

**BOARD OF TRUSTEES
TOWN OF GREEN MOUNTAIN FALLS
MINUTES OF REGULAR MEETING - TUESDAY, FEBRUARY 2, 2010**

The meeting was called to order at 7:08 p.m. by Mayor Tyler S. C. Stevens.

ATTENDANCE: Pitrone present Useman absent King present
Bratton present Newberry present Worthey absent

ADDITIONS, DELETIONS OR CORRECTIONS TO AGENDA – No additions, deletions or corrections requested.

CONSENT AGENDA

- APPROVE BOARD OF TRUSTEES MINUTES: 01/19/10 and 1/29/10

- APPROVE BILLS DUE AND PAYABLE FOR \$8,741.90

M/S Pitrone/Bratton to approve the Consent Agenda as presented. All ye

CITIZEN'S INPUT - Michael Lohman, 6817 Hotel Street, stated that he has concerns with the Town Clerk's workload. He said she has too much to do. He has requested forms that took too long for him to get. He has also had to wait for other information. He stated that he had worked with individuals over the past two years who wanted to do business in Town but they had to wait for forms and have reconsidered. Lohman suggested leadership should support business. Lohman recommended that the Board consider volunteer help for the clerk. He offered to sit with her and show her how to put information on the Town's website in a timely fashion. He stated the codes are not current on the website as well as other information. He asked if anyone knew if the clerk had a gun. He stated that as far as he knew she has not gone postal on anyone. Mayor Stevens stated with a modest budget and constrained resources, volunteers have greatly assisted the Town throughout the years and are an important asset.

The Public Hearing was called to order at 7:16 p.m. by Mayor Stevens.

PUBLIC HEARING: ORDINANCE 01-2010 AN EMERGENCY ORDINANCE ENACTING A MORATORIUM ON THE SUBMISSION, ACCEPTANCE, PROCESSING AND APPROVAL OF ANY APPLICATION FOR A TOWN OF GREEN MOUNTAIN FALLS, COLORADO PERMIT OR LICENSE RELATED TO THE OPERATION OF A BUSINESS OR COOPERATIVE THAT SELLS, DISPENSES, OR CULTIVATES MEDICAL MARIJUANA PURSUANT TO THE AUTHORITY GRANTED BY ARTICLE XVIII, SECTION 14 OF THE COLORADO CONSTITUTION At the January 5, 2010 Board meeting, Trustee Bratton expressed concerns that the Town did not have regulations addressing the licensing and zoning of medical marijuana dispensaries. He stated that many Colorado cities, counties and municipalities have been addressing this issue. Colorado's medical marijuana law is Amendment 20, a citizen initiated amendment to the Colorado Constitution passed in 2000 by 54% of the voters. On 2/25/09, the U.S. Attorney General announced that the DEA would no longer raid dispensaries that are legally established under state laws. On 10/10/09 a memo was released at the federal level authorizing the medical use of marijuana as long as it complies with state law. Medical marijuana dispensaries are not defined or addressed in Amendment 20 and there is no regulation of dispensaries at the State level.

The clerk was requested to research information circulated by the Colorado Municipal League (CML) and other towns throughout the state. This information was presented to the Board on 1/19/10 as well as a draft emergency ordinance discussing a moratorium on the licensing MMD businesses. Town Attorney, Dan Stuart, recommended the Town pass a moratorium.

Currently, Woodland Park and Cripple Creek have elected to pass a moratorium as have more than 25 municipalities. El Paso County passed a resolution in December imposing restrictions on medical marijuana dispensaries. Denver passed proposed rules to take effect March 1st but could change depending on what happens at the State Legislature. Denver's rules are 1,000' from schools, day care centers and other dispensaries. Felons convicted within the last 5 years could be barred from running dispensaries. Owners would have to be licensed, pass criminal background checks, pay a \$2,000 application fee and pay \$3,000 a year to renew licenses. At the 01/19/10 meeting, the Clerk was requested to set a Public Hearing for the Tuesday, 2/02/10 Board meeting.

The purpose of the moratorium as explained by Trustee Bratton and Mayor Stevens was to give the State Legislation the opportunity to establish rules and regulations for the licensing and operation of these dispensaries. When the State puts forth guidelines, the Town would have the opportunity to review licensing procedures, zoning and fee schedules. Bratton stated that though the State Senate has just passed one bill, he believes there will be more coming from the current legislative session to assist in compiling necessary codes. Stevens felt that it was in the best interest of the Town to act in alliance and collaboration with other regional towns, cities and counties. Michael Lohman, 6817 Hotel Street, did not feel an emergency ordinance was in the best interest of the people. He understands why the Board wants to wait upon the State but the Board should not shove anything down the peoples' throats. He has no actual interest in this matter because this drug could not help him. He felt the Board was trying to control commerce and blocking something that could help a lot of people who just want to stop throwing up. Lohman held up a piece of paper and asked if this paper was now null and void. It appeared that it was a town receipt. Lohman spoke of internet business where a person can print their needs, submit their prescription, press a button and their order is delivered by UPS. He said there would be no one driving around in the middle of the night, no smoking of bongs at the end of the road and no increase in crime. Lohman said he worked in Europe where this is not a problem. Mayor Stevens replied that at this meeting, the Board is addressing an ordinance enacting a moratorium on submission, acceptance, processing and approval of any application for a business or cooperative that sells, dispenses or cultivates medical marijuana. Kathy Wade, current manager of The Outlook Lodge asked if the Board was concerned that someone might take legal action. She inquired if the Town Attorney had advised the Board on how to proceed. Trustee Pitrone questioned the timeline of the moratorium as the ordinance reads, "in place until September 21, 2010". He thought the Board might put in an earlier date. Bratton stated that he thought the State actions would be slow moving and pointed to a section of that same sentence which continues with "until September 21, 2010 unless such date is further amended by subsequent ordinance". There being no further comment from the Board or audience members, the Public Hearing was closed at 7:34 p.m.

