

# RECORD OF PROCEEDINGS

## Regular Meeting Town of Grand Lake – Board of Trustees Monday September 27, 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. in the Town Hall Board Room

**PLEDGE OF ALLEGIANCE:** Mayor Kudron led everyone in reciting the Pledge of Allegiance

**ROLL CALL PRESENT:** Mayor Kudron, Mayor Pro-Tem Bjorkman (remote viewing), Trustees Southway, Bruton, and Arntson and Town Clerk Thompson

**ABSENT** Trustee Calvin-Braleley – Town Manager Crone

**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**

### **Consideration of Resolution 29-2021, a Resolution to appoint a new Trustee**

Trustee Southway made a motion to approve Resolution 29-2021, a Resolution appointing Christina Bergquist as a Trustee to the Grand Lake Board of Trustees. Trustee Bruton seconded the motion. Town Clerk Thompson called the vote:

Mayor Kudron	Aye
Mayor Pro-Tem Bjorkman	Abstain
Trustee Southway	Aye
Trustee Calvin-Braleley	Absent
Trustee Arntson	Aye
Trustee Bruton	Aye

**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**

As you've all seen me here over the past four months with the same subject, and it's been approximately seven months since I've talked to our Town Manager, who is going to get "right back to me". The subject is Town Right-of-Way. No big deal. In the past, when I was a Trustee, I tried to bring this up in a Workshop. People like facts. I'm telling you that I tried to do it. If you need proof, I can get proof that I tried to have this done. In the year and a half that I was an appointed Trustee, I was knocked down all the time, or there was some reason why they wouldn't talk about it. I figure it was one of two

things; either they were afraid of me, or our Town Attorney told them not to bring that subject up.

When I was on the Board of Adjustments, our Town Attorney told us in meetings here, it's a fact if I need to get proof I will, that we shouldn't pass any adjustments when people came in here. We were told that and we didn't like it and we continued to pass things. We didn't really listen to him. I'm here and I will try and get it on the workshop again. Thank You

**Jim Kroepfel – 133 Alpine Circle**

Summer is coming to a close and you don't have to talk to too many restauranteurs or shop keepers to know that it's been a wonderful, successful summer. Some great events and I just want to commend the Board, the Mayor, the Town Manager, and the Staff for their support for all of the events and for support of the Chamber, and their role in this remarkable summer. Thank You

**Craig Wilkerson – 607 Shadow Mountain Drive**

It is so disappointing the direction that our Town is taking. It is understandable that we don't all agree about the Recall. Within days of Manager Crones letter to the Town Trustees, and he excluded Trustee Southway, where he attacked the Southways untruthfully about having horses on their property, someone in a vehicle plowed down their gate. It was pushed to the center of the pasture allowing their horses to escape and wander free. Fortunately, the horses were unharmed. I know this because I live across the street from them and I had horses eating my grass in my front yard. I knew that they had gotten out.

Cindy was out of town and Hoppy was working in Fraser so it was up to me to get them back in the corral. When we got over there the gate had been pushed clear into the center of their meadow, somebody rammed the gate. We don't know who but the gate was undamaged when we first put it up and now it has some severe dents and bending in it. It took me quite a bit. The horses ran away a couple blocks down and I was trying to get them back in. My question is, why would anyone do that to the Southways and their horses. Just last night the only banner that we had for the Recall, which was posted on private property, was intentionally ripped down. We can all agree to disagree, but when it comes to vandalism to make your point, that is unacceptable. This is not the town I moved to where hateful and spiteful people wish to destroy the community.

**Andy Murphy – 228 County Road 442**

I want to share something on a very positive note. Not this past Sunday, but the Sunday before on the 19<sup>th</sup>, as many of you know I run Mountain Paddlers on the lakefront just about every day of the summer. It was a very cool and windy morning and there were not many people about at all. I was walking down from my kayak shack down to the other side of the beach where my crew was huddled and as I was talking to them I noticed a group of people scattered about the beach. They had bags in their hands and they had gloves on and they were actually picking up all the little pieces that never seem to make it to the trash.

