

RECORD OF PROCEEDINGS

REGULAR MEETING
TOWN OF GRAND LAKE BOARD OF TRUSTEES
MONDAY, JANUARY 9, 2017 7:30 P.M.

CALL TO ORDER: The regular meeting of the Board of Trustees was called to order by Mayor Jim Peterson at 7:31 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, and Lewis; Town Manager White, Town Clerk Nicholls, Town Code Administrator ORourke, and Town Attorney Krob.

ABSENT: Mayor Peterson noted that Trustee Kudron was absent from the workshop and evening meeting for vacation. He announced the resignation of Trustee Jim Gasner, and noted that Trustee Sabo was also absent from the evening meeting.

Trustee Lewis moved to excuse Trustee Kudron from the workshop and evening meeting, Trustee Jenkins seconded the motion and all Trustees voted aye.

Mayor Peterson announced that he had received a tentative letter of intent to resign from Trustee Sabo. A brief discussion ensued regarding Trustee Sabo's absence.

Trustee Lewis moved to excuse Trustee Sabo from the evening meeting, Trustee Jenkins 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 Town Sales Tax Licenses for businesses, Nightly Rental Licenses, and Animal Licenses are now due for 2017. All are available at Town Hall.

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.

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Trustee Lewis announced she has a conflict of interest as one of the items pertains to her service on the Board.

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.

SCHEDULED
PRESENTATIONS/
DELEGATIONS:

There were no delegations.

CONSENT AGENDA:

Mayor Peterson introduced the Consent Agenda which contained the Minutes from the December 12, 2016 Meeting Minutes and Accounts Payable for November 2016. Trustee Lewis requested the items be separated

Trustee Jenkins moved to approve the December 12, 2016 Meeting Minutes as presented. Trustee Goodfellow seconded the motion and Trustee Jenkins and Mayor Peterson voted aye, Trustees Goodfellow and Lewis abstained.

Trustee Jenkins moved to approve the Accounts Payable for November 2016 as presented. Trustee Lewis seconded the motion and all Trustees voted aye.

REPORTS: SALES TAX
CASH FLOW REPORT
FOR NOVEMBER 2016:

Mayor Peterson asked Financial Trustee Goodfellow to present the sales tax cash flow report. Goodfellow reported that the amount of revenue received in November 2016 for the month of October was \$57,975 or \$1,115,440 year-to-date. This amount was 3.62% above what was received through October 2015.

REPORTS: FINANCIAL
REPORT FOR
NOVEMBER 2016:

Mayor Peterson asked Financial Trustee Goodfellow to present the Financial Report for November 2016. Goodfellow reported that the General Fund expenditures through the end of November totaled \$1,613,871 or 56.2% of budget. He said the Water Fund expenditures for the same period totaled \$512,846 or 62% of

budget, the Marina Fund expenditures totaled \$159,567 or 73.9% of budget, the PAYT Fund expenditures totaled \$25,891 or 67.1% of budget, and the Grand Lake Center expenditures totaled \$118,065 or 157% of budget.

LIQUOR LICENSING AUTHORITY: **CONSIDERATION OF A SPECIAL EVENT**

LIQUOR PERMIT FOR THE ROTARY CLUB OF GRAND LAKE FOR A PEGGY MANN VALENTINE'S DAY CONCERT – Mayor Peterson asked Town Clerk Nicholls to present this matter to the Board. Nicholls stated an application for a Special Events Liquor Permit was received with the appropriate local fee, proof of possession, certificate of good corporate standing, and floor diagram, from the Rotary Club of Grand Lake. The request is to sell malt, vinous and spirituous liquor by the drink for consumption on the premises only for a “Peggy Mann Valentine’s Day Concert” to be held Tuesday, February 14, 2017 from 6 to 10 p.m. The Rotary Club of Grand Lake qualifies for a Special Events Permit in that it is incorporated with the State of Colorado as a nonprofit national organization, and has not received more than 15 Special Events Liquor License Permits for 2017 (this is their 1st request). The proposed location is the Grand Lake Community House at 1025 Grand Avenue. The Community House is more than 500 feet from any educational institution; therefore, State Statute does not prohibit liquor from being sold from this location. Public notice was posted on the premises and attested to by Grand Lake’s Code Administrator, Erin O’Rourke on December 30, 2016. The Grand County Sheriff’s Department reviewed the application and found no adverse information which would affect this permit. The Board must investigate the application and must deny the permit if its issuance would injure the public welfare by reason of the nature or location of the special event, or failure of the applicant to conduct past special events in compliance with applicable laws and regulations. She concluded by stating David Strate was present.

