To: City Councilors
CC: City Manager Ken Coleman
From: City Clerk Gail Davidson
Date: November 23, 2015
Re: Setting Public Hearings on Retail Marijuana Store License Applications from:
1) RFSCG LLC dba Roots RX; 2) MissKat Inc., dba Frosty Leaf; 3) Colorado Cannabis Cabin LLC dba Colorado Cannabis Cabin

Councilors:

On June 23, 2015, City Council passed Ordinance No. 5, Series 2015, establishing the regulations and process for approving medical and retail marijuana establishments in Gunnison. The State Marijuana Enforcement Division (MED) has approved Conditional Retail Marijuana Store Licenses for three applications that are currently being processed by City Staff. After a marijuana applications status meeting, Staff is recommending the City Public Hearings on these three applications be set in accordance with Gunnison Municipal Code Section 8.50.040B (1). A copy of the City application form has been included in your packet for preliminary information. The more detailed application will be included for the public hearing meetings.

Thank you, Gail

Action Requested of Council: A motion, second and vote to set the City's public hearing on the retail marijuana store license application from RFSCG LLC dba Roots RX, 1198B N. Main Street in Gunnison for 7:00 P.M., Tuesday, December 15, 2015, in the City Council Chambers of City Hall, 201 W. Virginia Ave. in Gunnison.

Action Requested of Council: A motion, second and vote to set the City's public hearing on the retail marijuana store license application from MissKat Inc., dba Frosty Leaf, 500 W. Highway 50, Unit 102, in Gunnison for 7:20 P.M., Tuesday, December 15, 2015 in the City Council Chambers of City Hall, 201 W. Virginia Ave. in Gunnison.

Action Requested of Council: A motion, second and vote to set the City's public hearing on the retail marijuana store license application from Colorado Cannabis Cabin LLC dba Colorado Cannabis Cabin, 650 S. 11th Street, Unit B, in Gunnison for 7:40 P.M., Tuesday, December 15, 2015 in the City Council Chambers of City Hall, 201 W. Virginia Ave. in Gunnison.

COPY

CITY OF GUNNISON, COLORADO
MARIJUANA ESTABLISHMENT LICENSE APPLICATION

CITY CLERK'S DEPARTMENT
201 W. VIRGINIA AVENUE - P.O. BOX 239
GUNNISON, CO 81230
970-641-8140 (phone) 970-641-8051 (FAX)
gail@cityofgunnison-co.gov (email)

Date Application Received by Clerk: 09/28/15
Application Fee Paid: 09/30/15 **(see attached fee schedule)**
License Fee Paid: 09/30/15
Application Received By: [illegible]

TYPE OF LICENSE: (please choose ONE)

- [ ] Medical Marijuana Center
- [x] Retail Marijuana Store
- [ ] Cultivation Establishment: Medical____ Retail____
- [ ] Marijuana Product Manufacturing Establishment: Medical____ Retail ____
- [ ] Marijuana Testing Facility
- [ ] License Renewal
- [ ] Modification of Premises
- [ ] Transfer License Ownership
- [ ] Transfer of License Location
- [ ] Other (please specify) _____

BUSINESS PREMISES INFORMATION

Legal Business Name: MissKat Inc
Trade Name of Business (dba): Frosty Leaf
FEIN: [redacted] City Sales Tax # 99-720
State Sales Tax # 30999703
Physical Address of Business: 500 W HWY 50 Suite 102 Gunnison 81230
Mailing Address of Business: Same
Business Telephone Number: 719-251-6296
Business Email: Katina.Steele@Yahoo
Property Owner Name: Tomichi Landmark No 2
Property Owner Address and Phone Number: 767 Rio Vista Rd 81230 970-596-7
Building Owner Name: Tomichi Landmark No 2
Building Owner Address and Phone Number: 767 Rio Vista Rd 81230 970-596-7

If the applicant is not the owner of the land or building where the marijuana establishment is to be located, the applicant shall submit a lease and a notarized "Property Owner Consent Form" granting consent from the property and/or building owner for the City to initiate the review process.

APPLICANT INFORMATION

APPLICANT is applying as a: (please choose ONE):

- X Corporation
- Limited Liability Company (LLC)
- Partnership (includes Husband/Wife Partnerships)
- Individual (Sole Proprietor)
- Other (Specify)

APPLICANT NAME: MissKat Inc. DBA Frosty Leaf

Individual or Sole Proprietorship:

Applicant Full Legal Name: _____ Social Security Number _____ DOB: ___/___/___

Applicant's Physical Address: 500 W HWY 50 Suite 102 Gunnison 81230

Applicant's Mailing Address: Same

Applicant's Home and Cell Phone Numbers: [redacted] / [redacted]

Applicant's Current Email Address: [redacted]

What Marijuana License(s) does the Applicant or any member of the LLC, Corporation, Partnership/Association currently hold with the State of Colorado?

- X Medical Marijuana Center — License #: 402-00908
- X Retail Marijuana Establishment — License #: 402R-00201
- Marijuana Product Manufacturing — License #: _____
- Marijuana Testing — License #: _____
- X Cultivation Center — License #: 403R-00261
- Other medical Cultivation — License #: 403-01435
- None

What Marijuana License(s) does the Applicant hold with the City of Gunnison?

