DECEMBER 15, 2015 CITY OF GUNNISON COUNCIL 7:00 P.M.
SPECIAL SESSION MEETING MINUTES

The City Council Special Session meeting was called to order at 7:02 P.M., by Mayor Hagan, with Councilors Ferguson, Drexel, Morrison and Schwartz present along with City Manager Coleman, City Clerk/Acting City Manager Davidson, Community Development Director Westbay, City Planner Ruggera, several citizens and the press City Attorney Fogo and WSCU Liaison Davis were absent. A Council quorum was present.

December 15, 2015 PUBLIC HEARING 7:00 P.M.

Receive Public Input On Retail Marijuana Store License Application from RFSCG LLC dba Roots RX, 1198B N. Main Street in Gunnison.

Mayor Hagan called the Public Hearing to order and stated it is 7:02 P.M., on Tuesday, December 15, 2015, in the City Council Chambers of City Hall, 201 W. Virginia Avenue in Gunnison, Colorado. Present at the Public Hearing are myself, Mayor Richard Hagan, City Councilors Stu Ferguson, Robert Drexel, Leia Morrison and Matt Schwartz, City Manager Ken Coleman, City Clerk Gail Davidson, and Community Development Director Steve Westbay. Mayor Hagan stated the purpose of this Public Hearing is to receive input on the merits of a Retail Marijuana Store License Application from RFSCG, LLC dba Roots RX, 1198B N. Main Street, in Gunnison, Colorado, and then called for proof of publication. City Clerk Davidson stated a copy of the Notice of Public Hearing was included in their packets and the Affidavit of Publication is included in the official affidavit of publication file. The Mayor entered the Notice of Publication into the record.

Mayor Hagan asked the Applicant to stand and identify themselves. Applicants Peter Tramm and Robert Holmes stood and introduced themselves to Council.

Mayor Hagan called for City Staff Comments and Recommendations. City Clerk Davidson stated the City Council of the City of Gunnison, approved and adopted Marijuana Establishment rules and regulations and these are found in the Gunnison Municipal Code and the City of Gunnison *Land Development Code*. To operate a Marijuana Establishment in the City, a license from both the State of Colorado and the City of Gunnison must be obtained. The City application and licensing regulations are outlined in GMC Section 8.40. RFSCG LLC, dba Roots RX, located at 1375 Red Butte Dr., Aspen, CO 81611, completed and submitted the required State Marijuana Enforcement Division and the City of Gunnison Marijuana Establishment License Application forms for a retail marijuana store to be located at 1198B N. Main Street, in the northern portion of the existing Auto Corral Building. Principals in the LLC are Robert Holmes with a 66.7% interest and Peter Tramm with a 33.3% interest.

The proposed store location property is owned by Steven Landry of Gunnison. Mr. Landry has completed the City's Property Owner Consent form stating he authorizes the submission of the application for a retail marijuana store on property he owns. The proposed location is within the allowed zoning district for a retail marijuana store establishment within the City. The State Marijuana Division submitted their completed forms back to the City within the required seven days of their submission. RFSCG LLC paid the City-required license and application fees. Once the State Application forms were received, they were forwarded onto the Police, Finance, City Clerk, Public Works, and Community Development Departments, as well as to the City Attorney for review. A copy of the City of Gunnison Departmental Approvals form is included in the Public Hearing information packet. The results of that review include:

- Clerk's Department: the required complete application was filed including the property owner consent form. All City-required fees have been paid.
- The Finance Department has issued a City Sales Tax License and has provided sales tax remittance information to the applicant.
- The Police Department has completed local background checks and investigations on the applicants - the LLC Principals.
- The Public Works Department has not identified any compliance issues with the City Utility Codes.
- The Community Development Department has received their internal Marijuana Site Development Application and has reviewed the application for compliance with the provisions of the City of Gunnison *Land Development Code* regarding allowed location, signage, control of marijuana-related odors, hours of operation, and City-adopted building Standards. The CD Department has issued their retail marijuana establishment permit with the following conditions:

