

Phillips County Commissioner  
Meeting Minutes<sup>1</sup>  
June 30, 2023

The board held a work session with Maintenance Supervisor Lonny Vernon and Assistant Maintenance Supervisor Brandon Markert prior to the meeting.

**Call to order**

Chairman Garold Roberts called the meeting of the Phillips County Commissioners to order and opened with the Pledge of Allegiance at 8:00 a.m. on June 30, 2023, at the County Courthouse in the Commissioner meeting room.

**County Attendees**

Chairman Garold Roberts, Commissioners Terry Hofmeister and Tom Timm, Administrator Laura Schroetlin, Deputy Administrator/Planner Andrew Nygaard, Department of Human Services Senior Case Manager Tiffany Watson, Treasurer Steve Young, Assessor Doug Kamery, and County Attorney Tammy Kelley

**Additional Attendees**

Janelle Krueger, Kayla Kafka, Mary Fulscher, Pam Vieselmeyer, and Dana Foley via Teams

**Additions or Corrections to the Agenda**

New Business #17 – Tarps on Trucks and New Business #18 – Gun Club Land were added to the agenda.

**Approval of Consent Agenda**

Timm made a motion to approve the consent agenda as presented. Hofmeister seconded the motion. Motion carried unanimously.

**Consent Agenda Items:**

- a. Approval of the minutes of the BOCC 06.16.2023 meeting
- b. Approval of June payroll
- c. Approval of invoice list
- d. Approval of Secure Transportation Licensing documents
- e. Acknowledge receipt of CHP Loss Ratio Analysis
- f. Acknowledge receipt of HUTF summary
- g. Acknowledge receipt of Event Center/BOC Pavilion rentals

**Public Comments**

None presented.

**Appointments**

The board convened as the Board of Human Services at 8:25 a.m., meeting with Watson. The minutes from this portion of the meeting will be maintained by the Department of Human Services. The board reconvened as the Board of County Commissioners at 8:40 a.m.

The board met with Fair Board President Kayla Kafka to discuss having fireworks at the races during the Phillips County Fair on Friday, July 28, 2023, which were approved by the Fair Board. She also discussed potentially having races on Thursday, July 27, 2023. The consensus of the board was to approve.

The board met CTSI Senior Loss Control Specialist Dana Foley via teams regarding the county's five-year loss analysis.

**Public Hearing**

Present were Commissioners Roberts, Hofmeister and Timm, Assessor Kamery, County Attorney Kelley, Deputy Administrator/Planner Nygaard, and Janelle Krueger, Mary Fulscher, and Pam Vieselmeyer from the public. Chairman Roberts opened the hearing at 10:00 a.m. to consider the proposed Phillips County Land Use Code and junk and weed control regulations. Krueger recommended that junk and weed complaints regarding properties in Amherst be exempt from the requirement to be written and signed before the county investigates it. Vieselmeyer said the requirement to have a written, signed complaint is an issue in a small community where residents want to get along and respect each other and still keep the community clean. Fulscher said that there are some who don't live on their property in Amherst and instead use the property to store items. Kamery discussed differences between Paoli and Amherst, in

<sup>1</sup>Minutes prepared by Andrew Nygaard are a summary of discussions, not a verbatim account

that the former is incorporated and the latter is not and is governed by the county. Nygaard recommended updating Article 5 of the proposed Phillips County Land Use Code to change instances of “Board of Adjustment” to “Planning Commission” to more align with the updated Land Use Code procedures. He also recommended adding language about building permit requirements and removing activity notice requirements. The hearing was closed at 10:55 a.m.

### **Unfinished Business**

Hofmeister gave an update on the opioid settlement funds, and the county will still pool the funds regionally.

The board discussed railroad crossings in the county. Road and Bridge Manager Mike Salyards had not yet received a response with additional information.

The board tabled taking action on the NE CO Revolving Loan Fund until more information is received.

The board discussed the gun club pit reclamation and reviewed an agreement from AB Underground, LLC, that stated AB Underground will leave the Holyoke Gun Club pit in a restored and reclaimed state. Per the agreement, the restoration of the site will include clean-up and grading of any disturbance affiliated with the work, and restoration does not include seeding or re-vegetation.

### **Motions/ New Business**

Timm discussed phone calls he had received about triticale spreading in some of the ditches of the county roads.

The board discussed the potential purchase of land near the Holyoke Gun Club for a Road and Bridge shop. Roberts will discuss the possibility with Road and Bridge Manager Mike Salyards and Assistant Road and Bridge Manager Kevin Scott.

The board discussed equipment that various county departments will be putting on Big Iron for auction. The board will leave it to the discretion of department heads regarding what equipment they will put on Big Iron.

Timm made a motion to approve the request from County Clerk Beth Zilla to move Debbie Bennett to GN Grade 24 Step 7, effective July 1, 2023. Hofmeister seconded the motion. Motion carried unanimously.

