

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

**APRIL 26, 2021**

**CALL TO ORDER**

Board of County Commissioners met in regular session on April 26, 2021. The meeting was called to order by Chairman Blaine Arbuthnot at 8:30 a.m. The following were present:

Blaine Arbuthnot-----Chairman  
Roy Elliott-----Vice Chairman  
Terry McMillian-----Member  
LaShelle Benbow-----Deputy Clerk to the Board

**RESOLUTION NO. 2021-8066**

**APPROVE CROWLEY COUNTY CONTROLLED SUBSTANCES AND ALCOHOL MISUSE TESTING POLICY REVISION**

Motion by Elliott, seconded by McMillian to approve the revised version of the Crowley County Controlled Substances and Alcohol Misuse Testing Policy, with an effective date of April 26, 2021.

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

Arbuthnot-----Aye  
Elliott-----Aye  
McMillian-----Aye

**RESOLUTION NO. 2021-8067**

**APPROVE REVISED FINANCE MANAGEMENT CONTROL POLICIES AND PROCEDURES**

Motion by McMillian, seconded by Elliott to approve the revised version of the Crowley County Finance Management Control Policies and Procedures, with an effective date of April 26, 2021.

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

Arbuthnot-----Aye  
Elliott-----Aye  
McMillian-----Aye

**RESOLUTION NO. 2021-8068**

**APPROVE SPECIAL DISBURSEMENT, APRIL 21, 2021**

Motion by Elliott, seconded by McMillian to approve the special disbursement for April 21, 2021, and authorize transfer of funds in the following amount:

General Fund                                 \$ 3,779.49

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

Arbuthnot-----Aye  
Elliott-----Aye  
McMillian-----Aye

**RESOLUTION NO. 2021-8069**

**APPROVE DHS DISBURSEMENTS, APRIL 26, 2021**

Motion by McMillian, seconded by Elliott to approve the DHS disbursements for April 26, 2021, and authorize transfer of funds in the following amount:

DHS Fund   \$ 4,306.33

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

Arbuthnot-----Aye  
Elliott-----Aye  
McMillian-----Aye

**RESOLUTION NO. 2021-8070**

**APPROVE RESOLUTION APPOINTING THE CROWLEY COUNTY SHERIFF**

Motion by Elliott, seconded by McMillian to approve the following resolution appointing the Crowley County Sheriff:

**A RESOLUTION APPOINTING THE CROWLEY COUNTY SHERIFF**

WHEREAS, the County Sheriff for Crowley County, John "Smokey" Kurtz, passed away on the 14th day of April, 2021.

WHEREAS, in accordance with C.R.S. 30-10-505, the Undersheriff, Terry Reeves, has been the acting Sheriff since the passing of Sheriff Kurtz.

WHEREAS, in accordance to the Colorado State Consitution, Section 9 of Article 14, the Crowley County Board of County Commissioners has the duty to appoint an acting Sheriff to finish the term of Sheriff Kurtz.

WHEREAS, the appointee must meet all qualifications to hold the position of County Sheriff in accordance with Section 8.5 of Article 14, of the Colorado State Constitution.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the County of Crowley, Colorado, that:

1. The former Undersheriff and acting Sheriff, Terry Reeves, is hereby appointed as Sheriff for Crowley County until the regularly scheduled election in November 2022.
2. This appointment is effective April 14, 2021.
3. Sheriff Reeves shall be responsible for statutory duties of the office of County Sheriff from April 14, 2021, until such time as he vacates the office.

Adopted this 26th day of April, 2021.

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

Arbuthnot-----Aye  
 Elliott-----Aye  
 McMillian-----Aye

**RESOLUTION NO. 2021-8071**

**APPROVE OPTION LETTERS 4 AND 5 TO INTERGOVERNMENTAL CONTRACT NUMBER 129148, BETWEEN COLORADO DEPARTMENT OF CORRECTIONS AND CROWLEY COUNTY**

Motion by Elliott, seconded by McMillian to approve the Option Letters 4 and 5 to the Intergovernmental Contract number 129148, between the Colorado Department of Corrections and Crowley County.

In Option Letter 4, the State is exercising its option to decrease the quantity of services in the amount of \$1,904,560.00. The contract maximum is \$71,183,972.00, set to expire on June 30, 2021.

In Option Letter 5, the State is exercising its option for an additional term for FY22, beginning July 1, 2021 and ending on the current Intergovernmental Contract expiration date of June 30, 2022, with a contract amount of \$33,325,368.00. The contract maximum is \$104,509,340.00, set to expire on June 30, 2022.

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

Arbuthnot-----Aye  
 Elliott-----Aye  
 McMillian-----Aye

**MONTHLY PRISON MEETING**

No representatives from Crowley County Correctional Facility or Arkansas Valley Correctional Facility were in attendance.

**PLANNING AND ZONING HEARING**

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

Commissioners: Arbuthnot, Elliott and McMillian  
 Deputy Clerk to the Board: LaShelle Benbow  
 Audience: Chris Rice and Remy Sigel

**RESOLUTION NO. 2021-8072**

**APPEAL REQUEST FOR USE BY REVIEW AND SUBDIVISION EXEMPTION REQUEST BY CHRIS RICE, FILE NO. 2021-09**

On March 31, 2021, the Board of County Commissioners heard the use by review/subdivision exemption request for Chris Rice, and subsequently denied his requests. On April 14, 2021, Chris submitted an appeal to Crowley County Board of Adjustment, which was heard at today's hearing.

Chris Rice is requesting a use by review for the growing and processing of commercial marijuana at 7038 County Lane 20, in Ordway, Colorado. He is also requesting to exempt a five acre parcel on the existing forty acre parcel for outdoor grow. He explained that the denial of his request will create an undue hardship for him; if he is not able to plant he will miss out on approximately \$1,000,000 in revenue. He presented a letter from the Town of Ordway, authorizing him access to water to haul for his grow, which will be stored in a 10,000 gallon container. Water from 96 Pipeline will only be used for the residence on the property, and will not be used for cultivation. He emailed a letter to the commissioners, from Southeast Colorado Power, stating that power is available on the property. His plan is to start cultivation on 2 of the 5 acres, beginning in May.

Motion by Elliott to repeal the original decision made on March 31, 2021, and approve the use by review and subdivision exemption request for Crowley County File No. 2021-09. The motion was seconded by McMillian to repeal the original decision subject to the requirement that water will be hauled in for the cultivation.

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

Arbuthnot-----Aye  
Elliott-----Aye  
McMillian-----Aye

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

ATTEST:

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Melinda Carter, County Clerk

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Blaine Arbuthnot, Chairman