There are many small bottle caps and little pieces of paper, all kinds of cigarette butts, etc. I stopped the lady who was doing it and I thanked her, and told her it was really cool

that they were doing this. A little bit later, as they were working their way along the beach, she stopped in front of my kayak shack and I made a point of asking her who she was and why were they doing this. She told me that they are a group called American Heritage Girls, troop 8909, out of Castle Rock. They were in town for a retreat. There were two adults and maybe ten early teenage girls. She stated that they were here and wanted to do a service project and they had checked in with Town Hall and got permission.

These girls are out there on a cold, windy day picking up our beach and our whole lakefront for us. It was really awesome. So, I went online and did a little research and I found out they are part of the Epiphany Lutheran Church out of Castle Rock and I have their address right here. I will share it with Jenn and I would like to make a request that the Town and hopefully the Mayor and the Board would send them a thank you note and sign it, because it was awesome.

**Kathy Weydert – 811 Tallaquah Drive**

This is a letter I am going to read from John Crone to the Town of Grand Lake Trustees and the Town Attorneys at Krob Law Office:

“Trustees, in January of this year I discovered that Trustee Southway had been conspiring with the owners of the fifteen-acre parcel where the Southways keep their horses, to have the property assessed as agricultural. In order to be assessed as agricultural property, it must be used as a for profit ranch. Town code does not allow such use of any of our zoning areas. In their various roles as Trustee and as Planning Commissioner, knowledge of the Town codes can be impudent to the Southways. In fact, Hayden Southway was actually on the Planning Commission the last time this property zoning was revised. County Assessor Tom Weydert served on the Town Board at the time when this scheme was in operation and never informed the Town in spite of his oath to uphold the Town code. As a result of this scheme, in 2021 only \$22 in taxes were charged against the fifteen-acre parcel. In contrast, I have paid over \$1,000 on my .2-acre parcel on the edge of Town. Over the years the Southways scheme has cost the Town, the school district, the rec district, the fire district, and other public entities tens of thousands of dollars, if not hundreds of thousands of dollars. Trustee Southway was informed of their illegal actions in January. At that time, I treated the Southways as I treat any code violators by informing them of their illegal actions and offered them several options to correct their actions. The Mayor and the then Mayor Pro-Tem and our Town Attorney were all included in the discussions. To date the Southways have not taken any action to correct their violations. In fact, recent actions taken by the Southways indicate that they have no intention of cooperating with the Town to solve this very distressing situation. As a result of the Southways resistance to take responsibility for their illegal actions I feel compelled to officially bring these ethical violations to the Boards attention for action. I am also meeting with the District Attorney of the fourteenth judicial district to ask for a criminal investigation. Please feel free to contact me with any questions.”

**Tom Weydert – Grand County Assessor**

Mr. Kudron made some very pointed accusations at the last board meeting. I would like to clarify the issue and state the following facts which are of public record. The assessor’s office has not shown any special treatment to anyone’s evaluation of their

property. Each year the assessor's office is audited by the state to be certain we have followed all guidelines set by the state. All property owners received their tax bill January 1<sup>st</sup> and they must be paid in full no later than June 30<sup>th</sup>. Mr. Kudron owns four properties in Grand Lake. On all of these properties Mr. Kudron has never paid his property taxes on time and he has incurred penalties from the Treasurers office. The issue of Mr. Kudrons short-term rental is as follows: the assessors office has documented evidence that this property has been used as a short-term rental since 2018. This was discovered when Mr. Kudron listed this property for sale for \$3 million dollars.

The assessor's office sent a notice request to come into compliance with the personal property for the short-term rental. This is required by the state. The contents and furnishings of short-term rental properties is taxable at the commercial rate. After an extended period of time Mr. Kudron then submitted a value estimate well below the typical value for similar properties which is typically \$15 per square foot. The assessor's office sent a notice of value for the personal property in the amount of \$78,000. Based on this value, the estimated taxes would be approximately \$1,400. A far cry from the \$78,000 in taxes that Mr. Kudron stated that we are charging him. The assessor's office sent the notice of valuation for 2021 only. Although we are committed by state statute to go back three years for omitted property. All property owners have the right to protest their valuation and Mr. Kudron chose not to do so.

