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

The Board of Trustees meeting was called to order by Mayor Worthey at 7:06 p.m.

ATTENDANCE: Newberry - present Pitrone - present LoCascio - present (left 8:31 p.m.)
Price - absent Stevens - present Peterson - present

ADDITIONS, DELETIONS OR CORRECTIONS TO THE AGENDA – Mayor Worthey requested that the farewell/welcome reception come after the swearing in and oath of office. No other additions, deletions or corrections to the agenda were presented.

REVIEW, APPROVE AND SIGN CONSTRUCTION AGREEMENTS FOR THE NEW TOWN HALL BUILDING PREPARED BY STAFF BETWEEN THE TOWN OF GREEN MOUNTAIN FALLS AND THE CONSTRUCTOR, ED GREEN CONSTRUCTION, CO. AND THE TOWN OF GREEN MOUNTAIN FALLS AND LAMB PLUMBING AND EXCAVATING AND ED GREEN CONSTRUCTION, CO AS REFERENCED IN RESOLUTION 2014-04 – Matt Krob, Attorney, Mike Wagner, CIRSA; Ken Murphy, K. T. Murphy Construction, Josh and Brock Green, Ed Green Construction Co.; Mark Lamb, Lamb Plumbing and Excavating, Robert Seever, Keystone Associates, Inc. and Interim Town Manager, Robert McArthur

Architect, Robert Seever introduced everyone present for this agenda item to the Board and audience members: Mike Wagner, CIRSA Claims Specialist, Ken Murphy of K.T. Murphy Construction, Inc., the CIRSA construction manager for the project, Josh and Brock Green, Ed Green Construction Co. and Mark Lamb, Lamb Plumbing and Excavating. Murphy explained that he will be the go between with the general contractor and the Board and that he and Rob Seever will review all bills from the contractors prior to payment. Murphy and the general contractor will report to the Board with updates on a monthly basis. Seever then summarized the grant process, and the bid process which began in November 2013 and continued through the project calendar to the contract award on 3/28/14. Nine contractors picked up plans on 2/7/14; Copestone, Carwile, Elder Construction, Ed Green Construction, Bassett Construction, Anderson, Art Klein, J. P. Cooper and G Construction. There was a mandatory pre-bid conference on 3/4/14. Seven bids were received by the deadline of 3/21/14. Bids ranged from \$684,582.00 to \$1,120,929.00. The project support committee, Robert Seever, Robert McArthur, project manager, Planning Commissioner Lowndes and Trustees Newberry and Pitrone worked to get the bids within budget. Art Klein Construction's bid was \$515,859.00 with a 7.9% contingency. Ed Green Construction came in at \$506,792.00 with a 9% contingency for unforeseen expenses for the project and the site. The DOLA grant was awarded at \$493,524.00; CIRSA insurance estimated at \$151,000 with a \$50,000 project donation from the Pikes Peak Regional Building Department. The land purchase was \$112,000. The Public Works Director, Rob McArthur budgeted the \$50,000 in-kind matching funds mandated by DOLA within the 2014 maintenance budget for the earthwork which will be contracted to Lamb Plumbing and Excavating.

At the 3/28/14 Special Board meeting, the project support committee recommended that the Board of Trustees award the new Town Hall contract to Ed Green Construction Company and approve and adopt Resolution 2014-03: A Resolution Accepting the New Town Hall Committee's Recommendations and Directing Staff to Provide a Contract to the Board of Trustees for Review. The contracts were prepared as directed and distributed to the Board

members for review on 4/11/14. The Town Attorney stated that he reviewed the contracts extensively. The contractors are to begin the project upon receiving a signed contract. Seever stated that in reviewing the project calendar, the process has remained on schedule and the construction completion date is slated for the end of September.

Town Attorney, Matt Krob stated that he drafted Resolution 2014-04 approving the contracts between the Town and Ed Green Construction and between the Town and Lamb Plumbing and Excavating, Inc. to create a clearer paper trail for all participants and to outline the history of the project. Krob stated he would answer any questions the Board had.

M/S Pitrone/Newberry to approve Resolution 2014-04. Pitrone, Newberry, LoCascio, Peterson, Stevens in favor; Worthey opposed. Motion passed.

Mayor Worthey wanted to sign the resolution and contracts after the swearing in and reception ceremony. Worthey wanted more time to read the resolution which she felt was being rushed especially with the new board members being sworn in later in the meeting.

M/S Newberry/Peterson for a recess. Newberry, Peterson, Pitrone, LoCascio in favor; Stevens, Worthey opposed. Motion passed.

A two minute recess was taken.

