

RECORD OF PROCEEDINGS

REGULAR MEETING
TOWN OF GRAND LAKE BOARD OF TRUSTEES
MONDAY, AUGUST 10, 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 7:31 p.m. at the Town Hall, 1026 Park Avenue.

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

ABSENT: Trustees Johnson, Lewis, Peterson and Town Planner Wittman.

APPROVAL OF MINUTES

July 27, 2009: Trustee Rhone moved to approve the minutes of the July 27, 2009 regular meeting as written, seconded by Trustee Weydert. All Trustees voted aye except Trustee Rhone, who abstained.

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

Mayor Burke then announced that the Rocky Mountain Repertory Theatre's final summer performance is Saturday, August 22. The fall performances of "*The Andrews Brothers*" will open August 28.

PRESENTATIONS: None.

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 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 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 Jon Linton, Vice-President, was present.

Trustee Rhone 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 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 - Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske noted that this item has been removed from the agenda at the owner's request.

LIQUOR LICENSING AUTHORITY: **CONSIDERATION OF APPROVAL FOR SPECIAL EVENTS**

LIQUOR PERMITS FOR THE GRAND ARTS COUNCIL'S BARN DANCE AND "A NIGHT IN MOROCCO" - Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske explained that an application for a Special Events Liquor Permit has been received, with the appropriate state fee, proof of possession, certificate of good corporate standing, and floor diagram, from the Grand Arts Council. The request is to sell malt, vinous and spirituous liquor by the drink for consumption on the premises only. The requested dates are Saturday, September 5, 2009 from 4:00 p.m. to 11:00 p.m. for a barn dance and Saturday, September 19, 2009 from 3:00 p.m. to 12:00 a.m. for "A Night in Morocco. The proposed location for both events is the Grand Arts Center at 913 Park Avenue. Public notice was posted on July 29, 2009 and attested to by Grand County Sheriff Deputy Murphy. The Grand County Sheriff's Department reviewed the application and found no adverse information which would affect this permit. She then noted that Cathy Walton-Smith, President, was present.

Trustee Weydert moved to approve the Special Events Liquor Permits for the Grand Arts Council's fundraising events. Trustee Rhone seconded the motion, and all Trustees voted aye.

LIQUOR LICENSING AUTHORITY: **CONSIDERATION OF A SPECIAL EVENTS LIQUOR PERMIT APPLICATION FROM THE GRAND LAKE AREA CHAMBER OF COMMERCE FOR THE "2009 FALL FESTIVAL"** -

Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske explained that this request is for the "2009 Fall Festival", to be held on Saturday, September 19, 2009 from 10:00 a.m. to 8:00 p.m. and Sunday, September 20, 2009 from 10:00 a.m. to 4:00 p.m. in Town Square. 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 August 24 regular Board meeting either as a Public Hearing or as a regular item of business. Kolinske noted that Brad Taylor, Executive Director for the Chamber, was present.

Following discussion between Brad Taylor and the Board of Trustees, Trustee Rhone moved to act on this request as a regular item of business at the August 24, 2009 Board Meeting. Trustee Weydert seconded the motion, and all Trustees voted aye.

OLD BUSINESS:

CONSIDERATION OF AN ORDINANCE AMENDING THE TOWN OF GRAND LAKE MUNICIPAL CODE CHAPTER 6 ARTICLE 1 PEDDLERS, SOLICITORS, AND TRANSIENT MERCHANTS - Mayor Burke asked Town Code Enforcement Officer Korkowski to present this matter to the Board. Korkowski explained that staff has revised Municipal Code 6-1 Peddlers, Solicitors, and Transient Merchants per the direction of the

Board at their July 27, 2009 meeting. Staff removed the addition of the "charitable organization being either a 501(C)(3) or (4) under the Internal Revenue Code". Staff left in the provision which requires the issuance of a Special Use Permit instead of the Peddlers License. This gives the Mayor, and the Board if she wants them to review it, more flexibility to review the request and make a determination. Staff has taken the recommendations of the Board in reference to 12-2-31, but that revision will be presented later when zoning is next updated as that requires Public Hearings. Staff recommends the Board discuss the matter, take public comment, and take what action they deem appropriate. If the Board is favorable, the Board can move to adopt Ordinance No. 29-2009, an Ordinance Amending the Town of Grand Lake Municipal Code Chapter 6 Article 1 Peddlers, Solicitors, and Transient Merchants.

