

RECORD OF PROCEEDINGS

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REGULAR MEETING  
TOWN OF GRAND LAKE BOARD OF TRUSTEES  
MONDAY, JANUARY 12, 2009 7:30 P.M.

CALL TO ORDER: The regular meeting of the Board of Trustees was called to order by Mayor Judy Burke at 7:33 p.m. at the Town Hall, 1026 Park Avenue.

PRESENT: Mayor Burke; Trustees Johnson, Lanzi, Lewis, Peterson, Rhone, and Weydert; Town Manager Hale, Town Clerk Kolinske, Town Planner Wittman and Town Code Enforcement Officer Korkowski.

ABSENT: None.

APPROVAL OF MINUTES

December 8, 2008: Trustee Peterson moved to approve the minutes of the December 8, 2008 regular meeting as written, seconded by Trustee Weydert. All Trustees voted aye except Trustee Lewis, who abstained.

ANNOUNCEMENTS: Mayor Burke announced that it would be appreciated if cell phones were turned off during the meeting.

Mayor Burke announced that Town Sales Tax Licenses for businesses and Animal Licenses are now due for 2009. Both are available at Town Hall.

Mayor Burke announced that "*Concert in the Pines*", sponsored by the Grand Arts Council, returns to the Community House for the winter season on Saturday, January 17. The concert begins at 7:30 p.m. and will feature Alex Komodore and Jeff LaQuatra, a classical guitar duo.

Trustee Peterson then announced that Bed Sled Racers are needed for the upcoming Winter Carnival. The theme this year is "Pirates of the Caribbean".

REPORTS: SALES TAX  
CASH FLOW REPORT  
FOR DECEMBER 2008:

Mayor Burke asked Town Clerk Kolinske to present the sales tax cash flow report. Kolinske reported that the amount of revenue received in December for the month of October, 2008 is \$42,794. This amount is 4.55% below what was received through December, 2007.

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

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF THE RENEWAL OF THE HOTEL AND RESTAURANT LIQUOR LICENSE FOR GRAND LAKE BOWLING LANES, LLC, D/B/A GRAND LAKE LAKES - Mayor Burke 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 then concluded by saying that Tom Tompkins, Manager, was present.

Trustee Peterson moved to approve the renewal of the Hotel and Restaurant Liquor License for Grand Lake Bowling Lanes, LLC, d/b/a Grand Lake Lanes. Trustee Lewis seconded the motion and all Trustees voted aye.

**LIQUOR LICENSING AUTHORITY: CONSIDERATION OF THE RENEWAL OF THE RETAIL LIQUOR STORE LIQUOR LICENSE FOR LAKEVIEW GROUP, INC., D/B/A LAKEVIEW GENERAL/LIQUOR STORE** – Mayor Burke 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 water, business license, and sales tax accounts are all current. She noted that the Grand County Sheriff's Department found no adverse information which would affect the status of the license. She then concluded by saying that Tracy Thamann, President, Secretary and Treasurer, was present.

Trustee Lewis moved to approve the renewal of the Retail Liquor Store Liquor License for Lakeview Group, Inc., d/b/a Lakeview General/Liquor Store. Trustee Rhone seconded the motion and all Trustees voted aye.

At 7:40 p.m. Trustee Johnson resumed his seat.

**OLD BUSINESS:**

**PUBLIC HEARING – CONSIDERATION OF ORDINANCE NO. 1-2009, AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE TOWN OF GRAND LAKE BY AMENDING CHAPTER 11, ARTICLE 1, BOARDWALKS AND SIDEWALKS BY ADDING COMMUNITY GREENWAYS** - Mayor Burke asked Town Planner Wittman to present this matter to the Board. Wittman explained that this is a staff update of the Boardwalks and Sidewalks sections of Municipal Code. This section is out of date and staff has gone through the preexisting section and made alterations to bring this section of the Code into the 21<sup>st</sup> Century. In addition to the alterations of the preexisting chapter, staff is proposing to incorporate the current Municipal Code Chapter 12, Article 9: Greenways into the same section as Boardwalks and Sidewalks. This section establishes the Greenways Committee, while addressing some of the items that the Town needs as requirements for the Tree City USA program. Staff is proposing that a new section of Code be created to address these requirements (Municipal Code Chapter 13-1), while keeping the requirements of the Greenways and the Greenways Committee in the section that it is more relevant. These two items are being reviewed concurrently. Staff has worked with Public Works Director McGinn to ensure that the practice for the development of boardwalks in the community is consistent. If this section of the Code is updated, no longer would the Town be requiring that the Boardwalk be secured with nails. The only major change to this part of the Code is that the Town would allow for composite decking (Trex) to be used in place of treated wood. As the Board may be aware, composite decking lasts longer than treated

