

**TOWN OF MORRISON BOARD OF TRUSTEES  
MORRISON TOWN HALL, 110 STONE STREET  
REGULAR MEETING OF THE BOARD OF TRUSTEES  
THURSDAY, JANUARY 3, 2019  
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, Trustees Earl Aukland, Katie Gill, Paul Sutton, and Christopher Wolfe were present. Trustees Debora Jerome and Venessa Angell were absent. A quorum was established.

**Staff Present.** Kara Winters (Town Manager), Gerald Dahl (Town Attorney), George Mumma (Police Chief), Stephanie Stevens (Town Planner), Glendon Berrett (Town Engineer), and Lyndsey Paavilainen (Town Clerk).

**Amendments to the Agenda.** Item Martin & Martin Water Proposal was added under Presentations and Hearings as item 5b.i. Small Cell Facilities Guidelines was added under General Business as item 6f and Sign Code Update was added under General Business as item 6g.

**Public to Address the Board.** None.

**Presentations and Hearings.**

**Block 24 and 27, Morrison Subdivision Zoning and Annexation Hearing.**

Mayor Forey recused himself from the meeting at 6:02 P.M. Mayor Pro Tem Wolfe assumed control of the meeting.

Mayor Pro Tem Wolfe called the hearing to order at 6:02 P.M.

**Staff Report.** First, Stevens entered the Leonard and Congello letter, the Young letter, and Notice of Public Hearing into the record.

Stevens then gave a summary of the annexation and initial zoning request. Stevens explained this is a request for annexation and a proposed initial zoning of R1 Low Density Residential for property 3636 4<sup>th</sup> Street, owner/applicant Sean Forey and Celeste Forey, which is adjacent to the Post Office off of 4<sup>th</sup> Street, adjacent to vacant property owned by Bear Creek Development located in the Town of Morrison, and adjacent to a single family home located in Unincorporated Jefferson County. Stevens explained this property is currently located in Unincorporated Jefferson County and has the existing zoning of A2 Agricultural. Stevens added this property of approximately 2.2 acres was originally included in the original Town of Morrison subdivision plat.

Stevens then summarized the differences between the existing zoning and the proposed zoning. Stevens stated, currently the property is zoned as A2 agricultural with allowed uses such as; single family homes, farming activity, greenhouses, parks, oil and gas, and cemeteries, yet has the required minimum lot size of 10 acres. Stevens clarified the property is non-conforming with its current zoning. Stevens explained the proposed Town of Morrison zoning, R1 Low Density Residential has allowed uses such as; crop production, orchards, one unit dwellings and accessory building uses, with the minimum lot size of 7,500 sq. feet. Stevens iterated, if the zoning is approved, there will need to be a complete subdivision process to meet the lot line

requirements, and if the annexation is to be approved, due to line contiguity requirements, it will need to be completed in a total of two phases.

Stevens explained the applicant went through the entire application process starting with the pre-application meeting, then the formal submittal, referral & notice of application, staff review, public hearing notice for both Planning Commission and Board of Trustee Hearings, Planning Commission Hearing for recommendation, and now the Board of Trustees Hearing. Stevens noted if the Board is to approve the application, the final step in the process will be the filing and recording.

Stevens then reviewed the Town of Morrison's annexation criteria, Town of Morrison's Municipal Code section 10-9-1. Stevens reiterated that due to contiguity requirements, the annexation would be completed in a total of two phases, which would allow for the parcel to meet the 1/6 contiguity requirement for the second phase, which will be met once the first phase is completed. Noting the requirement for community interest, Stevens explained community interest exists as the parcel is capable of being integrated into the annexing municipality and will be urbanized in the near future. Referencing the less than 3-mile municipal boundary extension criteria, Stevens added this annexation would not extend the municipal boundary by more than three miles.

Stevens then reviewed the Town of Morrison's Zoning criteria, Town of Morrison's Municipal Code Section 10-1k-3. Stevens stated the zoning is consistent with the Town's Master Plan.

Stevens finally stated Staff recommends the approval of Resolution 2019-01, and in turn recommends approving Ordinance 469, approving the annexation, and subsequently recommends the approval of Ordinance 470, approving the zoning of the parcel.

Due to Board questions, Stevens stated due to the lot lines, the parcel would have a maximum gross density of about 8 homes. Stevens explained Young's letter and that the request of Right-of-Way vacation had been removed from the application. It was explained that per the Annexation Agreement, any required road improvements, and water and sewer build out for connections, would be at the developer's expense.

**Developer Report.** Jamee Chambers, Chambers Consulting, property owner representative, stated the parcel was included in the original plat of the Town, demonstrating this parcel was intended to be a part of Town since the beginning, and the area is within the Town's Comprehensive Plan.

Chambers explained there is a reasonable water and sewer provision in the Annexation Agreement that requires the developer to put in water and sewer for the entire development prior to pulling building permits.

Chambers clarified the property's current zoning is non-conforming and it is in Morrison's interest to subject their own zoning on the property. Chambers added if the Town's zoning is to be approved, the lot lines will have to be adjusted and speculated a max of 5-6 houses could be developed on this property once lot lines are conforming to zoning requirements.

