

**THE TOWN OF MOUNTAIN VIEW
TOWN COUNCIL MEETING MINUTES
JULY 22, 2019**

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

EXCUSED

ABSENCE: Adam Hillig, Councilmember

STAFF MEMBERS

PRESENT: Gene Bird, Public Works; Beverly Seidel, Municipal Court Clerk; Kaytlyn Perez, Admin Assistant; and Sarah Albright, Town Clerk/Treasurer who recorded the meeting. Minutes are not verbatim.

MEETING TIME: 6:35 PM

LOCATION: Town Hall

THE TOWN OF MOUNTAIN VIEW TOWN COUNCIL CALLED THE SPECIAL SESSION MEETING OF THE TOWN OF MOUNTAIN VIEW TO ORDER

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

Councilmember Bailey motioned to move to the LAB and Councilmember Ellsworth seconded. All Aye. The motion passed.

LICENSING AUTHORITY BOARD

Levy introduced the agenda item. Mountain View Liquors was in to renew the license.

Chief Davis stated that the Liquor Enforcement noted they were in good standing and there were no issues with Mountain View Liquors.

The Clerk verified the application for Mountain View Liquors was in order.

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

Councilmember Ellsworth motioned to move from the Licensing Authority Board to the regular meeting and Councilmember Bailey seconded. All Aye. The motion passed.

CONSENT AGENDA

Levy introduced the agenda item.

Councilmember Ellsworth made the motion to approve the Consent Agenda and Councilmember Boehrer seconded. All Aye. The motion passed.

UNSCHEDULED PUBLIC COMMENTS-COMMENTS ARE LIMITED TO 3 MINUTES

Levy introduced the agenda item.

Nancy Unger, resident, had a question about the MJ store and regulations for cultivation.

STAFF UPDATES AND/OR REPORTS

Levy introduced the agenda item.

Public Works -Bird noted his report was in the packet. Municipal Court – Seidel noted the report was in the packet. Police – Davis noted his report was in the packet. Town Attorney - The report is the packet and had no other updates. Town Clerk/Treasurer – Albright noted her report was in the packet.

DESIGN STANDARDS MEETING PUBLIC FEEDBACK SUMMARY

Levy introduced the agenda item. He stated the expert planners were there to present. He felt a responsibility as the elected leader of the Town to tamp down the heat around this issue. In the interest of doing that, we want to present the facts on the proposal which started about a year ago, addressing loopholes in the current code allowing certain levels of intrusive and dense development without many limits. This meeting was the fifth actual public meeting about the proposal and a public hearing. For the purposes of those who have not been on council, ordinances go through two readings. One reading is the public hearing, this night, and then if it goes to the next phase, the proposal can be amended at any time before that second vote. This meeting is not the end of the process. He anticipated it has been a six-month process and a good length of time considering it is a modest proposal. After the planners speak, he will ask the attorney to speak, and others who are subject experts, and then he will open it to public comment.

Travis Reynolds, SAFEBuilt Studio, Town Planner, stated they wanted to provide feedback from the last, fourth meeting and also other information that came after the workshop. This is the fifth meeting to follow up that meeting which was June 12, 2019. There were two memorandums they wanted to address. These are very basic regulations. He noted they will address some of the information circulated the last few days within the Town. The concern about non-conforming structures, current require to build to conform with regulations on books. They are changing very few things in the regulations. They are adjusting height requirements and setbacks. These are very basic, general regulations. There were not many people that provided input. They provided changes to the draft regulations as a result of the comments taken. The concern about non-conforming structures was addressed. No relief was in the current regulations so in the proposal there will be flexibility.

Matt Nilsen, SAFEBuilt Studio, spoke to the inaccurate information that was put out to residents. He reviewed line by line the memo dated July 22, 2019. He noted that 37% of the structures in the Town are legally nonconforming. The bulk of the design standards are to put regulations on new builds. New relief for homeowners who experience destruction of more than 50% of a nonconforming property has been added to the proposal to allow rebuilding.

The existing code provides no relief currently. Standards are more lenient than the existing code and provides relief for homeowners to build as existing, along with flexibility.

Attorney King explained what illegal non-conforming structure means. With the current code, you have no remedy if your home is destroyed. Under the new proposal, destroyed nonconforming structures would be allowed to file a hardship exemption to rebuild same footprint.

Nilsen continued reviewing the memo addressing concerns brought forth. He noted few changes to come into consistency with fire regulations. Financing and insurance concerns were confirmed it is almost non-existent to take into consideration nonconforming.

Mayor Pro-Tem Steen stated she wanted to speak to the finance concern. She stated as long as structure is legal, it does not matter if it is non-conforming, it makes no difference in the financing portion. It is standard. We have early built homes are non-conforming. She had no concerns with regard to financing. She advised all to check with their insurance company.

Levy stated he contacted his insurance and asked his representative to add a code compliance rider on his policy.

Nilsen stated no financial information is required by the zoning administrator. Historic documentation would be requested.

