Minutes of the Board of County Commissioners Meeting, held on May 7, 2014 at 8:30 a.m. in the Commissioners Chambers, Alamosa County Services Center, 8900 Independence Way, Alamosa, CO 81101.

Members Present: Mike Yohn, Chair  
Marianne Dunne, Vice-Chair  
Darius Allen, Commissioner  
Jason Kelly, County Attorney  
Peter Kampfer, County Administrator  
Carol Osborn, Assistant Administrator  
Belina Ramirez, Office Manager

Call the Meeting to Order

Pledge of Allegiance

Additions/Deletions to the Agenda

Approval of the Agenda


M/S Dunne/Allen motion to approve the agenda of May 7, 2014 as amended.  
Motion was passed unanimously.

Consent agenda Items:

Approval of General Business/Minutes

The Following Minutes were presented:
  Regular Minutes-April 23, 2014  
Public Hearing Minutes-Land Use Development Text Amendments  
Public Hearing Minutes-Special Events Permit-Jack Rabbit Motocross  
Public Hearing Minutes-Liquor License Ownership Transfer-Inn of the Rio Grande

M/S Dunne/Allen motion to approve the Minutes of April 23, 2014.  
Motion was passed unanimously.

Approval of Bills/Obligations

M/S Allen/Dunne motion to approve the Bills/Obligations  
Motion was passed unanimously.

Public Comment
Approval of Consent Agenda
Otero Jr College Agreement-TB Testing
DOLA Contract Airport Terminal

M/S Allen/Dunne motion to approve Consent Agenda
Motion was approved unanimously.

Alamosa County Land Use

Rachel Doyle and Ken Vanlwarden were present.
1st Reading Amendment to Ordinance #16 regarding Medical Marijuana

Amendment 1: Regarding Prohibited Locations
Ordinance No 16 Regarding Medical Marijuana within Alamosa County
Prohibited Locations
b) No closer than one thousand (1,000) feet of any church, school, or child care establishment, dormitory, health services center or hospital, licensed MMC, MMIPM, or OPCO, detention facility, government building, public park or other residential property, ("protected purposes").

Option 1: Change Ordinance to reflect Residential Zoning instead of “residential property”.
- Example 1: Arapahoe County “…shall not be conducted within 1,000 feet of any …residential zone district”
- Example 2: Clear Creek County: “No License may be issued to operate a Medical or Retail Marijuana Establishment in a residential zone district as a “home occupation”.
- Example 3: El Paso County “shall not be within one thousand (1000) feet of the following: …a lot, parcel or tract where a residential use exists or is a principal allowed use under the Land Development Code”

Option 2: Remove “residential property” from the Ordinance
- Example 1: §C.R.S. 12-43.3-308: “If the building in which medical marijuana is to be sold is located within one thousand feet of a school, an alcohol or drug treatment facility, the principal campus of a college, university, or seminary, or a residential child care facility.”

Option 3: No Change

Reason for Change: The language is unclear regarding residential properties and according to a possible interpretation, La Casa Cannabis II could be seen as being within 1,000 feet of residential properties.

Planning Commission Recommendation: Four of the five planning commission members voted for Option 2: to remove “residential property” from the Ordinance. They stated that medical marijuana should be regulated more like the state. The state statutes do not have restrictions regarding either residential properties or residential zoning.
Amendment 2: Regarding Measurement to Prohibited Locations
Ordinance No. 16 Regarding Medical Marijuana within Alamosa County
The distance shall be computed by direct measurement from the nearest property line of the land used for the protected purposes to the nearest property line in which the MMC, MMIPM, or OPCO is located. For purposes of this section the distance shall be measured in a straight line, without regard to intervening structures or objects.

