

RECORD OF PROCEEDINGS

REGULAR MEETING  
TOWN OF GRAND LAKE BOARD OF TRUSTEES  
MONDAY, May 13, 2019 7:30 P.M.

CALL TO ORDER: The regular meeting of the Board of Trustees was called to order by Mayor Jim Peterson at 7:30 p.m. at the Town Hall, 1026 Park Avenue.

PLEDGE OF ALLEGIANCE: Mayor Peterson led everyone in reciting the Pledge of Allegiance.

ROLL CALL PRESENT: Mayor Peterson; Mayor Pro-Tem Kudron; Trustees Bruton, Rourke, Southway, Price and Weydert; Town Manager White, Town Clerk Thompson, and Town Planner Shull

ABSENT: None.

ANNOUNCEMENTS: Mayor Peterson announced that it would be appreciated if cell phones were turned off during the meeting.

Mayor Peterson announced that a sign-in sheet is located by the door and to please sign in before leaving.

Mayor Peterson announced that he would like to congratulate Public Works Director on his retirement on May 15<sup>th</sup>, 2019 after 40 years of service to the Town of Grand Lake. The retirement party is Friday, May 17<sup>th</sup> at the community House.

CONFLICTS OF INTEREST: Mayor Peterson stated that if there are any Trustees wishing to announce a conflict of interest with any items on this evening's agenda, they should do so at this time. No conflicts were identified (cited).

UNSCHEDULED PUBLIC COMMENTS: Mayor Peterson announced that this time is reserved for members of the public to make a presentation to the Board on items or issues that are not scheduled on the agenda. The Board will not discuss/debate these items, nor will the Board make any decisions on items presented during this time, rather, the Board will refer the items to staff for follow up. He then asked if there were any unscheduled public comments and noted that comments are limited to 3 minutes.

There were no unscheduled public comments

PRESENTATIONS/ DELEGATIONS: There were no Presentations or Delegations

APPROVAL OF MINUTES: Trustee Bruton moved to approve the Minutes of April 22, 2019 as presented. Trustee Rourke seconded the motion.

Town Clerk Thompson called the vote:

<u>Mayor Peterson</u>	Aye
<u>Mayor Pro-Tem</u>	Aye
<u>Trustee Southway</u>	Aye
<u>Trustee Price</u>	Aye

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<u>Trustee Rourke</u>	Aye
<u>Trustee Bruton</u>	Aye
<u>Trustee Weydert</u>	Aye

ACCOUNTS PAYABLE:

Trustee Kudron moved to approve the Accounts Payable for April, 2019 as presented. Trustee Southway seconded the motion.

Town Clerk Thompson called the vote:

<u>Mayor Peterson</u>	Aye
<u>Mayor Pro-Tem</u>	Aye
<u>Trustee Southway</u>	Aye
<u>Trustee Price</u>	Aye
<u>Trustee Rourke</u>	Aye
<u>Trustee Bruton</u>	Aye
<u>Trustee Weydert</u>	Aye

OLD BUSINESS:

**Consideration to approve: ORDINANCE 04-2019 AMENDING AND CLARIFYING THE QUALIFICATION REQUIREMENTS FOR MAYOR, BOARD OF TRUSTEES, PLANNING COMMISSION, AND ZONING BOARD OF ADJUSTMENT**

Town Manager Jim White read aloud correspondence from the town Attorney Krob further detailing qualification requirements for electing a Town Mayor, Board of Trustees, Planning Commission, and Zoning Board of Adjustment.

