

RECORD OF PROCEEDINGS

REGULAR MEETING - PUBLIC COMMENTS ONLY
TOWN OF GRAND LAKE BOARD OF TRUSTEES
MONDAY, July 8, 2019 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 Kudron, Trustees Bruton, Rourke, Southway, Price and Weydert; Interim Town Manager Greg Clifton, Town Planner Shull and Town Code Administrator ORourke

ABSENT:

Town Clerk Thompson –CMCA Institute Training

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.

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.

Mayor Pro-Tem Kudron announced he will not be voting on any issues surrounding Nightly Rental Licenses as he is a license holder himself.

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.

Mindy Nelson, 1398 County Road 466, is requesting that all workshops be recorded going forward for transparency and to be used as a reference for review, if necessary, for the future.

Robert Canon, 516 Park Avenue, a permanent resident, as so are his neighbors, are asking for consideration that the access road next to West Portal Road, be named in Honor of Mark Fisher.

Gary Casalo, 301 Mountain Avenue, he and his neighbors were advised by Town Planner Nate Shull, as well as, the Grand Lake Lodge Developer and Engineer, the issue of flooding from the Lodge would be a topic on tonight's Agenda for discussion. He only discovered it was not on tonight's agenda when he called Frances, Vice-President of Red Tail Acquisitions, and part ownership of Grand Lake Lodge.

He has personally met on the premises with the Town Manager, Town Planner, Town Water Department, Planning Commissioner, Three Lakes Water and Sewer, Grand Lake Lodge Manager, the Lodge Engineer and the Lodge Developer to discuss his flooding concerns. The last time I came to a meeting I invited everyone to come up to my property to get a firsthand look at my flooding concerns. I then asked Planner Nate Shull and the Town Manager to put in writing what the Town's official stance is on the matter, but there was no response to my request.

They verbally stated to me, which is recorded on my phone, the Town is not accountable for my situation, the Town does not currently have an opinion on it, and it's up to me on how I choose to handle the situation. This issue is between me and the Lodge Engineers and if I don't accept the Lodge Engineers report, that I have a right to hire an attorney, an Engineer, and a Geologist for further investigation.

My question still remains, who is responsible for the situation, and what should be done about it. The Lodge Engineers report states "I built my house in the wrong place". My home was built 20 years ago. The Lodge Engineer also states I built my house at a "low point". My house is the highest house built on Woodpecker Hill. They changed the shape of the hill during excavation, when I pointed this out, the Engineer stated "they were not supposed to do that", and he then admitted he was not present when the excavation took place.

The Engineer did not call this a "large excavation". All that the Engineer recommended was scoping for a French drain, which does not address the source of the water. They did not put in a drain to drain the water away from the back of our properties. If the Lodge won't solve this problem, I think the Town should solve the problem and send Grand Lake Lodge the bill. All of you present are still invited to come up to my property and view the issues that are still occurring and view the damage already caused in person.

Vandy Mason, 305 Mountain Avenue, I live on the property to the East of Gary Casalo. I was the first one to discover the water because my husband and I installed a driveway cam in April and saw the water accumulating. On May 7th, Deputy Luke McDonald of Grand County Sherriff, stopped at my house and was looking around my property and I went into panic mode thinking something happened.

I then called a plumber, the water district, my realtor, and my cleaning company so all parties involved could have access to the house in hopes the water source could be found. Ground water was discovered gushing out from in front of the foundation, near our hot tub pad, and both corners of our house were saturated with ground water. At that time we could not locate the source of the water.

I then discovered in June that Gary was having the same issues as I on my property. I was aware that Grand Lake Lodge was developing, I was not aware to what extent they would be excavating the hill above our homes. This was in September of 2018. The summer of 2018 was one of the driest I ever saw, and in September the Lodge Engineers would not have seen if they had hit a wash, or sand layers which would indicate it was a ground water route. There are a LOT of variables in this situation.

Above our homes there is exposed, churned up dirt, knocked over dead trees everywhere and I invite you all to come look at it. Even if this is not a "permanent" problem because of vegetation and restoration of the area, I think what happened to us this spring, with snow melt run off, is greatly determined by what was done above our homes, just how exposed and churned up the ground is up on the hill above us. This is a serious issue that definitely warrants further investigation. I was not around when the discussion and approval was granted to Grand Lake Lodge for the excavation and further development. However, since I purchased my home in November of 2018, I do agree further investigation needs to be done in order to find out the source of the ground water and an immediate resolution to his issue needs to be addressed.

