

**THE TOWN OF MOUNTAIN VIEW
TOWN COUNCIL MEETING AGENDA
APRIL 8, 2019 6:30 PM**

- 1) CALL THE REGULAR MEETING OF THE TOWN OF MOUNTAIN VIEW TOWN COUNCIL TO ORDER AT THE TOWN HALL, 4176 BENTON STREET/ROLL CALL** (Any Council member with any potential conflicts of interest regarding any agenda matters will declare them after Roll Call)
- 2) LICENSING AUTHORITY BOARD**
6:35 PM
PUBLIC HEARING
Eagle River Investments, LLC–A. Medical MJ License Application B. Retail MJ License Application
- 3) CONSENT AGENDA**
7:20 PM

The items listed under “Consent Agenda” are intended to be acted on with a single motion and vote. This expedites the handling of routine matters by the Council. The Council has received the information prior to this meeting. The Mayor will ask if a citizen wishes to have a specific item discussed. A Council member may request an item be removed from this agenda on behalf of a citizen or themselves and will state whether the item will be discussed in the meeting or tabled. The removal, or tabling, of an item requires a second and majority vote of the Council to be removed. Items on the Consent Agenda are then voted on by a single motion, second, and non-roll call vote.


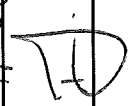









 - a. Summary Account Information & Accounts Payable for March 2019 – Finance Committee**
 - b. Meeting Minutes – February 5, 2019, March 18, 2019, and March 27, 2019**
- 4) UNSCHEDULED PUBLIC COMMENTS-COMMENTS ARE LIMITED TO 3 MINUTES**

This time is reserved for members of the public to discuss items not scheduled on the agenda. The Council will not discuss these items, nor will they make any decisions on items presented during this time. The Council will refer the items to staff for follow up. Comments are limited to 3 minutes per person.

7:25 PM
- 5) STAFF UPDATES AND/OR REPORTS**
7:30 PM
Administrator of Public Safety-Municipal Court-Public Works Supervisor-Town Attorney–Town Clerk/Treasurer
- 6) PUBLIC COMMENT ON CURRENT AGENDA ITEMS – LIMITED TO 3 MINUTES PER SPEAKER**
7:40 PM
- 7) SECOND READING–DISCUSSION AND POSSIBLE APPROVAL OF ORDINANCE NO. 2019-03-18A, AN ORDINANCE CREATING THE HUMAN RELATIONS COMMISSION – TOWN ATTORNEY**
7:45 PM
- 8) SECOND READING – DISCUSSION AND POSSIBLE APPROVAL OF ORDINANCE NO. 2019-03-18B, AN ORDINANCE AMENDING CHAPTER 10 OF THE MOUNTAIN VIEW MUNICIPAL CODE WITH THE ADDITION OF A NEW ARTICLE 14 CONCERNING THE PROHIBITION OF CONVERSION THERAPY – TOWN ATTORNEY**
7:50 PM
BREAK IN SESSION (10 MINUTES)

- 9) **DISCUSSION AND POSSIBLE APPROVAL OF ORDINANCE NO. 2019-04-08A, AN ORDINANCE AMENDING SECTION 11-2-30 OF THE MOUNTAIN VIEW MUNICIPAL CODE ALLOWING THE PUBLIC WORKS DIRECTOR OR HIS DESIGNEE TO ADDITIONALLY BE RESPONSIBLE FOR THE INSPECTION OF ALL SIDEWALKS AND DRIVEWAY ENTRANCES IN TOWN – TOWN ATTORNEY**
8:05 PM
- 10) **DISCUSSION AND POSSIBLE APPROVAL OF ORDINANCE NO. 2019-04-08B, AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 3 OF THE MOUNTAIN VIEW MUNICIPAL CODE TO ALLOW FOR SPECIAL EVENT LIQUOR PERMITS – TOWN ATTORNEY**
8:15 PM
- 11) **DISCUSSION AND POSSIBLE APPROVAL OF ORDINANCE NO. 2019-04-08C, AN ORDINANCE ADDING A NEW ARTICLE 8 TO CHAPTER 6 OF THE MOUNTAIN VIEW MUNICIPAL CODE ENTITLED “SHORT-TERM RENTAL PROPERTIES” – TOWN ATTORNEY**
8:25 PM
- 12) **DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION NO. 2019-04-08A, A RESOLUTION APPROVING AND ADOPTING THE BYLAWS OF THE HUMAN RELATIONS COMMISSION – TOWN ATTORNEY**
8:35 PM
- 13) **DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION NO. 2019-04-08B, A RESOLUTION SETTING THE FEE FOR A SPECIAL EVENT LIQUOR PERMIT PURSUANT TO SECTION 6-3-140 OF THE MOUNTAIN VIEW MUNICIPAL CODE – TOWN ATTORNEY**
8:45 PM
- 14) **DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION NO. 2019-04-08C, A RESOLUTION SETTING THE ANNUAL LICENSE FEE AND LATE FEE FOR A SHORT-TERM RENTAL LICENSE PURSUANT TO SECTION 6-8-40 AND 6-8-50 OF THE MOUNTAIN VIEW MUNICIPAL CODE – TOWN ATTORNEY**
8:55 PM
- 15) **DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION NO. 2019-04-08D, A RESOLUTION APPROVING AND ADOPTING THE TOWN OF MOUNTAIN VIEW’S POLICY REGARDING COUNCIL MEMBERS MISSING MEETINGS – TOWN ATTORNEY**
9:05 PM
- 16) **COMMITTEE UPDATES**
9:10 PM
Administrative Committee - Community Development & Outreach Committee - Finance Committee - Public Works Committee (defer to PW Staff report) and Public Safety Committee (defer to Administrator of Public Safety report)
- 17) **MAYOR’S REPORT/ITEMS**
9:20 PM
- 18) **COUNCIL MEMBERS’ REPORTS/ITEMS**
9:25 PM
- 19) **MEETING TO ADJOURN**
9:30 PM

