

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

December 31, 2015

CALL TO ORDER

Board of County Commissioners met in regular session on December 31, 2015. The meeting was called to order by Chairman T. E. Allumbaugh at 8:30 a.m. with the following present:

T. E. Allumbaugh-----Chairman
Frank Grant-----Vice Chairman
Gary Gibson-----Member
Mike Apker-----Deputy Clerk to the Board

**RESOLUTION NO. 6933
APPROVAL DISBURSEMENTS, DECEMBER 31, 2015**

Motion by Grant, seconded by Gibson to approve the disbursements for December 31, 2015 and authorize transfer of funds in the following amounts:

General Fund	\$74,177.58
Road and Bridge Fund	\$16,630.10
EMS Fire Fund	\$ 2,405.43
Ambulance Fund	\$ 3,502.60
Water Fund	\$ 6,927.43
DHS Fund	\$29,372.27
Total	\$133,015.41

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

Allumbaugh-----Aye
Gibson-----Aye
Grant-----Aye

**RESOLUTION NO. 6934
APPROVE LETTER OF SUPPORT AGAINST THE ABANDONMENT EXEMPTION FOR V AND S RAILROAD**

Motion by Grant, seconded by Gibson to approve sending a letter to the Surface Transportation Board, Chief of Administration Section, Office of Proceedings, in regard to docket no. AB603 V and S Railway, LLC - on the abandonment exemption in Crowley, Otero and Kiowa Counties.

The letter requests that the Surface Transportation Board reject the amended notice and expedite the transfer of ownership of the rail line from V and S Railway to KCVN/Colorado Pacific Railroad.

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

Allumbaugh-----Aye
Gibson-----Aye
Grant-----Aye

MONTHLY REPORT AMBULANCE SERVICES

The monthly report from Crowley County Ambulance Billing division was accepted by the board.

**RESOLUTION NO. 6935
APPROVAL WRITE OFFS/BAD DEBT EXPENSE, CROWLEY COUNTY AMBULANCE SERVICE**

Motion by Gibson, seconded by Grant to approve the following:

Charge off to Wakefield and Associates	\$6,477.41
Write off to Bad Debt	\$1,073.65

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

Allumbaugh-----Aye
Gibson-----Aye
Grant-----Aye

RECEIPT OF LEGAL NOTICE CIVIL ACTION 2015CV02727, ESTATE OF TIMOTHY SCOTT DIXON ETAL VS. CROWLEY COUNTY

Lucile Nichols, Crowley County Clerk, accepted service on December 28, 2015 at 2:02 p.m. for the Crowley County Commissioners and at 2:11 p.m. for the Crowley County Sheriff Department in regard to the following civil action summons:

Civil Action No. 2015cv02727 - NYW

Estate of Timothy Scott Dixon, by and through its Special Administrator Nathan C. Williams, S.A.D, minor child, by and through his Guardian and Next Friend, Starla Lerous; and Cody Dixon, Plaintiffs

v.

Board of County Commissioners of Crowley County;
Crowley County Colorado Sheriffs Office;
Sheriff Miles Clark, in his individual and official capacities;
Undersheriff Mark Morlock, in his individual and official capacities;
Deputy James Butler, in his individual and official capacities;
Deputy Jon Miller, in his individual and official capacities;
Deputy Alicia Jacobs, in her individual and official capacities;
Deputy Jon Hernandez, in his individual and official capacities;
John and Jane Does 1 through 5, Crowley County Sheriff's personnel in their individual and official capacities, Defendants

Summons in a Civil Action

**RESOLUTION NO. 6936
APPROVAL RENEWAL LEGAL CONTRACT, MICHAEL NICKLOS**

Motion by Grant, seconded by Gibson to approve the legal renewal for County Attorney Michael Nicklos for fiscal year 2016 at the specified rate per hour as in the previous accepted contract.

