

SAGUACHE COUNTY BOARD OF COMMISSIONERS
SPECIAL SESSION MEETING
MONDAY, January 29, 2018

MINUTES

CALL TO ORDER:

The Meeting was called to order by Board Chair, Jason Anderson, at 2:06 P.M., with the Following members present:

Tim Lovato, Commissioner, Board Chair
Ken Anderson, Commissioner
Jason Anderson, Commissioner
Wendi Maez, County Co-Administrator, Land Use Administrator
Ben Gibbons, County Attorney
Rhiannon Curry for Carla Gomez, Clerk to the Board

The following Planning Commission members were also present:

Ellen Cox
Steve Carlson
Dan Davis

Guests:

Ruth Horn	Mike Wheeler	Lenore Leblanc
Dottie Eichhorn	Richard Giordana	Ted Massey
Deke Rushton	Sue Rushton	Mike Biggio
Wayne Clark	Alyssa Reiner	Travis Garrett
Ryan Garret	Kermit Krantz	Roy Smith
Toby Jones	Melanie Meyer	Susan Wise
Mischa Vining-Doyle	Brady Oman	Shiloh Jackman
Robert Tafoya	Patricia Reigel	Elizabeth Karras
Marca Heusted	Debra McGuinn	Lisa Cyriacks
J. LeBlanc	Bill Case	Kyle Grote
Justin Trouard	Rick Barron	Teresa Benns
Kwinn Varney	Tyler Eveleth	Graham Jacobs
Zac Coons	Tom Johnson	Betsy Johnson
Ryan Johnson	Joyce Swinney	Mark Swinney
Terry Gillette	Crowfox Fleming	Karen Smith
Paul Smith	Jason Irwin	Margy Taylor
Roe McAnally	Catherine McAnally	Jim Jaminet
Lisa Jaminet	Barbara Schindler	Donny Schindler
Kathy Geddes	Don Geddes	Celia Adamec
James Black	Alex Hearing	Diana Garza
Jason Catts	Susan Bentley	Ken Skoglund
Kristin Ecklund	Connie Estrada	Ayla Hoevers
Tad Crawford	Lisa Rosen	Linda Behrns
Riley Mclean	Paula Artis	Andreas Pleschutzguig

Leslie
Daniel Gray
Kenny Skoglund Jr.

Pam Erickson
Nicole Parker

James Falsetta
Rick Barandes

Introduction by Commissioner Jason Anderson:

Commissioner Chair Jason Anderson started the meeting by thanking everyone in attendance for taking the time to be involved in his or her local government. Commissioner Chair Anderson explained that the meeting would continue a process that the County has gone through for quite a few years as it continues to adapt to legal marijuana. He went on to say it would not be the last meeting, as he was sure the room would be full again as the BOCC continues to deal with all of the new things surrounding the grand “social experiment” which is marijuana.

Commissioner Chair Jason Anderson gave background stating that cannabis has seen a fair amount of success in the County, starting with the voting booth and with that a need to work on processes to adapt to it. Regulations were established in 2012 and were rough as the whole picture was not clear yet. Commissioner Chair Jason Anderson clarified that the marijuana picture is really made up of four quadrants, the constitutional right of the individual in the state to possess legal marijuana, legal rights of medical patients, the black and grey market, and commercial marijuana operations. Commissioner Jason Anderson explained to the guests, the commercial marijuana operations and no other quadrants are the topic of the meeting, and Commissioner Chair Anderson requests the guests speak to only that quadrant.

Commissioner Anderson explains to the guests that a strategic plan was done and it never addressed marijuana as it was not on their radar until 2015, and now there are 29 commercial operations and \$86,000 in marijuana excise tax that has been collected, and it continues to grow rapidly. Commissioner Jason Anderson asks that the guests respect each other views at least during the meeting and in the meeting room, and let’s guests know their comments will be limited to three minutes.

Public Comment:

*Mischa Vining-Doyle spoke to the 35 acres north of Moffat on Highway 17 that she owns and the grow site that is going in next to her. She commented on what she feels is improper research on the part of the Land Use department, the Planning Commission, and the BOCC in approving marijuana grow operations.

