

**BOARD OF TRUSTEES  
TOWN OF GREEN MOUNTAIN FALLS  
MINUTES OF REGULAR MEETING – TUESDAY, NOVEMBER 6, 2012**

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

**ATTENDANCE:** Newberry - present Pitrone - present LoCascio - present  
Price - present Stevens - present

**ADDITIONS, DELETIONS OR CORRECTIONS TO THE AGENDA** – No additions, deletions or corrections presented.

**CONSENT AGENDA**

- APPROVE BOARD OF TRUSTEES MINUTES 10/02/12 and JOINT SESSION MEETING OF 10/09/12
- APPROVE BILLS DUE AND PAYABLE FOR \$11,097.87

**M/S Pitrone/Newberry to approve the Consent Agenda as presented. All ye**

**ACCEPT PLANNING COMMISSION MINUTES JOINT SESSION 10/09/12 AND 10/23/12 INTO THE RECORD M/S LoCascio/Newberry to accept the Planning Commission minutes into the record. All ye**

Mayor Worthey closed the regular meeting and opened the Public Hearing at 7:09 p.m.

**PUBLIC HEARING - SECOND PRESENTATION OF A REQUEST TO PURCHASE 1,380 SF SECTION OF HONDO AVENUE PUBLIC RIGHT OF WAY; 10645 UTE PASS AVENUE - Property Owner, The Green Mountain Land & Cattle Company, LLC – Representative, Surveyor Erik Watts**

**PUBLIC HEARING - REQUEST A 4' VARIANCE TO THE EAST SIDE PROPERTY LINE SETBACK - Property Owner, The Green Mountain Land & Cattle Company, LLC – Representative: Surveyor Erik Watts**

A letter dated 10/09/12 from Jesse Stroope, General Manager of The Outlook Lodge making a formal request to purchase a 1,380 square foot portion of Hondo Avenue right of way to create a conforming lot for 10645 Ute Pass Avenue was received and entered into the record. As outlined by Stroope, the lot is less than 3800 square feet, zoned as a legal non-conforming lot. Approval of the sale would increase the square footage to create a 5,000 square foot legal conforming lot. The property owner desires to make improvements to the property and convert it from residential use to a business use. The request followed the criteria outlined in the Municipal Code, Section 11-116 through 11-120. The land is zoned business. A legal nonconforming property can be maintained but not expanded. The property will be used in conjunction with The Outlook Lodge operations. An encroachment has existed on a portion of Hondo Avenue right of way since the building was constructed in 1955. The property taxes collected have been assessed using the residential rate because the use was residential for the past twelve years.

The site was posted with a Public Hearing Notice and a Public Hearing Notice for 11/06/12 and 11/20/12 were published in the Courier View. Four informational packets were mailed to property owners within 100' of the property. Sharon Pruitt, 10660 Hondo Avenue called Town Hall on 10/18/12 requesting clarification on the site plan layout. (On 11/07/12, a letter was received from Mr. & Mrs. Charles Giraud, 10770 Hondo Avenue, favoring the granting of the variance and the sale of ROW). The driven portions of Hondo Avenue will not be

interfered with; the encroachment will be corrected within the existing footprint. Public Works Director, Robert McArthur has performed a site visit and concluded that there would be no impact to the current use of Hondo Avenue. The last sale of public right of way approved by the Board of Trustees was in 2003 for .81 a square foot.

Addressing the side setback encroachment was determined to be a beneficial procedure for the parcel to become compliant with municipal code requirements. The granting of a variance was in harmony with the general purpose and intent of the zoning codes; the variance would not be injurious to the neighborhood or detrimental to the public; unique conditions exist applicable to the land and structure and granting the variance is necessary for the reasonable use of the land. The variance addresses the south east side corner of the building which is 1' from the property line and is not to be considered a variance to rear property line setback requirements.

There being no further comments from the petitioner, audience or Board members, the Public Hearing was closed at 7:17 p.m. The following findings from the Planning Commission Public Hearing of 10/23/12 were addressed:

- Submittal complies with the Green Mountain Falls Municipal Code, Chapter 11, Article V, Section 11-116 through 11-120.
- There are no adverse effects to the Town. Property has historically encroached into the un-driven portion of the right of way since the construction in 1955. The existing driven portions of Hondo Avenue would not be changed from current width. The width of Hondo Avenue on to the east is 50' and on the west it is 35' according to the survey by Erik and Oliver Watts. Public Works Director, Robert McArthur submitted a memo dated 10/12/12 stating his department sees no conflict with the proposal.
- The benefits to the Town are: it is currently a non-conforming lot, less than 4,000 sq. ft. The lot size created with the sale would be 5,258 sq. ft., a legal conforming lot. Creating a legal conforming lot would permit improvements to be done to the current structure.
- The use of the property has been residential with residential taxes collected. The land is zoned business. The use is being changed to business for a motel operation. Sales and lodging taxes will be collected. Assessed valuation will increase with the significant improvements proposed Business property taxes will be collected at the 29% rate rather than the 7.96% residential rate.
- Ute Pass Realtor, Donna Jones, Land Resources provided ranges of the current square foot price of land. The range Jones gave was \$1.18 sq. ft. to \$3.21 sq. ft. Property owner's offer is \$3.81 sq. ft. for a purchase price of \$5,257.80.

