

RECORD OF PROCEEDINGS

REGULAR MEETING  
TOWN OF GRAND LAKE BOARD OF TRUSTEES  
MONDAY, AUGUST 11, 2008 7:30 P.M.

CALL TO ORDER: The regular meeting of the Board of Trustees was called to order by Mayor Pro-Tem Aron Rhone at 7:34 p.m. at the Town Hall, 1026 Park Avenue.

PRESENT: Mayor Pro-Tem Rhone; Trustees Johnson, Lanzi, Peterson, and Weydert; Town Manager Hale, and Town Clerk Kolinske.

ABSENT: Trustee Lewis and Town Planner Wittman.

APPROVAL OF MINUTES

July 28, 2008: Trustee Weydert moved to approve the minutes of the July 28, 2008 regular meeting as written. Trustee Peterson seconded the motion and all Trustees voted aye.

ANNOUNCEMENTS: Mayor Pro-Tem Rhone announced that it would be appreciated if cell phones were turned off during the meeting.

Mayor Pro-Tem Rhone announced that Primary Election Day is Tuesday, August 12, 2008. The Fire Station is the polling place for the Grand Lake area. The polls will be open from 7 a.m. to 7 p.m.

Mayor Pro-Tem Rhone announced that the Rocky Mountain Repertory Theatre's final summer performance is Saturday, August 16. The fall performances of "*Why Do Fools Fall in Love?*" will open August 22.

Mayor Pro-Tem Rhone then announced that the next Grand Lake Art Walk will be held on Saturday, August 16, from 5 to 7 p.m.

PRESENTATIONS: None.

At 7:35 p.m. Trustee Johnson excused himself and left the room.

LIQUOR LICENSING AUTHORITY: **CONSIDERATION OF RENEWAL OF THE HOTEL AND RESTAURANT LIQUOR LICENSE FOR TOMLYNSON, INC., D/B/A THE RAPIDS LODGE AND RESTAURANT** - Mayor Pro-Tem Rhone asked Town Clerk Kolinske to present this matter to the Board. Kolinske reported that the fees have been paid and the renewal documents are in order. The water, business license, and sales tax accounts are all current. She noted that the Grand County Sheriff's Department found no adverse information that would affect the status of the license. She concluded by saying that Tom Ludwig, President, was present.

Trustee Peterson moved to approve the renewal of the Hotel and Restaurant Liquor License for Tomlynson, Inc., d/b/a The Rapids Lodge. Trustee Weydert seconded the motion and all Trustees voted aye.

LIQUOR LICENSING AUTHORITY:      **CONSIDERATION OF RENEWAL OF THE TAVERN LIQUOR LICENSE FOR GRUMPY'S INC., D/B/A GRUMPY'S CIGAR BAR** – Since there was not a representative present, Trustee Weydert moved to table consideration of this matter until a representative can be present. Trustee Peterson seconded the motion and all Trustees voted aye.

At 7:38 p.m. Trustee Johnson resumed his seat.

OLD BUSINESS:                      None.

NEW BUSINESS:                      **DISCUSSION REGARDING ROOFTOP ACCESS FOR LAKESIDE LOFTS CONDOMINIUMS AT LOTS 1 & 2, BLOCK 4, TOWN OF GRAND LAKE** - Mayor Pro-Tem Rhone asked Town Manager Hale to present this matter to the Board. Hale explained that on July 16, 2008, the Town of Grand Lake received a request from Brad Olson, representative of the Lakeside Lofts Development. Mr. Olson's request is that the Town consider granting an extension of timeline for the conditions that were put on the Final Plat as well as reconsider allowing rooftop access for Lakeside Lofts. When the Planning Commission made recommendation to the Board to approve the Final Plat for Lakeside Lofts, the recommendation was accompanied by conditions which had specific deadlines attached to them. When the Board made the motion and approved the Final Plat for Lakeside Lofts, the deadline for the conditions was not included. According to the State's Vested Rights Statute, Mr. Olson has three years from the date of approval of the Final Plat to meet his conditions and record. In regards to the request to reconsider allowing rooftop access, staff would like to remind the Board that during the original application the Town was not amiable to rooftop access if stairwells, doors, railings, elevator shafts, etc. exceeded the 35' maximum allowable height limit. Mr. Olson would like to market this property with property owner open space included on the roof. At their last regularly-scheduled Planning Commission meeting, Mr. Olson discussed with the Commission the desire to potentially renegotiate the Final Plat to include an open-air fourth floor. He would like to re-launch marketing efforts and believes that this is what could make this project "sizzle". Mr. Olson stated that the bulkhead and the stairwell access would be the only items that would exceed 35' with an estimated height of 48'. After much discussion, the Planning Commission stated that they were not opposed to renegotiating the Final Plat but that they were not favorable to allowing a height increase. They also suggested that if they were to renegotiate the Final Plat that the Town would insist on more restrictive deadlines than the

