

RECORD OF PROCEEDINGS

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REGULAR MEETING  
TOWN OF GRAND LAKE BOARD OF TRUSTEES  
MONDAY, SEPTEMBER 8, 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 7:33 p.m. at the Town Hall, 1026 Park Avenue.

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

ABSENT: None.

APPROVAL OF MINUTES

August 25, 2008: Trustee Peterson moved to approve the minutes of the August 25, 2008 regular meeting as written, seconded by Trustee Lewis. All Trustees voted aye except Trustee Weydert, who abstained.

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 the "2008 Fall Festival", sponsored by the Grand Lake Area Chamber of Commerce, will be held September 20 and 21 in the Town Square.

Mayor Pro-Tem Rhone announced that the 5<sup>th</sup> Annual "A Night in Morocco", sponsored by the Grand Arts Council, will be held September 20 at 6 p.m. at Caroline's Cuisine.

Mayor Pro-Tem then announced that Grand Lake's "Race for the Cure", a fundraiser for breast cancer research, will be held on October 5<sup>th</sup>. Register online with Team Grand Lake at [www.komendenver.org](http://www.komendenver.org).

PRESENTATIONS: None.

At 7:34 p.m. Trustee Johnson excused himself and left the room.

LIQUOR LICENSING AUTHORITY: **CONSIDERATION OF RENEWAL OF THE 3.2 PERCENT BEER RETAIL LIQUOR LICENSE FOR MOUNTAIN FOOD MARKET, INC., D/B/A MOUNTAIN FOOD MARKET** – Mayor Pro-Tem Rhone asked Town Clerk Kolinske to present this matter to the Board. Kolinske reported that the fees have been paid; all the renewal documents are in order and indicate no changes. The business license and sales tax accounts are all current. She said that the Town of Grand Lake Water Department reports that the building is serviced by a private well. The Grand County Sheriff's Department

found no adverse information which would affect the status of the license. She then concluded by saying that Brenda Schoenherr, President, was present.

Trustee Lewis moved to approve the renewal of the 3.2 Percent Beer Retail Liquor License for Mountain Food Market, Inc., d/b/a Mountain Food Market. Trustee Peterson seconded the motion and all Trustees voted aye.

**LIQUOR LICENSING AUTHORITY: CONSIDERATION OF APPROVAL FOR A SPECIAL EVENTS LIQUOR PERMIT FOR THE GRAND LAKE AREA CHAMBER OF COMMERCE FOR THE "2008 FALL FESTIVAL"**

- Mayor Pro-Tem Rhone asked Town Clerk Kolinske to present this matter to the Board. Kolinske stated that this request was for "2008 Fall Festival" to be held at Town Square on Saturday, September 20, 2008 from 11:00 a.m. to 10:00 p.m. and Sunday, September 21, 2008 from 11:00 a.m. to 4:00 p.m. She said that the application documents were in order and the appropriate state fee was paid. Public notice was posted on the premises and attested to by Grand County Sheriff Deputy Schmidt on August 27, 2008. The Grand County Sheriff's Department reviewed the application and found no adverse information which would affect this permit. She stated that the Board must investigate the application and must deny the permit if:

- \* its issuance would injure the public welfare by reason of the nature or location of the special event, or failure of the applicant to conduct past special events in compliance with applicable laws and regulations; or
- \* the organization fails to show that other existing facilities are not available or are inadequate for the needs of the organization, and that the organization is temporarily occupying premises and that the general public will be served during the special event.

Kolinske then noted that Brad Taylor, Executive Director for the Chamber of Commerce, was present.

Trustee Peterson moved to approve the Special Events Liquor Permit for the Grand Lake Area Chamber of Commerce for the "2008 Fall Festival". Trustee Lewis seconded the motion and all Trustees voted aye.

Due to a conflict of interest Trustee Peterson excused himself and left the room.

**LIQUOR LICENSING AUTHORITY: CONSIDERATION OF A SPECIAL EVENTS PERMIT APPLICATION FOR THE GRAND ARTS COUNCIL FOR A SPECIAL CONCERT TO BENEFIT ZACK PETERSON AND FAMILY**

- Mayor Pro-Tem Rhone asked Town Clerk Kolinske to present this matter to the Board. Kolinske explained that this request is

for a special concert to benefit Zack Peterson and Family to be held in the Community House on Saturday, October 11, 2008 from 2:00 a.m. to 10:00 p.m. The application documents are in order and complete. The premises are required by statute to be posted for at least 10 days prior to approval of the permit. She suggested action at the September 22 Board Meeting as a regular item of business or as a Public Hearing. Kolinske noted that Jim Cervenka was present representing the Arts Council.

