

RECORD OF PROCEEDINGS

REGULAR MEETING
TOWN OF GRAND LAKE BOARD OF TRUSTEES
MONDAY, MAY 8, 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 Goodfellow, Jenkins, Kudron, and Lewis; Town Manager White, Town Clerk Nicholls, Town Code Administrator ORourke, and Town Planner Shull.

Trustees Bruegger and Solgot were sworn in at 7:41 p.m.

ABSENT: None.

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 Town of Grand Lake Beautification Day will be Saturday, May 20th from 9 a.m. to noon with a BBQ to follow. A tree will be planted in celebration of Arbor Day.

Mayor Peterson then announced the Flowering of Grand Lake will host the 29th Annual Gardener's Exchange on Saturday, May 20th from noon to 4 p.m. in the Community House.

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

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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 scheduled delegations.

CONSENT AGENDA:

Mayor Peterson introduced the Consent Agenda which contained the Minutes from the April 24, 2017 Meeting and Accounts Payable for April 2017. Trustee Lewis requested the items be separated.

Trustee Jenkins moved to approve the April 24, 2017 Minutes as presented. Trustee Kudron seconded the motion and all Trustees voted aye, except Trustee Lewis who abstained.

Trustee Jenkins moved to approve the Accounts Payable for April 2017. Trustee Lewis seconded the motion and all Trustees voted aye.

LIQUOR LICENSING AUTHORITY: **CONSIDERATION OF A SPECIAL EVENT PERMIT APPLICATION FROM THE FRIENDS OF GRAND COUNTY LIBRARY FOR TOPS OF THE ROCKIES**
– Mayor Peterson asked Town Clerk Nicholls to present this matter to the Board. Nicholls stated that 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 Friends of Grand County Library, Inc. The request is to sell malt, vinous and spirituous liquor by the drink for consumption on the premises only for “Tops of the Rockies” to be held Saturday, July 8, 2017 from 8:00 a.m. to 10:00 p.m. The Friends of Grand County Library, Inc. qualifies for a Special Events Permit in that it is incorporated with the State of Colorado as a nonprofit philanthropic institution, 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 Yacht Club at 1128 Lake Avenue. The Grand Lake Yacht Club 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 ORourke on April 28, 2017. The Grand County Sheriff’s Department reviewed the application and found no adverse information which would affect this permit. She concluded by noting that the applicant was not present.

After a discussion regarding the absence of the applicant Trustee Lewis moved to approve the Special Events Liquor Permit Application from The Friends of Grand County Library, Inc. for "Tops of the Rockies" to be held Saturday, July 8, 2017 from 8 a.m. to 10 p.m. Trustee Kudron seconded the motion and all Trustees voted aye, except Trustee Jenkins who voted nay.

The Board directed Staff to inform the applicant that they need to be present for all future applications.

OLD BUSINESS:

CONSIDERATION TO APPOINT SHAWN BRUEGGER AND NICOLE SOLGOT TO FILL THE TWO BOARD OF TRUSTEES VACANCIES – Mayor Peterson asked Town Clerk Nicholls to present this matter to the Board. Nicholls stated that the resignations of Jim Gasner on January 9, 2017, and Lance Sabo on January 20, 2017 created 2 vacancies on the Board of Trustees with term expirations of April 2018. On February 27, 2017 the Board extended the deadline for letters of interest in serving on the Board of Trustees to April 30, 2017. Two letters from residents meeting the qualifications for appointment were received within the timeline. Shawn Bruegger and Nicole Solgot are both over the age of 18, have lived within the town limits for a minimum of 12 months and are not holding any other offices of conflict. The Board should consider the appointments of Shawn Bruegger and Nicole Solgot to the Board of Trustees. Additionally, per State Statute, all elected and appointed officials shall take an oath administered by the Municipal Judge, Town Clerk, or other person who is designated by the governing body or who is authorized by law to administer oaths, to support the Constitution of the United States and the State Constitution. She concluded by stating both applicants were present.

Shawn Bruegger, 217 Marina Drive, was recognized by the Chair. Mr. Bruegger outlined his background as a family and business man. He stated he wanted to perform his civic duty to help the community as well as his family and child.

Nicole Solgot, 505 Shadow Mountain Drive, was recognized by the Chair. Ms. Solgot provided a brief outline on her background. She stated her desire to be involved in the community and make use of her marketing background.

Trustee Lewis moved to appoint Shawn Bruegger and Nicole Solgot to serve on the Board of Trustees as Trustees filling the vacancies with a term expiration of April 2018. She further moved to designate the Town Clerk to administer the Oath of Office to the appointed Trustees. Trustee Jenkins seconded the motion and all Trustees voted aye.

INSTALLATION OF NEW
BOARD TRUSTEES:

ADMINISTRATION OF THE OATH OF OFFICE FOR THE APPOINTED TRUSTEES– Town Clerk Nicholls administered the oath to newly appointed Trustees Shawn Bruegger and Nicole Solgot. The officials then took a seat at the board table.

