

RECORD OF PROCEEDINGS

REGULAR MEETING
TOWN OF GRAND LAKE BOARD OF TRUSTEES
MONDAY, JANUARY 8, 2018 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; Mayor Pro-Tem Lewis; Trustees Bruegger, Goodfellow, Jenkins and Kudron; Town Manager White, Town Clerk Carrell, Town Planner Shull, Town Code Administrator ORourke, and Town Attorney Krob.

ABSENT: Pro-Tem Lewis moved for a motion to excuse Trustee Solgot's absence from tonight's workshop and evening meeting. Trustee Bruegger seconded the motion and all Trustees voted aye.

ANNOUNCEMENTS: Mayor Peterson announced we have a new Town Clerk, Alayna Carrell. Pro-Tem Lewis moved for a motion of appointment for Town Clerk, Trustee Jenkins seconded the motion and all Trustees voted aye. Town Attorney Krob swore in Alayna Carrell as Grand Lake Town Clerk.

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 2018 election is on April 3, 2018 to elect four Trustees, three to serve a 4-year term, and one to serve a 2-year term. Qualified candidates may begin circulating their nomination petitions on Tuesday, January 2, 2018 and are due to the Town Clerk by no later than Monday, January 22, 2018 at 4:30 pm. Anyone interested in running for Trustee should see the Town Clerk for more information.

Mayor Peterson announced that the 30th Annual Three Lakes Fishing Tournament will be held January, 26-28 on Lake Granby.

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 Bruegger stated he has a conflict with the Special Event Permit items under New Business.

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.

Brad Hajim, 1077 South Williams Street Denver, CO. Owner, Developer, Architect for 901, 905, 909, 913 Park Avenue addressed the \$7,500.00 fee in lieu of building a boardwalk.

Dustin Barnes, 1127 Grand Avenue. Addressed the flashing "Open" sign in the front window of his business that his staff was told to turn off by a board member. He feels he needs the sign to blink because people can't tell if they are open or not due to the sun glaze on the window. Mr. Barnes was also upset about being told his picnic tables out front needed to go, which not only causes him to lose seating, but he just purchased new boards for the picnic tables as well as three \$250 (ea.) umbrellas that now put him out of his money invested. Would like to find a solution to these issues. Town Code Administrator ORourke, clarified that it was not a Board member that it was her that received a few complaints and went in to his business and told his staff the flashing LED light needed to be turned off. Mr. Barnes was also told the picnic tables could stay but the umbrellas needed to go as they were still undecided of the greenways in regards to the Street Scape Project.

Carey Barnes, 604 Marina Drive. Mrs. Barnes is concerned if there is an ordinance regarding umbrellas along the boardwalk. She is aware other businesses in Town have umbrellas out, that if this is going to be a rule that it needs to be for everyone.

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SCHEDULED
PRESENTATIONS/
DELEGATIONS:

None.

APPROVAL OF
MINUTES:

Pro-Tem Lewis moved to approve the December 11, 2017 minutes as presented. Trustee Jenkins seconded the motion and all Trustees voted aye.

APPROVAL OF
ACCOUNTS PAYABLE:

Pro-Tem Lewis moved to approve the November, 2017 Accounts Payable as presented. Trustee Bruegger seconded the motion and all Trustees voted aye.

LIQUOR LICENSING AUTHORITY: None.

OLD BUSINESS:

Discussion of Ordinance #06-2017 (Municipal Fee).

Trustee Goodfellow left his board seat and stepped to the podium to request that the Board consider postponing the Municipal Fee for ordinance #06-2017. He stated he had questions about how the Municipal Fee was initially presented for approval and wanted to ensure the fee is not used as a tool to balance the budget. Mr. Goodfellow also stated that he did not think the fee was necessary and that he had recommendations on how to save \$80,000, although was not prepared to share the information at this meeting.

Trustee Jenkins stated that the Municipal Fee was discussed in multiple budget workshops that were open to the public and that the fee was highlighted in those discussions. She also stated that she was not willing to change the budget at this time, but willing to improve the process going forward.

Trustee Jenkins noted that Trustee Goodfellow submitted a letter to the Editor of Sky Hi News that came across as a Trustee's opinion rather than from a citizen.

Trustee Bruegger stated that he had taken time off of work to attend all four budget meetings and agreed with and voted for the budget. He also proposed discussing the budget process for 2018 to identify improving the process.

Trustee Kudron stated that he feels that all of the Trustees are looking out for the best interest of the Town. He also stated that discussions regarding the budget, including the Municipal Fee, began in a public workshop on August 21, 2017.

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In reference to Trustee Goodfellow's letter to the editor in Sky Hi News, Trustee Kudron felt it was a letter based on opinion and not fact. Trustee Kudron agreed communication can and will improve between the Town and its citizens.

