

**TOWN OF GEORGETOWN
BOARD OF SELECTMEN
June 10, 2008
Meeting Minutes**

CALL TO ORDER

The Georgetown Board of Selectmen held a regular meeting Tuesday, June 10, 2008 in the Town Hall at 404 6th Street. Police Judge Tom Bennhoff called the meeting to order at 6:00 p.m. Those present recited the Pledge of Allegiance.

ROLL CALL

Answering the roll were Police Judge Tom Bennhoff, Police Judge *pro tem* Ernest Dunn and Selectmen Lee Behrens, Robert Hodge, Barbara Jackson, John Jackson and Mary Pat Young. Also in attendance were Town Attorney Kathleen Harrington, Town Administrator Chuck Stearns and Town Clerk Merinel Williams.

AGENDA APPROVAL

Mr. Bennhoff proposed to remove Resolution No. 20 from the consent agenda and consider it as a separate item. Ms. Young proposed to add discussion of the Marshal driving the Town vehicle home in light of rising gasoline prices and discussion of the building permit process to the agenda. Mr. Hodge moved to approve the agenda as amended. Mr. Behrens seconded and the motion was adopted by unanimous vote.

AUDIENCE BUSINESS

Herschel Scott and Gary Haines acknowledged that some work has been done to fill potholes on Argentine Street in the gateway area, but requested that more work be done to complete the job. Mr. Stearns noted that this work is already scheduled for tomorrow.

NEW AND UNFINISHED BUSINESS

Consent Agenda

Approve payables from May 28 to June 5, 2008
Approve minutes of the May 27, 2008 meeting

Mr. Hodge moved to adopt the consent agenda. Mr. Behrens seconded and the motion was adopted by unanimous roll call vote.

Resolution No. 20, Series 2008: A Resolution of the Board of Selectmen for the Town of Georgetown, Colorado Approving a Professional Services Contract with Cynthia C. Neely, LLC for Consulting and Special Project Coordination

Ms. Harrington explained that an immigration clause should be added to the Neely contract as required by law. Mr. Behrens moved to approve Resolution No. 20 with the contract to be amended as suggested by the Town Attorney. Mr. Jackson seconded the motion. Cindy Neely pointed out that her work hours have been reduced in the contract. The motion was adopted by unanimous roll call vote.

Resolution No. 18, Series 2008: A Resolution of the Board of Selectmen for the Town of Georgetown, Colorado Approving a Five Year Welcome Center Maintenance Contract with the Colorado Department of Transportation for Maintenance Services at the Gateway Visitor Center Through the State Fiscal Year 2012/2013

Ms. Neely explained that the original contract with CDOT for maintenance of the restrooms at the Gateway Visitor Center had a five year term, which will soon expire. In addition, the annual amount to be reimbursed to the Center

has been increased to \$60,000, which is about two thirds of the actual cost for restroom maintenance. Mr. Dunn moved to adopt Resolution No. 18 as written. Mr. Hodge seconded and the motion was adopted by unanimous roll call vote.

Resolution No. 19, Series 2008: A Resolution of the Board of Selectmen for the Town of Georgetown, Colorado Approving Reimbursable Agreement No. DTFH68-07-E-00013, Modification #1, with the Federal Highway Administration for the Town's Payment of up to \$35,256.00 for the Local Matching Costs of Paving Two 4 Foot Bike Lanes and Concrete Work on Argentine as Part of the Guanella Pass Project, CO FH 80-2(3) Within the Georgetown Town Limits

Mr. Stearns explained that the Town must pay the local match for the Gateway enhancement grants in advance of the work. Funding will come from the sales tax capital improvement fund. Mr. Hodge moved to adopt Resolution No. 19 as written. Mr. Dunn seconded and the motion was adopted by unanimous roll call vote.

Discuss Section 9.1 of the Comcast Franchise Agreement regarding whether or not to extend imposition of Comcast's PEG access fee or terminate the subscriber fee

Mr. Stearns explained that the PEG fee is an assessment to Comcast customers to fund capital expenses for public education and government purposes, such as the equipment that broadcasts town meetings on channel 8. The Board agreed to proceed with the required public hearing process before making a decision on this matter.

Resolution No. 21, Series 2008: A Resolution of the Board of Selectmen for the Town of Georgetown, Colorado Approving an Independent Contractor Agreement with Professionalimages.com for Website Use and Development Services for the Business Promotion Commission

Mr. Bennhoff described the events that led to the proposal to hire a contractor to develop and maintain a single website for Georgetown visitor information. The Business Promotion Commission has agreed to fund 75% of the cost of the contract, and the Clear Creek Economic Development Corporation and Gateway Visitor Center have each agreed to contribute \$100 per month. The Clerk suggested that the contract be amended to correct the name of the Business Promotion Commission. Ms. Young moved to adopt Resolution No. 21 with the correction to the contract suggested by the Clerk. Mr. Hodge seconded and the motion was adopted by unanimous roll call vote.