PUBLIC COMMENT ON CURRENT AGENDA ITEMS

Levy introduced the agenda item.

Levy gave some ground rules. Each individual will be able to speak for up to three minutes, and to please shut off your cell phones and speak one at a time. He asked Betty Van Harte, former mayor, to speak first, out of respect.

The following individuals made comments:

Ms. Van Harte, 4118 Ames Street; Emilie Mitcham, 5461 W. 41st Avenue; Patricia Lilliston, 4336 Eaton Street; Lisa Maurath, 4336 Ames Street; Dan Cedillo, 4310 Chase Street; Triana Luce, 4336 Benton; Cindy Calloway, 5325 W. 41st Avenue; Brent Metz, 4134 Fenton; Victoria Gutierrez, 4185 Eaton Street; Carl Mitcham, 5465 W. 41st Avenue; Geneva Kowalski, 5535 W. 43rd Avenue; Diane Eneboe, 4132 Benton Street; Nancy Unger, 4140 Ames Street; Shannon Diamond, 4152 Benton Street.

Further discussion included; qualifications as zoning administrator; appeal to BOAA; zoning administrator; streamlined hardship exception; historical documentation; Code 16-10-120; Code 16-10-125; consistent with other municipalities; generous standards; efforts appreciated; less authoritative; more flexible;

Levy closed the public portion of the meeting.

ORDINANCE NO. 2019-07-08, AN ORDINANCE AMENDING CHAPTER 16 OF THE MOUNTAIN VIEW MUNICIPAL CODE RELATING TO DEVELOPMENT STANDARDS

Levy introduced the agenda item.

Steen thanked the community for attending. She noted they need input from the residents. She thanked SAFEBuilt and was impressed by their response. They have been able to take what has been said and put it in to the document. Her concerns were specific to 16-4-34 encroach 2 ft instead of 5 ft of the setback, and look at the drainage aspect, and 16-4-36 dormers to not be so restrictive.

Councilmember Sean Davis stated he had some comments but not in particular to the design standards. He His house is legally non-conforming in the front. He thinks education is important and he wanted to convey that the design standards that they wish to pass does not mean that you have to do anything to your home now. It doesn't mean you have to build big. Commercial properties will need to be putting specific things in place. We want to be more flexible and preserve the spirit of the community. He doesn't have any proposed changes.

Councilmember Bailey asked if it was possible to have another public meeting to ease everyone's mind.

Levy stated a workshop could be set up before the second reading.

King had two changes to make. She stated the first is in the definition section 6-1-90, there's no definition of legally non-conforming structure and should be defined. Then then next change would be 6-1-100 the hardship exception will need to be amended unless otherwise specified in the chapter.

Clerk Albright read Councilmember Hillig's email into the record. You are more than welcome to share my belief that both Emilie and Lisa are simply providing a nuisance to the actual truth, and are spreading false propaganda to buck the administration for their own personal agendas, and that at no time should what they say be taken as plausible or truthful until it is fact checked through the administration, and/or expert third party advising.

Councilmember Levy motioned to approve and Councilmember Boehrer seconded. The motion passed with unanimous roll call vote of all members present.

BREAK IN SESSION

8:22 PM

BACK IN SESSION

8:35 PM

ORDINANCE NO. 2019-06-10B, AN ORDINANCE AMENDING ARTICLE 1 OF CHAPTER 13 OF THE MOUNTAIN VIEW MUNICIPAL CODE RELATING TO ILLEGAL DUMPING

Levy introduced the agenda item.

Councilmember Ellsworth motioned and Councilmember Boehrer seconded. The motion passed with unanimous roll call vote of all members present.

RESOLUTION NO. 2019-07-08A, A RESOLUTION OF THE TOWN OF MOUNTAIN VIEW, IN ITS CAPACITY AS THE LOCAL LIQUOR LICENSING AUTHORITY, AUTHORIZING THE TOWN CLERK TO ADMINISTRATIVELY APPROVE LIQUOR LICENSE APPLICATION RENEWALS UNDER CERTAIN TERMS AND CONDITIONS

Levy introduced the agenda item.

Councilmember Steen motioned and Councilmember Bailey seconded. All Aye. The motion passed.

RESOLUTION NO. 2019-07-08B, A RESOLUTION APPROVING THE PROFESSIONAL SERVICES BID WITH DIAZ CONSTRUCTION, LLC, FOR THE W 41ST AVENUE STORM WATER IMPROVEMENT PROJECT IN THE TOWN OF MOUNTAIN VIEW IN THE AMOUNT OF \$119,000.00

Levy introduced the agenda item.

Jim Landry stated there were two contractors that bid on the project. Edgewater, Federal Heights and Wheat Ridge references were positive.

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

RESOLUTION NO. 2019-07-08C, A RESOLUTION APPROVING A PROFESSIONAL SERVICES BID WITH INSITUFORM TECHNOLOGIES, LLC, FOR THE 2019 SANITARY SEWER IMPROVEMENT PROJECT IN THE AMOUNT \$593,269.00 IN THE TOWN OF MOUNTAIN VIEW

Levy introduced the agenda item.

