



## **Agenda**

**MEETING OF THE MINTURN TOWN COUNCIL**  
**Minturn Town Center, 302 Pine Street**  
**Minturn, CO 81645 • (970) 827-5645**

**Wednesday June 15, 2011**

**Work Session – 4:45pm**  
**Regular Session – 7:00pm**

**MAYOR – Gordon “Hawkeye” Flaherty**  
**MAYOR PRO TEM – George Brodin**

**TOWN MANAGER – Jim White**  
**TOWN CLERK/TREAS – Jay Brunvand**

**COUNCIL MEMBERS:**

Shelley Bellm  
Earle Bidez  
Jerry Bumgarner  
Aggie Martinez  
John Rosenfeld

When addressing the Council, please state your name and your address for the record prior to providing your comments. Please address the Council as a whole through the Mayor. All supporting documents are available for public review in the Town Offices – located at 302 Pine Street, Minturn CO 81645 – during regular business hours between 8:00 a.m. and 3:00 p.m., Monday through Friday, excluding holidays.

### **Work Session – 4:45pm**

- Work Session – New Town entryway sign viewing and photos (**Meet at Grouse Creek Trailhead**) – White (15min)
- Discussion – 2010 Audit presentation and acceptance – Brunvand (45min)

**Please remember to bring your audit with you to the meeting.**

- Ordinance 8 – 2011 (First Reading) an Ordinance allowing the sale of Medical Marijuana. (45 min)



2011

# Minturn Council Meeting

Wednesday June 15, 2011

**Work Session:** **4:45pm**  
**(Town Center)**

**Regular Session:** **7:00pm**  
**(Town Center)**

**Please remember to bring your audit with you to the meeting.**

**TOP FIVE COUNCIL PRIORITIES:**

- Entry Signs
- Sidewalk Installations
- Street repairs with drainage (by priority)
- 100% completion of Telemetry
- Implement Streetscape Plan

## Regular Session – 7:00pm

1. **Call to Order**
  - a. Roll Call
  - b. Pledge of Allegiance
2. **Approval of Agenda**
  - a. Items to be Pulled or Added
3. **Approval of Minutes and Action Report**
  - June 1, 2011
  - Action Item Report
4. **Public comments on items, which are NOT on the agenda (5 minute time limit per person)**
5. **Special Presentations/Citizen Recognition**
6. **Planning Commission Update**
7. **Town Manager's Report**
8. **Town Council Comments**

### PUBLIC HEARINGS AND DISCUSSION/ACTION ITEMS

9. **Discussion/Action – Motion to accept the 2010 Minturn Financial Audit – Brunvand (25min)**

### FUTURE AGENDA ITEMS

10. **Next Meeting – July 6, 2011 (Official Meeting start time 6:30pm)**
  - Discussion/Action – Ordinance 8 – 2011 (First Reading) an Ordinance allowing the sale of Medical Marijuana
  - Work Session - Discussion re: Holy Cross Franchise Agreement – White (45min)
  - Work Session - Ordinance 5 – 2011 (First Reading) an Ordinance adopting the 2009 IBC as amended – Cerimele/Lanci
  - Discussion/Action– Ordinance 5 – 2011 (First Reading) an Ordinance adopting the 2009 IBC as amended – Cerimele/Lanci
11. **Future Meeting**
  - Executive Session - Pursuant to CRS 24-6-402(4)(b) to consult with the Town's Attorney(s) and receive legal advice regarding Environmental Protection Agency

(EPA) and Colorado Department of Public Health comments on the Battle Mountain Resort project Remediation Feasibility Study Amendment– White/Christensen (60min)

- Discussion/Action – Ordinance 8 – 2011 (Second Reading) an Ordinance allowing the sale of Medical Marijuana

## **12. Set Future Meeting Dates**

a) Council Meetings:

- July 6, 2011
- July 20, 2011

b) Planning & Zoning Commission Meetings:

- June 22, 2011
- July 13, 2011

c) Other Dates:

- June 18, 2011 1<sup>st</sup> Day of Minturn Market
- June 22-24 CML Annual Conference/Vail
- Minturn Independence Day Celebration – July 2, 2011

## **13. Adjournment**

P.O. Box 309 ♦ 302 Pine Street  
Minturn, CO 81645  
Phone: 970-827-5645  
Fax: 970-827-5545  
Jay Brunvand, Treasurer/Clerk  
Email: treasurer@minturn.org



Town Council  
Mayor – Gordon “Hawkeye” Flaherty  
Mayor Pro Tem – George Brodin  
Councilwoman – Shelley Bellm  
Councilwoman – Earle Bidez  
Councilman – Jerry Bumgarner  
Councilman – Aggie Martinez  
Councilman – John Rosenfeld

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## AGENDA ITEM COVER SHEET

**AGENDA TITLE:** Work Session to review the fiscal year 2010 audit and Discussion/Action Item – Motion to accept the Fiscal Year 2010 Audit

**MEETING DATE:** June 15, 2010

**PRESENTER:** Brunvand

**BACKGROUND:** During the scheduled Worksession Council will review with the Town’s auditors the Fiscal Year 2010 Audit. As per §29-1-606(a)(1) C.R.S. the Council must accept the audit and submit the approved audit to the Department of Local Affairs and to the Office of the State Auditor not later than June 30 of each year. Therefore, I have scheduled time during the Worksession for discussion and review and time during the meeting for acceptance of the audit.

Please feel free to contact me prior to the meeting in the event you need further information.

- **CORE ISSUES:** none

**BUDGET/FINANCE IMPLICATIONS:** The Town is required by State law to have an annual audit. This item as been budgeted for in the 2010 Annual Budget.

**STAFF RECOMMENDATION/MOTION:** “I move to accept the Fiscal Year 2010 Audit as presented.”

Michelle Metteer  
Deputy Clerk  
P.O. Box 309 ♦ 302 Pine Street  
Minturn, CO 81645  
Phone: 970-827-5645  
Fax: 970-827-5545  
mmetteer@minturn.org



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## AGENDA ITEM COVER SHEET

<b>AGENDA TITLE:</b> Medical Marijuana Center, Ordinance 8 – Series 2011
<b>MEETING DATE:</b> June 15, 2010
<b>PRESENTER:</b> Brunvand/Metteer
<b>BACKGROUND:</b> During the scheduled Worksession Council will review the most current draft of the proposed medical marijuana ordinance. The most recent updates to the draft reflect questions and discussions from the previous medical marijuana ordinance work session.
<b>CORE ISSUES:</b> The following still requires addressing at both the Staff and Council level: <ul style="list-style-type: none"><li>• Currently, this ordinance is outlined with the Town Administrator as the licensing authority and for applications to be handled at the Staff level. Any applicant appeals would come before Council.</li><li>• Appropriate fees for permit application and permit renewal. An updated spreadsheet of other Town’s fee schedule for medical marijuana center licensing/permitting has been included.</li><li>• Any verbiage for the ordinance that would specifically limit the number of potential centers within the Town limits. Two possible options include limiting the number of centers by Town population size (i.e. “shall not have more than one (1) center per 2,500 ppl) and directly specifying an allowable limit (i.e. “shall not have more that two within the Town limits). Both of these options are meant to work as a catch-all in the event zoning changes are made or loopholes are discovered.</li></ul>
<b>STAFF RECOMMENDATION/MOTION:</b>

ORDINANCE NO. 8

Series 2011

AN ORDINANCE AMENDING CHAPTER 6 OF THE MINTURN MUNICIPAL CODE  
BY ADOPTING PROVISIONS FOR THE REGULATION OF MEDICAL MARIJUANA CENTERS

THE TOWN OF MINTURN, COLORADO ORDAINS:

Section 1. Regulations Adopted. Chapter 6 of the Minturn Municipal Code is amended by the addition of a new article 3, to be entitled "Medical Marijuana Centers", which shall read in its entirety as follows:

ARTICLE 3

MEDICAL MARIJUANA CENTERS

SECTION:

- 6-3-1: SHORT TITLE
- 6-3-2: FINDINGS
- 6-3-3: PURPOSE
- 6-3-4: AUTHORITY
- 6-3-5: DEFINITIONS
- 6-3-6: PERMIT REQUIRED
- 6-3-7: APPLICATION FOR PERMIT
- 6-3-8: APPLICATION FEE
- 6-3-9: INVESTIGATION OF APPLICATION
- 6-3-10: STANDARDS FOR ISSUANCE OF PERMIT
- 6-3-11: DENIAL OF PERMIT
- 6-3-12: AUTHORITY TO IMPOSE CONDITIONS ON PERMIT
- 6-3-13: DECISION BY TOWN ADMINISTRATOR
- 6-3-14: NOTICE OF DECISION
- 6-3-15: APPEAL OF DENIAL OR CONDITIONAL APPROVAL OF PERMIT
- 6-3-16: CONTENTS OF PERMIT
- 6-3-17: INSPECTION OF PREMISES
- 6-3-18: PERMIT NOT TRANSFERABLE
- 6-3-19: NOTICE OF ISSUANCE OF PERMIT
- 6-3-20: DURATION OF PERMIT; RENEWAL
- 6-3-21: DUTIES OF PERMITTEE
- 6-3-22: POSTING OF PERMIT
- 6-3-23: SUSPENSION OR REVOCATION OF PERMIT
- 6-3-24: LIMITATION ON SALE OF MARIJUANA
- 6-3-25: CENTER LOCATION
- 6-3-26: HOURS OF OPERATION
- 6-3-27: SIGNAGE
- 6-3-28: REQUIRED WARNINGS TO BE POSTED
- 6-3-29: ON-SITE CONSUMPTION
- 6-3-30: PARAPHERNALIA
- 6-3-31: ON-SITE CULTIVATION, GROWING AND PROCESSING
- 6-3-32: ALCOHOL
- 6-3-33: DISPLAY OF MEDICAL MARIJUANA

- 6-3-34: SECURITY REQUIREMENTS
- 6-3-35: BUSINESS LICENSE REQUIRED
- 6-3-36: TAXES
- 6-3-37: REQUIRED RECORD
- 6-3-38: PENALTIES; INJUNCTIVE RELIEF
- 6-3-39: NO WAIVER OF GOVERNMENTAL IMMUNITY
- 6-3-40: NO TOWN LIABILITY
- 6-3-41: INDEMNIFICATION OF TOWN
- 6-3-42: OTHER LAWS REMAIN APPLICABLE
- 6-3-43: RULES AND REGULATIONS

6-3-1: SHORT TITLE: This chapter shall be known and may be cited as the “Town of Minturn Medical Marijuana Center Ordinance.”