Mayor asked Krob why the contracts and Resolution had to be signed right now. Krob explained that the Resolution was voted on and passed and the signing was simply a ministerial act. If the Mayor has reservations about signing the Krob resolution, the resolution provides for the Board of Trustees to direct someone to sign on the town's behalf. Trustee Stevens questioned why it must be signed now. Pitrone stated it needed to be signed under old business. The Mayor stated her concern that the people had not seen the Resolution. Newberry offered to read Resolution and did so. Krob advised the Board that it could simply authorize someone else to sign the contracts and Resolution on behalf of the Town if the Mayor was unwilling. **M/S Pitrone/LoCascio to authorize the Mayor Protem to sign on behalf of the Town.** Mayor said that she had issues surrounding her signing of documents before and feels she was rushed. Mayor states she will sign as a representative of the Town and looks forward to working with the contractors. Mayor signs the contracts and the Resolution. **Pitrone withdraws his motion.**

REQUEST FOR AN EXECUTIVE SESSION ADDRESSING A CONTRACTURAL MATTER REGARDING FORMER TOWN EMPLOYEE: Conference with Town Attorney for the Purpose of Receiving Legal Advice on Specific Legal Questions Pursuant to C.R.S. 24-6-402(4)(b) M/S Pitrone/Newberry to go into an Executive Session with the Town Attorney, Matt Krob for the purpose as described above. Worthey, Pitrone, Newberry, Peterson, LoCascio, Stevens in favor.

An Executive Session was called by Mayor Worthey at 7:38 p.m. The Executive Session ended at 8:19 p.m. and the regular meeting was reconvened.

CONSENT AGENDA

A. APPROVE BOARD OF TRUSTEES MINUTES FOR 3/18/14 & SPECIAL MEETING ON 3/28/14

B. BILLS RUN 3/14/14 THROUGH 4/11/14: \$173,837.76

C. ACCEPT PLANNING COMMISSION MINUTES OF 4/8/14 INTO THE RECORD

M/S Pitrone/Newberry to approve as submitted. Pitrone, Newberry, Peterson, LoCascio, Worthey in favor; Stevens opposed.

PUBLIC HEARING: SPECIAL USE REQUEST TO OPERATE PROPERTY AS A (VRBO) VACATION RENTAL BY OWNER – 7220 Catamount Street, David Sheffel, Property Owner; Property Manager, Judy Sutton, Sutton Inc.

The site was posted with a Public Hearing sign. Eleven informational packets were sent to property owners within 100' of the petitioner's property corners. Seven letters have been received in favor of the Special Use request. There being no further comments from the petitioner's representative, or the audience or Board members, the Public Hearing was closed at 8:23 p.m.

The following Planning Commission findings from their Public Hearing held on 4/8/14 were agreed to:

- the petition conforms to the requirements of the zoning ordinances.
- the use is consistent with the goals and objectives of the Comprehensive Master Plan.
- neighboring land uses are compatible with the contemplated use.
- the use will not result in an over-sensitive use of the land.
- the use will not result in undue traffic congestion or traffic hazards.
- seven neighbors responded that they are in favor of granting a special use.
- the use will not be unreasonably detrimental to the public health, safety and welfare.
- the town will receive an increase in lodging and sales tax revenue.

M/S Stevens/Pitrone to approve the request for a Special Use to operate a VRBO at 7220 Catamount Street based on the findings and recommendation of the Planning Commission. All yea

At this point in the meeting, the outgoing Board had completed all of their business on the agenda and prepared to leave the Board table. Trustee Peterson asked staff and Board members and wanted her inquiry included in the record if they were aware that El Paso County Department of Transportation had held a meeting to discuss taking over the Public Works services in Green Mountain Falls. Peterson said that it was reported that EPDOT staff had visited the maintenance yard twice looking over Town equipment. No one on the Board knew of being contacted of a meeting with El Paso County. Both Trustees Peterson and Newberry cautioned the Board about changing Public Works services that may jeopardize the Town's PPRTA maintenance funding. Peterson stated that meetings and decisions should be addressed at the Board level during a regular meeting. Peterson left the Board members with several memos from the prior town attorney, and adopted policies addressing the Code of Conduct and Board Values and Meeting Conduct. Several members of the audience applauded the outgoing Board members and property owner, Gail Gerig thanked Trustees Pitrone and Newberry for their many years of service and commitment to the community.

Mayor Worthey, and Trustees Cook, Quinn and Butts were sworn in and took their seats at the Board table. A short recess was called for a reception and the Board meeting was reconvened at 8:52 p.m.

