



**MINUTES
TOWN OF PARACHUTE
BOARD OF TRUSTEES REGULAR MEETING
OCTOBER 15, 2015**

MEETING CALLED TO ORDER BY MAYOR ROY MCCLUNG AT: 6:30 p.m.

(A) ROLL CALL:

TRUSTEES PRESENT:

JOHN LOSCHKE
DANIEL MANZANARES
TIM OLK
TOM RUGAARD
TRAVIS SPROLES
JUANITA WILLIAMS
ROY McCLUNG, MAYOR

STAFF PRESENT:

TOWN MANAGER, Stuart McArthur
TOWN CLERK, Denise Chiaretta
POLICE CHIEF, Cary Parmenter
PUBLIC WORKS DIRECTOR, Mark King
COMMUNITY DEVELOPMENT SPECIALIST, Derek Wingfield
TOWN ATTORNEY, Jeffrey J. Conklin
TOWN ENGINEER, Mark Austin

AUDIENCE / PUBLIC ATTENDANCE LIST ATTACHED

(B) PLEDGE OF ALLEGIANCE

(C) APPROVE AGENDA

Town Manager McArthur stated an executive session needs to be called to confer with the Town Attorney for the purpose of receiving legal advice. The minutes from the September 17, 2015 meeting will not be presented until the November 19, 2015 meeting.

MOTION NO. 1:

Moved and seconded by Trustees Rugaard/Loschke to approve the agenda with the changes stated above.

Motion passed unanimously.

(D) CONSENT AGENDA:

(1) EXPENDITURES PAID IN SEPTEMBER 2015

MOTION NO. 2: (Included in motion No. 1)

Moved and Seconded by Trustees Rugaard/Loschke to approve the Consent Agenda, expenditures paid in September of 2015

Motion passed unanimously.

(E) COMMENTS FROM CITIZENS REGARDING ITEMS NOT ON THE AGENDA

Bryson Minter, 406 Yarrow Circle, read an article from a paper in Denver about the use of marijuana in schools.

Pam Jarrett, 184 South 2nd Court, stated that Ryan Hoffman from the Citizen Telegram has been fair in his reporting of the meetings and she would like to thank him for such. Ms. Jarrett stated there was a meeting on May 2, 2015, for which she asked for a recording of said meeting.

Judith Beasley of Fisher Avenue addressed the fact that this committee has ready hung the current Board of Trustees. She was mayor before the current, her husband was mayor and trustee, and she hopes the committee will rethink this decision regarding the recall petition.

Diana Lawrence of Mama's Restaurant, speaking for the Town's businesses, gave numerous reasons as to why the local businesses feel that bringing in the retail marijuana will be beneficial.

Ron Jarrett, 184 South 2nd Court, stated the reason for the recall is because they feel the Trustees are not listening to their responses.

Jory Sorenson, 121 Battlement Creek Trail, Battlement Mesa, stated that he is the principal of the middle school. Mr. Sorenson commented he had attended previous Board meetings and noticed there were many empty seats. The Trustees had to make decisions with no community input. He wanted to speak up about community service. He also feels bad parenting is more of a cause than the marijuana

Mark King, 152 West 2nd Street, commented he has been employed by the Town for 22 years and is upset there are people in attendance who have never attended a meeting except when they are mad; if things didn't go their way. He noticed many have not been involved in any Town matters, but they are now out in full force.

Mr. Brian Martel, 125 Tamarisk Trail Battlement announced he is not only new to Parachute, but also to Colorado. He stated the Board of Trustees is the elected officials of the Town; they were elected to make decisions. If the residents do not attend meetings or participant in their community, they have no right to complain. He feels everyone should look at it as a Town issue and not a marijuana issue. In the long run it brings revenue to the Town.

Derek Wingfield, 125 Poppel Street, stated he and his wife have been out speaking to residents. They feel if something isn't done more people will be moving away. He would like to keep his family here, but with no jobs they will have to leave.

Judith Hayward, 180 S. 2nd Court, stated she had been on the Board of Trustees and served on the Planning & Zoning Commission. She feels the Trustees are moving too fast on the marijuana issue.

Beverly Reed, 445 Battlement Creek Trail, Battlement Mesa, stated she may not have the right to comment how she feels as Battlement Mesa hangs on what Parachute does. She believes the people should have had the right to vote and now there is a divided town.

