

**BOARD OF TRUSTEES  
TOWN OF GREEN MOUNTAIN FALLS  
MINUTES OF REGULAR MEETING - TUESDAY, AUGUST 18, 2009**

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 Newberry present Worthey present

**ADDITIONS, DELETIONS OR CORRECTIONS TO AGENDA** – No changes presented.

**CITIZEN'S INPUT** – Hondo Avenue resident, Molly Stevens was present to announce her intent to run for the District 14 School Board election in November and to solicit signatures for her petition. No other input received at this meeting.

**CONSENT AGENDA**

- APPROVE BOARD OF TRUSTEES MINUTES: 08/04/09
  - APPROVE BILLS DUE AND PAYABLE: \$9,704.52
  - ACCEPT PLANNING COMMISSION MINUTES OF 8/11/09
- M/S Bratton/Newberry to approve the Consent Agenda as submitted. All yea

The Public Hearing was called to order at 7:03 p.m.

**PUBLIC HEARING: REQUEST FOR SPECIAL USE TO OPERATE A VACATION RENTAL IN A RESIDENTIAL ZONE - 11175 FALLS AVENUE: PROPERTY OWNER, KAREN BARTKE CLARK AND PROPERTY MANAGER/OWNER OF RED DOOR VACATION RENTALS, KIM WEST** were present. The clerk mailed out seven informational packets to property owners within 100' of the petitioners property lines. Five letters in favor of granting the special use have been received to date. Planning Commission held a public hearing on August 11, 2009 to review this request. The following findings were agreed upon by the commissioners after the Public Hearing:

- the petition conforms to the requirements of the zoning ordinance
- the requested use conforms to criteria within the zoning ordinance
- the use will not be unreasonably detrimental to the public health, safety and welfare of the neighborhood
- increased revenues will be realized for the Town through sales and lodging taxes
- surrounding property owners in favor of granting a special use

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

**M/S Useman/Bratton to concur with the findings of the Planning Commission and grant the special use for 11175 Falls Avenue. All yea**

Mayor Stevens called a Public Hearing to order at 7:07 p.m.

**PUBLIC HEARING: READING AND APPROVAL OF ORDINANCE 01-2009 - AN ORDINANCE AUTHORIZING THE PURCHASE OF A 2005 CATERPILLAR 420D BACKHOE LOADER ST 2WS FROM WAGNER CAT AND THE FINANCING THEREOF** Public Works Director Robert McArthur summarized his research for this piece of equipment for audience members. He had made a formal presentation to the Board on 8/4/2009. The clerk read the specific lease purchase arrangements with the Town and Park State Bank. The first payment is not due until April 2010. Copies of the ordinance are available for review at the Town Hall. Wagner has delivered the backhoe to the Public Works Department.

There being no further comments from staff, audience or Board members, the Public Hearing was closed at 7:11 p.m.

**M/S Bratton/Pitrone to approve Ordinance 01-2009. All yea**

The Board assumed the role of the local Liquor Licensing Authority for the next agenda item at 7:12 p.m.

**REQUEST FOR HOTEL AND RESTAURANT LIQUOR LICENSE RENEWAL, BUFFALO CHEFS, INC, THE PANTRY RESTAURANT, 6980 LAKE STREET, OWNER/OPERATOR, BEN STEPHENS** This item was tabled from the 8/4/09 meeting due to the absence of the petitioner. The Board had also requested clarification from Stephens as to whether or not there has been a change in the operation plan of the Pantry Gardens Backyard Dining from the operation plan of the Gardens as presented to the Board on 8/28/08. The Board received information at the 8/4 meeting that the Backyard was being opened at 9:00 a.m. on the weekends for a buffet which differs from the 8/28/08 plan that stated the Gardens opened at 5:00 p.m. Ben Stephens was present and submitted a letter dated 8/18/09 stating that the operation plan for the Pantry Gardens Backyard Dining has not changed as Stephens interprets the operation plan to be. Nan Stephens stated that the operation plan of 8/28/09 was to be flexible. She also stated that local liquor licensing authority should not dictate the owner's right to serve meals from one service area to another. She stated that the buffet service was not a change to the operation plan and addressed sections within the State liquor code that define what operational conditions actually are. Mayor Stevens stated that the plan presented dated 8/28/09 is still applicable and he did not view it as flexible but fairly rigid. Confusion appears to continue with Stephens regarding the Board's authority to place reasonable restrictions on the operations of the Pantry Gardens. These restrictions did not apply to the Pantry Restaurant. Stephens felt the restrictions were only related to the music levels and use of DJs.

