

# COMMISSIONERS PROCEEDING 1

## BOARD OF MORGAN COUNTY COMMISSIONERS

### Minutes of Meeting

May 31, 2011

The Board of Morgan County Commissioners met on Tuesday, May 31, 2011 at 9:02 a.m. with Chairman Tony Carlson, Commissioner Brian McCracken and Commissioner Laura Teague in attendance. Chairman Carlson called the meeting to order with Morgan County Director of Finance Michelle Covelli leading the Pledge of Allegiance to the Flag.

### CONSENT AGENDA

Consideration of Approval of Board of County Commissioners Minutes dated May 17, 2011

Ratify Chairman Tony Carlson's signature for assignment of debt collection to Wakefield and Associates for Morgan County Ambulance Service Clients (#0084F9083; #0084F9080; #00CCB1014)

Ratify Managing Commissioner Brian McCracken's signature on the County Veterans Service Officers Monthly Report and Certification of Pay for April 2011

Ratify the approval by the Board of County Commissioners to waive the fees for use of the Morgan County Fairgrounds for the East Morgan County Hospital to host the 9Health Fair on March 18<sup>th</sup>, 2012 through March 23<sup>rd</sup>, 2012

Ratify Chairman Tony Carlson's signature on the letter dated May 11, 2011 approving the request from the Town of Hillrose for one free roll off of normal acceptable household waste to be delivered to the Morgan County Department of Solid Waste for disposal

Commissioner McCracken made a motion to approve all items on the Consent Agenda. Commissioner Teague seconded the motion. Motion carried 3-0.

### GENERAL BUSINESS AND ADMINISTRATIVE ITEMS

#### **CONSIDERATION OF APPROVAL-RESOLUTION-2011 BBC 13-VOID CHECKS AND STOP PAYMENT ORDER**

#### **RESOLUTION**

**2011 BCC 13**

#### **MORGAN COUNTY GOVERNMENT**

#### **RESOLUTION TO VOID CHECKS AND STOP-PAYMENT ORDER**

Be it resolved that on this 31st day of MAY, 2011, the Morgan County Board of County Commissioners hereby authorizes the cancellation of the following warrants.

| <u>Check#</u> | <u>Date</u> | <u>Category (Fund) Issued To</u>    | <u>Amount</u> | <u>Reason</u> |
|---------------|-------------|-------------------------------------|---------------|---------------|
| 9125470       | 01/19/11    | GENERAL FUND<br>M7 Business Systems | \$176.27      | Lost Check    |

NOTE: The Morgan County Board of County Commissioners resolves that all warrants outstanding after the specified time period on the face of the warrant will be canceled, with the stipulation that should such warrant be presented for payment, a new warrant will be issued as a replacement warrant.

#### STOP PAYMENT ORDER

The Board of County Commissioners for the County of Morgan hereby orders stop-payment of the above cancellations.

Should one of these warrants, which has been reported canceled, be presented to the county treasurer, he will reject it to the bank as stale dated or lost. The county department will issue a new warrant and report this as an adjustment on the current appropriate "Statement of Expenditure".

Dated this 31st day of May, 2011

**THE BOARD OF COUNTY COMMISSIONERS  
MORGAN COUNTY, COLORADO**

\_\_\_\_\_  
s/ Tony Carlson  
Tony Carlson, Chairman

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s/ Laura Teague  
Laura Teague, Commissioner

s/ Brian McCracken  
Brian McCracken, Commissioner

(SEAL)

## ATTEST:

s/ Connie Ingmire  
Connie Ingmire, Clerk to the Board

Morgan County Director of Finance Michelle Covelli presented to the Board for approval Resolution 2011 BBC 13 to void lost check number 9125470 drawn on the General Fund dated January 19, 2011 for \$176.27. The check was issued to M7 Business Systems. Commissioner Teague made a motion to approve Resolution 2011 BBC 13 and reissue a check in the amount of \$176.27. Commissioner McCracken seconded the motion. Motion carried 3-0.

## CONSIDERATION OF APPROVAL-CONTRACT-2011 CNT 35-WAKEFIELD

Morgan County Director of Finance Michelle Covelli presented to the Board for approval Contract 2011 CNT 35. After the Commissioners reviewed the contract, Commissioner McCracken moved to table Contract 2011 CNT 35 to the June 7, 2011 Commissioner's Meeting until further clarification is provided. Commissioner Teague seconded the motion. Motion carried 3-0.

