

## RECORD OF PROCEEDINGS

### Regular Meeting Town of Grand Lake – Board of Trustees Monday September 13, 2021, 6:00 PM

- CALL TO ORDER:** The regular meeting of the Board of Trustees was called to order by Mayor Steve Kudron at 6:00 P.M. via Go to Meeting virtual platform
- PLEDGE OF ALLEGIANCE:** Mayor Kudron led everyone in reciting the Pledge of Allegiance
- ROLL CALL PRESENT:** Mayor Kudron, Mayor Pro-Tem Bjorkman, Trustees Southway, Bruton, Bjorkman, Calvin-Braley and Arntson; Town Clerk Thompson, Town Manager Crone
- ABSENT** None
- ANNOUNCEMENTS:** Mayor Kudron announced: Please turn off all cell phones during the meeting
- CONFLICTS OF INTEREST:** Mayor Kudron stated if there are any conflicts of interest with any item on this evening agenda, Trustees may announce their conflict at this time – **None**
- MANAGERS REPORT:**
- The Delta Variant is hitting Grand County hard. Last week we had two more deaths added to Grand County's total. Jason Jacksack tendered his resignation this weekend. We have posted the opening and have reached out to past treasurers to help us get through budget season. According to Jason "the primary driver of this decision is that (he) feels that there are a number of Town residents who despise and abhor Town employees." Even with his resignation, the audit should be complete by the end of the month. It will be presented to the Board in October.
- The recall election will be going ahead on October 5, 2021. Ballots were mailed out this morning. The election will have two questions: 1) Should Mayor Kudron be removed from office, and 2) if he is removed, who should be Mayor. The second question will only be considered if the Mayor is successfully recalled by the first question. Any questions should be directed to [clerk@toglco.com](mailto:clerk@toglco.com).
- With the resignation of Trustee Landy, there is a vacancy on the Board. The Board has set a deadline of September 20<sup>th</sup> for interested candidates to submit a letter of interest and all necessary paperwork to the Town Clerk. The Board will consider the candidates and select a new Trustee at the September 27<sup>th</sup> Board meeting. If you are interested in the position, more information will be available soon on the Town website. We will be completing the paving of Grand Avenue on Tuesday and Wednesday of this week. There may be some small inconveniences; however, traffic will still be allowed through. This is NOT the next stage of Streetscape. Staff will be working on the completion of Streetscape over the coming year.
- Summer is wrapping up. The leaves are changing, elk are bugling, and Constitution Week is happening all week. The Town will have fireworks this Saturday at 9:30 pm. With the onset of Fall, the varmints at GLC have gone underground. The Town will restart its's control program in the Springtime. With winter coming (we got our first snow last week), we can count on more bears coming into Town trying to fatten up. Please make sure that you keep your trash in bear proof containers and don't leave food

sitting out. On September 28, the Town will hold a ribbon cutting ceremony for the new EV charge stations being installed on Park Ave. This will be a fun event with all of our partners who helped to make the installation of these stations possible. There will also be a selection of different EV available to test drive. This will be the last weekend that the marina will be open. Due to staffing shortages, the marina will probably only be offering limited options. The Board's next meeting is scheduled for September 27. Most of the Board members will be attending the CML conference from September 22 – 24.

**UNSCHEDULED  
PUBLIC COMMENTS:**

Mayor Kudron announced 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 or 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. If a member of the public wishes to comment regarding items on the Agenda, time will be allocated at the beginning of each non-quasi-judicial item. For items of a quasi-judicial nature, time will be allocated during the public hearing for the item. Time limited for Public comments is 3 minutes.

**John Rourke – 1015 Mountain Avenue**

Mr. Rourke stood in silence for two minutes at the podium.

