



BOARD OF TRUSTEES

January 10, 2023

6:30 PM

Leeper Center, 3800 Wilson Avenue, Wellington, CO

Regular Meeting Agenda

Individuals wishing to make public comments must attend the meeting in person or may submit comments by sending an email to garciapa@wellingtoncolorado.gov. The email must be received by 4:00 p.m. on the day of the meeting. The comments will be provided to the Trustees and added as an addendum to the packet. Emailed comments will not be read during the meeting.

The Zoom information below is for online viewing and listening only.

Please click the link below to join the webinar:

<https://us06web.zoom.us/j/84871162393?pwd=UkVaaDE4RmhJaERnalleK1hvNHJ5Zz09>

Webinar ID: 848 7116 2393

Passcode: 726078

Or One tap mobile :

US: +17207072699,,84871162393# or +17193594580,,84871162393#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 720 707 2699 or +1 719 359 4580 or +1 669 444 9171 or +1 253 205 0468 or +1 253 215 8782 or +1 346 248 7799 or +1 386 347 5053 or +1 507 473 4847 or +1 564 217 2000 or +1 646 558 8656 or +1 646 931 3860 or +1 689 278 1000 or +1 301 715 8592 or +1 305 224 1968 or +1 309 205 3325 or +1 312 626 6799 or +1 360 209 5623

International numbers available: <https://us06web.zoom.us/j/84871162393?pwd=UkVaaDE4RmhJaERnalleK1hvNHJ5Zz09>

A. CALL TO ORDER

1. Pledge of Allegiance
2. Roll Call
3. Amendments to Agenda
4. Conflict of Interest

B. COMMUNITY PARTICIPATION

1. Public Comment

C. CONSENT AGENDA

1. Minutes from December 13, 2022 Board of Trustee Meeting
2. Resolution No. 01-2023 - A Resolution Designating a Public Place for the Posting of Notices Concerning Public Meetings
3. Resolution No. 02-2023 - A Resolution Adopting a 3-Mile Plan for Municipal Annexations

D. ACTION ITEMS

1. 2021 and 2022 Audit Engagement Letter with Mayberry & Company, LLC
 - Presentation: Charity Campfield, Finance Director
2. Approving the Lease of Parking Lot
 - Presentation: Dan Sapienza, Town Attorney
3. Ordinance 01-2023 - An Ordinance Regulating Marijuana
 - Presentation: Dan Sapienza, Town Attorney

E. LIQUOR LICENSE AUTHORITY

1. Avuncular Bob's T Bar Inn & Brewpub Operations, LLC Hotel & Restaurant Liquor License Renewal
 - Presentation: Patti Garcia, Town Administrator/Interim Town Clerk

F. REPORTS

1. Town Attorney
2. Town Administrator
3. Staff Communications
4. Board Reports

G. ADJOURN

The Town of Wellington will make reasonable accommodations for access to Town services, programs, and activities and special communication arrangements. Individuals needing special accommodation may request assistance by contacting at Town Hall or at 970-568-3380 ext. 110 at least 24 hours in advance.



Board of Trustees Meeting

Date: January 10, 2023

Subject: Minutes from December 13, 2022 Board of Trustee Meeting

BACKGROUND / DISCUSSION

STAFF RECOMMENDATION

ATTACHMENTS

1. 12.13.22 BOT Minutes DRAFT



BOARD OF TRUSTEES

December 13, 2022

6:30 PM

Leeper Center, 3800 Wilson Avenue, Wellington, CO

MINUTES

A. CALL TO ORDER

Mayor Chaussee called the meeting to order at 6:29 p.m.

1. **Pledge of Allegiance**

Mayor Chaussee asked that all rise for the pledge of allegiance.

2. **Roll Call**

Mayor Calar Chaussee

Mayor Pro Tem Ashley Macdonald

Trustee Jon Gaiter

Trustee Brian Mason

Trustee Rebekka Dailey (participated by zoom)

Trustee Shirrell Tietz

Trustee David Wiegand

3. **Amendments to Agenda**

Mayor Chaussee asked if there were any amendments to the agenda, Trustee Gaiter requested to move Resolution No. 38-2022 - A Resolution of the Board of Trustees of the Town of Wellington making Appointments to the Board of Adjustment to the Action Items.

4. **Conflict of Interest**

Mayor Chaussee asked if there were any conflicts of interest on the agenda; there were no conflicts of interest.

B. COMMUNITY PARTICIPATION

1. **Public Comment**

Jeffrey Scofield, Mario Nicolais, Christine Gaiter and Karen Eifert provided public comment.

C. PRESENTATION

1. **Acknowledgement of SAFEbuilt Partnership and Contributions to Town Projects**

Cody Bird, Planning Director, recognized SAFEbuilt as they waived all fees for two large Town projects: Water Reclamation Facility and Water Treatment Plan.

2. **2023 Compensation Study Presentation**

Stephanie Anderson, Human Resources Manager, presented information regarding the 2023 compensation study conducted by Employers Council on behalf of the Town of Wellington.

3. **Update on Proposed Changes to Official Zoning Map**

Cody Bird, Director of Planning, presented the proposed changes to the official zoning map noting that the Planning Commission had received the presentation last week. In order to provide several opportunities for public comment, the Mayor opened the meeting for residents to speak. Public comment was received by Jeff Scofield, Travis Redmond and Karen Eifert.

The Board of Trustees directed staff to bring this topic back for a work session which will be scheduled for January 24, 2022 after the regular meeting.

D. CONSENT AGENDA

1. Minutes from the November 8, 2022 Board of Trustees Meeting
2. Minutes from the November 15, 2022 Board of Trustees Special Meeting
3. Resolution No. 38-2022 - A Resolution of the Board of Trustees of the Town of Wellington making Appointments to the Board of Adjustment – MOVED TO ACTION ITEMS
4. Resolution No. 39-2022 - A Resolution of the Board of Trustees of the Town of Wellington making Appointments to the Parks and Recreation Advisory Board
Trustee Gaiter moved to approve the consent agenda with the removal of Item D.3.; Trustee Dailey seconded the motion.
Yays – Gaiter, Dailey, Mason, Tietz, Wiegand, Macdonald, Chaussee
Nays – None

E. ACTION ITEMS

1. **Ordinance No. 23-2022 - An Ordinance Repealing, Revising and Readopting Article 3 of Chapter 2 of the Wellington Municipal Code Concerning the Wellington Parks and Recreation Advisory Board**

Billy Cooksey, Parks and Recreation Manager introduced himself as the new Parks and Recreation Manager and presented the ordinance changing the name of the Parks and Recreation Advisory Board (PRAB) to Parks, Recreation, Open Space and Trails (PROST). It was reported that the PRAB had requested this change to reflect all areas in which they serve as an advisory board for the town.

There were no comments from the Board of Trustees.

Mayor Chaussee opened the meeting for public comment to which there was none.

Trustee Gaiter moved to approve Ordinance No. 23-2022 - An Ordinance Repealing, Revising and Readopting Article 3 of Chapter 2 of the Wellington Municipal Code Concerning the Wellington Parks and Recreation Advisory Board; Trustee Tietz seconded the motion.

Yays – Gaiter, Dailey, Mason, Tietz, Wiegand, Macdonald, Chaussee
Nays – None

2. **Resolution No. 40-2022 - A Resolution Adopting a Fund Balance Policy**

Meagan Smith, Public Works Deputy Director presented this item and explained the process and need for updating the fund balance policy. The proposed changes were presented to the Finance Committee which provided no comments or concerns.

There were no comments from the Board of Trustees.

Mayor Chaussee opened the meeting for public comment to which there was none.

Trustee Gaiter moved to approve Resolution 40-2022 - A Resolution Adopting a Fund Balance Policy; Trustee Mason seconded the motion.

Yays – Gaiter, Dailey, Mason, Tietz, Wiegand, Macdonald, Chaussee

Nays – None

3. **Consideration of the 2023 Law Enforcement Agreement between the Town of Wellington and Larimer County**

Lieutenant Troy Badberg and Sergeant Matthew Cherry presented the 2023 agreement with Larimer County Sheriff's Office (LCSO) to the Board of Trustees. Sergeant Cherry reported that they will be going to 24-hour coverage and that they will participate in the May meeting where the Trustees will be reviewing the 2023 budget for opportunities to add an additional corporal.

The Trustees discussed the Indirect Cost line item with Lieutenant Badberg reporting that LCSO anticipates that those costs will slowly rise over the coming years.

Lieutenant Badberg also reported on the installation of the Flock Cameras and noted they are temporary at this point. It was noted that the Trustees will have an opportunity to hear how the trial period went and discuss options moving forward at a later date.

Mayor Chaussee opened the meeting for public comment to which there was none.

Trustee Gaiter moved to approve the 2023 Law Enforcement Agreement between the Town of Wellington and Larimer County; Trustee Tietz seconded the motion.

Yays – Gaiter, Dailey, Mason, Tietz, Wiegand, Macdonald, Chaussee

Nays – None

4. **Resolution No. 42-2022 - A Resolution of the Board of Trustees of Wellington, Colorado, Approving an Amendment to the Employment Agreement with the Town Administrator**

Stephanie Anderson, Human Resources Manager, presented this item and reported the amended employment agreement in the packet reflected discussions held during Ms. Garcia's annual review.

The Trustees thanked Ms. Garcia for her service to the Town of Wellington.

Mayor Chaussee opened the meeting for public comment to which there was none.

Trustee Mason moved to approve Resolution No. 42-2022 - A Resolution of the Board of Trustees of Wellington, Colorado, Approving an Amendment to the Employment Agreement with the Town Administrator; Mayor Pro Tem Macdonald seconded the motion.

Yays – Gaiter, Dailey, Mason, Tietz, Wiegand, Macdonald, Chaussee

Nays – None

MOVED FROM CONSENT AGENDA

Resolution No. 38-2022 - A Resolution of the Board of Trustees of the Town of Wellington making Appointments to the Board of Adjustment

The Trustees discussed this item at length noting that current alternates were not advised they needed to apply for full member terms and that alternates were not set up to be automatically moved to full members when vacancies occur. Trustees reported on discussions held with members of the public. Options for

moving forward were discussed and include the opportunity for alternates to apply for terms that will be available in April 2023.

Mayor Chaussee opened the meeting for public comment; Christine Gaiter and Karen Eifert provided public comment.

Mayor Pro Tem Macdonald moved to approve Resolution No. 38-2022 – A Resolution of the Board of Trustees of the Town of Wellington making Appointments to the Board of Adjustment; Trustee Mason seconded the motion.

Yays – Dailey, Macdonald

Nays – Gaiter, Mason, Teitz, Wiegand, Chaussee

The Trustees discussed appointing the current 1st alternate, Levi Killough, to the vacant term expiring April 2023 and to appoint Megan Molin to Mr. Killough's alternate term expiring April 2026.

Trustee Gaiter moved to amend Resolution No. 42-2022 and appoint Levi Killough to One Regular Term Expiring April 2023 and appoint Megan Molin to an Alternate Term expiring April 2026; Trustee Tietz seconded the motion.

Yays – Gaiter, Dailey, Mason, Tietz, Wiegand, Macdonald, Chaussee

Nays – None

F. REPORTS

1. **Town Attorney** – Town Attorney Sapienza reported that he has been meeting with Larimer County Sheriff's office on a variety of topics.
2. **Town Administrator** – Town Administrator Garcia acknowledged participation of Trustee Wiegand at the Tree Lighting, accomplishments of LCSO and staff and thanked town staff and Board of Trustees for their work in 2022.
3. **Staff Communications**
 - a. Payment of Bills
 - b. Utility Monthly Report
4. **Board Reports**
 - Trustee Dailey reported on Mayor Chaussee's recognition in the NoCo Style Magazine as the Best of 2022 for the Town of Wellington and noted the award received by Kelly Houghteling from KU for her work in public administration management.
 - Trustee Gaiter reported on the continued work of the Finance Committee, provided an update on the Transportation Pilot Program and its progression to include potential support from CSU and noted that he would like to have a 2023 field trip for the Trustees to tour the LCSO facilities, learn more about their operations and potentially participate in some training.
 - Trustee Tietz inquired about conducting a volunteer appreciation event in 2023 and offered to help coordinate the event, inquired about having a Neighborhood Watch program and support of a Santa Cops program, noted attendance at several events and reported that the 2023 memberships for the Wellington Senior Center members were paid by anonymous donors.
 - Trustee Wiegand reported on the Christmas Tree Lighting and spoke in support of the field trip to the LCSO facilities.
 - Trustee Mason reported on the Opioid Abatement Council donation to the Northern Colorado Health Alliance Board and noted his support at the Christmas Tree Lighting event.

