

The Minutes are Provisional until approved by the Board at the next meeting on 5/20/14.

The Board Meeting is live streamed: youtube.com/user/GreenMountainFallsCO

**BOARD OF TRUSTEES
TOWN OF GREEN MOUNTAIN FALLS
MINUTES OF REGULAR MEETING – 7:00 P.M. - TUESDAY, MAY 6, 2014**

The Board of Trustees meeting was called to order by Mayor Worthey at 7:09 p.m.

ATTENDANCE: Butts - present Quinn - present
Cook - present Stevens - present

ADDITIONS, DELETIONS OR CORRECTIONS TO THE AGENDA – Trustee Butts

requested that agenda item #14 be moved up and placed after the Consent Agenda. Attorney Matt Krob requested to add three items on the agenda: the changes to the Kumar & Associates contract, Resolution 2014-15 cancelling the Special Election and at the end of the meeting for the Board to hold two Executive Sessions – one inviting Marshal Bradley and the other with the Board members both sessions for the purpose of discussing a personnel matter as outlined in C.R.S. Section 24-6-402(4)(f). **M/S Quinn/Butts to amend the agenda as requested. All ye**

CONSENT AGENDA

A. APPROVE BOARD OF TRUSTEES MINUTES FOR 4/15/14 & SPECIAL MEETING
4/29/14

B. BILLS RUN THROUGH 4/15/2014 to 4/29/2014 for \$11,630.11

C. ACCEPT PLANNING COMMISSION MINUTES OF 4/22/14 INTO THE RECORD

M/S Quinn/Butts to approve the consent agenda as submitted. All ye

DISCUSSION OF THE PROCEDURE TO FILL THE TWO VACANCIES ON THE BOARD OF TRUSTEES

The attorney explained that the Board would need to fill the vacancies within 60 days (6/14/14) of the two resignations or hold an election. The letters of intent and resumes will be accepted through the close of business day on Monday, May 19, 2014. The Board will review applications at the 5/20/14 meeting, with appointment at the 6/3/14 meeting. Krob stressed that attendance at Board meetings should be emphasized to citizens applying.

PRESENTATION OF 2014 EL PASO COUNTY HAZARD MITIGATION PLAN

- Mark Boley, Emergency Preparedness Planner, El Paso County presented an update of the 2008 Pre-Disaster Mitigation Plan (PDMP). Boley explained that a Federal grant has been received to hire the contractor, Tetra Tech. He also stated that by having a plan, the region is eligible for funds from other federal agency grant programs. The initial project was to formulate a planning team which now consists of over 25 participants, establish goals and objectives based on data received from each community involved and develop comprehensive range mitigation actions. The 5-year plan will be ready for presentation to the communities in September. Mayor Worthey requested that the Board allow her and Marshal Bradley to continue to be involved with this mitigation plan and working with Boley.

DISCUSSION OF POSSIBLE INTERGOVERNMENTAL AGREEMENT (IGA) WITH EL PASO COUNTY TO PROVIDE EMERGENCY SERVICES

– Jim Reid, Executive Director of Public Services for El Paso County was present to affirm that his staff will assist the Town with immediate and urgent roads work. Reid stated that this phase will not require an IGA; he will allocate the funds through his department for a part time roads person. They would need to use the Town's equipment for plowing and grading. Attorney Krob is researching the

insurance requirements with CIRSA. Reid will work with Trustee Cook on establishing a priority list for urgent and immediate needs. Reid stated that if the situation progresses and the Board does not hire public works staff then he may have to have a different conversation with the Board concerning an IGA.

Mayor Worthey introduced Elaine Johnsen, Budget Division Manager with El Paso County Finance and asked that the Town Clerk send Johnsen the Town accounting reports that Johnsen will review.

Resident Mac Pitrone commented on the board's lack of action over the past three weeks in the hiring or even advertising for a public works staff. He expressed concern for the condition of the roads, parks and the timeline for opening the pool. He felt those issues should have been addressed during the special meetings. Mayor Worthey stated that the board had to get a handle on the budget first before advertising the positions.

A Public Hearing was called to order by Mayor Worthey at 7:50 p.m.

