Minutes of the Board of County Commissioners Meeting, held on June 25, 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

Move Ordinance #16 to Public Hearing and addition of Signatory Authority and Delegation of Signatory Authority for Single Family Owner Occupied Rehab and Down Payment Assistance and Authorized Signature required Federal Funding Accountability and Transparency Act Data Report Form to be under Consent Agenda.

M/S Dunne/Allen motion to approve the agenda of June 11, 2014 as amended. Motion was passed unanimously.

Consent agenda Items:

Approval of General Business/Minutes

The Following Minutes were presented:
June 11, 2014

M/S Allen/Dunne motion to approve the Minutes of June 11, 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
Cheryl O'Doud spoke. They up before the Planning Commission for the Old Kramer Property which is the old Aspen Homes Property to get their Special Use Permit. There were a lot of residents with concerns. They have every one of those concerns that they did. She presented information on crime that the State reported. She knows they are not up until July 23rd. They have petitions signed for people not opposing them for this facility.

Approval of Consent Agenda

County Clerk & Recorder Report for May
Signatory Authority and Delegation of Signatory Authority for Single Family Owner Occupied Rehab and Down Payment Assistance
Authorized Signature required Federal Funding Accountability and Transparency act Data Report Form for SLV Housing Coalition

m/s Dunne/Allen motion to accept the Consent Agenda
   Motion was approved unanimously.

Public Hearing

Onsite Water Treatment System

Commissioner Allen asked Mr. VanIwarden to summarize what has changed.

Main Changes on Appendix A on the On-Site Water Treatment System Regulations for Alamosa County

Flow Rate-Residential 100 Gal/Person/Day
Occupancy-Residential Bedrooms 1-3: 2 people per bedroom
                          All additional bedroom: 1 person per bedroom

How the number of bedrooms in a Home will be defined for flow requirements
Bedrooms: number of originally finished bedrooms is the only area requiring flow estimates

Effluent Screen May be used

Length of distribution lines Distribution lines 100 feet maximum for gravity
                          Fed at one end and up to 150 feet if pressure
                          Dosed or effluent applied at center of lateral or chamber

Inspection ports at initial End of distribution line (lateral or chamber) Not required
Vault Privies-new Allow new vault privies
Vault Privies-existing Allow continued use of existing vault privies
Pit privies-new Prohibit new pit privies
Pit privies – existing
Slit Trenches

Require abandonment of existing pit privies
Prohibit slit trenches

Commissioner Allen stated it is state mandated. Anytime they make changes to their on-site treatment systems they have to send the changes to the State for approval stated Mr. VanlIwarden.

Commissioner Dunne thanked him and his staff for this and for Lynnae Rappold assisting.

Commissioner Yohn inquired about the fees associated with this if they have changed. No they haven’t changed the septic fee is $275 and they are obligated to send $23 every quarter to the State. A professional engineer inspects the system and they inspect the system. If any system uses 2000 gallons it is automatically considered professional.

List of Exhibits
1. Text Amendment Checklist
2. Staff Report-On-Site Water Treatment Systems
3. Board of Health Report 5-21-14
4. Notice of Public Hearing before the Board of Alamosa County Commissioners

m/s Dunne/Allen motion to accept the changes to the On-Site Wastewater Treatment System
Motion was approved unanimously.

Ordinance #16

Commissioner Allen appreciated everyone coming and stating how they feel. Sometimes the State dumps on the county and makes us fix it. They try to do what is right. With changes they still have the option to stay within 1000 ft. If delineate then the next person will come in to change it again. He will be real strong and keeping it at a 1000 ft.

Commissioner Dunne also appreciate them coming and their concern. You want to keep at 1000 ft. and that is why the County put it in originally. The reason why we put residential zoned because it was easy for someone to come in and put a RV in and live so this prohibits this. Mr. VanlIwarden stated yes. She agrees and they are firm on the 1000 ft. There is some confusion on measurements so the Ordinance explains it clearly.

Mr. VanlIwarden stated originally residential difference between zoning and residential property. Would confuse residential and commercial. This reduces to what the Land Use Development Code says what the district zoned as. It is just a matter of verbiage to help someone pulling in RV.

