

The Minutes are Provisional until approved by the Board at the next meeting on 8/6/13.

**BOARD OF TRUSTEES
TOWN OF GREEN MOUNTAIN FALLS
MINUTES OF REGULAR MEETING – TUESDAY, JULY 16, 2013**

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 - absent Stevens - present Peterson - present

ADDITIONS, DELETIONS OR CORRECTIONS TO THE AGENDA – No changes to the agenda were presented.

CONSENT AGENDA

- APPROVE BOARD OF TRUSTEES MINUTES FOR 6/18/13
- BILLS RUN JULY 5, 2013 THROUGH JULY 11, 2013: \$23,671.32
- ACCEPT PLANNING COMMISSION MINUTES INTO THE RECORD FOR 7/9/13

M/S Pitrone/Newberry to approve the Consent Agenda as presented. Pitrone, Newberry, LoCascio, Peterson in favor; Worthey and Stevens opposed. Motion passes.

DISCUSSION AND REVIEW OF CODE PRODECURES RECOMMENDED BY PLANNING COMMISSION TO BE ADOPTED BY ORDINANCE ON FIRE RESTRICTIONS WITHIN THE TOWN

Residents and Planning Commission members, Cameron Thorne and John Lowndes joined to review municipal codes as they related to fire danger mitigation after the Waldo Canyon fire evacuation. Thorne researched El Paso County and Teller County fire codes and found that the county restrictions do not apply to incorporated areas. He found that the town codes were inadequate as they relate to any fire danger or mitigation. He reviewed over six sections of municipal code and is recommending a new ordinance updating the codes be drafted for public input. Mayor Worthey asked for input from Chief Steve Murphy who met with Lowndes and Thorne. The town attorney has been working with Thorne on researching other codes. Thorne also met with all town department heads. Murphy stated that new enforcement regulations would be difficult for the Marshal's Department. It is simply another law that they would have to chase after to enforce. Murphy did not support the permit process. He said the Fire Department does not have the time or staff to issue permits for fire pits. Murphy stated that in general residents are responsive to the mitigation and aware of the fire danger; often it is the visitor that does not understand the fire dangers and a one-time visit from the fire department usually gets their cooperation. Murphy felt that if the Town was going to adopt codes, they should mirror what the counties have. Trustee Pitrone stated that the Town should have updated codes especially with the knowledge that the County code enforcement does not apply to the Town. He recommended reviewing El Paso County's code and using the sections that would work for the Town. Trustee Stevens said that it should be a project for the staff. Trustee Newberry volunteered to start the review and stated that Admin staff should continue to focus on the accounting as well as normal daily operational activities. Stevens questioned whether this submittal from Thorne and the support from the Planning Commission was within the purview of the commission. Pitrone reminded the Board members that Thorne brought this up to the Board last year after the evacuation and asked to research codes.

UPDATE ON STATUS OF THE UTE PASS COMMUNITY WILDFIRE PROTECTION PLAN (CWPP) FORMED IN 2007

– Steve Spaulding gave a brief history of the Plan adopted in 2007 by the Ute Pass communities and Fire Districts after two years of committee work. The Chair of the CWPP has since moved from the State and a new board needs to be generated and that board would need to draft the 2nd 5-year plan as required. The 2007 Board established a 5 year plan and accomplished many of the projects listed. A CWPP plan has to be in place in order for any entity to receive federal or state mitigation grants. Under the direction of GMF

Forestry Tech, Jinnie Grigsby over the past eight years, the Town and Town residents have removed over 2,500 diseased and dead trees from GMF. The CSUT line clearance staff was a tremendous asset to the town for ROW removal. Several grants were applied for and awarded that aided residents with wildland mitigation. Spaulding invited all to a meeting at the GMF-Chipita Park Fire department on Wednesday, July 17th at 7:00 p.m.

NOXIOUS WEED CONTAINMENT, EL PASO COUNTY GRANT – El Paso County, Environmental Division submitted and was awarded a grant to survey, map and treat noxious weeds throughout public areas in the County. The town supported the grant application submitted to the Colorado Department of Agriculture. Town Forestry tech, Jinnie Grigsby is assisting with identifying the town right of way when the spraying crew enters the town within the next two weeks. Spraying is on public property only. In 1996, the Colorado Noxious Weed Act was passed to control noxious weeds in the State. Plants are prioritized as List A, B, or C species. List A contains the rare noxious weeds that must be eradicated statewide; B needs to be suppressed to stop continued spread. The web site for more information is <http://www.colorado.gov/ag/weeds>.

CONSIDERATION AND ADOPTION OF ORDINANCE 01-2013 AN ORDINANCE PROHIBITING THE OPERATION OF MARIJUANA CULTIVATION FACILITIES, MARIJUANA PRODUCT MANUFACTURING FACILITIES, MARIJUANCE TESTING FACILITIES OR RETAIL MARIJUANA STORES WITHIN THE TOWN OF GREEN MOUNTAIN FALLS, COLORADO. Tabled at 6/18/13 Meeting after two Public Hearings OR

ORDINANCE 02-2013 AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON THE SUBMISSION, ACCEPTANCE, PROCESSING AND APPROVAL OF ANY APPLICATION FOR A TOWN OF GREEN MOUNTAIN FALLS PERMIT OR LICENSE RELATED TO THE OPERATION OF A MARIJUANA ESTABLISHMENT PURSUANT TO THE AUTHORITY GRANTED BY ARTICLE XVIII, SECTION 16 OF THE COLORADO CONSTITUTION; DIRECTING THE PROMPT INVESTIGATION OF THE TOWN'S REGULATORY AUTHORITY OVER SUCH BUSINESSES; AND DECLARING AN EMERGENCY.

