

RECORD OF PROCEEDINGS

REGULAR MEETING
TOWN OF GRAND LAKE BOARD OF TRUSTEES
MONDAY, MARCH 27, 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 7:30 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 Jenkins, Kudron, and Lewis; Town Manager White, Town Clerk Nicholls, Town Planner Shull, and Town Code Administrator ORourke.

ABSENT: Mayor Peterson noted that Trustee Goodfellow was absent from the evening meeting. Trustee Jenkins moved to excuse Trustee Goodfellow from the meeting. Trustee Kudron seconded the motion and all Trustees voted aye, except Trustee Lewis who abstained.

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 then announced that Andy Murphy, the owner of Mountain Paddlers, has donated \$1,000 to the Grand Lake Fireworks Organization to build a new barge. Mr. Murphy has presented the challenge to other business owners to meet his donation.

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.

There were no conflicts of interest.

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

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unscheduled public comments and noted that comments are limited to 3 minutes.

There were no unscheduled public comments.

SCHEDULED
PRESENTATIONS/
DELEGATIONS:

There were no scheduled delegations.

MINUTES APPROVAL:

Trustee Lewis moved to approve the March 13, 2017 Minutes as presented. Trustee Jenkins seconded the motion and all Trustees voted aye.

REPORTS: SALES TAX
CASH FLOW REPORT
FOR FEBRUARY 2017:

Mayor Peterson asked Town Clerk Nicholls to present the sales tax cash flow report. Nicholls reported that the amount of revenue received in February 2017 for the month of January was \$42,037. This amount was 10.14% below what was received through January 2016. The Sales Tax Bond revenue for the same period was \$10,086.

Trustee Jenkins noted a change in the report and inquired about the STB column. Town Clerk Nicholls explained that the 1% Sales Tax Bond needs to be kept separate and is indicated by the STB column.

REPORTS: FINANCIAL
REPORT FOR
FEBRUARY 2017:

Mayor Peterson asked Town Clerk Nicholls to present the Financial Report for February 2017. Nicholls reported that the General Fund expenditures through the end of February totaled \$254,638 or 7.8% of budget. She said the Water Fund expenditures for the same period totaled \$77,650 or 5.5% of budget, the Marina Fund expenditures totaled \$13,856 or 5.5% of budget, the PAYT Fund expenditures totaled \$2,211 or 6.4% of budget, and the Grand Lake Center expenditures totaled \$57,865 or 29.8% of budget.

LIQUOR LICENSING AUTHORITY: None.

OLD BUSINESS: None.

NEW BUSINESS:

CONSIDERATION OF ORDINANCE 02-2017, AN ORDINANCE TO AUTHORIZE THE ISSUANCE OF THE TOWN OF GRAND LAKE'S SALES TAX REVENUE BONDS, SERIES 2017 – Mayor Peterson asked Town Manager White to present the matter to the Board. White stated that in

November 2016, the Town citizens passed a sales tax ballot question which proposed to raise sales and use tax by 1% to fund Streetscape improvements in the Town of Grand Lake, Colorado. Subsequently, the Town has been working with George K. Baum, investment bankers, and with Butler Snow, LLC, bond legal counsel to prepare for the sale of the bonds. The Town held its bond rating meeting with Standard and Poor's on Tuesday, March 21, 2017. The anticipated bond closing date is May 9, 2017. The request this evening is to consider and discuss the Ordinance provided. He concluded by stating that Alan Matlosz was present.

Alan Matlosz, Senior Vice President, George K. Baum & Company, was recognized by the Chair. Mr. Matlosz stated that the parameters of the bond were stated in the ballot question. The rating is expected tomorrow. Approval of the Ordinance is the only action required by the Board and it approves other documents that are necessary later on. He then explained the schedule and briefly outlined the ordinance.

Trustee Lewis moved to approve Ordinance 02-2017, an ordinance authorizing the issuance of the Town of Grand Lake's Sales Tax Revenue Bonds, Series 2017. Trustee Jenkins seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF RESOLUTION 04-2017, A RESOLUTION ADOPTING AN ELECTRONIC COMMUNICATIONS POLICY FOR THE TOWN OF GRAND LAKE – Mayor Peterson asked Town Clerk Nicholls to present this matter to the Board. Nicholls stated that in May, 2016 the Town had its annual insurance audit by CIRSA. During the audit CIRSA reviewed the Town's current policies and one of the recommendations was to instate a user conduct policy for electronic resources. Town Staff as well as the Board of Trustees and Planning Commissioners issued electronic equipment are users of the Town Computer System. Access requires individuals to act responsibly and limit liability exposures and potential property damage associated with the usage of the Town's computer hardware and its communications systems. Misuse of the Town Computer System can undermine public confidence and waste taxpayer resources. Town Staff believes that adoption of the Electronic Communications Policy will create clear and concise guidelines of appropriate usage and expectations in using the Town Computer System. She concluded by stating if the Board of Trustees wishes to adopt the Electronic Communications Policy, a motion must be made to adopt Resolution 04-2017, a resolution adopting an electronic communications policy for the Town of Grand Lake.

