

**BOARD OF TRUSTEES
TOWN OF GREEN MOUNTAIN FALLS
MINUTES OF REGULAR MEETING - TUESDAY, MAY 3, 2011**

The meeting was called to order at 7:01 p.m. by Mayor Tyler S. C. Stevens.

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

ADDITIONS, DELETIONS OR CORRECTIONS TO AGENDA - No additions, deletions or corrections to the Agenda were requested.

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

CONSENT AGENDA - APPROVE BOARD OF TRUSTEES MINUTES, 4/19/11
- **APPROVE BILLS DUE AND PAYABLE FOR \$10,543.61**
- **ACCEPT PLANNING COMMISSION MINUTES OF 4/26/11 INTO THE RECORD**

M/S King/Bratton to approve the Consent Agenda with the request that the Clerk correct the Board of Trustees Minutes' date to "4/19/11" and not 4/12/11. All yea

ARBOR DAY PROCLAMATION FOR SATURDAY, MAY 14, 2011 Mayor Tyler S. C. Stevens signed the Proclamation that will be read on the 14th. Parks Trustee Newberry, Forestry Technician, Jinnie Will and Fire Chief, Steve Murphy have prepared a program for the event. The trees selected for this Arbor Day will be planted on Thursday, May 5th by a private contractor. Aspen seedlings will be given to all participants.

The regular meeting was closed and the Public Hearing called to order by Mayor Stevens at 7:04 p.m.

PUBLIC HEARING: REQUEST FOR SPECIAL USE TO OPERATE TWO (2) VACATION RENTALS - 10875 Belvedere Avenue and 10915 Iona Avenue
Representative and Property Manager, Judith Sutton; Property Owners, Frank and Betty Borelli Property Manager, Judith Sutton was present to answer any questions from the Board. Sutton stated that this use will bring in increased revenues to the Town and yet be a low profile.

There being no further comments from the petitioner's representative, Board or audience members, the public hearing was closed at 7:06 p.m.

M/S Pitrone/Bratton to accept the recommendation of the Planning Commission after the public hearing process held on 4/26/11 and to approve the Special Use to operate vacation rentals at 10875 Belvedere and 10915 Iona Avenue. All yea

The regular meeting was closed and the Public Hearing called to order by Mayor Stevens at 7:07 p.m.

PUBLIC HEARING: ORDINANCE 02-2011 AN ORDINANCE AMENDING CHAPTER 6, "BUSINESS LICENSES AND REGULATIONS" OF THE GREEN MOUNTAIN FALLS MUNICIPAL CODE BY ADDING ARTICLE VI, "MEDICAL MARIJUANA BUSINESS PROHIBITION" PROHIBITING MEDICAL MARIJUANA CENTERS, OPTIONAL PREMISES CULTIVATION OPERATIONS AND MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURING WITHIN THE TOWN OF GREEN MOUNTAIN FALLS

There being no further comments from the Board or audience members, the public hearing was closed at 7:09 p.m.

The Board of Trustees concurred on the following findings:

- The Board enacted a moratorium on February 2, 2010 on the submission, acceptance, processing and approval of any application for a Town of Green Mountain Falls, Colorado permit or license related to the operation of a business or cooperative that sells, dispenses, or cultivates medical marijuana. The moratorium was extended by the Board of Trustees to July 1, 2011.
- C.R.S. § 12-43.3-310 of the CMMC specifically authorizes a municipality in part “to prohibit the operation of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturers’ licenses...based on local government zoning, health, safety, and public welfare laws.
- C.R.S. § 12-43.3-308(1) (c) of the CMMC also provides that the state and local licensing authorities shall not receive or act upon a new application pursuant to the CMMC “for a location in an area where the cultivation, manufacture, and sale of medical marijuana as contemplated is not permitted under the applicable zoning laws of the municipality.
- The Board of Trustees determined that the close proximity of medical marijuana centers to the Town in both unincorporated El Paso and Teller Counties serve as a benefit to the citizens in need of such services.
- The Board of Trustees determined that the operation of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturing has the potential of an adverse impact on the under-staffed, under-budgeted Marshal’s Department of the Town of Green Mountain Falls.
- Discussions of the operation of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturing have been placed on six Board of Trustees agendas to solicit public input.
- The Board of Trustees included the needs of the community as outlined in the content of Ordinance 02-2011.

M/S Pitrone/Bratton to approve Ordinance 02-2011 Amending Chapter 6, “Business Licenses and Regulations” of the Green Mountain Falls Municipal Code by adding Article VI, “Medical Marijuana Business Prohibition” Prohibiting Medical Marijuana Centers, Optional Premises Cultivation Operations and Medical Marijuana-Infused Products Manufacturing within The Town of Green Mountain Falls. All yea

Trustee Bratton stated, that in his view, the Board of Trustees acted properly by enacting this ordinance sensing the desire of the citizens to prohibit Medical Marijuana Centers. He also stated, that in his view, he does not think the citizens are unanimous in the prohibition but that the citizens have had ample opportunity to come forward and state their opinions.

