

TOWN OF ALMA
BOARD OF TRUSTEES, UTILITY BOARD, BOARD OF ADJUSTMENTS,
PLANNING COMMISSION, LIQUOR BOARD
MINUTES
REGULAR MEETING
HELD AT ALMA TOWN HALL
TUESDAY JANUARY 20, 2015
7:00 PM

1. Call to Order : by Mayor Goettelman 7:03
2. Roll Call: Minette Doss, Matt Cole, Andrew Zimmerman, Gary Goettelman
Employees: Lee Phillips, Nancy Comer, Greg Kimsey, Nick Radtke, Tim Zingler,
Others: Jara Johnson, Ruth Ann Sherrier,
3. Motion to approve the agenda by Andrew Zimmerman. Second by Minette Doss.
4. Motion to approve the Minutes of the January 6, 2015 meeting with corrections by Minette Doss. Second by Andrew Zimmerman.
5. Review Expenditures:
6. Citizens Comments: Ruth Ann Sherrier was present to request use of the North Room and Stone Community Center for 2015 by the Montessori School.
 - Matt Cole made a motion to allow the Bristlecone Montessori School use of the North Room and the Stone Community Center for \$20.00 a day of use based on availability, for 2015. Minette Doss Seconded. Roll Call: Minette Doss – aye, Matt Cole – aye, Andrew Zimmerman – aye, Gary Goettelman –aye. Motion Carried.

Convene as Utility Board

7. Public Works Report – Nick Radtke and Tim Zingler Water usage is steady @ 40k gal/day. Wastewater 30k-35k/day, Hydraulic loading 25%, Organic loading 78%, Removal rate is 95%, Rate increase coming in February, Sewer flushing continues. Parking education continues, when trash is compacting, please do not open the door. Flat tire on Dump truck, Flat tire on Backhoe, New brakes on PD 106.
8. 2015 Goals for Public Works: Build a new shop, upgrade equipment to safer more reliable and efficient, 4x4 backhoe with snow blade, 20 year newer dump truck, new town pickup, Continue planning for Multi-Million dollar sewer plant, Look into adding paying of bills on line.

Reconvene as Board of Trustees

9. Police Report – Chief Kimsey December 2014 report 38/62 shifts covered, 43 citations issued, 45 warnings issued, 7 agency assists, 6 calls for service, 7 new case reports
10. 2015 Goals for Police Department: update written policies and procedures manual and to revisit and pursue a lower speed limit on Main Street with possibly a flashing light on either end of town.

11. RESOLUTION 2015-03 A RESOLUTION MAKING FINDINGS OF FACT, CONCLUSIONS AND ENTERING AN ORDER DENYING THE APPLICATION OF KFL, LLC, d/b/a GREEN GODESS, FOR TOWN OF ALMA RETAIL MARIJUANA STORE, RETAIL PRODUCTS MANUFACTURING AND RETAIL MARIJUANA CULTIVATION FACILITY LICENSES.

Mayor Goettelman read the resolution into the minutes

TOWN OF ALMA
STATE OF COLORADO
RESOLUTION NO. 2015-03

A RESOLUTION MAKING FINDINGS OF FACT, CONCLUSIONS AND ENTERING AN ORDER DENYING THE APPLICATION OF KFL, LLC, d/b/a GREEN GODESS, FOR TOWN OF ALMA RETAIL MARIJUANA STORE, RETAIL PRODUCTS MANUFACTURING AND RETAIL MARIJUANA CULTIVATION FACILITY LICENSES.

BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF ALMA THAT the following findings of fact, conclusions and order are hereby adopted.

