

Palmer Lake Town Council, Sept. 12

Moratorium on marijuana issue; voters to decide in April

By Lisa Hatfield

On Sept. 12, because of a successful citizens' petition, the Palmer Lake Town Council repealed the recreational marijuana prohibition ordinance it had approved last month and then enacted a moratorium on sales of recreational marijuana. The council consensus was that the final decision on recreational marijuana should be determined by town voters in April.

Lewis-Palmer School District 38 Superintendent John Borman and Board President Jeff Ferguson presented their reasons for seeking a mill levy override in D-38.

Town edges toward resident vote on recreational marijuana

After the council enacted Ordinance 3 in August to prohibit commercial growing and retail sales of recreational marijuana, residents circulated a petition to repeal that ordinance. They collected signatures from the required 5 percent of registered electors who voted in the last election; this was why "the board must now reconsider Ordinance 3," Town Attorney Larry Gaddis said. A majority of Palmer Lake residents who voted last November supported Amendment 64, which allows local governments to regulate recreational marijuana retail sales the same as alcohol sales.

Gaddis and Town Clerk Tara Berreth explained the three options the town could consider on Sept. 12 in reaction to the petition:

- Repeal Ordinance 3 and take no further action, meaning the town would "opt in" to regulated sales of recreational marijuana as allowed under Amendment 64. After Oct. 1, medical marijuana businesses could apply to the state for licenses to sell and grow recreational marijuana starting in January 2014.
- Keep Ordinance 3 as approved in August, which would require a special election of town voters by Feb. 10. The town would conduct and pay for an extra mail ballot election on the issue, costing \$3,000 to \$6,000.
- Repeal Ordinance 3 and replace it with a new ordinance that would place a moratorium on commercial licenses for growing or selling recreational marijuana. This option would give the council up to one year to study the issue and decide whether and how to regulate and license it and get input from the community. Gaddis mentioned one choice available with this option was, "You could (but do not have to) put this on the on the ballot and submit this to a vote of the electorate in the regular April election."

A regular mail ballot election is already scheduled for April to decide other issues, and it wouldn't cost additional money to place a recreational marijuana question on that ballot.

After considerable discussion, the trustees first unanimously approved Ordinance 6 of 2013, which repealed of Ordinance 3 of 2013 prohibiting commercial growing and selling of marijuana for recreational use.

Then they unanimously approved Ordinance 4 of 2013, imposing a temporary moratorium on the operation or establishment of any business that invites or permits private assembly for the purpose of the sale, growth, use, or consumption of recreational marijuana or recreational marijuana products. Gaddis explained, "This ordinance is just for businesses." Private citizens are not affected by this ordinance as long as they follow the rules of Amendment 64.

Some of the public comments were:

- "It sounds like you are trying to outlaw or eliminate cannabis clubs?" asked James McVaney, representing petition initiator Amanda Havens. "Yes, that's right," said Gaddis. "If (the council) enacts this moratorium, (they) don't want to have any recreational marijuana clubs" in the town.
- Resident Paul Banta expressed concern about traffic that might result from allowing sales of recreational marijuana. He estimated a potential 38,000 customers a week from El Paso County into Palmer Lake, if 6 percent of 645,000 El Paso County residents were regular consumers.

Mayor Nikki McDonald said, "It will be the citizenry's decision." She added, "In the last election, only 200 out of 1,900 registered voters voted. A mail-in ballot will not let anyone have an excuse for not voting. It's up to you the citizens to talk to your people and get them to mail in their ballots."

If the town residents vote against recreational mari-

juana sales in the April election, the issue will be over, Gaddis said.

However, if the voters approve commercial recreational marijuana sales and production in April, only existing licensed medical marijuana businesses would be allowed to conduct retail growing and sales of recreational marijuana until September 2014. It would be up to the council to decide after that if that should continue or if different zoning and regulations should be adopted.

Nearby localities that will allow recreational marijuana sales are Pueblo County and the City of Denver, while Manitou Springs and Larkspur have temporary moratoriums and will make decisions soon. El Paso County, Douglas County, Colorado Springs, Monument, and Castle Rock have all banned recreational marijuana sales.



Above: James McVaney spoke to the Palmer Lake Town Council on Sept. 12 about the petition to overturn the recreational marijuana sales prohibition ordinance that the trustees approved in August. Because the protest petition collected enough signatures, the town repealed the recreational marijuana sales ban and approved a one-year moratorium. Town residents will vote on the recreational marijuana issue by mail ballot in April. Photo by Lisa Hatfield.

School district needs money "to sustain quality"

Administrators from Lewis-Palmer School District 38 explained to the trustees that the school district is requesting a \$4.5 million mill levy override (MLO) from District 38 voters on the mail ballot this November to try to offset the long-term effects from \$11 million cut from the district over the last five years. If the MLO is approved by district voters, all revenue generated from it will be used solely by D-38, and a community public oversight committee will oversee MLO expenditures and report to the public.

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