## CONSIDERATION OF APPROVAL-CONTRACT-2011 CNT 37-BANNER HEALTH DBA EAST MORGAN COUNTY HOSPITAL

Morgan County Director of Finance Michelle Covelli presented to the Board for approval Contract 2011 CNT 37 with Banner Health dba East Morgan County Hospital to provide pre-employment health assessments and blood screenings. Covelli stated the contract is for two years beginning October 11, 2011 through October 11, 2013 with the option of early termination. Covelli noted the fee for CDOT or general physicals is \$68.00 each, drug screening at \$30.00 each, two-view chest x-rays at \$90.00 each and spinal x-rays at \$180.00 each. Covelli noted the health assessment fees have remained the same since 2006 with the exception of drug screening which were \$15.00 each. Commissioner Teague made a motion to approve Contract 2011 CNT 37 and authorize the Chairman to sign. Commissioner McCracken seconded the motion. Motion carried 3-0.

## CONSIDERATION OF APPROVAL-CONTRACT-2011 CNT 38-G&K SERVICES

Morgan County Building Maintenance Supervisor Dave Cornwell presented to the Board for approval Contract 2011 CNT 38 with G&K Services to provide floor mats to various Morgan County building locations. The term of the contract runs from May 31, 2011 through May 30, 2012. Cornwell noted the cost of the mats are: 3 x 4 mats at a cost of \$1.25 each, 4 x 6 mats at \$2.25 each, 3 x 10 mats at \$3.25 each and 3 x 5 scraper mats at \$1.25 each. Commissioner McCracken made a motion to approve Contract 2011 CNT 38. Commissioner Teague seconded the motion. Motion carried 3-0.

## CONSIDERATION OF APPROVAL-CONTRACT-2011 CNT 39-ZOLL MEDICAL CORPORATION

Administrative Services Manager Susan Bailey, in the absence of Ambulance Director Joe King, asked to table Contract 2011 CNT 39 to the June 7, 2011 Commissioner's Meeting to obtain additional information. Commissioner Teague made a motion to table Contract 2011 CNT 39 until June 7, 2011. Commissioner McCracken seconded the motion. Motion carried 3-0.

## CONSIDERATION OF APPROVAL-CONTRACT-2011 CNT 40-SERVICE MASTER

Morgan County Building Maintenance Supervisor Dave Cornwell asked that Contract 2011 CNT 40 with Service Master be tabled to the June 14, 2011 Commissioner's Meeting in order to obtain additional information. Commissioner McCracken made a motion to table Contract 2011 CNT 40 to June 14, 2011. Commissioner Teague seconded the motion. Motion carried 3-0.

## COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS

Commissioners reviewed the calendar the calendar dated May 27, 2011 through June 7, 2011 with changes.

## UNFINISHED BUSINESS

There was no unfinished business.

# COMMISSIONERS PROCEEDING 3

## CITIZEN'S COMMENT PERIOD

There were no citizen comments.

We hereby adjourn and are in recess at 9:22 a.m.

Respectfully submitted,

Dee Loose  
Deputy Clerk to the Board

## THE BOARD OF COUNTY COMMISSIONERS MORGAN COUNTY, COLORADO

\_\_\_\_\_  
s/ Tony Carlson  
Tony Carlson, Chairman

\_\_\_\_\_  
s/ Laura Teague  
Laura Teague, Commissioner

\_\_\_\_\_  
s/ Brian McCracken  
Brian McCracken, Commissioner

(SEAL)

## ATTEST:

\_\_\_\_\_  
s/ Connie Ingmire  
Connie Ingmire, Clerk to the Board

## MORGAN COUNTY BOARD OF COMMISSIONERS May 31, 2011 MINUTES

The Morgan County Board of Commissioners met at their regular meeting on Tuesday, May 31, 2011 at 9:30 A.M. in the Assembly Room of the Morgan County Administration Building. Present were Commissioners McCracken, Carlson and Teague. Also present were Barb Gorrell, Planning Administrator; Jody Meyer, Planning Assistant; George Monsson, County Attorney; and Susan Bailey, Administrative Services Manager for Morgan County.

The hearing was called to order by Chairman Commissioner Carlson.

