

RECORD OF PROCEEDINGS

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REGULAR MEETING  
TOWN OF GRAND LAKE BOARD OF TRUSTEES  
MONDAY, OCTOBER 24, 2016 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; Trustees Goodfellow, Jenkins, Kudron, Lewis, and Sabo; Town Manager White, Town Clerk Nicholls, Town Planner Biller, Town Treasurer Ackerman, and Town Attorney Krob.

ABSENT: Mayor Peterson noted that Trustee Gasner was absent from the workshop as well as the evening's meeting due to work.

Trustee Kudron moved to excuse Trustee Gasner from the workshop and evening meeting. Trustee Goodfellow seconded the motion and all Trustees voted aye.

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 the Halloween Celebration and Merchant Trick-or-Treat Crawl sponsored by the Grand Lake Area Chamber of Commerce will be held on Friday, October 28th. A party, costume contest and light refreshment will be served at the Community House starting at 12:00 noon, with trick-or-treating immediately following.

Mayor Peterson announced that the Grand Arts Council is sponsoring a classical concert featuring Jerimiah Owens, Zachary Grim, and Peggy Mann will be held on Sunday, October 30th at 7 p.m. at the Community House. Doors open at 6pm.

Mayor Peterson then announced Election Day is Tuesday, November 8th. All ballots must be received by the County Clerk and Recorder's Office by 7 p.m. Election Day. A ballot drop-off box is located outside Town Hall, or ballots may be returned via mail.

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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.

Trustee Jenkins announced that she had a conflict with the Local Liquor Licensing issues as her family holds an interest in the license for the Gateway Inn.

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.

Dustin Barnes, 1127 Grand Avenue, was recognized by the Chair. Mr. Barnes stated he would like permission to rent out the entire Grand Lake Center for the month of December to have and to prepare for a nationally recognized auction. He stated he currently has Winding River lined up as the venue but needs more space and would prefer it to be in Town. He handed out an advertisement to the Board.

A discussion ensued regarding the usage scheduled for center, and amount of space needed. The Board directed Mr. Barnes to meet with Town Staff.

SCHEDULED PRESENTATIONS/ DELEGATIONS:

Mayor Peterson introduced John Enochs, Diamondback Engineering. Mr. Enochs presented a PowerPoint presentation on the Streetscape plan. He handed out a preliminary options cost sheet.

Questions arose regarding the cost sheet and the discrepancy with the total cost of \$5.7 million, while the proposed sales tax bond is at \$4.3 million. Mr. Enochs stated that their estimated cost includes everything on the wish list and can be pared down.

A discussion ensued regarding the timing of the project, specifics of the project, products and materials within the plan, prices and utilities infrastructure.

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MINUTES APPROVAL: Trustee Lewis moved to approve the October 10, 2016 minutes as presented. Trustee Jenkins seconded the motion and all Trustees voted aye, except Trustee Sabo who abstained.

REPORTS: SALES TAX  
CASH FLOW REPORT  
FOR SEPTEMBER 2016:

Mayor Peterson asked Financial Trustee Goodfellow to present the sales tax cash flow report. Goodfellow reported that the amount of revenue received in September 2016 for the month of August was \$202,184 or \$864,857 year-to-date. This amount was 2.2% above what was received through August 2015.

REPORTS: FINANCIAL  
REPORT FOR  
SEPTEMBER 2016:

Mayor Peterson asked Financial Trustee Goodfellow to present the Financial Report for September 2016. Goodfellow reported that the General Fund expenditures through the end of September totaled \$1,218,363 or 42.4% of budget. He said the Water Fund expenditures for the same period totaled \$416,838 or 50.4% of budget, the Marina Fund expenditures totaled \$148,695 or 68.9% of budget and the PAYT Fund expenditures totaled \$18,338 or 47.5% of budget. The Grand Lake Center expenditures totaled \$79,517 or 102% of budget.

At 8:05 p.m. Trustee Jenkins excused herself and left the room.

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF A TAVERN RENEWAL APPLICATION FROM GRUMPY'S SALOON, INC. D/B/A GRUMPY'S SALOON – Mayor Peterson asked Town Clerk Nicholls to present the matter to the Board. Nicholls stated The Town has received a renewal request for the Tavern Liquor License owned by Grumpy's Saloon Inc., d/b/a Grumpy's Saloon at 913 Grand Avenue. The fees have been paid and all the proper renewal documents have been completed. The Renewal Application indicates no changes from the previous renewal. A letter has been received from the Grand County Sheriff's Department which states that they have reviewed their files. Two minor traffic infractions were found, but they have no affect on the applicant's character and, therefore, do not affect the status of the license. The Grand Lake Water Department reports the account is paid in full thru the 3rd quarter of 2016, and is, therefore, considered current. The Business License is paid for the 2016/2017 business year. Sales tax returns for Grumpy's Saloon are filed on a monthly basis with the Department of Revenue. The latest return covered thru June, 2016, and is considered delinquent. This license has an expiration date of November 9, 2016. The Board must determine if delinquent sales taxes is a violation of the good character requirements and either approve

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the application or set a public hearing. She concluded by stating that Dustin Barnes was present.