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After a brief discussion Trustee Lewis moved to adopt Resolution 04-2017, a resolution adopting an electronic communications policy for the Town of Grand Lake. Trustee Kudron seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF RESOLUTION 05-2017, A RESOLUTION ADOPTING A DATA SECURITY POLICY FOR THE TOWN OF GRAND LAKE – Mayor Peterson asked Town Clerk Nicholls to present this matter to the Board. Nicholls stated that in May, 2016 the Town had its annual insurance audit by CIRSA. During the audit CIRSA reviewed the Town's current policies and one of the recommendations was to instate a Data Security policy to reduce potential liability and provide guidance in the event of a data security issue or data breach. The Town of Grand Lake is in possession of sensitive information pertaining to the Town and its citizens as part of the daily business of the Town. There is an expectation and duty to secure this information; to which the Town makes all possible efforts to secure. However, despite the best efforts by any entity data breaches can occur. Town Staff believes that adoption of the Data Security Policy will create clear and concise guidance in the event of a data security issue or data breach, as well as reduce potential liability. She concluded by stating if the Board of Trustees wishes to adopt the Data Security Policy, a motion must be made to adopt Resolution 05-2017, a resolution adopting a data security policy for the Town of Grand Lake.

Trustee Jenkins moved to adopt Resolution 05-2017, a resolution adopting a data security policy for the Town of Grand Lake. Trustee Lewis seconded the motion and all Trustees voted aye.

Town Manager White and the Board thanked Town Clerk Nicholls for her resolute work on instating the necessary policies to close up potential liability gaps.

NEW BUSINESS:

CONSIDERATION TO PROCLAIM ARBOR DAY IN GRAND LAKE ON MAY 20, 2017 AND BE CELEBRATED AT THE TOWN SQUARE PARK – Mayor Peterson asked Town Manager White to present the matter to the Board. White requested that the Town Board consider proclaiming Arbor Day in Grand Lake for its 27th consecutive year as a Tree City USA, to be held on May 20, 2017 and to be celebrated at the Town Square Park. The Proclamation establishes Saturday, May 20, 2017 as Arbor Day in Grand Lake in tandem with our Annual Cleanup Day, our town-wide beautification effort. Cleanup Day will begin at 9 a.m. at the Heckert Pavilion in Town Square Park and is scheduled to last until about 11 a.m. or so. Following the Clean Up, a barbeque will occur at the Heckert Pavilion in Town Square Park.

at about 11:30 on Saturday, May 20, 2017. After the barbeque, this year's Arbor Day tree planting will take place at the Town Square Park. Staff urges support of this proclamation identifying the value of our trees and forests in Grand Lake and the surrounding area.

After a brief discussion Trustee Lewis moved to authorize Mayor Peterson to sign the proclamation establishing Saturday, May 20, 2017 as Arbor Day in Grand Lake, Colorado. Trustee Kudron seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF THE STATE LOCAL GOVERNMENT GAMING IMPACT PROGRAM/ ADVISORY COMMITTEE BALLOT – Mayor Peterson asked Town Manager White to present the matter to the Board. White stated that in accordance with CRS 12-47-1-1602, a Local Government Limited Gaming Impact Advisory Committee was established in 1997 to oversee the management of the Limited Gaming Impact Program. The 13 member advisory committee has two members representing municipal interests within a 13 county area. There are three candidates from which the Town Board may choose. Staff urges the Town Board of Trustees to select a candidate to serve on the Local Gaming Impact Program Advisory Committee.

After a brief discussion Trustee Kudron moved to nominate Mark Campbell from the Town of Kremmling to serve on the Local Government Limited Gaming Impact Program Advisory Committee. Trustee Jenkins Seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF MIKE TOMPKINS REQUEST TO BE ALLOWED TO SELL LOT 7 TO GRAND MOUNTAIN BANK – Mayor Peterson asked Town Manager White to present the matter to the Board. White stated that Mike Tompkins has been in touch with Town staff regarding the sale of one of two properties he owns, Block 11, Lots 7 and 8. On March 26, 2007, he signed an agreement which ends with the following statement: "that these two lots are to forever remain one building site; are not to be sold separately or mortgaged separately; unless all provisions of the Town's zoning regulations then in effect are complied with, including but not limited to, setback requirements and area regulations." Mike Tompkins, owner of both properties was requesting that he be allowed to sell Lot 7 to Grand Mountain Bank. Lot 7 has some existing encroachments into Lot 8. Mr. Tomkins proposed a License Agreement which he indicated is agreeable to Grand Mountain Bank. The Town Attorney reviewed the matter and concluded that the Town does not need to

participate in the matter or take any action. He concluded that Frank Delay was present.

Frank Delay, 391 Garnet Lane, was recognized by the Chair. Mr. Delay stated they are looking forward to owning the building. He concluded by thanking the Town for their business with the bank.

NEW BUSINESS:

CONSIDERATION OF THE TOWN OF GRAND LAKE TO PLEDGE \$15,000 FOR THE RE-BUILDING OF A FIREWORKS BARGE, AND \$10,000 FOR THE BUILDING A DOCK TO THE GRAND LAKE FIREWORKS ORGANIZATION – Mayor Peterson stated that this item is follow-up from the Workshop Session. The Grand Lake Fireworks Organization is seeking the Town to pledge \$25,000; \$10,000 for the construction of a dock and \$15,000 for the re-building of the fireworks barge.

