

**THE TOWN OF MOUNTAIN VIEW
TOWN COUNCIL ELECTRONIC MEETING MINUTES
AUGUST 17, 2020
6:34 PM**

PRESENT: Mayor Glenn Levy; Councilmembers: Chelsea Steen, Mayor Pro Tem; Kathleen Bailey; Mladenka "Mia" Boehrer; Sean R. Davis; Adam Ellsworth; Melissa Jacobi.

STAFF MEMBERS

PRESENT: Steve Davis, Chief of Police; Gene Bird, Public Works; Dorothy Romero, Admin Assistant; and Sarah Albright, Town Clerk/Treasurer who recorded the meeting. Minutes are not verbatim.

MEETING TIME: 6:34 PM

LOCATION: Virtual Meeting

CALL THE REGULAR MEETING OF THE TOWN OF MOUNTAIN VIEW TOWN COUNCIL TO ORDER AT THE TOWN HALL, 4176 BENTON STREET/ROLL CALL

Mayor Levy called the meeting to order and roll call was taken with members that were present.

Levy gave a brief recap of the rules for the meeting for everyone to understand. There should be one person speaking at a time. Note the time delay. The Clerk has recommended to place the phone on mute until you speak. And he reminded audience members to identify themselves giving their name and address.

CONSENT AGENDA

Levy introduced the agenda item.

The consent agenda included the Summary Account Information and Accounts Payable for July 2020 with Finance Committee noting all was good. The meeting minutes for June 15, 2020, and July 20, 2020, were in the packet.

Councilmember Davis motioned and Councilmember Ellsworth seconded. Roll Call Vote: Bailey – Yes, Boehrer – Yes, Davis - Yes, Ellsworth - Yes, Jacobi - Yes, Steen - Yes. The motion passed.

UNSCHEDULED PUBLIC COMMENTS

Levy introduced the agenda item.

There were no comments.

STAFF UPDATES AND / REPORTS

Levy introduced the agenda item.

Public Works - Bird stated his report was in the packet. There are projects to get taken care of, specifically the storm water.

Public Safety – Chief Davis stated the report was in the packet. There are many assists about stolen cars, shootings, stolen guns out there. They had many medical calls earlier today.

Town Attorney – Attorney Wilson stated there were no new updates. He said they will be sending a letter to Wheat Ridge regarding the street.

Town Clerk/Treasurer – Clerk Albright gave a brief update regarding the status of the contracted help with the website.

PUBLIC COMMENTS REGARDING CURRENT AGENDA ITEMS

Levy introduced the agenda item.

There were no comments.

ORDINANCE NO. 2020-07-20A, AN ORDINANCE AMENDING VARIOUS PROVISIONS OF CHAPTER 16 OF THE MOUNTAIN VIEW MUNICIPAL CODE RELATING TO ARTIFICIAL TURF STANDARDS

Levy introduced the agenda item.

Wilson noted the changes that they had discussed in from the first reading, and with suggestions from the Town Planner, had been incorporated into the ordinance.

Councilmember Steen motioned and Councilmember Davis seconded. Roll Call Vote: Bailey – Yes, Boehrer – Yes, Davis - Yes, Ellsworth - Yes, Jacobi - Yes, Steen - Yes. The motion passed.

2019 AUDITED FINANCIALS – LORRAINE TROTTER, TOWN ACCOUNTANT, HINKLE & CO.

Levy introduced the agenda item.

Lorraine Trotter, Town Accountant, went through the financial statements which were sent to Council prior to the meeting so that they were prepared to review and ask questions if needed. There were useful features, beginning with the auditor's letter. She noted the financial highlights from the Management Discussion and Analysis pages.

Levy stated he wanted to mention one thing which is that the actual loan balance will be less than \$810,000 as we were under budget and had them remove over \$22,000 from that balance.

Jim Hinkle, Hinkle and Company, entered the meeting at 7:27 PM. He explained the audit process. They selected samples from payroll and disbursements and verified the samples. The control features worked and noted they were effective. It was a clean audit report.

ORDINANCE NO. 2020-07-20B, AN ORDINANCE REPEALING VARIOUS PROVISIONS OF ARTICLE 14 OF CHAPTER 16 OF THE MOUNTAIN VIEW MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS (ADU) STANDARDS AND AUTHORIZING THE TOWN ADMINISTRATOR TO RELEASE CERTAIN ADU DEED RESTRICTIONS

Levy introduced the agenda item.

