

**BOARD OF TRUSTEES
TOWN OF GREEN MOUNTAIN FALLS
MINUTES OF REGULAR MEETING - TUESDAY, AUGUST 17, 2010**

The meeting was called to order at 7:00 p.m. by Mayor Protem Dick Bratton in Mayor Tyler S. C. Stevens' absence.

ATTENDANCE: Pitrone absent Useman present King present
 Stevens absent Newberry present Worthey present

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

**CONSENT AGENDA - APPROVE BOARD OF TRUSTEES MINUTES 08/03/10
- APPROVE BILLS DUE AND PAYABLE: \$12,975.81**

M/S Worthey/Newberry to approve the consent agenda as submitted. All yeas

PUBLIC INPUT - Items Not Listed on Agenda * - Michael Lohman residing at 6817 Hotel Street stated that he would like more accountability from the Board and staff members. He stated that he has requested information from Mayor Stevens on two occasions with no response. Lohman does not know how to readily obtain information, i.e. annual budget and information on potential revenue increase workshops or grant projects. He felt the Town Clerk makes a fair amount of mistakes and recommended that the Board have a newly certified municipal clerk come in to audit the files. Lohman complained that the town vehicles are being driven over the speed limit and recommended that an ordinance be considered stating that town vehicles must drive 5 miles below the posted speed limits.

REQUEST FOR HOTEL AND RESTAURANT LIQUOR LICENSE RENEWAL:

BUFFALO CHEFS INC., DBA THE PANTRY RESTAURANT, 6980 LAKE

STREET - Ben Stephens, Owner was present. The renewal application was in order. Stephens reported that there have been no changes to the liquor license operation. A letter from Marshal Ford was entered into the record stating that there have been no incidents requiring law enforcement response to the business associated with alcohol. Ford submitted that there has been amplified music in the Gardens area and requested that the owner address the issue of amplified music immediately. Stephens did not know of any instances and was not contacted by the department for amplified music. It was stated that one or two phone calls by residents were made to the owner but he attested the musician was finished for the evening and it would appear music was being heard from other businesses and not the Pantry Gardens. Trustee Bratton asked if Stephens wanted to include a change in the operation plan of 8/28/08 that the Pantry Gardens is opening at 9:00 a.m. on Saturday and Sunday for brunch. While Stephens was not opposed to including the change in opening time for the weekends, Trustee Worthey did not see that this was necessary as the Gardens is opening earlier to accommodate the overflow from the Pantry restaurant on Saturday and Sunday mornings. Trustee Useman stated that the Board should be reviewing the liquor license operation for the past year and determining if there had been violations to the reasonable restrictions placed on the Pantry Gardens. Trustee King requested that the Board review the restrictions currently in place. The clerk presented the following motions that attached restrictions to the Pantry Gardens from past renewals: 1) Board would allow mildly amplified background music low enough to allow normal table conversation, 2) Board to exclude DJ's and their sound systems as well as bands that would have more than one performer onstage; 3) music to end by 9:00 p.m. with the Pantry Gardens to close at 10:00 p.m.

Clarification was requested on when the Gardens actually closed and a section was read from Stephen's planned operation submittal of 8/28/08: Music stops at 9:00 p.m. and the last hour of operation will be to allow patrons to complete their dining experience; backyard dining area will close at 10:00 p.m.

M/S Useman/Worthey to approve the renewal of the liquor license for Buffalo Chefs, Inc. dba The Pantry Restaurant, 6980 Lake Street. All yea

REQUEST FOR HOTEL AND RESTAURANT LIQUOR LICENSE RENEWAL:

MUCKY DUCK DELI & CATERING, 10530 UTE PASS AVENUE - Kathleen Wilson,

Owner was present. The renewal application was in order. Wilson reported that there have been no changes in the liquor license operation to include the modified premise for the rooftop area. In 2009, Wilson requested the Liquor Licensing Authority to grant a modification to the existing liquor license to allow her to increase seating capacity by 25 for rooftop dining. No live music was presented and the rooftop would close by 9:00 p.m. A letter from the Marshal was entered into the record stating that there have been no incidents involving the department for liquor license violations.