- Type: _____ License #: _____
- Type: _____ License #: _____

Additional Licenses Use Additional Pages

- X None

OATH OF APPLICANT

I declare under penalty of perjury in the second degree that this application and any required attachments are true, correct and complete to the best of my knowledge. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Colorado Marijuana Code that will affect my license.

Authorized Signature: Katina M Canchola

Printed Name and Title: Katina M Canchola Sec/Treasurer

Date: 9-21-15

(This page BELOW to be completed by City Staff)
CITY OF GUNNISON DEPARTMENTAL APPROVALS

Each Department Must Review, Approve, Sign, Check-Off, and Date for Application Approval to be forwarded to City Council for approval.

☐ CITY CLERK'S DEPARTMENT

- Includes payment of application and licensing fees; submission of complete application forms and any other forms as required.
  Date approved: AM By: 9/30/15

☐ COMMUNITY DEVELOPMENT DEPARTMENT

see attached

- Compliance with Mechanical, Fire and Technical Codes of the Gunnison Municipal Code
- Compliance with Land Use Requirements as defined in the Gunnison Land Development Code.
  Date approved: _____ By: _____

☐ FINANCE DEPARTMENT

- Compliance with sales tax collection and remittance Code requirements
  Date approved: _____ By: _____

☐ POLICE DEPARTMENT

- Successful completion of local background checks and investigations
- Date approved: _____ By: _____

☐ PUBLIC WORKS DEPARTMENT

- Compliance with City Utilities Codes
- Date approved: _____ By: _____

REQUIRED ATTACHMENTS FOR CITY COUNCIL PUBLIC HEARING

Results of local background check by City of Gunnison Police Department.
Approved Site Development Application and/or Conditional Use Permit.
Completed State of Colorado License Application Forms to Application.

Date Application Accepted by City Council: ___/___/___

Date of Public Hearing: ___/___/___

APPLICATION APPROVED: ___/___/___

APPLICATION DENIED: ___/___/___

CITY OF GUNNISON, COLORADO
MARIJUANA ESTABLISHMENT LICENSE – PROPERTY OWNER CONSENT

CITY CLERKS DEPARTMENT
201 W. VIRGINIA AVENUE
P.O. BOX 239
GUNNISON, CO 81230
970-641-8140 (phone) 970-641-8051 (FAX)
gail@cityofgunnison-co.gov (Email)

BUSINESS NAME: MissKat Inc. DBA Frosty Leaf
APPLICANT NAME: MissKat Inc. DBA Frosty Leaf
STREET ADDRESS OF PROPOSED LICENSED PREMISES:
500 West U.S. Highway 50 Suite 102 Gunnison Co. 812:
LEGAL DESCRIPTION: _____

OWNER'S CONSENT TO SUBMISSION OF APPLICATION FOR MARIJUANA ESTABLISHMENT ON OWNED PREMISES

As owner of the real property listed above, I hereby authorize the submission of this application for my property to be used as a (check all that apply):

- ☐ Medical Marijuana Center
- ☒ Retail Marijuana Store
- ☐ Cultivation Establishment: Medical _____ Retail _____ (check one)
- ☐ Marijuana Product Manufacturing Establishment: Medical____ Retail____
- ☐ Marijuana Testing Facility

Tomich Lenomar 2 LLC ROBERT MELDRUM Property Owner (Printed Name)

_____ Property Owner (Signature)

9/17/15 _____ Date

(Attach copy of deed or lease in name of the license applicant)

STATE OF COLORADO)
) ss.
COUNTY OF Gunnison)

MICHELLE DOMINGUEZ
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID #19984018370
My Commission Expires September 11, 2018

The foregoing instrument was acknowledged before me this 17th day of September, 2015, by Robert Meldrum.

