

TOWN OF GREEN MOUNTAIN FALLS
BOARD OF TRUSTEES, REGULAR MEETING MINUTES
TUESDAY, JULY 15, 2014 - 7:00 P.M.

IN ATTENDANCE:

Mayor Worthey
Trustee Butts
Trustee Cook
Trustee Ellis
Trustee Gardiner
Trustee Quinn
Trustee Stevens

Mayor Worthey noted all Trustees were present and called the meeting to order at 7:15 p.m. The Greenbox Art Installation wrapped up over the weekend and was a terrific success. Mayor Worthey asked for any corrections, deletions or additions to this evening's agenda. She explained that given the recent extraordinary rainfall, CIRSA spokesperson Tami Tanau had opted to visit the Board of Trustees another time. She also noted that Ken Murphy wished to be added to the evening's agenda to report on progress of the new Town Hall construction project. With the amended agenda as noted, Trustee Stevens/Butts M/S moved to approve the revised agenda, ALL YEA. Mayor Worthey noted the pending expenditures for the period of 7/1/14 - 7/14/14, totaling \$7,309.76, and Trustee Stevens/Cook M/S moved to approve these items for payment, ALL YEA.

STORM WATER IGA DISCUSSION:

'Dave Munger returned to address any questions regarding the storm-water IGA, pending Board of Trustees approval. Mr. Munger explained that the firm CH2MH would be holding town-hall meetings over the next couple of weeks at Manitou Springs, Colorado Springs, Fountain and Monument. Trustee Stevens commented that this IGA is of great importance to this community, and it's terrific to be working together as a region. He expressed gratitude for a regional partnership that allows all the participants to work through these types of concerns, and encouraged the Board of Trustees to consider approval of this IGA. Attorney Krob initially had 8-10 questions about the draft, but after discussions with counsel and further research, found a couple of areas that merit additional explanation, for the benefit of those who might not have seen the draft yet:

- (1) While this is not a federal mandate, it is important to note that without passage of this agreement, home owners and property owners in Green Mountain Falls would not receive the benefits of the storm-water capital fees, and therefore, the improvements and repairs those fees could be used to finance.
- (2) The position on the Board as described in the IGA draft would call for Green Mountain Falls and Palmer Lake communities to share a vote. The posted population for Green Mountain Falls is noted at 805 voters, and the Palmer Lake community reports 2,500 voters. Green Mountain Falls would still have a presence in the discussions, but would rotate the vote between these two representatives on an annual basis.

Mr. Munger pointed out that there are greater "permeable" areas per property owner here, and since this is still in the draft status, this would be an ideal time to raise questions or consider seeking an amendment to the IGA before it is written into the ballot format for November elections. Trustee Quinn asked if the shared voting role would also specify shared fees with the previously noted 5-year rolling average. Mr. Munger clarified that Green Mountain Falls would not be without representation on that Board, but would only have the ability to vote every other year. He also expressed that if Palmer Lake chooses to opt-out,

Green Mountain Falls would have a full vote. The storm-water Board would meet at least twice annually, but frequency might be once a quarter or greater, dependent upon the needs assessed and the availability of Board members.

(3) The projects for their list have not yet been determined, but early discussion points to drainage infrastructure, with these priorities already established at the County level: "A" priorities include culvert and bridge maintenance and repair work (approx. \$1.25M); "B" priority identified as the storm drain at Rampart Range (approx. \$250K); and "C" priority identified as strengthening the channel and increasing stability of the creek bed downstream of Woodland Park (approx. \$2M).