Hofmeister made a motion to accept the recommendation of the Planning Commission to approve the five (5) subdivision exemption requests submitted by Rick Ensminger to sell 2.07 acres each in the SW ¼ of Section 29-T8N-R47W to buyers to be named later. Timm seconded the motion. Motion carried unanimously.

Timm made a motion to authorize the Chairman to sign the prepaid propane contract between Phillips County Road and Bridge and Scholl Oil & Transportation Co. for the 2023-2024 heating season, September 1, 2023, through May 31, 2024. The contract is for 4,190 gallons at \$1.89 per gallon, for a total contract price of \$7,919.10. Hofmeister seconded the motion. Motion carried unanimously.

Hofmeister made a motion to amend Article 5 of the proposed Phillips County Land Use Code to change all instances of “Board of Adjustment” to “Planning Commission” in order to align with the proposed Land Use Code, since conditional use permits will no longer be used and Major Land Use Changes in the proposed Land Use Code are initially reviewed by the Planning Commission. Timm seconded the motion. Motion carried unanimously.

Timm moved to add section 2-101-F to the proposed Phillips County Land Use Code, which reads as follows: “Building Permits. It shall be unlawful to erect, construct, reconstruct, alter, or change the use of any building or other structure of more than one thousand (1,000) dollars cost or which changes the assessed valuation of the property, within the unincorporated territory covered by this Land Use Code, without the property owner or his authorized representative first obtaining a building permit from the County. A building permit shall not be issued unless the plans for the proposed erection, construction, reconstruction, alteration, or use fully conform to all applicable provisions of this Land Use Code. The Board of County Commissioners shall establish the fee for proposed amendments to cover the cost of processing.” Hofmeister seconded the motion. Motion carried unanimously.

Hofmeister made a motion to strike section 2-102-A-1, which reads, “Activity Notice Required. The Applicant shall complete an Activity Notice Form, available at the County offices” from the proposed Phillips County Land Use Code. Timm seconded the motion. Motion carried unanimously.

Timm made a motion to replace the words “An Activity Notice” with “A building permit” in sections 2-102-D-1 and 2-102-D-2 in the proposed Phillips County Land Use Code. Hofmeister seconded the motion. Motion carried unanimously.

Hofmeister made a motion to approve Resolution 2023-06-30-01, adopting the Phillips County Land Use Code, Exhibit A to the Resolution, incorporating all of the recommendations of the Planning Commission and the changes approved at the June 30, 2023, Board of County Commissioners meeting and instructing the staff to prepare a new version of the Land Use Code to reflect these changes. The Resolution reads:

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PHILLIPS COUNTY, COLORADO, TO REPEAL THE PHILLIPS COUNTY ZONING RESOLUTION, SUBDIVISION REGULATIONS, HOLYOKE AIRPORT REGULATIONS, AND HAXTUN AIRPORT REGULATIONS, AND REPLACE WITH THE NEW PHILLIPS COUNTY LAND USE CODE**

**WHEREAS**, Phillips County, Colorado (the “County”) is a statutory county duly and regularly organized and validly existing as a body corporate and politic under and by virtue of the Constitution and laws of the State of Colorado; and

**WHEREAS**, C.R.S. Section 29-20-101, et seq., Local Government Land Use Control Enabling Act; C.R.S. 30-28-113, and C.R.S. 30-28-116 grant the County authority to plan for and regulate the use of land within the unincorporated County; and

**WHEREAS**, the Phillips County Zoning Resolution, Subdivision Regulations, Holyoke Airport Regulations, and Haxtun Airport Regulations were enacted nearly fifty years ago and have not been significantly amended since; and

**WHEREAS**, the Phillips County Planning Commission reviewed the proposed Land Use Code at a public hearing held on April 27, 2023, and on May 30, 2023, recommended adopting the Phillips County Land Use Code with revisions; and

**WHEREAS**, the Phillips County Board of County Commissioners conducted a public hearing on June 30, 2023, after duly publishing notice thereof to consider the Phillips County Land Use Code; and

**WHEREAS**, the Phillips County Board of County Commissioners has determined that it is in the best interest of the public health, safety, welfare and the environment of Phillips County and consistent with private property rights to repeal the Zoning Resolution, Subdivision Regulations, Holyoke Airport Regulations, and Haxtun Airport Regulations and adopt the Land Use Code.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PHILLIPS COUNTY, COLORADO, THAT,**

**Section 1.** The Phillips County Zoning Resolution, Subdivision Regulations, Holyoke Airport Regulations, and Haxtun Airport Regulations are hereby repealed and replaced in their entirety with the Phillips County Land Use Code and the Airport Overlay Maps, as set forth in Exhibit A.

**Section 2. Severability.** If any section, sentence, clause, phrase, word or other provision of this resolution is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words or other provisions of this resolution, or the validity of this resolution as an entirety, it being the legislative intent that this resolution shall stand notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

**Section 3. Savings Clause.** Except as amended hereby, the Phillips County Floodplain Regulations and any other existing regulations not specifically mentioned herein shall remain valid and in full force and effect. Any provision of any resolution previously adopted by the County which is in conflict with this resolution is hereby repealed as the effective date hereof.