6-3-2: FINDINGS: The Town Council adopts this article based upon the following findings of fact:

- A. Because federal and state law prohibits the possession and sale of marijuana generally, marijuana sales have never been specifically addressed by Town ordinance.
- B. On November 7, 2000 the voters of the State of Colorado approved Amendment 20. Amendment 20 added §14 of article 18 to the Colorado Constitution, and created a limited exception from criminal liability under Colorado law (as opposed to federal law) for seriously ill persons who are in need of marijuana for specified medical purposes and who obtain and use medical marijuana under the limited, specified circumstances described in Amendment 20.
- C. The intent of Amendment 20 was to enable certain specified persons who comply with the registration provisions of the law to legally obtain, possess, cultivate, grow, use, and distribute marijuana without fear of criminal prosecution under Colorado (as opposed to federal) law.
- D. Despite the adoption of Amendment 20, marijuana is still a controlled substance under Colorado and federal law. As a result, making it legal for a person to obtain, possess, cultivate, grow, use, transport and distribute marijuana, even for medical use as contemplated by Amendment 20, has the potential for abuse that should be closely monitored and regulated by local authorities to the extent possible.
- E. If not closely monitored and regulated the presence of marijuana, even for the purposes legally permitted by Amendment 20, may cause an increase in illegal activities within the Town affecting the health, safety, order, comfort, convenience and general welfare of the residents of the Town, as well as the health, safety and welfare of the operators of medical marijuana Centers and their customers.
- F. If medical marijuana Centers operating pursuant Amendment 20 were allowed to be established and to operate without appropriate local regulation of their location, medical marijuana Centers might be established in areas that would conflict with the Town’s comprehensive land use plan; be inconsistent with

surrounding uses; or otherwise be detrimental to the public health, safety and welfare.

- G. Nothing in this article allows a person to:
  - 1. engage in conduct that endangers others or causes a public nuisance;
  - 2. possess, cultivate, grow, use, or distribute marijuana for any purpose other than for use as medical marijuana as authorized and limited by Amendment 20, and the implementing state statutes and administrative regulations;
  - 3. possess, cultivate, grow, use, or distribute marijuana that is otherwise illegal under applicable law; or
  - 4. engage in any activity related to the possession, cultivation, growing, use, or distribution of marijuana that is otherwise not permitted under the laws of the Town or the State of Colorado.
- H. This article is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort, and convenience of the Town and the inhabitants thereof.
- I. No person, business, activity or use that distributed or involved the distribution of marijuana within the Town prior to the enactment of this chapter shall be deemed to have been legally established under this code, and no such person, business, activity, or use shall be entitled to claim legal nonconforming status under any provision of this code or applicable law.

6-3-3: PURPOSE: Recognizing that there is a potential conflict between federal and state law with respect to the operation of medical marijuana Centers, it is the purpose of this chapter to:

- A. Impose specific requirements and limitations for those individuals registering with the State of Colorado as a “patient” or “primary care-giver” as those terms are defined in Amendment 20, and the statutes and administrative regulations implementing Amendment 20.
- B. Require that a medical marijuana Center (as defined in this chapter) be operated in a safe manner that does not endanger the public welfare.
- C. Mitigate potential negative impacts that a medical marijuana center might cause on surrounding properties and persons.
- D. Regulate the conduct of persons owning, operating, and using a medical marijuana center in order to protect the public health, safety and welfare.
- E. Establish a non-discriminatory mechanism by which the Town can control, through appropriate regulation, the location and operation of medical marijuana Centers within the Town.

6-3-4: AUTHORITY: The Town Council hereby finds, determines, and declares that it has the power to adopt this chapter pursuant to:

- A. The Local Government Land Use Control Enabling Act, article 20 of title 29, C.R.S.;
- B. Part 3 of article 23 of title 31, C.R.S. (concerning municipal zoning powers);
- C. Section 31-15-103, C.R.S. (concerning municipal police powers);
- D. Section 31-15-401, C.R.S. (concerning municipal police powers);
- E. Section 31-15-501, C.R.S. (concerning municipal authority to regulate businesses);
- F. The authority granted to home rule municipalities by article XX of the Colorado Constitution; and
- G. The powers contained in the Minturn Town Charter.

6-3-5: DEFINITIONS:

- A. As used in this chapter the following words shall have the following meanings, unless the context clearly requires otherwise:

ADJACENT:	Adjacent to or contiguous with the proposed location of a medical marijuana center. Adjacency shall be determined without regard to the existence of a platted or dedicated public street or alley, and real property that would otherwise be determined to be adjacent to a proposed medical marijuana center does not lose its adjacency by virtue of the existence of a platted or dedicated public street or alley.
ALCOHOLIC BEVERAGE:	Has the meaning provided in Section <u>10-10-10</u> of this code.
AMENDMENT 20:	A voter-initiated amendment to the Colorado Constitution adopted November 7, 2000. Amendment 20 added §14 of Article 18 to the Colorado Constitution.
APPLICANT:	A person twenty one years of age or older who has submitted an application for permit pursuant to this chapter.
APPLICATION:	An application for permit submitted pursuant to this chapter.

BUILDING OFFICIAL:	The Building Official of the Town.
BUSINESS LICENSE:	A Business License to operate a medical marijuana center issued by the Town pursuant to this chapter.
DAY:	A calendar day, unless otherwise indicated.
GOOD CAUSE (for the purpose of refusing or denying a permit renewal under this chapter):	<p>Means:</p> <ul style="list-style-type: none"> <li>A. the permittee has violated, does not meet, or has failed to comply with any of the terms, conditions, or provisions of this chapter and any rule and regulation promulgated pursuant to this chapter;</li> <li>B. the permittee has failed to comply with any special terms or conditions that were placed on its permit at the time the permit was issued, or that were placed on its permit in prior disciplinary proceedings or that arose in the context of potential disciplinary proceedings; or</li> <li>C. the permittee's medical marijuana center have been operated in a manner that adversely affects the public health, welfare, or safety of the immediate neighborhood in which the medical marijuana center is located. Evidence to support such a finding can include: (i) a continuing pattern of disorderly conduct as defined in section 10-8-90 of this code; (ii) a continuing pattern of drug-related criminal conduct within the premises of the medical marijuana center, or in the immediate area surrounding the medical marijuana center; or (iii) a continuing pattern of criminal conduct directly related to or arising from the operation of the medical marijuana center.</li> </ul>
GROUND FLOOR:	The floor of a structure at approximately the same elevation as the natural grade of the surrounding area.

HALFWAY HOUSE:	A group care facility for adults or juveniles who have been placed on probation or parole under applicable law.
LAND USE GUIDELINES:	Chapter 16 of the Minturn Municipal Code.
<u>LOCAL LICENSING AUTHORITY</u>	<u>For the purposes of this article, means the Town Administrator of the Town of Minturn or Administrator's designee.</u>
MEDICAL MARIJUANA CENTER OR CENTER:	The use of any property or structure within the Town to distribute, transmit, provide, dispense, or otherwise provide marijuana in any manner to patients or primary care-givers in accordance with Section 14, Article XVIII of the Colorado Constitution, and the implementing state statutes and administrative regulations. A medical marijuana center may not be used as a physician's office to examine or consult with patients.
PATIENT:	Has the meaning provided in Amendment 20.
PERMIT:	A permit to operate a medical marijuana center issued by the Town pursuant to this chapter.
PERMITTEE:	The person to whom a permit has been issued pursuant to this chapter.
PERSON:	Has the meaning provided in section 1-2-10 of this code.
PRIMARY CARE-GIVER:	Has the meaning provided in Amendment 20.
RESIDENTIAL USE:	A single family, duplex or multi-family structure or hotel, long or short term occupancy.
SPLIT LEVEL STRUCTURE:	A structure or portion of a structure that includes multiple floors with the lowest floor visible from the street front having a finished grade below the finished grade level of the street front sidewalk.
STATE:	Shall mean the state of Colorado.
TOWN:	Has the meaning provided in section _1-2-10 of this code.
TOWN ADMINISTRATOR :	The Town Administrator of the Town, or the

Town Administrator's designee authorized to act pursuant to section 2-3-10 – 2-3-40 of this code.

