

**BOARD OF TRUSTEES
TOWN OF GREEN MOUNTAIN FALLS
MINUTES OF REGULAR MEETING - TUESDAY, MARCH 1, 2011**

The meeting was called to order at 7:02 p.m. by Mayor Tyler S. C. Stevens.

ATTENDANCE:	Pitrone	present	Useman	present
	King	absent	Bratton	present
	Worthey	present	Newberry	present

ADDITIONS, DELETIONS OR CORRECTIONS TO AGENDA - Robert Seever requested a correction for the Public Hearing Title to read the "2005" Regional Building Code and not the 2011 Regional Building Code. Seever reported that the 2011 Code has not been officially adopted at this time. Mayor Stevens noted a typographical error in the Public Hearing title - "Floodplain" not Flooplain. No other changes were presented.

PUBLIC INPUT - Items Not Listed on Agenda * - No input received.

**CONSENT AGENDA - APPROVE BOARD OF TRUSTEES MINUTES 02/15/11
- APPROVE BILLS DUE AND PAYABLE FOR \$2,999.14**

M/S Newberry/Useman to approve the Consent Agenda as presented. All yea

SPECIAL EVENT PERMIT REQUEST FOR SATURDAY, JULY 16, 2011; THIN AIR NATS FOR THE COLORADO SPRINGS ROD AND CUSTOM CAR CLUB - Club President, Bob Collins was present with a permit request application. This will be the 17th club event held in Green Mountain Falls. The group feels this is a premier event due to this location. Board determined that the permit fee would be \$100.00. The Pantry Restaurant owner, Ben Stephens has offered to pay the permit fee. **M/S Bratton/Pitrone to approve the Special Event Permit Application for Saturday, July 16, 2011. All yea**

Mayor Tyler Stevens called the Public Hearing to order at 7:10 p.m.

PUBLIC HEARING TO DISCUSS AND SOLICIT INPUT CONCERNING A REQUEST FROM THE TOWN OF GREEN MOUNTAIN FALLS FOR A VARIANCE TO THE 2005 PIKES PEAK REGIONAL BUILDING CODE, FLOODPLAIN CODE SECTION RBC313, IN CONSIDERATION OF A PROPOSED 218 SQUARE FOOT ADDITION TO THE GREEN MOUNTAIN FALLS TOWN HALL FOR HANDICAP ACCESSIBILITY - Project Design Architect, Robert Seever and Michael Augenstein, Floodplain Plans Examiner Robert Seever summarized discussions with Floodplain Plans Examiner, Michael Augenstein over the past two months after Augenstein's determination that the Town Hall Handicap Accessible project was within the Special Flood Hazard. Flood proofing the project would require that the lowest floor of the addition be constructed one foot above the Base Flood Elevation. The approximate BFE for this location is 7727 feet; the lowest floor elevation would need to be 7728 feet. Augenstein provided Seever with the conditions for Floodplain Code Pre-Construction Variances which Seever discussed with the Board members at the Board 2/01/11 meeting. At that meeting, the Board gave approval to set a Public Hearing for a Variance Request.

The code states that variances shall only be issued upon the Review Board's or the Governing Body of the Jurisdiction's finding that the application substantially complies with the following:

- showing of good and sufficient cause.
- determination that failure to grant the variance would result in exceptional hardship to the applicant.
- determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expenses, create nuisances, cause fraud or victimization of the public as identified in Section RBC313.17.1.5, or conflict with existing local laws or ordinances.

