

**BOARD OF TRUSTEES
TOWN OF GREEN MOUNTAIN FALLS
MINUTES OF REGULAR MEETING - TUESDAY, SEPTEMBER 20, 2011**

The meeting was called to order at 7:04 p.m. by Mayor Tyler S. C. Stevens.

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

ADDITIONS, DELETIONS OR CORRECTIONS TO AGENDA - No additions, deletions or corrections were presented.

CONSENT AGENDA - Trustee Robert King called out the Board Minutes for a correction.

-APPROVE BILLS DUE AND PAYABLE FOR \$5,776.81

-ACCEPT PLANNING COMMISSION MINUTES OF 9/13/11 INTO THE RECORD

M/S Bratton/King to approve Consent Agenda.

APPROVE BOARD OF TRUSTEES MINUTES FOR 9/6/11

Trustee King requested that a correction be made to Page 4, last line under Economic Sustainability Committee agenda item, Motion - to read "King recused himself" and not "King in favor". **M/S Bratton/King to approve the Minutes as corrected. All yea**

FOUNTAIN CREEK WATERSHED, FLOOD CONTROL AND GREENWAY DISTRICT

UPDATE - Executive Director, Larry Small presented a comprehensive power point presentation of the Fountain Creek Watershed Flood Control and Greenway District progress over the past two years. He was joined by Board member and El Paso County Commissioner, Dennis Hisey. The District formation was sponsored by Colorado State Representative Marsha Looper and created under SB09-141, established under Title 32 of the CRS. The boundaries, governance, and powers and duties of the district are established through this legislation. This bill was pivotal for the future development and success of the Southern Delivery System project. SDS will deliver water from the Arkansas River, to be stored in the Pueblo Reservoir, to Colorado Springs, Fountain, Security and Pueblo West. The District consists of representatives from El Paso County, City of Colorado Springs, City of Fountain, several small municipalities in El Paso County, Pueblo County, City of Pueblo, Pueblo County, Lower Arkansas Valley Water Conservancy District, a Technical Advisory Committee and a Citizens Advisory Group. The district is authorized to manage, administer, and fund the capital improvements necessary in the Fountain Creek Watershed to mitigate flooding, erosion and sedimentation; address water quality issues; improve drainage; fund the protection of open space; and develop public recreational opportunities including open space. The district has land use authority in the 100-year floodplain between El Paso and Pueblo counties (south of the City of Fountain and north of the City of Pueblo). Outside of this area, the district provides input to public bodies on land use applications that may have direct or indirect impacts to the watershed.

The district received \$50 million in gradual funding through Colorado Springs Utilities payments for mitigation improvements of Fountain Creek. It is eligible and has received additional grants as a state-designated watershed authority. The primary objective of the District: focus on Fountain Creek, a 962 mile area, transitioning from a public concern to valuable asset. Becoming part of other prime recreational and greenway within the State was a vision of Senator Ken Salazar when he established his "Crown Jewel" plan. There are

approximately \$200 million in projects to be completed. Fountain Creek will be a destination which includes parks, trails and most importantly a beautiful waterway as an asset to all partner communities. The Master Plan will be completed and available for public review at the end of October 2011.

AXIOS YOUTH COMMUNITY - 10930 Hondo Avenue, Bob Horvath, Projects Coordinator will attend the Tuesday, October 4, 2011 meeting to update the Board on the Axios facility and the residents.

PUBLIC INPUT - Items Not Listed on Agenda * - Pine Street property owner, Billie Harwood and her son, Jonathan were present to discuss a second donation that they will be giving to the Marshal's Department to assist with tires for the vehicles. Mrs. Harwood donated \$5,000 in honor of her late husband, John Harwood. She stated that she would like to be kept apprised of projects that may need financial assistance so that her family may contribute. Belvedere resident, Nancy Brittain and her son David stated that they supported the Marshal's traffic control program and everything that the department does to protect the summer residents when they are not here. Brittain speaking for herself and Hondo Avenue property owner and friend Pamela Giraud, would like more information brought forward about the Axios Youth Facility specifically when an incident is reported by the Marshal's office. Cottage Street resident, John Kramer stated that Bob Horvath of Axios welcomes calls from property owners who would like more information on the program or who may want to tour the facilities.

A Public Hearing was called to order at 8:09 p.m. by Mayor Tyler S. C. Stevens.

PUBLIC HEARING: REQUEST FOR A SPECIAL USE TO OPERATE A VACATION RENTAL BY OWNER - Ben Stephens, 6855 Howard Street Cottage Street property owner, John Kramer was representing Ben Stephens at the public hearing. Stephens has recently moved from Howard Street and resides in Chipita Park. He currently has a Special Use Permit for a Vacation Rental by Owner for one unit on the lower level granted in 2007. Stephens has been renting the upstairs of the house since his move and now desires to request a Special Use for the entire residence. It would be two one bedroom areas on the lower floor and one two bedroom area on the main level. Stephens stated he has off street parking for up to six cars. An employee of Stephens lives in a separate unit downstairs and uses one of the parking spots. The site was posted with a Public Hearing Notice. Ten information packets were sent out to neighbors within 100' of the property lines. To date, one verbal approval from property owner, Garry Rohrig was received by the Town Clerk, five written responses favoring approval of a special use and one property owner, Robert Adams, opposed due to concerns about parking in the summer months. Adams wrote that Howard Street barely has sufficient parking for the property owners never mind any guests. Stephens confirmed that for the number of clients he will be renting to at any given time, he had ample off street parking. The Planning Commission held a public hearing on 9/13/11 and agreed upon the following findings:

- the standards outlined within Municipal Code, Section 16-710 for granting a special use are being adhered to as outlined and presented by the petitioner
- six adjacent neighbors in favor of granting a special use.
- additional revenues received by the Town have value to the community.