- Marijuana establishment shall comply with all provisions, standards and regulations of the *Land Development Code*, and all relevant building, mechanical and fire codes adopted by the City.
- The mechanical source capture and exhaust system shall be installed and subject to inspection and approval by the Building Official.
- The licensed retail marijuana establishment premises shall be equipped with a Carbon Monoxide detector.
- A minimum of 4 exterior parking spaces with one handicap accessible space shall be dedicated to this retail Marijuana establishment operation.
- Building occupancy for the licensed retail marijuana establishment shall be subject to a final inspection and approval by the Building Official, Fire Marshal and Director of Community Development.

Per City Code, after the Conditional State Retail Marijuana Store License was received from the Colorado Marijuana Enforcement Division, City Council set the Public Hearing for 7:00 P.M., Tuesday, December 15, 2015, the premises was posted with the Public Hearing notice for the minimum of 10 days, and the public hearing notice was published as required in the Gunnison Country Times Newspaper. Based on the review and investigations of the license application, City Staff recommends approval of the RFSCG LLC dba Roots RX, 1198B N. Street, Gunnison, Colorado, 81230, Retail Marijuana Store License Application with the five stated conditions.

Mayor Hagan called for the Determination of the Neighborhood within the City Limits. City Clerk Davidson stated the neighborhood is defined as the area within the incorporated City Limits of Gunnison, Colorado.

Mayor Hagan called for the Applicant's Testimony. Mr. Tramm and Mr. Holmes came forward. Mr. Holmes informed Council they run a vertical business, that is, from seed to sale. They have five licensed recreational retail stores in Colorado. They feel the need exists in Gunnison for their store and they anticipate tourist traffic will utilize their business. Mayor Hagan asked for the applicants' comments be entered into the record. Mr. Tramm passed out a petition of citizen signatures in favor of the application.

Mayor Hagan called for public comment in favor of the application and asked that anyone wishing to give input for the record to please step up to the microphone, state their name, and sign the sign-in sheet. He asked comments be kept to addressing the Retail Marijuana Store Application. Clint Larson, contractor from Leadville, Colorado, came forward. Mr. Larson stated that he has done construction work for the applicants on many projects. They pay attention to details and operate within State and local laws. They have had no violations at their other stores and are in good standing with the State. They exceed codes where they can and the tax dollars and benefits from their business is a good thing. They help people with physical ailments. He feels they are good business who help people with physical ailments. He thinks their business will be a good addition to the community.

Mayor Hagan called for any public comment in opposition to the application. Dr. Shawn R Harvey, DDS, Gunnison County resident, came forward. Dr. Harvey stated he is originally from the San Francisco Bay area and is familiar with drug use problems from that area. He had 2 friends die in drug-related accidents. He also has six kids, ages 6 to 13 and he has concerns for their well-being due to the proposed retail marijuana stores. He stated he didn't stay on track of license application problems between medical and recreation uses. He asked what we are educating our kids about. These stores have impacts on his children. There already is drug abuse in the schools. He doesn't want Gunnison to be a guinea pig for drugs and doesn't like the locations of the proposed stores. Dr. Harvey is asking the license not be approved.

Mayor Hagan thanked all of the participants for their comments. Mayor Hagan then asked if any letters, emails, or other forms of comments had been received on the application to be entered into the record. City Clerk Davidson responded a letter and an eighteen page anti-marijuana informational packet was received today from Mrs. Angelyn S. Harvey in opposition to the license application. A copy of the letter was placed on Council's desks. The original letter and packet was included in the license application file. Mayor Hagan asked for the letter and information packet to be entered into the record.

Mayor Hagan called for any further comments on the application. Hearing none, the Mayor closed the Public Hearing at 7:21 P.M. Mayor Hagan stated that action on the application will take place later in the Special Session meeting.

December 15, 2015 PUBLIC HEARING 7:20 P.M.