#### **Public Comment.**

**Matt Schweich, 211 Spring Street.** Schweich first stated he is in support of the zoning and annexation as he sees this project as reasonable growth for the area and supports the ability for private land owners to develop their property. Schweich continued that he is concerned with

4<sup>th</sup> Street's drainage, as storm water flows into the neighborhood and leaves piles of sediment in the gutters and storm drains, and in neighbors driveways. Schweich would like to see 4<sup>th</sup> Street developed and road maintenance performed prior to build out and would like the Town to re-evaluate the drainage on Summer Street.

**Denise Perkovich, 421 Highway 8.** Perkovich stated she has lived in the Town since 1988 and is horrified with the amount of development the Town and the surrounding area has experienced over the years. Perkovich stated that she does not want to see development in Town citing traffic as a main concern. Perkovich added she is in hopes of whatever is developed on the land does not turn Morrison into suburbia. Perkovich also stated she had concerns with this proposed development, but is less concerned having attended the Public Hearing and listening to the reports and proposal.

**Staff Comments.** Berrett responded to the concern regarding drainage. Berrett verified typically the developer is required to address on site flows and to keep flows on their property by use of mechanisms such as retention ponds, while drainage on public right of ways are a Town issue to fix. Winters added drainage would be evaluated and included in the subdivision improvements report at time of submittal.

Dahl stated regarding water and sewer service and wording in section 4.1 of the Annexation Agreement should be revised to read "as a condition of building permit for the first consolidated lot".

**Close Public Hearing.**

Mayor Pro Tem Wolfe closed the Public Hearing at 6:51 P.M.

**Trustee Discussion and Decision.**

**Resolution 2019-01- A Resolution Making Certain Findings Fact Regarding the Proposed Annexation of Land to the Town of Morrison, Colorado.** Gill made a motion to approve Resolution 2019-01, a Resolution Making Certain Findings Fact Regarding the Proposed Annexation of Land to the Town of Morrison, Colorado. Aukland seconded the motion. All present voted in favor of the motion.

**Ordinance 469- An Ordinance Approving The Annexation of Certain Territory to the Town of Morrison, Colorado and In Connection Therewith, Approving an Annexation Agreement.** Sutton made a motion to approve Ordinance 469, an Ordinance Approving the Annexation of Certain Territory to the Town of Morrison, Colorado, and In Connection Therewith, Approving an Annexation Agreement with the condition the 8 inch water and sewer main as described in section 4.1 of the Annexation Agreement are built as a condition of the first building permit for the first consolidated lot. Aukland seconded the motion. All present voted in favor of the motion.

**Ordinance 470- An Ordinance Approving the Application of Sean and Celeste Forey for Zoning of Real Property and In Connection Therewith, Amendment of the Town of Morrison Zoning Map.** Sutton made a motion to approve Ordinance 470, an Ordinance Approving the Application of Sean and Celeste Forey for Zoning of Real Property

and In Connection Therewith, Amendment of the Town of Morrison Zoning Map. Auckland seconded the motion. All present voted in favor of the motion.

Mayor Pro Tem Wolfe called for a recess of the meeting. The meeting was recessed from 7:05 P.M. to 7:14 P.M.

Mayor Forey resumed control of the meeting at 7:14 P.M.

**Mt. Carbon Request for Waiver.** Winters stated the current Mt. Carbon Intergovernmental Agreement (IGA) states for the expansion of the Water Treatment Plant, Garney/Stantec should try to be used. Winters explained due to public contracting reasons, Mt. Carbon is requesting for a waiver from this requirement and to use Martin/Martin instead.

Berrett added since Mt. Carbon is requesting to expand the water treatment plant, they are responsible for the associated costs as the Town does not require the expansion at this time. Berrett further noted this waiver may allow for a more interactive design process to help determine what the Town's needs are as well. Wolfe made a motion to approve Mount Carbon Metropolitan District's request for the Town to waive Section 4h of the 2008 Intergovernmental Agreement to allow for the use of Martin/Martin of the final design phases of the Water Treatment Plant Expansion project. Gill seconded the motion. All present voted in favor of the motion.

**Martin/Martin Water Proposal.** Wolfe motioned to approve the Martin/Martin proposal with Town recommended Staff changes. Gill seconded the motion. All present voted in favor of the motion.

**G.C.A.T Enterprises LLC New Hotel and Restaurant Liquor License Hearing.**  
The Town of Morrison Liquor Licensing Authority was called to order at 7:30 P.M.

Anna DeJesus, Lauren Davis, and Clinton Scott, G.C.A.T Enterprises LLC, 408 Bear Creek Avenue, addressed the Board with a request to approve their application for a new Hotel and Restaurant Liquor License in Town. Scott stated they currently operate the Red Rocks Grill, 415 Bear Creek Avenue, and TNT Country Kitchen, 408 Bear Creek Avenue. Scott continued since Flights Wine is moving, they are interested in expanding their concept at Red Rocks Grill, to their 408 Bear Creek location, and to serve pizza.

Forey commented they have a good track record in Town and that the Town appreciates their business.

