

MARCH 9, 2010

FIFTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on March 9th, 2010, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Commissioner Chairman Edward Norden called the meeting to order at 9:30 A.M.

Michael J. Stiehl	Commissioner	Absent
Edward H. Norden	Commissioner	Present
Larry Lasha	Commissioner	Present
Brenda Jackson	County Attorney	Present
Norma Hatfield	Clerk and Recorder	Present

Also present Bill Giordano, Planning and Zoning Director; George Sugars, County Manager; and Katie Barr, Deputy Clerk.

Those present recited the Pledge of Allegiance to the Flag of the United States of America.

APPROVAL OF AGENDA

Commissioner Lasha moved to approve the agenda Commissioner Norden seconded the motion.

Upon Vote: Commissioner Norden, aye; Commissioner Lasha, aye. The motion carried.

CONSENT AGENDA

Commissioner Lasha had no changes, but wishes to put emphasis on item number four, scheduling of the public hearing on April 13th, 2010, concerning temporary regulations on medical marijuana.

Commissioner Lasha moved to approve the consent agenda. Commissioner Norden seconded the motion.

Upon Vote: Commissioner Lasha, aye; Commissioner Norden, aye. The motion carried.

ADMINISTRATIVE/INFORMATIONAL

1. Administrative and Elected Officials

Norma Hatfield gave her report for the month of February, 2010. Total fees taken in at the Clerk & Records Office were \$338,790.10 which is \$15,501.55 less than last year. Sales and use taxes collected were \$46,857.33 which is \$2,443.08 less than last year. Total deposit to the bank was \$682,677.46 which is \$113,030.35 more than last year. \$86,397.50 is due to State for road & safety surcharges and \$34,250.50 is due to State for bridge safety surcharges. Total late fees collected were \$26,150.00. \$21,140.00 of that goes to the State, so the County made \$5,010.00. Since last fall, the State no longer pays the county vendor fees.

Commissioner Lasha moved to accept the Clerk's report for the month of February. Commissioner Norden seconded the motion.

Upon Vote: Commissioner Lasha, aye; Commissioner Norden, aye. The motion carried.

Commissioner Lasha spoke about "Spring Clean Up." There are vouchers available for one pickup load of trash to be taken to Phantom Land Fill. This has been done each year for about 8 years. There are 200 vouchers available. The towns of Rockvale, Coal Creek, and Williamsburg participate with us as well. Our vouchers are from now through April 23rd. Florence vouchers are from April 19th – 23rd. Penrose does there own type of clean up at the Gooseberry Patch with a dumpster, you can find out more about that through the Penrose Chamber. There are also a couple of grassroots movements where people gather and help the less fortunate with their clean-up. There are also groups of people who have

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adopted our County highways for clean-up and the good efforts made by those people have been identified with signage. Vouchers are available in the commissioner's office at a first come first serve basis.

Commissioner Lasha mentioned that for all of our surrounding towns, Holcim collects old tires once a year. This year it will be on May 8th, 2010 from 8:30 A.M.-1:00 P.M.

Commissioner Norden made mention of the Fremont 911 emergency notification. It is vitally important to have your wireless cell phones registered with them. Right now only landline phone numbers are in that database and since the bulk of Fremont County phone numbers are wireless numbers these must be registered in order for you to receive reverse 911 notifications. You can register your wireless phone number on our website at www.fremontco.com

2. Citizens Not Scheduled

Jody Enderle & Sheriff Jim Beicker addressed the Board concerning the Fremont Search and Rescue. Jody states that they are a volunteer group. In 2009 they donated 13,356 hours of training activity to the county. This does not include any missions. This year through March we have 754 hours, not including missions. Last year we had 12 (twelve) missions and in June 5 (five) lives were saved. The Sheriff is state mandated to provide search and rescue services. Without the volunteer group it would fall back on his staff. Funding is provided by grants and donations. Their insurance has increased from \$989.00 from October to \$2,716.00 for the rest of the year. This is a cost that usually the county takes care of. We are asking to cover the \$3,705.00 for insurance. Sheriff Beicker stated that this was taken out of the budget this year. He is here to support their request.