What you heard for the last two minutes are the answers that I have gotten from our Town Manager for five months, nothing. What I have gotten from this Board since July, if you want to know the questions I had, they are on the meeting minutes today that they are going to approve. And you know, I will be back next month too, it's not hard. All I want are answers to some questions about Town, it has nothing to do with recall elections. It has nothing to do with anything, just has to do with Town Ordinances, which Trustees took an oath to stand up and enforce. The Town employees are great, they work as hard as they can. They are told by people not to do things. If maybe there were more residents in Town instead of a lot of people who don't live in Town complaining to our staff, maybe things would be better. I don't know. All I can say is I haven't had any answers to any questions in months and they are just legal questions.

**Teresa Cantwell with Grand Futures – 28 County Road 4640**

I work for Grand Futures Prevention Coalition covering all of Grand County. Grand Futures was founded by the Colorado fourteenth judicial region in 1990 to address the growing epidemic of use, substance use, in our region. In fact, we are honored that the current deputy district attorney, Catherine Dowdell, serves on our Board of Directors today and is an invaluable resource for Grand Futures. Tonight, I want to address the discussion about revisiting the decision to allow marijuana or cannabis to be sold within the Town of Grand Lake.

From a youth focused substance use prevention perspective, it's not my role to advocate for any particular position, but rather to educate the public about the best practices surrounding cannabis sales and consumption. Even if Grand Lake voters approve the sale of cannabis, this Town council has the ability to set some best practices, parameters which would help keep our youth safe. Our local SAMSA, that's the Substance Abuse and Mental Health Services Administration, is our local grant funded provider. The Northwest Prevention Technology Transfer Sitter has a toolkit that we can reference that outlines the regulatory components that are most relevant to preventing cannabis use by youth and unsafe use by adults.

This is organized as the five pieces of prevention. One is public health and safety, including requirements that prevent diversion and protect customers. Two is places to access, including factors affecting individual possession, use, licensing and operations, placement of businesses and expanding privileges. Third is products and potency, including factors affecting which products are allowed, their potency, packaging, labeling requirements, and purchase requirements for specific products. Fourth, promotion and advertising, including factors affecting design and content or placement of any advertising. And finally, pricing including taxes and other factors related to the cost of products.

For example, you can earmark some of the proceeds from tax revenue to help fund, for example, local mental health resources for those in need, but without the ability to pay and / or additional law enforcement needs that may be associated with this industry. I would love to expand from there but my three minutes are up. So, I offer you my services as a prevention specialist and my connections with experts in this field if you wish. Thank you for your time.

### **Ken Fucik – 665 Canal View Drive**

I am president of the Grand Lake Creative District. I've been in front of you many times to talk about the Creative District and everything we have tried to do and so on. Many of you have been here for many years listening to our story. We started in 2017 with about 30 people in this community who came together to develop a strategic plan for the Creative District. A strategic plan helped get designated by Colorado Creative Industries and they later helped us win the award for Space to Create. What does it all mean to me when I think about a Creative District and Space to Create?

Let me tell you what this says, this is a thing that can help me revitalize my wooden boat school, which was very successful before things happened. It will help us upgrade the Community House where we can have it back like it was in the past. We can do things in the winter; we can bring in performers and have more things to do in the winter. We can have movie nights; we can have potluck dinners in there. Right now, we've got a group of people working to incorporate the Rocky Mountain Folk Art School. This is a new trend that is happening around the country with folk schools. We are looking at using the Grand Lake Center where we can bring in classes from everything like artisan bread making. We already have classes scheduled for next spring in rug pulling and some art classes.

I want to talk about Space to Create. Art Space did a survey in 2018 of 55 properties around the country. They went to look at who was living at the properties. They found that only 10% of those people were full time artists. The majority of them were educators and from the service industry, then they were able to do their art. Their main income came from these other professions. My wife and I went to town three times this summer to go to dinner. We couldn't get in because there weren't enough employees to serve the customers because people cannot afford to live here. Fort Collins has an art space project that is fully rented. Trinidad is renting and advertising their properties right now, and a studio apartment is at \$477 per month.

