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**TOWN COUNCIL SPECIAL MEETING MINUTES
THURSDAY, OCTOBER 15TH, 2009
TOWN COUNCIL CHAMBER, TOWN HALL
11:00 A.M.**

- I. **CALL MEETING TO ORDER** – Mayor Aragon, Council Member Cotton, Council Member Holt, Council Member Jackson, Council Member Pierce, Council Member Volger (late).
- II. **NEW BUSINESS**
 1. **Emergency Ordinance No. 745 Medical Marijuana Dispensaries Moratorium with possible executive session per CRS Section 24-6-402(4)(b)** – Council Member Pierce moved to go into executive session for a conference with the City/Town attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) in regards to medical marijuana dispensaries, Council Member Jackson seconded, unanimously approved. Mayor Aragon called the special meeting back in session at 12:26pm. At the September 17, 2009 joint Town & County meeting, a committee was appointed to consider the options available to the Town & County concerning the proliferation of business license inquiries for Medical Marijuana Dispensaries. The state constitutional initiative that authorized the medical use of marijuana makes no attempt to regulate the location or operation of medical marijuana dispensaries. Further, although regulatory authority over the medical use of marijuana is delegated to the CDPHE, that department has also made no apparent effort to regulate medical marijuana dispensaries. By denying dispensaries from operating may not affect caregivers, which Amendment 20 of the Colorado Constitution allows caregivers to grow marijuana for licensed medical marijuana patients. These caregivers can grow up to six plants for each patient that has designated them as a caregiver. The medical marijuana dispensary committee meetings on September 25th and October 8th resulted in the Town representatives deciding to recommend that the Town Council implement a moratorium on the issuance of businesses licenses for medical marijuana dispensaries to allow the Town to consider options. The committee also recommends looking at regulating caregivers in regards to location, business licensing, sales tax collection, etc. Section 3.10 of the Town Home Rule Charter allows the Town Council to enact an Emergency Ordinance for the preservation of public peace, health or safety, upon a single reading and a majority vote of the council members present. Unless the Council agrees to change the municipal code to allow the dispensaries, the Town's current code does not allow the issuance of a business license for a marijuana dispensary. Council Member Jackson would like to have the moratorium extended until March 31st 2010 for a decision from the State legislature. Council Member Pierce explained the Colorado Attorney General is forming committees to inform the State legislature and ask the legislature to clarify Amendment 20. Mayor Aragon opened this item for public comment. Mr. Richard Presence, with Natures Medicine, said they offer full healing to the public and have five stores in the state and those cities are getting an abundance of tax dollars. He believes that state legislature will not make a decision and any time soon and the Town will lose out on tax dollars and the ability to regulate the store owners. Mr. Martin Woods, partner in Natures Medicine, would like the Council to consider the patients needing the medicine. He believes the Town can and should make this decision now and is willing to work with the Town should the State legislature make future changes. In the meantime, jobs and taxes will be given to the Town. He has contacted local businesses to provide additional services at discounted rates for patients of Natures Medicine. Mr. Dusty Higgins grew up in Pagosa Springs and takes care of patients in the Pagosa Springs area. He currently sells to the Pagosa Springs area and would like to open a dispensary for the local patients. He would like to work with the Town Council and help them with regulations. He wants to service the patients in Pagosa Springs and plans to open a Natures Medicine store in Pagosa Springs regardless of waiting for the State legislature. He says as a caregiver to his patients he is able to grow 6 plants for each patient and his business Natures Medicine offers additional items such as massage, home delivery service, and other items that are within the caregivers' definition. He is planning on opening Natures Medicine with massage, herbal medicines and tea's available to their clients, if the client is in need of medical marijuana they will deliver it from their Durango store, since home delivery is legal under state laws. Mr. Paul Cocker, with Natures Medicine in Durango, has been asked by current patients to open in Pagosa Springs for their convenience and safety. He says the Durango City Council has worked with Natures Medicine to make city codes that work for the community. He would like to

