



# Town of Green Mountain Falls

## Regular Board of Trustee Meeting Agenda

10615 Green Mountain Falls Road

7:00 p.m.

Tuesday, June 5, 2018

**7:00 p.m. Workshop:** For the purpose of discussion and public input regarding the vacation rental ordinance

**Regular meeting will begin immediately following the workshop**

1. CALL TO ORDER / ROLL CALL / PLEDGE OF ALLEGIANCE
2. ADDITIONS, DELETIONS OR CORRECTIONS TO THE AGENDA
3. CONSENT AGENDA
  - a. Approve Board of Trustees Meeting Minutes May 15, 2018
  - b. Bring Into Record Bills Run June 4, 2018 – to be provided at the meeting
4. NEW BUSINESS
  - a. Consideration of Renewal of Revocable Permit for Patrick Daugherty Installation, Footprint in Green
  - b. Consideration of Renewal of Revocable Permit for Lake Street Beautification Project Public Art Interpretive Sign
  - c. Introduction of Ordinance No. 2018-03, An Ordinance Amending Section 17-85(c) of the Municipal Code of the Town of Green Mountain Falls, Colorado, Regarding The Procedure For Obtaining Grading Permits
  - d. CUSP Fire Mitigation
5. OLD BUSINESS
  - a. Public Hearing and Final Action on Ordinance No. 2018-02, An Ordinance Amending Article IV, Chapter 6 of the Green Mountain Falls Municipal Code to Require Licensing of Mobile Food Vendors
  - b. Short Term Rental Update
  - c. Trustee vacancy status and next actions
  - d. Staffing update
6. PUBLIC INPUT: 3 Minutes per speaker
7. CORRESPONDENCE
  - a. Planning Commission Minutes May 8, 2018
  - b. Planning Commission Minutes May 14, 2018 special meeting
  - c. Planning Commission Minutes May 22, 2018
8. REPORTS
  - a. Trustees
  - b. Town Clerk
  - c. Marshal
  - d. Town Manager
9. EXECUTIVE SESSION Pursuant to CRS 24-6-402(4)(b) to receive legal advice regarding taxes
10. ADJOURN

**TOWN OF GREEN MOUNTAIN FALLS**  
**Regular Board of Trustee Meeting**  
**May 15, 2018 – 7:00 P.M.**

**MEETING MINUTES**

**Board Members Present**

Mayor Pro Tem Cameron Thorne  
Trustee David Pearlman  
Trustee Tyler Stevens

**Board Members Absent**

Mayor Jane Newberry  
Trustee Chris Quinn

**Town Attorney**

Not present.

**Interim Town Manager**

Jason Wells

**Interim Town Clerk**

Judy Egbert

**Marshal's Dept.**

Virgil Hodges

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Note: A workshop was held at 7:00 p.m. for the purpose of receiving citizen input on Ordinance No. 2018-02, An Ordinance Amending Article IV, Chapter 6 of the Green Mountain Falls Municipal Code to Require Licensing of Mobile Food Vendors. The regular meeting immediately followed.

**1. CALL TO ORDER/ROLL CALL/PLEDGE OF ALLEGIANCE**

Mayor Pro Tem Thorne called the meeting to order at 7:33 p.m. The Pledge of Allegiance was recited.

**2. ADDITIONS, DELETIONS, OR CORRECTIONS TO THE AGENDA**

Ms. Egbert pointed out that the bills run was provided just prior to the meeting.

A motion was made by Trustee Stevens and seconded by Trustee Thorne to approve the agenda as presented. The motion carried.

**3. CONSENT AGENDA**

- a. **Approve Board of Trustees Meeting Minutes of May 1, 2018**
- b. **Bring Into Record Bills Run May 14, 2018**

A motion was made by Trustee Stevens and seconded by Mayor Pro Tem Thorne to approve the Consent Agenda as presented. The motion carried unanimously.

**4. NEW BUSINESS**

**a. Consideration of Award of Contract For Comprehensive Plan Services and Authorize Mayor to Sign Such Contact**

Dick Bratton reviewed the process so far. Five proposals were received, and interviews were conducted at yesterday's Planning Commission meeting. The firm with the top score and best presentation was Logan Simpson, Inc. of Ft. Collins. A community meeting will be held June 27, 2018 in the evening.

Mr. Bratton read the Planning Commission motion made by Commissioner Blasi and seconded by Commissioner Williamson to recommend that the Board of Trustees award to Logan Simpson, Inc. and to authorize Mayor to sign an agreement in an amount not to exceed \$100,000.

Mayor Pro Tem Thorne moved, seconded by Trustee Stevens, to award a contract to Logan Simpson, Inc. and to authorize Mayor or Mayor Pro Tem to sign an agreement in an amount not to exceed \$100,000. The motion carried unanimously.

**b. Second Reading, Public Hearing, and Consideration of Final Adoption, Ordinance No. 2018-01, An Ordinance Adopting By Reference The 2017 Pikes Peak Regional Building Code And Amending Sections 18-1 And 18-5 Of The Green Mountain Falls Municipal Code Accordingly**

Mayor Pro Tem Thorne moved, seconded by Trustee Stevens, to read the ordinance by title only. The motion carried unanimously.

Mayor Pro Tem Thorne read the ordinance title.

The public hearing opened at 7:44 p.m.

Staff comments: Mr. Wells noted that this is a housekeeping item and keeps the Town current. This adopts by reference the Pikes Peak Regional Building Code, which in turns adopts by reference all the necessary building codes.

Virginia Koulchitzka of the Pikes Peak Regional Building Department explained that all of the subsidiary codes have been reviewed, and the overall code adoption has been submitted to all eight participating jurisdictions. At the April 3 meeting, she presented details around the new codes.

Mayor Pro Tem Thorne asked for public comment. There was none.

The hearing closed at 7:49 p.m.

Trustee Stevens moved, seconded by Mayor Pro Tem Thorne to adopt Ordinance No. 1, 2018.

**c. Consideration of Resolution No. 2018-05, A Resolution of the Town of Green Mountain Falls Colorado Designating the Official Public Notice Posting Place**

Mayor Pro Tem Thorne read the Resolution in its entirety.

