

**TOWN OF GEORGETOWN  
BOARD OF SELECTMEN  
June 8, 2010  
Meeting Minutes**

**CALL TO ORDER**

The Georgetown Board of Selectmen held a regular meeting Tuesday, June 8, 2010 at the Georgetown Town Hall at 404 6th Street. Police Judge Tom Bennhoff called the meeting to order at 6:00 p.m. Those present recited the Pledge of Allegiance.

**ROLL CALL**

Answering the roll were Police Judge Tom Bennhoff, Police Judge *pro tem* Matthew Skeen, and Selectmen Lee Behrens, John Jackson, Kathryn Johnson, and Mary Pat Young. Selectman James McCann was absent. Also in attendance were Town Attorney Kathleen Kelly, Town Administrator Tom Hale and Town Clerk Merinel Williams.

**AGENDA APPROVAL**

Ms. Young requested that discussion regarding the water tank be added to the agenda. Mr. Behrens moved to approve the agenda as amended. Mr. Jackson seconded and the motion was adopted by unanimous vote.

**AUDIENCE BUSINESS**

Lynn Middleton asserted that there is inconsistency in the enforcement of codes.

**NEW AND UNFINISHED BUSINESS**

**Consent agenda:**

Approve payables from May 21 to June 3, 2010

Approve minutes of May 25, 2010

Resolution No. WWE-10: A Resolution of the Board of Selectmen for the Town of Georgetown, Colorado Authorizing Persons to Sign All Contract and Requisition Documents for American Recovery and Reinvestment Act (ARRA) Projects

Resolution No. 21, Series 2010: A Resolution of the Board of Selectmen for the Town of Georgetown, Colorado Approving a Purchase Order Issued to Blue Mountain Stone, Inc. in the Amount of \$23,040.00 for Purchase and Installation of Flagstone Sidewalks on Rose Street

Resolution No. 22, Series 2010: A Resolution of the Board of Selectmen for the Town of Georgetown, Colorado Approving a Professional Services Contract with Cynthia C. Neely, Consulting

Mr. Behrens moved to approve the consent agenda. Mr. Skeen seconded and the motion was adopted by unanimous roll call vote.

**Resolution No. 14, Series of 2010: A Resolution of the Board of Selectmen for the Town of Georgetown, Colorado Approving a Stipulation with the Board of County Commissioners of Clear Creek County and the Clear Creek Economic Development Corporation in Case Number 2002CW310 Water Division 1 in the State of Colorado**

Mr. Hale stated that he believes the County is doing something positive in attempting to provide water rights to support economic development. Water Attorney Cindy Covell explained that the County's effort is not intended to compete with Georgetown's interests. She explained that the proposed exchange moves the diversion of water from the west fork of Clear Creek to the main stream in the Bakerville area. The exchange would be junior to all but one (71 acre feet of storage rights) of Georgetown's rights once they are decreed. The Town will have a greater concern if the County actually constructs the proposed reservoir. She added that Georgetown supported the County's plan to provide water for

economic development when it was first proposed. The Town should be more concerned with any exchanges in and out of Green Lake. The Town's water engineer does not object to this exchange. Mr. Skeen moved to adopt Resolution No. 14 as written. Ms. Johnson seconded and the motion was adopted by unanimous roll call vote.

Application from Euro Dining, Inc. for modification of its liquor licensed premises at 1025 Rose Street to add a new deck area

Kerry Ann McHugh questioned whether the proposed deck expansion is in zoning compliance. Ms. Kelly replied that if the modification of premises is approved, the applicant will be required to meet all zoning requirements. Mr. Skeen moved to approve the application from Euro Dining, Inc. for modification of its liquor licensed premises at 1025 Rose Street as presented. Mr. Jackson seconded and the motion was adopted by unanimous vote.

Discuss and clarify questions regarding how the enforcement provisions in the Noxious Weed Plan would be applied in the Town of Georgetown

Ms. Kelly stated that there are already provisions in the Code to enforce against noxious weeds through the nuisance procedure. That law would take precedence over the County's Noxious Weed Plan because the provisions of the Code were adopted by ordinance while the County Plan was adopted by resolution. She added that the County plan sets up an administrative structure that goes beyond the Code requirements. She believes that adoption of the intergovernmental agreement with the County was useful, but adoption of the County Plan was not.

Mr. Hale explained that the intent was to access the County's resources to address the noxious weed issue. In response to a question from Mr. Skeen, Ms. Kelly stated that it may be possible to transfer all jurisdiction regarding noxious weeds to the County. The Board requested that Ms. Kelly provide any recommendations she may have regarding this issue at the first Board meeting in July.

