

**GRAND JUNCTION CITY COUNCIL
MINUTES OF THE REGULAR MEETING**

August 18, 2010

The City Council of the City of Grand Junction convened into regular session on the 18th day of August 2010 at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Bruce Hill, Tom Kenyon, Gregg Palmer, Bill Pitts, Sam Susuras, and Council President Teresa Coons. Also present were Acting City Manager Utilities, Streets and Facilities Director Greg Trainor, City Attorney John Shaver, and City Clerk Stephanie Tuin. City Manager Laurie Kadrich was absent.

Council President Coons called the meeting to order.

Public Forum on Medical Marijuana

Council President Coons welcomed the public and stressed the importance of citizens weighing in on the subject. She then explained the purpose and the format of the meeting. She explained how she will solicit comments. The first meeting went smoothly; people were very courteous and civil. As far as ground rules, there are sign in sheets; she will limit comments to three to five minutes so the Council can hear from as many people as possible. She will call three people at a time. There will be a short break every hour or so.

The City Council has three options: ban, to allow but regulate, or refer the issue to the ballot and ask the citizens. The Council will discuss whether to put this issue on the ballot at the end of the public forum. She asked that cell phones be silenced.

The public forum was opened at 7:04 p.m.

Michael Edwards, 227 White Ave, # 8, said he is a patient and there was a meet and greet Saturday for folks to come down and meet the patients and no one showed up. Eventually one Councilmember did show up. Mr. Edwards gave his history and how he worked his way up. In 1999, he was diagnosed with leukemia and he did what the doctors told him to do and it made him so he couldn't function for 9 ½ years. He was told to try marijuana which he refused for a long time. When he did finally try it, it gave him the ability to sleep for more than thirty minutes. Marijuana allows him to be a little bit active during the day. His dispensary gives him the personal touch and he described it as his safe zone. He contended that the bars have more police call outs than any dispensary has had.

Micah Rosen-Wolfe, 1035 Ute #2, agreed with the previous speaker and told his story on how he switched from narcotics to medicinal marijuana and how it has improved his life. When he was on narcotics, he was "alive" but felt mentally numb. He was unable to do anything. Since making the switch, there has been a big change. He still hurts

but not as bad and he sleeps at night. He has a better handle on his depression.

Duane Salazar, 7840 BMX Road in Whitewater, had a stroke 2 ½ years ago and was on thirteen different medications, and has brain damage. Dusty Higgins, as his caregiver, came forward to help Duane with his story. Mr. Higgins said these are the people being affected. Mr. Salazar said it feels like he has an earache every night and marijuana helps with the pain. It is his belief banning dispensaries will allow the Mexican cartel to come back into the community.

Betty Beiderschies is a teacher representing children. Her views are the opposite of the previous speakers. She thanked the Council for allowing the public to speak. She encouraged solutions. She doesn't like the smell of marijuana. She is concerned about the use of marijuana; it is a big social issue. Marijuana is not a benign drug, it is an addiction and it interferes with brain function. She described a situation where a shopkeeper came out and offered her friends marijuana. It has intoxicating effects. In school, they see short attention spans with students using marijuana. Smoking marijuana deposits 50% more carcinogens than tobacco. She provided statistics of doctors providing referrals for cards and other information to the City Clerk.

Linda Gregory, 3057 ½ Gunnison, read a statement about our founding fathers. She feels medical marijuana is wrong; it is in direct conflict with federal law. It is her understanding that medical marijuana is being sold by people who are not medical doctors. She visited a website at 420Exam. On that website, there was a real medical doctor and the customer's medical records had to be available. The website listed the reasons for prescribing medical marijuana and the reasons not to prescribe.

Cathie Jorgensen, 954 24 Road, had presentation packets she distributed to the City Council. She felt the law opened the door; she disputed that it was the right thing to do. She said it is still on the controlled substances list of the federal government. She thought it was a mistake to allow it. She said there is a campaign to completely legalize marijuana. The dollars are not important when one considers the damage it can do to the youth. There are thousands of articles about the dangers.