Trustee Lewis moved to act on this request as a regular item of business at the September 22, 2008 Board Meeting. Trustee Lanzi seconded the motion, and all Trustees voted aye.

At 7:48 p.m. Trustees Johnson and Peterson resumed their seats.

OLD BUSINESS:

**QUASI-JUDICIAL – CONSIDERATION OF RESOLUTION NO. 11-2008, A RESOLUTION APPROVING A CONDITIONAL USE AT LOT 6, SHADOW POINTE ESTATES FOR A NIGHTLY RENTAL LICENSE IN A RESIDENTIAL NEIGHBORHOOD -**

Mayor Pro-Tem Rhone asked Town Code Enforcement Officer Korkowski to present this matter to the Board. Korkowski explained that this is a continuation of the August 25, 2008 hearing for a Conditional Use of a Nightly Rental License for Rhett Caltrider for his house located at 300 Lakeside Drive. At that hearing, the Board decided to continue the hearing and not make any decisions about the Conditional Use or License until Mr. Caltrider or his representative was present. An e-mail was sent to Mr. Caltrider advising him of the continuation and the required presence of a representative at the meeting. He said that Mr. Caltrider has satisfied all of the requirements for obtaining a Nightly Rental License, except the Town received notice that his check to the Municipal Court was returned for “non-sufficient funds”. Upon 2<sup>nd</sup> submittal, his check cleared and the Town was paid. The Board of Trustees has several options to them.

1. The Board may continue the Public Hearing.
2. The Board may grant the Conditional Use and Nightly Rental License.
3. The Board may grant the Conditional Use and Nightly Rental License with conditions attached.
4. The Board may deny the Conditional Use and Nightly License.

If the Board decides to grant the Conditional Use for a Nightly Rental License, then staff recommends adoption of Resolution No. 11-2008. He noted that Julie Gasner, representative for Rhett Caltrider, was present.

Trustee Peterson moved to adopt Resolution No. 11-2008, a Resolution Approving a Conditional Use at Lot 6, Shadow Pointe Estates for a Nightly Rental License in a Residential Neighborhood seconded by Trustee Lewis. All Trustees voted aye except Trustees Johnson and Weydert, who voted nay.

NEW BUSINESS:

**CONSIDERATION TO SET A PUBLIC HEARING FOR OCTOBER 13, 2008 TO CONSIDER AN ORDINANCE CREATING THE TOWN OF GRAND LAKE MUNICIPAL CODE CHAPTER 7, ARTICLE 6, SECTION 12, WASTE DISPOSAL. THIS ORDINANCE IS DRAFTED TO DEVELOP MANDATORY TRASH AND RECYCLING SERVICE AND MANDATORY WILDLIFE-PROOF OR WILDLIFE-RESISTANT TRASH CONTAINERS FOR THE TOWN** - Mayor Pro-Tem Rhone asked Town Code Enforcement Officer Korkowski to present this matter to the Board. Korkowski explained that based on discussion held at this afternoon's workshop, this matter is being withdrawn pending a joint workshop session between the Planning Commission and the Board of Trustees.

NEW BUSINESS:

**CONSIDERATION OF A PROPOSAL FROM SAFEbuILT COLORADO, INC. FOR ELECTRICAL PERMITTING AND INSPECTION SERVICES** - Mayor Pro-Tem Rhone asked Town Manager Hale to present this matter to the Board. Hale explained that on August 20, the Planning Commission was presented with a proposal to contract out building inspections services with SAFEbuilt Colorado, Inc., a private firm out of Loveland that specializes in these services (the Town is currently contracting with the Grand County Building Department). This item was set for a Public Hearing to be held on October 15, and is before the Board for consideration this evening. However, among other things discussed, the idea was broached during the August 20 meeting that SAFEbuilt can split out different inspection services; specifically, that we could consider electrical inspections independent from other considerations. Staff brought this proposal back to the Commission on September 3, ahead of the other building inspection service considerations, due to the belief that the electrical inspection portion deserved more discussion. Furthermore, staff believed that it was inappropriate to delay consideration on the electrical portion due to the statutory timeframes with electrical inspections by the State (you must notify the state by September 30 if we want to take over electrical inspections the following July 1; if we miss that notification, you must wait another year). At their September 3 meeting, the Planning Commission provided a favorable recommendation to this proposal. There are some compelling reasons why contracting electrical inspections with SAFEbuilt merits serious consideration. First, with Bob Shirley (the State electrical inspector) retiring soon, our electricians are going to be going through a transition with inspectors regardless of our actions. Secondly, with Winter Park, Fraser and Granby all contracting with SAFEbuilt for these services, there could be one unified electrical inspection program for the East Grand municipalities. Third, there is a small financial incentive to the Town; 5% probably won't amount to much (staff is only forecasting a few hundred dollars the first year), but it is 5% more than the state currently shares back with us. Fourth, this