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

Allumbaugh-----Aye
Gibson-----Aye
Grant-----Aye

**RESOLUTION NO. 6937
APPROVAL CONTRACT AMENDMENT, COLORADO DEPARTMENT OF CORRECTIONS AND CROWLEY COUNTY ACTING FOR THE CROWLEY COUNTY CORRECTIONAL FACILITY**

Motion by Gibson, seconded by Grant to approve the contract amendment No. 2 between Crowley County and the State of Colorado acting by and through the Colorado Department of Corrections with and for Crowley County Correctional Facility effective December 1, 2015

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

Allumbaugh-----Aye
Gibson-----Aye
Grant-----Aye

AUDIENCE RICK RITTER, OTERO COUNTY HEALTH DEPARTMENT

Rick Ritter was present to discuss issues with the health department.

The proposed schedule for January 2016 was distributed to the board.

The replacement for the vacancy with the Crowley County Nurse was discussed.

Child Protection Fatality Annual meeting is Jan 29, 2016

LEPC Low Emergency Planning Committee for both Otero and Crowley Counties was discussed.

**RESOLUTION NO. 6938
APPROVAL CONTRACT CROWLEY COUNTY / OTERO COUNTY HEALTH DEPARTMENT PUBLIC NURSING SERVICES 2016**

Motion by Grant, seconded by Gibson to approve the contract between Crowley County Commissioners and the Otero County Health Department to provide public nursing services for the residents of Crowley County for 2016 at a rate not to exceed \$40,000 for the ensuing fiscal year.

PUBLIC HEARING

The board conducted the Planning and Zoning Hearing. The hearing was called to order by Chairman Allumbaugh at 10:00 a.m.

Those present were:

Commissioners: Allumbaugh, Gibson, Grant

Land Use Administrator: Richard Medina

Audience:

RESOLUTION NO. 6939

APPROVAL USE BY REVIEW, EAGLE RECLAMATION LLC, FILE NO 2015-06

Eagle Reclamation has requested a Use by Review to operate a smelter and mill up to 100 tons of ore a day which will be transported from Idaho to Colorado locations. The requested site is located at 8540 County Lane 23, Sugar City, Colorado 81076

The Crowley County Planning and Zoning Commission heard the request on December 21, 2015 and approved the request and recommended approval by the Board of County Commissioner's with no stipulations.

Motion by Grant, seconded by Gibson to approve the Use by Review application from Eagle Reclamation for the above referenced site

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

Allumbaugh-----Aye

Gibson-----Aye

Grant-----Aye

USE BY REVIEW APPLICATION, BONNIE STONEY, FILE NO 2015-07

Bonnie Stoney has requested a Use by Review to operate a dog breeding operation which they have been involved in for the past few years. The property is located at 10759 County Road F, Olney Springs, CO 81062. The Stoney's have over 100 dogs mainly Chinese Shar Pei.

Crowley County Planning and Zoning Commission heard the request on December 21, 2015 and approved the request with the stipulation that they continually comply with the USDA and PACFA.

The board decided to table the decision for thirty days

RESOLUTION NO. 6940

APPROVAL USE BY REVIEW, JEFF AND SYDNEY KUHN, FILE NO 2015-08

Jeff and Sydney Kuhn has requested a Use by Review to operate a kennel at their residence located at 8488 County Lane 17.5, Ordway, CO 81063.

Crowley County Planning and Zoning Commission heard the request on December 21, 2015 and approved the request contingent upon the stipulation that if they have more than fifteen dogs they would have to register and comply with PACFA regulations and inspections.

Motion by Gibson, seconded by Grant to approve the request.

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

Allumbaugh-----Aye

Gibson-----Aye

Grant-----Aye

RESOLUTION NO. 6941

APPROVAL MEMORANDUM OF UNDERSTANDING 16TH JUDICIAL DISTRICT ATTORNEY

Motion by Grant, seconded by Gibson to approve the memorandum of understanding between the 16th Judicial District Attorney and Bent, Crowley and Otero counties for calendar year 2016.

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

Allumbaugh-----Aye

Gibson-----Aye

Grant-----Aye

No further business appearing the meeting was recessed.
Minutes taken by Mike Apker.

ATTEST:

Lucile Nichols, County Clerk

Tobe Allumbaugh, Chairman