

**BOARD OF TRUSTEES
TOWN OF GREEN MOUNTAIN FALLS
MINUTES OF REGULAR MEETING - TUESDAY, JUNE 7, 2011**

The meeting was called to order at 7:00 p.m. by Mayor Tyler S. C. Stevens.

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

ADDITIONS, DELETIONS OR CORRECTIONS TO AGENDA - No additions, deletions or corrections were presented.

PUBLIC INPUT - Items Not Listed on Agenda * - Ann Pinnell, 9880 Mesa Road, Chipita Park felt that the traffic was moving very fast along Ute Pass Avenue. She requested the Town install signs stating slower traffic especially around the lake area where she said there are children and wildlife she is concerned for. Trustee Bratton asked that the discussion of lowering the speed limit on Ute Pass Avenue be placed on the June 21, 2011 agenda.

**CONSENT AGENDA - APPROVE BOARD OF TRUSTEES MINUTES, 5/17/11
AND SPECIAL BOARD MEETING OF MAY 26, 2011
- APPROVE BILLS DUE AND PAYABLE FOR \$5,331.81
- ACCEPT PLANNING COMMISSION MINUTES OF 5/24/11
INTO THE RECORD**

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

**RESOLUTION 2011-04 A RESOLUTION APPROVING THE TOWN OF
CALHAN'S REQUEST FOR MEMBERSHIP INTO THE PIKES PEAK RURAL
TRANSPORTATION AUTHORITY (PPRTA)**

M/S Pitrone/Worthey to approve Resolution 2011-04. All yea

**RECOMMENDATION TO APPOINT BRIAN WESS TO THE PPRTA CITIZENS'
ADVISORY BOARD TO REPRESENT THE TOWN OF GREEN MOUNTAIN FALLS
AS THE SECOND REPRESENTATIVE - DPW Director, Robert McArthur**

Wess has served on the PPRTACAC since 2006. He chairs the Public Outreach Committee since 2006 and is a District 2 Representative for El Paso County Highway Advisory Commission since 2005. Robert McArthur and the Board members stated that the Town will benefit greatly from his expertise. Along with McArthur, the Town will have a strong representation on PPRTACAC. **M/S Bratton/Pitrone to appoint Brian Wess as Second PPRTACAC representative for Green Mountain Falls. All yea**

REQUEST FOR SPECIAL EVENT PERMIT - Chipita Park Association

Representative, Kevin Henry - Concerts on June 21, 2011 and August 9, 2011
Henry explained that the Chipita Park Association has taken over these concerts from the Ute Pass Triangle Chamber. Charging a \$20.00 special event permit fee was discussed. Trustee King felt the fee should be waived because these concerts enhanced the community life in Town. Trustee Bratton stated that the citizens expressed their opinion on the recent Economic Sustainability survey to charge for special events.

M/S Bratton/Pitrone to approve the Special Event Permit as requested. All yea

M/S Bratton/Useman to charge a \$20.00 permit fee. Bratton, Useman, Pitrone, Worthey, Stevens, Newberry in favor; King opposed to a fee.

RENEWAL OF HOTEL RESTAURANT LIQUOR LICENSE FOR COLORADO CUISINE INC., PIKES PUB AND BLACK BEAR RESTAURANT

- Victor Matthews, Owner: 10375 Ute Pass Avenue

M/S Worthey/Bratton to approve the Liquor License Renewal for Colorado Cuisine, Pikes Pub and Black Bear Restaurant. All yea

REQUEST TO CHANGE THE REVOCABLE PERMIT AGREEMENT BETWEEN THE TOWN OF GREEN MOUNTAIN FALLS AND PG ENTERPRISES; DBA SILVER TONGUE DEVIL SALOON - 10530 Ute Pass Avenue; Scott Hunt, Owner

was present. Hunt presented a letter on 5/11/11 requesting a change to the restriction placed on the patio by the Town. Scott stated that the restriction not allowing alcohol to be served on the patio after 10:00 p.m. is extremely unpopular with residents and locals. He said that people are dismayed that they cannot enjoy a beverage on the patio after 10:00 p.m. Currently, food service ends at 9:00 p.m. with no alcohol served on the patio after 10:00 p.m. Smokers can use the patio until closing. Hunt feels this restriction reflects poorly on Green Mountain Falls and the bar and he is concerned that it prevents people from patronizing his business. Hunt stated that he has had no complaints since the patio operation opened in August 2010. He is requesting that the Revocable Permit Agreement for use of the public right of way and the hours of operation for the Modified Premise approval be changed to allow patio operation until the bar closing time.