Graham Jacobs, who comes from a small town in Wyoming, expressed he sees marijuana as a business opportunity for his family. His plans are to bring his entire family to Saguache and explains he has never used marijuana in his life but looks forward to the opportunities it could afford his family. He does not want to be a burden to anyone; he just wants to provide for his family.

Zach Coons explained he also is moving his family here for the business opportunity and looks forward to being a part of a small community. He is currently a baseball coach with two kids that are 5 and 8 years of age. Coons’ comments, he and his family are looking to make Saguache home for the long haul and hopes to be able to get along with everyone.

*Joy Swinney a homeowner, who lives on County Road T, explains an article she read on marijuana and the effects it has on our youth. Swinney also commented on the BOCC approving so many grow applications with incomplete information and with violations of the regulations showing on their original plans. Swinney advises she wants a moratorium that includes a cease and desist and a solution to the explosion of marijuana can be reached.

*Mark Swinney also a homeowner, who lives on County Road T, tells the BOCC that actions speak louder than words. He feels you can write all the codes you want, but until you start enforcing the codes you put in place, the codes are useless. Swinney states he is 100% against marijuana and 100% for a moratorium. Swinney feels the density of grows in one area should be examined as well, as 8 in one area, is too many.

*Terry Gillette spoke and presented a visual piece he put together showing the pros and cons of marijuana. Gillette showed three pros with emphasis on money and then spoke to what he feels are the overwhelming cons, such as increase in crime, child development, home grows, hazards to minors, water usage, and impacts to neighborhoods and roads. Gillette was for a moratorium.

*Crowfox Fleming who moved to Saguache in 2009 is concerned for the chemicals going into and the draw from the aquifer. Fleming also addresses the bus stop where her children are picked up and dropped off for school, is surrounded by marijuana growers, that don't all appear to be licensed grows. Fleming states she is fed up and is all for a moratorium.

* Planning Commission member Dan Davis spoke as a concerned citizen, stating he feels marijuana is bigger than Saguache County is ready to handle, and feels a moratorium is in order until goals can be set to increase Sheriff funding and enforcement.

*Karen Smith shared only that she is in support of a moratorium

*Paul Smith also shared his support for the moratorium

* Rob McAnally stated he would second those in favor of a moratorium as he feels the moratorium is appropriate to balance the state laws.

*Catherine McAnally shared she is in favor of a moratorium and feels the County needs to get it's house in order before they allow any more guests in.

*Melanie Meyer a Saguache resident of 58 years shared she feels many people are coming here for a get rich quick scheme and is in favor of a moratorium.

Robert Tafoya asked for clarification from the BOCC on the anomalies between the different quadrants as addressed by Commissioner Chair Jason Anderson at the beginning of the meeting. After further clarification, Mr. Tafoya agreed his issues is not with the legal commercial growers.

Patricia Riegel the Mayor of the Town of Moffat and a lifetime resident of the valley stated she felt it was not just the job of the Sheriff's department to handle the marijuana issue; it was the job of everyone in the room. If they saw, something happening they felt was not right it was up to them to report it.

*Elizabeth Karras moved to the Baca to live with her son and his family from California two and a half years ago. Karras explained how she was concerned that the police were not large enough and did not have enough funds to police the illegal grows in this County, and she is concerned for her grandchildren's safety.

*Debra McGuinn a valley native painted a picture for attendants of what the valley looked like when she moved her and what it looks like now, surrounded by greenhouses, high fencing, increased population, some of a dubious nature, and pollution. She commented her lifestyle is being affected and requested the BOCC focus on something like recreation rather than marijuana; she is in favor of the moratorium.

Lisa Cyriacks asked that if a moratorium be enacted, that it define goals such as law and code enforcement and the funding of these, as well as expanded services, and review and mitigation of current regulations.

*J LeBlanc asked Commissioners to look at the history of lax regulations on things such as oil, gas, and the affect it had on Louisiana. LeBlanc also spoke to an approved grow showing as a 501c3 and asked how that is possible and questioned if Commissioners had ever denied a grow request.

*Bill Case spoke to the Planning Commission's recommendation of 120-day moratorium and commented he did not believe that was long enough asking for a 6-month moratorium. Case commented regulations mean nothing without enforcement, and feels Commissioners need to get marijuana under control, where everyone plays by the rules, and the promised tax revenue is generated, making the situation better for the people of the County as well as the legal growers. Case ended by saying illegal growers just need to be put out of business.