- G. ADJOURN
Upon a motion duly made, the meeting was adjourned at 9:03 p.m.

Patti Garcia, Town Administrator/Interim Town Clerk

DRAFT

Board of Trustees Meeting

Date: January 10, 2023

Subject: Resolution 01-2023 - A Resolution Designating a Public Place for the Posting of Notices Concerning Public Meetings

BACKGROUND / DISCUSSION

Colorado Revised Statute 24-6-402 requires that the public place or places for posting municipal notices shall be designated annually by the local public body at their first regular meeting of the calendar year. Resolution No. 01-2023 fulfills that statutory requirement. Resolution 01-2023 will apply to all Town of Wellington public notices for all boards and commissions. The designated posting place will be the town's website, although if the website is not available, the Municipal Services Building is the alternate designated posting place. Despite not being required, Town staff will continue to post all meeting notices at the Municipal Services Building in addition to the website.

STAFF RECOMMENDATION

Staff has identified the following options for Trustee consideration:

1. Approve Resolution No. 01-2023
2. Approve Resolution No. 01-2023 with amendments as the Board of Trustees deems appropriate
3. Postpone consideration of Resolution No. 01-2023 to a specific date and time and provide staff direction regarding additional information or amendments
4. Vote to deny Resolution No. 01-2023

ATTACHMENTS

1. Resolution 01-2023 - Designating a Public Place for Posting Notices

TOWN OF WELLINGTON

RESOLUTION NO. 01-2023

A RESOLUTION DESIGNATING A PUBLIC PLACE FOR THE POSTING OF NOTICES CONCERNING PUBLIC MEETINGS

WHEREAS, in compliance with the Colorado Open Meetings Law (C.R.S. 24-6-402) and amendments thereto, the Board of Trustees desires to designate a public place for the posting of notices concerning public meetings.

NOW, THEREFORE, be it resolved by the Board of Trustees for the Town of Wellington, Colorado, as follows:

1. Notice of meetings of any board or commission of the Town of Wellington shall be posted no less than twenty-four hours prior to a meeting on the Town website at www.wellingtoncolorado.gov in accordance with Colorado Open Meetings Law.
2. The Wellington Municipal Services Building located at 8225 3rd Street, Wellington, Colorado shall be designated as the public place at which the Town may post a notice no less than twenty-four hours prior to a meeting if the Town is unable to post a notice online in exigent or emergency circumstances.
3. The designation of a public place for this Resolution shall not be deemed to preclude the Town from providing other or different notice of public meetings, so long as such notice is full and timely and otherwise in compliance with the Colorado Open Meetings Law and subsequent amendments thereto.

Upon motion duly made, seconded and carried, the foregoing Resolution was adopted this 10th day of January, 2023.

TOWN OF WELLINGTON, COLORADO

By: _____
Calar Chaussee, Mayor

ATTEST:

Patti Garcia, Town Administrator/Interim Town Clerk

Board of Trustees Meeting

Date: January 10, 2023

Subject: Resolution No. 02-2023 - A Resolution Adopting a 3-Mile Plan for Municipal Annexations

BACKGROUND / DISCUSSION

C.R.S. 31.12.105(e)(I) requires the Town to have a plan in place for the area 3 miles extended from the municipal boundary prior to annexing any property within that 3-mile area. The Town has identified a Growth Management Area (GMA) in the Wellington Comprehensive Plan 2021 that is the contemplated area of town growth over the next 20 years. The adopted GMA boundary is less than 3-miles from the Town's current municipal boundaries. Designation of the Town's Comprehensive Plan includes the adopted GMA and is sufficient to meet the state law requirements.

The 3-mile plan is required to be adopted annually. A draft resolution is prepared and attached with this report. The draft resolution references the Wellington Comprehensive Plan 2021, including the Growth Management Area (GMA) for the Town.

Adoption of the 3-Mile Plan has no financial impact to the Town. Any financial impacts of municipal annexations are considered at the time annexations are proposed.

STAFF RECOMMENDATION

Staff has identified the following options for Trustee consideration:

1. Approve Resolution No. 02-2023
2. Approve Resolution No. 02-2023 with amendments as the Board of Trustees deems appropriate
3. Postpone consideration of Resolution No. 02-2023 to a specific date and time and provide staff direction regarding additional information or amendments
4. Vote to deny Resolution No. 02-2023

ATTACHMENTS

1. Resolution 02-2023_3-Mile Plan

TOWN OF WELLINGTON

RESOLUTION NO. 02-2023

A RESOLUTION BY THE BOARD OF TRUSTEES OF THE TOWN OF WELLINGTON, COLORADO ADOPTING AN UPATED THREE-MILE PLAN FOR MUNICIPAL ANNEXATIONS

WHEREAS, the Colorado Municipal Annexation Act of 1965, § 31.12.105(1)(e)(I) C.R.S. (the “Act”), requires the Town to adopt and update annually a plan to serve as a general guideline for future annexations to the Town; and

WHEREAS, the Town has designated its Comprehensive Master Plan as the Three-Mile Plan and desires to reconfirm such designation for the purpose of the Act.

NOW, THEREFORE, be it resolved by the Board of Trustees for the Town of Wellington, Colorado, as follows:

1. The current Wellington Comprehensive Plan 2021 for the Town of Wellington, Colorado, adopted by Resolution No. PC-01-2021 by the Planning Commission and ratified by Resolution No. 26-2021 by the Board of Trustees is hereby designated as the Three-Mile Plan for annexations to the Town of Wellington, Colorado.

Upon motion duly made, seconded and carried, the foregoing Resolution was adopted this 10th day of January, 2023.

TOWN OF WELLINGTON, COLORADO

By: _____
Calar Chaussee, Mayor

ATTEST:

Patti Garcia, Town Administrator/Interim Town Clerk

Board of Trustees Meeting

Date: January 10, 2023

Subject: 2020 and 2021 Audit Engagement Letter with Mayberry & Company, LLC

- **Presentation: Charity Campfield, Finance Director**

BACKGROUND / DISCUSSION

Per C.R.S. 29-1-601 Local Governments must complete and submit a copy of an audit of their financial statements or an application for exemption on an annual basis. The Town of Wellington did not meet this requirement in 2021. Due to this lapse, the Town is engaging in a multi-year audit with Mayberry & Company, LLC. The complexities of completing a multi-year audit create some uncertainty with a concrete deadline. The audit work for 2022 cannot begin until the 2021 audit has been completed in its entirety. Staff discussed the timeline with Mayberry & Company LLC, and both entities are aware of what steps need to be taken to successfully complete this process. Staff recommends the work be done by Mayberry & Company LLC.

STAFF RECOMMENDATION

Staff has identified the following options for Trustee consideration:

1. Approve the engagement letter with Mayberry & Company, LLC.
2. Postpone consideration of the engagement letter to a specific date and time and provide staff direction regarding additional information or amendments.
3. Vote to deny the engagement letter with Mayberry & Company, LLC.

ATTACHMENTS

1. Town of Wellington Audit Engagement Letter 2021 and 2022

Mayberry & Company, LLC

Certified Public Accountants

Member of the American Institute of Certified Public Accountants
Governmental Audit Quality Center
and Private Company Practice Section

January 5, 2023

To Town of Wellington
8225 Third Street
Wellington, CO 80550

We are pleased to confirm our understanding of the services we are to provide Town of Wellington for the year ended December 31, 2021 and 2022. We will audit the financial statements of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information, including the related notes to the financial statements, which collectively comprise the basic financial statements of Town of Wellington as of and for the year ended December 31, 2021 and 2022. Accounting standards generally accepted in the United States of America provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement Town of Wellington' basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to Town of Wellington' RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by U.S. generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

1) Management's Discussion and Analysis.

We have also been engaged to report on supplementary information other than RSI that accompanies Town of Wellington' financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America, and we will provide an opinion on it in relation to the financial statements as a whole, in a report combined with our auditor's report on the financial statements:

- 1) Combining and individual fund financial statements
- 2) Local Highway Finance Report

Audit Objective

The objective of our audit is the expression of opinions as to whether your financial statements are fairly presented, in all material respects, in conformity with generally accepted accounting principles and to report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements as a whole. Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America and will include tests of the accounting records and other procedures we consider necessary to enable us to express such opinions. We will issue a written report upon completion of our audit of Town of Wellington' financial statements. Our report will be addressed to the Board of Trustees of Town of Wellington. We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for us to modify our opinions or add emphasis-of-matter or other-matter paragraphs. If our opinions are other than unmodified, we will discuss the reasons with you in advance.

If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or may withdraw from this engagement.

Audit Procedures—General

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. We will plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the government or to acts by management or employees acting on behalf of the government.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements may exist and not be detected by us, even though the audit is properly planned and performed in accordance with U.S. generally accepted auditing standards. In addition, an audit is not designed to detect immaterial misstatements, or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements. However, we will inform the appropriate level of management of any material errors, fraudulent financial reporting, or misappropriation of assets that comes to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audit, we will require certain written representations from you about the financial statements and related matters.

Audit Procedures—Internal Control

Our audit will include obtaining an understanding of the government and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. An audit is not designed to provide assurance on internal control or to identify deficiencies in internal control. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards.

Audit Procedures—Compliance

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of Town of Wellington' compliance with the provisions of applicable laws, regulations, contracts, and agreements. However, the objective of our audit will not be to provide an opinion on overall compliance and we will not express such an opinion.

Other Services

We will also prepare the financial statements of Town of Wellington in conformity with U.S. generally accepted accounting principles based on information provided by you. We will perform the services in accordance with applicable professional standards. The other services are limited to the financial statement services previously defined. We, in our sole professional judgment, reserve the right to refuse to perform any procedure or take any action that could be construed as assuming management responsibilities.

Management Responsibilities

Management is responsible for designing, implementing, and maintaining effective internal controls, including monitoring ongoing activities; for the selection and application of accounting principles; and for the preparation and fair presentation of the financial statements in conformity with U.S. generally accepted accounting principles.

Management is also responsible for making all financial records and related information available to us and for the accuracy and completeness of that information. You are also responsible for providing us with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, (2) additional information that we may request for the purpose of the audit, and (3) unrestricted access to persons within the government from whom we determine it necessary to obtain audit evidence.

Your responsibilities include adjusting the financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, regulators, or others. In addition, you are responsible for identifying and ensuring that the government complies with applicable laws and regulations.

You are responsible for the preparation of the supplementary information in conformity with U.S. generally accepted accounting principles. You agree to include our report on the supplementary information in any document that contains and indicates that we have reported on the supplementary information. You also agree to [include the audited financial statements with any presentation of the supplementary information that includes our report thereon OR make the audited financial statements readily available to users of the supplementary information no later than the date the supplementary information is issued with our report thereon]. Your responsibilities include acknowledging to us in the representation letter that (1) you are responsible for presentation of the supplementary information in accordance with GAAP; (2) you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

You agree to assume all management responsibilities for financial statement preparation services and any other nonattest services we provide; oversee the services by designating an individual, preferably from senior management, with suitable skill, knowledge, or experience; evaluate the adequacy and results of the services; and accept responsibility for them.