Desire was expressed to change the language to reflect Town Hall as a general location, and not the front window specifically. This allows opportunity to implement a better bulletin board system in the future.

Mayor Pro Tem Thorne moved, seconded by Trustee Stevens, to adopt Resolution No. 2018-05 with the above language change. The motion carried unanimously.

**d. Consideration of Whether To Exercise Interim Town Manager Professional Services Extension Option**

The current contract between the Town and Jason Wells is written to expire May 31, 2018. After completion of two and a half months, it is clear that more time is needed. The initial contract gave an opportunity for a trial period in order to determine whether it was a good fit for both the Town and Mr. Wells.

Mr. Wells proposed a six month extension, which will allow time to get through the budget process and begin recruitment for a permanent Manager. He further recommended that the scope of services could be re-written to contain more specific details.

A motion was made by Trustee Stevens and seconded by Mayor Pro Tem Thorne to authorize the Mayor or Mayor Pro Tem to negotiate and execute a contract that would reflect a six month extension, and to have discussion at the next meeting regarding the scope of services. The motion carried unanimously.

The Board asked Mr. Wells to provide a more streamlined report structure for future meetings.

**5. OLD BUSINESS** None.

**6. PUBLIC INPUT – 3 Minutes Per Speaker**

Scott Hopper spoke regarding the vacation rental ordinance. He believes that the recently adopted ordinance should be reconsidered. It doesn't reflect what the Town is currently going through. He believes that the former ordinance was more appropriate, and objected to the restriction of number of properties per street. He is supportive of an overall cap.

The Board asked to schedule a workshop at the start of the next regular meeting for additional discussion.

Tom Hughes gave an update on the lake/island repairs and plumbing structures. He recommended infrastructure improvements that would allow a better structure for park irrigation. Mr. Wells will be addressing this more during his report.

Reb Williams reported that PPRTA has reached a \$1 billion mark in earmarked projects.

**7. CORRESPONDENCE:**

**a. Planning Commission Minutes April 30, 2018**

**8. REPORTS**

a. Trustees. None.

b. Town Manager

Mr. Wells asked for Board direction regarding the Belvedere Project funding. The Board agreed by consensus to move forward with the approach that borrows against future projects.

Discussion resumed on the topic of the lake water system. Based on the 1980's agreement between the Town and Colorado Springs Utilities, the water rights the Town sold at the time was in exchange for receiving water at no charge. The island project can't be closed out without sod, and sprinklers are needed prior to sod.

A motion was made by Trustee Stevens and seconded by Trustee Pearlman to move forward with irrigation and sod, with work on the path to be done later. The motion carried unanimously.

The pool will open on June 9.

The Town is now eligible for Enterprise Zone designation. DeAnn McCann, El Paso County Economic Development Executive Director has requested a letter from the Town supporting this. This item is planned for the next meeting agenda.

A motion was made by Trustee Stevens and seconded by Mayor Pro Tem Thorne to move forward with Enterprise Zone designation and authorize the appropriate letter to get the process started. The motion carried unanimously.

With the change in staff for Town Attorney, options for Prosecutor services are being explored. It would be more efficient in both time and money to have a Prosecutor available at a local level to avoid travel expenses. A meeting is being held tomorrow with Debra Eiland as a potential for filling this service.

c. Town Clerk

Ms. Egbert asked for input regarding the unusual process for ordinance adoption. By statute, a regular ordinance has a single action then publication. The Town's code requires introduction, a workshop, then public hearing and final action. The current process was a streamlined one from what was in place prior.

Business licensing clean-up is progressing. Many transactions were paid, but the license not documented or issued. The same has been the case with dog licenses.

There are no applications to date for the Trustee vacancies. The Board directed Ms. Egbert to update the advertising with an extended deadline of May 31. This will be revisited again at the next meeting.

d. Marshal

Marshal Hodges spoke about the need for visible permits for construction and the correlating businesses so that it's clear to him that they are in compliance. More proactive steps are needed to inform citizens when a building or other permits are needed.

He pointed out that he had left a proposed draft of a revised wildlife-proof refuse ordinance. It will be presented at a future meeting.

**9. ADJOURN**

There being no further business, the meeting adjourned at 10:21 p.m.

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Mayor Jane Newberry

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Judy A. Egbert, Interim Town Clerk

☐ NEW PERMIT  
☒ RENEWAL

pol ck 2148  
3/27/18

## TOWN OF GREEN MOUNTAIN FALLS APPLICATION FOR REVOCABLE PERMIT

**REVOCABLE PERMIT REQUIRED FOR:** The space below the surface, upon the surface and above the surface of any public property. It shall be unlawful for any person to use or occupy such space for any purpose other than provided for in a revocable permit.

**Applicant Name:** Jesse Stroope \_\_\_\_\_

**Business Name:** Green Box Arts \_\_\_\_\_

Telephone: 405-767-3703 Cell # 405-760-1094 \_\_\_\_\_

Fax: \_\_\_\_\_

Address: POB 1 \_\_\_\_\_ Zip Code 80819

List each location where public right-of-way is used: Pool Park, Continuation of Patrick Daugherty Installation. \_\_\_\_\_

OUTDOOR SEATING (for dining) \_\_\_\_\_

PLANTERS \_\_\_\_\_

NEWSPAPER BOX \_\_\_\_\_

BENCH / CHAIRS \_\_\_\_\_

DUMPSTER \_\_\_\_\_

PICNIC TABLE \_\_\_\_\_

SIGNS/PLACARDS \_\_\_\_\_

DECKING \_\_\_\_\_

WOODEN COVERING/AWNING \_\_\_\_\_

OTHER Public Art \_\_\_\_\_

**FEES:** A revocable permit shall be for a term of one year. All revocable permits shall expire on December 31 of each year. A Revocable Permit fee (\$25.00 annually) will be required to accompany the application (payable to the Town of Green Mountain Falls). Please be advised that if the public right of way is being used in multiple locations, a fee is required for **EACH** location.

**SUBMITTAL REQUIREMENTS:** The Revocable Permit application and fee should be submitted to The Town of Green Mountain Falls, 10615 Green Mountain Falls Rd, P.O. Box 524, 684-9414, Green Mountain Falls, CO 80819

Provide evidence of PUBLIC LIABILITY AND PROPERTY DAMAGE INSURANCE in the name of licensee with the Town of Green Mountain Falls also named as insured.

