

**TOWN OF LIMON  
BOARD OF TRUSTEES  
Regular Meeting  
October 7, 2010**

Notice of this meeting was published in the Limon Leader on October 7, 2010.

Mayor Beattie called the meeting to order at 7:00 p.m.

**ROLL**

Town Clerk Chris Snyder called roll. Members of the Board present: Mayor Beattie; Trustees: Andersen, Hawthorne, Hendricks, Kelly, and King. Trustee Metcalf was absent.

**STAFF**

Staff present: Town Manager Stone, Attorney Kimble, Sgt. Lengel, Administrative Intern Hanson and Town Clerk Snyder.

**GUESTS**

Will Bublitz, Morgan Honea, Rob Handley and Linda Clement.

**PLEDGE OF ALLEGIANCE**

**MINUTES**

Trustee King moved to approve the minutes for September 2, 2010; seconded by Trustee Hawthorne. Motion carried unanimously.

**10 MINUTE CITIZEN INPUT - NONE**

**LIQUOR LICENSE RENEWAL**

Trustee Hendricks moved to approve the liquor license renewal for Oscar's Bar & Grille dba Fireside Junction Restaurant; seconded by Trustee Andersen. Motion carried unanimously.

**PUBLIC HEARING: PROPOSED AMENDMENT TO LAND DEVELOPMENT CODE**

Mayor Beattie opened the public hearing at 7:03 p.m.

Town Manager Stone reported that Amendment 20 to the Colorado Constitution authorizes the use of medical marijuana within the state of Colorado. C.R. S. 12-43.3-310 of the Colorado Medical Marijuana Code specifically authorizes a municipality in part to prohibit the operation of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused manufacturers' licenses based on local government zoning, health, safety and public welfare laws for the distribution of medical marijuana that are more restrictive than state law.

The Board of Trustees previously passed ordinances imposing a moratorium on the commercial uses of marijuana within the Town, including the processing and approval of all applications for permits and licenses by the Town relating to medical marijuana uses in order to allow the Town staff, working with the Town Attorney, to evaluate and prepare appropriate regulations concerning such uses within the Town. These ordinances will expire on October 31, 2010.

The Board of Trustees has indicated that you would like to prohibit the uses allowed by the Colorado Medical Marijuana Code. Since this is a land use action, these changes need to be made to the Land Development Code. Section II.C.1.1 of the Land Development Code allows the amending of the Code. Requests to amend this code initiated by the Town Board or Planning Commission, or by Town staff, will be prepared as a draft ordinance by the Town Attorney and planning staff, after review and

recommendation by the Planning Commission and presented to the Town Board for the scheduling of a public hearing. The hearing was held on September 28<sup>th</sup>.

The Land Development Code, Section II.C.2.1. states the Planning Commission will review the proposed amendment ordinance in a timely manner so as to have recommendations to present to the Board at a public hearing. The Planning Commission recommended approval of the ordinance.

Town Attorney Kimble spoke about moratoriums and the laws regulating medical marijuana. There has not been a lot of litigation which had been a concern. More legislation is coming with more regulatory actions concerning care givers.

The ordinance prohibits commercial centers, cultivation centers and medical marijuana food products. Assistant Manager Kiely talked about what is not addressed in his memo. Most counties and municipalities in Eastern Colorado are going the prohibition route.

He talked about some of the reasons he sees to prohibit such as strain on law enforcement. If you license it, it is like the liquor code with zoning issues, and could be an administrative burden. There is a concern that organized crime is getting involved with the industry. It is a confusing and complicated issue and the Federal government has not recognized the legality of medical marijuana. Eventually the Federal government could crack down on caregivers and patients.

Patients can have 6 plants and caregivers can grow for 5 patients. They cannot be out in the open and seen. There is concern that homes that are heated and lighted for the purpose of growing plants can cause deterioration of the house and can cause mold & mildew issues.

Trustee King asked about the Town drug testing policy and medical marijuana use. He was told it would not be allowed under the policy.

Trustee Hendricks asked about enforcement of the law with use of a vehicle by a patient and was told by Sgt. Lengel that it is still against the law to drive under the influence. There is a lot of frustration and concern for law enforcement dealing with this issue.

Morgan Honea, representing Plains Medical Center stated that from an administration standpoint medical marijuana is not a part of their practice.

Mayor Beattie closed the public hearing at 8:30 p.m.

#### **ORDINANCE NO. 541; AMEND LAND DEVELOPMENT CODE**

Mayor Beattie introduced and there was read in full the title of the following proposed ordinance and the entire text of said ordinance was submitted in writing to each member of the Board of Trustees and the Mayor.

Ordinance No. 541; An Ordinance to Amend the Land Development Code of the Town of Limon, Lincoln County, Colorado, to Add Article II, Section G, Prohibiting Certain Uses Relating to Medical Marijuana Including the Commercial Retail Sale, Distribution, Cultivation, and Dispensing of Medical Marijuana and Medical Marijuana Infused Products.