Engagement Administration, Fees, and Other

We may from time to time and depending on the circumstances, use third-party service providers in serving your account. We may share confidential information about you with these service providers, but remain committed to maintaining the confidentiality and security of your information. Accordingly, we maintain internal policies, procedures, and safeguards to protect the confidentiality of your personal information. In addition, we will secure confidentiality agreements with all service providers to maintain the confidentiality of your information and we will take reasonable precautions to determine that they have appropriate procedures in place to prevent the unauthorized release of your confidential information to others. In the event that we are unable to secure an appropriate confidentiality agreement, you will be asked to provide your consent prior to the sharing of your confidential information with the third-party service provider. Furthermore, we will remain responsible for the work provided by any such third-party service providers.

We understand that your employees will prepare all cash, accounts receivable, or other confirmations we request and will locate any documents selected by us for testing.

We expect to begin our audit on and agreed upon time. Timothy Mayberry is the engagement partner and is responsible for supervising the engagement and signing the report or authorizing another individual to sign it.

Our fee for these services will be at our standard hourly rates plus out-of-pocket costs (such as report reproduction, word processing, postage, travel, copies, telephone, etc.) except that we agree that our gross fee, including expenses will not exceed \$17,000 and \$17,850, as long as a signal audit is not required. If a single audit is needed an additional fee of \$3,500 will be added. Our standard hourly rates vary according to the degree of responsibility involved and the experience level of the personnel assigned to your audit. Our invoices for these fees will be rendered each month as work progresses and are payable on presentation.

In accordance with our firm policies, work may be suspended if your account becomes 30 days or more overdue and may not be resumed until your account is paid in full. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been completed upon written notification of termination, even if we have not completed our report. You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket costs through the date of termination. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs.

We appreciate the opportunity to be of service to Town of Wellington and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

Very truly yours,

Mayberry & Company, LLC

RESPONSE:

This letter correctly sets forth the understanding of Town of Wellington.

Management signature: _____

Title: _____

Date: _____

Governance signature: _____

Title: _____

Date: _____

Board of Trustees Meeting

Date: January 10, 2023
Subject: Approving the Lease of Parking Lot

- **Presentation: Dan Sapienza, Town Attorney**

BACKGROUND / DISCUSSION

In 2015, the Town of Wellington entered into a lease of the parking lot located at 3736 Cleveland Ave. The lot is used for public parking, including off-street parking for Town staff at the former Town Hall and now the Municipal Services Building. The lease provided that the Town would be allowed to pave the parking lot and would maintain and ensure the lot over the term of the lease.

The Lease term has been extended several times and expired at the end of 2022. The owner of the lot desires to continue the lease for one year on the same terms, \$1,200 per year. After 2023, the owner desires to increase the rent to \$1,400 per year.

STAFF RECOMMENDATION

ATTACHMENTS

1. Lake Parking Lot Lease_ SECOND AMENDED AND EXTENDED MEMORANDUM OF LEASE_01.10.23
2. Lake Parking Lot Lease_2014

SECOND AMENDED AND EXTENDED MEMORANDUM OF LEASE

Owner/Lessor:
WELLINGTON LAKE LLC
9112 Weld County Road 78
Fort Collins, CO 80524

Lessee/Town:
Town of Wellington, Colorado

Property: Lots 10,11, & 12 Bock 6. Wellington, CO (3736 Cleveland) (the "Property")
Parcel Numbers: 89331-42-010, 89331-42-011, & 89331-42-012

The parties hereto entered into a lease agreement, dated by Lessor on December 18, 2014 ("the Original Lease"), this amendment and extension is entered into to extend the Original Lease between the Owner/Lessor and the Town/ Lessee, for the lease of the defined Property, which lease originally was entered into for a term of five (5) years, commencing January 1, 2015, ending December 31, 2019, and was thereafter amended by an amended memorandum of lease that extended the lease term to December 31, 2022 (the "Lease"). By this amended and extended memorandum of lease the parties extend the Original Lease term through December 31, 2023, unless sooner terminated as provided for herein, with an option to extend the lease for an additional year until December 31, 2024. The Original Lease was approved by the Wellington Town Board of Trustees by Town Ordinance number 20-2014 and this second amended and extended memorandum of lease will be binding on the parties on further approval by the Wellington Board of Trustees. The Property will continue to be used for public parking, purposes. The Property shall be leased to the Lessee the rate at the rate of \$1,200 per year for 2023 and if Lessee elects to extend the lease until December 31, 2024 shall be leased for the option term at the rate of \$1,400 per year. Lessee will give notice to Lessor of Lessee's intent to exercise the 2024 option no later than November 30, 2023.

Rent shall be paid by Lessee on or before January 31 of 2023 and January 31 of 2024 for each extended lease year hereunder. On leasing the Property, the Lessee advised the Larimer County Assessor of the Lease, and the Property was removed from the tax rolls consistent with the provisions of C.R.S. § 39-3-124 (1)(B)(I)(A).

Lessee agrees that for all periods of time that this lease is in force, Lessee shall continue to treat the Property as exempt from taxation (and will support Lessor in so treating the Property as exempt with any applicable taxing or administrative authority regarding such taxation), and will file a copy of this second amended and extended memorandum of lease with the county assessor's office, The Property shall only be used by Lessee as a parking lot and shall not be used for any other purpose during the extended lease term. Prior to making any further improvements to the Property, Lessee will obtain written approval from Lessor, which approval shall not be unreasonably withheld.

To allow for the use of the Property for parking purposes, the Lessee at its expense surfaced the Property with asphalt or other surfacing. The Lessee shall continue to be responsible for compliance and costs and expenses related to any statutory, regulatory, or permitting requirements necessary in order to use the Property as a parking lot. Lessor makes no representations or warranties as to the appropriateness of the Property for such purposes. Subject to the governmental immunity act, the Lessee will be liable for any environmental damage to the Property caused by the surfacing. It is acknowledged that any improvements and the use of the Property shall be for the Lessee's purposes and that the Lessee shall be liable for the upkeep and maintenance of the Property during the lease term, including the extended lease term. At the end of the extended lease term, upon written request of Lessor, Lessor will remove at its sole cost any, or all modifications or improvements made by Lessor as requested by Lessee. The Lessee shall

insure against any liability associated with the Property's use and will, on request, provide Lessor with certificates of insurance naming Lessor as an additional insured. To the extent legally allowed, the Lessee will indemnify and hold Lessor harmless, and defend Lessor from any and all damages, claims, and liability of any kind, including costs and attorney fees, that arise in as the result of the Lessee's use of the Property.

Town of Wellington, Colorado

Wellington Lake, LLC

By: _____
Calar Chaussee, Mayor

By: _____
Susann Helen Lake

Dated: _____

Dated: _____

Dec. 19. 2014 11:06AM

KOLBEN HAY LAKE BALZER

No. 2817 P. 2

MEMORANDUM OF LEASE**Owner/Lessor:**

WELLINGTON LAKE LLC
9112 WELD COUNTY ROAD 78
FORT COLLINS, CO 80524

Property:

LOTS 10,11, & 12 BLK 6, WEL
Parcel Numbers: 89331-42-010, 89331-42-011 & 89331-42-012
Address: 3736 Cleveland

Lessee/Town: THE TOWN OF WELLINGTON, COLORADO

This lease is entered into between the Owner as Lessor and the Town as Lessee for the lease of the Property for a term of five (5) years, commencing January 1, 2015 and ending December 31, 2019, unless sooner terminated as provided for herein. This lease has been approved by the Wellington Town Board of Trustees by Town Ordinance number 20-2014, with the Property to be used for public parking purposes. The Property shall be leased to Town at the greater of (i) \$300 per year or (ii) \$2,500 per year, less the amount of any real property tax exemption afforded in accord with C.R.S. § 39-3-124 or any other applicable statute for the lease year at issue. Rent shall be paid by Lessee in advance, on January 1, for each lease year hereunder. The \$2,500 rent amount referenced in (ii) above shall be increased over the term of the lease to the amount equal to the amount of any real property tax exemption afforded in accord with C.R.S. § 39-3-124 or any other applicable statute, if such exemption increases above \$2,500 per annum. The Parties acknowledge that to afford the lower rent the Town may reduce, deduct, or offset property taxes from rent due under any lease or rental agreement pursuant to C.R.S. § 39-3-124 (1)(B)(I)(A). Lessee agrees that for all periods of time that this lease is in force and effect, Lessee treat the Property as exempt from taxation (and will support Lessor in so treating the property as exempt with any applicable taxing or administrative authority regarding such taxation), and will file a copy of this lease with the county assessor's office, consistent with the provisions of C.R.S. § 39-3-124 (1)(B)(I)(A). The Property shall only be used by Lessee as a Parking Lot, and shall not be used for any other purpose during the lease term. Prior to making any improvements to the Property, Lessee will obtain written approval from Lessor, which approval shall not be unreasonably withheld. At the end of the lease term, upon the written request of Lessor, Lessee will remove at its sole cost any, all or so much of the improvements as requested by Lessor.

To allow for the use of the property for parking purposes, the Town may at its cost, place asphalt, recycled asphalt, or other surfacing on the property. The Town shall be responsible for compliance, costs and expenses related to any statutory, regulatory, or permitting requirements necessary in order to use the Property as a parking lot, and Lessor makes no representations or warranties as to the ability of the Property to be used for such purposes. Subject to the governmental immunity act, the Town will be liable for any environmental damages to the Property caused by the surfacing of the Property. It is acknowledged that any improvements and use of the Property shall be for the Town's purposes and that the Town shall be liable for upkeep and maintenance of the Property during the lease term. The Town shall insure against any liability associated with the Property's use and will provide Lessor with a certificate of insurance naming Lessor as an additional insured. To the extent legally allowed, the Town will indemnify, hold harmless, and defend Lessor from and against any and all damages, claims, and liability of any kind, including costs and attorney fees, that arise in any way as a result of the Town's use of the Property.

The Town as a statutory municipality is restricted in its ability to commit to multi-year obligations and the both Town and Lessor shall have the right, at any time, to give the other one year notice of Lease termination, at the conclusion of which one year period the Lease shall terminate. This instrument may be signed in electronically signed counterparts and separately signed counterparts transmitted electronically, taken together shall be binding on the parties.

4843-8797-3664.2

Dec. 19. 2014 11:07AM

HOLBEN HAY LAKE BALZER

Nc. 2817

P. 3

WELLINGTON LAKE LLC

By: [Signature]

Susan Helen Lake

9112 Weld County Road 78, Fort Collins, CO 80524

Dated: 12/18/14

TOWN OF WELLINGTON, COLORADO

By: [Signature]

Jack Brinkhoff, Mayor

Dated: _____

4841-8797-16642

Board of Trustees Meeting

Date: January 10, 2023
Subject: Ordinance 01-2023 - An Ordinance Regulating Marijuana

- **Presentation: Dan Sapienza, Town Attorney**

BACKGROUND / DISCUSSION

Attached is a proposed ordinance regarding marijuana that addresses some issues that have been raised around marijuana licensing. In particular, this is intended to create a path for parties desiring a reduced setback limit to request a variance through the Board of Adjustment, as with any other variance request. It also fixes an issue with Residential Zoning that has been identified and includes a suggestion from our Licensing Authority regarding hearings.

1. Apply the 200-foot setback from residential properties to R-3 zoning as well. The referred ordinance only requires a 200-foot setback from R-1, R-2, and R-4 properties, but in the new (proposed) zoning map, there will be R-3 zoning. It seems that the intent of the referred ordinance was to have uniform setbacks from all residential properties, so the attached adds R-3 properties to the list. Without this change, if properties are zoned as R-3, there would be no required setback from those properties.
2. Clarify that the LLA will not act on an application without a verification form from planning and when the LLA looks at setback requirements, any setback allowed by a variance is controlling. At present, the LLA requires verification from planning that the premises in the application meets the setback and zoning ordinances. Then, the LLA is required to hear evidence as to whether the premises complies with the setbacks requirements for marijuana.

The current process raises the question of whether the Board of Adjustment may hear a request for a variance and, if it were to grant such a variance, whether that variance would have any impact on the LLA's decision making. It appears that the answer to the first question is yes, the Board of Adjustment can hear variance requests for variances from the zoning ordinance related to marijuana business. The answer to the second question, though, is no, the LLA is obligated to ensure that the marijuana business complies with the marijuana ordinance requirements and is not bound by a possible Board of Adjustment's variance.