*“By way of background, Grand Lake is a statutory Town and therefore is governed by Colorado statute more so, than if it were a home rule town. The Towns existing code provisions reflect the Colorado statutes regarding qualification requirements for those positions already include some of the criteria that was previously discussed. For Example:*

*The existing Town Code provisions for both Mayor and BOT already require 12 months of residency. In the draft ordinance being discussed, the 12 month residency requirement has been added for PC and BOA.*

*The existing Town Code provisions for both Mayor and BOT positions already require that the person be a “qualified elector” and the term qualified elector is defined by the statute Trustee Southway referenced at the last meeting, Section 31-10-201, Colorado Revised Statutes. That statute includes the requirement that the person be at least 18 years old and contains some other requirements, too. The draft ordinance, applies these criteria to Mayor, BOT, PC, and BOA.*

*A copy of the municipal elector qualification statute that Trustee Southway referenced last meeting, Section 31-10-201, Colorado Revised Statutes, is included for your review. Trustee Southway discussed including subpart (3)(a) of the statute, but all parts of subpart (3) are included by referencing the attached ordinance, as these are likely limitations the BOT will want to include (for example, you can’t have more than one residence at a time, etc.) and I believe by including all of subpart (3) the ordinance is more defensible. However, it is up to the Board whether or not it wants to reference all of subpart (3) or just (3)(a).”*

Mayor Peterson called for any further discussion:

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Mayor Pro-Tem Kudron expressed his concerns, stating: I have read the ordinance and the state statute and my concerns are the message we are sending to our community is one that is more restrictive to the electors, rather than less. I believe we do need to follow the state law. The county election Judge, I believe for elections, is that determiner. Our community is pretty unique in that there are many second homeowners who contribute mightily. I want to encourage their volunteerism and their continued support for our community.

Mayor Peterson called for any public comments: Citizen Kirsten Heckendorf of 846 Lake Avenue is in full support and agrees with adopting the full state statute as it reads.

Mayor Peterson called for Board action: Trustee Southway made a motion to approve **RESOLUTION 04-2019**, as it was presented, stating she believes we should align our residency criteria with the state statute and she agrees with the ordinance. Trustee Weydert seconded the motion.

Town Clerk Thompson called the vote:

<u>Mayor Peterson</u>	Aye
<u>Mayor Pro-Tem</u>	Nay
<u>Trustee Southway</u>	Aye
<u>Trustee Price</u>	Aye
<u>Trustee Rourke</u>	Aye
<u>Trustee Bruton</u>	Aye
<u>Trustee Weydert</u>	Aye

NEW BUSINESS:

1) **Consideration to move the next BOT Meeting from Memorial Day, May 27<sup>th</sup> 2019, to another day as Town Hall will be closed on this Federal holiday.** Mayor Peterson’s recommendation is to move this meeting to the following day, Tuesday, May 28<sup>th</sup>, 2019.

Mayor Pro-Tem Kudron made the motion to approve the change in meeting date to May 28<sup>th</sup>, 2019. Trustee Rourke seconded the motion.

Town Clerk Thompson called the vote:

<u>Mayor Peterson</u>	Aye
<u>Mayor Pro-Tem</u>	Aye
<u>Trustee Southway</u>	Aye
<u>Trustee Price</u>	Aye
<u>Trustee Rourke</u>	Aye
<u>Trustee Bruton</u>	Aye
<u>Trustee Weydert</u>	Aye

2) **Consideration to approve a retirement stipend for Bernie McGinn, Public Works Director, in the amount of \$6,000 for his 40 years of service.**

Mayor Peterson called for a discussion. Per Town Manager Jim White, the item was initially discussed with the Finance Committee, comprised of members Jim White Town Manager, Erin Ackerman Town Treasurer, Trustee Southway and Trustee Bruton. The amount of \$6,000 was agreed upon, given the 40 years that Bernie has served the Town of Grand Lake. This was decided by the consideration of \$150 per year of service, totaling \$6,000.00 for 40 years. In addition, the taxes on this stipend will be included, so the total gift will be kept whole at \$6,000.00. Justification for this amount is due to his lengthy

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time of commitment to his position, salaries were very different in years past and overtime was not paid in this position in the past, which Bernie had steadily provided above and beyond his regular work day.

Mayor Peterson called for further discussion or public comment, none were received. Trustee Rourke made a motion to approve the retirement stipend of \$6,000.00 for Bernie McGinn. Trustee Price seconded the motion.