UTE PASS ELEMENTARY SCHOOL APPLICATION FOR SPECIAL EVENT PERMIT FOR THE 19TH PONY RUN FUND RAISER, SATURDAY, MAY 10, 2014 – Joanna Bartko and Principal Chris Briggs-Hale Briggs-Hale reported that the El Paso County Sheriff's Department will be staffing the route that the anticipated 200 runners will be taking. A \$20 permit fee was assessed; the \$100 deposit fee was discussed and waived. No additional fees were assessed. **M/S Butts/Quinn to approve the Pony Run Special Event Permit Application and Request. All yea**

LIZABETH JORDAN, EMERGENCY PROGRAM MANAGER, EL PASO COUNTY

SHERIFF'S OFFICE was present to briefly discuss emergency preparedness and evacuation for flash flooding. Jordan distributed informational material that she deemed extremely important for all residents to be knowledgeable of. Each member of the audience was given the information and several copies left at the GMF post office. The web site for this information is: rsg.epcsheriff.com.

BIENNIAL POST ELECTION MUNICIPAL APPOINTMENTS, RESOLUTIONS, PROCLAMATION, PROCEDURES AND POLICIES

– These items were addressed in the next seven resolutions introduced by Mayor Worthey, each one read and adopted by the Board. Mayor Worthey stated that these resolutions were a band aid to bring the Board back to where they once were and to re-assert and re-affirm the authority of the Board. The Board is going back to the trustee liaison system and is holding off on the Town Manager position in order to do more research and review. Each resolution was read to the audience.

The Town Attorney did caution the Board with a statement that he has not drafted nor reviewed any of the resolutions being presented. He stated that there are statutory provisions where a resolution cannot rescind or supersede an existing ordinance. There may be statutes where an ordinance is required instead of a resolution. The Town Attorney cautioned the Board against adopting resolutions the Town Attorney had not reviewed.

RESOLUTION 2014-05 A RESOLUTION RE-ASSERTING THE AUTHORITY OF THE BOARD OF TRUSTEES WITH REGARD TO THE TOWN OF GREEN MOUNTAIN FALLS
M/S Worthey/Stevens to approve Resolution 2014-05. All yea

RESOLUTION 2014-06 A RESOLUTION RE-ASSERTING THE AUTHORITY OF THE MAYOR OF THE TOWN OF GREEN MOUNTAIN FALLS
M/S Stevens/Cook to approve Resolution 2014-06. All yea

RESOLUTION 2014-07 A RESOLUTION APPOINTING A TOWN MARSHAL TO THE TOWN OF GREEN MOUNTAIN FALLS
M/S Cook/Stevens to approve Resolution 2014-07. All yea

RESOLUTION 2014-08 A RESOLUTION APPROVING AUTHORITIES OF THE TRUSTEE LIAISON FOR DEPARTMENTS OF THE TOWN OF GREEN MOUNTAIN FALLS FOR THE BOARD OF TRUSTEES Resident Dick Bratton requested that the Board drop #4 within the resolution. He felt that section gave the Liaison too much power; suspension and firing should be done by the entire Board. **M/S Quinn/Cook to approve Resolution 2014-08 with the deletion of #4. All yea**

RESOLUTION 2014-09 A RESOLUTION APPOINTING OFFICERS AND OTHER TITLES BY THE BOARD OF TRUSTEES OF THE TOWN OF GREEN MOUNTAIN FALLS Attorney Krob requested that the Board change the appointment of the Town Attorney to Krob Law Office, LLC – Matt Krob. **M/S Stevens/Worthey to approve Resolution 2014-09 with the amendment as discussed. All yea**

RESOLUTION 2014-10 A RESOLUTION RESCINDING POLICY, JOB DESCRIPTION AND ORDINANCES RELATED TO THE POSITION OF TOWN MANAGER OF THE TOWN OF GREEN MOUNTAIN FALLS M/S Worthey/Cook to approve Resolution 2014-10. All yea

RESOLUTION 2014-11 A RESOLUTION APPROVING POLICIES OF THE TOWN OF GREEN MOUNTAIN FALLS An Asset Policy drafted by Trustee Stevens in 2012 but not approved and Meeting Procedures drafted by Stevens in 2011 but not approved were presented in a packet policy with: Policies and Procedures adopted by the Board of Trustees in 2006, and a Town Vehicle Take Home Policy adopted by the Board in 2005.
M/S Stevens/Quinn to approve Resolution 2014-11. All ye

Town Attorney, Matt Krob again stated that without legal review of the resolutions adopted by the Board of Trustees there may be legal ramifications with the resolutions conflicting with currently adopted ordinances and other resolutions. **M/S Butts/Quinn to request that the Town Attorney review the adopted Resolutions 2014-05 through 2014-11 and provide the Board with choices for fixing the resolutions, ordinances or policies as may be necessary. All ye**

Copies of the Resolutions will be posted on the homepage of the Town's website.

