

**BOARD OF TRUSTEES
TOWN OF GREEN MOUNTAIN FALLS
MINUTES OF REGULAR MEETING - TUESDAY, MAY 4, 2010**

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

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

ADDITIONS, DELETIONS OR CORRECTIONS TO AGENDA – Trustee Bratton requested the Board consider adding an agenda item. Bratton is giving the Town a donation for Arbor Day 2010 and 2011 and he wants formal acceptance in the record. Item will be added as 8A.
M/S Newberry/King to approve the agenda with the addition requested. All ye.

CITIZENS INPUT - Items Not Listed on Agenda No input received.

CONSENT AGENDA - APPROVE BOARD OF TRUSTEES MINUTES: 4/20/10
- **PLANNING COMMISSION MINUTES OF 4/27/10**
- **APPROVE BILLS DUE AND PAYABLE: \$2,937.04**
M/S Newberry/King to approve the Consent Agenda as presented. All ye

REQUEST TO GRANT A REVOCABLE PERMIT FOR USE OF PUBLIC RIGHT OF WAY - Scott Hunt, Business Owner of Pine Gables Stray Dog Saloon, 10530 Ute Pass Avenue and Architect, Robert Seever This item was continued over from the 4/20/10 Board meeting. Rob Seever outlined the changes that were discussed and revisions requested from that meeting. He stated that the window design has been changed, the size reduced to half of what had been originally proposed. Those were the only changes to the drawings. The Town Attorney reviewed the Revocable Permit Agreement and the changes were submitted to the Board members and Scott Hunt. Marshal Ford read a memo into the record. Ford stated that after review of the minutes from the 04/20/10 board meeting, he is objecting to alcohol being serviced on the patio after 9:00 p.m. Ford stated that it would be difficult for the staff and management to control noise emanating from the patio if customers were allowed to bring drinks when they went to smoke after 9:00 p.m. Ford stated that it would create problems for the Marshal's Department and the community and questioned what standards would be used to determine how many complaints would be enough to revoke the permit. Trustee Pitrone submitted a letter recommending that service to the patio for food and alcohol be prohibited after 9:00 p.m. Pitrone requested that the two larger windows proposed on the plans be fixed glass only and not allowed to be opened. He supported a small service window only from the bar to the patio. Pitrone felt that with the occupancy limits of the patio at 40 it would be difficult for staff to monitor patrons outside while monitoring the patrons indoors as well. Trustee Bratton stated that no one knew if there would be an increase in noise. He wanted to give Hunt an opportunity to prove his management skills and business plan. Trustee Useman disagreed and said the Board should accept the Marshal's recommendation. He said the Marshal's department has experience with these issues, and the recommendation speaks for itself. Useman felt it would be much easier and wiser to limit the patio hours in the beginning and review operation and feedback at the annual renewal.

Howard Street residents, Gary Foster, Autumn Hall and her daughter Denver, a student at Manitou Springs Middle School were present. They had submitted a letter of concern to the Board members and owner, Scott Hunt. Denver read her letter of opposition to the patio proposal to the board and audience members. Hall questioned why citizens had not been better notified of this revocable permit request. She felt that individual mailings would have

been appreciated and summer residents notified as well. Hall stated that in an average summer, she calls the saloon an average of three times a week due to excessive noise. Most of these calls involved the door being left open. Hall acknowledged that this has not been the case since Hunt purchased the establishment. Hall questioned what the risk would be to the community's tranquility by approving a patio area on right of way and if there indeed would be an increase to revenues due to a patio area. She read a poem that asked the Board to consider carefully the uniqueness of Green Mountain Falls and the importance of preserving the solitude and uniqueness.