Kyle Grote explained that he has been a Yak farmer and rancher in the valley for over 11 years and has created over 100 jobs since starting. Grote went on to explain how his 74-year-old father was the one to convince him to start growing marijuana. Grote went on to say his marijuana is simply another crop and is highly regulated by the State. Grote also told meeting goers, that his marijuana actually takes less water than any other crop he has grown. Grote asked that a moratorium not be enacted, as it will hinder not only his current business, but future business plans as well. Grote closed by saying he would be happy to speak to anyone there after the meeting and answer any questions anyone might have.

Justin Trouard who purchased a farm between County Roads U & T and 50 and 52, expresses he has heard people commenting they want a moratorium and then exclaiming the County needs money, however he hasn't heard anyone explain how the County will get that money. Trouard also spoke to the Opioid epidemic, which is actually harming citizens of the County, and how nothing is being said concerning that. Trouard ended his comments stating Pueblo County has made over 1.2 million dollars from excise tax and is Saguache County wants money for things like the Sheriff's department, restricting legal growers is not a benefit.

Commissioner Ken Anderson informed attendees that he had stopped by the Assessor's office to get tax figures, as the growers are paying increased property taxes as well as excise tax and explains more than just the marijuana excise tax collected goes into the general fund, which in turn assists the Sheriff's funding.

*Jim Jaminet comments on the amount of States that currently allow legalized marijuana and how marijuana is a rapid growth industry. Jaminet tells Commissioners there are clearly issues to be resolved and fees a retroactive moratorium is in order to correct issues, such as infringement of property owner's rights.

*Lisa Jaminet comments the effects she has seen from marijuana in being a school bus driver. Jaminet explains her concerns are the for the children she sees lacking cleanliness and food before attending school and the impact marijuana has had on growth, accidents, insurance, and roads.

*Donny Schindler explained how he was an over the road truck driver and was required to test after coming home from a stint on the road. Based on this testing, there is a perceived notion that marijuana has an effect on you, or testing would not be conducted. Schindler asks what effect marijuana will have on insurance and our children, and if the County will be to blame for allowing so many grows.

Ellen Cox a member of the Saguache County Planning Commission, thanks everyone in attendance, and shares her appreciation for getting to hear what everyone has to say.

James Black, who is in the process of getting licensed for a grow facility explains that only 3 of 29 approved facilities paid the excise tax in 2017 for a total of \$86,000 in revenue and that once all 29 grows are paying this tax, the County could see over \$830,000. Black sympathizes and agrees with other attendees regarding illegal grows and states that the illegal grows effect the legal growers as much as everyone else. Black explains to attendees that in order to be licensed with the State, the State does a background check with multiple agencies, character references, and any infractions he has had since he was 16 years old. Black pleads that shutting down the commercial market is the wrong thing and another solution to thwart the illegal market needs to be found.

Alex Hearing commented he has lived in Salida for 15 years and is a compliance consultant for marijuana grows. He admits some are not good, but the majority of grows do exactly what is required of them to be able to stay in business. Hearing comments if the moratorium happens the BOCC will be punishing the wrong people, people who are compliant and want to pay into the community.

Jason Catts commented he was surprised and glad to see the turn out of the meeting. Catts also commented he doesn't feel a moratorium on legal grows is the answer, that policing the illegals that are selling or giving children marijuana is who the County should be looking at.

Susan Bentley commented that she has lived in Saguache a long time, and that it is not a friendly community. Bentley suggested to growers to reach out to neighbors and try to work with them, as it will go a long way to everyone getting along.

Ken Skoglund explains he has run a business in the valley for 35 years and that the last two years with the legalization of marijuana has been his most profitable years and has allowed him to hire more Saguache natives as employees. Skoglund comments he feels the moratorium will only help the illegal grows and feels that potato farmers are worse as they use more water and are harder on the County roads. Skolund finishes his comments by saying it is up to the parents to police if their children are shooting guns, doing drugs, or getting into other trouble. Skolund also says he is grateful to marijuana and is against the moratorium.