Trustee Kudron also stated he would not go back on his decision regarding the budget, but is willing to improve the process.

Lance Sabo, 808 Park Avenue. Stated that he supported Tom Goodfellow's statements regarding the Municipal Fee. It was silly that posting of public hearing was inadvertently missed. Additionally Mr. Sabo stated that he feels the Town is wasting hundreds of thousands of dollars and gave examples that included: 30% more labor, marina expenses, and charitable donations. Mr. Sabo believes the budget should be based on how much money you have and not how much money you want to spend.

He stated in regard to the Municipal Fee, he believes it should be rescinded now. The direction the Town is going in is wrong and we should be looking for a new Town Manager.

Trustee Jenkins responded to Mr. Sabo's comments by noting that it was the Board's decision to approve the Municipal Fee and not the Town Manager's.

Andy Murphy 347 West Portal Road. Mr. Murphy took issue with a comment in the Sky Hi letter to the Editor. He stated the Municipal Fee was discussed in the Board of Trustees meetings that he attended. He said a majority of the Trustees voted to approve the fee, therefore it should not be postponed or rescinded. If necessary, the fee could be revisited during the next budget cycle. Regarding comments made by Mr. Sabo about Town marina operations, that it was his opinion that the marina is run very efficiently and profitably and that the numbers speak for themselves.

Mr. Murphy applauded the Board of Trustees for doing what they thought is in the best interest of the town.

Mr. Murphy noted that two previous Town Managers had no municipal experience. Town Manager White came in with previous experience and he does not dictate to the Board what they should do. Mr. White offers ideas to the Board who either accept or reject those ideas accordingly. In Mr. Murphy's opinion Town Manager White has seemed to produce more positive actions in the last three years than the previous four years and applauded the Board and Mr. White for their actions.

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Pat Farmer, 433 Harmon. Ms. Farmer stated that she was concerned at the way the Municipal Fee was passed. In the November 13, 2017 meeting minutes it states there would be a public hearing, if she would have been in town she would have attended. She expressed concern that staff was directed to set a public hearing and did not. Ms. Farmer took issue with Town Manager White regarding this issue. She strongly feels that the fee is not ethical, although she realizes that it was legally approved. Ms. Farmer believes the Board of Trustees does a good job, but feels they handled this issue poorly. She asked that Board of Trustees consider postponing implementing the fee.

Carey Barnes, 604 Marina Drive. Mrs. Barnes stated that she was concerned that the fee would be very costly and that future Boards could use the fee to cover short falls whenever it wanted. She asked what the Board of Trustees would do to limit the use of this fee in the future.

Andrew Murphy, 347 West Portal Road. Mr. Murphy responded to Mrs. Barnes that the voters make a difference.

Brian Reynolds, 77 County Road 4480. Mr. Reynolds stated that perception is greater than reality and that it seemed there was no public comment allowed on this issue and it should have been brought to the public's attention, and it is the Town's responsibility to do so.

Julie Gassner, 900 Grand Avenue. Stated the fee was wrong and she recommended the Board rescind or postpone to give the Board some time to explain the fees to the public.

Trustee Jenkins reiterated that the Board would be working on a policy to improve communication on future budgets and Fees.

Trustee Kudron agreed and stated that additional attention would be paid to budget and items in all future meetings.

Mayor Peterson took offense to the letter to the Editor (Sky Hi News) about the Board being a dictatorship. He stated that he wished there had been more public comment during the budgeting process and not after the fact. All budget workshops and budget meetings are open to the public. He supports improving budget and fee review processes during Board of Trustee meetings.

Carey Barnes, 604 Marina Drive. Mrs. Barnes suggested that there are grants available to offset costs for lighting/utility upgrades and that the board might consider researching those options.

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Lance Sabo, 808 Park Avenue. Noted that Trustee Goodfellow had a list of cost savings and that the Town should look at deferring maintenance and reducing charitable donations instead of billing residents for budget short falls.

Trustee Bruegger stated that the Board discussed cost savings but they spent more money in the long run because the Town was spending more repairing old equipment then what it would cost to replace it. The roof at public works is currently leaking and damaging equipment that needed to be replaced. The Board talks about these items throughout the year at Board of Trustee meetings and those are open to the public. He also stated that the Board had reviewed all charitable donations based on what they bring to the Town and that all approved donations were beneficial to the Town in some way. He encouraged all citizens to either run for a seat on the Board of Trustees or attend meetings to provide feedback to the Board on all future decisions.

Pat Farmer, 433 Harmon. Ms. Farmer feels that Town Manager White was covering up something and has an issue with him consulting Town Attorney Krob regarding the Municipal Fee.