TOWN OF MOUNTAIN VIEW
TOWN COUNCIL SPECIAL SESSION MEETING
APRIL 8, 2019
SIGN IN SHEET

Print Name	Signature	Email Address
Raelyn Perez		kpererprotes@gmail.com
Brian Jarvis		Bjarvis@montain.com
Judy Aragon		judy.e.aragon-properties.com
Michael Aragon		aragonm@bimail.com
Tyler Sapkin		TylerSapkin@gmail.com
John Jennings		Jennings@irelandstapota.com
Patricia Lilliston		plilliston@aol.com
Amarda Carcho		Amarda@hopeclearing.org
Melanie Stone		melanie.stone@hopeonline.org
Craig L. Clemons		5238 W 44TH AVE -
SANDRA STEVENSON		3505 FORTON ST

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**TOWN OF MOUNTAIN VIEW
TOWN COUNCIL SPECIAL SESSION MEETING
APRIL 8, 2019
SIGN IN SHEET**

Print Name

Signature

Email Address

Emilie Mitcham






Mary Owen

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TOWN OF MOUNTAIN VIEW
TOWN COUNCIL MEETING

MAY 13, 2019

SIGN IN SHEET

Print Name	Signature	Email Address
Alex Levine		alex@greendragon.com
Andy Levine		Andy@greendragon.com
Sim Hinkle		Sim@hinklecpas.com
Chas Parker		Chas@hinklecpas.com
Carol Parks		carol10@qymail.com

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**THE TOWN OF MOUNTAIN VIEW
TOWN COUNCIL MEETING MINUTES
APRIL 8, 2019**

PRESENT: Mayor Glenn Levy; Councilmembers: Kathleen Bailey; Mladenka "Mia" Boehrer;
Sean Davis; Adam Ellsworth; Adam Hillig; and Chelsea Steen

STAFF MEMBERS

PRESENT: Gene Bird, Public Works Director; and Sarah Albright, Town Clerk/Treasurer who recorded the meeting. Minutes are not verbatim.

MEETING TIME: 6:32 PM

LOCATION: Town Hall

THE TOWN OF MOUNTAIN VIEW TOWN COUNCIL CALLED THE MEETING OF THE TOWN OF MOUNTAIN VIEW TO ORDER

Mayor Levy called the meeting to order and roll call taken with members that were present.

Councilmember Ellsworth motioned to exit the regular meeting and enter the Licensing Authority Board and Councilmember Boehrer seconded. All Aye. The motion passed.

LICENSING AUTHORITY BOARD

Mayor Levy called the public hearing regarding the medical marijuana and retail marijuana applications of Eagle River Investments, LLC to order. This is a public hearing regarding the potential issuance of a new retail marijuana license and a new medical marijuana license for Eagle River Investments, LLC, within the Town of Mountain View. The Town Council acts as the Local Licensing Authority Board for the Town of Mountain View. The purpose of the hearing is to receive information and testimony to enable this Board to consider whether the licenses should be granted based on the criteria set forth by the Town's Medical Marijuana Code and the Retail Marijuana Code. Interested parties will be allowed to present evidence and cross-examine all witnesses.

Levy asked if the applicant or a representative of the applicant was present. Applicant Tyler Sapkin, Eagle River Investments, LLC and John Jennings, attorney on behalf of the applicant, were present.