three years that is allowed by the Colorado Vested Rights Schedule. Hale concluded by saying that staff recommends that the Board of Trustees discuss this request and provide guidance to Mr. Olson as to whether or not the Board would be amiable to allowing an extension in the height of the Final Plat and whether or not Mr. Olson should bring a revised Final Plat back before the Town.

Brad Olson, Evergreen, Colorado, was recognized from the audience. He stated that last summer, following final plat approval, he had about 40% in presales. Between the end of the year and early spring all of the presolds rescinded. Comments he received were the units needed boat docks and additional space. He said he was present to open up discussion for approval of both. Olson noted that the building would be 35' in height and the only things that would exceed 35' would be the stairwell, the scenic loft railing, and the elevator bulkhead.

Mayor Pro-Tem Rhone stated that the Board of Adjustment twice denied Olson's request to exceed 35' in height and that their decision is final. The Board of Trustees cannot overrule the Board of Adjustment.

Trustee Peterson said that he did not have a problem with granting an extension of timeline for the conditions that were put on the Final Plat but as far as the rooftop access goes, he didn't feel that Olson would succeed at obtaining a variance for that kind of height.

Town Manager Hale said that he didn't feel that the Town was discouraging rooftop access. If Olson eliminated one floor from his plans he could have rooftop access without exceeding the height limit.

Trustee Johnson said that he doesn't like to discourage development but the development should be within the parameters of the Town's regulations. He said there was a saying from a previous job that he held and it was, "There's no such thing as a problem, only a solution that we haven't figured out yet." He told Olson that if he really wanted to complete this project he will find a solution.

Olson then asked about boat docks. He asked about the possibility of working something out with the Town whereby he would build a number of boat docks at the Marina property and give half of them to the Town. For example he would build 20 docks and give 10 to the Town. Or, he would build 10 docks and give 5 to the Town.

Following brief discussion, the Board expressed their feelings that they would not be amiable to this idea as the public would not be in favor of the Town partially privatizing a public beach.

NEW BUSINESS:

**CONSIDERATION OF SIGNAGE FOR THE SPITZMILLER TRAIL LOCATED AT HANCOCK STREET BETWEEN WEST PORTAL ROAD AND MOUNTAIN AVENUE** - Mayor Pro-Tem Rhone asked Town Manager Hale to present this matter to the Board. Hale explained that the Town received a proposal for new trail signage for the Spitzmiller Trail located on Hancock Street between West Portal Road and Mountain Avenue. The proposed trail signage conforms to the overall design criteria selector by popular choice for the Town's gateway signage and will be the design that will be designated for all of the Town's trails. He then referred to a depiction of the proposed sign (now being proposed to be named the Spitzmiller-Kane Trail), as submitted to the Town by Ms. Jean Demmler. Upon review of the proposed sign, Town staff felt that this sign was out of scale for a pedestrian level sign. After a Planning Commission staff report was developed by staff, another draft of the proposed sign (with dedication information being added to the sign) was submitted to the Town. Hale referred to a cost estimate prepared by Lunsford Signs. He said that Ms. Demmler has stated to Town staff that she would like to discuss the options available for paying for the sign. The Town has not budgeted funds for trail signs this year. At their last regularly scheduled Planning Commission meeting, the Commission discussed the proposed trail signage. The Planning Commission agreed that although the trail was dedicated as the 'Spitzmiller Trail' they were not opposed to changing the name to 'Spitzmiller-Kane Trail'. The Planning Commission also agreed that the sign should be scaled back to two square feet or less, with the overall height of the signpost being brought down as well. The Planning Commission did not object to the dedication but felt the dedication was not appropriate on the sign, instead being more appropriate as a dedication plaque on the signpost as the Continental Divide Trail (CDT) marker will also be located in this position. The Planning Commission also felt that two signs should be installed: one at the base of the trail (on Mountain Avenue and Hancock) and one at the top of the trail (on West Portal and Hancock). Hale concluded by saying that the Board should discuss the merits of this proposal including (but not limited to) the name of the trail, the scale of the signage, the means for dedication and the costs associated with these signs. The Board should provide direction to staff and to Ms. Demmler as to the next steps for trail signage. He noted that Christina Rourke was present representing Ms. Demmler.