A discussion ensued regarding the donations received from Andy Murphy's challenge, the effects on the amount needed and how to handle the donations.

Doris Braun, 324 Broadway Street, was recognized by the Chair. Mrs. Braun stated she has received donations specified as part of the challenge. The challenge donations are creating extra pressure in their usual donation fundraising efforts, and she would prefer to have the Town handle the challenge donations.

Town Manager White stated that the Town would receive the donations for the barge renovation. He further stated he would work with Sam Conger regarding the payout of the funds.

Trustee Lewis moved to supply the Grand Lakes Fireworks Organization with any deficit money that they need to finish the barge up to \$15,000, and that \$10,000 be allocated to the building of dock and that the Town of Grand Lake is in possession of the barge. Trustee Kudron seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION TO DIRECT STAFF TO MEET WITH SHORESTATION ON DOCKS FOR THE EAST INLET PROJECT – The Board directed Staff to work with Trustee Kudron to meet with Shorestation regarding the types of docks for the East Inlet project.

NEW BUSINESS:

CONSIDERATION OF THE PURCHASE OF BOARDWALK REPLACEMENT SUPPLIES - Mayor Peterson asked Town Manager White to present this matter to the Board. Manager White stated that the engineer for the Streetscape project sought

out information regarding supplies for the boardwalk replacement with a single provider instead of three as is required. He further stated that he has requested other quotes; however there is an issue with timing due to a shortage in redwood.

A brief discussion ensued regarding the quotes requested, the shortage of redwood nationwide, and the boardwalk replacement plans.

Trustee Kudron moved to direct Staff to make the boardwalk supplies purchasing decision based upon the most responsible acquisition within our time frame and availability of materials. Trustee Lewis seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION TO APPOINT MEMBERS TO THE GRAND LAKE CENTER STEERING COMMITTEE – Mayor Peterson asked Town Manager White to present this matter to the Board. Manager White stated that the recommended participants for the Grand Lake Center Steering Committee are Stephen Wall, Michael Long, Code Administrator ORourke, Grand Lake Center Lead Coordinator Crystal Myers, Grand Lake Coordinator Beate Kaufman, Trustee Kudron, Trustee Goodfellow, and as ex officio Town Manager White.

Trustee Jenkins moved to approve and establish the appointments listed by Town Manager White for the Grand Lake Center Steering Committee. Trustee Lewis seconded the motion and all Trustees voted aye, except Trustee Kudron who abstained.

MAYOR'S REPORT
AND COMMENT:

Mayor Peterson stated he had to get something off his back and proceeded to read the following letter:

Awhile back I was involved in an altercation between my truck and the Town grader. While I did not believe that I was at fault my truck sustained significant damage. After consulting with the Town's insurance provider and the Town's attorney the Board decided to declare municipal immunity and not spend a dime on the accident. I truly considered quitting, but decided I would be letting down a lot of people that had voted for me and had nothing to do with the Board's decisions. I will continue to serve the citizens to the best of my ability. As for the Board, for the next year you will be dealing with a very unhappy pissed off Mayor. As to the hardships ahead of me, I will explain what I am having to do. Since the accident I have been deprived of the use of my truck at night due to the loss the tailgate. I don't want to get a ticket. Of course I will have to pay my deductible. I can't wait to see what my premium is going to go up to. Then I will be making

three trips to Silverthorne and back, and one trip to Denver and back for the topper and the rack. The body shop let me know that they will have my truck for a minimum of three weeks. Why, I do not understand, but during which time I will have to rent a vehicle so that I will be able to work. I've guesstimated this will take between 75 to 100 hours of work to cover all this. After 17 years and about 4,000 hours of volunteering on this Board, it is now going to cost me to volunteer. To say I am disappointed would be an understatement. Even more so I am embarrassed serving on this Board that given the same circumstances would treat our citizens and even worse our visitors the same way I was treated. You are lucky I was the one that was hit. If it had been a visitor, bad press on social media and the potential damage to the Town both monetarily and our image would probably be worse than just taking care of the damages in the accident. While I must abide by the decisions of the Board, I must also obey the law of physics which states that for every action there is an equal and opposite reaction.

Mayor Peterson apologized to the audience members and stated again that he needed to get this off his chest.

Trustee Lewis questioned whether the Board made the correct decision on this matter. She stated she would like to see the Board do something about it, as she feels the Board did not do the right thing.

Trustee Jenkins stated that if they are to continue conversation on this matter, then Mayor Peterson needs to step aside. She stated she is up for further discussion, but without Mayor Peterson present.

The Board discussed schedules and continuing the discussion at another meeting when all will be present.

ADJOURNMENT:

Trustee Jenkins moved to adjourn, seconded by Trustee Lewis. All Trustees voted aye, and the meeting was adjourned at 8:24 p.m., March 27, 2017.



JAMES C. PETERSON,
MAYOR

ATTEST:



KATIE NICHOLLS,
TOWN CLERK