PUBLIC HEARING: SPECIAL USE REQUEST TO OPERATE PROPERTY AS A (VRBO) VACATION RENTAL BY OWNER – 11175 Falls Avenue; Karen Clark, Property Owner; Property Manager, Judy Sutton, Sutton, Inc. This property was operated as a Special Use for VRBO in 2009. Clark discontinued operating and managing the VRBO after two years. She has now retained Judy Sutton as the property manager. There are two bedrooms and one bath. There is ample parking. Strict house rules will be posted at the house. The property site was posted with a Public Hearing Notice. Eight informational packets were sent to surrounding property owners for their input. Six letters were received; all in favor of a Special Use being granted. The Planning Commission held a Public Hearing on 4/22/2014. There being no further comments from the board members, the property manager or audience members, the Public Hearing was closed at 7:52 p.m.

The following Planning Commission findings were discussed and accepted:

- 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.
- positive feedback was received from six neighbors 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/Quinn to accept the findings of the Planning Commission and approve the Special Use Request to operate a vacation rental for 11175 Falls Avenue. All yea

INTERIOR LOT LINE REQUEST – 6816 Colorado Street, Property Owners, Robin and Shawn Meyers The owners are following the Planning Commission's request to vacate the interior lot line between lots 9 and 11 so that the house is on the same lot and parcel. According to the survey submitted by Michael Lambert, the house now straddles lots 9 and 11, Block 10. **M/S Quinn/Stevens to approve Resolution 2014-14 vacating the interior lot line as submitted and requested by the property owners. All yea**

SPECIAL EVENT PERMIT APPLICATION FOR CONCERTS AT THE LAKE: UTE PASS TRIANGLE CHAMBER OF COMMERCE, JUNE 17, 2014 AND AUGUST 6, 2014 – Representative, Martha Henry M/S Quinn/Stevens to approve the Special Event Permit and assess a \$20 permit fee for each concert. All yea

SPECIAL EVENT PERMIT APPLICATION FOR 76TH ANNUAL BRONC DAY EVENT – Chair Vickie McKnight and Dick Bratton The insurance for the event has been applied for by Bratton through CIRSA. **M/S Butts/Stevens to approve the Special Event Permit for Bronc Day and assess a \$250 Special Event Permit Fee. All yea**

DISCUSSION OF THE FUTURE OF DEWEY MOUNTAIN AS OPEN SPACE WITH PUBLIC TRAILS – Dick Bratton, Chairman Trails Committee Bratton summarized the history of ownership of the 139.66 acres over the years and the requests for various uses that have come before the Planning Commission over the past several years. Bratton reported that the Historic Green Mountain Falls Foundation recently purchased 120 acres and Ray Burgess, a trails committee member and owner of the remaining 19 acres will close on the purchase with the Foundation in the very near future. The Trails Committee is proposing an access to the Dewey Mountain trail from Catamount Street and a trail reroute. This trail will join the Horseshoe Mountain, Catamount and Thomas Trails as well as the trails within the Wallace Preserve. Bratton affirmed that the GMF trails system is not published and the committee's desire is to maintain the system for area residents. There will be no parking allowed. The parking will be as it is for all trails hikers, down in the center of town. Signs similar to those on Hondo and Belvedere will be installed. Bratton reported that there are over 60 trails committee volunteers ready to begin the project.

Kimberly Hargrave, a resident at 10830 Ora Street and daughter Jennifer, presented and read a five page letter of concern to the Board and audience addressing the Dewey Mountain Access Trail. The trail access would be next to her residence and she stated that she is very familiar with the area in question. She has lived in her home for 11 years. By submitting these concerns to the Board, Hargrave hoped the project would not go forward or at the very least be postponed until neighborhood concerns could be taken into account and resolved. Hargrave stated that a new trail affects her neighborhood, the town and the safety of those people who respect mountain trails and assume they have been laid out with their safety in mind. She stated this was an ill-conceived plan with potential catastrophic ramifications. Bratton and Burgess refuted several of Hargrave's concerns stated in the letter. Burgess stated that he will be staking out the trail access and the centerline as it enters onto his property this weekend.

The town attorney cautioned the Board from allowing any projects on town right of way without holding a public hearing. The Board could consider a Revocable Permit for the section on the right of way. He suggested that the immediate neighbors be made aware of the posting of a public hearing and that there be no construction started until after the public hearing. The Board asked the town clerk to set a Public Hearing for Tuesday, May 20, 2014.

Mayor Worthey called a Public Hearing to order at 8:52 p.m.