## NEW BUSINESS:

### AMENDMENTS TO THE MORGAN COUNTY ZONING REGULATIONS.

Delete the following regulations from the Morgan County Zoning Regulations:

Chapter 4

## SUPPLEMENTARY REGULATIONS

### MEDICAL MARIJUANA

#### 4-800 USE BY SPECIAL REVIEW

- A. ~~Any medical marijuana dispensaries, or similar facilities, or any other land use associated with such uses, sites, or facilities shall be a Use by Special Review in the Heavy Industrial, Light Industrial, Agriculture Business, and Commercial Zones.~~
- B. ~~Any medical marijuana growing site which is not physically located in a dispensary shall be a Use by Special Review in the Heavy Industrial, Light Industrial, Agriculture Business, Agriculture, and Commercial Zones.~~

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- ~~C. Any medical marijuana dispensaries, growing sites or similar facilities, or any other land use associated with such uses, sites, or facilities in any other zones other than those listed in paragraphs A and B of this section are prohibited.~~

## 4 805 APPLICATIONS

~~—All applications for a Use by Special Review for medical marijuana dispensaries, growing sites or facilities, or any other land use associated with such uses, sites, or facilities shall be pursuant to the provisions of Chapter 2 of these regulations.~~

## 4 810 ADDITIONAL APPLICATION INFORMATION

~~In addition to the information required by Chapter 2 of these regulations any application for Use by Special Review for medical marijuana dispensaries, growing sites or facilities, or any other land use associated with such uses, sites, or facilities shall provide the following information:~~

- ~~A. The name, address, date of birth, of any owner, manager, or person or entity holding an ownership interest of 10% or more of the medical marijuana dispensary, growing site or facility, or any other land use associated with such use, site, or facility.~~
- ~~B. Proof of a legal right to occupy the premises in the form of a deed, lease, or rental agreement.~~
- ~~C. A security plan for the premises including any electronic surveillance, locking systems, lighting, alarms, motion sensors, structural reinforcements, safes or vaults, and any other relevant security features. This information shall be general in nature and shall not include details which could compromise the security systems.~~
- ~~D. A copy of the finger prints of the applicant, owner, manager, and any person holding a 10% or more ownership interest in the facility or operation.~~
- ~~E. A statement of personal history of the applicant, owner, manager, and any person holding a 10% or more ownership interest in the facility or operation which shall include the following:~~
- ~~1. Misdemeanor or penalty assessment convictions within the previous 5 years (other than traffic violations).~~
  - ~~2. Felony convictions within the previous 15 years.~~
  - ~~3. Convictions of any sort involving illegal substances within the previous 20 years.~~
  - ~~4. Employment history for the previous 10 years.~~
  - ~~5. Other experience or ownership of or with other medical marijuana facilities.~~
  - ~~6. Residence history for the previous 10 years.~~
- ~~F. A statement signed by the applicant and owner that Morgan County accepts no legal liability for the operation and conduct of the facility or operation if a Special Use permit is approved.~~
- ~~G. A statement signed by the applicant, owner, manager, and any person holding a 10% or more ownership interest in the facility or operation which states that they are aware that they may be prosecuted under federal or state laws concerning the possession, cultivation, or distribution of marijuana and that the issuance of any permit by Morgan County is not a defense or excuse for such prosecution.~~
- ~~H. Evidence of good moral character of the applicant. If there are any criminal convictions reported under paragraph E of this section the applicant may submit evidence of rehabilitation. This may include evidence of educational achievements, letters of reference, evidence of participation in community organizations, and employment history.~~

## 4 815 SETBACK DISTANCES

~~All medical marijuana dispensaries, growing sites or facilities, or any other land use associated with such uses, sites, or facilities shall be located no less than 1000 feet from following uses. Such distance shall be measured in a straight line from the nearest point of listed use property line to the nearest portion of the building or structure housing the medical marijuana dispensaries, growing sites or facilities, or any other land use associated with such uses, sites, or facilities.~~

~~(A) Any public school, private school, or vocational or technical school.~~

~~(B) Any alcohol or drug rehabilitation facility.~~

## 4 820 SIGNAGE

~~No sign advertising the location or presence of the medical marijuana facility shall use the word "marijuana" or any other commonly accepted synonym for marijuana including but not limited to "pot," "weed," "ganga," "cannabis," "bud," "leaf," "reefer," "the," "hemp," or any contraction, compound, or combination of these words or any pictorial or graphic representation of a marijuana leaf or similar representation or symbol.~~

