



City of Fort Lupton
Marijuana Licensing Authority
Agenda
Tuesday, April 5, 2022
7:00 PM
130 South McKinley Avenue

Zo Stieber, Mayor
Valerie Blackston, Ward 1
Chris Ceretto, Ward 2
Carlos Barron, Ward 3
David Crespín, Ward 1
Claud Hanes, Ward 2
Bruce Fitzgerald, Ward 3

You may join in person or join remotely by clicking on:
<https://global.gotomeeting.com/join/851983253>

Pledge of Allegiance

Call to Order

Roll Call

Consent Agenda - Consent Agenda items are considered to be routine and will be enacted by one motion and vote. There will be no separate discussion of Consent Agenda items unless a Councilmember so requests, in which case the item may be removed/moved from the Consent Agenda.

- a.** March 15, 2022, Marijuana Licensing Authority Meeting Minutes

Action Memorandum

- a.** AM 2022-004 Findings of Fact on an Application Submitted by 1310 Factory Circle, LLC, for a Retail Marijuana Business to be Located at 1310 Factory Circle
- b.** AM 2022-005 Findings of Fact on an Application Submitted by Carretera Ocho Cinco, LLC, DBA Highway 85 Cannabis for a Retail Marijuana Business to be Located at 7853 US Highway 85
- c.** AM 2022-006 Findings of Fact on an Application Submitted by High Plainz Strains of Fort Lupton, Inc. for a Retail Marijuana Business to be Located at 1330 Factory Circle

Adjourn

**RECORD OF PROCEEDINGS
MARIJUANA LICENSING AUTHORITY
MARCH 15, 2022**

The Marijuana Licensing Authority of the City of Fort Lupton met at the City Complex, 130 South McKinley Avenue, on Tuesday, March 15, 2022. Mayor Zo Stieber called the meeting to order at 7:00 p.m. and invited everyone to join her in the Pledge of Allegiance.

ROLL CALL

Mari Peña, City Clerk, called the roll. Those present were Mayor Zo Stieber and Councilmembers Chris Ceretto, Bruce Fitzgerald, David Crespín, Carlos Barron and Claud Hanes.

Councilmember Valerie Blackston participated remotely through GoToMeeting.

Also present were City Administrator, Chris Cross, City Clerk, Mari Peña, City Attorney, Andy Ausmus and Planning Director Todd Hodges.

Mayor Stieber read the letter received from Amy Mericle, Co-Owner of Mericle RV located at 1352 Factory Drive. The letter was received via email prior to the start of the meeting. Mrs. Mericle stated concerns of the two (2) proposed retail marijuana license locations: 1310 Factory Circle and 1330 Factory Circle. Mrs. Mericle's concerns were as follows:

- retail marijuana sales tend to bring lower-income traffic to the area as well as an increase in crime, theft and vandalism
- users tend to purchase the product from the retail establishments and then illegally use the product onsite or somewhere nearby
- the smell of marijuana and
- the increase of criminal activity in the area.

Mrs. Mericle asked that the Council ensure that other property values and existing businesses not be negatively impacted.

PUBLIC HEARINGS

AM 2022-001 Consideration by the City of Fort Lupton City Council Acting as the Local Licensing Authority ("Authority") on an Application Submitted by 1310 Factory Circle, LLC, for a Retail Marijuana Business to be Located at 1310 Factory Circle

Mayor Stieber opened the public hearing at 7:05 p.m. and asked for a description of the proposal. The City Clerk, Mari Peña, stated that 1310 Factory Circle, LLC, submitted a complete application for a retail marijuana business. Staff reviewed the application and found that it met zoning requirements, setbacks, and possession of the premises. A background investigation was conducted on the Controlling Beneficial Owner, Colin Madden. Mr. Madden appears to be of good moral character. The application review included the floor plan/security diagram, locks and doors, alarm system, lighting, cameras and DVD Recording, parking lot, and waste disposal plan. It appears all plans covered all the requirements that are needed by the Colorado Marijuana Enforcement Division ("MED") and no issues were found with the security plan.

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During the application process, Mr. Madden, indicated that additional financing may be forthcoming. Any additional financing must be reported to both the state and local authorities and additional background investigations may be conducted.

The applicant was successful in the lottery held before the City Council on February 15, 2022, and is now before the Authority in the public hearing process.

The application is being provided to the Authority for review electronically.

All notification requirements have been met including publication in the newspaper and posting of a sign on the premises ten (10) days prior to the hearing.

