

**TOWN OF MORRISON BOARD OF TRUSTEES
MORRISON TOWN HALL, 110 STONE STREET
REGULAR MEETING OF THE BOARD OF TRUSTEES
TUESDAY, MARCH 7, 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, Paul Sutton, David Wirtz and Adam Way were present. Trustee Forey was absent. A quorum was established.

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

Amendments to the Agenda. Town Manager Winters added Water Meter Purchase to the Agenda under General Business item 6.E.

Public to Address the Board. None.

Presentations and Hearings.

Bear Creek Development- Special Use Review 211- Bear Creek Avenue.

Mayor Wolfe opened the Public Hearing at 6:01 PM.

Town Attorney Rivera swore in Mayor Wolfe and Trustee Way each stated they have reviewed all documents and recordings for the Bear Creek Development Special Review.

Town Attorney Rivera stated Trustee Leonard will abstain from the hearing. Trustee Leonard has not reviewed the prior hearing material or recordings.

Staff Report. Town Planner McCool stated the original hearing date for the application was on April 4, 2022. The hearing has been continued a total of seven times from the original date. Town Planner McCool stated the applicant has failed to provide the required application materials. Town Planner McCool stated the applicant failed to appear or notify Town Staff that he would not be present at the last public hearing on January 17, 2023. Due to his absence the Board made a motion to continue the hearing to March 7, 2023, and directed the applicant to address all Town Staff redlined comments on the Special Review Site Plan by February 15, 2023. The applicant resubmitted his application on February 24, 2023. Town Planner McCool informed the Board two days is not enough time to review a resubmittal and draft a staff report. Town Planner McCool stated that because the applicant failed to resubmit his application by the deadline of February 15, 2023 for final approval or denial of the application, Town Staff recommends denial of the Special Review application.

Trustee Gill stated the Town Code gives authority to the Zoning Administrator to make a verbal decision as the primary instrument for administering compliance with this Town Planner McCool stated Town Staff thought it would be appropriate for the Board to make the final decision because they made a motion setting a deadline for the application submittal documents to be turned in.

Town Attorney Rivera asked Town Planner McCool if the hearing was opened and continued on the follow dates: April 4, 2022, May 17, 2022, July 19, 2022, August 16, 2022, October 18, 2022,

December 20, 2022 and January 17, 2023 Town Planner McCool stated yes, the hearing was opened and continued on each of those dates.

Applicant Report. Jeff Bradley, 16371 Morrison Road. Bradley addressed the Board and stated he let Trustee Forey know he would not be attending the hearing on January 17, 2022. Bradley also stated he did not see the email from Town Planner McCool stating the resubmittal of the application was due on February 15, 2023 until yesterday afternoon. Bradley stated he turned in the resubmittal on February 24, 2023 and thought the hearing would be in April. Bradley asked the Board to have Town Staff review the documents submitted on February 24th and set a hearing date when he and Town Staff are on the same page.

Trustee Way asked Bradley if he was confused by the deadline date set by the Board at the prior hearing. Bradley stated he did not see the email from Town Planner McCool setting the date from resubmittal.

Town Planner McCool stated she emailed the applicant about the deadline on January 19, 2023 at 11:02 am, the conditions were bolded in the email.

Public Comment. John Leonard, 100 Canyon Vista Drive. Leonard asked if the application is denied can the applicant re-apply. Town Planner McCool stated the applicant can re-apply for a special use permit if application is denied.

Applicant Response. Bradley stated he did not see the email that was sent on January 19, 2023 and asked the Board to have Town Staff review the resubmittal.

Mayor Wolfe closed the Public Hearing at 6:20 PM.

Board Discussion.

Trustee Gill mentioned the application has been ongoing for two years with seven resubmittals. In the December 20, 2022 the applicant stated a site plan was not required by Town Code. Trustee Gill informed the Board section 10-1F-2C of the Morrison Municipal Code requires a site plan for Special Use Applications. Trustee Gill stated the applicant has failed to provide staff with the deemed necessary documents for two years and would move to deny the application.

Mayor Wolfe stated the applicant did not meet the February 15, 2023 deadline.

Trustee Sutton stated the Board wants the application to be reviewed by Town Staff who have the expertise to review the application. The re-submittal was submitted too late for Town Staff to review and did not include enough information for the Board to make a decision.