- B. In addition to the definitions provided in subsection A of this section, the other defined terms in Amendment 20 are incorporated into this chapter by reference.

6-3-6: PERMIT REQUIRED: No person shall operate a medical marijuana center within the Town without a valid permit issued in accordance with this chapter.

6-3-7: APPLICATION FOR PERMIT:

- A. A person seeking to obtain a permit pursuant to this chapter shall file an application with the Town Administrator. The form of the application shall be provided by the Town Administrator.
- B. A permit issued pursuant to this chapter does not eliminate the need for the permittee to obtain other required State and Town licenses and permits related to the operation of the approved medical marijuana center, including, without limitation:
  - 1. a State sales tax license;
  - 2. **any and all State licensing requirements**
  - 3. a Town business license; and
  - 4. a Medical Marijuana center permit has been obtained from the Town of Minturn and all applicable fees shall be paid in full. [MM1]
  - 5. a building permit, mechanical permit, plumbing permit, or electrical permit as necessary
- C. An application for a permit under this chapter shall contain the following information:
  - 1. the applicant's name, address, telephone number, birthdate and social security number;
  - 2. the street address of the proposed medical marijuana center;
  - 3. if the applicant is not the owner of the proposed location of the medical marijuana center, a notarized statement from the owner of such property authorizing the submission of the application;
  - 4. a copy of any deed reflecting the applicant's ownership of, or lease reflecting the right of the applicant to possess the proposed licensed premises;[MM2]
  - 5. a statement of the applicant's personal history;

6. a completed set of the applicant's fingerprints on a form approved by the Town Administrator;
7. an operation plan for the center to ensure compliance with law. The operation plan must contain the following items:
  - i. description of security provisions and systems as required by the Colorado Medical Marijuana Enforcement Division Rules
  - ii. Plans and specifications for the interior of the building if the building to be occupied is in existence at the time. If the building is not in existence, the applicant shall file a plot plan and a detailed sketch for the interior and submit an architect's drawing of the building to be constructed. C.R.S 12-43.3-301(4[MM3])
  - iii. If cultivating on site, a description of any cultivation within the center, including
    - a. Where plants are grown
    - b. The number of plants that will be grown
    - c. The number of plants within a given stage of growth at any given time
    - d. A description of the ventilation system for the premises
    - e. A description of the lighting system for the grow area
8. a statement to be initialed by the applicant that the applicant and the employees of the medical marijuana center may be subject to prosecution under federal marijuana laws;
9. a statement to be initialed by the applicant that the Town accepts no legal liability in connection with the approval and subsequent operation of the medical marijuana center; and
10. any additional information that the Town Administrator reasonably determines to be necessary in connection with the investigation and review of the application.

Applications shall be processed by the Town Administrator in order of receipt.

6-3-8: APPLICATION FEE: An applicant shall pay to the Town a non-refundable application fee when the application is filed. The purpose of the fee is to cover the administrative costs of processing the application. For applications filed in 2012 the application fee is \$800.00. Thereafter, the amount of the application fee shall be fixed by the Town Council as part of its annual budget process.

6-3-9: INVESTIGATION OF APPLICATION:

- A. Upon receipt of a properly completed application, together with all information required in connection therewith, and the payment of the application fee as required by section 6-3-8, the Town Administrator shall transmit copies of the application to:

1. the Police Department;
  2. the Town Attorney
  3. the Planning Department; and
  4. any other person or agency which the Town Administrator determines should properly investigate and comment upon the application.
- B. Upon receipt of a completed application the Police Department shall obtain and review a criminal background records search on the applicant from the Colorado Bureau of Investigation.
- C. Within twenty days of receipt of a completed application those Town departments and other referral agencies described in subsection A of this section shall provide the Town Administrator with comments concerning the application<sup>[MM4]</sup>.

6-3-10: STANDARDS FOR ISSUANCE OF PERMIT: The Town Administrator shall issue a permit under this chapter when, from a consideration of the application and from such other information as may otherwise be obtained, the Town Administrator determines that:

- A. The application (including any required attachments and submissions) is complete and signed by the applicant;
- B. The applicant has paid the application fee and any other fees required by section 6-3-8;
- C. The application does not contain a material falsehood or misrepresentation;
- D. The application complies with all of the requirements of this chapter;
- E. The applicant has good moral character. In making this determination or when considering a criminal conviction, the Town Administrator shall be governed by the provisions of section 24-5-101, C.R.S. If the Town Administrator takes into consideration information concerning the applicant's criminal history record, the Town Administrator shall also consider any information provided by the applicant regarding such criminal history record, including but not limited to evidence of rehabilitation, character references, and educational achievements, especially those items pertaining to the period of time between the applicant's last criminal conviction and the consideration of the application for a permit; and
- F. The proposed location of the medical marijuana center is permitted under section 6-3-25.

6-3-11: DENIAL OF PERMIT: The Town Administrator shall deny an application for a permit under this chapter if the Town Administrator determines that:

- A. Information contained in the application, or supplemental information requested from the applicant, is found to be false in any material respect; or

- B. The application fails to meet any of the standards sets forth in section 6-3-10. [A standard cure time of seven\(7\) business days will be extended.](#)

If an application is denied the application fee shall not be refunded.

6-3-12: AUTHORITY TO IMPOSE CONDITIONS ON PERMIT: The Town Administrator shall have the authority to impose such reasonable terms and conditions on a permit as may be necessary to protect the public health, safety, and welfare, and to obtain compliance with the requirements of this chapter and applicable law.

6-3-13: DECISION BY TOWN ~~ADMINISTRATOR~~ ADMINISTRATOR:

- A. The Town Administrator shall approve, deny, or conditionally approve a permit within thirty days of the receipt of the completed application unless, by written notice to the applicant, the decision period is extended for an additional ten days if necessary for the Town Administrator to complete the review of the application.
- B. If an application is denied, the Town Administrator shall clearly set forth in writing the grounds for denial.
- C. In the event an application is conditionally approved, the Town Administrator shall clearly set forth in writing the conditions of approval.

6-3-14: NOTICE OF DECISION: The Town Administrator shall notify the applicant of the decision on the application within three business days of rendering the decision. Notice shall be given by mailing a copy of the Town Administrator's decision to the applicant by certified mail, postage prepaid, at the address shown in the application. Notice is deemed to have been properly given upon mailing.

6-3-15: APPEAL OF DENIAL OR CONDITIONAL APPROVAL OF PERMIT:

- A. An applicant has the right to appeal the Town Administrator's denial or conditional approval of an application to the Town Council.
- B. The applicant's written notice of appeal shall be filed with the Town Administrator within ten days after the date of mailing of the Town Administrator's decision on the application.
- C. The applicant shall be provided with not less than ten days' prior written notice of the appeal hearing to be held by the Town Council.
- D. The burden of proof in an appeal filed under this section shall be on the applicant.
- E. Any decision made by the Town Council pursuant to this section shall be a final decision and may be appealed to the district court pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure. The applicant's failure to timely appeal the decision is a waiver the applicant's right to contest the denial or conditional approval of the application.

- F. If there is any conflict between the provisions and requirements of this section and the provisions and requirements of chapter \_\_\_ of title \_\_\_ of this code, the provisions and requirements of this section shall control.

6-3-16: CONTENTS OF PERMIT: A permit shall contain the following information:

- A. The name of the permittee;
- B. The date of the issuance of the permit;
- C. The address at which the permittee is authorized to operate the medical marijuana center;
- D. Any special conditions of approval imposed upon the permit by the Town Administrator pursuant to section 6-3-12; and
- E. The date of the expiration of the permit.
- F. a statement to be initialed by the applicant that the applicant and the employees of the medical marijuana center may be subject to prosecution under federal marijuana laws;
- G. a statement to be initialed by the applicant that the Town accepts no legal liability in connection with the approval and subsequent operation of the medical marijuana center; ~~and~~

A permit must be signed by both the applicant and the Town Administrator to be valid.

6-3-17: INSPECTION OF PREMISES:

- A. Prior to the issuance of a permit, the premises at which the medical marijuana center will be operated shall be inspected by the Town's Building Official to determine compliance with the Town's building and technical codes. No permit shall be issued if the premises at which the medical marijuana dispensary will be operated do not comply with the Town's building and technical codes. Throughout the term of the permit the Building Official may inspect the premises at which the medical marijuana dispensary is operated to determine continuing compliance with the Town's building and technical codes. Access to such premises may be obtained by the Building Official in accordance with the applicable provisions of such codes or other applicable law.
- B. During all business hours and other times of apparent activity, all licensed premises shall be subject to inspection by Police Services, Fire Services, and all other Town departments designated by the Town Administrator for the purpose of investigating and determining compliance with the provisions of this Article and any other applicable state and local laws or regulations. Said inspection may include, but need not be limited to, the inspection of books, records, inventory and security. Where any part of the licensed premises consists of a locked area, such area shall be made available for inspection without delay, upon request.