At the second public hearing on 6/18/13, Town Attorney, Lisa Tormoen Hickey reviewed the ordinance and all the material compiled from CML and several municipalities prohibiting retail sales including Woodland Park, Teller and El Paso Counties. Hickey reported that by October 1, 2013 each municipality can either opt out or adopt marijuana establishment licensing regulations. She clarified that Ordinance 01-2013 does not apply to the possession or use of marijuana and does not conflict with Amendment 64. In 2011, the Town adopted Ordinance 02-2011 prohibiting medical marijuana centers, cultivation operations and medical marijuana infused products manufacturing. If the Board passed a moratorium, it would only be effective through September of this year. The Board would then have to prepare, consider and adopt its own regulations restricting the location and operation of outlets and manufacturing facilities if any activities allowed under the new laws are to be allowed within the town. The Town rules could not contradict the State's emergency rules. Trustee Peterson recommended adopting Ordinance 01-2013 stating that there will be the opportunity to reconsider this ordinance in the future as the State has the opportunity to implement static regulations. The Board would be able to compile information as to the success of retail sale operations and manufacturing operations from other municipalities. **M/S Peterson/Pitrone to adopt Ordinance 01-2013 prohibiting the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuance testing facilities or retail marijuana stores within the Town of Green Mountain Falls, Colorado. Peterson, Pitrone, LoCascio, Worthey, Newberry in favor; Stevens opposed.**

PUBLIC INPUT - Items Not Listed on Agenda – Colorado Street resident, Ann Esch thanked the Public Works Department for removing the brush and locust trees from the right of way that were visually prohibiting safely exiting and entering Colorado Street and Illinois Avenue. Olathe Street resident, Richard Lackmond recommended that based on the allegations that the Board does not communicate with the citizens, alleged improprieties, and discussion of a complete board recall, the Board members should consider a public forum discussion at a larger location than the Town Hall in an attempt to rebuild the citizens' trust. Mayor Worthey stated that she would add this recommendation for discussion to the next Board meeting agenda. Michael Lohman stated that all the Town departments could be researched for potential restructuring and outsourcing and the Town Hall office could be moved to a space above the bar and save money for a new Town Hall.

REPORTS:

Mayor's Report: Mayor Worthey stated that the Town has received a request for records under the Open Records Act. The Town Attorney is assisting with the compilation of requested records. The Mayor attended a mayor's caucus; and will be attending a CQI Committee meeting as an elected official. This committees' mission is to foster and support cooperative and cost effective regional emergency medical trauma systems development.

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

Trustee Liaison Newberry, Administration: Newberry gave a summary of Town Hall progress with the new accounting system. To date, all the revenues and invoices through June have been inputted and are being posted and reconciled. The staff will be scheduling the Payroll module training within the next week. The pool continued to do well with attendance and the guards' performance is excellent. Revenues received to date are \$11,000. Newberry reported that she had attended the citizen's meeting on Sunday and was glad to be in attendance. She took minutes that she would share with the Board. Both Newberry and meeting attendee Berkeley Davis felt some citizen questions were clarified; Davis thanked Newberry for reaching out to the group. Mayor Worthey clarified that a statement in the minutes was incorrect; she is not financially contributing to the recall expenses and wanted that clarified.

Trustee Liaison LoCascio, Parks: No report.

Trustee Liaison Stevens, PPRTA, PPACG, and CDAB: - No report.

Trustee Liaison Peterson, Businesses, Triangle Chamber Commerce – Peterson reported that over 3,000 people visited the Cloud City exhibit and felt that the Green Box Arts festivities were very well received. Everyone was very impressed with the organizations implementation of all elements of the festival. Peterson urged citizens to volunteer for the upcoming Bronc Day events. The fund raiser at the Mucky Duck Restaurant was a success. Volunteers are especially needed for the children's activities.

Trustee Liaison Price, Marshal's Department: No Marshal's Report was presented.

OTHER BUSINESS – Rob Seever, Keystone Associates reported that all elements are on schedule for the DOLA grant submittal on August 1, 2013. Both he and project manager Robert McArthur will be finalizing the bid portion of the proposal next week. **Trustee Peterson** presented information to the community regarding The First Visitor Program. This is a free program supporting parental education for children from prenatal to 36 months of age. The three programs focus on the different age groups assisting parents with healthy child development. **Town Attorney** Lisa Tormoen Hickey will facilitate workshops reviewing the Town's Personnel Policies with Trustees Peterson and Newberry on Tuesday, July 23rd and Friday, August 2nd at the Town Hall at 8:30 a.m. Pikes Peak Regional Building donated two metal sculptures for the Town Hall. Mayor Worthey will send a note acknowledging the gift. **The Town Clerk** reported that Cameron Thorne will be vacating his Planning Commission seat

after the 8/13/13 meeting. He has served on the PC since August 2011 when he replaced Commissioner Turnbull. The Planning Commission will post the vacancy, and accept letters of intent to serve. The Commission will pass their recommendation onto the Board for the appointment. **Trustees Newberry** and Peterson will be attending a CML sponsored Ethics Workshop in Denver later this month. **CML's Chief Legal Counsel, Tami Tanoue** will be conducting a workshop for the Board members and staff on Tuesday, August 6, 2013 at 5:00 p.m. prior to the Board's regular meeting. **No other** business requiring Board action or discussion was presented.

CORRESPONDENCE – The Board received a letter from the Department of Revenue requesting a status update on the Town's progress regarding adopting or prohibiting criteria for Retail Marijuana establishments. The State reminded officials of the October 1, 2013 procedural time frame. **No other** correspondence was received that required Board discussion or action.

There being no further business, Mayor Worthey adjourned the meeting at 8:09 p.m.

Mayor Lorrie Worthey

ATTEST: _____
Chris Frandina, Town Clerk