Kristin Ecklund states she feels it is unfair to punish people growing marijuana legally when it is the illegal grows that are the issue and is unsure of what the proposed moratorium is intended to do.

*Lisa Rosen comments she moved here seven years ago, is a disabled veteran and owns a different kind of small business in the valley training athletes. She has trained two Olympians and 1 World Cup winner here. She also informed all that she herself is a medical marijuana user who grows her medicine. Rosen had to obtain a conditional use permit for her business and agree not to adversely affect her neighbors. Rosen comments there are growers near and around her that have lights going all night long. Rosen also comments that most of the money from marijuana is collected on a State level and not on the County level. Rosen addresses the legal growers present by saying not to confuse opportunity with opportunism.

Linda Burns comments there is a huge opportunity available with marijuana, as it employs many people, but the illegal grows need to be addressed.

Paula Artis comments that marijuana is here regardless of how anyone feels about it and it will not be going away. Artis comments that illegal growers are not attending the meeting, and that she has moved out of the area, because as a widow she feels vulnerable to the people that were moving into her area.

Andreas Pleschutzniig comments he is in the process of setting up a legal grow operation on County Road T, he explains he has heard and understands where many people are coming from, cannabis is not good for children, however that is the job of the parents to police. Pleschutzniig asks that if a moratorium is in place, that there is consideration taken for those who have already invested money into getting up and running. Pleschutzniig also addresses the crowd speaking to water, stating they do not have issues with their potato-growing neighbors and they are using twice as much water as marijuana growers. Concerning their character, based on background check, which looks at character, finances, and every aspect of his life, he would bet dollars to donuts he has a cleaner background than the average Saguache County citizen does. Pleschutzniig ends by saying, the topic of conversation should be legal cannabis, and the illegal grows should be put out of business.

Andre Davis comments he feels there are bigger issues with opioids in the valley than there is with marijuana. Davis also comments he is unaware of any other industry that brings, as much money to the valley as marijuana and the hidden issue is abject poverty. Davis suggests if a moratorium is put in place to state, it is to slow down and help the Sheriff get it under control, not to just do it because there are people that oppose it. Davis finishes by saying, "it is not reasonable, I don't like Karaoke, but I won't take it away from anyone."

*Daniel Gray comments we need more law enforcement to go after the illegal growers in the County. Gray states the Attorney General could shut down the legalization of marijuana with just the signature of a pen, and suggests more growers look into growing HEMP, as it is more sustainable.

Nicole Parker explained that she works for a legal grow in the County and thinks the issues at the meetings has been a lack of education that could bring both sides together. She explains there is a 1500-foot rule for grows to be away from schools, and that everything done at a grow has to be documented to include showing not only what type of organic pesticide is being used, but every ingredient in that pesticide. Parker goes on to say that marijuana is far from a "get rich quick scheme", and that the grow she works for bought land over two years ago, and they are barely up and running. She assures those in favor of the

moratorium that the legal growers want to get along with their neighbors and do not want their living conditions to be a problem.

Kenny Skoglund the son of Ken Skoglund comments he is in the process of becoming licensed, has lived here his entire life, and only wants to better himself and the community he lives in.

Margy Taylor comments the only purpose for a moratorium if there were one, would be to do the research as to where marijuana has been successful in other Counties, so a win, win could be found for everyone.

*Ruth Horn supports the moratorium and suggests the BOCC look at what the County will look like in the future. Horn's concern is for the water, and comments she hopes marijuana is not the only business the County hopes to court.

Mike Wheeler comments he feels there are preconceived notions and extreme prejudice against marijuana as a whole, and feels those people are who should be working with legal growers and determining their individual character rather than industry they are a part of. Wheeler suggests embracing the constitutional right and the individuals doing what is required.

*Dottie Eichhorn states she is in favor of the moratorium and agrees with the man who said it should be retroactive. Eichhorn concludes by saying law enforcement is important and needs to get a handle on the marijuana situation.

*Richard Giordana feels there should be a moratorium for at least 1 year to get control of the situation.