The proposed change would offer clarity: the setbacks and zoning requirements will be considered land use and zoning requirements, for which the Board of Adjustment has authority to hear requests for variances under a set and well-defined process. If a variance were approved, the variance would be binding on the LLA for purposes of that application's compliance with the setbacks and zoning requirements.

3. Add requirements for applicants to allow the LLA to look at neighborhood wishes and suitability of the applicant. As has been discussed previously, neighborhood wishes and suitability of an applicant are not issues on which the LLA may base decisions for issuance of a marijuana license. At present, neighbors wishing to fight a marijuana application in their area would not be allowed to present evidence at a public hearing for a marijuana license, as their views may not be considered in the LLA's decision-making. This change would make a public hearing regarding a marijuana application more similar to a liquor license application hearing and would allow for more public input into the LLA's decision-making.

STAFF RECOMMENDATION

Motion Options

- Move to approve Ordinance No. 01-2023 as proposed.



- Move to approve Ordinance No. 01-2023 with amendments as the Board of Trustees deems appropriate.
- Move to postpone consideration of Ordinance No. 01-2023 and provide guidance to staff as requested modifications.
- Move to deny Ordinance No. 01-2023

ATTACHMENTS

1. Ord 01-2023 Marijuana Amendments
2. Letter from Piper Ogden re: proposed ordinance
3. Letter from Smokin' Cowboy re: proposed ordinance
4. Dec. 13 Work Session Packet

TOWN OF WELLINGTON
ORDINANCE 01-2023

AN ORDINANCE AMENDING THE TOWN OF WELLINGTON MARIJUANA
ORDINANCE

WHEREAS, in 2021, proponents of a ballot measure filed with the Town of Wellington an initiated ordinance that would allow the sale of marijuana within the Town of Wellington; and

WHEREAS, the initiated ordinance included setbacks for marijuana licenses that would prohibit issuance of a marijuana store license for premises within 2,000 feet of any school or preschool, 500 feet of any public property or other marijuana license, and 200 feet of any R-1, R-2, or R-4 residential district; and

WHEREAS, following successful citizen protests over the sufficiency of the petition for the proposed initiated ordinance, lawsuits were filed against the Town of Wellington to require referral of the measure on the ballot; and

WHEREAS, the Town of Wellington and the plaintiffs in those lawsuits settled the matter by negotiating through counsel a slightly modified ordinance that would fix many of the errors in the original proposed initiative; and

WHEREAS, at the November, 2021 general election, the voters of the Town of Wellington adopted the referred measure allowing the operation of retail and medical marijuana stores in the Town of Wellington; and

WHEREAS, the adopted ordinance included language that it could not be modified by the Town of Wellington Board of Trustees until January, 2023; and

WHEREAS, the adopted measure includes provisions that could cause uncertainty for potential applicants and omissions that would allow marijuana stores close to R-3 zone districts; and

WHERE, the Town of Wellington Local Licensing Authority for marijuana licenses recommends that the adopted ordinance be amended further to require that the licensure process include consideration of neighborhood needs and desires and other important concerns for the Town of Wellington; and

WHEREAS, the Wellington Board of Trustees desires to amend the Wellington Marijuana to address these concerns while ensuring that the voters' desires as expressed in the vote for the measure in 2021 are preserved.

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Wellington, Colorado:

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SECTION 1

Chapter 2, Article 14, Section 40 is amended to read in its entirety:

Sec. 2-14-40. Applications—Licenses.

(a) An application for a License shall be filed in accordance with State law on forms provided by the State Licensing Authority. The application shall contain such information as the State Licensing Authority may require. Each application shall be verified by the oath or affirmation of the persons prescribed by the State Licensing Authority. An application shall be approved or denied by the Local Licensing Authority or the Local Licensing Official and by the State Licensing Authority. An application shall not be approved, and a license shall not be issued if either of the Licensing Authorities find that:

- The applicant knowingly made a false statement or knowingly gave false information with the application; or
- Reliable evidence shows the applicant will operate the proposed Retail and/or Medical Marijuana Store in violation of the Colorado Marijuana Code; or
- Good Cause, as defined in the Colorado Marijuana Code and other applicable law, exists for denial of the application.

(b) For new license applications, the applicant shall bear the burden of proving that all qualifications for licensure have been satisfied and must also satisfy the Local Licensing Authority that the applicant is fit to hold the requested license, and that the applicant is prepared to operate the business in compliance with the requirements of state and local law. The Local Licensing Authority shall consider the needs of the affected neighborhood and the desires of the affected neighborhood's residents and businesses, including the employees of those businesses, as evidenced by petitions, remonstrances, testimony, or otherwise. For purposes of this subsection, the affected neighborhood shall include the area within one-half (0.5) mile of the property line of the Premises identified in the application.

SECTION 2

Chapter 2, Article 14, Section 70 is amended to read in its entirety:

Sec. 2-14-70. Restrictions for applications for marijuana store licenses.

(a) The Local Licensing Authority shall not receive or act upon an application for the issuance of a Local License pursuant to this Article:

- (1) Until it is established that the applicant is, or will be, entitled to possession of the Premises for which application is made under a lease, rental agreement, letter of intent or other arrangement for possession of the premises or by virtue of ownership of the Premises.

(2) Until it is verified by the Planning Director or their delegee that the Premises complies with all zoning and land use ordinances and said zoning ordinances shall be amended as follows:

Retail or Medical Marijuana Store Licenses shall only be permitted in the C-3 zoning district. In addition, the following setbacks will apply:

- a. Retail or Medical Marijuana Store Licenses shall not be permitted to be located within two thousand (2,000) feet of any parcel containing a school; and
- b. A Retail or Medical Marijuana Store License shall not be permitted to be located within five hundred (500) feet of parcels zoned P (Public District) or any parcel containing another retail or medical marijuana store License; and
- c. Retail or Medical Marijuana Store Licenses shall not be permitted to be located within two hundred (200) feet of parcels zoned R-1 (Residential Rural Density District), R-2 (Residential Low Density District), R-3 (Residential Medium Density District) and/or R-4 (Downtown Neighborhood District).

(b) In addition to the requirements of the Colorado Marijuana Code the Local Licensing Authority shall consider the evidence and make a specific finding of fact as to whether the Premises in which Retail or Medical Marijuana Store licensure application is to be sold is located within any distance restrictions established by, or pursuant to, this Section. Where a variance has been granted by the Board of Adjustments from a distance restriction established by, or pursuant to, this Section, the distance allowed by the variance shall be deemed the applicable standard for that application.

(c) The distance measurements and requirements pursuant to this Section shall be computed by Direct Measurement in a straight line from the nearest property line of the land containing the Protected Use to the nearest portion of the building in which the Retail or Medical Marijuana Store License is located.

Section 3. Validity. The Board of Trustees hereby declares that should any section, paragraph, sentence, word or other portion of this ordinance or the rules and regulations adopted herein be declared invalid for any reason, such invalidity shall not affect any other portion of this ordinance or said rules and regulations, and the Board of Trustees hereby declares that it would have passed all other portions of this ordinance and adopted all other portions of said rules and regulations, independent of the elimination here from of any such portion which may be declared invalid.

Section 4. Necessity. In the opinion of the Board of Trustees of the Town of Wellington, this ordinance is necessary for the preservation and protection of the health, safety, welfare and property of the inhabitants and owners of property in the Town of Wellington.

Section 5. Certification. The Town Clerk shall certify to the passage of this ordinance and make not less than three copies of the adopted Code available for inspection by the public during regular business hours.

PASSED AND ADOPTED by the Board of Trustees of the Town of Wellington, Colorado and ordered published this 10th day of January, 2023 and ordered to become effective 30 days from the date of publication.

TOWN OF WELLINGTON, COLORADO

By: _____
Calar Chaussee, Mayor

ATTEST:

Patti Garcia, Town Clerk



7830 W. Alameda Ave.
Suite 103-301
Lakewood, CO 80226

Phone: 720.773.1526
Email: Mario@kbnlaw.com

January 3, 2023

Town of Wellington
Attn : Board of Trustees

*Re: Clarification to Issues Brought up at the
December 3, 2022 Town of Wellington Board of Trustees Meeting*

Board of Trustees:

I am writing on behalf of my client, Piper Ogden Company, LLC (“Piper Ogden”), to thank the Town of Wellington Board of Trustees (“Board of Trustees”), for allowing me to speak at the December 13, 2022 Board of Trustees Meeting (“December 13th Meeting”) and engaging in thoughtful discussion regarding issues I raised during my public comment. We understand that it would have been against precedent for me to answer questions at that meeting, but both my client and I would be willing to engage the Board of Trustees, as you discussed, in the near future.

I would like to provide some additional information based on the discussion at that meeting. Specifically, because the Board of Trustees is considering changes to the ordinance governing marijuana sales in Wellington – and because it is now allowed to make those changes under the ballot measure passed by the people of Wellington – I believe this information would be useful.

If there are any additional questions, I can either reply by letter or help to facilitate a discussion at either the next Board of Trustees Regular Meeting or a Special Meeting.

Needs and Desires Requirement

First, I noted that alcohol sales do not have the same affirmative requirement that has been proposed in the new Sec. 2-14-40(b).¹ Specifically, the proposed change requires an applicant to “satisfy the Local Licensing Authority that the residents of the affected neighborhood desire the business” and that “the affected neighborhood shall include the area within one-half (0.5) mile of the property line of the property line of the Premises identified in the application.” After my comments, Mr. Sapienza appeared to state that liquor licensing does include this requirement. Because I could not clarify at the meeting, I thought it would be useful to do so in this letter.

Colorado Revised Statutes (“C.R.S.”) § 44-3-301(2)(a) is the operative state statute governing interaction from the community. It states:

“Before granting any license, all licensing authorities shall consider ... the reasonable requirements of the neighborhood, the desires of the adult inhabitants as evidence by

¹ A copy of the proposed ordinance sent to me by Dan Sapienza has been attached to this letter for easy reference and to avoid any confusion.

petitions, remonstrances, or otherwise.”²

Note that this statute does not place an affirmative requirement on the applicant, but on the licensing authority. The licensing authority is required to “consider” the information before it. This seems to be the better approach for any similar change in Wellington. By requiring the licensing authority to consider similar information, it provides an avenue for the public to be included in the licensing discussion. However, it should also be noted that the needs and desires of the community are not wholly conclusive for liquor and should not be for marijuana. Furthermore, the subjective nature of the information provided could be more concrete. For example, the Board of Trustees could specify that a petition signed by 25 inhabitants would provide the requisite proof. Similarly, the Board of Trustees could allow individuals working in the surrounding area, not just residents, to engage in comment as a part of the community.

Setbacks

During the December 13th Meeting, the Board of Trustees also discussed whether there is a “standard” for setbacks for marijuana dispensaries from preschools and daycares. Throughout the state, these setbacks are usually set at 1,000 feet or less (e.g. 100 feet or 500 feet). A setback of 2,000 feet – or even a quarter mile – represents the largest setback we are aware of in the state. For example, the following setbacks have been adopted in the region around Wellington and some large cities in Colorado:

City / Town	Setback from School/Child Care	Code Citation
Garden City	1,000 ft from a school	Garden City Municipal Code § 16-5-110(b)
Fort Lupton	1,000 ft from a school or child care center	Fort Lupton Municipal Code § 6-361(b)(3)
Log Lane Village	100 ft from a school or child care facility	Log Lane Village Municipal Code § 8-101(a)
Milliken	1,000 ft from a school or licensed daycare	Milliken Municipal Code § 6-7-120(d)
Fort Collins	1,000 ft from a preschool or school	Fort Collins Municipal Code § 15-615(a)(1)
Northglenn	500 ft from a license daycare facility 1,000 ft from a school	Northglenn Municipal Code § 18-16-13(a)
Boulder	1,000 ft from a school or day care center	Boulder Municipal Code § 6-16-7(e)
Denver	1,000 ft from a school or child care establishment	Denver Revised Municipal Code § 6-209(b)

It should also be noted that these measurements are all measured via a direct measurement from premises to premises. This is in contrast to liquor licensing restrictions which are only 500 feet (C.R.S. § 44-3-313(d)(I)) measured using a route of direct pedestrian access (C.R.S. § 44-3-313(d)(II)). Consequently, any marijuana dispensary protects public safety concerns by meeting a much higher setback standard, even at distances far below the 2,000 feet currently used by the Town of Wellington.