Charlene Gilgee, 2910 North Avenue, has a loss of memory and her daughter was going to put in her a nursing home until they bought her some "medical". She no longer needs to go to a nursing home. She does not smoke it, she just uses the "medical". It has done her a world of good.

Sue Benjamin, 664 Canyon Creek Drive, said she has a concern about the proliferation of marijuana in the community. It is more available to children and it is much stronger and creates a longer and stronger high. She is not against those that have pain to get relief from medical marijuana. Several of her nurse friends say that the pills work just as well as smoking the drug. She believes many are faking pain to get marijuana for recreational use; it is worse than smoking cigarettes. She does not want marijuana to be part of the culture.

Craig Droskin, a dentist in Grand Junction, read a statement. Since there has been time to assess the impact of the dispensaries in the community, he suggested it should be held to the same standard as regular prescription medicine. If medical marijuana is to be legitimate, it should have legitimate doctors prescribing and seeing the patient in person. It should also be dispensed by a pharmacist, a controlled number of dispensaries run by a licensed pharmacist. He said the shops are encouraging illicit use with t-shirts and glass blown paraphernalia. He said other towns want to have the dispensaries in their town; he is ok if they go to other towns. He suggested that both dispensaries and caregivers should be shut down.

Dana Hicks, 515 Court Road, Apt. 201, has been a patient for six months, has back pain and cluster migraines. She has been given medicine at the hospital which makes her more nauseous and it doesn't work for her. Medical marijuana helped her be able to socialize and not stay in a dark room. The medicine given to her by the doctors makes her go to sleep and she is not able to help raise her son. Her doctor did see her personally and spent over three hours with her to determine if she needed the medical marijuana. Those that want to get marijuana; they will get it with or without dispensaries. She believes most are not faking it, it helps her, and it helps the pain to go away so she can function. Her mother was addicted to prescription pain medicine and overdosed many times. Since being on medical marijuana, she has not had those issues.

Chris Eklund, homeless, disabled civilian and veteran, described all the surgeries he has had and the reason he has long hair is he grows it and donates it to "Locks of Love". He also has cancer. He compared drunk drivers that kill people and no one smoking marijuana has done that. He agreed that there will be good and bad with the dispensaries but he encouraged the Council to allow the dispensaries.

Richard Paedovich, 640 Clearwater Court, stated he has 35 years of experience in law enforcement. He said marijuana leads to more serious drugs that destroy families. He has a condition and he survives with Advil and prayer and encouraged folks to use prayer.

Brian Mellon, 3222 D ½ Road, Apt. 905, said he does not take medical marijuana himself but he is not against it. He has experience of knowing people that use medical marijuana instead of a long list of medicines. He does not think the dispensaries that provide to just anyone should be in business. The legitimate ones that dispense to those that have seen a real doctor should be allowed to operate. To him, "Pandora's Box" is methamphetamine and it is rampant. Those that get marijuana off the street, they don't know what it is laced with, and that is a "gateway" drug. By allowing the centers, the Council will do something for someone who needs it. No one is making anyone use it who doesn't want to or need it. He encouraged they do something to help someone else.

Alan Dobbs, said he was told by his doctors that he could get a medical marijuana card. He was in the Marine Corps and also did rodeo in the past and his knees, shoulders,

and back are bad. Mr. Dobbs said he has a speech problem. He has gone to get a card because he is afraid they might be prohibited in the future. He has seen the affects of medical marijuana and it helps people to be normal for that day. His grandmother had cancer multiple times and was on a long list of pain killers and she was just a shell of a person. The last time she got cancer, she tried medical marijuana and it made a world of difference for her quality of life. This is another alternative to help people.

Penny Stine, 2644 Hickory Drive, said she wrote an article about marijuana two weeks ago in the Daily Sentinel. Since then she has been villified in cyberspace and has also received calls supporting her position. She said marijuana hurts people; it helps kids to think that is it a healthy choice and that it is a benign drug. She read from an article. The people most likely to abuse it are kids. She described her experience with her son using marijuana and how he changed and ultimately killed himself. With her research and speaking at Partners, she learned children think of marijuana as no worse than an aspirin. The kids at Partners told her it is easy to acquire and all of them knew someone with a medical marijuana card. One 17 year old even had their own card. They did not believe the statistics she gave. She said society is losing a generation of kids.