Owner Scott Hunt sent an email to Hall and summarized it for the Board and audience members. Hunt stated that his establishment is and would continue to be run differently than previous owners. He said that he had worked very hard to minimize the noise associated with bands and customers in general. He stated that he had a considerable financial investment and is committed to the business and the community. Hunt feels a patio would be aesthetically pleasing and enable people to enjoy food and drink with a view of the Gazebo Lake area and the mountains. Hunt wants to make the Pine Gables Stray Dog Saloon an attraction rather than simply a neighborhood bar. He noted that since he took ownership in October, there has been live music every weekend and no complaints received. He feels installing an air conditioning system will alleviate any need to keep a door open whether in the bar or the kitchen area. Hunt wants to run an establishment that would be a place for Hall to bring her friends and family. Stray Dog Saloon bartender and Hotel Street resident, Joanne Hasenauer, Belvedere Avenue resident Robert Tyler, and Mountain Avenue resident, Anita Dolen spoke highly of Scott and Lise Hunt, their management skills and the financial improvements made to the business since their October purchase. Hasenauer favored giving Hunt the opportunity to show what can be done. She says she is seeing many new faces to the business. She said everyone should work together and support one another to see the town thrive. Hasenauer stated that this is now a different type of bar; one where customers can socialize and feel safe and bring families. Patio use would help make more money and bring in more money to the Town. She handles all complaints promptly should she get them but tries to stop noise problems at the source - she monitors the band. Michael Lohman stated that the lake acts as a natural acoustic reflector. It is a condition of the liquor license at this location that there is no live music after midnight. The license permits the establishment to remain open until 2:00 a.m. Hunt plans on opening in the summer months at 10:00 a.m. and will close from midnight to 2:00 a.m. depending on occupancy.

Ben Stephens, Pantry Restaurant stated that businesses cannot exist if they listen to everyone and tried to please everyone; he feels there needs to be tolerance; if some people want their quiet, they can move out of the town and further into the woods. Stephens said he stops music at 9:00 p.m. and is out of the Pantry Gardens by 10:00 p.m. Gary Foster favored everything that Stephens has done to mitigate and control noise at the Pantry Gardens. Foster supported Hunt's vision and wanted him to succeed as he does all the area businesses but encouraged him to follow Stephens' example. Foster did not know how the Board would qualify and measure complaints - would two a week be too much - four a month? Stephens said in the summer he employs 30 people many of which live in the area. He said the bar and Mucky Duck employ people from the area. He said people should do their homework when buying property close to a business district. Business revenues help pay for roads, lights, etc. Hall said they did research the Green Mountain Falls area and found that the Town had ample ordinances in place to protect a residential quality of life. She said the businesses are now requesting exceptions to the ordinances and continue to push the boundaries of the ordinances. Margie White, Oak Street resident stated that she agrees with the Marshal's letter; it would be difficult to control the noise and she would hate to see it get out of control.

Anita Dolen, a 20 year plus Hondo Avenue resident, stated that she has raised three children in Green Mountain Falls and asked that Hunt be given a chance to succeed. She said that the majority of the community supports the business. The new walls, additional insulation, air conditioning system, new stage area and the refiguring the bar are all positive steps.

Trustees King, Useman, Newberry and Mayor Stevens favored prohibiting alcohol on the patio after 9:00 p.m. Bratton thought this limitation would produce lower retail sales. Trustee King did not agree and replied that the Board of Trustees have taken a big step in this permit request and gone to considerable lengths to assist the business owner. Hunt asked if the prohibited time could be changed to 10:00 p.m. instead of 9:00 p.m. King requested that the provision on the Revocable Permit agreement be changed to read "Permittee agrees that service to the patio area will end at 9:00 p.m. and alcohol will not be permitted on the patio after 10:00 p.m. King felt this was a minor adjustment. The Marshal consented to that time change. The Board went forward to discuss annual fees and Trustee Bratton recommended a \$300.00 fee. There was discussion about the 2010 fee and it was agreed upon by all not to prorate and to charge \$300.00 for 2010. Fee to be received prior to the patio being opened. **M/S King/Newberry to approve the Revocable Permit with the conditions contained and modified within the Revocable Permit Agreement. Stevens, King, Newberry, Useman in favor; Bratton opposed. Motion passed.**

The Board of Trustees reviewed this next agenda item as the Local Liquor Licensing Authority of the Town of Green Mountain Falls.

