

**TOWN OF MORRISON BOARD OF TRUSTEES
MORRISON TOWN HALL, 110 STONE STREET
REGULAR MEETING OF THE BOARD OF TRUSTEES
TUESDAY, MAY 3, 2016
6:00 P.M. – 9:00 P.M.**

Call to Order. Mayor Sean Forey called the regular Town Board Meeting to order at 6:00 P.M.

Roll Call. Mayor Sean Forey, Trustees Brewster Caesar, Venessa Angell, Katie Gill, Debora Jerome, Allen Williams, and Christopher Wolfe were present. A quorum was established.

Staff Present. Gerald Dahl (Town Attorney), Kara Zabilansky (Town Administrator) and Charla Bryant (Town Clerk).

Amendments to the Agenda. Remove 5d – Trash Services; Remove 5c – Outdoor Amplified Music Regulations; Switch 5a, Ordinance 429 and 5b, Ordinance 430.

Public to Address the Board. All public to address the Board relates to Ordinance 430.

Presentations and Hearings. None.

Ordinance 430, an Ordinance Amending the Morrison Municipal Code to Prohibit Rooftop Patios in the Commercial Transitional (CT) Zone District.

Clinton Scott, 415 Bear Creek Avenue, Morrison, CO. Scott manages the Red Rocks Grill. Scott believes guidelines should be set up for Roof Top Patios. Rooftop Patios will have a minimal impact on residents. It would be good for businesses.

Matthew Crow, 17341 Highway 8, Morrison, CO. Crow has been in Morrison since 2009 and has watched Morrison grow. Crow wants the Town to come together and grow.

Mari Ellis, 9208 Yegge Road, Morrison, CO. Ellis has been in Morrison for 10 years. People come to enjoy the mountain air. Rooftop patios should be monitored and would be good for revenue. Ellis believes the Red Rocks Grill is well managed and should be given a chance to have a rooftop patio.

Loren Oswalt, 115 Spring Street, Morrison, CO. Oswalt stated rooftop patios should be regulated not banned. People come to Morrison for the ambience. Killingsworth will not let noise get out of control. Oswalt stated he hears Bandimere all day and night.

Maja Stefansdottir, 202 Spring Street, Morrison, CO. Stefansdottir stated she is for roof top patios. The first year at Tony Rigatoni's, the noise was loud. After the first year the noise was toned down. Stefansdottir stated she likes the music. Rooftop patios would be growth and success for the Town.

Russ Hermanspan, 14500 W Hampden Avenue, Morrison, CO. Hermanspan is at the Holiday Bar. Killingsworth submitted an Application for a rooftop patio. Hermanspan wants to table Ordinance 430 to let the community be involved and see the impact.

Ryan Burris, 110 Wood Lane, Morrison, CO. Burris believes regulations and impact on the community should be looked at before decisions are made. The Roof Top Tavern will have exclusivity and this would be unfair to other establishment. Other establishments have a right to have rooftop patios. It will be a benefit to the Town and will increase revenues. Rooftop patios can be regulated.

Tom Smith, 310 Spring Street, Morrison, CO. Smith is opposed to a ban of rooftop patios. Rooftop patios can be controlled through regulations.

Steve Eckert, 14842 E Kansas Place, Morrison, CO. Everything he was going to say has been said.

Matt Corry, 806 Bear Creek Avenue, Morrison, CO. Corry worked at Red Rocks for 22 years dealing with sound. Corry does not feel right that this issue is coming up with Killingsworth being out of Town.

Don Vogt, 103 Bear Creek, Morrison, CO. Vogt is with the Holiday Bar. Vogt believes it is important to allow for expansion of business. The flood plain gets in the way. The only way to expand is to go up.

Bill Bulow, 202 Spring Street, Morrison, CO. Bulow stated that this is just the sounds of Morrison. He is for having rooftop patios.

Reza Ardehali, 215 Bear Creek, Morrison, CO. Ardehalo said 4 years ago the business of Tony Rigatoni was declining. A rooftop patio was allowed to be built. The rooftop patio closes at 10:00 pm. There has been only one instance with the Police Department. Guidelines should be set up to allow roof top patios and expand business elsewhere. Residents and businesses should set guidelines.

Lisa Hardy, 417 Bear Creek Avenue, Morrison, CO. Hardy stated the Holiday Bar and Red Rock Grill are fabulous. Handy likes to hear the music. It is an amazing place to take the family. Killingsworth is fabulous.

Earl Aukland, 107 Bear Creek Lane, Morrison, CO. Aukland stated businesses are restricted and the only way to build is up. The Board needs to discuss this. Regulations can be made. Time should be taken. People knew about the noise when they moved here.

Garry Briggs, 505 Bear Creek Avenue, Morrison, CO. Briggs has nothing further to state that has not been said.

Soley Berryman, 210 Spring Street, Morrison. Berryman supports the rooftop patio.