Commissioner Yohn stated the Board and Land Use Office put a lot of effort into this 1000 ft. buffer. As far as residential they realize they have kids and usually could build on it that is why they came up with that. He too is stringent on it because it does affect all the property around it. His one concern is with Amendment #3 on the Determining of local need and they were going
with Option 1 stating “Board has right to determine need under General Licensing Procedures. For him Option 2 of no change would be more preferable because he didn’t think it should be up to the Board to determine the need of another dispensary or not when you have free enterprise and capitalization. The Offenses should be a little clearer. It states 1st Offense of $100 fine and/or suspension. It is stated in #7 and also should be stated in B & C.

Mr. Vanlwarden stated before they come up with 1000 ft. requirement they checked with three different counties and each one of them stated shall not be conducted within 1000 ft. of any residential zoned district and shall not be within 1000 ft. of the following a lot, parcel, or tract where residential use exists or is a permissible Land Use under the Land Use Development Code. They followed these other counties.

Mr. Kelly asked them to look at page 58 of their packet the way it was written in subparagraph 6 is what Commissioner Yohn is referring to and asking to be stricken from the first reading. Correct stated Commissioner Yohn.

Mr. Vanlwarden stated we refer to everything as licensing but actually what Alamosa County is doing is permitting the use of that particular land for medical marijuana. The State does all the licensing per se and they do not grant until local jurisdiction requirements have been met.

Commissioner Allen stated it is the same language that is used in a liquor license.

Commissioner Dunne stated there is always a public hearing for people for and against the licensing.

Commissioner Allen stated it should be consistent with liquor licensing.

Changing the word “shall” to “may” stated Kelly they may require. Commissioner Yohn stated he would like that.

Mr. Vanlwarden stated the board is mandated that Land Use Staff mandate to do compliance checks on an annual basis and anytime they request it they will do it.

Commissioner Allen stated he never thought of the school bus pick up and drop off so as a courtesy they should notify the school district. They may change their sites.

Mr. Vanlwarden stated they could call them.

Commissioner Allen stated just send a notice to the School District.

Mr. Kelly asked if they wanting this part of the Ordinance. No stated Commissioner Allen just as courtesy with the packet.

Commissioner Yohn stated under the 1st offense $100 fine he would like to extend that to and/or suspension and amend for a, b, and c as well.
Mr. Vanlwarden stated every day in violation means $100 so it could cost $2000 and at one point could end in $20,000 in fine if they never paid it. It emphasizes what they want to get across.

Mr. Kelly stated they always have the option of suspend or revoke.

Commissioner Allen stated if they ever have a Show Cause they can always deal with that.

Mr. Kelly stated it doesn’t have it now so they can put that in.

List of Exhibits
1. Ordinance No 16 Checklist
2. Staff Report
3. Ordinance No 16 regarding Medical Marijuana in Alamosa County
4. Notice of Public Hearing before the Alamosa County Planning Commission
5. Notice of Public Hearing before the Alamosa County Board of County Commissioners
6. Letter from Diane Dunlap
7. Staff Report from May 7, 2014
8. Full Textual Amendments Publication
9. Packet of Approximately 192 Signatures
10. Concerns raised by residents who live in proposed grow infusion facility

Following Changes Amendment 3&4. Article 1 Section D and subparagraph 6 Delete the word “shall” and emit the word “may”. Also Amendment 5 exception Article 1 Section K subparagraph 7 in the terms of itemized list of offenses A) 1st Offense $100 fine and/or restrict, suspend or revoke, B) 2nd Offense $300 fine and/or restrict, suspend or revoke C) 3rd Offense $1,000 fine and/or restrict, suspend, or revoke.

m/s Allen/Dunne motion to adopt with presented changes read by Mr. Kelly
Motion was approved unanimously.

Alamosa County Code Enforcement
Jinger Tilden was present. Quarterly report for Code Enforcement. They have 43 cases. 3 are pending, 12 are complying, and 28 cases have been closed. One case has shown initiative to clean it up. A mobile home has been sitting there with no permit. 30 days have gone by. She has issued 3 tickets to landowner that they are serious. It is located on 9482 Rd 104 S. She has had multiple concerns with surrounding residents. She send a letter that it is not allowed and it is not up to code. They came in and were willing to comply but now doing nothing. The first ticket she mailed it and it was received certified return receipt. This was a $50 fee ticket for first 20 days. 20 days has gone by and she issued another letter which was returned undeliverable. She then sent Donnie Soapes with Sheriff’s Office to give notice but still nothing has been done. $400 is due to Alamosa County. They will be going before a Show Cause hearing at the end of July. Then the Board can determine if they are in violation. Once determined can add to property taxes. It is on wheels so they can remove it.

