

The Minutes are Provisional until approved by the Board at the next meeting on 9/17/13.
Jon Harwood and Mrs. Billie Harwood, of Pine Street received Board approval to video the meeting.

**BOARD OF TRUSTEES
TOWN OF GREEN MOUNTAIN FALLS
MINUTES OF REGULAR MEETING – TUESDAY, SEPTEMBER 3, 2013**

The Board of Trustees meeting was called to order by Mayor Worthey at 7:10 p.m.

ATTENDANCE: Newberry - present Pitrone - present LoCascio - present
Price - absent Stevens - present Peterson - present

ADDITIONS, DELETIONS OR CORRECTIONS TO THE AGENDA – Trustee Peterson requested approval to add a presentation by Boy Scout Troop 18 to the agenda. M/S Peterson/Pitrone to approve the addition as requested and add the item after the Public Hearing as #4A. All yea

CONSENT AGENDA

- A. APPROVE BOARD OF TRUSTEES MINUTES FOR 8/20/13
- B. BILLS RUN AUGUST 21 THROUGH AUGUST 29, 2013: \$10,459.33
- C. ACCEPT PLANNING COMMISSION MINUTES INTO THE RECORD FOR AUGUST 27, 2013

M/S Newberry/Peterson to approve the Consent Agenda as submitted. All yea

Mayor Worthey called a Public Hearing to order at 7:15 p.m.

PUBLIC HEARING: REQUEST FOR A 0’ SETBACK VARIANCE TO FRONT PROPERTY LINE FOR DECK UPGRADE AND EXTENSION – 11175 FALLS AVENUE, PROPERTY OWNER, KAREN CLARK AND APPLICANT REPRESENTATIVE: ARCHITECT, JASON BRUNGARDT The applicant representative and architect Jason Brungardt reviewed the project with the Board members. The property owner was present. The variance request submitted was to address the upgrades to the existing front deck. The existing deck does not meet the current setbacks within the GMF Municipal Code; it is less than 3’ from the property line. Current code is a 15’ front property line setback for structures. The proposed deck will remain within the property line with no encroachment into Falls Avenue. A 0’ setback variance is being requested. The new front deck will be in compliance with the Teller County Regional building code requirements. The site was posted with a Public Hearing Notice. Nine informational packets were sent to property owners within 100’ of the petitioner’s property lines. To date, seven letters in favor of granting a variance have been received. Public Works Director, Robert McArthur does not feel the variance will be a detriment or obstruction to road maintenance. The Planning Commission held a public hearing on 8/27/13 and recommended that the Board of Trustees grant the variance based on their findings. There being no further comments from the Applicant or the audience and Board members, the Public Hearing was closed at 7:20 p.m.

The following Planning Commission findings were reviewed and accepted:

- the granting of the variance shall be in harmony with the general purpose and intent of the Land Use Code.
- the granting of the variance will not increase congestion in the public right of way or impair property values within the adjacent neighborhood.
- the majority of neighbors are in favor of the granting of a variance.
- upgrades to the property will be an asset to the neighborhood.

M/S LoCascio/Pitrone to approve the granting of the front property line setback based on the findings from the Planning Commission. All yea

BOY SCOUT TROOP 18 – Scout representative, John Ives stated that both he and three other scouts would like to offer their assistance to the Town with any repairs to the parks system or the creek area caused by the Fountain Creek flooding. Public Works Director, Robert McArthur stated that while most of the repairs will be done by contractors under CIRSA's insurance coverage, he will find a project for the scouts to complete. Troop 18 was commended by the Board for their community allegiance.

PUBLIC WORKS DIRECTOR'S DAMAGE ASSESMENT DUE TO 8/22/13 FOUNTAIN CREEK FLOOD EVENT- Robert McArthur summarized the damages to public infrastructure from the subsequent run-off of an extensive amount of rain in a short period as accessed by Colorado Emergency Management, Clay Brown, Regional Manager for DOLA, Floodplain Administration, the Town's insurance provider CIRSA and Colorado Water Conservation. As reported by McArthur, the Town has been advised to submit an emergency services grant to DOLA for the damage to the three bridges and for the damage to the diversion structure from Catamount Creek into Fountain Creek. CIRSA will be covering more than \$18,000 for the cost of repairs to the Gazebo playground area, and for other damages to heavy equipment parts and road base materials. McArthur is discussing applying for funding for an early warning system with the local fire district, DOLA and the Colorado Water Conservation Board. As soon as all the estimates from engineers and contractors are compiled by McArthur a DOLA grant application will be submitted.