A two bedroom is \$1,100 a month. We need that space so we can serve our needs here. I had a friend who I was working for years ago and he gave me a piece of advice once

which helped me in my business and helped me get through my business when times were tough. He said to me, "Ken don't come to me with problems, give me alternatives so we can find a solution." That is what I am here to ask you guys, we need to move forward on this. Don't give us any more problems, give us alternatives. If you've got better ideas let us know so we can move forward.

**Jim McComb – 468 County Road 4980**

I'm here as the Chamber of Commerce President. I want to talk about Buffalo Days. I was unable to attend the last couple of Board meetings for personal reasons. I wanted to come out and from the Chamber, something really positive, I want to thank the Town and I want to thank Town Staff, I want to thank (I won't mention Keith's name because he hates it when I do) but I want to thank him and his entire group for a phenomenally successful weekend. I don't think I met anyone who did not enjoy Buffalo Days in some manner. From the pancake breakfast, the parade, the jail, and I was the first one to be arrested, the concert was absolutely fantastic.

We talked about security earlier. I would highly recommend anyone having a festival be required to provide their own security. We did that and interestingly enough the security company we contracted with, his employees were off duty Grand County Sheriff Deputies and they got called out on overtime, so we had to reach out to Grand County and get other Sheriff Deputies. It did work out, everything was great. We had no incidences we had no problems and again thank you so much for your cooperation and your support of the Chamber of Commerce, we really appreciate it.

**Katie Beeson – 13692 Highway 34**

There was a mailing that was received this week by residents and voters in Grand Lake that was sent out by a candidate for Mayor that seemed to imply and indicate that people were being registered to vote illegally because they are seasonal residents or short-term residents of this community. I spent quite a bit of time in elective politics throughout my career so I've had a lot of people asking me questions this week about this letter which seems to be unclear about the fact that Colorado law simply says that you have to be a resident for 22 days in order to register to vote here. Also, there are provisions that if you've been temporarily displaced from your home due to circumstances out of your control but have the intent to move back that you also can retain your voter registration.

In light of that, I want to just point out to the community that the Attorney General has recently issued the public advisory regarding voter intimidation. I won't read the whole advisory but I will just quickly read an amended version that is on the Colorado Attorney General's website that states: The state will protect your right to vote safely and that the Attorney General's office will prosecute those who threaten or intimidate voters. The advisory provides guidance on the crime of voter intimidation, its penalties and how to report violations should a person witness or be a target of voter intimidation at a polling center or at an official ballot drop box. Voter intimidation is illegal under state and federal law. Under Colorado law, voter intimidation occurs when someone interferes, impedes, or prevents another from voting or pressures a candidate to vote for or against a candidate or an initiative. Voter intimidation is a misdemeanor punishable by a fine of up to \$1,000, up to one year imprisonment or both. The Attorney General and local District Attorneys have authority to prosecute voter intimidation crimes."

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So, I just want to remind the community that if you plan to engage in voter intimidation you may also want to plan to spend a year in prison. Thank You

**David Rafaelli – 813 ½ Lake Avenue**

Mr. Bruton you were going to give a report or information about the history of the experience the Town of Trinidad had with the Art Space program.

**Trustee Bruton** – I will have an update this evening, it is on the agenda.

**MEETING MINUTES:**

**Consideration to approve Meeting Minutes dated July 12, 2021**

Mayor Pro-Tem Bjorkman made a motion to approve Meeting Minutes dated July 12, 2021. Trustee Bruton seconded the motion. Town Clerk Thompson called the vote:

<b>Mayor Kudron</b>	<b>Aye</b>
<b>Mayor Pro-Tem Bjorkman</b>	<b>Aye</b>
<b>Trustee Southway</b>	<b>Aye</b>
<b>Trustee Calvin-Brale</b>	<b>Aye</b>
<b>Trustee Arntson</b>	<b>Aye</b>
<b>Trustee Bruton</b>	<b>Aye</b>

**FINANCIAL REVIEW:**

**Consideration to approve Accounts Payable for September 2021**

Trustee Southway made a motion to approve Accounts Payable for September 2021. Trustee Calvin-Brale seconded the motion. Town Clerk Thompson called the vote:

