

**TOWN OF MORRISON BOARD OF TRUSTEES
MORRISON TOWN HALL, 110 STONE STREET
REGULAR MEETING OF THE BOARD OF
TRUSTEES TUESDAY, MAY 5, 2020
6:00 P.M.**

Call to Order. Mayor Sean Forey called the regular Town Board Meeting to order at 6:01 P.M.

Roll Call. Mayor Sean Forey, Mayor Pro Tem Debora Jerome, Trustees Katie Gill, Matt Schweich, Jennifer Singer, and Paul Sutton were present. A quorum was established. Trustee Mike DeJonge entered the meeting at 6:09 P.M. It is to be noted this meeting was held electronically as permitted by CRS 24-6-402(1)(b) and the public was able to participate by calling the provided phone number and access code found on the posted Agenda. Also, an audio recording of this meeting was made and is available at request.

Staff Present. Kara Winters (Town Manager), Gerald Dahl (Town Attorney), George Mumma (Police Chief), and Lyndsey Paavilainen (Town Clerk).

Amendments to the Agenda. Item, Demolition Proposal, was added under General Business of the Agenda.

Public to Address the Board. None.

Presentations and Hearings.

Business License Hearing- Happy Shack.

Mayor Forey called the hearing to order at 6:02 P.M. and asked if a representative of the Licensee, Happy Shack, Inc. was present. No representative was identified.

Due to the Happy Shack Licensee not having representation at the time the meeting was called to order, the hearing was recessed, and the Board proceeded through the remaining public Agenda.

After Agenda item: Board Comments, Dahl advised the Board on its options, as it was determined a representative of the Licensee was not in attendance for the hearing. DeJonge made a motion to proceed with the business license hearing. Singer seconded the motion. Forey, Jerome, Gill and Sutton voted in favor. Schweich voted opposed. The motion passed 6 ayes to 1 nay.

The hearing was reconvened at 7:22 P.M. Mayor Forey again asked if a representative of the Licensee, Happy Shack, Inc. was present. No representative was identified.

Staff Report. Winters first provided the Board with a timeline of events of when notices and orders to the Licensee close due to COVID were delivered, and when the business was officially closed. Winters also summarized her correspondence with the Department of Revenue and Secretary of State regarding the Licensee's sales tax license and corporation filings. Winters stated from this communication with State, it was determined Happy Shack did not have a valid sales tax license, was behind in sales tax payments, and had failed to file the appropriate periodic corporate reports. Winters entered into the record: Happy Shack's Business License renewal application, Chief Mumma's memorandum to Happy Shack dated April 8, 2020, Morrison Police Department's memorandum to the Board of Trustees dated April 30, 2020, Notice and Order for Immediate Closure dated April 14, 2020, Order of Temporary Suspension of Business License and Notice of Hearing issuance dated April 21, 2020, direct email correspondence with Colorado Department of Revenue dated April 22, 2020 and May 5,

2020, email correspondence from Happy Shack admitting the business was behind on sales tax dated April 21, 2020, and documentation from Colorado Secretary of State showing corporate history. Winters concluded the Staff Report by stating she had direct communication with Justin Curtis, Happy Shack business owner, earlier today, and that he had been provided with documentation regarding the hearing and time of the Board meeting.

Licensee to present evidence and report. Mayor Forey again asked if a representative of the Licensee, Happy Shack, Inc. was present. No representative was identified. The Board continued with the Hearing.

Board deliberation and Action. In response to Board questions regarding sales tax filings, Winters relayed that the State collects sales tax remittance and it is the State's responsibility to ensure timely and appropriate collection. In response to Board questions regarding the non-remittance of sales taxes and if this situation is common with other businesses in Town; Winters stated, this is an abnormal situation in Town.

Gill stated the business has displayed a constant pattern of non-compliance and non-response that equates to disrespect to other Town businesses, the community and residents.

Schweich wanted to note the Town had attempted to work with the business owner and due to his non-responsiveness, the Board has been put in a unique situation.