By adopting a change to 1,000 feet, or even to a quarter mile, the Town of Wellington would bring

² This is frequently referred to as a “needs and desires” requirement.

itself in line with its neighbors and cities across the state.

If you have any questions for would like to discuss this matter, you may reach me by email at Mario@kbnlaw.com or by telephone at (720) 773-1526.

Sincerely,

Mario D. Nicolais

Cc:

Calar Chaussee, Mayor
chausseec@wellingtoncolorado.gov

Ashley Macdonald, Mayor Pro Temp
macdonas@wellingtoncolorado.gov

Jon Gaiter, Trustee
gaiterjm@wellingtoncolorado.gov

Rebekka Dailey, Trustee
daileym@wellingtoncolorado.gov

Brian Mason, Trustee
masonb@wellingtoncolorado.gov

Shirrell Tietz, Trustee
tietzs@wellingtoncolorado.gov

David Wiegand, Trustee
wiegandd@wellingtoncolorado.gov

Daneil L Sapienza, Town Attorney
dan@mosllc.law



January 2, 2023

VIA ELECTRONIC MAIL

Town Attorney Daniel Sapienza

dan@mosllc.law

Town Administrator Patti Garcia

garciaapa@wellingtoncolorado.gov

Re: Marijuana Businesses in Wellington
(Proposed Changes to Variance Process)

Dear Mr. Sapienza and Ms. Garcia,

Please be advised that we represent Smokin' Cowboy, LLC, a business currently seeking marijuana licensure in the Town of Wellington. We were given notice of proposed changes related to marijuana business license variances to be discussed at the January 10, 2023 meeting and submit this letter for the Board of Trustee's consideration. The proposed change was discussed at the December 13, 2022 Board of Trustees Work Session and reads as follows:

Clarify that the LLA will not act on an application without a verification form from planning and when the LLA looks at setback requirements, any setback allowed by a variance is controlling. At present, the LLA requires verification from planning that the premises in the application meets the setback and zoning ordinances. Then, the LLA is required to hear evidence as to whether the premises complies with the setbacks requirements for marijuana.

The current process raises the question of whether the Board of Adjustment may hear a request for a variance and, if it were to grant such a variance, whether that variance would have any impact on the LLA's decision making. It appears that the answer to the first question is yes, the Board of Adjustment can hear variance requests for variances from the zoning ordinance related to marijuana business. The answer to the second question, though, is no, the LLA is obligated to ensure that the marijuana business complies with the marijuana ordinance requirements and is not bound by a possible Board of Adjustment's variance.

The proposed change would offer clarity: the setbacks and zoning requirements will be considered land use and zoning requirements, for which the Board of Adjustment has authority to hear requests for variances under a set and well-defined process. If a variance were approved, the variance would be binding on the LLA for purposes of that application's compliance with the setbacks and zoning requirements.

While we agree that there should be additional clarity regarding the relationship between zoning variances and licensing authority setback determinations, we disagree with the proposed solution. Zoning and setback requirements meet separate community goals and should not be conflated as the same requirement. Zoning determinations simply speak to the character of the proposed use when compared to the surrounding neighborhood. Setback requirements address business density and additional sensitive uses that may not be considered in a variance review.

Of note, Wellington's Land Use Code already addresses this type of issue in its Purpose and Applicability sections (with emphasis added):

2.22 Variance

2.22.1 Purpose. A variance provides relief from the strict application of a standard to a specific site that would create an unnecessary hardship or practical difficulties on all reasonable use of the property.

2.22.2 Applicability. Variances may be sought for relief from dimensional and numerical standards of this Land Use Code. Variances may not be sought to vary the allowed use on a property.

Those sections are clear that variances are not intended to impact the use of a property and may only vary the "strict application" of "dimensional and numerical standards." Setback requirements like those found in Sec. 2-14-70 are related to the use of the property to ensure that business density and sensitive uses like schools and residential properties are not unduly impacted. Additionally, Sec. 2-22-2 is specific in its intent to apply to "standards of this Land Use Code." The marijuana setbacks are not found in the Land Use Code and the variance standards do not apply.

In addition to the inapplicability of the variance standards to marijuana setbacks, the Local Licensing Authority is not permitted to address applications that do not comply with Sec. 2-14-70, without exception for actions under the Land Use Code (with emphasis added):

Sec. 2-14-70 Restrictions for Applications for Marijuana Store Licenses. The Local Licensing Authority shall not receive or act upon an application for the issuance of a Local License pursuant to this Article:

The proposed change found in the Work Session document would require an expansion of the scope of variances as well as an expansion of the Local Licensing Authority's powers, neither of which were anticipated by the voters when they voted in favor of allowing marijuana businesses to enter Wellington. This is not a simple clerical fix and fundamentally changes the Town Code in a way that could not have been considered by the voters.

Our final concern related to the proposed solution is the timing of variance and setback review. A variance may be obtained for a property well in advance of submitting a marijuana license application. If an approved variance requires the Local Licensing Authority to disregard setbacks, they would not be able to consider other marijuana businesses or daycares that opened in the interim period, resulting in possible density issues that were not anticipated by the voters. We have seen similar exceptions be abused in other jurisdictions, often with significant community backlash.

To keep marijuana licensing in-line with the expectation of Wellington voters and prevent possible abuses of the variance process, we suggest that the Board of Trustees clarify that variances are binding upon the Local Licensing Authority for purposes of the Land Use Code, but that the setback standards found in the marijuana code are separately addressed without regard for variances. This clarification would not require an amendment to the Town Code and would only require an understanding of Town staff related to the application of the separate zoning and setback standards.

Please let us know if you have any questions. You can reach me at:
jeff@gardlawfirm.com or 303-499-3040. We look forward to hearing from you.

Sincerely,

/s/ Jeffrey S. Gard

Jeffrey S. Gard



BOARD OF TRUSTEES
December 13, 2022
Immediately following the Regular Meeting

Leeper Center, 3800 Wilson Avenue, Wellington, CO

Work Session Agenda

The Zoom information below is for online viewing and listening only.

Please click the link below to join the webinar:

<https://us06web.zoom.us/j/89986580740?pwd=RGRTTE0waHdWMjJWc3E4a1haaDU2QT09>
Passcode: 857074

Or One tap mobile: US: +17193594580,,89986580740# or +17207072699,,89986580740#

Or Telephone: Dial(for higher quality, dial a number based on your current location):

US: +1 719 359 4580 or +1 720 707 2699 or +1 669 444 9171 or +1 253 215 8782 or +1 346 248 7799 or +1 301 715 8592 or +1 309 205 3325 or +1 312 626 6799 or +1 386 347 5053 or +1 564 217 2000 or +1 646 558 8656 or +1 646 931 3860

Webinar ID: 899 8658 0740

International numbers available: <https://us06web.zoom.us/j/89986580740>

A. ITEMS

1. Possible Considerations for Updates to Ordinance Regulating Marijuana

- Dan Sapienza, Town Attorney

The Town of Wellington will make reasonable accommodations for access to Town services, programs, and activities and special communication arrangements. Individuals needing special accommodation may request assistance by contacting at Town Hall or at 970-568-3380 ext. 110 at least 24 hours in advance.

Board of Trustees Meeting

Date: December 13, 2022
Subject: Possible Considerations for Updates to Ordinance Regulating Marijuana
• Dan Sapienza, Town Attorney

BACKGROUND / DISCUSSION

Attached is a proposal regarding marijuana that could address some issues that have been raised around marijuana licensing. In particular, this is intended to create a path for parties desiring a reduced setback limit to request a variance through the Board of Adjustment, as with any other variance request. It also fixes an issue with Residential Zoning that has been identified and includes a suggestion from our Licensing Authority regarding hearings.

1. Apply the 200-foot setback from residential properties to R-3 zoning as well. The referred ordinance only requires a 200 foot setback from R-1, R-2, and R-4 properties, but in the new (proposed) zoning map, there will be R-3 zoning. It seems that the intent of the referred ordinance was to have uniform setbacks from all residential properties, so the attached adds R-3 properties to the list. Without this change, if properties are zoned as R-3, there would be no required setback from those properties.
2. Clarify that the LLA will not act on an application without a verification form from planning and when the LLA looks at setback requirements, any setback allowed by a variance is controlling. At present, the LLA requires verification from planning that the premises in the application meets the setback and zoning ordinances. Then, the LLA is required to hear evidence as to whether the premises complies with the setbacks requirements for marijuana.

The current process raises the question of whether the Board of Adjustment may hear a request for a variance and, if it were to grant such a variance, whether that variance would have any impact on the LLA's decision making. It appears that the answer to the first question is yes, the Board of Adjustment can hear variance requests for variances from the zoning ordinance related to marijuana business. The answer to the second question, though, is no, the LLA is obligated to ensure that the marijuana business complies with the marijuana ordinance requirements and is not bound by a possible Board of Adjustment's variance.

The proposed change would offer clarity: the setbacks and zoning requirements will be considered land use and zoning requirements, for which the Board of Adjustment has authority to hear requests for variances under a set and well-defined process. If a variance were approved, the variance would be binding on the LLA for purposes of that application's compliance with the setbacks and zoning requirements.

3. Add requirements for applicants to allow the LLA to look at neighborhood wishes and suitability of the applicant. As has been discussed previously, neighborhood wishes and suitability of an applicant are not issues on which the LLA may base decisions for issuance of a marijuana license. At present, neighbors wishing to fight a marijuana application in their area would not be allowed to present evidence at a public hearing for a marijuana license, as their views may not be considered in the LLA's decision-



making. This change would make a public hearing regarding a marijuana application more similar to a liquor license application hearing and would allow for more public input into the LLA's decision-making.

STAFF RECOMMENDATION

ATTACHMENTS

1. Ordinance Proposal - Marijuana Variance Amendment - CLEAN
2. Ordinance Proposal - Marijuana Variance Amendment - REDLINE
3. Ordinance Adopted by Voters - Retail and Medical Marijuana
4. Variance Provision - Excerpt from 2022 Land Use Code

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Sec. 2-14-40. Applications—Licenses.

- (a) An application for a License shall be filed in accordance with State law on forms provided by the State Licensing Authority. The application shall contain such information as the State Licensing Authority may require. Each application shall be verified by the oath or affirmation of the persons prescribed by the State Licensing Authority. An application shall be approved or denied by the Local Licensing Authority or the Local Licensing Official and by the State Licensing Authority. An application shall not be approved, and a license shall not be issued if either of the Licensing Authorities find that:
- The applicant knowingly made a false statement or knowingly gave false information with the application; or
 - Reliable evidence shows the applicant will operate the proposed Retail and/or Medical Marijuana Store in violation of the Colorado Marijuana Code; or
 - Good Cause, as defined in the Colorado Marijuana Code and other applicable law, exists for denial of the application.
- (b) For new license applications, the applicant shall bear the burden of proving that all qualifications for licensure have been satisfied and must also satisfy the Local Licensing Authority that the residents of the affected neighborhood desire the business, that the applicant is fit to hold the requested license, and that the applicant is prepared to operate the business in compliance with the requirements of state and local law. For purposes of this subsection, the affected neighborhood shall include the area within one-half (0.5) mile of the property line of the Premises identified in the application.

Sec. 2-14-70. Restrictions for applications for marijuana store licenses.

