# AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

**AgendaTitle:**
Draft Special Meeting Minutes; 9/24/2013

**Action Requested:** Board of County Commissioners' Signature

**Parties to the Agreement:**

**Term Begins:** **Term Ends:** **Grant Contract #:**

**Summary:**
Draft Meeting Minutes; 9/24/2013

**Fiscal Impact:** n/a

**Submitted by:** B. Lucero **Submitter's Email Address:** Blucero@gunnisoncounty.org

**Finance Review:** ○ Required ● Not Required

Comments:

Reviewed by: Discharge Date:

**County Attorney Review:** ○ Required ● Not Required

Comments:

Reviewed by: Discharge Date: Certificate of Insurance Required

Yes ○ No ○

**County Manager Review:**

Comments:

Reviewed by: GUNCOUNTY1\MBIRNIE Discharge Date: 10/31/2013

○ Consent Agenda ● Regular Agenda ○ Worksession Time Allotted:

Agenda Date: 11/5/2013 Follow Up Agenda Date:

*Revised April 2013*

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS**
**SPECIAL MEETING MINUTES**
**September 24, 2013**

The September 24, 2013 meeting was held in the Commissioners' boardroom in the Courthouse located at 200 E. Virginia, Gunnison, Colorado. Present were:

Paula Swenson, Chairperson
Phil Chamberland, Commissioner
Jonathan Houck, Commissioner
Deputy County Manager Marlene Crosby
Bobbie Lucero, Deputy Clerk to the Board
Others Present as Listed in Text

**CALL TO ORDER:** Chairperson Swenson called the meeting to order at 1:16 pm.

**AGENDA REVIEW:** There were no changes to the agenda.

**MINUTES APPROVAL:** There were no minutes to approve.

**VOUCHERS AND TRANSFERS APPROVAL:** Finance Director Linda Nienhueser presented the voucher approval report dated September 24, 2013 and the cash transfer authorization dated August 2013 for discussion and approval. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve the vouchers in the amount of $1,287,563.06. Motion carried unanimously. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to approve the cash transfers in the amount of $2,663,811.21. Motion carried unanimously.

**TREASURER'S MONTHLY REPORT:** Deputy Treasurer Debbie Dunbar presented the August 2013 Treasurer's report and an investment report dated August 31, 2013 for discussion and acceptance. **Moved** by Commissioner Chamberland, seconded by Commissioner Houck to accept the Treasurer's report. Motion carried unanimously.

**LETTER OF SUPPORT; SIGNAL PEAK MASTER TRAIL PLANNING GRANT APPLICATION; GUNNISON TRAILS: Moved** by Commissioner Houck and seconded by Commissioner Chamberland to approve the letter of support and authorize signatures for all commissioners. Motion carried unanimously.

**MEMORANDUM OF AGREEMENT BETWEEN THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO AND THE WEST REGION WILDFIRE COUNCIL REGARDING USDA RURAL SECURE SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT, AWARD NO., TITLE III FUNDS ASSOCIATED WITH WILDFIRE MITIGATION ACTIVITIES IN GUNNISON COUNTY, COLORADO**: Finance Director Linda Nienhueser was present for the discussion. There was discussion that in the past there was an agreement regarding transferring all Title III funds. She reported that originally it was thought that all the funds that were sitting in the reserve would be transferred, but they found that the receipts from the first four years do not need to be returned to the Federal Government if Gunnison County does not use them by the end of September 2013. There was discussion that the funds can be held in the normal fund balance and can be used for specific programs/events regarding wildfires. There was discussion that the agreement has been reduced by $150. She reported that there may be a discussion in the near future about budgeting the expenses every year so that if the funds have to be used the Finance office won't have to perform a budget amendment. **Moved** by Commissioner Chamberland and seconded by Commissioner Houck to approve the Memorandum of Agreement with West Region Wildfire Council and authorize the County Manager's signature. Motion carried unanimously. **Moved** by Commissioner Chamberland and seconded by Commissioner Houck to amend the motion just made, to allow for the Chairperson's signature instead of the County Manager's signature on the Memorandum of Agreement. Motion carried unanimously.

**OCTOBER 2013 COLORADO STATE HISTORIC FUND GRANT APPLICATION FOR STABILIZATION AND PRESERVATION OF THE OHIO CITY TOWN HALL; GRANT OF TEMPORARY CONSTRUCTION EASEMENT, CHROMERK PROPERTIES, LLC:** Paralegal Rachel Magruder was present for the discussion. She informed about the suggested revisions to the plan and budget for the preservation of the Ohio City Town Hall. She reported that the $50,000 that the Board has already allocated to this project can be used as cash match and in-kind contribution. She stated that the 25% cash match would be over $36,000 and the in-kind contribution would be $25,560. Deputy County Manager Crosby suggested that the Board keep the initial allocated amount at $50,000 and the Public Works and Facilities Departments can perform maintenance and majority of the in-kind work. There may be some projects, such as the concrete and electrical work that may need to be contracted out. There was discussion that the Colorado State Historic Fund grant reviewers suggested the contingency amount increase from 3% to

5%, and that this project must also install an ADA-compliant parking space. **Moved** by Commissioner Chamberland and seconded by Commissioner Houck to approve the grant application re-submittal to the Colorado State Historical Fund for stabilization and preservation of the Ohio City Town Hall, which includes up to $50,000 cash match, plus additional in-kind contributions. **Moved** by Commissioner Chamberland and seconded by Commissioner Houck to approve the grant of temporary construction easement between Gunnison County and Chromerk Properties, LLC. Motion carried unanimously. **Moved** by Commissioner Chamberland and seconded by Commissioner Houck to authorize the County Manager or Deputy County Manager to sign the final grant application. Motion carried unanimously.