Council President Coons called a recess at 8:10 p.m. She called the meeting back to order at 8:24 p.m. and reminded everyone of the ground rules.

Dr. Larry Putz, 2121 Barberry, essentially agrees with the dentist who spoke previously; marijuana should be prescribed and regulated like any other drug. A caregiver has to do something more than just provide the drugs. They should have knowledge of the effects of drugs on behavior.

Teika Roach, 344 South Avenue, #4, said she is a mother of three and has worked varied jobs and was raised by two very strict parents. When she was a teenager she experimented with marijuana. After marijuana, she went from a zero to a four point grade average. She is a medical marijuana patient, who has suffered two concussions. She described her daughter's allergy to most prescription medicines. She agrees it should be regulated but it must be legalized before the FDA will regulate it. She would rather use natural remedies.

Linda, (did not give her address or last name), lives in Mesa County, said she knows that there are people that marijuana helps but believes it should be regulated. She used to think pot was pretty harmless until she saw the affect on her child and other children's lives. Her son was diagnosed as "addicted to cannabis." Most smokers also do other drugs. Many kids have medical marijuana cards and then they are selling marijuana to other teens. Prescriptions are not a lifetime script and have a doctor overseeing it as opposed to medical marijuana cards. As a result of the accessibility, it will result in more crime.

Andrew Maran, 1236 Bookcliff, D6, said he has 28 townhomes and 30 rental units and about 40 to 50% are occupied by student tenants. He and his wife live on site and have witnessed the affects of marijuana. Invariably when a tenant struggles, there are signs of marijuana use. Many of the tenants used to be athletes. They have stopped as a result of marijuana use. The football team at Mesa State with their athletes struggle with marijuana use. From the anecdotal evidence he believes this a real problem for not only the community but also on campus.

Scott Anderson, P.O. Box 1268, Colorado Springs, said he is a real outdoors man in Colorado. He signed himself out of a foster care program and hasn't seen a doctor in twenty years, after being forcibly medicated while he was growing up. Gateway drugs like methamphetamine are readily available. It is going to be on the streets one way or another. It is a good idea to regulate marijuana.

Ben Dowdy, a caregiver, said there is a lot of negativity toward the caregivers as an alternative to the dispensaries. Until about a month ago, dispensaries were supplied by the caregivers. A caregiver provides free medicine; the dispensaries charge a black market rate. He said the people voted in Amendment 20 and this should go to a vote of the people.

Dave Miller, 2713 B ½ Road, said that he was lucky in his military career. His father wasn't so lucky, and got an illness where the doctors said his legs had to be amputated. Thirty years later when his dad got cancer, he told his dad to use medical marijuana. He described two other products, ginger ale and arsenic, that were used as medicine in the past. He would like to see the dispensaries say what type of regulation they wanted to see for their industry and he hasn't heard that at all. It bothered him that some said it should not be put to a vote. He believes it should be a three position vote – should we ban it, allow it but don't regulate it, or allow it and regulate it. He thinks it should be regulated.

Natasha Simmons, 1136 Colorado Avenue, is a caregiver for five people in Mesa County and has never smoked marijuana. She does it as a service for her family and close friends. Some of her patients cannot get to a dispensary. She would like a legal way to dispose of her excess marijuana legally as she has been broken into and she doesn't do it for the money. She only wants to help people. In reference to children getting marijuana, this isn't the issue, it's already out there and they will continue to get it. The voters have already said it should be legal back in 2000; the door has already been opened. The patients have already been given a gift, don't take it away. To her knowledge there is no lifetime prescription. Her patients go back every year and see a licensed physician with their medical records, as she has gone with them as their caregiver. She asked the Council not to take it back.

Julie Hoggatt submitted written comments.

Joe Niehuser submitted written comments.

