

**BOARD OF TRUSTEES
TOWN OF GREEN MOUNTAIN FALLS
MINUTES OF REGULAR MEETING
TUESDAY, JANUARY 20, 2009**

The meeting was called to order at 7:17 p.m. by Mayor Protem Bratton.

ATTENDANCE: Pitrone present Useman absent King absent
Stevens absent Newberry present Worthey present 7:17 pm

ADDITIONS, DELETIONS OR CORRECTIONS TO AGENDA – No request for changes were received.

**CONSENT AGENDA: APPROVE MINUTES, 1/06/09
ENTER PLANNING COMMISSION INTO THE RECORD 1/13/09**

M/S Pitrone/Newberry to approve the Consent Agenda as submitted. All yea

CITIZEN'S INPUT – No input received at this meeting.

A Public Hearing was called to order at 7:18 p.m. by Mayor Protem Bratton.

PUBLIC HEARING: VARIANCE REQUEST TO SIDE PROPERTY LINE SETBACK TO INSTALL A 8' X 12' STORAGE SHED – 10750 Belvedere Avenue; Property Owner, Jim Carter; Contractor, Steve Lewis The request is to place an 8' x 12' storage shed on the side property line next to the existing fence and garage. The side setback requirement is 5'; a 0' side setback is being requested. The site was posted with a Public Hearing Notice. Informational packets were sent to five neighboring properties within 100' of the petitioner's property lines. To date, four letters in favor of the variance request have been received by the Town Clerk. No other written or verbal comments have been received. There being no further comments from the audience or Board members, the public hearing was closed at 7:20 p.m.

M/S Pitrone/Worthey to grant the request for a variance to side property line setbacks based on the findings and the recommendation of the Planning Commission. All yea

A Public Hearing was called to order at 7:21 p.m. by Mayor Protem Bratton.

PUBLIC HEARING – PRESENTATION AND DISCUSSION OF A LETTER OF INTENT REGARDING ELECTRIC SERVICE FRANCHISE BETWEEN THE CITY OF COLORADO SPRINGS UTILITIES DIVISION AND THE TOWN OF GREEN MOUNTAIN FALLS

Colorado Springs Utilities Customer Account Manager, Steve Payne and Brett Johnson, City of Colorado Springs Utilities Attorney explained to the Board and audience members that the City Utilities Department would like to pursue the renewal process and not request an extension to that process. Payne had emailed the Clerk and Board members earlier in the day explaining that after legal review, City attorneys determined that an extension would facilitate additional filings with the PUC. The Utilities' legal counsel recommended that the Town and Colorado Springs Utilities sign a letter of intent to continue negotiations in good faith and for the Utilities Department to pay the Town \$13,600 in accordance with the prior payment schedule outlined in Ordinance 94-01. The Board of Trustees consented to signing the Letter of Intent and following a comprehensive discussion accepted the \$13,600 payment for 2009. Trustee Pitrone favored this action stating that both the City and Town had applied that amount to their 2009 budgets. He stated that the Utilities Department has been a collaborative partner with the Town over the years and that the letter of intent was a benefit to both entities.

The Public Hearing was closed at 7:38 p.m.

M/S Worthey/Pitrone to authorize Mayor Protem Bratton to sign the Letter of Intent regarding the Electric Service Franchise and to accept the Utilities 2009 franchise payment of \$13,600.00 All yea

A Public Hearing was called to order at 7:40 p.m. by Mayor Protem Bratton.

PUBLIC HEARING – ORDINANCE 01-2009 AN ORDINANCE GRANTING A RENEWED FRANCHISE TO COLORADO SPRINGS UTILITIES, AN ENTERPRISE OF THE CITY OF COLORADO SPRINGS, TO PROVIDE ELECTRICAL UTILITY SERVICES TO RESIDENCES, BUSINESSES AND PUBLIC OFFICES OF THE TOWN OF GREEN MOUNTAIN FALLS, COLORADO – Colorado Springs Utilities Customer Account Manager, Steve Payne supplied the Board members with the information that was requested at the last public hearing on 1/6/09 which included a printout showing eight years of the Town's gross receipts for electric and streetlights, a 10 year forecast of franchise payments with a fixed fee and a copy of the City of Milliken's franchise ordinance recently renewed for 20 years with a 3% franchise fee. Payne stated that the Utilities' December books were not closed at this time and he used the amount of \$365,000 for discussion and calculation purposes. The final December figures will be used for Payne's next presentation to the Town. Instead of a fixed fee, the Board requested that Payne draft up a renewal with a 4% franchise fee calculated against the Town's annual gross receipts. The Town currently has a 4% franchise fee for gas with Black Hills. The Board also requested that the community project, discussed at the last meeting, e.g. the replacement of the gas lights at the Gazebo and Land Company Building with electric lights with timers, be included in the franchise renewal ordinance.

The Public Hearing was closed at 8:03 p.m.