A motion was made by Trustee Gill to deny the Bear Creek Development Special Use Review Application. The Motion was seconded by Trustee Sutton. The motion carried by a vote of five ayes and one nay. Trustee Way voted nay. The motion carried.

General Business.

Judge Thrower Contract. Town Attorney Rivera stated the Board approved the Judge's appointment until November of 2024, in September of 2022. The current contract does not reflect this change. Town Attorney Rivera stated Staff is recommending amending the Judge's contract to reflect the new term coinciding with its General Election as expressed and adopted at its September 6, 2022 meeting.

Trustee Gill stated she voted to approve the Judge's contract in September to align with the Town Charter. Trustee Gill stated the Board was not aware at the time that the contract allowed the Judge to be paid for absences. If the Judge was unable to attend court the Town is required to pay the Judge and the substitute Judges. Trustee Gill asked if the Judge would be willing to forgo payment for court sessions that he is not present for.

Trustee Sutton asked if both Jerry Dahl and Joe Rivera are paid if they fill in for one another. Town Attorney Rivera stated no, only one of them is paid.

Trustee Leonard asked if the contract had expired. Trustee Gill stated the contract expired in April of 2022, after the last municipal election.

Town Manager Winters stated the Board appointed him to serve until November 2024. Trustee Gill stated the contract was never executed.

The consensus of the Board was to ask Judge Thrower to amend his contract to not receive payment for any court absences.

Town Attorney Rivera suggested tabling the discussion until he could provide further detail on the terms of the contract.

A motion was made by Trustee Way to table the discussion of Judge Throwers Contract until Town Attorney Rivera provides additional information. The motion was seconded by Trustee Leonard. All members present voted aye. The motion carried.

Zoning Code Update.

A motion was made by trustee Sutton to authorize Town Manager Winters to work with Jerry Dahl and Carrie McCool to update the land use code with a not to exceed amount of \$3,600.00 The motion was seconded by Trustee Way. All members present voted aye. The motion carried.

CML Conference. Town Manager Winters stated registration for the Annual CML conference was open. The Board included the conference in the 2023 Budget. Town Manager Winters stated Town Staff can help register all Board Members who would like to attend. Town Manager Winters asked if the Board would like to schedule their Annual Board Conference at the same time as the Conference.

The consensus of the Board was to not schedule the Annual Board Conference at the same time of the Conference.

Police Department Speed Radar. Chief Vinelli reviewed the speed radar sign quotes in the packet.

Trustee Wirtz asked if the lights on the radar will flash red and blue. Chief Vinelli stated the Police Department can get quoted on the flashing lights.

Chief Vinelli stated the desired effects of the radar sign was to reduce speeding through Town.

Trustee Gill stated she was in favor of the radar sign; it will help improve pedestrian safety.

The Board requested to see the data from the speed radar sign.

Town Manager Winters suggested the police department purchase one of the AMSIGNAL and apply for the NHTSA grant in the meantime. This may end up getting the Town a second speed radar sign.

A motion was made by Trustee Sutton to authorize the Police Department to purchase one TC-400's from AMSIGNAL and apply for a NHTSA Grant for a Speed Radar Sign. With Town Attorney approval of the contract. The motion was seconded by Trustee Gill. All members present voted aye. The motion carried.

Water Meter Purchase. Town Manager Winters stated the meters are for the Red Rocks Ranch Development. Town Manager Winters stated the Town will be reimbursed for the cost by Lennar.

Trustee Wirtz asked if this payment is from the Utility Fund. Town Manager Winters stated yes, the funds are from the Utility Fund.

A motion was made by Trustee Leonard to approve the purchase the meters from Core and Main in the amount of \$30,522.20. The motion was seconded by Trustee Sutton. All members present voted aye. The motion carried.

Departmental Reports.

Police Department. Mayor Wolfe asked about the activity report, the number of citations seem low on Saturday and Sundays. Chief Vinelli stated statistically more crimes are committed during the week. Chief Vinelli also stated the Police Department has more officers staffed during the week.

Trustee Way mentioned the car show at Red Rocks Amphitheatre on Saturday mornings is very loud and asked the Chief how they are enforcing the Towns noise ordinance. Chief Vinelli stated the officers are making the traffic stops and issuing warnings about the noise ordinance.