decision doesn't impact anyone local. Hale said that he understands that the County may go this direction as well some day, but SAFEbuilt is ready to make this transition now, and regardless of where this employee lives today, he/she will need to live in the community once the job is created. Finally, and most importantly, the turn around time on inspections will be much better for our contractors; SAFEbuilt is guaranteeing same day inspections for calls made by 7 a.m. that day. So, our electricians would benefit, but so would many other contractors (drywall, finish work, etc.). Hale said he called all of their contacts and heard that they are easy to work with, professional, etc. Furthermore, since they've been on the front range for quite awhile, he also learned that they were generally liked by the building community and that they have never left a community (so they have good longevity). The proposal outlines the services offered including the transition plan; a letter would need to be sent to the State no later than September 30, for a July 1, 2009 SAFEbuilt takeover. With our deadline, timing is an issue on this subject. We called some local electricians and invited them to the Planning Commission meeting and also called Scott Penson, Grand County Building Official to inform him that we're having this conversation; no one attended/made comment to the Planning Commission. There is no requirement to hold a Public Hearing (and no time to do so). Hale stated that at the Board's direction, a representative of SAFEbuilt and he will begin preparations of a contract; he doesn't believe that there is much to work out really, since the money percentages are worked out 95%/5%, it's set for a three-year term with two one-year automatic renewals, and we know that they will adopt a fee schedule equal to 1.15 of the state schedule (permitted by statute). There are a couple of different directions that the Board could go tonight. First, the Board could deny consideration of this proposal. Barring the Boards dissatisfaction though, the Board could either direct the Town Manager to send a letter to the State Electrical Board notifying them of the Town's intent to take over electrical inspections on July 1, 2009, or defer this direction until the Board is presented with a contract in two weeks. The real deadline is September 30, so delaying this consideration until September 22 wouldn't do any harm. On the other hand, if the Board is fine with the terms outlined above, there really isn't a danger in notifying the state immediately of our intent; it's the Board's call. Hale concluded with the following possible recommended motion(s):

1. Move to deny consideration of the Electrical Permitting and Inspection Services Proposal submitted by SAFEbuilt Colorado.
2. Move to direct the Town Manager to draft a contract between the Town and SAFEbuilt Colorado for the Board's consideration at the regular meeting on September 22.
3. Move to direct the Town Manager to notify the State Electrical Board of the Town's intent to take over electrical inspections on July 1, 2009.

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Hale noted that Mark Kahler, representative for SAFEbuilt Colorado, Inc. was present.

Kahler briefly explained that with their presence in Winter Park, Fraser and Granby, SAFEbuilt is presenting a proposal to Grand Lake with the thought that it would be beneficial to both parties having contiguity and consistency with the permitting process.

Scott Turan, Grand Lake Electric, was recognized from the audience. He said that even with Bob Shirley's retirement, there will be other State inspectors in place of Shirley. It's not as if the State will no longer be doing the inspections.

Trustee Weydert asked Turan how long it takes to get an inspection. Turan responded by saying no more than 5 days by State Statute. He said that he has never had to wait 5 days; he plans ahead and has never had a problem here in Grand Lake.

Scott Penson, Grand County Building Official, was then recognized from the audience. He disclosed another option for the Board to consider by saying that he has added an additional person to his budget for 2009 to do electrical inspections. He said that it will have to be reviewed and approved by the County Commissioners. He thought that he would have a good feel for approval from the Commissioners by October 1, 2008 so he can notify the State.

Town Manager Hale asked Penson if he has given any thought about fee schedules. Penson responded by saying that since the State's fees are relatively low, he would probably consider somewhere between the minimum and a 15% increase.

Bobby Blea, Ace Plumbing Services, asked about reinspection fees.

Mark Kahler responded by saying that SAFEbuilt does not charge a reinspection fee. He explained that SAFEbuilt is proposing a fee schedule for inspections and beyond the initial inspection they charge \$65.00 per hour.

Scott Turan noted that the State charges \$10.00 for reinspections.

Alan Carter, Alan B. Carter Architect, stated that keeping the business within the County is extremely important.

Frank Appelhans, Grand Lake Plumbing Company, agreed with Alan Carter saying that keeping the business and camaraderie within the County is important. He suggested trying out the County first before entering into a 3 year contract with SAFEbuilt.