Ms. Tilden gave an update on “Devil’s Playground”. They are good to go with demolish but on hold because of the State. She did speak with Conoco and they are planning to remove train cars
July 7th given State’s approval. Asbestos will be begin after that. They are still in communication with them.

She has been working on a Valley wide tire collection day. People have tires everywhere. She has been working with Jim Clare for a food collection only at the landfill. This will be a valley wide project. They will be working on this quickly and will be a certain amount of food per tire or truck load. Mr. Kampfer asked Jinger to check with COG to inquire about funding for taking tires. Commissioner Allen has had some experience in this as well stated Commissioner Yohn. Commissioner Allen said when they have these regular collections they don’t want to pay the fee when they get new tires so they hold the tires until a free collection. They were thinking maybe they could have a final collection day that they wouldn’t do this again. When they had the tire grant they ran the shredder but they need thousands to make it worth the cost to run it. Working with state to get waiver. One landfill in Otero had 120,000 tires. Final discounted tire day stressing they will not be doing it anymore because everyone is hoarding tires. Tim DeHerrera stated they have 600 tires in the last 9 months. They hauled 4 loads on the last free day. 30-40 tires are disposed from the County and rest was picked up from the roadside. They used to be able to do this with a grant for West Nile. They have money in the Landfill account that they can do the advertising stated Commissioner Allen.

Mr. Vanlwarden stated he read in the Pueblo Chieftan the cement plant is burning tires for fuel. With Septic, Tire chips are being used in the leach field. The problem with the leach field tire still has steel and dangerous when put in drain field.

Commissioner Dunne asked about the mobile home that caught on fire if they are working on cleaning up that. They are demoing it stated Ms. Tilden. They did it within the 30 day timeframe. They just have the foundation left and it is gated off. She has had great success with just sending out a letter and she is willing to give at least two extensions. Over 65% of her cases have been closed.

Weed Control
They are in the process of reviving the Alamosa County Weed program. Ms. Tilden and Tim DeHerrera have attended all the SLV Weed Management Association meetings. They have attended 2 GPS trainings, Conejos County Weed and SLV MA meetings. They have updated the Weed Management Plan. They have amended it, and gave the intentions of the program. They are mapping all county right a ways now for the database. Tom Bonner is the driver of truck. They start spraying weeds but if they go over 9 miles of weed spray they have to stop. Tim maps the weeds and Tom sprays. They meet half of the day and get GIS and they map the list so they could get a database to the State. The process will take 3 weeks to complete. Do have enough money to spray once for 2014. They should do spot spraying to stop the spreading of weeds. They did buy a couple GIS units to collect the database. They spray 53.8 miles of roads a day. In July the Road & Bridge will be mowing all the asphalt roads. They are half way done with the right a ways.

Mr. DeHerrera spraying around County shops, South River Rd, Sanford Hwy all the way to 285, the 15 South from the 285 to the County line, square off of the Coop Rd, Malouff Rd, ACI, and should be across 160 N by tomorrow. Last year they sprayed 584 miles. The Northwest Weed
comes down the Stanley. It will be close to 500 miles this year. He has already bought the spray and cannot return it so what direction do they want to do. Perhaps Deer Valley. Commissioner Yohn stated there are plenty of weeds so don’t save it. East Alamosa is really bad in the alleys. The City enforces the owner to control the weeds. A couple years ago Carol sent out letter to East Alamosa residents that we were going to clean up and they are responsible as well. We may have to do another letter. She would like to do what Alamosa City does of being responsible half way. Tim couldn’t even get his truck through one of the alley. It could be sent out with the guidelines and regulations.