Chief Vinelli provided an update on the ALPR license plate readers. The Police Department needs a permit from CDOT for the cameras. Once the department has the permit, State Patrol will approve the placement of the cameras.

Trustee Sutton asked if the ALPR cameras can read blacked out cameras. Chief Vinelli stated the ALPR cameras can read blacked out license plates.

Chief Vinelli asked the Board to reconsider the purchase of the Vera Mobility Speed Van on behalf of the Police Department.

Town Manager Winters stated the Police Department needs to submit supporting documentation that shows, van data, van cost and maintenance, employee wages and citation revenue.

Trustee Gill stated the Town does not meet the school zone and municipal park qualifications for the Speen van nor could the van be placed along any state highway. Additionally, the Town could only charge \$40.00 per ticket, Vera Mobility would receive \$12.00 per ticket. Trustee Gill mentioned it was pulled from the agenda due to the fact it can not be placed on any state highway.

Chief Vinelli stated he was okay with not purchasing the vera mobility speed van.

Mayor Wolfe thanked Chief Vinelli for the flashing beacon crosswalks.

Public Works. Town Manager Winters stated that the Board looked at the Preliminary Tunnel Feasibility Study in 2020. Town Manager Winters stated Town Staff asked for the Boards feedback on preparing for shovel ready projects to then apply for infrastructure grants. Town Manager Winters mentioned the BRIC grant the Town was awarded can help prioritize the projects.

Trustee Leonard suggested the Town create a list of projects to create a plan of completing them. He does not like chasing grant money. Mayor Wolfe stated the Town does not want to miss out on receiving a grant either.

The consensus of the Board was to discuss the grant opportunity later in the year once the Mt. Carbon IGA is completed, this will provide the Board with an updated expenditure amount for the Town.

Town Manager Winters informed the Board the water at the Post Office was from a water main break along Highway 8. The break has been repaired and covered up.

Trustee Gill suggested the Town test all water lines as funds see fit.

Trustee Leonard asked Winters to get the Public Works Director and Town Water Engineer for a recommendation on how to reduce the Towns 33% water loss. Town Manager Winters stated the Town will put a proposal together to put out on RFP to have a company come in and do the leak detection work. Town Manager Winters mentioned asking Mt. Carbon to help with cost, it would benefit them as well.

Mayor Wolfe thanked Fritz for his quick action on fixing the water main break.

Town Manager. No oral report.

Town Attorney. Town Attorney Rivera asked for clarification on the Judge's Contract. The Board would like clear language in the contract that the Judge should not be paid for absences. The majority of the Board agreed to amend the Judge's contract. Town Attorney Rivera stated he will meet with the Judge to discuss this change.

Consent Agenda.

A motion was made by Trustee Gill to approve the Consent Agenda for March 7, 2023. The motion was seconded by Trustee Way. All members present voted aye. The motion carried.

Board Comments.

- Trustee Wirtz asked about the unauthorized use of Town Fire Hydrants. Town Manager Winters stated Friday Morning of March 3rd someone pulled water form a Town hydrant west of the Hogback. The water was pulled too fast causing the sediment in the lines to stir up resulting in brown water. Town Staff has sent email to all residents and business asking them to report any unauthorized use of Town fire hydrants.

Trustee Way asked how far west does the water line go. Town Manager Winters stated it goes up to entrance three of Red Rocks Amphitheatre.

Trustee Forey entered the meeting at 7:43 PM.

- Trustee Sutton stated he would like to catch whoever stole the water and prosecute them.

Executive Session.

Trustee Way moved to go into executive session for a conference under Charter Section 3.4 and Section 24-6-402(4)(b) and (f), C.R.S. with the Town Attorney, Town Manager, and appropriate staff to receive legal advice and instruct negotiators regarding Mt. Carbon – 7th Amendment and raw water obligations; and a conference under Charter 3.4 and CRS 24-6-402(4)(b) and (c) with the Town Attorney, Town Manager and appropriate staff to receive legal advice and to instruct negotiators regarding lease and use of Town land for retail marijuana store. The motion was seconded by Trustee Leonard; motion approved unanimously.

Adjournment. Mayor Wolfe adjourned the regular Town Board Meeting at 8:23 P.M.



TOWN OF MORRISON

Chris Wolfe, Mayor

ATTEST:

Aijana Neverdahl, Town Clerk