Ted Macy is looking for marijuana to be his livelihood. He has a three and 1 year old and is appalled the way legal growers character is being attacked simply because of how they choose to make a living. Macy feels nothing at the meeting has anything to do with legal growers, only illegal growers. Macy comments the marijuana industry is more regulated than alcohol, which he believes to be the devil. Macy adds everyone is talking about law enforcement but would like to know how they intend to pay for it. Macy explains how previously land was for sale for \$40 per acre and it has more than doubled, as now you cannot buy property for less than \$800 per acre, it is already increasing property values. Macy concludes stating a moratorium is only helping the black market and that in passing a moratorium you are supporting illegal growers.

*Deke Rushton comments about a grow next to him that used a blackout curtain for lights, which due to the SLV winds did not last long, so a 15-foot berm was constructed around the grow, and he had no choice but to live with it. The grow operation then built a 10,000 square foot building within spitting distance of his front door. They also had 16 RV's and numerous tents with 5 porta-potties. Rushton explains all of this was done prior to being approved, and that the Land Use and BOCC approvals are only to ask for forgiveness, not permission.

*Sue Rushton appreciates the legal grows that are doing things right, and feels codes need to be put in place and enforced so that things that happened to her and her husband with the grow across from them doesn't happen again and finishes by saying that grower packed up and left after being \$60,000 in debt to the landlord.

Mike Biggio spoke to the people who have spent a lot of money on becoming a licensed grower and would like to argue against the moratorium on behalf of those people.

*Wayne Clark, a deputy for the Saguache County Sheriff's Department and the Saguache County Code Enforcement Officer, explains he was asked by Sheriff Dan Warwick, to come and support a moratorium; as the Sheriff's Department, has five officers to police Saguache County, which is the same size as Delaware and Rhode Island combined.

Alyssa Reiner commented listening to everyone's comments was interesting to her and agreed for the sake of control a moratorium could make sense, but to make it forever did not. Reiner went on to say if people do not feel safe then they should go to Terry Gillette's store and buy a gun or take one of Wayne Clark's self-defense classes. Reiner explains she grew up with family in law enforcement and has not heard stories of marijuana causing the issues discussed, and after working in a mental health pharmacy says there is more benefits to marijuana than just getting high.

*Travis Garoutte the Superintendent at Mountain Valley School says he is not an expert when it comes to marijuana, however if you speak with the community at the school, there is a lot of pain anxiety and fear in the community. Garoutte went on to say he feels the students are being desensitized to marijuana. Garoutte explains Mountain Valley is taking steps to try to battle the ease of access, but when everywhere you look there is a grow, and dispensaries are lit up with Christmas lights, it makes it difficult. Mountain Valley is working to change the campus to a closed campus to help combat the issue and proposing random drug testing for its student athletes. Garoutte is in favor of the moratorium to slow down the progress, fix what is broken, and then move forward with a good plan.

Ryan Hyatt commented he would like to see people already in process considered if the moratorium goes through.

*Kermit Krantz a member of an SLV Water Sub-District informed attendees, the sub district is working on getting a handle on water in the valley. He offered to speak to attendees on water and the changes being worked on.

Roy Smith who lives in the Lazy KV Estates subdivision commented on how bad the water is at his residence, and how friends who live in Saguache have to bring him water. Smith says he has a bunch of lights on his residence that have nothing to do with marijuana.

Toby Jones commented he is in the process of being licensed and if the moratorium is put in place, it will kick the chair out from under him and he does not want to see that happen.

Jason Irwin commented out of 64 Counties, Saguache is the 58th lowest median income, and the only ones lower are our surrounding counties. Irwin commented it is a tough place to make a living, however Forbes magazine predicted marijuana would provide more jobs by 2020 than the manufacturing industry. Irwin stated marijuana is here to stay and everyone needs to get on the same team, as marijuana could be the next great thing to pay everyone's bills.

Brady Omen spoke to having Leukemia and almost dying three times and explained how marijuana saved his life. Because of this Omen started researching marijuana and its effects and healing properties. Omen

explained how he purchased 640 acres of alfalfa property and went from using 220-acre feet of water for that crop to 10-acre feet of water for his marijuana grow. Omen goes on to say he employs people in the County and his lowest paid employee makes \$17 per hour with insurance. Omen also says he has set up a non-profit and has contacted La Puente to begin working with them to give back to the community. Omen says a moratorium would only help him with less competition, but feels it is not the way to go.