RESOLUTION 2013-08 A RESOLUTION DECLARING A LOCAL DISASTER - The Office of Emergency Management has recommended that the Board of Trustees declare a local disaster as that term is defined in Part 21 of Article 32 of Title 24 C.R.S. for the flood damages to include but not limited to:

1. Direct costs to the repair of the damage caused by the flooding to the Green Mountain Falls Road Bridge.
2. Direct cost to the repair of the damage by the flooding of the bridge at Hotel Street and El Paso Avenue.
3. Direct costs and repair to the damage by the flooding of the culvert, a sealed wing device, El Paso Avenue and Ute Pass Avenue.
4. Direct cost and repair to the damage by the flooding to the Lake Street Diversion Structures.
5. Direct cost and repair to the park/playground/dredging recreation pond.

Pursuant to C.R.S. § 24-32-2109 and the emergency management and operations plans and resolutions of Green Mountain Falls, Colorado the Board is authorized to declare a local disaster. The declaration provides access to and spending of all emergency funds for response and recovery for said local disaster held by the Town in accordance with Article 10, Section 20 of the Colorado Constitution. Copies shall be filed promptly with the Colorado Office of Emergency Management, County Clerk, Board of County Commissioners and with the Town Clerk and distributed to the appropriate representatives of the news media.

M/S Pitrone/Newberry to approve Resolution 2013-08. All yea

Clay Brown, Regional Manager, DOLA will require a letter signed by the Mayor outlining the costs of the repairs listed above to be submitted with the DOLA emergency funding application. Board members authorized the Mayor to sign the cover letter once costs are received and compiled by Public Works Director, Robert McArthur within the next ten days.

M/S Pitrone/LoCascio to approve the submittal of the emergency funding application with the amount to be determined by the estimates received by Public Works Director and authorize the Mayor to sign cover letter. All yea

REVIEW AND DISCUSSION OF DRAFT ORDINANCE 02-2013 AN ORDINANCE RESTRICTING ALL OPEN FIRES AND OPEN BURNING WITHIN THE TOWN OF GREEN MOUNTAIN FALLS, COLORADO – Trustee Jane Newberry requested that Ordinance 02-2013 be set for public hearing for 9/17/13. **M/S Newberry/Peterson to request that the town clerk set a public hearing for 9/17/13 for the Board to solicit public input. All yea**

DRAFT RESOLUTION 2013-09 A RESOLUTION SETTING THE PENALTIES FOR ORDINANCE 02-2013 **M/S Newberry/Peterson to table review of penalty resolution until the 9/17/13 meeting. All yea**

REVIEW AND CONSIDERATION OF TOWN ATTORNEY’S REQUEST TO INCREASE PAYMENT RATE – Lisa Tormoen Hickey submitted a letter dated 8/2/13 to the Board for consideration. Hickey outlined the cost of the legal services provided to the Town to date from the firm of Alpern Myers Stuart LLC. Hickey stated that the process of reviewing the firm’s engagement with the Town was to ensure that it is sustainable over the long run. Within Hickey’s proposal for an hourly or monthly flat fee increase for the remainder of 2013, she included alternative measures for the Board to consider knowing the Town’s budget constraints. She noted that throughout this year the office has spent significantly more time providing legal services than in the past with time commitments requiring legal services growing rather than subsiding. The proposal was through the end of the year. The Town will be bidding out some of the municipal services for 2014 and Alpern Myers Stuart anticipate submitting a proposal. The Board members discussed Hickey attending fewer board meetings and attempting to cut back to five hours a month of town representation, if that is possible. Hickey stated that she will work towards the five hours per month providing legal direction to board members and staff and report back to the Board if more than those hours start accumulating.

