

COMMISSIONERS PROCEEDING 1

BOARD OF COUNTY COMMISSIONERS

Minutes of Meeting

January 19, 2010

The Board of Morgan County Commissioners met on Tuesday, January 19, 2010 at 9:00 a.m. with Chairman Pro Tem Tony Carlson and Commissioner Laura Teague in attendance. Chairman Brian McCracken was absent. Chairman Pro Tem Carlson called the meeting to order with Deputy Clerk to the Board Dee Loose leading the meeting in the Pledge of Allegiance to the Flag.

CONSENT AGENDA

The following items were on the Consent Agenda:

Consideration of Approval of Minutes dated January 12, 2010

Ratify Chairman Brian McCracken's signature for Public Dance Hall License, Applicant: Country Steak Out

Ratify Chairman Brian McCracken's signature for Public Dance Hall License, Applicant: Rancho La Herradura

Ratify Chairman Brian McCracken's signature for Morgan County Board of Human Services Financial Meeting Minutes dated December 14, 2009

Ratify Managing Commissioner Tony Carlson's signature on Credit Applications submitted by various vendors for the Morgan County Solid Waste Management Department

Ratify Approval of General Fund Expenditures, Warrant No. 9122825 through 9123016

Ratify Approval of Social Services Fund Expenditures, Warrant No. 1011593 through 1011684

Ratify Approval of Road and Bridge Fund Expenditures, Warrant No. 1104141 through 1104176

Ratify Approval of 911 Emergency Telephone Fund Expenditures, Warrant No. 1600695 through 1600698

Ratify Approval of Central Services Fund Expenditures, Warrant No. 4109141 through 4109217

Commissioner Teague made a motion to approve all items on the Consent Agenda. Chairman Pro Tem Carlson seconded the motion. Motion carried 2-0.

GENERAL BUSINESS AND ADMINISTRATIVE ITEMS

RESOLUTION

2010 BCC 02

MORGAN COUNTY GOVERNMENT

RESOLUTION TO VOID CHECKS AND STOP-PAYMENT ORDER

Be it resolved that on this 19th day of JANUARY, 2010, 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>
1011135	05/27/09	SOCIAL SERVICES FUND – Kathryn Gebauer	\$27.28	Lost Check
1011231	06/24/09	SOCIAL SERVICES FUND - Maricopa Co. Ofc of Vital Statistics	\$20.00	Lost Check
1010712	12/19/08	SOCIAL SERVICES FUND - Maurine Johnson	\$3.12	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 have 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 19th day of January, 2010

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

s/ Tony Carlson
Tony Carlson, Chairman Pro Tem

s/ Laura Teague
Laura Teague

ATTEST:

(SEAL)

s/ Connie Ingmire
Connie Ingmire, Clerk to the Board

Finance Director Michelle Covelli presented to the Board for approval Resolution 2010 BCC 02 to stop payment on three Social Services checks that have been lost. Covelli asked that the checks be reissued which is standard procedure. Commissioner Teague made a motion to approve Resolution 2010 BCC 02 and Chairman Pro Tem Carlson seconded the motion. Motion carried 2-0.

RESOLUTION

2010 BCC 3

**A Resolution Adopting the Northeast, Colorado Regional Hazard Mitigation Plan,
Update of 2009**

Whereas, Morgan County recognizes the threat that natural hazards pose to people and property within our community; and

Whereas, undertaking hazard mitigation actions will reduce the potential for harm to people and property from future hazard occurrences; and

Whereas, an adopted Multi-Hazard Mitigation Plan is required as a condition of future funding for mitigation projects under multiple FEMA pre- and post-disaster mitigation grant programs; and

Whereas, Morgan County resides within the 10 county Planning Area, and fully Participated in the mitigation planning process to prepare this Multi-Hazard Mitigation Plan and its 2009 update; and

Whereas, the Colorado Division of Emergency Management and Federal Emergency Management Agency, Region VII officials have reviewed the 2009 update to the Northeast Colorado Regional Hazard Mitigation Plan and approved it contingent upon this official Adoption of the participating governing body; and

Now, therefore, be it resolved, that the Morgan County Board of County Commissioners, hereby re-adopts the Northeast Colorado Regional Hazard Mitigation Plan, as an official plan; and

Be it further resolved, the Northeast Colorado Emergency Managers (NCEM) group will Submit this Adoption Resolution to the Colorado Division of Emergency Management and Federal Emergency Management Agency, Region VIII officials to enable the Plan's final Approval.