Commissioner Lasha stated that they had budget issues that they had to deal with in 2009. We will know where we are when we close out the 2009 budget. We are coming into those issues right and we will know where we are at exactly after the fall bills have been paid. Your request is positively taken and your request will be given a serious study.

Commissioner Norden stated that budget short fall impact public safety in a variety of ways. The citizens need to recognize the contribution that the volunteers make at every hour of the day. He encouraged citizens to take a closer look at what we value as some of the fabric of our community that we need to support.

Beverly Kinard, President of Children Against Marijuana, inquired why the Sheriff had not closed the dispensary for marijuana and that the County Commissioner has not made a decision on how to handle this. She is writing a letter to the Attorney General of Colorado regarding the matter.

NEW BUSINESS

MIKE SCHNOBRICH & DIANE WALKER – PRESENTATION OF FULL CIRCLE RESTORATIVE JUSTICE. A 501C ORGANIZATION THAT IS WORKING WITHIN THE 11TH JUDICIAL DISTRICT IMPLEMENTING A RESTORATIVE JUSTICE PROGRAM.

Mike Schnobrich, Director, stated that the program basically tries to find ways of resolving types of conflicts within the community dealing with criminal issues. One of the ways that we do this is to bring together the different parties that are involved and try to find ways of solving the problem and try to keep the offender from going on with the behavior. Any support from the County Commissioners would be appreciated.

Diane Walker, Executive Director, explained that with the permission of both parties, the program brings the offender face to face with their victims and gives the victims a chance to express their feelings concerning the crime and how it affected them. They then come to an agreement of how the offender can right the wrong they have done. As of right now the 11th Judicial District is still not using this process to serve the community. They did have their first case in Salida this past September, but they would like to see it expand across the whole 11th Judicial District.

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Commissioner Norden stated he believes that this is a worth while program as an alternative to the cost of prosecution and sees it as a viable opportunity to resolve criminal cases without incurring additional prosecution fees and court costs.

Commissioner Lasha asked if they will also be making presentations to Park, Custer, and Chaffee Counties. Mr. Schnobrich said they've been working on this process for a couple of years now and that they will be speaking to each of those counties as well.

2009 REPORT FROM THE FREMONT COUNTY TOURISM COUNCIL

Doug Shane Executive director of the Canon City Chamber of Commerce reported they had a pretty good year. There was a tax decline of only \$23 dollars since 2008. There was a decline from 18,330 visitors in 2008 to 16,995 in 2009, a decrease of 1300 visitors. There was a carryover of \$25,612 from 2009. Their fulfillment was down about \$2800 due to website problems which have since been corrected. They hired a research firm this year to go out and research the market and they came up with a new slogan for the area called "Royal Gorge Region" and they also came up with a new look for the slogan. There will also be the "Royal Gorge Regional" magazine which will be coming out within the next two weeks. They've seen fulfillment, calls, and emails go up compared to the last year. They recently awarded a contract to a website company to refresh their Royal Gorge Region website. That contract was awarded to Vista Works out of Buena Vista.

Commissioner Lasha inquired whether there had been more Colorado travel last year more that most years or if it was from all over. Mr. Shane stated that most people came from within a 600 mile radius, so most of the travel came from within the state. This made them pull back some of their out of state marketing.

Commissioner Norden stated that in 2010 the Chamber will no longer have the tourist cabins and they are currently working on directing those visitors to the Chamber of Commerce office. Mr. Shane believes this can be handled better and is working various ideas to make things easier for our visitors. A 3-5 year plan is in place for accomplishing this.

Commissioner Norden moved to accept the Tourism Council report. Commissioner Lasha seconded that motion.

Upon Vote: Commissioner Lasha, aye; Commissioner Norden, aye. The motion Carried.

RESOLUTION #19 ADOPTION OF TEMPORARY REGULATIONS TO LIMIT THE LOCATION OF MEDICAL MARIJUANA DISPENSARIES AND MEDICAL MARIJUANA GROWING OPERATIONS WITHIN UNINCORPORATED FREMONT COUNTY.