PUBLIC HEARING: CITIZENS INITIATIVE PETITION - SECOND READING AND ADOPTION OF ORDINANCE 02-2014 AN ORDINANCE ESTABLISHING A CODE OF ETHICS REGARDING CONFLICT OF INTEREST FOR ELECTED OFFICIALS AND EMPLOYEES OF THE TOWN OF GREEN MOUNTAIN FALLS, COLORADO Krob explained the Board's options, and his reservations with the wording of this initiative, at the 4/15/14 meeting when the Board passed it on first reading. Though the initiative contains sections that Krob feels are unlawful, the Board cannot change the wording of the citizen's initiative. They can adopt as submitted or go forward with a Special Election in June. Krob recommends that the Board adopt it as submitted and make the necessary legal amendments at the earliest future date with another ordinance. Krob stated that the courts do not favor no-compete clauses especially one that is four years. The initiative states that no mayor, board member,

appointee, commission member nor any employee shall be eligible to contract with the Town for a period of four years after the conclusion of elected service or employment. This is more restrictive than the State. Michael Lohman stated that when he was drafting this initiative his research found many communities that had even up to ten years. Krob stated that if that was the case it would have to do with comparatively different sized communities and scope. He reflected on the town's small population of less than 800. Bratton stated that while the intent was in the initiative, the Board should allow the attorney to fix the sections that would cause the town liability. The attorney stated that the Issue Committee of Julia Wiedner, Michael Urban and Richard Lackmond would get copies of the revised ordinance and would be able to solicit input at the Public Hearing on May 20, 2014. The Board members concurred.

The Public Hearing was closed at 9:15 p.m. and the regular meeting continued.

M/S Stevens/Cook to adopt and pass Ordinance 02-2014 on second reading. All yea

M/S Butts/Cook to request that the Clerk set a Public Hearing for Tuesday, May 20, 2014 and for the town attorney to draft an ordinance for Board review with legal revisions of Ordinance 02-1014. All yea

Mayor Worthey opened the Public Hearing at 9:19 p.m.

**PUBLIC HEARING: SECOND READING AND ADOPTION OF ORDINANCE 03-2014
AN ORDINANCE RESCINDING ORDINANCE 03-2013 – Attorney, Matt Krob**

There being no comments from the audience or Board members, the Public Hearing was closed at 9:19 p.m.

M/S Stevens/Butts to adopt and pass on second reading Ordinance 03-2014. All yea

RESOLUTION 2014-13 A RESOLUTION DESIGNATING AND ESTABLISHING AUTHORITY FOR AN OWNER'S REPRESENTATIVE FOR THE NEW TOWN HALL PROJECT – Attorney, Matt Krob At the request of the Board members, Krob made several revisions to this resolution that was presented at the 4/29/14 Board of Trustees Special Meeting. Tyler Stevens was designated as the Owner's Representative and Trustee Quinn as the alternate in Stevens' absence. The owner's representative can approve change orders up to \$2,500.00; expenditures that exceed the single transaction figure of \$2,500 must go before the Board. **M/S Stevens/Quinn to adopt Resolution 2014-13. All yea**

OTHER/NEW BUSINESS: Attorney Krob and Town Hall architect Robert Seever presented the General Contractor's Performance Bond, Payment Bond, and Power of Attorney for the project, and the Permit Application now that the Board has appointed an Owner's Representative. Seever also submitted the contractor's Change Order Request #1 for \$31,063.00 per the Board request for the contractor to provide the cost to add the Police Station scope of work that was delineated in the original bid documents. The scope of work was part of the Deduct Alternate 5 on the bid form. Mayor Worthey was authorized to sign both the Request and the Change Order. **M/S Butts/Quinn to accept the Change Order Request #1 from the Contractor. All yea**

M/S Butts/Cook to approve the Change Order #1 to add Police Station to Scope of Work for \$31,063.00. All yea

Seever then summarized the necessary board actions to be taken now that an Owner Representative has been selected.

-recommend to the Board that the in-kind donation portion of the DOLA contract be reviewed to ensure that the Town's commitment is being met in light of the shift in site work scope from Town Public Works to an separate contract.

-recommend that the Low Voltage equipment budget item (\$9,000) be verified. Currently the General Contractor will install LV conduit and power for 8 external cameras, LV conduit and power for phones/ data/ projector per plans, and under-slab LV conduit and power per plans. All devices, LV wiring, and cover plates should be provided and installed by the Town's low voltage contractor- generally in the last few weeks of the project. Additions that require power, conduit, door hardware changes, etc. or any other changes to the current drawings shall be forwarded to the architect for coordination with the electrical engineer.