Levy asked if there were any interested parties present who would like to participate in the hearing.

Michael Aragon, Oasis Cannabis Superstore, introduced himself. He stated he has been a business owner for 9.5 years in Mountain View. He was concerned with his investment in the Town of Mountain View.

Levy stated because this hearing is not formal, the formal rules of evidence will not apply and objections to evidence will not be heard. He declared all the information provided in the application packet was officially part of the record. The applicant may present an opening statement and call witnesses. The Town Clerk will place each witness under oath. Each of the applicant's witnesses will testify, then be subject to questions from the Board. The witness may then be subject to questions by interested parties.

The Clerk placed all interested parties under oath at this time.

Levy said the applicant had the opportunity to present to the Board.

The Clerk placed the applicant and his attorney under oath.

Attorney King stated they could ask questions directly or present as there were no formal rules.

Mr. John Jennings introduced himself. He represents the applicant, Eagle River Investments, LLC, is applying for a combined use medical marijuana center and retail marijuana store where they will offer to both medical patients and adult consumers. He stated Mr. Sapkin is an experienced business owner/operator in the industry and if given the privilege would love to open a new facility in Mountain View. He said Mr. Sapkin will give the overview of the space and operational plans for compliance. They appreciated working with Ms. Albright over the last several months to get the application to this point.

Jennings asked the applicant questions and the answers were as follows:

Mr. Sapkin stated he has been in the industry for over eight years, making many connections and good partnerships. He cofounded Lucy Sky for five years and from that came Lucy Cares, a non-profit organization. His focus is compliance within the town and state. He will follow regulations on the state and local level. His approach to working with agencies is open and have communication with his neighbors. He holds ten licenses; none have been revoked or suspended. He will require all staff to have internal and state required trainings. He decided on this location as he thought the town was growing rapidly and could handle another license; and the 44th and Sheridan traffic was also another reason for the location. He felt the town was growing and would have room for more marijuana stores. He will serve medical and adult customers in this facility. Location and ease of access played in his decision. He felt his customers would be from the neighborhood and the building would fit the model for a dispensary. It is a good size, good parking, and the owners of the building have kept it maintained. He stated it was good to have competition; he felt there was still room in the community for his business even with the current businesses here. Customers look for different things. He felt the difference he would bring was more the product, the customer service, the brand, and it would have more of a boutique feel. When asked about if he had heard any negative feedback, he stated no one approached him about concerns opening in this neighborhood. He is willing to speak to residents about their concerns and give personal details; he wants open communication and he offered to give his personal

contact information. He stated if the license is issued, he would be glad to have conversations with residents or anyone face-to-face, if needed. The hours of operation would be very similar as to other dispensaries in this area. The boutique feel is like a "Mom and Pop" type shop and that is what he would like to bring back to the industry, and to the town.

Councilmember Ellsworth asked about exterior plans of the building.

Sapkin stated he will make it look pretty in simple terms, blending into the neighborhood. No concept or renderings were available.

Levy asked if there were other witnesses, maybe the owners of the building. He asked about the improvements to the building on the interior, had they been started.

Sapkin stated no, they have not yet been started.

Councilmember Hillig asked about physical security on site; would there be a private service or off-duty police officers and how was it to be provided.

Sapkin stated most likely what he has done in the past, was in-house, private services with cameras and alarms installed, to provide protection for the employees as well as the customers.

Ellsworth asked how many Lucy Sky or other brands were operating currently or would this be a different company?

Sapkin stated there about four Lucy Sky dispensaries but he would not be bringing Lucy Sky in. It would be a different company. This would be something brand new and on his own. He said he would be here 100% of the time; his sole focus.

Councilmember Steen stated he said Mountain View was grown and asked why, specifically, would you want to be here?

Sapkin stated he liked the feel he had here. The area is where he would look to purchase a home and liked the area.

Steen asked him to describe that feel.

Sapkin said he would describe it as a friendly place, homey, and kudos to those here.

Levy had a question about the parking and there are only four or five parking spaces at that retail location. He asked if they had thought about on street parking on Ames, and if it would fill up and intrude into the residential neighborhood.

Sapkin stated he didn't think it would and they had space on the east side of the building to make a few more spots.

Councilmember Boehrer asked about the number of employees, besides himself, and their parking needs.

Sapkin stated possibly three or four employees, and that doesn't include a compliance officer.

Steen asked what value he would bring.

Sapkin said his focus was a healthy lifestyle, the brand would be high quality, good customer service. He has had positive feedback, no issues. With Lucy Cares, he said they would replicate at the town by giving back to the community; to help his neighbors by doing anything; they helped clean up the streets. Lucy Cares gave to the Children's Hospital, and soup kitchens. He was a co-founder with one other partner and had over 15 employees.