wood and is less likely to curl, fade, or show any signs of deterioration. The entirety of the proposed Section 11-1-10 would be a new addition to the Municipal Code. This section has been created to address the Town's requirement that where a mandatory boardwalk required, so is a Greenway. This section addresses Greenway obstructions, density, and permitting of Greenway improvements to better facilitate unified development of the greenway areas. The changes to this section also address minor changes to the Community Greenways Committee. This committee has taken on numerous responsibilities over the years of their existence. While the Town is grateful for the work of this dedicated group of individuals, Town staff acknowledges that a portion of why this group is in existence is to develop and maintain a community forestry plan; this is a requirement of the Town's Tree City USA status. Staff is proposing that a member of the Town staff serve as a liaison to this group to be able to assist them in the future development, updating and approval of a community forestry plan that is comprehensive and outlines strategic goals for the Town's Urban Forest (which, once fully developed), would be placed under the newly created 'Urban Forestry Management' Section of the Code. If the Board elects to adopted Ordinance No. 1-2009, this will repeal Municipal Code Sections 12-9, *Town Greenways Board*, and 7-1-18, *Obstructing Sidewalks*. This is stated under PART 2 and PART 3 of the Ordinance. This Section would not repeal any other Section of the Code. In late 2008, the Town Greenways Committee (along with Hilly Lawn) reviewed the proposed code amendments. The Greenways Committee was strongly in favor of establishing guidelines for the development and maintenance of the Greenways. The group is strongly in favor of developing requirements for what is permissible to be placed in the Greenway, what ground cover and materials are permitted and the Town's overall encouragement of the redevelopment of these areas. The Greenways Committee, however, was not in favor of the 'Maintenance of Allowable Obstructions' section that is proposed. This Committee feels that it should be the Town's responsibility to uniformly develop and maintain the Greenways. They believe that if the Town leaves this responsibility up to the property owner or business owner then the Town will not see these areas redeveloped and the maintenance of these areas will not be achieved. These comments were supported by numerous examples of where a property or business owners currently are not maintaining the areas. The group also addressed the Master Plan goal that addresses the 'gravel strips'. The group acknowledged that in the development of the Master Plan, there was discussion about having an irrigation system put into the Greenways. The only Master Plan Action that addressed this area was that the "Town Planner to research with department of Public Works staff where utilities, if any, are located under the landscape / gravel strip – before tree plantings or sculpture plinths are installed." Staff does work with Public Works to ensure new development and redevelopment of the Greenways is adequate in relation to public utilities. At the Board's first meeting in November, the Board discussed this matter with staff. Since that time, staff has updated the proposed ordinance to include the discussed changes. As a reminder, the Board wanted staff to create trigger mechanisms for construction of new mandatory boardwalks, instead of purely based on 'when a building permit is issued'. The following can be found in Section 11-1-7:

1. *The properties listed in 11-1-7A will be required to construct mandatory boardwalk when issued a building permit for:*

*a. erecting a building on an undeveloped lot, or otherwise developing an undeveloped lot; or,*

*b. new exterior construction either equaling 25% or greater of the total square footage of the predominant structure or 20% of the Grand County Assessor's valuation; or,*

*c. new interior construction or major remodeling equaling 75% or greater of the total square footage.*

2. *For new interior construction or major remodeling equaling 50% to 75% of the total square footage, the Town Manager or his designee may enforce this requirement based on the total amount of the valuation of the project, element of connectivity to preexisting boardwalks, new ownership or management and/or the change in the type of business.*

Legal Notice No. 831 was published in the Sky-Hi Daily News on December 11, 2008. Staff has also had this item posted to the Town's website under the "What's New – Scheduled Public Hearings" section on the main page. Staff has not received any comments regarding these proposed changes. Staff recommends that the Board of Trustees open this matter for a Public Hearing. Once all public testimonies have been received, the Board should close the Public Hearing. The Town Board of Trustees should discuss the merits of the recommended code changes. If the Board is favorable, staff recommends that the Board of Trustees move to approve Ordinance No. 1-2009: *An Ordinance Amending the Municipal Code of the Town of Grand Lake by Amending Chapter 11, Article 1, Boardwalks and Sidewalks by adding Community Greenways.*

Mayor Burke then opened the meeting for public comment.

John Rourke, 1015 Mountain Avenue, was recognized from the audience. He made comments regarding stamped concrete at driveways and stated that it won't hold up to our inclement temperatures, truck and snowmobile traffic. Road salt will fade the color to where it constantly has to be redone. He noted that the stamped concrete around the flag poles in Town Square looks nice and is holding up because there is no traffic on it. It gets chewed up because it is not flat. He said that the idea of concrete is good, stamped concrete is not. He also noted that people in wheel chairs may have trouble maneuvering on some patterns of stamped concrete. Rourke then questioned why the Appeals section is being changed from Board of Adjustment to the Board of Trustees when the Board of Trustees is the one making the rules. Town Manager Hale responded by saying that this is merely a correction since this does not meet the criteria of a variance to be heard by the Board of Adjustment.

Christina Rourke, 1015 Mountain Avenue, was recognized from the audience. Her understanding of the proposed ordinance is that if an existing house is repaired, and the legal is listed in the ordinance, the owner will be required to construct a mandatory boardwalk. Her concern was the property located on the north east corner of Garfield Street and Park Avenue that her relatives own. She said that the topography of the lot is such that it would take extensive excavation to construct a boardwalk. She made the comment that if the neighbor didn't make repairs or do any renovation, her relatives would have a boardwalk to nowhere. "It seems that it would be very broken up throughout the residential area."

Jay Young, 355 N. Inlet Road, was then recognized from the audience. He said that he was not in favor of mixing wood with Trex. He made the comment that boardwalks made of real wood have more of an intrinsic value and adds to the ambiance of the Town. He then asked, "Is a hodgepodge of different materials really the look that we want for the Town?"

Having no other comments, Mayor Burke closed the Public Hearing and turned the matter over to the Board of Trustees.

Following discussion, Trustee Weydert moved to continue consideration of this matter until such time more information is obtained regarding stamped concrete; patterns, maintenance, required depth of concrete and traffic durability, also consistency of wood on the boardwalks and ADA color coded intersections. Trustee Lewis seconded the motion and all Trustees voted aye.

OLD BUSINESS:

**PUBLIC HEARING – CONSIDERATION OF ORDINANCE NO. 2-2009, AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE TOWN OF GRAND LAKE BY CREATING CHAPTER 13, ARTICLE 1, URBAN FORESTRY MANAGEMENT** – Mayor Burke asked Town Planner Wittman to present this matter to the Board. Wittman referred to a draft of a proposed section to the Town's Municipal Code and said that this proposal is an entirely new section of the Code but is largely comprised of preexisting sections that are related but not in the same Code sections. Municipal Code Chapter 13, Article 1: Urban Forest Management aims to address all of the vegetative growth in the Town of Grand Lake. While this is predominantly a compilation of preexisting Code, the largest addition would be that of the 'Desirable Plantings' section. This is a compilation of recommendations of plants that grow well in high-altitude environments that was developed by Dr. Jim Feucht. These are recommended and desirable; it does not mean that if people plant items that are not on this list that they will be in violation (unless they plant nuisance plants). She said that staff wants to create this section of the Code to address forestry management in Grand Lake. While the majority of the Town's recent efforts have been the removal of the dead and diseased trees, the forestry management of the Town should also address the planting, pruning, etc. of new and healthy trees. This would be considered the Town's Community Forestry Plan. The Town is required to have an annually-updated Community Forestry Plan as per the Tree City USA Program. The creation of this section of the Code would create the