Option 1: Change method of calculating distance to Medical Marijuana Facility
- Example 1: §C.R.S. 12-43.3-308: “The distances referred to in this paragraph (d) are to be computed by direct measurement from the nearest property line of the land used for a school or campus to the nearest portion of the building in which medical marijuana is to be sold, using a route of direct pedestrian access.”
- Example 1: Grand County: “…with the distance computed by direct measurement in a straight line from the nearest property line of the land used for the school, child care facility, alcohol or drug treatment facility, or church to the nearest portion of the building in which the marijuana establishment is located.”
- Example 2: El Paso County: “All minimum distances shall be measured as linear measurements from the zoning district boundaries or from the property line …to the nearest portion of the building or building unit in which the medical marijuana land use is to be located, using a route of direct pedestrian access, measured as a person would walk safely and properly, without trespassing, with right angles at crossings and with the observance of traffic regulation and lights. Measurements are not affected by municipal boundaries.”

Option 2: No Change

Reason for Change: This would make our Ordinance more in congruence with the State.

Planning Commission Recommendation: The planning commission voted unanimously for Option 1: To change the method of calculating distance to Medical Marijuana facilities so that the measurement is made from the building used for medical marijuana to the property line of the protected purpose. The planning commission again stated that medical marijuana should be regulated more like the state. The state statute referenced above measures from property line to building where the medical marijuana is to be sold.

Amendment 3: Approval Criteria to include determination of local need
Ordinance No. 16 Regarding Medical Marijuana within Alamosa County
General Licensing Procedures
(1). The Alamosa Board of County Commissioners shall serve as the Local Licensing Authority
(2). Except as otherwise specifically provided in this Ordinance, the general procedures of the Alamosa County Land Use Development Code for the issuance of a Special Use Permit operate and administer any MMC, MMIPM, or OPCO shall be required for the issuance of a local license. To the extent there is any conflict between this Ordinance and the Alamosa County Land Use Code, the more restrictive shall control.
(3). Any license (including special use permit) issued for the purpose of owning, operating, or managing a MMC, MMIPM, or OPCO is non-transferable.
(4). If all requirements are met and the license is granted, solid license shall be provisional subject to the issuance of a State License within one-hundred and eighty (180) days.

(5). Nothing in this Ordinance shall be deemed to waive any requirements for the issuance of a State License to operate or administer any MMC, MMIPM, or OPCO, including but not limited to, building requirements, background checks, etc.

Option 1: Change to so that the Board of County Commissioners has right to determine need under General Licensing Procedures
   • Example 1: Based on wording for approval of liquor Licenses in Colorado: The Alamosa Board of County Commissioners has the right to determine if local needs are being met and can, at their discretion, require a petition to show that the needs of the community are not being met with current facilities.

Option 2: No Change

Reason for change: To insure there is a demonstrated need for any new Medical Marijuana Facilities in the County we need to include wording so that the Board of County Commissioners has the discretion to make that determination.

Planning Commission Recommendation: The Planning Commission voted unanimously for Option 2: no change to the ordinance regarding determination of local need. They stated that the change would create unfair precedence to businesses established first, without regard to quality of the business, and would make the Special Use Permit process for medical marijuana too arbitrary.

Amendment 4: Board of County Commissioner has the right to waive
Option 1: Right to waive Requirements
   • Example 1: Draft version of Ordinance No.16 (June 27, 2012):
      “Right to Waive Requirements
      The Board of County Commissioners for good cause, may waive strict compliance with any provision set forth herein.”

Option 2: No Change

Reason for Change: This was in the original version of Ordinance No. 16 and we believe that it would be beneficial to include a waiver that would be at the discretion of the Board.

Planning Commission Recommendation: Three of the five planning commission members voted for Option 1: To allow the county commissioners to have a right to waive requirements. The three that were in support argued that if the Board of County Commissioners had the right to waive, the issue with La Casa Cannabis II could have been resolved without having to change the ordinance.

