

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

FEBRUARY 28, 2022

CALL TO ORDER

Board of County Commissioners met in regular session on February 28, 2022. 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. 2022-8296

APPROVE DHS DISBURSEMENTS, FEBRUARY 25, 2022

Motion by Elliott, seconded by McMillian to approve the DHS disbursements for February 25, 2022, and authorize transfer of funds in the following amount:

DHS Fund	\$ 3,643.37
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Upon motion duly made and seconded the foregoing resolution was adopted by the following vote:

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

RESOLUTION NO. 2022-8297

APPROVE FEBRUARY 2022 PAYROLL

Motion by McMillian, seconded by Elliott to approve the disbursements for February 2022 payroll, and authorize transfer of funds in the following amounts:

General Fund	\$ 79,458.10
Road and Bridge Fund	\$ 22,570.61
EMS Fire Fund	\$ 7,349.32
Ambulance Fund	\$ 6,327.18
DHS Fund	\$ 32,600.53
Conservation Trust Fund	\$ 80.64

Total	\$148,386.38
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Upon motion duly made and seconded the foregoing resolution was adopted by the following vote:

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

RESOLUTION NO. 2022-8298

APPROVE PAYROLL BENEFIT DISBURSEMENTS, FEBRUARY 28, 2022

Motion by Elliott, seconded by McMillian to approve the payroll benefit disbursements for February 28, 2022, and authorize transfer of funds in the following amounts:

General Fund	\$ 64,397.00
Road and Bridge Fund	\$ 19,416.15
EMS Fire Fund	\$ 4,589.14
Ambulance Fund	\$ 3,973.76
DHS Fund	\$ 28,843.16
Conservation Trust Fund	\$ 48.78

Total	\$121,267.99
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Upon motion duly made and seconded the foregoing resolution was adopted by the following vote:

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

RESOLUTION NO. 2022-8299

APPROVE DISBURSEMENTS, FEBRUARY 28, 2022

Motion by Elliott, seconded by McMillian to approve the disbursements for February 28, 2022, and authorize transfer of funds in the following amounts:

General Fund	\$ 12,470.67
Road and Bridge Fund	\$ 5,318.45
EMS Fire Fund	\$ 999.35
Ambulance Fund	\$ 3,119.89
Water Fund	\$ 3,429.72
E911 Fund	\$ 60.00
SECRETAC Fund	\$ 14,015.54
Total	\$ 39,413.62

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

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

RESOLUTION NO. 2022-8300

APPROVE MASTER ENGAGEMENT AGREEMENT BY AND BETWEEN MGT OF AMERICA CONSULTING, LLC AND CROWLEY COUNTY, COLORADO

Motion by McMillian, seconded by Elliott to approve the Master Engagement Agreement by and between MGT of America Consulting, LLC and Crowley County. This agreement establishes a three-year contract for preparation of the Cost Allocation Plan for the County Department of Human Services.

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

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

RESOLUTION NO. 2022-8301

APPROVE RESOLUTION MAKING AN APPOINTMENT TO THE VETERANS SERVICES OFFICE FOR CROWLEY COUNTY

Motion by Elliott, seconded by McMillian to approve a resolution appointing Gary Gibson as the Crowley County Veterans Services Officer through 01/31/2023.

RESOLUTION MAKING AN APPOINTMENT TO THE VETERANS SERVICES OFFICE FOR CROWLEY COUNTY

WHEREAS, pursuant to C.R.S. 28-5-801(1), the Board of County Commissioners shall establish a county veterans services office and shall appoint a county veterans' services officer; and

WHEREAS, such county veterans' services officer shall be a resident of the state of Colorado, shall have served in one of the branches of the United States armed services, and shall have been honorably discharged, as provided in C.R.S. 28-5-802(1); and

WHEREAS, the county veteran's services officer's duties shall include assisting Colorado residents who served honorably in one of the branches of the United States armed services with claims or benefits that veterans or their families may be entitled to in relation to the veterans' service, as provided in C.R.S. 28-5-803;

NOW, THEREFORE, BE IT RESOLVED, that the following individual is appointed to serve as a veteran's services officer to the Crowley County Veterans Services Office for the terms specified:

Gary Gibson Term Expires 01/31/2023

PASSED AND ADOPTED this 28th day of February 2022, in Ordway, Crowley County, Colorado.