Mr. Munger commented that if and when other projects are known, the Green Mountain Falls Board Member could share those items and work to have them included on the project list. There will also likely be a Strategic Plan process that takes several years to complete. If there is an emergency concern, the percentage of funds set aside could address those needs first. Trustee Butts asked if Green Mountain Falls gets its portion of the funding for those items specific to Green Mountain Falls? Mr. Munger confirmed that is way the process will work. He noted that the 7 municipalities working together will need to raise approximately \$48M in fees, consistently for the next 20 years or more. Of that, he estimates that \$3-4M are government monies. Initial estimates would calculate the total fees for Green Mountain Falls at \$4,289 annually, which would be used for capital improvements or could be slated for the maintenance and operations end of things, if necessary. He reminded the Board of Trustees that there are projects being done outside of Green Mountain Falls that would still prove beneficial for those living in this area. All entities pay a fee based on their impervious surface areas, and Green Mountain Falls property owners will likely pay less on average than those property owners in El Paso County. While some portions of the watershed fall into the Teller County and Park County areas, this proposal will target those action items in El Paso County. His honest opinion is that this IGA proposal is both politically savvy and very sound from an engineering standard. Trustee Quinn asked how to best approach this from a planning perspective, and Mr. Munger explained that the authority given to that Board would have some direction from both a Technical Committee and a Citizens Advisory Committee that would work in tandem to determine the sequencing of the projects. They'll likely consider the engineering solutions that make the most sense and can offer the greater good to the larger number of affected property owners in establishing that order of priority. The citizens of Green Mountain Falls that are within the El Paso County limits won't pay that same fee.

(4) Attorney Krob clarified that while a special election can create an IGA, it's important to note that Colorado Springs did have a very good storm-water enterprise program that was defeated by their electorate. This agreement would be the first-ever arrangement of its kind for the local watershed and Front Range community to partner together for mutual benefit. From the time of the election results, the voters can say "no" and withdraw their participation within the first 90 days without any financial penalty. Trustee Quinn noted that there could likely be lengthy timelines to address the action items of greatest concern to our residents, so why not wait for the vote as opposed to garnering support now? Mr. Munger noted that the IGA forms the basis for this Board, and if they review the work details first, there is a greater opportunity for everyone involved to discuss, understand and then make recommendations early on in the process. If the Green Mountain Falls community objects to Colorado Springs having the majority in this group, then this would be the time to voice those objections.

Trustee Stevens asked if this IGA, following the RTA model, requires a vote first, and then the funding opportunity is available; but if the voters approve and then form the district, is working out the details an after-thought? Mr. Munger explained that the residents can request that the storm-water authority have a storm-water staff and management component to ease that process and the transition that would follow the vote.

(5) Attorney Krob noted the significance of an MS-4 permit – the federal government would require every entity participating in this agreement to have an MS-4, and the storm-water authority could easily manage that process for all the participants.

Trustee Butts asked if the fees for Green Mountain Falls would be capped at the \$4,398 amount, and Mr. Munger reiterated that on average, citizens in the Green Mountain Falls area would pay \$10 or less per month.

Trustee Quinn asked about a non-residential cap for those larger entities, and Mr. Munger responded that the amount had not yet been established, but it would be announced very soon.

Trustee Stevens inquired about the opportunity for RTA projects that are drainage-specific – would those not be relevant, because they're RTA projects? Mr. Munger answered that RTA projects would be

handled in a separate fashion. Trustee Stevens asked who he should talk to so he could find answer on the specific items of RTA concern, and Mr. Munger pointed him to Mr. Draper. Trustee Stevens will contact Mr. Draper for place-holder language to address the stream work without the heavy engineering requirements that would come into play later on. Mr. Munger recommended this phrase "Our vote is contingent upon..." and list those items that are deal-breakers. Trustee Ellis reminded the group that although the physical locations of the projects are obvious, the benefits don't stop at the county line. Trustee Butts said the local fees generated would be less than \$100K annually, but if no one on that Board wanted to spend money on improvements in Green Mountain Falls, can the Town pull those funds back in if there isn't enough interest in the projects we'd like to pursue? Mr. Munger noted that the reasoning behind this partnership is that the authority can raise more money than they could as individual municipalities, and that enables the authority to bond against the fees raised. Trustee Quinn asked about the 5-year rolling average, and if the money would be spent within the Town, Mr. Munger confirmed the money raised in Green Mountain Falls must be used to remedy problems within Green Mountain Falls, and the Town will determine how the monies are spent.

Jane Newberry (10660 Illinois Ave.) asked if it might be viable to pursue something with Teller County and Woodland Park since the bulk of water comes from those areas upstream. She also indicated a preference for a "full vote" on the authority, on the Town's behalf. She also wanted to know if the authority has "eminent domain" and some measure of immunity. Mr. Munger explained that those items are not mentioned in the context of the IGA, but it does address condemnation of property and suitable recommendations there. He encouraged participation with Teller County and Woodland Park via a different type of IGA, as they both already have existing storm-water enterprises.