PUBLIC INPUT – Hondo Avenue resident Dick Bratton applauded the Board on the adoption of the resolutions. He stated the Board needs to follow town policies and procedures which the previous Board of Trustees did not. **Scott Avenue** property owner, Gail Gerig stated that the Board is proceeding in a direction contrary to what other Boards have worked towards for several years. Gerig said it was an insult to the audience's intelligence to deny that any Board member did not know of a prior meeting with El Paso County Road and Bridge staff. Gerig said it was clear that this Board's intent was to get rid of Robert McArthur. **Planning Commission** Chairman Willie Alexander reported that there are two vacancies on the Commission. A vacancy notice will be posted. He congratulated the newly elected members and asked if the Board was accountable with regard to the municipal code. Alexander also mentioned Susan Barnes reading her letter at the Board meeting and asked if the Board would extend the favor to others. **Mountain Avenue** resident Katharine Guthrie asked what liaison duties were assigned to Trustee Stevens. **Joyland Pastor Larry** McKnight congratulated the newly elected members and announced the upcoming Easter egg hunt on Saturday. **Lauryl** McKnight asked the Board if the Economic Sustainability Committee could be revived.

CITIZENS INITIATIVE PETITION: AN ORDINANCE ESTABLISHING A CODE OF ETHICS REGARDING CONFLICT OF INTEREST FOR ELECTED OFFICIALS AND EMPLOYEES OF THE TOWN OF GREEN MOUNTAIN FALLS, COLORADO Attorney Matt Krob stated that the Initiative Petition requesting that An Ordinance Establishing a Code of Ethics regarding Conflict of Interest for Elected Officials and Employees of the Town of Green Mountain Falls, Colorado has been deemed to be sufficient by the Town Clerk on March 18, 2014. The 15 day protest period has passed. Krob explained the Board's options were to either adopt this Initiative as is or hold a Special Election in June. The election would have to be set within 60 days from the end of the protest period. There is a Special Election set for 5/20/14 for residents to vote on the Recall and Referendum. Krob stated that the initiative has to be adopted as is; it cannot be changed. The Board could adopt it and make amendments at a future date with another ordinance. Krob requested that this item be tabled until later in the meeting and after his report. **M/S Butts/Worthey to table this agenda item until later in the meeting. All ye**

REPORTS:

Mayor's Report – Worthey congratulated and welcomed the newly elected trustees.

Trustee Stevens - No report.

Trustee Butts - No report.

Trustee Quinn - No report.

Trustee Cook - No report.

Town Manager's / Staff Reports – Town Attorney Matt Krob relayed to the Board that Robert McArthur left the meeting earlier to be with his wife who had surgery today.

Town Attorney, Matt Krob suggested that an Executive Session be held to give the Board members specific legal advice on a specific issue and to give the Board legal advice on the specific issues discussed during the first Executive Session with the outgoing Board members.

CORRESPONDENCE: There were letters of resignation received from Trustees Price and LoCascio. Attorney Krob stated that these resignations terminate all recall proceedings. No other municipal correspondence that required Board discussion or action was presented.

Mayor Worthey called an Executive Session at 10:20 p.m. The Executive Session ended at 11:25 p.m. and the regular meeting was reconvened.

CITIZENS INITIATIVE PETITION: ORDINANCE 02-1014 - AN ORDINANCE ESTABLISHING A CODE OF ETHICS REGARDING CONFLICT OF INTEREST FOR ELECTED OFFICIALS AND EMPLOYEES OF THE TOWN OF GREEN MOUNTAIN FALLS, COLORADO M/S Butts/Cook to adopt the initiative request for an ordinance as submitted. All yea

OTHER BUSINESS: The Board will hold a workshop session on Friday, April 25, 2014, at 6:00 p.m. and ask the Town Attorney to attend and invite the architect and contractors to give the Board an update and overview of the Town Hall Building project. No other business was presented.

ORDINANCE 03-1014 - AN ORDINANCE RESCINDING ORDINANCE no. 03-2013 M/S Cook/Butts to adopt Ordinance 03-2014. All yea

There being no further business, Mayor Worthey adjourned the meeting at 11:40 p.m.

Mayor Lorrie Worthey

ATTEST: _____
Mary Duval, Town Clerk