Town Clerk Thompson called the vote:

<u>Mayor Peterson</u>	Aye
<u>Mayor Pro-Tem</u>	Aye
<u>Trustee Southway</u>	Aye
<u>Trustee Price</u>	Aye
<u>Trustee Rourke</u>	Aye
<u>Trustee Bruton</u>	Aye
<u>Trustee Weydert</u>	Abstain

**3) Consideration to accept the audited financials for fiscal year 2018.**

The Town’s accountants, Dazzio & Associates, were present at the afternoon workshop to present the findings of the audit for fiscal year 2018. All members present at the workshop were very happy with the findings. For the record, Mayor Peterson would like to congratulate Town Manager Jim White and Treasurer Erin Ackerman for a great job with this single audit. Per our auditors, given the grant money the Town received for the bridge construction, this is the first **single audit** they have encountered where we passed the audit without any issue or “findings”. They did purposely look for any concerning issues and were very pleased to state they could not find any with our financials.

Mayor Peterson called for discussion or public comments. Mayor Pro-Tem Kudron made a motion to approve the audited financials for fiscal year 2018. Trustee Bruton seconded the motion.

Town Clerk Thompson called the vote:

<u>Mayor Peterson</u>	Aye
<u>Mayor Pro-Tem</u>	Aye
<u>Trustee Southway</u>	Aye
<u>Trustee Price</u>	Aye
<u>Trustee Rourke</u>	Aye
<u>Trustee Bruton</u>	Aye
<u>Trustee Weydert</u>	Aye

**4) Consideration to approve: RESOLUTION 04-2019 DESIGNATING INDIVIDUALS AUTHORIZED TO CONDUCT TRANSACTIONS WITH RESPECT TO THE TOWN OF GRAND LAKE’S CASH AND INVESTMENT ACCOUNTS**

The Town’s policy is to require two signatures on all checks. Authorized individuals have traditionally included the Mayor, the Mayor Pro-Tem, the Financial Trustee, the Town Manager, and the Town Clerk. We currently have two vacancies; the Town Clerk and the Financial Trustee.

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The Town has made it a practice to review and update the authorized signers after each municipal election to reflect election results, changes in personnel, or any changes desired by the Board. **Resolution 04-2019** designates that current signers (Jim Peterson Mayor, Stephan Kudron Mayor Pro-Tem, James White Town Manager) remain and that Trustee Cynthia Southway be named as Financial Trustee and new Town Clerk Jennifer Thompson be added as signers to the Town’s accounts.

Mayor Peterson called for any board discussion. Trustee Price made a motion to approve **RESOLUTION 04-2019 DESIGNATING INDIVIDUALS AUTHORIZED TO CONDUCT TRANSACTIONS WITH RESPECT TO THE TOWN OF GRAND LAKE’S CASH AND INVESTMENT ACCOUNTS**. Trustee Weydert seconded the motion.

Town Clerk Thompson called the vote:

<u>Mayor Peterson</u>	Aye
<u>Mayor Pro-Tem</u>	Aye
<u>Trustee Southway</u>	Aye
<u>Trustee Price</u>	Aye
<u>Trustee Rourke</u>	Aye
<u>Trustee Bruton</u>	Aye
<u>Trustee Weydert</u>	Aye

**5) Consideration to adopt: RESOLUTION 05-2019 GRANTING APPROVAL OF A BUILDING PERMIT FOR A NEW BOATHOUSE LOCATED AT LOTS 52-54 CAIRNS ADDITION GRAND LAKE; MORE COMMONLY REFERRED TO AS 706 CAIRNS AVENUE**

The Town has received a building permit application for the construction of a new boathouse which requires Board of Trustees review. The applicant is Collin Brones, who is being represented by Geoff Elliott of Grand Environmental Services. Mr. Elliott was present at the meeting and provided a detailed presentation of said project and answered any questions and concerns that were brought up.

