

RECORD OF PROCEEDINGS

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REGULAR MEETING  
TOWN OF GRAND LAKE BOARD OF TRUSTEES  
MONDAY, MAY 11, 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 7:30 p.m. at the Town Hall, 1026 Park Avenue.

PRESENT: Mayor Burke; Trustees Lanzi, Peterson, Rhone, and Weydert; Town Manager Hale and Town Planner Wittman.

ABSENT: Trustees Johnson and Lewis and Town Clerk Kolinske.

APPROVAL OF MINUTES

April 27, 2009: Minutes were not available.

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

Mayor Burke announced that the Town is seeking volunteers for the annual Town wide Clean-Up Day on Saturday, May 16 from 8:30 – 11:30 a.m. and to clean-up Thomasson Park at 8:00 a.m. Volunteers are asked to contact Town Hall for more information. The Town will be hosting a barbeque at the Heckert Pavilion in Town Park from 11:30 to 12:30 for clean-up volunteers.

Mayor Burke announced that the Flowering of Grand Lake will host the 21<sup>st</sup> Annual Gardener's Exchange on Saturday, May 16 from noon – 4:00 p.m. in the Community House. Plants that are suitable for the Grand Lake area will be available at a low cost.

Mayor Burke announced that in conjunction with the Gardener's Exchange, the Town will be conducting the 2<sup>nd</sup> Annual "Great Tree and Reusable Bag Give Away" at 1:00 p.m. on May 16 in Town Park. The Town will be dispersing approximately 800 free trees in Town of Grand Lake reusable bags. The Colorado State Forest Service will be onsite conducting tree planting demonstrations and be available to discuss species diversity, forest health and the pine beetle. Residents are encouraged to use the reusable bags at local retailers to support Grand Lake in the reusable bag challenge.

Mayor Burke announced that there will be a Memorial Day Parade and Observance on Monday, May 25 beginning at 10:00 a.m.

Mayor Burke then announced that the Board of Trustees' second May meeting will be held on Tuesday, May 26, 2009 due to the Memorial Day Holiday.

PRESENTATIONS:

**GRAND COUNTY COMMISSIONERS** - Mayor Burke welcomed Grand County Commissioners; Gary Bumgarner, James Newberry, and Nancy Stuart. Nancy Stuart, the Commissioner representing Grand Lake's District, began by saying that building permit values are down. The County has budgeted \$90,000 for tree removal within the County road right-of-ways. The Commissioners have moved into their new BOCC room. The County has committed \$50,000 for a study of a pipeline that will take water from where it enters Shadow Mountain Lake to the tunnel, not moving it through Grand Lake. She said that they have asked Northern to pledge \$50,000 as well. She noted that Road and Bridge has begun applying magnesium chloride to County maintained roads starting at the west end of the County.

Commissioner Newberry then updated the Board on water issues, particularly the Firming Project. He said that the County has cut 1.5 million on capital projects and has enforced a hiring freeze except for essential personnel.

The Board of Trustees and the County Commissioners then briefly discussed the Quagga and Zebra Mussel situation.

Having no questions or further comments, Mayor Burke thanked the Commissioners for their time and for coming to this evening's meeting.

At 8:02 p.m. Trustee Lanzi excused himself and left the room.

LIQUOR LICENSING AUTHORITY: PUBLIC HEARING –CONSIDERATION OF A NEW HOTEL AND RESTAURANT LIQUOR LICENSE FOR O-A BISTRO, LLC, D/B/A O-A BISTRO – Mayor Burke asked Town

Manager Hale to present this matter to the Board. Hale explained that an application for a new Hotel and Restaurant Liquor License has been received, with the appropriate fees, evidence of possession, and floor diagram, from O-A Bistro, LLC, d/b/a O-A Bistro. The proposed location is at 928 Grand Avenue Unit #108. The property is zoned Commercial. The location is more than 500 feet from any educational institution, and no license has been denied for this location in the last two years for the reason that the reasonable requirements of the neighborhood and the desires of the adult inhabitants were satisfied by the existing outlets; therefore state statute does not prohibit liquor from being sold from this location. On April 13, the Local Liquor Licensing Authority (Board of Trustees) received this application and scheduled a Public Hearing for consideration of this application for 7:30 p.m. May 11, which is more than 30 days from the date of the application. Public notice of the Public Hearing was posted on the premises, and attested to by Grand County Sheriff Deputy Murphy on April 16, 2009, more than 10 days prior to this evening. Legal Notice No. 3293818 of this Public Hearing was published on April 16, 2009 in the Sky-Hi News, also more than 10 days prior to tonight's hearing. The

