TOWN OF MORRISON BOARD OF TRUSTEES
MORRISON TOWN HALL, 110 STONE STREET
SPECIAL MEETING OF THE BOARD OF TRUSTEES
TUESDAY, SEPTEMBER 6, 2016
5:00 P.M. – 6:00 P.M.

Call to Order. Mayor Sean Forey called the special Town Board Meeting to order at 5:00 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). Timothy Leonard, Financial Consultant.

Executive Session. A motion was made by Gill 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 Red Rocks Centre. Caesar seconded the motion. All present voted in favor.

Forey called the Executive Session to Order on Tuesday, September 6, 2016, at 5:06 p.m. Present were: Sean Forey (Mayor), Trustees Brewster Caesar, Venessa Angell, Katie Gill, Debora Jerome, Allen Williams and Christopher Wolfe; Timothy Leonard (Financial Consultant), Gerald Dahl (Town Attorney), Kara Zabilansky (Town Administrator) and Charla Bryant (Town Clerk). The purpose of the Executive Session was to discuss Red Rocks Centre.

End of Executive Session. The Executive Session was adjourned at 5:46 p.m.

TOWN OF MORRISON BOARD OF TRUSTEES
MORRISON TOWN HALL, 110 STONE STREET
REGULAR MEETING OF THE BOARD OF TRUSTEES
TUESDAY, SEPTEMBER 6, 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. None.

Public to Address the Board.

Regular Sign-In.

Elizabeth Burris, 101 Red Rocks Vista Drive, Morrison, CO 80465. Burris said she is concerned about the safety of pedestrians at Red Rocks Elementary. She sent a letter to the Police Department requesting more of a police presence. She would like the police to be present at the cross streets by the elementary school 15 minutes before and after school. This is a busy intersection. Police presence would help slow down the speed of vehicles. Children are the future of the community. The Police Department should protect the community. The children should be protected.

Matt Schweich, 211 Spring Street, Morrison, CO 80465. Schweich would agree with Burris. Schweich stated he walks kids to school and has for the last 8 years. Schweich's child has almost been run over twice. Schweich is asking for more of a police presence.

Presentations and Hearings.

Forey called the Liquor License Authority to Order. Dahl asked Jerome a couple of questions to see if she could participate in this proceeding. Jerome stated she has not been related to the applicant or the applicant's family for over 30 years. Jerome said she has no financial interest in the Holiday Bar. Dahl stated Jerome does not need to recuse herself.

Holiday Bar Liquor Licensing Renewal Hearing.

Chief Rudy Sandoval, Morrison Police Department, 321 Highway 8, Morrison, CO 80465. Chief Sandoval has been working for the Town of Morrison for six years. Each year when a liquor establishment comes up for renewal in the Town of Morrison, Chief Sandoval is sent a letter to check to see if there are instances for that liquor establishment of which the Board should be made aware. Chief Sandoval keeps a file on each establishment for any issues. Chief Sandoval sent an official memorandum to Zabilansky of incidents that have been handled for the Holiday Bar through the year. Chief Sandoval does not make any recommendation of denial or approval of the liquor license, but only gives information. Renewal or denial is in the purview of the Liquor Licensing Authority.

Applicant, Dave Killingsworth with attorney Christopher Carr of Dill, Dill & Carr. Carr is here on behalf of the Holiday Bar Liquor License. Killingsworth has owned the Holiday Bar for 10 years. There have been no liquor violations in these 10 years. Carr stated none of the Chief's information was due to liquor license violations. A lady went to the hospital related to a question of being potentially drugged; there was a disagreement at a gas station; a man was requested to leave the Holiday Bar, left and then came back. Carr stated the establishment called the police. Carr said that the Holiday Bar is not trying to keep police from doing their job by not allowing them to monitor the parking lot. The police have the right to inspect the premises under the liquor code. The issue is using this as a through road and not as a parking lot. This is a safety issue. The parking lot closes when the establishment closes. At 3:00 A.M. the parking lot was closed; why were the police present? This is not a liquor violation. Carr said that grounds to not renew are for good cause; liquor violations and repeated fights. Caesar stated that there were two instances where Killingsworth could have provided camera tapes to prove a situation; like the fight between the bartender and the customer; and the lady who stated her drink was spiked.