C. Reoccurring inspections shall be conducted not less than once per year and proof of a completed, passing inspection by either the State Licensing Authority or a pre-approved third party, as determined by the Town Administrator, must be submitted at time of permit renewal. Any and all possible costs for inspections, and required maintenance requested as a condition of a passing inspection shall be the sole responsibility of the applicant.

6-3-18: PERMIT NOT TRANSFERABLE: A permit is non-transferable and non-assignable. Any attempt to transfer or assign a permit voids the permit.

6-3-19: NOTICE OF ISSUANCE OF PERMIT: Immediately upon the issuance of a permit, the Town Administrator shall send a copy of the permit to:

- A. The Town Clerk;
- B. The Town Attorney;
- C. The Police Department;
- D. The Planning Department;
- E. The Town Treasurer; and
- F. Any other person as determined by the Town Administrator.

6-3-20: DURATION OF PERMIT; RENEWAL

- A. ~~Each permit issued pursuant to this chapter shall be valid for one year from the date of issuance, and may be renewed as provided in this section. The term of the permit shall be from April 1 to March 31 of the following year~~[MM5].
- B. An application for the renewal of an existing permit shall be made to the Town Administrator not less than forty-five days prior to the date of expiration. No application for renewal shall be accepted by the Town Administrator after the date of expiration. The Town Administrator may waive the forty-five day time requirement set forth in this subsection if the applicant demonstrates an adequate reason.
- C. The provisions of sections 6-3-9 through 6-3-15, inclusive, and section 6-3-17(C), [MM6] shall apply to the processing of an application to renew a permit. The timely filing of a renewal application shall extend the current permit until a final decision is made on the renewal application, including any appeal of the Town Administrator's decision to the Town Council.
- D. At the time of the filing of an application for the renewal of an existing permit the applicant shall pay a renewal fee in an amount fixed by the Town Council as part of its annual budget process.
- E. The Town Administrator may refuse to renew a permit for good cause.

6-3-21: DUTIES OF PERMITTEE: It is the duty and obligation of each permittee to do the following:

- A. Comply with all of the terms and conditions of the permit, and any special conditions on the permit imposed by the Town Administrator pursuant to section 6-3-12;
- B. Comply with all of the requirements of this article;
- C. Comply with all other applicable Town ordinances;
- D. Comply with all state laws and administrative regulations pertaining to the medical use of marijuana, including, but not limited to, the Colorado Medical Marijuana Enforcement Division Rules, Amendment 20; section 18-18-406.3, C.R.S.; and the administrative regulations issued by the Colorado Department of Public Health and Environment found at 5 CCR 1006-2, all as amended from time to time.
- E. Comply with all applicable federal laws, rules or regulations, other than a federal law, rule or regulation concerning the possession, sale or distribution of marijuana that conflicts with Amendment 20; and
- F. If the Town Administrator has a reasonable suspicion that the permittee is or has violated the terms and conditions of the permit: allow inspection of its records, building or structure, and operation by the Town Administrator for the purpose of determining the permittee's compliance with the terms and conditions of the permit. However, nothing in this section shall abrogate or affect: (i) any applicable confidentiality provision of state or federal law, or (ii) any applicable statutory or constitutional prohibition against unreasonable searches and seizure of property. In the event of any conflict between this section and any applicable state or federal law, the applicable provision of state or federal law shall control.

6-3-22: POSTING OF PERMIT: A permit shall be continuously posted in a conspicuous location at the medical marijuana center.

6-3-23: SUSPENSION OR REVOCATION OF PERMIT:

- A. A permit issued pursuant to this chapter may be suspended or revoked by the Town Administrator after a hearing for the following reasons:
  - 1. fraud, misrepresentation, or a false statement of material fact contained in the permit application;
  - 2. a violation of any Town, state, or federal law or regulation, other than a federal law or regulation concerning the possession, sale or distribution of marijuana that conflicts with Amendment 20;
  - 3. a violation of any of the terms and conditions of the permit, including any special conditions of approval imposed upon the permit by the Town Administrator pursuant to section 6-3-12;

4. a violation of any of the provisions of this chapter;
  - ~~5. operations have ceased at the medical marijuana center for more than 48 hours[MM7], including during a change of ownership of the center; or~~
  - ~~6.5.~~ ownership of the medical marijuana center has been transferred without the new owner obtaining a permit pursuant to this chapter.
- B. In connection with the suspension of a permit, the Town Administrator may impose reasonable conditions.
- C. A hearing held pursuant to this section shall be processed in accordance with 6-3-15 of this code.
- D. In deciding whether a permit should be suspended or revoked, and in deciding what conditions to impose in the event of a suspension, if any, the Town Administrator shall consider:
1. the nature and seriousness of the violation;
  2. corrective action, if any, taken by the permittee;
  3. prior violation(s), if any, by the permittee;
  4. the likelihood of recurrence;
  5. all circumstances surrounding the violation;
  6. whether the violation was willful;
  7. the number of previous violations by the permittee; and
  8. previous sanctions, if any, imposed against the permittee.
- E. If the Town Administrator suspends a permit, the permittee may appeal the suspension or revocation to the Town Council, in accordance with the process outlined in section 6-3-15 of this article. The burden of proof in such an appeal is on the permittee. If the Town Council finds by a preponderance of the evidence that the Town Administrator acted correctly in suspending or revoking the permit, the Town Council shall uphold the Town Administrator's order of suspension or revocation. If the Town Council finds by a preponderance of the evidence that the Town Administrator acted improperly in suspending or revoking the permit, the appeal shall be sustained, and the Town Administrator's order of suspension or revocation shall be set aside. Any decision made by the Town Council pursuant to this section shall be a final decision by the Town of Minturn. The permittee may appeal to the district court pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure. The applicant's failure to timely appeal the decision is a waiver the applicant's right to contest the denial or conditional approval of the application.

- F. No fee previously paid by a permittee in connection with the application shall be refunded if such permit is suspended or revoked.

6-3-24: LIMITATIONS:

- A. No marijuana may be sold, given away, or transferred at a medical marijuana center except to patients and to primary care-givers.
- B. All cultivation of medical marijuana shall be conducted entirely within a building or other fully enclosed, permanent structure.

6-3-25: CENTER LOCATION:

- A. Except as provided in subsection F of this section, no medical marijuana center shall be located at a location that does not conform to the requirements of this section.
- B. No medical marijuana center shall be located:
1. within ~~500-1000~~ feet of a a school, an alcohol or drug treatment facility, the principal campus of a college, university, or seminary, or a residential child care facility~~licensed child care facility~~<sup>[MM8]</sup>;
  - ~~2. within 500 feet of any educational institution or school, college or university, either public or private;~~
  - ~~3.2.~~ within 500 feet of any halfway house;
  - ~~4.3.~~ within 500 feet of any property being used for a residential use; provided, however, this restriction does not apply to a mixed use building containing both residential and commercial units<sup>[19]</sup>;
  - ~~5.4.~~ within any building or structure that contains a residential unit;
  - ~~6.5.~~ within 500 feet of another medical marijuana center.
- C. The distances described in subsection B shall be computed by direct measurement from the nearest property line of the land used for the purposes stated in subsections (B)(1), (B)(2), (B)(3), (B)(4) and (B)(5) adjacent to the nearest portion of the building, or unit proposed to house the medical marijuana center, using a straight line.
- D. Each medical marijuana center shall be operated from a permanent and fixed location. No medical marijuana center shall be permitted to operate from a moveable, mobile, or transitory location.
- E. Subsection D shall not prevent the physical delivery of medical marijuana to a patient or the patient's primary caregiver at a location off of the premises of the permittee's medical marijuana center if:

1. the marijuana was lawfully purchased by the patient or the patient's primary caregiver from the permittee's medical marijuana center;
2. the marijuana is delivered only to the patient or the patient's primary caregiver;
3. the marijuana is delivered only by the permittee or an employee of the permittee;
4. the marijuana is delivered to a location within the Town; and
5. the marijuana is delivered only by the use of a motor vehicle, bicycle, or other lawful means of transportation.

F. The suitability of a location for a medical marijuana center shall be determined at the time of the initial issuance of the permit for such center. The fact that changes in the neighborhood that occur after the initial issuance of the permit might render the site unsuitable for a medical marijuana center under this section shall not be grounds to suspend, revoke or refuse to renew the permit for such center so long as the permit for the center remains in effect.

G. Meadow Mountain Business Park shall be deemed an approved site if allowed by section 6-3-25(B)(5).

H. No medical marijuana center shall be operated as a "home occupation" or a "home business" as described in 16-2-20 of this code.

6-3-26: HOURS OF OPERATION: A medical marijuana center may open no earlier than 9 A.M. and shall close no later than 7 P.M. the same day. A medical marijuana center may be open seven days a week.

6-3-27: SIGNAGE: All signage for a medical marijuana center shall comply with the requirements of article 19 of chapter 16 of this code. No signage associated with medical marijuana Centers shall use the word "marijuana," "cannabis" or any other word or phrase commonly understood to refer to marijuana unless such word or phrase is immediately preceded by the word "medical." In addition no signage shall contain a graphic/image of any portion of a marijuana plant.