Hunt reported that he has spent over \$40,000 in sound proofing and making upgrades to the Silver Tongue Devil Saloon. He will be installing air-conditioning by next Tuesday. Hunt stated that he receives non-stop complaints from tourists who want to have a drink on the patio after 10:00 p.m. Hunt is also requesting that the Board allow bands to play past the midnight restriction and up to 1:00 a.m. He stated that normally bands start at 8:00 p.m.; customers start coming in around 9:00-9:30 p.m. and his bands have to end too early for him to keep customers to make any profit. He feels customers will pass up Green Mountain Falls and take their business to the Crystola Roadhouse to hear bands and sit on the patio with their drinks. Hunt feels he is wasting his money by booking bands each week that people cannot adequately enjoy. He also feels it is a misnomer to think that the noise on the patio would be louder if alcohol was being served after 10:00 p.m. He feels that the patio is often crowded with smokers well past 10:00 p.m. who have the propensity of making noise as well. He felt serving alcohol is not a guarantee for increased noise. Hunt reported that he deals with any and all noise complaints on the spot - he gets a call or a complaint and the necessary steps are taken immediately. Hunt reiterated that the customers feel the restriction makes no sense and create a bad image for the Town especially when there has been discussions on how to grow the Town's revenue base. Hunt stated that 70% of his complaints about not being able to sit on the patio and drink after 10:00 p.m. come from tourists.

Mayor Stevens stated that while he appreciated Hunt's needs, but the Board of Trustees is charged with balancing the needs of the community as well and with creating a balance by setting regulations in the best interest of all. Trustee Worthey stated that the Town has a population with a mixture of different philosophies and the summer noise issue has consistently been a problem. Stevens did not think the Board had an adequate track record on the patio operation and thought a request for a change was too early and more history was necessary. Stevens felt that the 10:00 p.m. limits coincide with the current town noise ordinance as well as the limits put on other liquor license establishments. Stevens felt these

limits make for consistent enforcement throughout the community. It was a consensus that the public input received at previous hearings was clear. The residents voiced their concerns about increased noise and a 10:00 p.m. time frame was negotiated and agreed upon. Though the patio opened in August of 2011, the service windows to the patio area were installed this March 2011. Trustee Useman did not agree with Hunt on the statement that the changes Hunt has made have reduced noise levels though he felt the noise emanating from the bar tended not to be what he termed "obnoxious bar noise".

The Board received letters from Gary Foster and Autumn Hall, of Howard Street and Ken Nord of Lake Street requesting that the Revocable Permit Agreement not be changed. Marjorie White, resident of Oak Street was present in the audience and she agreed with the letters sent and asked that the agreement remain as written. Hunt stated that he had a conversation with El Paso Street resident, Patrick Jones, and Hunt feels that after the discussion, he alleviated Jones' concerns. The Marshal's Department submitted a letter stating that the basic provisions of the permit should not be changed based on the current information provided.

Trustee King stated that he would support setting a public hearing to discuss Hunt's request. He felt that Hunt had made a sufficient case to warrant another public hearing. Several trustees made it clear to Hunt that holding a public hearing does not mean that Hunt will receive the approval he is requesting. It is an opportunity for public input.

M/S King/Pitrone to request that the Town Clerk set a Public Hearing for Tuesday, September 6, 2011 at 7:00 p.m. King, Pitrone, Worthey, Useman, Stevens in favor; Bratton and Newberry opposed.

