

RECORD OF PROCEEDINGS

REGULAR MEETING
TOWN OF GRAND LAKE BOARD OF TRUSTEES
MONDAY, APRIL 26, 2010 7:30 P.M.

CALL TO ORDER: The regular meeting of the Board of Trustees was called to order by Mayor Judy Burke at 7:34 p.m. at the Town Hall, 1026 Park Avenue.

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

ABSENT: None.

APPROVAL OF MINUTES

April 12, 2010: The minutes of April 12, 2010 were not available.

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

CONFLICTS OF INTEREST:

Mayor Burke stated that if there are any Trustees wishing to announce a conflict of interest with any items on this evening's agenda, they should do so at this time.

Trustee Johnson announced that he had a conflict with the Local Liquor Licensing issues as he holds a license for The Bears Den and had a conflict with Resolution No. 11-2010, a Resolution Identifying the Approved Signage for Daven Haven Lodge and Backstreet Steakhouse.

Trustee Lewis also disclosed a conflict with Resolution No. 11-2010, a Resolution Identifying the Approved Signage for Daven Haven Lodge and Backstreet Steakhouse.

REPORTS: SALES TAX
CASH FLOW REPORT
FOR APRIL 2010:

Mayor Burke asked Town Clerk Kolinske to present the sales tax cash flow report. Kolinske reported that the amount of revenue received in April for the month of February is \$30,914. This amount is nearly 15% below what was received through April 2009.

REPORTS: FINANCIAL
REPORT FOR
MARCH 2010:

Mayor Burke asked Financial Trustee Peterson to present the Financial Report for March 2010. Peterson reported that General Fund expenditures through the end of March totaled \$260,042.16 or 14.8% of budget. He said the Water Fund expenditures for the same period totaled

\$110,552.95 or 22.6% of budget and the Marina Fund expenditures totaled \$21,391.62 or 6.6% of budget.

At 7:38 p.m. Trustee Johnson excused himself and left the room.

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF A SPECIAL EVENTS PERMIT APPLICATION FROM THE FRIENDS OF THE LIBRARY FOR THE "TOPS OF THE ROCKIES" FUNDRAISING EVENT - Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske explained that this request is for the "Tops of the Rockies" fundraising event to be held at the Grand Lake Yacht Club, 1128 Lake Avenue on Sunday, June 20, 2010. 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 May 10th Board Meeting as a regular item of business or as a Public Hearing. Kolinske noted that Ann Feucht, Representative of The Friends of the Library, was present.

Ann Feucht was recognized from the audience and noted that this is the 5th Annual Tops of the Rockies. Grand Lake's Juniper Library receives 80% of the funds raised from this event and the other 20% is divided amongst the other four libraries in Grand County.

Trustee Peterson moved to act on this request as a regular item of business at the May 10, 2010 Board Meeting. Trustee Weydert seconded the motion, and all Trustees voted aye.

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF RENEWAL OF THE HOTEL AND RESTAURANT LIQUOR LICENSE FOR RAYMOND AND JULIA BLANCHARD, D/B/A THE TERRACE INN - 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 Julia Blanchard, Owner/Manager, was present.

Trustee Lewis moved to approve the renewal of the Hotel and Restaurant Liquor License for Raymond and Julia Blanchard, d/b/a The Terrace Inn. Trustee Peterson seconded the motion and all Trustees voted aye.

At 7:45 p.m. Trustee Lewis excused herself and left the room.

OLD BUSINESS: **CONSIDERATION OF RESOLUTION NO. 11-2010, A RESOLUTION IDENTIFYING THE APPROVED SIGNAGE FOR DAVEN HAVEN LODGE AND BACKSTREET STEAKHOUSE –**

Since there was no representation from the Daven Haven present, Trustee Gibbons moved to table consideration of this matter until the next regularly scheduled meeting to be held on May 10, 2010. Trustee Weydert seconded the motion and all Trustees voted aye.

At 7:46 p.m. Trustees Johnson and Lewis resumed their seats.

OLD BUSINESS:

CONSIDERATION TO RESET A PUBLIC HEARING FOR CONSIDERATION OF ORDINANCE NO. XX-2010, WASTE DISPOSAL – Mayor Burke asked Town Code Enforcement Officer Korkowski to present this matter to the Board. Korkowski explained that at the March 8, 2010 meeting the Board set a Public Hearing on this matter for April 26, 2010. Korkowski stated that he failed to get the notice of the hearing into the Middle Park Times, therefore, he asked the Board to reset this matter for a Public Hearing for May 24, 2010. He continued to say that staff was directed at the last meeting to get actual estimates for construction of a building to house a Pay as You Throw (PAYT) system of dumpsters. Staff has gotten estimates for a 34’x12’ building which would house 2 8-yard dumpsters for trash and one 8-yard dumpster for recycling, if and/or when the Town gets recycling back. The estimate also includes new entry and exit driveways and transition pads, stamped concrete, for the parking lot off of Hancock. The Town should consider adding a sidewalk/boardwalk along Hancock as it would help delineate the parking lot and entry/exit points, but a sidewalk is not required by the Boardwalk Code. The following tables indicate the estimates for the building and related costs.