6-3-28: REQUIRED WARNINGS TO BE POSTED: There shall be posted in a conspicuous location in each medical marijuana center a legible sign, approved by the Town Administrator, containing the following warnings:

- A. A warning that the diversion of marijuana for non-medical purposes is a violation of state law;
- B. A warning that the use of medical marijuana may impair a person's ability to drive a motor vehicle or operate machinery, and that it is illegal under state law to drive a motor vehicle or to operate machinery when under the influence of or impaired by marijuana; and

- C. A warning that loitering in or around the medical marijuana center is prohibited by state law.
- D. A warning that possession and distribution of marijuana is a violation of federal law.
- E. A warning that no person may be permitted on the licensed premises other than:
  1. The licensee, the licensee's manager, licensed employees and financial interest holders
  2. A patient in possession of a registry identification card under Article XVIII, Section 14(3)(d) of the Colorado Constitution
  3. A minor patient accompanied by a parent or lawful guardian in possession of the minor patient's registry identification card
  4. A primary caregiver in possession of his or her patient's registry identification card under Article XVIII, Section 14(3)(d) of the Colorado Constitution and the patient's written designation of said person as the patient's primary caregiver
  5. A person whose physical presence and assistance are necessary to assist a patient, or
  6. A person who is actively engaged in the maintenance, repair or improvement of the licensed premises or in the provision of accounting, inspection, or other professional services directly related to the conduct of the licensee's marijuana business.

6-3-29: ON-SITE CONSUMPTION: The consumption or inhalation of marijuana on or within the premises of a medical marijuana center is prohibited.

6-3-30: PARAPHERNALIA: Devices, contrivances, instruments, and paraphernalia for inhaling or otherwise consuming marijuana including, but not limited to, rolling papers and related tools, water pipes, and vaporizers may lawfully be sold at a medical marijuana center. Such items may be sold or provided only to patients or primary care-givers.

6-3-31: ON-SITE CULTIVATION, GROWING AND PROCESSING: The growing, cultivation, or processing of marijuana on or within the premises of a medical marijuana center is prohibited unless:

- A. All activities of medical marijuana business, including, without limitation, cultivating, growing, processing, displaying, manufacturing, selling and storage, shall be conducted indoors
- B. Sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting a medical marijuana business must be provided at all times

6-3-32: ALCOHOL: The sale or consumption of an alcoholic beverage within a medical marijuana center is prohibited.

6-3-33: DISPLAY OF MEDICAL MARIJUANA: No marijuana shall be displayed so as to be visible through glass, windows, or doors by a person of normal visual acuity standing at the outside perimeter of the medical marijuana center.

6-3-34: SECURITY REQUIREMENTS: A permittee shall provide adequate security on the premises including:

- A. Security requirements as outlined in the Medical Marijuana Enforcement Division Rules 10.200-10.400.
- B. A locking safe permanently affixed to the premises that is suitable for storage of all of the saleable inventory of marijuana if marijuana is to be stored overnight on the premises; and
- C. Exterior lighting that illuminates the exterior walls of the business and is compliant with section 16-17-180 of this code.

6-3-35: BUSINESS LICENSE REQUIRED: At all times while a permit is in effect the permittee shall possess a valid license issued under article 2 of chapter 6 of this code.

6-3-36: TAXES: Each permittee shall collect and remit sales tax on all medical marijuana, paraphernalia, and other tangible personal property sold by the permittee at the medical marijuana center.

6-3-37: REQUIRED RECORD:

- A. Each permittee shall maintain an accurate and complete record of all marijuana sold or dispensed at the medical marijuana center. The record shall contain the following information:
  - 1. The quantity of marijuana sold or dispensed; and
  - 2. The date and time the marijuana was sold or dispensed
- B. The permittee's records described in subsection A of this section shall be available for inspection by the Town's police department pursuant to Rule 41 of the Colorado Rules of Criminal Procedure or Rule 241 of the Colorado Municipal Court Rules of Procedure.
- C. Nothing in this section shall abrogate or affect : (i) any applicable confidentiality provision of state or federal law, or (ii) any applicable statutory or constitutional prohibition against unreasonable searches and seizure of property. In the event of any conflict between this section and any applicable state or federal law, the applicable provision of state or federal law shall control.

6-3-38: PENALTIES; INJUNCTIVE RELIEF:

- A. It is a misdemeanor offense for any person to violate any provision of this chapter. Any person convicted of having violated any provision of this chapter shall be punished as set forth in article 4 of chapter 1 of this code.
- B. The operation of a medical marijuana center without a valid permit issued pursuant to this chapter may be enjoined by the Town in an action brought in a court of competent jurisdiction. In any case in which the Town prevails in a civil action initiated pursuant to this section, the Town may recover its reasonable attorney fees plus costs of the proceeding.
- C. The remedies provided in this section are in addition to any other remedy provided by applicable law.

6-3-39: NO WAIVER OF GOVERNMENTAL IMMUNITY: In adopting this chapter the Town Council is relying on, and does not waive or intend to waive by any provision of this chapter, the monetary limitations (presently \$150,000 per person and \$600,000 per occurrence) or any other rights, immunities, and protections provided by the Colorado Governmental Immunity Act, section 24-10-101 et seq., C.R.S., as from time to time amended, or any other limitation, right, immunity, or protection otherwise available to the Town, its officers, or its employees.

6-3-40: NO TOWN LIABILITY: By accepting a permit issued pursuant to this chapter a permittee releases the Town, its officers, elected officials, employees, attorneys, and agents from any liability for injuries, damages, or liabilities of any kind that result from any arrest or prosecution of center owners, operators, employees, clients, or customers for a violation of state or federal laws, rules or regulations. The Town Administrator may require a permittee to execute a written instrument confirming the provisions of this section.

6-3-41: INDEMNIFICATION OF TOWN: By accepting a permit issued pursuant to this chapter a permittee, jointly and severally if more than one, agrees to indemnify and defend the Town, its officers, elected officials, employees, attorneys, agents, insurers, and self-insurance pool against all liability, claims, and demands, on account of injury, loss, or damage, including, without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever, which arise out of or are in any manner connected with the operation of the medical marijuana center that is the subject of the permit. The permittee further agrees to investigate, handle, respond to, and to provide defense for and defend against, any such liability, claims, or demands at its expense, and to bear all other costs and expenses related thereto, including court costs and attorney fees. The Town Administrator may require a permittee to execute a written instrument confirming the provisions of this section.

6-3-42: OTHER LAWS REMAIN APPLICABLE: The provisions of this chapter do not protect permittees, operators, employees, customers and clients of a permitted medical marijuana center from prosecution pursuant to any laws that may prohibit the cultivation, sale, use, or possession of controlled substances. In addition, as of the date of the adoption of this chapter the cultivation, sale, possession, distribution, and use of marijuana remain violations of federal and state law (except for conduct covered by Amendment 20), and this chapter affords no protection against prosecution under such federal and state laws. Permittees, operators, employees, customers and clients of a permitted medical marijuana center assume any and all risk and any and all liability arising or resulting from the operation of the center under any state or federal law. Further, to the greatest extent permitted by law, any actions taken under the provisions of this chapter by any public officer or officers, elected or appointed officials,

employees, attorneys and agents of the Town of Minturn shall not become a personal liability of such person or of the Town.

6-3-43: RULES AND REGULATIONS: The Town Administrator shall have the authority from time to time to adopt, amend, alter, and repeal administrative rules and regulations as may be necessary for the proper administration of this chapter. Such regulations shall be adopted in accordance with the procedures established by chapter 18, title 1 of this code.

Section 2. Municipal Code. Except as specifically amended hereby, the Minturn Municipal Code, and the various secondary codes adopted by reference therein, shall continue in full force and effect.

Section 3. Severability. If any section, paragraph, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional or otherwise invalid or ineffective by the final, nonappealable order or judgment of any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance. The Town Council hereby declares that it would have adopted each section, paragraph, sentence, clause and phrase of this ordinance irrespective of the fact that any one or more sections, paragraphs, sentences, clauses or phrases may be declared unconstitutional, invalid or ineffective.

Section 4. Effective Date. This ordinance shall be published and become effective as provided by section 11.5 of the Minturn Town Charter.

Section 5. The Town Council hereby finds, determines and declares that this Ordinance is necessary and proper for the health, safety and welfare of the Town of Minturn and the inhabitants thereof.

Section 6. The repeal or the repeal and re-enactment of any provision of the Minturn Municipal Code as provided in this ordinance shall not affect any right which has accrued, and duty imposed, any violation that occurred prior to the effective date hereof, any prosecution commenced, nor any other action or proceeding as commenced under or by virtue of the provision repealed or repealed and re-enacted. The repeal of any provision hereby shall not revive any provision or any ordinance previously repealed or superseded unless expressly stated herein.

**INTRODUCED, READ BY TITLE IN FULL, APPROVED ON THE FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2011.** A public hearing on this ordinance shall be held at the regular meeting of the Town Council of the Town of Minturn, Colorado on the \_\_\_\_ day of \_\_\_\_\_, 2011, at 7:00 p.m. at the Minturn Town Center, 302 Pine Street, Minturn, Colorado.

