

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

MARCH 31, 2023

CALL TO ORDER

Board of County Commissioners met in regular session on March 31, 2023. 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
Ruth Froman____-----Filling in for LaShelle Benbow, Deputy Clerk to the Board

RESOLUTION NO. 2023-8572

APPROVE SPECIAL PAYROLL, MARCH 29, 2023

Motion by McMillian, seconded by Elliott to approve the disbursements for a special payroll dated March 29, 2023, and authorize transfer of funds in the following amount:

General Fund \$ 6,440.58

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

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

RESOLUTION NO. 2023-8573

APPROVE MARCH 2023 PAYROLL

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

General Fund \$ 79,610.59
Road and Bridge Fund \$ 22,488.56
EMS Fire Fund \$ 4,350.57
Ambulance Fund \$ 6,752.20
DHS Fund \$ 35,976.00

Total \$149,177.92

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

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

RESOLUTION NO. 2023-8574

APPROVE PAYROLL BENEFIT DISBURSEMENTS, MARCH 31, 2023

Motion by Elliott, seconded by McMillian to approve the payroll benefit disbursements for March 31, 2023, and authorize transfer of funds in the following amounts:

General Fund	\$ 62,858.16
Road and Bridge Fund	\$ 16,916.53
EMS Fire Fund	\$ 3,174.64
Ambulance Fund	\$ 4,927.21
DHS Fund	\$ 31,462.63

Total \$119,339.17

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

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

RESOLUTION NO. 2023-8575

APPROVE DISBURSEMENTS, MARCH 31, 2023

Motion by Elliott, seconded by McMillian to approve the disbursements for March 31, 2023, and authorize transfer of funds in the following amounts:

General Fund	\$ 94,295.34
Road and Bridge Fund	\$ 61,357.36
EMS Fire Fund	\$ 173.13
Ambulance Fund	\$ 2,138.11
Water Fund	\$ 1,955.00
Conservation Trust Fund	\$ 2,499.99

Total Disbursements \$162,418.93

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

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

RESOLUTION NO. 2023-8576

APPROVE SECRETAC DISBURSEMENTS, MARCH 31, 2023

Motion by Elliott, seconded by McMillian to approve the SECRETAC disbursements for March 31, 2023, and authorize transfer of funds in the following amount:

SECRETAC Fund	\$ 57,059.13
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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

APPOINT LUINDA KARLE AS THE PRESIDENT OF THE ORDWAY SENIOR CENTER AND AS AN AUTHORIZED SIGNER ON THE SENIOR CENTER CHECKING ACCOUNT WITH FIRST NATIONAL BANK

This was pulled from the agenda as Luinda Karle is no longer interested in taking the position.

PLANNING & ZONING HEARING

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

Commissioners: Arbuthnot, Elliott and McMillian

Deputy Clerk to the Board: Ruth Froman filling in for LaShelle Benbow

Planning & Zoning Administrator: Matt Carter

Audience: Sue Ann Lowery, Shirley Ager, Linda Sullivan, Bert & Vicki Buhr, Wayne Rusher, Heath Rusher, Tiffany Pulliam, Ashley Valdez, Amber Dedus, Jennifer Chester, Jennifer Bell, Erica Powell, Greg Brophy, Rebecca Ray, Craig Somes, Mary Beth Tucker, Tony Hagans, Josh Peterson, Ed Rusher and Nathan Shultz. Those present via Zoom were Melissa Buhr, Steve Roalstad, Shad Sullivan, and S. Delaney.

RESOLUTION NO. 2023-8577

PROGRESS REVIEW - USE BY REVIEW AND SUBDIVISION EXEMPTION PREVIOUSLY APPROVED FOR QUEEN BEE CROWLEY, LLC, RESOLUTION NO. 2021-8033

The stem walls and footers have been completed. They are working on plans for a build out. Construction is to begin soon. The slab is going to be poured, and the building will be erected on the 17th. Plumbing is installed. This will be an indoor and outdoor grow.

Motion by Elliott, seconded by McMillian to leave the Use by Review in effect with no changes.