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

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

PUBLIC HEARING

A public hearing was conducted at 10:00 a.m. to discuss stipulations that must be met relating to the use by review approval for H-o Development/Jim Reeves. Those in attendance include:

Commissioners: Arbuthnot, Elliott and McMillian
Deputy Clerk to the Board: LaShelle Benbow
Planning & Zoning Administrator: Matt Carter

Attendees: Toni Hughes, Dianne Buford, Jim Reeves, Sue Ann Lowery, Shirley Ager, Karen Tomky, Matt Heimerich, Craig Shriver, and Karen Riemenschneider (via telephone call).

Matt Heimerich provided an opening statement and submitted a list of concerns and suggested remedies to address in the stipulations. Below is a list of those concerns, and the corresponding dialogue.

1. Approval by the Marijuana Enforcement Division. Elliott commented that State license approval is contingent upon County license approval, and vice versa. Both approvals are required for the facility to operate.
2. Approval by State & County Health Department requirements. Arbuthnot said that the plumbing and electrical will be inspected by the State, and the septic system will be inspected by Otero County. Inspections must be passed before Matt Carter will issue a certificate of occupancy.
3. Cleaning and organizing the entire six-acre property. The one year timeline for cleanup was discussed. Twelve months are being allowed for cleanup based on the size of the property, and the possibility of the start of construction. Toni Hughes asked Jim Reeves how long it would take to clean up the property? Jim said it won't take too long to clean up the 1.5 acres to allow for construction to begin. He continues to work on the entire property. Matt Heimerich requested that a checklist be created to address specific cleanup requirements. Craig Shriver stated, as a fellow business owner, that it is very difficult to find help for cleanup jobs, and this supports the longer cleanup period. Arbuthnot confirmed that the entire six acres will need to be cleaned, not just the 1.5 acres. The commissioners agree that a checklist is reasonable and so does Jim.
4. Plan for the removal of the byproduct. Matt Heimerich stated that a signed contract or memorandum of understanding should be made between the business and a certified disposal company. Jim Reeves said he could be able to obtain this.
5. Use of (potable) water monitored by CCWA and the reporting of violations. Arbuthnot mentioned that this is CCWA's concern, not the countys. If CCWA notifies the commissioners of a violation, a discussion will occur that may jeopardize the use by review approval.
6. State plumbing approved fire suppression system to be installed. Matt Heimerich provided a photocopy of a document from the Colorado Springs Fire Department titled "Plant-Based Extraction Operations". Matt Carter stated the document will be useful. The State will determine the fire safety requirements of the building. Jim Reeves said fire suppression will likely be chemical rather than water.
7. Emergency employee evacuation and treatment plan to be filed with the County Building Department. Matt Heimerich stated that this plan should also be provided to the Crowley County ambulance, fire, and emergency management offices. Arbuthnot agreed with this. Sue Ann Lowrey stated that it is not enough to have a plan; employees will need to have mandatory training and drills that are recorded. The plan should address this.
8. Fire wall to contain the potential of the spread of fire. Matt Heimerich suggested that the Board of County Commissioners look at the "best practices" recommended by the wildland Urban Interface, and that they employ them in the event of a fire. Karen Tomky brought up that asphalt and gravel can be used as preventative measures.
9. Proper security to deter potential for theft, both external and internal sources. Jim Reeves says there will be two security gates, and there is a fence with razor wire. There are approximately 45 cameras on the property. Appropriate security will be in place. Toni Hughes asked how much crime has increased because of the expansion of marijuana facilities. Arbuthnot stated that some of the commuting workers may receive speeding tickets, but the actual crimes are being performed by home-grown individuals. Toni Hughes said that she had spoke to Sheriff Reeves, and he made the comment that they try to travel across the county at least one time per shift.
10. Blast proof building/container where butane is to be used and stored. Discussion occurred regarding the blast proof design, and how it would actually work. Arbuthnot asked Jim Reeves to explain. He said the materials used for processing are in a closed