John Davis, 1023 24 Road, said he has heard a lot of heartfelt stories and wishes he could help each one of them. He has had cancer twice and had many chemo treatments, and has never needed marijuana. Mr. Davis believes this should be put to a vote of the people.

Edward Sonia stated he has a lot of concern on this and is a medical marijuana user. He is diagnosed with ADHD, bi-polar, and rage. This is from what he has been through growing up. He also has nerve damage from the beatings he received. Everything on the right side of his body can't be used. He has photophobia and because of marijuana he is able to play with and see his kids. He started smoking in January and is now dealing with his pain, slowly. Marijuana has helped him and others. He is currently going through a divorce because his wife doesn't want to see him in pain. He also had a letter from his wife which Council President Coons said to give to the City Clerk, which he did.

Neal Kaspar, 503 Riverview Drive, thanked Council for the opportunity to come before them and speak. This kind of a forum is a little bit curious; there has been a significant input of anecdotal information. His major concern is for the children as he has spoken with the City Council and City Attorney before when a center was proposed to go within 200 feet of their school, but by working with everyone, the center relocated. There is another kind of solution, unfortunately it is not for our City, and that would be working one on one. He believes our creator and redeemer has designed things in the world for a reason and a purpose and they don't always work out well. He has strong values and there is mixed messages being set in front of our children; it is difficult when it is right in front of them. He does not think it is a good thing for the community and that regulations need to be in place in order to have safe school zones. He encouraged the Council to take a step backward and have a hard look at this issue. He would like to see it taken to a vote to the people of the City.

Barbara Murdock, 273 Arlington Drive, a massage therapist in Grand Junction for twelve years, said she has had three major car accidents and is in pain everyday. She works with exercise and does not want marijuana compared with natural remedies. Homeopathic remedies have been compared to marijuana but homeopathic remedies can help the body, they do no harm. She went into a store that said Natural Healing. They offered her marijuana. The voters voted for medical marijuana, not for pot shops on every corner. She does agree it might be for someone in the last stages of their life, but that is between the patient and their doctor. The proliferation of the dispensaries is ridiculous and anyone going in, they are offering to try marijuana. It is a drug that needs to be regulated, in pharmacies and with real prescriptions. She said this is a great City and she has raised her kids here. It is the responsibility of the City Council to take care of this, if not, it will turn this City into what is happening on the street corners.

Jeannie Christensen, 178 ½ Glory View Drive, thinks there is a lot of abuse. She related some stories of people she knows with cards and she sees teenagers that are smoking marijuana with anger issues. There is a facility at 6th and North with the high school at 5th and North, why was this allowed? She believes that the 24 dispensaries in the valley is in excess; there should maybe three, four, or five for people that really need it. Her dad has

cancer and he does not use marijuana. She is sorry that some people in the valley have reasons to use it but also believes there is lot of abuse.

Stacy Womack lives in Loma and is a mother. She wanted to complain about how the dispensaries market the products. She read a number of the names; it should not be marketed with cutesy names and enticing names. The advertising is directed at the kids. As a parent she has plenty to teach her kids without having dispensaries making the places look inviting and offering discounts. She is against this being approved.

Wendell Cole, who was born in Lake County, lives here in Grand Junction now. He has been a user of marijuana for over thirty years. While using, he has been a truck driver and works on machinery. He described his various ailments and injuries and marijuana helps him and he has never caused an accident. His dad and grandmother both died of cancer. He raised three kids by himself and went back to school all while on marijuana. It is his constitutional right to make these choices.

Mark Bonella, 973 27 ½ Road, is a local business owner. He feels sorry for those that have cancer but he is a father of three and does not want dispensaries near his home, school, or business. He does not want more opportunity for kids to get it; he feels it is already too easy to get the drugs. Listening to the caregivers, they do it for love, not the money. The dispensaries are all about the money, they are legalized drug dealers. The caregivers can still provide to the people who really need it.

