

**TOWN OF MORRISON BOARD OF TRUSTEES
MORRISON TOWN HALL, 110 STONE STREET
REGULAR MEETING OF THE BOARD OF TRUSTEES
TUESDAY, AUGUST 1, 2023
6:00 P.M**

Call to Order. Mayor Wolfe called the Regular Town Board Meeting to order at 6:00 P.M.

Roll Call. Mayor Chris Wolfe, Trustees Katie Gill, John Leonard, David Wirtz, Paul Sutton, and Adam Way were present. Trustee Sean Forey was absent. A quorum was established.

Staff Present. Joe Rivera (Town Attorney), Kara Winters (Town Manager), Carrie McCool (Town Planner) Chief Vinelli (Chief of Police), Ariana Neverdahl (Town Clerk), and Courtney Christensen (Deputy Town Clerk).

Amendments to the Agenda. A motion was made by Trustee Way to modify the agenda to add to the executive session a conference under Charter Section 3.4 and CRS 24-6-402(4)(b) and (e) with the Town Attorney, Town Manager, and appropriate staff for legal advice and to instruct negotiators regarding the lease and use of Town land for a retail marijuana store and the Holding Payment related to the extension of the due diligence period. The motion was seconded by Trustee Leonard. All members present voted aye. The motion carried.

A motion was made by Trustee Way to modify the agenda to remove 6. c, discussion of the Spring Street Bridge, from the agenda. The motion was seconded by trustee Gill. All members present voted aye. The motion carried.

Public to Address the Board. Mary Beth Mainero, 15726 W. Girard Avenue. Mainero addressed the Board and voiced concern over traffic coming through Town and into the Red Rocks Ranch Development.

Presentations and Hearings.

Application submitted from the Town of Morrison for rezoning real property from Planned Development to Mixed Use Commercial and Office District generally located at Lot 3 Red Rocks Ranch Subdivision Filing No. 1, County of Jefferson State of Colorado, Reception No. 2018091371.

Mayor Wolfe called the Public Hearing to order at 6:05 PM.

Applicant/Staff Report. Town Planner McCool reviewed the rezoning application and stated the Town applied to rezone 1.009-acre of town-owned property from Planned Development to Mixed Use Commercial and Office District. Town Planner McCool informed the Board the subject property was dedicated to the Town after the disconnection, rezoning, and re-subdivision of the Red Rocks Centre. Town Planner McCool explained the voters of the Town passed a Ballot Measure in the April 2022 Election to permit the Town to license a single retail marijuana store east of the Dakota Hogback. The voters also approved a sales tax range of 6.25 percent not to exceed 11.25 percent on retail marijuana products. Town Planner McCool stated through the approval of Ordinance No. 510 the Board amended the Mixed-Use Commercial and Office (MU-CO) zone district to include a retail marijuana store as a permitted use. Town Planner McCool explained the review criteria for the rezoning application. Town Planner McCool stated the subject property was originally zoned in error, the current zoning is inconsistent with the policies and goals of the Town's Comprehensive Plan. Town Planner McCool also stated the

subject property has changed to such a degree that it is in the public interest to encourage redevelopment of the area. Rezoning the property is necessary to provide land for community-related use which was not anticipated at the time of adoption of the Town's Master Plan. Town Planner McCool informed the Board the civic component of the property will remain unchanged and it will remain a town-owned facility. The future retail marijuana establishment operator will secure all land use approvals and make the required site improvements. Town Planner McCool stated that Town Staff finds the rezoning to MU-CO is compatible with the adjacent land uses and represents the best use that would further the Town's economic and development goals. Town Planner McCool informed the Board that the Planning Commission unanimously voted to recommend approval of the rezoning application on July 11, 2023. Town Planner McCool stated Town Staff is recommending approval of the Zoning District Map (rezoning) Lot 3 Red Rocks Ranch, Subdivision Filing 1 Rezone from Planned Development to Mixed Use Commercial and Office (MU-CO) based on compliance with the review criteria of Section 10-1K-3 of the Morison Municipal Code.

Town Planner McCool entered into the record a statement from Shelby Wall, Red Rock Ranch Resident. Wall stated she was not in favor of the rezoning application.

