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# *Council Newsletter*

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## CITY MANAGER'S NOTES December 19, 2014

### **Upcoming Council Meetings**

City offices will be closed **Wednesday, December 24** and **Thursday, December 25, 2014** for Christmas. City offices will be closed **Wednesday, December 31, 2014** and **Thursday, January 1, 2015** for the New Year. For a complete list of closures visit: <http://www.englewoodgov.org/our-community/news-and-events/calendar-of-events>

There is no Study Session scheduled for **Monday, December 22<sup>nd</sup>** or **December 29<sup>th</sup>** due to the Christmas and New Year's holidays. The next City Council meeting will be **Monday, January 5, 2015**.

### **Informative Memoranda**

The following are memoranda in response to City Council's requests, as well as other informational items.

1. YourHub.com article: "Project to enhance recreation along South Platte River to begin in fall"
2. YourHub.com article: Featured Englewood Events
3. *Construction Today* article re: Kent Place
4. Calendar of Events
5. Tentative Study Session Topics
6. Minutes from the December 3, 2014 Liquor and Medical Marijuana Licensing Authority meeting



### **News from the Parks and Recreation Department**

More than 425 community members had Breakfast with Santa on Saturday, December 13 and nearly 110 children participated in Santa Calling this year. Englewood thanks the countless volunteers who made these events a success.

# Project to enhance recreation along South Platte River to begin in fall

By Clayton Woullard  
*YourHub Reporter*

POSTED: 12/12/2014 02:27:09 PM MST [ADD A COMMENT](#) | UPDATED: 6 DAYS AGO



John Davenport casts from under the River Point Parkway bridge on the South Platte River in Englewood on May 13, 2013. (Cyrus McCrimmon, Denver Post file)

South Metro residents will begin to see improvements to the South Platte River near Oxford Avenue and the Broken Tee Golf Course over the next few years as a large project to enhance recreational use along the river is slated to get underway next fall.

The River Run project will include:

- connecting the East Bank Trail to the Mary Carter Greenway north of Oxford Avenue
- the creation of a trailhead near the Broken Tee Golf Course
- the installation of drop control structures in the river near Oxford Avenue to enhance aquatic life for fishing
- create a more hospitable environment for wildlife.

The new trail connection will also allow for more room for different types of users, such as bicyclists, joggers and walkers, said Laura Kroeger, assistant program manager for the design construction and maintenance program for the Urban Drainage and Flood Control District, which is managing the project.

That was good news to the property owners adjacent to the river who attended an open house in November and gave positive feedback, Kroeger said.

"I think we're still going to work on getting a little more outreach just to get some more feedback on the project," Kroeger said.

The project will cost \$14.7 million in total, Kroeger said. Englewood, Sheridan, the South Suburban Parks and Recreation District and Arapahoe County are also funding partners for the project.

"We'll be providing better access down to the river so people can play and engage in the water," Kroeger said. "I think everyone is really going to see a transformation in that area because of it, and we're looking forward to building it."

Construction will be in phases as not all funding is available, Kroeger said. The first phase, which will cost \$2.7 million, will begin in the fall and will include the rebuilding of the grade control structures to enhance access to the river.

Kroeger said there would then be one or two other phases, with work wrapping up by spring 2018.

This follows work planned by Littleton to increase access to the South Platte River near Reynold's Landing and the new Breckenridge Brewery opening in the spring. Work is already underway to narrow the river from C-470 north past Mineral Avenue toward Reynold's Landing.

## Featured Events

### Thursday 18

**Celtic harp music.** Get to the Englewood Public Library, 1000 Englewood Parkway, at 2 p.m. to hear holiday music performed by the Colorado Celtic Harp Society. It's free. Call 303-762-2560 to learn more.

### Saturday 20

**Child car safety seat check.** The Englewood Fire Department is offering free child safety seat installation education and seat checks. Stop by Tejon Fire Station, 3075 S. Tejon St., Englewood, from 8 a.m.-noon for a check from a certified car seat technician.

### Monday 22

**Kaleidoscope Music.** From 1-2:30 p.m. at Hampden Hall, 100 Englewood Parkway, Englewood,

Kaleidoscope Music will perform holiday music from around the world. This is an all ages children's program that is geared toward kids up to 7 years old. Children will have the opportunity to play instruments, sing and dance. For more information, call 303-762-2560.

Your Hub 12/18/14

## Lindsay von Colditz

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**Subject:** FW: Article

**From:** Chris Phelan  
**Sent:** Thursday, December 11, 2014 11:16 AM  
**To:** Lance Smith  
**Subject:** FW: Article

Lance,

I wanted to forward this article on to you about the Kent Place project. The construction team is really grateful for the city's efforts and guidance on this project. I wanted to make sure your teams efforts were acknowledged, they didn't put in everything we said/wanted about the COE in the article, but there is a paragraph talking about your contribution to the project.

I hope you enjoy! Feel free to share this with the rest of the COE team/staff. We're very proud of the project as a whole and thankful for the contributions your staff has provided along the way, and continue to provide, in making it happen.

Thanks,



Christopher Phelan  
Project Manager  
Colorado Structures Inc.  
ph: 719.522.0500  
fax: 719.522.0365

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# Total Teamwork

CSI WANTS THE RESIDENCES AT KENT PLACE TO MEET LOFTY EXPECTATIONS. BY JIM HARRIS



Residential | COLORADO STRUCTURES INC. – RESIDENCES AT KENT PLACE

The \$65 million Kent Place luxury apartment complex in Englewood, Colo., is on track for a substantial completion and final unit turnovers in February 2015 for one main reason. "This project is a success because of the dedicated individuals we have working

## *Colorado Structures Inc. – Residences at Kent Place*

*www.csigc.com*

- *Project cost: \$65 million*
- *Location: Englewood, Colo.*
- *Employees on site at peak: 180*
- *Scope of work: Luxury apartments*

*"This is truly a team effort."*

*– Christopher Phelan, senior project manager*

on the site and in the office, each day," says Christopher Phelan, senior project manager for general contractor Colorado Structures Inc. (CSI). "This is truly a team effort."

Phelan credits the work of several project team members – including architects Nicole Williams, Cindy Harvey and Bobby Long of Kephart Architects – with the project's unique design and successful fast-tracked construction schedule.

"This project started foundation work before the overall design of the project was complete in order to expedite final delivery to the project owners," Phelan notes. "This meant construction and design had to work very closely in day-to-day information exchange." Williams is dedicated to the project full-time, visits the site two or three times a week and is available on a 24/7 basis.

Coordination between the design team

and construction was made easier thanks to the project team's use of Submittal Exchange, a cloud-based platform, to exchange design plans and other information, as construction began before plans were completed. "Using Submittal Exchange, everyone gets information right away," Phelan says. "We have multiple sets of eyes looking at the submittal all at the same time and catching problems before they even arise."

Phelan explains that key members of the CSI project team are:

- Daniel Aaron Lavy – Lead project superintendent
- Michael Tolibas – Project engineer
- Mark Dudash – Superintendent of wood framing
- Phillips – Project scheduler and manager of logistics
- Ryan Walter – Site superintendent

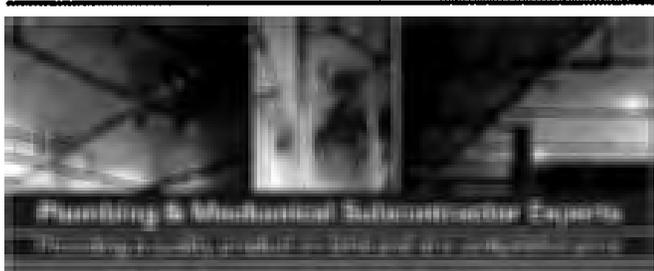
- Mike Hernandez – Superintendent of the building exterior
- Stewart Wills – Back-out superintendent

### Luxury Living

Foundation work on the Kent Place site began in December 2012. The site, which formerly housed a seminary, is owned by Kent Place Associates LLC and development company Forum Real Estate Group.