There being no further comments from the petitioner's representative, audience or board members, the public hearing was closed at 8:18 p.m.

Page 3 - Board Minutes 9/20/11

Trustee Pitrone stated that after reading the information presented by Ben Stephens, he wanted clarification that if Stephens desires to turn the apartment that is currently being used by one of his employees into a special use unit, he would have to go through the process again for that unit. Pitrone stated that the Board's approval was for the units presented by Stephens in the request documents only. **M/S Bratton/Pitrone that based on the recommendation and findings of the Planning Commission to approve the Special Use Request as presented for a vacation rental by owner. All yea**

REQUEST FOR APPROVAL OF A REVOCABLE PERMIT FOR PUBLIC PROPERTY OUTSIDE OF THE SILVER TONGUE DEVIL SALOON - M/S Bratton/King to approve the Revocable Permit Request as submitted on the application based on the recommendation of the Planning Commission. All yea

REQUEST FOR A WAIVER OF FENCE PERMIT FEES OR THE REVOCABLE PERMIT FEE - Property Owner, Anthony DeYoung, 10374 El Paso Avenue was present and requested that the Board waive part of the \$50.00 fence permit fee and apply it to the \$25.00 annual Revocable Permit fee. Trustee Pitrone stated that the Board will not waive either of those fees; the other members concurred. Currently, DeYoung owes the \$25.00 Revocable Permit Fee for the fence installed on a section of property that is the public right of way for El Paso Street.

REAPPOINT FIVE MEMBERS OF THE GREEN MOUNTAIN FALLS TRAILS COMMITTEE - Trustee Dick Bratton explained that the two year terms for the five members had expired. M/S Pitrone/King to appoint Brian Billow, Dick Bratton, Claudia Eley, Bob Krick and Myrna Wey to the Trails Committee for a two year term each expiring in September 2013. **M/S Pitrone, King, Stephens, in favor; Bratton to recuse himself.**

PROCEDURES FOR FILLING PLANNING COMMISSION VACANCIES **M/S King/Pitrone to approve the recommendations for filling Planning Commission vacancies as presented by Trustee Bratton in the memo dated 9/6/11. All yea**

DRAFT OF ORDINANCE 04-2011 AUTHORIZING PAYMENT OF PENALTY ASSESSMENTS FOR TRAFFIC INFRACTIONS WITHOUT THE REQUIREMENT OF A COURT APPEARANCE AND PROVIDING FOR A REDUCTION IN POINTS ASSESSED AGAINST DRIVING PRIVILEGES The Town Clerk was requested to set a Public Hearing for Tuesday, October 4, 2011 at 7:00 p.m.

PRESENTATION OF BID ESTIMATE FOR TOWN HALL HANDICAP ACCESSIBILITY ACCESS PROJECT - DPW Director, Robert McArthur presented the construction estimate from bid winner, Beowulf Construction and Engineering, Inc. in the amount of \$39,985.12. The contract is being prepared for the Mayor's signature. Construction planned to start the middle of October with an anticipated 45 day completion time frame. **M/S Bratton/Pitrone to accept the bid estimate as submitted. All yea**

REPORTS: Mayor Stevens: PPACG/PPRTA - No report.

Marshal's Report - No report due to the Marshal's absence.

Trustee Pitrone: Regional Building - No report.

Public Works Department: DPW Director - McArthur's report was entered into the record by Trustee Pitrone. McArthur submitted a memo dated 9/20 stating that after meeting with the adjacent property owner, the access area next to Town Hall and the storage units will be closed during the construction phase of the handicap accessible access to the Town Hall

building. The owners of the property have requested that the access area remain closed to commercial traffic when the construction project is completed.

Trustee King: PPACG Alternate / TES Alternate Rep - King reported that more pavers have been installed on the Gazebo island. A new roof is being planned this fall for the Land Company Building paid for by the donations collected for the pavers.

Administration - No report.

Trustee Useman: Manitou School District 14 - No report.

Trustee Worthey: Urban Forestry/GIS website - No report.

Trustee Bratton: Bratton reported that the Crystal Trail should be completed and open to hikers this fall. The next trails meeting to be held on 10/6/11 at the Mucky Duck Restaurant.

Trustee Newberry: Parks - No report.

UNFINISHED BUSINESS - Earlier in the meeting during the minutes correction segment, Mayor Stevens was requested by John Kramer to clarify the procedures used by the Board for voting for the members of the Economic Sustainability Committee. Stevens reported that the Board members voted on the applications and forwarded the slate to him. He compiled the list used for appointment. **Trustee** Bratton had requested a copy of the Town's current fee schedule. Clerk supplied copies dated 12/09 for all board members. **The Clerk** reported that over 39 participants will be attending the District 14 meeting and dinner on 9/26/11 at the Mucky Duck Restaurant. **No other** unfinished business was presented that required Board discussion or action.

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

CORRESPONDENCE - No correspondence was received that required Board of Trustee discussion or an action.

The meeting was adjourned at 8:32 p.m.

Mayor Tyler S. C. Stevens

ATTEST: _____
Chris Frandina, Town Clerk/Treasurer