

**THE TOWN OF MOUNTAIN VIEW  
TOWN COUNCIL MEETING MINUTES  
FEBRUARY 24, 2020**

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

**STAFF MEMBERS**

**PRESENT:** Sgt. Nesbitt, Police Department; Gene Bird, Public Works; Dorothy Hernandez, Admin Assistant; and Sarah Albright, Town Clerk/Treasurer who recorded the meeting. Minutes are not verbatim.

**MEETING TIME:** 6:34 PM

**LOCATION:** Town Hall

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

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

**CONSENT AGENDA**

Levy introduced the agenda item.

Councilmember Boehrер motioned and Councilmember Ellsworth seconded. All Aye. The motion passed unanimously of all members present.

**UNSCHEDULED PUBLIC COMMENTS**

Levy introduced the agenda item.

Lisa Maurath, 4336 Ames Street, commented.

**STAFF UPDATES AND/OR REPORTS**

Levy introduced the agenda item.

**Public Works** – Director Bird noted his report was in the packet. Public Works issued 20 violations the last month. He planned to take the holiday lights down when it was safe to do so. The traffic study will need to be done by Denver and not CDOT.

**Police Department** – Sgt. Nesbitt noted the report was a table setting. He stated there were issues with Jefferson County regarding the criteria for taking prisoners, due to the failed tax measure, and the limited staff at the county.

**Town Attorney** – King had nothing to report.

**Town Clerk Report – 4<sup>th</sup> Quarter 2019** – Clerk Albright noted her report was in the packet.

**PUBLIC COMMENTS REGARDING CURRENT AGENDA ITEMS**

Levy introduced the agenda item.

There were no comments.

**ORDINANCE NO. 2020-01-27, AN ORDINANCE AMENDING ARTICLE 2 OF CHAPTER 2 OF THE MOUNTAIN VIEW MUNICIPAL CODE RELATING TO ATTENDANCE REQUIREMENTS**

Levy introduced the agenda item.

King stated it is a way to encourage attendance.

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.

**ORDINANCE NO. 2020-02-24, AN ORDINANCE AMENDING ARTICLE 2 OF CHAPTER 4 OF THE MOUNTAIN VIE MUNICIPAL CODE RELATING TO TAX PENALTIES AND INTEREST**

Levy introduced the agenda item. Levy stated the purpose was that there are certain businesses that pay directly monthly. The dispensaries in town pay an additional tax directly to the Town and while some are on time; there are some that are not on time.

King noted the state does the same process, and actually stricter. This is a reminder if businesses have not paid. She reminded council that it is always the Town's money, always. She reviewed the process that the clerk will follow if a business is not in compliance.

Steen noted as a member of the Finance Committee, she felt it was necessary.

Discussion included: penalty to change behavior; notify business owners; not just marijuana; will affect short term rentals.

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

**RESOLUTION NO. 2020-02-24A, A RESOLUTION INCREASING SEWER TAP FEE CONNECTION FEES AS A RESULT OF INCREASED METRO WASTEWATER FEES FOR SINGLE FAMILY EQUIVALENT AND DUPLEX EQUIVALENT RESIDENCES AND INCREASING THE FEE FOR A NEW SEWER TAP FEE PER UNIT**

Levy introduced the agenda item.

Bird stated based on the research he performed due to the 2020 Metro Wastewater increase to the Town for both residential and commercial units, and should be treated as a pass-through increase.

Discussion included: town fees; increase justification; Metro fees; inflation; historically low compared to other municipalities; new connection/tap fees only; fees increase January 2020; already paying these increases.

Steen asked for comparisons. She thought the fee should remain the same as costs didn't go up.

Levy noted the costs were increased with Metro and the Town.

Councilmember Bailey moved to table until later in the meeting for discussion and Councilmember Steen seconded. All Aye. The motion passed.

**RESOLUTION NO. 2020-02-24C, A RESOLUTION TO APPOINT MARK C. PAUTLER AS THE TOWN OF MOUNTAIN VIEW MUNICIPAL JUDGE PURSUANT TO CHAPTER 2, ARTICLE 5, SECTION 30 OF THE MOUNTAIN VIEW MUNICIPAL CODE**

Levy introduced the agenda item.

King noted the resolution makes it retroactive to follow the charter. He should be appointed in December.

Levy updated all regarding the reason for the resolution and the new agreement with the municipal judge. He will have his rate as set in the agreement and is in the exhibit. Due to a lesser amount of tickets, the hours for court have been shortened.

Councilmember Boehrer motioned and Councilmember Ellsworth seconded. All Aye. The motion passed.

**BREAK IN SESSION**

**7:16 PM**

**BACK IN SESSION**

**7:30 PM**

## **DISCUSSION RELATED TO PLANNED UNIT DEVELOPMENT (PUD) – TRAVIS REYNOLDS, TOWN PLANNER**

Levy introduced the agenda item.

