

**TOWN OF MORRISON BOARD OF TRUSTEES  
MORRISON TOWN HALL, 110 STONE STREET  
REGULAR MEETING OF THE BOARD OF TRUSTEES  
TUESDAY, NOVEMBER 2, 2021  
6:00 P.M**

**Call to Order.** Mayor Forey called the regular Town Board Meeting to order at 6:02 P.M.

**Roll Call.** Mayor Sean Forey, Mayor Pro Tem Debora Jerome, Trustees Katie Gill, David Wirtz, Matt Schweich and Ryan Burris were present. Paul Sutton was absent. A quorum was established.

**Staff Present.** Gerald Dahl (Town Attorney), Kara Winters (Town Manager), Ariana Neverdahl (Town Clerk) and Glendon Berrett (Town Engineer)

**Amendments to the Agenda.** None.

**Presentations and Hearings.** Chance Allen with Aggregate Industries addressed the Board regarding the compliance review of the 1998 PUD. Allen provided the Board with information regarding the reclamation plan and stated that it has been delayed due to the road had faults and could not be used. Allen said that the road was being rebuilt and the reclamation would start next year. Allen discussed the remaining items the Town would still like to be addressed in the PUD which include items related to the buildings, truck pull-off, drainage, lighting, reclamation, and annual reporting. Allen stated he is open to working with the Town and is committed to being a good neighbor.

**Board Discussion.**

**Trustee Schweich.** Trustee Schweich thanked Allen for speaking to the Board. Trustee Schweich asked when the remaining tasks would be completed. Allen told the Board three to four weeks. Allen also mentioned that the light structures are in compliance but is listening and willing to do more.

**Trustee Gill.** Trustee Gill asked Allen about the 1994 PUD regarding the Town's portion of drainage. Allen informed the Board that expanding the quarry prompts a need for new drainage, new concrete, and water management. Allen told the Board he will have an update on the new drainage plans in the following two weeks. Trustee Gill asked Allen about Aggregate Industries security fencing. Allen informed the Board that Aggregate Industries has updated their security fencing. Trustee Gill asked for a more concrete date for completion of all remaining issues. Trustee Gill also mentioned that the community is concerned about the dust coming from Aggregate Industries. Trustee Gill mentioned to the Board withdrawing the letter of protest the Town has filed against Aggregate Industries and said the Town can manage the remaining compliance issues without the letter of protest. Allen informed the Board the Town held Aggregate Industries accountable with the PUD and asked the Board to withdraw the letter of protest.

**Trustee Burris.** Trustee Burris asked Allen what steps Aggregate Industries is taking to monitor air quality. Allen informed the Board his staff is trained on opacity reading. Allen told the Board Aggregate Industries puts down fresh gravel and sprays the gravel with water to reduce the amount of dust. Allen stated that on high wind days the plant does not operate. Allen requested Aggregate Industries hear directly from the public if there is a complaint. Trustee Burris asked Allen about Aggregate Industries drainage strategy and their threshold limits. Allen informed the Board Aggregate Industries will hire a professional to assess the drainage before any expansion to the plant happens.

**Trustee Schweich.** Trustee Schweich mentioned setting a date for a final review between the Town and Aggregate Industries. Town Manager Winters suggested the end of January or February with the option to discuss the remaining issues earlier. Town Attorney Dahl and Allen agreed on meeting in late February.

**Public Comment on Aggregate Industries. Mike Thyne, 19271 Highway 8.** Thyne asked Aggregate Industries and the Town Board about the permitted use of reservoirs allowed in the PUD. Thyne asked if Aggregate Industries is asking the State for an additional reservoir.

**Michelle L. Berger Attorney for Aggregate Industries.** Berger informed Thyne and the Board that the reclamation plan provides flexibility on how reclamation can be done. Town Attorney Dahl informed the Board that Aggregate Industries would need Town approval for an additional reservoir.

**A motion was made by Trustee Schweich to withdraw the letter of protest with provisions that the remaining compliance issues under the PUD be resolved no later than February 28, 2022. If compliance work has not been completed, Aggregate Industries will appear before the Town Board on March 1, 2022. The motion was seconded by Trustee Burris. All members present voted aye. The motion carried.**

**Public to Address the Board. Jamee Chambers, 207 Bear Creek Lane.** Chambers addressed the Board giving her support for the Highway 8 Trail. Trustee Gill informed Chambers the Board agreed to add \$50,000.00 to the budget under Capital Improvements.

**Brain Bogert, 211 Red Rocks Vista Drive.** Bogert gave his support to the letter Shari Raymond submitted to the Board regarding the noise complaint about Red Rocks Amphitheatre from another resident. Bogert also thanked Trustee Gill for the letter she sent to Marc Sallinger with 9 News.

#### **General Business**

**Retail Marijuana Draft Ordinance.** Town Attorney Dahl explained to the Board that they will need to select a ballot question and a sales tax rate in order to add the Retail Marijuana Ordinance to the April 2022 Election. Town Attorney Dahl also asked the Board to review and provide comments on the draft ordinance.