work with Town Council to abide by codes put in place that will work with the Pagosa Springs community including times of service, signage, etc. The pricing of their products are cost orientated and the price will drop if medical marijuana is made available in Pagosa Springs. He wants to be upfront with Town Council, the police and the community and go through all legal channels to open his wellness center to help the community. Mr. Bill Delaney said that he is glad the State approved the medicinal marijuana to help all the thousands of patients that need the medicine. Mr. Delaney doesn't want to see the Council wait for the State to regulate this subject, but have the Town make the decision now and move forward with their own regulations to help the patients. Council Member Cotton moved to approve Ordinance No 745, amending the title to "an emergency ordinance temporarily suspending the processing of applications for medical marijuana dispensaries through March 31, 2010", other amendments to include the addition to Section 1 of J. That, Colorado's Attorney General has established committees to make recommendations to the Colorado State Legislature to investigate the legalization of medical marijuana, the change to Section 2, line 4 replacing "for 90 Days from the effective date of this Ordinance, through January 6, 2010" with "until March 31, 2010", and strike "within the succeeding 90 day period" from line 2 in Section 5, Council Member Holt seconded, unanimously approved.

2. **Discussion of AEDA goals** – The director of the AEDA has recently resigned and so the request by the AEDA regarding the direction of the association is timely. On November 3rd there will be a meeting of the AEDA Board of Directors, Pagosa Springs Town Council, Archuleta County Commissioners and representatives from the Pagosa Springs Chamber of Commerce. The purpose of the meeting is to plan for the future of the economic development in Archuleta County and the Town of Pagosa Springs. In preparation of the November 3rd meeting, the Region 9 Economic Development District representative has request each organization answer three questions. 1. What are the Town Council's top five priorities for focusing economic development efforts over the next three years? 2. Does the Town Council support AEDA leading the community's economic development efforts? If not, what entity do you propose? Does the Town council support AEDA board of directors, or should there be changes in the directors that are leading the organization? At the October 22nd joint Town/County meeting, there will be discussion on the top five priorities for focusing economic development efforts during the next three years. Town Manager Mitchem will ask for more dialogs at the October 22nd regular meeting to discuss these questions. Mayor Aragon says the Town's mindset has been on tourism and there is a need to branch out to other areas and diversify. Mr. Greg Schulte said the County is focusing on assistance for the AEDA board, and has offered some of the County employees to help run the organization during the short-term. The County and Town need to strategize to make the organization sustainable in the long-term. Commissioner Bob Moomaw says this is a good time to revitalize the AEDA and move forward as a community. Coordinating the TTC, the CTC and the Chamber of Commerce to have a similar goal for the AEDA might be a good direction. Council Member Cotton would like the Town Tourism Committee to look into working with the AEDA. Mr. Bill Hudson agrees with the TTC working with the AEDA to benefit the development and tourism process, and move forward with not just growth but sustainability as an alternative outlook. Town Manager Mitchem says that sustainability along with diversity is a linchpin to economic development. Council Member Jackson would like to plan ahead on keeping quality of life while inviting businesses to come in and a direction as to what the businesses need to bring to help the community keep that quality of life. Council Member Pierce would like to develop a 50-year plan focusing on what the Town will look like in the future. Mayor Aragon would like to start with little things like clean-up and sidewalk repair to make the Town more desirable to businesses and tourists. A shared vision between the community entities will build enthusiasm for the Town. Mayor Aragon would like to hire a full time director for the AEDA with the help from Region 9 and perhaps stimulus monies. Town Manager Mitchem says a private and public partnership will be the only way to get AEDA sustainable, not just the Town and County putting funds in to help. Commissioner Moomaw suggests the every community entity put in \$10,000 to the AEDA which would generate approximately \$120,000 to hire that new director and give AEDA a sustainable financial system.

III. ADJOURNMENT – Upon motion duly made, the meeting adjourned at 2:30pm

Ross Aragón
Mayor