

**BOARD OF TRUSTEES
TOWN OF GREEN MOUNTAIN FALLS
MINUTES OF REGULAR MEETING – TUESDAY, MAY 15, 2012**

The Board of Trustees meeting was called to order by Mayor Worthey at 7:04 p.m.

ATTENDANCE: Newberry - present Pitrone - present Useman - absent
LoCascio - present Price - present Stevens - present

ADDITIONS, DELETIONS OR CORRECTIONS TO THE AGENDA - No additions requested.

CONSENT AGENDA

APPROVAL OF BOARD MINUTES FROM MAY 1, 2012

APPROVE BILLS DUE AND PAYABLE FOR \$9,338.22

ACCEPT PLANNING COMMISSION MINUTES OF 5/08/12 INTO RECORD

APPROVE HOME OCCUPATION BUSINESS LICENSE APPLICATION

- Resident Trajn Boughan, 6850 Howard Street

Trustee Pitrone requested that the Consent Agenda Item to Approve a Home Occupation License be called out and discussed separately. Pitrone requested that a Home Occupation request be listed as a separate agenda item and not be included in a Consent Agenda. Trustee Price requested that the Minutes of 5/1/12 be called out for discussion and amendment. **M/S Newberry/LoCascio to approve the Bills Due and Payable and Accept the Planning Commission Minutes of 5/08/12 into the record and the requests from Trustees Pitrone and Price. All yea**

APPROVAL OF MINUTES FROM MAY 1, 2012 – Trustee Price requested confirmation that he was the alternate board member for PPRTA and not for PPACG. The clerk had corrected this information in the 5/01/12 minutes and the correction was sent to the staff members at PPRTA and PPACG. Trustee LoCascio is the PPCG alternate. Price also requested that the 5/01/12 minutes should reflect that it is his intent to research scheduling a street dance on Friday evening, August 3, 2012 and not on Saturday evening, August 4, 2012. **M/S Newberry/LoCascio to approve the minutes as amended. All yea**

APPROVE HOME OCCUPATION BUSINESS LICENSE APPLICATION - Resident Trajn Boughan, 6850 Howard Street is applying for a Home Occupation Business License to operate a cottage food type of business at her home to sell at farmers' markets. Senate Bill 12-048 which addresses the creation of the Colorado Cottage Foods Act for locally produced home foods sold directly to consumers. A producer is permitted to sell only a limited range of foods that are nonpotentially hazardous and that do not require refrigeration. Cottage food products include such items as spices, teas, hydrated produce, nuts, seeds, honey, candies, jams, jellies and certain baked goods. No license or permit is required from the Health Department. Boughan provided a business license application, a copy of the Act, SB 12-048 addressing the creation of the "Colorado Cottage Foods Act", a copy of her trade name statement for Free Form Nutcraft and Bakery Arts, and a copy of a Food Handler Certificate from the El Paso County Public Health Department. Trustee Pitrone addressed the GMF Municipal Code, Article VI, Section 16-602 addressing criteria for Home Occupations. Boughan affirmed that there will be no parking issues as no one will be approaching her home to obtain product and that no signage will be necessary. Pitrone asked if additional staff would ever be necessary and Boughan reported that she is the only staff member. She stated that the ACT addresses a maximum net income from a cottage food business.

Adjacent property owner, Jack Mountford, 6860 Howard Street was present and asked if the town municipal code had any language in it that addressed commercial food products crossing his private property. Boughan has an easement to access her residence. Trustee LoCascio stated that the code does not contain such language and Mountford would need to refer to the easement language attached to the 6850 Howard Street property. Dick Bratton asked if the Planning Commission had seen this request; the commissioners were given copies of the submittal but agreed that it was a licensing matter and the licensing authority should review and approve the application.

M/S Price/Newberry to approve a Home Occupation license as submitted and discussed for 6850 Howard Street, Trajn Boughan property owner. All yea

APPROVE REQUEST TO GRANT A REVOCABLE PERMIT – 6975 Howard Street; Petitioner, Christian Keese Permit application is a request to place four stone piers to designate ingress and egress – two at the entrance to the property on Ute Pass Avenue and two at the entrance on Hondo Avenue. A stone bridge/walking footpath is also being requested to go across the ditch line on Hondo Avenue to make a more direct and easier access to adjacent property, Del Mar. The facilities manager for Christian Keese met with Public Works Director, Robert McArthur. The stone bridge/pathway is designed to be removed as maintenance to the ditch line is needed. Planning Commission recommended approval by the Board of Trustees with the condition that McArthur document his endorsement for the request and that the petitioner provide more detail on the stone bridge/removable pathway. McArthur did provide a memo addressing this application and agreed that more definition is needed on the stone bridge. McArthur thought it was to be a stone slab that would be easily removed if maintenance was necessary and put back in place.

