

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

**May 28, 2010**

**CALL TO ORDER**

Board of County Commissioners met in regular session on May 24, 2010. The meeting was called to order by Chairman T. E. Allumbaugh at 8:30 a.m. The following were present:

T. E. Allumbaugh-----Chairman  
Frank Grant-----Vice Chairman  
Matt Heimerich-----Absent  
Mike Apker-----Deputy Clerk to the Board

Also present: Brandy DeLange, County Treasurer Lynne Bauer, County Clerk Lucile Nichols

**AUDIENCE, RONNY FARMER, REVIEW 2009 AUDIT**

County Auditor, Ronny Farmer, was present to review the 2009 Crowley County Audit.

**RESOLUTION NO. 5658**

**APPROVAL EMPLOYEE PAYROLL, MAY 2010**

Motion by Grant, seconded by Allumbaugh to approve the May 2010 employee payroll and authorize transfer of funds in the following amounts:

General Fund	\$60,240.91
Road and Bridge Fund	\$15,510.03
EMS/Fire Fund	\$ 6,582.89
Water Fund	\$ 2,691.87
DHS Fund	\$22,724.20
Total	\$107,749.90

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

Allumbaugh-----Aye  
Grant-----Aye  
Heimerich-----Absent

**RESOLUTION NO. 5659**

**APPROVAL DHS DISBURSEMENTS, MAY 25, 2010**

Motion by Grant, seconded by Allumbaugh to approve the DHS disbursements for May 25, 2010 and authorize transfer of funds in the following amount:

DHS Fund	\$ 7,879.40
----------	-------------

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

Allumbaugh-----Aye  
Grant-----Aye  
Heimerich-----Absent

**RESOLUTION NO. 5660**

**APPROVAL DISBURSEMENTS, MAY 25, 2010**

Motion by Grant, seconded by Allumbaugh to approve the disbursements for May 25, 2010 and authorize transfer of funds in the following amounts:

General Fund	\$104,682.98
Road and Bridge Fund	\$ 27,953.02
EMS/Fire Fund	\$ 23,813.71
Water Fund	\$ 8,741.86
DHS Fund	\$ 16,809.68
Total	\$182,001.25

CTF Fund	\$ 100.00
----------	-----------

E911 Fund	\$ 2.45
-----------	---------

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

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

Heimerich-----Absent

**RESOLUTION NO. 5661**

**APPROVAL CONTINUING RESOLUTION ON MEDICAL MARIJUANA MORATORIUM**

Motion by Grant, seconded by Allumbaugh to adopt the following resolution to continue the moratorium on Medical Marijuana for Crowley County.

A RESOLUTION OF THE COUNTY OF CROWLEY, COLORADO, IMPOSING A TEMPORARY MORATORIUM ON THE SUBMISSION, ACCEPTANCE, PROCESSING, AND APPROVAL OF ANY APPLICATION FOR A LICENSE OR PERMIT RELATED TO THE OPERATION OF A BUSINESS THAT SELLS OR DISTRIBUTES MEDICAL MARIJUANA PURSUANT TO THE AUTHORITY GRANTED BY ARTICLE XVIII, SECTION 14 OF THE COLORADO CONSTITUTION; DIRECTING THE PROMPT INVESTIGATION OF THE COUNTY'S REGULATORY AUTHORITY OVER SUCH BUSINESSES; DECLARING THE INTENTION OF THE BOARD OF TRUSTEES TO CONSIDER THE ADOPTION OF APPROPRIATE COUNTY REGULATIONS WITH RESPECT TO SUCH BUSINESSES IF PERMITTED BY LAW.

The Crowley County Commissioners (the "County") met in regular meeting in Ordway, Colorado on the 28th day of May, 2010.

The following proceedings, among others, were had and done, to-wit:

WHEREAS, the sale of medical marijuana was authorized and limited by Article XVIII, Section 14 of the Colorado Constitution, adopted by the voters of the State of Colorado on November 7, 2000; and

WHEREAS, the County has no current land use or business regulation governing the operation of a business selling or distributing medical marijuana within the County; and

WHEREAS, the imposition of a 180 day moratorium on the submission, acceptance, processing, and approval of all applications for licenses or permits relating to the operation of a business that sells or distributes medical marijuana will allow the Crowley County Commissioners to investigate the County's ability to regulate such businesses, and to develop and implement any appropriate regulations deemed necessary by the Crowley County Commissioners; and

WHEREAS, as the County does not have any current regulations pertaining to businesses that sell or distribute medical marijuana, the County will suffer irreparable harm if a short, temporary moratorium on the submission, acceptance, processing, and approval of County permits and licenses related to the operation of such businesses is not imposed; and

WHEREAS, the duration of the moratorium imposed by this ordinance is reasonable in length, and is no longer than is required for the County to properly investigate, develop, and, if appropriate, adopt and implement any regulations deemed necessary with respect to businesses that sell or distribute medical marijuana; and

WHEREAS, proprietors desiring to open a business that sells or distributes medical marijuana will not be unfairly prejudiced by the imposition of the short, temporary moratorium imposed by this ordinance;

NOW THEREFORE, BE IT RESOLVED by the County of Crowley that:

Section 1. Imposition of Temporary Moratorium on Application for Permits and Licenses Related to Businesses that Sell or Distribute Medical Marijuana. Upon the adoption of this ordinance, a moratorium is imposed upon the submission, acceptance, processing and approval of all applications for permits and licenses by the County of Crowley related to a business that sells, distributes, or proposes to sell, medical marijuana pursuant to the authority granted by Article XVIII, Section 14 of the Colorado Constitution. The County of Crowley Planning and Zoning Commission is directed to refuse to accept for filing, and not process or review, any such new applications during the moratorium period.