Receive Public Input On Retail Marijuana Store License Application from MissKat Inc., dba Frosty Leaf, 500 W. Highway 50, Unit 102, in Gunnison.

Mayor Hagan called the Public Hearing to order and stated it is 7:21 P.M., on Tuesday, December 15, 2015, in the City Council Chambers of City Hall, 201 W. Virginia Avenue in Gunnison, Colorado. Present at the Public Hearing are myself, Mayor Richard Hagan, City Councilors Stu Ferguson, Robert Drexel, Leia Morrison and Matt Schwartz, City Manager Ken Coleman, City Clerk Gail Davidson, Police Chief Keith Robinson, and Community Development Director Steve Westbay. Mayor Hagan stated the purpose of this Public Hearing is to receive input on the merits of a Retail Marijuana Store License Application from MissKat Inc., dba Frosty Leaf, 500 W. Hwy 50, Unit 102, in Gunnison, Colorado, and then called for proof of publication. City Clerk Davidson stated a copy of the Notice of Public Hearing was included in their packets and the Affidavit of Publication is included in the official affidavit of publication file. The Mayor entered the Notice of Publication into the record.

Mayor Hagan asked the Applicant to stand and identify themselves. Applicants Katina Conchola and Richard Paradiso stood and introduced themselves to Council.

Mayor Hagan called for City Staff Comments and Recommendations. City Clerk Davidson stated the City Council of the City of Gunnison, approved and adopted Marijuana Establishment rules and regulations and these are found in the Gunnison Municipal Code and the City of Gunnison *Land Development Code*. To operate a Marijuana Establishment in the City, a license from both the State of Colorado and the City of Gunnison must be obtained. The City application and licensing regulations are outlined in GMC Section 8.40. MissKat Inc., dba Frosty Leaf, located at 125 S. Neilson Ave., Pueblo, Colorado, completed and submitted the required State Marijuana Enforcement Division and the City of Gunnison Marijuana Establishment License Application forms for a retail marijuana store to be located at 500 W. Hwy 50, Unit 102. Principals in the Corporation are Katina Conchola with a 49% interest and Richard Paradiso with a 51% ownership interest.

The proposed store location property is owned by Tomichi Landmark No. 2 LLC of Gunnison. Robert Meldrum of Tomichi Landmark No. 2 LLC has completed the City's Property Owner Consent form stating he authorizes the submission of the application for a retail marijuana store on property he owns. The proposed location is within the allowed zoning district for a retail marijuana store establishment within the City. The State Marijuana Division submitted their completed forms back to the City within the required seven days of their submission. MissKat Inc., paid the City-required license and application fees. Once the State Application forms were received, they were forwarded onto the Police, Finance, City Clerk, Public Works, and Community Development Departments, as well as to the City Attorney for review. A copy of the City of Gunnison Departmental Approvals form is included in the Public Hearing information packet. The results of that review include:

- Clerk's Department: the required complete application was filed including the property owner consent form. All City-required fees have been paid.
- The Finance Department has issued a City Sales Tax License and has provided sales tax remittance information to the applicant.
- The Police Department has completed local background checks and investigations on the applicants - the LLC Principals.
- The Public Works Department has not identified any compliance issues with the City Utility Codes.
- The Community Development Department has received their internal Marijuana Site Development Application and has reviewed the application for compliance with the provisions of the City of Gunnison *Land Development Code* regarding allowed location, signage, control of marijuana-related odors, hours of operation, and City-adopted building standards. The CD Department has issued their retail marijuana establishment permit with the following conditions:

- Marijuana establishment shall comply with all provisions, standards and regulations of the *Land Development Code* and all relevant building, mechanical and fire codes adopted by the City.
- The licensed retail marijuana establishment premises shall be equipped with a Carbon Monoxide detector.
- A minimum of 3 exterior parking spaces, as shown on the final plat, shall be dedicated to this Retail Marijuana establishment operation.
- The western two-thirds of this unit's floor plan are considered unoccupied and/or unused for general indoor storage. Any other uses contemplated for this space shall not be permitted if they generate additional parking demand.
- Building occupancy for the licensed retail marijuana establishment shall not occur until final inspection and approval by the Building Official, Fire Marshal and Director of Community Development.