FINDINGS OF FACT, CONCLUSIONS AND ORDER

FINDINGS

1. This matter comes on for hearing upon the application of KFL, LLC dba Green Goddess (“Applicant” or “Licensee”) for Town of Alma retail marijuana store, retail products manufacturing, and retail marijuana cultivation facility licenses at the subject site.
2. The application is not complete and does not contain all the information required by Chapter 6, Article 5 of the Alma Municipal Code. Specifically the Application fails to include information specifically required by Section 6-5-70(b)(12) of the Alma Municipal Code.
3. Notice of a public hearing on the application was given in the manner prescribed by Section 6-5-70(f) of the Alma Municipal Code.
4. A public hearing was held on the application on October 21, 2014, at which the Applicant and all interested parties were allowed to present testimony and evidence regarding the application and particularly the criteria for issuance of a license set forth in Section 6-5-70(h) of the Alma Municipal Code.
5. The Applicant presented testimony regarding the reasonable requirements of the neighborhood and the desires of the adult inhabitants of the neighborhood and several persons spoke in favor of the application.
6. Several persons in interest appeared to testify against the application.
7. Subsequent to the public hearing in this matter, but before the Board rendered its decision, the Board received information suggesting that some of the testimony submitted on behalf of the Applicant at the public hearing was untruthful. The Board therefore reopened the Public hearing on January 6, 2015 to receive limited additional evidence regarding the character and reputation of a person providing financing for the proposed marijuana establishments and whether that person had misled the Board regarding her communications with her probation officer.

¹ At the January 6, 2015 hearing, legal counsel for the Applicant claimed that he had at some point telephoned the 11th Judicial Probation Department and been told by a person whose name he could not remember but who was obviously not Peterson’s probation officer that the Probation Department did not object to Peterson’s participation in the business. The Board finds this testimony unpersuasive but, even if true, concludes that Peterson’s testimony at the October 21, 2014 hearing was still untruthful. Peterson did not say that an attorney for the Applicant had spoken with Probation department—she said, or at least implied, that she had spoken to her probation officer who had no objection. This statement was undisputedly false.

CONCLUSIONS

1. Based on the evidence adduced at the public hearing the Board concludes that the Application submitted by the Applicant is incomplete and cannot be granted. Specifically the Application fails to include much of the information

required by Section 6-5-70(b)(12) of the Alma Municipal Code. The Applicant stated at the public hearing that this information would be provided after the Application was granted. This is, however, not sufficient. The Application must be complete before the Application is considered or granted, not after. The failure of the Applicant to submit a complete application requires denial of the licenses.

2. The Board further concludes that the proposed licenses must be denied pursuant to Section 6-5-140(a)(5) of the Alma Municipal Code which prohibits as a marijuana establishment licensee “any person employing, assisted by, or financed in whole or in part by any other person who is not of good character and reputation satisfactory to the local licensing authority.”

3. The Application before the Board listed Brenda Peterson as an employee, although the Applicant subsequently suggested that Peterson will not be an employee of the Applicant. It makes little difference since it is undisputed that Peterson is an investor in the proposed marijuana establishment and is providing most if not all of the financing for the business.

4. Peterson, on behalf of the Applicant at the October 21, 2014 hearing, testified untruthfully regarding her probation status and her communications with her probation officer. Peterson testified unequivocally at the October 21, 2014 hearing that that her probation officer was fully aware of her participation in the marijuana business and that the probation officer had no objection. The Board subsequently received a letter dated December 11, 2014 from Kara Cullen, Peterson’s probation officer, stating that this testimony was untruthful, that Peterson had never addressed the issue with Cullen and that Cullen had never given approval. Moreover, Cullen stated that by financing the proposed marijuana business Peterson would be violating her probation and that “if she continues with this business, a complaint to revoke probation would be filed and she would face sanctions by the court.”¹

5. Based on the untruthfulness of Peterson’s testimony, as well as her recent criminal record including a very recent violation of the conditions of her probation, the Board concludes that the Applicant is “employing, assisted by, or financed in whole or in part by [a] person who is not of good character and reputation satisfactory to the local licensing authority” with the result that Applicant is a prohibited licensee pursuant to Section 6-5-140(a)(5) of the Alma Municipal Code as well as Section 6-5-140(a)(16) which prohibits as a marijuana licensee “[a]ny person who has made a false, misleading or fraudulent statement on his or her application.”

6. Section 6-5-70(h) of the Alma Municipal Code provides that the Board, as the local marijuana licensing authority, may consider “the reasonable requirements of the neighborhood for the type of license for which application has been made, the desires of the adult inhabitants of the neighborhood under consideration, the number, type and availability of retail marijuana establishments located in or near the premises under consideration, and any other pertinent matters affecting the qualifications of the applicant for the conduct of the type of business proposed.”