Amendment 5: Regarding Penalties for Violations
Ordinance No 16 Regarding Medical Marijuana within Alamosa County Compliance Review
(2) Non-compliance with any provision set forth herein, or the violation of any provision of any local or state law regarding MMC’s, MMIPM’s, or OPCO’s shall be grounds for the immediate revocation of the local license. In addition Alamosa County may seek additional remedies as set forth in Article 9 of the Alamosa County Land Use Development Code or as amended.

Option 1: Include wording for Disciplinary Action

- Example 1: §C.R.S. 12-43.3-601: “...Except in the case of a summary suspension, a suspension shall not be for a longer period than six months ...Whenever a decision of the state licensing authority or a local licensing authority suspending a license for fourteen days or less becomes final, the licensee may, before the operative date of the suspension, petition for permission to pay a fine in lieu of having the license suspended for all or part of the suspension period. Upon the receipt of the petition, the state or local licensing authority may, in its sole discretion, stay the proposed suspension and cause any investigation to be made which it deems desirable and may, in its sole discretion, grant the petition if the state or local licensing authority is satisfied that:
  - (1) The public welfare and morals would not be impaired by permitting the licensee to operate during the period set for suspension and that the payment of the fine will achieve the desired disciplinary purposes; ...The fine accepted shall be not less than five hundred dollars nor more than one hundred thousand dollars.

- Example 2: Pitkin County: “Violations will subject any license to revocation by the Licensing Authority and the State of Colorado shall be notified of such violations.”

- Example 3: El Paso County: “Section 13: Suspension and Revocation
  - Any sale of medical marijuana to a person under the age of eighteen shall be heard by the Board at a separate hearing scheduled before the suspension period is set to begin, unless the request is made in such a manner as to allow completion of the relevant investigation before the initial suspension hearing.”

Option 2: No Change

Reason for Change: There is a need for more specific language regarding violations and we believe it would be beneficial to give the discretion to the Board of County Commissioners.

Planning Commission Recommendation: The planning commission unanimously voted for Option 1: to include more specific language regarding penalties for violations. They stated that giving the county more specific terms for disciplinary action would be beneficial for the regulation of Special Use permits.

Amendment 6: Regarding Zoning for an Optional Premises Cultivation Operation

Ordinance No 16 Regarding Medical Marijuana within Alamosa County
(2) MMC’s, MMIPM’s, or OPCO’s licenses shall only be issued in the following locations and in accordance with the following restrictions:
(a) For purposes of MMC’s and MMIPM’s in any zoned area of Alamosa County designated as Commercial. For purposes of OPCO’s in any zoned area of Alamosa County designated as Agriculture.
Option 1: Allow Optional Premises Cultivation Operations on Industrial and Commercial zoned districts as well as on the same property as a MMIPM and a MMC.

- Example 1: Pueblo County: “Medical Marijuana Contiguous Optional Premises Cultivation Operation shall only be allowed as a contiguous location of the licensed premises of the person’s Medical Marijuana Center or the person’s Medical Marijuana-Infused Products Manufacturer location ...Special Industrial Zone District. Medical Marijuana Contiguous Optional Premises Cultivation Operation is only permitted in the ...Community Business Zone District as a use-by-right; in the ...Special Industrial Zone District as a use-by-right;”

- Example 2: Summit County: Optional Premise Cultivation Operations... are only permitted in the I-1 (Industrial), CG(General Commercial), CN(Neighborhood Commercial)...as well as on properties with property commercial use designation in a PUD...”

- Example 3: Garfield County: “The following section includes the addition of Optional Premises Cultivation Operation as a new use to Table 3-501 in Article III. This use is proposed to be allowed in the county’s Commercial and Industrial Zone Districts and requires a Major Impact Review.”

Option 2: No Change.

Reason for Change: The Planning Commission recommended that the County allow Optional Premise Cultivation Operations on Industrial and Commercial zoned districts of the county. They also stated that they would like to see OPCO’s located on the same lot as their respective Medical Marijuana Center or Medical Marijuana-Infused Product Manufacturer. They believe this could aid in reducing security risks in transportation of the medical marijuana and reduce the burden on local law enforcement to monitor growing facilities in remote parts of the county.