David Strate, Rotary Club of Grand Lake member, was recognized by the Chair. Mr. Strate stated that the date was incorrect on the application and should be Sunday, February 12, 2016. After a brief discussion and confirmation from Town Attorney Krob, the date change was accepted as an administrative error on the applicant’s part.

Trustee Lewis moved to approve the Special Events Liquor Permit Application from the Rotary Club of Grand Lake for a “Peggy Mann Valentine’s Day Concert” to be held Sunday, February 12, 2017 from 6 to 10 p.m., Town Clerk Nicholls is to post a correction notice for the date, Trustee Jenkins seconded the motion and all Trustees voted aye.

OLD BUSINESS:

CONTINUATION OF CONSIDERATION OF TOWN HALL ROOF BIDS – Mayor Peterson asked Town Manager White to present this matter to the Board. White stated that for several years now, the issue of repairs to the Town Hall roof has been discussed during the annual budget cycle. This past budget cycle the Town Board of Trustees approved \$37,500 under Administration Capital, Line 454, Account Number 10-915-923 (Town Hall Capital Outlay) and an additional \$37,500 under Parks Capital Line 476, Account Number 10-952-974 for a total of \$75,000 for Town Hall roof repairs. Town Staff opened bids on December 1, 2016 from Acevedo's Roofing, Granby, CO in the amount of \$42,500 with a three year warranty and another from The Roofing Company, Granby, CO in the amount of \$48,139 with a two year warranty, and also includes several ancillary options. One of those additions is for the flat roof section in the amount of \$29,306. The Roofing Company's bid for the flat roof section, with the discount, would cost \$28,573. Extra charges not included in each bid are specified. Acevedo's bid on the flat roof section came in on January 3, 2017 at: \$31,400. He concluded by stating Mike Kimbrough from The Roofing Company and Tony Acevedo from Acevedo's Roofing were present.

Mike Kimbrough, 445 E. Jasper, Granby, The Roofing Company was recognized by the Chair. Mr. Kimbrough explained the condition of the current roof and drawbacks of doing an overlay to include lack of warranties. He explained The Roofing Company bid, project products and requirements, and warranties through them as well as the manufacturers. He concluded by stating that in addition to the bid provided to the Town The Roofing Company is going to offer a 20 year, no dollar limit warranty on the flat roof. He handed copies of the warranty to Town Manager White.

Tony Acevedo, Acevedo's Roofing was recognized by the Chair. Mr. Acevedo briefly explained his bid, which did not include an overlay option or heat tape.

A lengthy discussion ensued regarding the two bids, the necessity for the project, the issues with doing an overlay, and the project options.

Trustee Jenkins moved to approve the RFP bid from Acevedo's Roofing with the exception that he first get a Town of Grand Lake business license and that heat tape be included at or below the same price that The Roofing Company had provided. Trustee Lewis seconded the motion. Mr. Kimbrough requested that if Mr. Acevedo gets to modify his bid to include heat tape, that The Roofing Company should be afforded the same opportunity,

allowing both companies a day to get their bottom dollar bids to Town Manager White.

