

COMMISSIONERS PROCEEDING 1

BOARD OF COUNTY COMMISSIONERS

Minutes of Meeting

May 25, 2010

The Board of Morgan County Commissioners met on Tuesday, May 25, 2010 at 9:00 a.m. with Chairman Brian McCracken, Commissioner Tony Carlson and Commissioner Laura Teague in attendance. Chairman Brian McCracken called the meeting to order with County Attorney George Monsson leading the Pledge of Allegiance to the Flag.

CONSENT AGENDA

The following items were on the Consent Agenda:

Consideration of Approval of Minutes dated May 18, 2010

Ratify Chairman Brian McCracken's signature for assignment of debt collection to Affiliated Credit Services for Morgan County Ambulance Service Client accounts

Ratify the Board of County Commissioner's contract award to M&M Cooperative to provide and deliver propane to the various Morgan County sites commencing 6/1/10 through 5/31/10.

Commissioner Carlson noted on item number three on the Consent Agenda there were three bids submitted for propane. Commissioner Teague stated the bids were: M&M Cooperative at \$1.55 per gallon delivered, Hill Petroleum at \$1.55 per gallon delivered and Affordable Propane at \$1.69 per gallon prepay or \$1.75 price cap with no money up front. Teague noted the Board approved M&M Cooperative for propane because of their good service in the past.

Commissioner Carlson 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-CONTRACT 2010 CNT 39-2010 EMERGENCY MANAGEMENT PERFORMANCE GRANT-LOCAL EMERGENCY MANAGEMENT SUPPORT

Director of Emergency Management Steve Enfante presented to the Board for approval the 2010 CNT 39 Emergency Management Performance Grant between Morgan County and the Colorado Department of Local Affairs for financial assistance and local management support in order to enhance all emergency management obligations. Approximately fifty percent of these funds are used for wages, office supplies, telephone, travel, etc. and anything that involves running the Emergency Management Department. Enfante stated the amount of the grant is \$45,800.00 running from October 1, 2009 through June 30, 2011. Enfante noted these are Federal funds that the State of Colorado passes on. Commissioner Teague made a motion to approve Contract 2010 CNT 39 as outlined by Enfante and authorize the chairman to sign. Commissioner Carlson seconded the motion. Motion carried 3-0.

CONSIDERATION OF APPROVAL-BALER WIRE AWARD

Assistant Manager of the Morgan County Solid Waste Department Cass Yearous presented to the Board for approval three bids for one-half truckload of eleven gauge baler wire weighing approximately twenty-two thousand pounds. The three bids are: L&P Wire-Tie Systems for \$57.00 per cwt, Accent Wire for \$57.00 per cwt and CSWP for \$59.99 per cwt. Yearous noted the price is \$6.75 more than last year as it varies throughout the year. Yearous stated by using the heavier gauge wire they are using less wire and have fewer problems with breakage. Yearous requested the Board approve the bid with L&P Wire-Tie Systems. Commissioner Carlson made a motion to approve the bid for one-half truckload at \$57.00 per cwt with L&P Wire-Tie Systems in the amount of \$12,540.00. Commissioner Teague seconded the motion. Motion carried 3-0.

CONSIDERATION OF APPROVAL-RESOLUTION 2010 BCC 15-RESOLUTION APPROVING TRANSFER OF TANF DOLLARS TO WELD COUNTY

RESOLUTION 2010 BCC 15

A RESOLUTION AUTHORIZING THE TRANSFER OF \$125,000 FROM THE TEMPORARY AID TO NEEDY FAMILIES (TANF) RESERVES TO WELD COUNTY

WHEREAS, the Morgan County Temporary Aid to Needy Families Reserves has a balance that is in excess of the needs of Morgan County for the Colorado state fiscal year ending June 30, 2010, and

WHEREAS, Weld County is able to utilize this resource, and

WHEREAS, Morgan County is authorized by Colorado state law and regulations to transfer monies from its TANF Reserves to another county.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MORGAN COUNTY, COLORADO:

The State of Colorado is hereby authorized to transfer one hundred twenty-five thousand dollars (\$125,000.00)

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of the Morgan County Temporary Aid to Needy Families Reserves to Weld County and the accompanying Maintenance of Effort.