- (a) The Local Licensing Authority shall not receive or act upon an application for the issuance of a Local License pursuant to this Article:
- (1) Until it is established that the applicant is, or will be, entitled to possession of the Premises for which application is made under a lease, rental agreement, letter of intent or other arrangement for possession of the premises or by virtue of ownership of the Premises.
 - (2) Until it is verified by the Planning Director or their delegee that the Premises complies with all zoning and land use ordinances and said zoning ordinances shall be amended as follows:
Retail or Medical Marijuana Store Licenses shall only be permitted in the C-3 zoning district. In addition, the following setbacks will apply:
 - a. Retail or Medical Marijuana Store Licenses shall not be permitted to be located within two thousand (2,000) feet of any parcel containing a school; and
 - b. A Retail or Medical Marijuana Store License shall not be permitted to be located within five hundred (500) feet of parcels zoned P (Public District) or any parcel containing another retail or medical marijuana store License; and
 - c. Retail or Medical Marijuana Store Licenses shall not be permitted to be located within two hundred (200) feet of parcels zoned R-1 (Residential Rural Density District), R-2 (Residential Low Density District), R-3 (Residential Medium Density District) and/or R-4 (Downtown Neighborhood District).
- (b) In addition to the requirements of the Colorado Marijuana Code the Local Licensing Authority shall consider the evidence and make a specific finding of fact as to whether the Premises in which Retail or Medical Marijuana Store licensure application is to be sold is located within any distance restrictions established by, or pursuant to, this Section. Where a variance has been granted by the Board of Adjustments from a distance

restriction established by, or pursuant to, this Section, the distance allowed by the variance shall be deemed the applicable standard for that application.

- (c) The distance measurements and requirements pursuant to this Section shall be computed by Direct Measurement in a straight line from the nearest property line of the land containing the Protected Use to the nearest portion of the building in which the Retail or Medical Marijuana Store License is located.

(Ord. of 12-3-21 , § 2)

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Sec. 2-14-40. Applications—Licenses.

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- The applicant knowingly made a false statement or knowingly gave false information with the application; or
 - Reliable evidence shows the applicant will operate the proposed Retail and/or Medical Marijuana Store in violation of the Colorado Marijuana Code; or
 - Good Cause, as defined in the Colorado Marijuana Code and other applicable law, exists for denial of the application.
- (b) For new license applications, the applicant shall bear the burden of proving that all qualifications for licensure have been satisfied and must also satisfy the Local Licensing Authority that the residents of the affected neighborhood desire the business, that the applicant is fit to hold the requested license, and that the applicant is prepared to operate the business in compliance with the requirements of state and local law. For purposes of this subsection, the affected neighborhood shall include the area within one-half (0.5) mile of the property line of the Premises identified in the application.

Sec. 2-14-70. Restrictions for applications for marijuana store licenses.

- (a) The Local Licensing Authority shall not receive or act upon an application for the issuance of a Local License pursuant to this Article:
- (1) Until it is established that the applicant is, or will be, entitled to possession of the Premises for which application is made under a lease, rental agreement, letter of intent or other arrangement for possession of the premises or by virtue of ownership of the Premises.
 - (2) The approval of the application for Licensure for a Retail or Medical Marijuana Store LicenseUntil it is verified by the Planning Director or their designee that the Premises e-complies with all zoning and land use ordinances and said zoning ordinances shall be amended as follows:
- Retail or Medical Marijuana Store Licenses shall only be permitted in the C-3 zoning district. In addition, the following setbacks will apply:
- a. Retail or Medical Marijuana Store Licenses shall not be permitted to be located within two thousand (2,000) feet of any parcel containing a school; and
 - b. A Retail or Medical Marijuana Store License shall not be permitted to be located within five hundred (500) feet of parcels zoned P (Public District) or any parcel containing another retail or medical marijuana store License; and
 - c. Retail or Medical Marijuana Store Licenses shall not be permitted to be located within two hundred (200) feet of parcels zoned R-1 (Residential Rural Density District), R-2 (Residential Low Density District), R-3 (Residential Medium Density District) and/or R-4 (Downtown Neighborhood Residential District).
- (b) In addition to the requirements of the Colorado Marijuana Code the Local Licensing Authority shall consider the evidence and make a specific finding of fact as to whether the Premises in which Retail or Medical Marijuana Store licensure application is to be sold is located within any distance restrictions established by,

or pursuant to, this Section. Where a variance has been granted by the Board of Adjustments from a distance restriction established by, or pursuant to, this Section, the distance allowed by the variance shall be deemed the applicable standard for that application.

- (c) The distance measurements and requirements pursuant to this Section shall be computed by Direct Measurement in a straight line from the nearest property line of the land containing the Protected Use to the nearest portion of the building in which the Retail or Medical Marijuana Store License is located.

(Ord. of 12-3-21 , § 2)

Dec. 13 2022
Work Session Packet

Full Text of Measure:

Passage of the Ordinance to be referred to the voters of the Town of Wellington:

TOWN OF WELLINGTON

ORDINANCE NO XX-2021

**Ordinance Concerning the Regulation of
Retail and Medical Marijuana Stores in
the Town of Wellington**

WHEREAS Article XVIII, Sections 14 and 16 of the Colorado Constitution allow the personal and medical use of marijuana in Colorado subject to local; and

WHEREAS, Article XVIII, Sections 14 and 16 of the Colorado Constitution and applicable laws allowed the Town of Wellington, Colorado (the “Town”) to prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, or Retail Marijuana Stores and the Town enacted an ordinance prohibiting such operations.

WHEREAS, a citizen initiative was submitted to the Wellington Town Clerk to allow the sale of retail and medical marijuana and the petition was found by a C.R.S. §31-11-110 hearing officer to not be sufficient and the petition therefore was not submitted to the voters of the Town..

WHEREAS, it is unclear to the Wellington Town Board of Trustees (the “Town Board”) whether the voters wish to see the sale of medical and retail marijuana allowed in the Town and the Town Board feels that the question of whether retail or medical marijuana sales should be allowed in the Town should be decided by the Town’s voters.

WHEREAS, members of the Town Board have voiced a willingness, if flaws in the previously submitted initiated ordinance can be addressed that the Town Board might be willing to refer the question of whether retail and medical marijuana should be allowed in the Town to the Town’s voters and there has been a further willingness to refer an initial regulatory scheme to the Town’s voters so long as the Town Board would have full authority to modify the regulatory scheme after following January 1, 2023.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF WELLINGTON COLORADO UPON APPROVAL BY THE REGISTERED ELECTORS OF THE TOWN OF WELLINGTON. COLORADO, THAT:

Section 1. Articles 13.5 of Chapter 16 and Article 13.6 of Chapter 2 of the Wellington Municipal Code are hereby repealed in their entirety.

Section 2. A new Article 14 is hereby added to Chapter 2 of the Wellington Municipal Code and shall read as follows:

Article 14 - RETAIL AND MEDICAL MARIJUANA STORES

Sec. 2-14-10 Purpose.

A. The Board of Trustees hereby declares that this Article shall be deemed an exercise of the police powers of the Town for the protection of the economic and social welfare and the health, peace, and morals of the people of the Town.

B. The Town further declares that it is unlawful to cultivate, manufacture, distribute, or sell retail marijuana or medical marijuana, except in compliance with the terms, conditions, limitations, and restrictions set forth in this Chapter, Sections 14 and 16 of Article XVIII of the State Constitution and Article 10 of Title 44, C.R.S. and 1 CCR 212-3 (the "Colorado Marijuana Code").

Sec. 2-14-20 Powers and Duties of the Local Licensing Authority.

A. The Local Licensing Authority shall grant or deny local Licenses for the distribution and sale of retail marijuana or medical marijuana as provided by law; suspend, fine, restrict, or revoke such Licenses upon a violation of this Article or a rule promulgated pursuant to this Article; and may impose any penalty authorized by this Article or any rule promulgated pursuant to this Article. The Local Licensing Authority may take action with respect to a License accordance with the procedures established pursuant to this Article.

B. The Local Licensing Authority shall promulgate such rules and make such special rulings and findings as necessary for the proper regulation and control of the distribution and sale of Retail Marijuana to be consistent with state law for the enforcement of this Article.

C. This Article 14 incorporates the requirements and procedures set forth in the Colorado Marijuana Code. The Local Licensing Authority adopts the provisions and restrictions set forth in Colorado Marijuana Code and regulations for all Licensees not explicitly addressed within this Article. In the event of conflict between the provisions of this Article and the Colorado Marijuana Code, the more restrictive provision shall control.

D. On and after February 1, 2022, the Local Licensing Authority shall begin processing applications under this Chapter and shall process the applications in the order they are received. The Local Licensing Authority shall administratively approve any License application under this Article so long as the conditions set forth in this Article are met and the applicant has paid the operating fee and any other fees required by this Article. Local Licensing Authority fees (exclusive of State fees) for applications shall not exceed \$5,000.00.

Sec. 2-14-30 Definitions.

Any word or term used that is defined in any of the following provisions shall have the same meaning that is ascribed to such word or term as used in Article XVIII, Sections 14 or 16 of the Colorado Constitution and the Colorado Marijuana Code. C.R.S. §44-10-101, *et seq.* and C.R.S. §25-1.5-101, *et seq.* unless varied hereunder:

Colorado Marijuana Code: Article 10 of Title 44 of the Colorado Revised Statutes, as amended, and any regulations promulgated thereto.

Direct Measurement: A straight line from the nearest property line of the Protected Use to the nearest portion of the building in which the Retail or Medical Marijuana Store License is

located.

License: A license or registration granted pursuant to this Article.

Licensed Premises: The premises specified in an application for a License under this Article, which are owned or in possession of the Licensee and within which the Licensee is authorized to sell retail and/or medical marijuana in accordance with the provisions of the Colorado Marijuana Code.

Licensee: A person licensed or registered pursuant to the Colorado Marijuana Code and this Article.

Local Licensing Authority: The Board of Trustees of the Town of Wellington shall serve as the Local Licensing Authority unless the Town Board creates a separate Local Licensing Authority empowered to act in such capacity.

Local Licensing Official: The Town Clerk or other designee of the Local Licensing Authority.

Location: A particular parcel of land that may be identified by an address or other descriptive means.

Medical marijuana store A "Medical marijuana business" as defined by the Colorado Marijuana Code but only including a medical marijuana store, and not including a medical marijuana cultivation facility, a medical marijuana products manufacturer, a medical marijuana testing facility, a marijuana research and development licensee, a medical marijuana business operator, or a medical marijuana transporter.

Person: A natural person, partnership, association, company, corporation, limited liability company, or organization, or a manager, agent, owner, director, servant, officer, or employee thereof.

Premises: A distinct and definite location, which may include a building, a part of a building, a room, or any other definite contiguous area.

Protected Use: Those uses defined in Sec. 2-14-70 including Schools, parcels zoned P (Public District) or any parcel containing another Retail or Medical Marijuana Store License or parcels zoned R-1 (Residential District), R-2 (Residential District) and/or R-4 (Residential District).

Retail Marijuana Store: A "Retail Marijuana Business" as defined by the Colorado Marijuana Code but only including a retail marijuana store and not including a retail marijuana cultivation facility, a retail marijuana products manufacturer, a marijuana hospitality business, a retail marijuana hospitality and sales business, a retail marijuana testing facility, a retail marijuana business operator, or a retail marijuana transporter.

School: A public or private preschool, including a licensed daycare or a public or private elementary, middle, junior high, or high school, college, or principal campus of a college (and including the new Middle / High School at Wellington, not open as of the date of adoption of this ordinance).

State Licensing Authority: The Colorado Department of Revenue, Marijuana

Enforcement Division, created for the purpose of regulating and controlling the licensing of the cultivation, manufacture, distribution, and sale of retail and medical marijuana in this State, pursuant to Articles 10 of Title 44 C.R.S. and Colorado Marijuana Rules 1 CCR 212-3, and other Colorado applicable statutes as applicable and incorporated in the Colorado Marijuana Code.

Sec. 2-14-40 Applications-Licenses.

An application for a License shall be filed in accordance with State law on forms provided by the State Licensing Authority. The application shall contain such information as the State Licensing Authority may require. Each application shall be verified by the oath or affirmation of the persons prescribed by the State Licensing Authority. An application shall be approved or denied by the Local Licensing Authority or the Local Licensing Official and by the State Licensing Authority. An application shall not be approved, and a license shall not be issued if either of the Licensing Authorities find that:

- The applicant knowingly made a false statement or knowingly gave false information with the application; or
- Reliable evidence shows the applicant will operate the proposed retail and/or medical marijuana Store in violation of the Colorado Marijuana Code; or
- Good Cause, as defined in the Colorado Marijuana Code and other applicable law, exists for denial of the application.