\_\_\_\_\_  
MAYOR

ATTEST:

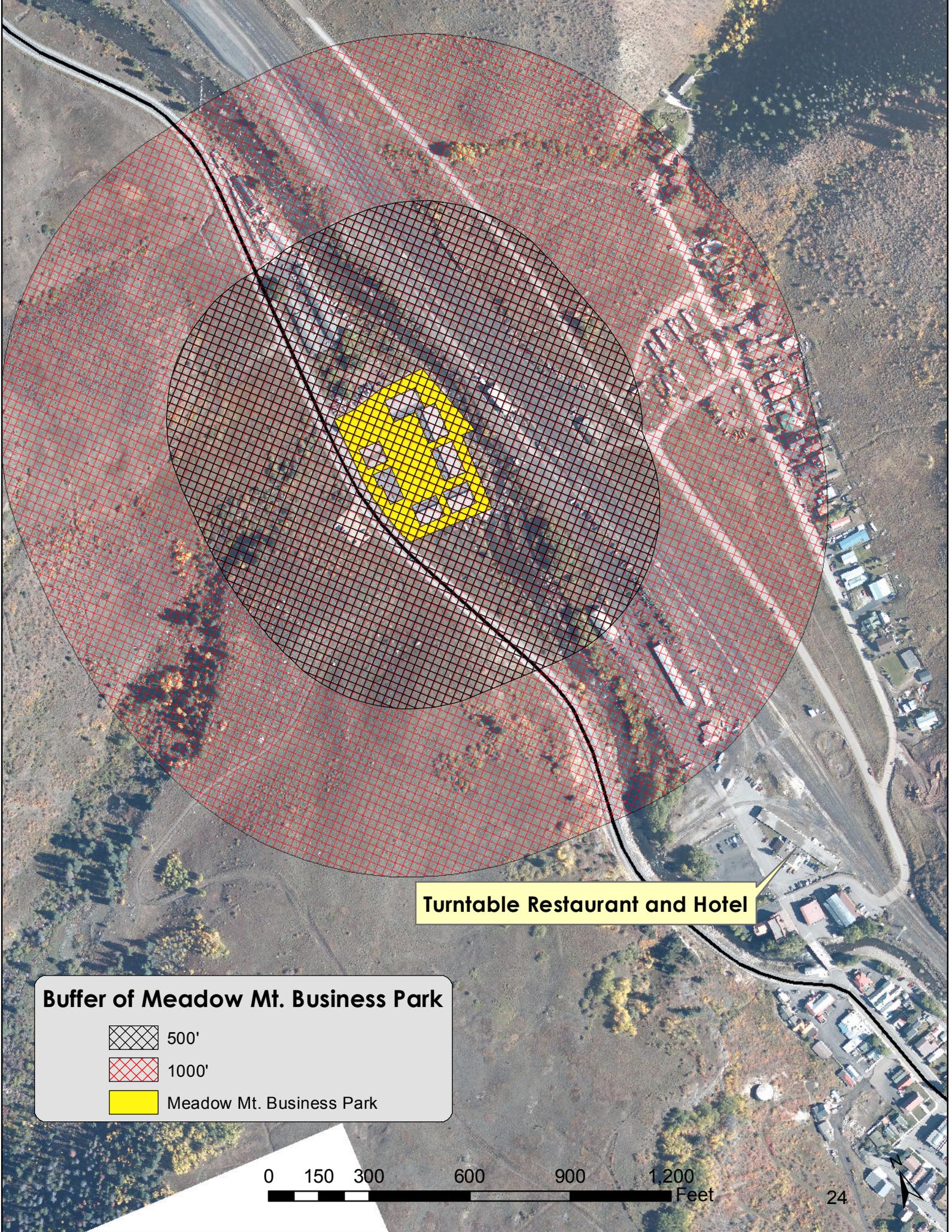
\_\_\_\_\_  
TOWN CLERK

THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE, READ BY TITLE,  
ENACTED AND ORDERED PUBLISHED BY TITLE ONLY ON SECOND READING THIS  
\_\_\_\_\_ DAY OF \_\_\_\_\_, 2011.

\_\_\_\_\_  
MAYOR

ATTEST:

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



Turntable Restaurant and Hotel

**Buffer of Meadow Mt. Business Park**



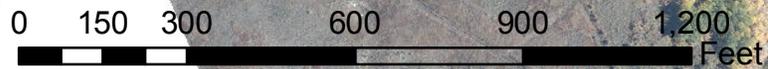
500'



1000'



Meadow Mt. Business Park



**Municipal Charges for Medical Marijuana submissions**

5/17/2011

	Fort Collins	Olathe	Palmer Lake	Littleton	Fountain	Garden City	Rocky Ford	Victor	Breckenridge
Application packet fee									
New license application									
Medical Marijuana center	\$1,500.00	\$3,000.00	\$1,000.00	\$2,500.00	\$875.00	\$2,000.00	\$10,000.00	\$2,000.00	\$875.00
Optional premises cultivation operation	\$1,000.00	\$3,000.00	\$1,000.00	\$2,500.00	\$875.00	\$2,000.00	\$2,500.00	\$2,000.00	\$875.00
marijuana infused products manufacturer	\$1,000.00	\$3,000.00	\$1,000.00	\$2,500.00	\$875.00	\$2,000.00	\$10,000.00	\$2,000.00	\$875.00
Annual License fee				\$2,000.00	\$2,000.00				
Transfer of Ownership to a new entity (medical marijuana center)	\$1,500.00						\$2,500.00		
Additional fee per associated optional premises cultivation operation or marijuana-infused products manufacturere	\$500.00								
Change of ownership	\$500.00					\$1,000.00			
Change of location	\$1,000.00					\$1,000.00			
Manager Registration	\$100.00					\$1,000.00			
Change of Registered Manager				\$400.00		\$1,000.00			
Change of Corporate Structure (per person)				\$200.00		\$1,000.00			
Change of Trade Name/Corporate Name				\$200.00		\$1,000.00			

	Fort Collins	Olathe	Palmer Lake	Littleton	Fountain	Garden City	Rocky Ford	Victor	Breckenridge
Modification of Premises	\$100.00			\$400.00					
Renewal of License (any type)	\$100.00						\$2,500.00		
Late fee Renewal									
License 30 day extension fee									
Inspection fee (upon issuance of new or renewal license)	\$700.00								
Fingerprinting (per person-matching CBI/FBI charges)	\$38.50		\$54.50 residents \$74.50 non-residents	\$38.50		actual costs	\$38.50		
Business sales tax license			\$50.00						
Review fee						\$800.00			

Municipalities prohibiting MMJ:

Akron, Alamosa, Aurora, Avon, Bayfield, Bow Mar, Broomfield, Calhan, Castle Pines North, Castle Rock, Cherry Hills Village, Cokedale, Creede, Delta, Dillon, Dinosaur, Erie, Elizabeth, Fairplay, Federal Heights, Florence, Fountain, Foxfield, Ft. Morgan, Granby, Grand Junction, Grand Lake, Greenwood Village, Hayden, Gillrose, Hot Sulphur Springs,  
Hotchkiss, Iliff, Jamestown, Kersey, Kiowa, La Juanta, Lake City, Larkspur, Las Amimas, Log Lane Village, Lone Tree, Loveland, New Castle, Olathe, Otis, Ouray, Paonia, Parker, Peetz, Poncha Springs, Pamah, Silver Cliff, Simla, Sugar City, Superior, Trinidad, Vail, Wellington, Westcliffe, Westminster, Windsor, Woodland Park

	Canon City	Moffat	Mountain View	Northglenn	Lakewood	Pueblo	
Application packet fee						\$25.00	
New license application							
Medical Marijuana center	\$1,500.00	\$500.00	\$500.00	\$2,000.00	\$2,500.00	\$3,472.00	
Optional presmises cultivation operation	\$1,500.00	\$500.00	\$500.00	\$2,000.00	\$2,500.00	\$3,472.00	
marijuana infused products manufacturer	\$1,500.00	\$500.00	\$500.00	\$2,000.00	\$2,500.00	\$3,472.00	
Annual License fee	\$1,000.00	\$1,000.00	\$2,000.00				
Transfer of Ownership to a new entity (medical marijuana center)			\$500.00		not transferrable		
Additional fee per associated optional premises cultivation operation or marijuana-infused products manufacturere							
Change of ownership	100.00 or actual costs					\$300.00	
Change of location						\$1,750.00	
Manager Registration			\$100.00			\$100.00	
Change of Registered Manager	\$150.00		\$100.00			\$100.00	
Change of Corporate Structure (per person)	\$150.00		\$100.00				
Change of Trade Name/Corporate Name							

	Canon City	Moffat	Mountain View	Northglenn	Lakewood	Pueblo	
Modification of Premises	\$250.00					\$400.00	
Renewal of License (any type)	\$500.00					\$1,684.00	
Late fee Renewal						\$500.00	
License 30 day extension fee						\$150.00	
Inspection fee (upon issuance of new or renewal license)							
Fingerprinting (per person-matching CBI/FBI charges)	actual costs	actual costs		\$16.50			
Business sales tax license				\$15.00			
Review fee							



## **Official Minutes**

**MEETING OF THE MINTURN TOWN COUNCIL**  
**Minturn Town Center, 302 Pine Street**  
**Minturn, CO 81645 • (970) 827-5645**

**Wednesday June 1, 2011**

**Work Session – 6:00pm**  
**Regular Session – 7:00pm**

**MAYOR – Gordon “Hawkeye” Flaherty**  
**MAYOR PRO TEM – George Brodin**

**TOWN MANAGER – Jim White**  
**TOWN CLERK/TREAS – Jay Brunvand**

**COUNCIL MEMBERS:**

Shelley Bellm  
Earle Bidez  
Jerry Bumgarner  
Aggie Martinez  
John Rosenfeld

These minutes are formally submitted to the Town of Minturn Town Council for approval as the official written record of the proceedings at the identified Council Meeting. Additionally, all Council meetings are tape-recorded and are available to the public for listening at the Town Center Offices from 8:30am – 2:00 pm, Monday through Friday, by contacting the Town Clerk at 970/824-5645 302 Pine St. Minturn, CO 81645

### **Work Session – 6:00pm**

- Discuss public park regulations as related to liquor – Brunvand/Martinez (30min)
- Presentation on 2009 International Energy Conservation Code – Cerimele (15min)

### **Regular Session – 7:00pm**

**1. Call to Order**

- a. Roll Call
- b. Pledge of Allegiance

The meeting was called to order by Mayor Flaherty at 7:13 pm.

