

The Minutes are Provisional until approved by the Board at the next meeting on 1/21/14.

**BOARD OF TRUSTEES  
TOWN OF GREEN MOUNTAIN FALLS  
MINUTES OF REGULAR MEETING – 7:00 P.M. - TUESDAY, JANUARY 7, 2014**

The Board of Trustees meeting was called to order by Mayor Worthey at 7:05 p.m.

**ATTENDANCE:** Newberry - present      Pitrone - present      LoCascio - present  
Price - absent      Stevens - absent      Peterson - present

**ADDITIONS, DELETIONS OR CORRECTIONS TO THE AGENDA –** Mayor Worthey suggested that the Town Attorney submit a report along with the other department reports for each meeting. At the recommendation of the Town Attorney, Worthey requested an Executive Session to discuss Agenda Item #5. Trustees Peterson and Newberry requested that the Executive Session follow #11 Other Business and Municipal Correspondence. The Executive Session would be for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) and discussion of a personnel matter under C.R.S. Section 24-6-402(2)(f). **M/S Peterson/Newberry to approve going into an Executive Session after Agenda Item 11. All ye**

**CONSENT AGENDA**

A. APPROVE BOARD OF TRUSTEES MINUTES FOR 12/17/13

B. BILLS RUN 12/18/13 THROUGH 12/31/13: \$2,319.55

**M/S Pitrone/Newberry to approve the Consent Agenda as presented. All ye**

**SECOND READING AND ADOPTION BY TITLE OF ORDINANCE 03-2013 AN ORDINANCE ESTABLISHING AN APPOINTMENT AND THE ROLES AND RESPONSIBILITIES FOR A TOWN MANAGER FOR THE TOWN OF GREEN MOUNTAIN FALLS, COLORADO –** Mayor Worthey asked if there were any further comments from the citizens on the ordinance. There were no comments received from the audience or Board members. **M/S Newberry/Pitrone to adopt Ordinance 03-2013. Newberry, Pitrone, Peterson, LoCascio in favor; Worthey opposed. Motion passes.**

Audience member, Michael Lohman stood and stated that he wanted to inform the Board that “we are filing a referendum to place the ordinance on the ballot”. Trustee Peterson asked if this was appropriate and if Lohman was not out of order. Lohman responded that Robert’s Rules gives him the authority to present as this time. Lohman submitted paperwork to the clerk.

**EMPLOYMENT AGREEMENT BETWEEN THE TOWN OF GREEN MOUNTAIN FALLS AND ROBERT W. MCARTHUR FOR THE POSITION OF TOWN MANAGER - ACTION ITEM -** Trustee Jane Newberry As voted on earlier, this item to be discussed in an Executive Session after Other Business and Correspondence.

**2014 GREEN MOUNTAIN FALLS MUNICIPAL ELECTION CALENDAR – Town Clerk, Chris Frandina** The Election Calendar will be finalized and submitted by the 1/21/14 Board meeting. There may be changes to the municipal calendar if the El Paso County Election Department administers the Town’s April 1, 2014 election. A change in who administers the municipal election may occur due to the Clerk receiving five recall petitions on Friday, 1/8/14 from the Concerned Citizens Committee. When the first series of recall petitions were received in 8/2013 and later withdrawn in September, the Concerned Citizens requested that the Town Clerk step down as the Designated Election Official for the Town. No notification to the Board of Trustees has been received stating that the committee is withdrawing that request. In August 2013, the Board at the recommendation of the Town Attorney pursued an IGA with El Paso County Election Department to administer the recall election. The IGA was specially written addressing the recall election. It was not finalized by the County Commissioners because the recall committee withdrew the petitions. Election laws are different for the Town and the County; the County follows Title 1 Election Code; the Town is under Title 31, Colorado Municipal Election Code. County conducts a mail ballot election; the Town has historically conducted a polling place election.

**DISCUSSION TO FINALIZING THE INTERGOVERNMENTAL AGREEMENT WITH EL PASO COUNTY ELECTION DEPARTMENT TO APPOINT THE ELECTION DEPARTMENT AS THE DESIGNATED ELECTION OFFICIAL FOR THE 2014 MUNICIPAL ELECTION AND RECALL ELECTION**

Town Attorney Matt Krob and the Town Clerk are in direct communication with the El Paso County Election officials concerning the Town's options for the municipal election and recall election. The officials are preparing different options and cost estimates for the Board of Trustees to review at the 1/21/14 meeting. A new IGA would be presented to include both recall and municipal election procedures.

**UPDATE INFORMATION ON CHANGE IN THE CLOSING DATE FOR NEW TOWN HALL PROPERTY – Public Works Director, Robert McArthur**

reported that the Town has been notified by the DOLA Officials that the department will not have the Town Hall grant contract signed and delivered until the end of January. The Town had a tentative closing date on 1/14 for the purchase of the land and also a timeline for publishing the RFP's. McArthur is recommending that these items will have to be moved to the middle or end of February. Town Attorney Matt Krob will contact the seller's attorney about the revised dates.