Dr. Trejon (6850 Howard St.) commented that the map seems to be missing some vital areas, including a portion of Teller County, and while that could be politically challenging, it needs to be addressed nonetheless. This community is where the head-waters start, and that should give the Town more negotiating power. She would also prefer to see a "full vote" given to Green Mountain Falls, as opposed to the shared arrangement with Palmer Lake. She asked how many staff would be devoted to this process, and at which level – are they likely to be project managers, secretaries, facility personnel, etc.? She thought this IGA is great in principle, but needs to be fleshed out with additional details before taking it to voters. Mr. Munger noted that there would be a cap on administrative costs, including staff time, of a 1% maximum. The real administrative costs are out-sourced via a project manager or their staff of 3-4 people, including a secretary or assistant to help with the details. Mr. Munger explained that having a strong leader in the project manager role will ensure defensible contracts, as well as the completion of projects on time and within the budgetary requirements. He reminded the group that he is a volunteer, not a paid staff member, and has offered his time to facilitate with the research and discussion of this process, given his background. He noted that the section of Green Mountain Falls that is within the Teller County boundary won't have a simple resolution, as it's a rather complex scenario, but there has to be an option that is equitable and agreeable. Mayor Worthey commented that she didn't want that to be something that could potentially divide the Town, and asked if they should consider writing something now to act as a preventative measure? Mr. Munger deferred this question to Attorney Krob, who stated that they can elect to charge a fee and still have an equitable arrangement. He has samples of the language he can forward to the Board for review and subsequent discussion. He reminded the group that 90 days from the election, they can still give a 30-day notice to withdraw from the program without penalty. He also explained that in its current form, if the Town should have a new Board of Trustees in 4-5 years, and they want to withdraw from the arrangement, they still can, but will be required to give proper notice, and there may be a small penalty assessed. He also mentioned that by comparison, no one has asked to leave the RTA arrangement, and even more communities have asked to join in. He expressed that if the agreement produces a positive result, especially within that first year, most everyone committed would be more reluctant to withdraw. Most other communities in the area that are not being included in this process, have previously addressed their storm-water needs in another format.

Mac Patrone (10840 Myrtle St.) noted his discomfort with how many County Commissioners would be participating in that authority. Mr. Munger noted that Colorado Springs would have 7 members, comprised of 6 of their City Council representative and the 7th would be the Mayor, El Paso County would have 2 County Commissioners participating, with Green Mountain Falls and Palmer Lake sharing a vote, and all other areas would have 1 County Commissioner. Mr. Patrone commented that the proposed make-up of the authority significantly stacks the odds in Colorado Springs' favor and would likely fall in opposition to anyone else's concerns. Mr. Munger explained that there is a required "super-majority"

required for consensus across budgetary and planning questions. The smaller municipalities will still have a voice and the power to effect change. Mr. Patrone also expressed that the vast majority of items they're likely to address are self-mitigating by the time they reach Colorado Springs, and therefore he sees this as an inequitable solution. Mr. Munger commented that the authority will be reacting to the advice of the Technical Committee and the Citizen's Advisory Committee, whom the authority will look to for their significant expertise. Mr. Patrone was also concerned about Colorado Springs having the largest number of votes on that Board when it comes time to choose contractors, suppliers, etc. because Green Mountain Falls carries the bulk of the risks and problems associated with storm-water management. He takes issue with Colorado Springs wanting and demanding more than everyone else. Mr. Munger explained that each of the projected members of this authority are bound by the list of projects listed in the IGA.

