

**TOWN OF GRANBY, COLORADO
BOARD OF TRUSTEES
MEETING MINUTES
SEPTEMBER 11, 2018**

PRESENT: Roll Call. Present: Mayor Paul Chavoustie, Mayor Pro Tem Deborah J.K. Shaw, Trustee Becky Johnson, Trustee Nick Raible, Trustee Josh Hardy, Trustee Natascha O'Flaherty, Trustee Cathy Tindle.

STAFF PRESENT: Town Manager Aaron Blair; Town Attorney Scott Krob; Finance Director Sharon Spurlin; and Town Clerk Deb Hess, who recorded the meeting. Minutes are not verbatim.

TIME: 5:03 PM – DINNER & WORKSHOP
6:00 PM – BOT MEETING

BY: Mayor Paul Chavoustie

LOCATION: TOWN HALL, ZERO JASPER AVENUE

**DINNER SERVED TO THE BOARD AND STAFF – ALL BOARD MEMBERS PRESENT
WORKSHOP – RECLAMATION RIDGE ROAD TRIP – BOARD, ATTORNEY AND TOWN
MANAGER TO ATTEND**

5:00 PM

MEETING CALLED TO ORDER

6:00 PM

Chavoustie called the meeting to order. Everyone said the Pledge of Allegiance. There were no conflicts of interest.

UNSCHEDULED PUBLIC COMMENTS – COMMENTS ARE LIMITED TO 3 MINUTES

6:01 PM

Chavoustie asked if there were any unscheduled public comments.

Johnson asked that the two flags at the Town Hall need to be replaced.

CITIZEN REQUEST – SHERIFF'S OFFICE UPDATE

6:01 PM

This item was cancelled and will be rescheduled.

BOARD TO GO INTO EXECUTIVE SESSION PURSUANT TO C.R.S. 24-6-402 (4)

6:02 PM

Krob said the Executive Session would be pursuant to C.R.S. 24-06-402(4)(b)(d).

Shaw moved to go into Executive Session to include the Town Board and present Town Staff. Raible seconded. **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7). **Yes:** Mayor Paul Chavoustie, Mayor Pro Tem Deborah J.K. Shaw, Trustee Becky Johnson, Trustee Cathy Tindle, Trustee Josh Hardy, Trustee Natascha O'Flaherty, Trustee Nick Raible.

OUT OF EXECUTIVE SESSION

7:19 PM

Krob noted that the Board just completed an executive session, the discussions were within the scope of the statute, he was present throughout so they are subject to the attorney/client privilege.

**DISCUSSION FOR REMAINING ISSUES RELATED TO SUN AND THE SMITH CREEK
CROSSING DEVELOPMENT FOR DISCUSSION OF THE FOLLOWING ITEMS:**

**(1) FOURTH AMENDMENT TO THE REAL ESTATE PURCHASE AGREEMENT (LOTS FOR
MHC)**

Krob recommended to the Board that on item No. 1 that they approve it as presented but with the change that the extension be until September 21 rather than September 14.

Raible so moved. Shaw seconded. **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7). **Yes:** Mayor Paul Chavoustie, Mayor Pro Tem Deborah J.K. Shaw, Trustee Becky Johnson, Trustee Cathy

Tindle, Trustee Josh Hardy, Trustee Natascha O'Flaherty, Trustee Nick Raible.

- (2) SIGNAGE AND TRAILS EASEMENT AGREEMENT**
- (2A) TEMPORARY DRAWING OF SIGN EASEMENT**
- (3) SUBDIVISION IMPROVEMENTS AGREEMENT (SMITH CREEK CROSSING SUBDIVISION)**
- (4) CORRECTED PLAT**
- (5) ASSIGNMENT OF REAL ESTATE PURCHASE AGREEMENT**
- (6) AGREEMENT TO EXCLUDE SMITH CREEK CROSSING PROPERTY FROM ANNEXATION AND DEVELOPMENT AGREEMENTS**

Krob recommended to the Board that they collectively move to approve Items 2-6 as presented.