Rick Barandes listened to everything everyone had to say and feels there are many bright people in the room, some for moratorium, and some not. Barrandes comments a moratorium for nine or ten months would be a waste and would hurt many people. Barrandes feels a committee should be put together as if left to the BOCC it will drag on forever and never be completed. Barrandes feels everyone is on the same page, feeling something needs to be done about illegal grows and obtaining more funding for law and code enforcement. Barrandes closes comments by saying something has to be done beyond warm and fuzzy meetings.

*James Falsetta believes a moratorium should be put in place to implement rules and regulations needed to facilitate the use of the resources. Falsetta feels a committee should be put in place to deal with the things happening surrounding marijuana.

At this point, the BOCC let people who had already commented, make additional comments

Lisa Rosen spoke again to growers in the room stating it is unfair to the people in the room that don't grow to be shamed because the growers may lose money if a moratorium is put in place. Rosen feels it is a bandwidth issue, and speaks to Mr. Irwin's comment, stating Saguache County does not have manufacturing, so his comment does not fit in this community. Rosen closes by telling the non-growing attendees, not to let anyone tell them the only way they can thrive is with marijuana.

Commissioner Chair Jason Anderson reminds everyone in the room, they need to respect each other while in this room.

Ken Skoglund asks Wayne Clark if the Sheriff's Department has had complaints or issues with legal grows in the County, and Wayne Clark confirms they have not.

Bill Case spoke to inconsistencies in applications he has found and passed on to the BOCC asking them to issue a cease and desist until these items are corrected. Case ends his comments stating that just because the State approved legal growers, does not mean they are fully vetted.

Kyle Grote explained to the crowd about the badge he has to wear as a legal grow operator, and how he has never had a job, where he had to wear a badge, more or less as the owner. Grote goes on to say if he loses this badge and the State sees him anywhere near his grow facility without it, he will be fined \$10,000. Grote states the meeting has gone around and around and does not feel it should end with a moratorium, it should end separating legal grows from illegals and working on ridding the County of the illegals.

Lisa Cyriacks comments that everyone in the room has valid concerns, and it has to be about flexibility, what works for the community, not the individual, and being a good neighbor.

Steve Carlson from the Saguache County Planning Commission shares with the attendees that the Planning Commission has recommended a 120-day moratorium to the Commissioners. Carlson goes on to say it was not recommended because of illegal growers, the recommendation was made to correct the land use code and the variance applications. The Planning Commission realizes there are things that were overlooked when the current regulations were put in place and feels there is a need to review and revise the overlooked items.

Teresa Bennis comments she feels there is a misconception about a task force being formed and it was her understanding the Commissioners handed it to the Planning Commission in lieu of a task force with citizen involvement. Commissioner Chair Jason Anderson comments, if you look at the minutes from the last meeting, a motion was not made to that effect.

James Black commented he would offer his time and the time of his team to sit with people and help educate them on marijuana and would be happy to walk folks through his facility and show them how it works. Black states marijuana is here and feels everyone needs to work together to come up with solutions for both sides.

Justin Trouard comments the growers have been willing to compromise, but doesn't feel that coming from the other side, as there has been name calling and talk of retroactive moratoriums. Trouard states growers will compromise and make adjustments and states they would like to see that from the non-growers as well.

Mark Swinney comments the intangibles are what is killing them. They did not want to see a bunch of buildings; they only wanted to retire in a rural setting. Every window he looks out of at his home now he sees a greenhouse.

Commissioner Chair Jason Anderson wraps up the meeting by thanking all of those in attendance. He reminds all that no decisions have been made, and the meeting was part of the due diligence towards a process, and the gathering of information that will help the BOCC to make that decision.

All comments in favor of a moratorium are preceded with a *, in order to easily recognize for and against comments.

RESPECTFULLY SUBMITTED:

**RHIANNON CURRY FOR
TRISH GILBERT, CLERK & RECORDER**

DATE MINUTES APPROVED: February 20, 2018




**JASON ANDERSON, COMMISSIONER,
BOARD CHAIR**


KEN ANDERSON, COMMISSIONER


TIM LOVATO, COMMISSIONER



**ATTEST
TRISH GILBERT
CLERK & RECORDER**