Trustee Weydert moved to adopt Ordinance No. 29-2009, an Ordinance Amending the Town of Grand Lake Municipal Code Chapter 6 Article 1 Peddlers, Solicitors, and Transient Merchants. Trustee Rhone seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF A RESOLUTION GRANTING A LICENSE FOR THE ENCROACHMENT INTO THE PUBLIC RIGHT-OF-WAY OF CERTAIN IMPROVEMENTS LOCATED ADJACENT TO THE SOUTHERLY PART OF LOTS 1 AND 2, BLOCK 5, TOWN OF GRAND LAKE FOR THE RUSTIC URN – Mayor Burke asked Town Code Enforcement Officer Korkowski to present this matter to the Board. Korkowski explained that on July 24, 2009, the Town received a request for an Encroachment License for the Rustic Urn located on the south portion of Lots 1-2, Block 5, commonly referred to as 405 Pitkin Street. The request is to allow one post of a freestanding sign to be placed into the Town's right-of-way and the sign to extend over the right-of-way. The sign to be erected is the sign that was at the Rustic Urn's former location of 625 Grand Avenue. Staff does not have a photograph of the sign, but the sign itself complies with all applicable regulations pertaining to a business sign. The sign is proposed to be placed at the southeast corner of the building with one post on their property. The sign would then extend out at approximately a 45 degree angle into the Pitkin right-of-way from a zero encroachment to a maximum of two feet, over a four foot distance, where the outer post is proposed to be placed. The applicant has submitted a cover letter, site plan, Statement of Authority from Erinnick Investments, LLC, as Gina Knochenmus, applicant, is not the owner of the property, and a drawing of the sign. Previous businesses at this location have had a projecting sign over the Pitkin Street boardwalk and the bracketing for this sign is still on the building. Also, the boardwalk does not extend past the south side of the building, so the proposed sign will not affect any boardwalk. Neither the sign nor post would encroach on the alley right-of-way. Staff recommends the Board discuss the matter and take what action they deem appropriate. If the Board is favorable to the encroachment, then Resolution No. ____-2009, a Resolution granting a license for the encroachment into the public right-of-way of certain improvements located adjacent to the

southerly part of Lots 1 and 2, Block 5, Town of Grand Lake should be adopted. He noted that Gina Knochenmus, applicant, was present.

Gina Knochenmus, 401 Grand Avenue, addressed the Board and asked to erect the same sign that she had at her former location of 625 Grand Avenue. She noted that the urn within the sign weighs approximately 350 pounds, therefore, two posts are necessary to erect the sign. One of which will have to be placed within the Town's right-of-way.

Board Members agreed that by allowing this would set a bad precedent.

During discussion, Trustee Lanzi suggested that she consult with an engineer for ideas on how she can erect the heavy sign without encroaching into the right-of-way.

Following discussion, Trustee Rhone moved to table consideration of this matter until the next regularly scheduled meeting to be held on August 24, 2009 and suggested that the applicant meet with staff to discuss alternative possibilities for placement of the sign. Trustee Weydert seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION TO SET A PUBLIC HEARING FOR SEPTEMBER 14, 2009 TO CONSIDER ACCEPTANCE AND DISPOSITION OF CERTAIN LANDS LOCATED IN THE TOWN OF GRAND LAKE OWNED BY GRAND COUNTY – Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that there are certain parcels of real property owned by the Board of County Commissioners (BOCC) that are located within the Town of Grand Lake. Town staff believes that it may be appropriate, given the Town's past hesitation to take these parcels, for the Board to consider holding a Public Hearing to determine whether or not the Town would like to accept any of the individual parcels. As staff has discussed with this Board, if the Town is to take the parcels from the County, one option would be for the Town to potentially deed parcels to adjacent property owners if the Town determined that there was no public value in any given parcel. Both he and Town Planner Wittman believe that if it is the desire of the Town to question if there is no public value in the individual properties and consider deeding individual parcels to adjacent property owners then the Town Board should also consider holding a Public Hearing on the matter. While the BOCC has not officially sent the Town any deeds, Town staff believes that the Town could receive the appropriate paperwork at any time. With that being said, staff would like to propose holding a Public Hearing to the Board. As per the recommendation of Town Attorney Krob, if the Board is favorable to conducting a review process for these actions, then the Board may hold one hearing. If the Board is favorable to a formal review process, the Board should move to hold a Public Hearing to be held on September 14, 2009, to consider the acceptance of, determination of public value for, and disposition of property to the extent there is no public

value for certain lands located in the Town of Grand Lake owned by the Board of County Commissioners.

Following brief discussion, Trustee Lanzi moved to hold a Public Hearing to be held on September 14, 2009, to consider the acceptance of, determination of public value for, and disposition of property to the extent there is no public value for certain lands located in the Town of Grand Lake owned by the Board of County Commissioners. Trustee Weydert seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION TO AWARD THE TRIANGLE PARK SIGN BID TO CREATIVE ARTISAN – Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that the Town advertised for bids to replace our existing sign at Triangle Park and received the two bids as follows:

Bid No. 1 Creative Artisan \$12,260

Bid No. 2. Lunsford Signs \$14,940

At the last meeting held July 27, 2009, the Board seemed in general agreement that Creative Artisan had the skills to build this monument and only questioned the sign itself. A+ Signs had given a price for an inferior design; a wooden sign with mounted pvc lettering. The current sign consists of a three dimensional wood alternative. Hale said that he has spoken to Sean Rodgers, owner of Creative Artisan, and Rodgers had reservations about A+ Signs as well, ultimately deciding that he would be more comfortable looking elsewhere. He's received bids from four sign makers one of which is Lunsford Signs. If the Board is comfortable with Rodgers' plan and continues to believe that he is the right person for this contract, the staff recommendation is for the Board to move to award the Triangle Park bid to the Creative Artisan. He noted that Sean Rodgers was not present and suggested that perhaps the Town go out to bid again or that the Triangle Park Sign be considered with next year's budget.