It is also interesting that Mr. Kudron, as either a Board member or as Mayor, has for years actively participated in numerous meetings concerning short-term rentals yet he has knowingly and intentionally failed to disclose his short-term rental to the proper authorities for three years. If this tax bill of \$1,400 makes it impossible for him to continue to use this property for short-term rentals, that is his problem. He advertises \$1,800 per night for rent. Based upon these facts, versus his accusations, you may come to your own conclusion.

**Jennifer Brown – 408 Park Avenue, respectively 421 Park Avenue**

I am the CEO, major shareholder of the Overlook and the property that is held within that corporation. Our property taxes are not late. They are paid on the timeline by which our budget allows. We will be moving into this residence. It will become our residence. It will no longer be a short-term rental. I would like to state that for the record. Jill Hansen has been our correspondent at the assessor's office for well over four to six months, I've got the records in front of me. The communication has been difficult at best, we have tried to make resolution on this. When I called the assessors office directly and I asked for Ms. Hansen's email I was told that I could correspond with the assessor's office directly, which was Mr. Weydert's email and I was not provided that. I was told to look it up.

The correspondence from the assessor's office is incomplete. This property tax says that it's in Grand Lake. There is not a designation on this piece of paperwork. There is not a due date on this piece of paperwork. It is inconclusive, it is incomplete. Will we be dealing with this? Absolutely. I will not sit and listen to the accusations, but for the record, my name is Jennifer Brown. I am the CEO and President and major shareholder of a corporation that holds multiple properties. Thank You

**Judy Burke – 390 West Mary Drive**

I stand before you tonight because I know that as Trustees and as public officials, you do get a number of requests and a number of communications from citizens. I know that not all of these are passed on to you as the Board of Trustees, and even though they are noticed, ATTN Board of Trustees. I would like to read a letter that was recently sent to the Board of Trustees:

“I recently sold my business in town that we owned for 22 years. We lived in the Grand Lake area for the past 25 years. I served on the Grand Lake Metropolitan Recreation Board for 4 years and the Town Board for 2 ½ years. Yesterday I received a copy of John Cron’s letter that was sent to all of the Trustees, with the exception of Trustee Southway. Strange and unethical, of course. I have studied the letter and I see the words scheme, a scheme was in operation, oaths to uphold, illegal actions, code violations, distressed situation, resistant to take responsibility, ethic violations, criminal investigation, wow..... Mr. Crone is apparently judge and jury! I also see the statement the oath to uphold Town code. Based on this statement, the scheme going on for so long, I guess you will need to prosecute all past and present Trustees for not upholding their oath. How far back do you plan on going with this violation of the Trustee’s oath? 10 years, 50 years, etc.? Would you be prosecuting the past Planning Commission members as well and past Town Mayors too? Another question comes to mind. The Southway’s do not own the property? Don’t you need to talk to the property owner instead of the Southway’s who are simply the lessee? Is there a procedure in place for such protests as zoning/property taxes or are we all guilty by association? What actions are the Southway’s supposed to correct? They lease the property, don’t they? What are the ethical violations?”

Does the Town Manager work at the pleasure of the Mayor? Does this mean the letter was directed by Mayor Kudron? Having served with Trustee Southway, I have found her to be one of the most credible Trustees and most knowledgeable the Town has ever had. Maybe that is the problem. She understands the numbers and cares. The question is do you? Over many, many years the Southway’s have served the community very well. Being a Town Trustee is not easy, especially now. The Town of Grand Lake is so politically charged. My question to you is, how can it get so bad that the current Mayor can be recalled? That is a monumental feat to lose such control of the management and direction of Grand Lake. How do you do that? We think this is the real tragedy. Again, how do you do that? We are going after an opposing Trustee, the Stanley purchase debacle, and a recall. Just how can you have such poor leadership? The opposing side is never completely wrong. It is the job of Trustees to talk to this opposing side and try to understand. You are representatives of all the people. As a representative are you seeking all opinions? Please do not take your positions lightly and thank you for serving. Many months ago, the board instructed the Town Manager to proceed with the sale of a portion of the Stanley property. What is the progress on this board request? I look forward to hearing the developments of this Grand Politically Contrived Scheme. Don’t you folks have better things to do? Thank you for taking the time to read this! Past Town Trustee Schemester Tom Goodfellow.”