Dustin Barnes, Owner and Manager, Grumpy's Saloon was recognized by the Chair. Mr. Barnes stated he has brought his sales tax current and provided a receipt to the Town Clerk.

Trustee Lewis moved to approve the Tavern renewal application for Grumpy's Saloon, Inc. d/b/a Grumpy's Saloon with the consideration that we ensure the sales tax is paid through the state. Trustee Kudron seconded the motion and all Trustees voted aye.

Trustee Jenkins resumed her seat at 8:09 p.m.

Trustee Goodfellow asked Mr. Barnes if he received a citation for the picnic tables in the greenway. Mr. Barnes stated that he had and is the only one who received a citation with the violation.

A lengthy discussion ensued regarding the specific citation and the Town's citation policy of only acting on complaints. The Board instructed Staff to add the topic to the next workshop session.

OLD BUSINESS:

**CONSIDERATION TO AUTHORIZE THE MAYOR TO SIGN A LETTER OF SUPPORT OF EFFORTS TO SECURE AN OUTSTANDING NATIONAL RESOURCE WATER DESIGNATION FOR GRAND LAKE** – Trustee Kudron moved to table the topic until the Board has had an opportunity for Northwest Council of Governments and Outstanding Grand Lake as a Natural Resource to both provide input before making a letter of support. Trustee Lewis seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION TO ADOPT ORDINANCE 14-2016; AN ORDINANCE AMENDING THE GRAND LAKE TOWN CODE BY ADDING TO SECTION 10-1-4 TO ALLOW REGULATIONS TO BE ADOPTED BY RESOLUTION OR ORDINANCE** – Mayor Peterson asked Town Clerk Nicholls to present this matter to the Board. Nicholls stated that this section of the code currently requires changes to be made through resolution, however, in order to assess penalties an ordinance must be used instead of a resolution. This change enables the enforcement of Ordinance 15-2016.

Trustee Lewis moved to approve Ordinance 14-2016; an ordinance amending the Grand Lake Town Code by adding to section 10-1-4 to allow regulations to be adopted by resolution or ordinance. Trustee Jenkins seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION TO ADOPT ORDINANCE 15-2016; AN ORDINANCE AMENDING THE GRAND LAKE TOWN CODE BY ADDING SECTION 10-1-4.1 ADOPTING A BACKFLOW PREVENTION AND CROSS-CONNECTION CONTROL PROGRAM FOR THE TOWN OF GRAND LAKE**

– Mayor Peterson asked Town Attorney Krob to present this matter to the Board. Krob stated that the ordinance is a result of directives from the Colorado Department of Health and Environment. They require the Town to have backflow prevention and cross-connection controls in place before the end of the year.

Trustee Lewis moved to adopt Ordinance 15-2016; an ordinance amending the Grand Lake Town Code by adding section 10-1-4.1 adopting a backflow prevention and cross-connection control program for the Town of Grand Lake. Trustee Jenkins seconded the motion and all Trustees voted aye.

At 8:27 p.m. Trustee Lewis excused herself and left the room.

NEW BUSINESS:

**CONSIDERATION OF A BUY-DOWN OF 2016 ACCRUED COMP TIME**

– Mayor Peterson asked Town Treasurer Ackerman to present the matter to the Board. Ackerman stated most employees earn compensation time (“comp time”) at the rate of 1.5 times hours worked in excess of 40 hours in a single work week. The current personnel guidelines allow comp time hours to accrue up to a maximum of 480 hours for public works and water personnel and 240 hours for office staff. The guidelines offer two options for reducing comp time liability: order an employee to take comp time off in order to keep the employee’s accrued comp time within the allowable limit; or the Board may elect to buy-down a portion of accrued comp time to a pre-determined level when the Board feels it would be fiscally responsible to do so. At this time, no employees have accrued the maximum comp time for their department classification. In the past, the Board has elected to buy-down comp time accrued to a pre-determined level in order to reduce leave time liability. In those years when the buy-down has been authorized, the level has been set at 160 hours or 20 days. The Board can, of course, set the buy-down at any level it chooses. Below, I have included the cost to buy down the current comp time for employees to the indicated hours: 160 hours or 20 days at \$14,382.32; 200 hours or 25 days at \$9,428.96; or 240 hours or 30 days at \$6,969.28. These costs reflect comp time balances as of October 15, 2016. These amounts could change depending on additional comp time hours earned and comp time hours used through the end of the year.