7. Based on the evidence presented at the hearing he Board finds and concludes that another licensed retail marijuana establishment, High Country Healing, is located within three blocks of the Applicant’s proposed location. The Board further takes notice that the population of Alma is, according to the most recent data, 267 persons. There was no showing by Applicant that the existing marijuana establishment was inadequate to meet the reasonable requirements of the neighborhood, or even the entire population of the Town, for marijuana sales and cultivation. The Board concludes that considering the reasonable requirements of the neighborhood and the availability of retail marijuana establishments located in or near the premises under consideration the Application should be denied.

8. Finally the Board concludes, based on the evidence presented at the hearing, that the desires of the adult inhabitants of the neighborhood do not favor issuance of the licenses. While the testimony was mixed on this point the Board concludes that the weight of the testimony suggested that the desires of the adult inhabitants disfavored issuance of the licenses with the result that the licenses are also denied on that basis.

12. ORDER

Based on the Findings and Conclusions set forth above, the application for a retail marijuana store license, a retail products manufacturing license, and a retail marijuana cultivation license is DENIED.

READ, APPROVED and ADOPTED at a regular meeting of the Board of Trustees of the Town of Alma, Colorado, this 20th day of January, 2015.

Gary Goettelman, Mayor

- Minette Doss made a motion to adopt Resolution 2015-03. Matt Cole seconded. Ayes – 3, Nays – 1. Motion Carried
12. Cemetery Board Appointments: Verbal requests for appointment were received from Erica Duvic and Andrew Zimmerman. Nick Radtke submitted a written request for appointment.
- Minette Doss made a motion to appoint Erica Duvic, Nick Radtke and Andrew Zimmerman to the Cemetery Board. Matt Cole seconded. 3 – Ayes, 1 –Abstain. Motion Carried.
13. Legal Report – Lee Phillips
2015 Goals for Legal Dept
1. To pursue an annexation of property on the North end of Alma.
 2. To have the Board consider a property incentive program.
- Lee was given direction to prepare a PIIP Ordinance.
14. Administrator Report – Nancy Comer
Salary / Wage increases 2015: Increases as per the budget were discussed. The Board wants to have set scales with minimum and maximums and annual reviews.
- Minette Doss made a motion to increase the wages and salaries as presented and budgeted for. Matt Cole seconded. Roll Call: Minette Doss-aye, Matt Cole – aye, Andrew Zimmerman –aye, Gary Goettelman – aye. Motion Carried.
15. 2015 Goals for Administration: Get more concise direction from Board regarding Police Department, Get more concise direction from Board regarding Code Enforcement, Cross Train someone to do all Town Clerk jobs, Have all personnel enroll in training classes, Encourage Board Members to enroll in more training classes, Update Municipal Code book, Update Town Comprehensive Plan, SOPs for all departments, Work on Building Community Center/Performing Arts Center/Riverwalk, Work on getting high-speed internet available to all residents, Get a better filing system!

Board Comments: Matt Cole quoted Marcus Tullius Cicero “A nation can survive its fools, and even the ambitious. But it cannot survive treason from within. An enemy at the gates is less formidable, for he is known and carries his banner openly. But the traitor moves amongst those within the gate freely, his sly whispers rustling through all the alleys, heard in the very halls of government itself. For the traitor appears not a traitor; he speaks in accents familiar to his victims, and he wears their face and their arguments, he appeals to the baseness that lies deep in the hearts of all men. He rots the soul of a nation, he works secretly and unknown in the night to undermine the pillars of the city, he infects the body politic so that it can no longer resist. A murderer is less to fear.”

2015 Board Goals:

Mel Kassel: Trash cans in the business district on Main St. and keep working on surveying the town properties for walk ways and small parks will go all through town.

Saam Golgoon: Update the town website and see the performing arts center move forward

Minette Doss: Double the attendance to training meetings from last year and present productive usable data gained from those meetings to the Board.

Andrew Zimmerman: Canvas Town with internet surveys, Continue surveying the Town for parks, Communicate with the public on the productivity of Town projects, more shine—more public PR.

Matt Cole: Defend Liberty eloquently.

Gary Goettelman: Tighten up job descriptions, continue work on updated comp plan making sure new projects are included, Move forward on the Town Trail System, Expand on Parks, Encourage employee and Board training, Make sure there is follow through.

Adjourn:

ADA Access Available Upon Request

Town of Alma is an equal opportunity provider and employer