Gerald Hall, co-owner at 317 Mountain Avenue, his property is next to Vandy Mason. I currently have water building up underground, creating a muddy situation under the foundation. In years past, they have experienced a little water runoff down their driveway. This past spring, there has been an excessive amount of water runoff, which is not typical in their area. My Son-in Law and I this afternoon dug trenches across the tracks in my driveway so the excess water can drain down to the ditch in the street.

I came up to our cabin in May to do some work, which is when we first noticed the increased water issues on the property. Immediately I noticed the excess amount of water in my driveway, which is not normal. I went under the house, and immediately realized there is a bigger problem. I am coming before the Board to ask that you please do something to assist in rectifying this situation for the homeowners before any further damages occur.

Andy Murphy, 347 West Portal Road, when I resigned from the Board, I made a promise to not be critical, but to be constructive for the betterment of Grand Lake. I want to thank Randy, with Public Works, for spending the day cleaning up along the lakefront and answering questions that passing visitors have. Thank you to Trustees Cindy Southway and Mickey Rourke for cleaning up along the beachfront the morning of July 5th. This is going above and beyond for the community.

On Friday evening, I sent an email expressing my thanks to the Marina and Public Works employees for assisting a Gentleman who fell in a hole on the L dock, he was treated at the first aid station at the Marina and the Public Works employees had the hole fixed by the next morning, replacing the boardwalk planks immediately. Please continue the improvements on the boardwalk so they can be enjoyable for everyone into next summer.


Jim Peyton, 125 Mountain Avenue, I do not personally have flooding issues at this time on Mountain Avenue, but want to express my concerns with the way the lodge owners are handling the situation. With the construction that was done at the lodge last fall to replace the water line, there was no erosion control done post construction. It is still bare dirt, dead trees, no seeding, no mulching done, no replanting of any vegetation. I do believe this is a direct violation of the Town of Grand Lake Municipal Code. Secondly, I was in the Post Office today, and as of Saturday, there was no public posting of this meeting, as required.

Susan Carlson, 229 Mountain Avenue, we have a boulder that our foundation was built around and this boulder has always had moisture around it has always had a "musty odor". This spring, one of the first things that I noticed was the moisture and "musty odor" around this boulder is gone. It seems to me, since the excavation work was done, the natural path of this ground water is now being redirected and causing new issues and potential damage in the future to the homes directly below where this work took place.

ADJOURNMENT:

Due to the Public Posting not being put up prior to this meeting, the meeting was called to adjourn, and reconvene, on Thursday, July 11th at 7:30PM. Staff was directed to post a Public Notice immediately the morning of July 9th, 2019.

The meeting was adjourned at 8:00:31 p.m. July 8, 2019.



JAMES C. PETERSON,
MAYOR

ATTEST:



JENNIFER THOMPSON,
TOWN CLERK

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SPECIAL MEETING
TOWN OF GRAND LAKE BOARD OF TRUSTEES
THURSDAY, July 11, 2019 7:30 P.M.

CALL TO ORDER: This special meeting of the Board of Trustees was called to order by Mayor Jim Peterson at 7:30 p.m. at 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 Kudron, Trustees Bruton, Rourke, Southway, Price and Weydert; Interim Town Manager Greg Clifton, Town Planner Shull and Town Code Administrator ORourke

ABSENT: Town Clerk Thompson –CMCA Institute Training

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 has apologized for calling another meeting, due to the public posting at the Post Office being removed. I have no doubt that our person posted the notice, we do not know how or why it was removed, but we erred on the side of caution and rescheduled the Board meeting to ensure proper posting of the notice.

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.

Mayor Pro-Tem Kudron has a conflict of interest as a Nightly Rental Licensee holder and will not be voting on any decisions made tonight in regards to the Nightly Rental process.

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.

SCHEDULED PRESENTATIONS/DELEGATIONS: **Judy Burke, 390 West Mary Drive**, would like to address the Board as a whole. This Board has recently gone thru a very difficult time, one that has in many ways caused a rift between some of its members. During my past tenure on the Board, we had two issues in which we had to fire an employee. One of which was storing dynamite at the Public Works building, so close to an elementary school, making an extremely dangerous situation for the Town. One thing we all need to do is learn from past situations. It's pretty easy to hire someone, however, much more difficult to let someone go.

