

Phillips County Commissioner  
Meeting Minutes<sup>1</sup>  
June 18, 2024

**Call to order**

Chairman Terry Hofmeister called the meeting of the Phillips County Commissioners to order and opened with the Pledge of Allegiance at 8:00 a.m. at the County Courthouse in the Commissioner meeting room.

**County Attendees**

Chairman Terry Hofmeister, Commissioners Garold Roberts and Tom Timm, Administrator/Planner Andrew Nygaard, County Clerk Beth Zilla, and Department of Human Services Director Lori Lundgren

**Additional Attendees**

Janelle Krueger, Robert Pennington, and Brandon Markert (via phone)

**Additions or Corrections to the Agenda**

Additions:

- 9) Wind Tower Moratorium

**Approval of Consent Agenda**

Timm moved to approve the consent agenda as presented. Roberts seconded the motion, which carried unanimously.

**Consent Agenda Items:**

- a) Approval of the minutes of the BOCC 06.07.2024 meeting
- b) Approval of invoice list
- c) Acknowledge receipt of Treasurer reports
- d) Acknowledge receipt of Workers' Comp Reports
- e) Acknowledge receipt of HUTF summary – June
- f) Acknowledge receipt of Building Permits log
- g) Acknowledge receipt of Event Center/BOC Pavilion/Facilities rentals

**Public Comments**

None presented.

**Public Hearing**

Chairman Hofmeister opened the public hearing at 9:00 a.m. to consider the subdivision exemption application from Robert Pennington to divide a 7.69-acre parcel from a 57.9-acre parcel located in the south 1/2 of Section 32, Township 8 North, Range 42 West. Pennington informed the board that the property already has wells and a septic system. Chairman Hofmeister, seeing no further public comments, closed the hearing at 9:07 a.m.

**Appointments**

The board convened as the Board of Human Services at 9:22 a.m., meeting with Director Lundgren. 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 9:38 a.m.

The board spoke with Fair Board President Brandon Markert on the phone to discuss overflow parking for the July 27 concert. Markert asked if the board would waive the \$15 fee for dry camping in the equipment lot west of Harvest Park RV Campground. The board agreed to waive the fee for the night of the July 27 concert.

**Unfinished Business**

The board discussed ground ambulance licensure in the county.

**Motions/New Business**

Nygaard discussed the DOLA Energy/Mineral Impact Assistance Fund Grant application that was submitted to help with the construction of a new storage building for the Road and Bridge department in the southeast part of the county. He informed the board that DOLA offered an award of \$118,664 for the project and that he would be working with DOLA for the next steps in the process.

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

Timm moved to approve the subdivision exemption application submitted by Robert Pennington to sell approximately 7.69 acres in the south 1/2 of Section 32, Township 8 North, Range 42 West to a party to be named later. Roberts seconded the motion, which carried unanimously.

Timm moved to approve the request from Road and Bridge Manager Kevin Scott to move Anthony Helfer to a monthly wage increase of \$105.47, effective June 20, 2024. Roberts seconded the motion, which carried unanimously.

Roberts moved to approve the invoice submitted by Simon Contractors for work completed to date on the Courthouse Sidewalks Project in the amount of \$90,474.30. Timm seconded the motion, which carried unanimously.

Roberts moved to adopt Resolution No. 2024-06-18-01 concerning ambulance services and emergency medical services. The Resolution reads:

**WHEREAS**, the Board of County Commissioners of Phillips County, Colorado (the "Board") pursuant to the authority granted in the Colorado Emergency Medical and Trauma Services Act, Colo. Rev. Stat. § 25-3.5-101, et seq., as amended, and the Colorado Department of Public Health and Environment (the "Department"); Health Facilities and Emergency Medical Services Division; Emergency Medical Services Rules, 6 CCR 1015-3, as amended, has the authority to regulate and authorize ambulance services operating within the county's jurisdiction;

**WHEREAS**, the health and safety of the residents within Phillips County (the "County") are of paramount importance, and efficient medical services are vital for preserving and protecting the County community and its visitors;

**WHEREAS**, on January 31, 2015, the Board adopted a Resolution Concerning Ambulance Services And Emergency Medical Services;

**WHEREAS**, the Board recognizes the need to establish further operational rules and guidelines to ensure the effective and reliable functioning of the Ambulance Service within the County;

**WHEREAS**, the Board desires to amend the Resolution Concerning Ambulance Services And Emergency Medical Services to enhance coordination among emergency responders, optimize resource allocation, and maintain the highest standards of medical care during transportation;

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PHILLIPS COUNTY, COLORADO** that the following rules for Ambulance Services operating within the County are hereby established, and the changes described below are enclosed herein as Exhibit A.