NEW BUSINESS:

CONSIDERATION TO PARTICIPATE IN THE GRAND COUNTY HOUSING NEEDS ASSESSMENT – Mayor Peterson asked Town Manager White to present this matter to the Board. White stated that the Town of Grand Lake has been asked to consider its participation in the broader Grand County Needs Assessment plan. Sheena Darland, Operations Manager, Grand County Housing Authority, presented at the Work Session. Town Staff sent out a report to the Town Board by e-mail from Gunnison County that was 139 pages long. It was an example of the type of report that can be generated here in Grand County. He concluded by stating that the County was looking for a \$5,000 contribution for the report.

Trustee Kudron moved to direct Staff to send a letter of commitment to the Grand County Housing Authority for the expenditure up to \$5,000 out of the affordable housing fund for the purpose of joining other Grand County Towns in an affordable housing assessment with a review of the RFP before a final payment is made so that the Town's interests are addressed in the assessment. Trustee Jenkins seconded the motion and all Trustees voted aye, except Trustee Goodfellow who voted nay.

A question arose regarding the nay vote. Trustee Goodfellow explained his reservations on how money is spent and feels that the study has a lot of common sense and has already been done by other towns and is unnecessary in his opinion.

NEW BUSINESS:

CONSIDERATION OF RESOLUTION 06-2017, A RESOLUTION ADOPTING AN EXPOSURE CONTROL PLAN 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 policy to prevent the contraction of AIDS, Hepatitis B, and other blood borne pathogens and provide guidance on appropriate actions to be taken and documented in the prevention thereof. The Town of Grand Lake employees, particularly Public Works employees, are at risk of exposure to blood borne pathogens. The Exposure Control Plan Policy provides clear and concise guidelines and procedures to follow to minimize exposure and ensure the

safety of the employees. She concluded by stating the Policy has been reviewed by Grand Lake Fire Department.

Trustee Lewis moved to adopt Resolution 06-2017, a resolution adopting an exposure control plan policy for the Town of Grand Lake. Trustee Jenkins seconded the motion. A discussion ensued regarding the impact on the budget, applicability to the different departments, and reason for the policy. Mayor Peterson called the vote and all Trustees voted aye, except Mayor Peterson who abstained.

NEW BUSINESS:

CONSIDERATION TO WAIVE TOWN FACILITY USE FEES FOR JUNE 9TH COLOR ME CREATIVE EVENT – Mayor Peterson asked Town Code Administrator ORourke to present this matter to the Board. ORourke stated that a group called Color Me Creative is planning a Town of Grand Lake walking tour to showcase Grand Lake's creative economy for the purpose of telling the Town's creative story with the hope of highlighting a community wide and shared vision of the Town's arts and heritage. The goal is for this effort to assist in facilitating its success in obtaining a Space to Create grant for the Town. The walking tour that will showcase Grand Lake's creative story is planned from 1-4pm on June 9, 2017. Various businesses and community spaces will be used on the tour including the proposed use of Town Facilities such as the Grand Lake Center, Community House, Heckert Pavilion, Town Park and the Gazebo. There are fees associated with the use of certain Town Facilities. The Color Me Creative group is requesting that the Board of Trustees waive the fees for this event. The fees are: Community House at \$50 plus deposit; Heckert Pavilion at \$40; and the Grand Lake Center at \$7 per hour for use of a classroom. Staff considers this use to be addressed under the Town's facility rental policy and not as a special event, therefore, a Special Event Permit is not required. She noted that there is a conflict on June 9th with the use of Town Park. Staff has already issued a Special Event Permit for the Grand Lake Chamber's Arts and Crafts Show in Town Park June 10th and 11th, which allows vendors to set up booths beginning at 2pm on June. She concluded by stating Ken Fucik was present.

Ken Fucik, 665 Canal View Drive, was recognized by the Chair. Mr. Fucik stated that the grant they are pursuing is worth about a million dollars and this event will help with the grant process. The grant would also help with the affordable housing issues facing the community. The Town's participation and support is needed for it to succeed.

Trustee Kudron provided a history of the Color Me Creative organization within the Town. A discussion ensued regarding potential conflicts with the Chamber for the event proposed.

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Samantha Bruegger, 217 Marina Drive 1B, was recognized by the Chair. Ms. Bruegger stated the Chamber is in full support of the event and the potential conflict with the Arts and Crafts Fair is not an issue and is viewed as an enhancement to the Color Me Creative event.

A discussion ensued regarding the waiving of the fees and the fact that the event was not making money for anyone. Code Administrator ORourke further explained that while the part discussed is a Town event, the Colorado Creative Industries Group is having their Board meeting at the Grand Lake Center and is also requesting the waiving of their meeting space fee.

Trustee Lewis moved to waive the town facility use fees for the Color Me Creative event on June 9, 2017. Trustee Kudron seconded the motion and all Trustees voted aye.

After a discussion Trustee Jenkins, Trustee Lewis, and Trustee Solgot volunteered to personally pay the \$21.00 facility use fee for the Colorado Creative Industries Group board meeting.