Alan Carter said that this sounds as if we are talking against the personnel of SAFEbuilt and that is not the case. He said that as far as he knows these guys are the greatest in the world, but the fact is what we have here works perfectly well.

Trustee Weydert moved to continue discussion of this matter until the next regularly scheduled meeting to be held on September 22, 2008 with the hope that the Board will have more information from other entities who may wish to submit a proposal seconded by Trustee Lewis. All Trustees voted aye except Mayor Pro-Tem Rhone, who voted nay.

NEW BUSINESS:

**CONSIDERATION OF AN UNBUDGETED EXPENDITURE IN THE AMOUNT OF \$18,000 TO PURCHASE A USED STREET SWEEPER** - Mayor Pro-Tem Rhone asked Town Manager Hale to present this matter to the Board. Hale explained that staff came across an advertisement in CML for a used street sweeper and has pursued the conversation with the Town of Telluride. A new model Tennant Sentinel Street Sweeper costs \$140,000. He said that the Town has priced out a similar one two years ago for budget consideration at \$120,000. During that conversation, staff advised that it seemed much more reasonable for the Town to consider a good used model, as \$100k + seemed too exorbitant given the modest size of the Town's budget. The problem is that many communities hold onto these sweepers until they no longer work, so there really hasn't been a good opportunity until now to consider a purchase. The Town of Telluride is asking \$18,000 for their 6 year old sweeper; there aren't a lot of comparables online, but this price does seem to be around half of what they could be charging; they advise that they need the space, and don't want to haggle over the price, so have given it aggressive pricing to ensure that it sells very quickly. They have an aggressive replacement program (two sweepers/purchase new one every three years), and Hale said that he has been assured that this sweeper was on Telluride streets last week. Public Works Director, Bernie McGinn, is in discussions with their representative about maintenance issues (how often brooms need to be replaced, how easy replacement parts are to get, etc.), and if the Board is favorable, it would be our intent to send a couple of guys from the shop to test drive the sweeper prior to purchase. Hale said that he did discuss the Town's budgetary constraints with Paul Ruud (Telluride representative), who advised that he would be willing to hold onto the sweeper for 30 days, but that he wasn't willing to wait until 2009 as he needs the storage space. The advantage to having this sweeper is that it would be much more effective than our current broadcast sweeping technique with the grader, kicking up less dust, picking up more dirt in the first place, etc. In other words, staff believes that this tool would help very much with our water quality concerns, as an aggressive sweeping program is a best management practice as it relates to keeping contaminants out of the storm water system. Given the price and the fact that we've considered

this type of purchase in the past, it seems a bit like a no brainer other than the fact that this is an unbudgeted purchase. This will not put the Town over budget for the year, but it is significant enough to be done deliberately. He said that he would like to send a check in the amount of \$18,000.00 along with the guys from the shop so they could bring the sweeper back if it works out. Since the Town is down on revenues this year, Hale said that he is only bringing this before the Board because it does seem like an extraordinary opportunity.

Mayor Pro-Tem Rhone stated that \$18,000.00 is a good price for a street sweeper; however, it may be worth while to check into the cost of leasing one since it would only be used 3 – 4 months out of a year. If the maintenance is included in the lease, it may make it cheaper in the long run.

Following discussion, Trustee Weydert moved to authorize an unbudgeted expenditure in the amount of \$18,000 to purchase a used street sweeper contingent upon the Town Manager researching the option of a lease. Trustee Lanzi seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION TO AUTHORIZE THE MAYOR PRO-TEM TO SIGN A LETTER ADDRESSED TO THE FEDERAL COMMUNICATIONS COMMISSION REGARDING WIRELESS COMMUNICATION FACILITIES AND PROPOSED AMENDMENTS TO THE 1934 COMMUNICATIONS ACT –** Mayor Pro-Tem Rhone asked Town Manager Hale to present this matter to the Board. Hale explained that in the most recent addition of the Colorado Municipal League's Newsletter, Town staff has found an article that is of great interest. Essentially, the article states that a petition has been filed with the Federal Communications Commission (FCC) that states the process for municipal review of an application for a wireless communication tower has taken many applicants through many hoops. Subsequently, the FCC is considering a rule that would require all local land use application for wireless facilities to be acted upon within 45 to 75 days. If not acted upon within that time frame, the application would be deemed granted. The rule goes further to state that for those municipalities that allow wireless communication facilities and towers through a variance process, such as the Town of Grand Lake with all 'public utilities' being a Conditional Use, those applications should be preempted by Federal Law. Town staff, in addition to the Planning Commission, feels that this proposal could jeopardize the Zoning Regulations within the Town, as well as municipalities throughout the nation. Town staff has been in contact with the Greater Metro Telecommunications Consortium (GMTC) that is preparing comments of 31 municipalities throughout Colorado. In addition, Town staff has drafted a letter to the FCC for the Board's review. If the Board is

favorable, staff recommends that the Board move to authorize the Mayor Pro-Tem to sign a letter to the FCC regarding wireless communication facilities and proposed amendments to the 1934 Communications Act.