Caesar asked if this was a policy for the Holiday Bar not to show camera tapes. Carr stated he was not at the meeting to thwart the Police Department. No camera tape is required by the liquor code. Killingsworth said cameras work as monitors, but do not record. The cameras are 10 years old. Caesar stated it would have been an easy way to show what happened. The fight was between two patrons. The Bartender broke the fight up and may have hit the man. There were no other questions.

Kathleen Dichter, 109 Spring Street, Morrison, CO 80465. Dichter said she was here about the Holiday Bar. Dichter would hope the governing body here would approve the liquor license. The Holiday Bar has been a signature establishment for a long time. Dichter does not know all the details of the police reports, but if Killingsworth has done something wrong maybe set up that the Chief and Killingsworth meet quarterly or monthly or something; or slap his hands and fine him. Dichter would sure hope that the Board would approve it because it is a big part of main street and a big draw.

Ana DeJesus, 8875 Hillview Road, Morrison, CO 80465. DeJesus owns the Red Rocks Grill and has been in the Town for 35 years. DeJesus said it is important for her staff to feel free to contact the police. In her experience the Morrison Police Department was footloose and fancy free and out of control prior to Chief Sandoval. Chief Sandoval has done a marvelous job. When owners have a problem with a customer, they call the Holiday or Morrison Inn. Owners of the businesses call each other. DeJesus has the highest respect for the Police Department and does not want to tell her staff not to call the police. DeJesus does not want to have a fear of calling the police. Dejesus said her cameras were turned off twice; her cameras are only two years old. DeJesus said this is the best Morrison has ever been. Owners do their jobs. The Town has great restaurant owners. Chief Sandoval is doing a great job. If the owners have a problem, it needs to be fixed.

Clinton Scott, Red Rocks Grill, 415 Bear Creek Avenue, Morrison, CO 80465. Scott deferred his time to Dejesus.

Reza Ardehali, 215 Bear Creek Avenue, Morrison, CO 80465. Ardehali is one of the owners of Tony Rigatoni's. Ardehali said there is no criteria as to how owners end up with a sign posted in front of their building for a public hearing. At what point and criteria does the Board decide who will have to come before the Board? Ardehali said he will come every meeting to find out the criteria. Ardehali gets advised from Chief Sandoval. How does he know if he will be next; has he angered a member of the Board? Ardehali said everyone knows that the prior police chief for the Town had a personal vendetta against Ardehali. Ardehali said on a tenth anniversary a sign should not be posted in front of a business; this is the owner's livelihood. Owners need clear and concise guidelines and the guidelines should be posted.

Adam Wade, 201 Bear Creek Lane, Morrison, CO 80465. Wade stated 8 residents were employed by the Holiday Bar. The remainder of his time was deferred to DeJesus.

Thomas Smith, 310 Spring Street, Morrison, CO 80465. Smith deferred his time to DeJesus.

Chief Rudy Sandoval, 321 Highway 8, Morrison, CO 80465. Chief Sandoval stated he is not after any one establishment. It is his job to make the Board aware of incidents; not charges. It is information for the Board. When the Police Department drives into a parking lot, it is to keep the establishment crime free, they are not just driving through. Chief Sandoval has been in this business for 46 years. He has never had an establishment tell him the police cannot drive behind their building. Chief Sandoval stated if there are fights, the police should be called right away and not after the fact. If there had been a video of what happened on the two incidents, he would not even have put in his report. Videos need to be made available. Businesses are great for the Town. The Police Department drives into a parking lot for a reason, not to pick on the owners, but it is for protection of the business.

Forey stated there was a change in the way businesses renew Liquor Licenses. The change triggered the hearing and was not done by the Board. No one at the meeting wants to go back to the old system to renew liquor licenses. Forey said he is sorry this whole thing happened. Zabilansky said guidelines need to be done. The Board did not have anything to do with it.

Forey closed the public hearing.

Caesar made a motion to approve the Liquor License Renewal Application for the Morrison Holiday Bar. Jerome seconded the motion. All present voted in favor of the motion.

Forey closed the Liquor License Authority and returned to the regular meeting.

Red Rocks Centre, Service Plans 1, 2, & 3. Dahl stated Red Rocks Centre is a 300+ acre property east of the hogback that was annexed by the Town 8 or 10 years ago. It was zoned for residential and commercial development. This kind of development has costs. To help with costs, developers will form a metropolitan district which has the power to create a mill levy and issue bonds to build. The present landowner wants to move forward. This is the first step in a multi-step process. The zoning side will not be addressed tonight. The Town will approve a service plan and then it will go to the District Court to order an election.