# COMMISSIONERS PROCEEDING 5

## ~~4-825 DURATION, RENEWAL, AND TRANSFER OF THE PERMIT~~

- ~~A. Each Special Use Permit issued under the provisions of these regulations for a medical marijuana facility shall be for a period of 1 year from the date of issuance.~~
- ~~B. Each permit shall be renewed annually by the Board of County Commissioners following payment of a renewal fee to be established by the Board of County Commissioners, notice to the public and the permit holder, a hearing, and the opportunity for county staff, law enforcement, the permit holder, and the public to speak. Applications for renewal shall be submitted to the Morgan County Planning Department no less than 45 days before the expiration of the permit. The Board of County Commissioners may refuse to renew a permit or impose reasonable conditions on the renewal of a permit for good cause.~~
- ~~C. A Special Use Permit issued under the provisions of these regulations for a medical marijuana facility shall be personal to the applicant and shall not run with the land or transfer to another location. A permit may be transferrable to another party at the same location with the permission of the Board of County Commissioners following payment of a transfer fee to be established by the Board of County Commissioners, notice to the public and the permit holder, a hearing, and the opportunity for county staff, law enforcement, the permit holder, and the public to speak.~~

## ~~4-830 HOME OCCUPATIONS~~

~~No medical marijuana dispensary or growing operation shall be operated as a home occupation as defined by sections 1-535 and 4-305 through 4-315 of these regulations.~~

## ~~4-835 CRITERIA~~

~~In addition to the criteria for the granting or denial of a Special Use Permit contained in Chapter 2 of these regulations the Board of County Commissioners may consider the following:~~

- ~~A. Is the applicant of good moral character. In making this determination the Board of County Commissioners shall be governed by the provisions of Section 24-5-101 C.R.S.~~
- ~~B. The application does not contain any substantial misrepresentations or falsehoods.~~

## ~~4-840 HOURS OF OPERATION~~

~~A medical marijuana dispensary may only operate between the hours of 7:00 AM and 9:00 PM.~~

## ~~4-845 CONSUMPTION ON PREMISES~~

~~There shall be no consumption of medical marijuana on the premises of any medical marijuana dispensary permitted under these regulations.~~

## ~~4-850 EXCEPTIONS~~

~~These regulations shall apply only to commercial, nonprofit, collective, or cooperative uses and shall not apply to persons who are certified medical marijuana users for their own individual use.~~

The following regulations shall remain with no proposed change:

### Chapter 1

#### DEFINITIONS

- 1-622 Medical Marijuana Dispensary:** The use of any property or structure to distribute, transmit, give, dispense or otherwise provide marijuana in any manner in accordance with Section 14, Article XVIII of the Colorado Constitution.
- 1-623 Medical Marijuana Growing Site:** The use of any property or structure to grow, cultivate, or propagate marijuana for use in accordance with Section 14, Article XVIII of the Colorado Constitution.

Add the following to the Morgan County Zoning Regulations:

### Chapter 4

#### SUPPLEMENTARY REGULATIONS

#### MEDICAL MARIJUANA

- 4-800** Medical marijuana dispensaries and/or growing sites are prohibited in any zone in unincorporated Morgan County.
- 4-805** The prohibition of Section 4-800 shall apply only to commercial, nonprofit, collective, or cooperative uses and shall not apply to persons who are certified medical marijuana users for their own individual use.

# 6 COMMISSIONERS PROCEEDING

Under discussion Barb told the Commissioners that the moratorium placed on the medical marijuana regulations will expire on July 1, 2011. This proposed amendment would delete all regulations that were put together last year resulting in a total ban of Marijuana. This does not apply to persons who are certified medical marijuana users for their own individual use. She said the definitions and the supplementary regulations would remain in the regulations.

Barb Gorrell also noted that the Planning Commission recommended approval of the above amendments on a vote of 4-1. One Board member felt that a dispensary could help regarding mileage expenses. Barb also received two phone calls prior to this hearing; both parties grow marijuana - one in the Town of Hillrose and the other in Washington County. She thought they would be here to make comments. She also had one phone call in favor of the ban.

Commissioner Teague thought it made more sense to have medical marijuana go through the FDA regulations and then be distributed through pharmaceuticals. Commissioner McCracken agreed with Commissioner Teague. He has spoken to law enforcement agencies who have concurred that crime rates do go up around dispensaries and he is in favor of the ban. Commissioner Carlson thought the majority of Morgan County was in favor of the ban; however he does sympathize with those who have travel time and expenses.

