

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

**MARCH 31, 2022**

**CALL TO ORDER**

Board of County Commissioners met in regular session on March 31, 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

Stephanie Meyer-----Filling in for LaShelle Benbow, Deputy Clerk to the Board

**RESOLUTION NO. 2022-8318  
APPROVE MARCH 2022 SPECIAL PAYROLL**

Motion by McMillian, seconded by Elliott to approve the disbursement for March 2022 special payroll, and authorize transfer of funds in the following amount:

General Fund	\$ 18.59
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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. 2022-8319  
APPROVE MARCH 2022 PAYROLL**

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

General Fund	\$ 78,113.18
Road and Bridge Fund	\$ 23,132.14
EMS Fire Fund	\$ 2,422.11
Ambulance Fund	\$ 7,515.92
DHS Fund	\$ 32,386.00

Total	\$143,569.35
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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. 2022-8320  
APPROVE PAYROLL BENEFIT DISBURSEMENTS, MARCH 31, 2022**

Motion by McMillian, seconded by Elliott to approve the payroll benefit disbursements for March 31, 2022, and authorize transfer of funds in the following amounts:

General Fund	\$ 60,540.35
Road and Bridge Fund	\$ 18,838.69
EMS Fire Fund	\$ 2,489.43
Ambulance Fund	\$ 4,891.85
DHS Fund	\$ 28,815.02

Total	\$115,575.34
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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. 2022-8321**

**APPROVE DISBURSEMENTS, MARCH 31, 2022**

Motion by Elliott, seconded by McMillian to approve the disbursements for March 31, 2022, and authorize transfer of funds in the following amounts:

General Fund	\$ 42,882.33
Road and Bridge Fund	\$ 186.60
EMS Fire Fund	\$ 59.18
Ambulance Fund	\$ 5,776.50
Water Fund	\$ 40,616.85
DHS Fund	\$ 653.57
E911 Fund	\$ 2,292.44
SECRETAC Fund	\$ 23,687.74
Total	\$116,155.21

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

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

**OTHER BUSINESS OR DISCUSSION**

Commissioners met with Black Hills Energy about charges that will be increased for Crowley County due to the extreme cold weather two years ago. Black Hills will be collecting the additional recovery fees over a three-year period. Gas will increase by \$8.41 over a three-year period. Electric will increase by \$3.40 over a two-year period. There will also be a maintenance charge increase of \$4.26 per month for electric. The County will include a link to Black Hills Energy on the County's webpage for additional information.

The County has been approved for a Congretional Fund Grant through Senator Bennett's office for water related projects.

County has received a grant to build a new senior center in Olney Springs.

**PLANNING & ZONING HEARING**

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

Commissioners: Arbuthnot, Elliott and McMillian  
Deputy Clerk to the Board: Stephanie Meyer filling in for LaShelle Benbow  
Planning & Zoning Administrator: Matt Carter  
Audience: Janet Hajar, Charlie Hajar, Sue Ann Lowrey, Richard Hajar, John Hajar, Sam Wilson, Jim McCuistion, Shirley Agar, Arch Hajar, Wade Cunningham, and Mario Trujillo

**RESOLUTION NO. 2022-8322**

**USE BY REVIEW, MARIO TRUJILLO, FILE NO. 2022-04**

Mario Trujillo desires to open a cannabis extraction lab in an existing building on his property in Sugar City. The property is located at 22538 Meredith Shores Road. Mario has received a waiver by the Sugar City Town Council to operate within a mile of the city limits. Planning and Zoning Commission heard the request on March 28, 2022, and the board denied the request.

The Board of County Commissioners heard the request. Mario Trujillo stated that the extraction lab would not contaminate the lake or disturb the area. Septic will only be used for bathroom purposes.

Arbuthnot stated that the area in question is residential, and this is not the appropriate area for this type of business.

Wade Cunningham, Mario's uncle, spoke on his behalf. Mario has been in the business for nine years, and he is skilled in the process of extraction. It will have minimum impact to the Community, and the Town leaders want the business as it will generate revenue. Mario wants the opportunity to grow and prosper on his own land, and it would be a financial burden to purchase land elsewhere.