Lena Metcalf, 190 Silverton, Battlement Mesa, stated all of her family is here and they make their living on oil and gas. She feels it is not the Board's job to regulate marijuana, but parents need to take care of their kids. There is marijuana in the schools now, it has been there for a long time, and there are no shops. Why aren't people concerned about that?

(F) DEPARTMENTAL REPORTS:

(1) Mayor and Board of Trustees Mayor and Trustees

Mayor McClung commented his son, a Veteran, is in the audience and is struggling to keep his family in Parachute. He also introduced his father who has lived through the ups and downs of the oil and gas industry. Mayor McClung would like to stay in Parachute, but some of the residents are making this very difficult.

Mayor McClung read a letter from Amy Beasley in support of the Board of Trustees.

Mayor McClung stated the oil and gas industry is not coming back, and it is due to the current government administration stating they will veto a bill that would allow the U.S. to export gas based on Global Warming.

Mayor McClung went on to talk about how marijuana is the only business willing to come to town at this time. He stated he is not happy and has been threatened; he feels the Board is being blackmailed. If you do not want marijuana, don't do marijuana. The Mayor's complete comments are attached.

Trustee Juanita Williams stated she has heard people state how they love this Town, but she doesn't see them doing anything for Parachute except when they are against something.

Trustee Daniel Manzanares stated he feels attendees who are upset with something leave after they have spoken. He commented that at a previous meeting a river walk trail and rafting at the park was going to be discussed, but those who were angry had already left and didn't know what other items the Board had talked about to benefit the Town. He encourages everyone to work together and not have a selected interest.

Trustee Tom Rugaard commented he did change his mind concerning marijuana, but it did not come without many hours of thought and prayer. If residents want to talk to him he would be more than happy to speak to them personally instead of making accusations.

Trustee Travis Sproles stated was not on the Board when the vote was taken, he applied because there was an opening on the Board. He does not approve of marijuana, but he also wants to stay in this Town. He doesn't know if he will have job tomorrow, but he does support the Board. Mr. Sproles is concerned with the Federal Government turning away and coming down on the states that have made marijuana legal. He would like to see marijuana legal and alcohol become illegal.

Trustee Tim Olk stated he was raised in a small town. He loves Parachute and wants to see it succeed. He realizes people are not going to start any business when there is no one to come into the business. Mr. Olk commented his mother is on a board in a small town on the Front Range and they have horrible streets that cannot be repaired because they do not have matching funds to receive grants.

(2) Town Manager Monthly Update..... Stuart McArthur, Town Manager

Mr. McArthur gave a financial status of the Town's budget. All funds are doing well with regards to

budget and fund balance, except the Wastewater Enterprise Fund. Town Manager McArthur. The removal of the sludge from the car wash and other businesses ended up costing \$45,000.00 which was quite a hit to the Wastewater Fund.

Town Manager McArthur gave Derek Wingfield's report on Oktoberfest. It was a very good event; we just didn't get the numbers we wanted. The hotels were full Friday, Saturday, and some carried over to Sunday. The local restaurants did well Saturday and Sunday. The Town did put out about \$85,000 and only brought in revenues of \$44,000. He gave a big thank you to Derek Wingfield, Jessica Wingfield, Mark King, Bud Walker, all of the Trustees, and the Chamber Board members.

Mr. McArthur also informed everyone that there will be a regular Board meeting on November 19th and also a Planning and Zoning meeting on November 12th. There will be a special meeting of the Board on December 10th to adopt the budget and the regular Board meeting on December 17th.

Town Manager McArthur gave the Public Works report stating the irrigation will be turned off within the next week or so weather permitting.

- (3) Police Department Monthly Update Cary Parmenter, Police Chief

Chief Parmenter reported they held another successful prescription drop off last month. There was only one incident at Oktoberfest.

- (4) Public Works Monthly Update Mark King, Director of Public Works, Given by Town Manager McArthur

- (5) Community Development Update ..Derek Wingfield, Community Development Specialist, Given by Town Manager McArthur

(G) PRESENTATION TO THE BOARD OF TRUSTEES REGARDING THE 2016 RECOMMENDED BUDGET FOR THE TOWN OF PARACHUTE

Town Manager Stuart McArthur gave an overview of the 2016 recommended budget.