Travis Reynolds stated a year ago they determined there were issues with the Code and would be a good idea to pursue. He distributed the memo from last year to council. He wants to discuss brining items to them three times. There are so many various avenues they could take. They will discuss and render a draft for the next meeting. He gave an overview of the memo that was in the packet. There are a limited number of opportunities in the community. The school site is one site that could be considered and businesses along 44<sup>th</sup> Avenue.

Discussion included: look at options; final details for preliminary PUD; common open space requirement; reviewed Option 3 process; future public hearings; explained in lieu of (cash in lieu); how land is zoned; look at cash in lieu process; definitions for reference; open space definition; landscaping percentage; shared open space and how to decide; current language is vague; should be flexible; definition of open space and common space requirement; other municipalities comparison; type of development proposed; dedicated space; affordable housing; conditional items; negotiating with developers; community size; develop policy for housing; town's benefit; broaden definition of dedication; density and parking designations.

Reynolds will bring forth another document for the March meeting which could be the first public hearing.

## **DISCUSSION RELATED TO CANNABIS MORATORIUM**

Levy introduced the agenda item.

Discussion included: five stores could fit per code; do nothing; set limit or moratorium; residents not excited with more; three recreational/medical licenses; currently have one medical license; six-month moratorium for medical; time to study; 500 ft. distance requirement; types of future businesses; retail license in ordinance and medical moratorium a resolution.

## **CONTINUED - RESOLUTION NO. 2020-02-24A, A RESOLUTION INCREASING SEWER TAP FEE CONNECTION FEES AS A RESULT OF INCREASED METRO WASTEWATER FEES FOR SINGLE FAMILY EQUIVALENT AND DUPLEX EQUIVALENT RESIDENCES AND INCREASING THE FEE FOR A NEW SEWER TAP FEE PER UNIT**

Levy introduced the agenda item.

Steen was content with the information that Public Works Director had provided.

Councilmember Boehrer motioned and Councilmember Ellsworth seconded. All Aye. The motion passed.

**RESOLUTION NO. 2020-02-24B, A RESOLUTION INCREASING SEWER TAP FEE CONNECTION FEES AS A RESULT OF INCREASED METRO WASTEWATER FEES FOR COMMERCIAL PROPERTIES AND INCREASING THE FEE FOR A NEW SEWER TAP FEE PER UNIT**

Levy introduced the agenda item.

Councilmember Boehrer motioned and Councilmember Jacobi seconded. All Aye. The motion passed.

**DISCUSSION REGARDING COUNCILMEMBERS' EMAIL**

Levy introduced the agenda item.

Levy recommended that councilmembers check their emails at a minimum of once a day, if not a couple times a day.

**COMMITTEE UPDATES**

Levy introduced the agenda item.

**Admin** – Ellsworth stated he will review the manual and generate job descriptions for the Administrative Assistant Court/PD position. Levy noted the manual was about 85% done and needed a few more edits.  
**CDOC** – Report was in the packet. Levy noted the items in the report that were outside the purview of the committee.

**Economic Development** – Report was in the packet. Steen noted they discussed goals for the year. Levy noted they need to think about short term rentals to go back to voters.

**Finance** – Report was in the packet. Davis confirmed they were getting the budget monthly reports from the accountant. They started to discuss goals and get some creative ideas for saving monies.

**Public Works** – Report was in the packet. Ellsworth added another councilmember suggested incorporating a program that Wheat Ridge has, volunteering to help with odd jobs around homes.

**Public Safety** – Bailey stated they will be meeting every other month, starting in March and meeting the 2<sup>nd</sup> Tuesday and will discuss the carport.

**COUNCIL MEMBERS' REPORTS/ITEMS**

Levy introduced the agenda item.

Boehrer gave an update for the car show, May 2<sup>nd</sup>, 9:00 AM-1:00 PM. Will start small and have an expert in Sgt. Nesbitt. He has experience in planning this type of event. They will meet soon.

Levy stated he would like the idea of a food truck for the car show event. Block 43<sup>rd</sup> to Sheridan was suggested.

Councilmembers' discussion for the picnic included: theme ideas; 80s theme last year and luau year before; non-political; maybe 90's; game characters; needs a good theme; nothing offensive; activity/thing to be stronger; dunk tank; revisit theme next month.

#### **MAYOR'S REPORT/ITEMS**

Levy introduced the agenda item.

Sustainability Committee visualized for a year like a trial committee. Three councilmembers were interested and then would need to be posted. A standing meeting schedule for postings would be helpful. Reverter update meeting with Mayor and Public Works Director Thursday, March 5, 2020. Ballot measures should be discussed sooner rather than later. At some point, financing for the roads need to be addressed. He was concerned if there was time to get these items addressed. The attorney would need a general idea before she goes on leave. Public Works and the engineer will need to meet with the Mayor to discuss the roads.

#### **MEETING TO ADJOURN**

Councilmember Ellsworth moved to adjourn and Councilmember Boehrer seconded. All Aye. The regular meeting adjourned at 9:07 PM.

#### **TOWN OF MOUNTAIN VIEW COUNCIL**

#### **ATTEST:**

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Sarah A. Albright, CMC  
Town Clerk/Treasurer

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Glenn Levy  
Mayor