

**BOARD OF TRUSTEES  
TOWN OF GREEN MOUNTAIN FALLS  
MINUTES OF REGULAR MEETING - TUESDAY, SEPTEMBER 7, 2010**

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

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

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

**CONSENT AGENDA - APPROVE BOARD OF TRUSTEES MINUTES 8/17/10  
- APPROVE BILLS DUE AND PAYABLE: \$11,317.20  
- ACCEPT PLANNING MINUTES OF AUGUST 24, 2010**

**M/S Newberry/Bratton to approve the consent agenda as submitted. All yea**

**PUBLIC INPUT - Items Not Listed on Agenda \* - No input received.**

**Mayor Stevens called the Public Hearing to order at 7:01 p.m.**

**ORDINANCE 05-2010 EXTENSION OF THE MORATORIUM ON THE SUBMISSION, ACCEPTANCE, PROCESSING AND APPROVAL OF ANY APPLICATION FOR A TOWN OF GREEN MOUNTAIN FALLS, COLORADO PERMIT OR LICENSE RELATED TO THE OPERATION OF A BUSINESS OR COOPERATIVE THAT SELLS, DISPENSES, OR CULTIVATES MEDICAL MARIJUANA PURSUANT TO THE AUTHORITY GRANTED BY ARTICLE XVIII, SECTION 14 OF THE COLORADO CONSTITUTION** There being no further comments from the Board or audience members, the Public Hearing was closed at 7:04 p.m. **M/S Newberry/Useman to approve Ordinance 05-2010 extending the Medical Marijuana Dispensary Licensing Moratorium until July 1, 2011. All yea**

**RESOLUTION 2010-07 A RESOLUTION OPPOSING PROPOSITION 101 AND AMENDMENTS 60 AND 61 -** Trustee Bratton stated that, if approved in November, Proposition 101 and Amendments 60 and 61 will have a significant impact on town services. These items affect all forms of government - municipal, county, special districts, school districts, fire districts and state government. Bratton stated that these ballot issues are a horrendous attempt to destroy government. These measures individually and collectively significantly reduce or restrict both state and local revenues including but not limited to: specific ownership taxes, telecommunication taxes, state income tax, state-shared revenues to assist municipalities with local street and transit improvements, and state grants and loans to help local government, and property taxes. The Town's ability to finance long term capital improvements will be dramatically impaired by the debt restrictions on debt financing as proposed by Amendment 61. The Board is concerned with a potential loss of more than \$26,000.00 in revenues in the first year from proposed reductions in specific ownership taxes, motor vehicle fees, Highway User Transportation Fund revenues and Telephone Occupational Fees and sales tax. Amendment 60 will cancel prior Town of Green Mountain Falls voter authorized property tax TABOR over-rides. Municipal elections addressing an increased tax or financial question would have to be placed on a November coordinated ballot and could not be placed on an April municipal election ballot. **M/S Worthey/Pitrone to approve Resolution 2010-07. All yea**

**PRESENTATION OF SCOPE OF WORK FOR REPAIRS AND IMPROVEMENTS TO EL PASO AVENUE EAST CULVERT BRIDGE - Department of Public Works**  
**Director: Robert McArthur** On July 4, 2010 the Town of Green Mountain Falls, Colorado experienced culvert bridge failure at the east end of the Town due to flooding through Fountain

Creek. The damage to the culvert bridge, installed over 20 years ago, has resulted in the road closure and vehicular traffic detouring. The Town of Green Mountain Falls applied to the State of Colorado Division of Local Affairs for assistance with construction costs incurred in the repair and re-construction improvements made to the failed culvert bridge on El Paso Avenue. The Town of Green Mountain Falls was awarded a grant by the State of Colorado through the Energy and Mineral Impact Assistance funding program for \$58,500.00. McArthur has researched options and presented Plan A and Plan B for the Board's review. Both plans total \$65,000.00 in costs which include engineering and the general contractor costs for tree removal, excavation, concrete, product and rehabilitation. Plan A is for a low water bridge with overflow spillway capability, which would dramatically reduce debris buildup and provide for flash flood overflow.

The adjacent and only property owner involved with this repair project on El Paso Avenue ROW, Sharon and Tom Dobson, do not favor Plan A. Sharon Dobson was present at the meeting and told Board members that Plan A will take a considerable section of their land that they do not want to give up. The Dobson's favor Plan B. McArthur described Plan B as an aluminum box culvert which can be installed entirely on the town 35' ROW of El Paso Avenue. He stated that this plan is a 60% solution to the problem though it will take less personnel time to maintain. While McArthur stated that Plan B will not provide a solution for flash flooding damage, he feels this installation will handle much more volumetric flow and debris. Mrs. Dobson felt Plan B would be adequate to accommodate debris. She voiced concern for downstream property owners and what damage Plan A would bring to their property. Dobson stated that Plan A limits the aesthetic quality of the town as well and will require considerable more maintenance for staff. Dobson thanked McArthur for his thorough submittal.