(H) PRESENTATION FROM THE STATE OF COLORADO DEPARTMENT OF REVENUE MARIJUANA ENFORCEMENT DIVISION PRESENTER: BRIAN DYET, SUPERVISORY INVESTIGATOR–WESTERN COLORADO OFFICE

Due to a family emergency Mr. Dyet had to cancel. He will be rescheduled for another date soon.

(I) BOARD CONSIDERATION OF CHANGE ORDERS TO THE PARACHUTE PARK BOULEVARD PHASE II RECONSTRUCTION PROJECT AND COUNTY ROAD 215 RESURFACING PROJECT CONTRACTS.

Town Engineer Mark Austin reported the bid had been awarded to United Companies of Mesa County. There was no contingency built into the bid for these projects, and it was not anticipated the failures of the concrete roadway. County Road 215 was extended and that is why it is going to overrun.

MOTION NO.3:

Moved and Seconded by Trustees Williams/Olk to approve change orders to the Parachute Park Boulevard Phase II Reconstruction Project and County Road 215 resurfacing project contracts.

Motion Passed with Trustees Olk, Williams, Rugaard voting yes; Trustees Sproles, Manzanares voting no.

Mayor McClung called for a brief break. Meeting Called to Order at 9:56 p.m.

(J) PUBLIC HEARING BEFORE THE TOWN OF PARACHUTE BOARD OF TRUSTEES IN CONSIDERATION OF AN APPLICATION FOR RETAIL LICENSE FOR A MARIJUANA RETAIL STORE AND A RETAIL MARIJUANA PRODUCTS MANUFACTURING FACILITY

APPLICANT/OWNER: Green Cross Colorado, LLC
DBA: The Tumbleweed Dispensary

PROJECT NAME: Application for license from the Town of Parachute for a retail marijuana store and a retail marijuana products manufacturing facility

PROJECT LOCATION: 150 South Columbine Court, Units 100 and 101
Parachute, CO 81635

LEGAL DESCRIPTION: Assessor Parcel No: 240707204014
Section: 7 Township: 7 Range: 95 Subdivision: Columbine Commercial Park Lot: 4 Replat of Block 1 of Amended Columbine Commercial Subdivision

Refer to the Land Use Applications Quasi-Judicial Hearing Script for Green Cross Colorado LLC dba The Tumbleweed Dispensary Retail Marijuana Application as used by the Mayor.

Mayor McClung asked Town Clerk Denise Chiaretta to state whether this hearing has been properly noticed and if there is proof of publication; Ms. Chiaretta replied yes.

Mayor McClung asked Town Clerk Denise Chiaretta if there is proof of the certified mailings to property owners; Ms. Chiaretta replied yes.

Trustee Loschke recused himself.

Town Manager McArthur introduced Mark Smith of Green Cross LLC. Mr. McArthur first gave an overview of when Mr. Smith's application was turned in, all proper documentation, and stated we received the actual proof of publication today. His application meets all requirements with the exception of his hours; per the Town Ordinance they will need to be changed from 9:00 a.m. to 10:00 p.m. to 9:00 a.m. to 8:00 p.m.

Mark Smith, Green Cross Colorado, LLC, spoke about the manufacturing and bottling plant. He stated he has had previous businesses and is now in the marijuana business in Denver. He would like to start a facility in the western slope due to the need of the recreational needs here.

Mayor McClung inquired how many employees he will be hiring and how many would be local. Mr. Smith commented he does not know at this time, but it will be more than ten and less than 100; he would like them all to be local, but will be trained in Denver.

Public Comment

- 1) Pamela Jarrett, 184 South 2nd Court, inquired about the planning and zoning/land use regulations for the facility.
- 2) Lena Metcalf, 190 Silverton, Battlement Mesa, asked about liquor stores requiring a person to be 21 to enter. Is that the same case for marijuana stores?
- 3) Trustee Travis Sproles questioned the co-mingling monies from marijuana in the General Fund.

Applicant rebuttal/ response: Applicant has no rebuttal or questions.

Mayor McClung asked Mr. Smith to help clarify some of these questions.

Mr. Smith stated:

- 1) All Planning & Zoning requirements have been met.
- 2) Anyone entering a marijuana store and/or facility will have prove that they are 21 or older
- 3) Wells Fargo is accepting marijuana monies, they have a great attorney, and the Town will have a hold harmless agreement.

Final call for questions from the Board

Mr. Smith requested to make a final statement. He and his partner would like to commit \$5,000 for scholarships for every year they are open. This would be given to Grand Valley High School graduating seniors.