Sec. 2-14-50 Denial of Application.

A. The Local Licensing Authority shall deny a Local License application as provided for by the Colorado Marijuana Code and regulations promulgated thereunder, and if the application contains any false, misleading information. If an application is determined incomplete by the Local Licensing Official, the applicant will be notified and be given seven (7) days to remedy and supplement the application to conform to this Article or the application may be denied.

B. The Local Licensing Official shall consider and act upon all applications in accordance with the standards of this Article and in compliance with the Colorado Marijuana Code and regulations. The Local Licensing Authority shall deny any application that is not in full compliance with this Article.

C. The Local Licensing Authority shall formulate a list of all additional requirements if needed in addition to the forms provided by the State Licensing Authority.

D. If the Local Licensing Authority denies a License, the applicant shall be entitled to a hearing.

E. If an application is denied, the Local Licensing Authority shall set forth in writing the grounds for denial.

Sec. 2-14-60 Persons Prohibited as Licensees.

The Local Licensing Authority hereby adopts the provisions and restrictions set forth in the Colorado Marijuana Code and applicable state regulations.

Sec. 2-14-70 Restrictions for Applications for Marijuana Store Licenses.

A. The Local Licensing Authority shall not receive or act upon an application for the issuance of a Local License pursuant to this Article:

1. Until it is established that the applicant is, or will be, entitled to possession of the Premises for which application is made under a lease, rental agreement, letter of intent or other arrangement for possession of the premises or by virtue of ownership of the Premises.
2. The approval of the application for Licensure for a Retail or Medical Marijuana Store License complies with all zoning ordinances and said zoning ordinances shall be amended as follows:

Retail or Medical Marijuana Store Licenses shall only be permitted in the C-3 zoning district. In addition, the following setbacks will apply:

- a. Retail or Medical Marijuana Store Licenses shall not be permitted to be located within two thousand (2,000) feet of any parcel containing a school; and
- b. A Retail or Medical Marijuana Store License shall not be permitted to be located within five hundred (500) feet of parcels zoned P (Public District) or any parcel containing another retail or medical marijuana store License; and
- c. Retail or Medical Marijuana Store Licenses shall not be permitted to be located within two hundred (200) feet of parcels zoned R-1 (Residential District), R-2 (Residential District) and/or R-4 (Residential District).

B. In addition to the requirements of the Colorado Marijuana Code the Local Licensing Authority shall consider the evidence and make a specific finding of fact as to whether the Premises in which Retail or Medical Marijuana Store licensure application is to be sold is located within any distance restrictions established by, or pursuant to, this Section.

C. The distance measurements and requirements pursuant to this Section shall be computed by Direct Measurement in a straight line from the nearest property line of the land containing the Protected Use to the nearest portion of the building in which the Retail or Medical Marijuana Store License is located.

Sec. 2-14-80 Transfer of Ownership.

A. A Local License granted under the provisions of this Article shall not be transferable except as provided in this Section, but this Section shall not prevent a change of location as provided in the Colorado Marijuana Code.

B. For a transfer of ownership, a Licensee shall apply to the State Licensing Authority and Local Licensing Authority on forms prepared and furnished by the State Licensing Authority. The Local Licensing Authority may charge a fee not to exceed \$1,000.00 to process such transfer and shall permit a transfer of ownership pursuant to this Article in conjunction with the Colorado Marijuana Code.

Sec. 2-14-90 Licensing Renewal.

A. A Licensee shall apply for the renewal of an existing License to the Local Licensing Authority not less than thirty (30) days prior to the date of expiration with a Local Licensing Authority renewal application fee of \$1,500.00. The Local Licensing Authority shall not accept an application for renewal of a License after the date of expiration, except as provided in subsection (B) of this Section. The Local Licensing Authority, in its discretion, subject to the requirements of this Article and based upon reasonable grounds, may waive the thirty (30) day time requirement set forth in this Article. The Local Licensing Authority may hold hearings on Licensing renewal applications including for good cause. Good Cause for purposes of this Section shall mean:

1. The Licensee renewal applicant has violated or has failed to comply with any terms, conditions, or provisions of this Article or the Colorado Marijuana Code or any supplemental law; ordinance; or regulation; or
2. The Licensee has been operated in a manner that adversely affects the public health or welfare of the immediate neighborhood in which the establishment is located.

B. Notwithstanding the provisions of subsection (A) of this Section, a Licensee whose License has been expired for not more than thirty (30) days may file a late renewal application upon the payment of a nonrefundable late application fee paid to the Local Licensing Authority of \$500.00 in addition to the License renewal fee paid to the Local Licensing Authority and any fees due to the State Licensing Authority. A licensee who files a late renewal application and pays the requisite fees may continue to operate until final action to approve or deny the Licensee's renewal application.

C. Notwithstanding the amount specified for the Late Application Fee, the Local Licensing Authority by rule or as otherwise provided by law may, in its discretion, may reduce the amount of the renewal application and/or the late application fee.

Sec. 2-14-100 Fees.

Every Retail and Medical Marijuana Store Licensee shall pay an operating fee at the time of its initial application for licensure and a renewal fee at the time of each application for License renewal. This fee is imposed to offset the cost of administering this License. The initial application fee and renewal fee shall be determined by the Local Licensing Authority and set by resolution, but in no event shall either fee payable to the Local Licensing Authority exceed five thousand dollars (\$5,000.00).

Sec. 2-14-110 Hours of Operation.

A Retail or Medical Marijuana Store Licensee may engage in the sale of marijuana and marijuana products between the hours of 8:00 a.m. and 9:00 p.m. daily; provided, however, that the Local Licensing Authority may at its discretion extend, but not further limit, such hours of operation.

Sec. 2-14-120 Disciplinary Actions: Suspension-Revocation-Fines.

A. In addition to any other sanctions prescribed by the State Licensing Authority, the Local Licensing Authority has the power, on its own motion after investigation and opportunity for a public hearing at which the Licensee shall be afforded an opportunity to be heard, to suspend or revoke a License issued by the Local Licensing Authority for a violation specified in subsection (B) below. The Local Licensing Authority has the power to administer oaths and issue

subpoenas to require the presence of persons and the production of papers, books, and records necessary to the determination of a hearing.

B. The Local Licensing Authority may take disciplinary action for violations by Licensee or any agent, manager, or employee of Licensee of the Colorado Marijuana Code or this Article.

C. The Local Licensing Authority may, in its sole discretion, issue a fine in lieu of all or any portion of a suspension and may hold all or part of any suspension in abeyance on conditions set by the Local Licensing Authority. When determining whether to impose a fine in lieu of a suspension the Local Licensing Authority may make findings that:

1. The public safety, health and welfare would not be impaired by permitting the Licensee to operate during the period set for suspension and that the payment of the fine will achieve the desired disciplinary purposes;
2. The books and records of the Licensee are kept in such a manner that the loss of sales that the Licensee would have suffered had a suspension gone into effect can be determined with reasonable accuracy; and
3. The Licensee has not had its License suspended or revoked during the 12-months immediately preceding the date of the motion or complaint that resulted in a final decision in relation to a penalty for violations pertaining to the Licensee.

D. The fine accepted shall be: (a) not less than five-hundred dollars (\$500.00) nor more than two thousand five-hundred dollars (\$2,500.00) for license infractions of a minor nature that do not directly impact the public health, safety, or welfare which shall include but are not limited to failure to display badges, unauthorized minor modifications of Premises, minor clerical errors in inventory tracking procedures; and (b) not less than one-thousand dollars (\$1,000.00) nor more than ten-thousand dollars (\$10,000.00) for violations that have an immediate impact on the public health, safety, or welfare.

E. Payment of a fine shall be in the form of cash or in the form of a certified check or cashier's check made payable to the Local Licensing Authority, whichever is appropriate.

F. Upon payment of the fine, the Local Licensing Authority shall enter its further order permanently staying the imposition of the suspension, if the fine is paid to a Local Licensing Authority.

G. If the Local Licensing Authority does not make the findings required in this Section and does not order the suspension permanently stayed, the suspension shall go into effect on the operative date finally set by the Local Licensing Authority and Licensee shall be, upon request, afforded a hearing within thirty (30) days.

Sec. 2-14-130 Inspection of Books and Records-Inspection Procedures.

A. Each Licensee shall keep a complete set of all records necessary to show fully the business transactions of the Licensee, all of which shall be open at all times during business hours for the inspection and examination by the Local Licensing Authority or its duly authorized representatives. The Local Licensing Authority may require any Licensee to furnish such information as it considers necessary for the proper administration of this Article and may require an audit to be made of the books of account and records on such occasions as it may consider necessary.

B. The Licensed Premises, including any places of storage where retail or medical

marijuana is stored, sold, or dispensed shall be subject to inspection by the Local Licensing Authority and its investigators, during all business hours for the purpose of inspection or investigation and for examination of any inventory or books and records required to be kept by the Licensee. Where any part of the Licensed Premises consists of a locked area, upon demand to the Licensee, such area shall be made available for inspection without delay. and, upon request by authorized representatives of the Local Licensing Authority, the Licensee shall open the area for inspection.

C. Each Licensee shall retain all books and records necessary to show fully the business transactions of the Licensee for a period of the current tax year and the three (3) immediately prior tax years.

Sec. 2-14-140 Licensing Authority Established.

There is hereby established a Local Licensing Authority to issue only Retail Marijuana Store and Medical Marijuana Store Licenses upon payment of a fee and in compliance with all Local Licensing requirements to be determined by the Local Licensing Authority.

Sec. 2-14-150. Other Marijuana Licenses Prohibited.

A. Except for the specific licenses the Local Licensing Authority is authorized to issue pursuant to this Article, no other retail and/or medical marijuana licenses may be issued, including licenses for marijuana cultivation facilities, marijuana testing facilities, or marijuana products manufacturers.

B. The Local Licensing Authority declares that, should any provision, section, paragraph, sentence, or word of this Article be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences, or words of this Article as hereby adopted shall remain in full force and effect.

Section 3. Subject to the following, prior to January 1, 2023 modification of the provisions of this ordinance shall require approval of the voters of the Town of Wellington, Colorado. Following January 1, 2023, the Town Board may modify, or repeal this ordinance by ordinance of the Town Board, prior to January 1, 2023, the Town Board may modify this ordinance by ordinance of the Town Board to comply with the Colorado Marijuana Code or other state statute or state regulation.

Section 4. The Board of Trustees declares that, should any provision, section, paragraph, sentence or word of this Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences, or words of this Ordinance as hereby adopted shall remain in full force and effect.

Section 5. All the provisions of the Wellington Municipal Code as heretofore adopted that conflict with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance.

Section 6. The Town Clerk shall certify the passage of this Ordinance and cause notice of its contents and passage to be published or posted. This Ordinance shall become effective immediately upon adoption or passage by the voters.

Variance Provisions of the 2022 Land Use Code

Available at: <https://www.wellingtoncolorado.gov/DocumentCenter/View/3859/Land-Use-Code--->

ADOPTED

2.22 Variance

2.22.1 Purpose. A variance provides relief from the strict application of a standard to a specific site that would create an unnecessary hardship or practical difficulties on all reasonable use of the property.

2.22.2 Applicability. Variances may be sought for relief from dimensional and numerical standards of this Land Use Code. Variances may not be sought to vary the allowed use on a property.

2.22.3 Procedure. All applications for Variances shall comply with the following specific procedures in addition to the general procedures set forth in Section 2.04.

A. *Pre-application Conference*. A pre-application conference is required for a variance application to discuss specific application procedures, criteria, and requirements for a formal application.