M/S Pitrone/Worthey request that the Town Clerk set a public hearing for Tuesday, February 3, 2009 at 7:00 p.m. for continued electric franchise renewal discussion. All yea

PRESENTATION AND DISCUSSION OF THE TOWN OF GREEN MOUNTAIN FALLS SIGNING AN INTERGOVERNMENTAL AGREEMENT FOR THE MANAGEMENT AND CONSERVATION OF FOUNTAIN CREEK – El Paso County Commissioner Sallie Clark presented each Board and audience member with a packet outlining the background history, and the steps and procedures to date in the creation of The Fountain Creek Watershed, Flood Control and Greenway District. Clark explained that a Fountain Creek Vision Task Force was created in 2006. The task force completed a strategic plan in 2008. The goals were: improve and protect the water quality of Fountain Creek; recognize storm water and drainage as a resource, preserve natural channel capacity and drainage ways, create a stable base for the flow of the stream system and facilitate methods of flood control and to create a watershed as an asset and amenity, create a greenway connector between communities, and provide recreational and community opportunities to protect water quality. The Board of County Commissioners for El Paso and Pueblo Counties have signed the IGA and established a Board. The bill to create statutory authority is being presented at the State level by House representative Marsha Looper and Senator Abel Tapia. The Town is being asked to participate as a signatory to the Intergovernmental Agreement along with El Paso and Pueblo Counties, Colorado Springs and Pueblo, Manitou Springs, Fountain, Monument, and Palmer Lake. Forming a district with taxing authority would give the

district the ability to apply for federal and state grants. Clark pointed out that Fountain Creek crosses multiple jurisdictions and the creek area could become a useable asset for all. Tim Wolken, director of El Paso County Parks stated that this will be the most important project the County has ever undertaken and he encouraged the Town to be part of it. Clark stated that if the District was formed, there would have to be an election to receive voter approval if taxes were to be levied. Green Mountain Falls property owners would be taxed whether the Town was a signatory or not. Trustee Bratton expressed his concern that the major projects would be from south of Colorado Springs to Pueblo and have very little effect on the residents of Green Mountain Falls. Also the town would not have a vote on the District Board but would be part of the small municipality representation. Commissioner Clark encouraged collaborative vision from all communities within the watershed to come to the common table for this significant historical undertaking. The Board members agreed to call a public hearing to receive input for the Town of Green Mountain Falls to enter into an Intergovernmental Agreement for the Fountain Creek Watershed, Flood Control and Greenway District. **M/S Pitrone/Worthey to request that the Town Clerk set a Public Hearing for Tuesday, February 3, 2009 at 7:00 p.m. All ye**

REPORTS: Marshal Ford's report was presented by Deputy David Soyka and entered into the record by Mayor Protem Bratton. **Mayor Stevens: PPACG/PPRTA:** No report. **Trustee Pitrone:** No report. **Public Works / Regional Building Department** Public Works Director Robert McArthur's report was entered into the record. **Trustee King: PPACG Alternate / TES Alternate Rep / Admin / Grant Research –** No report. **Trustee Useman: Manitou School District 14 -** No report. **Trustee Worthey: GIS –** Worthey is continuing to formulate a project with Eagle Scout, Joe Yaw to GPS street centerlines in the Town. **Urban Forestry -** No report. **Trustee Bratton: Bronc Day Liaison/Annual Trails –** Bratton requested approval from the Board to change the prior date for the Town's annual Trail's Day and hold it on **Sunday, June 14, 2009.** Trustees agreed to the change. **Trustee Newberry: Parks –** Newberry attempted to follow-up with Neil Katz, El Paso County Manager of Planning for Parks and Leisure Services and found that he is no longer employed by the County. She will be contacting Katz's replacement.

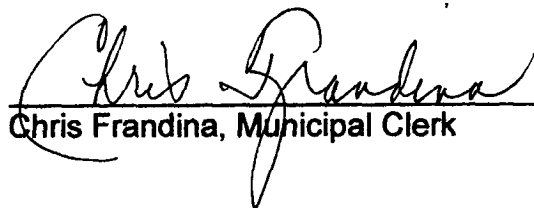
OLD BUSINESS: The Town Clerk was contacted by the president of the Green Mountain Falls-Chipita Park Fire District, John Morgan, clarifying information presented to the Trustees at the 1/6/09 meeting. Morgan recently received information that the authority to deny permits to sell fireworks in unincorporated El Paso County is the El Paso County Sheriff and not the fire district. There was discussion among the Trustees to lobby the County Commissioners to reconsider the granting of such permits. The Board members received an email from Bill Bottini, Mountain Metro Transit, with attachments of the final drawings for the Ute Pass Express Bus Shelter. There were no changes requested from staff or board members. The installation of the shelter on Ute Pass Avenue is scheduled for February. **NEW BUSINESS:** No new business was brought before the Board of Trustees requiring discussion or action.

CORRESPONDENCE: No correspondence received requiring Board of Trustee discussion or action.

The meeting was adjourned at 9:45 p.m.

Mayor Protem Dick Bratton

ATTEST:


Chris Frandina, Municipal Clerk