Commissioner Yohn stated last year the letter said to remove trash and then it was mowed. They had 11 dump loads last year stated Mr. DeHerrera. Commissioner Yohn stated Land Use should send the letter. Commissioner Dunne stated shouldn’t the Blight Ordinance cover this. It does somewhat stated Ms. Tilden. Landowners rent out homes and they should receive the letter even though it is the tenants who live there. The property owners are ultimately responsible.

Commissioner Dunne stated they should have the same option as the City of Alamosa. Ms. Tilden called Waste Management to see how much a roll off dumpster would be because they have areas of Mosca actually the whole town has weeds. They could put a dumpster out for clippings. They are responsible for cleanup but they could haul it off. She has got a quote for $535 for the roll off which they could put anything they want in there. Trash clippings only would be $585. She has looked into a grant for next year for the Weed Program to do more spraying.

Commissioner Allen asked when they enter data into the GPS can you overlay the information so you know if you are gaining any for the following year. GIS says they can so they will see next spring stated Mr. DeHerrera. Some weeds it is better off to spray in the Fall rather than in the Spring stated Commissioner Allen. Everything has been a blanket spray. 95% is blanket spray but they have done a few spot spraying. Maybe next year they can do spot spraying to save some money. They are looking into some kind of cost sharing stated Ms. Tilden. Conejos has a program where a $25 deposit is put for use of their four wheeler sprayer. Commissioner Allen stated they need to put out a flyer that it is Colorado Weed Law they need to control your weeds with the tax notices. Road & Bride needs to know to stay out of the borrow pits because they are killing everything there. The next step is to put a Board together stated Ms. Tilden. Some of the members need to have 40 acres or more to be on the Board which will be at the discretion of the Board of County Commissioners. Enforcement will come through their office. Tim notifies her of areas so she will send out a courtesy letter to the property owner.

m/s Dunne/Allen motion to table the Alamosa County Noxious Weed Management Plan until August 6th
   Motion was approved unanimously.

Wall, Smith, & Bateman
2013 Audit

Karla Wilschau and Kim Temple were present. An overview of the 2013 Audit was presented as followed:
Independent Auditor’s Report
This states they have audited the Financial Statements
Management’s Responsibility for the Financial Statements was noted as well as the Auditor’s
Responsibility. It is concluded with a statement that they believe that the audit evidence they
have obtained is sufficient and appropriate to provide a basis for their audit opinions.

Page 2 is their Unmodified Opinion and in their opinion these financial statements are fairly
presented in all material respects.

Management’s Discussion and Analysis is presented to provide a narrative overview and analysis
of the County’s financial performance for 2013.

Page 4 is the Statement of Net Position
Assets
Current Assets 33,478,178
Liabilities
Total Liabilities 5,264,344
Deferred Inflows of Resources 3,963,345
Net Position
Restricted for
Tabor 500,000
Public Health –Single Entry Point/Home Health 253,109
Unrestricted 11,214,806
Total Net Position 24,250,489

Page 5 is the Statement of Activities
It is divided out into the functions of the government.
Functions/Programs Net (Expenses) Revenues and Changes in Net Position
27,384,095 (7,186,529)
General Revenues 7,928,737
Net Position –Beginning 23,508,281
Net Position –Ending 24,250,489

Page 6 is the Balance Sheet Governmental Fund
Assets
Total Assets 17,121,826
Liabilities
Total Liabilities 1,194,175
Deferred Inflows of Resources 3,963,345
Fund Balance
(includes Restricted-Tabor, Committed-Capital Projects, Assigned-Highways and Streets, Mosca, Unassigned)
Total Fund Balance 11,964,306
Total Liabilities, Deferred Inflows
of Resources, and Fund Balance 17,121,826

Page 8 is the Statement of Revenues, Expenditures, and changes in fund balance
Revenues
Total Revenues 27,755,684
Expenditures
Total Expenditures 28,692,403
Other Financing Sources
(Sale of Capital Assets, Capital Lease Proceeds)
Total Other Financing Sources 3,521,261
Net Change in Fund Balance 2,584,542

Page 13 is the Fiduciary Funds (Treasurer’s Holdings)
Total held 744,175

Page 14 is Notes to the Basic Financial Statements
Page 19 is the Stewardship, Compliance, and Accountability Notes
They did not have any funds that went over budget. No deficit fund balances.