Town Manager White took responsibility for missing the public hearing notice deadline. He contacted Town Attorney Krob to address any legal liability that the Town would have. Town Attorney Krob confirmed that the fee had been vetted during the budgeting process. Town Trustees do not have legal knowledge in such matters which is why the attorney was contacted. Town Manager White explained that he has frequent conversations with Mayor Peterson and the Trustees in regards to town related items, but does consult the Town Attorney on legal matters to limit the Town's liability.

Town Attorney Krob stated that the Town Attorney is retained specifically to council the Town on legal matters. It is the attorney's job to provide legal information and the Trustee's job is to decide what action is taken. Mr. Krob stated he gets fewer calls from this town and that's because of having an experienced Town Manager. He reiterated that the Municipal Fee was vetted during the budget process and was made a matter of public record prior to Trustee approval at the November 27, 3017 meeting.

Attorney Krob went on to explain why municipalities implement Municipal Fees and how they can be used to offset expenses for those services that are provided by the Town. The Town cannot set

a fee unless it specifies a specific service and equates the value of the fee to the service.

Pat Farmer, 433 Harmon. Ms. Farmer stepped up to the podium again questioning what services were being paid for by the fee.

Attorney Krob then attempted to explain to Ms. Farmer that the Town contracts with third party entities for some of its services, including Mountain Park Electric and the Sheriff's Department. Ms. Farmer argued that the Sheriff provides police services to the Town, the Town does not provide the service. Attorney Krob corrected her by explaining that the Town contracts with the Grand County Sheriff for police services as is required by the State. Ms. Farmer questioned whether that was true. She asked if she called 911 and the Town didn't have a contract would the Sheriff respond or not? Attorney Krob stated that IF you call the Sheriff's Office you get a response from the Sheriff because of the contract the Town has with the Sheriff's Office.

Carey Barnes, 604 Marina Drive. Mrs. Barnes asked to confirm that the Fee was being used to upgrade lights, which the Board confirmed.

NEW BUSINESS:

Consideration to approve a Special Event Permit Application for Ice Addiction Ice Fishing Contest on Grand Lake on February 2, 2018, sponsored by the Grand Lake Chamber of Commerce.

Trustee Kudron moved to approve the Ice Addiction Ice Fishing Contest Special Event Permit application as presented. Trustee Jenkins seconded the motion and all Trustees voted aye.

Consideration to approve a Special Event Permit Application for the Inaugural Grand Lake Pond Hockey Classic on Grand Lake on January 20, 2018, sponsored by the Grand Lake Chamber of Commerce.

Trustee Jenkins moved to approve the Inaugural Grand Lake Pond Hockey Classic Special Event Permit application as presented. Pro-Tem Lewis seconded the motion and all Trustees voted aye.

Consideration to Hold a Joint Meeting to Discuss Comprehensive Plan Update to be held on February 12, 2018 with the Board of Trustees and the Planning Commission.

Mayor Peterson and the Board of Trustee's confirmed meeting date of February 12, 2018 at 3:00 pm.

Consideration of request for signatures on As- Built (improvement survey) Plat.

Pro-Tem Lewis moved to approve the request for signature on As-Built (improvement survey) Plat. Trustee Bruegger seconded the motion and all Trustees voted aye.

Consideration to approve Grand Lake Center Key Deposit Policy.

Pro-Tem Lewis moved to approve the Grand Lake Center Key Deposit Policy. Trustee Jenkins seconded the motion and all Trustees voted aye.

Mayor Peterson announced they were needing to designate someone for the NWCCOG. Town Manager White requested he be the representative and the Mayor be the alternate so they may proceed with upcoming meetings.

Pro-Tem Lewis moved to approve Town Manager White as the representative and Mayor Peterson as the alternate for NWCCOG. Trustee Jenkins seconded the motion and all Trustees voted aye.

The Board discussed violations of the municipal code for businesses. Town Code Administrator ORourke stated that the Town responses to citizen's complaints in regard to the municipal code. All business owners and residents must comply with the current code. There have been some challenges with the code as the new Streetscape Project progresses. Town Planner Schull and Town Code Administrator ORourke will be working together to update the code as it relates to Streetscape.

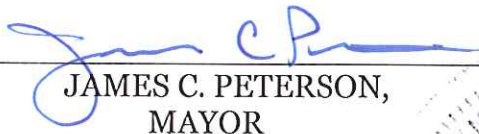
MAYOR'S REPORT
AND COMMENT:

Apologized to staff and the Board for letting the public's comments get out of hand and he will gavel down if comments gets personal.


ADJOURNMENT:

Pro-Tem Lewis moved to adjourn, seconded by Trustee Jenkins. All Trustees voted aye, and the meeting was adjourned at 9:49 p.m., January 8, 2018.

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JAMES C. PETERSON,
MAYOR

ATTEST:


ALAYNA CARRELL,
TOWN CLERK



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