WITNESS my hand and official seal.
My commission expires 9-11-2018

Michelle Dominguez
Notary Public

Retail Marijuana Establishment Permit
Community Development Department

Applicants Name: MissKat Inc, dba Frosty Leaf

Applicants Address: 125 South Neilson Avenue Pueblo, CO 81001

Establishment Address: 500 W. Highway 50, Suite 102, Gunnison, Co 81230

APPROVED WITH CONDITIONS
Eric Westling
November 16, 2015

Compliance	Initial Compliance Criteria and Standards for all Marijuana Establishments
OK	*Buffers*: Marijuana establishment is not located within 1000 feet of a public school; private or charter school; daycare school, center or home; and mental health facilities. Establishments shall not be located on real property that fronts, abuts or is adjoining to any Residential District zone.
OK	Marijuana establishment complies with the district zone location standards set forth in Table 2-3, Principal Use Table of the *Land Development Code*.
Ok w/ parking and Bldg. use conditions	Marijuana establishment complies with all provisions, standards and regulations of the *Land Development Code*.
OK	Marijuana establishment is served by city water, wastewater, and electrical utility services and complies with all provisions, standards and regulations of the *City of Gunnison Municipal Code*, Title 12, Utilities.
CHECKED	*State Regulations*: Marijuana establishment complies with all applicable requirements of Colorado State Law and *Code of Colorado Regulations*, Medical Use of Marijuana and Retail Marijuana Code.
OK w/ conditions	A source capture system cable of removing particulate and odors to achieve levels that do not constitute a nuisance to adjacent occupants, structures and properties has been approved.
OK w/ conditions	Marijuana establishment complies with International Code Council building and fire codes adopted by the City.
Compliance	**Additional Standards for Retail Marijuana and Medical Marijuana Centers**
1/ 60 sq ft = 17 total	Retail establishments shall be located in buildings that comply with occupancy standards established by the International Code Council codes and adopted by the City.
OK w/ Parking Conditions	Retail establishments shall be located on lots in buildings that comply with the regulations in the Land Development Code including, but not limited to, landscaping, buffers, lighting, screening and parking standards.

The Community Development Director finds that initial compliance with Mechanical, Fire and Technical Codes and Land Use Requirements have been met with the following conditions:

Conditions:

1. Marijuana establishment signage shall include only the registered business or trade name, address, and telephone number of the marijuana establishment.
2. Marijuana establishment complies with all provisions, standards and regulations of the *Land Development Code*.
3. Marijuana-related odors shall not be discharged or emanate from any licensed marijuana establishment.
4. *Hours of Operation*: Anytime between 8 a.m. and 10 p.m. Monday through Sunday, except that Retail Marijuana Establishment hours are limited on Sunday to the hours of 1 p.m. to 6 p.m.
5. The licensed marijuana establishment shall have inspections by the Community Development Director or designee. Inspections shall include review of operations and maintenance records.

6. Store front window glazing shall not be painted or covered with opaque material, but non-reflective tinted glazing is permitted on the building fenestration.
7. Off-premise retail marijuana establishment storage facilities are prohibited.
8. Building permit and mechanical system alternations shall be installed and subject to inspection and approval by the Building Official.
9. The licensed retail marijuana establishment premises shall be equipped with a Carbon Monoxide detector.
10. A minimum for 3 exterior parking spaces as shown on the final plat shall be dedicated to this Retail Marijuana establishment operation.
11. The western two-thirds of this unit's floor plan are considered unoccupied and/or used for general indoor storage. Any other uses contemplated for this space shall not be permitted if they generate additional parking demand.
12. Building occupancy for a retail marijuana establishment shall not occur until final inspection and approval by the Building Official, Fire Marshal and Community Development Director.

OFFICE OF THE SECRETARY OF STATE
OF THE STATE OF COLORADO

CERTIFICATE OF FACT OF GOOD STANDING

I, Wayne W. Williams, as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office,

MissKat INC.

is a

Corporation

formed or registered on 07/15/2015 under the law of Colorado, has complied with all applicable requirements of this office, and is in good standing with this office. This entity has been assigned entity identification number 20151454426 .

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 11/16/2015 that have been posted, and by documents delivered to this office electronically through 11/17/2015 @ 15:08:56 .

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, and issued this official certificate at Denver, Colorado on 11/17/2015 @ 15:08:56 in accordance with applicable law. This certificate is assigned Confirmation Number 9378221 .

Secretary of State of the State of Colorado

**********End of Certificate**********

Notice: A certificate issued electronically from the Colorado Secretary of State's Web site is fully and immediately valid and effective. However, as an option, the issuance and validity of a certificate obtained electronically may be established by visiting the Validate a Certificate page of the Secretary of State's Web site, http://www.sos.state.co.us/biz/CertificateSearchCriteria.do entering the certificate's confirmation number displayed on the certificate, and following the instructions displayed. Confirming the issuance of a certificate is merely optional and is not necessary to the valid and effective issuance of a certificate. For more information, visit our Web site, http://www.sos.state.co.us/ click "Businesses, trademarks, trade names" and select "Frequently Asked Questions."

STATE OF COLORADO
DEPARTMENT OF REVENUE

Marijuana Enforcement Division

Retail Marijuana Conditional License

MISSKAT, INC

FROSTY LEAF

500 West Highway 50, Suite 102, Gunnison, CO 81230

Retail Marijuana Store - 402R-00521

Effective Date of License: November 10, 2015

License Valid Through: 11/10/2016

This license is conditioned upon Local Authority approval, pursuant to section 12-43.4-304(1) C.R.S.

This conditional license is issued subject to the laws of the State of Colorado and especially under the provisions of Title 12, Article 43.4, as amended. A licensee shall not exercise any of the rights or privileges of this license until such time as all such Medical Marijuana and Medical Marijuana-Infused Product are fully transferred and declared in the MITS system as Retail Marijuana and Retail Marijuana Product, pursuant to Rule R211 & R309. This conditional license is nontransferable and shall be conspicuously posted in the place above described. This conditional license is only valid through the expiration date shown above. Any questions concerning this conditional license should be addressed to: Colorado Marijuana Enforcement Division, 455 Sherman Street, Suite 390, Denver, CO 80203. In testimony whereof, I have hereunto set my hand.

W. Lewis Koski
Division Director

Barbara J. Broll, Executive Director