Zabilansky stated Red Rocks Centre has submitted a pre-application on zoning, disconnection from the Town and annexation to Lakewood. Meetings were held with the City of Lakewood and the landowner. No vested rights are sought.

Dahl stated the Town wants residential disconnected. The service plan has to go through a Tabor Election. The ballot question is due on September 9, 2016. It was important that districts are not created without the residential being disconnected. The residential property defined on page 4 shows the property in C3. The bottom of page 12 and top of page 13, states no debt of the district is a debt of the Town. The Town approves service plans which is the government oversight. On page 14, the District cannot issue debt until disconnection. Page 15 states the district has to dissolve in 12 months if disconnection does not occur. The Town has the right to file petitions on its behalf at the District's cost.

Leonard, the Town's financial consultant, stated the financial plan was organized and well done. Assessments were done on very responsible mill levies. The bonds made sense in the market

place. The plan was thorough and consistent with prudent development. The master plan, development plan and bonds are all good. Leonard was pleased with what he saw.

Forey opened the public Hearing at 7:07. The staff report is included.

Red Rocks Centre:

The Team Presenting was: Andy Trietley (representing Red Rocks Centre), Tessa Smitzer, Esq., Paula Williams, Esq. and Zack Bishop (Banker).

Trietley would like to thank the staff, Zabilansky, Dahl and Leonard. This is the first step in development of Red Rocks Centre. They will come back before the Board for land use related items.

Paula Williams is requesting approval of Service Plans to allow for the Metropolitan District organization. This is the first step in the process. After approval of the service plans an election will be needed. Title 32, Special District Act, sets forth criteria that the Board must have for consideration of approval. There must be sufficient projected need for the services. The existing service is inadequate. The District is capable of providing economic and sufficient services. The District has financial ability to discharge proposed indebtedness. The facility standards of the District are compatible with Town standards. Paula Williams said these standards have been met. A good portion of the land will be disconnected from the Town. All residential property will be disconnected. Town property will be brought in to one of the Districts and Lakewood property will be the other district. The remaining approximate 35 acres is anticipated to be commercial development. A Metropolitan District is a quasi-corporation and political subdivision of the State of Colorado. It is organized pursuant to the Special District Act. It is governed by a 5 member Board of Directors who live within the boundaries of the District and are elected for 4 year terms. A District is necessary to allow developers to develop a competitive product; used to independently raise their own revenue. People living within the area will pay through property taxes. The District can have perpetual existence. The Service Plan allows the District to plan, design, finance and construct public improvements. The applicant has agreed to disconnect the residential property. The service plan states the District cannot issue debt and must dissolve if disconnection is not complete within 12 months. There is an inclusion limitation; they cannot bring in property outside the service area. The total debt issuance is limited to $50 Million. The maximum debt service mill levy will be 50 mills and the maximum operating mill levy will be 10 mills. The District has the ability to raise funds through bonded indebtedness. An annual report will need to be provided. The District will have transparency and accountability obligations. It is believed that all statutory criteria have been satisfied. Paula Williams is asking the Board for approval.

Wolfe asked if any infrastructure on the property is salvageable. Trietley stated there is a water line, but it would require repairs. It was stated that there are no underground powerlines. There are overhead lines. The water is tied to the existing water lines as reflected in D1 in four locations. It is the hope that the commercial property would be a grocery anchored

neighborhood retail center which will remain in Morrison. As part of the sewer line will not be gravity; a lift will be used in that area.

Open Discussion to the Public.

Kathleen Dichter, 109 Spring Street, Morrison, CO 80465. Dichter said this was exciting. The property is disconnected from Morrison. Dichter asked what the address would be. Forey stated the property will either be in Lakewood or Morrison. Morrison will receive property taxes. Dichter is for it.