system. The byproduct is reduced to powder. The building will be constructed of steel and metal. The extraction area is relatively small. If an explosion were to occur, the blast proof design will prevent the explosion from expanding sideways, but will expand upwards (blow the roof off). Matt Carter stated that he would like to see the engineering plans for construction of the facility.

Off topic, Karen Tomky inquired as to how it will be taxed, and what revenues will come into the county? Arbuthnot stated that we do not tax on what is extracted from marijuana plants, but we do tax the plants that will be sold to the business. The marijuana cultivation industry brings in property taxes and excise tax. Blaine mentioned that we could probably post marijuana revenues to the county website.

11. No detectable odors outside the property's boundary lines. Arbuthnot said this is too difficult to enforce.

12. Will security fencing be required? Yes.

13. Employee and contractor parking. The parking will be on the six-acre parcel, not on the side roads. Jim Reeves expects six regular employees, but that may expand to 15 employees at different times.

In summary, Arbuthnot stated that the Board will come up with a cleaning checklist, and it will be available to interested parties. Jim Reeves will provide a plat map to show the property boundaries, and this too will be made available to interested parties.

PLANNING & 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
Planning & Zoning Administrator: Matt Carter
Audience: Craig Shriver and Karen Riemenschneider (via telephone)

RESOLUTION NO. 2022-8302

APPROVE USE BY REVIEW AND SUBDIVISION EXEMPTION REQUEST BY JET FAMILY TRUST, KENNY RUSHER TRUSTEE, FILE NO. 2022-02

Kenny Rusher, acting as Trustee for the Jet Family Trust, desires to sell ten acres of land to Craig Shriver. The land is currently zoned for agriculture, and is located adjacent to 18055 County Road G. The property will be used as a buffer between the trailer/RV park and the future owner of the Jet Family Trust property. He has no plans to add additional housing at this time, but they may be a future possibility. Crowley County Planning and Zoning Commission heard the request on February 22, 2022, and recommended approval by the Board, subject to a new survey being made and recorded with the County Clerk. All current easements, right of ways, and setbacks must be honored.

Karen Riemenschneider inquired if Craig wishes to expand the housing, will it need to be presented to planning and zoning? The answer is yes. She expressed concerns regarding the ability of 96 Pipeline to supply water for expansion, and she hopes he would meet with the 96 Pipeline Board to discuss when the time comes. McMillian also expressed concerns regarding current pressure issues with 96 Pipeline. Arbuthnot mentioned that if Craig chooses to expand he will need to go through planning and zoning, and 96 Pipeline would have to provide him with an approval letter for a tap/meter.

WHEREAS, Jet Family Trust, Kenny Rusher Trustee, 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 02/22/2022; 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 Jet Family Trust, Kenny Rusher Trustee, is hereby approved.
2. The real property which is the subject of this resolution is described as follows: 18055 County Road G, Ordway, CO 81063.

The property is also known as:

Section 13, Township 21, Range 57, SW1/4 South of RR – EXCEPT 18.25 Acres on east and EXCEPT 9.42 Acres in SW Corner and EXCEPT 4.77 Acres. (49.55 Acres).

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

Motion by Elliott, seconded by McMillian to approve to approve the subdivision exemption request by Jet Family Trust, Kenny Rusher Trustee, File No. 2022-02, subject to all setbacks and easements being honored, and that a new survey be recorded with the Crowley County Clerk.

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:

Melinda Carter, County Clerk

Blaine Arbuthnot, Chairman