Discuss and give direction to staff regarding the regulation of medical marijuana dispensaries

Ms. Kelly explained that the first question regarding medical marijuana that the Board needs to decide is whether to opt out of allowing medical marijuana businesses, because it would be a waste of time to draft regulations if the Board chooses to disallow those businesses entirely. The Board members generally agreed that they do not believe there is a reason to disallow an otherwise legal business to operate in Town. Ms. Kelly confirmed that allowing these businesses would not make driving while impaired legal. In response to a question from Tom Wilson, Ms. Kelly also confirmed that there is nothing in the constitutional amendment legalizing medical marijuana that would force a private property owner to allow smoking on his/her property.

Mr. Hale explained that he and Ms. Kelly will initiate a two track approach to develop regulations for medical marijuana businesses: (1) regulations that will treat medical marijuana business licensing in a manner similar to liquor licensing, and (2) addressing land use / zoning issues. The land use issues will be referred to the Planning Commission for a recommendation. Ms. Kelly will provide additional information for the Board to discuss at its June 22 meeting. She will use information from that discussion to draft recommendations for submission to the Board at its July 13 meeting. She pointed out that under the constitutional amendment, there will still be no regulation of primary caregivers with fewer than 5 patients.

Discuss and possibly decide whether to ask the voters to allow publication of ordinances by title only in the newspaper and in full on the Town's website

Mr. Hale explained that it is estimated that publishing draft ordinances only by title in the newspaper could save the Town \$4-8,000 per year. The complete text of draft ordinances would be published on the Town's website and posted at the standard posting locations. Mr. Hale and Ms. Kelly stated that they have heard no negative comments from other municipalities that have done this. Tom Wilson commented that brief descriptions of a document can be misleading, and the result of publishing titles only could diminish public input. Ms. Kelly responded that it would be the responsibility of the Board to make sure that the title accurately reflects the content of the proposed ordinance.

Decide whether to ask the voters to approve an increase in the Town's sales tax rate

Mr. Hale stated that the key to success of any proposal to increase the sales tax rate would be the existence of a citizens' group that would actively promote the issue independent of government support. It was noted that a sales tax increase would be unlikely to be approved by the voters unless the funds were restricted to a specific purpose. Julia Selby commented that her customers pay attention to the sales tax rate, and she has lost sales because of the current rate. Tom

Wilson commented that the focus should be on supporting existing businesses and attracting new businesses rather than increasing the sales tax rate. The Board members agreed that they will not propose an increase in the sales tax rate at the November election.

Comments from Kerry Ann McHugh on Consent Agenda items

Kerry Ann McHugh recommended that the contract with Special Projects Coordinator Cindy Neely require that Ms. Neely provide proof of insurance or a bond for the protection of the Town. Ms. McHugh also recommended that the contract with Ms. Neely have a conflict of interest clause which would require her to clearly identify who she is representing in meetings or conversations. Ms. McHugh also inquired as to the source of funding for the Rose Street sidewalk project. Ms. Young responded that funding for that project comes from the Sales Tax Capital Improvement Fund. Ms. McHugh questioned whether options for sidewalk material other than flagstone were considered, and Mr. Bennhoff confirmed that other options were considered.

Discussion regarding water tank

Ms. Young stated that she would like to initiate additional discussion regarding the proposed plan to repair or replace the existing water tank. Because of the age of the tank and the estimated \$20,000 cost to investigate its condition she believes it would be preferable to purchase a replacement tank. Mr. Skeen stated that he hadn't realized that the need to purchase pumps for the new tank (because it was moved to a new location) would eliminate the part of the original project that would have repaired or replaced the current tank. Mr. Bennhoff stressed the need for a water / wastewater project priority list that could be consulted when questions like this arise. He stated that he is not convinced that using the contractor currently working on the stimulus projects would be less expensive than bidding the project. Mr. Hale reported that there is currently a \$350,000 surplus in the wastewater project, largely because of removing the wind generator from the project, but that amount cannot be transferred to the water project. It is estimated that the wastewater rate can be lowered by \$2.00 per month and the water rate increased by \$1.50 per month to accomplish the project to replace or repair the current tank. The Board agreed to continue the discussion at a later meeting.

Executive session for a conference with the town attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) and for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e), specifically regarding issues associated with the Biddle Street right-of-way between 10<sup>th</sup> and 11<sup>th</sup> Streets

Kent Sterett stated that he wished to give notice to the Town that his survey markers at Silverdale were disturbed and he is requesting that the Town notify its contractors and employees that they should not disturb survey markers. Mr. Sterett stated further that he believes one Selectman has a conflict of interest in this matter because a restraining order has been issued against him by a person who works for Mr. Sterett.

Mr. Bennhoff moved to go into executive session for a conference with the town attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) and for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e), specifically regarding issues associated with the Biddle Street right-of-way between 10<sup>th</sup> and 11<sup>th</sup> Streets. Ms. Young seconded and the motion was adopted by unanimous vote.

ADJOURNMENT

The executive session concluded and Mr. Bennhoff adjourned the meeting at 9:10 p.m.

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Thomas A. Bennhoff, Police Judge

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Merinel Williams, Town Clerk