Hardy moved to approve Items 2-6 as presented. Shaw seconded. **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7). **Yes:** Mayor Paul Chavoustie, Mayor Pro Tem Deborah J.K. Shaw, Trustee Becky Johnson, Trustee Cathy Tindle, Trustee Josh Hardy, Trustee Natascha O'Flaherty, Trustee Nick Raible.

(7) SUN'S PROPOSAL REGARDING AFFORDABLE HOUSING LIMITATIONS

Johnson moved to approve the affordable housing limitations with the following items: The first three months will be open to Granby, six months open to Grand County and after that it will go to the general public with 50% still available for Grand County residents for a total of one year. We also accepted up to 7% increase on lot rent. There is no cap on resale of a house. We also move that they cannot buy in a bulk of 10 for each entity or related entities of 10% combined activity as presented by Sun with the addition of the bulk limitation. Shaw seconded. **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7). **Yes:** Mayor Paul Chavoustie, Mayor Pro Tem Deborah J.K. Shaw, Trustee Becky Johnson, Trustee Cathy Tindle, Trustee Josh Hardy, Trustee Natascha O'Flaherty, Trustee Nick Raible.

(8) RESOLUTION 2018-09-11A, A RESOLUTION AUTHORIZING THE CONVEYANCE OF PROPERTY TO SUN SMITH CREEK CROSSING LLC

Johnson moved to approve Resolution 2018-09-11A, authorizing the Mayor and Town Clerk to sign papers dealing with the closing of the Sun Smith Creek Crossing, LLC purchase. Raible seconded. **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7). **Yes:** Mayor Paul Chavoustie, Mayor Pro Tem Deborah J.K. Shaw, Trustee Becky Johnson, Trustee Cathy Tindle, Trustee Josh Hardy, Trustee Natascha O'Flaherty, Trustee Nick Raible.

PUBLIC HEARING – APPROVAL OF RESOLUTION 2018-09-11B, A RESOLUTION APPROPRIATING ADDITIONAL SUMS OF MONEY TO DEFRAY EXPENSES IN EXCESS OF AMOUNTS BUDGETED FOR THE TOWN OF GRANBY, COLORADO FOR THE 2018 BUDGET YEAR IN THE GENERAL FUND / FINANCE DIRECTOR SHARON SPURLIN

7:25 PM

Chavoustie opened the public hearing.

Spurlin presented the information. There was no public comment.

Raible moved to approve as presented. Shaw seconded. **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7). **Yes:** Mayor Paul Chavoustie, Mayor Pro Tem Deborah J.K. Shaw, Trustee Becky Johnson, Trustee Cathy Tindle, Trustee Josh Hardy, Trustee Natascha O'Flaherty, Trustee Nick Raible.

SHORT TERM RENTAL DRAFT RULES AND REGULATIONS DISCUSSION / TOWN MANAGER AARON BLAIR

7:27 PM

Chavoustie introduced the agenda item.

Blair said this is a first rough draft for the Board to look at and it will be brought back for a workshop or public forum. He's received feedback from other Town Departments and from Trustee O'Flaherty.

The Board discussed the following: pets, trash, parking, number of occupants per bed, noise, cost of administering the program, amounts in excess being allocated to the law enforcement, having a hotline for people to call into, areas where the rentals will be permitted, HOAs can regulate some areas, accessory dwelling units, number of complaints received, owners and managers names and phone numbers should be listed on the permit which should be displayed in the front windows of the homes, capping the number of these types of rentals to a certain number i.e. 10 licenses per area and when they are gone, they are gone until someone messes up and one becomes available, people are renting out their basements in an R-1 and it

is not being regulated, amount of time they can be rented out, having dumpsters at the dump station for people to throw trash away, Grand Lake has a pay as you go with people buying trash bags, and the County is still working on their regulations.

Blair said he will bring back this item to a future meeting.

Spurlin asked to have a budget workshop on October 23 for the whole meeting. Adoption of the budget will be on Tuesday, November 27. The enterprise funds will be at a different meeting.