The following findings were presented:

- ordinance is being enacted as an emergency moratorium ordinance for the immediate preservation of public peace, health, and safety
- emergency moratorium ordinance will allow the Board of Trustees to continue receiving public input from the community on Town licensing and zoning regulations for dispensaries
- moratorium gives the Board the opportunity to review developing State legislation in order to draft appropriate rules and regulations concerning businesses or cooperatives that sell, dispense or cultivate medical marijuana
- this ordinance will facilitate that the Town acts on this issue with the consideration of neighboring municipalities

M/S Bratton/King to approve the passage of Ordinance 01-2010 An Emergency Ordinance Enacting a Moratorium on the Submission, Acceptance, Processing and Approval of any Application for a Town of Green Mountain Falls, Colorado Permit or License related to the Operation of a Business or Cooperative that Sells, Dispenses, or Cultivates Medical Marijuana pursuant to the Authority granted by Article XVIII, Section 14 of the Colorado Constitution. All yea

BOARD OF TRUSTEES AND STAFF DISCUSSION OF TOWN WEBSITE CONTENT AND REQUIREMENTS - M/S Pitrone/King to table agenda item until 2/16/10 Board meeting. All yea

DISCUSSION OF BUDGET REVIEW - SCOPE OF WORK The Board members selected Wednesday, February 10, 2010 at 7:00 p.m. at the Town Hall to hold a workshop to discuss alternate revenue sources for the Town. Mayor Stevens desires that the Town focus on revenue resources at this time and not expenditures. He suggested everyone research and brainstorm and bring in future revenue sources that will then be discussed, consolidated and prioritized. He anticipates multiple workshops to achieve final course of action.

REPORTS: **Marshal's** report was presented by Marshal Ford and submitted into the record by Mayor Stevens. **Mayor Stevens: PPACG/PPRTA:** No report requiring Board discussion. **Trustee Pitrone: Regional Building/Public Works Department:** Pitrone reported that Regional Building officials will be at the 2/16/10 meeting to present amendments to the building code. Pitrone stated that there will be a vacancy on the Regional Building Commission. Marc Synder, Mayor of Manitou Springs is completing a second two year term. There will be a meeting of elected officials at the Regional Building office on 2/19 to consider the appointment of an elected official from either Fountain, Manitou Springs, Green Mountain Falls, Monument or Palmer Lake. **DPW Director** Robert McArthur's report was submitted into the record. **Trustee King: PPACG Alternate / TES Alternate Rep / Admin / Grant Research** – The Town Clerk reported that she had registered the Town logo. **Trustee Useman: Manitou School District 14** – No report.

Trustee Worthey: GIS website - No report. **Urban Forestry:** No report.

Trustee Bratton: Bratton stated that the Bronc Day Committee will meet on 2/03/10 at the Mucky Duck Restaurant at 7:00 p.m.

Trustee Newberry: Parks – Newberry received two sponsorships supporting a GOCO grant for the tennis court grant which was presented and discussed last year as the second phase of the parks enhancement project as submitted by Robert McArthur. The third phase presented was the upgrade of the playground equipment in that park similar to the equipment at the Gazebo Park. Newberry also received an email from Mayor Stevens asking if there should be discussion of a skateboard park instead of repairing the tennis court. Newberry reviewed the input received from residents noting that a skateboard park was listed last on residents' suggestions for projects and improvements. Resident Ruble Henderson thought it might have been how the survey was constructed or that most of the responses were from the older, retired residents. Henderson felt the response would be different if area 13 YR olds knew there was a discussion taking place for parks improvements. Town Clerk mentioned that the best location for this type of facility has been a point of discussion with Town residents. Trustee King stated that the Town has an existing facility in the tennis court, and that there has been a considerable investment in the preparations for the tennis court grant. He felt that proceeding with this project does not exclude the consideration of other recreational enhancements as revenue sources come forward. Newberry was given the support to go forward with the March 2, 2010 application deadline submittal.

OLD BUSINESS - A Public Hearing for the Comcast Franchise Application has been set for the Tuesday, February 16, 2010 Board of Trustees meeting.

NEW BUSINESS - The Town Clerk submitted the April 6, 2010 Municipal Election Calendar. Mayor Stevens will be completing a two year term of office in April and can run for one more two year term before being term limited in 2012; the four year term of Trustees Useman, Pitrone and Newberry are up in April and each of these trustees can run for one more four year term before being term limited in 2012. All four individuals have decided to run for office. **No other** new business was brought before the Board of Trustees requiring discussion or action.

CORRESPONDENCE: Trustee Bratton requested that in response to a letter addressing actions of the Town Clerk, received from Nan Stephens and Kim Wart, that the Board authorize Administrative Trustee, Robert King, to conduct an investigation with a copy sent to the Board. The Town Clerk requested that subsequent correspondence relating to the allegations be included in the report. **A letter** was received from the Technical Enforcement Program of the EPA. This entity was inquiring as to whether the Town owned the electrical transformers or capacitors throughout the area. This agency inspects electrical equipment that may contain PCBs. This letter was forwarded to the City of Colorado Springs Utilities division with a call placed to the EPA contact in the letter as well as to the City Utilities representative. **A letter from the** Girl Scouts was received requesting that the Town submit a Proclamation proclaiming March 7-13 as Girl Scout Week. This is the 98th Anniversary of the Girl Scouts of the USA. **No other** correspondence was received requiring Board discussion or action.

The meeting was adjourned at 8:26 p.m.

Mayor Tyler S. C. Stevens

ATTEST: _____
Chris Frandina, Municipal Clerk