

*Phillips County Commissioner
Meeting Minutes¹
April 19, 2022*

The board held a work session with Fairgrounds Supervisor Lonny Vernon and Maintenance Department Supervisor Dan Waln prior to the meeting.

Call to order

Chairman Timm called to order the meeting of the Phillips County Commissioners and opened with the Pledge of Allegiance at 8:00A.M. on April 19, 2022, at the County Courthouse in the Commissioner Meeting room.

Attendees

Chairman Tom Timm, Commissioners Garold Roberts and Terry Hofmeister, County Administrator Laura Schroetlin, and County Clerk Beth Zilla.

Additional Attendees

Janelle Krueger, Mike Beard, Thom Elliott, Sharon Michael, Doug Kamery, Holly Ferguson, Darlene Carpio.

Additions or Corrections to the Agenda

- 20) Extend Moratorium on Wind Farms
- 21) Lonny Vernon

Approval of Consent Agenda

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

Consent Agenda Items:

- a) Approval of minutes of the BOCC 04.06.2022 meeting
- b) Approval of A/P invoice list
- c) Acknowledge receipt of Treasurer's Monthly Reports
- d) Acknowledge receipt of CAPP Monthly Reports
- e) Acknowledge receipt of HUTF summary
- f) Acknowledge receipt of Event Center/Facility Rental Agreements

Public Comments

None presented.

Appointments

Class of 2024 – Memorial Tree- Charlee Kleve was rescheduled.

Undersheriff Mike Beard met with the board to give the board an update on the backfill officers that will be scheduled to cover shifts for the Phillips County Sheriff's office May through June as needed. Beard reported that overnight arrangements have been made at the Golden Plains Motel should that be necessary.

The board met with Landfill Manager Bill Andrews to discuss Funeral Leave and Bereavement Benefits. County Treasurer Sharon Michael also attended. Andrews would like to see Funeral Leave changed from 3 days to 5 days and Bereavement Benefits be paid up to 40 hours with approval from the commissioners. The board agreed to review this and other topics in the personnel policy with the department heads.

The board met with Chamber of Commerce Director Holly Ferguson to discuss upcoming events that she will be holding over the summer. Ferguson will be holding Cornhole Tournaments at the Bank of Colorado Pavilion Arena and asked the board if they would waive the fee of the use of the arena and charge Ferguson the cost of the concrete and concession rental fee only.

The board met with Darlene Carpio, Representative for Congressman Ken Buck for an update from his office.

Veterans' Service Officer Jeremy Kilpatrick rescheduled.

¹Minutes prepared by Beth Zilla are a summary of discussions, not a verbatim account.

The board met with Road and Bridge Manager Mike Salyards to discuss the replacement of the curb at the Haxtun Road and Bridge shop.

Old Business

The board reviewed the RFP from Sullivan, Green, and Seavy on zoning regulations.

The board held a discussion with County Clerk Beth Zilla on Voting and Elections. No further action was taken in respect to county election processes.

The board reviewed the ARPA Funds update.

Motions/ New Business

Hofmeister made a motion to approve the RFP from Sullivan, Green, and Seavy LLC to revise and update zoning regulations in an amount not to exceed \$70,000. Roberts seconded the motion. Motion carried unanimously. It was noted that \$40,000 of the proposal would cover the revision portion of the project and the additional \$30,000 would cover any other services required of them during the process.

Roberts made a motion to approve the revised Colorado Retirement Association 401 Retirement Plan Participation Agreement and the 457 Deferred Compensation Plan Participation Agreement as presented. Hofmeister seconded the motion. Motion carried unanimously.

Hofmeister made a motion to oppose the bill "Collective Bargaining Counties" concerning the expansion of County Employees' rights to collective bargaining. Roberts seconded the motion. Motion carried unanimously. The commissioners reiterated their opposition to an unfunded mandate.

Hofmeister made a motion to move the scheduled BOCC meeting from May 9th to May 10th. Roberts seconded the motion. Motion carried unanimously.

Roberts made a motion to approve the request from Road and Bridge Manager Mike Salyards to replace 124 feet of curb on the west side of the Haxtun Road and Bridge shop along Lincoln Ave. for a net cost of \$4,304. Hofmeister seconded the motion. Motion carried unanimously.

Salyards noted that the pickup that was approved for purchase in the 2022 budget for \$28,760 has arrived at Sill-TerHar Ford. He requested a payment check which was approved.

Roberts made a motion to approve the request from Communications Center Director Kenny Gaskill to move Sara Kumm to GN40 Grade 18 Step 2, effective April 24, 2022. Hofmeister seconded the motion. Motion carried unanimously.

Hofmeister made a motion to approve the annual operating license for the East Phillips County Ambulance Service which will run from April 01, 2022, through March 31, 2023. Roberts seconded the motion. Motion carried unanimously.

Roberts made a motion to accept the recommendation of the Planning Commission to approve the subdivision exemption request submitted by Thomas N. Edwards Trust, Shawn R. Edwards Trust for the sale of approximately 3.04 acres in the SW¼ of Section 21-T9N-R47W to Grant and Audree Edwards. Hofmeister seconded the motion. Motion carried unanimously.

Hofmeister made a motion to approve the request from County Treasurer Sharon Michael to forgive taxes on five (5) accounts totaling \$256.72. Roberts seconded the motion. Motion carried unanimously.

