

**THE TOWN OF MOUNTAIN VIEW
TOWN COUNCIL MEETING MINUTES
AUGUST 13, 2018**

PRESENT: Mayor Glenn Levy; Councilmembers: Emilie Mitcham, Mayor Pro Tem; Kathleen Bailey; Mladenka "Mia" Boehrer; Leola Boone; Adam Ellsworth; Jon Richardson.

STAFF MEMBERS

PRESENT: Pat Wilson, Town Attorney; Evin King, Town Attorney; Beverly Seidel, Court Clerk; John Pughes, Public Works Director; Sarah Albright, Town Clerk/Treasurer who recorded the meeting. Minutes are not verbatim.

MEETING TIME: 6:32 PM

LOCATION: Town Hall

THE TOWN OF MOUNTAIN VIEW TOWN COUNCIL CALLED THE REGULAR MEETING OF THE TOWN OF MOUNTAINVIEW TO ORDER

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

Councilmember Mitcham motioned to move into the Licensing Board meeting and Councilmember Bailey seconded. All aye. The motion passed.

LICENSING AUTHORITY BOARD

Levy introduced the agenda time.

Judy Aragon, Medicinal Wellness Center, LLC dba Oasis Cannabis Superstore Medical Marijuana Center owner introduced herself.

Michael Aragon expressed his appreciation to Council for their consideration of the license.

Levy noted the Chief of Police was not in attendance and that they had no issues.

Councilmember Mitcham motioned, and Councilmember Ellsworth seconded. All aye. The motion passed.

Councilmember Mitcham motions to move back to the regular meeting and Councilmember Richardson seconded. All aye. The motion passed.

CONSENT AGENDA

Levy introduced the agenda item.

The Consent Agenda included the Summary Account Information & Accounts Payable for July 2018 update and the July 9, 2018, Council Meeting Minutes.

Councilmember Mitcham motioned, and Councilmember Bailey seconded. All aye. The motion passed.

UNSCHEDULED PUBLIC COMMENTS

Levy introduced the agenda item.

Patricia Lilliston, 4336 Eaton, introduced herself. Inner City Health has provided flu shots for several years. Penny McPherson and herself are residents and would like to volunteer to continue to offer flu shots, secure a date, last year was the first week in October. She asked if the Town would print the initial flyer and they would distribute. Flu shots are free and will be able to offer 20 shots. They would like to know by Friday August 17, 2018. The clerk will contact Ms. Lilliston.

Catherine Colwell thanked everyone regarding the Community picnic and suggested looking at possibly catering and reaching out to find volunteers for future picnics. She said that having specific committees for each activity would be helpful, so all may participate in games, etc.

STAFF UPDATES AND/OR REPORTS

Levy introduced the agenda item.

Public Works/John Pughes – Pughes noted a recent request from Verizon and their subsidiary wanted to install fiberoptic network and supply fiberoptic service to the businesses in the town via the town's rights-of-way. He doesn't have all the information yet but will find out what they need to provide.

Town Attorney/Pat Wilson & Evin King – Wilson noted, that as John mentioned, would the town want to enter into a franchise agreement with them. It is an involved process and can model after Comcast. He was not sure that Verizon was considered a utility, which would have a right by statute, then council could explore with more information from Verizon, if subject to franchising.

TOWN OF MOUNTAIN VIEW 2017 AUDIT DISCUSSION

Levy introduced the agenda item.

Dawn Priday thanked them for having her. She noted they should have two items, one being the financial statements and the second item being the audit letter. The 2017 financial statements were prepared from the numbers in the town's records. The auditors are hired to review the information and financial statements and determine whether the numbers and the amounts are fairly stated. In this report, they also provide an opinion as to whether the amounts in the statements are fairly presented. It tells you what they did and what they found. You will see in the opinion that you have a clean audit opinion which is good.

They are also required to let you know if any deficiencies or financial controls. Internal controls are due to segregation of duties and in smaller organization is often difficult for complete segregation of duties. It shows the controls are working. We also included a comment about paid time off and noticed going through the records. They are required by accounting standards to book a liability for any amounts of paid time off that are accrued and earned by your employees but not taken. For the past couple of years, we have been unable to do that primarily for the lack of tracking of those balances. The bigger piece of that would be for the police officers. They are recommending using your payroll system to track those hours.