Approval of the business license does not constitute approval of the land use process and building components. The applicant will be submitting the pre-application to the Planning and Building Department.

Prior to the hearing the Authority received USB's containing the application information. The Authority briefly reviewed the application provided on the USB's

Mayor Stieber stated if anyone from the public wished to speak for or against the proposal he/she will be given three minutes to speak. Mayor Stieber asked the applicant to come forward.

Owner, Colin Madden provided a presentation to the Authority. The presentation included Mr. Madden's qualifications in the cannabis and technology retail profession with over a decade of experience in the dispensary operations and employee operations programs. Also an introduction of security consultants and monitoring by SafeSystems, and architects and design team, Commercial Building Services. The site layout included proposed interior and exterior facility designs, security site and explanation of process and procedures of the operations of the business. Mr. Madden responded to the odor concerns from Mrs. Mericle's letter. Mr. Madden explained that cannabis won't be processed at the site, instead everything is prepacked in sealed containers, therefore less chance for odor to escape. Mr. Madden's odor control plan includes carbon filters in the building, air being pushed up rather than out the front door and because the reception area door is closed, there is less escape of odor. Staff is trained to keep odors down and all filters are certified by an industrial hygienist. Lastly, Mr. Madden indicated that he met with neighboring businesses and received signatures of approval from various people including employees of Mericle RV, 7-Eleven and the liquor store across the street.

Councilmember David Crespín asked how much product can one person purchase and if sales are denied to anyone who appears to be under the influence? Mr. Madden stated that a person may purchase the total equivalent of one ounce of product and explained which products are equivalent to one ounce.

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Kurt Schuster, owns the garage at 1310 Factory Drive. He asked Mr. Madden if security was provided outside of the building. Mr. Madden stated that his premises will have a security guard on site 24 hours a day and the MED requires that the building have cameras outside. Mr. Schuster explained that his major concern is that his address is the same as Mr. Madden's. Mr. Schuster asked Mr. Madden where the parking to his business will be? Mr. Madden indicated that there is parking on site.

Mr. Schuster stated that his concerns are the address and he doesn't want people from Mr. Madden's business going to his business.

Mike Mericle, owner of Mericle RV, stated that his concerns are his customers making comments on the odor of the hemp business which is down the street from Mericle RV. His other concern is the security of the area. Mr. Mericle has his own security at his location and there have been many break-ins.

Mayor Stieber closed the public hearing at 7:36 p.m.

The Authority discussed allowing sufficient time to review the application.

It was moved by Carlos Barron and seconded by Bruce Fitzgerald to continue the matter to deliver findings of fact on the application submitted by 1310 Factory Circle, LLC, to April 5, 2022, at 7:00 p.m. Motion carried unanimously on roll call vote.

There was a 5-minute pause due to connectivity issues with GoToMeeting. The connectivity issues were resolved and the meeting continued.

AM 2022-002 Consideration by the City of Fort Lupton City Council Acting as the Local Licensing Authority ("Authority") on an Application Submitted by Carretera Ocho Cinco, LLC DBA Highway 85 Cannabis for a Retail Marijuana Business to be Located at 7853 US Highway 85

Mayor Stieber opened the public hearing at 7:42 p.m. and asked for a description of the proposal. The City Clerk, Mari Peña, stated that Carretera Ocho Cinco, LLC, submitted a complete application for a retail marijuana business. Staff reviewed the application and found that it met zoning requirements, setbacks, and possession of the premises. A background investigation was conducted on the Controlling Beneficial Owners, Daniel Balderas, Rachel K Gillette and Puppies & Sushi, LLC. Both Mr. Balderas and Ms. Gillette appear to be of good moral character. The application review included the floor plan/security diagram, locks and doors, alarm system, lighting, cameras and DVD Recording, parking lot, and waste disposal plan. The following concerns were noted during the review:

- Floor plan/security diagram: the plan lacks clear explanation of types of doors

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and locks being placed inside the establishment. What type of locks will be used? Will they meet the required state requirements?

- Cameras/DVR storage: the diagram doesn't list if the DVR will have the required storage for video recording retention. Will the cameras be able to hold the required memory and have the proper resolution?
- Lighting: What type of lighting will be placed on the property? Will the lighting be able to provide facial recognition for the cameras?
- Alarms system: What type of alarm system will be provided? What type of services in the plan?

The applicant was successful in the lottery held before the City Council on February 15, 2022, and is now before the Authority in the public hearing process.