June Ehrle, 123 Spring Street, Morrison, CO. Ehrle has fears about the noise and how it would be enforced. Ehrle has concerns about parking.

Cody Roden, 210 South Park Avenue, Morrison, CO. Roden is for rooftop patios. There have never been issues. People can deal with the sound.

Sheri Tabor, 201 Bear Creek Lane, Morrison, CO. Tabor is a proponent of the revenue created by rooftop patios to the Town.

Kari Shipley, 201 Park Avenue, Morrison, CO. Shipley is not bothered by music. Before the rooftop patios less and less people would come in to Tony Rigatoni's. Now more people are coming. It creates more revenue. There needs to be talking and communication in Town.

Forey stated that the Board appreciates everyone coming to the meeting.

Board Discussion: Gill stated she needs more time and a dialog should be open for concerns. Gill believes it is premature to make a final decision. Dahl stated the Ordinance can be tabled to a date certain. A study session can be set or it can be discussed in an open meeting. The staff can put together options and take public comments. The Ordinance can be rewritten. Angell stated the Board needs to work on the Ordinance. Parking and traffic should be looked at. Jerome said the Board wanted to get everyone's input. The matter has to be clear and there could be a study session. Forey said the Ordinance can be discussed or a moratorium can be set. Guidelines can be made. Caesar said that while there is a lot of talk about the Holiday, there are 6 to 7 potential buildings that could have roof top patios. The Board needs to look at the big picture and consider issues such as traffic, lighting and parking. Dahl stated a moratorium could be done for rooftop patios. Dahl believes there should be a study session. The public wants to know what action will be taken. Caesar stated a moratorium could be set and a group can come up with guidelines and bring it to the staff. Forey stated a moratorium could be set for 90 to 120 days. Dahl said to pick a date unless the moratorium is terminated sooner. The moratorium can be terminated once the regulations are adopted. Forey said the moratorium should be to August 16, 2016.

Caesar moved to amend Ordinance 430 to retitle the same as "An ordinance imposing a temporary moratorium on the acceptance, processing and approval of applications for rooftop patios in the CT Zone District," and amending the text of the ordinance by changing the 5th WHEREAS Clause to change "would" to "could" negatively affect the appearance of the Town, by changing the 6th WHEREAS clause to read "The Board finds that rooftop patios have the potential to enhance the commercial viability of the Town," changing the 7th WHEREAS to read "The Board finds it appropriate to impose a moratorium on acceptance, processing, and approval of rooftop patios pending the development of appropriate regulations for this use," and changing Section 2 to read "There is hereby imposed a moratorium on the acceptance, processing and approval of applications for rooftop patios in the Commercial Transition (CT) Zone District, said moratorium to take effect upon adoption of this ordinance and to terminate on August 16, 2016, unless sooner terminated by ordinance adopted by the Board of Trustees." Wolfe seconded the motion. All present voted in favor.

Wolfe moved to direct the staff to invite the business community to forward comments, regulations and suggestions to the staff and have the staff assemble the material to discuss in a study session to be held in the future. Williams seconded the motion. All present voted in favor.

Ordinance 429, an Ordinance Amending the Morrison Municipal Code to Permit Brew Pubs as a use by Special Review in the Commercial Transitional Zone District. Wolfe made a motion to adopt Ordinance 429, an Ordinance Amending the Morrison Municipal Code to Permit Brew Pubs as a use by Special Review in the Commercial Transitional Zone District. Angell seconded the motion. Angell asked if there could be a requirement for food to be higher percentage of sales. Dahl stated 15% is the State statutory liquor license amount for State licenses. There cannot be a higher percentage. Jerome stated she is concerned because brew pubs use lots of water. Williams is also concerned about the water usage. Caesar stated he was concerned about passing laws that are not needed and feels it would be better to wait until someone actually applies for a brew pub. Wolfe wants to have the Ordinance established to require a special review. Williams stated by passing Ordinance 429 there would be something in place. Forey stated if no one is asking for an ordinance, it should not be done. Dahl stated it would be used by special review and would be adding a use to the list. All present voted in favor.

General Business.

Ordinance 431, an Ordinance Amending Parking Regulations and Declaring an Emergency. Zabilansky stated \$3000.00 in revenue is typically collected for parking citations annually for the Town. Jerome made a motion to approve Ordinance 431, an Ordinance Amending Parking Regulations and Declaring an Emergency. Forey seconded the motion. All present voted in favor.

Ordinance 432, an Ordinance Amending the Morrison Municipal Code to provide for Collection of Delinquent Fees, Rates and Charges. There were repairs on a broken water line that the Town fixed and paid for. The Town is having a hard time collecting the money. The alternative would be to file a lawsuit and a lien. This ordinance would be less expensive. Caesar made a motion to approve Ordinance 432, an Ordinance Amending the Morrison Municipal Code to Provide for Collection of Delinquent Fees, Rates and Charges. Wolfe seconded the motion. All present voted in favor.