Page 23 is the Capital Asset Footnote
This included the Depreciation expense of $1,373,179

Page 25 is the Detail of lease purchases
Page 41 is the Schedule of Expenditures of Federal Awards
Total Expenditures of Federal Awards $4,186,506

Page 49 is the Schedule of Findings and Questioned Costs

Financial Statements
Type of Auditors’ Report Issued Unmodified
Internal Control over Financial Reporting
  • Material Weakness (es) identified? No
  • Significant Deficiency (ies) identified that are not considered to be material weakness (es) None reported
  • Noncompliance material to financial statements noted?
Federal Awards
Internal control over major programs:
  • Material weakness (es) identified? No
  • Significant deficiency (ies) identified that are not considered to be material weakness (es)? Yes

Type of auditor’s report issued on compliance for major programs: Unmodified
Any audit findings disclosed that are required to be reported in accordance with section 510(a) of OMB Circular A-133

Programs that were tested were: SNAP Cluster, TANF (Temporary Assistance for Needy Families), LEAP (Low-Income Home Energy Assistance), and Foster Care Title IV-E

The two findings were related to Foster Care and Leap. Foster Care was a repeat finding. Page 50 and 51 show the findings and the pages following are the corrective actions.

Commissioner Allen asked where the State grant monies are listed. This is only Federal money only. Ms. Temple stated a lot of the monies that are passed through the State are Federal in nature and never lose their Federal identity even thou they come through the State. Ms. Wilschau stated this does not include Food Stamps either.
Ms. Wilschau stated they had some recommendations that could improve things. Commissioner Dunne asked about the recommendation regarding the Local Marketing District where they were going to use $25,000 and didn’t. Commissioner Allen stated they were going to advance a payment and decided not to. It was because a lack of communication and it was classified incorrectly stated Ms. Wilschau. Commissioner Dunne was also glad to hear her say about roll overs because they have a lot of changes in staff right now.

Alamosa County Department of Human Services

The Statement of Expenditures was presented. The Medicaid Dollars Spent Report and the On-Going Caseload Graphs were presented and discussed.

The 1451 program contract for funds not spent so Counties could pull and use for services for children which they are fiscal responsible for. They lost the signature page to this contract and need a signature again.

He mentioned last month OAP and AND got a retro that went up 1% in October and last month gave another retro for 1.5%. Now he got a notice that in August OAP will get another 8% adjustment.

Preliminary Budget the only allocation he has gotten so far is Child Welfare. They lose $100,000 in the formula. They have budgeted $2.6 dropping about $100,000. Their budget last year was $14,539,736 where they are expect now $13.5 well under the allocation. Regarding the audit two of the findings have to do with forms. When they go out in the middle of the night they are going to miss it. They had trainings but this didn’t stop them from having it again this year. LEAP had to do with they didn’t request information fast enough. One example of information requested would be no signature on application.

Alamosa County Sheriff

Dave Stong was present.

Animal Control Ordinance was presented. They are not changing a lot. They are going to issue County dog licenses which will be issued at the dog pound. They are changing fees for this.

Jason Kelly stated we can change it but have to go through the process. Need to have a 1st reading on the Amendments, publish it, have a Public Hearing, and then adopt it.

The Calls per Service report was presented. It showed a total of 1145 calls. They had 86 follow ups.

The Monthly Detention Report was given. The Daily average was 87. The majority housed out in Conejos were females.
Staff Concerns
Sergeant Judy Jackson, Corporal Jason Chacon, and Deputy Jeff Pearson were present.

Sergeant Jackson spoke. They presented a letter with staff concerns with the way things are going on. Her opinion is that the drug population is active now so the burglaries and thefts have gone up that they have had a lot of calls for service.