Planning Commission Recommendation: Four of the five planning commission members voted to allow Optional Premise Cultivation Operations on Industrial and Commercial Zoned districts in the county and furthermore, on the same lots as Medical Marijuana Centers and Medical Marijuana-Infused Product Manufacturers.

Staff Recommendation: The Land Use Staff recommends that the Alamosa County Planning Commission recommend changes to Ordinance No 16 regarding Medical Marijuana in Alamosa County.

1. Amendment 1: Staff recommends that the Board of County Commissioners chose Option 1: Change Ordinance to reflect Residential Zoning instead of “residential property”.
2. Amendment 2: Staff recommends that the Board of County Commissioners chose Option 1: Change method of calculating distance to Medical Marijuana facility.
3. Amendment 3: Staff recommends that the Board of County Commissioner chose Option 1: Change to so that the Board of County Commissioners has right to determine need under General Licensing Procedures.
4. Amendment 4: Staff recommends that the Board of County Commissioners chose Option 1: Right to Waive requirements.
5. Amendment 5: Staff recommends that the Board of County Commissioners chose Option 1: Include wording for Disciplinary Action.

6. Amendment 6: Staff recommends that the Board of County Commissioners chose Option 1: Allow optional premises cultivation operations on Industrial and Commercial zoned districts as well as on the same property as a MMIPM and a MMC.

These are not the actual textual amendments to Ordinance No 16 and any suggested amendments must be revised by the County Attorney.

Commissioner Dunne applauded their research and the work they have done.

Commissioner Allen asked if this is the first reading. When we do the first reading typically it is published on what we are thinking of changing. Then at the Public Hearing they take any changes, then adopt, and publish actually changes at second hearing.

**SLV Mental Health Center**
Mental Health Month Proclamation May 2014

Clarissa Woodward was present.

**Mental Health Month 2014**
"Mind your Health"

WHEREAS, Mental Health Month has been observed since 1949 to raise awareness about mental health conditions and the importance of mental health wellness for all; and

WHEREAS, mental illness is a leading cause of disability in Colorado and the state has the sixth highest suicide rate in the country; and

WHEREAS, a lack of access to mental health services is repeatedly listed as one of the top five health threats around the state; and

WHEREAS, as many as one and a half million Coloradans may be affected by mental illness regardless of age, gender, race, ethnicity, religion or economic status, and good mental health is essential to the overall health and emotional well-being of Colorado’s youth, adults and families; and

WHEREAS, mental health is essential to everyone’s overall health and well-being; and

WHEREAS, promotion and prevention are effective ways to reduce the burden of mental health conditions; and

WHEREAS, with effective treatment, those individuals with mental health conditions can recover and lead full, productive lives; and
WHEREAS, each business, school, government agency, faith-based organization, health care provider, and citizen has a responsibility to promote mental wellness and support prevention efforts; and

WHEREAS, the SAN LUIS VALLEY COMMUNITY MENTAL HEALTH CENTER, through its unique approach to serving children, adolescents and families, is effectively caring for the mental health and behavioral health needs of children, youth, and families in our communities;

THEREFORE, Alamosa County, does hereby proclaim May 2014 as Mental Health Month in Alamosa County, Colorado. As the Alamosa County Board of Commissioners, We also call upon the citizens, government agencies, public and private institutions, businesses and schools in Alamosa County, Colorado to recommit our community to increasing awareness and understanding of mental health, the steps our citizens can take to protect their mental health, and the need for appropriate and accessible services for all people with mental health conditions.

Michael Yohn, Chairman

m/s Allen/Dunne motion to accept Mental Health Month Proclamation May 2014
Motion was approved unanimously.

Commissioner Yohn asked for stats in Alamosa. She doesn’t have any specific data for Alamosa County because they generally serve the whole valley. They serve 3-5,000 people a year. They know the need is much greater than that. She knows their suicide rates are high which is directly related to substance abuse and depression.