The application is being provided to the Authority for review electronically.

All notification requirements have been met including publication in the newspaper and posting of a sign on the premises ten (10) days prior to the hearing.

Approval of the business license does not constitute approval of the land use process and building components. The applicants have submitted to the Planning Department for the pre-application review process.

The applicants, Rachel Gillette and Daniel Balderas were present before the Authority. Ms. Gillette stated that she didn't have a presentation. However, Mr. Balderas and herself were available for any questions. She indicated that she wished to address the concerns listed within the Action Memorandum to the Authority. Ms. Gillette stated that there would be commercial locks at all points of ingress and egress to meet state requirements. The owner and applicant, Daniel Balderas, is living on the premises that is currently secured by a chain link fence.

Ms. Gillette stated that the DVR will be stored in a secured area accessible to management in compliance with state rules for the required amount of time. The video system will capture identity of all individuals and activity in the licensed premises. There will be cameras on all points of sale with sufficient battery backup of 4 hours for the security system as well as monitoring 24 hours/day. It is her understanding that there is a required 40 days of recording but will read the rules to verify.

Mayor Stieber stated that since the Authority just received the information and hasn't had sufficient time to review, the Authority may continue the meeting so that each member has had time to review the application.

Ms. Gillette asked the Council what was received.

The City Attorney, Andy Ausmus, stated that the application documents were submitted to the

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Authority on a USB, the information isn't available to the public, the USB will be returned to the Clerk to maintain confidentiality of the applicants.

Mayor Stieber asked if anyone from the public wished to speak for or against the proposal. Hearing none, Mayor Stieber closed the public hearing at 7:53 p.m.

No further discussion occurred.

It was moved by David Crespín and seconded by Carlos Barrón to continue the matter to deliver findings of fact on the application submitted by Carretera Ocho Cinco, LLC, dba Highway 85 Cannabis to April 5, 2022, at 7:00 p.m. Motion carried unanimously on roll call vote.

AM 2022-003 Consideration by the City of Fort Lupton City Council Acting as the Local Licensing Authority ("Authority") on an Application Submitted by High Plainz Strains of Fort Lupton, Inc., for a Retail Marijuana Business to be Located at 1330 Factory Circle

Mayor Stieber opened the public hearing at 7:42 p.m. and asked for a description of the proposal. The City Clerk, Mari Peña, stated that High Plainz Strains of Fort Lupton, Inc. submitted a complete application for a retail marijuana business. Staff reviewed the application and found that it met zoning requirements, setbacks, and possession of the premises. A background investigation was conducted on the Controlling Beneficial Owners, John Rotherham and Alicia Rotherham. Both Mr. Rotherham and Mrs. Rotherham appear to be of good moral character. The application review included the floor plan/security diagram, locks and doors, alarm system, lighting, cameras and DVD Recording, parking lot, and waste disposal plan. It appears all plans covered all the requirements that are needed by the Colorado Marijuana Enforcement Division and no issues were found with the security plan.

The application includes three (3) managers:

Tucker Elridge – Operations Manager

Jason Montoya – Retail General Manager

Crissy Deleon – Store Manager

Background investigations were completed on all three (3) managers. Tucker Elridge, Jason Montoya and Crissy Deleon appear to be of good moral character.

The applicants were successful in the lottery held before the City Council on February 15, 2022, and is now before the Authority in the public hearing process.

The application is being provided to the Authority for review electronically.

All notification requirements have been met including publication in the newspaper and posting of a sign on the premises ten (10) days prior to the hearing.

Approval of the business license does not constitute approval of the land use process and

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building components. The applicants have submitted to the Planning Department for the pre-application review process.

Tucker Elridge, Operations Manager, presented the Authority with a letter from Jean E. Smith Gonnell, with Gonnell Law, attorney for the applicant. The letter stated the application has been submitted to the Marijuana Enforcement Division (MED) and the MED has indicated that present floor plan in relation to the drive-thru windows, operating procedures related to verification of identification, and security plans meet the requirements of the MED. Two other letters were submitted from the City Clerks of Garden City and Milliken, each indicating support of the establishments within their municipality owned by John and Alicia Rotherham. Mr. Elridge also stated that the architect was available for questions and that the owner is in the process of traffic study.

Councilmember Carlos Barron asked for an overview of the drive-thru. Both Mr. Rotherham and Mr. Elridge explained the process of the five (5)-car lane and the verification of identification as customers enter the garage. John explained the layout of the existing building and how vehicles will enter from the west. All transaction will occur from a menu board as required per state rules. ID's will be checked upon entering the building. Mr. Rotherham stated that this will be the first of its kind.