REQUEST FOR A MODIFICATION OF LIQUOR LICENSED PREMISE

Scott Hunt, Business Owner of Pine Gables Stray Dog Saloon, 10530 Ute Pass Avenue

Hunt had performed a Neighborhood Needs and Desires and solicited 44 signatures in favor of the revocable permit request; there were no signatures in opposition. Hunt obtained most of the business owner/operator signatures within 500 yards of the business with the exception of Stones, Bones and Wood and the Falls Motel. **M/S Bratton/King to approve the Permit Application to Modify the Liquor License Premise with the condition stated in the Revocable Permit that there will be no alcohol permitted on the patio after 10:00 p.m. All yea**

TOWN WEBSITE DISCUSSION - Mayor Stevens and Trustee Worthey did meet with the El Paso County IT personnel and received favorable input on their maintaining the Town's website. Website Requirements will be discussed at the next meeting.

REPORTS: The Marshal's Department report was entered into the record by Mayor Stevens.

Mayor Stevens: PPACG/PPRTA: No report.

Trustee Pitrone: Regional Building - No report.

Public Works Department: DPW Director Robert McArthur submitted a memo to the Board stating that his office is exploring all opportunities that will further enhance the Town facilities toward a goal of ADA compliance. He will be reporting to the Board scope of work and funding opportunities.

Trustee King: PPACG Alternate / TES Alternate Rep / Admin / Pool – King reported that the inscribed pavers are being installed and the project should be completed by the 20th of May in time for the start up of the wedding events. The clerk submitted the April financial packets to all board members and staff.

Trustee Useman: Manitou School District 14 – No report.

Trustee Worthey: GIS website - No report.

Urban Forestry: No report. **Trustee Bratton:** Bratton reported that there will be a Trails Meeting on 5/6, Mucky Duck Restaurant at 6:00 p.m.; Bronc Day committee to meet on 5/5, Mucky Duck Restaurant at 6:00 p.m. **Trustee Newberry: Parks –** No report.

ACCEPTANCE OF DICK BRATTON DONATION TO THE TOWN OF GREEN MOUNTAIN FALLS Trustee Bratton made of \$4,000 donation to be used to pay 2010 Arbor Day expenses. The remainder is to be used for the 2011 Arbor Day event. He hopes to inspire other citizens to donate annually for Arbor Day purchases and events. Bratton secured \$2,000 from the Kirkpatrick Family fund for the 2010 Arbor Day event.

M/S Useman/Newberry to accept the donation for the purpose listed within the letter submitted. All yea

OLD BUSINESS - No old business was presented.

NEW BUSINESS - **Scott Hunt** relayed to the Board and audience members that he is close to securing a fireworks event for Friday, July 2, 2010. Hunt is working with the Manitou Springs Fire Department to use their volunteer fireman resources as they are certified for fireworks displays. The Green Mountain Falls-Chipita Park Fire District is in full cooperation. Hunt will have someone at the next meeting to make a Special Events Permit submittal. **No other** new business was presented. **Hunt is** planning to change the trade name of the Pine Gables Stray Dog Saloon to the original name - Silver Tongue Devil Saloon.

CORRESPONDENCE: The Town Clerk received a donation of \$5,000 from the Children's Ark. \$3,500 was budgeted for the general fund and the additional \$1,500 will be allocated for Marshal's part time deputy salaries. **The State** approved the Town auditor's request for a full audit exemption.

No other correspondence was received requiring Board discussion or action.

The meeting was adjourned at 9:20 p.m.

Mayor Tyler S. C. Stevens

ATTEST: _____
Chris Frandina, Municipal Clerk