<b>Mayor Kudron</b>	<b>Aye</b>
<b>Mayor Pro-Tem Bjorkman</b>	<b>Aye</b>
<b>Trustee Southway</b>	<b>Aye</b>
<b>Trustee Calvin-Brale</b>	<b>Aye</b>
<b>Trustee Arntson</b>	<b>Aye</b>
<b>Trustee Bruton</b>	<b>Aye</b>

**NEW BUSINESS:**

**Consideration to approve Resolution 27-2021, a Resolution delegating authority to the Town Clerk to appoint election judges for the upcoming Recall Election on October 5<sup>th</sup>**

Trustee Arntson made a motion to approve Resolution 27-2021, as presented. Trustee Calvin-Brale seconded the motion. Town Clerk Thompson called the vote:

<b>Mayor Kudron</b>	<b>Abstain</b>
<b>Mayor Pro-Tem Bjorkman</b>	<b>Aye</b>
<b>Trustee Southway</b>	<b>Aye</b>
<b>Trustee Calvin-Brale</b>	<b>Aye</b>
<b>Trustee Arntson</b>	<b>Aye</b>
<b>Trustee Bruton</b>	<b>Aye</b>

**Consideration to approve a change order with United Companies**

Trustee Calvin-Brale made a motion to approve the change order with United Companies, as presented. Trustee Bjorkman seconded the motion. Town Clerk Thompson called the vote:

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Mayor Kudron	Aye
Mayor Pro-Tem Bjorkman	Aye
Trustee Southway	Aye
Trustee Calvin-Braleay	Aye
Trustee Arntson	Aye
Trustee Bruton	Aye

### **Consideration to approve Resolution 28-2021, a Resolution waiving certain fees for the Grand Arts Council**

Trustee Bjorkman made a motion to approve Resolution 28-2021, as presented. Trustee Arntson seconded the motion. Town Clerk Thompson called the vote:

Mayor Kudron	Aye
Mayor Pro-Tem Bjorkman	Aye
Trustee Southway	Aye
Trustee Calvin-Braleay	Aye
Trustee Arntson	Aye
Trustee Bruton	Aye

### **MAYORS REPORT:**

There has been a lot going on the past couple of weeks. First off I would like to give a little report on what we talked about at our Mayors, Managers, Commissioner's meeting. As I mentioned earlier the opioid issue that is prevalent in our county and throughout the state is real. It is here in Grand Lake. One of the directions is that the reason the opioid issue has garnered such attention is that many of the non-opioid street drugs like meth are cut with Fentanyl these days and they are very risky forms of Fentanyl. So, stopping the opioid problem is a belief of many that it helps curb much of the abuse. We have to continue to do that as we were told earlier today the issues that occur with our teens is just as big of an issue. I don't know if we waited too long because I sit there and I feel like we should have addressed this sooner.

Our community needs our involvement when it comes to social issues such as this. I am asking the Board to consider having that real discussion and taking action on how we can address what I've always felt was an enforcement issue. We have the laws, we put them into place and its bigger than that. It has become cultural and it has extended beyond that. The other big item that was talked about was the affordable housing issue. As we had in previous meetings, Sheena Darling from the county has come to us talking about a multi-jurisdictional MOU with housing, as a regional housing authority. That's a challenge because many of the needs of the community are different. Each of our communities are different while we still have those same core needs. Adding to that challenge for us is the fact that the county's, whose county housing authority mirrors the county commissioners, and they have a lot of stuff on their plate as they are trying to work through the housing issues, it becomes stagnant and not much has happened.

The same projects keep getting revised going back to the developers that have showed opportunity and how can we make land and that sort of thing work. In the absence of real movement, Winter Park and Fraser are taking proactive steps. Winter Park already does have a local housing authority and Winter Park and Fraser are taking proactive steps to merge their housing needs and the housing authority. As you can imagine,

when 30 to 40% of the population of the county wants to do their own thing, it creates a challenge. The outcome is that we have to keep working on that but Winter Park and Fraser told us that they are moving along so everything that we wait for is catch up time. It truly is a challenge.