**PUBLIC INPUT – For Items Not Listed on the Agenda \***

**Dick Bratton**, 11190 Hondo Avenue asked for the number of service calls logged in by the El Paso County Sheriff's Department since they have been patrolling the Town. Judy Wiedner, 6520 Spruce Street wanted to clarify why the five recall petitions were again filed. She referred to a letter sent on 9/20/13 informing the Board that the Concerned Citizen's Committee was withdrawing the five recall petitions. The letter stated that the committee had the right to refile at a later date. The Concerned Citizens are now resubmitting the five recall petitions because she feels the board situation had only gotten worse and the committee wants to educate citizens as to the impact these Board members have had on the community. **Sharyn Grace**, 6980 Mountain Avenue asked if residents could call the Sheriff's Office with a complaint of a vicious dog; there is one bothering her dog. Sheriff's Deputy Carrie Stevenson was present and encouraged citizens to call in with such complaints. **Michael Lohman** stated his address as 6802 Douglas Way. He said he submitted a letter of interest on 12/03/13 for the Town Manager position and has not heard from the Board. Lohman stated the Board is required to post the position. Mayor Worthey requested comment from Attorney Krob who stated that the Board of Trustees could take unscheduled appearances under advisement and if the Board members had questions on the legality of decisions they had made, those questions would be discussed at an Executive Session.

**REPORTS: Mayor's Report:** No report.

**Trustee Liaison Newberry, Administration:** Trustee Newberry entered the clerk's report into the record.

**Trustee Liaison Pitrone, Advisory Committee Regional Building Department:** No report.

**Public Works:** Copies were submitted to each Board member.

**Trustee Liaison LoCascio, Parks:** Gazebo Lake has been receiving much recreational attention with skaters; ice is over 6" thick and remains safe for skating.

**Trustee Liaison Price, Marshal's Department:** No report.

**Trustee Liaison Peterson, Businesses/Ute Pass Triangle Chamber:** Peterson encouraged everyone to join the Chamber and consider volunteering for the 2014 Bronc Day event.

**Trustee Liaison Stevens, PPACG, PPRTA and CDAB:** No report.

**OTHER BUSINESS:** Attorney Krob is preparing policy options for the distribution of Board packets. He will have something to the clerk for the next meeting. Krob summarized the latest court order received from the CIRSA attorneys on the Dennis Sladek lawsuit. Mayor Worthey announced that The Pantry Restaurant will hold a fundraiser on Wednesday, 1/8/14 from 4:00-8:00 p.m. to assist with medical costs for an employee.

**CORRESPONDENCE:** The Board received a letter dated 12/26/13 from Kay Bachus requesting that the Board require a current copy of a business's Colorado sales tax license before the Town issues a license to do business within the Town limits. Bachus used Bronc Day activities as an example and stated that people are not paying sales tax to the Department of Revenue or to the Town. Copies of the letter were distributed to the Chamber members for their discussion and recommendations which will be scheduled for the 2/18/14 Board meeting as an agenda item. Colorado Parks & Wildlife sent notification of the grants that are available for the 2014 funding cycle: Fishing is Fun Program and Shooting Range Development Grant Program.

**M/S Peterson/Pitrone to authorize going into an Executive Session at 7:55 p.m. and to invite the Town Attorney Matt Krob, DPW Director, Robert McArthur; the purpose of the Executive Session to receive legal advice on specific legal questions for discussion of Agenda Item #5 Employment Agreement between the Town of Green Mountain Falls and Robert McArthur for the Position of Town Manager under C.R.S. Section 24-6-402-(4)(b) and C.R.S. 24-6-402(2)(f). Peterson, Pitrone, LoCascio, Worthey, Newberry in favor. All yea**

The Board members came out of Executive Session and the regular meeting resumed at 8:45 p.m. Attorney Krob reminded the Board members that discussions during an Executive Session are confidential and subject to Attorney-Client Privilege.

**M/S Newberry/Pitrone to approve the employment agreement with the clarifications to the contract to include:**

- **Under 3. Duties. At the direction of the Board of Trustees, the Manager performs the hiring and discharge of full time Municipal employees, (excluding Town Attorney and Municipal Judge). Recommends employee pay, department head performance evaluations, benefits and annual adjustments.**
- **An addition under Duties. add #21. The Board of Trustees may assign reasonable additional duties as agreed by both parties.**
- **Change to #9 Termination. c) change last sentence to read: At any point the severance may be interpreted as "aggregate salary lump sum cash or other arrangements" as agreed upon by and between both parties at the time.**

Dick Bratton disagreed with the signature block having both the Mayor and the Mayor Protem signatures; he believes only the mayor can sign. Attorney Krob stated that the Mayor Protem signature line can remain because it does not affect the contract nor does the contract require both signatures.

**Newberry, Pitrone, LoCascio, Peterson in favor; Worthey opposed. Motion passes.**

There being no further business, Mayor Worthey adjourned the meeting at 8:52 p.m.

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Mayor Lorrie Worthey

**ATTEST:** \_\_\_\_\_  
Chris Frandina, Town Clerk