DATED this 19th day of January, 2010

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

s/ Tony Carlson
Tony Carlson, Chairman Pro Tem

s/ Laura Teague
Laura Teague

COMMISSIONERS PROCEEDING 3

ATTEST:

(SEAL)

s/ Connie Ingmire
Connie Ingmire, Clerk to the Board

Emergency Management Director Steve Enfante presented to the Board for approval Resolution 2010 BCC 03 to adopt the Northeast Colorado Regional Mitigation Plan. Enfante stated the plan is devised to access vulnerability to property, population and critical infrastructures from threat of natural disasters. Enfante noted the plan dates back to 1905 to present and asked the Board to review and update the Hazard Mitigation Plan through 2009. Commissioner Teague made a motion to approve Resolution 2010 BCC 03. Chairman Pro Tem Carlson seconded the motion. Motion carried 2-0.

CONSIDERATION OF APPROVAL-CONTRACT-DENVER INDUSTRIAL SUPPLIES AND SERVICE COMPANY

Administrative Services Manager Susan Bailey presented to the Board for approval the contract with Denver Industrial Supplies and Service Company for hot pour joint and crack sealant. Bailey stated the contract is for forty-five thousand pounds of sealant in the amount of \$17,527.50. Delivery is to be no later than January 31, 2010 and Bailey noted delivery has been made. Bailey stated this was a prior bid award. Commissioner Teague made a motion to approve and authorize the chair to sign the contract. Chairman Pro Tem Carlson seconded the motion. Motion carried 2-0.

CONSIDERATION OF APPROVAL-CONTRACT-IMPRESSIONS BY BIRD

Administrative Services Manager Susan Bailey presented to the Board for approval the contract with Impressions by Bird for printing services and paper supplies. The term of the contract is from January 1, 2010 through December 31, 2010. Bailey noted the amount of the contract varies. Bailey stated this was a prior bid award. Commissioner Teague made a motion to approve the contract with Impressions by Bird. Chairman Pro Tem Carlson seconded the motion. Motion carried 2-0.

COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS

Morgan County Treasurer Bob Sagel presented to the Board the Treasurer's Quarterly Report from October 2009 through December 2009. Sagel noted interest earnings down by \$24,414.11, the percentage of tax collections are up and foreclosures are up noting fourteen foreclosures for the month of January 2010. Commissioner Teague made a motion to approve the Fourth Quarter Treasurer's Report from October 2009 through December 2009. Chairman Pro Tem Carlson seconded the motion. Motion carried 2-0.

Commissioners reviewed the calendar with changes.

UNFINISHED BUSINESS

There was no unfinished business.

CITIZEN'S COMMENT PERIOD

There were no comments. The meeting was recessed at 9:12 a.m.

Respectfully submitted,

Dee Loose
Deputy Clerk to the Board

MORGAN COUNTY BOARD OF COMMISSIONERS January 19, 2010 MINUTES

The Morgan County Board of Commissioners met on Tuesday, January 19, 2010 at 9:30 A.M. in the Assembly Room of the Morgan County Administration Building.

Present were Commissioners Carlson and Teague, and Administrative Services Manager to the Commissioners, Susan Bailey. Also present was Barb Gorrell, Planning Administrator.

The hearing was called to order by Chairman Pro-tem Commissioner Carlson.

Proposed Medical Marijuana Zoning Regulations

4-350 DEFINITIONS

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- A. 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.
- B. 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.

4-355 USE BY SPECIAL REVIEW

Any medical marijuana dispensaries, growing sites or facilities, or any other land use associated with such uses, sites, or facilities shall be a Use by Special Review in all zones.

4-360 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.

4-365 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.

These proposed amendments to the Morgan County Zoning Regulations were tabled by the Commissioners on January 5, 2010 and referred back to the Planning Commission to give the public an opportunity to comment.

Barb Gorrell reviewed the proposed amendments noting that they are very basic amendments to have something of record. Barb noted that public comment was received by the Planning Commission and that quality control and security appeared to be the main issues of those commenting. The Planning Commission recommended approval of the proposed amendments.

It was moved by Commissioner Teague and seconded by Commissioner Carlson to approve the amendments to the Zoning Regulations regarding medical marijuana as outlined by staff. Motion carried 2-0 becoming Resolution 2010 BCC 04.

RESOLUTION 2010 BCC 04

A Resolution Amending the Zoning Regulations of Morgan County

WHEREAS, on January 5, 2010, and on January 19, 2010 the Board of County Commissioners of Morgan County, Colorado held public hearings pursuant to the Morgan County Zoning Regulations on the recommendations of the Morgan County Planning Commission regarding amendments to the Morgan County Zoning Regulations, and

WHEREAS, notice of the public hearing was properly published and all other notice and posting requirements were properly made, and

WHEREAS, the Board of County Commissioners received the testimony of the Morgan County Planning Administrator, and

WHEREAS, the Board of County Commissioners received the recommendations of the Morgan County Planning Commission regarding the amendments, and

WHEREAS, there was no public comment or testimony regarding the amendments.

