

RECORD OF PROCEEDINGS

REGULAR MEETING  
TOWN OF GRAND LAKE BOARD OF TRUSTEES  
MONDAY, NOVEMBER 9, 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, Peterson, Rhone, and Weydert; Town Manager Hale and Town Treasurer/Clerk Pro-Tem Dzinski.

ABSENT: Trustee Lewis.

APPROVAL OF MINUTES  
October 26, 2009: Trustee Rhone moved to approve the minutes of the October 26, 2009 regular meeting as written. Trustee Weydert seconded the motion and all Trustees voted aye.

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

PRESENTATIONS: None.

At 7:31 p.m. Trustee Johnson excused himself and left the room.

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF RENEWAL OF THE HOTEL AND RESTAURANT LIQUOR LICENSE FOR GRAND LAKE BOWLING LANES, LLC, D/B/A GRAND LAKE LANES - Mayor Burke asked Town Treasurer/Clerk Pro-Tem Dzinski to present this matter to the Board. Dzinski 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 Rhone seconded the motion and all Trustees voted aye.

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF A SPECIAL EVENTS LIQUOR PERMIT APPLICATION FROM THE GRAND ARTS COUNCIL FOR THE ANNUAL HOLIDAY MELODRAMA - Mayor Burke asked Town Treasurer/Clerk Pro-Tem Dzinski to present this matter to the Board. Dzinski explained that an application for a Special Events Liquor Permit has been received, with the appropriate fee, permission for 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 during their annual holiday melodrama. The requested dates are

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December 26, 2009 and December 28, 2009 through December 31, 2009 from 5:00 to 10:00 p.m. The proposed location is the Grand Lake Community House. The Arts Council qualifies for a Special Events Permit in that it is incorporated with the State of Colorado as a non-profit social group. It has been the most recent procedure of this Board to receive the application and then schedule consideration of approval of the permit as a regular item of business at the following meeting. Although a Public Hearing is not required by statute, the Board may choose to set one. The premises are required by statute to be posted for at least 10 days prior to approval of the permit. Approval of the requested permit may be scheduled for the November 23<sup>rd</sup> regular Board meeting, as either a Public Hearing or regular item of business.

Barbara Ahrens, 66 County Road 4602, was then recognized from the audience. She passed out copies of a letter that she had addressed to the Board of Trustees (see attached Exhibit A) and said that she is adamantly opposed to the selling of alcohol during the 2009 Holiday Melodrama. She explained that she is no longer an Arts Council Board Member but has volunteered to continue to direct the melodrama. She further explained that the sale of alcohol is not conducive to maintaining a family friendly event and concluded by saying that her primary concerns are to guarantee that all members of a very diverse audience can appropriately enjoy a quality production and to ensure the comfort level and safety of the cast.

Kathy Walton-Smith, 4931 County Road 41, President of the Arts Council, was then recognized. She said that this would be a way to raise additional funds without raising ticket prices. She stated that safety, rowdiness and inappropriate behavior should not be issues since the show is an hour and a half long and people would likely purchase only one alcoholic beverage, two at most.

Jim Bianco, P. O. Box 469, Treasurer of the Arts Council, was the last to be recognized. He explained that the Board of Directors voted unanimously, without any reservations, to sell alcohol at this event. He said that these are trying times for revenue and this is another way to generate additional funds. He noted that there will be one night where no alcohol will be served which would give those the opportunity to take their children if they didn't want to go because of the alcohol. He also said that matinee performances could be another option.

Following brief discussion, Trustee Peterson moved to set a Public Hearing for November 23, 2009 to consider this request. Trustee Rhone seconded the motion, and all Trustees voted aye.

At 7:58 Trustee Johnson resumed his seat.

OLD BUSINESS:

**CONTINUATION OF A PUBLIC HEARING TO CONSIDER ORDINANCE NO. 36-2009, AN ORDINANCE REPEALING ORDINANCE NO. 6-2003 OF THE TOWN OF GRAND LAKE AND AMENDING CHAPTER 9, ARTICLE 1: BUILDING REGULATION**

**AND CHAPTER 12, ARTICLE 2: ZONING REGULATIONS, OF THE CODE OF THE TOWN OF GRAND LAKE FOR THE PURPOSE OF REGULATING THE ERECTION, CONSTRUCTION, ENLARGEMENT, ALTERATION, REPAIR, MOVING, REMOVAL, DEMOLITION, CONVERSION, OCCUPANCY, EQUIPMENT USE, HEIGHT, AREA AND MAINTENANCE OF ALL BUILDINGS OR STRUCTURES AS WELL AS PROVIDING FOR THE ISSUANCE OF, THE COLLECTION OF FEES THEREFOR, AND THE PENALTIES FOR THE VIOLATION THEREOF PERMITS WITHIN THE TOWN OF GRAND LAKE** – Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that on October 12, 2009, the Town Board moved to continue a Public Hearing on the 2009 adoption of the International Building Code, and relevant other codes, for the November 9 meeting. The Board determined that they would like to continue the matter to not only know what the discussions between the Grand County Firefighters Association (GAFFE), Grand County Building Department, and the County Commissioners were to be, but also to receive notification from the local fire protection district regarding the County’s desire to strike the requirements for sprinkler systems to be required for all single family residences. Since that time, the Town has received word from Jason Allen, Acting Fire Marshall. Staff has also discussed this matter with Mr. Scott Penson, Building Official. On October 27, the Board of County Commissioners (BOCC) voted to adopt all of the proposed codes, with the proposed changes, with the exception that multi-family condo dwelling complexes, up to four units in numbers, have the requirement to have sprinkler systems installed; this would include all duplex units. The County is still working through, with their legal counsel, the definitions for multi-family and expects to have things ironed out prior to the Trustees’ November 23 meeting. The provisions of these requirements, however, would not be effective until 2013. It is the thought that this will allow for all parties to be updated on the new requirements as well as to wait until the 2012 cycle for new code adoption to determine whether or not it will be a requirement at that time. Staff recommends the Board move to continue the Public Hearing for Ordinance No. 36-2009 until the November 23, 2009 meeting for the County to have the proposed code changes for presentation to the Town Board.