DISCUSSION BY BOARD ON THE INSTALLATION OF WATER AND SEWER LINES FOR THE MOFFAT RAILROAD MUSEUM – POSSIBLE APPROVA BY THE BOARD FOR THE COST OF INSTALLATION AND CONTINUING CHARGES RELATED TO WATER AND SEWER FEES

7:45 PM

Chavoustie introduced the agenda item. The way that he understood this was Dave Naples was asking for a water tap for that property because it is Town-owned and Naples told him verbally that he would cover the cost of installation and the fees associated with water and sewer going forward. That is the way that he understood it and he is in favor of that water tap for that parcel with the stipulations that the museum pay for the costs of installation and all fees of water and sewer moving forward.

Shaw said she agreed.

Hess asked that the lease agreement be changed to reflect that because everybody else's agreement is specific as to who is paying the water and sewer fees.

O'Flaherty said it would be subject to a lease agreement reflecting that so they are contractually bound.

Chavoustie said we should really tighten it up to make sure that we are covering all the bases on that.

Raible asked who they were suggesting pay for the installation.

Chavoustie said the train museum.

Raible said we are just picking up the tap fee.

Chavoustie said that is correct.

Shaw said the train museum would pay for the water tap.

Hardy said they were given a sewer tap from the Town.

O'Flaherty said if we help them and do it right, and again, he is kind of at a standstill, he needs to have the building power washed and he needs water, she thought that if the Town can strengthen the partnership, it is very visible, she thought it has a potential to be a good thing, but if we don't step in, it could really be a bad thing. She would like to see it succeed. She thought it is good for a Town. It brings footsteps.

Raible asked if he could afford to pay the \$9300 for the installation. Does it help him to give him a tap fee if he can't install the lines?

O'Flaherty said she thought they should stipulate that he would have to escrow that money at the time we give him the tap fee. It would expire after a certain amount of time.

Chavoustie said either way it is Town-owned property. If he doesn't perform, we still own the tap. We own the property. If he doesn't install it, then he is not using it.

Raible said it doesn't cost us anything.

Johnson said it does. It costs us the \$7170 that we have to pay for the tap.

Hardy said it is for the North Service Area.

Chavoustie said it comes from the Town's General Fund and goes to the North Service Area Enterprise Fund.

Krob said if he doesn't pay the regular fees, he loses the tap. That is what the Town's ordinance says.

Hardy said he thought that the Town has been more than willing to help work with him on this. We came up with a payment plan. He said no. He is already getting use of a sewer tap from the Town. He sort of has the mentality that if he just digs his heel in long enough, we will comply with it. He is with Blair on this. He is not generating a lot of tax revenue for him so where is the breaking point on that.

Tindle said he can't afford the \$7170 for the tap fee, how is he going to afford the \$9000 to put it in.

O'Flaherty said she would like to see that tied together. He has to escrow that money and only when the money is escrowed would we give him the tap. Would that dissuade that concern?

Chavoustie said that gets him working bathrooms. He said that he can't open up the Christmas Train without water and sewer.

Tindle said she would like to see him get the whole thing going.

O'Flaherty said she was there over the weekend with some of the Middle School kids and some parents, there are pieces that are really coming together from what she saw a few months ago. He is getting ready to get some gravel. The crane is set on the tracks. The weeds are taken care of. It is starting to look better. They will be finishing the paint job later next week. It will take some organization. She would like to speak to him about forming a guild and getting him more on track that he can focus on the train but let others help him envision the museum and come to fruition in a clean way. She heard a few meetings back that there can't be any stored piled materials that aren't fenced in. It is very visible from the highway, from the ballfields, it is either going to make a really good impression in Town or a really bad impression. She would like it to be the former. She would say, let's give him the water tap with the stipulation that he has to escrow the money showing that he can actually put it in and then he signs off and agrees to the lease amendment acknowledging that he has to pay those fees.

Shaw said she thought that was a good idea.

Raible said his question is that if we don't give him the tap, is it ever going to get any better than what it is right now.