Commissioner Dunne asked what is the drug that is most prevalent is. Meth and prescription drugs stated Sergeant Jackson. They are seeing a lot of things related to the legalization of marijuana. Calls have increased a lot. With employees on light duty they are struggling covering shifts and doing calls to their best ability. They are having a hard time keeping up. They are short shifting themselves which makes a difference when you go to court to get convictions. Basically they would like some consideration to get a few more people on patrol division. Sheriff Stong has worked numerous days because they were short employees. Also vacation time has been denied because they have no one to cover. If you look at their schedules Pearson and herself have gone over hours to get things done. Also to cover trainings. Anytime you go on a call you have a follow up. 86 follow-ups were logged by the State Patrol and that doesn’t cover all the follow-ups because personally she doesn’t report everything to State Patrol each time. They are feeling really stressed. They don’t get much sleep. They need some down time to eliminate the stress on them. She is afraid someone is going to get hurt or killed because of their lack of coverage. When they train a new person on patrol the new employee doesn’t have a clue what to do. They don’t have a two man car. They currently have a K-9 unit but doesn’t have training. The training is expensive. She will be in full staff in July so this will help some. They still have issue of not enough people so if someone calls in sick they have to call someone in for overtime.

Corporal Chacon spoke. You need to consider the amount of officers per citizens in the County. Alamosa County is an area where people from all over the valley come for entertainment and shopping. This means they are not only protecting Alamosa citizens but from other counties. Also calls that they cannot determine whether they are within the city limits. He presented Daily logs from 2012 to see what they have to deal with.

Deputy Pearson spoke. Him and Flores had a VIN inspection and had to cut it short because they got called out to an accident. The next day they returned to complete that VIN inspection and got called out again for a disturbance. Twice this person has been put off. Corporal Chacon handled the disturbance and he was able to return to the VIN inspection. They received another call but finally he was able to finish the VIN inspection. If they had another deputy they would have been able to handle all this.

Commissioner Allen stated he understands where they are coming from. It all comes down to dollars and cents. We can’t take funds from one area to another such as from Road & Bridge to give to Public Health as an example. How do we get this out to the public so they understand? Sergeant Jackson stated she could put the letter in the paper but that wouldn’t solve the problem. They would just appreciate their help. Corporal Chacon stated they could generate more to be more proactive for calls such as citations. State patrol generates income for updated equipment and manpower. If they had one other individual they could generate more revenue.
Mr. Kampfer inquired about the step program.

They do have Seat Belt and DUI grants but it is hard to do them stated Corporal Chacon.

Commissioner Dunne stated they are aware of burnout. She appreciates their personal stories. They will be working on the budget and they will see what they could do.

Commissioner Yohn stated he respects what they do. Is there something they can do with the scheduling? Refusing vacation time and sick time is not good they should be able to work it out. They have earned their time so need to work this out.

**Board/Staff Updates**

**Adjourn**

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

**ATTEST:**

Belina Ramirez, Office Manager

Carol Osborn, Assistant Administrator

Mike Yohn, Chairman

Marianne Dunne, Vice-Chair

Darius Allen, County Commissioner
Minutes of the Public Hearing for Ordinance No 16 was held on June 25, 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
Peter Kampfer, County Administrator
Jason Kelly, County Attorney
Carol Osborn, Assistant Administrator
Belina Ramirez, Office Manager

Mr. Kelly stated there was some confusion when it was set on agenda as an appointment May 7, 2014. Ms. Doyle gave various options for the Board to look at in terms of the amendments. It was listed as a 1st Reading but because of the various options they used it as a discussion. The 1st Reading was then set on May 21st as a Public Hearing. The actual proposed text amendments and changes were read on Ordinance No 16. This is set for the 2nd Public Hearing.

Introduction: The purpose of this public hearing is to formally approve or deny the textual amendments to Ordinance No 16 regarding Medical Marijuana in Alamosa County. Today’s hearing has no bearing on the validity of any past Special Use Permits for Medical Marijuana or the approval or denial of any current Special Use Permit applications for Medical Marijuana in Alamosa County. It is at the discretion of the Board of County Commissioners to approve the text amendments as presented, deny the text amendments as presented, or table this issue for further consideration.

Background: In the November 2010 election, 4,789 people voted regarding Referendum 1A to prohibit medical marijuana in Alamosa County. 2,301 votes were cast to continue the prohibition of medical marijuana and 2,488 were cast to end the prohibition. Referendum 1A, to continue the prohibition of medical marijuana, was voted down by 187 votes. Ordinance No 16 regarding Medical Marijuana in Alamosa County was adopted to regulate Medical Marijuana on June 27, 2012. Nearly two years have passed and with the increased interest in the medical marijuana industry in Alamosa County, it became necessary to amend our Ordinance to reflect changes in the Land Use permitting process.