Per City Code, after the Conditional State Retail Marijuana Store License was received from the Colorado Marijuana Enforcement Division, City Council set the Public Hearing for 7:20 P.M., Tuesday, December 15, 2015, the premises was posted with the Public Hearing notice for the minimum of 10 days, and the public hearing notice was published as required in the Gunnison Country Times Newspaper. Based on the review and investigations of the license application, City Staff recommends approval of the MissKat, Inc. dba Frosty Leaf, 500 W. Hwy 50, Unit 102, Gunnison, Colorado, 81230, Retail Marijuana Store License Application with the five stated conditions.

Mayor Hagan called for the Determination of the Neighborhood within the City Limits. City Clerk Davidson stated the neighborhood is defined as the area within the incorporated City Limits of Gunnison, Colorado.

Mayor Hagan called for the Applicant's Testimony. Ms. Conchola and Mr. Paradiso came forward. Mr. Paradiso informed Council they owned a licensed dispensary in Pueblo but sold that business to move to Gunnison. They decided Gunnison is the place to be. They will be a very small retail business. They want to provide for the health benefits of the community. Mr. Paradiso stated they see the benefit of cannabis, like for children with seizures. They see energy in healing in Gunnison. They have a great track record with the State Marijuana Enforcement Division. Mayor Hagan asked for their comments to be entered into the record. Mr. Paradiso gave Council a petition of citizen signatures in favor of the application.

Mayor Hagan called for public comment in favor of the application and asked that anyone wishing to give input for the record to please step up to the microphone, state their name, and sign the sign-in sheet. He asked comments be kept to addressing the Retail Marijuana Store Application. There were no comments. Mayor Hagan called for public comment in opposition of the application. Dr. Shawn R Harvey, DDS, Gunnison County resident, came forward. Dr. Harvey state he is opposed to this application as well. It will be right next to the SOMA marijuana store. Dr. Harvey asked why we are talking about parking spaces and not about educating our kids. Adams County had over 1000 applications for 10 permits. The locations are touristy. He is worried about adults as well as the kids. When he rides public transportation to Crested Butte, the post smoke odor is offensive. Are the tax benefits worth it? Should gambling and prostitution be allowed here too? Who is controlling this in town? Bad things are already happening in Gunnison. Colorado ranks 3rd in the nation for drug-related crimes. Dr. Harvey read more statistics from "*The Legalization of Marijuana in Colorado – The Impact*" report published by the Rocky Mountain High Intensity Drug Trafficking Area group.

Mayor Hagan thanked the participants for their comments. Mayor Hagan then asked if any letters, emails, or other forms of comments had been received on the application to be entered into the record. City Clerk Davidson stated a letter in opposition was received from Angelyn S. Harvey and a copy was placed on Council's desks. The original is in the license application file.

Mayor Hagan called for any further comments on the application. Hearing none, the Mayor closed the Public Hearing at 7:38 P.M. Mayor Hagan stated that action on the application will take place later in the Special Session meeting.

December 15, 2015 PUBLIC HEARING 7:40 P.M.

Receive Public Input On Retail Marijuana Store License Application from The Colorado Cannabis Cabin LLC, dba Colorado Cannabis Cabin, 650 S. 11th Street, Unit B, in Gunnison.