Trustee King moved to approve Ordinance No. 541; seconded by Trustee Hawthorne. Motion carried unanimously.

#### **RESOLUTION NO. 10-10-37; AFFILIATION AGREEMENT**

Town Manager Stone introduced and there was read in full the title of the following proposed resolution and the entire text of said resolution was submitted in writing to each member of the Board of Trustees and the Mayor.

Resolution No. 10-10-37; A Resolution Approving an Affiliation Agreement with the State of Colorado, Department of Higher Education by the State Board for Community College System on Behalf of the

Pueblo Community College's Division of Health Professionals for the Training of Students and Authorizing Execution of Said Memorandum of Understanding.

Trustee Hendricks moved to approve Resolution No. 10-10-37; seconded by Trustee King. Motion carried unanimously.

**RESOLUTION NO. 10-10-39; PROPOSAL FROM COMPLETE WIRELESS TECHNOLOGIES**

Town Manager Stone introduced and there was read in full the title of the following proposed resolution and the entire text of said resolution was submitted in writing to each member of the Board of Trustees and the Mayor.

Resolution No. 10-10-39; A Resolution Approving a Proposal from Complete Wireless Technologies in Excess of \$10,000 for Radio Headsets and Ambulance Intercoms for the Ambulance Department of the Town of Limon.

Trustee Hendricks moved to approve Resolution No. 10-10-37; seconded by Trustee King. Motion carried unanimously.

**RESOLUTION NO. 10-10-38; OPPOSITION TO PROPOSITION 101 AND AMENDMENTS 60 AND 61**

Town Manager Stone introduced and there was read in full the title of the following proposed resolution and the entire text of said resolution was submitted in writing to each member of the Board of Trustees and the Mayor.

Resolution No. 10-10-38; A Resolution of the Town of Limon, Lincoln County, Colorado Stating Opposition to Proposition 101 and Amendments 60 and 61.

Trustee Kelly moved to approve Resolution No. 10-10-38; seconded by Trustee Hendricks. Motion carried unanimously.

**ORDINANCE NO. 542; MEMORANDUM OF UNDERSTANDING WITH FAA**

Town Manager Stone introduced and there was read in full the title of the following proposed ordinance and the entire text of said ordinance was submitted in writing to each member of the Board of Trustees and the Mayor.

Ordinance No. 542: An Ordinance Approving the No-Cost Land on the Airport Memorandum of Agreement with the Federal Aviation Administration for Use of a Portion of the Limon Municipal Airport and Authorizing the Execution of Said Agreement.

Trustee King moved to approve Ordinance No. 541; seconded by Trustee Andersen. Motion carried unanimously.

**CEMETERY BOARD APPOINTMENT**

Trustee Hawthorne moved to appoint Tom Anderson to the Cemetery Board; seconded by Trustee Andersen. Motion carried unanimously.

**LIBRARY BOARD APPOINTMENT**

Trustee Andersen moved to appoint Georgann Martin and Tammy Schieffelin to the Library Board; seconded by Trustee Kelly. Motion carried unanimously.

**PLANNING COMMISSION APPOINTMENT**

Trustee Kelly moved to appoint Teddy Bandy to the Planning Commission; seconded by Trustee King. Motion carried unanimously.

## BOARD OF ADJUSTMENT APPOINTMENTS

Trustee King moved to appoint Ernie Love, Tony Barb and John Olesen to the Board of Adjustments; seconded by Trustee Hendricks. Motion carried unanimously.

## MUNICIPAL CODE UPDATE

Town Manager Stone reported that the municipal code has been revised and that we will give new copies to the Board.

## ATTORNEY'S REPORT

Attorney Kimble reported on cases in Municipal Court.

## ADMINISTRATION REPORT

Sgt. Lengel

- burglary investigation that turned into a meth lab and the potential costs of these kinds of cases. B
- patrol cars are getting fixed. P

Administrative Intern Hansen

- Marketplace convention.

Town Manager Stone

- cable television system has been purchased by Cam's Cable and they want to discontinue service in Limon. C
- reported on CML policy committee meeting. R

## MAYOR'S REPORT

Mayor Beattie asked about re-cycling of plastic bottles and was told by Town Manager Stone that we are not able to do it at this time but he will check into it.

## TRUSTEE'S REPORT

Trustee King asked about the grass at the feedlot and a culvert at 8<sup>th</sup> Street and G.

## APPROVAL OF BILLS

Trustee Hawthorne moved to approve the bills for the month of September; seconded by Trustee King. Motion carried unanimously.

## ADJOURNMENT

Trustee Hawthorne moved to adjourn at 8:35 p.m.; seconded by Trustee Hendricks. Motion carried unanimously.

TOWN CLERK \_\_\_\_\_

MAYOR \_\_\_\_\_