So, a couple of things, three weeks ago my wife and I took a little trip in our new RV. We haven't taken a vacation in 10 years. We didn't know where we wanted to go but we knew we wanted to spend a little time away from all of the businesses, a little time for us. We are in a tough, challenging time here in town. People think different things of me and our Board and all kinds of things are said. I can't tell you how disappointing it was when I was told by multiple people that the rumor was that I had moved out of town and I should resign. My gosh let's get real folks! Has it really gotten that bad? So, today I am making an announcement: By the end of the month, the home I live in at 408 Park Avenue is going to go on the market. For the Realtors in the room \$649,000, bring me a buyer before then and it will be a good deal. We are going to move across the street to our Short-Term Rental and we are going to give up the revenue opportunity that had been presented to us for that.

In 2018 when we bought the home for \$1.325 million dollars, of which I financed way more money than I could afford, I came with a business plan and belief that a home like that could provide short-term rental opportunities that would not provide only sales tax income which is about \$8,000 a year, it also brings about 355 people into the Town to spend money on the weekends. We can extrapolate that money and I can tell you how many thousands of dollars in tax revenue that is too. But unfortunately, it doesn't make up for the \$78,130 in personal property taxes that have been assessed on that property as a result of a state law that allows the county assessor to make that assessment. I have asked over fifty short-term rental owners in the County, nobody else has received that. The law is the law. What the assessor did is not illegal but it's not right.

I am going to be moving over there so I don't have to pay that 29% tax bill for almost \$80,000. At another one of our recent meetings a person that wants to be Mayor started throwing out numbers about marijuana. One of the problems that we have going back and forth, is that people stand up here and they say what they want to say, and we get to listen to them. Many of these people have been in our community for years and are trusted with the things that they say. I do not doubt that when Judy Burke went to Ireland that she was told by the people around her that we are a laughingstock. I can tell you that a survey taken on December 10, 2016, which would be 8 years after marijuana was approved in Colorado, the polls show that 81% of the people in Ireland back legalizing medicinal cannabis. As of September 20, 2021, the EU Barometer, which is an EU funded newspaper, found that Ireland has the highest rate of cannabis smokers in the EU. Over 17% of the Irish are currently smoking weed for recreational and medicinal purposes.

Please folks, we disagree, we are having conflict. Let's let the people figure out the truth instead of pulling off so much of what is going on. The oversight of our accounting department needs some work. Our audit will be here next week and we are addressing those issues. One of the facts of the matter is that the law has allowed hundreds and hundreds of staff hours to be dedicated to the recall plus those dollars associated with it. Throughout this process, both sides have been challenged. Both sides have claimed

intimidation. I have to tell you folks, when people come to me and tell me they would like to support me but they have issues with the assessor so they can't do it publicly, when people come to me and they see an argument that says that the Town recently had not done a good job of cleaning Winters Pioneer Park, and they tell me that they have lived across from that park for years and they have continued to ask the Trustees, who brought up the issue and they haven't taken care of it, but they themselves used it as a dump for 14 years. How that happened I don't know. But I do know that for the last 18 months we have been cleaning it up. I know it looks a hell of a lot better than it ever did. We will continue to work on that.

We are looking at different ways, along with the Lands Committee and the Lands Consultant, and we're going to be able to really make something of it. But don't start spreading rumors and making things not right. There is enough disagreement amongst us, let the people hear the truth. This is crazy folks. It's putting our entire community at odds with each other. There are people when asked if they read the petition they said no because they were told something else. When questioned during testimony, it was told that it was a responsibility of the person signing the petition and in fact it clearly pointed that out at the top of the petition. Your right folks, that's not illegal, but that's not right. We are getting a lot of work done. We have people complaining that we are finally paving the roads but the noise is too loud, that it stinks on a Thursday morning. I guess it could have been stinking on a Saturday morning.