#### **Board Discussion.**

**Trustee Burris.** Trustee Burris mentioned he would like to match the State of Colorado sales tax rate at 15% with the ability to increase the rate by 15%. Town Manager Winters informed the Board the highest sales tax rate in the state is currently 18%. Trustee Wirtz voiced concern that a high sales tax rate may affect voter approval.

**Trustee Jerome.** Trustee Jerome stated she liked the 15% sales tax rate. Trustee Jerome also mentioned that the Board should consider the business owner while selecting the sales tax rate.

**Trustee Schweich.** Trustee Schweich stated that there needs to be a balance; if the sales tax rate is too high some people may go elsewhere.

**Trustee Gill.** Trustee Gill mentioned considering what the business owner thinks the market can bear. The Town does not want to push away a future business owner because the Town's taxes are too high.

**Trustee Burris.** Trustee Burris suggested the Town recommend a combined sales tax rate of 10%, not to exceed 15% over the next 10 years.

**Town Attorney Dahl.** Town Attorney Dahl verified that the consensus of the Board was a sales tax rate of 10% with the ability to raise the rate to 15%. Town Attorney Dahl will provide the Board with the Ballot questions at the next Town Board Meeting.

**Trustee Burris.** Trustee Burris asked if the lottery drawing needed to be included in the draft ordinance. Town Attorney Dahl informed the Board he will review this with his team but believed the lottery should be included in the ordinance.

**Trustee Jerome.** Trustee Jerome asked about the federal law listed in section 11-413 and section 11-415. Town Attorney Dahl informed the Board that the language is included because, you can lose a license of any kind for breaking any federal law. Trustee Jerome also asked about section 11-408 item 5, the Police Department conducting a criminal background check. Town Attorney Dahl informed the Board the Town currently has an acting Police Chief. If the Town chooses, another agency can do the criminal background check. Trustee Jerome also asked to have the time defined in section 415(d) Town Attorney Dahl informed the Board he will add a time frame of thirty days to section 415(d).

**Town Attorney Dahl.** Town Attorney Dahl informed the Board that the business owner will need to own the property and have a lease that will permit the sale of retail marijuana. Mayor Forey asked if the land owner could have an agreement with more than one applicant. Town Attorney Dahl told the Board that would depend on the lease agreement.

**Mayor Forey.** Mayor Forey asked if the license has a time limit. Town Attorney Dahl informed the Board that each license is good for one year and can be renewed annually.

#### **Department Reports.**

**Museum.** Trustee Gill mentioned it was nice the museum received the \$50,000.00 grant and \$7,500.00 from Aggregate Industries for exhibit enhancement.

#### **Parking.**

- Trustee Gill asked if the Parking Management Company could monitor residential parking. The Town does not want to create a pattern of visitors parking on permit only residential streets.
- Trustee Burris mentioned that the Board does not receive any revenues from the parking citations.
- Trustee Gill told the Board some municipalities do receive revenue from citations. The Town does not want to incentivize heavy citations but could look at sharing the citation revenue.

**Town Manager.** No oral report.

**Town Attorney.** No oral report.

#### **Consent Agenda.**

**A motion was made by Trustee Schweich to approve the Consent Agenda for October 5, 2021. The motion was seconded by Trustee Gill. All members present voted in aye. The motion carried.**

#### **Board Comments.**

- Trustee Gill asked Town Attorney Dahl if the charter could be changed to allow the Town Board to operate on fewer than seven people in the occurrence of a vacancy. Town Attorney Dahl

informed the Town Board this is a charter change and can go on the ballot for the April 2022 election. Town Attorney Dahl also mentioned the State Statues allow small towns to operate with fewer Board members. Town Manager Winters mentioned to the Board they can review term limits for the trustees. Mayor Forey suggested the Town Board talk to their neighbors and come back in December to discuss the Board's options.

- Trustee Burris mentioned talking to Greg Isaac, Principal of Red Rocks Elementary, about establishing a school zone down on Highway 8. Once a school zone is established, the Town could move to get automated speed enforcement systems installed. These systems would help with pedestrian safety for the Town.

**A Motion was made by Trustee Gill to appoint Trustee Burris and Trustee Wirtz to the speed enforcement committee. The motion was seconded by Mayor Forey. All members present voted aye. The motion carried.**

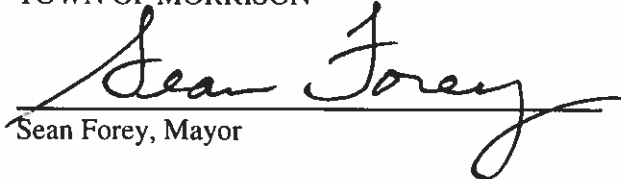
**Adjournment.** Mayor Forey adjourned the regular Town Board Meeting at 8:10 pm.

**Executive Session.** Jerome 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 to receive legal advice on staffing options for the police department and records release, and further to adjourn the open meeting at the close of the executive session. Motion was seconded by Trustee Sutton; motion approved unanimously.

Executive session commenced at 8:15 pm and concluded at 8:35 pm and meeting adjourned.



TOWN OF MORRISON

  
Sean Forey, Mayor

ATTEST:

  
Ariana Neverdahl, Town Clerk