Lorraine Trotter, Accountant, arrived at 6:55 PM. She reviewed the financial statements mean to council and the town and how to use moving forward within the budget process. She reminded that certain activity is accounted differently. She briefly discussed the revenues and expenditures of the General Fund, DOJ and Conservation Trust funds. She explained the other funds with brief descriptions; noting the fund balance is building as had been discussed last year and it will be discussed in the budget process for 2019. The town has no debt.

PUBLIC COMMENTS REGARDING CURRENT AGENDA ITEMS

Levy introduced the agenda item.

Lisa Maurath, Ames Street, stated she was a bit concerned that the social media policy is still on the agenda since February. She was concerned about the roads and the repair to the streets seems more important too. She wanted to know the infrastructure was going to be fixed. This is close to home as they had a water main break on her road the week before. The budget may have something for a permanent fix but that hasn't been made public yet. She would like to know things are not dragging out.

Levy did note they are working on the roads and are in the process of finalizing that.

SOCIAL MEDIA POLICY DISCUSSION

Levy introduced the agenda item.

Attorney Wilson noted the social media policy was debated when the previous attorney was here. There have been many drafts and still need policy decisions to be made. They need to address the various tools and have a policy for that. The objectives of the policy were not articulated to him. He had concerns regarding digital versus paper information and how it is treated. There is uncertainty as to who has control and what it does control mean with the accounts. He pointed out some inconsistencies and has struggled to form a legal opinion. While needing to comply with CORA, he said that the ADA compliant for site impaired users may need discussion.

Mitcham explained that she used the exact language from a CML webinar and it was what CML recommended. She said if they would have had a conversation about that, it could have been changed. She noted the retention schedule has it spelled out. She said her draft meets all the requirements. The

digital records need to be treated the same integrity as the paper records. She reduced redundancy and took out conflicts and referred to Hate speech for Facebook. She wanted to vote on it.

Levy stated he read her version and noted his concern in Mitcham's policy was the lack of clarity of responsibilities in the chain of command; who the responsible parties would be for social media and the police Facebook page.

Mitcham read her paragraph regarding the responsibilities and the legal adherence of the policy. The Mayor would to approve all official town digital platforms. The Town Clerk will review all digital information in an on-going basis, archiving flexibility, legal adherence of the policy, etc. All three (Clerk, Chief of Police, and CDOC members) would be sharing responsibility.

Additional discussion included: Levy's concern with shared responsibility; delineating specific chain of command; addressing policy; website control; set date to review one paragraph; other's ideas on policy; impasse identified regarding continuity; modifications can happen as needed; structure clear; CDOC to have input or not; address liability concerns; police Facebook page controls; records retention followed.

Maurath reminded everyone that they need a policy and then look at the procedures. Establish the policy to guide and then the procedure will give the how to. Look at the policy and then who is in control, one central person, so as not to have conflicts of different information and then there are not three areas working independently.

Levy stated the language needs to be clarified in that section. The policy needs to be clear. He would like to agree on the language. It's not realistic to draft it during the meeting. He wanted to go back and forth and agree on that language.

Councilmember Mitcham moved to bring back to the September meeting for approval of the social media policy resolution and Councilmember Bailey seconded. All Aye. The motion passed.

BREAK IN SESSION

7:50 PM

BACK IN SESSION

8:01 PM

WEBSITE DISCUSSION

Levy introduced the agenda item. He received some comments back and Councilmember Bailey asked for additional quotes. We have one complete quote and a second one missing the final price. The clerk will distribute when they are received. Out of the four proposals, we should be able to decide on one.

Discussion included: hosting costs; possible RFPs; private developer; municipality size; competitive; domain name costs; pre-approved website updates completed; and need two photographs.

Levy reminded all it was a discussion item and had asked that comments and questions, if any, be sent to the clerk regarding the website proposals.

ORDINANCE NO. 2018-08-13, AN ORDINANCE AMENDING ARTICLE 6 WITHIN CHAPTER 13 OF THE MOUNTAIN VIEW MUNICIPAL CODE TO ALLOW THE WASTEWATER ACTIVITY ENTERPRISE TO INCLUDE STORMWATER ACTIVITY IN ADDITION TO WASTEWATER ACTIVITY

Levy introduced the agenda item. He turned it to the town attorney.

Wilson turned it over to Attorney King stated this would allow them to include stormwater as noted under the statutes.

Discussion included: cleaner for the loan; no stormwater fees; don't violate TABOR; and cannot include no more than 10% from the general fund.