Trustee Jenkins moved to allow Town Manager White to make the final decision on the choice of which company will perform roofing services based on any bids that are submitted by end of business January 10, 2017 at 4:30 p.m., to include complete tear-off, heat tape, licensing and timeline. Trustee Goodfellow seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF DESIGNATION OF POSTING NOTICES OF PUBLIC MEETINGS – Mayor Peterson asked Town Clerk Nicholls to present this matter to the Board. Nicholls stated the public place or places for posting notice of public meetings of the Town shall be designated each year at the first regular meeting of the year per CRS 24-6-402(2)(c). Public meetings are those at which the adoption of any proposed policy, position, resolution, rule, regulation, or formal action occurs or at which a majority or quorum of the body is in attendance, or is expected to be in attendance. Public meetings include all meetings of a quorum or three or more members of any local public body, whichever is fewer, at which any public business is discussed or at which any formal action may be taken. Meetings shall be held only after full and timely notice to the public.

Trustee Lewis moved to designate that notice of public meetings shall be posted in the Grand Lake Post Office and at the Grand Lake Town Hall at least twenty-four (24) hours prior to all public meetings of the Town. Trustee Goodfellow seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF HUTF MILEAGE CERTIFICATION – Mayor Peterson asked Town Clerk Nicholls to present this matter to the Board. Nicholls stated the Colorado Department of Transportation (CDOT) requires all eligible jurisdictions to do an annual Highway Users Tax Fund (HUTF) Annual Mileage Certification reflecting the status of our public roadway system as of December 31, 2016. Public Works Director, Bernie McGinn reviewed the inventory list and has updated the status with no changes.

Trustee Jenkins moved to allow the Mayor to sign the 2016 HUTF Mileage Certificate. Trustee Goodfellow seconded the motion and all Trustees voted aye.

At 8:29 p.m. Trustee Lewis excused herself and left the room.

NEW BUSINESS:

CONSIDERATION TO GRANT A CHANGE OF RESIDENCY FOR TRUSTEE LEWIS TO LIVE OUTSIDE TOWN LIMITS

– Mayor Peterson stated Trustee Lewis requests the Board grant a change of residency for her to reside outside town limits. Due to a housing issue, and after a fruitless search for properties located in Town, Trustee Lewis has taken up residency outside of Town limits. She wishes to stay on the Board and requests that the Board consider allowing her to stay on until the next election in April 2018, Town of Grand Lake Municipal Code 2-3-6 Removal of Officer, states: When any officer ceases to reside within the limits of the town, he may be removed. No other code or statute requires a Trustee to reside within the Town limits after election. The Town has previously granted exceptions to the residency requirements, most recently with previous Trustees Jeanie Baird and Tom Ludwig. If the Board does not grant a change of residency to Trustee Lewis the vacancy will need to be filled by appointment or special election.

Trustee Jenkins announced that she is also currently living outside Town limits until her condo closes in February and feels she has a conflict of interest when voting on this matter.

Trustee Goodfellow stated that this is another casualty to the Nightly Rental Program and questioned the long term effects on the Board, and eligible citizens. He stated he does not doubt Trustee Lewis' desire to stay on the Board and feels that her experience and passion are a benefit to the Town. He further stated that he feels there is potential issue if someone who lives within the Town wants to be on the Board.

A discussion ensued regarding nightly rentals, business owners who do not live in Town, State Statute residency requirements, and lack of other Board members present to vote.

Town Attorney Krob clarified that an action does not have to happen. Trustee Lewis was duly elected and it would take an affirmative action to remove her from the Board.

After a brief discussion the Board agreed to do nothing right now, and address the matter at a later time if needed.

Trustee Lewis resumed her seat at 8:36 p.m.

NEW BUSINESS:

CONSIDERATION TO GRANT A SPECIAL EVENT PERMIT TO COLORADO EVENTS FOR A GRAND LAKE ARTS FESTIVAL

– Mayor Peterson asked Town Code Administrator ORourke to present this matter to the Board. ORourke stated that The Colorado Events has submitted a Special