RV Planning Commission. The IGA with Lakewood was adopted by the Town or Morrison and the City of Lakewood. Appointments will be done at the next meeting.

Parking at Mount Vernon and Market Street. The lot by the Church in the Town is not owned by anyone. The County said no taxes have been paid. Dahl stated a Quiet Title Action could be done and the court would enter an order. This would be used to clear the title. Rhodig can sign an affidavit that for the last 18 years that no one has been in possession of the lot. Dahl will talk to an attorney regarding eminent domain. Forey made a motion to direct the Town attorney to file appropriate documentation. Jerome seconded the motion. All present voted in favor.

Electronic Referral – Rooney Ranch Business Center Northwest/Southeast. Zabilansky wants direction from the Board. The Town can do nothing, direct staff or staff can obtain recommendation from the Planning Commission and have them send information to the State, but there would not be time for Board review. The Northwest would be three car dealerships and the Southeast would be a Harley Dealership. Solterra has hired an attorney. Zabilansky stated storage facilities are a popular use. Williams would rather have a storage facility and not

the car dealerships. The Board is opposed to the proposed uses and directed staff to draft a response.

Planning Commission. Zabilansky stated there are four vacancies; 2 regular vacancies for 6 years and 2 alternative vacancies for two years. Wolfe made a motion to appoint Jamee Chambers and Matt Schweich to fill the regular vacancies of the Planning Commission. Caesar seconded the motion. All present voted in favor of the motion. Wolfe made a motion to appoint Loren Oswalt to fill the alternate vacancy of the Planning Commissioner vacancy. Williams seconded the motion. All present voted in favor.

Departmental Reports.

Police Department. There were no questions or comments.

Museum. There were no questions or comments.

Utility. Caesar stated it was a scary proposition to drain down the Reservoir 30' for one week. Forey stated it has to be done. Williams stated it was fixed once and done to take out silt. There was discussion about the BCWA Report on copper. The problems could be from Red Rocks. Mt. Vernon Creek will be tested.

Town Administrator. Zabilansky would like permission to hire a full time person for the position of Court Clerk due to the workloads. Zabilansky said this was not included in the budget. Dixon will remain the Deputy Clerk. Bryant will be the full time Town Clerk. Zabilansky needs to hand things off to Bryant. Forey stated grants need to be pursued. Caesar said the Town should be careful about applying for grants as they can drive up project costs like the South Park Bridge. Williams made a motion to authorize Zabilansky to hire a full time position in place of a part-time position. Angell seconded the motion. All present approved.

Zabilansky said this week was the 47th annual Clerk's week. Thanks were given to Bryant. It was noted that it was William's birthday. Birthday wishes were given to Williams.

Attorney. There were no questions or comments.

Consent Agenda. Caesar made a motion to approve the Consent Agenda. Wolfe seconded the motion. All present voted in favor of the motion.

Board Comments. Wolfe stated the Town needs to work with professionals to get help with parking. Williams questioned why it is up to the Town to work on parking. Business ownership should do this. Café Prague did its own parking. Zabilansky stated the CT District has no requirements to provide for parking. Dahl stated the Town cannot currently require businesses to provide parking. Caesar stated Clinton Scott had parking ideas. Forey stated 75 people who are parking in the Town are employees. They should part at the school and shuttle down to the Town. CDOT lot put the fences back up and took back over part of the lot.

Executive Session. A motion was made by Jerome for a conference under Charter Section 3.4 and Section 24-6-402(4)(b) and (e), C.R.S., with the Town Attorney, Town Administrator and

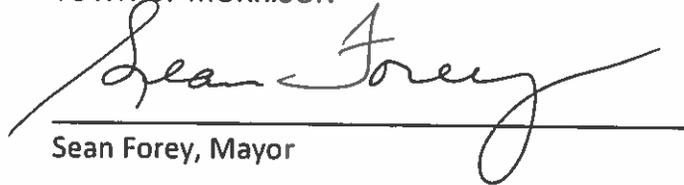
appropriate staff to receive legal advice and instruct negotiators concerning Public Records and Public Meeting Requirements. Caesar seconded the motion. All present voted in favor.

Forey called the Executive Session to Order on Tuesday, April 4, 2016 at 8:18 p.m. Present were: Sean Forey (Mayor), Trustees Brewster Caesar, Venessa Angell, Katie Gill, Debora Jerome, and Allen Williams; Gerald Dahl (Town Attorney), Kara Zabilansky (Town Administrator) and Charla Bryant (Town Clerk). The purpose of the Executive Session was to discuss Public Records and Public Meeting Requirements.

End of Executive Session. The Executive Session was adjourned at 9:38 pm.

Adjournment. The Meeting was adjourned at 9:38 pm.

TOWN OF MORRISON


Sean Forey, Mayor

ATTEST:


Charla D. Bryant, Town Clerk