I have met the frustration of some of our town residents ever since I was elected. I know there were thirteen people that voted against me. I'm sure there have been a few more that have been talked into voting against me too and that's ok because a lot of people have a lot of reasons to not like how I have handled this Board and the decisions that this Board has made since they have received their information, since they have been given the authority to do what they believe is best for our Town and community. We don't agree all the time but we all talk through it. Prior to me being Mayor I spent a lot more time talking on topics in this seat or that seat. It's because from the very beginning I was accused of manipulating this entire Board. So, I took proactive steps to coach each and every one of these people to make sure that they spoke and I spoke less.

In the coming weeks we are going to be evaluating our Manager and our Manager is going to be evaluating our Staff. I was going to announce a date for that but the next meeting is a meeting before the election and I think it's probably appropriate that this Board is settled when those evaluations are done. I don't know if this entire Board agrees but that is the decision I believe is in the best interest of our Town because if I'm not the Mayor I want the next Mayor to lead that. I mentioned at the beginning that the past few weeks have been the best of times and the worst of times. One of the things that I have been so proud of is the way that the folks in our community have stepped up, especially the young folks, Buffalo Days is back. It's not great, it's not perfect, it doesn't have all the things that we had in the past, but we have some of them and it has really cool and neat new things too. What it does have is the sense from the community that everything is good, that we are doing well and they had a lot of fun and that's been missing over the past several years. We are going to keep working on that.

I think this Board's decision to say that Buffalo Days and New Years and Memorial Day and the fireworks are critical and adding winter carnival, those are the Town events and



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the rest of them, those are private events that we support and enhance our community. Things like Constitution Week and other events that come in, when the Corvettes come, those are our economic drivers and I think this Board is doing a good job of engaging the community. The Troublesome Fest is something that came out of none of the sixty plus ages, it came out from the people who lost their homes, who believe that the world is going to end before they die. The way that they live their lives is to take in what happened and move forward. As I was talking to Judy and Sam Eberly who told me that they were not going to be going because they just were not ready, recognize that in our community we have grief at different levels. As a Board we need to be aware of and being accepting of that. We will miss the Eberly's. I really feel like, in many ways, our community is overcoming the East Troublesome fire, and we are finding ways to move ourselves forward.

I do hope that after the recall, as my opponents stated in the newspaper article, that they would be willing to accept the vote. I know this Board will be and I will be. Finally, I want to remind this Board that when you were elected, part of what you were elected to do is to define who we are as Grand Lake today. Much the same as the Boards before us that defined who we are in their day, which is critical to remember is that as we figure out who we are just looking to the past is not enough. We have to plan for the future and know where we want to go and how we are going to get there. I really do hope that both sides of this argument find a way to find a future before it's too late.

**FUTURE ITEMS & STAFF DIRECTION:**

- Discuss / Enhance Sheriff services
- Temporary housing on private property
- Ability to call in during meetings in the event of absences

**ADJOURNMENT:**

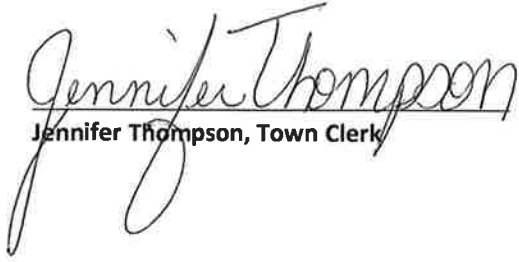
Trustee Bjorkman made a motion to adjourn the meeting. Trustee Bruton seconded the motion. Town Clerk Thompson called the vote:

Mayor Kudron	Aye
Mayor Pro-Tem Bjorkman	Aye
Trustee Southway	Aye
Trustee Calvin-Brale	Aye
Trustee Arntson	Aye
Trustee Bruton	Aye

This meeting of the Board of Trustees was adjourned at 7:42 PM.

(Attest)



  
Jennifer Thompson, Town Clerk

  
Steve Kudron, Mayor