Sam Wilson stated that he is concerned about marijuana areas spreading out around the County, and he thinks that the proposed extraction lab should be located in the existing area of marijuana grows. He is concerned for the welfare of his grandchildren, and the possibility of expericencing negative side effects to the roads and the lake.

John Hajar said that four Sugar City board members made the decision to approve his proposed business, but neighbors and residents were not notified about the meeting. A group of concerned residents attending the Planning & Zoning commission meeting. They do not want the business in the area.

Arbuthnot expressed his opinion that the lab would negatively impact property values and it should not be in a residential area. The Board of County Commissioners has never approved this type of business in residential areas.

Elliott spoke and said that this type of business is not commercial but rather an industrial business. His opinion is that Mario's request should not be approved because it is in a residential area.

Motion by Elliott, seconded by McMillian to deny the use by review request by Mario Trujillo, File No. 2022-04.

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

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

**RESOLUTION NO. 2022-8323**

**NON-FARM SUBDIVISION, ARCH HIJAR AND ANDREW WIRTH, FILE NO. 2022-05**

Arch Hajar desires to create an eight-lot subdivision southeast of Sugar City. The eight, ten-acre lots will be located just east of an eight-acre parcel located at the southeast corner of Lane 23 and County Road H in Sugar City. Planning and Zoning Commission heard the request on March 28, 2022, and recommended approval by the Board contingent upon a thirty foot access road and recorded easement for each lot, developed electrical and water system including meter for each lot, and water use agreement with water supplier.

Arch Hajar provided the Board of County Commissioners with a letter from the Town of Sugar City confirming they will approve eight taps contingent upon the engineers drawing and report. He is in the process of obtaining a study from the engineer. He plans on having stipulations for the land to reduce visual impact. The engineer told him that what is currently there is sufficient for eight taps. Black Hills Energy is also preparing an estimate for power service.

Jim McCuistion spoke on behalf of Sugar City pipeline. He thinks this decision should take longer to make and wishes to have the opportunity to see the engineer study and do more research on the pipelines behalf to determine what impact it will have on the existing pipeline. New systems or revamping of the existing system should take longer to plan; he expressed concern about what type of system it will be.

Arbuthnot said the information Jim wants to see should be included in the engineers report. Once the report is completed, it will determine if the Sugar City system will support the taps.

Arch Hajar addressed Jim's concern regarding the "system". Sugar City will provide the water, meter reading and billing. The line will be on private property which is owned by him.

Matt Carter asked Arch Hajar as to whom will be responsible for maintaining the waterline on his property. Arch responded that he will have to research that. He believes that Sugar City has the necessary pressure to provide the water, and the impact on the lines and tank will be minimal. Eight taps equate to lowering the water in the storage tank by about six inches per month.

Sam Wilson stated that he and his children do not want more houses around them. They live in the country for a reason.

Arbuthnot asked if there was any territory infringement. Jim McCuistion stated that there is not a territory to infringe upon. The Town can do it if they choose. He still feels there are a lot of unanswered questions.

Arbuthnot stated that typically, a city will take ownership of a waterline. Elliott mentioned that there can be issues when a line is privately owned. The following is proposed:

WHEREAS, Arch Hajar and Andrew Wirth, has filed a request for Non-Farm Subdivision 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 03/28/2022; 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 Non-Farm Subdivision request of Arch Hajar and Andrew wirth is hereby approved.
- 2. The real property which is the subject of this resolution is described as follows: 23522 County Road H, Sugar City, CO 81076.

The property is also known as:

Section: 14, Township: 21, Range: 56, E1/2NW1/4 (80A)

- 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 McMillian, seconded by Elliott to approve to approve the non-farm subdivision request by Arch Hajar and Andrew wirth, File No. 2022-05, contingent upon the engineer's results on water availability, a thirty foot access road and recorded easement for each lot, developed electrical and water system including meter for each lot, and use agreement with water supplier.

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 Stephanie Meyer.

ATTEST:

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Melinda Carter, County Clerk

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Blaine Arbuthnot, Chairman