Anne Ash (6830 Colorado St.) noted that Monument has already expressed distaste for the idea, and if Palmer Lake opts out, it gives the appearance that smaller communities are not in favor of this concept. Mr. Munger said that they are all trying to find a semblance of equity, and there's a great deal of engagement for this agreement, but it could still be recalled if the authority members make poor choices. Mayor Worthey called the question, Trustee Stevens asked if the Board of Trustees felt it appropriate that they move to sign the agreement. Attorney Krob noted that if the citizens are concerned about wanting the "full vote" as noted earlier, he recommends making that a negotiating point, and is seeking additional direction. Trustee Cook expressed he would also prefer a "full vote". Trustee Stevens would like to see a component for those Green Mountain Falls residents whose properties are within the Teller County area. Attorney Krob encouraged them to require complete transparency, and that speaks directly to those members on the authority, but isn't voiced in the IGA. He recommended the Board of Trustees entertain the motion to approve the IGA in its current draft form, subject to the change of 1 "full vote" annually. Mayor Worthey asked if any of the other entities reject the proposed IGA, could Green Mountain Falls have a "full vote"? Mr. Munger thought that was not an unreasonable request, but said not to count on it. At present, he would be surprised to see Palmer Lake opt in. Mayor Worthey understands the logic, and has no reason to think the cooperation from the other partners wouldn't continue. Trustee Stevens stated that these types of things rarely come down to a difference of just one vote, and the RTA model has really taught a lot of folks to partner well together, so long as everyone can be involved and remain a part of the decision-making. Ms. Ash asked if Green Mountain Falls doesn't engage in the IGA, would residents still be taxed? Mr. Munger noted this is technically a Board of Trustees decision, but it will come down to a county-wide vote. Trustee Butts expressed that he was initially concerned about the vote, but after doing the math, it does make some sense and with the 90-day option to withdraw without penalty, that resolves his concerns. Dr. Trejon commented that there's no such thing as a "half vote" or "Shared vote", and there's too much of a lack of power by continuity. Trustee Cook said that if this was intended to represent more favorably to one community, it should have been advised that way, rather than being billed as equitable representation across communities. He said he fully believes in the process but wondered why it was thought of that way in the first place. Mr. Munger commented that in a memo of understanding with Colorado Springs and the County Commissioners, while Colorado Springs has the majority of jurisdiction, and the majority of the taxation, they have, in essence, limited power by requiring the "super majority" for consensus items. With a "shared vote" the size of the population in an area is relative, and they wanted to try and maintain a smaller body of members, just to be productive. Mr. Patrone expressed the disparity and inability for other communities to have their needs addressed with so much weight behind the Colorado Springs contingent. Mr. Munger reiterated the requirement for a "super majority" and Trustee Stevens stressed the idea that this isn't going to be about the numbers – it's about the relationships and the outcomes that will matter most. Mr. Patrone disagrees and felt that no matter how good a relationship is, that doesn't mean it's honest and transparent. Trustee Cook stated that if Palmer Lake opts out, that might not matter as much. Mr. Munger said he didn't intend any disrespect, but "clout per person" is tough to develop.

Richard Bowman (address) indicated he is disturbed by the notion that Colorado Springs is leading this effort. Green Mountain Falls is the highest taxed portion of El Paso County and would have the least representation on this authority if it shapes up the way it's being presented. Mr. Munger noted that there would be a cap, but he hasn't seen a number assigned to that yet. Another resident (name?) asked if this item might be tabled for the time being? Mayor Worthey and Mr. Munger both agreed that they would have more information in the coming weeks, and asked if the Board of Trustees preferred, Mr. Munger could attend again on Aug. 5th to revisit with additional information. Attorney Krob commented that

perhaps a special meeting, prior to the Aug. 5th regular meeting, would offer a better opportunity for additional discussion. Trustee Butts would prefer not to schedule a special meeting. Trustee Stevens told the group that the RTA model provided for some restrictions in the election of officers within that entity, and was under the impression that it would be the same here. Mr. Munger clarified that they cannot be serving as multiple officers of the same board at the same time, expressed that he had been very impressed with the citizens' awareness and level of engagement thus far, and would be happy to return for Aug. 5th meeting.