Trustee Rhone moved to continue the Public Hearing for Ordinance No. 36-2009 until the November 23, 2009 meeting for the County to have the proposed code changes for presentation to the Town Board. Trustee Peterson seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**PUBLIC HEARING – CONSIDERATION OF A PROPOSED BUDGET FOR THE TOWN OF GRAND LAKE FOR THE YEAR 2010** – Mayor Burke asked Town Treasurer/Clerk Pro-Tem Dzinski to present this matter to the Board. Dzinski explained that at the meeting held October 12, 2009, the Board of Trustees set a Public Hearing for this evening. Legal Notice No. 4177792 was published in the Middle Park Times on Thursday, October 22,

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2009 advising the public of the hearing and of the availability of copies of the proposed 2010 Budget at Town Hall. No copies have been requested as of this date. She noted that the budget will be considered for adoption on December 14, 2009.

Mayor Burke opened the hearing for public comment. Having none, Mayor Burke closed the Public Hearing and continued on to the next item on the agenda.

NEW BUSINESS:

**CONSIDERATION OF RESOLUTION NO. 27-2009, A RESOLUTION AUTHORIZING THE TOWN OF GRAND LAKE TO RETAIN A CREDIT CARD WITH CREDIT UNION OF COLORADO AND TO AUTHORIZE THE MAYOR TO SIGN AN AGREEMENT TO ACCEPT LIABILITY ON BEHALF OF THE TOWN** - Mayor Burke asked Town Treasurer/Clerk Pro-Tem Dzinski to present this matter to the Board. Dzinski explained that Resolution No. 27-2009 and the Agreement to Accept Liability have been prepared for the annual reissuance of the Town's credit card with Credit Union of Colorado. Shane Hale, Town Manager, and Martha Lund, Administrative Assistant, are the authorized users of this account. Staff recommends that the Board adopt Resolution No. 27-2009 and authorize the Mayor to sign the Agreement to Accept Liability in connection with the reissuance of the Town's credit card with the Credit Union of Colorado.

Trustee Rhone moved to adopt Resolution No. 27-2009 and authorize the Mayor to sign the Agreement to Accept Liability in connection with the reissuance of the Town's credit card with the Credit Union of Colorado.

ACCOUNTS PAYABLE

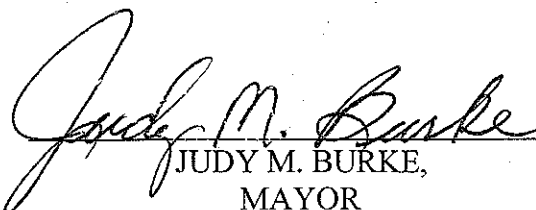
October, 2009:

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 then 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 8:08 p.m., November 9, 2009.

  
JUDY M. BURKE,  
MAYOR

ATTEST:   
GAY DZINSKI,  
TOWN TREASURER/CLERK PRO-TEM

Exhibit A

November 9, 2009

Mayor Judy Burke  
Town Board of Trustees  
Town of Grand Lake  
Grand Lake, Colorado 80447

I am adamantly opposed to selling wine at the 2009 Holiday Melodrama. We have spent the last ten years raising the quality of the melodrama production and thereby increasing the level of enjoyment for the audience. Currently, we can be proud of the production and believe that we have brought it up to more than acceptable standards. It is now obvious that the audience is positively involved with and enjoying what is going on onstage.

The melodrama is always "billed" as "family entertainment;" many young children, teenagers, twenty-somethings, and those of a certain age comprise the audience. With such an audience in mind, we have sold coffee and hot chocolate, appropriate beverages given the nature of the audience. One person I spoke to, who has attended several times with her family, said that she would not feel comfortable bringing her young grandchildren if alcohol were being sold. I want to maintain that family atmosphere that we have achieved, and I do not want to discourage anyone from attending.

At the melodrama we encourage audience participation. I strongly believe that infusing alcohol into that atmosphere is asking for trouble. Even without alcohol being served, there have been some incidents over the years when audience members have gone overboard in their participation. During the course of the melodrama, cast members make entrances and exits through the audience, and almost always there is a chase scene toward the end when the cast members run through the audience. I believe that audience members drinking irresponsibly could make this very dangerous for the cast, a risk I am unwilling to take with these folks who have worked so hard to put on a great show for a diverse and appropriately appreciative audience.

In regard to the cast, we often have children and teenagers onstage, and their friends and family attend the show, many more than once. It is important that these young people and their friends and families not be subjected to inappropriate audience behavior, which can be fueled by alcohol. The show runs for an hour and a half, from 8:00 to about 9:30 pm. Surely, audience members can continue to abstain from alcohol for that period of time as they have done happily for the past ten years.

Also, given the size of the melodrama crowds (up to 168) at some of the performances, just establishing if those who want wine are of age would be onerous, especially given the size restrictions of the lobby area. The idea of asking volunteers to "police" the crowd in such a confined space is not at all practical with large crowds, and it certainly raises additional liability issues. If the melodrama is to continue to be a family friendly event, alcohol is not conducive to maintaining that.

My primary concerns are to guarantee that all members of a very diverse audience can appropriately enjoy a quality production and to ensure the comfort level and safety of the cast.

Barbara Ahrens