Levy asked about the distance requirements of the proposal.

Sapkin said they had met the requirement of 1,000 ft.

Levy reminded the applicant the town's requirement was 500 ft.

Sapkin stated he assured them he was above/beyond the requirement.

Steen asked for documentation of the distance.

Sapkin stated the documentation was with the Clerk.

Attorney King stated that Gene Bird, Public Works Director, would have it also.

Ellsworth asked about his experience with medical business, as the other businesses have focused on retail.

Sapkin said he wanted to include both, there is a good amount of people getting medical cards, with good reasons, and wanted to focus on them. He wanted to focus on catering towards those medical patients. No one under 21 will be sold the product. He signed a waiver stating that.

Councilmember Davis inquired as to if the applicant would use a security company from their past or someone new.

Sapkin stated he was not obliged to use someone from the past; there are many good security companies out there and he will look at them, and their customer service. He stated he would look at a company that is focused on them and not have too many clients.

At this time, Mayor Levy opened the hearing up to the public to ask questions of the applicant.

Mr. Michael Aragon asked the applicant if he knew the size of the Town of Mountain View, how big it is.

Sapkin stated he couldn't say accurately and does understand on the map where it begins and ends.

Mr. Aragon stated there are 510 residents and asked the applicant if he knew the growth of the Mountain View is stymied; it isn't growing.

Sapkin stated they are not having extended plant counts. It is a boutique feel only.

Judy Aragon asked if he was the sole owner of Eagle River Investments, and if he was looking at other investors.

Sapkin stated yes, he was sole owner of the business and not involved in any other business. He was open to partnerships in the future and may be interested into looking for investors.

Ms. Aragon asked the applicant if he understood the ratio of residents and marijuana stores in Mountain View as opposed to Denver. How do you feel you would not be taking revenues from the other businesses in town and distinguishing as a boutique?

Sapkin stated, first and foremost, because this is an area where it has a busy street, and the highway close by, he felt there were ample enough customers that he wouldn't be taking their business. He felt he would not be taking away from much of the businesses; it would be beneficial to everyone.

Sandra Glennon mentioned Edgewater has six cannabis stores and not much larger than the town.

The Clerk placed Mr. Glennon under oath at this time.

Greg Glennon introduced himself as the owner of the property at 44th and Ames which was to be leased by the applicant. He said he walked off the parking spaces and there can be a total of 9 plus, easily on that corner. He has not had any opposition, or derogatory remarks from anyone. We have Eagle River Investments that is highly financially sustained, with integrity in the industry. He is pleased that the quality of the applicant and know he would develop the area. He believed that Eagle River and Edge Mark can use it as a steppingstone for the town. He felt competition is healthy. The marijuana market is growing rapidly. They are highly qualified, financially stable, and can improve the town. Competition

keeps businesses thriving. The applicant is competitive. The building is sound. He felt the applicant would stimulate business.

Ellsworth stated he mentioned lots of development in the area and was curious what he meant.

Glennon stated that he meant the Denver metro area.

The Clerk placed Richard Sapkin under oath at this time.

Mr. Richard Sapkin, Edge Mark Development, and father to Tyler Sapkin. He is in the development business. He wanted to give his perspective as a real estate developer. He will be his son's landlord. He is buying the building. He is a partner in the shopping center at Lakeside as well as in the region. He said good retail will survive and bad will go away. He likes the trade area here and the site is good. People go where they are comfortable. He said as the landlord, he is committed as an investor and landlord in your town, with tenants he believes in. He has local and national tenants. He has a passionate view as it is his son that he has watched grow, in integrity and his passion. Having invested throughout this state, he is committed to doing the right thing. They will spend the money to make it A+ as it will have his name and my name on it.

Levy asked if he did a demographic study that attracted him to this town. What was the bottom-line result?

R. Sapkin said that you look at individual neighborhoods, the quality of growth, the values and factors. This is one corner out of four. He sees potential and it is an area that is the right place to be.

Steen asked about the tenants in his developments, what percentage were local tenants?

R. Sapkin stated it varies by area. At 92nd and Sheridan, the liquor store is local. We own the self-storage facility in Arvada. Big boxes are more national and the smaller strip centers are more 50/50. It has been hard to have local tenants get financing. They like to support local.

Steen commented that we are a small town and it would be more ideal to have local businesses here than what's going on across the street in which you own part off.

R. Sapkin stated you can't stop it. The impact is enormous. Having locals is important here but in all candor, you are going to have both.