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

1. **APPROVAL:**

The following sections are added to the Morgan County Zoning Regulations:

4-350 DEFINITIONS

- A. 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.
- B. 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.

4-355 USE BY SPECIAL REVIEW

COMMISSIONERS PROCEEDING 5

Any medical marijuana dispensaries, growing sites or facilities, or any other land use associated with such uses, sites, or facilities shall be a Use by Special Review in all zones.

4-360 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.

4-365 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.

2. These amendments will further the best interests of the health, safety, and welfare of the citizens of Morgan County.

DATED this 19th day of January, 2010.

BOARD OF COUNTY COMMISSIONERS MORGAN COUNTY, COLORADO

s/ Tony Carlson
Tony Carlson, Chairman Pro Tem

s/ Laura Teague
Laura Teague, Commissioner

ATTEST:

(SEAL)

s/ Connie Ingmire
Connie Ingmire, Clerk to the Board

Moratorium

Barb presented a proposed six month moratorium on the Zoning Regulations regarding medical marijuana, being sections 4-350, 4-355, 4-360, and 4-365. This moratorium will stop processing, reviewing or issuance of any permits for dispensaries, growing sites or facilities, or any other land use associated with medical marijuana. The moratorium instructs staff to “research, draft, and submit for adoption prior to the expiration of this moratorium” amendments that will best serve the health safety and welfare of the citizens of Morgan County. Barb also noted that staff will be monitoring activity at the state level.

It was moved by Commissioner Teague and seconded by Commissioner Carlson to adopt a six (6) month moratorium on any permitting for medical marijuana, the six months being from today’s date. Motion carried 2-0 becoming Resolution 2010 BCC 05.

RESOLUTION 2010 BCC 05

A resolution placing a temporary prohibition on the construction, alteration, of use of any building, structure, or properties for the growing or dispensing of medical marijuana for a period of six (6) months.

Whereas, Morgan County has received a number of enquiries regarding the use of property in Morgan County for the growing and dispensing of medical marijuana, and

Whereas, current Morgan County Zoning Regulations are inadequate to address the unique impacts of such facilities and land use, and

Whereas, the legal status of medical marijuana growing operations and dispensaries is unclear under the Colorado Constitution, statutes, regulations, and federal enforcement policies and priorities, and

Whereas, it is expected that the 2010 session of the Colorado General Assembly will address the legal status of medical marijuana growing and dispensing, and

Whereas, it will take a significant amount of research and time to draft and adopt land use regulations to address the impact of medical marijuana growing operations and dispensaries, and

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Whereas, Section 30-28-121 Colorado Revised Statutes grants to the Board of County Commissioners the authority to impose a moratorium or prohibition on the use, construction, alteration, or reconstruction of any building, structure, or property for medical marijuana dispensaries, medical marijuana growing operations, and all other land uses associated with the dispensing or growing of medical marijuana, and

Whereas, it is in the best interests of the health, safety, and welfare of the citizens of Morgan County to temporarily prohibit the use, construction, alteration, or reconstruction of any building, structure, or property for medical marijuana dispensaries, medical marijuana growing operations, and all other land uses associated with the dispensing or growing of medical marijuana for a period of six months.

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

1. The use, construction, alteration, or reconstruction of any building, structure, or property for medical marijuana dispensaries, medical marijuana growing operations, and all other land uses associated with the dispensing or growing of medical marijuana is hereby prohibited in the unincorporated territory of Morgan County for a period of six months from the date of this resolution.
2. No applications will be accepted or processed and no Special Use permits will be granted pursuant to Chapter 4 of the Morgan County Zoning Regulations for a period of six months from the date of this resolution.
3. Morgan County staff is instructed to research, draft, and submit for adoption prior to the expiration of this moratorium amendments to the Morgan County Zoning Regulations to regulate and control the use, construction, alteration, or reconstruction of any building, structure, or property for medical marijuana dispensaries, medical marijuana growing operations, and all other land uses associated with the dispensing or growing of medical marijuana.
4. This moratorium 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.
5. The Board of County Commissioners may revoke this moratorium by motion at any time prior to six months from the date of this resolution.

Dated this 19th day of January, 2010.

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

s/ Tony Carlson
Tony Carlson, Chairman Pro Tem

s/ Laura Teague
Laura Teague, Commissioner

ATTEST:

(SEAL)

s/ Connie Ingmire
Connie Ingmire, Clerk to the Board

There being no further business the hearing was adjourned.

Respectfully submitted,

Barb Gorrell, Planning Administrator