Section 2. Effective Dates of the Moratorium. The moratorium imposed by this ordinance shall commence as provided by law, and shall expire 180 days thereafter, unless sooner repealed.

Section 3. Staff to Investigate and Prepare Proposed Regulations. Before the expiration of the moratorium imposed by this ordinance the County staff, working with the County Attorney, shall carefully review the legal authority of Crowley County to regulate businesses selling or distributing medical marijuana pursuant to Article XVIII, Section 14 of the Colorado Constitution. Such investigations shall be completed promptly and with due diligence. If directed to do so by the Crowley County Commissioners, the County

Attorney shall prepare appropriate new regulations with respect to such businesses for consideration by the County.

Section 4: Public Purpose Finding. The County hereby finds, determines, and declares that this ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort, and convenience of the County and the inhabitants thereof.

Section 5: Authority. The County hereby finds, determines, and declares that it has the power to adopt this resolution pursuant to: (I) the Local Government Land Use Control Enabling Act, §29-20-104 C.R.S.; (ii) §30-28-103 C.R.S., concerning County zoning powers.

Section 6: Severability. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the ordinance. The County hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases are declared invalid.

Section 7: Repealer. All ordinances or resolutions and motions of the County or parts thereof, in conflict with this ordinance are to the extent of such conflict hereby superseded and repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance, resolution or motion, nor revive any ordinance, resolution or motion thereby.

Upon motion duly made and seconded the foregoing resolution was adopted by the following vote:  
Allumbaugh-----Aye  
Grant-----Aye  
Heimerich-----Absent

**RESOLUTION NO. 5662**  
**APPROVAL LETTER OF ENGAGEMENT - FARMER LLC - CROWLEY COUNTY 2010 AUDIT**  
Motion by Grant, seconded by Allumbaugh to approve the letter of engagement with Farmer, LLC for the performance of the 2010 Crowley County Audit. The fee will not exceed \$13,500.00 for the work.

Upon motion duly made and seconded the foregoing resolution was adopted by the following vote:  
Allumbaugh-----Aye  
Grant-----Aye  
Heimerich-----Absent

**CORRESPONDENCE FROM FARMER LLC**  
Board reviewed the letter from County Auditor, Ronny Farmer regarding the County's internal control over financial reporting as a basis for designing the auditing procedures. These are used for the purpose of expressing an opinion on the financial statements. The communication is intended solely for the information and use of management.

**PLANNING AND ZONING HEARING**  
The Chairman opened the public hearing for the referred items from the Planning and Zoning Commission. The meeting was opened at 10:00 a.m.

Those present: Commissioners Allumbaugh and Grant  
Others present: Rick Ferrero, Mike Apker, Brandy DeLange, Mario Rodriguez

**RESOLUTION NO. 5663**  
**CULTIVATION AND PLOWING REQUEST - JOE/HORTENSE RODRIQUEZ FILE NO 2010-07**  
Joe and Hortense Rodriguez have made application for a plowing permit for 5.8 acres south of the residence. The Rodriguez's have sufficient water for this request to convert rangeland to irrigated cropland. The review test was met and the Crowley County Planning and Zoning Commission has approved the request and recommended approval.

Motion by Grant, seconded by Allumbaugh to approve the plowout request as recommended by the Planning and Zoning Commission.

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

Grant-----Aye  
Heimerich-----Absent

**CULTIVATION AND PLOWING REQUEST - ERIK TUCKER FILE NOT 2010-08**

Erik Tucker has made application for a plowing permit for chiseling old farm ground. He proposes to chisel on the north side of the property for erosion control and plant native grass for possible grazing. NRCS has not been involved in the process. The application passed the review test by the Crowley County Planning and Zoning Commission.

The board will consult with the County Attorney regarding some issues they have with the application and will make a decision at a later date.

**PUBLIC HEARING - SPECIAL EVENTS LIQUOR LICENSE (JOHN BUTLER VFW POST 336)**

The board opened a public hearing for the proposed application for a special events liquor license by John Butler VFW Post No. 336 on July 30-31, 2010.

The Chairman opened the meeting at 10:30 a.m.

There were no formal opposition to the request either in writing or in person.

The board closed the hearing.

**RESOLUTION NO. 5664**

**APPROVAL SPECIAL EVENTS LIQUOR LICENSE - JOHN BUTLER VFW POST NO. 336**

Motion by Grant, seconded by Allumbaugh to approve the application filed by John Butler VFW Post No. 336 for a special events liquor license for July 30, 2010 from 11:00 am to midnight and from 11:00 a.m. July 31, 2010 until midnight. The address of the special event is the Crowley County Fairgrounds; 17245 County Road H; Ordway, CO 81063.

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

Allumbaugh-----Aye  
Grant-----Aye  
Heimerich-----Absent

**RESOLUTION NO. 5665**

**CONTRACT EFFECTIVE DATE**

Motion by Grant, seconded by Allumbaugh to make all DHS contracts effective on the start date of the contract (begin date), regardless of the date of execution by all parties.

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

Allumbaugh-----Aye  
Grant-----Aye  
Heimerich-----Absent

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

ATTEST:

---

Lucile Nichols, County Clerk

---

Tobe Allumbaugh, Chairman