Public Hearing closed at 10:31 p.m.

MOTION NO. 4:

Moved and seconded by Trustees Williams / Rugaard to approve the application for retail license for a marijuana retail store and a retail marijuana products manufacturing facility.

Motion passed with Trustees Williams, Olk, Rugaard voting yes; Trustees Sproles, Manzanares voting no.

(K) PUBLIC HEARING BEFORE THE TOWN OF PARACHUTE BOARD OF TRUSTEES IN CONSIDERATION OF AN APPLICATION FOR RETAIL LICENSE FOR A MARIJUANA RETAIL STORE

APPLICANT/OWNER:	Buds, LTD
PROJECT NAME:	Application for license from the Town of Parachute for a retail marijuana store.
PROJECT LOCATION:	104 Cardinal Way Parachute, CO 81635
LEGAL DESCRIPTION:	Assessor Parcel No: 240912400013 Section: 12 Township: 7 Range: 96 A TR IN THE SE

Public Hearing called to order at 10:37 p.m.

Refer to the Land Use Applications Quasi-Judicial Hearing Script for Buds, LTD Retail Marijuana Application as used by the Mayor.

Mayor McClung asked Town Clerk Denise Chiaretta to state whether this hearing has been properly noticed and if there is proof of publication; Ms. Chiaretta replied yes.

Mayor McClung asked Town Clerk Denise Chiaretta if there is proof of the certified mailings to property owners; Ms. Chiaretta replied yes.

Trustee Loschke recused himself.

Town Manager Stuart McArthur introduced Mark Gerhart from Grand Junction who would like to open a retail marijuana store located at 104 Cardinal Way. Mr. McArthur first gave an overview of when Mr. Gerhard's application was turned in, all proper documentation has been received, and stated we received the proof of publication.

Mr. Gerhart discussed the rules he has met to complete his application. He stated he has people in attendance tonight that he is ready to put to work. He wants to bring the community together not tear it apart as some of the citizens in Town are doing.

Public Comment

Kirk Giger, 3435 G.V.C. Road, Clifton, has been offered a job from Bud's and would plan to live in Parachute.

Pamela Jarrett, 184 South 2nd Court, inquired about the planning and zoning/land use regulations for the facility. She is concerned about the closeness to the school and surrounding neighborhood.

Kevin Janicek, 252 South Railroad Ave., stated he was raised in Parachute and he remembers when the Town was a community; he would like to see it go back to more of a community as when he was younger and growing up here.

Mr. Gerhart rebutted the zoning has been met. The area where his shop will be located is considered industrial and business in accordance with the Comprehensive Plan.

Final call for questions from the Board

Closed public hearing at 11:12 p.m.

MOTION NO 5:

Moved and seconded by Trustees Rugaard/Olk to approve the retail marijuana license to Buds Ltd.

Motion passed with Trustees Olk, Williams, Rugaard voting yes and Trustees Manzanares, Sproles voting no.

(L) OTHER MATTERS

- (1) Thank you letter from Grand Valley High School
- (2) Thank you letter from High County Retired Senior Volunteer Program
- (3) Letter from Colorado State Department of Local Affairs – Notification of Grant Award

(M) EXECUTIVE SESSION – C.R.S. 26-6-402 (4)(b), TO CONFER WITH AN ATTORNEY FOR THE TOWN FOR THE PURPOSES OF RECEIVING LEGAL ADVICE ON SPECIFIC LEGAL QUESTIONS;

MOTION NO. 6:

Moved and seconded by Trustees Williams/Sproles to go into Executive Session to confer with the Town Attorney for the purposes of receiving legal advice on specific legal questions.

Motion passed unanimously

Moved out of Executive Session at 11:41p.m.

Person who attended the executive session: Stuart McArthur, Jeff Conklin, John Loschke, Danial Manzanares, Juanita Williams, Roy McClung, Tom Rugaard, Travis Sproles, Tim Olk.

Mayor McClung stated that the executive session was held to get legal advice to staff on how to move forward regarding the recall election and the law suit.

(N) MOTION TO ADJOURN

MOTION NO.7:

Moved and seconded by Trustees Rugaard/Williams to adjourn.

Vocal Vote: Motion Passed Unanimously.

Adjourned at 11:44 p.m.

Mayor

ATTEST:

Town Clerk