UPDATE ON TOWN HALL CONSTRUCTION PROJECT:

General Contractor Ken Murphy addressed the Board of Trustees with an update on Town Hall construction progress. Due to weather and framing delays, he believes they are roughly 5-6 days behind the anticipated schedule, but that really isn't too bad at this stage. The budget has been right on thus far. The foundation was completed approximately a month ago, the backfill work is being finished up now, as they prepare for underground plumbing work. The framers are planning to work through the weekend to make up the time on their schedule, and then the next portion of their time will be devoted to completing the retaining wall and backfill requirement for that. He is keeping a daily ledger and taking photos throughout the build, so the Board of Trustees will have required documentation if there are any problems down the road. The majority of their work over the next month or so will be framing in, then "dried in". He is double-checking invoices before they come to the Board of Trustees for approval. They have also been conducting their required concrete testing to confirm its' strength and all is going very well. Dr. Trejon asked if citizens could come in to see the site and be a part of this experience? Trustee Stevens expressed that safety is tantamount, but inquired if might be possible to arrange for a hard-hat tour for the Board of Trustees and those members of the community who were interested? Attorney Krob encouraged the Trustees to have this discussion with CIRSA first – it might be that the contractors' liability would not cover the Town against injury, but he would trust the Board of Trustees' recommendation.

PUBLIC COMMENT:

Pamela Giraud (10770 Hondo Ave.) indicated she might not be able to attend the regular meeting on Aug. 19th, to hear Chris Keesee's comments in reference to the Trail Committee. After reading his email, she is most concerned about fire safety. He has referenced Dick Bratton's plan and will proceed slowly and cautiously, but he'd prefer to make this a decision that comes from the Town leadership. Anne Ash reminded her that the last time Mr. Keesee had sent a representative in his place and encouraged residents to write to him, care of the foundation.

Mac Patron (10840 Myrtle St.) expressed concern over the upcoming rain events and said the Town should consider hiring some additional staff to assist Mr. Cuilliani with those tasks. He also reiterated his concern about the storm-water authority being stacked against the smaller communities participating in the IGA, and asked the Board of Trustees to seriously consider not signing on, especially if waiting for 1 year won't be detrimental to the cause. That would afford more time to research and plan strategically for what needs to happen next.

Philip Snow (█ Olathe St.) asked if there could be a working committee to address the disparity of the storm-water issues, or if there was a workshop planned? Trustee Stevens indicated that there had not been a committee formed for this purpose.

ITEMS NOT ON THE AGENDA:

Mayor Worthey reported that they had seen 4 great candidates for the Town Clerk position, and would like to pursue hiring their top choice for the role. Trustee Butts commented that he is sensitive to the nature of the negotiating stage, but would move for the Board to enter into negotiations with their top choice. Attorney Krob advised someone from the Interview Committee should make that motion. Trustee Butts/Gardiner M/S to allow Trustee Stevens and Mayor Worthey to pursue the top-choice among the candidates.

John Ives reported on an upcoming Eagle Scout Project opportunity. He provided a copy of the rough draft work plan to the Board of Trustees, and once they review, he can take to the PPBSA for final approval. He would like to do a creek-bed clean-up and maintenance type project, including about 20 volunteers. They would remove debris from the creek-bed, mulch any tree materials and hire a contractor for removal of trash items. This would be slated for 4-5 hours of work on Sat. Aug. 9th. Trustee Quinn clarified that they would be required to bring Mr. Cuilliani in to run the chipper, and have a parent or

John's Scoutmaster on hand to use the chainsaw. Scoutmaster **Scott Ranke (?)** noted there is an insurance policy at the BSA that covers all volunteers working on scouting activities. Attorney Krob will discuss it with the CIRSA rep, but does not foresee any issues with this effort. Trustee Gardiner asked him to take photos during the project and report back to the Board of Trustees. Mr. Ives confirmed that this will be an opportunity for community members to work together, and he would like to contact a television crew to film the work. Attorney Krob noted this aligns well with having the Town shown in a positive light and could generate some great public relations opportunities. Mr. Bowman commented that the recent floods offer a good lead-in for John's story. Trustee Quinn noted that the Marshall might prefer to accompany the working crew, since someone from the Town staff would be required to be present; he also noted they would need a specific area to stage items for mulching or removal. Jane Newberry offered an idea to make that date a community work day and generate some additional clean-up efforts. **Trustee Butts/Stevens M/S to approve John Ivey's work plan, provided it be amended to include Town staff, John agreed to amend as requested, ALL YEA.**

Trustee Stevens noted that the idea of PPRBD collecting fees on the Town's behalf might be a great idea, and he would like to re-open that for discussion, once Trustee Quinn has attended their next meeting and can offer some insight into that process. **Trustee Stevens/Quinn moved to table this discussion item until the next meeting on Aug. 5th, ALL YEA.**

BOARD OF TRUSTEE REPORTS:

Attorney Krob reminded everyone the items discussed here are usually non-action items.