B. *Application Submittal*. The variance application shall include:

1. A site plan detailing property boundaries, footprints of all existing and proposed buildings, parking configuration, location of all utilities and easements, and any other details required to demonstrate conformance with all regulations and development standards applicable to the proposed zoning district;
2. A written narrative justifying why the proposed variance fits in with the surrounding neighborhood;
3. Conceptual building plans, including elevations, exterior materials, doors, decks, etc., if applicable;
4. Any other information identified in the pre-application meeting.

C. *Review and approval*.

1. Board of Adjustments Review.
 - a. The Board of Adjustments shall hold a public hearing and review the application at a regular meeting. Public notice shall be given pursuant to Section 2.02. The applicant or their representative may be present at the meeting to present the proposal. Staff shall present their staff report and

recommendation.

- b. The Board of Adjustments shall either approve, approve with conditions, or deny the application, or continue the hearing pursuant to Section 2.02.4, with the requirement that the applicant submit changes or additional information which they find necessary to determine whether the application complies with the Town's regulations, goals, and policies.
- c. Any information, exhibits, plans or elevations, whether conceptual or detailed, that are part of the application approved by the Board of Adjustments shall be considered a part of, and inseparable from, the approval. All development shall conform to the approved plans, unless otherwise provided for within this Land Use Code.

2.22.4 Findings for Approval.

- A. The relief requested is consistent with the Comprehensive Plan and the intent stated in this Land Use Code;
- B. Strict application of the regulation will result in an unnecessary hardship and practical difficulties on all reasonable use of the land intended by the existing zoning, as opposed to convenience or benefit of the applicant or a specific application;
- C. The need for the variance is due to specific and unique physical conditions on the site that do not exist on similarly situated land in the area;
- D. The manner in which strict application of the regulation deprives the applicant of reasonable use of the land compared to other similarly situated land in the area;
- E. The circumstances warranting the variance are not the result of actions by the applicant, or could not be reasonably avoided by actions of the applicant;
- F. Granting the variance will not harm the public health, safety and welfare or the purposes and intent of these regulations;
- G. The relief requested is the minimum necessary to alleviate the hardship and practical difficulties; and
- H. The relief requested is consistent with any other prior approvals and official plans and policies created under the guidance of that plan for these areas (e.g., The Comprehensive Plan, specific area plans like a Downtown Corridor Study, etc.).



Board of Trustees Meeting

Date: January 10, 2023
Submitted By:
Subject: Avuncular Bob's T Bar Inn & Brewpub Operations, LLC Hotel & Restaurant Liquor License Renewal

- **Presentation:** Patti Garcia, Town Administrator/Interim Town Clerk

EXECUTIVE SUMMARY

BACKGROUND / DISCUSSION

Liquor licensing in the State of Colorado is a dual licensing authority. Applications are submitted to the local licensing authority for review and approval and then submitted to the State of Colorado for approval. Regulations that govern liquor licensing are located in Title 44, Article 3 of the Colorado Revised Statutes. Avuncular Bob's T Bar Inn & Brew Pub Operations LLC has submitted their annual renewal for their Hotel & Restaurant Liquor License. A review of the application found the establishment is in good standing with the Colorado Secretary of State, the establishment is current with sales tax and the Larimer County Sheriff's Office reported no issues directly related to the establishment's liquor license. The establishment has possession of the premise through a lease agreement and there were no issues or concerns during a visual inspection of the premise.

STAFF RECOMMENDATION

Staff has identified the following options for Trustee consideration:

1. Approve the Renewal Application.
2. Postpone to hold a hearing on the Renewal Application after the hearing is posted on the licensed premise for at least 10 days and notice has been provided to the applicant for at least 10 days prior to the hearing.
3. Deny the application for good cause.

Good Cause for the purpose of denying a license renewal means: a. The licensee or applicant has violated, does not meet, or has failed to comply with any of the terms, conditions, or provisions of article 3 or any rules promulgated pursuant to article 3; b. The licensee or applicant has failed to comply with any special terms or conditions that were placed on its license in prior disciplinary proceedings or arose in the context of potential disciplinary proceedings; c. Evidence that the licensed premises have been operated in a manner that adversely affects the public health, welfare, or safety of the immediate neighborhood in which the establishment is located, which evidence must include a continuing pattern of fights, violent activity, or disorderly conduct.

ATTACHMENTS

1. 2023 Renewal_TBar_Redacted

Submit to Local Licensing Authority

AVUNCULAR BOB'S T BAR INN & BREW PUB OPERATIONS LLC
PO BOX 421
Wellington CO 80549

Fees Due	
<i>Takeout + Delivery renewal</i>	<i>11.00</i>
Renewal Fee	550.00
Storage Permit \$100 X _____	\$
Sidewalk Service Area \$75.00	\$
Additional Premise Hotel & Restaurant \$100 X _____	\$
Related Facility - Campus Liquor Complex \$160.00 per facility	\$
Amount Due/Paid	\$ <i>561.00</i>

Make check payable to: Colorado Department of Revenue. The State may convert your check to a one-time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department may collect the payment amount directly from your banking account electronically.

Retail Liquor or Fermented Malt Beverage License Renewal Application

Please verify & update all information below

Return to city or county licensing authority by due date

Licensee Name AVUNCULAR BOB'S T BAR INN & BREW PUB OPERATIONS LLC		Doing Business As Name (DBA) AVUNCULAR BOB'S T BAR INN & BREW PUB OPERATIONS LLC	
Liquor License # 03-12295	License Type Hotel & Restaurant (city)		
Sales Tax License Number 40857776	Expiration Date 12/10/2022	Due Date 10/26/2022	
Business Address 3803 CLEVELAND AVENUE Wellington CO 80549			Phone Number 9705689829
Mailing Address PO BOX 421 Wellington CO 80549		Email <i>K@vococoffee.com</i>	
Operating Manager <i>K Campbell</i>	Date of Birth [REDACTED]	Home Address [REDACTED]	Phone Number [REDACTED]
1. Do you have legal possession of the premises at the street address above? ☒ Yes ☐ No Are the premises owned or rented? Owned ☐ Rented* ☒ *If rented, expiration date of lease <i>7/14/24</i>			
2. Are you renewing a storage permit, additional optional premises, sidewalk service area, or related facility? If yes, please see the table in upper right hand corner and include all fees due. ☐ Yes ☒ No			
3a. Are you renewing a takeout and/or delivery permit? (Note: must hold a qualifying license type and be authorized for takeout and/or delivery license privileges) ☒ Yes ☐ No			
3b. If so, which are you renewing? ☐ Delivery ☒ Takeout ☐ Both Takeout and Delivery			
4a. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant, been found in final order of a tax agency to be delinquent in the payment of any state or local taxes, penalties, or interest related to a business? ☐ Yes ☒ No			
4b. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant failed to pay any fees or surcharges imposed pursuant to section 44-3-503, C.R.S.? ☐ Yes ☒ No			
5. Since the date of filing of the last application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested. ☐ Yes ☒ No			
6. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation. ☐ Yes ☒ No			

7. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked? If yes, attach a detailed explanation. ☐ Yes ☒ No
8. Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee? If yes, attach a detailed explanation. ☒ Yes ☐ No

Affirmation & Consent

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct and complete to the best of my knowledge.

Type or Print Name of Applicant/Authorized Agent of Business <i>K Campbell</i>	Title <i>Sole Member</i>
Signature <i>K Campbell</i>	Date <i>10-21-22</i>

Report & Approval of City or County Licensing Authority

The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 44, Articles 4 and 3, C.R.S., and Liquor Rules.

Therefore this application is approved.

Local Licensing Authority For <i>Town of Wellington</i>		Date
Signature	Title <i>Mayor</i>	Attest

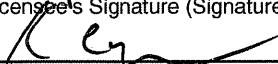
Tax Check Authorization, Waiver, and Request to Release Information

I, K Campbell am signing this Tax Check Authorization, Waiver and Request to Release Information (hereinafter "Waiver") on behalf of Avuncular Bob's T Bar Inn (the "Applicant/Licensee") to permit the Colorado Department of Revenue and any other state or local taxing authority to release information and documentation that may otherwise be confidential, as provided below. If I am signing this Waiver for someone other than myself, including on behalf of a business entity, I certify that I have the authority to execute this Waiver on behalf of the Applicant/Licensee.

The Executive Director of the Colorado Department of Revenue is the State Licensing Authority, and oversees the Colorado Liquor Enforcement Division as his or her agents, clerks, and employees. The information and documentation obtained pursuant to this Waiver may be used in connection with the Applicant/Licensee's liquor license application and ongoing licensure by the state and local licensing authorities. The Colorado Liquor Code, section 44-3-101. et seq. ("Liquor Code"), and the Colorado Liquor Rules, 1 CCR 203-2 ("Liquor Rules"), require compliance with certain tax obligations, and set forth the investigative, disciplinary and licensure actions the state and local licensing authorities may take for violations of the Liquor Code and Liquor Rules, including failure to meet tax reporting and payment obligations.

The Waiver is made pursuant to section 39-21-113(4), C.R.S., and any other law, regulation, resolution or ordinance concerning the confidentiality of tax information, or any document, report or return filed in connection with state or local taxes. This Waiver shall be valid until the expiration or revocation of a license, or until both the state and local licensing authorities take final action to approve or deny any application(s) for the renewal of the license, whichever is later. Applicant/Licensee agrees to execute a new waiver for each subsequent licensing period in connection with the renewal of any license, if requested.

By signing below, Applicant/Licensee requests that the Colorado Department of Revenue and any other state or local taxing authority or agency in the possession of tax documents or information, release information and documentation to the Colorado Liquor Enforcement Division, and is duly authorized employees, to act as the Applicant's/Licensee's duly authorized representative under section 39-21-113(4), C.R.S., solely to allow the state and local licensing authorities, and their duly authorized employees, to investigate compliance with the Liquor Code and Liquor Rules. Applicant/Licensee authorizes the state and local licensing authorities, their duly authorized employees, and their legal representatives, to use the information and documentation obtained using this Waiver in any administrative or judicial action regarding the application or license.

Name (Individual/Business) <u>Avuncular Bob's T Bar Inn & Brewpub operators</u>		Social Security Number/Tax Identification Number <u>04-2078738</u>	
Address <u>7024 Daryn Ln.</u>			
City <u>Fort Collins</u>		State <u>CO</u>	Zip <u>80524</u>
Home Phone Number <u>(970) 217-1474</u>		Business/Work Phone Number <u>(970) 568-9829</u>	
Printed name of person signing on behalf of the Applicant/Licensee <u>K Campbell</u>			
Applicant/Licensee's Signature (Signature authorizing the disclosure of confidential tax information) 			Date signed <u>10-21-22</u>

Privacy Act Statement

Providing your Social Security Number is voluntary and no right, benefit or privilege provided by law will be denied as a result of refusal to disclose it. § 7 of Privacy Act, 5 USCS § 552a (note).



LIQUOR INSPECTION REPORT

Licensee Name: Avuncular Bob's T Bar Inn & Brew Pub Operations LLC/DBA (same)	Contact/Manager Name: K Campbell
License #: 03-12295	Contact Number: 970-217-1474 or 970-568-9829
Address: 3803 Cleveland Ave	Contact Email: k@nococoffee.com
City, State, Zip: Wellington, CO 80549	Date of Report: 10/24/2022

ITEM	YES	NO	NA
State Liquor License Posted	✓		
Local Liquor License Posted	✓		
Sales Tax License Posted	✓		
Food Service License Posted	✓		
Minor Warning Sign Posted	✓		
Meals/Snacks Available	✓		
Cleanliness is Adequate	✓		
Books and Invoices Available	✓		
Alcohol Purchased from Permitted Source	✓		
Beer, Wine and Liquor Stock Acceptable	✓		
Manager Registered with Authorities			✓
Licensee in Possession/Control of Premise	✓		
Premise Diagram Accurate	✓		
Acceptable Dispensing Systems	✓		
Larimer County Sheriff's Office Violation Report: No reported violations.			

LIQUOR LICENSE INSPECTION NOTES: Met with Owner/General Manager Carla Smith. Ms. Smith was very cooperative throughout my inspection.

Inspection Representative(s):

Sgt. M. Cherry - Larimer County Sheriff's Office - Dated 11/9/22