

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

FEBRUARY 28, 2023

**CALL TO ORDER**

Board of County Commissioners met in regular session on February 28, 2023. The meeting was called to order by Chairman Blaine Arbuthnot at 9:00 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. 2023-8542**

**APPROVE DHS DISBURSEMENTS, FEBRUARY 24, 2023**

Motion by McMillian, seconded by Arbuthnot to approve the DHS disbursements for February 24, 2023, and authorize transfer of funds in the following amount:

DHS Fund	\$ 22,514.90
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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. 2023-8543**

**APPROVE FEBRUARY 2023 PAYROLL**

Motion by McMillian, seconded by Arbuthnot to approve the disbursements for February 2023 payroll, and authorize transfer of funds in the following amounts:

General Fund	\$ 80,851.34
Road and Bridge Fund	\$ 22,488.56
EMS Fire Fund	\$ 2,309.65
Ambulance Fund	\$ 6,629.97
DHS Fund	\$ 42,545.72
Conservation Trust Fund	\$13.90

Total	\$154,839.14
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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. 2023-8544**

**APPROVE PAYROLL BENEFIT DISBURSEMENTS, FEBRUARY 28, 2023**

Motion by Elliott, seconded by McMillian to approve the payroll benefit disbursements for February 28, 2023, and authorize transfer of funds in the following amounts:

General Fund	\$ 61,229.49
Road and Bridge Fund	\$ 15,378.97
EMS Fire Fund	\$ 2,519.31
Ambulance Fund	\$ 4,894.92
DHS Fund	\$ 34,297.33
Conservation Trust Fund	\$2.81
Total	\$118,322.83

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

Arbuthnot-----Aye

Elliott-----Aye

McMillian-----Aye

**RESOLUTION NO. 2023-8545**

**APPROVE DISBURSEMENTS, FEBRUARY 28, 2023**

Motion by Elliott, seconded by McMillian to approve the disbursements for February 28, 2023, and authorize transfer of funds in the following amounts:

General Fund	\$ 22,693.63
Road and Bridge Fund	\$ 818.87
EMS Fire Fund	\$ 254.06
Ambulance Fund	\$ 3,362.93
Water Fund	\$ 1,769.83
Conservation Trust Fund	\$ 3,363.40
Total Disbursements	\$ 32,262.72

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

Arbuthnot-----Aye

Elliott-----Aye

McMillian-----Aye

**RESOLUTION NO. 2023-8546**

**APPROVE SECRETAC DISBURSEMENTS, FEBRUARY 28, 2023**

Motion by McMillian, seconded by Elliott to approve the SECRETAC disbursements for February 28, 2023, and authorize transfer of funds in the following amount:

SECRETAC Fund	\$ 6,497.51
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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. 2023-8547**

**RATIFY AN ANNUAL EQUIPMENT SERVICE AGREEMENT FOR COUNTY GENERATORS**

Motion by McMillian, seconded by Elliott to approve an annual equipment service agreement for the county generators with Colorado Energy Systems for an amount of \$1,427.88.

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

Arbuthnot-----Aye

Elliott-----Aye

McMillian-----Aye

**RESOLUTION NO. 2023-8548**

**APPROVE A RESOLUTION APPROVING THE ORDWAY EAST WATER SERVICE LINES REIMBURSEMENT AGREEMENT**

Motion by Elliott, seconded by McMillian to approve the following resolution:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF

CROWLEY COUNTY, COLORADO APPROVING THE ORDWAY EAST WATER SERVICE LINES REIMBURSEMENT AGREEMENT

WHEREAS, Crowley County ("County") received Energy & Mineral Impact Assistance ("EIAF") from the Colorado Department of Local Affairs to assist with funding the water mains, sewer mains, and road infrastructure for affordable housing in the Ordway East Subdivision Reception No. 177402; and,

WHEREAS, the EIAF funding does not include funding for individual water service lines and meters for future housing in the subdivision; and,

WHEREAS, County accepted bids for the installation of water and sewer service lines to be installed at the time of main extensions to ensure the newly constructed chip sealed streets will not be damaged during future housing construction projects by the need to cut the streets for these water service taps in the future; and,

WHEREAS, the County through the execution of this Resolution will be reimbursed through this agreement a \$3,000 fee per unit at the time of the issuance of a building permit to reimburse the County for these water service lines to avoid the damage to the road infrastructure being installed by the County as part of the EIAF; and,

WHEREAS, this reimbursement agreement shall be enforced on Lots 10-16 and Tract B of the Ordway East Subdivision Reception No. 177402 where individual service lines have been installed to assist with reducing the construction costs of future affordable housing projects having to cut streets and tap mains; and,

WHEREAS, this agreement shall expire on March 1, 2027, and not be obligated to future housing projects occurring after this date.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF CROWLEY COUNTY, COLORADO that the Board hereby adopts the Resolution and orders this resolution to be recorded in the real property records of Crowley County.