Trustee Weydert moved to authorize the Mayor Pro-Tem to sign a letter to the FCC regarding wireless communication facilities and proposed amendments to the 1934 Communications Act. Trustee Johnson seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION TO ACCEPT A DONATION IN THE AMOUNT OF \$500.40 TO PURCHASE A BENCH/CHAIR TO BE PLACED AT THE LAKEFRONT PARK IN THE SPRING OF 2009 FOR FORMAL DEDICATION TO EVELYN SCHNITTKER**

– Mayor Pro-Tem Rhone asked Town Manager Hale to present this matter to the Board. Hale explained that the Town received a proposal from Catch the Spirit to donate their remaining funds of \$500.40 to the Town for a memorial bench dedicated to Evelyn Schnittker. They have requested that it be placed on one of the pads at the Lakefront Park (upper tier between the Aspens). Evelyn was an amazing woman who did many things for this community, so some type of memorial in the park does seem appropriate, and our financial involvement seems equally appropriate. The Town did pour two different sizes of pads in this area, which means that we could either place a standard bench (\$528 plus s & h) or a chair (like a loveseat \$298 + s & h). For your information, shipping and handling works out to be around \$165 per unit, and the concrete pads are around \$200. He said that he cannot determine for sure, but believes that this request includes a plaque (that the Town would purchase; probably around \$100 +/-). Thus, the total cost of placing a bench, with plaque, will be around \$1,000. The Town has traditionally absorbed the cost of the concrete pad. Thus, a donation of \$500 from this group would basically cover half of the cost of the bench. He also pointed out that it would be staff's preference if the Spirit group designed and purchased the plaque; it's a personal statement and staff doesn't want to have to make the decision of which words get changed if it doesn't fit, etc. Hale suggested that it could come out of their \$500 donation. He doesn't want to be charged with its creation. He spoke with Dave Dahman, Spirit representative, who is fine with this arrangement. As a final thought, Hale said that he likes the idea of placing the "chair" in honor of Evelyn, since it's the only pad that size that we've poured, so like Evelyn, will be one of a kind. It is less expensive, but is not thinking of the financial implications as much as the statement of having a place overlooking the lake where a couple can sit and watch over the Town as Evelyn and her husband did for so long. While the Town would accept the donation immediately so the Spirit group can close out its account, the bench/chair would actually be placed this Spring. If the Board is ok with the arrangement, the staff recommendation is for the Board to accept a donation from Catch the

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Spirit of (\$500.40 – cost of the plaque), and to direct staff to purchase and place a bench/chair at the Lakefront Park in Spring of 2009, for formal dedication to Evelyn Schnittker.

Trustee Weydert moved to accept a donation from Catch the Spirit of \$500.40 to go toward the cost of a bench/chair and a plaque, and to direct staff to purchase and place a bench/chair at the Lakefront Park in Spring of 2009, for formal dedication to Evelyn Schnittker. Trustee Johnson seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION TO REAPPOINT TOWN MANAGER HALE AS THE CML POLICY COMMITTEE REPRESENTATIVE FOR THE 2008/2009 LEGISLATIVE SESSION** – Mayor Pro-Tem Rhone asked Town Manager Hale to present this matter to the Board. Hale explained that it's time once again to appoint the 2008-2009 CML Policy Committee Town representative. He said that he is the current representative, and is happy to continue in this capacity if no one on the Board has a challenge with that direction. Assuming that will be ok, the staff recommendation is for the Board to reappoint Town Manager Hale as the CML Policy Committee representative for the 2008/2009 legislative session.

Trustee Peterson moved to reappoint Town Manager Hale as the CML Policy Committee representative for the 2008/2009 legislative session. Trustee Weydert seconded the motion and all Trustees voted aye.

ACCOUNTS PAYABLE


August, 2008:

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

CITIZEN PARTICIPATION: None.

ADJOURNMENT:

Trustee Johnson moved to adjourn, seconded by Trustee Lewis. All Trustees voted aye, and the meeting was adjourned at 8:40 p.m., September 8, 2008.

  
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JOHN A. RHONE,  
MAYOR PRO-TEM

ATTEST:   
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RONDA KOLINSKE, CMC,  
TOWN CLERK