Those present included: Mayor Hawkeye Flaherty, Mayor Pro Tem George Brodin, Council Members Shelley Bellm, Aggie Martinez, and John Rosenfeld. (*Note: Council Members Jerry Bumgarner and Earle Bidez absent, excused*).

Staff present: Town Manager Jim White, Town Treasurer/Clerk Jay Brunvand, Administrative Assistant/Deputy Clerk, Michelle Metteer, Town Planner Chris Cerimele, Police Chief Lorenzo Martinez, and Attorney Allen Christensen.

## **2. Approval of Agenda**

### **a. Items to be Pulled or Added**

Motion by George B., second by Shelley B., to approve the agenda as presented. All voted in favor.

## **3. Minturn Liquor Authority**

- Special Event Permit – Town of Minturn Independence Day Celebration

Motion by Shelley B., second by John R., to approve the proposed Special Event Permit to sell malt, vinous and spirituous liquor beverages to be located at the Little Beach Park as defined on the permit map as presented with the following conditions; all voted in favor. (*Note: Council Members Jerry Bumgarner and Earle Bidez absent, excused*):

- That the Notice of Public Hearing on this matter was posted on the premises by the Town Treasurer on May 20, 2011 at least 10 days prior to the hearing.
- That the selling of liquor in this manner currently proposed in the application is not in violation of the Minturn Municipal Code; all voted in favor.

## **4. Approval of Minutes and Action Report**

- May 18, 2011
- Action Item Report

Motion by John R., second by George B., to approve the Minutes of May 18, 2011 as amended; all voted in favor. (Aggie M., abstained)

Discussion item #10...verbage was clarified

## **5. Public comments on items, which are NOT on the agenda (5 minute time limit per person)**

## **6. Special Presentations/Citizen Recognition**

- Cleanup Day recognition – Martinez

Chief Martinez and Mayor Flaherty recognized the young members of the community who volunteered on Town Clean up Day. The following certificates of achievement were issued:

Jakob Ayres, Brooke Bellm, Kelsey Bellm, Riley Bellm, Bodi La Cross, Macie La Cross, Maddie Grab, Mac Harrington, Caroline Harrington, Greyson Magana, Ezekiel Martinez, Elijah Martinez, Camille Olson, Nicholas Olson, Davis Page

## **7. Planning Commission Update**

### **5.25.11 Planning Commission Meeting Update**

The Planning Commission did not meet on 5.25.11. No new land use applications have been received by the Planning Department.

### **Maloit Park Annexation**

The final piece of the Maloit Park Annexation process will be the creation of the 18 acre water treatment plant parcel. This will be accomplished through a subdivision exemption pursuant to section 17-3-30 of the Minturn Municipal Code. The subdivision exemption plat can be approved through a Town Council Resolution. This item will be presented at the June 15<sup>th</sup> meeting.

### **Eagle County CIP Request**

The Town has submitted a request to Eagle County for funding for road and drainage improvements along the 100 block of Pine Street. If the request is granted, the money will be used in 2012 to match existing Town funds for street improvements. The project will entail pulverizing the existing asphalt and improving the road base, adding concrete gutters in areas where they currently do not exist, and overlaying the road with new asphalt. This project will be the first in an effort to improve drainage throughout the Town.

## **8. Town Manager's Report**

### **Maloit Park Annexation**

Final recordation of the annexation of Maloit Park from the School District has been completed and all necessary signatures are in the process of being gathered. Additionally, attorneys from both sides are making sure all legal issues are reviewed and finalized.

### **North Main Waterline Project Formal Completion**

Town staff met on Thursday, May 12, 2011 to complete the final walk through on the North Main Waterline Project. The project passed inspection. Final payment of the retainage will be released pending the completion and delivery of all as-built plans to the Town of Minturn.

### **XCEL Natural Gas Pipeline Project Begins!**

The XCEL Pipeline Project from Edwards to Minturn is underway. XCEL has begun replacing 6" and 12" existing lines with a new 16" line. The old lines will be abandoned in place and filled with an inert gas. XCEL crews anticipate 6-10 hour days, Mondays-through Saturdays. Work stoppage will occur several times this summer due to large events planned, such as bike races. Project completion is set for September 15, 2011. For questions, please call XCEL at 1-877-481-6380. XCEL Energy is hosting a public Open House from 6-8 p.m. on Thursday, June 2 at the Avon Public Library, 200 Benchmark Road. They'll provide a construction update as they replace approximately eight miles of natural gas pipeline along U.S. Highway 6 between Edwards and Minturn.

The presentation includes information about current and upcoming construction locations. They also want to hear your feedback and answer your questions.

### **Battle Mountain Update**

Most of the issues discussed currently involve pending lawsuits related to quiet title action and challenges to the annexation agreement. Elizabeth Mitchell, Holland & Hart attorney, continues her discussions with Battle Mountain representatives to prepare responses to the EPA. No new information is available at this time. However, a revised remedial investigation report has been completed and should be delivered soon

### **Signage**

We have received the Special Use Permit from the US Forest Service which allows the Town of Minturn to construct its entryway sign on Forest land. The formal contract has been signed returned to the Town from the Forest Service. The sign is currently being constructed. Excavation and Installation dates are set for June 10<sup>th</sup>, June 13<sup>th</sup>, and June 14<sup>th</sup>.

### **Holy Cross Franchise Agreement Extension**

The Town of Minturn and Holy Cross have extended our franchise through September 21, 2011. The revised agreement is under legal review. Due to scheduling issues, the work session will take place on July 6, 2011 followed by 1<sup>st</sup> and 2<sup>nd</sup> reading of the ordinance on July 20th and August 3<sup>rd</sup>.

### **Northwest Colorado Council of Governments (NWCCOG)**

The most recent meeting was held on May 26<sup>th</sup> at the Donovan Pavilion in Vail. Initial discussions centered on the topic of having the NWCCOG Board also serve as the governing board for an Economic Development District. No decision was made, but staff was directed to continue to research potential scenarios related to board composition, or ramifications of not pursuing this venture at all.

### **Eagle County Grant Application**

Earlier this year, I learned about the prospect of an Eagle County CIP grant process. Subsequently, we decided to seek funding to augment our budget for road and drainage repairs needed. This addresses one of the Town Council's primary goals for 2011. The grant was submitted prior to the June 1, 2011 deadline.

### **Prosecuting Attorney**

Inga Causey will begin her duties as prosecuting Attorney on Thursday, June 9, 2011 in Minturn's Municipal Court.

### **Bone Yard Parcel**

We have secured both the agreement for the appraisal and the cooperation of the Forest Service to resume negotiations on this property.

### **2010 Audit Report**

The Town will be receiving the 2010 draft audit soon. Plans to review the audit with Town Council for its approval are in progress.

### **Colorado Municipal League Annual Conference**

Please consider attending the CML Annual Conference this year in Vail, CO. The conference is from June 22-June 24, 2011. The information and registration is available on the CML website. Early bird registration ends on Friday, May 20, 2011.

### **Out of the Office**

I will be out of the office June 2<sup>nd</sup>, 3<sup>rd</sup>, 6<sup>th</sup>, and 7<sup>th</sup>...Thursday, Friday, and next Monday and Tuesday.

## **9. Town Council Comments**

John R., would like to say a sincere thank you to all those who have served in the United States Military, first responders and local officials.

Shelley B., reminds everyone that school is out next week and to please be careful of children within the community.

George B., welcomes folks to purchase a flower planter for the benefit of Minturn's Main Street.

Aggie M., thanked all those who were able to help with the annual Town Cleanup Day.

## **PUBLIC HEARINGS AND DISCUSSION/ACTION ITEMS**

### **10. Discussion/Action– Ordinance 5 – 2011 (First Reading) an Ordinance adopting the 2009 IBC as amended – Cerimele/Lanci – June 1**

Chuck Lanci, Minturn Building Official, Alpine Building Consultants, clarified that the sprinkler system requirements have been eliminated from the IBC code for Minturn's use. Chuck L., further instructs to remove subsections (3) and (4) from section 18-3-20. Discussion ensued as to the various changes in this version of the code and how they would affect Minturn.