Upon review, the applicant’s boathouse complies with all municipal code regulations pertaining to boathouse construction, including heights, setbacks, and distances, as laid out in section 12-2-29(B). All required supplemental information, including material and color samples, erosion/sediment control practices, and potential disturbed landscapes. The required 404 permit disclaimer has been signed and the applicant has been in frequent communication with Tyler Adams to obtain the Nationwide Permit 42 for Recreational Facilities. No HOA exists within where the property is located.

Mayor Peterson called for any board discussion or public comments. Mayor Pro-Tem Kudron made a motion to approve: **RESOLUTION 05-2019 GRANTING APPROVAL OF A BUILDING PERMIT FOR A NEW BOATHOUSE LOCATED AT LOTS 52-54 CAIRNS ADDITION GRAND LAKE; MORE COMMONLY REFERRED TO AS 706 CAIRNS AVENUE**.

Trustee Rourke seconded the motion.

Town Clerk Thompson called the vote:

<u>Mayor Peterson</u>	Aye
<u>Mayor Pro-Tem</u>	Aye
<u>Trustee Southway</u>	Aye

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<u>Trustee Price</u>	Aye
<u>Trustee Rourke</u>	Aye
<u>Trustee Bruton</u>	Aye
<u>Trustee Weydert</u>	Aye

LIQUOR LICENSING AUTHORITY: Consideration to approve new liquor license application for Mountain Burger Works, located at 928 Grand Avenue, Suite 103. Applicant is Challenge Consulting, Inc.

The Town has received a Restaurant Liquor License Application from Challenge Consulting, Inc., d/b/a Mountain Burger Works, located at 928 Grand Avenue Suite 103, Simon and Candice O'Connor are the applicants.

The fees have been paid and all proper documentation have been received for the State review. The Grand County Sheriff's Department found no adverse information that would affect the issuance of the license.

Mayor Peterson called for any board discussion or public comments. The applicant, Simon O'Connor, did speak on his behalf and did produce a list of signatures in support of this new liquor license.

Trustee Southway made a motion to approve the new liquor license for Mountain Burger Works, located at 928 Grand Avenue, Suite 103. Trustee Rourke seconded the motion.

Town Clerk Thompson called the vote:

<u>Mayor Peterson</u>	Aye
<u>Mayor Pro-Tem</u>	Aye
<u>Trustee Southway</u>	Aye
<u>Trustee Price</u>	Aye
<u>Trustee Rourke</u>	Aye
<u>Trustee Bruton</u>	Aye
<u>Trustee Weydert</u>	Aye

MAYOR'S REPORT  
AND COMMENT:

Mayor Peterson made the announcement that our Town Clean Up day is this Saturday, May 18, 2019 at 9AM and he would like to see a larger group in attendance this year.

ADJOURNMENT:

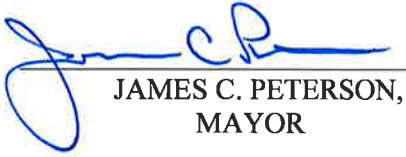
Mayor Pro-Tem Kudron moved to adjourn, seconded by Mayor Peterson. Town Clerk Thompson called the vote:

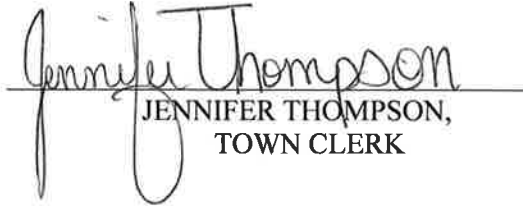
<u>Mayor Peterson</u>	Aye
<u>Mayor Pro-Tem</u>	Aye
<u>Trustee Southway</u>	Aye
<u>Trustee Price</u>	Aye
<u>Trustee Rourke</u>	Aye
<u>Trustee Bruton</u>	Aye
<u>Trustee Weydert</u>	Aye

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The meeting was adjourned at 08:29 p.m., May 13, 2019.

  
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JAMES C. PETERSON,  
MAYOR

ATTEST:   
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JENNIFER THOMPSON,  
TOWN CLERK