Trustee Bratton stated that it was his sense the residents in the area have spoken loud and clear at the prior public hearings. Bratton did not see how the conditions could have changed for people to change their recommendations to the Board. He stated it was a waste of time and money to set another public hearing on the subject. He recommended that the Board stay consistent with the regulations in place for other liquor license businesses.

ECONOMIC SUSTAINABILITY GRANT UPDATE - Grant Facilitator, Joe Hanke will discuss the final results of the Citizen Survey, recommendations from the two focus group meetings and present a draft compilation of recommendations on Tuesday, June 14, 2011 from 7:00 - 8:30 p.m. at the Town Hall. The final report will be presented to the Board at the 7/19/11 meeting. Hanke encouraged everyone to be present at the 6/14 meeting because participants will be voting on the recommendations from the citizens' survey that he has compiled.

DISCUSSION OF RURAL TRANSPORTATION AUTHORITY (RTA) CAPITAL IMPROVEMENT PROJECTS FOR THE TOWN - DPW Director, Robert McArthur

This is a continuing discussion on prioritizing prospective projects that DPW Director Robert McArthur has outlined in a memo dated 4/17/11. PPRTA Boards and staff members are anticipating a ballot question on the November 2012 County election to renew the Capital portion of the PPRTA. Mayor Stevens encourages the Board and staff not to restrict or censor themselves in listing projects. He feels if the Town presents a strong and compelling reason for the projects presented, the PPRTA Board will be amenable. The next discussion on prioritizing the projects presented by DPW and possibly adding others will be on Tuesday, 7/5.

INTRODUCTION OF NEW TOWN MARSHAL, TIM S. BRADLEY joins the Green Mountain Falls Marshal's Department from his recent law enforcement service with the Kiowa Police

Department. Bradley started a law enforcement career in 1983 and worked for the Simla Police Department. Bradley reported to the Board that the Kiowa Police Chief was donating a vehicle to Green Mountain Falls. It is a fully equipped '98 Crown Victoria.

RESOLUTION IN RECOGNITION AND APPRECIATION FOR SERVICE - A resolution was read by Mayor Stevens' two daughters recognizing the service of outgoing Marshal Randy Ford. Ford then read his last Marshal's Report for the Board and audience members.

The Mayor called a short recess to hold a parting reception for Randy Ford. The regular meeting continued at 8:34 p.m.

REPORTS: 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.

Trustee King: PPACG Alternate / TES Alternate Rep - No report. **Administration** - The Clerk thanked Karen Watson, Dean Heise and Anita Dewhurst for assisting with the planting of flowers and the maintenance of several planters within the Town. The May financial packets were distributed. The pool opens Thursday, June 9, 2011 for the season.

Trustee Useman: Manitou School District 14 - No report.

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

Trustee Bratton: The Trails Committee met on June 2, 2011. Bratton reported on the Trails workdays that were held on 5/17, 5/26, 5/30, 5/31 and 6/2. Over 388' of trail including multiple switchbacks were constructed on the Crystal Falls Trail. Next meeting will be on July 7th at 6:00 p.m. at the Mucky Duck Restaurant.

Trustee Newberry: Parks - No report.

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

NEW BUSINESS - Mayor Stevens requested that the topic of developing a local business directory on the Town website be added to the June 21st agenda. No other new business was presented that required Board discussion or action.

CORRESPONDENCE - An email was received from Patrick Jones, 10440 El Paso Avenue. Jones reporting that on the opening night of the Pantry Gardens, the music exceeded the background music level prescribed by the Board. Jones was requesting that the Board use the leverage of the facilities liquor license to achieve compliance. **Two letters** were received from Dr. Trajn Boughan, a response to Dr. Boughan from Marshal Ford and a response to Dr. Boughan from Town Attorney, Dan Stuart. Stuart and Ford assured Boughan that all of the documents she is requesting have been provided to the Office of the District Attorney.

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

The meeting was adjourned at 8:57 p.m.

Mayor Tyler S. C. Stevens

ATTEST: _____
Chris Frandina, Town Clerk/Treasurer