Commissioner Norden commented that some jurisdictions have considered moratoriums and some counties in the state have chosen to put in place temporary regulations. We have decided to proceed with the proposal of temporary regulations. Within 30 days we must schedule a public hearing where we will then extend the temporary regulations beyond the thirty days or adopting permanent regulations. Since this Board wants to see what guidance we get from the legislature first, it's unlikely that any permanent regulations will be adopted at that public hearing.

County Attorney Jackson commented that the way they came up with the temporary regulations was a result of a series of workshops where they met to consider our zoning resolutions and which zone districts would be appropriate for this, whether or not they wanted to allow dispensaries and affiliated growing operations in residential areas as part of home occupations and in business areas, whether we want to require special review us permits, or conditional use permits as part of that process. The regulations are very simple, they limit dispensaries, and related grow operations to business zone district, rural highway zone district as a permitted areas, no special review use permits are necessary. Home occupations, dispensaries, and affiliated growing operations can have up to 3 patients before a special review use permit would be needed. Under the Constitution that

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allows six plants per patient, no more than eighteen plants in that zone district. Primarily the intent of the regulations is to limit dispensaries and affiliated growing operations to the business zone districts as a use by right.

Commissioner Norden said there were four papers with names of people who would like to speak. He reminded them that this is not the public hearing and to please only comment on the temporary regulations that need put in place.

Lissa Pinello said she was there because she and her husband did open a dispensary at Biker Town in Penrose. She stated that the draft of the resolution was reasonably written as an outline and as a structure. She would like a more specific guideline for herself and for people who have to follow the regulations that are put into place.

Beverly Kinard requested that the Commissioners not be in a hurry to pass the temporary regulations without a public hearing. She believes that this is way out of line and will cause a tremendous amount of problems. Mrs. Kinard said that if the Board believes that dispensaries should be legalized, then to give it to a vote of the people in this county this fall, and don't assume that amendment 20 gave the right to expand the people's vote.

Duncan Northrop shared his concern about the home occupation aspect of the regulations, the non-dispensary aspect of it. He is concerned that when he grows his plants and they produce a good harvest, what he will do with the excess (over the 3 oz. he's allowed to have.) He would like a more detailed guideline to follow concerning that.

County Attorney Jackson stated that the guideline will most likely come from the legislature on that. The county will probably not be the one to decide those rules.

Commissioner Norden encouraged Mr. Northrop to be sure to address these things at the public hearing or even comments in writing in advance of the public hearing so those issues can be addressed at that time, since the main focus of this meeting is more for zoning issues.

Tom Doxy commented that he's been in business for 25 years, and every one of his employees that was on marijuana was also on the hard stuff. He would have to take his employees for testing periodically which in turn was costly to him. Being on the Planning Commission he looks at such things as health, safety, and morals, to him those things are number one. He is concerned about septic issues and how the marijuana will seep into the soil. Mr. Doxy said that we trust our government to ensure our safety and that this is a way for us to do something about it, he urges people to stay away from it and not smoke it and to be practical. He as a citizen is against it.

Commissioner Norden said in reference to Mr. Doxy's comment, that nothing should be perceived one way or another as to personal stance for or against marijuana use. The task at hand is the zoning issues to resolve problems that are increasing across the whole state of Colorado.

Commissioner Norden moved to approve **Resolution 19, Series 2010** noting that the public hearing for these regulations is set for April 13th at 10:00a.m. Commissioner Lasha seconded that motion.

Commissioner Lasha asked if any current dispensaries that seem out of regulation now that the temporary regulations are being adopted will still be considered non-compliant or if they must comply with what is put in place from today on.

County Attorney Jackson said that under general principals of zoning law, existing dispensaries that may be non-compliant under these temporary regulations would be considered non-conforming uses and allowed to continue, but only allowed to expand or relocate in accordance of the regulations that are in effect, commonly known as "Grandfathering." Proper documentation would need to be provided in order to be considered grandfathered in.

Upon Vote: Commissioner Norden, aye; Commissioner Lasha, aye. The motion carried.

Commissioner Norden adjourned the meeting at 10:22 A.M.

Clerk and Recorder

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