

RECORD OF PROCEEDINGS

REGULAR MEETING
TOWN OF GRAND LAKE BOARD OF TRUSTEES
MONDAY, OCTOBER 26, 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 Johnson, Lanzi, Lewis, Peterson, Rhone, and Weydert; Town Manager Hale, Town Clerk Kolinske and Town Code Enforcement Officer Korkowski.

ABSENT: None.

APPROVAL OF MINUTES

October 12, 2009: Trustee Lewis moved to approve the minutes of the October 12, 2009 regular meeting as written, seconded by Trustee Rhone. All Trustees voted aye except Trustee Weydert, who abstained.

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

Mayor Burke announced that the Grand Lake merchants will conduct a Halloween Costume Contest for ages twelve and under on Saturday, October 31 at 11:30 a.m. in Town Square followed by a Scavenger Hunt throughout Town.

Mayor Burke then announced that Election Day is Tuesday, November 3, 2009. This election is being conducted as a Mail in Ballot Election, there will be no open polling places on Election Day. If you have not received your ballot or would like to surrender your ballot and vote electronically, you may do so at the Clerk and Recorder's Office by 7 p.m. on November 3rd.

REPORTS: SALES TAX
CASH FLOW REPORT
FOR OCTOBER 2009:

Mayor Burke asked Town Clerk Kolinske to present the sale tax cash flow report. Kolinske reported that the amount of revenue received in October for the month of August is \$136,855. This amount is nearly 11 1/2% below what was received through October 2008.

REPORTS: FINANCIAL
REPORT:

Mayor Burke asked Financial Trustee Peterson to present the Financial Report for September 2009. Peterson reported that General Fund expenditures through the end of September totaled \$1,282,593.73 or 51.2% of budget. He said the Water Fund expenditures for the same period totaled \$244,374.13 or 51.4% of budget and the Marina Fund expenditures totaled \$85,908.34 or 30.2% of budget.

At 7:33 p.m. Trustee Johnson excused himself and left the room.

LIQUOR LICENSING AUTHORITY: **CONSIDERATION OF RENEWAL OF THE 3.2 PERCENT BEER RETAIL LIQUOR LICENSE FOR CIRCLE D OF GRAND LAKE, INC., D/B/A CIRCLE D FOODS** - 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 concluded by saying that Craig Downing, President/Treasurer, was present.

Trustee Rhone moved to approve the renewal of the 3.2 Percent Beer Retail Liquor License for Circle D of Grand Lake, Inc., d/b/a Circle D Foods. Trustee Lewis seconded the motion and all Trustees voted aye.

At 7:35 p.m. Trustee Lewis excused herself and left the room.

LIQUOR LICENSING AUTHORITY: **CONSIDERATION OF RENEWAL OF THE HOTEL AND RESTAURANT LIQUOR LICENSE FOR COLORADO NEW FRONTIER CORP., D/B/A WACONDA RESTAURANT/BAR** - Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske 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. She concluded by saying that Egon Braun, President, and Doris Braun, Secretary, were present.

Trustee Peterson moved to approve the renewal of the Hotel and Restaurant Liquor License for Colorado New Frontier Corp., d/b/a Waconda Restaurant/Bar. Trustee Rhone seconded the motion and all Trustees voted aye.

At 7:38 Trustees Johnson and Lewis resumed their seats.

OLD BUSINESS:

CONSIDERATION OF ORDINANCE NO. XX-2009, AN ORDINANCE AMENDING 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 per the direction of the Board, the Ad Hoc Committee for Waste Disposal has been meeting to discuss possible changes to the Waste Disposal Ordinance. The committee also met with representatives of both current trash service providers during these meetings in order to get a better idea of what services they could provide and anticipated costs for those services. The following recommendations are a result of those meetings:

1. The cost of recycling has made it prohibitive to include it in the trash service at this time, but the committee recommends staff keep abreast

- of the cost issue and bring it back to the Board for discussion when it is more feasible.
2. The need for wildlife resistant trash containers is apparent and these containers should either be required in code or strongly recommended. They also recommended that if a wildlife resistant container is not used, then the penalty for trash being dumped and spread out should carry a substantial minimum fine.
 3. They would like to have the Town provide an unattended centralized trash facility, or a couple, which would be run as a Pay as You Throw (PAYT) system. The bags or stickers for the PAYT could be sold at Town Hall, and other approved outlets, which would be designed to cover the costs of the service and the small structures, approximately 12' x 12', to house the 8 or 10-yard trash dumpsters. The committee thought this could be the solution to local and second home owners who do not produce a lot of trash, and the cost of depositing the trash would then be an acceptable amount. This might also remove some of the trash containers which are visible from the roadway as some people might prefer this service. This would need to be set up as an enterprise and not run out of the general budget, as well as getting any site(s) approved as a conditional use.
 4. The committee was adamant about educating the public on any changes. Posting signage and notices, newsletter articles, and information on the website would be good ways to notify the public.
 5. The committee was split on having mandatory trash service for everyone, but generally agreed that if a centralized facility was possible, then mandatory trash service would not be necessary.