DATED this 25th Day of May, 2010.

BOARD OF COUNTY COMMISSIONERS MORGAN COUNTY, COLORADO

s/Brian McCracken
Brian McCracken, Chairman

s/Laura Teague
Laura Teague

s/Tony Carlson
Tony Carlson

ATTEST:

(SEAL)

s/Connie Ingmire
Connie Ingmire, Clerk to the Board

Director of Human Services Steve Romero presented to the Board for approval Resolution 2010 BCC 15 as a formal request from Weld County Department of Human Services to buy reserve TANF dollars from Morgan County. The Morgan County Department of Human Services and the Morgan County Board of Commissioners will adopt this resolution as well as the Weld County Department of Human Services and Weld County Board of Commissioners. All documents will then be sent to the State where the final adjustment will be made. Romero noted the amount of TANF funds to be transferred is \$125,000.00. Commissioner Carlson made a motion to approve Resolution 2010 BCC 15. Commissioner Teague seconded the motion. Motion carried 3-0.

CONSIDERATION OF APPROVAL-FORMAL BID AWARD-2010 TELEPHONE SYSTEM UPGRADE-MORGAN COUNTY JUSTICE CENTER AND ROAD AND BRIDGE DEPARTMENT-PROJECT #MCC 2010-002

Communications Director Pam Monsees presented to the Board for approval bids for the 2010 telephone system upgrade. Monsees stated the formal bid opening was conducted on May 21, 2010 with two bids being received. The first bid was from Imagine Technologies in the amount of \$101,560.00. The second bid was from Peak Communication in the amount of \$54,380.65. Monsees noted this is an upgrade to the outdated system with more current technology. The upgrade would include three separate projects to include the CJC telephone switching equipment and replacement, the Road and Bridge switching equipment and phone replacement and County wide voicemail replacement. Monsees recommended the Board approve the Peak Communication bid in the amount of \$54,380.65. Commissioner Teague made a motion to approve the voicemail upgrade as outlined by Monsees. Commissioner Carlson seconded the motion noting this is a good project. Motion carried 3-0.

CONSIDERATION OF APPROVAL-PROCLAMATION-MAY IS MENTAL HEALTH MONTH

Commissioner Carlson introduced the new Director of Centennial Mental Health, Karl Cline, and asked him to present the May as Mental Health Month Proclamation. Cline noted mental health is one of the top five health threats and leading cause of disability. Cline noted two hundred seventeen million days of work lost annually due to this condition. Cline also noted a widening gap between well-trained professionals and increasing needs of individuals. Commissioner Carlson made a motion to approve the May as Mental Health Month Proclamation. Commissioner Teague seconded the motion. Motion carried 3-0.

Commissioner Carlson asked Cline to report the status with his department since his arrival in Morgan County. Cline noted the incredible cooperation among the various organizations in Morgan County. Cline stated the biggest challenge is finding qualified help to fill vacant positions within the department.

COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS

Commissioners reviewed the calendar for May 21, 2010 through June 1, 2010 with no changes.

UNFINISHED BUSINESS

There was no unfinished business.

CITIZEN'S COMMENT PERIOD

There were no citizen comments. The meeting adjourned at 9:26 a.m.

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Respectfully submitted,

Dee Loose
Deputy Clerk to the Board

BOARD OF COUNTY COMMISSIONERS MORGAN COUNTY, COLORADO

s/Brian McCracken
Brian McCracken, Chairman

s/Laura Teague
Laura Teague, Commissioner

s/Tony Carlson
Tony Carlson, Commissioner

ATTEST:

(SEAL)

s/ Connie Ingmire
Connie Ingmire, Clerk to the Board

MORGAN COUNTY BOARD OF COMMISSIONERS May 25, 2010 MINUTES

The Morgan County Board of Commissioners met on Tuesday, May 25, 2010 at 9:30 A.M. in the Assembly Room of the Morgan County Administration Building.