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A discussion ensued regarding the comp time levels of employees, usage, accumulation, potential abuse, alternative solutions from a buy-down program, and the on-call plan for public works.

Trustee Kudron moved to approve the comp time buy-down to the 160 hour level and to spread the disbursement over the last four pay periods, which begin November 15, 2016. Trustee Jenkins seconded the motion and all Trustees voted aye.

Trustee Lewis resumed her seat at 8:38 p.m.

NEW BUSINESS:

**CONSIDERATION TO ADOPT ORDINANCE 16-2016; AN ORDINANCE ESTABLISHING A FEE AND DEPOSIT SCHEDULE FOR THE TOWN OF GRAND LAKE** – Mayor Peterson asked Town Planner Biller to present this matter to the Board. Biller stated at the Board’s budget meeting, the Board directed Staff to review and provide a revised fee and deposit schedule as part of preparing the 2017 budget. The Board continued review until the fees for the Grand Lake Center could be revised.

Trustee Lewis moved to adopt Ordinance 16-2016; an ordinance establishing a fee and deposit schedule for the Town of Grand Lake. Trustee Jenkins seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION TO ADOPT RESOLUTION 19-2016; A RESOLUTION SUPPORTING THE GRANT APPLICATION FOR A LOCAL PARKS AND OUTDOOR RECREATION GRANT FROM THE STATE BOARD OF THE GREAT OUTDOORS COLORADO TRUST FUND AND THE COMPLETION OF THE GRAND LAKE PUBLIC BOAT LAUNCH REPAIR AND IMPROVEMENT PROJECT** – Mayor Peterson asked Town Planner Biller to present this matter to the Board. Biller stated Staff is preparing to submit a grant application to Great Outdoors Colorado (GOCO) requesting grant funds for repairs to the E. Inlet Boat Launch. The application requires an adopted resolution by the Board. In 2015, the Town advertised a request for bids for the repairs. The Town received zero bids. The Town re-advertised the project in 2016 and received one bid outside of the Town’s budget. In 2015, the Town was awarded a Fishing is Fun Grant for improvements to the boat ramp. In May 2016, the Town hired Grand Environmental Services to remove the existing south dock. The Board directed staff to create a sub-committee in order to make a recommendation to the Board regarding the repairs. The sub-committee met twice in August 2016 to discuss the project and how to proceed with construction using mostly Town Staff. The sub-committee determined that construction was not feasible during the 2016 season. The sub-committee has not formally made a recommendation to the Board.

On Sept. 19th, the Board discussed the grant at their budget workshop. He stated that the total project cost is \$363,000. The Town's cash match would be \$77,500, with \$45,000 Town in-kind labor; making the total grant request \$215,500. The Town has solicited letters of support from the Board of County Commissioners, Colorado Parks and Wildlife, Grand Lake Chamber of Commerce, Arapaho National Forest, and the Bureau of Reclamation.

A lengthy discussion ensued as to whether applying for the grant will postpone the work planned in Spring 2017 for the East Inlet boat launch by the Board appointed sub-committee. Biller stated that funds expended prior to notification of the grant do not apply toward the grant money. Discussions continued on the timing of the project and the importance of putting the risk on losing the grant and possibly modifying the grant instead of losing the opportunity to do the planned project.

Trustee Lewis moved to adopt Resolution 19-2016; a resolution supporting the grant application for a local parks and outdoor recreation grant from the state board of the Great Outdoors Colorado Trust Fund and the completion of the Grand Lake public boat launch repair and improvement project in an amount to be determined by the Town Manager and the Mayor. Trustee Goodfellow seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION TO ADOPT ORDINANCE 17-2016; AN ORDINANCE AMENDING THE GRAND LAKE MODEL TRAFFIC CODE AS ENACTED BY ORDINANCE 01-2013 AND RELATING TO THE OPERATION OF OFF-HIGHWAY VEHICLES IN THE TOWN OF GRAND LAKE, COLORADO**

– Mayor Peterson asked Town Manager White to present this matter to the Board. White stated a notable state-wide proponent of Off Highway Vehicles, and local resident John Bongiovanni, has previously encouraged the Town of Grand Lake to foster the development of access to off road trails in the Arapaho National Forest adjacent to our town in an effort to add another group of visitors to the Town of Grand Lake to support our economic development. Last year, the Town Manager attended a gathering of off road enthusiasts in Meeker, Colorado. More recently, in late October, John took him on a tour of some of the potential trail access points near Grand Lake. The Town's effort to secure a grant last year was denied in part because we did not have a local Ordinance in support of OHV travel in our jurisdiction. John Bongiovanni has preliminarily reached out to the USFS to address this issue. Nick Schade, Natural Resource Specialist for the USFS, responded that no definitive answer can be given presently; however, the USFS would be open to discussions. Staff wants the

Town Board of Trustees to provide direction on the potential development of OFF Highway Vehicles as another potential source of economic development in Grand Lake. The Town has miles of trails nearby and yet lacks good connectivity to some of them without having to trailer vehicles to access them. Parking is another issue of concern. In other communities, some residents also may object to issues such as noise, and safety. Since the Town does not currently have access to the Arapaho National Forest, Town Staff has drafted an Ordinance for Town Board review to consider allowing OHV travel within town limits.