Travis Reynolds, Safebuilt Studio, stated regarding the owner occupancy requirement for accessory dwelling units, and had a discussion and made one small amendment reflected in the ordinance language and the staff memos provided, that updated the amendment to instruct town officials to assist in removing any of the deed restrictions as necessary.

Levy asked him to summarize what that would do.

Reynolds said it removed the owner occupancy requirement for accessory dwelling unit on the property by removing that code language.

Councilmember Bailey motioned and Councilmember Boehrer seconded. Roll Call Vote: Bailey – Yes, Boehrer – Yes, Davis - Yes, Ellsworth - Yes, Jacobi - Yes, Steen - Yes. The motion passed.

EMERGENCY ORDINANCE NO. 2020-08-17, AN EMERGENCY ORDINANCE IMPOSING A MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR NEW PLANNED DEVELOPMENT APPLICATIONS AS SET FORTH IN ARTICLE 6.5 OF CHAPTER 16 OF THE MOUNTAIN VIEW MUNICIPAL CODE

Levy introduced the agenda item.

Reynolds stated it is simply allowing proposed language to be reviewed for a cash-in-lieu aspect instead of a land dedication requirement. He noted they will revisit the formula for the cash-in-lieu.

Councilmember Steen motioned and Councilmember Bailey seconded. Roll Call Vote: Bailey – Yes, Boehrer – Yes, Davis - Yes, Ellsworth - Yes, Jacobi - Yes, Steen - Yes. The motion passed.

ORDINANCE NO. 2020-08-17B, AN ORDINANCE ADDING PROVISIONS TO ARTICLES 4 AND 5 OF CHAPTER 16 OF THE MOUNTAIN VIEW MUNICIPAL CODE RELATING TO SHIPPING CONTAINERS

Levy introduced the agenda item.

Matthew Nilsen, Safebuilt Studio, explained what the ordinance was about. It comes after discussions they had back in May regarding shipping containers used as personal storage, workshops, garage type uses as well as accessory dwelling uses and the variety of sizes and designs. The direction received from council was to break the standards into two different standards, one being shipping containers under 120 sq. ft. It categorizes them as small/medium containers. The main standard is that they are prohibited for use as an accessory dwelling unit at that size and they must be painted to compliment and match the primary main structure. Shipping containers over the 120 sq. ft. mark can only be used

accessory dwelling units and cannot be used for personal storage. The language was kept relatively vague on purpose for flexibility in terms of what architectural embellishments owners may add.

Discussion included: stacked containers; roofing exemption; options for owners; materials standards for roof; shingled; sided to match; no pitched roof requirement; review from building department; trigger permitting requirements; have some drainage system to allow storm water off roof; remove flat roof standard; non shipping ADU roof standard.

Councilmember Jacobi motioned and Councilmember Boehrer seconded. Roll Call Vote: Bailey – Yes, Boehrer – Yes, Davis - Yes, Ellsworth - Yes, Jacobi - Yes, Steen - Yes. The motion passed.

BREAK IN SESSION

7:40 PM

BACK IN SESSION

7:50 PM

RESOLUTION NO. 2020-08-17, A RESOLUTION AUTHORIZING THE NEGOTIATIONS, FINALIZATION, AND EXECUTION OF AN AGREEMENT BETWEEN DES PIPELINE MAINTENANCE, LLC AND THE TOWN OF MOUNTAIN VIEW FOR THE PROVISION OF CLEANING AND VIDEO RECORDING THE STORM WATER LINE IN 44th AVENUE IN THE TOWN

Levy introduced the agenda item. It is a relatively large expense. We have no way to apply for funds for repair if this is not completed. We have the funds to do it and its necessary.

Bird stated reviewing the history he could not find that this had been done recently. It should be done every two years. He thought the drains were backed up by approximately fifty percent of debris. He said if they did not do this, we will not have any idea how the system looks. There are potential funds available next year, maybe a grant or another loan to help with repairs if needed.

Steen asked to check into regular maintenance moving forward and maybe get a better rate, or discount.

Councilmember Ellsworth motioned and Councilmember Boehrer seconded. Roll Call Vote: Bailey – Yes, Boehrer – Yes, Davis - Yes, Ellsworth - Yes, Jacobi - Yes, Steen - Yes. The motion passed.