Mayor Hagan called the Public Hearing to order and stated it is 7:39 P.M., on Tuesday, December 15, 2015, in the City Council Chambers of City Hall, 201 W. Virginia Avenue in Gunnison, Colorado. Present at the Public Hearing are myself, Mayor Richard Hagan, City Councilors Stu Ferguson, Robert Drexel, Leia Morrison and Matt Schwartz, City Manager Ken Coleman, City Clerk Gail Davidson, Police Chief Keith Robinson, and Community Development Director Steve Westbay. Mayor Hagan stated the purpose of this Public Hearing is to receive input on the merits of a Retail Marijuana Store License Application from The Colorado Cannabis Cabin LLC dba The Colorado Cannabis Cabin, 650 S. 11th Street, Unit B, in Gunnison, Colorado, and then called for proof of publication. City Clerk Davidson stated a copy of the Notice of Public Hearing was included in their packets and the Affidavit of Publication is included in the official affidavit of publication file. The Mayor entered the Notice of Publication into the record.

Mayor Hagan asked the Applicant to stand and identify themselves. Applicant Lou Costello introduced himself.

Mayor Hagan called for City Staff Comments and Recommendations. City Clerk Davidson stated the City Council of the City of Gunnison, approved and adopted Marijuana Establishment rules and regulations and these are found in the Gunnison Municipal Code and the City of Gunnison *Land Development Code*. To operate a Marijuana Establishment in the City, a license from both the State of Colorado and the City of Gunnison must be obtained. The City application and licensing regulations are outlined in GMC Section 8.40. The Colorado Cannabis Cabin, 103 Basin Park Drive, Gunnison, CO, 81230, completed and submitted the required State Marijuana Enforcement Division and the City of Gunnison Marijuana Establishment License Application forms for a retail marijuana store to be located at 650 S. 11th Street, Unit B., in Gunnison, in a portion of the building currently occupied by the Hydroponics Store. Principals in the LLC are Lou Costello, with a 50% interest and Gary Fabiano, with a 50% ownership interest.

The proposed store location property is owned by The Sandra L. Head Trust of Montrose Colorado. The Trust representative completed the City's Property Owner Consent form stating they authorize the submission of the application for a retail marijuana store on property they own. In addition, the business applicant will be sub-leasing from Neal Ackley of Salida. He too submitted the City Property Consent Form authorizing the submission of the application. The proposed location is within the allowed zoning district for a retail marijuana store establishment within the City. The State Marijuana Division submitted their completed forms back to the City within the required seven days of their submission. The Colorado Cannabis Cabin, LLC, paid the City-required license and application fees. Once the State Application forms were received, they were forwarded onto the Police, Finance, City Clerk, Public Works, and Community Development Departments, as well as to the City Attorney for review. A copy of the City of Gunnison Departmental Approvals form is included in the Public Hearing information packet. The results of that review include:

- Clerk's Department: the required complete application was filed including the property owner consent form. All City-required fees have been paid.
- The Finance Department has issued a City Sales Tax License and has provided sales tax remittance information to the applicant.
- The Police Department has completed local background checks and investigations on the applicants - the LLC Principals.
- The Public Works Department has not identified any compliance issues with the City Utility Codes.
- The Community Development Department has received their internal Marijuana Site Development Application and has reviewed the application for compliance with the provisions of the City of Gunnison *Land Development Code* regarding allowed location, signage, control of marijuana-related odors, hours of operation, and City-adopted building standards. The CD Department has issued their retail marijuana establishment permit with the following conditions:

- Marijuana establishment shall comply with all provisions, standards and regulations of the *Land Development Code* and all relevant building, mechanical and fire codes adopted by the City.
- The mechanical source capture and exhaust system shall be installed and subject to inspection and approval by the Building Official.
- The licensed retail marijuana establishment premises shall be equipped with a Carbon Monoxide detector.
- A minimum of 5 exterior parking spaces with one handicap accessible space shall be dedicated to this retail Marijuana establishment operation.
- Building occupancy for the licensed retail marijuana establishment shall be subject to a final inspection and approval by the Building Official, Fire Marshal and Director of Community Development.