Community Forestry Plan by grouping applicable sections of the Code together in this new chapter. It is the anticipation of Town staff to work with the Greenways Board to continue to develop the Community Forestry Plan in 2009 with annual updates, as necessary. If the Board elects to adopt Ordinance No. 2-2009, this will repeal Municipal Code Sections 7-6-16, *Undesirable Plant Control*, and 7-6-17, *Fire Mitigation Regulations*. This is stated under PART 2 and PART 3 of the ordinance. This Section would not repeal any other Section of the Code. Legal Notice No. 830 was published in the Sky-Hi Daily News on December 11, 2008. Staff has also had this item posted to the Town's website under the "What's New - Scheduled Public Hearings" section on the main page. Staff has not received any comments regarding these proposed changes. Staff recommends that the Board of Trustees open this matter for public comment. Once all public testimonies have been received, the Board should close the Public Hearing. The Town Board of Trustees should discuss the merits of the recommended code changes and if the Board is favorable, staff recommends that the Board of Trustees move to approve Ordinance No. 2-2009.

Mayor Burke then opened the meeting for public comment. Having none, she closed the Public Hearing and turned the matter over to the Board of Board of Trustees.

Following brief discussion, Trustee Weydert moved to adopt Ordinance No. 2-2009, an Ordinance Amending the Municipal Code of the Town of Grand Lake by Creating Chapter 13, Article 1, Urban Forestry Management. Trustee Lewis seconded the motion and all Trustees voted aye.

OLD BUSINESS:

**PUBLIC HEARING - CONSIDERATION OF AN ORDINANCE CREATING THE TOWN OF GRAND LAKE MUNICIPAL CODE CHAPTER 7, ARTICLE 6, SECTION 12, WASTE DISPOSAL** - Mayor Burke asked Town Code Enforcement Officer Korkowski to present this matter to the Board. Korkowski explained that staff has been developing an ordinance for mandatory trash service, mandatory wildlife-resistant trash containers, and recycling service to be provided in the Town. He said that the Board, at their regular meeting on December 8, 2008, set a Public Hearing regarding this matter for January 12, 2009. The Board also wanted a section added to the proposed ordinance which required the containers to be secured at all times (no overfilling or leaving it open), which staff has added as Section (C)(4). Legal Notice #909 was posted in the Sky-Hi News on December 11, 2008. The Public Hearing date and the proposed ordinance were also placed on the Town's website. One public comment has been received as a result of those notices. Carolyn Alcorn sent an e-mail which questions year round charges for part time owners and how a person owning 2 or more properties will be charged. She supports having wildlife resistant trash containers. Staff recommends that the Board hold the Public Hearing, receive public comments, and then discuss the matter.

Mayor Burke then opened the meeting for public comment.

John Rourke, 1015 Mountain Avenue, was recognized from the audience. He wanted to know how much this is going to cost. He said that he currently has a wildlife-resistant trash container and pays \$35.00 per month. He noted that he is in favor of the proposed ordinance, and doesn't mind if the Town makes a buck; however, if second homeowners are included it will have to be affordable. He concluded by saying, "I think it's all about the money."

Maggie Tompkins, 325 Vine Street, was recognized from the audience. She said she is in favor of the ordinance. They have had a bear resistant trash container for quite some time now and it works. She noted that some of her neighbors do not; bears get into the trash and drag it into her yard. Even though they are doing what they can, it seems fruitless when there is trash up and down the alley. She stated that she has not read the entire proposed ordinance and is not sure what the recycling plan will be but said that it's a shame that the Town doesn't have more recycling. She said that she is from Madison, Wisconsin and she started the first curb side recycling program in the United States. She said that in Madison, they go through people's garbage and if there are recyclables in it they won't take it. She made the comment that they used to recycle all of the beer bottles from the bowling alley and would very much like to do it again.

Jay Young, 355 N. Inlet Road, was then recognized from the audience. He began by thanking the Board and staff for tackling this issue. This is something that has been on his radar screen for quite some time. He said that when he was a kid they would take their trash to the Grand Lake dump. The bears would be there and it was fun to watch them. Then, they took their trash to the Granby dump. It's a 40 mile drive round trip and inconvenient. So then, they started taking their trash out of the County. He noted that when he remodeled his house, he installed a compactor and a disposal which generates very little garbage. When he goes back to Denver, he takes what he has with him. Even though he has trash service in Grand Lake and in Granby, he said that it is easier to haul it back to Denver. He then stated that every spring he goes around the neighborhood and picks up trash and usually ends up with a 55 gallon bag full. Young made the comment that there are bigger issues here that are the problem. Grand Lake has 3 million tourists that come through Town and needs a place to dispose trash. The tourists are putting it in dumpsters that belong to a restaurants and grocery stores. He said that he feels that this ordinance is not going to solve that problem. He brought a copy of his trash service bill from Denver with him and brought it to the Board's attention that he gets weekly service and pays \$208.00 per year. It includes recycling and he is able to throw anything away such as sofas, etc., excluding those items such as batteries, gasoline, paint, and so on. The point that he was trying to make was that it may cost more in Grand Lake for a second homeowner to make a few disposals, than it does where they live making disposals weekly. Regarding the proposed ordinance, he said that he feels that slash and wood chips should be addressed. Section E. 1. states, "The Town shall provide one refuse container . . . to all residences . . ." He wanted to know what the provisions are for when one isn't enough. Larger families may need more than one container. Young asked what the incentive is for the Town to keep the costs down for the tax