James Thomas, 552 Gunnison, said prohibition was failure and it was fixed. The war on drugs is a failure. It's his job as a parent of two kids to teach them to be safe, productive citizens. He does not want this Council, as elected officials, to send a hypocritical message. Marijuana is a more benign drug than all that is out there. It is ok for an adult to get high if they choose. He believes in making it legal as the whole prohibition thing is a failure.

Diane Cox, 3641 E ½ Road, Palisade, reminded Council that the constitutional right is only for caregivers. It was President Obama's statement that they will not prosecute on this law that changed things. Information she got was the average age of card holders is 25 years old, not representative of who really needs the drug. It is very addictive and sales are lucrative. The Legislature passed HB 1284 to allow local government to limit or ban the dispensaries. If it is a medicine, it belongs in pharmacies. She suggested the Town Council and County Commissioners offer this to the voters expressing it needs to be re-examined. If there was anything the founding fathers did believe in, it is representative government and letting the people have a voice.

Jim Linden, 3244 Front Street, Clifton, said he is a veteran, 67 years old, disabled, is in constant pain, has PTSD, and depression. The VA does very little except give him narcotics. Medical marijuana provides relief to him for the pain, the depression he has, and the PTSD. The VA is still against marijuana even though they have been told otherwise. The VA has told him, if caught using it, he will be kicked out. The gateway drugs to him were alcohol and cigarettes given out by the armed forces. There needs to

be more rules and regulations and the fees being charged are out of line. What they are doing is hurting the patients. The State government takes over six months to send out the licenses. He believes rather than trying to cut the number of dispensaries, just the opposite should be done. Increase and this will increase the competition as he is on a very limited income.

There were no others signed up to speak.

Council President Coons thanked everyone for coming and called a recess at 9:32 p.m. After which Council will come back and deliberate the matter.

The public forum was closed at 9:32 p.m.

Council President Coons reconvened the meeting at 9:41 p.m. Council President Coons explained the Council will be deliberating the rest of the evening.

Councilmember Beckstein asked about the time frame for the Council to make a decision. City Attorney Shaver advised that the wording for the ballot must be certified to the County by September 3, 2010.

Councilmember Palmer said he heard lots of views and perspectives. In talking strictly about the ballot is good as he needs time to digest what he has heard. He feels that the matter should not be sent to the ballot; they as a Council should not wait until November and spend up to \$100,000 for that decision. It is the Council's duty, and the voters voted them in to make decisions. It is his intention to move that they do not recommend this issue to go to ballot. The responsibility and obligation rests with this body.

Councilmember Susuras agreed, after much consideration, this is a representative form of government and most voters want them to make the decision whether to ban or regulate medical marijuana which will be at a later date. They have been given input and material and they have enough information to make a decision without going to the ballot. It could cost \$40,000 to \$111,000 and he would rather spend the money on something other than a ballot issue. He will vote against placing it on the ballot.

Councilmember Pitts said he is opposed to putting the issue on the ballot; he thinks Council should make the decision.

Councilmember Hill would like to clarify when Diane Cox spoke she was right on point; the Constitutional question was silent on dispensaries so opting out is a different issue. He is not deciding based on the money issue, but if it is the right thing to do. He was elected to make decisions for this community for the greater good and especially difficult decisions. He is against sending it to the ballot.

Councilmember Kenyon agreed and one of the reasons is, since the moratorium, the Council has spent a lot of time working with CML, the legislators, and the communities

and Council is well-prepared to deal with this issue. He was elected to make decisions so he will not be in support of putting it on the ballot.

Councilmember Beckstein agreed that it has been said well by other Councilmembers. As a Council they have received a lot of information and had two hearings. It is now the time to take the information and she doesn't feel the ballot title can be formulated efficiently by the September 3rd deadline, so she does not support it going to the ballot in November.

Council President Coons said this is a representative democracy and the Council has been elected to not vote their own personal beliefs but for the good of the community so it is their responsibility to make this decision. This can be done more timely without waiting until November.

Councilmember Palmer moved to submit a ballot question for the November election on medical marijuana. Councilmember Hill seconded. Motion failed unanimously.

Adjournment

The meeting adjourned at 9:55 p.m.

Stephanie Tuin, MMC
City Clerk