**Page 2 - Application for Revocable Permit**

**APPLICANT COMPLIANCE STATEMENT:**

I understand that if this Revocable Permit is granted, I will be required to comply with all provisions in accordance with Chapter 18, Article III, including evidence of current public liability and property damage insurance policies in the name of the licensee with The Town of Green Mountain Falls also named as insured.

**Jesse Stroope**  
Signature of Applicant

3/26/18  
Date

APPROVED ON: \_\_\_\_\_

BY: \_\_\_\_\_  
Municipal Deputy Clerk/Treasurer



☐ NEW PERMIT  
☒ RENEWAL

pd ck 2148  
3/27/18

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Address: POB 1 \_\_\_\_\_ Zip Code 80819

List each location where public right-of-way is used: Lake Street Beautification Project  
\_\_\_\_\_

OUTDOOR SEATING (for dining) \_\_\_\_\_

PLANTERS \_\_\_\_\_

NEWSPAPER BOX \_\_\_\_\_

BENCH / CHAIRS \_\_\_\_\_

DUMPSTER \_\_\_\_\_

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**Jesse Stroope**  
Signature of Applicant

3/26/18  
Date

APPROVED ON: \_\_\_\_\_

BY: \_\_\_\_\_  
Municipal Deputy Clerk/Treasurer

**TOWN OF GREEN MOUNTAIN FALLS**

**ORDINANCE NO. 2018-03**

**AN ORDINANCE AMENDING SECTION 17-85(c) OF THE MUNICIPAL CODE OF THE TOWN OF GREEN MOUNTAIN FALLS, COLORADO, REGARDING THE PROCEDURE FOR OBTAINING GRADING PERMITS**

WHEREAS, the Board of Trustees desires to amend the Town's procedure for obtaining a grading permit as set forth in Section 17-85(c) of the Green Mountain Falls Municipal Code to clarify that the Planning Commission shall decide whether to issue a grading permit.

**BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF GREEN MOUNTAIN FALLS, COLORADO:**

**Section 1.** Section 17-85(c) of the Town of Green Mountain Falls Municipal code is hereby amended to read as follows:

Grading permits applications shall be reviewed by the Planning Commission, which may approve, disapprove, table, or conditionally approve all such applications. If the applicant for a grading permit finds the action taken by the Planning Commission to be unfavorable, the applicant may appeal the same to the Board of Trustees by filing an appeal with the Town Clerk within ten (10) calendar days of the date of Planning Commission decision.

INTRODUCED AND ORDERED PUBLISHED the 5th day of June 2018, at the Green Mountain Falls Town Hall, 10615 Green Mountain Falls Road, Green Mountain Falls, Colorado.

ADOPTED AND ORDERED PUBLISHED the \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Jane Newberry, Mayor

ATTEST:

\_\_\_\_\_  
Judy Egbert, Interim Town Clerk

Published in the Pike Peaks Courier, \_\_\_\_\_ 2018.

**ORDINANCE NO. 2018-\_\_\_\_\_**

**BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF  
GREEN MOUNTAIN FALLS, COLORADO:**

Section 1. Article IV, Chapter 6 of the Green Mountain Falls Municipal Code is

**Sec. 6-101. – Mobile food vendors, ~~peddlers, and solicitors~~ and peddlers licensed.**

It shall be unlawful for any mobile food vendor, ~~solicitor~~, or peddler as defined herein to engage in such business within the corporate limits of the Town without first obtaining a license therefor in compliance with this Code. [Option 1]: It shall be unlawful for a mobile food vendor to operate on ~~public~~ property owned or control by the Town unless in association with a Town-approved special event. [Option 2]: Mobile food vendors may operate on property owned or controlled by the Town if in association with a Town-approved public event or if a license is granted pursuant to Section 6-105. A mobile food vendor license shall be issued for operation on private property with authorization of the landowner.

Whenever used in this Article, the words hereinafter defined shall, unless the context requires other uses, be deemed to have the following meanings:

- (1) *Mobile food vendor* means a retail food establishment, designed and equipped to prepare or serve food for immediate consumption, which is readily movable, typically as a motorized or towed vehicle. The term mobile food vendor includes food trucks serving prepared meals, but does not include food delivery vehicles delivering food supplies to restaurants, hotels, businesses, or residences (such as grocery delivery vehicles, pizza delivery, or restaurant food and supply delivery).
- (2) *Peddler* means any person, whether a resident of the Town or not, who shall sell and delivers or offers for sale to consumers any goods, wares, merchandise, fruits, vegetables or country produce, traveling from place to place, from house to house or from street to street, who shall sell or offer for sale and delivery any goods or other such articles while traveling on foot, by vehicle or any other type of conveyance, regardless of whether the items are for immediate or future delivery, or whether

payment shall be immediate or in the future. The term peddler includes door-to-door sales people, but does not include individuals not engaging in commercial activity.

- ~~(3) Solicitor means any person, whether a resident of the Town or not, traveling either by foot, vehicle or any other type of conveyance from place to place, from house to house or from street to street, taking or attempting to take orders for sale of goods, wares, merchandise or personal property of any nature whatsoever for future delivery, or for services to be performed or furnished in the future, whether or not such person has, carries or exposes for sale a sample of the subject of such sale or whether he or she is collecting advance payments on such sales or not.~~

**Sec. 6-103. – Application for a license.**

(a) Applicants for a ~~solicitor's or~~ peddler's license shall file with the Town Clerk at least five (5) days prior to the date upon which the applicant desires to begin his or her business a sworn application in writing on a form to be furnished by the Town Clerk, which shall give the following information:

- (1) Name and description of the applicant;
- (2) The permanent home address and full local address of the applicant;
- (3) A brief description of the nature of the business and goods shown for sale or for future delivery;
- (4) If employed, the name, address and phone number of the employer, together with credentials establishing the exact relationship between the employer and employee;
- (5) The length of time for which the right to do business is desired; and
- (6) Two (2) identical photographs of the applicant which reasonably identify the applicant; such photographs to measure two (2) inches by two (2) inches.

