

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

AUGUST 31, 2020

CALL TO ORDER

Board of County Commissioners met in regular session on August 31, 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
Terry McMillian-----Audience

RESOLUTION NO. 2020-7893

APPROVE DHS MED TRANS DISBURSEMENTS, AUGUST 25, 2020

Motion by Elliott, seconded by Allumbaugh to approve the DHS Medicaid transportation disbursements for August 25, 2020 and authorize transfer of funds in the following amount:

DHS Funds \$ 5,590.20

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

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

RESOLUTION NO. 2020-7894

APPROVE DHS DISBURSEMENTS, AUGUST 25, 2020

Motion by Elliott, seconded by Allumbaugh to approve the DHS disbursements for August 25, 2020 and authorize transfer of funds in the following amount:

DHS Funds \$ 5,519.43

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

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

RESOLUTION NO. 2020-7895

APPROVE AUGUST 2020 PAYROLL

Motion by Elliott, seconded by Allumbaugh to approve the disbursements for August 31, 2020 payroll, and authorize transfer of funds in the following amounts:

General Fund \$ 75,047.18
Road and Bridge Fund \$ 20,935.08
EMS Fire Fund \$ 2,304.64
Ambulance Fund \$ 8,248.14
DHS Fund \$ 31,490.59

Conservation Trust Fund \$ 122.40

Total \$138,148.03

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

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

RESOLUTION NO. 2020-7896

APPROVE JULY SUTA DISBURSEMENT, AUGUST 31, 2020

Motion by Allumbaugh, seconded by Elliott to approve the disbursements for August 31, 2020 and authorize transfer of funds in the following amounts:

General Fund	\$	211.00
Road and Bridge Fund	\$	78.27
EMS Fire Fund	\$	10.95
Ambulance Fund	\$	24.98
DHS Fund	\$	135.34

Conservation Trust Fund \$ 0.11

Total Disbursements \$ 460.45

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

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

RESOLUTION NO. 2020-7897

APPROVE PAYROLL BENEFIT DISBURSEMENTS, AUGUST 31, 2020

Motion by Elliott, seconded by Allumbaugh to approve the disbursements for August 31, 2020 and authorize transfer of funds in the following amounts:

General Fund	\$	69,796.81
Road and Bridge Fund	\$	16,646.69
EMS Fire Fund	\$	2,499.07
Ambulance Fund	\$	3,504.73
DHS Fund	\$	28,679.59

Conservation Trust Fund \$ 20.20

Total Disbursements \$121,147.09

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

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

RESOLUTION NO. 2020-7898

APPROVE DISBURSEMENTS, AUGUST 31, 2020

Motion by Allumbaugh, seconded by Elliott to approve the disbursements for August 31, 2020 and authorize transfer of funds in the following amounts:

General Fund	\$	201,640.91
Road and Bridge Fund	\$	3,312.21
EMS Fire Fund	\$	598.96
Ambulance Fund	\$	2,799.15
Water Fund	\$	30.00
DHS Fund	\$	49.46

Conservation Trust Fund \$ 912.00

SECRETAC \$ 5,437.66

Total Disbursements \$214,780.35

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

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

OTHER DISCUSSION

Arbuthnot mentioned that the water at the fairground has been turned off. This is due to a hydrant, south of the concession stand leaking water out of the ground. The only way to stop the leak was to turn off all of the water. Plans to repair the hydrant will occur after chip and seal of roadways has been completed.

Chip and seal of roads is beginning today.

MEETING WITH MAYORS OF THE TOWN OF SUGAR CITY, TOWN OF ORDWAY, TOWN OF CROWLEY, AND TOWN OF OLNEY SPRINGS

Audience: Jerry Barber, Town of Ordway; Gerald Scruggs, Town of Crowley; and Dan Morin, Town of Olney Springs. The mayor or a representative from the Town of Sugar City did not attend the meeting.

The marijuana cultivation industry within Crowley County has provided a large source of income to the county. The Commissioner's presented a check to each town, sharing a portion of this income. The following amounts were paid:

Town of Ordway	\$50,000.00
Town of Crowley	\$25,000.00
Town of Olney Springs	\$25,000.00
Town of Sugar City	\$25,000.00

There are no restrictions on how this money is spent, but the Commissioner's did ask that the Town Board determine how to spend the money.

PLANNING & ZONING HEARING

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

Commissioners: Arbuthnot and Allumbaugh. Roy Elliott was absent from the meeting.

Deputy Clerk to the Board: LaShelle Benbow

Planning & Zoning Administrator: Matt Carter

RESOLUTION NO. 2020-7899

USE BY REVIEW AND NON-FARM COMMERCIAL SUBDIVISION REQUEST BY LANE 20, LLC, FILE NO. 2020-11

Lane 20, LLC has applied for a Use by Review request for the cultivation and processing of retail marijuana. The Non-Farm Commercial Subdivision request is for the development of thirty-seven, 5 to 5.12 acre lots for future sale. These lots will be used for cultivation and processing retail marijuana. Both requests are for the same parcel of land located in Crowley County. The proposed subdivision will be known as Sherman Subdivision Filing No. 2. The Crowley County Planning and Zoning Commission reviewed the request, and approved it by a 3-2 motion, and recommended approval by the Board.

WHEREAS, Lane 20, 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 08/24/2020; 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 Lane 20, 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:

Sherman Subdivision, Filing No. 2

A portion of the SW1/4 and a portion of the S1/2 of the NW1/4 of section 8, Township 21 South, Range 56 West of the Sixth Principal Meridian, 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 31st day of August, 2020.