The Board of Trustees reviewed the following Preconstruction Variance Bullet Points:

1. Although RBC-2005, Chapter 313 requires that all new additions be constructed with "flood-proof" assemblies, the proposed handicap accessible entrance addition will be only as strong as the existing wall of the Town Hall to which the structure is attached. The project is limited in scope and the intent of the Community Block Development Grant was to remedy non-compliance with the current ADA standards. No additional funding is available to the Town at this time to remedy flood code issues.
2. The 218 square foot addition is negligible in size and does not alter or change the dynamics of the floodway. See the "zero-rise" letter by Alpine Engineering that was included in the original permit submittal.
3. The use and occupant loading of the Town Hall do not change as a result of the addition. This public building is only inhabited by two persons during normal business hours.
4. Emergency access and existing utilities to the Town Hall do not change as a result of the addition.
5. The existing building/addition is a public facility, the center of town government, is readily accessible, and potentially could be an initial Emergency Operation Center in a crisis. The Town has procedures in place, via the Emergency Disaster Plan, to receive information, assess the situation, delegate responsibilities to appropriate parties, and respond—including relocating the EOC or Town Government to a remote location. Given the current location as well as security concerns, sensitive materials or documents are either backed up or moved to a flood-safe location.

The Board of Trustees reviewed the following relevant factors for appeals:

1. The danger that materials may be swept onto other lands to the injury of others.

The proposed variance is a request for waiver of the construction requirements for "flood proof" structures contained in RBC- 2005, Chapter 313. We propose to provide a continuous "u-shaped" concrete foundation to support a wood framed super-structure. As the code does not require the existing 686 square foot building to have "flood proof" construction,

the entrance addition would ultimately not have the ability to protect inhabitants or contents from a flood any more than currently. As the existing building is upstream from the addition and the addition would be constructed in conformance with all other structural standards of the code, the addition more than likely would help resist movement of the existing structure.

2. The danger to life and property due to flooding or erosion damage. As the building is a public facility, the center of town government, normally staffed with two employees, is only inhabited during normal business hours, and could be the initial Emergency Operations Center in a crisis, warnings of an impending flood would probably be early. The Town has procedures in place via the Emergency Disaster Plan, to receive information, assess the situation, and respond—including relocating the EOC or Town government to a remote location. The “zero-rise” letter states that the addition would create minimal changes to the dynamics of the floodway.

3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner. The construction requirements of RBC 313 do not ultimately create a “flood proof” enclosure that is any more water-tight than the current facility. As the facility is susceptible to flooding, the town has procedures in place to store or backup sensitive materials to an off-site “safe” location.

4. The importance of the services provided by the proposed facility to the Governing Body of the Jurisdiction. The building is the center of Town government and could be an EOC in the event of a disaster. The Emergency Disaster plan outlines the procedures for assessing the situation and moving the command center to a remote location.

5. The necessity to the facility of a waterfront location, where applicable. Not applicable.

6. The availability of alternate locations for the proposed use, which are not subject to flooding or erosion damage. The proposed handicap accessible entrance and toilet facility addition would be an interim solution to non-compliance with ICC/ ANSI A117.1 without the need for a much larger building-wide renovation or relocation. The Town Comprehensive Plan has outlined a plan for acquiring land and constructing a new Town Hall. Given the current slower economic climate, the relocation plan is not believed to be in the near- term.

7. The compatibility of the proposed use with existing and anticipated development.

The existing Town Hall is the center of town business and as such should have a central and accessible location. The majority of Green Mountain Falls’ business core is located near to the Town Hall and within the flood plain as well.

8. The relationship of the proposed use to the Comprehensive Plan and floodplain management program for that area. The proposed entrance addition does not appreciably change the existing use of the structure, and therefore, does not deviate from the current Comprehensive Plan or alter the floodplain management program.

9. The safety of access to the property in times of flood for ordinary and emergency vehicles. The safety of access to the property would not be altered with the proposed handicap accessible entrance during an event. The wider doors and accessible stairway should in fact make the building more readily accessible.

10. The expected heights, velocity, duration, rate of use, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site. The original PPRBD permit review set of drawings contains a "zero-rise" letter from Alpine Engineering that states that the impact of the proposed new construction will have a negligible impact on the floodway dynamics.

11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges. The costs of providing government services during and after flood conditions would not change from the current situation as the occupancy and basic function of the existing building will not change with the entrance addition. All major utility services are already connected to the building and there are no code required or proposed changes to service.