Trustee Jenkins moved to require that payment be received for the rental space for the board meeting held by Colorado Creative Industries, with Town Board Trustees paying for it. Trustee Lewis seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF ORDINANCE 03-2017, AN EMERGENCY ORDINANCE AMENDING THE GRAND LAKE MODEL TRAFFIC CODE AS ENACTED BY ORDINANCE 01-2013 AND ORDINANCE 17-2016 AN ORDINANCE 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 that the Town passed Ordinance #17-2016 regarding the use of ATV/OHV within the Town limits. Subsequently, there has been public interest and commentary about the language of the Ordinance. The tenor of the commentary is predominantly that the Ordinance is not clear and may have omitted important aspects related to: regulatory requirements; public safety considerations; lights or flags; parking; areas of usage; time of usage; and any enforcement specifications for violations. Town Staff has presented the majority of this information to the Town Board on two previous occasions. At the last meeting, Staff was directed to bring a Draft Ordinance forward with a list of options included related to the feedback received. Staff is recommending Town Board consideration of passage as an Emergency Ordinance eliminating the 30 day delay in its application.

A discussion ensued regarding the lack of attorney review and the necessity of an emergency ordinance.

Trustee Lewis moved to adopt Ordinance 03-2017, an emergency ordinance amending the Grand Lake Model Traffic Code as enacted by Ordinance 01-2013 and Ordinance 17-2016 an ordinance relating to the operation of off-highway vehicles in the town of Grand Lake, Colorado with corrections made of OHV where OVH is stated. Trustee Kudron seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION TO APPROVE CONTRACT WITH DIAMONDBACK ENGINEERING FOR ENGINEERING CONSTRUCTION SERVICES FOR PHASE 1 OF THE STREETSCAPE PROJECT – Mayor Peterson asked Town Manager White to present this matter to the Board. White stated he did not receive the contract until Thursday and it was given to the Board as a table setting. The contract in the amount of \$87,500 is for construction management throughout Phase 1 of the Streetscape project by Diamondback Engineering.

A question was raised and a lengthy discussion ensued regarding the bid process, whether the bid process for the engineer included project management, and if a conflict of interest existed.

Town Manager White explained that Diamondback Engineering has been present for all the revisions to pricing, revisions to planning, and many Town Hall meetings for the project. They have been very dependable and responsive throughout the process to date. He continued that Diamondback Engineering has worked with the Town on other projects, which created some skepticism. He further stated that the Town should either make him the engineer of record or do a better job on RFPs in the future so the Town has more choices. He concluded by reiterating they were selected in a bonafide process and their work has been exceptional to date.

Trustee Kudron moved to accept the contract from Diamondback Engineering for professional engineering consulting services related to the construction administration for Phase 1 of the Grand Lake Streetscape project as noted on the tablesetting for the price of \$87,500. Trustee Lewis seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION TO APPROVE CONTRACT WITH BIG VALLEY CONSTRUCTION LLC AS CONTRACTOR FOR PHASE 1 OF THE STREETSCAPE PROJECT – Mayor Peterson asked Town Manager White to present this matter to the

Board. White stated that Big Valley Construction LLC was selected as contractor with various subcontractors to complete Phase 1 of the Streetscape Project. The proposal has been modified with the elimination of 500 feet of waterline, and the addition of other services to include stub-outs for future waterlines. The total price has been increased to \$2,292,002. Upon approval of the contract the schedule will be set and construction will begin.

Questions were raised as to whether the Town Attorney and project manager had reviewed the contract and approved the changes. Town Manger White stated that the Town Attorney has not yet reviewed it, but the project manger has reviewed it.

After a brief discussion regarding the stub-outs, Trustee Lewis moved to accept the contract with Big Valley Construction LLC, contingent upon review by the Town Attorney for \$2,292,002. Trustee Solgot seconded the motion and all Trustees voted aye.

After a discussion about adding a vacant conduit for future use during the Streetscape Project Phase 1, Trustee Kudron moved to direct Diamondback Engineering to provide cost estimates for the addition of a future use conduit into the project and to give the Town Manager the authority to approve the expenditure not to exceed \$15,000. Trustee Lewis seconded the motion and all Trustees voted aye.

MAYOR'S REPORT
AND COMMENT:

Mayor Peterson stated that Doris Braun is very sick and the Town recently lost Sue James. Both ladies have done a lot for the Town, and it is time for us to step up and replace them. He requested that everyone keep that in mind when events need volunteers.

Trustee Goodfellow questioned what discretion is used for when the Town Attorney attends meetings. He stated that the Town Attorney was supposed to attend the evening's meeting, but he saw no reason to have him in attendance. He requested that more discretion be used in asking him to attend.

Town Manager White stated that the Town Attorney was asked to attend the meeting for the new Trustees appointed and the contract discussions. He further stated that he has an agreement with the Town Attorney that he attend a meeting once a month.

A discussion ensued regarding the increased presence of the Town Attorney at meetings, agenda items and the cost associated thereof.

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ADJOURNMENT:

Trustee Lewis moved to adjourn, seconded by Trustee Kudron. All Trustees voted aye, and the meeting was adjourned at 8:50 p.m., May 8, 2017.



JAMES C. PETERSON,
MAYOR

ATTEST:



KATIE NICHOLLS,
TOWN CLERK