Kaytlyn Perez, resident and staff member, asked about the numbers given back to the community through Lucy Sky.

T. Sapkin he didn't know the exact percentage, but a good amount.

R. Sapkin stated every place we have a shopping center, or a piece of real estate, we participate in every chamber, local community, schools, as an owner of real estate. That will continue. We are local, maybe not Mountain View but we are local.

Council thanked the applicant for his testimony.

Michael Aragon introduced himself. He wanted to express what he felt was important to his business and livelihood. He is the CEO of Oasis Cannabis Superstore. His wife is the owner of Oasis Cannabis Superstore, The company was started 9 ½ years ago. We have invested over 5.5 million in improvements. They replaced the sidewalk and the asphalt. He strongly supported the medical dispensary. He felt strongly the retail business will take his business. Retail is offering cheap pricing. He appreciates competition. Cannibalization is his concern. He has 26 employees. He feels another recreational facility would cause him to lay off employees. He supports the medical store. He feels it would be a gross case of cannibalization if they were to approve it. He feels the sales tax would be coming out of his pocket as he draws a very large customer base. He asked that they do not allow a recreational license but allow the medical license. He felt it was not the ethical thing to do. It will be his bottom line, no cost for the applicant, not in a recreational level. He believes they could build a huge medical business in the town with a great tax increase. He didn't think that the more they approve, the more tax they will get. It will come from his bottom line. They are not going to bring new business in. It will be out of his pocket.

He felt it was not the ethical thing to do. It's the ethics of people, to the people that have committed in this town. He does not want to contribute to the recreational part for any other business. There is a 1,000 ft. separation throughout the metro area and not sure why Mountain View is 500 ft.

Levy said he has a certain amount of debt to pay off. After it is paid off, what is the plan?

Aragon stated to pay the IRS. 280E is a tax code that has been devastating to the marijuana businesses. It is a one paragraph that was written in 1982 for drug dealers. There is a force of auditors auditing every marijuana company. They know how they operate and audit year after year. He said they have been under audit for three years. His goal is to pay everything he owes.

R. Sapkin stated the applicant is 280E compliant. There are numerous operators figuring a way to do it.

Levy asked questions to staff members regarding the application.

Gene Bird, Public Works Director, measured the distance by walking it four different times, with the most recent time he walked, it measured 510 feet between buildings.

Steve Davis, Administrator of Public Safety, ran a criminal background check required by the state and found no criminal history on Tyler Sapkin. It included fingerprints, all FBI and Colorado criminal background.

Bird stated that they didn't have any other facilities within 200 feet as far as he knew.

Levy said there were several interested parties to speak.

Patricia Lilliston, 4336 Eaton Street. She said she has lived at that address for 18 years. Since 2001, she has observed changes in the commercial properties, residential profile and architectural composition of the community. Once vacant and abandoned commercial buildings are now occupied. A few of the existing business sites have been remodeled. A few premises have been refurbished to create a more vibrant, customer enticing establishment. Municipal fees once assigned to households for streetlight maintenance or police department operating expenses are no longer assessed to property owners. In recent years, the architectural design of the neighborhood has altered giving evidence from Ames to Fenton Street of urban housing trends and composition.

Still, in 2019, I can observe and experience a unique, local identity contained within the boundaries of Mountain View that appealed to me as a homeowner 18 years ago. Loss of local identity is the first of several concerns that prompts me to oppose the issue of a recreational and/or medical marijuana license for Eagle River Investments.

Mountain View has become a community where the aim of town officials, the connection of the town hall employees and the outreach from the police department kindles a small, family friendly spirited environment. With the addition of another marijuana store at 5238 W. 44th Ave., Mountain View will then have three marijuana stores within our small, family friendly, town of 537 residents. By adding a third marijuana store, she questioned that the Oasis Cannabis Superstore, also located on 44th Ave. or the Green Dragon at 4103 Sheridan Blvd. could maintain their current levels of revenue due to the competitive nature of the marijuana market. Additionally, the licensing request of Eagle River Investments, sparks my apprehension about the availability of adequate parking spaces and safe access into the 5238 W. 44th Ave. location. The likelihood of increased auto and foot traffic makes street parking along Ames Street and throughout the neighborhood a reality. This reality forces immediate attention. Again, she expressed her opposition for the issue of a recreational and/or medical marijuana for a third marijuana business in Mountain View. She valued the opportunity to express her opposition and thanked them.