DISCUSSION REGARDING 5G SMALL CELL TOWER LEGAL

Levy introduced the agenda item. He gave a brief background. Last spring a resident expressed concern about the possibility of a small cell tower may be installed in the back yard. There are some hideous small cell phone towers in Berkeley so it is a needed discussion.

Wilson said Dan was their communication specialist and has experience on the topic. Municipalities cannot prohibit or discriminate against the towers. Once an application is submitted there is a limited amount of time to approve/deny such applications. There are federal and state requirements limiting what local governments can do. Action needs to be taken in a timely manner and cannot treat providers differently. The fees are limited to reasonable fees, such as expenses actually incurred by the town like

attorney fees, planning fees, etc. There are state requirements that mimic the federal requirements. State requirements state that local governments must allow these in public rights-of-way. You can have conditions. There can be some aesthetic criteria, without a financial burden to the applicant. He would encourage to look at neighboring jurisdictions.

Levy stated this is a discussion of the big picture. It is a preview of what is to come. He looked at Wheat Ridge's code and what they adopted. He analyzed Aspen's code. Their code strongly encouraged providers to construct these facilities in a way that camouflage or conceals the towers. He would agree with that. They encouraged co-locating facilities. There are valid concerns as nobody wants them in their backyard. They created height restrictions for the small cell tower, or maximum of tallest structure allowed in the zone district, and in our case that would be 35 feet. Distance requirements were in place, such as any pole shall be separated by 600 feet unless under existing structure in public right-of-way.

Wilson stated that he read about distancing, towers were to be 500 feet apart. There can be incentives making it desirable to the applicant to co-locate. There are options. We need to be careful about interfering with their operations.

Levy wanted to get these on the September agenda, in the interest of time and thought that Dan could potentially start that. He stated there have not been inquiries yet, but they were installed in Berkeley and Highlands. He will setup a conversation with Mr. Ken Fellman.

COMMITTEE UPDATES

Levy introduced the agenda item.

Economic Development – Report in the packet. Steen stated they had two meetings. The second meeting was with a potential candidate for economic development consultant. The candidate has extensive experience in commercial buildings and zoning, loans, building, been on the other side of things and will be an hourly rate. Ellsworth noted he had a former prospect reach out to him and wanted them to know to follow up.

Finance Committee – Report in the packet. Davis noted our revenues are close to last year.

CDOC Committee – Jacobi noted they are making progress on the newsletter. They plan to mail out the newsletter in September.

Sustainability Committee – Bailey said the September 12, 2020, clean up event. We need 18 volunteers to make it happen. Steen stated the research had been done by the mayor and Gene. The date for the electronic recycling event on Saturday, October 10, 2020. The idea is to get the provider, Blue Star, to set up their own containers, some things will be free and others will have a nominal cost to the resident. The town will have a fixed cost of \$750.00 for the event. It is a four-hour block of time, possible 10-2. This event is long overdue. Council help will be needed to publicize the event, taping the sidewalk, and create and distribute the flyers. Levy recommended participants wear masks. Jacobi dropped off the trash bags with those that were volunteering. Wilson noted masks are required inside public areas and if you are outside, with distancing, it is not required. Levy directed they add it to the flyer to encourage wearing masks.

MAYOR'S REPORT/ITEMS

Levy introduced the agenda item.

COLOTRUST – He had a conversation with one of the principals at COLOTRUST, Mr. Ben Mendenhall, Vice President of Investment Advisory Services. We are in the lower paying product, the COLOPRIME. There is another selection, doubling the interest. Most cities and towns invest in the COLOPLUS account product. He wanted to suggest moving some of the funds that pay more interest. These funds have a very conservative group of advisors who are constantly monitoring the risks. He suggested council revisit this issue to invest in both at the next meeting.

Website Update – The contract is with the independent contractor for signature.

COUNCIL MEMBERS' REPORTS/ITEMS

Levy introduced the agenda item.

No councilmember reports.

MEETING TO ADJOURN

Councilmember Boehrer moved to adjourn and Councilmember Bailey seconded. Roll Call Vote: Bailey – Yes, Boehrer – Yes, Davis - Yes, Ellsworth - Yes, Jacobi - Yes, Steen - Yes. The motion passed.

The regular meeting adjourned 9:03 PM.

TOWN OF MOUNTAIN VIEW COUNCIL

ATTEST:

Sarah A. Albright, CMC
Town Clerk/Treasurer

Glenn Levy
Mayor