M/S Pitrone/LoCascio to approve the request for the revocable permit for 6975 Howard Street with the condition that a drawing with more definition on the stone bridge/removable pathway be submitted to McArthur and placed with the revocable application. All yea

REQUEST FOR A SPECIAL EVENT PERMIT – Ute Pass Chamber of Commerce/Chipita Park Association Summer Concerts: 6/20/12-Colorado Springs Concert Band, 7/9/12-Air National Guard Band of the Gulf Coast, and 8/8/12-Midland Brass **Representative**, Martha Henry was present with a complete application and insurance liability certificate naming the Town as additional insured. The Board agreed not to attach a permit fee to these events. A recommended fee schedule is being drafted by the Economic Sustainability Committee and will be reviewed by the Board. **M/S Stevens/Price to grant the Special Event Permit as submitted and waive the permit fee. All yea**

PUBLIC COMMENT – Items Not Listed on Agenda – Resident Trajn Boughan, 6850 Howard Street reported to the Board that she felt she was treated arbitrarily and capricious by the Town Clerk, Chris Frandina when she applied for a Home Occupation Business License to operate a cottage food type of business from her residence. Boughan stated that the clerk requested submittal information from her that could have been retrieved by the Town Attorney relating to Senate Bill 12-048 which addresses the creation of the Colorado Cottage Foods Act for locally produced home foods sold directly to consumers. Boughan stated that she feels there is a problem with how the Town Clerk works with the public. Trustees Pitrone and Price stated that the clerk was correct in having the Board of Trustees review and approve the home occupation business license request.

INSURANCE STATUS REPORT/UPDATE FROM CIRSA ON BUSINESS INTERRUPTION COSTS, CONTENT REPLACEMENT COSTS AND TOWN HALL REBUILD/RELOCATION TIMELINE – Mike Wagner, CIRSA PC Claims Supervisor and Russ Clark, Executive General Adjuster for Engle Martin & Associates were present to clarify insurance information and payments made to date and to answer any questions from Board members. Wagner presented each member with a copy of the town's twenty nine page policy. Clark reiterated for the Board that there are several tiers of coverage within the town's policy and that it is an extraordinarily broad policy. Wagner's 4/26 memo addressed the extra expense coverage being billed under business interruption. Clark clarified that though an actual cash value payment was initially made to the town for \$25,000, many of the initial expenditures will be assigned to other accounts when final reconciliation takes place, e.g. building demolition and permits, fencing, etc. He stated that CIRSA wanted to assure that the town would have operating money up front so that general fund was not being used for expenses covered by insurance. CIRSA's replacement cost for the building is \$151,027.84 with an actual cash value of \$91,634.12. Wagner confirmed that CIRSA will cover Town Hall relocation/rebuild expenses above the Replacement Cost Value to include: floodplain compliance, ADA requirements, design/engineering costs, health department compliance and land use permit fees. As outlined in McArthur's 4/30 memo, the town has 2 years from date of loss to commence replacement of the structure to recover the remainder of the RCV. Trustee Stevens asked Dan Stuart if the Board should be approving insurance expenditures even if the expenditures are not being paid with Town funds. Stuart stated that the insurance costs are outside the budget and that would be CIRSA's role as the provider and that CIRSA is consistently reviewing all purchases and business interruption expenditures with the town clerk as confirmed by Wagner. It was reiterated that Trustee Newberry was appointed as the trustee to oversee and review insurance submittals and payments and to work with CIRSA and Town staff.

BOARD OF TRUSTEES INTRODUCTION AND DIALOGUE WITH TOWN

ATTORNEY, DAN STUART took the opportunity to meet the new Board members and summarize some of the legal issues and procedures the Board should be aware of. Stuart introduced attorney Andrew McVay who will be assisting Dan with municipal court. Stuart gave an overview of the Open Meetings, Open Records Law especially as the law outlines what constitutes a meeting, meetings conducted by telephone, electronically or by other means of correspondence, chance meetings and social gatherings; Executive Sessions were discussed and the topics for which the board can call an executive session, that a 2/3rds vote is required, no formal vote can be taken within an executive session, and the procedures for posting and recording; Stuart discussed what constitutes a conflict of interest and the procedure for declaring a conflict prior to the particular agenda item and the action for the Board member to take; Stuart discussed that abstaining from voting on an issue is seldom an acceptable procedure for elected officials to use; he discussed the quasi-judicial proceedings, how to provide for a fair hearing and why impartiality is so important; and other topics addressing public officials liability. Each member has received a copy of the CML/CIRSA 2007 publication of the Public Officials Liability Handbook for reference. Stuart encouraged Board members to call him if they had specific questions or needed more detail on the items he covered.