Christina Rourke, 1015 Mountain Avenue, was recognized from the audience. She said that Ms. Demmler would agree to pay for one half of the cost of the sign if the Town would agree to pay the other one half.

During discussion, Trustee Weydert made mention that there was discussion at the afternoon workshop to add informational placards such as "Dogs Allowed", "No Motorized Vehicles", etc. to the post.

Board Members agreed to the change from the Spitzmiller Trail to Spitzmiller-Kane Trail, that the sign would not be greater than two square feet, that the signpost would be reduced in height to be pedestrian scaled and that a plaque for dedication, CDT, and other information will be affixed to the post, there will be two signs, one at the base of the trail (on Mountain Avenue and Hancock) and one at the top of the trail (on West Portal and Hancock), and that the Board will consider funding with the 2009 budget.

NEW BUSINESS:

**CONSIDERATION TO AUTHORIZE THE TOWN MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH TIM SHENK LAND SURVEYING INC. FOR SURVEYING SERVICES AT THE VISITOR CENTER PROPERTY** – Mayor Pro-Tem Rhone asked Town Manager Hale to present this matter to the Board. Hale explained that the Board conceptually approved the authorization of the Town Manager to enter into an agreement for services to have the Visitor’s Center and parcel of land in front of the Fire Station to be surveyed. The Town received a proposal from Tim Shenk Land Surveying, Inc. to perform these services. If completed, this will allow the Town to put these two parcels “on the map” as neither of them have been individually surveyed. The Board should discuss the merits of this project and proposal. If the Board is favorable, staff recommends the Board authorize the Town Manager to enter into a Professional Services Agreement with Tim Shenk Land Surveying Inc.

Trustee Peterson moved to authorize the Town Manager to enter into a Professional Services Agreement with Tim Shenk Land Surveying Inc. Trustee Weydert seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION TO AUTHORIZE THE TOWN MANAGER TO ENTER INTO AN AGREEMENT FOR ARCADE SERVICES WITH GREG BARNES FOR THE 2008 SEASON** - Mayor Pro-Tem Rhone asked Town Manager Hale to present this matter to the Board. Hale explained that this past May, the Board authorized the Town Manager to enter into an Arcade Agreement with Greg Barnes. At that time, there were a few items that Greg and Marina Manager, Jerry Hassoldt were discussing, but the big ideas including the fees, insurance, etc., had been resolved and agreed upon. As an update, Jerry negotiated a flat rate of \$5,500 which will be payable over a five month period. In 2007, the Town only received \$3,700, so this will be more profitable for the Town, and also much more predictable. With the big issues agreed upon in principal, we’ve worked to resolve some of the outstanding issues. Greg was uncomfortable with number four, the requirement to keep the machines in good repair; it’s a non-issue now for the Town since we get a flat rate, so staff is comfortable removing that language. Secondly, Greg was uncomfortable with the former number nine (now eight), since it gave either party a mere 10 days to terminate the

agreement; his argument is that he has a large financial investment in the machines, and that 10 days notice to vacate would be unfair. In compromise, Hale said that he has amended the language to include "Upon default of any provisions herein", so the Town still has the ability to terminate the contract if Greg isn't holding up his end of the deal, but Greg has some insurance that it won't come as an arbitrary decision. As drafted, it's a year by year agreement, so we're only committing to one season at a time, although Greg would like the Town to consider a multi-year agreement in the future. As Hale explained above, the Board already authorized him to sign the original agreement, but since it has changed from its original form, he wanted to bring it back to the Board prior to signing it. The Staff recommendation is for the Board of Trustees to authorize the Town Manager to enter into an Agreement for Arcade Services with Greg Barnes for the 2008 season.

