS, the Crowley County Planning and Zoning Commission has recommended to the Crowley County Commissioners that said request be approved;

NOW THEREFORE, the following resolution is hereby adopted by the Board of County Commissioners of Crowley County, Colorado;

1. The Subdivision Exemption request of PW CO CanRe Mav 5, LLC, is hereby approved.
2. The real property which is the subject of this resolution is described as follows:

A tract of land lying in:

w1/2SE1/4 and that part of the w1/2NE1/4 lying under and to the South of the "Circle Ditch" right of way as said ditch is located on the ground, and as shown by the right of way of "Circle Ditch" now on file, all in Section 7, Township 21 South, Range 56 West of the 6th P.M. in the County of Crowley, State of Colorado.

3. This resolution is approved and the real property which is the subject of this resolution for division is granted subject to the following conditions:

- 1) Any and all health department requirements are to be complied with in their entirety.
- 2) Crowley County Building Codes, if applicable, are to be complied with in their entirety.
- 3) One certified copy of the survey shall be recorded with the Crowley County Clerk and Recorder and a second copy filed with the Land Use Administrator.

4. Other requirements:

Water source mark when applicable	Yes
Required Access Road mark when applicable	Yes
Sewer System mark when applicable	Yes

Adopted this 30th day of April, 2020

Motion by Allumbaugh, seconded by Elliott to approve the subdivision exemption request for Crowley County File No. 2020-04.

Upon motion duly made and seconded the foregoing resolution was adopted by the following vote:

Allumbaugh-----Aye
Arbuthnot-----Aye
Elliott-----Aye

RESOLUTION NO. 2020-7830

APPROVAL SUBDIVISION EXEMPTION REQUEST, PW CO CANRE SHERMAN CO., LLC, FILE 2020-05

PW CO CanRe Sherman Co., LLC, applied for a subdivision exemption request for dividing an existing lot into two separate, 2.5 M/L acre parcels. The property is located at 20319(w) and 20321€ Tamarack Lane, Ordway, CO 81063. Crowley County Planning and Zoning Commission heard the request on April 27, 2020, and recommended approval by the Board.

WHEREAS, PW CO CanRe Sherman Co., LLC, has filed a request for Subdivision Exemption with the Crowley County Planning and Zoning Commission concerning certain property located in Crowley County, Colorado

WHEREAS, a hearing was held before the Crowley County Planning and Zoning Commission concerning this request on 04/27/2020; and

WHEREAS, the Crowley County Planning and Zoning Commission has recommended to the Crowley County Commissioners that said request be approved;

NOW THEREFORE, the following resolution is hereby adopted by the Board of County Commissioners of Crowley County, Colorado;

1. The Subdivision Exemption request of PW CO CanRe Sherman Co., LLC, is hereby approved.
2. The real property which is the subject of this resolution is described as follows:

A tract of land lying in:

Lot #6 Sherman Subdivision

A portion of the NW ¼ of Section 17, Township 21 South, Range 56 West of the 6th P.M., County of Crowley, State of Colorado.

3. This resolution is approved and the real property which is the subject of this resolution for division is granted subject to the following conditions:

- 1) Any and all health department requirements are to be complied with in their entirety.
- 2) Crowley County Building Codes, if applicable, are to be complied with in their entirety.
- 3) One certified copy of the survey shall be recorded with the Crowley County Clerk and Recorder and a second copy filed with the Land Use Administrator.

4. Other requirements:

Water source mark when applicable	Yes
Required Access Road mark when applicable	Yes
Sewer System mark when applicable	Yes

Adopted this 30th day of April, 2020

Motion by Elliott, seconded by Allumbaugh to approve the subdivision exemption request for Crowley County File No. 2020-05.

Upon motion duly made and seconded the foregoing resolution was adopted by the following vote:

Allumbaugh-----Aye
Arbuthnot-----Aye
Elliott-----Aye

TY AND JENNIFER STALDER, USE BY REVIEW, FILE NO. 2020-06

Matt Carter informed the Board that Glenda Butts, and Ty and Jennifer Stalder withdrew their use by review request.

JERRY JETT, USE BY REVIEW, FILE NO. 2020-07

Jerry Jett has made a Use by Review application requesting a portion of a 40 acre parcel in Crowley County to be used fo a 2 megawatt solar farm for production of electricity. The property is located at 6634 Highway 71, Ordway, CO 81063.

The legal description is as follows:

SE4 of SW4 of NW4 of Section 24, Township 21S, Range 56W of the 6th P.M.

Crowley County Planning and Zoning Commission heard the above request on April 27, 2020, and approved the request with the provision that the 2% County Use Tax will be paid on all materials used, and the the Solar Farm operator would be responsible for the removal of all materials at time of decommission, and recommeded approval to the Board.

Arbuthnot agreed with the provision that the 2% County Use Tax will be paid on all materials used, and the the Solar Farm operator would be responsible for the removal of all materials at time of decommission.

The Board tabled the request until May 10, 2020, to allow the County Attorney to review the contract between Jerry Jett and Pivot Energy.

No further business appearing the meeting was recessed.
Minutes taken by LaShelle Benbow.

ATTEST:

Melinda Carter, County Clerk

Blaine Arbuthnot, Chairman