payers. "Is this going to become a profit center? What is the agenda here? Is this to get rid of garbage? Is it to raise revenue? And how are we going to keep this competitive with other areas around the state? Section E. 1. (b) states, "Certain residential premises may be excluded from receiving trash and recycling service due to special circumstances at that premise or containers/compactors available to that person at another location that person owns in Town." He again noted that he has trash service in other locations other than Grand Lake and asked if this section should state Town or County? Section E. 2. states, "Multi-family (8 units or more) residences, homeowner's associations, and commercial properties shall have a current and valid contract . . ." "Should this not read Service Agreement instead of current and valid contract?" Section E. 2. (a) states, "The need for and frequency of trash removal may be changed on a case by case basis as agreed to by the entity . . .", then is followed by some of the reasons. He said that some people come to Grand Lake and spend a few days to a month out of a year and others come more frequently. He stated that this needs to be flexible enough to work for everyone. Section E. 3. states, "Bulk trash shall be removed by private arrangement with the Town's trash service provider, another Town licensed provider, or by the resident." He asked, "What does this mean? What if I bring a trailer in and haul my trash to the Granby dump. Or what if I hire someone to come in and haul it away. I'm paying to dispose of it." He said that if the Town wants total control, then the wording in this section seems to be incorrect. He said that the one he is most concerned with is Section F. It states, "Refuse and recycling containers may only be place adjacent to the street in front of the residence for pick-up from 6:00 am on Sunday until 7:00 pm on Tuesday . . ." He stated that this is a time frame of three days. He foresees a problem of containers being left out. People may put their containers out, return home and not come back for weeks. In his community, containers are put out the night before pick-up and they have 24 hours to get the containers off the street. "Who is going to enforce this? It's going to look worse than the actual trash."

Having no other comments, Mayor Burke closed the Public Hearing and turned the matter over to the Board.

Trustee Peterson said that it was never the Town's goal to become a profit center. It is a way to address the trash problem. Businesses are tired of taking care of other people's trash. He noted that the Town experimented with placing a dumpster on the Town's parking lot in Block 3 but it did not resolve the problem of people dumping in commercial dumpsters. He explained that the Town is trying to make something work for everyone. Being flexible, as Mr. Young mentioned, may not work for the trash company. In reference to Section E. 1. (b), "Certain residential premises may be excluded from receiving trash and recycling service due to special circumstances at that premise or containers/compactors available to that person at another location that person owns in Town.", Peterson said that every person that visits Grand Lake can say that they have trash service at another location. The only thing that we can do is make it mandatory for every property in Town. If a second homeowner is required to pay for trash service here, they are not likely to haul it back home. They will use it. He said that he

## RECORD OF PROCEEDINGS

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was not sure how to address the capacity issue (one container to each residence) other than to charge more. "If you use more gas, you pay more. If you use more electricity, you pay more." He concluded by saying that this is not only an aesthetic thing, it's a safety issue. The Town thus far has avoided a dangerous situation with the wildlife.

Trustee Lewis stated that she agrees with the fact that the Town needs to do something about the trash and knows that the second homeowners have been dumping into commercial containers. She said that she does like the idea of having wildlife resistant containers. She, however, doesn't think that mandatory trash service is needed.

Trustee Lanzi noted that the Town is going to negotiate the best deal that it can with the trash provider, whether it's a pick-up once a week or once a month. He said that if the owner of the property is not present there will be no trash to pick up. Perhaps there can be some flexibility with the trash provider.

Mayor Burke said that when this process started, the Town consulted with the trash providers and obtained an estimate of approximately \$108.00 per quarter for a once a week pick-up. This amount is subject to change due to the economy but includes both trash and recycling.

Trustee Johnson felt that the proposed ordinance is vaguely written. It seems that if eight or more residences get together and form a homeowners association, they can obtain one container for pick-up.

Town Code Enforcement Officer Korkowski responded by saying that homeowners can't get together and suddenly form a homeowners association. It has to be an established homeowners association by State guidelines.

Trustee Rhone agreed with Trustee Lewis and said when second homeowners come to Grand Lake two to three weeks a year and are charged the same as a full time resident it doesn't seem fair. It's not the same as water where the property owner is charged whether it's used or not. The Town has to pump the water, chlorinate the water, test the water, etc.

Trustee Weydert expressed concern with recycling. If something like this is not done, recycling will go away in Grand Lake. He does not want to see that happen. He doesn't see this as a profit center for the Town but as a way to continue recycling as well as a way to address the trash issue.

Mayor Burke said that she is more concerned with trash containers sitting all over Town.

Town Code Enforcement Officer Korkowski said that if the homeowner doesn't get along with his neighbor, he can perhaps pay someone a buck to put his container back onto his property after pick-up.

Mayor Burke suggested having at least one or two more Public Hearings regarding this matter when more of the second homeowners can be present to comment.

Town Code Enforcement Officer Korkowski noted that this process started with the Planning Commission during the summer to accommodate the second homeowners, to obtain their input.

Town Planner Wittman asked why the Town can't go out for RFP'S with the trash providers prior to adoption of this ordinance to get some idea of cost.

Town Manager Hale responded by saying that the ordinance needs to be adopted prior to obtaining RFP's due to the time and expense of obtaining RFP's.

Following lengthy discussion, Trustee Weydert moved to adopt Ordinance No. 6-2009, an Ordinance Creating the Town of Grand Lake Municipal Code Chapter 7, Article 6, Section 12 Waste Disposal seconded by Trustee Johnson. Mayor Burke asked Town Clerk Kolinske to take a roll call vote. All Trustees voted aye except Trustees Lewis and Rhone and Mayor Burke, who voted nay. Motion carried.

