

Town of Garden City Minutes

August 1, 2016

Regular Meeting

Mayor Lonelle Archuleta called the meeting to order at 7:03 PM.

Mayor Lonelle Archuleta and Trustees; Terry Greenwood, Manuel Ramos, Willie Spaedt, Fil Archuleta and Clarence Krieger were present. Staff present: Don Hoff, Town Attorney; Cheryl Campbell, Town Administrator; Joe Bain, Code Enforcement; Abby Clabough, Deputy Clerk; Dave Cuesta, RLD, LLC, 3150 S. Sheriden Blvd, Unit 1, Denver, CO 80227; Steve Wernsman, Wernsman Engineering, 1011 42nd Street, Evans, CO 80620; Jim Morris, 105 56th Avenue, Greeley, CO 80634; Ryan Natividad, PO Box 308, Gilcrest, CO 80623; Joseph Pegram, 5948 Quay Way, Westminster, CO 80021; Robert Salazar (need address); Rose Natividad, 10627 Kittredge Street, Commerce City, CO 80022 ; Manual Natividad 10627 Kittredge Street, Commerce City, CO 80022.

Consent Agenda

- a. Approve Minutes from July 19, 2016 Regular Meeting
- b. Approve Paid Bills
- c. Approve Bills To Be Paid
- d. Approve a Public Meeting on August 1, 2016 at 5:00 PM in Garden City Park to Present the 8th Avenue Conceptual Plans

Clarence Krieger moved and Willie Spaedt seconded to approve the Consent Agenda items a-d. 6 Aye. 0 Nay. Motion carried.

Public Not on the Agenda Invited To Be Heard

There was none.

Approve Order To Approve USR 2016-01

Terry Greenwood moved and Manuel Ramos seconded to approve the Order to Approve USR 2016-01.

Roll Call Vote: Lonelle Archuleta -Yes, Manuel Ramos -Yes, Willie Spaedt - Yes, Clarence Krieger - Yes, Terry Greenwood -Yes, Fil Archuleta -Yes
6 Aye, 0 Nay. Motion carried.

Approve Order To Deny USR Amendment 2014-01

Fil Archuleta moved and Willie Spaedt seconded to approve the order to deny USR Amendment 2014-01.

Roll Call Vote: Terry Greenwood -Yes, Fil Archuleta -Yes, Lonelle Archuleta -Yes, Willie Spaedt - Yes, Clarence Krieger -Yes, Manuel Ramos - Yes
6 Aye, 0 Nay. Motion carried.

Meeting adjourned at 7:07 P.M.

Public Hearing Regarding USR 2016-02

Dave Cuesta, RLD, LLC, stated that the company modified its application for change of ownership to include the four licenses at 422 26th Street currently owned by XG Platinum. The company is requesting a USR approval to move forward with the transfer.

Ryan Natividad stated that there is a question regarding the ownership of XG Platinum. He stated the RLD, LLC is aware that Mr. Natividad has an ownership interest in the company.

Dave Cuesta responded that there is only one owner on record with the State of Colorado and with Garden City.

Robert Salazar stated that he is an investor in XG Platinum and was not aware that XG Platinum was for sale. He stated he has silent ownership in XG Platinum.

Erica Pilch, XG Platinum, denied Salazar's ownership.

Ryan Natividad offered a printout of text messages between Erica and himself that proved his ownership interest in XG Platinum.

Erica said she did offer him a percentage of the sale at one point because she wanted to give him something to part ways amicably. She stated it had nothing to do with ownership.

Dave Cuesta stated that RLD, LLC has done due diligence and there is only one owner of XG Platinum.

Jim Morris stated that he was involved in the design of XG Platinum in Garden City and Denver and all his dealings in the company were with Ryan Natividad. He stated there are still outstanding bills for 26th Street and 6th Avenue locations. Attorney Don Hoff questioned how that was relevant to the hearing. Mr. Morris stated it was his understanding that Ryan and Erica were equal partners.

Trustee Fil Archuleta stated that the issues presented are financial issues with XG Platinum and not relevant to the sale of the business.

Steve Wernsman of Wernsman Engineering stated he is contemplating filing a lien against XG Platinum for unpaid bills.