(b) Applicants for a mobile food vendor's license shall file with the Town Clerk at least five (5) days prior to the date upon which the applicant desires to begin operation in the Town a sworn application in writing on a form to be furnished by the Town Clerk, which shall give the following information:

- (1) Name and description of the mobile food vendor;
- (2) The local address for the mobile food vendor applicant;
- (3) The length of time for which the right to do business is desired;

- (4) Proposed location and hours of operation for the mobile food vendor;
- (5) Proof of permission to operate on the proposed site, or if the applicant seeks to operate on Town property a concurrent application for permission pursuant to Section 6-105.;
- (5) A proposed refuse control plan, including a wastewater disposal plan; and
- (6) Proof of compliance with all applicable state regulations and health department licensing.

**Sec. 6-104. – Investigation and issuance of license.**

(a) For peddlers ~~and solicitor~~ applications, the following procedure shall be followed:

- (1) Upon receipt of such application, an investigation shall be conducted at the direction of the Town Clerk to determine the applicant's business and whether such application is truly for a legitimate business purpose and whether, considering all circumstances, the granting of the license will not threaten the health, safety and welfare of the Town.
- (2) If, as a result of such investigation, it is discovered that the applicant is not intending to use the license for a legitimate business purpose or the granting of the license will threaten the health, safety and welfare of the Town, then the Town Clerk shall notify the applicant of the disapproval of such application and that no license will be issued thereunder, giving the reasons therefor.
- (3) If, as a result of such investigation, the application is found to be satisfactory, the Town Clerk shall endorse the same on the application and, upon receipt of the necessary fees as set forth hereafter, shall execute and deliver to the applicant a license to carry on such business within the corporate limits of the Town for a period, not exceeding thirty (30) days, except as hereinafter set forth.
- (4) The license so issued to a successful applicant shall contain the signature and seal of the issuing officer, the type of license issued, the kind of goods to be sold thereunder, the date of issuance, the expiration date thereof and a two (2) inch by two (2) inch photograph of the applicant.

(b) For mobile vending applications, the following procedure shall be followed:

- (1) The Town Clerk shall investigate and determine whether the requirements for mobile food vendors set forth in this Article have been met and whether issuance of the license will jeopardize the health, safety and

welfare of the Town. In making such a determination, the Town Clerk shall consider the following criteria:

1. Information contained in the application or supplemental information obtained from the applicant is found to be false in any material detail;
2. The applicant has failed to complete the application after having been notified of any additional information or documents required;
3. The location, size, or nature of the mobile food vending will create undue vehicular or pedestrian traffic congestion;
4. The location, size, or nature of the mobile food vending is incompatible with the neighborhood due to noise, hours, odors, or other impacts;
5. The applicant has failed to pay costs, fees or deposits for any previous special event or demonstration permit; and
6. The applicant has failed to abide by the terms or conditions of any previous special event or demonstration permit.

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- (2) If, as a result of such investigation, the application is found to be satisfactory, the Town Clerk shall endorse the same on the application and, upon receipt of the necessary fees as set forth hereafter, shall execute and deliver to the applicant a license to operate a mobile vending operation within the corporate limits of the Town for a period of time, not exceeding one (1) year, subject to annual renewal.

#### Sec. 6-105. – Mobile Food Vendors Operating on Town Property.

(a) If a mobile food vendor desires to operate on Town Property, the application shall be submitted to the Board of Trustees for consideration. In determining whether to grant the requested license, the Board, at its next available meeting, shall consider the following criteria in addition to the criteria set forth in Section 6-104(b)(1):

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1. Whether the mobile food vending operation can operate on Town property without interfering with other uses of such property.
2. Whether mobile food vending is compatible with the nature and purpose of the subject Town property.

(b) The Board of Trustees may deny, approve, or approve with conditions that are necessary to mitigate the negative impacts of the mobile food vending operation.

(c) No mobile food vendor may operate on property owned or controlled by the Town for more than \_\_\_\_\_ days in any calendar year.

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**Sec. 6-10~~6~~<sup>5</sup>. – License fee.**

The license fee, which shall be charged in advance by the Town Clerk, shall be established by resolution of the Board of Trustees.

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**Sec. 6-107. -- Suspension/Revocation of license.**

(a) Licenses issued hereunder may be suspended or revoked by the Board of Trustees, after notice and hearing, for any of the following causes:

- (1) Fraud, misrepresentation or false statement contained in the application for the license;
- (2) Any violation of this Code;
- (3) For peddlers ~~and solicitors~~, fraud, misrepresentation or false statement made while carrying on his or her business or conviction of any crime or misdemeanor involving moral turpitude; or
- (4) Conducting the business in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a threat to the health, safety or general welfare of the public.

(b) Notice of the hearing for suspension or revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at his or her local address as set forth in the application at least five (5) days prior to the date set for the hearing.

(c) Whether to suspend or revoke a license shall be determined by the Board of Trustees depending on the nature and severity of the violation, whether the licensee has had previous violations, and other similar factors.

**Sec. 6-108. - Appeal.**

Any person aggrieved by the action of the Police or the Town Clerk in the denial, suspension, or revocation of a license or the suspension of the same shall have the right to appeal to the Board of Trustees. Such appeal shall be filed within fourteen (14) days after notice of the action complained of has been mailed to such person's last known address, by means of a written statement setting forth fully the grounds for the appeal. The Board of Trustees shall set a time and a place for the hearing and shall give notice to the appellant in the same manner as provided in Section 6-107(b). The decision of the Board of Trustees shall be final and conclusive, except as provided by the laws of the State.

**Sec. 6-109. - Expiration of license.**

All licenses issued under the provisions of this Article shall expire on the dates set forth thereon.

Section 2. Safety Clause. The Board of Trustees hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Green Mountain Falls, that it is promulgated for the health, safety and welfare of the public and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that this Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 3.     Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 4.     Effective Date. This Ordinance shall become effective thirty (30) days after passage.

INTRODUCED AND ORDERED PUBLISHED the \_\_\_\_ day of \_\_\_\_\_, 2018, at the Green Mountain Falls Town Hall, 10615 Green Mountain Falls Road, Green Mountain Falls, Colorado.

