

Town of Garden City Minutes

July 11, 2016

Special Meeting

Mayor Lonelle Archuleta called the meeting to order at 4:07 PM.

Mayor Lonelle Archuleta and Trustees; Terry Greenwood, Willie Spaedt, Fil Archuleta and Clarence Krieger were present. Trustees Abby Clabough and Manuel Ramos were absent. Staff present: Don Hoff, Town Attorney; Cheryl Campbell, Town Administrator; Juli Rouse, Deputy Clerk; Joe Bain, Code Enforcement; Erica Pilch and Jean Gonnell, XG Platinum; John and Alice Rotherham, Nature's Herbs and Wellness Center; Dave Cuesta, Josh Ginsberg, Jon Boord, Steven Sendor, RLD, LLC; Joseph Pegran, 5948 McIntyre Ct Golden, CO; Mohamed Ezzivague, 9014 E. Wassau Avenue Denver, CO; Ryan Natividad, XG Platinum.

XG Platinum Use by Special Review Amendment

XG Platinum at 422 26th Street submitted a Use by Special Review Amendment Application. Erica Pilch and her Attorney, Jean Gonnell represented XG Platinum. Ms. Pilch submitted a request to amend XG Platinum's current Use by Special Review at 422 26th Street which is an attached (meaning it was attached to her Medical Marijuana Center license at 2506 6th Avenue) Medical Optional Premise Cultivation license. The proposed use would be 'freestanding' or unattached licenses for the Medical Marijuana Optional Premise Cultivation license in addition to the Retail Optional Premise Cultivation license, the Medical Marijuana Infused Products Manufacturing license and the Retail Marijuana Infused Manufacturing license that were approved after the original USR was approved.

Mayor Lonelle Archuleta invited anyone wishing to speak regarding Ms. Pilch's request to introduce himself or herself and present their comments.

Mohamed Ezzivague, 9014 E. Wassau Avenue, Denver, CO on behalf of Ryan Natividad stated that Mr. Natividad is a co-owner of XG Platinum. Ryan Natividad stated he is a co-owner of XG Platinum and that he was not aware of the proposed sale. He requested that the Board postpone their vote so that he may seek legal counsel regarding his interest in XG Platinum.

John Rotherham, Nature's Herbs and Wellness Center stated that when the Town of Garden City legalized marijuana facilities, it was understood that only licenses that were attached to a Medical Center or Retail Store were approved and that 'freestanding' or unattached licenses would not be allowed. Mr. Rotherham would like the Town of Garden City to uphold the code regarding this issue.

Erica Pilch stated that the licenses at 422 26th St will continue to operate in same manner that they currently are whether she sells the Retail Marijuana Store at 2506 6th Avenue and retains ownership of the licenses at 422 26th St or sells all licenses to RLD, LLC.

Town Attorney, Don Hoff advised the Board that they should not consider the ownership statement from Mr. Natividad in their decision because he is not listed as an owner on any of the licenses.

Mayor Lonelle Archuleta called a recess of the meeting at 4:37 PM. The Mayor called the meeting back to order at 4:44 PM.

Attorney Don Hoff informed the Board that all interested parties were in agreement to hear the remainder of the agenda items and return to a vote on the current issue after the remainder of the agenda was considered. The Board decided to consider this matter immediately.

Fil Archuleta moved and Clarence Krieger seconded to deny the Use by Special Review Amendment Application for XG Platinum. A roll call vote was taken. Trustee Archuleta YES Trustee Krieger YES Mayor Archuleta YES Trustee Spaedt YES Trustee Greenwood YES. 5 Aye. 0 Nay. Motion carried.

Mayor Archuleta adjourned the special meeting and opened the public hearing regarding Use by Special Review NO. 2016-01 at 4:55 PM.

Public Hearing Regarding Use by Special Review Application No. 2016-01

Dave Cuesta, Compliance Officer and Josh Ginsberg, CEO from RLD, LLC 3150 S. Sheridan Blvd. Unit 1 Denver, CO addressed the Board regarding the Use by Special Review Application No. 2016-01. The proposed use is a Retail Marijuana Store pending the purchase of the Retail Marijuana Store License # 402R-00122 from XG Platinum at 2506 6th Avenue. They are excited to come to Garden City and think they will be a good fit for the Town. RLD, LLC at the time of this hearing did not have the requested parking plan to submit, however, Sharon Cohn, Design and Construction with RLD, LLC. stated that the company plans to demolish the two buildings in the rear to add additional parking and that they are in contact with the businesses next door to the property regarding parking as well. They plan to have the property surveyed to maximize their ability to add additional parking. Josh Ginsberg CEO of RLD, LLC stated that they have an online order site for customers to pre-order product and then pick it up at the store so that the customer's wait time is considerably shorter which alleviates some of the parking issues.

John Rotherham with Nature's Herbs and Ryan Natividad with XG Platinum stated that parking is an issue at 2506 6th Avenue.

After all public comment was heard; Mayor Archuleta adjourned the public hearing regarding Use by Special Review NO. 2016-01 and resumed the special meeting at 5:10 PM

Use by Special Review Application No. 2016-01

RLD, LLC 3150 S. Sheridan Blvd Unit 1 Denver, CO 80227 submitted Use by Special Review Application No. 2016-01. Terry Greenwood moved and Willie Spaedt seconded to approve the Use by Special Review Application No. 2016-01 with the following conditions: Submittal of a parking plan immediately and execution of the plan within 30 days. A roll call vote was taken. Trustee Greenwood YES Mayor Archuleta YES Trustee Krieger YES Trustee Archuleta NO Trustee Spaedt YES. 4 Aye. 1 Nay. Motion carried.

RLD, LLC Change of Ownership Structure Application and Retail Business License Application

RLD, LLC submitted a Change of Ownership Structure Application. RLD, LLC requested approval of a transfer of ownership of XG Platinum's Retail Marijuana Store License #402R-00122. Town Administrator Cheryl Campbell asked Dave Cuesta from RLD, LLC to explain RLD, LLC's corporate structure. RLD, LLC is held by parent company NR Parentco, LLC which is held by four members; Josh Ginsberg, Rhett Jordan, Jon Boord and Brightstar, LLC. One managing member, Peter Knobel, holds Brightstar LLC.

Due to the decision to deny Erica Pilch's USR Amendment, RLD, LLC suggested to continue this item until the Transfer of Ownership applications for the licenses at 422 26th St and the Use by Special Review Application for 422 26th Street are submitted to the Town for consideration. Terry Greenwood moved and Willie Spaedt seconded to continue RLD, LLC's Change of Ownership Structure Application and Retail Business License Application. 5 Aye. 0 Nay. Motion carried.

Announcements

- a. The Board of Trustees scheduled a Workshop for July 12th, 2016 at 4:00 PM
- b. The Board of Trustees regularly scheduled meeting on August 2nd, 2016 has been rescheduled to August 1st, 2016 at 7:00 PM
- c. National Night Out is August 2nd, 2016 at 5:00 PM at the Town Hall
- d. The 4th Annual Bootleggin' Days is August 26th and 27th, 2016 at the Town Hall

Adjourn

Since there was no further business, Clarence Krieger moved and Fil Archuleta seconded to adjourn the meeting. 5 Aye. 0 Nay. Motion carried. Mayor Lonelle Archuleta adjourned the meeting at 5:20 PM.

By _____
Cheryl Campbell, Clerk