AUTHORIZE LEASE FOR 2,000 SQUARE FOOT SPACE AT 10605 GREEN MOUNTAIN FALLS ROAD BETWEEN AGAPE FELOWSHIP INC. AND THE TOWN OF GREEN MOUNTAIN FALLS - Pastor Larry McKnight and DPW Director, Robert McArthur: On 5/1/12, the Board of Trustees approved a lease agreement with RMCC in

the amount of \$625.00/month retroactive to March 1, 2012 through August 1, 2012 to be paid by the Town's insurance provider, CIRSA, under the Business Interruption rider. The Board is now reviewing a lease for the Creation Sciences Academy school space which will be vacated by the end of May. The Town Attorney has reviewed the lease as has CIRSA staff. CIRSA will provide the funding for the rental of these leased premises. An amendment was requested and agreed upon by the Town and Pastor McKnight to add an early termination clause. It was agreed that, in the event CIRSA notifies the Town that they intend to cease, or otherwise ceases, providing such funding for any reason, this lease may be terminated sooner than the term set forth in the lease providing at least thirty (30) days written notice is given to landlord of tenant's intention to terminate the lease for that reason. The lease is \$2000.00/month for 20 months. Following the initial term, lease agreement would continue on a month to month basis.

M/S LoCascio/Pitrone to approve the lease for the 2,000 square foot space at 10605 Green Mountain Falls Road with the addition of the early termination clause. All yea

ECONOMIC SUSTAINABILITY COMMITTEE – ESC Chair Katharine Guthrie presented a fee schedule recommendation for Board review. The schedule addresses special events permit fees for residents and non-residents, Gazebo rental for residents and non-residents and pool rental for private parties. The Board members will review the recommendations presented and requested the Town Clerk to prepare a resolution for the June 5, meeting for public discussion and potential adoption.

REPORTS:

Mayor's Report – Trustee Newberry requested clarification that the Mayor is authorized as the Town's Public Information Officer; Board members confirmed that information. No further information discussed.

Trustee Liaison Useman, Marshal's Department – The Marshal's Department report was submitted into the record.

Trustee Liaison Pitrone, Advisory Committee for Regional Building Dept. - No report.

Public Works, Rob McArthur was present and submitted his report which was submitted into the record. McArthur submitted a memo dated 2/17/12 addressing the SOP procurements and prequalified contractors.

Trustee Liaison Newberry, Administration – Newberry recapped the continuing and new projects underway by Town Hall staff. One primary focus is the recovery of the Planning Commission files; planning minutes are being copied and files assembled on planning submittals from the past six years. **The insurance** replacement and business interruption financial spreadsheets were distributed. Replacement cost expenditures covered by CIRSA are \$9,327.05; business interruption expenditures covered by CIRSA are \$34,915.75; CIRSA has made payments to the Town totaling \$62,975.33. The actual cash value of the interior Town Hall contents submitted to CIRSA was calculated to be \$16,421.95 with an additional \$2,000.00 in costs to reproduce documents. The ACV check was deposited in the Town's Colotrust account. **A community** cleanup day is being scheduled for July with the roll off being placed in the Joyland Falls Church parking lot; further information will be distributed as dates and times are confirmed with Pastor Larry McKnight and Rob McArthur. **Newberry and Frandina** attended the CML Outreach meeting in Colorado Springs on 5/14. Over 11 communities were represented and Newberry took the opportunity to thank everyone especially Clay Brown and Sam Mamet for their support over the past three months,

Trustee Liaison Stevens, PPACG, PPRTA – The PPRTA Board scheduled two Open Houses to present the six member entities' draft capital renewal project lists to receive public input; Saturday, June 2 at 10:00 a.m. at Centennial Hall and Thursday, June 7th at 7:30 p.m. at the COS Council Chambers.

Trustee Liaison LoCascio, Parks – The tennis court upgrade will be delayed until the second week in June.

Trustee Liaison Price, Business/Chamber – Trustee Price reported that he is continuing the research to hold a street dance on Lake Street, Friday, August 3, 2012. Price said he has talked with the business owners and everyone is in favor of the event.

UNFINISHED BUSINESS – No unfinished business was presented or discussed.

NEW BUSINESS – No new business was presented.

MUNICIPAL CORRESPONDENCE – Flyers have been distributed advertising the organizational meeting to address the revitalization of the Ute Pass Triangle Chamber on Wednesday, May 16, 2012 at 7:00 p.m. at the Cascade Fire Department. **Fire Chief Steve Murphy** notified the Ute Pass community through emails and flyers of the Annual Slash/Mulch schedule for June 1, 2nd and 3rd. Flyers are at the GMF and Cascade Post Offices. **No other** correspondence was presented that required Board discussion or action.

ADJOURNMENT - There being no further business, Mayor Worthey adjourned the meeting at 9:47 p.m.

Mayor Lorrie Worthey

ATTEST: _____
Chris Frandina, Town Clerk/Treasurer