Timm seconded the motion. Motion carried unanimously by roll call vote.

Timm made a motion to approve the Boundary Line Adjustment Application Form as presented. Hofmeister seconded the motion. Motion carried unanimously.

Hofmeister made a motion to approve the Exemption from Land Use Permits for Home Occupations Form as presented. Timm seconded the motion. Motion carried unanimously.

Timm made a motion to approve the Land Use Change Permit Application Form as presented. Hofmeister seconded the motion. Motion carried unanimously.

Hofmeister made a motion to approve the Subdivision Exemption Application Form as presented. Timm seconded the motion. Motion carried unanimously.

Timm made a motion to approve the Variance Application Form as presented. Hofmeister seconded the motion. Motion carried unanimously.

Hofmeister made a motion to approve Resolution 2023-06-30-02, approving the application fee schedule for Land Use Code activities as presented. The Resolution reads:

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PHILLIPS COUNTY, COLORADO, TO APPROVE THE FEE SCHEDULE FOR APPLICATIONS FOR LAND USE CODE ACTIVITIES**

**WHEREAS**, the Phillips County Board of County Commissioners have reviewed the fees for activities outlined in the Phillips County Land Use Code.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of County Commissioners of Phillips County Colorado, that the Board approves the following application fees:

Major Land Use Change Permit Application	\$110.00
Minor Land Use Change Permit Application	\$75.00
Administrative Land Use Change Permit Application	\$60.00
Subdivision Exemption Application	\$60.00
Boundary Line Adjustment Application	\$60.00
Variance Application	\$50.00
Building Permit Application	\$45.00

Building Permits also require a 1% use tax on materials. The costs of advertising for public hearings required by some land use changes are the applicant's responsibility. Subdivision Exemption applications require a \$18.00 recording fee for the first page and \$5.00 for each additional page.

The effective date hereof shall be the date of the adoption of this Resolution.

Timm seconded the motion. Motion carried unanimously.

Timm made a motion to adopt Resolution 2023-06-30-03, adopting the Phillips County Junk and Weed Resolution, Exhibit A to the Resolution, incorporating all of the recommendations of the Planning Commission and instructing the staff to prepare a new version of the Junk and Weed Resolution to reflect these changes. The Resolution reads:

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PHILLIPS COUNTY, COLORADO, TO ADOPT THE NEW PHILLIPS COUNTY JUNK AND WEED CONTROL RESOLUTION**

**WHEREAS**, Phillips County, Colorado (the "County") is a statutory county duly and regularly organized and validly existing as a body corporate and politic under and by virtue of the Constitution and laws of the State of Colorado; and

**WHEREAS**, Section 30-15-401(1)(a)(i), C.R.S., gives Phillips County the authority to control the open-air accumulations of junk, rubbish, garbage, weeds, brush, equipment, and structures on individual properties and adjacent alleys or rights-of-way in Phillips County; and

**WHEREAS**, the Phillips County Planning Commission reviewed the proposed Land Use Code at a public hearing held on April 27, 2023, and on May 30, 2023, recommended adopting the Phillips County Junk and Weed Control Resolution with revisions; and

**WHEREAS**, the Phillips County Board of County Commissioners conducted a public hearing on June 30, 2023, after duly publishing notice thereof to consider adopting the Junk and Weed Control Resolution; and

**WHEREAS**, the Phillips County Board of County Commissioners has determined that it is in the best interest of the environment, health, safety and general welfare of the residents and visitors of the County to adopt the Junk and Weed Control Resolution.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PHILLIPS COUNTY, COLORADO, THAT,**

**Section 1.** The Phillips County Junk and Weed Control Resolution is adopted in its entirety, as set forth in Exhibit A.

**Section 2. Severability.** If any section, sentence, clause, phrase, word or other provision of this resolution is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words or other provisions of this resolution, or the validity of this resolution as an entirety, it being the legislative intent that this resolution shall stand notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

**Section 3. Savings Clause.** Except as amended hereby, the Phillips County Floodplain Regulations and any other existing regulations not specifically mentioned herein shall remain valid and in full force and effect. Any provision of any resolution previously adopted by the County which is in conflict with this resolution is hereby repealed as the effective date hereof.

Hofmeister seconded the motion. Motion carried unanimously by roll call vote.

**Adjournment**

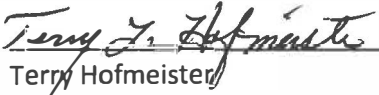
Chairman Roberts adjourned the meeting at 11:00 a.m.

Minutes submitted by Andrew Nygaard.

Next meeting is scheduled for July 7, 2023.

Phillips County Commissioners:

  
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Garold Roberts

  
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Terry Hofmeister

  
\_\_\_\_\_  
Tom Timm

Attest:

  
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Beth Zilla, County Clerk