notice provided the type of license applied for, the name and address of the applicant, the date of the application, and the date of the hearing. A petition was received containing 18 signatures. The Town Clerk was able to verify that 15 of the people that signed are Grand Lake residents. The Grand County Sheriff's Department reviewed their files and found no adverse information that would affect the issuance of the license. At this Public Hearing, the Board must make a specific finding of fact from evidence adduced at this hearing regarding the desires of the adult inhabitants of the Town, and it must deny the application if it finds the sale of liquor at such a location is contrary to those desires. The local licensing authority has authority to refuse to issue this license for good cause, as defined in 12-47-103. The applicant is required to establish the reasonable requirements of the neighborhood or the desires of its adult inhabitants. The hearing is to be conducted as a quasi-judicial proceeding and in a manner which assures all interested parties a fair and reasonable opportunity to present views and information, and such that the applicant's procedural rights of fundamental fairness be protected. The Board must consider the moral character of the applicant; the reasonable requirements of the neighborhood; the desires of the adult inhabitants of the neighborhood; the number, type and availability of liquor outlets located in or near the neighborhood; and other reasonable restrictions which are or may be placed on the neighborhood by the local licensing authority (Board of Trustees). The Board may not consider any information presented after the close of the Public Hearing. It must make a determination either approving or denying the license, and state the reasons for that decision, within 30 days of the close of the Public Hearing. He noted that Olney Kliever, applicant was present.

Mayor Burke opened the meeting for public comment.

Having none, Mayor Burke closed the Public Hearing and turned the matter over to the Board.

Due to the fact that there were no challenges of the neighborhood and no findings against the applicant, Trustee Peterson moved to approve a new Hotel and Restaurant Liquor License for O-A Bistro, LLC, d/b/a O-A Bistro. Trustee Weydert seconded the motion and all Trustees voted aye.

At 8:10 p.m. Trustee Lanzi resumed his seat.

**LIQUOR LICENSING AUTHORITY: CONSIDERATION OF APPROVAL FOR A SPECIAL EVENTS LIQUOR PERMIT FOR THE FRIENDS OF THE LIBRARY FOR THE "TOPS OF THE ROCKIES" FUND RAISING EVENT** - Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale stated that this request was for a fundraising event to be held at the Grand Lake Yacht Club, 1128 Lake Avenue, on Sunday, June 28, 2009 from 4:00 p.m. to 9:00 p.m. He 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 April 30, 2009. The Grand County Sheriff's Department reviewed the application and found no adverse information which would affect this permit. He 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.

Hale then noted that Connie Robertson, representative, was present.

Trustee Rhone moved to approve the Special Events Liquor Permit for The Friends of the Library for the "Tops of the Rockies" fundraising event to be held June 28, 2009 from 4:00 to 9:00 p.m. Trustee Weydert seconded the motion and all Trustees voted aye.

**LIQUOR LICENSING AUTHORITY: CONSIDERATION OF RENEWAL OF THE TAVERN LIQUOR LICENSE FOR GATEWAY INN, INC., D/B/A GATEWAY INN** - Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale reported that the fees have been paid; the renewal documents are in order and indicate no changes from the previous renewal. 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. He concluded by saying that Tom Jenkins, Vice President/Secretary, was present.

Trustee Peterson moved to approve the renewal of the Tavern Liquor License for Gateway Inn, Inc., d/b/a Gateway Inn. Trustee Rhone seconded the motion and all Trustees voted aye.

**LIQUOR LICENSING AUTHORITY: CONSIDERATION OF RENEWAL OF THE HOTEL AND RESTAURANT LIQUOR LICENSE FOR BURNT BONE, INC., D/B/A SAGEBRUSH BARBECUE & GRILL** - Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale reported that the fees have been paid; the renewal documents are in order and indicate no changes from the previous renewal. 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. He concluded by saying that David Freeman, General Manager, was present.

Trustee Peterson moved to approve the renewal of the Hotel and Restaurant Liquor License for Burnt Bone, Inc., d/b/a Sagebrush Barbeque & Grill. Trustee Rhone seconded the motion and all Trustees voted aye.

OLD BUSINESS:

None.