Kent Place includes three buildings on 5.8 acres of land, with approximately 800,000 square feet of building area. The first building, Building A, is eight total stories including one underground parking level for two stories of parking in total; Building B is six stories including one below grade, also with two total levels of parking; and Building C is five stories, all above grade. The complex will feature 300 total units and 600 parking stalls. All three buildings will feature brick exteriors with structural concrete foundations, and decorative precast concrete spandrels. "The goal for ownership was to build something that would last," Phelan notes.

Units range in size from 832 to 2,778 square feet. Complex amenities include a fitness center, steam rooms, yoga studio, theater, cyber cafe, virtual golf room, massage rooms, bike and ski shop and dog-washing area. Each building will feature an exterior courtyard on its second level, and Building A will have an outdoor roof patio on level seven. These courtyards will each feature an outdoor kitchen; other amenities include a swimming pool, two spas, a bocci ball court, fire pits and community planters.



**Mai Mechanical Corp is the premier full-service multi-family plumbing and mechanical subcontractor in the state of Colorado.**

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Interior fixtures include granite countertops and LED lighting. Forum Real Estate Group consulted with Group 14 Engineering to perform energy modeling on the buildings to ensure they will provide efficient energy consumption over the long term.

Several portions of the buildings are now completed and inhabited. Move-ins started in July and will continue through the formal completion of the project in February, Phelan says.

Kent Place is located in Cherry Hills, one of the Denver region's most sought-after residential areas. The complex is located near Cherry Hills Golf Club, which recently hosted a major PGA event, as well as shopping, dining and other recreational destinations such as bike paths.

### From Design to Reality

Phelan says successful projects like Kent Place start with the neighborhood. In this case, the cooperation of local residents has been something that the construction team appreciates on a daily basis. "Construction work is inherently obnoxious – our guys know it, and we appreciate the neighbors for allowing us to do our job," he says.

In addition to the local residents, the city of Englewood, Colo., has been a great place to work, Phelan says. This project has required an unusual amount of city resources to accomplish the goals set forth by the development, design and construction team. "The city of Englewood's ability to provide this project with the oversight for plan review, onsite inspections, project phasing and guidance is unique to any city we've built in," Phelan relates. "Working with them has been great."

Phelan also speaks highly of the project developer, Forum Real Estate Group, and many members of its staff, including owner Darren Fisk, Vice President of Construction Doug Hatfield, Marketing Coordinator Sunshine Williams and Construction Manager Brian Scott. He singles out the dedication of Kevin Foltz, managing director of development and construction for Forum RE. "I believe this project started over 10 years ago for Kevin," Phelan says. "Ten years is a long time to finally see the fruition of those efforts."

Working closely with the developer and ownership group, CSI recognized that the lending partners – AXA Equitable Life Insurance Company, Quadrant Real Estate Advisors and their construction-inspecting group IVI International Inc. – play a large role when it comes to financing the project. "Getting our subcontractors and suppliers paid on time is important," Phelan states, and "with the people from AXA's support and Scott Foster's [of IVI International] guidance and timely reports, this is made easier."

### Family Pride

The project is the first that CSI has performed for Forum Real Estate Group, but not its first large multifamily residential project in the Denver region. The company, founded in 1978 by Phelan's grandfather Pete Foster and now owned and managed by his father, Timothy Phelan, initially specialized in large, big-box retail and commercial projects until the mid-2000s. At that time, the company was awarded a \$65 million contract from Trammell Crow Residential to work on Alexa Broadway Station, a three-building, 350-unit complex it started in 2007 and completed in 2009.

Shortly after completing the project, the company – which has offices in Portland, Ore., Irvine, Calif., and headquarters in Colorado Springs, Colo. – dedicated additional efforts towards multifamily construction because its retail work in the Colorado office experienced a decline during the recession. Today, CSI is a more balanced organization with a more diverse project portfolio. Approximately one-third of its work is in

the multifamily sector, while the other two-thirds is still competing in the retail and commercial arena.

Phelan says the company's small size and family oriented culture distinguishes it from many of its competitors. "Our employees take a great deal of pride in their work because they like where they work and want to do their jobs well," he adds. "We want to make sure our people and subcontractors enjoy the process and that our owners are happy. We believe that will make us more successful in the long term." ♦

**Guy's Floor Service** collaborated for the first time with CSI while working on the Kent Place project. The process couldn't have gone better, especially in regard to cooperating with scheduling to maintain a smooth and efficient work flow. This particular project showcased beautiful, high quality materials that allowed Guy's to shine with their equally impressive installation and management skills. Together, both companies upheld their high standards for exceptional service and for establishing long lasting relationships.

**Guy's**

[www.guysfloor.com](http://www.guysfloor.com)

Since 1947, Guy's Floor Service has worked with high professionals to install beautiful residential and commercial installations. With over 60 years of experience in the industry, we specialize in offering expert guidance and superior project management. Offering more than just flooring, we are a trusted design resource for our customers.

**CITY OF ENGLEWOOD**  
**2014/2015 CALENDAR OF EVENTS**



<b>Wed., Dec. 24</b>		<b>City Hall closed — Christmas Eve</b>
<b>Thurs., Dec. 25</b>		<b>City Hall closed — Christmas Day</b>
<b>Wed., Dec. 31</b>		<b>City Hall closed — New Year's Eve</b>
<b>Thurs., Jan. 1</b>		<b>City Hall closed — New Year's Day</b>
Mon., Jan. 5	6:00 p.m.	Study Session, Community Room
	7:30 p.m.	Council Meeting, Council Chambers
Tues., Jan. 6	7:00 p.m.	Planning & Zoning Commission, City Council Conference Room /Council Chambers
Wed., Jan. 7	5:45 p.m.	Cultural Arts Commission, City Council Conference Room
	7:00 p.m.	Local Liquor and Medical Marijuana Licensing Authority, City Council Chambers
Thurs., Jan. 8	11:30 a.m.	Alliance for Commerce in Englewood, City Council Conference Room
	5:30 p.m.	Parks and Recreation Commission, Broken Tee Golf Course Maintenance Facility
	6:30 p.m.	Transportation Advisory Board, City Council Conference Room
Mon., Jan. 12	6:00 p.m.	Study Session, Community Room
Tues. Jan. 13	5:00 p.m.	Water and Sewer Board, Community Development Conference Room
	7:00 p.m.	Library Board, Library Board Room
Wed., Jan. 14	6:00 p.m.	Special City Council Study Session, Community Room
	6:30 p.m.	Englewood Urban Renewal Authority, City Council Conference Room
	<b>Cancelled</b>	Board of Adjustment and Appeals, Council Chambers
<b>Mon., Jan 19</b>		<b>City Hall closed – Martin Luther King, Jr. Day</b>
Tues., Jan. 20	6:00 p.m.	Study Session, Community Room
	7:30 p.m.	Council Meeting, Council Chambers