Chavoustie and O'Flaherty both said at the same time that they didn't think so.

Tindle said Naples said he needed to buy it or his investors wouldn't put any money in to it.

Hardy said we are already giving him an extension on the use permit so he can make money doing this whether it be by donations or charging people \$5.00 per person to get in. He thought the Town has been very flexible on this and maybe if they had a little bit more at stake in this venture, then things might be getting done a little bit better. Right now, it seems like the Town has put forth more. The equipment was donated.

O'Flaherty said he has put a lot of time in. When she watches him work, he is not a slacker. He had a list of what he needed the kids to do. When we look at the amount of hours that he has put in, she would hate to see the project stagnate and he needs water to go forward. If we tie it in tightly, if he needs to sign an amended lease, acknowledging that he takes over the payments and he escrows the money for the installation, she would be comfortable with that.

Chavoustie said another thing that Naples said when he was down there looking at everything, and he said he needs a permanent certificate of occupancy. Chavoustie told him for a permanent certificate of occupancy you need water and sewer, but he said those stairs are not to code and those other stairs and the accessibility. Naples said he agreed but he will not get a certificate of occupancy because the building department will not issue a certificate of occupancy until all the stairs and everything are brought up to code but Naples said he needs water and sewer if what he needs from the Town and we will take care of all the stairs and the access.

O'Flaherty said he did take the first step in providing the ADA access. He has the forms in to get the concrete poured. He is working on that. She arranged a power washer as well as a painter who is willing to paint the visitor's center for him at no cost as long as he provides the paint. He can't power wash without water. To her, it does take some synergy. She would be very concerned if we let the project languish and get stagnant. That would hurt the Town. Museums are never going to have a lot of tax revenue but does it create a unique feature and focal point for our Town. She thought it does, so do we offset that. It is not going to be a big money maker.

Chavoustie asked how do we stop the continual coming back all the time if we give him this water tap?

Hardy said that is another concern.

Tindle said she didn't think he will stop.

O'Flaherty said we could communicate with him that we have now stepped out.

Chavoustie said maybe that would be in with tightening up the agreement.

Hardy said we also offered him a payment plan that he himself said that they couldn't afford to pay the \$200 plus a month.

Shaw said that might be their water bill.

Tindle said she didn't really see him doing this without owning the land. That is what he wanted to do is to get the land from the Town.

Shaw said then he is going to have to pay for it.

Hardy said he is willing to work with him but we have tried to work with him and it has been shot down.

O'Flaherty said she agreed with not conveying the land. We have to look at succession planning post Dave Naples. What does this train museum become or mean to the park. How is it run? She doesn't see transferring the land for that reason.

Chavoustie said Chief Kraker wants to run it when he retires. (Laughter)

O'Flaherty said if he doesn't like the offer, he doesn't have to take it, but she would only see us letting him use the water tap, with an amended lease and with the escrow for the installation. She moved to provide a water tap on the condition that an amended lease is signed which would include amongst other things that the monthly water sewer fees would be paid and that he would have to escrow the money for the installation of the water line prior to the tap.

Shaw seconded. **Vote:** Motion passed (**summary:** Yes = 4, No = 3, Abstain = 0). **Yes:** Mayor Paul Chavoustie, Trustee Cathy Tindle, Trustee Natascha O'Flaherty, Trustee Nick Raible. **No:** Mayor Pro Tem Deborah J.K. Shaw, Trustee Becky Johnson, Trustee Josh Hardy.

CONSENT AGENDA

7:57 PM

Chavoustie introduced the Consent Agenda with the following: **(a) Accounts Payable for September 11, 2018.**

Johnson asked about the SGM invoices.

Spurlin said that is not the final one.

Shaw moved to approve as presented. Tindle seconded. **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7). **Yes:** Mayor Paul Chavoustie, Mayor Pro Tem Deborah J.K. Shaw, Trustee Becky Johnson, Trustee Cathy Tindle, Trustee Josh Hardy, Trustee Natascha O'Flaherty, Trustee Nick Raible.