**Susan Burleson – 169 Shadow View Lane**

I love this little Town. It is great, this has been an amazing summer, with lots of wonderful things happening. More than we have ever had since we bought our place in 2007 and I’m sorry we haven’t lived here for 30 years but, you can’t help where you were born. I have a question for the Board. Do you give workshops on sexual harassment to the Trustees or Town employees? It’s just a thought. Trustees? My



question is still, which is a good question, if a Trustee or an employee of the government, whatever his title, were found to be guilty of sexual harassment, would that be a reason for that person to resign or be fired? That is my question to you. That is all I have to say.

**Katie Beeson – 13692 Highway 34**

My husband and I are sort of new to Grand Lake. We've been before this Board before to get a liquor license when we bought the Mountain Market. We love this little Town and I grew up in a big city. My husband grew up in a little town in eastern Colorado and when he wanted to take me to a tiny little town I was a little "green acres" about the whole concept. I love this town and what's happening is dismaying to me. To the people that are involved in solely trying to disrupt the work of this town, because they are dissatisfied and I hear your giggling over there, about either not getting re-elected or getting rejected, or because they don't like what's happening on this Board. I've watched what's going on here and merely every action that has come out of this Board has been because of a majority of this Board.

I haven't seen any sort of totalitarian action by our Mayor. When I got involved in this whole arena because of the recall, I knew Steve Kudron as the duck guy and he was always lovely. He comes into our market and he is always lovely. Cindy Southway has always been lovey to me. I have great admiration and respect for virtually everybody on this Board and I see a lot of people not on this Board that just make their lives miserable. Honestly, why would any sane person want to be on this Board, want to be Mayor of this town if every day it's just in your face like a pitbull. I just want to say, and I articulated all of this to Tom Weydert when this recall first came out. I'm a big believer in the democratic process. If you don't like what's happening here, run. And if the Town doesn't elect you, then sit down and shut up for a few years. If there is something illegal or unethical that's going on, then by all means, consider a recall. That is not even what has been alleged here. It has torn this town apart. All I can say is, if you're engaging in these covert activities to spread rumors about people that work in this town, I mean these people work their butts off and they have people coming at them because they are trying to do their job? Jennifer Thompson is having to run this recall election on top of her regular job duties? Shame on you! Shame on you for doing this to this town! Shame on you.

**Kim White – Town Planner**

To Andy Murphy's comment, the American Heritage Girls also came last year and asked me if they could do some kind of service project so I set them up with cleaning the beach. They want to come every year and so they usually coordinate with me beforehand. Unfortunately, this year I had plans that weekend so Sandra was nice enough to go over and get the bags set up for them and Keith also dropped off bags for them from Public Works. Anyway, we like them, they are great and they want to come every year. I just wanted to follow up on Andy's comment.

**Quasi-Judicial - Consideration of a Special Event Liquor Permit for the Grand Lake Area Chamber of Commerce**

## RECORD OF PROCEEDINGS

Trustee Bruton made a motion to approve the Special Event Liquor Permit for the Grand Lake Area Chamber of Commerce Community Picnic. Trustee Arntson seconded the motion. Town Clerk Thompson called the vote:

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

**FINANCIAL REVIEW:**      **Consideration to approve Accounts Payable for September 2021**

**Trustee Southway – I want to state that the Board has not had complete financial reports for review since January 2021**

Trustee Arntson made a motion to approve Accounts Payable for September 2021. Trustee Bruton seconded the motion. Town Clerk Thompson called the vote:

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

**NEW BUSINESS:**      **Consideration to approve Resolution 30-2021, a Resolution recommending approval of A Lot Consolidation of Lots 5&6, Block 1, Grand Lake Estates First Filling, more commonly referred to as 725 Grand Lake Lane**

Trustee Southway made a motion to approve Resolution 30-2021, as presented. Trustee Arntson seconded the motion. Town Clerk Thompson called the vote:

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

**Consideration to appoint Heather Bishop to the Planning Commission**

Action by the Mayor: It is my desire to appoint Heather Bishop as a member of the Planning Commission and I seek the approval of the Board.