OLD BUSINESS:

**CONSIDERATION OF A MARKETING AGREEMENT BETWEEN THE TOWN OF GRAND LAKE AND THE CHAMBER OF COMMERCE –**

Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that the Board elected not to move forward with either agreement at the last meeting due to the fact that the Chamber didn't have a representative at the meeting. As the Board was informed at that meeting, the Service Agreement is for the same amount that it was in 2008, and also includes a few areas that were reworded. Each change has been reviewed by the Chamber. Other than changing the relevant year, the Marketing Agreement is the same as it was for 2008. Both have been signed by Chamber representatives, and are ready for the Board's consideration. Secondly, Ordinance No. 3-2009 is an attachment to the Lease and is appropriate to adopt a new ordinance that updates and replaces the former Service Agreement. If the Board is ok with these changes, the staff recommendation is for the Board to authorize the Mayor to sign the Marketing Agreement. Finally, staff recommends that the Board adopt Ordinance No. 3-2009. He noted that Brad Taylor, Executive Director, and Barb McElroy, Vice-President, was present.

Trustee Lewis mentioned that there was a \$72,495.00 error in their 4<sup>th</sup> quarter Profit and Loss Statement that she received on December 22, 2008. She suggested that the Chamber have an audit done and provide the Town with a copy. Brad Taylor agreed to present this to his Board.

During discussion, the Board of Trustees agreed to release the 4<sup>th</sup> quarter 2008 funds to the Chamber but wants to see a copy of the audit prior to releasing any 2009 funds.

Trustee Lewis then moved to authorize the Mayor to sign the Marketing Agreement between the Town of Grand Lake and the Chamber of Commerce. Trustee Rhone seconded the motion and all Trustees voted aye.

OLD BUSINESS:

**CONSIDERATION OF ORDINANCE NO. 3-2009, AN AMENDMENT TO ORDINANCE NO. 14-2007 THAT UPDATED AND REPLACES EXHIBIT 2, A SERVICE AGREEMENT** - Trustee Rhone moved to adopt Ordinance No. 3-2009, an Amendment to Ordinance No. 14-2007 that Updated and Replaces Exhibit 2, a Service Agreement seconded by Trustee Weydert. All Trustees voted aye except Trustee Johnson, who abstained.

OLD BUSINESS:

**CONSIDERATION TO AUTHORIZE THE MAYOR TO SIGN A MEMORANDUM OF UNDERSTANDING BETWEEN THE TOWN OF GRAND LAKE AND THE GRAND ARTS COUNCIL AND CONSIDERATION TO RELEASE \$15,000 OF PREVIOUSLY PLEDGED FUNDS TO THE GRAND ARTS COUNCIL** – Mayor Burke asked Town Planner Wittman to present this matter to the Board. Wittman explained that at the November 24, 2008 Board of Trustees Meeting, the Town Board met with representatives of the Grand Arts Council (GAC) regarding temporary occupancy of the lower level, a timeline for exterior improvements, as well as a release of previously-pledged funds. At that time, the Board was favorable to the Town signing a temporary zoning release contingent on the submittal and approval of a new timeline (as indicated in Resolution No. 19-2008). The Resolution goes further to state that if the Board did not approve the timeline, then the Grand Arts Center would be closed on January 13, 2009. The Grand Arts Council building has been open since December 10, 2008, and a timeline has been developed with the assistance of Town staff. She referred to the submitted *Grand Arts Council Work Schedule* and said that the Arts Council is proposing to meet all exterior improvements by September, 2011, with the first improvements proposed to be met by May of this year. The Arts Council is noting that the proposed improvement schedule is contingent on their ability to raise the necessary funds. As a reminder, the Board did seem favorable to allowing the granting of extensions of this timeline, should the need arise and with adequate notice by the Arts Council and renegotiation with the Town Board. The timeline does indicate that in May of this year, the Arts Council would like to ‘use Town in-kind for road base and striping’. Throughout discussions of this project in 2008, representatives of the Arts Council had indicated that they would still like to utilize the Town’s previously-pledged in-kind services. As a reminder, these services were pledged in conjunction with a Great Outdoors Colorado grant that was submitted by the Arts Council for landscaping. The grant was never received. The Board should discuss this matter with the Grand Arts Council and specifically line out, if the Board still desires to uphold this pledge, how the \$4,400 of in-kind services will be utilized. In 2008, Public Works Director Bernie McGinn did utilize Town equipment for the spreading of road base for the Arts Council on the Park Avenue right-of-way. This was approximately 1 hour of Bernie’s time with the loader, reducing the overall pledge to \$4,300. Staff does

feel comfortable with the proposed timeline with the exception of exactly how the Public Works Department staff's time will be utilized. The Arts Council is aware that should they not meet a deadline, and be able to negotiate an extension of a particular item, then Town staff will have to notify the Grand County Building Department and the building will have to be closed. A Memorandum of Understanding (MOU) has been drafted for the Board's review. The item of preexisting encroachments is also on the January 12, 2009, Board of Trustees agenda for consideration but is being handled as a separate item of business. In addition to the aforementioned requirements set forth by the Board in late 2008, Resolution No. 19-2008 also indicated that the Arts Council will have made a variance request to the Board of Adjustment by the 12<sup>th</sup> of January. Arts Council representatives have indicated that they would like to schedule the Board of Adjustment meeting but Town staff has not scheduled that meeting to date. In the spring of 2008, the Grand Arts Council made a request to the Board for a release of \$15,000 that had been previously-pledged by the Town of Grand Lake. If the Board is agreeable to the timeline of improvements that has been submitted by the Grand Arts Council, then the Grand Arts Council is requesting the release of those funds at this time. Town Treasurer Dzinski has been informed of this request and, if the Board is favorable, the Board can elect to have it included in the December Accounts Payable. Staff recommends that the Board of Trustees discuss the submitted timeline with the Grand Arts Council. Specifically, the Board should indicate if they are agreeable to the timeline and whether or not alterations need to be made. The Board should also discuss with the Grand Arts Council whether or not the Board is still favorable to donating Town in-kind services and exactly which services will be required and when. If the Board is favorable, move to authorize the Mayor to sign the MOU between the Grand Arts Council and Town of Grand Lake with any amendments noted. Also, if all other matters are settled and the Board is favorable, the Board should move to release \$15,000 of previously-pledged funds to the Grand Arts Council and put the payment on the December Accounts Payable. Wittman noted that Jim Cervenka, representative, was present.