**BREAK:** The Board recessed the Special Meeting from 1:38 until 3:29 pm for a Work Session meeting with representatives from the Colorado Department of Transportation. The Board reconvened at 3:29 pm.

**DRAFT OPTIONS OF COUNTY ORDINANCE FOR BOARD OF COUNTY COMMISSIONER CONSIDERATION OF AN ORDINANCE PROHIBITING THE OPERATION OF MARIJUANA CULTIVATION FACILITIES, MARIJUANA PRODUCT MANUFACTURING FACILITIES, MARIJUANA TESTING FACILITIES OR RETAIL MARIJUANA STORES WITHIN THE UNINCORPORATED BOUNDARIES OF GUNNISON COUNTY, COLORADO; SECOND READING OF ORDINANCE; ADOPTION AND ORDER TO PUBLISH ORDINANCE AS AMENDED:** Community Development Director Russ Forrest and County Attorney David Baumgarten were present for the discussion. The Board informed the audience that this is a continuation of a public hearing from a previous meeting on 6/18/2013.

County Attorney Baumgarten informed the Board about events that have occurred since the last meeting. He informed the Board that in late August, Deputy US Attorney James Kohl wrote a memorandum to all of the prosecutors stating that it would not be a federal priority to block marijuana legalization laws in Colorado or Washington, as long as the operations abide by state regulations. County Attorney Baumgarten advised that this policy statement could change with a change in administration. He also informed the Board of another event that took place since the last marijuana discussion, that being that the Department of Justice announced that their officials are in touch with the US Treasury Department to resolve the marijuana industry banking situation, because the marijuana industry is illegal under federal law, and banks are reluctant to make transactions for an illegal industry. The Board reviewed the memo provided in the packet materials.

CD Director Forrest informed the Board that it is difficult to define the uses for marijuana because there are so many different types of uses, such as an outside cultivation process, manufacturing and creating edible products, wrapping and labeling, and testing facilities. He reviewed a variety of different ordinances around the State of Colorado. He reported that the variety of uses for marijuana can consume a lot of utilities and cause fire issues. He suggested that this should be considered when considering fire issues. There was a discussion that the cultivation of marijuana outside will have security implications, and that the outdoor facilities would still need an indoor facility due to the short growing season in the Gunnison Valley.

The Board discussed that the Town of Crested Butte will be approving dual licensing, resulting in a total of five to seven businesses in the marijuana industry. There was a discussion about marijuana retail stores in Gunnison County. The Board discussed that there are several areas in Gunnison County that do not have proper infrastructure and the roads are not equipped for retail operation locations. Deputy County Manager Crosby informed the Board that, if there is retail outside of the City of Gunnison, the Waste Water Treatment system that is served by the City of Gunnison would have to collect a fee. The Board had a discussion that, currently, if someone wants to sell retail in Gunnison County, the retailer would have to go through a process for the opportunity to sell. Commissioner Chamberland opined that it is okay with no marijuana retail in Gunnison County.

The Board reviewed the document that County Attorney Baumgarten provided at the meeting, which was in regards to testing facilities. There was clarification that a testing facility can be anything from a laboratory to a group of kids declaring themselves as “testers”. Commissioner Chamberland informed that he is okay with leaving testing facilities off the agenda, and that it may be beneficial to see how testing goes in the Town of Crested Butte. CD Director Forrest informed the Board that as hemp moves forward there may be a requirement of testing.

United Food and Commercial Workers Union International representative Jason Worth joined the conversation. He informed the Board that testing will be required with recreational marijuana, but it is not required with the medical marijuana. He informed that there are two random samples tested from every batch produced. He informed that it is almost a necessity that the testing and grow operations coincide. He asked the Board to contact him with any questions. The Board confirmed that the discussion is specific to marijuana and not hemp.

County Attorney Baumgarten suggested the Board adopt Ordinance #17 and amend the following:

1. Add a paragraph that says “Board shall continue to consider affirmatively all actions”; and
2. Add a paragraph that says “Activities prohibited remains”; and

3. Strike the sentence in the last paragraph: "the board shall formally reconsider this ordinance no later than..."

The Board discussed that the growth, manufacturing and testing facilities for marijuana are still being considered. The only facility discussed today that is no longer up for consideration is retail.

**Moved** by Commissioner Houck and seconded by Commissioner Chamberland to adopt the second reading of Ordinance #17 with the changes that were outlined by County Attorney Baumgarten. Motion carried unanimously. The Board directed staff to research grow operations and have the data ready to report in 90 days. There was discussion that all facilities are currently banned, but the Board will address them one-by-one in the future, and in a series.

**ADJOURN: Moved** by Commissioner Houck and seconded by Commissioner Chamberland to adjourn the September 24, 2013 meeting. Motion carried unanimously. The meeting adjourned at 4:16 pm.

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Paula Swenson, Chairperson

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Phil Chamberland, Vice-Chairperson

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Jonathan Houck, Commissioner

Minutes Prepared By:

_____
Bobbie Lucero, Deputy County Clerk

Attest:

_____
Stella Dominguez, County Clerk