Other reasons for the Town considering a variance were discussed:

- The Town received verbal warning that a lawsuit would be filed under ADA if handicap accessibility was not accomplished.
- There is no additional funding to be received from the HUD grant received for this project. Seever reported the flood proofing requirements would add thousands of dollars to the cost of the 218 square foot project.
- The grant would not be jeopardized in any way according to HUD grant advisor, Tiffany Colvert if the Town was granted a variance.
- The Town's insurance provider, CIRSA, has been contacted and there would not be an increase to flood insurance premiums for Town facilities if a variance was granted.

Engineer Ralph LoCascio of the Alpine Engineering Group was present. LoCascio has submitted a letter at the request of Floodplain Examiner, Michael Augenstein on October 18, 2010 addressing a zero rise certification for the Handicap Accessible Project at Town Hall. He stated that the project is being constructed on the down-stream side of the existing structure and will not obstruct flood water flow. LoCascio certified that the project will result in a zero rise in the FEMA designated 100 year flood heights and negligible increase in the 100 year discharge and no increase in the 100 year floodplain width. LoCascio further certified that the structure will be securely anchored into the soil by an embedment depth of 30" with a substantial concrete footing and will prevent flotation, collapse or lateral movement in order to withstand the velocity of floodwaters as required by RBC313.18.1 and RBC 313.21.2. LoCascio agreed with the analysis that the Board granting a variance for this project would not set a precedent within the community. The Town is required by federal law to be ADA compliant. This is a public building. LoCascio stated that the Board acting with sensibility needs to be foremost.

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Town Attorney, Dan Stuart was present and felt the Town has received sufficient information from the appropriate sources to make a decision.

Michael Augenstein, Floodplain Plans Examiner explained the variance procedures and discussed the Floodplain Codes and the flood proofing codes the Town would have to adhere to without the variance. Augenstein understood that the Town was in a difficult situation pitting one Federal regulation against the other. He noted that there are no variances under ADA. Augenstein feels the town's liability will be minimal if we comply as best we can with the regulations. He noted that the town is complying with most of the flood proofing regulations and the greatest part of the structure will be compliant. He did not know how FEMA would look at the variance when it came to the Town's CRS rating review. While he said he only knows of one variance in twenty four years, he stated that most of the variance requests were ones of convenience. Augenstein stated that the town's need is not one of convenience but to address a very unusual situation and legal hardship. Trustee Pitrone stated that the project represents 218 square feet and on behalf of the entire community, this variance is not an appreciable risk.

There being no further comments, the Public Hearing was closed at 7:47 p.m.

The Board members concurred that the variance application substantially complies with the following:

- showing of good and sufficient cause.
- determination that failure to grant the variance would result in exceptional hardship to the applicant.
- determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expenses, create nuisances, cause fraud or victimization of the public as identified in Section RBC313.17.1.5, or conflict with existing local laws or ordinances.
- the proposed addition qualifies for a variance under Federal regulations and will not contribute in a significant way to downstream destruction.
- the addition is required in order to comply with Federal ADA laws.

M/S Bratton/Worthey to approve the variance to accommodate exceptional circumstances. All ye

COMMUNITY CLASSIFICATION AND COMMUNITY RATING SYSTEM - Michael

Augenstein explained the community's classification to the Board and audience members. An insurance premium credit is based on whether a property is in or out of the Special Flood Hazard Area. A premium credit for properties in the SFHA increases according to the community's CRS class. Augenstein produced a credit calculation worksheet showing the verified activity calculations. The current Community Classification for the Town is a class 7. Augenstein reported that the town could achieve a class 6 which will give a high credit and decrease floodplain insurance premiums. With the explanation from Augenstein, Mayor Stevens signed the certification page stating that the Town is maintaining in force all flood insurance policies that have been required as a condition of federal financial assistance for insurable buildings owned by the town.