Councilmember Richardson made the motion and Councilmember Bailey seconded. All Aye. The motion passed.

RESOLUTION NO. 2018-08-13A, A RESOLUTION APPROVING THE ENGAGEMENT LETTER BETWEEN THE TOWN AND KIM CRAWFORD

Levy introduced the agenda item.

King stated this is to approve the engagement letter and allow to hire the special Bond Counsel, which is a loan requirement under the contract.

Wilson stated the loan program will require an opinion from their law firm, and the underwrites of the loan want to be sure there is no TABOR violation, and that the enterprise is properly created, properly functioning. Bond counsel does that in respect to that level. The firm has agreed to limit their fees as well. The state had given three names and he recognized her name and contacted her.

Councilmember Mitcham made the motion and Councilmember Bailey seconded. All Aye. The motion passed.

RESOLUTION NO. 2018-08-13B, A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN APEX PAVEMENT SOLUTIONS, LLC AND THE TOWN OF MOUNTAIN VIEW FOR THE PROVISION OF CRACK SEALING AND INFRARED PATCHING OF ASPHALT IN THE TOWN

Levy introduced the agenda item.

Pughes stated this was recommended by the town's engineers because we don't have the finances to redo the streets at this time. The crack sealing will preserve the base under the pavement for another five years. The committee's long-range plan, they hope to get sewers in 2019-20 rehabilitation, part of that rehab will

include the curbs and gutters. We hope to schedule 2020 the rest of the curb and gutters and then the repaving can move forward after that. Stormwater channeling is through the curbs and gutters. They will look for a couple proposals, one to include an underground collection system along 41st and the second would include the grade from 41st to the north/south streets and installing curbs and gutters and pans to direct the water down the streets to 44th where there is a 24-inch storm sewer. The citizens' meeting will be held after the proposals are presented. There is an RFP for a surveyor to determine if a surface solution will be the best solution. Apex will be crack sealing and patching to preserve the pavement only. The problem with Ames is partly due to the intake on 43rd and is not enough and we are looking to direct the water properly. It will be collected and routed better.

King noted there were items that were not in the contract that they prefer and that will address it.

Councilmember Ellsworth made the motion and Councilmember Boehrer seconded. All Aye. The motion passed.

DISCUSSION REGARDING NOVEMBER MEETING DATE/TIME

Levy introduced the agenda item. He asked council to consider which day for the meeting.

The November Council meeting was set for Wednesday, November 14, 2018 at 6:30 PM.

COMMITTEE UPDATES/REPORTS

Levy introduced the agenda item.

CDOC Committee – The report was in the packet. Bailey stated they researched the program called Hometown Colorado. The information was in the packet for review. They had a questionnaire draft in the packet for feedback.

Economic Development Committee – Ellsworth noted the thrilling conclusion of the survey was in their report. He did explain a bit of the atmosphere within the businesses in the town regarding past administration and looking forward to what is happening. And good public relations are happening. The committee will potentially explore a business association as interest was expressed.

Finance Committee – Mitcham stated the report was in the packet. She asked them to review the budget timeline and let her and the clerk know if any questions.

Public Safety Committee – No updates.

Public Works Committee – The report was in the packet. Engineers are hoping for a November meeting with the public.

Admin Committee – Boehrer expressed her thanks to all the staff, and the police officers that helped with the picnic.

MAYOR'S REPORT

Levy introduced the agenda item.

He thought the picnic was a huge success. He chatted with many residents and noted there was a consensus regarding the wants/needs for the playground. The one that stands out would be swings. He doesn't know what the cost would be and if there are grant funds that could be applied.

Pughes stated he has been looking at vendors for equipment costs. He will meet with the resident when the application for 2018 for grant monies for 2019 becomes available.

Maurath stated she would like council to consider upgrading the playground equipment. It is old and outdated.

After some discussion, Levy asked Pughes to explore the costs to upgrade the playground.

COUNCILMEMBERS' UPDATES/REPORTS

Levy introduced the agenda item.

No new updates.

MEETING TO ADJOURN

Councilmember Ellsworth moved to adjourn the meeting and Councilmember Bailey seconded. All Aye. The regular meeting adjourned at 8:55 PM.

TOWN OF MOUNTAIN VIEW COUNCIL

ATTEST:

Sarah A. Albright, CMC
Town Clerk/Treasurer

Glenn Levy
Mayor