I. Resolution Concerning Ambulance Services And Emergency Medical Services, Article II, Section I, Subsection 1 is hereby deleted and replaced with the following:

No licensed Ambulance Service shall be Based in locations other than those on file with the County and approved by the Board. Nor shall an Ambulance Service abandon any location at which it is Based without prior notice to the Board.

II. Resolution Concerning Ambulance Services And Emergency Medical Services is hereby amended by adding the following Article VII: AUTHORIZATION TO OPERATE:

A. Authorization to Operate. A ground Ambulance Service shall not operate from a base located in the County unless the ground Ambulance Service has obtained authorization to operate from the County.

B. Evaluation. The licensure of Ambulance Service based within the County shall be evaluated based on the Ambulance Service provider's capabilities, experience, personnel, equipment, response times, and ability to comply with all relevant laws and regulations.

C. Board Actions. Subject to the existing state and county licensing requirements, the Board hereby takes the following actions:

1. The Board hereby affirms the Holyoke EMS and Haxtun Ambulance Service County license and authorization to operate ground Ambulance Services in the County, including authority to transport patients from any location in the County and deliver patients to medically appropriate locations within and without the boundaries of the County.

2. The Board hereby recognizes the air Ambulance Service located within the county, which is licensed by the state of Colorado, but which, consistent with Medicare coverage requirements, is used only when a patient's medical condition requires immediate and rapid transportation that could not be provided by ground ambulance, and thus does not affect ground Ambulance Services within the County.

3. No other Ambulance Service located within 35 miles of Melissa Memorial Hospital and Haxtun Health may transport patients from hospitals located in the County.

D. Operation Without Authorization. Ambulance providers based outside the County may deliver patients to locations within the County when medically appropriate and may assist in mass casualty and similar emergent situations when requested by the County, emergency authorities or licensed ambulance operators based in the County.

E. Limitations on Licensed Ambulance Services. Notwithstanding any current or future licensee's authorization to operate Ambulance Services within the County, Holyoke EMS is the only ground Ambulance Service located within 35 miles of Melissa Memorial Hospital that is authorized by the Board to transport patients from Melissa Memorial Hospital to other locations within or without the County. Furthermore, Haxtun Ambulance Service is the only ground Ambulance Service located within 35 miles of Haxtun Hospital authorized by the Board to transport patients from Haxtun Hospital to other locations within or without the County. Provided, however, that the County will have full legal authority to exercise emergency response mutual aid agreements with other surrounding emergency response agencies, including without limitation air Ambulance Service providers and enter into arrangements as needed for the health and safety of the residents and visitors of the County.

F. Ambulance License Required. On and after July 1, 2024, no person or agency, private or public, shall transport a patient from or to any point within the County in an ambulance to any point within or outside the County unless the person or agency holds a valid license issued by the State of Colorado pursuant to C.R.S.A. § 25-3.5-314.

G. Legacy Clause. If, on or after July 1, 2024, the Board relinquishes its authority to regulate ambulance services within the County to the state of Colorado by submitting an "opt out" form as required by the state of Colorado, this Resolution shall remain in full force in effect unless the Board determines otherwise through a written resolution.

H. Interpretation of Terms. Capitalized terms not defined herein shall have the meaning ascribed to them in the Resolution Concerning Ambulance Services And Emergency Medical Services.

Timm seconded the motion, which carried unanimously.

Roberts moved to adopt Resolution No. 2024-06-18-02 establishing a three-month moratorium on the processing of permits related to the construction of any wind farm system or facility within Phillips County. The Resolution reads:

**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 wind 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 wind farm operations and facilities within Phillips County; and

**WHEREAS**, the County has therefore determined to study and review current zoning requirements pertaining to wind 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 wind 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 wind 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 wind farm facilities and operations within the boundaries of unincorporated Phillips County.

**THAT**, during a three (3) 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 wind farm facilities and operations.

**THAT**, if the Board of County Commissioners finds the three (3) 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 land use regulations.

**THAT**, for a period of three (3) months from and after the adoption date of this Resolution, ending at 11:59 p.m. on September 18, 2024:

1. No application on any development of wind 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.

Timm seconded the motion, which carried unanimously.

#### Adjournment


Chairman Hofmeister adjourned the meeting at 10:07 a.m.

Minutes submitted by County Clerk Beth Zilla

Next meeting is scheduled for June 28, 2024.

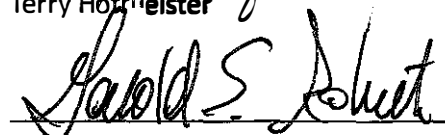
Phillips County Commissioners:

Attest:

  
Tom Timm

  
Beth Zilla, County Clerk

  
Terry Hofmeister

  
Garold Roberts