While the Ad Hoc Committee did see possible problems with some of these ideas, they thought these were the best and most applicable solutions. Enforcement of illegal dumping violations at the centralized facility/facilities, should be monitored to discourage illegal dumping, possibly with a camera system and heavy fines. Also, the cost of the PAYT bags may need to be changed periodically depending on the fluctuation of trash service costs. It is believed the cost for a PAYT bag will be somewhere between \$5.00 and \$7.00, and the bag, which would be the size of a lawn/leaf bag, will hold approximately 3 tall kitchen type bags. The Board passed Resolution No. 8-2009 which placed a moratorium on enforcement of Ordinance No. 6-2009 until November 1, 2009. This was done in order to have an ad hoc committee review the ordinance and allow time for the County trash transfer station issue to be decided. The trash transfer station is now going to be a privately run facility out of Granby and is expected to open in April 2010. The Board has the authority per Resolution No. 8-2009 to extend the moratorium up to an additional six months. Staff has prepared Ordinance No. xx-2009 which incorporates the suggested changes by the Ad Hoc Committee. If the Board would like to hold additional meetings on this issue, then staff recommends that Resolution No. 8-2009 be extended until such time as those meetings can be held and a decision is made on the issue. The Board may also send the issue back to the Planning Commission for review. If the Board wants to hold

a Public Hearing, then the earliest available date, due to noticing requirements, would be November 23, 2009.

Following discussion, Trustee Peterson moved to continue consideration of Ordinance No. xx-2009 to a future meeting or meetings, to extend the moratorium to May 1, 2010 as provided for in Resolution No. 8-2009, and to forward the Ad Hoc Committees' recommendations to the Planning Commission for review then for the Board to hold a Public Hearing when it comes back for consideration. Trustee Lewis seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF ORDINANCE NO. 38-2009, AN ORDINANCE AUTHORIZING THE LEASE OF REAL PROPERTY BY THE TOWN OF GRAND LAKE TO THE GRAND COUNTY WATER INFORMATION NETWORK (GCWIN) AND ESTABLISHING THE TERMS THEREOF – Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that The Town's annual lease with GCWIN is up November 15, 2009; therefore, Hale said that he has drafted a new proposed lease with a renewal for another year. As the first tenant, GCWIN has taken on a lot of the building manager roles in the modular, scheduling maintenance, collecting monies from the other tenants for utilities, etc. Although the \$1/year lease rate isn't going to break the bank anytime soon, the fact that the Town is no longer paying any of the utilities certainly saves money by having tenants. Furthermore, since water quality is probably the largest concern that this Board is currently addressing, helping to house GCWIN in Town seems like a great way to contribute towards the cause without spending tax dollars to do so. Since the Town was able to make some changes last year regarding repairs and maintenance, the proposed lease is substantially the same document that the Board approved last year notwithstanding the effective dates of the document. If the Board agrees with the changes as well as the idea of leasing this portion of the building for another year, the staff recommendation is for the Board to adopt Ordinance No. 38-2009 and authorize the Mayor to sign the Lease Agreement attached as Exhibit 1.

Trustee Weydert moved to adopt Ordinance No. 38-2009, an Ordinance Authorizing the Lease of Real Property by the Town of Grand Lake to the Grand County Water Information Network and Establishing the Terms Thereof and to authorize the Mayor to sign the Lease Agreement attached as Exhibit 1 seconded by Trustee Peterson.

During discussion, Trustee Lanzi suggested that a fair market value for rent be established on those properties that the Town leases out for \$1.00 and set it up as though that amount is being donated to them. He said, "If you rent something for nothing – it's worth nothing. The tenants may be more appreciative if they were aware of the value."

Following discussion, the motion was carried when all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF ORDINANCE NO. 39-2009, AN ORDINANCE AMENDING THE TOWN OF GRAND LAKE MUNICIPAL CODE CHAPTER 7, ARTICLE 8, TRAFFIC CODE – Mayor Burke asked Town Code Enforcement Officer Korkowski to present this matter to the Board. Korkowski explained that the Town Attorney has requested the Town adopt the 2009 Edition of the Model Traffic Code (MTC) for Colorado. Currently the 2003 Edition of the MTC is being used. The 2009 Edition of the MTC is the most current version of the Code. The form of the ordinance is what is suggested by the Colorado Department of Transportation, and includes a few modifications which were suggested by the Town Attorney. Most of these modifications deal with differences between traffic offenses and traffic infractions, and how the Municipal Court must handle the different violations. The Grand County Sheriff's Department was advised of the proposed ordinance and has not recommended any changes. Staff recommends adoption of Ordinance No. 39-2009.

Trustee Lewis then moved to adopt Ordinance No. 39-2009, an Ordinance Amending the Town of Grand Lake Municipal Code Chapter 7, Article 8, Traffic Code. Trustee Peterson seconded the motion and all Trustees voted aye.