Sutton made a motion to revoke the business license of Happy Shack, Inc., based upon Section 3-1-12 of the Morrison Municipal Code for the following reasons: 1) the Licensee fails to meet the qualifications required of an applicant for a business license in that (a) the Licensee does not possess a valid state of Colorado Department of Revenue sales tax license and (b) the Licensee is not a corporation in good standing with the office of the Colorado Secretary of State; 2) that the Licensee has violated state and local stay-at-home orders, and state statutes requiring remittance of local and state sales taxes; and 3) the Licensee has misrepresented to the Town the Licensee's lack of a state sales tax license and the fact that its corporate status with the office of the Colorado Secretary of State is delinquent. I further move that each ground for revocation listed is independently sufficient to revoke the business license of Happy Shack, that the pending business license renewal application of Happy Shack be denied, and that no new business license application may be processed or approved for the Licensee, Happy Shack, Inc., its principals or any related individuals or entities for one year. I further move to direct the Town Attorney to prepare, and the Mayor and Town Clerk to execute, written findings and order memorializing this motion as the final action of the Board of Trustees. Singer seconded the motion. All present voted in favor of the motion.

Mayor Forey closed the hearing at 7:47 P.M.

General Business.

Proclamation- Recognizing Municipal Clerks Week. Gill made a motion to approve the Proclamation Recognizing Municipal Clerks Week, May 3-9, 2020. Jerome seconded the motion. All present voted in favor of the motion.

Resolution 2020-08- A Resolution Approving a One Year Extension of a Revocable License Agreement with DYK, Inc., DBA Morrison Holiday Bar, Allowing Occupation of a Part of Mill Street. Jerome made a motion to approve Resolution 2020-08- A Resolution Approving a One-Year Extension of a Revocable License Agreement with DYK, Inc., dba Morrison Holiday Bar, Allowing Occupation of a Part of Mill Street Right-of-Way with the amendment to reduce the annual payment by

1/12 each month the business is not fully operational due to COVID-19 closure orders. Singer seconded the motion. All present voted in favor of the motion.

Demolition Proposal. Winters explained the demolition of the main house located at 105 Canon Street has been ordered to be demolished by May 15, 2020 and in the event the property owner does not demolish the house by that date, this proposal is for the Town to complete the demolishment. Forey proposed since backfill costs are not included in the proposal and due to possible unforeseen expenses, the amount to approve should be \$22,000. Sutton made a motion to approve the demolition proposal for 105 Canon Street as quoted by Enviropro Services Inc., with the cost not to exceed \$22,000. DeJonge seconded the motion. All present voted in favor of the motion.

Department Reports.

Public Works. In general the Board approved for the Town to purchase flowers and hanging flowers along the bike path and Town. Schweich did add a comment that while the flowers are nice, he is concerned with money and the lack of revenue due to COVID closures.

Police Department. Chief Mumma explained the number of DUI's has increased during the Stay-At-Home period.

Museum. Forey stated the Museum will have different guidelines to follow upon reopening.

Town Manager. Due to Board questions, Winters explained funding relief the Town may be eligible for through the CARES Act and stated the Town has already been tracking expenses directly related to COVID.

Winters informed the Board Town staff will be working remotely for another two weeks. Forey supported this decision and added since the Town Office has a smaller staff, the Town should wait to see how the initial stages of reopening unfold before the Town goes back to normal operations.

Due to Board questions, Winters verified the second May meeting will be held virtually but will look into options for how the Board can meeting safely in-person.

Attorney. No questions. No comments.

Consent Agenda. Schweich made a motion to approve the Consent Agenda for May 5, 2020. Singer seconded the motion. Sutton abstained. Forey, Jerome, Gill and DeJonge voted in favor of the motion. The motion passed with 5 ayes, 0 nays and 1 abstention.

Board Comments. Gill thanked the Town Staff for their efforts in reducing crowds in Town to help mitigate health concerns.

Hogback Article Discussion. Singer suggested to highlight good neighborly actions. Sutton stated he will brainstorm some ideas.

Executive Session. Gill made a motion for a conference under Charter Section 3.4 and Section 24-6-404(4)(b) and (e) CRS with the Town Attorney, Town Manager, special counsel and appropriate staff to receive legal advice and instruct negotiators concerning City of Lakewood litigation and gas and electric franchise. Gill further motioned to adjourn the Regular Meeting at the conclusion of the Executive Session. Jerome seconded the motion. All present voted in favor of the motion.

Adjournment. The Executive Session concluded and meeting was adjourned at 9:01 P.M.

TOWN OF MORRISON


[Sean Forey \(May 21, 2020 13:31 PDT\)](#)

Sean Forey, Mayor

ATTEST:

Lyndsey Paavilainen, Town Clerk

Minutes 5-5-2020

Final Audit Report

2020-05-21

Created:	2020-05-21
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