Winters added since this is a concurrent review application, the motion for approval should be contingent upon satisfactory background checks.

Wolfe made a motion to approve the Liquor License Application for G.A.C.T Enterprises LLC, d/b/a Country Kitchen. Auckland seconded the motion. All present voted in favor of the motion.

The Town of Morrison Liquor License Authority was closed at 7:34 P.M.

**General Business.**

**Resolution 2019-02- Identifying Locations for Postings.** Gill made a motion to adopt Resolution 2019-02, A Resolution Identifying Locations for Posting Official Notices of the Town. Aukland seconded the motion. All present voted in favor of the motion.

**Ordinance 471- Judge and Court Clerk Salary 2019.** Wolfe made a motion to adopt Ordinance 471, An Ordinance Providing for the Annual Salary of the Judge and Clerk of the Morrison Municipal Court In Accordance with Section 13-10-107 and 13-10-108, Colorado Revised Statutes. Aukland seconded the motion. All present voted in favor of the motion.

**Comprehensive Plan Update Discussion.** After discussion and deliberation, the Board agreed to proceed with tasking the Planning Commission with the Northwest Comprehensive Plan Update review without the rezoning being considered.

**DRCOG Regional Planimetric Discussion.** Sutton made a motion to participate in DRCOG's Regional Planimetric Project. Aukland seconded the motion. All present voted in favor of the motion.

**2019 Board Retreat Dates.** It was determined this discussion should be tabled until more Trustees are present at the meeting. It will be continued to the January 15<sup>th</sup> meeting.

**Small Cell Facilities.** Winters stated the Board had questioned if they should task the Planning Commission to look at Small Cell Facility Design Guidelines and to update the Town's Sign Code in the CT district. Winters stated the Town received quotes for the design guidelines and provided a work authorization for the Board. Winters added design guidelines for the Small Cell Facilities are missing in the Old Town Overlay Guidelines and it should be a high priority to include them, yet it should may be a conversation to have after the undergrounding conversation. The Board agreed the discussion will be continued to the February 5, 2019 Board meeting. The Board directed Winters to put the Design Guideline project out for bid.

**Sign Code Update.** Winters stated one of the Board's goal is to keep reviewing the Overlay District and recommended to proceed with the Sign Code update/ evaluation work authorization. The Board would like to see a comparison of project quotes and directed Winters to put the project out for bid.

**Departmental Reports.**

**Public Works.** Winters stated the locator equipment demonstrations went well, and is thinking about asking Mt. Carbon to help with the equipment costs.

**Police Department.** Wolfe stated the number of DUI's is unbelievable and questioned if the Town receives any proceeds. Chief Mumma stated since the violations are written into County Court, the Town receives very little compensation in return for their work. Mumma did add there are ordinances that could be adopted by the Board to process DUI's in court but, did not recommend running Morrison's Court as a criminal court. Mumma continued, there are other violations that are currently being written into County Court that he believes Morrison Court

could handle, and will work with the Judge to bring those ordinances to the Board for future consideration.

**Town Manager.** Winters stated she has a meeting with the contractor of 105 Canon Street, the old Horton House, to discuss modifications to the carriage house and property. Winters also stated she would like to hold an Executive Session next meeting to discuss possible locations for the new Town Offices.

**Town Attorney.** Dahl stated he appreciates the Board allowing him to miss the previous meeting and that Thad Renaud relayed the Board was gracious to him and Dahl appreciated him being here in his absence.

**Consent Agenda.** Gill made a motion to approve the Consent Agenda dated January 3, 2019. Wolfe seconded the motion. All present voted in favor of the motion.

**Board Comments.** The Board questioned if there could be more lead time to review the packet prior to the meetings, as some of the packets are fairly lengthy. It was agreed the packet could be sent out on Thursdays prior to the meetings.

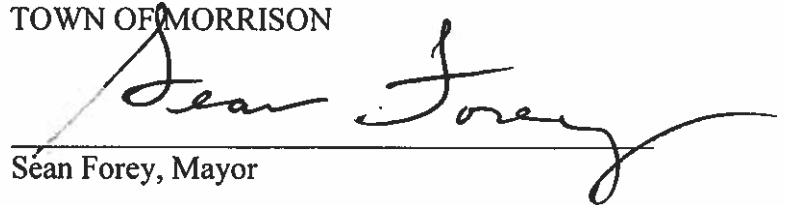
The Board commented the sulfur smell from the Genesee well run off was gone and that the Sewage Treatment Plant looks nice painted.

It was relayed CDOT will be coming out to do remediation at the rock slide area in the Downtown area.

**Hogback Article Discussion.** The Board agreed they would like to see information in the Hogback Article about; the new court process, new office site discussion and general information such as, every spot in Town is being considered, and that the Town has no intention of selling the Town Hall building. The Board also decided they would like to include information about the undergrounding project and the Northwest Planning Comprehensive Plan update.

**Adjournment.** The Regular meeting was adjourned at 8:58 P.M.

TOWN OF MORRISON

  
Sean Forey, Mayor

ATTEST:

  
Lyndsey Paavilainen, Town Clerk