Summary of Amendments:
1. Residential property is to be clarified to mean Residentially Zoned Property meaning any property within a designated residentially zoned district of Alamosa County
2. Method of measurement shall be from the nearest principle structure of the medical marijuana facility to the nearest property line of the protected purpose.
3. The Board of County Commissioners shall consider the local needs of the community and may require the applicant to present evidence demonstrating that the needs of the community are not being met with current medical marijuana facilities.

4. The Board of County Commissioners may, for good cause shown, waive strict compliance with any provision of Ordinance No 16.

5. More comprehensive wording and stringent regulations regarding penalties for violations the full text of which can be read at the Alamosa County Land Use Office.

6. MMC’s, MMIPM’s and OPCO’s are permitted in any zoned area of Alamosa County designate as Commercial or Industrial. OPCO’s are also permitted in any zoned area of Alamosa County designate as Rural.

7. The application fee for any MMC. MMIPM, or OPCO shall be $1,000.00.

Public Notice: Notice was published in the Valley Courier on March 8, 2014 and April 19, 2014. Full text of proposed amendments was published on June 13, 2014.

Staff Recommendation: The Land Use Staff recommends that the Board of County Commissioners approve the proposed text amendments to Ordinance No 16 regarding Medical Marijuana in Alamosa County in full.

Commissioner Yohn asked if anyone is in favor of this application.

Randy Garrison spoke. He is in favor of the changes to the Ordinance. He would like to encourage them to stick with the 1000 ft. distance. He presented petitions of those in favor of these amendments.

Jim Robins 5915 Aspen Ave spoke. He would like to have some clarification on this amendment. You had words like protect purposes which includes schools and residents which he presumes include children. The school bus picks up and/or drops off children at specific sites. These sites are very close to these proposed plants. Why do we exclude the pickup sites for children and expose them to this when we have prohibition against the placing them close to schools. Are they not the same as schools? Is this not what the school represents? He has friends of his that complain about this already. Maybe we could change the school pick up sites so they are not by these sites. They have to be taken to school or be exposed to these sites.

Bob Copley 5783 Aspen spoke. He doesn’t have a problem with Ordinance No 16 except section #4. He realizes the commissioners need flexibility on their regulations in situations that it is necessary such as setbacks on driveways. This business of marijuana is a fact of life for us in Colorado now but it brings on strong emotions when it gets stressed in our neighborhoods. They work hard to keep their children and grandchildren away from this. There is ample places in the County that applies to this regulations. There are buildings that are already there. This wouldn’t prohibit them from pursuing their commercial interest. This is right across the road.
from them. They have 23 grandchildren that spend time with them. They don’t want them around this stuff. This is not like most regulations they do. He would ask for them to hold section 4 and hold to the 1000 ft. radius.

Cliff Heide 6348 Hart Rd spoke. This is his concern as well of the 1000 ft. This was put in for the protection of residential area. At the Planning Commission they spoke about protection for the facility itself such as cameras and badges. They were not concerned about his neighborhood being safe.

Patricia Jiron 63331 County Rd 106.5 would like to concur with the previous statements. She is concerned with their residential security. She is aware they are having securing this facility but she is not worried about the crop being safe but worried about her children and her property being safe. She works hard to keep her yard and wants to feel safe when she is home. She wants to enjoy her home. She wants to be out in the yard and not have her grandson see this and endure this like the smell and the noise. She is asking to keep it at the 1000 ft.

Adrian Mestas who currently has Casa Cannabis II here in Alamosa spoke. He is in agreement with the amendments how you are proposing to change them except #1 and in agreement with the people who spoke. When they first got licensed in their business they were held to standards that required them to be certain distances from residences. Obviously there was an error made somewhere when they were getting zoned in. They followed certain standards and were obligated to set up in certain areas to meet standards. They feel they shouldn’t be changed so this would make it easier for others to be closer to town than they were allowed. This stood for a good reason people don’t want them close to homes. This should be considered. This is a new thing for everyone but they want to work through them and strive to be a good system for not only business but the community. Consider residence because they don’t have control where they are zoned. Change is coming but they want it done in the best manner. It should remain as residence.