Wed., Jan 21	7:00 p.m.	Local Liquor and Medical Marijuana Licensing Authority, City Council Chambers
	7:00 p.m.	Planning & Zoning Commission, Community Development Conference Room/Council Chambers
Mon., Jan. 26	6:00 p.m.	Study Session, Community Room
Mon., Feb. 2	6:00 p.m.	Study Session, Community Room
	7:30 p.m.	Council Meeting, Council Chambers
Tues., Feb. 3	7:00 p.m.	Planning & Zoning Commission, City Council Conference Room/Council Chambers
Wed., Feb. 4	5:45 p.m.	Cultural Arts Commission, City Council Conference Room
	7:00 p.m.	Local Liquor and Medical Marijuana Licensing Authority, City Council Chambers
Mon., Feb. 9	6:00 p.m.	Study Session, Community Room
Tues., Feb. 10	3:00 p.m.	NonEmergency Employees Retirement Board, Public Works Conference Room
	5:00 p.m.	Water and Sewer Board, Community Development Conference Room
	7:00 p.m.	Library Board, Library Board Room
Wed., Feb. 11	6:30 p.m.	Englewood Urban Renewal Authority, City Council Conference Room
	7:00 p.m.	Board of Adjustment and Appeals, Council Chambers
Thurs., Feb. 12	11:30 a.m.	Alliance for Commerce in Englewood, City Council Conference Room
	2:30 p.m.	Police Officers Pension Board, Public Works Conf. Rm.
	3:00 p.m.	Firefighters Pension Board, Public Works Conf. Rm.
	5:30 p.m.	Parks and Recreation Commission, Englewood Schools 7-12 Campus
<b>Mon., Feb. 16</b>		<b>City Hall closed – Presidents’ Day holiday</b>
Tues., Feb. 17	6:00 p.m.	Study Session, Community Room
	7:30 p.m.	Council Meeting, Council Chambers
Tues., Feb. 18	7:00 p.m.	Local Liquor and Medical Marijuana Licensing Authority, City Council Chambers

**TENTATIVE**  
STUDY SESSIONS TOPICS  
FOR ENGLEWOOD CITY COUNCIL



December 22 Christmas Holidays – No meeting scheduled

December 29 New Year’s Holidays – No meeting scheduled

2015

January 5 Study Session & Regular Meeting  
Executive Sessions – Personnel Matter (Municipal Court Judge and City Attorney) and Litigation (Johnson v. Englewood)  
Colorado and US Legislators – tentative  
Mission, Vision, and Organizational Values – tentative  
Bellevue Baseball Field Naming

January 12 Study Session  
Board and Commission Interviews

January 14 Study Session (Wednesday)  
Fire Department Discussion

January 20 Study Session & Regular Meeting  
Financial Report  
MuniRevs Filing Fee Update  
Miscellaneous License Updates  
Redistricting

January 26 Study Session  
Planning & Zoning Commission – Comprehensive Plan Discussion  
Metro Volunteer Website  
Board and Commission Appreciation Night/Gift Discussion  
Citizen of the Year Selection

February 2 Study Session & Regular Meeting  
Arapahoe County Commissioners  
RTD Representatives

February 9 Study Session

February 17 Study Session & Regular Meeting  
Financial Report

February 23 Study Session

March 2	Study Session & Regular Meeting
March 9	Study Session NLC Conference
March 16	Study Session & Regular Meeting Financial Report
March 23	Study Session
March 30	No meeting scheduled – 5th Monday
April 6	Study Session & Regular Meeting
April 13	Study Session
April 20	Study Session & Regular Meeting Financial Report

## **FUTURE STUDY SESSION TOPICS**

McLellan Reservoir – Executive Session  
 River Run Easement  
 Citizen Engagement  
     Social Media Policy  
     NextDoor Update  
 Tale of Two Cities presentation: What Can or Should Our City Look Like in the Future?  
 Hotel/Motel Regulations  
 Public Smoking Ban  
 Affordable Housing Studies  
 Bike Paths  
 Construction Defects Ordinance  
 Englewood Branding/Image – pending ACE report  
     Buy Englewood/Buy Local  
     Neighborhood Naming/Branding  
     Gateway Improvements  
     Targeted Economic Development  
 Cultural District – pending URA report  
 Review of Requirements for Medical Marijuana Noticing and Signage  
 Medical Marijuana and Liquor Licensing Authority



City of Englewood

**ENGLEWOOD LIQUOR AND MEDICAL MARIJUANA LICENSING AUTHORITY**

**1000 Englewood Parkway, City Council Chambers**

**December 3, 2014 7:00 p.m.**

**Regular Meeting Minutes**

**1. Call to Order and Roll Call**

The meeting was called to order at 7:06 p.m. by Chairperson Ostmeyer.

**Roll Call.**

Present: Michael Buchanan, Jacqueline Edwards, Diane Ostmeyer, D. Alexander Wenzel, Carolyne Wilmoth

Absent: None

Also Present: Assistant City Attorney Comer  
Deputy City Clerk Bush  
Assistant City Clerk McGarry  
Mayor Penn  
City Manager Keck  
Finances and Administrative Services Director Gryglewicz  
City Clerk Ellis  
Sales Tax Auditor Ravichandran  
City Council Member Gillit  
City Council Member Yates

**2. Consideration of Minutes**

a) Results of the minutes of the telephone poll of November 19, 2014.

**MEMBER BUCHANAN MOVED, AND MEMBER WILMOTH SECONDED, TO APPROVE THE MINUTES FROM THE TELEPHONE POLL OF NOVEMBER 19, 2014.**

**Vote Results:**

Ayes: Members Buchanan, Edwards, Ostmeyer, Wenzel, Wilmoth

Nays: None

Motion approved.

**3. Renewals**

a) MD Liquors Store                      Retail Store liquor license  
2895 S. Broadway                      Expires January 11, 2015

b) Noodles & Company                      Hotel/Restaurant liquor license  
697 W. Hampden Ave.                      Expires January 3, 2015

c) The South  
3535 S. Huron St.

Hotel/Restaurant liquor license  
Expires December 31, 2014

**MEMBER BUCHANAN MOVED, AND MEMBER WILMOTH SECONDED, TO APPROVE THE RENEWAL FOR AGENDA ITEMS 3 a – c.**

**Vote Results:**

Ayes: Members Buchanan, Edwards, Ostmeyer, Wenzel, Wilmoth  
Nays: None

Motion approved.

**4. Change of Manager**

a) The Noodles Shop, CO – Noodles & Company  
697 W. Hampden Ave.  
Changing from Misty Shealy to Chris Canavan

**MEMBER EDWARDS MOVED, AND MEMBER WENZEL SECONDED, TO APPROVE THE CHANGE OF MANAGER FOR NOODLES & COMPANY.**

**Vote Results:**

Ayes: Members Buchanan, Edwards, Ostmeyer, Wenzel, Wilmoth  
Nays: None

Motion approved.

**5. New Application – Medical Marijuana Center Type 1 License**

a) TDM, LLC. dba Trees  
5005 S. Federal Blvd.  
Medical Marijuana Center Type 1 License

**MEMBER WENZEL MOVED, AND MEMBER BUCHANAN SECONDED, TO OPEN THE PUBLIC HEARING FOR A MEDICAL MARIJUANA CENTER TYPE 1 LICENSE FOR TDM, LLC. DBA TREES, 5005 SOUTH FEDERAL BLVD., ENGLEWOOD, COLORADO 80110.**

**Vote Results:**

Ayes: Members Buchanan, Edwards, Ostmeyer, Wenzel, Wilmoth  
Nays: None

Motion approved and the Public Hearing opened.

