



**BOARD OF TRUSTEES
REGULAR MEETING MINUTES
JANUARY 22, 2024**

REGULAR MEETING

A regular Meeting of the Town of Olathe Board of Trustees was held as a hybrid meeting on Monday, January 22, 2024. Said meeting was posted in accordance with the Sunshine Law. Mayor Pro Tem Greg Davidson called the Meeting to order at 7:00 PM with Chief Frank Rodriguez leading the Pledge of Allegiance.

TRUSTEES PRESENT: Trustee Steve Gottlieb; Mayor Pro Tem Greg Davidson, Trustee L. Anthony Arnold; Trustee Darrin Westerman; Trustee Mark Hillier

TRUSTEES ABSENT: Mayor Jake Foreman; Trustee Christine Kinion

STAFF PRESENT: Monique Garrett, Town Administrator; Sara Dillon, Finance Officer; Chief Frank Rodriguez, OPD; James Fogg, Officer, OPD; Carol Viner, Town Attorney; Scott Eklund, Building Official

PUBLIC PRESENT: Elaine Davison (R); John and Amanda Thomas (NR); Betty Dominguez; Dwayne N (NR); Shirley Dykes (NR); Eva Garrettson, Liquor Pros (NR); Thomas Jackson, Decisions Consultants, attorney for Family Dollar (NR)

CONSENT AGENDA

A motion by Trustee Steve Gottlieb to approve the consent agenda as presented, which includes the January 8, 2024, Regular Board of Trustees meeting minutes and Accounts Payable was seconded by Trustee Anthony Arnold. Discussion – None. The motion passed with a five to zero vote in favor.

AGENDA CHANGES – Correction on item 9.3; the address is 420 Horton Avenue.

OLD BUSINESS – None.

PUBLIC COMMENT –

- Elaine Davidson – Thanked the Town for closing the open drainage hole near Pocket Park and was glad to see the majority of the Board submitting nomination for the upcoming municipal election.

DISCUSSION ITEMS – None.

The Board convened as the Local License Authority

ACTION ITEMS

9.1) (CONTINUED) PUBLIC HEARING – FAMILY DOLLAR LIQUOR LICENSE

Mayor Pro Tem Greg Davidson re- opened the Public Hearing continued from January 8, 2024 at 7:05 PM.

Mayor Pro Tem Greg Davidson stated that the Public Hearing is to continue hearing public comment on the submitted liquor license application by Family Dollar LLC, for the Family Dollar Store #26931 located at 901 N. Highway 50 Business Loop.

Mr. Dwayne with Koyote Liquor submitted to the Board of Trustees the State of Colorado liquor regulations regarding required distances between liquor establishments, and good moral character requirements. He stated that the Family Dollar Corporation is not of good moral character as they have unpaid fines to OSHA and is in a legal situation in California.

Eva Garrettson from Liquor Pros stated that the audio is not working well, and she cannot hear what the gentleman is saying. Ms. Garrett from the Town of Olathe repeated Mr. Dwayne's concerns. Ms. Garrettson went on to state that of good moral character is only to those applying for the license. Ms. Garrettson also stated that the distance requirements Mr. Dwayne is referring to do not apply to the license Family Dollar has submitted.

Betty Jo Dominguez, owner of Koyote Liquor in Olathe, questioned the validity of the Liquor Pros survey in that the sixty-six signatures is a majority of the Town of Olathe that are in favor of the Family Dollar liquor license. Ms. Dominguez was corrected in that of the eighty plus signatures collected in the Liquor Pros survey, 66% are in favor of the Family Dollar liquor license.

Mayor Pro Tem Davidson ended public comment and asked for staff comments.

Town Clerk, Ms. Garrett, addressed the Board and stated that after consultation with both the Liquor Enforcement Division and Liquor Pros, the required distance for the submitted Family Dollar Store #26931 liquor license is 500 feet between liquor establishments. Family Dollar Store #26931 has met all other requirements and recommends the license for approval.

Trustee Anthony Arnold stated that the Family Dollar Corporation has legal issues in several states.

Town Attorney, Carol Viner advised the Board of Trustees of their decision being based on that all requirements have been within the State laws.

Trustee Mark Hillier stated that he does not agree with the State's regulations on liquor establishment distances.

Trustee Darrin Westermann stated that as he does feel for the smaller mom and pop stores, he believes they need to adapt to attract new customers.

Thomas Jackson with Decisions Consultants representing Family Dollar LLC stated objection to the Public Hearing, that the Public Hearing was conducted on January 8, 2024 and should not of been continued.

Mayor Pro Tem Davidson, hearing no more comments, entertained a motion on the Family Dollar Store #26931 liquor license and closed the public hearing at 7:32 PM.

9.2) RETAIL LIQUOR LICENSE FOR FAMILY DOLLAR STORE #26931

A motion by Trustee Mark Hillier approving the Family Dollar #26931 liquor license was seconded by Trustee Darrin Westermann. Discussion – None. The motion passed with a three to two vote in favor.

The Board of Trustees reconvened into regular session.

9.3) PROPERTY LEASE – 420 S. HORTON AVENUE – TUXEDO CORN

The Town Administrator, Ms. Garrett, told the Board that the established rental for the old OAD office was done through Ordinance with an attached lease. The lease has been updated to reflect the new monthly rent amount and new lease term dates. The lease has been reviewed by the Town Attorney,

Town Attorney Ms. Viner stated that the lease looks good, is renewed automatically every six months and will not begin until April 1, 2024.

A motion by Trustee Mark Hillier authorizing the mayor's signature on the new lease with John Harold was seconded by Trustee Steve Gottlieb. Discussion – None. The motion passed with a five to zero vote in favor.

9.4) UTILITY RATES INCREASE LETTER

Ms. Garrett stated that this is the utility rate increase letter and is asking for authorization of the mayor's signature so the letters can be mailed to Olathe utility customers.

A motion by Trustee Steve Gottlieb authorizing the mayor's signature on the utility rates increase letter to be mailed to all Olathe customers was seconded by Trustee Darrin Westermann. Discussion – None. The motion passed with a five to zero vote in favor.

TOWN ADMINISTRATOR REPORT

- Election update, there is one candidate for mayor, Jake Foreman, and four Trustee candidates: Steve Gottlieb, Darrin Westermann, Mark Hillier and Anthony Arnold. January 29th is the final day to submit to be a write-in candidate.
- Updated the Board on the Façade Improvement Grant. The meeting for business owners scheduled for January 23rd has been rescheduled for February 6th at 3:00 PM at the Olathe Community Center.

STAFF COMMENTS

Chief Rodriguez

- Attended the Sheriff's and Chief's Conference in Denver.
- Upcoming State Bills #27 and #29 could affect Law Enforcement procedures.
- The Police Department has its second OHS student Intern.
- Has a candidate in the process for the fifth officer position.

BOARD COMMENTS

Trustee Westermann – Asked for an update on Lynette Rowland's memorial and if her family has been contacted?

Mayor Pro Tem Davidson – Stated that he will not be running for another term. He thanked the Trustees, staff and public for their support of him and the entire Board.

ADJOURNMENT

There being no further business at hand, a motion was made by Trustee Steve Gottlieb and seconded by Trustee Darrin Westermann to adjourn the regular meeting of the Board of Trustees at 7:45 PM with no further action taken. Discussion – None. The motion passed with a five to zero vote in favor.



Jake Foreman, Mayor



ATTEST:



Monique Garrett, Town Clerk

Approved as submitted ☒

Approved as amended ☐