NEW BUSINESS:

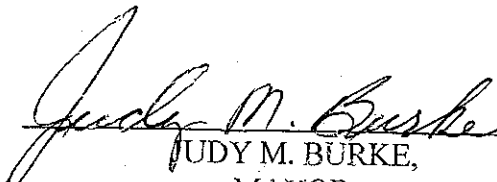
CONSIDERATION OF ORDINANCE NO. 40-2009, AN ORDINANCE AMENDING THE TOWN OF GRAND LAKE MUNICIPAL CODES BY ADDING CHAPTER 4, ARTICLE 2, SECTION 8, DELINQUENT ACCOUNTS, AND AMENDING CHAPTER 6, ARTICLE 1, SECTION 1 PEDDLERS, SOLICITORS, AND TRANSIENT MERCHANTS LICENSED, CHAPTER 6, ARTICLE 2, SECTION F, PERMIT APPLICATION PROCEDURE, CHAPTER 6, ARTICLE 3, SECTION 1 LICENSE REQUIRED, CHAPTER 6, ARTICLE 4, SECTION 3 LICENSE REQUIRED, CHAPTER 10, ARTICLE 1 SECTION 4, RULES AND OPERATING POLICIES, CHAPTER 10, ARTICLE 3, SECTION 1, PERMIT AND HEARING PROCEDURE, CHAPTER 11, ARTICLE 1, SECTION 5, PERMIT FOR CONSTRUCTION OR RECONSTRUCTION OF WALKS REQUIRED, CHAPTER 11, ARTICLE 1, SECTION 8 DISPLAY OF MERCHANDISE FOR SALE ON BOARDWALK, CHAPTER 12, ARTICLE 3, SECTION 6, PROCEDURE, CHAPTER 12, ARTICLE 4, SECTION 1, GENERAL PROVISIONS, CHAPTER 12, ARTICLE 5, SECTION 8, ESTABLISHMENT OF DEVELOPMENT PERMIT, CHAPTER 12, ARTICLE 5, SECTION 15, VARIANCE PROCEDURES, CHAPTER 12, ARTICLE 6, SECTION 6, PRELIMINARY AND FINAL PLAT PROCEDURES –GENERAL, CHAPTER 12, ARTICLE 7, SECTION 8, DESIGN REVIEW PROCEDURES AND SUBMISSION REQUIREMENTS, AND CHAPTER 12, ARTICLE 9, SECTION 2, MAJOR LAND USE DEVELOPMENT REVIEW PROCEDURES AND

SUBMITTAL REQUIREMENTS - Mayor Burke asked Town Code Enforcement Officer Korkowski to present this matter to the Board. Korkowski explained that Town staff has discovered that there are very few parts of the Municipal Code which require an entity to be up to date with all debts owed the Town or its enterprise funds when they apply for a license or permit. This is irregular in that it could cause that entity to become further in debt to the Town. Staff has drafted Ordinance No. 40-2009 at the direction of the Town Attorney. Staff has updated all permitting and licensing sections of the Municipal Code, which did not already have such a clause, to include a subsection on the Town not issuing a license or permit without the entity first being current with all debts owed the Town. These debts would include sales tax, property tax, water payment, a deposit on an open project being at the necessary amount, a fine, or any other type of debt. Staff recommends adoption of Ordinance No. 40-2009.

Trustee Rhone then moved to adopt Ordinance No. 40-2009, an Ordinance Amending the Town of Grand Lake Municipal Codes by Adding Chapter 4, Article 2, Section 8, Delinquent Accounts, and Amending Chapter 6, Article 1, Section 1, Peddlers, Solicitors, and Transient Merchants Licensed, Chapter 6, Article 2, Section F, Permit Application Procedure, Chapter 6, Article 3, Section 1, License Required, Chapter 10, Article 1, Section 4, Rules and Operating Policies, Chapter 10, Article 3, Section 1, Permit and Hearing Procedure, Chapter 11, Article 1, Section 5, Permit for Construction or Reconstruction of Walks Required, Chapter 11, Article 1, Section 8, Display of Merchandise for Sale on Boardwalk, Chapter 12, Article 3, Section 6, Procedure, Chapter 12, Article 4, Section 1, General Provisions, Chapter 12, Article 5, Section 8, Establishment of Development Permit, Chapter 12, Article 5, Section 15, Variance Procedures, Chapter 12, Article 6, Section 6, Preliminary and Final Plat Procedures – General, Chapter 12, Article 7, Section 8, Design Review Procedures and Submission Requirements, and Chapter 12, Article 9, Section 2, Major Land Use Development Review Procedures and Submittal Requirements. Trustee Lewis seconded the motion and all Trustees voted aye.

CITIZEN PARTICIPATION: None

ADJOURNMENT: Trustee Rhone moved to adjourn, seconded by Trustee Peterson. All Trustees voted aye, and the meeting was adjourned at 8:09 p.m., October 26, 2009.



JUDY M. BURKE,
MAYOR

ATTEST: 

RONDA KOLINSKE, CMC,
TOWN CLERK