Mayor Worthey noted she will be attending a hazard mitigation meeting later this week, as well as a "State of the City" luncheon on July 24th, hosted by the Colorado Springs Business Journal. She noted the upcoming Bronc Day events and asked the Trustees about participating in the parade that day. This is a whole new Board, and she'd like to make a public introduction and celebrate their efforts. Trustee Butts will be driving the fire truck, Trustees Cook and Quinn confirmed their participation, Trustee Gardiner will be on horseback, and Trustee Ellis will contact Mr. Vahsholtz to inquire about the half-linger and carriage. She will visit with residents about sandbags and line up a dumpster for debris at the community clean-up. Trustee Stevens encouraged Trustees and residents to participate in the community clean-up and make it a targeted event for everyone here.

Trustee Cook would like to work through a list of equipment items to be recycled or scrapped – some items could be sold and the funds put back into the Public Works budget line item for future use. Mayor Worthey liked the idea of being able to recycle some items and reinvest the proceeds from the sale of those other items with some remaining value. Trustee Stevens/Mayor Worthey M/S to sell those items and deposit proceeds to support the Public Works budget or that of other departments on an as-needed basis. Attorney Krob counseled them to refer to the Asset Policy. Trustee Butts has a copy and noted that Cindy from Calhan had previously suggested putting those items out for bid. She commented that using language such as "any and all bids can be rejected" give the staff the discretion to act accordingly. Trustee Cook noted there are 2 trucks, a blade and a dozer that would be sellable items, but the others are largely scrap metal, and the price per pound will vary daily. Attorney Krob recommended bringing this item back for further consideration at the next meeting on Aug. 5th. Trustee Cook also noted that the restroom facilities at the park had not been properly maintained, advised contracting with an outside service provider to have that repair work completed, and noted the price would likely run about \$2,100.00. Attorney Krob recommended they poll this item and cover at the next meeting. Trustee Stevens noted that this isn't an end-all concern, but more of an inconvenience.

Trustee Stevens reported that his meeting obligations with RTA and PPACG were not for 2 more weeks, and the RBD discussion had been postponed for absence of a quorum.

Trustee Gardiner reported that she has been working with Mr. Bratton and would like to get an agenda pulled together for their next Trails Committee meeting. Attorney Krob advised that the agenda would need to be published to meet the open meetings requirement.

Trustee Ellis had no report at this time.

Trustee Butts reported that he will be working with Cindy from Calhan to work through her recommendations for a budget amendment.

Trustee Quinn reported that he would attend a RBD Advisory Board meeting tomorrow, and will bring up the question of collecting fees. He will also reach out to Rob Siever on behalf of the Town Hall Construction Committee to review the items considered in the project that fall outside the framework for

funding, and make a plan for how to address those items. This is an evolving process and he will continue to keep the Board of Trustees apprised of their discussions.

Attorney Krob commented that the PPRTA IGA, seconded as amended causes him no concern, as it reaffirms what this Board is already doing. He encouraged Trustee Stevens to place 3 items before the Board on Jan. 1, 2015 for further discussion then. In the matter regarding the 2 end-users of the 2" pipe, he noted that the end-users would need to grant an easement, and therefore, he is seeking the Board's assistance in locating Mr. Eldon Leggett, as he doesn't have current contact information. He also stated the information for Timothy Thomas, Jr. of Kit Kat Properties is also out of date. Mayor Worthey will follow up with them, and can make the mail option a last-resort to communicate with these property owners. As a part of the easement agreement, it needs to specify that CSU won't build on top of pipe or if they are permitted to relocate the pipe. Trustee Butts will pass Attorney Krob's business card along to Mr. Thomas, and home-owner Phil Snow will follow up with Mr. Leggett at his storage yard.

MUNICIPAL CORRESPONDENCE:

Mayor Worthey confirmed there was no municipal correspondence at this time.

The meeting was adjourned at 9:55 p.m. and the next scheduled meeting will be held at Town Hall on Tues. Aug. 5th at 7:00 p.m.