

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

JUNE 30, 2023

**CALL TO ORDER**

Board of County Commissioners met in regular session on June 30, 2023. Terry McMillian was absent from the meeting. 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  
LaShelle Benbow-----Deputy Clerk to the Board

**RESOLUTION NO. 2023-8631**

**APPROVE SECRETAC SPECIAL DISBURSEMENT, JUNE 26, 2023**

Motion by Elliott, seconded by Arbuthnot to approve the SECRETAC disbursements for June 26, 2023, and authorize transfer of funds in the following amounts:

SECRETAC Fund \$8,250.00

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

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

**RESOLUTION NO. 2023-8632**

**APPROVE JUNE 2023 PAYROLL**

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

General Fund \$82,494.56  
Road and Bridge Fund \$22,276.54  
EMS Fire Fund \$2,309.65  
Ambulance Fund \$9,012.32  
DHS Fund \$47,671.45  
Conservation Trust Fund \$347.89

Total Disbursement \$164,112.41

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

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

**RESOLUTION NO. 2023-8633**

**APPROVE PAYROLL BENEFIT DISBURSEMENTS, JUNE 30, 2023**

Motion by Elliott, seconded by Arbuthnot to approve the payroll benefit disbursements for June 30, 2023, and authorize transfer of funds in the following amounts:

General Fund \$63,822.81  
Road and Bridge Fund \$17,270.50  
EMS Fire Fund \$2,519.31  
Ambulance Fund \$5,069.89  
DHS Fund \$36,448.57  
Conservation Trust Fund \$70.04

Total Disbursement \$125,201.12

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

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

**RESOLUTION NO. 2023-8634**

**APPROVE DISBURSEMENTS, JUNE 30, 2023**

Motion by Elliott, seconded by Arbuthnot to approve the disbursements for June 30, 2023, and authorize transfer of funds in the following amounts:

General Fund \$43,914.23  
Road and Bridge Fund \$10,150.01  
EMS Fire Fund \$143.57  
Ambulance Fund \$6,070.37  
Water Fund \$10,109.31  
DHS Fund \$478.26  
Conservation Trust Fund \$22,951.65

Total Disbursements \$93,817.40

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

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

**RESOLUTION NO. 2023-8635**

**APPROVE SECRETAC DISBURSEMENTS, JUNE 30, 2023**

Motion by Elliott, seconded by Arbuthnot to approve the SECRETAC disbursements for June 30, 2023, in the amount of \$7,500.00. No funds are required to be transferred as this check replaces a check that was lost in the mail, and funds were previously transferred.

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

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

## **PLANNING & ZONING HEARING**

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

Commissioners: Arbuthnot and Elliott. Terry McMillian was absent.

Deputy Clerk to the Board: LaShelle Benbow

Planning & Zoning Administrator: Matt Carter

Audience: Shirley Ager, Michael Ortiz and Hunter Melnick

### **RESOLUTION NO.2023-8636**

#### **SUBDIVISION EXEMPTION REQUEST, JIFF WITTMAN, FILE NO. 2023-06**

Jeff Wittman's family wants to separate the trailer home and buildings, located at 4502 County Lane 7, from the remainder of the 130-acre parcel. They want to keep the land but sell the home. The Crowley County Planning and Zoning Commission heard the request on June 26, 2023, and recommended approval by the Board, subject to a new survey being completed, and recorded with the County Clerk. The resolution follows:

WHEREAS, Jeff Wittman, 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 06/26/2023; 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 Jeff Wittman is hereby approved.
2. The real property which is the subject of this resolution is described as follows: 4502 County Lane 7, Olney Springs, CO 81062.

The property is also known as:

Section 31, Township 21 South, Range 58 West  
Lots 1, 2, E ½ NW ¼ North of Canal (130 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 Arbuthnot to approve the subdivision exemption request by Jeff Wittman, File No. 2023-06, subject to the completion of a new survey and that survey being 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-----Absent

**RESOLUTION NO. 2023-8637**

**COMMERCIAL SUBDIVISION EXEMPTION REQUEST, MKM ENT, LLC, FILE NO. 2023-07**

Mike Ortiz desires to split his 5-acre commercial lot on Sherman 1, into two 2.5-acre lots. This would provide a second address for marijuana licensing purposes. The Crowley County Planning and Zoning Commission heard the request on March 27, 2023, and recommended approval by the Board, subject to completion of a new survey, recording of the new survey, access to County Lane 20 for both lots, honoring of setbacks, and water and sewer for both lots. The resolution follows:

WHEREAS, MKM ENT, LLC., 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 06/26/2023; 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 MKM ENT, LLC. is hereby approved.
2. The real property which is the subject of this resolution is described as follows: 7900 County Lane 20, Ordway, CO 81063.

The property is also known as:

Lot 9 Sherman Subdivision filing No. 1

A portion of the NW1/4 of Section 17, and a portion of the SW1/4 of Section 8, Township 21 South, Range 56 West of the 6th PM. As shown by the plat recorded 1/24/2020 at reception no. 174444 in the County of Crowley, State of Colorado.

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 Arbuthnot to approve the commercial subdivision exemption request by MKM ENT, LLC, File No. 2023-07, subject to the completion of a new survey, recording of the survey with the Crowley County Clerk, access to County Lane 20 for both lots or an easement, honoring of setbacks (10 ft), and water and sewer on both lots.

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

Arbuthnot-----Aye

Elliott-----Aye

McMillian-----Absent

**RESOLUTION NO. 2023-8638**

**COMMERCIAL USE BY REVIEW REQUEST, HUNTER MELNICK, FILE NO. 2023-08**

Hunter Melnick wants to store vehicles on his property at 8770 County Lane 17 in Ordway. The vehicles will be purchased at auctions for resale. Many of the vehicles will not be on the property for more than a few days. The Crowley County Planning and Zoning Commission heard the request on June 26, 2023, and recommended approval by the Board, subject to the following:

- 1) Size of maintenance shop and parking not to exceed 5 acres.
- 2) No more than 15-20 cars on location at one time.
- 3) Cars will not sit idle for more than 30 days.
- 4) No scrap cars or loose parts would be on the property.

Elliott asked Melnick if there would be a fence around the vehicles. Melnick replied that this is a State requirement, and there will be a fence. He plans on having a 6' high chain link fence to secure the vehicles, and it will meet state requirements. Initially, it will be a repair shop. He will apply for a towing license which will then allow him to sell the cars. Long term goal is to obtain a dealership license, but that will depend on how well the business goes.

Motion by Elliott, seconded by Arbuthnot to approve the commercial use by review request by Hunter Melnick, File No. 2023-08, subject to the following requirements:

- 1) Size of maintenance shop and parking not to exceed five acres,
- 2) No more than 15-20 cars on location at one time,
- 3) Cars will not sit idle for more than 30 days,
- 4) no scrap cars or loose parts on the property,
- 5) Cars must not be visible from the road side, so this side of the fence must have slats or pro-panel 10 to obscure the view, and
- 6) If the above requirements are not met at all times, the use by review request can be revoked.

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

Arbuthnot-----Aye

Elliott-----Aye

McMillian-----Absent

No further business appearing the meeting was recessed.

ATTEST:

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Melinda Carter, County Clerk

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Blaine Arbuthnot, Chairman