Town Planner McCool entered into the record a statement from Rochelle Minx, 3309 S. Rogers Street. Minx stated she did not support the rezoning application.

Board Comments.

Trustee Wirtz asked if the Mixed Use Zoning will allow other businesses to use the land. Town Planner McCool stated the Mixed-Use Zoning permits other commercial uses.

Trustee Sutton stated that there were other locations available for a retail marijuana establishment, but the property owners would not lease the land to a marijuana establishment.

Trustee Gill stated that the retail marijuana establishment will be the only business on the parcel of land.

Trustee Gill asked for clarification that the access to the site will be from Morrison Road and not through the neighborhood. Trustee Gill also asked for clarification that the establishment will be required to have onsite parking. Town Planner McCool stated access to the site will be from Morrison Road and onsite parking will be required.

Trustee Gill stated she was in favor of the Town contributing to screening the property from the Red Rocks Ranch Development.

Trustee Sutton asked if community members will be able to participate in public meetings for the site development plan. Town Planner McCool informed the Board that the Planning Commission is the deciding body for the site development plan. The Planning Commission will have a Public Hearing when reviewing the site plan.

Public Comment.

Charles Laarsen, 3322 S. Orchard St. Laarsen asked how the rezoning application was noticed. Laarsen voiced disappointment that the Town voted to permit a retail marijuana store before the residents of Red Rocks Ranch moved in. Laarsen also stated residents of Red Rocks Ranch were not notified that a retail marijuana store would be at this location before moving in.

Kathy Dichter, 109 Spring Street. Dichter voiced her support for the rezoning application and stated the Town needs the revenue.

Mike Haywood, 3390 S. Rogers Street. Haywood asked the Board if the Town was approached by any companies other than LivWell. Haywood stated the access road off of Morrison Road will help but asked the Board to be mindful of the effects on the community.

Christine Turner, 188 Red Rocks Vista Drive. Turner voiced concern over increased traffic due to the retail marijuana establishment site.

Larry Mainero, 1526 W. Girard Avenue. Mainero voiced concern over traffic and pedestrian safety.

Jack Dickinson, 3851 S. Orchard Street. Dickinson referenced the due diligence period extensions granted by the Board of Trustees and asked if this was due to hesitation from LivWell.

Kari Sanders, 15721 W. Eureka Avenue. Sanders stated she did not have an issue with the retail marijuana establishment as long as there are no odors associated with the location.

Mary Beth Mainero, 15726 W. Girard Avenue. Mainero stated she would rather see a grocery store at this location. Mainero also stated that the Town receives their property tax and does not believe they need the additional revenue from the retail marijuana establishment.

Cleophas Crasto, 15714 W. Girard Avenue. Crasto voiced concern over the establishment being located near a highway and asked if a traffic study has been completed. Crasto voiced disappointment that Lennar did not disclose the location of the retail marijuana establishment before residents moved in.

Kyler Lyman, 15806 W. Girard Avenue. Lyman stated he was not opposed to the retail marijuana store but voiced concern over the appearance of the property. Lyman asked the Town to consider landscaping, minimal signage, and no bright lights for the establishment. Lyman voiced support for sidewalk access from the Red Rocks Ranch neighborhood to downtown Morrison.

Brett Minix, 3309 S. Rogers Street. Minix requested a copy of the notification mailing list for the rezoning hearing.

Steven Ballaban 156782 W. Eureka Avenue. Ballaban voiced concern over traffic and suggested the Town look at leasing the land to a different type of business. Ballaban mentioned the Town receives revenue from their property taxes, water, and sewer fee and does not need the additional revenue.

Sean Campbell, 3341 S. Orchard Street. Campbell referenced a study done by CU Boulder that references health concerns related to marijuana use.

Frank Lansville, 15642 W. Floyd Drive. Lansville suggested the Town place the retail marijuana establishment on the Bandimere property.

Cleophas Crasto, 15714 W. Girard Avenue. Crasto asked the Board to consider the societal impacts of the retail marijuana establishment.

Jack Dickinson, 3851 S. Orchard Street. Dickinson voiced his opposition to the rezoning application and voiced concern about traffic, crime, and the appearance of the retail marijuana establishment.