Mr. Rotherham also stated that with two (2) dispensaries in the area, there will be plenty of security. His security system is capable of 60-90 days of recording, State law requires 40 days.

Mayor Stieber asked if anyone in the public wished to speak for or against the proposal.

Mike Mericle with Mericle RV, stated that his concern of smell because of two retail marijuana dispensaries with the hemp.

Mr. Elridge indicated that hemp doesn't follow the same regulations as traditional THC marijuana. Hemp is allowed to be cultivated outside and this is what causes the smell. Mr. Elridge explained the limited potential for smell from his premises.

The Planning Director Todd Hodges stated that hemp is in processing facility and different from the retail operations of marijuana.

There being no further discussion, Mayor Stieber closed the public hearing at 8:09 p.m.

It was moved by Carlos Barron and seconded by Valerie Blackston to continue the matter to deliver findings of fact on the application submitted by High Plainz Strains of Fort Lupton, Inc. to April 5, 2022, at 7:00 p.m. Motion carried unanimously on roll call vote.

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ADJOURNMENT

The meeting adjourned at 8:10 p.m.

Submitted by,

Maricela Peña, City Clerk

Approved by City Council

Zo Stieber, Mayor

DRAFT

CITY OF FORT LUPTON
MARIJUANA LICENSING AUTHORITY



Valerie Blackston, Ward 1
Chris Ceretto, Ward 2
Carlos Barron, Ward 3

Zo Stieber, Mayor

David Crespín, Ward 1
Claud Hanes, Ward 2
Bruce Fitzgerald, Ward 3

AM 2022-004

FINDINGS OF FACT ON AN APPLICATION SUBMITTED BY 1310 FACTORY CIRCLE, LLC, FOR A RETAIL MARIJUANA BUSINESS TO BE LOCATED AT 1310 FACTORY CIRCLE

I. Agenda Date: Local Licensing Authority – April 5, 2022

II. Attachments: N/A

III. Summary Statement:

On March 15, 2022, the Fort Lupton City Council acting as the Marijuana Licensing Authority, (“Authority”) held a public hearing to consider the application submitted by 1310 Factory Circle, LLC. The Authority tabled the matter to April 5, 2022, for consideration.

IV. Submitted by: _____
Mari Peña, City Clerk

V. Finance Reviewed _____
Finance Director

VI. Approved for Presentation: _____
City Administrator

VII. Attorney Reviewed _____ Approved _____ Pending Approval

VIII. Certification of Licensing Authority: _____
City Clerk Date

IX. Detail of Issue/Request:

On March 15, 2022, the Fort Lupton City Council acting as the Marijuana Licensing Authority, ("Authority") held a public hearing to consider the application submitted by 1310 Factory Circle, LLC.

During the public hearing, the Authority was provided with the marijuana business license application electronically on a USB. The Authority also heard testimony from the public.

Since the Authority had just received the information electronically, the Authority determined that the matter be tabled to April 5, 2022, to review the information received and deliver Findings of Fact on the application.

X. Legal/Political Considerations:

XI. Alternatives/Options:

1. The Authority may approve the business license for retail marijuana.
2. The Authority may refuse to issue a regulated marijuana business license if the application does not meet the requirements of the municipal code or any other applicable law, rule, or regulation, or contains false or incomplete information.
3. The Authority may refuse to issue a regulated marijuana business for good cause, as defined Section 6-352, of the municipal code subject to judicial review.
4. The Authority may delay a response on the application if further investigation is needed, but no later than 30 days, the city clerk shall notify the applicant of the Authority's findings based on investigation.

XII. Financial Considerations:

N/A

XIII. Staff Recommendation:

Staff seeks recommendation.

CITY OF FORT LUPTON
MARIJUANA LICENSING AUTHORITY



Valerie Blackston, Ward 1
Chris Ceretto, Ward 2
Carlos Barron, Ward 3

Zo Stieber, Mayor

David Crespín, Ward 1
Claud Hanes, Ward 2
Bruce Fitzgerald, Ward 3

AM 2022-005

**FINDINGS OF FACT ON AN APPLICATION SUBMITTED BY CARRETERA OCHO CINCO, LLC, DBA
HIGHWAY 85 CANNABIS FOR A RETAIL MARIJUANA BUSINESS TO BE LOCATED AT
7853 US HIGHWAY 85**

I. Agenda Date: Local Licensing Authority – April 5, 2022

II. Attachments: N/A

III. Summary Statement:

On March 15, 2022, the Fort Lupton City Council acting as the Marijuana Licensing Authority, (“Authority”) held a public hearing to consider the application submitted by Carretera Ocho Cinco, LLC dba Highway 85 Cannabis. The Authority tabled the matter to April 5, 2022, for consideration.