There was no one present to speak in favor of or in opposition to this amendment.

George Monsson said taking this amendment through a County land use process was a good way to go and gives the County tighter authority.

**It was moved by Commissioner McCracken and seconded by Commissioner Teague to approve the above Amendments to the Morgan County Zoning Regulations regarding banning of medical marijuana as proposed by Barb Gorrell, Planning Administrator. Motion carried 3-0, becoming Resolution #2011BCC11.**

## AMENDMENTS TO THE MORGAN COUNTY SUBDIVISION REGULATIONS.

Strike through text to be deleted. Bold text to be added.

### 8-215 Changes, **Replats, Minor Subdivision Amendment**

No changes, erasures, modifications or revisions shall be made in the Minor Subdivision Plat after approval has been given by the Planning Commission or the Board of County Commissioners, except ~~upon further consideration by the Planning Commission or the Board of County Commissioners and its permission being given~~ as follows:

- (A) **Minor changes, erasures, modifications, revisions, replats or minor subdivision amendments may be granted administratively by the Planning Administrator.**
- (B) **Major changes, erasures, modifications, revisions, replats or minor subdivision amendments must be given further consideration by the Planning Commission and/or the Board of County Commissioners.**
- (C) **Major changes, erasures, modifications, revisions, replats or minor subdivision amendments must go through the same application, notice and hearing process as the original application.**
- (D) **Fees for changes, erasures, modifications, revisions, replats or minor subdivision amendments shall be determined by the Board of County Commissioners.**
- (E) **The current criteria as for granting or denying a minor subdivision shall apply to granting or denying changes, erasures, modifications, revisions, replats or minor subdivision amendments.**
- (F) **The Planning Administrator shall be the sole authority to determine what are major or minor changes, erasures, modifications, revisions, replats or minor subdivision amendment.**
- (G) **On a case by case basis the Planning Administrator shall determine if the provisions of Section 8-110 of the Morgan County Subdivision Regulations apply to the changes, erasures, modifications, revisions, replats or minor subdivision amendments.**

Plats signed by the Board are the property of Morgan County. This section shall not apply to scrivener's errors.

### 8-185 Plat Information

- (R) **Certificate of approval by the Planning Administrator and Board of County Commissioners as set forth in Sections 7-105 (S), (T) and (U), for minor changes, erasures, modifications, revisions, replats or minor subdivision amendments.**

Letter designations for Section 8-185 (R) through (X) shall be adjusted to accommodate the addition of above letter (R).

# COMMISSIONERS PROCEEDING 7

Barb told the Commissioners that the above amendments would allow her to review minor changes which would mean less permit fees and time for the application process. She explained:

*(The Planning Administrator currently has the ability to review and grant Subdivision Exemptions, minor changes to Planned Developments and Special Use Permits. We do receive applications for boundary line adjustments, amended subdivisions, etc. that are minor and have no off site impacts to warrant a full review. The minor subdivisions should not be treated any differently than any of the other applications. It is my opinion that the minor subdivisions have been overlooked in the amendment process for administrative review.)*

Barb Gorrell noted the Planning Commission unanimously recommended approval of these amendments to the subdivision regulations.

Commissioner Carlson said he was in favor of handling these smaller issues without having to go through a full hearing process. The simpler, the better, and it will be cheaper. Commissioner McCracken liked the idea of looking at these on a case by case basis and agreed with Commissioner Carlson's comments.

**It was moved by Commissioner Teague and seconded by Commissioner McCracken to approve the above Amendments to the Morgan County Subdivision Regulations as proposed by Barb Gorrell, Planning Administrator. Motion carried 3-0, becoming Resolution # 2011BCC12.**

Under discussion Barb Gorrell asked about a fee for this process and it was decided she could bring that issue up at one of the Commissioners' regular meetings for a decision.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Jody Meyer, Planning Assistant

## THE BOARD OF COUNTY COMMISSIONERS MORGAN COUNTY, COLORADO

\_\_\_\_\_  
s/ Tony Carlson  
Tony Carlson, Chairman

\_\_\_\_\_  
s/ Laura Teague  
Laura Teague, Commissioner

\_\_\_\_\_  
s/ Brian McCracken  
Brian McCracken, Commissioner

(SEAL)