Applicant/Staff Response. Town Planner McCool informed the public that the ballot measure was passed by the voters of the Town of Morrison. The residents approved a single retail marijuana establishment east of the Dakota Hogback. Town Planner McCool stated the application was sent out on referral to surrounding agencies and the Town did not receive any comments or concerns. Town Planner McCool informed the Board and the Public that all concerns related to traffic, parking, signage, lighting, and landscape will be addressed during the site plan development. Town Planner McCool stated the site will be accessed off of Morrison Road. Town Planner McCool stated what is being considered tonight is the rezoning application and it was noticed in accordance with the Town of Morrison Municipal Code.

Town Manager Winters informed the Public that the Town had an open lottery for retail marijuana applications, but the Town did not receive any applications during this period. The available locations were privately owned and the owners were not interested in leasing or selling to a retail marijuana establishment.

Town Manager Winters informed the public that the Town does not receive any property taxes from the houses in the Red Rocks Ranch Development.

Town Planner McCool informed the Public that Bandimere is not in the incorporated Town of Morrison.

Town Manager Winters stated that the Town has looked at placing a grocery store off of Macintyre but did not receive any interest from grocery stores.

Board Discussion.

Trustee Way stated the Board is not being disingenuous and understands the concerns that were mentioned.

Trustee Gill stated the voters of the Town of Morrison passed the ballot measure with certain limitations; east of the Dakota Hogback and only one retail marijuana establishment. Trustee Gill mentioned that she was on the fence about passing the Ordinance but stated her fiduciary responsibility as a Board member led her to vote yes. Trustee Gill stated the Town does need the revenue; the Town does not receive any property taxes from the Red Rocks Ranch Development or Bandimere. Trustee Gill stated that she will fight hard to ensure that there is traffic safety and that the establishment is well patrolled to reduce any affiliated crime.

Trustee Sutton thanked everyone for coming and engaging in the meeting. Trustee Sutton suggested everyone sign up for notifications through the Town Website. Trustee Sutton said the impact on traffic from the retail marijuana site will have less of an impact than the Red Rocks Ranch Development had. Trustee Sutton stated that there are daily health impacts such as global warming and light pollution that have a greater impact on an individual's health other than marijuana. Trustee Sutton informed the public the Town has a sign code that the establishment will need to comply with.

Trustee Leonard stated a grocery store cannot be placed on a one-acre parcel of land. Trustee Leonard also stated the traffic from the Red Rocks Ranch Development has a greater impact on traffic safety than the retail marijuana establishment will.

Trustee Wirtz stated he is in favor of the mixed-use zoning but does not support the Town leasing the land to a retail marijuana establishment, due to health concerns related to marijuana use.

Mayor Wolfe closed the Public Hearing at 7:17 PM.

A motion was made by Trustee Sutton to approve the amendment to the Zoning District Map (Rezoning) Lot 3 Red Rocks Ranch, Subdivision Filing 1 Rezone from Planned Development to Mixed-Use Commercial and Office (MU-XO0 based on compliance with the review criteria of Section 10-1K-3 of the Morrison Municipal Code without conditions. The motion was seconded by Trustee Way. The motion carried by a vote of five ayes and one nay. Trustee Wirtz voted nay.

General Business.

Town Attorney Services- Engagement Letter from Hoffman Parker Wilson & Carberry P.C. Town Manager Winters informed the Board that the Town sent out a request for proposal for Town Legal Counsel. The Board appointed committee reviewed the proposals and interviewed Hoffman Parker Wilson & Carberry P.C. Town Manager Winters stated the Committee recommends approval of engagement with Hoffman Parker Wilson & Carberry O.C. and Austin Flanagan as Town Attorney.

A motion was made by Trustee Wirtz to authorize the Town Manager to sign the Engagement Letter with Hoffman Parker Wilson & Carberry P.C. The motion was seconded by Trustee Leonard. All members voted aye. The motion carried.

Trustee Gill thanked Town Attorney Rivera for his service and his assistance with the Mt. Carbon 7th IGA Amendment.

Traffic Logix Speed Trailer. Town Manager Winters reviewed the estimate from Traffic Logix and Emergent Enforcement Solutions for a Speed Radar trailer.