**Roll Call.**

Present: Michael Buchanan, Jacqueline Edwards, Diane Ostmeyer, D. Alexander Wenzel, Carolyne Wilmoth  
Absent: None

Chairperson Ostmeyer said before we begin the Public Hearing, it has come to the attention of the Authority Members that a number of questions have arisen regarding the Public Notice provided by the Applicant. This includes the mailing and the posting of the notice regarding this Public Hearing.

Have the Authority Members reviewed the Applicant's mailed notice and the posted notice contained in the packet? They replied yes.

Do any of the Authority Members have any concerns about the mailed notice or posted notice as being inadequate or that it did not meet the standards set forth in our procedures or in the City's Code? They replied no.

Do any of the Authority Members have questions for the Applicant regarding the steps they took to mail the notice or post the notice for this Public Hearing? They replied no.

Since the Authority Members are satisfied with the given notice for the Public Hearing, I will accept that the notice of Public Hearing met the standards set forth in the Englewood Municipal Code 2000, and we will now proceed with the rest of the Public Hearing.

Before we begin, I would like to set forth the procedures that will be followed for this Public Hearing:

**PUBLIC HEARING PROCEDURES BEFORE THE ENGLEWOOD LIQUOR AND MEDICAL MARIJUANA LICENSING AUTHORITY**

The following procedures for the conduct of Public Hearings regarding Liquor and Medical Marijuana license applications are hereby adopted by the Englewood Liquor and Medical Marijuana Licensing Authority and shall apply to all Liquor and Medical Marijuana licenses no matter the type of license being requested.

a) The Englewood Liquor and Medical Marijuana Licensing Authority is a quasi-judicial body and as such may allow the introduction of hearsay evidence, whether that evidence is offered through the testimony of witnesses or through the introduction of documents.

b) Such evidence will be given the weight that the Authority Members deem appropriate during any deliberations or Executive Sessions regarding the issuance or denial of a Liquor or Medical Marijuana license.

c) Opening statements by the Proponent/Applicant shall be limited to ten (10) minutes. The presentation of evidence in favor of the issuance of the license shall be limited to three (3) minutes per witness. If the Proponent/Applicant has more than five (5) witnesses, and the witnesses' testimony in favor of the issuance of the license shall be the same, the Authority may request that one (1) spokesperson for the Proponent/Applicant witnesses be appointed to speak for the entire group.

d) Opening statements by any Opponents shall be limited to ten (10) minutes. The presentation of evidence in protest to the issuance of the license shall be limited to three (3) minutes per witness. If the Opponent(s) have more than five (5) witnesses, and the witnesses' testimony in opposition to the issuance of the license shall be the same, the Authority may request that one (1) spokesperson for the opponent(s) be appointed to speak for the entire group.

e) Cross-examination of witnesses or documents presented shall not be allowed by either party, except for good cause shown.

f) Upon the conclusion of all of the evidence and testimony, the Authority may retire into Executive Session to consider the evidence and testimony.

g) At the conclusion of the Executive Session, the Authority will render its decision, and it will not take any further testimony.

h) After the Public Hearing is closed, the Authority will not answer any questions regarding the Public Hearing.

She said Kerry, please call the roll.

**Roll Call.**

Present: Michael Buchanan, Jacqueline Edwards, Diane Ostmeyer, D. Alexander Wenzel, Carlyne Wilmoth  
Absent: None

Chairperson Ostmeyer said Kerry, please introduce the City's exhibits at this time. Deputy City Clerk Bush introduced the exhibits.

Chairperson Ostmeyer asked who is here representing the applicant. Attorney Brian Vicente stated that he was the attorney representing Michael Rasser and TDM. Chairperson Ostmeyer said please proceed.

Mr. Vicente said thank you for hearing this issue this evening. I just wanted to clarify that this application is for a Type 1 Medical Marijuana Center application. This is the smallest type of Center the State allows. It is strictly medical. It is not recreational. This is an issue that Englewood voters passed on the ballot. Mr. Rasser is here and he is a responsible person with a long illustrious background in real estate development. He also owns a marijuana store in Denver, in which he has been in compliance and has had zero violations.

We believe that this location is ideal. It is zoned properly. It is in a commercial area. There is a lot of commerce going on. It is across the street from a liquor store, a tobacco store, a check cashing location and a grow store. People are used to commerce in that area. Right now, it is not an attractive facility. Mr. Rasser will renovate that building. It is also close to a bus route. We will have adequate parking. We want to make sure that patients have adequate access to medical marijuana. I will ask Mr. Rasser a couple of questions.

Mr. Michael Rasser was sworn in by the Deputy City Clerk.

Michael Rasser, the applicant and a Lakewood resident, provided his professional background when asked by his attorney. I have been in the real estate development profession for over twenty-four (24) years. We buy old buildings and then renovate them. When marijuana came to Colorado about five (5) years ago, as a landlord, I was constantly getting phone calls so I became well educated about this. I received my first marijuana license in September 2013. I opened a store in Denver and have since moved that store to another location. Posters depicting pictures of before and after shots of stores Mr. Rasser has purchased and renovated were shown to the Authority and the audience. Mr. Vicente and his associate (Jessica Scardina) provided five (5) exhibits to the Authority including: Pictures of some renovated buildings, an article from the Denver Business Journal "Metro Denver marijuana growing operations giving boost to industrial real estate market", a Denver Post article "Medical marijuana dispensaries effect on crime unclear", a thirty-six (36) page petition with signatures indicating 130 in favor and 3 opposed, and a chart indicating the number of marijuana patients and the number of marijuana centers by county.

Mr. Rasser said that regarding security measures, we tend to go over the requirements or double the amount of equipment required. We cover all of the exterior and interior angles. Mr. Vicente asked Mr. Rasser to explain his petitioning process. Mr. Rasser replied that when he found out that there was some opposition to the license and that they had a petition, he went out on Monday, December 1, 2014 to talk to the people in the neighborhood. I was able to speak to the people, tell them our plan and several of them signed our petition in favor of the establishment, who had originally signed against it. Mr. Vicente asked Mr. Rasser about the letter of support received. Mr. Rasser said this strong letter of support came from a 20 year veteran of the police force and it states how these establishments actually help the neighborhood.

Mr. Vicente asked about the parking spaces. Mr. Rasser responded the way it is looking right now is that we will have five (5) employee only parking spaces and eleven (11) other spaces, which will give us adequate room for the patients.

Responding to Mr. Vicente regarding zoning and distancing restrictions, Mr. Rasser stated that we have met the distance compliance with the nearest school over one-half (1/2) driving miles away. Mr. Rasser said I do not believe that the current needs are being met by Englewood or even Arapahoe County. When dealing with medical marijuana, these patients often have a disability. That is why being near a bus route will be helpful. There are only two marijuana Centers in Englewood and the nearest one is about 1.2 miles away.

Mr. Rasser stated that I am often asked why I am in this business. Mr. Rasser stated I don't use marijuana, at all. I don't use it in any form. There was a year in my life where I was disabled; nine (9) surgeries and I was unable to walk and was on crutches for nearly two (2) years. There was a point where dealing with the pain became my focus. Constant pain invaded every aspect of my life. It was through this event that I came into contact with people in a similar situation. I saw people who chose to medicate with alcohol, often with horrific results. One dear friend became addicted to narcotic drugs. I also saw people reaching out for a different type of medication. It was legal medication that they were using to deal with common pain and more of a holistic approach. I never chose to use medical marijuana in any way but I am very much open to the fact that there is a large segment of our society who use it and who are our patients.

Chairperson Ostmeyer asked if any of the Authority members have any questions.