Trustee Lewis moved to authorize the Mayor to sign a Memorandum of Understanding between the Town of Grand Lake and the Grand Arts Council and moved to release the \$15,000 of previously pledged funds to the Grand Arts Council and include it with December's Accounts Payable. Trustee Peterson seconded the motion and all Trustees voted aye.

OLD BUSINESS:

**CONSIDERATION OF A REQUEST TO CONTINUE APPROVAL OF THE FINAL DEVELOPMENT PLAN OF THE RAPIDS PLACE ON THE TONAHUTU IN GRAND LAKE, LOCATED AT LOTS 3, 4, AND 5, BLOCK 1, SUNNYSIDE ADDITION, LOT 18, BLOCK 1 AND LOTS 15 AND 16, BLOCK 2, TOWN OF GRAND LAKE** - Mayor Burke asked Town Planner Wittman to present this matter to the Board. Wittman explained that at the November, 2008, Planning Commission meeting, the Planning Commission forwarded a favorable recommendation to the Board of Trustees to approve the Final Plan of the Rapids Place on the Tonahutu in Grand Lake Planned

Development and the Final Plat of the Riverstone Subdivision. In December, 2008, the applicant requested the Town hold off on review until after vacation and the holidays. This item was to come before the Board for review this evening. The applicant has now requested that the Town hold off review until Town staff is noticed by the applicant. They anticipate that this will be in March, 2009.

Trustee Weydert moved to continue review approval of the Final Development Plan of the Rapids Place on the Tonahutu in Grand Lake and the Final Plat of Riverstone located at Lots 3, 4, and 5, Block 1, Sunnyside Addition, Lot 18, Block 1 and Lots 15 and 16, Block 2, Town of Grand Lake seconded by Trustee Peterson. All Trustees voted aye except Trustee Lewis, who abstained.

NEW BUSINESS:

**CONSIDERATION OF RESOLUTION NO. 3-2009, A RESOLUTION GRANTING A LICENSE FOR THE ENCROACHMENT INTO THE PUBLIC RIGHT-OF-WAY OF CERTAIN PRE-EXISTING IMPROVEMENTS LOCATED ADJACENT TO LOTS 10-12, BLOCK 9, TOWN OF GRAND LAKE** - Mayor Burke asked Town Planner Wittman to present this matter to the Board. Wittman explained that there are certain encroachments into the Block 9 Park Avenue right-of-way that the Grand Arts Council has placed without permission by the Town of Grand Lake. While the Board did review (and approve) an encroachment license for the construction of two temporary ADA compliant entrance pads, the Arts Council still needs to seek an encroachment license from the Town of Grand Lake for the ADA compliant entrances, which project between 4' 4" and 7' 10" into the Park Avenue right-of-way and rock retaining walls that encroach up to 7' into the same right-of-way. These encroachments have been created in part of the building permit that has been issued for the complete renovation of the lower level of the Grand Arts Center located on Lots 10-12, Block 9, of the Town of Grand Lake. The ADA compliant entrances were listed as a part of the building permit that was issued but were not built to plan. The plan changed from building two 20' entrances (perpendicular from the building) to the current configuration (an angled entrance), the entrance encroachment was created. The Town did not receive a plans change request for this construction. The rock retaining walls were created in the summer of 2008. The excavator for the Grand Arts Council placed the rock walls (somewhat) in line with the ADA complaint entrances, not knowing that the present entrances encroached into the Town right-of-way. This work was not done with a grading permit. The entrances were permitted to encroach into the front yard setback, as approved by the Board of Adjustment (BOA). When the BOA reviewed the variance application, the entrances were permitted to encroach into the front yard setback of 20' (the setback is 25' but the building already encroached into the setback by 5'). Since the perpendicular entrances were approved by a variance by the Board of Adjustment, but not built according to what was approved, Town Attorney Krob feels that this variance must be represented to the BOA for review and approval. Staff has discussed this matter at length with Town Attorney Krob, and all believe that it is appropriate to first ask the Town Board if they are willing to allow the encroachment. Similar to any other variance request where one property owner is seeking to encroach on their

neighbors, the Town Board would first need to approve the encroachment of the entrances before the matter can be presented to the BOA. If the Town is favorable to allowing the preexisting encroachments to stay, then the Board's motion should be contingent on the decision of the BOA. Town staff has conducted a site visit and measured the encroachments. The entirety of the request would be for an encroachment of 8' into the Park Avenue right-of-way. Bernie McGinn has reviewed the request and does not believe that the encroachment will affect current maintenance efforts. He has stated, however, the all future improvements shall have a straight line for Park Avenue maintenance and that no future encroachments should be permitted in this area. Representatives of the Arts Council are aware that at any time the Town would like to make improvements to the right-of-way, that the Encroachment License would become null and void. They have also been made aware that in an emergency situation the Town may need to access this area and any damage done to the encroachments will be their responsibility. Staff has no recommendation on this matter but has outlined the options of the Board. The Board may:

- Move to approve Resolution 3-2009: *A Resolution granting a license for the encroachment into the Public right-of-way of certain preexisting improvements located adjacent to Lots 10-12, Block 9, Town of Grand Lake, contingent on the Board of Adjustment approval of a front-yard setback variance request; or*
- Move to approve Resolution 3-2009: *A Resolution granting a license for the encroachment into the Public right-of-way of certain preexisting improvements located adjacent to Lots 10-12, Block 9, Town of Grand Lake, with the following conditions (listing the specific conditions that the Board sees fit); or*
- Move to deny Resolution 3-2009: *A Resolution granting a license for the encroachment into the Public right of way of certain preexisting improvements located adjacent to Lots 10-12, Block 9, Town of Grand Lake.*