The regular meeting was closed and the Public Hearing called to order by Mayor Stevens at 7:12 p.m.

PUBLIC HEARING: ORDINANCE 03-2011 AN ORDINANCE AMENDING THE GREEN MOUNTAIN FALLS LAND USE CODE FOR SPECIFIC SECTIONS OF CHAPTERS 16 AND 17 The Planning Commission held a Public Hearing on April 26, 2011 and based on the input from staff and the public recommended that the Board of Trustees approve the amendments as necessary revisions to bring specific sections of the Zoning Code and Subdivision code into conformity with current planning and building standards in the region. Zoning and grading codes from neighboring municipalities were reviewed for current practices and procedures.

There being no further comments from the Board or audience members, the public hearing was closed at 7:17 p.m.

M/S Bratton/Newberry to approve Ordinance 03-2011 after determining that there were deficiencies in the current codes and based on the recommendation of the Planning Commission. All yeas

ECONOMIC SUSTAINABILITY GRANT UPDATE - Grant Facilitator, Joe Hanke will discuss the final results of the Citizen Survey as well as the results of the focus group meetings on Tuesday, May 10, 2011 from 7:00 - 8:30 p.m. at the Town Hall.

DISCUSSION OF RURAL TRANSPORTATION AUTHORITY (RTA) CAPITAL IMPROVEMENT PROJECTS FOR THE TOWN - DPW Director, Robert McArthur presented a memo dated 4/17 listing three PPRTA capital projects: 1) Spillway Sedimentation Collection Basins constructed in ditch lines to capture and recycle aggregate materials prior to those materials entering the lake; 2) Bridge Rehabilitation/Replacement on several streets; and 3) Belvedere Avenue Widening Project which would offer pedestrians and motorists a safer option for traversing the roadway. Rough estimates for these projects are \$368,000. Mayor Stevens recommended continuing these discussions over the next few months in preparation for the 2012 El Paso County election. It is surmised that one of the ballot questions will address RTA Capital projects for all member entities.

REPORTS:

The Marshal's Department report was presented by Marshal Ford and entered into the record by Mayor Stevens. The Board of Trustees approved an ad that will be placed in the Gazette for the Marshal's position. The ad was placed on several other web sites. The search committee is comprised of Trustees King and Useman, Sean Ives, El Paso County Deputy and prior Town Marshal, Greg Griswold. The mayor presented a memo he wrote outlining the hiring procedures. Marshal Ford stated that there is no concrete date when he will be leaving but wanted to give the Board ample opportunity to fill the position.

Mayor Stevens: PPACG/PPRTA - No report.

Trustee Pitrone: Regional Building - Pitrone summarized a meeting he attended at the Regional Building Commission which is comprised of 3 members. The Commission voted to halt lead base testing by Regional Building. The Commission had received a unanimous recommendation from the eleven member Building Advisory Board to continue to allow the department to test for lead base paint. The Commission had received complaints from six companies that do the testing stating that Regional was a government entity competing with private business. Pitrone feels that Regional Building is not a government entity but a for profit business though it has government entities overseeing the department. Pitrone recommends that the Town enter into a contract with Regional Building to perform lead base testing for the Town and include language in the contract where the Town residents could receive a discount for testing. Pitrone will talk with the attorney at Regional Building and the Town Attorney and research if this contract will be possible and report back to the Board.

Public Works Department: DPW Director - McArthur's report was entered into the record.

Trustee King: PPACG Alternate / TES Alternate Rep - No report. **Administration** - The clerk provided copies of the April financial printouts.

Trustee Useman: Manitou School District 14 - No report.

Trustee Worthey: Urban Forestry/GIS website - No report.

Trustee Bratton: The Trails Committee will meet on Thursday, 5/05 at 6:00 p.m. at the Mucky Duck Restaurant.

Trustee Newberry: Parks - Newberry has been contacted by individuals wanting to be involved in the Gazebo Lake area work group.

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 - The Planning Commissioner's letter to Tim Lange, property owner at 6875 Hotel Street was copied to the Board members. Lange was requested to attend the Planning Commission meeting of 5/10/11 and discuss the use of the property - whether there has been a change in use - and the scope of work for the recent remodeling done at the commercial property.

No other correspondence was received that required Board of Trustee discussion or an action.

The meeting was adjourned at 8:30 p.m.

Mayor Tyler S. C. Stevens

ATTEST: _____
Chris Frandina, Town Clerk/Treasurer