Event Permit Application for consideration. This Special Event Permit is up for review by the Board of Trustees due to a violation of the 2016 Special Event Permit granted to the Applicant. Additionally, at the October 10, 2016 Board of Trustee meeting Jay Young, Grand Lake Business owner, raised his concern about craft fairs negatively affecting local business sales. The Colorado Events is a non-profit organization certified by the State of Colorado. The event is proposed to be held at the Town Square Park and Gazebo starting on Saturday, September 9th, 2017, at 7:00 a.m. until September 10th, 2017, at 7:00 p.m. Times allow for both set up and clean-up as appropriate. This event was granted Administrative approval in 2016 as no violations were noted by the Code Administrator (Rendon) from the same event being held in 2015. However, following the 2016 event, it was reported by Staff and by a GL resident that a vendor truck was parked on Grand Ave. selling goods. The Special Event Permit did not allow for vendor trucks at this event. The applicant has been informed of the violation. She reviewed proposed craft fair dates for 2017. She concluded by stating Staff has discussed past violation with Applicant and has been assured further Special Event Permit violations will not occur. She concluded by stating the Applicant, Steven Wallis, was present.

Steven Wallis, 938 Wagon Wheel Gap Road, Boulder, was recognized by the Chair. Mr. Wallis stated this is the fifth year doing this event and have had a lot of positive feedback from the public. He reiterated his intent to stay within the boundaries and guidelines of the special event permit, and briefly addressed the infractions noted at the previous craft fair. He described the benefits of the event to the Town.

A discussion ensued regarding the complaints. It was noted that the competition to local businesses will always be an issue to someone, however the bus taking up parking and vendors in greenways were unacceptable violations. The possibility of requiring vendor vehicles to not park on main street was raised. The Board requested assurance that the violations would not occur again. Mr. Wallis assured the Board the issues would not reoccur and he would be in full compliance with the Town.

Following a question raised a discussion ensued regarding the collection of sales tax, peddler licenses, need to jury the vendors for conflicting merchandise with local retails, relations with and plans of the Chamber of Commerce, and potentially changing the dates for this event to September 30, 2017 and October 1, 2017.

Trustee Lewis moved to authorize Mayor Peterson to sign the Special Event Permit for Colorado Events for Grand Lake Arts

Festival, as described in the application with the conditions that the event is held on September 30, 2017 and October 1, 2017, a vendor map is provided, no vendors parking on the street, vendors are properly juried, and upon confirmation from Staff that all other application requirements have been met and permit is ready for signature. Trustee Jenkins seconded the motion and all Trustees voted aye.

Mayor Peterson noted that the executive session for Town Manager's Performance Evaluation was not complete, and requested a one hour executive session be added to the next meeting workshop agenda.

NEW BUSINESS:

CONSIDERATION OF APPROVAL OF DIAMONDBACK ENGINEERING AND SURVEYING SCOPE OF SERVICES FOR FINAL DESIGN SERVICES PROPOSAL – Mayor Peterson asked Town Manager White to present this matter to the Board. White stated Diamondback Engineering has provided a proposal for the completion of the design work for the streetscape project not to exceed \$194,000. This will enable their participation in the preparation for the DOLA grant application.

Town Attorney Krob stated that approval of the contract should be in a form of a written contract acceptable to the Town Attorney and Town Manager.

Trustee Jenkins moved to direct Staff to obtain a contract in writing subject to approval from the Town Attorney and the Town Manager from Diamondback Engineering. Trustee Lewis seconded the motion and all Trustees voted aye.

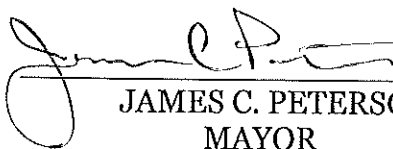
MAYOR'S REPORT AND COMMENT:

Mayor Peterson stated that there was a rough start to the day and not the best start to the New Year. He thanked everyone for hanging in there and apologized for letting the workshop get away from him and for the inappropriate language and yelling.

Trustee Lewis apologized for her emotional behavior at the workshop.

ADJOURNMENT:

Trustee Lewis moved to adjourn, seconded by Trustee Goodfellow. All Trustees voted aye, and the meeting was adjourned at 9:11 p.m., January 9, 2017.



JAMES C. PETERSON,
MAYOR

ATTEST: 

KATIE NICHOLLS,
TOWN CLERK