Member Buchanan said there are a couple of drawings in our packet. Which one is the correct one? Mr. Rasser said can I approach? Mr. Rasser approached the Authority and said the hand drawing is the rough draft and the architect drawing is more accurate. Mr. Buchanan said we will use the architect drawing, the one dated October 27.

Mr. Buchanan asked where Federal Blvd. is located on this map. Mr. Rasser showed the Authority. Mr. Buchanan asked if you are planning to take over the entire property. Since I shop over there, I know that there are two stores currently located there. Are you taking over the entire building? Mr. Rasser replied that our plan is to use the entire building. There are multiple reasons. We think we need to be openly careful as to who we share space with. It is also the right size space. The building also requires renovation that you don't do when there are tenants in the building.

Mr. Buchanan said this establishment is different from the other current Centers we have in Englewood. The store is right off of Federal, which is a very busy street, and the beginning of a residential

neighborhood. Is there any buffer there? There is also lots of commerce there. But right behind it is a residential area and it is not buffered. Do you currently have any other facilities that are like that? Mr. Rasser replied no. Our other store is in the Stapleton area. There is a little bit more of a buffer there. It is also a recreational marijuana facility.

Mr. Buchanan clarified that this is strictly a Center/dispensary facility. It is not a grow facility. You will be bringing in the product. Mr. Rasser said that is correct. Mr. Buchanan asked if there was sufficient spacing in the back for deliveries or additional parking. Mr. Rasser replied yes. Mr. Buchanan asked how many employees will work there. Mr. Rasser answered 6-9 employees. Mr. Buchanan asked what will be the operation times. Mr. Rasser responded I think 10:00 a.m. to 7:00 p.m., every day. Mr. Buchanan asked as to the number of patients. Mr. Vicente replied that the license they are applying for allows them up to 300 patients. We don't expect to have them all there at one time.

Mr. Wenzel asked if you plan to share space with a tenant and with the Center, will there be separate HVAC units. Mr. Rasser said yes, if I was considering that. That is not my intent to do that.

Mr. Buchanan said some of the concerns that I have seen with the petitions and the letters in opposition refer to the marijuana smell. We have had a lot of discussions with the people who have come in with grow facilities. Is this a factor with the dispensary? If it is, how do you go about fixing it? Mr. Rasser answered any time you are around marijuana, there is an odor. However, it is extremely easily mitigated at a Center. It is very easy to filter. You can't compare a store to a grow facility. Mr. Buchanan asked are the neighbors going to smell this and are you going to put in some sort of mitigation system. Do you have one in your current facility? Mr. Rasser replied yes and we always go overboard.

Mr. Buchanan asked have you received complaints at your other location. Mr. Rasser said no. Mr. Buchanan clarified that the facility at the Stapleton address is both retail and medical. Mr. Rasser said yes.

Mr. Rasser said with my background in real estate development, one thing that is taught over and over, but that many people have forgotten, is how to be a good neighbor. If you are sharing building or parking lots with someone, how do you go about being a good neighbor? How can we co-exist? One of our neighbors to the south expressed a concern about parking. That is a reasonable concern. He should believe that it is on me to make every assurance that we don't have a problem. There will be signs. When we open, we will have new patients. They need to know where they can park and where they can't. It is up to us to educate them.

Ms. Edwards asked how many square feet is the building, for the entire building. According to the public records, the building is approximately 3800 ft. County records show 3782. Ms. Edwards asked if there will be renovation, removing the doors, etc. Mr. Rasser said yes. There will be a significant exterior renovation as well. Ms. Edwards asked are you the owner of this building. Mr. Rasser said it depends on how this hearing goes. Ms. Edwards asked when do you plan to open. Mr. Rasser said sometime next year. It depends upon the process we have to go through to get the proper permits and the building in shape.

Mr. Rasser said we want to be a part of this community. It is in our best interests to be involved and be active. People will be looking to us to get a read on this industry that they might have questions about. We are going to take on the role of being an ambassador.

Mr. Wenzel said it sounds like you are going to eventually own the property. We have a lease here. Are you going to buy the building and then lease it to your business? Mr. Rasser said one of the real estate holding companies will purchase the building and then lease it to TDM, LLC. Mr. Wenzel asked if the partners in the holding companies were local or out-of-state. Mr. Rasser said my partner of 24 years lives in town.

Chairperson Ostmeyer asked Mr. Vicente if he had any other witnesses. Chairperson Ostmeyer said I have a list of people who signed up to speak in favor for the license. Do you have other witnesses? Mr. Vicente replied they all signed the list.

Chairperson Ostmeyer clarified the sign-up list. Some people signed the Citizen Forum sign-up list instead of signing up for the Public Hearing. The mix-up was straightened out and the appropriate names added to the correct lists.

Chairperson Ostmeyer said I will call you up in order. You will have three (3) minutes to speak.

Those providing testimony were sworn in by Deputy City Clerk Bush.

Public Comment supporting the issuance of the license:

- 1) Douglas Adams, a Denver resident, said I have been Michael Rasser's partner for 23 years. Michael has been a friend, a phenomenal business person and a man of integrity. If you approve the license, you would be getting a star.
- 2) Rick Pennington, an Englewood resident, said I know Michael and his business partner. They are very reputable. As an Englewood resident, I grew up here. I have two kids in Englewood. I would like to see this regulated where patients can go and get their medicine at a store instead of the black market. This also keeps it out of the hands of my children.
- 3) Alexander Vucasovich, an Englewood resident, said I think it is good for people to be able to get their medicine. My roommate and I live close to a few dispensaries and we have not seen any increase in crime.
- 4) Olaf Grasse, an Englewood resident, said I have been a resident for 23 years. There has been a dispensary on Broadway for a while now. I live about four (4) blocks from it and I have not noticed any increase in crime. I think it is good for people to get their medicine in a safe place instead of underground. Thank you for your time.
- 5) Kody Wilson, an Englewood resident, said my dad has epilepsy. He fell off of his bike. The pills they gave him make him nauseous. Medical Marijuana helps him so he can eat.
- 6) Shelby Hoagendyk, an Englewood resident, said I have a couple of points to make. I worked in the school system. I have also lived in Englewood my whole life. I have worked in the cannabis industry. I prefer a Colorado resident, someone who has lived here, to open a dispensary as opposed to someone from out-of-state coming here. I believe that it would help Englewood citizens, supporting local business. I have some family members that have to go out of their way, to another city, to get their medicine. It would now be readily available in their own town. I also believe that it being a medical marijuana facility, it would help with the education of the people to be more positive.

7) Joe Rogers, an Englewood resident, said I think that some people really need this stuff. A medical marijuana shop in Englewood would be a really good idea.

8) Jane Dailey, a Denver resident, said I wanted to make a comment. When handicapped people need help, they are willing to come help us. I didn't think that that was unreasonable; that they would help people who need help getting out of the car.

9) Chris Guthrie, an Aurora resident, said I am the general manager of a retail store across the street from this location. With all of the remodeling that King Soopers has done in the past year, what this applicant would do would enhance the street right there. It would help bring in more business to the area.

10) Robert Popejoy, a Littleton resident, said I am for this. I think people should have the option to go to an actual store to get this as opposed to going to a corner or somewhere shady. I think in the long run, it would help to secure the community and keep it more safe. Thank you.

11) Dave McCabe, a Littleton resident, said I have a background of 25 years in the criminal justice system. I dealt with juveniles and adults both. Marijuana is something that was always on the books. We saw more people who drank or did hard drugs. I never saw it as a gateway drug to hard substances. I am also a combat veteran, rated at 100% disability. I can positively tell you that in 1969 when I returned to this country, those injuries were not dealt with by the VA or this country. We self-medicated with marijuana. I now am on a regiment of about nine (9) different drugs as opposed to one (1) when the VA took a hard stance in 1988. They would not prescribe marijuana because of the Federal law. Most going through the VA would rather have marijuana instead on the drugs they are on.