**ATTEST:**

\_\_\_\_\_  
s/ Connie Ingmire  
Connie Ingmire, Clerk to the Board

## THE BOARD OF COUNTY COMMISSIONERS MORGAN COUNTY, COLORADO

\_\_\_\_\_  
Tony Carlson, Chairman

\_\_\_\_\_  
Laura Teague, Commissioner

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Brian McCracken, Commissioner

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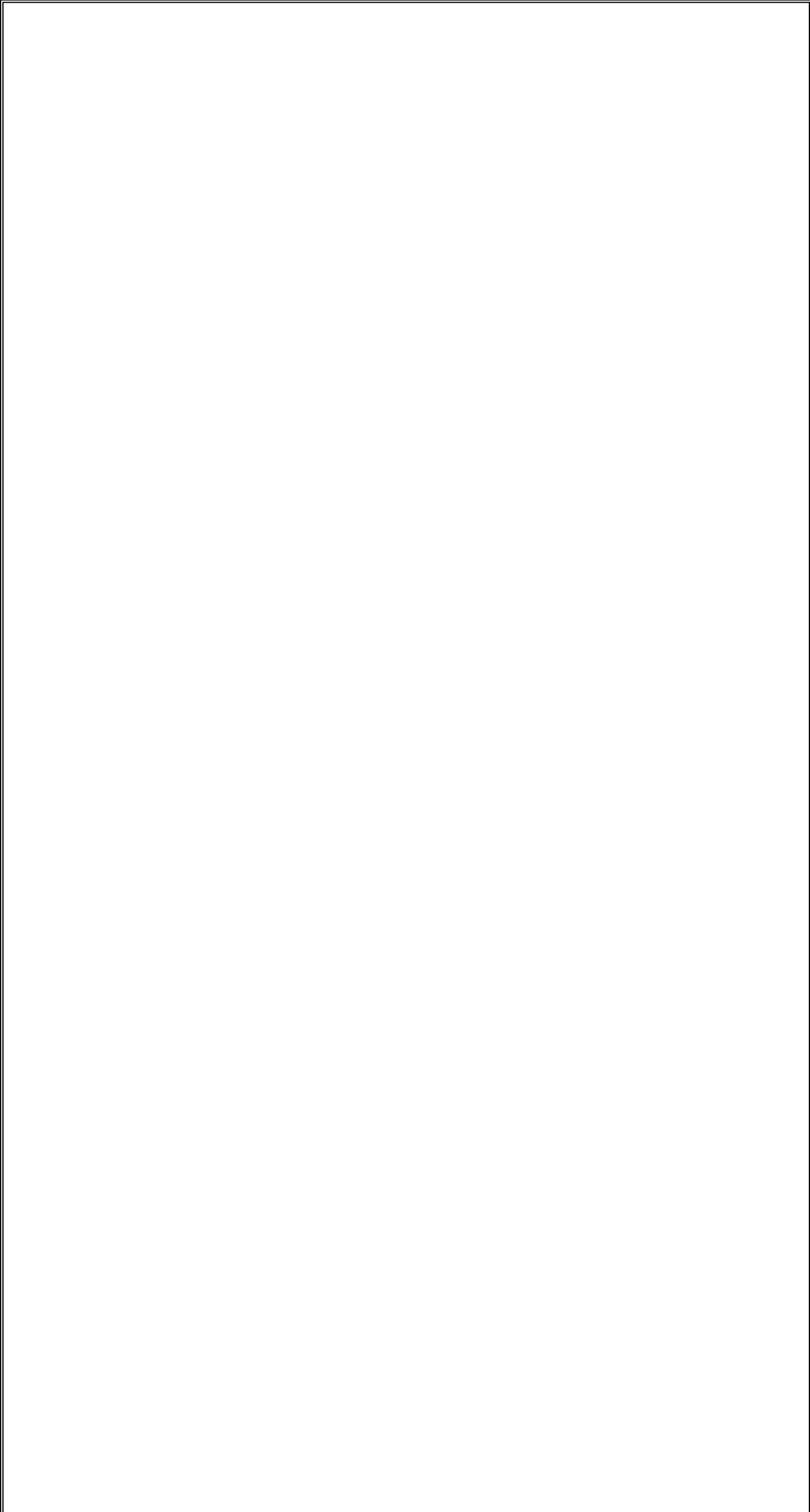
(SEAL)

**ATTEST:**

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Connie Ingmire, Clerk to the Board

**COMMISSIONERS PROCEEDING 9**



**10 COMMISSIONERS PROCEEDING**

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