It's probably unfair that you as a Board has to listen to a lot of people who will berate you, put you down, and think you are not doing a good job for our community. I should remind you as Board members you don't always have the ability or the right to say things in public that need to be held in an Executive Session. I know how difficult it can be and I hope that it will do something for our Board and our community, which is a change to do something that will bring our community together and understand what is going on with the Town and staff.

You need to give credence to staff as we have good staff members that have not received much training or much feedback when they do good things, but always hear about the negative, the bad things. Please remember that the staff is overworked with all of the projects going on and if they truly did the duties on their job descriptions, I believe they would get along fine. I know a lot has been dumped on the staff that has created hardships and a bad feeling of decreased morale. It is my hope this will bring us together and help understand each other.

LIQUOR LICENSING AUTHORITY: Consideration to approve a Special Event Liquor Permit from the Grand Arts Council for their 3rd Annual Bluegrass Festival to be held on Saturday, August 3rd at the Grand Lake Center.

Kathy Knight, President of the Grand Arts Council, spoke in support of this event, we are a non-profit organization and are requesting approval, with minimal cost as possible.

Trustee Southway made a motion to approve the Special Event Liquor Permit for the Grand Arts Council Bluegrass Festival, and to waive the permit fee. Trustee Rourke seconded the motion. Trustee Weydert requested to waive the fee. Clerk Pro-Tem O'Rourke called the vote:

Trustee Bruton	<u>aye</u>
Trustee Price	<u>aye</u>
Trustee Weydert	<u>aye</u>
Trustee Southway	<u>aye</u>
Trustee Rourke	<u>aye</u>
Mayor Pro-Tem Kudron	<u>aye</u>
Mayor Peterson	<u>aye</u>

Consideration to approve a Special Event Liquor Permit from the Grand Lake Area Historical Society for the annual Community Picnic Dinner to be held Sunday, August 18, 2019 at the Smith Eslick Cottage Court.

Elle Katz, 122 County Road 4652, spoke in support of the community dinner, it has been changed from chicken to a picnic, with supporters bringing sides for a potluck dinner.

Trustee Weydert made a motion approve the Special Event Liquor Permit for the annual Community Picnic Dinner, and to waive the permit fee. Mayor Pro-Tem seconded the motion. Clerk Pro-Tem O'Rourke called the vote:

Trustee Bruton	<u>aye</u>
Trustee Price	<u>aye</u>
Trustee Weydert	<u>aye</u>
Trustee Southway	<u>aye</u>
Trustee Rourke	<u>aye</u>
Mayor Pro-Tem Kudron	<u>aye</u>
Mayor Peterson	<u>aye</u>

NEW BUSINESS:

Consideration to execute an Agreement for building material replacement between the Town of Grand Lake and Ignacious Properties, LLC

Mayor Pro-Tem Kudron made a motion to approve the Agreement for building material replacement between the Town of Grand Lake and Ignacious Properties LLC. And the amount is not to exceed \$11,000.00. Trustee Weydert seconded the motion. Clerk Pro-Tem O'Rourke called the vote:

Trustee Bruton	<u>aye</u>
Trustee Price	<u>aye</u>
Trustee Weydert	<u>aye</u>
Trustee Southway	<u>aye</u>
Trustee Rourke	<u>aye</u>
Mayor Pro-Tem Kudron	<u>aye</u>
Mayor Peterson	<u>aye</u>

Consideration to direct the Code Administrator to add the following information to the Town website for filing complaints on nightly rentals:

- 1) A link with the Code Administrator's email to get more information about nightly rentals and licensing.
- 2) A list of permitted nightly rental properties with the owners name and address. Currently, it is very difficult to file a complaint if you don't have the exact address of the property and it is nearly impossible to complain about condos.
- 3) Instructions on how to file a complaint about nightly rental properties that are not licensed thru the Town (which is very important to the Town)

Mayor Peterson has directed the staff to add the requested items to the website.

Consideration to direct the Code Administrator to add a Grand Lake license number to all nightly rental properties that must be posted on the property and listed on any nightly rental websites and advertising materials, as well as, the Town of Grand Lake website.

