

Phillips County Commissioner
Meeting Minutes¹
November 18, 2022

The board held a work session with County Administrator Laura Schroetlin, Deputy Administrator/Planner Andrew Nygaard and County Attorney Tammy Kelley prior to the meeting.

Call to order

Chairman Tom Timm called the meeting of the Phillips County Commissioners to order and opened with the Pledge of Allegiance at 8:00 a.m. on November 18, 2022, at the County Courthouse in the Commissioner Meeting room.

County Attendees

Chairman Tom Timm, Commissioners Garold Roberts and Terry Hofmeister, County Administrator Laura Schroetlin, Administrative Support Patrick Mitchell, Landfill Manager Bill Andrews, County Attorney Tammy Kelley, and Deputy Administrator/Planner Andrew Nygaard.

Additional Attendees

Janelle Krueger, Andrew Turck, Connie Wilkening, Heather Kurtzer, Jared Kurtzer, Brittany Kurtzer, Ryan Kurtzer, Kyle McConnell, Chad Bamford, Amy Bamford, Shannon Schlachter, Luke Schlachter, Greg Larson, Barb Ensminger, Rick Ensminger, Marc Schlachter, Paul Krogmeier, Bruce Rosenbach, Kevin Beck, Sara Swingle, Jessica Beck, Larry Kurtzer, Brenda Moore, Alex Ingulsrud, David Dirks, Gary Koch, Joe Kinnie, Beau Starkebaum, Kathy Wernsman, and Cindy Sharpe-Kaus.

Additions or Corrections to the Agenda

Schroetlin added the following item:

- 8) Maintenance department purchase request

The appointment with Gary Engels for gun range updates was rescheduled.

Approval of Consent Agenda

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

Consent Agenda Items:

- a) Approval of the minutes of the BOCC 11.09.2022 meeting
- b) Approval of A/P invoice list
- c) Approval of Veterans Service Officer monthly report
- d) Acknowledge receipt of Treasurer's reports
- e) Acknowledge receipt of Finance reports
- f) Acknowledge receipt of Workers' Comp reports
- g) Acknowledge receipt of HUTF summary
- h) Acknowledge receipt of Mobile Food Pantry report
- i) Acknowledge receipt of Event Center/BOC Pavilion rentals

Public Comments

Several people attended the meeting to share public comments on the proposed wind regulations for Phillips County. Chairman Timm informed them that the time for public comments on the regulations themselves had passed, but they could comment on the process itself. Shannon Schlachter asked for a 30-day comment period. Chad Bamford wanted to make sure landowners are represented and wanted a 30-day comment period. Greg Larson discussed airport protections and emphasized safety. Brittany Kurtzer wanted to make sure people have a chance to have their thoughts considered. Joe Kinnie discussed wells drying up and said wind regulations could be an opportunity for the county.

Appointments

The board met with Landfill Manager Bill Andrews regarding rates at the Phillips County Landfill. No changes were made to the landfill rates.

Unfinished Business

The board met with Patrick Mitchell, Administrative Support, who provided the board an update on the ARPA funds.

The board deliberated the proposed county wind regulations. They increased the setbacks for nonparticipating landowners to 2,500 feet and removed self-bonding as a financial surety option for decommissioning.

Motions/New Business

¹ Minutes prepared by Andrew Nygaard are a summary of discussions, not a verbatim account.

Roberts made a motion to adopt the final draft of the Phillips County wind energy regulations as presented. Roberts amended his motion to also include the adoption of Resolution 2022-11-18-01, which reads:

A RESOLUTION ADOPTING REGULATIONS GOVERNING WIND GENERATION FACILITIES IN ALL UNINCORPORATED PORTIONS OF PHILLIPS COUNTY

RESOLUTION NO. 2022-11-18-01

WHEREAS, the development of wind generation facilities and associated power lines is a rapidly developing and evolving industry across Colorado and particularly in unincorporated areas with substantial open agricultural land;

WHEREAS, the use of agricultural and other large tracts of land for wind power generation facilities can have an impact on the health, safety and welfare of the citizens of Phillips County (the "County") in a number of ways, including without limitation loss of land for traditional agricultural uses, and potential impacts on air, water, soil, floodplains, water, storm water, drainage and erosion control, and commitment to agricultural production;

WHEREAS, the Local Government Land Use Control Enabling Act, C.R.S. § 29-20-101 et seq., provides the County with the broad authority to plan for and regulate the use of land in order to provide for orderly development while balancing the health, safety and welfare of its citizens;

WHEREAS, the Local Government Land Use Control Enabling Act authorizes local governments within their respective jurisdictions to plan for and regulate the use of land by, among other actions, regulating development and activities in hazardous areas; protecting land from activities that would cause immediate or foreseeable material danger to significant wildlife habitat; regulating the use of land on the basis of the impact thereof on the community or surrounding areas; and otherwise planning for and regulating the use of land so as to provide for the planned and orderly use of land;

WHEREAS, the Board of County Commissioners of Phillips County ("the Board") believes it has a responsibility to its residents to plan for and regulate the use of land for the purposes laid out in the Local Government Land Use Control Enabling Act as well as those purposes specified in other applicable state and federal statutes and common law grants of authority, and to promote the health, safety and general welfare of its residents;

WHEREAS, the Board believes it also has a duty to balance such regulations so as not to overtly interfere with the private property rights and freedom of landowners who maintain the exclusive right to the use, profit, and benefit from their private property.

WHEREAS, the Board, pursuant to its land use authority, has from time to time adopted planning, zoning and other regulations governing land use in the unincorporated portions of the County;

WHEREAS, therefore, the Board of County Commissioners desires to adopt comprehensive regulations governing the wind power generation facilities.

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

1. The Phillips County Wind Regulations attached hereto as Exhibit A are hereby adopted.

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

Roberts made a motion to approve the request from Sheriff Thom Elliott to extend an offer of provisional employment to Emali Torres and place her on GN40 Grade 16 Step 1. Hofmeister seconded the motion. Motion carried unanimously.

Hofmeister moved to approve the request from Maintenance Supervisor Lonny Vernon to move Brandon Markert to GN40 Grade 20 Step 2, effective November 23, 2022. Roberts seconded the motion. Motion carried unanimously.

Roberts made a motion to approve the amended B&B Investments 2023 Phillips County Raceway race schedule as presented. Hofmeister seconded the motion. Motion carried unanimously.

Roberts made a motion to approve the request from Maintenance Supervisor Lonny Vernon to purchase a Walker MH27i mower from Kurtzer's for \$11,976 to be taken out of the 2023 budget. Hofmeister seconded the motion. Motion carried unanimously.

The meeting was recessed at 10:29 a.m. and reconvened at 10:33 a.m. The board met with Andrew Turck, editor of the Holyoke Enterprise, to discuss the process the county has gone through regarding the wind energy regulations.

Adjournment

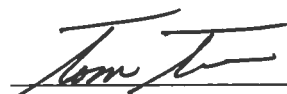
Chairman Timm adjourned the meeting at 10:42 a.m.

Minutes submitted by Andrew Nygaard.

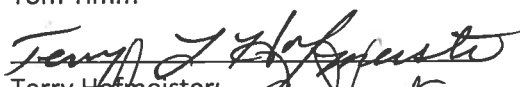
Next meeting is scheduled for November 30, 2022.

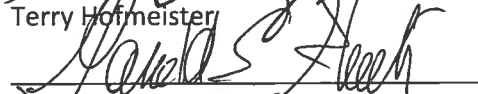
Phillips County Commissioners:

Attest:


Tom Timm


Beth Zilla, County Clerk


Terry Hofmeister


Garold Roberts