ADOPTED AND ORDERED PUBLISHED the \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Jane Newberry, Mayor

ATTEST:

\_\_\_\_\_  
Judy Egbert, Interim Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Jeff Parker, Town Attorney

Published in the Pike Peaks Courier, \_\_\_\_\_ 2018.



# Town of Green Mountain Falls

## Memorandum

To: Mayor and Board of Trustees  
From: Jason S. Wells, Interim Town Manager  
Re: Short-Term Rental Regulatory Scheme  
Date: June 5, 2018

Whereas short-term rental (STR) operations in Town have apparently been approved through various means in the past including the Town's standard special use/permit process, per an ordinance adopted by the Town Board of Trustees on September 19<sup>th</sup>, 2017, the Town imposed more stringent guidelines on the approval/operation of such enterprises. In particular, the new ordinance imposed specific density limitations on STRs based on the number of "dwelling units" located on any road/street upon which such businesses were already operating or would seek to operate. Moreover, the ordinance delegated approval authority to the office of the Town Manager rather than preserving approval authority at the Town Board level. In order to properly satisfy the terms of the new ordinance, it was necessary to undertake an initial baseline inventory of all previously approved STRs in Town. Because both the nature and record of individual STR approvals fluctuated throughout the years, it became apparent to me upon my arrival in February that compiling a complete and accurate catalogue of all approvals would be both tedious and time-consuming. As such, the Board agreed to bring aboard Nathan Scott in a contract capacity to devote undivided attention to developing this inventory and getting the new regulatory framework off the ground. Since assuming this assignment just short of two months ago, Nathan has proved to be invaluable in engaging with property owners while also achieving the record development, mapping, and other related tasks necessary for the Town to adhere to the mandates imposed by the new ordinance. The included material represents the fruits of those labors.

It is important to note that one essential step not represented among Nathan's work product is a "dwelling unit" count for each individual road/street including a known STR operation. To properly implement the terms of the new ordinance, such a count would also be necessary – i.e. to evaluate new applications' adherence or lack thereof relative to the currently-established density limitations. Because this count would represent yet another time-consuming step in the process and the Town Board has recently expressed a possible interest in revisiting the density limitations, Nathan has purposefully held off on developing this baseline data. If the Board wishes to preserve this current cap (or impose some other "dwelling unit"-based cap), it is important to recognize that this step remains to be completed. Other one-time requirements needed to be completed at the staff level include the issuance of advisory letters to all existing STR operators as well as those who have expressed an interest in new approvals. Once direction from the Town Board has been obtained in terms of a final, firm policy, those letters will be distributed. Of final note, regardless of the ultimate policy direction the Board opts to pursue, the new staff-based regulatory scheme will add a significant amount of workload to staff in the form of application processing and surrounding property owner notification. One possible strategy to alleviate the latter element would be to modify the code such that the burden of notifying surrounding property owners would shift to the applicants. This mechanism is employed by Manitou Springs' recently adopted STR ordinance, which streamlines the process in a manner favorable to the applicants by avoiding a public notification backlog at the municipal staff level (whereas Manitou Springs has a Planning Department of 4 FTEs dedicated to processing STR applications, Green Mountain Falls has zero staff formally assigned to Planning functions).

# Summary of Short Term Rental (STR) Work

Total work thus far: 35.75 hours

Day 1, 4/18 (3 hours): Initial research into existing digital records, consisting of various spreadsheets and folders with possible vacation rentals. Nothing documented in these files as to what, if any STRs had been approved. Creation of master spreadsheet to house findings from all sources.

Day 2, 4/19 (3.5 hours): Identification and organization of Board of Trustees minutes and agenda documents for expedited search of previous approvals - integration of that info into master spreadsheet. 26 approvals found in minutes going back to 2010 (may be incomplete).

Day 3, 4/24 (3 hours): Cross referencing possible records with Business License file – not much crossover there (either incomplete Business License spreadsheet or STR operators not renewing). Review legal opinion of Atty. Jeff Parker in regard to application. Start calls to owners and/or operators to verify properties and contact information.

Day 4, 4/25 (3.25 hours): Continued calls to owners/operators and phone conference with Jeff Parker to clarify application points.

Day 5, 4/26 (2 hours): Continued calls to operators. Download and configuration of GIS data and software. Review of ordinance and Atty comments to begin to application form.

Day 6, 4/30 (3 hours): Met with Jason, Judy, and Sandy regarding general file organization and information sharing. Met with David Pearlman to fill in gaps in STR spreadsheet using his knowledge of town and STR history.

Day 7-8, 5/1 & 5/3 (3.25 hours): Research into County assessor sites to acquire current owner mailing addresses. Install GIS and create initial basemap.

Day 9, 5/8 (4 hours): Create GIS point layer for STRs; fine tune GIS map; talk to County for further GIS data.

Day 10, 5/10 (3.5 hours): Continued mapping efforts, calls with operators, phone call with attorney, organizing documents, start on letter to operators detailing new process.

Day 11, 5/11 (3.5 hours): Document organization, research into ordinance history in order to create new logical staff process. Edits to STR application form. Buffer creation for Placek application and documentation of that process. Creation of new notice letter

Day 12, 5/21 (2 hours): GIS map adjustments and map layout creation with export to PDF. Document process thus far.

Day 13, 5/22 (1.75 hours): Review paper files found by Judy. Update master spreadsheet and GIS map according to findings.

## TO DO, according to current ordinance:

1. Look at aerial photos, assessor sites, or perform field work to verify number of dwellings on each property and create totals per street. Concentrate on streets that are obviously close to the maximum density.
2. Scan vacation rental websites to identify additional operators who haven't gone through town process. This is challenging because all sites do not give a precise location until booking. Someone more familiar with the town could perhaps ID these with the photos online.