Brian Jarvis, Operations Manager with Oasis Cannabis Superstore introduced himself. He noted he has been with them since 2010. This husband and wife owned operation has become a second family to me and many more over the years. Customer service is our number one focus next to compliance we have built great relationships with the community over the years. We have provided the Town of Mountain View with a very steady stream of tax revenue which continues to increase on an annual basis and provide well-paying jobs to those who reside in the surrounding area. We have gone to great lengths, as Michael stated, to beautify the area and maintain a professional atmosphere, inside and out. We have a great relationship with the Mountain View Police Department; and work diligently to report disruptive, or inconducive behavior in the community. The partnership with Mountain View has really helped us to grow to as a business and a family. We would like to continue this growth and partnership for many years to come. He and Michael have personally hired every single employee at Oasis since 2010.

We've grown to become a family and feel it is our responsibility solely to take care of them as such. If any employee decides to leave at their own will, which happens very little over the course of 9 years. But laying off employees that rely on their employment would be extremely disheartening. It's something they strongly wish to never do. He didn't believe adding another marijuana dispensary would increase the customer base, the town is very small. We understand this is a lucrative business and do not feel another marijuana dispensary is going to draw in anything different than what we do. We provide a very large-scale retail atmosphere, very professional. He didn't believe a smaller store would draw more business. He didn't believe the 500 or so people who live in Mountain View really need another recreational marijuana dispensary. Customers watch for lower pricing which will lower the tax revenue that Mountain View seeks. The general rule of 1,000 ft. seems to have come into question over the discussion is a rule he firmly stands by. This rule gives marijuana businesses a fair opportunity to survive geographically. It also keeps the over-abundance of marijuana businesses from happening. They drive prices down and in turn drives down the tax revenue. As the property owner was saying about the back-to-back furniture stores, is not relevant to marijuana as not everybody uses but everybody uses furniture. He supports the medical marijuana business. He. He doesn't believe another retail marijuana store would benefit the town. He didn't understand with the money and amount of time Michael had invested in the town why the need for another recreational business. He appreciated their time.

King asked if there were questions from the audience.

T. Sapkin stated he wanted to understand why they assume prices would be lower and why they would fire employees.

Jarvis stated they wouldn't be firing they would be laying off employees if the business does get taken. He didn't believe Lucy Sky would be bringing in people from outside the area. Some people don't drive that far but he said they draw those customers with a very large store with selected brands. He didn't see where the medical/retail split would draw customers and sees it by them lowering their prices, lowering tax revenue for the town.

Sapkin pointed out there will not be Lucy Sky in this location. It will be another brand.

Judy Aragon, owner of the Medicinal Wellness Center, Oasis Cannabis Superstore. She thanked Council for allowing their business in the town. She said they have a good reputation with the Marijuana Regulations Division and with the town. They have tried to make the small-town atmosphere better here. She would like the marijuana business portrayed in a more positive light. There is so much negative literature in the public because there was a lot of underground activity. Our store sheds a positive light. We provide the customer service, with a safe and positive place to shop and work in the community. We have invested in improvements with the residences they own within the town. The tint shop has been improved along with the rental properties. She supported a medical license within the town. She stated Mr. Sapkin had stated that good business stays and bad business leaves. She feels that

another marijuana business that close in proximity will affect their bottom line is difficult. She would like to continue the opportunity of having their business at the town.

Levy asked if there were any questions from the Council or the public at this time. There were none. He asked if there were any other interested parties and there were none.

Applicant Rebuttal

Jennings stated he would like to make closing remarks. He thanked the Mayor and Council. They were there to hear from Eagle River Investments and Tyler Sapkin, sole owner of the business. He has eight years of experience in the license industry, owning ten licenses and complies at a business level and owner's badge. The positive nature of the Eagle River application was what he wished Council to know. He mentioned they heard from members of the community that expressed concerns about what a new marijuana facility might mean. Tyler testified he would have a hands-on approach. He asked Council to approve the application based on what has been presented. It is a positive group moving forward.

Sapkin stated he promised what he brings is positive and does not see a bottom-line hindering. A year from now he believes that the businesses will help each other. He truly believes if you give him a chance it will be positive. He would like to match what the Aragon's have done in this community. He would like to work with the marijuana stores. We need to be united and he asked for a chance to prove it.

Aragon said he respects people in business and has no reason not to respect Sapkin. He wants an opportunity in this town to finish what he started. He made the commitment to the town and his business on a bigger time scale. They are at 9 ½ years, and they have been difficult. He has never waived and delivered at a high cost. The threat of his business being pulled down or hurt, due to a threat his customers could be taken. He must defend it. He doesn't intend to lay off employees, and zero intent to run in the red. He is a genius in the business and will prevail but doesn't want it to be any harder. He appreciated the town.

Levy stated they were going into deliberations. He stated there are different criteria for each. In either case, any decision must be made with those criteria in mind.