Public Comment opposing the issuance of the license:

1) Carolina Idris, a Littleton resident, said I am here for one of the stores. I am speaking for the tenants. They have been there for twelve (12) years. The parking that they were talking about, I know that there is not enough. People will park in the street. There are kids in the residential area. That is why I am opposed.

2) Consuelo Rodriguez, an Englewood resident, said I wrote a letter. Ms. Rodriguez read her letter. I did not get a notice. I own property directly behind this shop. I do not think it is appropriate. I have two (2) children. I am trying to dispute the property lines right now as I think their back parking lot is part of my property. I have talked to the City and County of Englewood as well as the Arapahoe County Assessor and they say the property behind this building belongs to me. I need to have it surveyed and I don't have the money to do this. I think the security they plan may be intrusive and invasive.

3) Christine Zalduar, an Englewood resident, said I wasn't prepared to come forward tonight. To the City and County of Englewood, please do not allow this. My sister lives directly behind this place. Children do reside in this area. We have not seen any benefits of marijuana. I would like to thank the gentleman who served our country well. I would like to thank the board here tonight. Please consider this as a business coming before your home, where your children stop on the corner on a daily basis. Would you like the people who could be potential customers of this location around your children? I am not in favor of it. It would be best to find another location because we don't want this near our home. Go somewhere else. It is a residential area. He already has another location. All I am asking is that the City and County of Arapahoe please give it good thought. Englewood, too. Be aware that directly behind this is residences with children.

4) Peggy Lapp, an Englewood resident, said I am close to this location. It is not about the product or who is using it. It is about the fact that it is going to be in our backyard. All that matters is that it is going to be in my neighborhood. I know my neighbors. This is not the kind of neighbor I want to see. It is not a person but a business. Regardless of what your product is, it is a great product that some people need, you are not going to be living there like we do. I can see this building from my backyard. It is a hideous building. Englewood has done nothing. They have done nothing to help us improve that building. The people who own it have abused it. Regardless of that, this business is in a residential neighborhood. There are four (4) homes directly across the street. People live here. Families live here. There is a bus stop for children. The additional traffic to the neighborhood, which is already busy from local businesses, is not welcome. I would love to see something there but not this. There is plenty of retail space across the street. This is not a place for it. I am not against marijuana. This would be a negative impact to my area. I don't want to look out my back window and see this. It is not appropriate. Please oppose the application and keep our neighborhood intact.

5) Jeanne Taylor, an Englewood resident, said I have been a resident of Englewood for 20 years. I am opposed to this. There was not any posting on this building. I have pictures on my phone from this weekend. A letter was sent sometime in November. Not everyone received this letter. What are they trying to hide? Why are they not following everything? It is a residential area. Where do the two businesses go who are currently there?

6) Anna Plute, an Englewood resident, said we have been residents in Englewood for over 46 years. My husband and I oppose the granting of the license at this location. It poses the threat of crime in the neighborhood. Edibles pose a danger to the adults and children in the neighborhood. At this time, there are few regulations regarding edibles. This is new territory. It is putting children at risk in our neighborhood. Marijuana stores diminish homeowners' values. Let's keep our children safe and our home values high. Marijuana pot shops have an image problem that other businesses don't have. Thank you.

7) Anthony Plute, an Englewood resident, said the current location is an eyesore. The owners and Englewood should be ashamed of themselves. In 1965, a flood came through there and there was water up to the ceiling. Are you aware that the King Soopers used to have an armed guard in the store? Eventually things started picking up and money was invested in remodeling. When Daniel Kagan was campaigning, he said this was a pretty good neighborhood. It was nice to hear that this might be one of the better parts of Englewood. With this in mind, let's not approve this license.

8) Matt Schute, a Littleton resident and an Englewood property owner, said I wanted to address some of the things Mr. Rasser stated. He said he had eleven (11) parking spaces there and I find that hard to believe. With his employees parking there, that means people will be parking in the neighborhood. I have no idea what the exterior will look like and I understand why he doesn't want to spend the money right now. The question is will he do what he is saying here tonight once he obtains the license? He has been in real estate a long time and he feels that this location is perfect. He also stated that he has another store, at a much better location. His much better location on Smith Road is in an industrial area. I know the area well and there are no houses. So I think there will be a lot of parking on the neighborhood streets. I am not against medical marijuana. I am not against businesses. I think Englewood needs more businesses. I just think this location is one of the worst uses for that building. The traffic and the corner are dangerous. Security and lighting will be intrusive. I think this location would be a horrible business. There are other buildings available which would be a better location. I ask that you just say no to this license.

9) Tyler Madden, an Englewood resident, said my girlfriend and I bought our house a year ago. This shop is at Federal and Bellewood. I believe that it is very much a part of the neighborhood. To clarify a couple of points made by the applicant, you said that Englewood is currently underserved. I think we have established that there are several medical marijuana spots in the Englewood area and the Denver area. I am not opposed to medical marijuana but I am opposed to it being in my neighborhood, on my street, where I want to raise my children. That is something you need to think about; that it is a part of the neighborhood. Another thing that was said was regarding the employee parking. There is not enough parking for the employees and the patients thus leading them to parking on the street. Some of the renovation may move it from facing Federal to facing Bellewood. That is my street. It was stated that it is the perfect location as it is zoned and it is on a bus route. Other business could utilize that space and use the convenience. There are other locations and not just to make it convenient for you, that doesn't mean you should go there. We don't need one on every corner. Mr. Rasser, how do you feel about having marijuana on your street, the street you live on? I understand it is a business to you and you want to make a lot of money on that. I'm not opposed to making money. The patients can take the bus to another location. I'm not opposed to you running your business but I am opposed to having it on my block. It is not a good location. I feel for those who benefit from it but it doesn't need to be here. Travel is travel and they can travel a little bit farther.

10) Zosia Clark, an Englewood resident, said I know people who have had to use medical marijuana and that is okay. It is legal in Colorado. I don't want my kids playing near this location. I don't think this is the right place for it, being a part of a neighborhood. It belongs in a business district.

11) Steven Zarnow, an Englewood resident, said I live right up the street. My house has been hit twice by cars. I am concerned when he said that he could have up to 300 people. That is a lot of cars. We won't have any spots for parking by the neighbors houses. This is a neighborhood with houses. Please vote no.

The meeting recessed at 8:36 p.m.

The meeting reconvened at 8:47 p.m. with all Authority Members present.

12) Heidi Ann Zarnow, an Englewood resident, said this is, in fact, not about whether or not marijuana is legal and good to use. It is about the location of the shop. Although I would love for them to come into our neighborhood and beautify it, what I see here are midblock buildings. This building is 30 feet away from houses. In front of you today are people from the neighborhood that you want to improve. My husband has lived here his whole life. These are our neighbors and this is our neighborhood. We are opposed. There are maybe ten (10) parking places, with five (5) of them going for employees. There is a sidewalk that we and our children walk down to get to businesses and schools. My husband told you that our house has been hit twice. Regarding the criminal activity in the neighborhood, looking outside of my window, I see people driving up and completing drug deals. The Englewood police are called. I am not naïve. People buy this product and then resell it. This is not a business that the neighbors want. Please develop it and do something different. Make it beautiful but don't make it a medical marijuana dispensary. Thank you for listening.