Motion by Allumbaugh, seconded by Arbuthnot to approve the subdivision exemption request for Crowley County File No. 2020-11.

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

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

RESOLUTION NO. 2020-7900

SUBDIVISION EXEMPTION REQUEST BY TIM AND KIRSTEN WARD, FILE NO. 2020-12

Tim and Kirsten Ward have applied for a subdivision exemption request to exempt 2 acres from an existing 12.98 acre parcel at 5304 County Lane 13 to use for a second home for the son's family. The Crowley County Planning and Zoning Commission heard the request on August 24, 2020, and recommended approval by the Board.

WHEREAS, Tim and Kirsten Ward, 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 08/24/2020; 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 Tim and Kirsten Ward is hereby approved.
2. The real property which is the subject of this resolution is described as follows:

A tract of land lying in:

Located at 5304 County Lane 13, Ordway, CO 81063.

A tract of land in the W1/2SW1/4 of Section 30, Township 21 South, Range 57 west of the 6th P.M. and more particularly described as follows: Beginning at the SW corner of said Section 30 as monumented by a 4" aluminum cap PLS 12103 and considering the west line of Section 30 (as monumented by a 3-1/4" aluminum cap PLS12103 at its North end bearing N.0°16'07"W., 1418.02 feet; thence N. 89°41'36"E., 790 feet; thence along west side of ditch through the following 14 courses:

- S.6°30'10"W., 123.82 feet;
- S.35°30'01"W., 111.14 feet;
- S.3°10'58"W., 35.78 feet;
- S.84°53'36"E., 21.18 feet;
- S. 12°09'01"W., 42.09 feet;
- N.86°14'02"W., 29.48 feet;
- S.17°30'40"W., 111.25 feet;
- S.34°37'23"W., 218.72 feet;
- S.48°44'21"W., 223.73 feet;
- S.45°13'57"W., 222.46 feet;
- S.23°21'48"W., 141.72 feet;

S.17°03'59"W., 171.59 feet;
S.10°47'35"W., 119.54 feet;
S.18°03'29"W., 136.83 feet to the Easterly Right-of-way line of County Lane 13;
Thence S.89°43'53"Wl, 30.00 feet to the True Point of Beginning. All corners of offsets are monumented by 5/8 rebar and aluminum cap marked PS, INC PLS 12103.

- 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 31st day of August, 2020.

Motion by Allumbaugh, seconded by Arbuthnot to approve the subdivision exemption request for Crowley County File No. 2020-12.

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

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

RESOLUTION NO. 2020-7901

SUBDIVISION EXEMPTION REQUEST BY MELINDA AND MATT CARTER, FILE NO. 2020-13

Melinda and Matt Carter have applied for a subdivision exemption request to exempt two, five acre lots m/l form a 102 acre parcel. The property is located at 14099 County Road H, Ordway, CO. The Crowley County Planning and Zoning Commission heard the request on August 24, 2020, and recommended approval by the Board.

WHEREAS, Melinda and Matt Carter, 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 08/24/2020; 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 Melinda and Matter Carter is hereby approved.
- 2. The real property which is the subject of this resolution is described as follows:

A tract of land lying in:

Located at 14099 County Road H, Ordway, CO 81063.

W1/2E1/2W1/2SW1/4, E1/2W1/2W1/2SW1/4 of Section 17, Township 21 South, Range 57 west of the 6th P.M. EXCEPT the portion thereof located within the North 41.25 feet of the west 40 acres of the East 60 acres of said W1/2SW1/4, AND EXCEPT the East 5 acres of the W1/2E1/2W1/2SW1/4 of said Section 17 conveyed to J.M. Faries by deed recorded in Book 1 at Page. 64.

AND
The East 25 Acres of the W1/2SW1/4 of Section 17, Township 21 South, Range 57 west of the 6th P.M. AND the W1/2E1/2SW1/4, EXCEPT that portion heretofore conveyed to Numa Drainage District, in Section 17, Township 21 South, Range 57 west of the 6th P.M.

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 31st day of August, 2020.

Motion by Arbuthnot, seconded by Allumbaugh to approve the subdivision exemption request for Crowley County File No. 2020-13.

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

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

RESOLUTION NO. 2020-7902

SUBDIVIION EXEMPTION REQUEST BY MARK AND DAVID RUSHER, FILE NO. 2020-14

Mark and David Rusher have applied for a subdivision exemption request split a 40 acre parcel into two, 20 acre lots. The property is located at the southwest intersection of Road J and Lane 18.5 in Ordway, CO. The Crowley County Planning and Zoning Commission heard the request on August 24, 2020, and recommended approval by the Board.

WHEREAS, Mark and David Rusher, 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 08/24/2020; 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 Mark and David Rusher is hereby approved.
2. The real property which is the subject of this resolution is described as follows:

A tract of land lying in:

Located at the southwest intersection of Road J and Lane 18.5 in Ordway, CO 81063.

The NW1/4NE1/4 of Section 12, Township 21, Range 57 West of the 6th P.M., EXCEPT an easement for Right-of -Way for the Main Drainage Canal of the Ordway Drainage District, recorded 06/22/1925 in Book 71 at Page 182, Reception No. 42846. 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 31st day of August, 2020.

Motion by Allumbaugh, seconded by Arbuthnot to approve the subdivision exemption request for Crowley County File No. 2020-14.

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

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

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

ATTEST:

Melinda Carter, County Clerk

Blaine Arbuthnot, Chairman