Dobson suggested that the Town develop criteria for private property owners bordering the creek to remove dead and downed limbs and debris. She feels it is not the volume of water causing problems but the debris washing down. Dobson expressed concern over the removal of a large cottonwood tree in the proposed construction zone on the right of way. She hopes that the Town will not remove the tree that she feels has years of life left. This tree (along with four others in the proposed construction zone) was examined by the Town Forestry technician, Jinnie Will, and a report submitted on 8/6/20. Will found after coring the tree that it was dead with the exception of 4" around the circumference of the tree. Will noted that the root system is in failure. Trustees Bratton and Pitrone felt that Plan A would be a more permanent solution for all concerned. McArthur was recommending Plan B to the Board especially due to time constraints regarding current low stream flow and pending weather changes. He favored moving forward with getting this repair done and the road reopened for the good of all. Condemnation, prolonged legal procedures extending the repair would not benefit the adjacent property owner or the public works department. McArthur reported to the Board members that the Town is responsible for \$6,500.00 in project financing from sources other than State funds. McArthur proposed \$2,500 from an increase Public Works received in May of 2010 from PPRTA. He then proposed that the Town allocate Contingency Funds for \$4,000.00 that he will reimburse over a two year period.

**M/S Pitrone/Newberry to accept Department of Public Works Director's scope of work for Plan B. Pitrone, Newberry, Useman, Stevens, Worthey in favor; Bratton opposed.**

**RESOLUTION 2010-09 A RESOLUTION ACCEPTING AND AUTHORIZING THE SIGNING OF THE GRANT CONTRACT FOR ENERGY AND MINERAL IMPACT ASSISTANCE PROGRAM FUNDS (EIAF #6902) M/S Worthey/Useman to approve Resolution 2010-09 accepting and authorizing Mayor's signature on Grant Contract EIAF #6902. All ye**

**REPORTS:** The Marshal's Department report was entered into the record by the Mayor after summarization by Marshal Ford.

**Mayor Stevens: PPACG/PPRTA:** Stevens stated that he is working with PPACG to obtain funding for the Town towards identifying and seeking sustainable revenue sources.

**Trustee Pitrone: Regional Building - No report. Public Works Department: DPW Director** Robert McArthur's report was submitted into the record.

**Trustee King: PPACG Alternate / TES Alternate Rep / Admin -** No report. The Town Clerk submitted the August financial status printouts for review.

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

**Trustee Worthey: GIS website -** No report.

**Urban Forestry:** No report.

**Trustee Bratton: Trails -** Trails Volunteer Day to build Phase 2 of a new Crystal Creek Trail in the forest above Green Mountain Falls scheduled for Sunday, 9/12/10, 8:00 a.m. National Public Lands Day with Trails Maintenance and Construction is on 9/25/10 at 8:00 a.m.

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

**OLD BUSINESS - Trustee Bratton** stated that there has been correspondence submitted to someone on the Board that has gone unanswered this year. In particular, he noted the 8 page letter that a resident and business owner read to the Board at a public meeting in July. Bratton feels all correspondence should have a written reply. Bratton noted that there had been correspondence by another resident that has gone unanswered. Pitrone said he was not aware of correspondence that needed to be answered and expressed concern that correspondence was being received by either a trustee or the Mayor and not being copied to all Board members. He stated that it is a Board practice that everyone is copied. Mayor Stevens will meet with Bratton to research what information Bratton is referring to. Stevens stated that he did not feel that a written response was necessary for all correspondence received and that there are situations where the Board simply takes correspondence under advisement.

**NEW BUSINESS - The Town** received a quitclaim deed from property owner, David Marks who now lives in Grand Junction, Colorado. Marks desires to donate Lot 14, Block 30, Addition 4 to the Town. There is no road access to this lot which is platted on Myrtle Street. **M/S Pitrone/Bratton to accept the quitclaim deed for Lot 14, Block 30, Addition 4. All yea**

**CORRESPONDENCE: The Board** of Trustees received a Stipulation, Agreement and Order dated 8/26/10 from the Department of Revenue Liquor Enforcement Division addressing a liquor license violation for the Silver Tongue Devil Saloon. Business owner, Scott Hunt has agreed to a ten day suspension of the tavern liquor license as a penalty for a violation of the Colorado Liquor Code. The license will be actively suspended for three days from September 24 through September 26, 2010 and seven days of the suspension is to be held in abeyance for a period of one year. The violations took place on May 4 and May 11, 2010 and were related to gambling (Texas Hold 'Em card games) and the use of gambling devices not permitted by Article 9, article 47.1 or article 60 of title 12.

A penalty fine was also collected from the business owner by the Department of Revenue, Liquor Enforcement Division.

**A notice was** received from Colorado Springs Utilities notifying Ute Pass residents that In October, there will be a prescribed burn as a forest fire fuel reduction treatment on the North Slope of Pikes Peak. The area encompasses approximately 115 acres of land between the North Catamount and South Catamount reservoirs. This is through a cooperative agreement with the Colorado State Forest Service.

**The meeting was adjourned at 7:50 p.m.**

\_\_\_\_\_  
Mayor Tyler S. C. Stevens

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