Mayor Peterson has directed the staff to add the requested items to the website.

Consideration to approve an Emergency Ordinance (5-2019) banning Water Projectiles at Town Parades (hard copies provided at the meeting)

Mayor Pro-Tem Kudron made a motion to approve Ordinance 5-2019 banning water projectiles at Town parades. Trustee Price seconded the motion. Clerk Pro-Tem O'Rourke called the vote:

Trustee Bruton	<u>aye</u>
Trustee Price	<u>aye</u>
Trustee Weydert	<u>aye</u>
Trustee Southway	<u>aye</u>
Trustee Rourke	<u>aye</u>
Mayor Pro-Tem Kudron	<u>aye</u>
Mayor Peterson	<u>aye</u>

Consideration by the Board of Trustees to pledge commitment to being part of the East Grand PLACES 2050 Planning Process, which may include fiscal or logistical responsibilities laid out in a Memorandum of Understanding.

Mayor Pro-Tem Kudron made a motion to approve the pledge of commitment to be part of the East Grand PLACES 2050 planning process, which may include

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fiscal or logistical responsibilities laid out in a Memorandum of Understanding. Additionally, I move to appoint Trustee Southway as our Core Group Representative, with Planner Shull and Mayor Peterson also as representatives of the Core Group Advisory Committee. Trustee Weydert seconded the motion. Clerk Pro-Tem O'Rourke called the vote:

Trustee Bruton	<u>aye</u>
Trustee Price	<u>aye</u>
Trustee Weydert	<u>aye</u>
Trustee Southway	<u>abstain</u>
Trustee Rourke	<u>aye</u>
Mayor Pro-Tem Kudron	<u>aye</u>
Mayor Peterson	<u>aye</u>

APPROVAL OF MINUTES:

Consideration to approve the Board of Trustee meeting minutes May 28, 2019

Trustee Bruton made a motion to approve the meeting minutes from May 28, 2019. Trustee Price seconded the motion. Clerk Pro-Tem O'Rourke called the vote:

Trustee Bruton	<u>aye</u>
Trustee Price	<u>aye</u>
Trustee Weydert	<u>aye</u>
Trustee Southway	<u>aye</u>
Trustee Rourke	<u>aye</u>
Mayor Pro-Tem Kudron	<u>aye</u>
Mayor Peterson	<u>aye</u>

ACCOUNTS PAYABLE:

**Town of Grand Lake Revenue & Expenditures Summary review – May 2019
Town of Grand Lake Payment Approval Report**

Trustee Weydert made a motion to approve the accounts payable reports. Trustee Bruton seconded the motion. Clerk Pro-Tem O'Rourke called the vote:

Trustee Bruton	<u>aye</u>
Trustee Price	<u>aye</u>
Trustee Weydert	<u>aye</u>
Trustee Southway	<u>aye</u>
Trustee Rourke	<u>aye</u>
Mayor Pro-Tem Kudron	<u>aye</u>
Mayor Peterson	<u>aye</u>

MAYOR'S REPORT AND COMMENT:

Mayor Peterson has asked the Board to consider bringing transportation to Grand Lake considering there is now a line that provides service to Granby. Mayor Peterson has also voiced concern that the Buffalo Days Parade does not have the same built up or excitement as in years past. As a Board, we need to decide if we will have the Chamber of Commerce continue to oversee the parade or hire someone to oversee this event. We will have continued discussion with the Chamber of Commerce members in the near future.

EXECUTIVE SESSION:

For discussion of a Personnel matter: C.R.S. Section 24-6-402(2)(f)

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For discussion of a personnel matter under C.R.S. Section 24-6-402(2)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees.

Trustee Rourke made a motion to go into Executive Session. Trustee Weydert seconded the motion. Clerk Pro-Tem O'Rourke called the vote:

Trustee Bruton	<u>aye</u>
Trustee Price	<u>aye</u>
Trustee Weydert	<u>aye</u>
Trustee Southway	<u>aye</u>
Trustee Rourke	<u>aye</u>
Mayor Pro-Tem Kudron	<u>aye</u>
Mayor Peterson	<u>aye</u>

ADJOURNMENT:

The meeting was adjourned at 10:57 p.m. July 11, 2019.



JAMES C. PETERSON,
MAYOR

ATTEST:



JENNIFER THOMPSON,
TOWN CLERK