13) Donald Hoyt Sr., an Englewood resident, said I think everything has been said. This is not the area for this business like it would be across the street by King Soopers. The parking spaces are limited. There is a very small space between the sidewalk and the parking. You would probably have to drive over the sidewalk to get to the parking. There are other locations available.

14) Doyle Robinette , an Englewood resident, said in addition to all of the opposition, I would like to add that I used to live next to a dispensary and they do stink. You can gage the odor by the weather and how far in the neighborhood it will get carried by the drafts. The other thought is that if you had to start a business and it required 23 cameras, you are starting with security issues. I am opposed to it coming into the neighborhood.

15) Glenn Riggs, an Englewood resident, said I live about three (3) houses away. It is not a good spot. Those in favor appear to be from different parts of Englewood, not in our neighborhood.

16) Rick Gillit, an Englewood resident, said I want to thank members of the Medical Marijuana Board tonight. One of the things that I am perplexed at is the address on the application is only a part of that building. There are other addresses on that building. The application does not cover the other addresses. I'm not sure if the application is void, insufficient or if he has part of other things. That is not what is on the application. Your responsibility is to find out if the applicant and the application meets...I agree with the other people that this is not about whether medical marijuana is legal or not; whether it should be used or not. The issue here is it is the wrong business in a wrong location. I have been by this house numerous times. I have been looking for the postings. I have driven by daily and seen no postings. City Code does require a physical posting. I went by tonight and the posting is still not there. I am concerned at how your board can say that it is sufficient when obviously our concerned citizens say it is not. There has to be a sign. There is no sign. There is no sign and that is a fact. Also, being in real estate, he knows property values mean something to those that hold them. This is a taking of value to those residents legally affected. As Council would not chose to vote for something that takes something from someone else to give to another person, I ask that you consider this is a taking of property rights from voters directly and legally connected to this property. The houses are close to this property. I agree that the opponents do not live in the area. We do need a business there. We do need a better building there. There are a thousand other uses for that property. I hope that we can work together with them for something else that can be profitable for the applicant and so that the residents can be proud of it. This community will not be proud of that facility. I want to be proud of what is around me. They will not. Please consider that.

Chairperson Ostmeyer said I have a question for you. As you are aware, the Authority has no say in zoning or how that works out. We simply administer what is set out before us. We have nothing to do with what is zoned or for what. What is the process and who approves that zoning? Mr. Gillit replied the Zoning Board does. One of the things that Council did recently was also give your board more authority. Not to only look at whether they met all of the checkmarks but what effect they have on the community. He said Council also asked the board to rate heavily on the impact for the desire of the community. Chairperson Ostmeyer said but the City Council did review what is put forth by Zoning? Mr. Gillt answered yes, they do.

17) Walt Iverson, an Englewood resident, said I live in the area. I was not aware of this until I received notice from my neighbors. The pictures shown by the applicant are not from our city. Where this building is located is in a residential area. Let them go to the King Soopers across the street. There is not enough parking in the King Soopers lot for their customers. When you look at this location, there are going to be parking issues. I think there is a need for this. I have no problems with medical marijuana. I have problems with this being here. The size of this building, 3800 square feet, is too large and this is going to grow into more than just a medical marijuana business. They will be coming to you to ask for a change to recreational marijuana. That is where I really oppose it. Thank you very much.

18) Patricia Ross, an Englewood resident, said I live 4/10ths of a mile from the center. My neighbors have given you many good reasons why we don't want this in our neighborhood. I want to point out some flaws we saw in the postings and what we were sent as opposed to what these folks told us. Mr. Rasser said we are going to be good neighbors and they are going to do more than what is required. That's good but the posting that came in the mail had no return address. It was an unmarked envelope so we didn't know what it was. I had to go back through my mail when my neighbor alerted me. They said they canvassed the neighbors. I was never contacted. I asked my neighbors and they were not contacted. I work at home. I own my own business and work out of my home. We are always there. The Center's address has already been pointed out. The 5005 S. Federal Blvd. is on the notice and is only the north facing part of the building, not the other side. People have talked about the parking issues. What I want to reiterate is that people pulling out of the Center will light up. We will smell that. Our children are right there with the busses, or walking to school or walking to King Soopers. Mr. Rasser, you also had this eloquent speech about what medical marijuana does to help people. Of course, this is not about the legality of marijuana. However, it is a drug. It is a hallucinogenic. The marijuana THC levels are far higher than they were when I was a kid. The THC levels would not be legal in Sweden. When someone uses marijuana, they experience disorientation and lack of physical coordination. Fine, everybody is being helped from this medical marijuana. But what would happen when a child is walking along and they were hit because someone was disoriented? How would you feel? That is why we don't want this in our neighborhood. I don't want this over at King Soopers either. There are other appropriate places to put this. What would happen if a child was hurt by someone who was high? It is a drug. Thank you for listening. Thank you for letting us voice our concerns.

19) Scott Taylor, an Englewood resident, said this is actually an excellent business location but not for this business. This has the only crosswalk across Federal to get to the King Soopers. Anyone who walks to the store will walk right in front of this store. They mentioned the bus stop there. Our children use those bus stops.

20) Steve Yates, an Englewood resident, said I am going to just bring up a little point that when it comes to how the community voted for medical marijuana or marijuana in general, that particular area has consistently voted no against the majority vote. That is all I wanted to bring up.

Chairperson Ostmeyer said at this time, I will ask the applicant to make his closing remarks.

Mr. Rasser stated I wish I had better time to ingest some of this input so I could address some of the issues that are so simple. The legal address of that property is 5005 S. Federal Blvd. There are other postal addresses but that is the legal address. I hope you understand that we went through extraordinary lengths to get mailings out to everyone from the lists that we were given and the resources we were given. We followed the rules. We can't and didn't take liberties with this. There are some issues to talk about. The medicine gets delivered in air-tight packaging. We have filtering inside. Mitigation of the smell is easy to do. Other businesses who are sloppy give businesses a bad name. I heard a lot about parking. I guess there would be parking concerns no matter what commercial use went in that building. We plan to work with our patients and nearby businesses on that. I want you to know that I heard this. I understood it. I wish I had more time to reflect through it and address it in a more...this is your concern and this is what I will do about it. I listened to those neighbors who are right up against our backyard. I think that is an issue. It is a commercially zoned area. As far as we are aware, it is the only commercially zoned area remaining in Englewood that we could have this facility at. I wish that wasn't the case but it is. I hear what the neighbors are saying. There are lots of situations where commercial backs right up to residential. There are a lot of people who stated that they did not object to the use of marijuana but they don't want the use in their neighborhood. That is

understandable. Would it be different if it was a liquor store? I don't know. This is not for me to opine on. There are ways though that we can help. Our cameras have to be aimed for the purpose that they are intended, not to disrupt the lives of neighbors. Exterior lighting can be effective and not intrusive. I guess what I am trying to say is that we hear your comments and we will do everything we can to be a good neighbor.

**MEMBER BUCHANAN MOVED, AND MEMBER WENZEL SECONDED, TO RECESS TO AN EXECUTIVE SESSION.**

**Vote Results:**

Ayes: Members Buchanan, Edwards, Ostmeyer, Wenzel, Wilmoth  
Nays: None

Motion approved.

Chairperson Ostmeyer stated that I did want everyone to know that a decision will be made tonight. We need to go into Executive Session first.

The meeting recessed at 9:17 p.m.

The meeting reconvened at 9:59 p.m. with all Authority Members present.