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

Arbuthnot-----Aye

Elliott-----Aye

McMillian-----Aye

RESOLUTION NO. 2023-8578

SUBDIVISION EXEMPTION REQUEST - JUSTIN AND REBECCA MARSH - FILE NO. 2023-03

The Marsh family plans to exempt 6 acres from a 46-acre parcel, North and East of Crowley. It will be used as a homesite for Austin Marsh. The remaining 40 acres will be the location of a future home for Justin and Rebecca Marsh. The Crowley County Planning and Zoning Commission heard the request on March 27, 2023, and recommended approval by the Board, subject to a culvert being installed, and if necessary, septic and building permits and all applicable taxes being paid, and a survey to be conducted and recorded.

Motion by McMillian, seconded by Elliott to approve the subdivision exemption request by Justin and Rebecca Marsh, File No. 2023-03, subject to a culvert being installed, and if necessary, septic and building permits and all applicable taxes being paid, and a survey to be conducted and recorded.

WHEREAS, Justin and Rebecca Marsh, 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 03/27/2023; 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 Justin and Rebecca Marsh, is hereby approved.
2. The real property which is the subject of this resolution is described as follows: the proposed six-acre parcel is located on the North side of County Road F between County Lanes 12.5 and 13.

The property is also known as:

Section 24, Township 21, Range 58, S1/2 SE1/4 West of Boston Lateral. 46 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

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

Arbuthnot-----Aye

Elliott-----Aye

McMillian-----Aye

RESOLUTION NO. 2023-8579

USE BY REVIEW - PUBLIC SERVICE COMPANY OF COLORADO, A COLORADO CORPORATION CONDUCTING BUSINESS AS XCEL ENERGY - FILE NO. 2023-04

Xcel Energy has submitted a Use-by-Review request for a 41-mile transmission line that will cross part of Crowley County. The lines will be 105-140 feet high with an average span of 950 feet. The poles will be steel. The Crowley County Planning and Zoning Commission heard the request on March 27, 2023, and recommended approval by the Board, subject to the following stipulations:

- 1) The easement will be for a single use. That use is electric transmission line. No future disturbances except for regular maintenance.
- 2) Boring reports be made available to all landowners involved.
- 3) Easements would not be made available for public use (i.e. hiking & biking trails).
- 4) Flow of underground water will not be disturbed.

Xcel Energy provided a company overview and explained the Colorado Power Pathway Transmission Project. They provided a letter from Action 22 to be recorded in the minutes. After the presentation, the Board asked for discussion.

Arbuthnot stated that water is of greatest concern. Josh Peterson, with Xcel, explained that the shale layer is a few 100 feet deep before you pierce the aquifer. They will only be going 50 foot deep.

Elliott expressed that there is a fire concern with equipment being installed in such a dry area. Xcel explained that employees cannot smoke on site, and contractors cannot drive over vegetation. There will be fire suppression equipment maintained on site.

Xcel explained that they will install gates, and they will only be accessing the rights-of-way at necessary points. They estimate 15 trucks per day will be accessing the site.

Nathan Shultz, the County Attorney, stated that he his working on documentation regarding waterways and restoration of the site after it is decommissioned.

McMillian expressed concerns about who would determine what revegetation requirements are needed. Xcel stated that they may have an independent company come in to determine what will be required. Xcel is also making agreements with individual landowners to meet expectations of revegetation.

Xcel mentioned that they can notify landowners when they are going to access the site. There was some concern that the right-of-way access can devalue land anywhere from 1% to 10%. They will pay a landowner what the right-of-way is worth.

Additional concerns expressed by the public include blowing dirt when the ground is bladed, animals injured as a result of the construction or maintenance of the site, open holes and their depth while putting in the casons, and water issues. Several people asked for the Board to table their decision.

Nathan Shultz recommended that the information presented at the meeting will be taken under advisement, and the Board will issue a written decision on the Use-by-Review request within 21 days.

Elliott made the motion to take the information under advisement, and issue a written response within 21 days. McMillian seconded the motion.

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:

Melinda Carter, County Clerk

Blaine Arbuthnot, Chairman