

**CITY OF NORTHGLENN
MEDICAL MARIJUANA LICENSING AUTHORITY MINUTES
February 11, 2013**

CALL TO ORDER Mayor Downing called a meeting of the Northglenn Medical Marijuana Licensing Authority to order on Monday, February 11, 2013 at 7:57 p.m. in the City Hall Council Chambers, 11701 Community Center Drive, Northglenn.

ROLL CALL Present were: Mayor Downing, Mayor Pro Tem Clyne, Council members Snetzinger, W. Dodge, Whitman, Carrico, C. Dodge, and Wieneke.

ABSENT Council member Brown.

STAFF PRESENT Acting City Manager Willett, City Attorney Hoffmann, and City Clerk Small.

**APPROVAL OF
MINUTES:**

January 14, 2013

MOTION TO PASS Mayor Pro Tem Clyne **MOVED** and it was **SECONDED** by Council member Whitman to approve the minutes of the January 14, 2013 meeting as presented.

MOTION PASSED There was no discussion and the motion **PASSED**.
IN FAVOR - Downing, Clyne, Snetzinger, W. Dodge, Whitman,
Carrico, C. Dodge, Wieneke.
OPPOSED - None.
ABSENT - Brown.

PUBLIC HEARING:
New License Application
Emerald City Organics,
LLC dba Emerald City
Organics

Mayor Downing opened the public hearing and read a statement regarding the jurisdiction and procedures of the hearing. There were no objections to the jurisdiction or form of proceedings.

Attorney Hoffmann provided a summary of the application submitted by Emerald City Organics, LLC dba Emerald City Organics for a new Medical Marijuana Center License. Attorney Hoffmann provided information about the Northglenn Medical Marijuana Code regarding needs and desires of the neighborhood and persons prohibited as licensees.

All individuals intending to provide testimony were placed under oath by the City Clerk.

Mr. Laszlo Bagi, Emerald City Organics, LLC, presented testimony, stating he wishes to operate a medical marijuana center in Northglenn. Mr. Bagi stated he owns seven medical marijuana centers in Colorado and stated he has had no violations concerning the businesses.

There were questions from the Authority regarding the number of medical marijuana businesses listed in the application, Mr. Bagi's ownership of a medical marijuana center in Dacono, Colorado, pending litigation against the City of Dacono, and whether Mr. Bagi operated a center in Dacono without a license.

Mr. Bagi stated he owns seven other medical marijuana centers. Mr. Bagi stated he is not part of a lawsuit filed against the City of Dacono regarding medical marijuana and stated he did not operate a center in Dacono without a license. Mr. Bagi stated he was involved in petitioning the City of Dacono to put a question regarding medical marijuana on the ballot, but is currently working with the Mayor of Dacono to develop new rules and reopen the center.

Mayor Pro Tem Clyne stated a citizen inquiry had been received via email about the location requirements for the proposed center. Attorney Hoffmann stated a report from the Department of Planning and Development dated January 27, 2013 had been provided as part of the packet material, and the report stated the distance requirements had been met.

Mayor Downing called for anyone wishing to speak in support of the application to come forward.

Ms. Adela Briones spoke in support of the application. Ms. Briones stated she is an employee of Mr. Bagi's and spoke about her efforts to help medical marijuana patients. Ms. Briones stated she is eager to work for the business.

Mr. Brian Gruthoff, owner of the property at 10575 Melody Drive, spoke in support of the application. Mr. Gruthoff stated he has leased the property to Mr. Bagi and stated he feels the medical marijuana center will benefit the development of the property.

Mr. Francisco Rivera spoke in favor of the application and stated the medical marijuana center would benefit patients and employees of the business.

Mr. Michael Abrams spoke in support of the application. Mr. Abrams provided testimony regarding medical marijuana and how medical marijuana businesses can benefit the community.

Mayor Downing called for any other person wishing to speak in support of the application to come forward. There was no response.

Mayor Downing called for any person wishing to speak in opposition to the application to come forward.

Mr. Gabriel Kindernay spoke in opposition to the application. Mr. Kindernay stated he is a former employee of Laszlo Bagi and spoke about violations regarding the growing and transferring of medical marijuana he witnessed during his employment. Mr. Kindernay expressed concern about the safety of the medical marijuana used in Mr. Bagi's businesses and stated he feels the violations he observed affect Mr. Bagi's moral character. Mr. Kindernay stated he is currently in a dispute with Mr. Bagi regarding unpaid wages and stated he feels there are too many medical marijuana centers in Northglenn.

Mayor Downing called for any other person wishing to speak in support of or in opposition to the application. There was no response.

Mr. Bagi provided rebuttal testimony, stating that Mr. Kindernay is a disgruntled employee who was responsible for growing medical marijuana and had been fired for ignoring his crops.

Attorney Hoffmann presented a copy of a certified record of proceedings in the Northglenn Municipal Court regarding a plea of guilty by Laszlo Bagi to operating a medical marijuana business without a permit and to a public nuisance violation. Attorney Hoffmann reported the violation had been presented previously as part of the proceedings involving Laszlo Bagi and the application to transfer a medical marijuana center license, and asked that the document be made part of the record.

Mayor Downing closed the hearing.

Council member W. Dodge stated he owns a building in which another medical marijuana business is located and referred to the Charter requirements for voting.

Attorney Hoffmann provided information about Section 4.7 of the City of Northglenn Home Rule Charter regarding voting and conflict of interests, and stated it is the Council member's determination to make of whether or not they have a substantial personal or financial interest in the question.

Council member W. Dodge stated he had been approached by an individual who made negative statements about Mr. Bagi. Council member W. Dodge stated he wanted to disclose the incident and recuse himself, if necessary, to avoid any perception of impropriety based on the communication with the individual. There was discussion among the Authority and Council member W. Dodge recused himself from the question on the new license application.

Council member C. Dodge stated she had not been made aware of the communication between the individual and Council member W. Dodge, and would vote on the application because she has no substantial financial interest in the question.

Attorney Hoffmann provided information about Section 18-14-7(h) of the Northglenn Municipal Code regarding application requirements and stated the burden of proof is on the applicant.

Members of the Authority expressed concern about a lack of evidence presented by the applicant to show there is a need for the license to be issued at the proposed location and about the applicant's moral character.

MOTION TO PASS

Mayor Downing **MOVED** and it was **SECONDED** by Council member Snetzinger to direct the Attorney for the Authority to prepare a draft resolution denying the Medical Marijuana Center License application filed by Emerald City Organics, LLC dba Emerald City Organics and for the draft resolution to be presented to the Authority for action on February 25, 2013.

MOTION PASSED

There was no discussion and the motion **PASSED**.

IN FAVOR - Downing, Clyne, Snetzinger, Whitman, Carrico, C. Dodge.

OPPOSED - Wieneke.

ABSENT - Brown.

ABSTAIN - W. Dodge.

ADJOURNMENT

The meeting adjourned at 8:29 p.m.

JOHANNA SMALL, CMC
City Clerk

JOYCE DOWNING
Mayor