Trustee Peterson moved to adopt Resolution No. 3-2009, a Resolution Granting a License for the Encroachment into the Public Right-of-Way of Certain Preexisting Improvements Located Adjacent to Lots 10-12, Block 9, Town of Grand Lake contingent on the Board of Adjustment approval of a front-yard setback variance request and that Section 6 of Resolution No. 3-2009 be removed. Trustee Lewis seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION TO DEFER THE NIGHTLY RENTAL LICENSING FEE FOR PROPERTY LOCATED AT LOTS 12-13, BLOCK 17, TOWN OF GRAND LAKE, A/K/A 717 PARK AVENUE** - Mayor Burke asked Town Code Enforcement Officer Korkowski to present this matter to the Board. Korkowski explained that Barbara Fullerton has submitted a written request for the Board of Trustees to waive the application and licensing fees associated with Nightly Rental Licensing for a period of ninety (90) days in order to determine if there is a market for their house located at Lots 12-13, Block 17, a/k/a 717 Park

Avenue. The letter refers to the current economy, housing market, and the Fullerton's financial status as reasons to make the request for the waiver. Staff believes granting this request would not only set precedence, but it would be almost impossible to administer and the Town would not be able to readily know the rental status of the unit. The Town also has no authority to waive the sales tax regulations of the State of Colorado. Staff sent the Fullerton's a Nightly Rental violation letter on November 5, 2008 when they were found to be advertising their unit without a license. They were told to either remove any advertisements or obtain a Nightly Rental License. Since that letter the Fullerton's have submitted an incomplete application (fax copy only and minus the fees), and have expanded the advertising to include VRBO. They did not respond to a follow-up e-mail dated December 18, 2008 requesting the original application and the fees or the removal of any advertisements. Even though the Fullerton's are currently in violation, Korkowski stated that he has not yet issued a summons due to this matter going in front of the Board. Staff does not recommend approving this request. He noted that the Town received an e-mail at 4:09 this afternoon from the Fullerton's saying that they will not be attending this evening's meeting due to bad roads and asked that the matter be postponed until the next Board of Trustees Meeting.

Trustee Weydert moved to deny the request to defer the Nightly Rental Licensing Fee for property located at Lots 12-13, Block 17, Town of Grand Lake, a/k/a 717 Park Avenue. Trustee Peterson seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION TO ACCEPT VOLUNTEERS TO LOAN ICE SKATES FOR THE TOWN OF GRAND LAKE** – Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske explained that the Town's insurance company (CIRSA) says that someone may rent ice skates for the Town at his/her place of business as a volunteer. The volunteer must be appointed a volunteer by motion of the Board of Trustees. The Town must have control and any money collected must go to the Town and be used as Town operation. The volunteer may be reimbursed for expenses (sharpening, laces, etc.). The skates must be on loan to the Town and not actually owned by the Town in order to be covered. The Town would then be covered under operations, no rider would be needed and there would not be any additional insurance expense. If a business wants to do this on its own for profit, it must have its own insurance and name the Town as additional insured. Donna Ready has approximately 50 pairs of skates of various sizes on loan to the Town. Candy O'Connor of Blue Water Bakery at 928 Grand Avenue would like to provide the skates from her place of business for the remainder of this winter. The skates will be loaned out at no cost. If the Board is satisfied with appointing Candy O'Connor and employees, Simon O'Connor, Nick O'Connor, Erin O'Connor, and Rebecca Ruske as volunteers regarding skate loans for the Town of Grand Lake for the remainder of this winter, staff would recommend that these people be appointed by motion.

Trustee Peterson moved to appoint Candy O'Connor and employees, Simon O'Connor, Nick O'Connor, Erin O'Connor, Rebecca Ruske, and any future employees as volunteers regarding skate loans for the Town of Grand Lake for the remainder of this winter. Trustee Lewis seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION TO AUTHORIZE THE TOWN MANAGER TO SIGN AN EMPLOYMENT CONTRACT BETWEEN THE TOWN OF GRAND LAKE AND DANIEL KORKOWSKI** – Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale referred to the following and said that this is based upon previous discussion and direction from the Board.

1. Employment Contract for Dan Korkowski
2. Updated job description
3. Existing (old) job description

The employment contract has been reviewed by the Town Attorney and by Mountain States Employers Council (MSEC). The title is changed to “Code Enforcement Officer/Special Projects Coordinator” to capture his new list of duties as well as anything else, but can certainly be changed if anyone has any objections. The contract period is proposed from January 16, 2009 through December 31, 2009. It will be easier with payroll to just start him full time in conjunction with the pay period. His salary is set at \$30,000/year, which is what was agreed to in earlier discussions. It has been signed by Korkowski and notarized, so it only awaits action by the Town. If the Board is satisfied with this agreement, the Staff recommendation is for the Board of Trustees to authorize the Town Manager to sign the employment contract between the Town of Grand Lake and Daniel Korkowski.

Trustee Weydert moved to authorize the Town Manager to sign the employment contract between the Town of Grand Lake and Daniel Korkowski. Trustee Johnson seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION OF RESOLUTION NO. 1-2009, A RESOLUTION AMENDING THE PERSONNEL GUIDELINES FOR THE TOWN OF GRAND LAKE** – Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that as part of the Town’s membership with Mountain States Employer’s Council (MSEC), we were provided with a review of our personnel guidelines. Employment law is a moving target, so it makes sense to update the handbook every couple of years (CIRSA recommends that the Board at least take a good look at them annually). Many of the proposed changes in this document come directly from MSEC; other changes are an attempt by staff to clean up the document, clear any confusion, and mostly to better say what we mean to say. The more significant changes are as follows:

P.1 The name is proposed to be changed to personnel guidelines versus policies, since policies need to be more strictly enforced (and could be used against the

Town if they are not). You'll notice in numerous places throughout that the word "policy" has either been replaced or deleted.

P.2 Added definitions of exempt and non-exempt employees.

P. 4 Removed the word "regular" as a prefix to employee at the advice of MSEC as it can imply a permanent status; now using "non-exempt".

P.5 Removed a lot of unnecessary language; there is no need for the Town to state the law in our regulations.

P.6 Added language to sick leave, as it has always been common practice to use sick leave for check ups, dentist appointments, etc., but has never actually stated it as a permitted use. Also added in reference to an extended leave of absence (more on next page). Finally, clarified the sick leave conversion at the recommendation of MSEC.