IV. Submitted by: _____
Mari Peña, City Clerk

V. Finance Reviewed _____
Finance Director

VI. Approved for Presentation: _____
City Administrator

VII. Attorney Reviewed _____ Approved _____ Pending Approval

VIII. Certification of Licensing Authority: _____
City Clerk Date

IX. Detail of Issue/Request:

On March 15, 2022, the Fort Lupton City Council acting as the Marijuana Licensing Authority, ("Authority") held a public hearing to consider the application submitted by 1310 Factory Circle, LLC.

During the public hearing, the Authority was provided with the marijuana business license application electronically on a USB. There was no testimony at the public hearing from the public.

Since the Authority had just received the information electronically, the Authority determined that the matter be tabled to April 5, 2022, to review the information received and deliver Findings of Fact on the application.

X. Legal/Political Considerations:

XI. Alternatives/Options:

1. The Authority may approve the business license for a retail marijuana store.
2. The Authority may refuse to issue a regulated marijuana business license if the application does not meet the requirements of the municipal code or any other applicable law, rule, or regulation, or contains false or incomplete information.
3. The Authority may refuse to issue a regulated marijuana business for good cause, as defined Section 6-352, of the municipal code subject to judicial review.
4. The Authority may delay a response on the application if further investigation is needed, but no later than 30 days, the city clerk shall notify the applicant of the Authority's findings based on investigation.

XII. Financial Considerations:

XIII. Staff Recommendation:

Staff seeks recommendation.

CITY OF FORT LUPTON
MARIJUANA LICENSING AUTHORITY



Valerie Blackston, Ward 1
Chris Ceretto, Ward 2
Carlos Barron, Ward 3

Zo Stieber, Mayor

David Crespin, Ward 1
Claud Hanes, Ward 2
Bruce Fitzgerald, Ward 3

AM 2022-006

**FINDINGS OF FACT ON AN APPLICATION SUBMITTED BY HIGH PLAINZ STRAINS OF FORT LUPTON,
INC. FOR A RETAIL MARIJUANA BUSINESS TO BE LOCATED AT 1330 FACTORY CIRCLE**

I. Agenda Date: Local Licensing Authority – April 5, 2022

II. Attachments: N/A

III. Summary Statement:

On March 15, 2022, the Fort Lupton City Council acting as the Marijuana Licensing Authority, (“Authority”) held a public hearing to consider the application submitted by High Plainz Strains of Fort Lupton, LLC. The Authority tabled the matter to April 5, 2022, for consideration.

IV. Submitted by: _____
Mari Peña, City Clerk

V. Finance Reviewed _____
Finance Director

VI. Approved for Presentation: _____
City Administrator

VII. Attorney Reviewed _____ Approved _____ Pending Approval

VIII. Certification of Licensing Authority: _____
City Clerk _____ Date _____

IX. Detail of Issue/Request:

On March 15, 2022, the Fort Lupton City Council acting as the Marijuana Licensing Authority, ("Authority") held a public hearing to consider the application submitted by High Plainz Strains of Fort Lupton, Inc.

During the public hearing, the Authority was provided with the marijuana business license application electronically on a USB. The Authority also heard testimony from the public.

Since the Authority had just received the information electronically, the Authority determined that the matter be tabled to April 5, 2022, to review the information received and deliver Findings of Fact on the application.

X. Legal/Political Considerations:

XI. Alternatives/Options:

1. The Authority may approve the business license for a retail marijuana store.
2. The Authority may refuse to issue a regulated marijuana business license if the application does not meet the requirements of the municipal code or any other applicable law, rule, or regulation, or contains false or incomplete information.
3. The Authority may refuse to issue a regulated marijuana business for good cause, as defined Section 6-352, of the municipal code subject to judicial review.
4. The Authority may delay a response on the application if further investigation is needed, but no later than 30 days, the city clerk shall notify the applicant of the Authority's findings based on investigation.

XII. Financial Considerations:

XIII. Staff Recommendation:

Staff seeks recommendation.