Per City Code, after the Conditional State Retail Marijuana Store License was received from the Colorado Marijuana Enforcement Division, City Council set the Public Hearing for 7:40 P.M., Tuesday, December 15, 2015, the premises was posted with the Public Hearing notice for the minimum of 10 days, and the public hearing notice was published as required in the Gunnison Country Times Newspaper. Based on the review and investigations of the license application, City Staff recommends approval of The Colorado Cannabis Cabin LLC, dba The Colorado Cannabis Cabin, 650 S. 11th St., Unit B, Gunnison, Colorado, 81230, Retail Marijuana Store License Application with the stated five conditions.

Mayor Hagan called for the Determination of the Neighborhood within the City Limits. City Clerk Davidson stated the neighborhood is defined as the area within the incorporated City Limits of Gunnison, Colorado.

Mayor Hagan called for the Applicant's Testimony. Mr. Costello came forward and addressed Council. He passed out a petition of citizen signatures in favor of the application. Mr. Costello informed Council he employs 13 people at the cultivation center he owns south of Gunnison. He hopes to employ 6 to 10 people at the new store, He feels the free market system will limit the number of stores in Gunnison. 3 or 4 stores will remain. He understands the concerns abut kids and marijuana. He raised three boys here. Parents need to keep track of their kids. He uses marijuana, it is an adult choice. His boys do not. He will offer the best product in town. He is a business person – an entrepreneur. He thinks this business is important. The CBD component of the plant is medicinal and is beneficial especially for epileptics. He is also requesting the return of the $2,500 he wrote to the City through the State of Colorado.

Mayor Hagan called for public comment in favor of the application. There were no comments. Mayor Hagan called for public comment in opposition of the application. Dr. Shawn Harvey, DDS, once again came forward to speak in opposition of the license application. Dr. Harvey stated that people are in this for the money. Ethics are more important than profit. As far as kids athletics, they are mostly good kids. However, 2 student football players were suspended for marijuana use last year. We are spending lots of money to avoid drugs but we are no longer sending the no drugs message. Statistics show that marijuana-impaired driving by youth is up. College-age marijuana use was up 29% in 2013 compared to 19% nationwide. We have a drug culture in Gunnison. Emergency room marijuana-related visits are up 29% in 2014 in Colorado. Mayor Hagan thanked Dr. Harvey for his comments.

Mayor Hagan then asked if any letters, emails, or other forms of comments had been received on the application to be entered into the record. City Clerk Davidson responded that a letter in opposition to the Colorado Cannabis Cabin license application was received from Angelyn Harvey. A copy of that letter was given to Council this evening. Mayor Hagan asked that the letter be entered into the record.

Mayor Hagan called for any further comments on the application. Hearing none, the Mayor closed the Public Hearing at 7:57 P.M. Mayor Hagan and Council went into the Special Session portion of the meeting.

Councilor Ferguson stated that he appreciates Dr. Harvey's comments. However, the voters of Colorado approved the use of medicinal and recreational marijuana for adults. The vote to allow marijuana establishments in Gunnison was significantly in favor. It is a difficult decision for

Council but they can't circumvent the will of the people. Council Schwartz agreed. There was a lengthy process through the Planning & Zoning Commission and then the City Council to develop the marijuana establishments rules and regulations.

Action on Retail Marijuana Store License Application from RFSCG, LLC dba Roots RX, 1198B N. Main Street in Gunnison.
Councilor Schwartz moved and Councilor Ferguson seconded the motion that the Retail Marijuana Store License for RFSCG LLC dba Roots RX, 1198B N. Main Street, Gunnison, Colorado, 81230, be approved based on the following findings and with the following conditions:

FINDINGS:

(1) There has not been a denial of an application at the same location, on the grounds that the reasonable requirements of the neighborhood were satisfied by the existing establishment.
(2) It appears from the evidence submitted with the application that the applicant is entitled to possession of the premises where the license is proposed to be exercised.
(3) Selling Retail Marijuana and Allowed Retail Marijuana-Associated Products, as proposed in the application, is not in violation of the zoning, fire, building, technical, and other applicable codes of the City of Gunnison or the laws of the State of Colorado.
(4) The building where the application proposes to sell Retail Marijuana and allowed marijuana-associated products does not appear to be within 1000 feet of any public, charter, or parochial school, daycare school, center or home, the principal campus of any college, university or seminary, or mental health facilities.
(5) Within the City Limits where Retail Marijuana and Marijuana-associated products are proposed to be sold, there are the following existing other licensed marijuana establishment:
4 – Retail Marijuana Stores
(6) Based on the petitions of adult inhabitants of the City of Gunnison, the license applied for will meet the desires of the adult inhabitants of the City of Gunnison.
(7) All fees necessary for the application have been paid.
(8) A Conditional Colorado State Retail Marijuana Store License has been issued.

CONDITIONS:

(1) The Marijuana Establishment shall comply with all provisions, standards and regulations of the *Land Development Code*, and all relevant building, mechanical and fire codes adopted by the City.
(2) The mechanical source capture and exhaust system shall be installed and subject to inspection and approval by the Building Official.
(3) The licensed retail marijuana establishment premises shall be equipped with a Carbon Monoxide detector.
(4) A minimum of 4 exterior parking spaces with one handicap accessible space shall be dedicated to this retail Marijuana establishment operation.
(5) Building occupancy for the licensed retail marijuana establishment shall be subject to a final inspection and approval by the Building Official, Fire Marshal and Director of Community Development

Roll call vote, yes: Ferguson, Hagan, Morrison, Schwartz. Motion carried.
Roll call vote, no: Drexel. He voted no due to the opposition comments during the Hearing.

Action on Retail Marijuana Store License Application from MissKat, LLC dba Frosty Leaf, 500 W. Hwy 50, Unit 102 in Gunnison.
Councilor Morrison moved and Councilor Ferguson seconded the motion that the Retail Marijuana Store License for MissKat, Inc. dba Frosty Leaf, 500 W. Hwy 50, Unit 102, in Gunnison, Colorado, 81230, be approved based on the following findings and with the following conditions:

FINDINGS:

(1) There has not been a denial of an application at the same location, on the grounds that the reasonable requirements of the neighborhood were satisfied by the existing establishment.
(2) It appears from the evidence submitted with the application that the applicant is entitled to possession of the premises where the license is proposed to be exercised.

(3) Selling Retail Marijuana and Allowed Retail Marijuana-Associated Products, as proposed in the application, is not in violation of the zoning, fire, building, technical, and other applicable codes of the City of Gunnison or the laws of the State of Colorado.

(4) The building where the application proposes to sell Retail Marijuana and allowed marijuana-associated products does not appear to be within 1000 feet of any public, charter, or parochial school, daycare school, center or home, the principal campus of any college, university or seminary, or mental health facilities.

(5) Within the City Limits where Retail Marijuana and Marijuana-associated products are proposed to be sold, there are the following existing other licensed marijuana establishment:
4 – Retail Marijuana Stores

(6) Based on the petitions of adult inhabitants of the City of Gunnison, the license applied for will meet the desires of the adult inhabitants of the City of Gunnison.

(7) All fees necessary for the application have been paid.

(8) A Conditional Colorado State Retail Marijuana Store License has been issued.

CONDITIONS:

(1) The Marijuana Establishment shall comply with all provisions, standards and regulations of the *Land Development Code*, and all relevant building, mechanical and fire codes adopted by the City.

(2) The licensed retail marijuana establishment premises shall be equipped with a Carbon Monoxide detector.

(3) A minimum of 3 exterior parking spaces, as shown on the final plat, shall be dedicated to this retail Marijuana establishment operation.

(4) The western two-thirds of this unit's floor plan are considered unoccupied and/or unused for general indoor storage. Any other uses contemplated for this space shall not be permitted if they generate additional parking demand.

(5) Building occupancy for the licensed retail marijuana establishment shall be subject to a final inspection and approval by the Building Official, Fire Marshal and Director of Community Development

Roll call vote, yes: Hagan, Morrison, Schwartz. Motion carried.