P.7 Removed language under floating holidays since it doesn't make a lot of sense. Also, added language to military leave section to comply with federal law. Finally, added an extended leave of absence policy at the advice of MSEC, since the Town does not need to follow the family medical leave act (FMLA), we need a more formal policy on extended periods out of work.

P.8 Removed language for pregnancy leave upon advice from MSEC; apparently they are discriminatory to men. Now, everyone will follow the extended leave of absence policy.

P. 10 Updated the language in performance evaluations upon advice from MSEC. If you state that the employer shall do annual evaluations, employees could sue if you don't. By stating instead that you endeavor to do reviews, the Town is more insulated if it doesn't happen. Also replaced the antiquated reference to "uniform allowance" and replaced it with "clothing allowance" (our policy for a number of years).

P. 11 Clarified the Town's training language

P. 12 Updated our language on recruitment for vacant positions, as the existing language can be cumbersome.

If the Board is comfortable with the changes, the staff recommendation is adoption of Resolution No. 1-2009.

Trustee Weydert moved to adopt Resolution No. 1-2009, a Resolution Amending the Personnel Guidelines for the Town of Grand Lake conditional upon the word "policy" be replaced with the word "guidelines" wherever it appears and is appropriate. Trustee Lewis seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION OF RESOLUTION NO. 4-2009, A RESOLUTION TO ENTER THE COLORADO ASSOCIATION OF SKI TOWNS REUSABLE BAG CHALLENGE FOR THE TOWN OF GRAND LAKE** - Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that last year, the Towns of Telluride and Aspen entered into a challenge with each other to determine which community could decrease plastic bag use through promotion of reusable bags. They estimate that between Memorial Day and Labor Day, they eliminated 140,359 bags and raised a lot of awareness for their program and project goals along the way. That challenge has now been extended to all Colorado Association of Ski Towns (CAST) members. The basic outline of the program is that participating local retailers will be given an 11x17 poster as well as smaller signs for the registers that remind people to use their reusable bags (apparently, a lot of people already have these bags, but oftentimes forget to bring them in the store). The retailer will be responsible for keeping track of the number of reusable bags that are used; hopefully with a simple key code on their registers. The challenge will begin on March 1<sup>st</sup>, and go six months. Hale said that he has spoken to Mountain Food Market and to Circle D. Mountain Food Market was definitely interested and has not heard back from Circle D. Since each community needs a local coordinator, Hale said that he has contacted Lenny Brooks to see if he would be willing to volunteer; he was happy to participate. Brooks understands that contacts should be made with every local business, and that he would be responsible for coordinating with the Community Office of Resource Efficiency (CORE)—the group that's spearheading this effort. If the Board agrees with the program, the staff recommendation is for the Board of Trustees to adopt Resolution No. 4-2009 and to appoint Mr. Lenny Brooks as the local Grand Lake coordinator.

Trustee Weydert moved to adopt Resolution No. 4-2009, A Resolution to Enter the Colorado Association of Ski Towns Reusable Bag Challenge for the Town of Grand Lake and to appoint Lenny Brooks as the local Grand Lake coordinator. Trustee Rhone seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION TO AUTHORIZE THE MAYOR TO SIGN A PLEDGE OF SUPPORT LETTER FOR THE ROCKY MOUNTAIN REPERTORY THEATRE'S CAPITAL CAMPAIGN** - Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that Town staff normally sends out contribution letters at the first of the year notifying agencies if they did or did not receive their grant requests. Since the Board agreed to fund the RMRT capital campaign with a sustaining grant, and because the Town's support will go a long way towards their efforts in raising further funds, staff believes that it's most appropriate to send a letter with our pledge with the Mayor's signature. The staff recommendation is for the Board to authorize the Mayor to sign the Pledge of Support for the Rocky Mountain Repertory Theatre's Capital Campaign.

Trustee Rhone moved to authorize the Mayor to sign the Pledge of Support for the Rocky Mountain Repertory Theatre's Capital Campaign. Trustee Weydert seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION OF DESIGNATION OF POSTING OF NOTICES OF PUBLIC MEETINGS** – Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske explained that the public place or places for posting notice of public meetings of the Town shall be designated each year at the first regular meeting of the year per CRS 24-6-402(2)(c). Public meetings are those at which the adoption of any proposed policy, position, resolution, rule, regulation, or formal action occurs or at which a majority or quorum of the body is in attendance, or is expected to be in attendance. Public meetings include all meetings of a quorum or three or more members of any local public body, whichever is fewer, at which any public business is discussed or at which any formal action may be taken. Meetings shall be held only after full and timely notice to the public. Kolinske recommended that the Board make a motion to designate that notice of public meetings shall be posted in the Grand Lake Post Office and at the Grand Lake Town Hall at least twenty-four (24) hours prior to all public meetings of the Town. This is the same procedure as has been followed for at least the previous thirteen years.

Trustee Johnson moved to designate that notice of public meetings shall be posted in the Grand Lake Post Office and at the Grand Lake Town Hall at least twenty-four (24) hours prior to all public meetings of the Town. Trustee Rhone seconded the motion and all Trustees voted aye.

ACCOUNTS PAYABLE

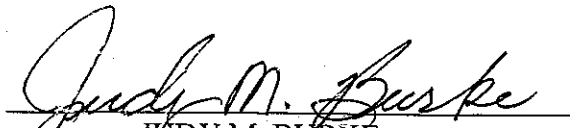
December, 2008:

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 with the addition of \$15,000 payable to the Grand Arts Council. Trustee Weydert seconded the motion and all Trustees voted aye.

CITIZEN PARTICIPATION: None.

ADJOURNMENT:

Trustee Rhone moved to adjourn, seconded by Trustee Weydert. All Trustees voted aye, and the meeting was adjourned at 10:17 p.m., January 12, 2009.

  
\_\_\_\_\_  
JODY M. BURKE,  
MAYOR

ATTEST:   
\_\_\_\_\_  
RONDA KOLINSKE, CMC  
TOWN CLERK