**MEMBER WILMOTH MOVED, AND MEMBER EDWARDS SECONDED, TO RECONVENE FROM EXECUTIVE SESSION AND RE-OPEN THE PUBLIC HEARING.**

**Vote Results:**

Ayes: Members Buchanan, Edwards, Ostmeyer, Wenzel, Wilmoth  
Nays: None

Motion approved.

Chairperson Ostmeyer said I will accept a motion to approve or deny the license. Kerry will record the votes. After that, each of us will speak as to why we voted the way we did. There will be no further testimony or questions.

**MEMBER WILMOTH MOVED, AND CHAIRPERSON OSTMEYER SECONDED, TO APPROVE THE APPLICATION FOR A MEDICAL MARIJUANA CENTER TYPE 1 LICENSE FOR TDM, LLC. DBA TREES, 5005 SOUTH FEDERAL BLVD., ENGLEWOOD, COLORADO 80110.**

**Vote Results:**

Ayes: Members Edwards, Ostmeyer, Wilmoth  
Nays: Members Buchanan, Wenzel

Motion approved.

Chairperson Ostmeyer said at this time, everyone will speak as to the reason they voted the way that they did.

Member Edwards said this is difficult. I do appreciate everyone who came out tonight, whether they are for or against having this Medical Marijuana Center at this location. At the same time, these people, Mr. Rasser, have done an exemplary job on their application and showing his great strength and ability to operate such a facility. From the standpoint of what the Authority is called to do, I feel that I would be wrong if I were to deny this gentleman a license based solely on some of the people in the

neighborhood saying I don't want this in my backyard. That is why I voted as I did. I am hoping that this will prove over time to be an asset to the neighborhood and I wish all of you the best in watching out for each other. I hope I never, ever hear anything about contrary treatment of this center or of the neighborhood. We need to give this gentleman a chance and see which way this does shake down. I hope it improves the area there.

Member Buchanan said I voted no. I would like to give you some background due to some comments being made. I have been on this Authority for 6-7 years. This is the most difficult call that we have had to make. Marijuana laws in the State of Colorado are very permissive. Mr. Rasser was the most qualified person we have seen in here for medical marijuana licensing. Everything was in order. I believe everything that you say in your attempt to do the best thing by being a good neighbor and a public citizen within the City of Englewood. In addition to this being the most difficult decision, this is also the largest group we have had come out. I commend both sides for coming out and expressing your opinions. We appreciate that. Often no one ever shows up for these meetings. We appreciate your input. And that, at the end of the day, is what swayed my decision. Englewood has a new ordinance in place that, I think, directly applies here. I am concerned that the location of your proposed business will alter the essential character of the neighborhood surrounding you. I got that from the questioning that there is no buffer zone here between the business and the residences. People got up here and spoke about their concerns about that. I appreciate those comments. I really think I have a lot of concerns about increase in traffic, lack of parking, potential for odor, lighting, and just the substantive change in the neighborhood from the way it is now. I am not saying that the current business is not in any way positive. [Clerk's note: Mr. Buchanan asked that the word "not" be inserted in this sentence to clarify his intent.] I drive by there all of the time. You have all expressed that too. This is a difficult call but that is why I voted no. It is certainly not a strike against you Mr. Rasser. You would be an asset to this community in many ways, just not at that location with that business. Thank you.

Chairperson Ostmeyer said like Michael, I have been on the Authority for four (4) years. The most difficult decision I have ever had to make here happened tonight. I voted yes because we had an applicant that met every single criteria that the City of Englewood and the State of Colorado asked him to meet. It is not my place to determine zoning or to determine code. That is done and I am here simply to administer that as a member of the Authority. I have a great empathy for the neighbors that spoke this evening and their concerns. I am a long time resident of Englewood, Colorado and I love living here. I did not feel that I had any choice but the one that I made based upon the criteria that we are given as an Authority to approve or deny a license. I don't make those guidelines. I simply administer them. That is why I voted to approve this license.

Member Wenzel said I voted no but it is very, very difficult. The applicant had a sterling application. There was nothing that made me hesitate about the contents of the application. The standard that we are to apply has two components: procedural and substantive. The procedural components have been met and met clearly. You have gone above and beyond, despite what was said by some of the residents about the notice. The notice complied with the law. The substantive standard that we are asked to apply was whether the medical marijuana business would impair the use or development of the adjacent properties or whether it would alter the essential character of the neighborhood. Based on the testimony here tonight, from the citizens and leaders, I believe that having the Medical Marijuana Center there would impair the use of the adjacent properties. That is the only reason that I voted the way that I did. You complied with every procedural requirement. I commend your willingness to come to Englewood and to open a business in an emerging market and industry. The substantive testimony we heard tonight lead me to vote no. Thank you for coming.

Member Wilmoth said I am the senior member. Your application was stellar. It was the best that we have ever seen. It was a very difficult decision. Empathy with the neighborhood was definitely there. I am a retired teacher and so I had a lot of empathy with the neighborhood. I listened intently. You have met all of the standards that we have, both with Englewood as well as with the State. I felt that I had no other way of going. I had to take what I was given and I had to abide by what I had. I wish you well. I do want to tell people that if he does not come up to the standard...you do need to know that we have standards...we do have areas that when you violate, we do call in our applicants and review them. These are reviewed on an annual basis. We don't just say that you have passed. We do see you and your application on a yearly basis. Thank you.

**MEMBER EDWARDS MOVED, AND MEMBER BUCHANAN SECONDED, TO CLOSE THE PUBLIC HEARING FOR A MEDICAL MARIJUANA CENTER TYPE 1 LICENSE FOR TDM, LLC. DBA TREES, 5005 SOUTH FEDERAL BLVD., ENGLEWOOD, COLORADO 80110.**

**Vote Results:**

Ayes: Members Buchanan, Edwards, Ostmeyer, Wenzel, Wilmoth

Nays: None

Motion approved and the Public Hearing closed.

- 6. Citizen's Forum** (This is an opportunity for the public to address the Authority. The Authority may ask questions for clarification. Please limit your presentation to three minutes. Total time for the Citizen's Forum may be limited to 45 minutes. Time cannot be carried over or transferred to another person.)

No Citizens choose to speak.

**7. Authority Members' Choice**

The Authority Members did not have any comments.

**8. Counsel's Choice**

The Assistant City Attorney did not have any comments.

**9. Clerk's Choice**

- a) Fees and forms

Deputy City Clerk Bush informed the Authority Members that the State may be reducing the fees for new applications and transfers, starting in January 2015. They will be updating the application forms during this time as well.

- b) Special Event Permit

Deputy City Clerk Bush said that she has brought this topic to the Authority previously but that the City Clerk has asked that it be revisited. Would the members of the Authority like to administratively approve the Special Events Permits? This means that the State would not approve the permit nor would they issue a permit for the event. The State has been short-handed in staff. We have only had one incident where the permit was almost not issued prior to the event. The permit was issued and

the event was held. The State has increased their staff and said that this should not be a problem ever again. They apologized for the application being put into a new application stack instead of the Special Event stack. There are several other municipalities who complete the process administratively but in most cases, they do not have a separate Authority; instead their Council acts as the Licensing Authority. The procedures will not change except that we will notify the state after the fact. We will not be waiting for them to send a State permit. The Authority will still make the decision and the protocol and requirements will still be followed.

**MEMBER EDWARDS MOVED, AND MEMBER WILMOTH SECONDED, TO START APPROVING SPECIAL EVENT PERMITS ADMINISTRATIVELY.**

**Vote Results:**

Ayes: Members Buchanan, Edwards, Ostmeyer, Wenzel, Wilmoth

Nays: None

Motion approved

**10. Adjournment 10:18 p.m.**