Trustee Peterson moved to authorize the Town Manager to enter into an Agreement for Arcade Services with Greg Barnes for the 2008 season. Trustee Weydert seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION TO AUTHORIZE THE MAYOR PRO-TEM TO SIGN THE MEMORANDUM OF AGREEMENT BETWEEN THE GRAND COUNTY BOARD OF COUNTY COMMISSIONERS, THE TOWN OF GRAND LAKE, THREE LAKES WATERSHED ASSOCIATION, GREATER GRAND LAKE SHORELINE ASSOCIATION, NORTHERN COLORADO WATER CONSERVANCY DISTRICT, AND THE COLORADO RIVER WATER CONSERVATION DISTRICT FOR THE FUNDING AND TESTING FOR MICROCYSTIN-LR** – Mayor Pro-Tem Rhone asked Town Manager Hale to present this matter to the Board. Hale explained that a few weeks ago, the Town was approached to help fund mycrocystin toxin sampling in Grand Lake; splitting \$8,000 between Three Lakes Watershed Association, Greater Grand Lake Shoreline Association and the Town. At that time, the Board agreed to fund that portion (\$2,667) in order to support Grand Lake water quality. Since then, the County has been busy bouncing the agreement back and forth between the funding partners, and is now ready to have everyone sign it after much iteration. Since the Board has already agreed to the financial portion, there really isn't much to debate in this agreement. He directed the Board's attention to Attachment B, the Grand County Emergency Algal Toxin Response Plan, since it does have some action items that the Board should be aware of. First, under the Response Plan section (p. 2 of 3), it states that "Grand Lake personnel may post general summer advisories at all public access points". This sentence originally stated "shall post", which he took issue with, since in a year with much better water quality, he would view such a sign as being a scarlet letter for Grand Lake. Thus, each year the Board could choose to post a sign with a general warning, or not, which he believes is appropriate. Next,

the Action Levels sections sets the wheels in motion if levels above 1.0 ug/L are measured, up to and including levels above 20 ug/l, which would dictate the closing of public access points including the Town's beach and boat launch. In its capacity as the Board of Health, the Board of Trustees could close down public accesses as it relates to the public's health, so there really isn't an issue in this language. He said that he has the attorney looking into an ordinance that mirrors the fire restriction language that would allow the Mayor and/or the Town Manager to initiate the closure of public spaces under these conditions, with the Board of Trustees ratifying that decision at their next regularly scheduled meeting, since it would be better not to wait on the next meeting to take action. The staff recommendation is for the Board of Trustees to authorize the Mayor Pro-Tem to sign the Memorandum of Agreement.

Trustee Weydert moved to authorize the Mayor Pro-Tem to sign the Memorandum of Agreement between the Grand County Board of County Commissioners, the Town of Grand Lake, Three Lakes Watershed Association, Greater Grand Lake Shoreline Association, Northern Colorado Water Conservancy District, and the Colorado River Water Conservation District for the funding and testing for microcystin-LR. Trustee Johnson seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION OF A NOTICE OF QUALIFICATIONS AND REGISTRATION OF ELECTORS FOR PUBLICATION IN THE SKY-HI NEWS** - Mayor Pro-Tem Rhone asked Town Clerk Kolinske to present this matter to the Board. Kolinske explained that at the workshop session held July 28, 2008, Town Attorney Krob was present and the idea of publishing "Section 31-10-201. Qualification of municipal electors." from State Statute in the Sky-Hi News was discussed. At that time Attorney Krob thought that there should be verbiage to go along with the Statute and that it be published by Board approval. She presented the verbiage that Krob prepared to the Board. She presented a map of the Town to be published as well and suggested it be a full page ad.

Trustee Weydert moved to publish a notice of Qualifications and Registration of Electors and a map in the Sky-Hi News. Trustee Peterson seconded the motion and all Trustees voted aye.

ACCOUNTS PAYABLE

July, 2008:


Trustee Weydert moved to examine the Accounts Payable and Prepaid for all Funds for the Town of Grand Lake. Trustee Peterson seconded the motion and all Trustees voted aye. Trustee Weydert moved to approve the Accounts Payable and Prepaid for all Funds for the Town of Grand Lake. Trustee Peterson seconded the motion and all Trustees voted aye.


RECORD OF PROCEEDINGS

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CITIZEN PARTICIPATION: Christina Rourke, 1015 Mountain Avenue, was recognized from the audience and asked about placing memorial plaques in front of plants, trees, etc. along the Sptizmill-Kane Trail. It was suggested that there be standardized plaques throughout Town. The Board asked Rourke to bring an example back to the Board for consideration.

ADJOURNMENT: Trustee Peterson moved to adjourn, seconded by Trustee Weydert. All Trustees voted aye, and the meeting was adjourned at 8:48 p.m., August 11, 2008.

  
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JOHN A. RHONE,  
MAYOR PRO-TEM

ATTEST.   
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RONDA KOLINSKE, CMC,  
TOWN CLERK