ALTERNATE METHOD OF PERFORMING THE RECALL ELECTION FOR THE TOWN – Richard Lackmond, Olathe Street resident and member of the recall issue committee offered a verbal proposal based on his research at the local, county and state levels to hold a recall election for under \$200.00. Lackmond stated that he read all the State Statutes and a recall election can be run by volunteers. An election does not have to be run by the Town or the County. Volunteers can obtain free training from the County. Training manuals are available and mailings can be done at bulk mail costs. He did not feel the Town needed to go with the El Paso County Election Department estimates of \$5,927.20 for County to perform the recall election. The Town Attorney reminded the Board that the Town would have to obtain special counsel if the County did not perform the recall election as the Board had agreed to at the 8/20/13 meeting. Alpern Myers Stuart LLC nor CIRSA would provide coverage or counsel for alternate election methods. Pine Street resident Mrs. Billie Harwood gave the Mayor a check for \$5,000 towards the County election estimates. Harwood said she did not want the Town or anyone in the Town hurt by the recall election and felt her donation would assist with the election cost. Harwood stated that if a recall election did not happen, the Town has her permission to use the funds as deemed necessary. The Town has an estimated \$15,000 cash match to provide if the DOLA emergency funds are approved for the flooding repairs. Harwood stated she would not have a problem with that use of her donation if a recall election did not happen. Trustee Newberry felt that the Town needed to go forward with an IGA with El Paso County Election Department being the Town Clerk has been requested to step down as the DEO by the recall committee.

REVIEW AND CONSIDERATION OF AN INTERGOVERNMENTAL AGREEMENT WITH EL PASO COUNTY ELECTION DEPARTMENT TO APPOINT THE ELECTION DEPARTMENT AS THE DESIGNATED ELECTION OFFICIAL FOR A RECALL ELECTION

Town Attorney, Lisa Tormoen Hickey previously sent copies of the IGA with El Paso County that she is negotiating on behalf of the Town for their input and review and Resolution 2013-10 approving the IGA. Hickey stated that there are minor changes to the IGA that she is recommending. She reviewed the IGA amendments with the Board members. Hickey feels that the IGA will be ready for signature within a week or ten days. County Clerk and Recorder Wayne Williams would be the DEO conducting the recall election and the Colorado Uniform Code would be followed instead of the Municipal Election Code. The Board members desired to go forward with the IGA and to pass the resolution approving an IGA with El Paso County Clerk and Recorder to conduct activities related to recall proceedings and election pursuant to Statute. **M/S Newberry/Pitrone to approve Resolution 2013-10 authorizing the signing of the IGA with El Paso County Clerk and Recorder. All ye**

REPORTS: Mayor's Report: Mayor Worthey reported that the telephone tree she compiled last year for emergencies failed during the Fountain Creek flooding event. She was not called and reiterated that there is still a need to review and update the Town's emergency operations policies. Trustee Peterson noted that it was not from a lack of willingness but from most individuals being involved with the emergency with their families. Some members were caught downtown the Pass was closed. Worthey is also recommending an after action review of the Fountain Creek flooding event.

Public Works: Regional Building Department – Pitrone reported on the funds that have been set aside by the RBD to assist each of the member entities with demolition of dangerous buildings. Pitrone is requesting that the board designate those funds set aside for Green Mountain Falls for this purpose only (approximately \$15,000) for the City of Manitou Springs to use. Pitrone stated that the town does not have the immediate need but Manitou certainly does since the flooding events. Board members were in agreement to offer the funds for Manitou's needs. Pitrone was asked to draft a letter for the Mayor to sign. Robert McArthur's report was submitted into the record by Trustee Pitrone. McArthur submitted two memorandums dated 8/30/13 one discussing the research of a Stream Side Protection Ordinance for the Town and the DOLA emergency grant match that may use most of the Town's TABOR Reserve funds. He also noted that the Town's deductible for the Park damages was \$1,000.00.

Trustee Liaison Newberry, Administration: Except for the August financial submittal, no further report was provided. Trustee Newberry stated that she will be taking an online civic engagement class sponsored by CML. Newberry received a response to the census challenge that she performed and while the census officials did find report errors, the Town's population of 640 that they had initially reported did not change.