Motion by Shelley B., second by Aggie M., to table to July 20, 2011 Ordinance 5 – 2011 (First Reading) an Ordinance adopting the 2009 IBC as amended. All voted in favor. (*Note: Council Members Jerry Bumgarner and Earle Bidez absent, excused.*)

### **11. Discussion/Action – Ordinance 7 – 2011 (First Reading) an Ordinance adopting standards for the issuance of Optional Premises Liquor Licenses and for Optional Premises for a Hotel and Restaurant pursuant to the provision of Section 12-47-310 C.R.S. as amended – Brunvand (10min)**

Motion by John R., second by George B., to deny Ordinance 7 – 2011 (First Reading) an Ordinance adopting standards for the issuance of Optional Premises Liquor Licenses and for Optional Premises for a Hotel and Restaurant pursuant to the provision of Section 12-47-310

C.R.S. as amended. All voted in favor. (*Note: Council Members Jerry Bumgarner and Earle Bidez absent, excused.*)

## FUTURE AGENDA ITEMS

### 12. Next Meeting – June 15, 2011

- Work Session - Ordinance \_\_\_\_ - 2011 (First Reading) an Ordinance allowing the sale of Medical Marijuana. (15 min)
- Discussion/Action – Ordinance \_\_\_\_ - 2011 (First Reading) an Ordinance allowing the sale of Medical Marijuana.
- Work Session and Discussion/Action – 2010 Audit presentation and acceptance – Brunvand – June 15, 2011 (45min)
- Work Session - Discussion re: Holy Cross Franchise Agreement – White – June 15, 2011 (45min)

### 13. Future Meeting

- Discussion/Action – Ordinance \_\_\_\_ - 2011 (Second Reading) an Ordinance allowing the sale of Medical Marijuana – July 6, 2011
- Executive Session - Pursuant to CRS 24-6-402(4)(b) to consult with the Town's Attorney(s) and receive legal advice regarding Environmental Protection Agency (EPA) and Colorado Department of Public Health comments on the Battle Mountain Resort project Remediation Feasibility Study Amendment– White/Christensen (60min)
- Work Session - Ordinance 5 – 2011 (First Reading) an Ordinance adopting the 2009 IBC as amended – Cerimele/Lanci – July 20, 2011
- Discussion/Action– Ordinance 5 – 2011 (First Reading) an Ordinance adopting the 2009 IBC as amended – Cerimele/Lanci – July 20, 2011

### 14. Set Future Meeting Dates

a) Council Meetings:

- June 15, 2011
- July 6, 2011 – **New Meeting Start Time is 6:30pm (Worksession will be prior to meeting)**
- July 20, 2011

b) Planning & Zoning Commission Meetings:

- June 8, 2011
- June 22, 2011
- July 13, 2011

c) Other Dates:

- June 18, 2011 1<sup>st</sup> Day of Minturn Market
- June 22-24 CML Annual Conference/Vail
- Minturn Independence Day Celebration – July 2, 2011

## **15. Adjournment**

Motion by Shelley B., second by John R., to adjourn the meeting at 8:26pm. All voted in favor.  
*(Note: Council Members Jerry Bumgarner and Earle Bidez absent, excused.)*

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Mayor Hawkeye Flaherty

ATTEST:

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Town Clerk, Jay Brunvand

**Town of Minturn  
Council Action Item Memo**

**TO:** Staff Members/Council Members  
**FROM:** Jim White/ Town Manager  
**DATE:** June 15, 2011  
**SUBJECT:** Status of Action Items from Town Council Meetings

<b>Action Item</b>	<b>Responsible Party</b>	<b>Progress Report</b>
Town entry sign: Requirements with USFS being sought	White	Continuing to modify & review design. Reviewing USFS Special Use Permit. Design complete, initial order placed at House of Signs with est install date of June 10-14, 2011.
Draft Medical Marijuana Ordinance-Staff level	White	Draft being reviewed at work session level.
Minturn Scholarship Fund	White	Pursue interest money from Battle Mountain scholarship fund contributions.
Town Sidewalks	A. Martinez/White	Clarify instillation plans (add language to code to require for new construction).
OSAC Funding for Boneyard purchase	White	Seek fundraising partners. Town staff to meet with Eagle County Staff.

**Jim White**  
**Town Manager**  
P.O. Box 309 ♦ 302 Pine Street  
Minturn, CO 81645  
Phone: 970-827-5645  
Fax: 970-827-5545  
Email: [manager@minturn.org](mailto:manager@minturn.org)



**TOWN COUNCIL**  
**Mayor – Gordon “Hawkeye” Flaherty**  
**Mayor Pro Tem – George Brodin**  
**Councilmember – Shelley Bellm**  
**Councilmember – Earle Bidez**  
**Councilmember – Jerry Bumgarner**  
**Councilmember – Aggie Martinez**  
**Councilmember – John Rosenfeld**

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**To:** Mayor Flaherty and Minturn Town Council  
**From:** Jim White, Town Manager  
**Date:** June 8, 2011  
**Re:** **Manager’s Report for the June 15, 2011 Town Council Meeting**

**North Main Waterline Project Formal Completion**

Town staff met with Peak Land Consultants and Western Pipe Way representatives on Thursday, May 12, 2011 to complete the final walk through on the North Main Waterline Project. Subsequently, the Town has received all as-built plans and drawings and will now release final payment.

**XCEL Natural Gas Pipeline Project Continues!**

The XCEL Pipeline Project from Edwards to Minturn is underway. XCEL is replacing 6” and 12” existing lines with a new 16” line. Project completion is set for September 15, 2011. For questions, please call XCEL at 1-877-481-6380.

**Battle Mountain Update**

Most of the issues discussed currently involve pending lawsuits related to quiet title action and challenges to the annexation agreement. Elizabeth Mitchell, Holland & Hart attorney, continues her discussions with Battle Mountain representatives to prepare responses to the EPA. No new information is available at this time. A revised remedial investigation report has been completed.

**Signage**

We have received the Special Use Permit from the US Forest Service which allows the Town of Minturn to construct its entryway sign on USFS land. Installation is planned for June 13<sup>th</sup> and June 14<sup>th</sup>, 2011.

**Maloit Park Water Tank**

Inspection of the Maloit Park water tank finds the need to make repairs. Public Works is securing bids for the job. The plan would be to complete restoration of both the inside and outside of the tank.

**“The Show”**

A county-wide baseball tournament will be held later this summer at fields throughout Eagle County. Dubbed “The Show” by its sponsors, it plans to bring players from 8 years to 18 years old to compete. More details will be presented as they become available.

6/9/2011

**Holy Cross Franchise Agreement Extension**

The Town of Minturn and Holy Cross have extended our franchise through September 21, 2011. Due to scheduling issues, the work session to review the agreement will take place on July 6, 2011 followed by 1<sup>st</sup> and 2<sup>nd</sup> reading of the ordinance on July 20th and August 3, 2011.

**Prosecuting Attorney**

Inga Causey began her duties as prosecuting Attorney on Thursday, June 9, 2011 in Minturn's Municipal Court.

**Bone Yard Parcel**

We have secured both the agreement for the appraisal and the cooperation of the Forest Service to resume negotiations on this property. The new appraisal is expected soon.

**2010 Audit Report**

The Town Council will review the 2010 audit and vote on approval at tonight's meeting to coincide with State of Colorado statutory financial reporting requirements and deadlines.

**Colorado Municipal League Annual Conference**

Please consider attending the CML Annual Conference this year in Vail, CO. The conference is from June 22-June 24, 2011. The information and registration is available on the CML website.

**Eagle River Watch**

We continue to monitor the daily levels along the Eagle River. Materials for making sandbags are stored in the Municipal Parking Lot. Public Works has already made three deliveries of sand and materials to the site.

Respectfully submitted,

Jim White  
Town Manager

P.O. Box 309 ♦ 302 Pine Street  
Minturn, CO 81645  
Phone: 970-827-5645  
Fax: 970-827-5545  
Jay Brunvand, Treasurer/Clerk  
Email: treasurer@minturn.org



Town Council  
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Councilman – Aggie Martinez  
Councilman – John Rosenfeld

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## AGENDA ITEM COVER SHEET

**AGENDA TITLE:** Work Session to review the fiscal year 2010 audit and Discussion/Action Item – Motion to accept the Fiscal Year 2010 Audit

**MEETING DATE:** June 15, 2010

**PRESENTER:** Brunvand

**BACKGROUND:** During the scheduled Worksession Council will review with the Town’s auditors the Fiscal Year 2010 Audit. As per §29-1-606(a)(1) C.R.S. the Council must accept the audit and submit the approved audit to the Department of Local Affairs and to the Office of the State Auditor not later than June 30 of each year. Therefore, I have scheduled time during the Worksession for discussion and review and time during the meeting for acceptance of the audit.

Please feel free to contact me prior to the meeting in the event you need further information.

- **CORE ISSUES:** none

**BUDGET/FINANCE IMPLICATIONS:** The Town is required by State law to have an annual audit. This item as been budgeted for in the 2010 Annual Budget.

**STAFF RECOMMENDATION/MOTION:** “I move to accept the Fiscal Year 2010 Audit as presented.”