-recommend that the Board follow up on previous discussions with DOLA in regard to amending the DOLA contract to shift unused site acquisition funds (\$8,836.83) to the building construction fund, and therefore contingency.

-recommend that the Board contact CIRSA in order to verify that all available funds have been made available (properly utilized), especially as there were questions relating to coverage for relocation due to FEMA (floodplain issues).

-recommend that the Board follow up on previous discussions with El Paso County in regard to the County Sheriff's Department having a presence in the Town Police Department space- as they have expressed interest-- and to query them about potential reimbursement for use of the facility. Funds received could go to contingency.

Attorney Krob encouraged the Board to embrace and start celebrating the Town Hall project which is on time and within budget. He recommended more publicity and setting a date for a ground breaking ceremony. Chamber President Amily Beidelman-Almy submitted a letter to the Board stating that several members of the community are suggesting a community picnic as an idea to bring the community together and begin the healing process. While the Chamber cannot sponsor a picnic, Almy stated that the Chamber Board has authorized \$300 for the purchase of supplies. Attorney Krob said that his firm will match the Chamber donation. The Board decided on Saturday, June 7, 2014 for a ground breaking ceremony at 11:00 a.m. with a picnic at the Gazebo park area from 12:00 – 3:00 p.m. No other business was presented.

KUMAR & ASSOCIATES: SIGNING OF PROPOSAL FOR CONCRETE TESTING AND SOILS COMPACTION TESTING FOR THE NEW TOWN HALL – Attorney Krob stated that the Town will be paying an additional \$250.00 to waive Kumar's \$50,000 limitation of liability. The \$250.00 will be paid from the DOLA Contingency. **M/S Butts/Cook to authorize the Mayor to sign the proposal for \$5,180.00 from Kumar & Associates with the additional charge of \$250.00. All yea**

RESOLUTION 2014-15 A RESOLUTION CANCELLING THE SPECIAL ELECTION SCHEDULED PURSUANT TO RESOLUTION 2014-02 FOR MAY 20, 2014.
M/S Stevens/Quinn to approve Resolution 2014-15 as submitted. All yea

PUBLIC INPUT – Michael Lohman presented the Board with information on Nextdoor, a social networking service. It allows users to connect with people who live in their neighborhood. Nextdoor competes with other social networks. It differentiates from Facebook by limiting the potential people in each network, presumably improving privacy. Chipita Park resident Ann Pinnel asked for reassurance that the prairie dogs would be protected at the new Town Hall construction site. Pinnel stated that she had people to relocate them if necessary. Pinnel was

reminded that the Town Hall construction site was a closed site and access closed to everyone except the contractors.

REPORTS:

Mayor's Report – Worthey will be attending the Leadercast Conference in Woodland Park on 5/9/14 and several trustees will be attending the CML Outreach and Training Workshop in Woodland Park on Tuesday, 5/13/14. Attorney Krob stated that the Board would need to post that workshop being more than two trustees were attending. Worthey has been contacted by the lifeguards as to when the pool will open. Worthey and Cook will begin evaluating the pool maintenance projects for preparing to open.

Trustee Stevens – referred to the email received from El Paso County from Crystal LaTier with the documents containing information regarding the Town of Green Mountain Falls continued participation in the El Paso County Community Development Block Grant Program. Response is needed by June 9, 2014.

The Trustees discussed the various job descriptions that they have been compiling for town positions.

CORRESPONDENCE: Mayor Worthey received a letter from Michael Lohman which the Board members will respond to. Worthey had received a letter from Joyland Pastor McKnight regarding the Marshal's Department leasing office space in the Joyland facility. **No other** municipal correspondence that required Board discussion or action was presented.

Mayor Worthey called an Executive Session at 11:21 p.m. as permitted in C.R.S. Section 24-6-402(4)(f) for the purpose of discussing a personnel matter and not involving any specific employees who have requested discussion of the matter in open session.

The Executive Session was closed at 12:15 p.m. and the regular meeting reconvened.

Mayor Worthey called an Executive Session at 12:16 p.m. as permitted in C.R.S. Section 24-6-402(4)(f) for the purpose of discussing a personnel matter and not involving any specific employees who have requested discussion of the matter in open session.

The Executive Session was closed at 12:34 p.m. and the regular meeting reconvened.

There being no further business, Mayor Worthey adjourned the meeting at 12:36 a.m.

Mayor Lorrie Worthey

ATTEST: _____
Chris Frandina, Town Clerk