NEW BUSINESS:

**CONSIDERATION OF ORDINANCE NO. 22-2009, AN ORDINANCE GRANTING AN EASEMENT FOR THE ENCROACHMENT INTO THE GRAND AVENUE, PITKIN STREET AND BLOCK 3 ALLEY PUBLIC RIGHTS-OF-WAY OF CERTAIN EXISTING ENCROACHMENTS ON LOTS 9 AND 10, BLOCK 3, TOWN OF GRAND LAKE** – Mayor Burke asked Town Planner Wittman to present this matter to the Board. Wittman explained that on January 20, 2009, Town staff received an Encroachment License request from Ron Ellis (with Grand Resorts, LLC) for his property located at Block 3, Lots 9-10. Mr. Ellis's request is for the granting of the preexisting non-conforming encroachment from his structure for a measurement of 4.91' into the Block 3 alleyway. Mr. Ellis's request comes to the Town as the preexisting non-conforming encroachment, without permission from the Town, has caused difficulty to secure financing on the structure. As indicated by the applicant, the northernmost portion of the building was built in the early 1900's; this encroachment has existed since the vicinity of platting of the Town of Grand Lake. In 1994, the Town did approve Ordinance No. 3-1994: *An Ordinance Granting an Easement for the Encroachment into the Grand Avenue and Pitkin Street Public Rights of Way of Certain Existing Buildings located on Lots 9 and 10, Block 3, Town of Grand Lake*. This ordinance granted Mountain Parks Bank an easement for the preexisting encroachments in the Pitkin Street and Grand Avenue Rights of Ways. This easement was for the use of the second-story balconies that are attached to this structure. This ordinance did not address the Block 3 alleyway encroachments. It is the belief of staff that Ordinance No. 3-1994 was created due to the fact that it was an easement for the encroachment in the Block 3 alleyway. Although this is a request for an encroachment, staff believes that it is appropriate for the Town, if the Board is favorable, to adopt a new ordinance to replace Ordinance No. 3-1994. Included in the new ordinance would be the allowance for all preexisting encroachments. This would cover not only the balconies but also the alleyway encroachments. As a reminder to the Board, an encroachment allows for the use/structure to remain until a point that either the Town or the property owner removes the encroachment. The Town utilizes encroachment licenses in situations where a property owner may desire to place something in the public R.O.W. but the Town reserves the right to remove the encroachment at any time. In other circumstances, the Town has actually vacated portions of R.O.W. to property owners; it is staff's belief that this is something that the Board

may not want to do in this location. If this portion of the Block 3 alleyway was vacated, the width of the alleyway in this location would be 11.09'. The Board should discuss this matter with the applicant. Staff believes that the Town should not grant an encroachment rather, if favorable, adopt an ordinance similar to that of Ordinance No. 3-1994. This would mean the approval of an easement for all of the preexisting encroachments (including the balconies and that portion of the structure in the rear alley way). If the Board is favorable to approval of this ordinance, then the Board should move to adopt Ordinance No. 22-2009 with the conditions listed in the ordinance as well as Town receipt of proof of insurance. She noted that Ron Ellis, applicant, was present.

Trustee Rhone moved to adopt Ordinance No. 22-2009, an Ordinance Granting an Easement for the Encroachment into the Grand Avenue, Pitkin Street and Block 3 Alley Public Rights of Way of Certain Existing Encroachments on Lots 9 and 10, Block 3, Town of Grand Lake with the condition that the Town receives proof of insurance. Trustee Peterson seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION TO AUTHORIZE TOWN STAFF TO ENTER INTO A CONTRACT FOR WEBSITE REDESIGN AND HOSTING SERVICES** – Mayor Burke asked Town Planner Wittman to present this matter to the Board. Wittman explained that at the Long Range Planning Retreat, the Town Board expressed that they would like to see website redesign and hosting services proposals from other companies before making any decision on switching from our current services. As a reminder, the Town was approached by SakerCom to redo the website and host it for us. Since that time, staff made an informal RFP to our current provider, SakerCom, O2 Creative and the two companies that designed and host the websites for Fraser and Winter Park (Civic Plus and Vision Internet). Staff received proposals from both O2 Creative and SakerCom. As per the Town's purchasing policy, three staff members reviewed the proposals: Town Manager Hale, Town Code Enforcement Officer Korkowski and Town Administrative Assistant Lund and have provided a copy of the tallied score sheet. The proposals were weighted by the following measurement: Vendor Background and Qualifications (20 points), Site Monitoring, Maintenance and Security (20 points), Hosting Services (10 points), Investment/Costs (25 points), and Timeline (25 points). A total of 100 points was available. As a result of the staff tallies, O2 Creative received a total score of 52.67 and SakerCom received a total score of 84.67. Some of the weighing factors was that SakerCom is willing to provide the Town with unlimited storage space, their timeline for website construction is approximately 30 days (as opposed to 3 to 6 months with O2 Creative) and it appears that necessary services and support that the Town may need are included in the pricing schedule for SakerCom. The Board should discuss this matter but based on this information, staff

recommends that the Board move to authorize Town staff to enter into a contract with SakerCom for website redesign and hosting services.