Chief Vinelli explained to the Board that the Town can change between the either plan at any time. Chief Vinelli recommended beginning with the \$26.00 citation fee plan.

Trustee Wirtz asked if the Town looked into Blue Line Solutions, they offer a trial period with zero cost to the Town.

Trustee Wirtz also asked if the Town can look into getting cameras on fixed poles. Chief Vinelli stated the Police Department would like to start with a trailer and voiced concern over vandalism to the cameras placed on fixed poles.

Trustee Sutton voiced his support for placing the cameras on fixed poles.

Trustee Sutton asked how much revenue the Town will receive per ticket and asked what the impact will be on the Municipal Court. Chief Vinelli stated the Town will receive \$109.00 from a \$135.00 citation. Chief Vinelli also stated the citations issued from the speed trailer do not require a court appearance.

Trustee Sutton asked if the citation goes unpaid does it affect the individual's insurance. Town Manager Winters stated tickets generated from the camera will not be reflected on an individual's insurance but

will be sent to collections.

Trustee Leonard voiced support for purchasing the speed trailer.

Trustee Gill stated she is comfortable with using Emergent Enforcement Solutions and voiced support for purchasing the speed trailer.

A motion was made by Trustee Gill to authorize the Town of Morrison (Town Manager) to move forward with the purchase of a single Traffic Logix speed radar trailer in the amount of \$29,641.0. The motion was seconded by Trustee Sutton. All members present voted aye. The motion carried.

Trustee Wirtz asked how long the contract with Emergent Enforcement Solutions is. Town Attorney stated the contract can be renewed annually under the Tabor Law of Colorado. The current contract is for one year.

A motion was made by Trustee Sutton to Motion to authorize the Town Manager to enter into an agreement with Emergent Enforcement Solutions (EES) to provide services to assist in the issuing citations generated from the Traffic Logix Speed radar camera. The motion was seconded by Trustee Way. All members present voted aye. The motion carried.

Departmental Reports.

Parking. Trustee Gill informed the Board that the Board requested a fifty percent share of parking violations, but the current report reflects the terms listed in the contract.

Police Department. Trustee Gill voiced her support for starting with the Traffic Logix Speed Trailer over handheld radar cameras.

Trustee Gill and Trustee Sutton voiced support for having the Police Department continue to patrol the Town to hold dangerous drivers accountable.

Public Works. Trustee Way asked Public Works Director Fouts if there was any damage to the Spring Street Bridge from Xcel from undergrounding the gas line. Public Works Director Fouts stated he did not see any damage. The project is currently on hold with Xcel, they will complete the restoration of the gas line once the project is completed.

Town Planner. Trustee Sutton asked for an update on the Red Hotel Application. Town Manager Winters informed the Board the application was sent out on the fourth referral and comments are due on August 8, 2023.

Town Manager. No oral report.

Town Attorney. No oral report.

Consent Agenda.

A motion was made by Trustee Way to approve the Consent Agenda for July 18, 2023. The motion was seconded by Trustee Wirtz. All members present voted aye. The motion carried.

Board Comments.

Executive Session.

Trustee Way moved to go into executive session for a conference under Town Charter Section 3.4 and C.R.S. § 24-6-402(4)(b) and (e) with the Town Attorney, Town Manager, and appropriate staff to receive legal advice and to instruct negotiators regarding four different subjects: (1) the Mt. Carbon IGA – 7th Amendment and raw water obligations; (2) Holcim the potential for additional water storage at the quarry; (3) Potential annexation; and (4) the lease and use of Town land for a retail marijuana store and the Holding Payment related to the extension of the due diligence period; Trustee Way further moved to adjourn the open meeting at the close of executive session. The motion was seconded by Trustee Sutton; the motion approved unanimously.

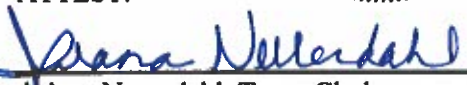
Adjournment. Mayor Wolfe adjourned the regular Town Board Meeting at 10:15 P.M.



TOWN OF MORRISON


Chris Wolfe, Mayor

ATTEST:


Ariana Neverdahl, Town Clerk