Mayor Kudron	Aye
Mayor Pro-Tem Bjorkman	Abstain
Trustee Southway	Aye

**Consideration of an appeal to a roofing material denial**

Trustee Southway made a motion to approve the appeal for roofing material. Trustee Bruton seconded the motion. Town Clerk Thompson called the vote:

Mayor Kudron	Nay
Mayor Pro-Tem Bjorkman	Abstain
Trustee Southway	Aye
Trustee Bergquist	Aye
Trustee Calvin-Braleley	Absent
Trustee Arntson	Nay
Trustee Bruton	Aye

**Consideration of a United Companies change order**

Trustee Arntson made a motion to approve the change order with United Companies. Trustee Bergquist seconded the motion. Town Clerk Thompson called the vote:

Mayor Kudron	Aye
Mayor Pro-Tem Bjorkman	Abstain
Trustee Southway	Aye
Trustee Bergquist	Aye
Trustee Calvin-Braleley	Absent
Trustee Arntson	Aye
Trustee Bruton	Aye

**Consideration to take action concerning official correspondence and abusive behavior**

Trustee Southway made a motion to move forward with an investigation regarding official correspondence and abusive behavior. Trustee Bruton seconded the motion. Town Clerk Thompson called the vote:

Mayor Kudron	Aye
Mayor Pro-Tem Bjorkman	Abstain
Trustee Southway	Aye
Trustee Bergquist	Aye
Trustee Calvin-Braleley	Absent
Trustee Arntson	Aye
Trustee Bruton	Aye

**MAYORS REPORT:**

It's been an interesting couple of weeks. Many of the members of the Board today, and members of our community, and members of our staff have been supported today. Things are on edge and there is a lot of division. In a little over a week the results of an election will be held and whether I am the Mayor or Ms. Burke is the Mayor, we will find out. What I do know that regardless of who it is, we are going to have to find a way to get our town back together. This has happened before in this town. It's really divided people that now some folks don't even talk to each other. Some folks wont even walk near each other. I hope that doesn't happen to any of us. It's not always been pleasant to hear, it's not always been pleasant to talk about. After the unpleasantness, we are going to have to find a way to fix our problems.



**RECORD OF PROCEEDINGS**

The distractions, whether it's COVID or fires, or any other list that we could all come up with, has taken a lot out of everyone. There aren't too many people that have been running at peak performance over the last few years. But, there are an awful lot of people that have done their hardest in a tough time and when we get past next Tuesday, I want all of you to look at each other and see the good. Remember that all of us have found a way to come together before. All of us truly want the very best for Grand Lake. While we don't always agree, what we have to come out of this is learning how to do a better job of agreeing to disagree. Moving forward with those people who have the trust put in them and guide them if they go astray. Please help me bring us back together after this. Thank You

**FUTURE ITEMS & STAFF DIRECTION**

- Town Right of Ways
- Budget Workshop
- Thank you card to the American Heritage Girls for lakefront cleanup
- Staff to work on metal roofing Ordinance
- Code of Conduct/Ethics by Resolution - Town Attorney work with CIRSA
- Lyft – Check on Grand Lake transit progress

**ADJOURNMENT:**

Trustee Southway made a motion to adjourn the meeting. 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>Abstain</b>
<b>Trustee Southway</b>	<b>Aye</b>
<b>Trustee Bergquist</b>	<b>Aye</b>
<b>Trustee Calvin-Brale</b>	<b>Absent</b>
<b>Trustee Arntson</b>	<b>Aye</b>
<b>Trustee Bruton</b>	<b>Aye</b>

This meeting of the Board of Trustees was adjourned at 8:12 PM.

(Attest)



*Jennifer Thompson*  
Jennifer Thompson, Town Clerk

*Steve Kudron*  
Steve Kudron, Mayor