A discussion ensued about access, impact of increased OHV usage, safety requirements on drivers, if a public hearing is needed, and potentiality of getting access from other entities.

Trustee Jenkins moved to approve Ordinance 17-2016, an ordinance amending the Grand Lake Model Traffic Code as enacted by Ordinance 01-2013 and relating to the operation of off-highway vehicles in the Town of Grand Lake. Trustee Sabo seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION OF RESOLUTION 20-2016; A RESOLUTION TO ADOPT 2017 BUDGET** – Mayor Peterson asked Town Treasurer Ackerman to present the matter to the Board. Ackerman stated the proposed 2017 Budget for the Town of Grand Lake was submitted to the Board of Trustees on August 29, 2016. The Board set the 2017 budget for public hearing on October 10, 2016. Notice of Budget was published in the Middle Park Times on Thursday, September 22, 2016, Legal Notice No. 12380195A, advising the public of the public hearing and of the availability of the draft budget for review. The public hearing was held on October 10, 2016, at the regularly scheduled meeting of the Board of Trustees. There was no public comment. Resolution 20-2016 adopts a budget that allows for estimated expenditures in the General Fund, Capital Improvement Fund, Water Enterprise Fund, Marina Enterprise Fund, and Pay-As-You-Throw Enterprise Fund. The total expenditures in each fund are balanced with revenues or reserves/fund balances in the same amount.

Trustee Lewis moved to approve Resolution 20-2016, a resolution to adopt the 2017 budget. Trustee Sabo seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION OF RESOLUTION 21-2016; A RESOLUTION TO APPROPRIATE SUMS OF MONEY** – Mayor Peterson asked Town Treasurer Ackerman to present the matter to the Board. Ackerman stated once the budget is adopted in accordance with the Local Government Budget Law, with money



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budgeted to be received and expended; the Board must appropriate sums of monies for the expenditures. Resolution 21-2016 appropriates the necessary monies as follows: General Fund \$3,286,211; Capital Improvement Fund \$5,143,000; Water Enterprise Fund \$1,419,079; Marina Enterprise Fund \$253,898; and Pay-As-You-Throw Enterprise Fund \$34,825.

Trustee Lewis moved to adopt Resolution 21-2016; a resolution to appropriate sums of money. Trustee Kudron seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION OF RESOLUTION 22-2016; A RESOLUTION TO SET MILL LEVIES** – Mayor Peterson asked Town Treasurer Ackerman to present the matter to the Board. Ackerman stated The Town is allowed to levy general property taxes to help defray the costs of government. Resolution 22-2016 preserves the tax of 9.409 mills established in 1994, with a temporary mill levy rate reduction of 3.103 mills and an additional abatement/refund levy of 0.005 mills, resulting in a total mill levy for the Town of Grand Lake of 6.311 for budget year 2017. This mill levy is in compliance with the 5.5% statutory limitation and with the TABOR Amendment. Resolution 22-2016 authorizes and directs the Town Manager to certify the temporarily reduced mill levy to the County Commissioners recalculated as needed upon receipt of the final certification of valuation from the county assessor in order to comply with any applicable revenue and other budgetary limits.

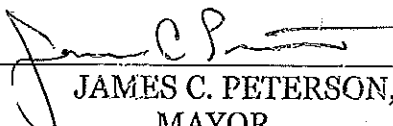
After a brief discussion Trustee Lewis moved to adopt Resolution 22-2016; a resolution to set mill levies. Trustee Jenkins seconded the motion and all Trustees voted aye.

MAYOR'S REPORT AND COMMENT:

Mayor Peterson thanked everyone for all the time spent on the budget. He stated that this budget is the most aggressive budget he has seen both monetarily and project wise. He concluded by handing out evaluation forms for the Town Manager's review in December.

ADJOURNMENT:

Trustee Lewis moved to adjourn, seconded by Trustee Sabo. All Trustees voted aye, and the meeting was adjourned at 9:25 p.m., October 24, 2016.

  
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JAMES C. PETERSON,  
MAYOR

ATTEST:   
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KATIE NICHOLLS,  
TOWN CLERK