Continued discussion of creating road and bridge project priorities for 2009

Mr. Bennhoff suggested that each board member use the list of road and bridge projects included in the board packet to indicate his/her top five priorities. Mr. Bennhoff will collate the responses, and that list will be used as the basis for soliciting additional public comments at a future meeting. In response to a question from Ms. Young, Mr. Stearns reported that the drainage study has not yet been received from Jim McNeil, and board members indicated dissatisfaction with the extended amount of time that Mr. McNeil is taking to complete the work. Mr. Stearns explained that most of Mr. McNeil's information is needed for 2008 work, not the 2009 projects, except that it may be decided to combine the drainage and paving work on the Clear Creek Drive item on the 2009 project list. The Board agreed to Mr. Bennhoff's proposed schedule.

Discussion of the cost to the Town for the Marshal to drive the Town's vehicle to and from his home to work

Ms. Young questioned whether the Town should continue to allow the Marshal to drive his police vehicle to and from his home to work in light of the severe rise in the price of gasoline. The board members indicated agreement to discuss this issue with the Marshal at a future board meeting. Ms. Harrington indicated that it would be legal to discuss this matter in executive session, if the Marshal agrees, since driving the vehicle to and from work is part of his compensation as an employee.

Ordinance No. 07, Series 2008: An Ordinance Revising Chapter 5.04 of the Georgetown Municipal Code Concerning Business Licenses – PUBLIC HEARING and 2nd Reading

Mr. Bennhoff opened the public hearing for Ordinance No. 07. No comment was offered. Mr. Bennhoff closed the public hearing. Mr. Hodge moved to approve Ordinance No. 07 as written on second reading. Mr. Dunn seconded and the motion was adopted by unanimous vote.

Ordinance No. 06, Series 2008: An Ordinance Revising Chapter 13 of the Georgetown Municipal Code Concerning Private Septic and Sewage Disposal Systems – PUBLIC HEARING and 2nd Reading

Mr. Bennhoff opened the public hearing on Ordinance No. 06. No comment was offered. Mr. Bennhoff closed the public hearing. It was clarified that the regulations as amended by this ordinance would still require that any property owner having an ISDS system would have to connect to the Town's wastewater main if it comes within four hundred feet of the property. Mr. Hodge moved to adopt Ordinance No. 06 as written on second reading. Ms. Young seconded and the motion was adopted by unanimous vote.

Discuss building permit process

Ms. Young expressed concern regarding the lack of follow-up on building code enforcement issues such as the recent situation when Tom Buckley performed work on his downtown property without a permit and was issued a red tag, but with no apparent consequences. Mr. Stearns explained that as an independent contractor, the town cannot supervise Building Inspector Bob Foote's work. Mr. Stearns can enforce the provisions of the contract, but he does not have authority to issue red tags or otherwise enforce building codes. Ms. Young indicated that she has discussed other enforcement situations with Mr. Foote, but there is still a lack of enforcement.

Ms. Harrington indicated that it would be appropriate for the Board to ask questions of and/or express dissatisfaction to the contractor, but the Board cannot specify how he performs the work. If the Board is not satisfied, it can seek a new contractor. It was agreed that all concerns will be communicated to Mr. Bennhoff who will compile them and present them to the contractor. The contractor will be invited to meet with the Board to discuss those issues.

Executive Session for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators under C.R.S. Section 24-6-402(4)(e), specifically on the subject of a possible settlement agreement with the City of Westminster regarding Georgetown's water rights court cases and augmentation plan

Water Attorney Cindy Covell joined the Board for the executive session.

At 7:34 p.m. Mr. Bennhoff moved to go into executive session for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e). Mr. Hodge seconded and the motion was adopted by unanimous vote.

At 7:38 Mr. Bennhoff announced that the Board has received legal advice that a new motion is necessary to cover all situations. He moved to go into executive session with the water attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) and for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e). Mr. Hodge seconded and the motion was adopted by unanimous vote. Ms. Harrington stated that the specific reason for the executive session is as stated in the first motion by Mr. Bennhoff.

The executive session ended and the meeting adjourned at 8:10 p.m.

Thomas A. Bennhoff, Police Judge

Merinel Williams, Town Clerk