**FIRST READING: ORDINANCE 03-2012 AN ORDINANCE AUTHORIZING THE SALE OF REAL PROPERTY - AN ORDINANCE AUTHORIZING THE SALE OF REAL PROPERTY**

**WHEREAS**, the Town of Green Mountain Falls on occasion receives petitions from property owners to purchase a portion of platted road right-of-way in order for the petitioners to alleviate structural encroachments on public right of way, or to obtain clear title or to attain a conforming lot size; and

**WHEREAS**, the Town of Green Mountain Falls holds title to certain public right of way (hereinafter "The Parcel") which is not being utilized nor is planned to be utilized for governmental function, use or purpose and is legally described as follows:

The easterly fifteen (15) feet of the westerly fork of Hondo Avenue, adjacent to Block F, Green Mountain Falls, Addition No. 1, El Paso County, Colorado, according to the Plat thereof recorded in Plat Book B at Page 29 of the records of said county, described as follows:

Beginning at a point of the south side of Ute Pass Avenue, and on the west side of said Block F; Thence on said west side of Block F for the following three (3) courses; (1) Thence on a curve to the left, having a radius of 15.00', a central angle of 121°47'03", a length of 31.88', and whose chord bears S57°15'28"W, 26.21'; (2) Thence on a curve to the right, having a radius of 157.09', a central angle of 12°24'42", a length of 34.03', and whose chord bears S02°34'18"W, 33.96'; (3) Thence on a curve to the left, having a radius of 15.00', a central angle of 113°47'15", a length of 29.79', and whose chord bears S48°06'59"E, 25.13' to the south side of said Block F; Thence on a curve to the left, having a radius of 300.00', a central angle of 03°03'05", a length of 15.98', and whose chord bears S73°27'51"W, 15.98'; Thence on a curve to the right having a radius of 15.00', a central angle of 119°27'21", a length of 31.27', and whose chord bears N48°20'01"W, 25.91'; Thence on a curve to the left having a radius of 142.09', a central angle of 18°29'07", a length of 45.84', and whose chord bears N02°09'06"E, 45.64'; Thence on a curve to the right having a radius of 15.00', a central angle of 125°14'27", a length of 32.79', and whose chord bears N55°31'46"E, 26.64'; Thence S61°51'00"E, along the South line of Ute Pass Avenue, 17.98' to the Point of Beginning, and containing 1380 square feet (0.03 Ac.).

**WHEREAS**, the Town of Green Mountain Falls has been petitioned by The Green Mountain Land & Cattle Company d/b/a The Outlook Lodge, property owner of 10645 Ute Pass Avenue, Block F, Green Mountain Falls Addition No. 1 to purchase The Parcel, consisting of one thousand three hundred and eighty square feet (1,380 sq. ft.) for three dollars and eighty-one cents (\$3.81) per square foot; and

**WHEREAS**, the Planning Commission held a Public Hearing on Tuesday, October 23, 2012 to receive public input and recommended approval of the sale of The Parcel; and

**WHEREAS**, the Board of Trustees for the Town of Green Mountain Falls held a Public Hearing on Tuesday, November 6, 2012 to receive public input; and

**WHEREAS**, the Board of Trustees consented to sell The Parcel at the request of the petitioners after careful consideration of the input from the public hearings and the recommendation of the Planning Commission; and

**WHEREAS**, the Board of Trustees for the Town of Green Mountain Falls agrees to quit claim title of said property consisting of one thousand three hundred and eighty square feet (1,380 sq. ft.) for three dollars and eighty-one cents (\$3.81) per square foot plus the cost of the ordinance publication and the appropriate filing fee of said ordinance and quit claim deed with the El Paso County Clerk and Recorder.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF GREEN MOUNTAIN FALLS, COLORADO AS FOLLOWS:**

**SECTION I  
SALE OF REAL PROPERTY**

**THAT**, said Legal Description of Portion of Platted Hondo Avenue Right Of Way requested to be sold is as follows:

The easterly fifteen (15) feet of the westerly fork of Hondo Avenue, adjacent to Block F, Green Mountain Falls, Addition No. 1, El Paso County, Colorado, according to the Plat thereof recorded in Plat Book B at Page 29 of the records of said county, described as follows:

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**SECTION II  
CONVEYANCE**

**THAT**, upon payment by The Green Mountain Land & Cattle Company d/b/a The Outlook Lodge to the Town of Green Mountain Falls of the sum of Five Thousand Two Hundred and Fifty-Seven Dollars and Eighty Cents (\$5,257.80) plus the cost of the ordinance publication and the appropriate filing fee of said ordinance and quit claim deed with the El Paso County Clerk and Recorder, the Mayor of Green Mountain Falls is hereby authorized and directed to convey by Quit Claim Deed the property described herein to The Green Mountain Land & Cattle Company d/b/a The Outlook Lodge.