Trustee Lanzi asked if the Town could accept two separate bids for the sign, one for the masonry and one for the sign.

Town Manager Hale responded by saying yes, that is a possibility.

Following discussion, Trustee Weydert moved to not award the bid to replace the Triangle Park Sign and to reconsider this expense in next year's budget. Trustee Rhone seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE TOWN OF GRAND LAKE AND RIDGE AT ELK CREEK - Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that the Board of Trustees recently

discussed the lack of progress of the proposed Ridge at Elk Creek Development/Annexation with the developer of the project, Tom Stanley. At that meeting, it was the Board's desire to memorialize the agreements that had taken place with Mr. Stanley, since he believed that the current economy would keep him from moving forward in the short term. The easiest way to capture the details was to simply print them out and refer to them in an MOU. Thus, the MOU has three separate agreements attached; the Annexation and Development Agreement, the Agreement for Provision of Municipal Water Service and the Maintenance and Repair Agreement. While none of these have been signed, Hale said that he verified with Stanley that each of these agreements represents the latest and greatest discussion that has taken place on the particular topic. The big items are: developer will provide 14 affordable housing units, currently priced per foot at \$138, the second sale of each home will include a 2% real estate transfer assessment, each water tap will include an additional 50% to account for water acquisition, 150% of normal tap fee total, and the entire development will be placed into an improvement district so the Town has insurance that maintenance of this development will never fall on the taxpayers. As a final thought, in order to ensure that the developer makes it a point to discuss his progress with this Board at least annually, this MOU is set to expire in one year. If the Board still favors this direction, the staff recommendation is for the Board of Trustees to make a motion to authorize the Mayor to sign the Memorandum of Understanding between the Town of Grand Lake and the Ridge at Elk Creek, Inc. Hale noted that Stanley's account with the Town is \$3,448.27 in arrears.

Trustee Rhone moved to table consideration of this matter until the next regularly scheduled meeting to be held on August 24, 2009 to allow Mr. Stanley time to bring his account current. Trustee Weydert seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF ORDINANCE NO. 28-2009, AN ORDINANCE AUTHORIZING THE LEASE OF REAL PROPERTY TO THE GRAND LAKE METROPOLITAN RECREATION DISTRICT BY THE TOWN OF GRAND LAKE AND ESTABLISHING THE TERMS THEREOF -

Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that during the last workshop session, the Board discussed its willingness to lease the recently vacated portion of the modular building to the Recreation District. There was a general consensus that the recreation district's use of the property was a very good fit. He referred to a letter of request from Jeremy Kennell, President of Grand Lake Metropolitan Recreation District, requesting the use as well as outlining the different activities that could be conducted there such as general recreation programming for youth and adults, after school program and summer day camp. If the Board agrees with the idea of leasing this portion of the building to the Recreation District for a year, the staff recommendation is for the Board to adopt Ordinance No. 28-2009, an Ordinance Authorizing the Lease of Real Property to the Grand Lake Metropolitan Recreation District by the Town of

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Grand Lake and Establishing the Terms Thereof. Furthermore, staff recommends that the Board authorize the Mayor to sign the Lease Agreement attached as Exhibit 1 to the ordinance. He then noted that John Gould, Board Member of the Grand Lake Metropolitan Recreation District, was present.

During discussion between Mr. Gould and the Board it was agreed that all reference made in Ordinance No. 28-2009 and in the Lease Agreement that the modular building be used for general recreation programming for youth and adults be modified to reference youth only.

Following discussion, Trustee Rhone moved to adopt Ordinance No. 28-2009, an Ordinance Authorizing the Lease of Real Property to the Grand Lake Metropolitan Recreation District by the Town of Grand Lake and Establishing the Terms Thereof and moved to authorize the Mayor to sign the Lease Agreement attached as Exhibit 1 to the ordinance provided that all reference made in Ordinance No. 28-2009 and in the Lease Agreement that the modular building be used for general recreation programming for youth and adults be modified to reference youth only and that the Town receives the required proof of insurance. Trustee Lanzi seconded the motion and all Trustees voted aye.

ACCOUNTS PAYABLE

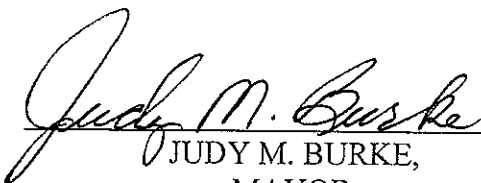
July, 2009:

Trustee Rhone 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 Rhone 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 Rhone moved to adjourn, seconded by Trustee Weydert. All Trustees voted aye, and the meeting was adjourned at 8:41 p.m., August 10, 2009.



JUDY M. BURKE,
MAYOR

ATTEST: 

RONDA KOLINSKE, CMC,
TOWN CLERK