Roll call vote, no: Drexel. He voted no due to the opposition comments during the Hearing.

Action on Retail Marijuana Store License Application from The Colorado Cannabis Cabin, LLC dba The Colorado Cannabis Cabin, 650 S. 11th Street, Unit B, in Gunnison.

Councilor Schwartz moved and Councilor Ferguson seconded the motion that the Retail Marijuana Store License for The Colorado Cannabis Cabin LLC dba The Colorado Cannabis Cabin, 620 S. 11th St., Unit B, Gunnison, Colorado, 81230, be approved based on the following findings and with the following conditions:

FINDINGS:

(1) There has not been a denial of an application at the same location, on the grounds that the reasonable requirements of the neighborhood were satisfied by the existing establishment.

(2) It appears from the evidence submitted with the application that the applicant is entitled to possession of the premises where the license is proposed to be exercised.

(3) Selling Retail Marijuana and Allowed Retail Marijuana-Associated Products, as proposed in the application, is not in violation of the zoning, fire, building, technical, and other applicable codes of the City of Gunnison or the laws of the State of Colorado.

(4) The building where the application proposes to sell Retail Marijuana and allowed marijuana-associated products does not appear to be within 1000 feet of any public, charter, or parochial school, daycare school, center or home, the principal campus of any college, university or seminary, or mental health facilities.

(5) Within the City Limits where Retail Marijuana and Marijuana-associated products are proposed to be sold, there are the following existing other licensed marijuana establishment:
4 – Retail Marijuana Stores

(6) Based on the petitions of adult inhabitants of the City of Gunnison, the license applied for will meet the desires of the adult inhabitants of the City of Gunnison.

(7) All fees necessary for the application have been paid.

CONDITIONS:

(1) The Colorado Retail Marijuana Store Conditional License must be received prior to issuance of the approved City license.

(2) The Marijuana establishment shall comply with all provisions, standards and regulations of the *Land Development Code* and all relevant building, mechanical and fire codes adopted by the City.

(3) A mechanical source capture and exhaust system shall be installed and subject to inspection and approval by the Building Official.

(4) The licensed retail marijuana establishment premises shall be equipped with a Carbon Monoxide detector.

(5) A minimum of 5 exterior parking spaces with one handicap accessible space shall be dedicated to this retail Marijuana establishment operation.

(6) Building occupancy for the licensed retail marijuana establishment shall be subject to final inspection and approval by the Building Official, Fire Marshal and Community Development Director.

Roll call vote, yes: Hagan, Morrison, Schwartz, Ferguson. Motion carried.
Roll call vote, no: Drexel. Once again, he voted no due to the opposition comments during the Hearing.

Discussion and Possible Action on Interim City Manager Selection Process. Mayor Hagan informed Council he spoke with CML Director Sam Mamet regarding potential candidates for the Interim City Manager position. Mr. Mamet had several candidates but highly recommended Mark Achen, former City Manager of Grand Junction. He helped lead that city during the hard economic times following the oil shale decline. Mr. Achen recently retired and is willing to assume the position. Councilor Ferguson mentioned he knew Mr. Achen from past encounters and he is highly respected. A brief discussion ensued about the need to move forward with the process. Mayor Hagan would like to ask Mr. Achen to come to Gunnison for a Special Session in the next week or so. All of Council needs to be present at that meeting. Councilor Drexel reminded Council he will be out of town for the holidays. A Special Session meeting will be called when all of Council and Mr. Achen can be present in person or by telephone.

Councilor Ferguson moved and Councilor Drexel seconded the motion for the Mayor to start negotiations on a possible contract with Mark Achen.

Roll call vote, yes: Morrison, Schwartz, Ferguson, Drexel, Hagan. So carried.
Roll call vote, no: None.

Mayor Hagan closed the Special Session at 8:20 P.M.

Richard Hagan
Mayor

Gail A Davidson
City Clerk