**SECTION III  
CONTRIBUTION BY TOWN OF GREEN MOUNTAIN FALLS**

**BE IT FURTHER ORDAINED** by the Board of Trustees of the Town of Green Mountain Falls that the Town Clerk shall certify to the passage of this ordinance and cause notice of the contents and passage to be published and make not less than three (3) copies of the adopted ordinance available for inspection by the public during regular business hours.

**SECTION IV  
SEVERABILITY**

**BE IT FURTHER ORDAINED**, by the Board of Trustees of the Town of Green Mountain Falls that if any part or portion of this ordinance be declared illegal, void and unconstitutional that the rest and remainder of said ordinance be and remain in full force and effect.

**SECTION V  
EFFECTIVE DATE**

**BE IT FURTHER ORDAINED**, by the Board of Trustees of the Town of Green Mountain Falls that this ordinance shall therefore take effect upon adoption and publication in accordance with the requirements of Colorado Revised Statutes.

**A Public Hearing is set for Tuesday, November 20, 2012 at 7:00 p.m. for the second reading of Ordinance 03-2012.**

**TOWN WEBSITE DISCUSSION: Authorization to Register Domain Name, Cameron Thorne** submitted the information necessary to register the GreenMountainFalls.GOV name for the primary name of the consolidated website on 9/18/12 for Board review. He outlined the process in five steps. The annual cost for domain registration would be \$125.00. Trustee Price has agreed to cover the registration costs for two years. Initially, the Board must authorize the clerk to register the name. Registering the domain name is the first step. Website design and hosting will be a future discussion. Thorne will research federal requirements under Section 508. **M/S Price/Pitrone to authorize the Town Clerk to register the GreenMountainFalls.GOV with the Federal Government, GOV Domain Registration with the annual registration fee of \$125.00 being donated by Trustee Howard Price. All yea**

**2013 MUNICIPAL BUDGET UPDATE** – Three budget workshops have been held: 10/15, 10/22 and 11/05. Department heads and trustee liaisons have made a first presentation of the 2013 department budgets. Projected revenues are \$440,699.00 with projected expenditures at \$480,774.00. Administration budget: \$100,526; Marshal's Department: \$148,251; Maintenance: \$145,674.00; Pool: \$26,266; Parks: \$42,757; and Judicial: \$17,300. The next workshop had been scheduled for Thursday, 11/15; Trustees Price and Stevens reported that they cannot attend that workshop. The next date available that worked with all the trustee's calendars is 11/26/12 at 6:30 p.m. Budget printouts are available at the Town Hall.

A Public Hearing to adopt and appropriate the 2013 Municipal Budget and certify the 2013 mill levy has been set for Tuesday, December 4, 2012. Certification of the mill levy is due to El Paso and Teller County Commissioners by 12/14.

**INTERVIEW SESSION WITH THE THREE APPLICANTS FOR BOARD OF TRUSTEES VACANCY** – Trustee Newberry prepared a list of ten questions to ask the three applicants and asked that the Board choose five questions. Applicants Michael Butts, Margaret Peterson and David Cook were interviewed individually. After the interview session, Mayor Worthey informed the applicants that the Board members will vote for a candidate at the 12/04/12 board meeting when all the Board members can be present. The swearing in will take place on Tuesday, 1/15/13, the first scheduled Board meeting after the holidays.

**AFTER ACTION REVIEW** – Mayor Worthey requested that this agenda item be tabled until further notice.

**REPORTS: Mayor's Report:** Mayor Worthey received an invitation for the Board members to participate in the Woodland Park Christmas Parade on Saturday, 12/1/12. The members recommended that the invitation be forwarded on to the Ute Pass Chamber board. The Mayor had been asked to join a CQI committee through the Regional EMS Trauma Advisory Council (RETAC). The committee's mission is to foster and support cooperative and cost effective regional emergency medical trauma systems development.

**Marshal's Department:** Marshal Bradley's written report was submitted into the record.  
**Trustee Liaison Pitrone,** Advisory Committee Regional Building Department: No report.

**Public Works:** Robert McArthur's report was submitted into the record.

**Trustee Liaison Newberry,** Administration: No report.

**Trustee Liaison LoCascio,** Parks: No report.

**Trustee Liaison Steven,** PPTRA, PPACG, CDAB: Stevens reported that he and Mayor Worthey attended a PPACG meeting in Cripple Creek. No action was requested from the Board.

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**OTHER BUSINESS** – Lynda Martinez, Ute Pass Chamber member, submitted a Special Event Permit application. The Chamber is requesting a permit to sponsor a Winter Festival at the Gazebo on Sunday, December 16, 2012 from 1-4:00 p.m. Presentation will be on the 11/20 Board agenda.

**A fundraiser will** be held on Sunday, November 11, 2012 from 1-4:00 p.m. at the Joyland Church gym building for Marshal's Deputy **Felix Torres**. GMF resident, Mary King is the coordinator and can be contacted at 291-1794.

**CORRESPONDENCE:** No correspondence was received requiring action or discussion by the Board of Trustees.

**Mayor Worthey adjourned the meeting at 9:02 p.m.**

\_\_\_\_\_  
Mayor Lorrie Worthey

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