King reviewed the checklist criteria with the Board. We will do medical application first and then the retail application.

Medical MJ License Application

The Board went through the checklist, one item at a time.

King stated if the license is approved then they will have to have conditions met. Showing an inspection to satisfy the condition. Conditions may be placed for meeting requirements for physical requirements in the store, delegating to Gene Bird to verify and bring back to the Board a satisfactory inspection

Councilmember Ellsworth motioned to approve the medical marijuana application for a license subject to a satisfactory inspection of the Public Works Director and Councilmember Hillig seconded. Roll call vote: Bailey – Yes; Boehrer – Yes; Ellsworth – Yes; Hillig-Yes; Davis – Yes; Steen – Yes. The motion passed.

Retail MJ License Application

In this case you can consider the other retail establishments. Whether he can qualify to get this license, slightly different criteria, distance requirements again.

Discussion included: Premise inspection delegation to Public Works Director; security and separation of inventory; concern with the number of businesses in the town already in terms of recreational; need economic diversification; boutique and superstore are different; businesses work together; some disagreement regarding additional recreational revenue; different business plan; tangible evidence; type and availability; two businesses doing same may not bring additional revenue; Oasis established clientele; new business brings new clientele; and it was expressed the future development concerns such as box stores.

Levy stated that any written materials the audience provides for the hearing will be part of the record and the packet

Councilmember Hillig motioned to approve the application conditionally upon inspection by Public Works Director of the retail store and Councilmember Boehrer seconded. Roll call vote: Bailey – Yes; Boehrer – Yes; Ellsworth – Yes; Hillig-Yes; Davis – Yes; Steen – No. The motion passed.

Councilmember Boehrer motioned to exit the public hearing and move into the regular meeting and Councilmember Davis seconded. All Aye. The motion passed.

BREAK IN SESSION

8:45

BACK IN SESSION

8:53 PM

CONSENT AGENDA

Levy introduced the agenda item.

Councilmember Steen motioned to approve the Consent Agenda as amended and Councilmember Ellsworth approved. All Aye. The motion passed.

UNSCHEDULED PUBLIC COMMENTS

Levy introduced the agenda item.

There were none.

STAFF UPDATES AND/OR REPORTS

Levy introduced the agenda item.

Administrator of Public Safety -Davis briefed all regarding the garage clean-up and other items, safety improvements included the cameras; he will be the Chief of Police by the next meeting, he will be out April 15 for the recertification and the radio grant monies have been released.

Municipal Court – Her report was in the packet. Central Collections has a new system and are behind in payments.

Public Works Supervisor – His report was in the packet.

Town Attorney – She will have something in a month regarding the deed restrictions. There is an IGA with Wheat Ridge and Pat will have some answers.

Town Clerk/Treasurer – Her report was in the packet. Kaytlyn Perez, Admin Assistant, gave a brief update about the migration completion regarding the website. We are on track, about two weeks ahead of schedule. The rep is great, set up meetings and walk us through items, they are great.

PUBLIC COMMENT ON CURRENT AGENDA ITEMS

Levy introduced the agenda item.

There were none.

SECOND READING ORDINANCE NO. 2019-03-18A, AN ORDINANCE CREATING THE HUMAN RELATIONS COMMISSION

Levy introduced the agenda item.

King said HB191129 was passed and it bans conversion therapy and recommended tabling the ordinance to prohibit conversion therapy. It is good to have a human relations commission, to have the framework in place.

Councilmember Bailey motioned and Councilmember Steen seconded. Roll Call Vote: Bailey – Yes; Boehrer – Yes; Ellsworth – Yes; Hillig – Yes; Davis – Yes; Steen – Yes. The motion passed.

SECOND READING ORDINANCE NO. 2019-03-18B, AN ORDINANCE AMENDING CHAPTER 10 OF THE MOUNTAIN VIEW MUNICIPAL CODE WITH THE ADDITION OF A NEW ARTICLE 14 CONCERNING THE PROHIBITION OF CONVERSION THERAPY

Levy introduced the agenda item.

Councilmember Hillig motioned to table to the July 8, 2019, Council Meeting and Councilmember Davis seconded. Roll Call Vote: Bailey – Yes; Boehrer – Yes; Ellsworth – Yes; Hillig – Yes; Davis – Yes; Steen – Yes. The motion passed.

ORDINANCE NO. 2019-04-08A, AN ORDINANCE AMENDING SECTION 11-2-30 OF THE MOUNTAIN VIEW MUNICIPAL CODE ALLOWING THE PUBLIC WORKS DIRECTOR OR HIS DESIGNEE TO ADDITIONALLY BE RESPONSIBLE FOR THE INSPECTION OF ALL SIDEWALKS AND DRIVEWAY ENTRANCES IN TOWN

Levy introduced the agenda item.