<u>Address</u>	Approval Confirmed	Approval Date - from minutes	2014 Managers/O wners	2014/15 Draft Letters Folder	2015 original	2015 complete	2015 Photos for Chief folder	2015 Copy for Lodging	2017 sheet	In 2018 Business License sheet?	2018 Tax remittance - paper folder	Recent paper file
10790 Belvidere Ave	y	2018 license										yes
10875 Belvidere Ave	y	5/3/2011	x		x	x	x		x			yes
11190 Belvidere Ave			x		x	x			x			yes
11210 Belvidere Ave			x		x	x			x			yes
11240 Belvidere Ave	y	2018 license										
11350 Belvidere Ave	y	3/3/2015		x		x			x			yes
11410 Belvidere Ave												yes
6715 Boulder St					x	x			x	yes		yes
7220 Catamount St	y	4/15/2014	x		x	x	x		x			yes
6805 Colorado St			x		x	x			x		yes	yes
6850 Colorado St										yes		
6816 Colorado St	y	2/19/2013	x		x	x	x		x			yes
6920 Colorado St			x		x	x	x	x	x	yes		yes
6955 Colorado St			x		x	x			x			yes
10975 Cottage St	y	9/19/2017										
6825 Douglass Pl	y	1/3/2012	x		x	x	x		x		yes	yes
10312 El Paso Ave				x	x		x					
10980 Falls Ave	y	3/18/2014	x	x	x	x	x		x		yes	yes
11150 Falls Ave	y	10/2/2012	x		x	x			x			yes
11155 Falls Ave												
11175 Falls Ave (should be 11145)	y	5/6/2014	x		x	x	x		x			yes
10770 Florence Ave	y	9/15/2015				x			x	yes		yes
10735 Foster Ave	y	6/21/2011	x		x			x				yes
10565 Foster #14 Cabin			x									yes
10820 Grandview Ave	y	2/4/2015		x	x	x	x		x			yes
10750 Grandview Ave			x		x	x	x		x	yes -		yes
10770 Grandview Ave	y	4/19/2016		x							yes	yes
10860 Grandview Ave					x							yes
6690 Grant St			x		x	x			x			yes
10675 Hondo Ave			x									
11135 Hondo Ave	y	6/17/2014			x	x		x	x			yes
P & N Rentals										yes		
6835 Howard St	y	1/3/2012			x		x	x				
6844 Howard St			x									
6855 Howard St	y	9/20/2011	x		x	x			x	yes		yes
6970 Howard St												
6813 Hotel St			x							yes		yes
6817 Hotel St (Douglas Way)	y	2/4/2015		x	x	x	x		x			yes
6821 Hotel St (Douglas Way)	y	2/4/2015		x	x	x	x		x			yes
10691 Illinois Ave	y	10/18/2016		x								yes
10915 Iona Ave			x		x	x	x		x			yes
7140 Maple St					x	x		x	x	yes		yes
7145 Maple St			x									yes
10410 Mountain Ave	y	10/4/2011	x		x	x	x		x		yes	yes

[illegible]

## Legend

### Short Term Rentals [58]

- Approval found in minutes [28]
- Probably approved pre-2010 [16]
- Pending applicants [3]
- Operating without license [1]
- No approval found [10]

GMF Boundary

Streets

Teller County Parcels

El Paso County Parcels



## BOARD OF TRUSTEES AGENDA MEMO

<b>DATE:</b> May 31, 2018	<b>AGENDA NO.</b> 5.d.	<b>SUBJECT:</b>  Determination of next actions – Trustee vacancy process
<b>Presented by:</b>  Judy A. Egbert, Interim town Clerk		

### **Recommend action:**

Discuss and take action regarding the next steps in the vacancy process.

### **Background:**

Due to the cancelled election, the Board of Trustees now has two vacant seats, which were formally declared by Resolution on April 21, 2018.

The vacancy was posted in the usual posting locations and on the Town's website, and a news release provided to the Pikes Peak Courier and the Mountain Jackpot. Interested citizens were initially asked to submit a letter of interest and a volunteer application form no later than May 17, 2018.

Upon the May 17 deadline, there were no applications received. The deadline was extended to May 31, 2018. At the time of this writing, there were still no applications.

### **Issue Before the Board**

1. If applications are received by the time of the meeting, the Board is asked to direct staff toward the desired next steps in the process of making appointments.
2. If no applications are received, the Board will need to determine its potential actions in order to meet the June 20 deadline or call for a special election.

### **Alternatives**

If applications are received, the Board may continue with the screening/appointment process in whatever way it chooses, as long as the final appointment is made by June 20.

If applications are not received, the Board must call for a Special Election. While there is no specific timeframe by which the election must be held, statute requires it to be "as soon as practicable". From an election administration standpoint, roughly 90 days is required to go through the process.

There are blackout periods that eliminate 60 days prior to a general election, although statute does allow a special election to be held as a coordinated election. So the options for timing would be September 4 or earlier; or to coordinate with the general election on November 6.

### **Conclusion**

CRS 31-4-303 requires that the Board fill any vacancies within 60 days, or set a date for a special election to elect Trustees. This puts the appointment deadline at June 20, 2018. The regular meeting on June 19 will be the last date that the Board may take action to either appoint or call for a special election.



**TOWN OF GREEN MOUNTAIN FALLS  
PLANNING COMMISSION MEETING  
Tuesday, May 8, 2018 – 6:30 P.M.**

**MEETING MINUTES**

**PC Members Present**

Mayor Jane Newberry  
Chairman Eric Caldwell  
Commissioner Dick Bratton  
Commissioner Rocco Blasi  
Commissioner Greg Williamson

**PC Members Absent**

Commissioner Gerald Irwin

**Secretary**

Katharine Guthrie

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**1. Call to Order/Roll Call**

Chairman Caldwell called the meeting to order at 6:34 pm.

**2. Additions, Deletions, or Corrections to the Agenda**

**Bratton:**

**M/S Caldwell/Bratton**

**Motion:** Move to approve the agenda with the addition of 5b for a grading permit.

**Vote:** Motion carried. All yea.

**3. Approve Minutes of April 24, 2018**

**M/S Williams/Bratton**

**Motion:** Move to approve minutes as submitted.

**Vote:** Motion carried. All yea.

**4. Public Input**

None

**5. New Business**

**a. Auxiliary Building Permit**—Bick Bratton discussed change in personnel at Regional Building.

**b. Grading Permit—Mike Penman—15580 Foster**

Updated drawings presented

## **5. Old Business**

### **a. Comprehensive Plan Update**

1. 5 Proposals on April 30 and currently in review process using scoring sheet included in the RFP.
2. The first Hazard Mitigation Committee held its first meeting on April 18 and will meet again sometime in May.
3. Citizen's Advisory Committee convened on April 24, 2018. David Cook, Chair and Katharine Guthrie, Secretary.
4. Final scoring of the top 3 proposals will be done after May 14, 2018 interviews with the representatives.
5. Top three picks generated by Planning Commissioners picks and top three choices of Dave Cook and Mac Patrone representing the CAC are Logan Simpson, S. E., and Clarion.
6. Selection of questions for the interviews will be compiled through email correspondence by Friday May 11, 2018. Core questions clarify what we want. Secondary questions are to clarify the proposals.