Present were Commissioners Tony Carlson, Laura Teague and Brian McCracken; and Administrative Services Manager to the Commissioners, Susan Bailey. Also present was Barb Gorrell, Planning Administrator; Jody Meyer, Planning Assistant; and George Monsson, County Attorney.

The hearing was called to order by Chairman Commissioner McCracken.

The following proposed regulations were up for discussion:

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.

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," "thc," "hemp," or any contraction, compound, or

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combination of these words or any pictorial or graphic representation of a marijuana leaf or similar representation or symbol.

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.

Barb Gorrell reviewed the regulations noting the Board of County Commissioners adopted a six-month moratorium in January 2010 regarding medical marijuana pending the outcome of the State legislature on this issue. Barb said the State legislature did adopt regulations which are similar to liquor license regulations. However, the Governor had not officially signed the bill yet. Barb said that George Monsson put a set of proposed regulations together in case we didn't get guidance from the state (which is outlined above). It is Barb Gorrell's recommendation to extend the moratorium until July 1, 2011.

Commissioner Brian McCracken thought Morgan County and its municipalities should take a look at these regulations as a whole and a meeting has been scheduled for this.

George Monsson agreed with Barb's recommendation to extend the moratorium and to wait and see what happens at the State level in the meantime.

PUBLIC COMMENT:

Barb Gorrell told Commissioners she received a letter from an individual who could not make it to the hearing. This was handed out to the Commissioners for their review.

James Bass said he is a licensed medical marijuana user and he strongly disagreed with Ms. Gorrell's recommendation to extend the moratorium. He believes the State laws will be overturned. There are a number of people in Morgan County that are medical marijuana users and they need the ability to have a dispensary located here. Not allowing this right becomes discriminatory. A Special Use Permit should not be necessary and he did not like the medical marijuana being taxed. Growing of the marijuana needs to be done inside a facility for better quality. Mr. Bass said regulations need to be in place, but they must be reasonable.

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Commissioner McCracken told Mr. Bass that he can grow his own plants. Mr. Bass explained that a dispensary helps to get rid of any excess grown from the plants.

Commissioner Carlson said they want to meet with the municipalities regarding this issue and thought maybe they should wait until after that meeting before any action is taken. Commissioner Carlson also said there is a meeting coming up with CCI regarding this same matter. Right now it is time for discussion and not the time for action.

Barb Gorrell noted that the six-month moratorium runs out on July 19, 2010. George Monsson suggested tabling this matter.

Commissioner McCracken was more in favor of doing the extension of the moratorium.

Commissioner Teague said they needed to wait and see what the frame work of the State will be and how we can work underneath it. If there are court challenges we can see how they play out. She did not think the County would be ready to make a decision within 45 days. That is not enough time to meet with municipalities and come up with a good frame work.

It was moved by Commissioner Teague and seconded by Commissioner McCracken to extend the moratorium on medical marijuana until July 1, 2011 and develop framework regulations that match the State's framework. Motion carried 2-1 with Commissioner Carlson having the dissenting vote.

There being no further business the hearing was adjourned.

Respectfully submitted,

Jody Meyer, Planning Assistant

BOARD OF COUNTY COMMISSIONERS MORGAN COUNTY, COLORADO

s/Brian McCracken
Brian McCracken, Chairman

s/Laura Teague
Laura Teague, Commissioner

s/Tony Carlson
Tony Carlson, Commissioner

ATTEST:

(SEAL)

s/ Connie Ingmire
Connie Ingmire, Clerk to the Board

THE BOARD OF COUNTY COMMISSIONERS MORGAN COUNTY, COLORADO

Brian McCracken, Chairman

Tony L Carlson, Commissioner

Laura Teague, Commissioner

ATTEST:

(SEAL)

Connie Ingmire, Clerk to the Board

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