Cheryl O-Doud 6337 Meadow Lane spoke. She handed out concerns they already heard from the residents. One reason there is so much security is so the State is done in accordance with the law. They have gotten badged so they can go into the premises so everything is accordance. The State Law doesn’t have it this way and if it was done this way in the beginning they wouldn’t have these issues now. For their facility once it went up they wouldn’t even know it was there. There would be a fence. It would be more attractive than Southway constructors. They would like to see approved as it is. They know the waiver was put in there for the error that was done in the past.

Dan McCann spoke. He has been here for 18 years. He is so straight he never smoked a joint in his life and has been married twice and never cheated. The people want this ever since Vietnam ended it has been full of drugs. Parents please be responsible keep things hidden. Stuff is here
they are not going to get rid of it. Keep the stuff locked up, know what they are doing, and know who they are with.

Adrian Mestas spoke. Many had the concern of the 1000 ft. boundaries. State law says that you must be 1000 ft. away. It cannot be overturned but can be superseded but never can be less.

Commissioner Yohn asked if anyone would speak in opposition. No comments were made.

Mr. VanIwarden read a letter received from High Valley Healing dated March 9, 2014. This was address to Planning Commission and the Board of County Commissioners.
As the owner of one of the two approved medical marijuana businesses in Alamosa County she is writing to urge them not to relax or downgrade Alamosa’s County’s medical marijuana regulations. After much review, research, due process, public comment, or due diligence Alamosa County chose to enact very conservative medical marijuana regulations. She abides by all the County’s restrictions and distance requirements and after a one and a half year process with the guidance of the Alamosa County Land Use Department she chose one of the very few sites which complied with the Alamosa’s Ordinance. If these requirements are modified and reduced to accommodate new applicants that would constitute unfair advantage. She was forced to pick a less than ideal location because of the zoning and distance requirements. A location which if she had been given other options she would have not chosen. Instead she has invested in hundreds of thousands of dollars in her Alamosa County business as it designated compliance site and it is neither fair or nor just to allow others to be approved with less stringent requirements.

There being no further business, the Public Hearing for Ordinance No 16 was adjourned.

ATTEST:

Belina Ramirez, Office Manager
Carol Osborn, Assistant Administrator

Mike Yohn, Chair
Marianne Dunne, Vice-Chairman
Darius Allen, County Commissioner
Minutes of the Public Hearing for On-Site Water Treatment Systems was held on June 25, 2014 at 9:00 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 
Peter Kampfer, County Administrator 
Jason Kelly, County Attorney 
Carol Osborn, Assistant Administrator 
Belina Ramirez, Office Manager

Background: The purpose of this text amendment to the Land Use Development Code is to provide the authority for the administration and enforcement of the new On-Site Wastewater Treatment Systems. The State mandated that Alamosa County adopt the On-Site Waste Water Treatment System Regulations but allowed several options to the regulations as outlined in Appendix A to OWTS.

The state has mandated that the local Public Health Agency (Alamosa County Board of Health) adopt the OWTS (On-Site Wastewater Treatment System) Regulations by July 1, 2014.

The Colorado Water Quality Control Division found no inconsistencies or conflicts in the proposed revisions to the OWTS with regards to the On-Site Wastewater Treatment Systems Act Article 10 of Title 25, C.R.S. or Regulation 43. The Division has no objection to the Alamosa County Board of Health Regulation on that basis.

Today the Board of County Commissioners is to consider adopting a text amendment to the Alamosa County Land Use Development Code described as “Alamosa County Regulations for On-Site Wastewater Treatment Systems and Appendix A.

A decision by the board is required at this time. The entire text amendment was published in the Valley Courier on May 29, June 5, 12, 19, and 26, 2014 and also was open for public inspection in the Land Use Office.

Conclusion: The Land Use Staff recommends adopting the text amendments to the Land Use Development Code as very helpful in the administration of the regulations as mandated by the State.

Commissioner Yohn asked if anyone is in favor of or opposition of On-Site Wastewater Treatment Systems.
There being no further business, the Public Hearing for On-Site Water Treatment Systems was adjourned.

ATTEST:

Belina Ramirez, Office Manager

Carol Osborn, Assistant Administrator

Marianne Dunne, Vice-Chairman

Mike Yohn, Chair

Darius Allen, County Commissioner