Jim Landry, RG Associates, Town Engineer, we had five references and contacted a few water and sewer districts, Grand County, and City of Arvada to name a few. They were all positive references. He has worked with them in the past.

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

RESOLUTION NO. 2019 -07-08D, A RESOLUTION CHANGING THE DATE FOR REGULAR MEETINGS OF THE TOWN COUNCIL

Levy introduced the agenda item.

Discussion regarding the month to begin either September or October due to vacations throughout the summertime. Monday, September 16, 2019, will be the first date to begin the new meeting day/time.

Councilmember Ellsworth motioned as amended and Councilmember Bailey seconded. All Aye. The motion passed.

COMMITTEE UPDATES

Levy introduced the agenda item.

Admin Committee – Steen noted that she and Mia attended the CML Conference in Breckenridge and had no meeting. The Colorado Municipal League meets every year. It is an annual conference and is the largest gathering for elected officials in the state. All day multiple sessions, had some fun, and some great ideas. Westminster is the location for next year. The manual will be done in August.

Finance Committee – Steen did not formally meet but did handle the financial items. The report was in the packet. Two notes, we would like to discuss a biennial budget process as Golden does it. We can plan more future projects.

CDOC – Bailey stated they met to talk about the Facebook page and are in the process of starting it. Levy asked to set up an official page for Next Door for the Town and offered his help. Davis said has been reviewing the survey results, and the Facebook page. He was spending time on the other resident run Facebook page. Kaytlyn Perez gave an update regarding the new website, we are in the training mode, and will be able to get the new website up soon after, and we will be able to attach Facebook to the website. She is working on notifications to an email or phone.

Economic Development Committee – The report was a table setting. Ellsworth said the Mayor asked to look at matching programs such as facade programs for the businesses.

Public Works – Ellsworth stated to defer to the packet.

Public Safety – Boehrer stated she and the chief shared a class in Breckenridge. Sgt. Hough stated he had a concern with homeowners leasing property to homeless people. They are non-residents and causing issues. He would like more education with the homeowners.

COUNCIL MEMBERS' REPORTS/ITEMS

Levy introduced the agenda item.

Boehrer was looking into the band selection for the Community Picnic. The costs were high and she would negotiate a price.

Steen noted that all slideshows from the CML Conference can be found on their website.

MAYOR'S REPORT/ITEMS

Levy introduced the agenda item.

Picnic – We need help from councilmembers for the picnic and need to plan a meeting and need volunteers. Albright said they need a theme, décor, decide the menu, tables and chairs, games, staff to assist to help, and she will send all council copies of the checklist from last year's picnic. Levy stated he would like to have councilmembers to volunteer to help with the picnic. He said it was Sarah and I doing much of the running. He needs one other person to help. Davis asked for a list and he will look at it and help. Albright will send a checklist to give you an idea and then we can have a meeting to discuss it further. Levy said that Sarah will be the lead. Steen mentioned getting volunteers from the community. Albright suggested recruiting them at the picnic.

We are looking at three separate Tabor measures which need to be discussed and approved, animal boarding tax, short term rentals, fitness center. It takes money to look at curbs, gutters and streets. We need the revenue. Service businesses do not typically get taxed. The rest of our businesses are supporting everyone. All tax increases have to go under Tabor.

King noted there will be special meetings and resolutions, an IGA with Jefferson County, a memo about what can and cannot be discussed.

Council decided to set a Special Meeting, Monday, August 5, 2019, at 6:30 PM to discuss the ballot measures.


Levy stated he would like to get more information out to the public.

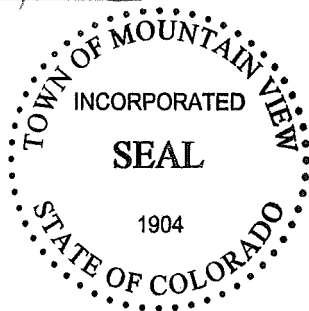
Steen and Bailey requested another workshop with SAFEBuilt to educate the public one more time to explain. It was decided to have a workshop on a Saturday. The clerk will coordinate the workshop between SAFEBuilt and Councilmember Steen and Councilmember Bailey.

MEETING TO ADJOURN

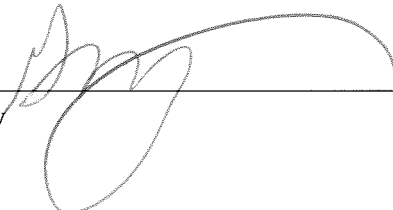
Councilmember Bailey moved to adjourn and Councilmember Steen seconded. All Aye. The regular meeting adjourned at 9:53 PM.

ATTEST:


Sarah A. Albright, CMC
Town Clerk/Treasurer



TOWN OF MOUNTAIN VIEW COUNCIL


Glenn Levy
Mayor