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

Arbuthnot-----Aye

Elliott-----Aye

McMillian-----Aye

**RESOLUTION NO. 2023-8549**

**APPROVE SUGAR CITY SENIOR CENTER OFFICERS FOR 2023**

Motion by McMillian, seconded by Elliott to approve the following officers for the Sugar City Senior Center for 2023: Scott Beeby, President; Mary Young, Vice President; Mary Medina, Secretary; and Lucile Nichols, Treasurer.

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

Arbuthnot-----Aye

Elliott-----Aye

McMillian-----Aye

**RESOLUTION NO. 2023-8550**

**RATIFY AGREEMENT BETWEEN CROWLEY COUNTY BOARD OF COMMISSIONERS AND M.L. STRASIA & SONS CONSTRUCTION, INC.**

Motion by Elliott, seconded by McMillian to approve the agreement between Crowley County Board of Commissioners and M.L. Strasia & Sons Construction, Inc. for commencement and completion of the Ordway East Subdivision Infrastructure project for the amount of \$496,980.00.

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**

McMillian will order the new generator and request that an invoice be provided so we can pay 1/2 the amount up front. Elliott will get with Keith Benbow regarding the cement slab and electrical requirements.

**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: Sue Ann Lowrey, Tony Hagans, Steve Pelster, Wayne Rusher, Shirley Ager, Liam Gildea, Jordan Bunch, Stephen Land, Nathan Shultz, and Chad Rouse.

**RESOLUTION NO. 2023-8551**

**SUBDIVISION EXEMPTION REQUEST, SEVEN SPOKE WHEEL TRUST, STEVE HOPKINS TRUSTEE, FILE NO. 2023-02**

The Hopkins family plan to exempt approximately 3 acres from the family farm North and East of Ordway. The property is located at 14245 County Road J, Ordway, CO, and contains a house, garage and corrals which will be included in the exemption. The remainder of the 320 acre parcel will be available for sale. The Crowley County Planning and Zoning Commission heard the request on February 20, 2023, and recommended approval by the Board, subject to the property being surveyed and recorded with the County Clerk.

Motion by McMillian, seconded by Elliott to approve the subdivision exemption request by Seven Spoke Wheel Trust, Steve Hopkins, Trustee, File No. 2023-02, subject to the property being surveyed and it being recorded with the County Clerk.

WHEREAS, Seven Spoke Wheel Trust, Steve Hopkins 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 02/20/2023; 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 Seven Spoke Wheel Trust, Steve Hopkins Trustee, is hereby approved.
2. The real property which is the subject of this resolution is described as follows: 14245 County Road J, Ordway, CO 81063

The property is also known as:

Section 5, Township 21, Range 57, S1/2

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

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

Arbuthnot-----Aye

Elliott-----Aye

McMillian-----Aye

#### **RESOLUTION NO. 2023-8552**

#### **USE BY REVIEW REQUEST, CHAD AND TIFFANY ROUSE, FILE NO. 2023-01**

Chad and Tiffany Rouse are requesting a Use by Review of 5,400 acres, of which between 1,415 and 2,830 acres will be used to construct a solar farm. The solar farm would be built on the North and South side of Lane 27 including, but not limited to, Sections 10 - 15, Township 19, Range 55 West. The Crowley County Planning and Zoning Commission heard the request on February 20, 2023, and recommended approval by the Board subject to 1) setbacks for non-ag fencing to be at least 100 feet from public roadways and sufficient on other property lines, 2) road use agreement be for the life of the project including construction and decommissioning, and 3) bonds for revegetation and decommission be in place.

Arbuthnot requested that Stephen Land, Project Director for Stellar, provide an overview of the project.

After the presentation Arbuthnot asked where the Xcel transmission line would be located? Stephen Land stated that their educated guess would be along County Road W, extending west from Kiowa County. Arbuthnot asked if there was any public discussion.

Steve Pelster and Tony Hagans both expressed concerns regarding the potential erosion caused from torrential rains and wind erosion. Would the solar project have a greater negative impact than the known erosion patterns that exist?

Stephen Land said that they have completed a hydrology study and the wetland delineation, and these reports address such concerns.

Additional concerns that were discussed include: fencing and setbacks, and whose responsibility it would be to maintain weed buildup which may cause damage to fencing; storage requirements for lithium batteries, and liability issues that would arise due to water shed and wind erosion and potential damages to neighboring properties.

Arbuthnot asked the Board if they had any concerns. McMillian stated that his concern is to protect the land owners. Arbuthnot proposed that approval of the Use by Review be limited up to 2,830 acres on the 5,400-acre property, and subject to the following stipulations:

1. Same stipulations that were required of AES in another solar project, approved under Resolution No. 2023-8541,
2. Setbacks for non-ag fencing be at least 100 feet from public roadways and sufficient on other property lines,
3. Road use agreement be for the life of the project; including construction and decommissioning, and
4. Bonds for revegetation and decommission be in place.

Arbuthnot asked for a motion. Motion by Elliott, seconded by McMillian to approve the Use by Review request made by Chad and Tiffany Rouse, File No. 2023-01, subject to the four stipulations proposed by Arbuthnot.

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.

ATTEST:

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Melinda Carter, County Clerk

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Blaine Arbuthnot, Chairman