Rose Natividad stated she has done work for XG Platinum and not been compensated for work.

Manuel Natividad stated he is Ryan's father and performed unpaid work for XG Platinum because of the partnership between Erica and Ryan and the business.

Ryan stated that he has proof that RLD, LLC has had pesticide problems that weren't addressed and questioned character of Native Roots ownership.

Dave Cuesta denied pesticide issues.

Mayor Lonelle Archuleta adjourned the public hearing and board meeting resumed at 7:30 P.M.

Approve or Deny USR 2016-02

Fil Archuleta stated that the licenses at 422 26th Street should be attached to a medical center license, which Erica surrendered at the last renewal. Attorney Don Hoff mentioned that the Board has the criteria for approving or denying a Use by Special Review in their packets and asked that they review the criteria before voting. Don reminded Trustees that they were voting as to whether they should allow RLD, LLC to conduct business at 422 26th Street. Lonelle Archuleta asked Fil Archuleta to explain the reason for his motion. Fil Archuleta stated that there is not a medical license at the location, and our code states that you must have a medical license/medical center in order to have an off-premise medical grow. Fil Archuleta also stated that it was an oversight by the Board that Erica was allowed to keep any medical licenses at 422 26th Street when the medical center license was allowed to lapse.

Fil Archuleta moved and Clarence Krieger seconded to deny USR 2016-02
Roll Call Vote: Lonelle Archuleta - Yes, Terry Greenwood - No, Fil Archuleta - Yes, Willie Spaedt - Yes, Manuel Ramos - Yes, Clarence Krieger – Yes
5 Aye, 1 Nay. Motion carried.

Dave Cuesta requested a recess at 7:51 P.M.
Meeting Reconvened at 7:56

Marijuana Licensing Issues

a. RLD, LLC Retail Marijuana Store Transfer of Ownership Application.

Dave Cuesta requested a continuance to the August 16, 2016 regular meeting.

Items 8b through 8e were not considered after the denial of USR 2016-02.

Item 8f was continued to a later date.

g. LivWell I, LLC DBA LivWell Medical Marijuana Center License Renewal 2647 8th Avenue #B

LivWell I, LLC dba LivWell Medical Marijuana Center at 2647 8th Avenue #B submitted a Medical Marijuana Center License Renewal Application. Terry Greenwood moved and Fil Archuleta seconded to approve the Medical Marijuana Center License Renewal Application for LivWell I. 6 Aye 0 Nay. Motion carried.

h. LivWell I, LLC DBA LivWell Medical Marijuana Optional Premise Cultivation License Renewal 2647 8th Avenue #B

LivWell I, LLC dba LivWell Medical Marijuana Center at 2647 8th Avenue #B submitted a Medical Marijuana Optional Premise Cultivation License Renewal Application. Willie Spaedt moved and Fil Archuleta seconded to approve the Optional Premise Cultivation License Renewal Application for LivWell I. 6 Aye 0 Nay. Motion carried.

Resignation Letter from Abby Clabough

Abby Clabough resigned her seat on the Board of Trustees. Her resignation was accepted by Mayor Lonelle Archuleta.

Vacancy On the Board of Trustees Announcement

There is a vacancy on the Board of Trustees; interested parties should submit a letter of interest by August 25, 2016.

Attorney's Report

There was none.

Other Board Issues

Lonelle Archuleta stated that Manuel Ramos should not vote on issues regarding the sale and transfer of licenses between XG Platinum and RLD, LLC because of a conflict of interest. Cheryl Campbell asked Trustee Ramos to meet to discuss this issue.

Public Works will research signal lights for the town truck.

The clerk's office will order shirts for Manuel Ramos, Willie Spaedt and Fil Archuleta.

Announcements

- a. National Night Out is August 2, 2016 at 5:00 PM at the Town Hall
- b. The 4th Annual Bootleggin' Days is August 26th and 27th, 2016 at the Town Hall

Adjourn

Since there was no further business, Fil Archuleta moved and Clarence Krieger seconded to adjourn the meeting. 6 Aye. 0 Nay. Motion carried. Mayor Lonelle Archuleta adjourned the meeting at 8:09 PM.

By _____
Abby Clabough, Deputy Clerk