Councilmember Ellsworth motioned and Councilmember Boehrer seconded. Roll Call Vote: Bailey – Yes; Boehrer – Yes; Ellsworth – Yes; Hillig – Yes; Davis – Yes; Steen – Yes. The motion passed.

ORDINANCE NO. 2019-04-08B, AN ORDINANCE AMENDNIG CHAPTER 6, ARTICLE 3 OF THE MOUNTAIN VIEW MUNICIPAL CODE TO ALLOW FOR SPECIAL EVENT LIQUOR PERMITS

Levy introduced the agenda item.

King explained how it would work and would allow to sell beer or wine or both. It is an administrative function so the Clerk would process permits. It would be allowed for certain type block parties, and town functions. It is only for non-profits and charitable organizations in town. The town can sell the beer/wine.

Councilmember Hillig motioned and Councilmember Boehrer seconded. Roll Call Vote: Bailey – Yes; Boehrer – Yes; Ellsworth – Yes; Hillig – Yes; Davis – Yes; Steen – Yes. The motion passed.

ORDINANCE NO. 2019-04-08C, AN ORDINANCE ADDING A NEW ARTICLE 8 TO CHAPTER 6 OF THE MOUNTAIN VIEW MUNICIPAL CODE ENTITLED “SHORT-TERM RENTAL PROPERTIES”

Levy introduced the agenda item.

Councilmember Hillig motioned as amended and Councilmember Ellsworth seconded. Roll Call Vote: Bailey – Yes; Boehrer – Yes; Ellsworth – Yes; Hillig – Yes; Davis – Yes; Steen – Yes. The motion passed.

RESOLUTION NO. 2019-04-08A, A RESOLUTION APPROVING AND ADOPTING THE BYLAWS OF THE HUMAN RELATIONS COMMISSION

Levy introduced the agenda item.

Councilmember Bailey motioned and Councilmember Hillig approved. All Aye. The motion passed.

RESOLUTION NO. 2019-04-08B, A RESOLUTION SETTING THE FEE FOR A SPECIAL EVENT LIQUOR PERMIT PURSUANT TO SECTION 6-3-140 OF THE MOUNTAIN VIEW MUNICIPAL CODE

Levy introduced the agenda item.

Councilmember Hillig motioned and Councilmember Ellsworth approved. All Aye. The motion passed.

RESOLUTION NO. 2019-04-08C, A RESOLUTION SETTING THE ANNUAL LICENSE FEE AND LATE FEE FOR A SHORT-TERM RENTAL LICENSE PURSUANT TO SECTION 6-8-40 AND 6-8-50 OF THE MOUNTAIN VIEW MUNICIPAL CODE

Levy introduced the agenda item.

Councilmember Hillig motioned and Councilmember Ellsworth approved. All Aye. The motion passed.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION NO. 2019-04-08D, A RESOLUTION APPROVING AND ADOPTING THE TOWN OF MOUNTAIN VIEW'S POLICY REGARDING COUNCIL MEMBERS MISSING MEETINGS

Levy introduced the agenda item.

Councilmember Bailey motioned and Councilmember Ellsworth approved. All Aye. The motion passed.

COMMITTEE UPDATES

Levy introduced the agenda item.

Administrative Committee – Report is in the packet.

Community Development & Outreach Committee – The report is in the packet. The questionnaire presentation date was changed to April 27, 2019, with a time to be determined.

Finance Committee – The report is in the packet. Waiting on information from the accountant.

Public Works Committee – Deferred to the Public Works report.

Public Safety Committee - Deferred to Administrator of Public Safety report.

Economic Development – They have not had a meeting.

MAYOR'S REPORT/ITEMS

Levy introduced the agenda item.

He asked Councilmember Davis to be on the Finance Committee.

COUNCIL MEMBERS' REPORTS/ITEMS

Levy introduced the agenda item.

Steen said June is approaching quickly and if we want a social event it needs to be decided soon or we don't which is fine.

Levy noted CDOC should be doing the social events.


Hillig stated he had an idea to have a vendor do something, maybe a couple food trucks. He volunteered to head the event for June.

Boehrer stated there was music last year and we have talent in the police department. She volunteered to head the music portion of the event for June.

MEETING TO ADJOURN


Councilmember Hillig moved and Councilmember Bailey seconded. All Aye. The regular meeting adjourned at 9:52 PM.

ATTEST:



Sarah A. Albright, CMC
Town Clerk/Treasurer

TOWN OF MOUNTAIN VIEW COUNCIL



Glenn Levy
Mayor