Roberts made a motion to approve the request from the Holyoke Chamber of Commerce to schedule a Corn Hole Competition series at the BOC Pavilion on the following dates: July 16, August 20, September 17, and October 15. Hofmeister seconded the motion. The motion carried unanimously. The Chamber further requested approval to sell alcohol on these dates. The commissioners approved the use as long as a special event permit is obtained from the City of Holyoke, proof is provided of alcohol liability insurance and the alcohol deposit is paid. Further, the commissioners decided that unless the Chamber rents the entire facility, that another rental would be permitted to take place during the Chamber's events.

Hofmeister made a motion to move Lonny Vernon to Maintenance Supervisor, effective June 1. Roberts seconded the motion. Motion carried unanimously.

Roberts made a motion to extend Resolution No. 2021-016 authorizing a six-month moratorium on the processing of permits related to the construction of any wind farm system or facility within Phillips

County Colorado another six months, ending October 19, 2022. Hofmeister seconded the motion. Motion carried unanimously.

Hofmeister made a motion to approve Resolution 04-19-2022-1 as follows:

AUTHORIZING THE ADOPTION OF A SIX-MONTH MORATORIUM ON THE PROCESSING OF PERMITS RELATED TO THE CONSTRUCTION OF ANY SOLAR FARM SYSTEM OR FACILITY WITHIN PHILLIPS COUNTY, COLORADO.

WHEREAS, Phillips County, Colorado (the "County") is a political subdivision of the State of Colorado (the "State"), duly organized and existing pursuant to the laws and the Constitution of the State; and

WHEREAS, the Local Government Land Use Enabling Act, 29-20-101, et seq., C.R.S. ("Land Use Act") and the County Planning Code, 30-28-101 et seq., C.R.S. ("Planning Code") expressly delegate paramount authority to counties to implement land use planning and zoning on unincorporated territory within their boundaries; and

WHEREAS, the County supports harmonized development of commercial projects in Phillips County, and the development of solar farm facilities and operations could create development that is not harmonious with adjacent land uses, and create adverse impacts to the general landscape, environment, and public facilities; and

WHEREAS, the County finds it essential to protect and preserve the environment and the public health, safety, and welfare of the County and its citizenry, and that it is in the County's best interest, consistent with the Land Use Act and the County Planning Code, to study and incorporate zoning requirements pertaining to solar farm operations and facilities within Phillips County; and

WHEREAS, the County has therefore determined to study and review current zoning requirements pertaining to solar farm development within unincorporated Phillips County to determine whether the requirements encompass those needed to protect and preserve the environment and the public health, safety, and welfare; and

WHEREAS, a temporary moratorium on all permits relating to the development of solar farm facilities and operations would allow the County sufficient time to review, study, hold public hearings, and prepare and adopt amendments to the zoning requirements, if necessary, relating to the allowance of this specific use; and

WHEREAS, the Board hereby determines that a temporary moratorium on all processing of permits related to the development of solar farm facilities and operations located within unincorporated Phillips County is necessary and proper for the protection of the health, safety, welfare, and best interests of the inhabitants of the County of Phillips, State of Colorado.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Phillips, State of Colorado:

THAT, the purpose of this Resolution is to enable the County sufficient time to review, study, hold public hearings, and prepare and adopt amendments to the County zoning regulations, if necessary, relating to the requirements for the expansion of existing and development of new solar farm facilities and operations within the boundaries of unincorporated Phillips County.

THAT, during a six (6) month period from and after the adoption date of this Resolution the County will not take any action on any application for a permit for the development of solar farm facilities and operations.

THAT, if the Board of County Commissioners finds the six (6) month period too long, or too brief, that the County may shorten or extend the time of the evaluation and adoption period.

THAT, it is not the purpose of this Resolution to deny development permits for other uses that are permitted by-right or special use permits, or other zoning change applications that do not pertain to this specific use, and that comply with all applicable codes, regulations, and policies of the County, or to deny building permits.

THAT, it is further the purpose of this Resolution to fulfill the County's constitutional charge and statutory obligations to protect and preserve the environment and public health, welfare, and safety of the citizens of Phillips County, and in particular to protect the public health, welfare, and safety of the citizens and the value, use and enjoyment of real property in unincorporated Phillips County during the interim period described in this Resolution, and thus defer official governmental action until the County has properly reviewed, studied, held public hearings, and adopted amendments, if necessary to the County's zoning regulations.

THAT, for a period of six (6) months from and after the adoption date of this Resolution, ending at 11:59 p.m. on October 19, 2022:

1. No application on any development of solar farm facilities and operations may be filed, accepted, or processed by any Department, Board, Commission, or Agency of the County, except as provided in this Resolution.

THAT, the Board hereby finds, determines and declares that this Resolution is necessary for the health, safety, and welfare of the citizens of Phillips County.

Roberts seconded the motion. The motion carried unanimously.

Adjournment

Chairman Timm adjourned the meeting at 11:55A.M.

Minutes submitted by County Clerk Beth Zilla.

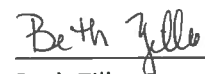
Next meeting is scheduled for April 29, 2022.

Phillips County Commissioners:

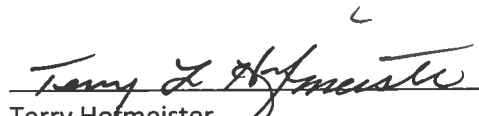
Attest:



Tom Timm



Beth Zilla, County Clerk



Terry Hofmeister



Gerald Roberts