Marshal Ford submitted a department letter referencing the renewal request. Ford stated that there have been no liquor license violations in the past year. He addressed the numerous noise complaints that the department has received prior to 7:00 a.m. several times a week. In the letter, Ford made recommendations to Stephens on lessening the noise intrusion to the neighbors. Trustee Useman stated that noise complaints, not relating to the restrictions tied to the Pantry Gardens are a separate issue and the Board should address the liquor license renewal. **M/S Useman/Bratton to renew the Hotel Restaurant Liquor License for Buffalo Chefs, Inc., The Pantry Restaurant. All yea**

Stephens was requested to follow the recommendations of Marshal Ford concerning noise dampening procedures that would alleviate early morning noise complaints. Neighbors in the audience also discussed the radio being played in the Gardens well after customers were gone and on one occasion well after 11:00 p.m. Nan Stephens apologized for that event and Ben Stephens stated he would implement changes to reduce noise impact to the Nords' and Jollys'. Nan Stephens stated that the Town's zoning was incorrect to allow apartments in commercial areas. She felt that it is the government's zoning duty to put in a buffer. The trustees replied that the codes have been historically in place for decades. Commercial zoning codes do allow for apartment units within commercial zones. Ken Nord noted that 80% of the GMF businesses in the downtown area has an apartment unit. Mayor Stevens was encouraged by the procedures Stephens agreed to put into place. He reminded Stephens that he will have to go before the Planning Commission. Trustee Pitrone added that he felt the morning kitchen staff lacked supervision and Ben said he would discuss early morning noise issues with them.

At 7:58 pm., the Board of Trustees completed business as the local liquor licensing authority.

**RESOLUTION 2009-06 - A RESOLUTION ESTABLISHING PROCEDURES AND GUIDELINES FOR THE FORMATION OF ADVISORY COMMITTEES FOR THE TOWN OF GREEN MOUNTAIN FALLS** Mayor Stevens recommended changing the order of the sections within the resolution presented which brought no further discussion from the Board members. **M/S Bratton/King to approve Resolution 2009-06 with the Mayor's recommendations. All yea**

**RESOLUTION 2009-08 A RESOLUTION ESTABLISHING A TRAILS COMMITTEE FOR THE TOWN OF GREEN MOUNTAIN FALLS, COLORADO**  
**M/S Worthey/Pitrone to approve Resolution 2009-08. All yea**

**GREEN MOUNTAIN FALLS GIS STATUS UPDATE** - Trustee Worthey gave a comprehensive presentation on how the Town's GIS will function. This is a leading edge tool and will be extraordinary for this small community to have. There will be a base map, contours, trails system, street centerline, elevations and hydrology. There will be general public access to key areas. Each department head will have individual access based on the department needs. There will be a lock down for privacy protection. Worthey will be presenting this data at the upcoming annual GIS conference on September 15th through the 18th in Loveland, Colorado. Event is free and open to the public.

**REPORTS:** **Marshal Ford's** report was entered into the record by Mayor Stevens and presented by Deputy Amundson.

**Mayor Stevens: PPACG/PPRTA:** No report.

**Trustee Pitrone: Regional Building/Public Works Department** - Pitrone mentioned that he and Mayor Stevens had met with representatives of the EDC. The group is approaching Regional Building with the proposal of adding a fee that would benefit EDC onto out of state commercial submittals. No further report. **DPW Director** Robert McArthur's report was entered into the record.

**Trustee King: Pool / PPACG Alternate / TES Alternate Rep / Admin / Grant Research** – No report.

**Trustee Useman: Manitou School District 14** – No report.

**Trustee Worthey: GIS** – No report.

**Urban Forestry :** No report.

**Trustee Bratton:** Bratton reported that Bronc Day was very successful and commended all the committee members that assisted with the event

**Trustee Newberry: Parks** – No report.

**NEW BUSINESS:** No new business was brought before the Board of Trustees requiring discussion or action.

**CORRESPONDENCE:** No correspondence was received requiring Board of Trustee discussion or action.

The meeting was adjourned at 8:39 p.m.

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Mayor Tyler S. C. Stevens

**ATTEST:** \_\_\_\_\_  
Chris Frandina, Municipal Clerk