Forey Closed the Public Hearing at 7:30

Resolution 2016 – a Resolution Approving the Service Plans for RRC Metropolitan District Nos. 1, 2, & 3. Wolfe made a motion to adopt Resolution 2016-15, a Resolution Approving the Service Plans for RRC Metropolitan Districts Nos. 1, 2, & 3. Caesar seconded the motion. Williams stated there was 90% less commercial. Williams is against having this much residential. Dahl stated the goal of the Board is to disconnect the residential. The Metropolitan District would finance this. Leonard stated the market wants more rooftops. Leonard stated big box retail will not happen; there will be no malls. Williams wants small businesses there. Williams stated going from 1000 to 1400 residential units bothers him. Dahl stated the Board needs to decide which goal is most important. This package has advanced the more important goal of the Board. The portion that will remain in the Town is commercial and it may not get built. Williams understands that commercial is not guaranteed. Jerome stated the Town will receive revenue by providing sewer and water. Angell has a hard time losing the commercial. Leonard said residential with commercial in the back gives a friendly feel. Caesar is not thrilled by the 400 apartments. Caesar stated that disconnection will keep control in the Town. Dahl stated the Metropolitan District is a financing tool to build infrastructure. The next step will be a request to disconnect residential and it will go to Lakewood. The goal is getting rid of residential and it comes with a price. Forey stated if the residential is not disconnected, the service plan goes away. Gill said the hogback is the entrance to the Town. More important to Gill is what is west of the hogback. Gill said no debt will be incurred by the Town. Zabilansky stated there are development standards in the Rooney Valley. Jerome does not feel the Town should miss this opportunity. Businesses will want residential. Trustees Forey, Brewster, Angell, Gill, Jerome, and Wolfe voted in favor of the motion. Trustee Williams voted against the motion.

General Business.

Appointment of the Rooney Valley Planning Commission (RVPC). Forey stated Matt Schweich could not attend the first meeting of the RVPC. Dahl stated commissioners can be removed or replaced without cause. Caesar stated there needs to be continuity. Zabilansky stated September 15, 2016 was orientation. Jerome made a motion to appoint John Price, Jamee Chambers and Kara Zabilansky as regular Planning Commissioners on the Rooney Valley Planning Commission. Gill seconded the motion. All present voted in favor of the motion.

Departmental Reports.

Police Department. Caesar asked that the Police Report not reflect names or genders. There were no other comments or questions.

Museum. There were no questions or comments.

Utility. Morrison is helping Red Rocks Amphitheatre investigate odor mitigation. There is an odor problem and Red Rocks is to pay. Zabilansky stated the report that will address the permanent solutions will be submitted to the Town in 2 or 3 weeks. Grant money is available and Caesar stated the water intake needs protection and might qualify. Fouts is asking for a vehicle and employees are using their own vehicles. Caesar made a motion to approve the purchase of a Ford F-150 in the amount not to exceed $30,000. Angell seconded the Motion and all presented voted in favor of the motion.

Streets, Grounds & Buildings. Zabilansky told Streets, Grounds & Buildings to rent a chipper. It was around $2000.00 vs. the $7000.00 quote to have it done.

Town Administrator and 2017 Budget. Zabilansky wants direction from the Board regarding the intersection. Principal is looking for parent volunteers. Zabilansky talked to the Police Department about crossing where they can be at 3:00. Forey stated Principal needs to check out paid attendants or parent volunteers. Police cannot be relied upon to be there. Zabilansky and Forey believe it is the school's responsibility. Jefferson County should step up. Angell believes the police could be there. Zabilansky said the trail from Summer Street to the Museum is $200,000 and she will attempt to get a grant for the trail. Zabilansky stated CDOT has verbally agree to get crossing signs for the cross-walk. Caesar and Williams stated a flashing school sign could be used and Caesar said it could be button operated. Gill said of the shape of the intersection at Highway 8 and 74 is confusing. The kids get a signal to cross and the cars get a green arrow at the same time. It was questioned if the Board wanted to have a workshop to go over the Budget. Forey stated that the Board would meet 15 minutes and try to cover two departments at each meeting until going through the Budget was complete. Jerome stated that on page 129, outside services the $600 figure should be $6000.00; the total needs to be changed.

Attorney. There were no questions or comments.

Consent Agenda. Caesar made a motion to approve the Consent Agenda minus the Minutes. Jerome seconded the motion. All present voted in favor of the motion. Caesar made a motion to approve the Minutes. Wolfe seconded the motion. Gill said that there was a minor correction to the Minutes; she wanted to "ask" if the issues were significant enough to have a hearing for the Holiday Bar. It was agreed by the Board to make this change. All present voted in favor.

Board Comments. Caesar stated that some motorcycles were drag racing on Highway 8 on Saturday. Caesar would be interested in looking into a machine that can monitor the noise similar to a machine in Golden. Forey asked if the Town can put a light on Pine Street and Bear Creek Avenue.

Adjournment. The Meeting was adjourned at 8:57 pm.

TOWN OF MORRISON

Sean Forey, Mayor

ATTEST:

Charla D. Bryant, Town Clerk

TOWN OF MORRISON SEAL COLORADO