Following discussion, Trustee Peterson moved to authorize Town staff to enter into a contract with SakerCom for website redesign and hosting services with an amount not to exceed \$2,000 in 2009. Trustee Weydert seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION TO AUTHORIZE THE MAYOR TO SIGN A LAKE KOVE SUBDIVISION WATER AND MAIN DEDICATION**

- Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that last year, Town staff became aware that the Lake Kove Subdivision's water main had never been dedicated to the Town of Grand Lake. Looking back through the records, it seems like it was always the intent of the developer (Sam Thomasson) to dedicate this line, and it was always the intent of the Town to accept the line. Somehow, it fell through the cracks and was never properly dedicated, so we've been left with a rather awkward situation in that the Town is treating water that is being distributed privately. Also, this private ownership has hampered the Town in that we aren't able to extend our line to the south with annexations or otherwise if we don't own/control the line. He said that Town Treasurer Dzinski, Water Superintendent Johnson and himself met with representatives from Lake Kove this past January to discuss the options that their HOA had with the line, and after this discussion, they decided that all parties would benefit from the Town owning this section of pipe. Normally, these lines are installed under Town supervision, are kept under the developers ownership for a period of one year, and after that year has passed maintenance free, they are dedicated to the Town. Since this line was actually installed by our Water Superintendent at that time, and since it has been maintenance free for well over a decade, staff agrees that the Town should skip the one year probationary period, and instead accept the applicant's dedication request. If the Board is comfortable with this direction, the staff recommendation is for the Board of Trustees to accept the dedication request from Lake Kove HOA, move to authorize the Mayor to sign the Easement Deed and Bill of Sale and to direct the Town Manager to send a letter to the Lake Kove Subdivision accepting the water main.

Trustee Rhone moved to accept the dedication request from Lake Kove HOA, move to authorize the Mayor to sign the Easement Deed and Bill of Sale and to direct the Town Manager to send a letter to the Lake Kove Subdivision accepting the water main. Trustee Weydert seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION TO AUTHORIZE THE TOWN MANAGER TO ENTER INTO AN AGREEMENT FOR LANDSCAPING AND GARDENING SERVICES WITH HILLY LAWN FOR THE 2009**

RECORD OF PROCEEDINGS

**SEASON** – Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that the agreement reflects the budgeted amounts that the Board agreed to when adopting the 2009 budget. The only outstanding issue as of this memo is appropriate insurance; Carol Thompson, owner, did submit insurance, but her carrier got the liability coverage incorrect, so she is attempting to get it rectified. As you'll recall, their contract is divided over six months, versus having them fill in time sheets (like they used to). Also, instead of playing catch up every few years with huge rate hikes, we've attempted to keep up their rates by allowing an annual cost of living (CoLA) increase, which is directly tied to the staff CoLA set by the Board every budget cycle. The agreement has been signed by Carol Thompson so the staff recommendation is for the Board of Trustees to authorize the Town Manager to enter into an Agreement for Landscaping and Gardening Services with Hilly Lawn for the 2009 season, upon receiving the correct insurance coverage information.

Trustee Peterson moved to authorize the Town Manager to enter into an Agreement for Landscaping and Gardening Services with Hilly Lawn for the 2009 season, upon receiving the correct insurance coverage information. Trustee Weydert seconded the motion and all Trustees voted aye.

**ACCOUNTS PAYABLE**

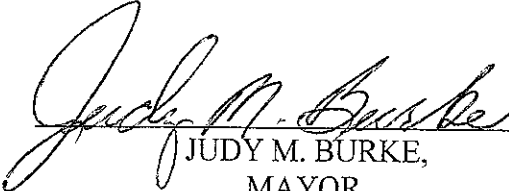
April, 2009:

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

CITIZEN PARTICIPATION: None.

ADJOURNMENT:

Trustee Rhone moved to adjourn, seconded by Trustee Weydert. All Trustees voted aye, and the meeting was adjourned at 8:33 p.m., May 11, 2009.

  
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JUDY M. BURKE,  
MAYOR

ATTEST:

  
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RONDA KOLINSKE, CMC,  
TOWN CLERK