## **6. Citizen Advisory Committee**

a. The main tasks of the Citizen Advisory Committee is to get input from the town: 1) Formulating the right questions for the citizen survey. 2) How to distribute the survey. 3) What to do with in information that is gathered through the survey. The Contractor hired will formulate the survey with input from the CAC, distribute the survey, and tabulate the responses.

1. Formulating the right questions for the citizen survey  
"What are the 3 most important issues?"
  - Priorities (in order) from 2006 Comp Plan Survey: 1) Fire Danger- Preventing/mitigating wild and/forest fires. 2) Security. Adequate police force. 3) Ordinance enforcement. Road stabilization. Paving streets. Maintain Town infrastructure. Preserving trees Fighting beetle infestation Town revenues vs increasing costs of services.
  - Fire Mitigation is likely still at the top of the list of priorities. We need to address fire mitigation, not just immediate concerns but long-term education. The abundance of dead trees is an accident waiting to happen.
  - Questions to repeat from the 2006 Survey:  
Why did you choose to reside in Green Mountain Falls?  
What do you like about Green Mountain Falls?  
What do you dislike and how can we change it?
  - List of capital improvements for respondents to rank may include the following:  
Improve storm drainage  
Improve the Gazebo Lake Park (landscaping/erosion control, etc.)  
Improve Town Hall (landscaping/erosion control, lighting, water, etc.)  
Schedule Dredging of the Lake at regular intervals  
Pave gravel streets  
Improve existing trails  
Install shelters at school bus stops  
Install street side markers in front of historic homes (to support walking tours)  
Street lighting  
Public Parking  
PLUS an open-ended question
  - Possibly list concerns/projects that have been addressed from the 2006 survey

- Indicate Summer or Year-Round resident. (Business owner)
- Do you intend to retire here? Are there adequate supports for families and seniors?
- Name 4 things, in priority order, that are the most important to your quality of life in Green Mountain Falls?
- What physical features in GMF do you NOT want to see change?
- What projects are you willing to support financially or with volunteer service. Example: Would you be willing to donate funds or volunteer to help restore Gazebo Park? Projects needing grant funding should be included
- What might keep young adults in town? After they come off the trails or graduate
- Keep in mind fatigue factor with survey

2. To distribute and maximize citizen participation in the survey:  
Place links to survey on Town website and Facebook page for greater accessibility. Mail.  
3. 'Frequently Asked Questions' added to Town Website could include issues like "Why don't we have a marijuana dispensary in town?" "Why isn't there a gas station?"  
NEXT CAC Meeting May 22, 2018 following PC Meeting

## **7. Correspondence**

None

**Adjourned: 8:06 pm**

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**Eric Caldwell-Chairman**

**ATTEST:**

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**Katharine Guthrie-Secretary**

# **SPECIAL MEETING- GMF PLANNING COMMISSION**

**MON MAY 14, 2018 12 noon at Town Hall**

## **MINUTES**

1. Meeting Called to Order by Vice Chairman Bratton at 12:04 PM
2. Attendance: PC Commissioners- Blasi, Bratton, Williamson.  
Members of PC Proposal Review Committee- Mac Pitrone (CAC),  
Anne Miller (DOLA)
3. The purpose of the meeting was to interview the planning firms that submitted the three top scoring proposals and then finalize the scoring using the scoring system in the RFP.
4. The 3 top firms were interviewed separately. They each made a short opening presentation followed by questions. Each interview lasted nearly 90 minutes.
5. At the conclusion of the interviews, the Review Committee discussed the interviews and then determined by a unanimous vote that Logan Simpson had the highest scoring proposal.
6. M/S Blasi/Williamson  
That the Planning Commission recommends that the Town Board of Trustees approve awarding the planning contract to update the GMF Comprehensive Plan to Logan Simpson, Inc. and authorize the Mayor to sign the contract not to exceed \$100,000.  
Motion passed unanimously.
7. Adjourned 4:46 PM.

**APPROVED**

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Richard Bratton Vice, Chairman

**ATTEST**

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**TOWN OF GREEN MOUNTAIN FALLS  
PLANNING COMMISSION MEETING  
Tuesday, May 22, 2018 – 6:30 P.M.**

**MEETING MINUTES**

**PC Members Present**

Mayor Jane Newberry  
Commissioner Dick Bratton  
Commissioner Rocco Blasi  
Commissioner Greg Williamson

**PC Members Absent**

Commissioner Gerald Irwin  
Chairman Eric Caldwell  
**Secretary**  
Katharine Guthrie

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**1. Call to Order/Roll Call**

Chairman Caldwell called the meeting to order at 6:37 pm.

**2. Additions, Deletions, or Corrections to the Agenda**

**M/S Williamson/Blasi**

**Motion:** Move to approve the agenda as submitted.

**Vote:** Motion carried. All yea. 3:0

**3. Approve Minutes of May 8, 2018**

**M/S Blasi/Williamson**

**Motion:** Move to approve minutes as submitted.

**Vote:** Motion carried. All yea. 3:0

**Approve Minutes of May 14, 2018**

**M/S Blasi/Williamson**

**Motion:** Move to approve minutes as submitted.

**Vote:** Motion carried. All yea. 3:0

**4. Public Input**

None

**5. New Business**

**a. Sallie Bush New Railing—Lana Fox and Mac Pitrone**

**M/S Williamson/Blasi**

**Motion:** Move to approve plans as submitted.

**Vote:** Motion carried. All yea. 3:0

**b. Propane Fire Pit—Ron Schreibvogel—1115 Falls Avenue**

**Bratton:** The motion that I would propose would be that the Planning Commission recommends that the Board of Trustees write a new ordinance prohibiting warming fire pits in Green Mountain Falls.