ECONOMIC SUSTAINABILITY UPDATES - Grant Facilitator, Joe Hanke reported that the citizen survey is ready for press and then mailing. He will be mailing about 597 surveys based on the addresses from the El Paso and Teller County Assessor's Office and business addresses from town licenses. Hanke reminded everyone of the 3/08 Economic Sustainability Project work group meeting immediately following the Planning Commission meeting at 7:00 p.m. Hanke will be calling a focus group meeting with local businesses in the near future.

UPDATE ON RECOMMENDED AMENDMENTS TO THE GREEN MOUNTAIN FALLS MUNICIPAL CODE, CHAPTERS 16 AND 17 TO INCLUDE A SECURITY REQUIRED CODE AMENDMENT FOR SECTION 16-714 (E) 4 AND INCLUSION OF AN EROSION CONTROL PLAN IN ARTICLE V, GRADING - DPW Director, Robert McArthur The Planning Commission will review and discuss a draft of the recommended amendments on 3/08/11.

DISCUSSION OF PPRTA CAPITAL PROJECTS - DPW Director, Robert McArthur provided the Board with a spreadsheet addressing the town's current Roads and Bridges status. Mayor Stevens has recommended that this subject be placed on the Board agenda for the first meeting of each month for research and discussion. A list of projects is being compiled to include: sedimentation collection basins, repairing the three bridges within the town limits, construct more parking, widening of Belvedere Avenue and overlay six existing paved streets.

REPORTS:

The Marshal's Department report was entered into the record by Mayor Stevens and presented by Marshal Randy Ford.

Mayor Stevens: PPACG/PPRTA - No report.

Trustee Pitrone: Regional Building - No report.

Public Works Department: DPW Director - McArthur's report was entered into the record by Trustee Pitrone. McArthur submitted a memo dated 2/17/11 that addresses the 2011 prequalified contractors for the Department of Public Works.

Trustee King: PPACG Alternate / TES Alternate Rep - No report.

Admin - The Town Clerk submitted the February financial packet for Board review.

Trustee Useman: Manitou School District 14 - No report.

Trustee Worthey: Urban Forestry/GIS website - Trustee Worthey is continuing work on the GIS software for creation of a new trails' map.

Trustee Bratton: The Bronc Day Committee meets on Thursday, 3/3 at 6:00 p.m. at the Mucky Duck Restaurant. All interested parties welcomed. Neal Ekker of Pueblo Avenue volunteered to be the Bronc Day Chairman. Bronc Day will be held on Saturday, August 6th.

Trustee Newberry: Parks - Newberry reported that the GOCO Spring mini grant application for the tennis court upgrades was submitted. The Town will be notified in June of the results. Newberry reported that positive input from residents and community members was received and included in the grant submittal.

OLD BUSINESS - No old business was presented that required Board discussion or action.

NEW BUSINESS - No new business was presented that required Board discussion or action.

CORRESPONDENCE - Mayor Stevens received an email invitation from Ed Longfield, Manitou Springs District 14 School Superintendent to attend a joint work session with Manitou Board of Education, Manitou Springs City Council and the GMF Board of Trustees for March 14th. Stevens will confirm dates and time for board members who may be interested in attending. An alternate date of April 14th was also suggested. **Teller Historic** and Environmental Coalition is hosting a forum to facilitate exchange of ideas and experience on Monday, March 14th at 10:30 a.m. at the Midland Depot in Divide. **A letter** addressed to Mayor Stevens and Town Attorney, Dan Stuart was given to the Town Clerk at Town Hall by Trajn Boughan of Howard Street addressing a civil summons written into El Paso County district court. Marshal Ford explained to the Board that the summons was a citizen complaint received by the Marshal's office. Parts of the summons submittal were misplaced at the county level and the Marshal has been requested to re-serve the summons.

The meeting was adjourned at 8:34 p.m.

Mayor Tyler S. C. Stevens

ATTEST: _____
Chris Frandina, Town Clerk/Treasurer