COMMITTEE & STAFF REPORTS

7:58 PM

Administrative / Chair Shaw / Trustees Johnson and Hardy

- **Town Clerk's Report**
- **Finance Director's Report**

Shaw said she had nothing to report.

Hess said she had nothing to report.

Spurlin updated the Board on the sales tax reports which were handed out to the Board.

Johnson asked about Filing 17.

Krob said Granby Ranch has until December 18, 2018 to file this plat or the plat will automatically expire.

Economic Development / Chair Hardy / Trustees Raible and Johnson

Hardy said he is excited that the Pearl is moving downtown. The Dance Studio and the ABC Shop are no longer in business. There is work being done on developing a developer tax incentive program.

Public Safety / Chair Johnson / Trustees Hardy and Trustee Tindle

Johnson said she went on a ride along.

Kraker updated the Board on the number of stops, tickets and secondary information over the Labor Day weekend. He updated the Board on arrests in the Town.

Johnson said there were approximately 100 tires collected on Clean Up Day.

O'Flaherty said there is a problem with dog waste at Granby Ranch.

Kraker said they have a Dog Walker Watch Program that may be able to help.

Public Works / Chair Tindle / Trustees Shaw and O'Flaherty

- Public Works Director's Report

Tindle said she met with Joel Moore for a pre-budget meeting. More roads in the Town will be more equipment and more staff. The trees look amazing. Moore doesn't like the build out or the roundabouts that are being discussed.

Hardy said one of the trees was blowing over towards the playground, he contacted Moore and they took immediate action.

Recreation / Chair Raible / Trustees O'Flaherty and Tindle

- Recreation Superintendent's Report

Raible said Martin and Lauber are at a conference in Snowmass. The new picnic area up at Raffety Park is great.

Water / Chair O'Flaherty / Trustees Shaw and Raible

- Water Superintendent's Report

O'Flaherty said that Bellatty is really good and responsive and wants to put together a water committee budget meeting which will need to be posted.

Blair said that Bellatty has been doing the necessary water tests at River Run Ranch.

Town Manager's Update / Aaron Blair

Blair updated the Board on the following: DOLA was here for the Main Street Program annual meeting, showed the Board current active projects in the Town, modular buildings will come in January for the old Dairy Building property, Granby Garage is in the permit phase with work being done on the west side of the building and opening will be in December, meeting with the Mountain Family Center about public parking on their parking lot, there was an all employee staff meeting where he updated all employees on current goings on in the Town, the Scott Holley Sign Dedicatino will be done on October 10 at 8:30 AM, Mind Springs is moving and the Council on Aging is taking over their spot at the Mountain Family Center, the Visitors' Center and Dog Park are going very well.

Chavoustie asked Blair to schedule a Board Retreat for the first of the year.

Blair is checking on the William Trail CUP.

Mayoral Update / Mayor Chavoustie

Chavoustie said he and Blair went to the Grand Lake Town Board Meeting to update them on the Sun Development and shared with them the affordable housing piece. He will be out of Town beginning Wednesday afternoon through Friday this week for the CML Annual Mayors Summit. Sam Mamet from CML is very impressed with what Granby has done with River Run Ranch. There are three construction crews at River Run Ranch which are laying approximately 1500 feet of pipe per day. All the pipe that was previously laid is in very good quality condition. There are four water trucks in continuous motion out there. Granby Sanitation District is working on getting building permits for the Sun Development.

Town Attorney's Update / Scott Krob

Krob said he had nothing to report.

MEETING ADJOURNED

8:36 PM

Shaw moved to adjourn. Johnson seconded. **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7). **Yes:** Mayor Paul Chavoustie, Mayor Pro Tem Deborah J.K. Shaw, Trustee Becky Johnson, Trustee Cathy Tindle, Trustee Josh Hardy, Trustee Natascha O'Flaherty, Trustee Nick Raible.

BOARD OF TRUSTEES

ATTEST:



Deborah K. Hess, CMC
Town Clerk



Paul Chavoustie
Mayor