Commissioner Dunne stated people are afraid to be diagnosed as Bi-polar and Schizophrenia but there are great treatments for that. They can live normal lives with treatment.

Alamosa County Public Health

Hospital Team Meeting –CCPD Grant found some concerns so they asked for their stuff regarding the hospital. It was almost $19,000 disallowed. The hospital said they would repay them back. They used to give in good faith but now every expense has to be approved before paid.

They are wrapping out their Tobacco Free project. A group of kids asked the City for designated smoking areas and signs were made but have not been put up yet.

Grant was submitted for Comprehensive sex classes to be provided in the school.
They had a few possible rabies cases in the Alamosa. One was a skunk where it was foaming. It was tested and it turned out negative. There was a man who was trying to save a raccoon and it bit him so now he is going to have treatments done.

They had an Active shooter training.

**Alamosa County Home Health**

Ms. Geiser is trying to get a physical therapist. She has put ads in Regis and CSU hoping they would have new graduates interested. She is trying to see if she can recruit abroad. They might have to pay the costs to bring them here. It might be well worth the cost. They are not going to take referrals Friday because they are so behind. She thinks their competitor At-Home Health only has two nurses so they are getting their referrals.

She doesn’t have a fund report yet. Marsha had a system set up but the auditors thought they could simplify it and they are going to help with that. Also Steve that does cost report for Home Health will help make sure what he needs they will be able to get.

They have 467 clients in Options for Long Term Care program. They are having quite a few court hearings because they are decreasing services and the clients are appealing. They are doing what they are supposed to following the rules.

Commissioner Yohn asked if they had money for transportation in Home Health. It is a shared percentage for each department.

Does ASU have any classes or where is the closest place for Physical Therapists. Regis and CSU are and she has contacted them.

CDPHE is requiring returning the check and the hospital will reimburse them back.

Commissioner Dunne asked how they would enforce the nonsmoking areas in the park. They probably won’t stated Ms. Geiser. Commissioner Dunne also believes there has to be people in Colorado that want to be a physical therapist in Alamosa.

Ms. Geiser will be attending the Statewide Nightingale Event with the help of the Commissioners nominating her.

**Alamosa County Sheriff**

Dave Stong was present.

Monthly Detention Report was provided. Daily Average population is 69. Inmate population for today is 93. 71 are in-house and 22 are housed out.

Calls per Service Report showed 913 calls for the month of April.
Alamosa County Road & Bridge Department

Phil West was present.

They couldn’t get any hot mix today. They are going to saw cut their patches. He will do 2-3 crews. They got Stanley and the 114 done. They still need 11 S and down west County line, 5 N, 5 in 5 S, Trinchera Lane, and 112 between 4 & 5. He is still pouring cracks on 106 between the 8 & 9 N. He has 12 pellets left. He will pour all through May and keep the rest until December.

Commissioner Allen asked if they had a spreadsheet where they can look at the roads when they were last worked on. He gets calls and would like to tell them the last time their road was worked on. Mr. Kampfer stated he is going to implement Archuleta’s worksheet template for them. He was trying to come up with a Capital Investment Plan.

Alamosa County Administrator

USDA Water Grant Approval-Mosca General Improvement District

He is requesting $30,000 with no matching dollars. This is for a waste water study. He is submitting the request by Alamosa County because Mr. Kelly had some concerns of Mosca General Improvement District being an entity.

m/s Allen/Dunne motion to proceed with application for USDA Water Grant
Motion was approved unanimously.

Worksession
Ordinance 16

Board/Staff Updates

Adjourn

There being no further business, the Regular Meeting of the Board of Alamosa County Commissioners was adjourned.

ATTEST:

Belen Ramirez, Office Manager

Carol Osborn, Assistant Administrator

Mike Yohn, Chairman

Marianne Dunne, Vice-Chair

Darius Allen, County Commissioner