Trustee Liaison LoCascio, Parks: No report.

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

Trustee Liaison Peterson, Businesses, Triangle Chamber Commerce – Peterson reported on the Waldo Canyon Recovery and Mitigation Elected Officials Tour that she attended on August 29th. As a result of the Flood networking exposure from the tour, Peterson would like to invite Paul Eller to the next Board meeting. Eller is a Field Manager for the Colorado Department of Public Safety and has offered to present a community wide concise review of the town's emergency management needs and provide a better understanding of emergency management processes. At the meeting, he will highlight elected officials responsibility, the community profile, threat and risk assessment, rapid needs planning, community planning and mitigation processes and planning and updating the emergency plan.

Trustee Liaison Price, Marshal's Department: In liaison Price's absence, Pitrone gave a brief report from Price addressing the Marshal's 2013 budgetary needs and the request for the use of contingency funds. Bradley was copied on the report. He and Price will meet upon Price's return. Bradley gave a verbal report of the department's activities over the past two weeks.

PUBLIC INPUT - Items Not Listed on Agenda – Pine Street resident Mrs. Billie Harwood had offered to pay for one year of the town's website costs during last year's discussion. She stated that her offer still is available if someone would let her know that the costs are going to be. **Harwood** stated that she thought the Concerned Citizens group was being harassed as they tried to have a meeting at the lake one afternoon. She felt that an employee was mowing close to the meeting area and attendees. Belvedere Avenue resident, Nancy Brittain thanked the Board for enlightening meetings this summer and stated that she supports the Marshal's Department. GMF property owner, a prior Board member and the chairman of the GMF Centennial Committee and now a resident of Woodland Park spoke to the Board members about achieving, through communication and respect for one another, what ultimately would be best for the Green Mountain Falls community. She spoke of past board challenges that the Board worked through and the many projects that were accomplished. She has been saddened by the meeting accounts in the newspapers and desires that the board work towards the good of the town and community. **Billie Harwood** thanked Trustee Newberry for taking the first step and attending the Concerned Citizens meetings this summer and answering questions. Harwood also requested that the Citizen's Input agenda item be moved closed to the top of the agenda.

OTHER BUSINESS: Trustee Pitrone requested a motion giving the Public Works Director authority to have unauthorized vehicles towed from the maintenance yard. Pitrone stated that it is standard policy in most municipalities not to allow unauthorized vehicles at a municipal maintenance yard. Pitrone asked that board members do not give permission for vehicles to park at the yard especially during an emergency situation. He stated this impedes the staff from safely and expeditiously performing their duties. Pitrone stated the town would ultimately be responsible for any damages that may occur to unauthorized vehicles. Vickie McKnight of Joyland Church stated that the church's parking lot could be used in emergencies. Pitrone withdrew his motion at this time anticipating that his statement to the Board and the new signs posted at the maintenance yard will be adhered to. **No other** business requiring Board action or discussion was presented.

CORRESPONDENCE – Mr. & Mrs. Chris Martinez, 10715 Ute Pass Avenue expressed concern for the stockpile site and potential devaluation of their property on the corner of Olathe and Catamount Creek. The letter states that the area has become increasingly congested with traffic and non-stop work and noise during most of the day. They are hoping to turn the board's attention to the unsightly area in a residential neighborhood with a desire that the town finds a better location outside of a flood zone and a residential neighborhood. **Billie Harwood** thanked Trustee Newberry for taking the first step and attending the Concerned Citizens meetings. Harwood also requested that the Citizen's Input agenda item be moved closed to the top of the agenda. **The Board** members received emails from the Town Attorney regarding meeting practices that would lend themselves to a more cohesive meeting. **The town clerk** submitted a letter to the Concerned Citizens group for a statement they made in a letter to the clerk dated 8/29/13 that she stated to be false and libelous. **No other** correspondence was received other than from the Concerned Citizens group as reported by the Town Clerk earlier in the meeting.

There being no further business, Mayor Worthey adjourned the meeting at 9:45 p.m.

Mayor Lorrie Worthey

ATTEST: _____
Chris Frandina, Town Clerk