M/S Worthey/Newberry to grant the liquor license renewal for Mucky Duck Deli & Catering, 10530 Ute Pass Avenue. All yea

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 -

First presentation and review of Ordinance 05-2010. Town Attorney Dan Stuart was present at the 8/03/10 Board meeting and recommended that the Board extend the current moratorium for licensing and regulating medical marijuana dispensaries. Stuart suggested that the Board present a new ordinance reflecting an extension until July 2011. The Board members concurred and the Town Clerk will set a Public Hearing for Tuesday, September 7, 2010 at 7:00 p.m. Residents Kay Bachus and Howard Price voiced their opposition to having dispensaries within the Town limits. Price stated that the Town should consider the "opt out" measure allowed by the State and not permit these facilities within Town limits. Trustee Bratton stated that the Board is continuing to research the variety of measures being taken by surrounding counties and municipalities as well as information being provided weekly by the Colorado Municipal League's counsel on measures being adopted throughout the state.

RESOLUTION 2010-07 A RESOLUTION OPPOSING PROPOSITION 101 AND AMENDMENTS 60 AND 61 - First Presentation for Board Review and Discussion

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. The Town would be faced with decreased annual revenues for the general operating fund in 2011 that would exceed \$26,000, i.e. through reduction in specific ownership taxes, reduction in vehicle registration and use tax, reduction in the municipal share of Highway Users Tax Fund and elimination of sales tax on telecommunication services. These losses of revenues are projected to double by the year 2014. Amendment 61 requires voter approval on lease purchases. Amendment 60 cancels all prior voter approved TABOR overrides.

M/S Useman/Worthey to table until the September 7, 2010 Board meeting. All yea

RESOLUTION 2010-08 A RESOLUTION ACCEPTING THE SUBRECIPIENT AGREEMENT: A JOINT AGREEMENT BETWEEN EL PASO COUNTY, COLORADO AND THE TOWN OF GREEN MOUNTAIN FALLS/PIKES PEAK COMMUNITY FOUNDATION FOR THE EL PASO COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM M/S Worthey/Newberry to approve

Resolution 2010-08. All ye Public Works Director, Robert McArthur stated that the Board accepting and signing the Subrecipient Agreement is the first update staff can report on the block grant award and project. The agreement will now be presented to the El Paso County commissioners for their signature and approval.

UPDATE ON THE EL PASO AVENUE EAST ROAD CLOSURE AND BRIDGE

REPLACEMENT - DPW Director, Robert McArthur reported that he is continuing the research and bid estimates including the engineering specifications for the repair project. The Town applied for and has been awarded a grant for \$58,500 to assist with the repairs and capacity improvements to protect from future flood events from Division of Local Affairs. McArthur will keep the Board informed as plans progress for the project.

REPORTS: The Marshal's Department report was entered into the record by the Mayor Protem and highlighted by Deputy Soyka. **Mayor Stevens: PPACG/PPRTA:** No report. **Trustee Pitrone: Regional Building - No report. Public Works Department: DPW Director** Robert McArthur's report was submitted into the record. McArthur reported that the municipal pool closed for the season on 8/15/10 and that it was a successful summer. **Trustee King: PPACG Alternate / TES Alternate Rep / Admin / Pool – No report. Trustee Useman: Manitou School District 14 – No report. Trustee Worthey: GIS website - No report. Urban Forestry: No report. Trustee Bratton: Bronc Day -** Trustee Useman commended Trustee Bratton for all his work on a very successful Bronc Day event. Bratton thanked the Marshal's Department and Public Works Director Robert McArthur for their support. He has sent Nancy Bernard's photos to all board members. Bratton thanked the 37 volunteers who participated in the planning and execution of Bronc Day making the event an enormous success. Bratton reported there will be a Bronc Day critique session with committee members on 8/18/10 at the Mucky Duck Restaurant. **Trails -** Next meeting will be held on 9/2/10 at 6:00 p.m. at the Mucky Duck Restaurant. Crystal Creek Trail work day scheduled for Sunday, 9/12/10 at 8:00 a.m. **Trustee Newberry: Parks – No report.**

OLD BUSINESS - Michael Lohman, residing at 6817 Hotel Street stated that the town's website needs more information relating to Board of Trustees' and staff contacts. He also stated that Betty VanScoten is identified on the website as a Deputy Clerk. VanScoten is an administrative assistant.

NEW BUSINESS - No new business that required Board action or discussion was presented.

CORRESPONDENCE: No correspondence was received that required Board action or discussion.

The meeting was adjourned at 7:53 p.m.

Mayor Protem Dick Bratton

ATTEST: _____
Chris Frandina, Municipal Clerk