**M/S Bratton/Williamson**

**Motion:** Move to table the issue of fire pits until the next Planning Commission meeting.

**Vote:** Motion carried. All yea. 3:0

## **6. Old Business**

a. Comprehensive Plan Update

b. Schedule meetings with Logan Simpson

1<sup>st</sup> Meeting—Staff meeting May 31, 2018 at Town Hall 3:30-5:00pm

2<sup>nd</sup> Meeting—Mid June, Stake Holder Interviews and Town Tour—to include Residents and Business Owners, County Officials

3<sup>rd</sup> Meeting—June 27, 2018 Community Meeting at Sallie Bush Community Building 7-9pm

Forest Service and CUSP Fire Mitigation Grant awarded beginning with H. G. Wallace Preserve property. Work to be done in phases.

Forest Service to create RFP to go out and include mitigation services for elderly and low income residents.

Eliminating trees and brush. Not clear-cutting. Selective cutting.

Utilities have already started on their areas.

## **7. Correspondence**

None

**Adjourned: 7:20 pm**

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**Richard Bratton, Vice Chairman**

**ATTEST:**

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**Katharine Guthrie-Secretary**



P.O. Box 524, 10615 Green Mountain Falls Road, Green Mountain Falls, CO 80819 (719) 684-9414, [www.gmfco.us](http://www.gmfco.us)

Memorandum

To: Mayor and Board of Trustees  
From: Judy A. Egbert, Interim Town Clerk  
Re: Town Clerk Report  
Date: May 31, 2018

Routine activities continuing

- Gazebo rentals
- Payroll
- Accounts payable
- Agenda packet preparation
- Meeting management
- Legal notices and postings

Records Management

I spent one uninterrupted day gathering and sorting the hard copy documents in the main office. There were many record series that were scattered in various areas, and now have been compiled into groups. The next step will be to put some order within the groups and determine the best location to house that file series.

I did a quick review of the records in the storage room as well as those at the Public Works building. Further time is needed to do the same sorting for those records. Those in the Public Works building appear to be fairly well organized, and are mostly inactive records.

There do appear to be records that are not accounted for that represent “chunks” of time periods. My assumption is that these may very well have been lost in the fire. Once I finish the initial sort, we’ll know for sure.

Past practice has not been to maintain files in an electronic format in a consistent way, so sorting through the hard copy is critical to our ability to have the resources available to operate. Electronic files need organized also, and both Jason and I are chipping away at that as we come across relevant files.



We have collectively established a shared file structure with standard naming conventions so that we can locate anything that we share easily.

### Court

I have begun an effort toward sorting court records and evaluating the current processes. It is clear that our entire system needs updated. I'll be meeting with legal staff on June 5 to learn more and develop a procedural structure.

### Human Resources

As we begin the season for hiring temporary staff, it is clear that we need an updated and improved process for the recruitment, hiring, and on-boarding of employees. I've begun conversation with Employers Council (formerly MSEC) to explore their services for background checks.

Employers Council has delivered the draft Personnel Manual, and we're in the process of staff/legal review. The goal is to get this to the Board for adoption at the next meeting.

Future actions needed include developing job descriptions once the staffing needs have been determined.

### Immediate future actions needed

- CIRSA renewal
- Employee handbook review

### Near-term actions needed

- Committee appointments
- Pro Tem appointment

### Unmet needs

- Website transition/development
- Staff support to Planning Commission (meeting management, communication link with Board)
- Events process review
- Determine compliance regarding payment/publishing of bills
- Code revisions



# Town of Green Mountain Falls

## Memorandum

To: Mayor and Board of Trustees

From: Jason S. Wells, Interim Town Manager

Re: Management Report

Date: June 5, 2018

### 1) Departmental Info

- a) Town Clerk – See included report
  - i) Records Sorting Update
- b) Marshall's Office – Verbal report to be provided
  - i) Code Enforcement – May 19<sup>th</sup> Reserve Officer Effort
  - ii) Dog Waste Station Effort
- c) Public Works
  - i) Belvidiere Road Improvement Project
    - (1) Coordination w/ El Paso County
      - (a) Project Budget
        - (i) Project Estimate - Full-Depth Reclamation w/ Drainage Improvements (\$220K)
        - (ii) PPRTA Project Budget
          - 1. 2017 Carry-Over - \$107,774
          - 2. 2018 Allocation - \$50,000
          - 3. Stilling Basin Allocation - \$66,143
        - (iii) Advance Allocation Approach
      - (b) Possible Utilization of County Contractor – Need for Town-County IGA
    - ii) Pavilion Island Wall Reconstruction
      - (1) Water on Marrs – Temporary Irrigation/Sod Installation
      - (2) CSU Water Rights Determination
- d) Pool
  - i) 2018 Schedule/Operations Protocol
- e) Planning
  - i) Short-Term Rental Approvals – Stand-Alone Agenda Discussion
  - ii) Comprehensive Plan Update
  - iii) Economic Development
    - (a) EPC Enterprise Zone Designation
    - (b) Fiber Optic Collaboration?
- f) Human Resources
  - i) Personnel Policies – June 19<sup>th</sup> Introduction
- g) Finance

## Management Report

January 27, 2017

- i) Accounting
- ii) Budget
  - (1) Entry of 2018 Budget into Accounting System
  - (2) Development of Draft 2018 Revised Budget
- iii) External Entity Reporting
  - (1) PPRTA Quarterly Report
  - (2) DoLA/Conservation Trust Fund
  - (3) DoLA/Town Manager Grant
  - (4) HUTF
- iv) Auditing
  - (1) 2017 Audit
- v) Banking – Chase, Park State Bank, Colorado Trust
- vi) Sales Tax
  - (1) Access to State sales tax reporting system obtained; need to review YTD receipts
- h) Information Technology
  - i) A/V Needs
  - ii) Website
- i) Events
  - i) Car Show Parking Policy
- 2) Insurance Administration
  - a) CIRSA
    - i) Loss Control - May 10<sup>th</sup> Annual Audit
    - ii) Property/Casualty Coverage
      - (1) Need to Complete 2019 Renewal Application
- 3) Legal Matters
  - a) Prosecutorial Services