EXCAVATION

TOTAL	\$3,800.00
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CONCRETE WORK

34’x12’ monoslab for building	\$2,900.00
34’x4’ apron from lot to building	\$800.00
30’x5’ of stamped entry & exit (along Hancock)	\$2,000.00
TOTAL	\$5,700.00

BUILDING

Building materials	\$7,000.00
Labor	\$7,200.00
Stain and Labor	\$1,450.00
Garage Doors	\$2,100.00
Electrical & Elec. Permit	\$1,500.00
Building Permit – if necessary	\$250.00
TOTAL	\$19,500.00

Staff directed the contractors to give estimates on the high side. The total estimated cost is \$29,000.00. While this is above staff's original estimate, the original estimate was for a smaller building and did not include the entry/exit costs for the parking lot. Some costs could be defrayed by having Public Works do the work, such as painting the building which is listed as \$1,450.00. If the cost of the building is spread out over 10 years with no interest, the repayment would be \$242.00/month. Based upon earlier estimates of 95% capacity of dumpsters (46 bags/dumpster), the cost per bag to recoup the cost of the building would be around 33¢. If the dumpsters had fewer bags per dump, then this number would be greater. Based on earlier cost analysis for the bags and service at \$1.47/bag at maximum dumpster capacity, the lowest cost scenario would show a cost per bag just under \$2.00. This cost per bag, however, would increase if the dumpsters were not at maximum capacity. Staff has 3 private entities requesting a RFP for providing trash services. The Board may want to discuss the RFP and building cost issues at this meeting. The RFP has 3 separate items in it. First is for a company to build the building and run the PAYT program, which is staff's preference. Second is for the Town to build the building and a private company to run the PAYT program while leasing the building. And third, the Town would build the building and run the PAYT program with a company just hauling the trash. Staff recommends the Board reset the Public Hearing to consider the draft ordinance for the May 24, 2010 meeting as well as provide input for the RFP so staff can distribute it.

Following brief discussion, Trustee Lewis moved to reset a Public Hearing for May 24, 2010 to consider an ordinance for Waste Disposal. Trustee Gibbons seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF A LICENSE/AGREEMENT TO ENTER UPON LAND AND RELEASE OF LIABILITY BETWEEN THE TOWN OF GRAND LAKE AND ANCHOR POINT GROUP, LLC FOR TREE MITIGATION - Mayor Burke asked Town Code Enforcement Officer Korkowski to present this matter to the Board. Korkowski presented the Board with an agreement for services between the Town and Anchor Point Fire Management for the mitigation of the dead/diseased trees at Thomasson Park. He said that the project is being done at no cost to the Town. Anchor Point has a Federal grant to mitigate trees in a three county area, which includes Grand County, and has picked three areas in Grand Lake to mitigate under their grant. The areas are Thomasson Park, Shadow Park West Subdivision, and the Brandt property above Thomasson Park. This agreement only covers Thomasson Park. The other landowners will have to enter into their own agreement. Anchor Point would like to start the project in early May, and they will bring the original signed copy of the agreement with them at that time. Anchor Point has submitted a copy of their insurance

naming the Town as additional insured. Staff recommends that the Board authorize the Town Manager to enter into the agreement with Anchor Point Fire Management for the mitigation of dead/diseased trees in Thomasson Park.

Following brief discussion, Trustee Johnson moved to authorize the Town Manager to sign the License/Agreement to Enter Upon Land and Release of Liability Between the Town of Grand Lake and Anchor Point Group, LLC for the mitigation of dead/diseased trees in Thomasson Park. Trustee Gibbons seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF RESOLUTION NO. XX-2010, A RESOLUTION AUTHORIZING THE INSTALLATION OF A SIGN FOR THE GRAND LAKE ROTARY AT TRIANGLE PARK IN THE TOWN OF GRAND LAKE - Mayor Burke asked Town Code Enforcement Officer Korkowski to present this matter to the Board. Korkowski explained that Glenn Harrington has submitted a sign permit application on behalf of the Grand Lake Rotary to place a Rotary Emblem sign at Triangle Park. Since the proposed location of the sign is on public land and the size of the sign exceeds the maximum allowed for service organization emblems, staff had to deny the application. Glenn Harrington is asking the Board to reconsider the application and allow the sign. The proposed sign is 4.91 square feet in size and Municipal Code only allows for 2 square feet. The proposed sign is the same size as the emblem that the Rotary had on the previous Town sign at Triangle Park for many years. That sign was destroyed and had to be removed for the building of the new sign, this could be viewed as a replacement of a pre-existing non-conforming sign since it was not of their own doing. The proposed placement of the sign would be in Triangle Park along the Grand Avenue side and would overhang a flower garden so as to not obstruct any walking/playing areas or the snowmobile trail. Mr. Harrington will work with Public Works to make sure no water lines are damaged upon placement. Korkowski noted that Glenn Harrington, representative of the Grand Lake Rotary Club, was present. Based on discussion at the afternoon workshop regarding alternate locations, Korkowski presented pictures that he had taken before this evenings meeting of the marquee at the entrance to Town, the location of the Tree City U.S.A. sign near Mountain Food Market, the post at the end of the guardrail coming into Town just past the Visitor's sign, and the Town's monument sign on Highway 34. He reminded the Board that the marquee and the monument signs are both in the CDOT right-of-way. The Town will need to obtain approval from CDOT to place another sign in the right-of-way which is a lengthy process.

During discussion, the Board gave its consensus for approval of the size of the Rotary sign and agreed that the two best locations would be the

marquee at the entrance to Town and at the location of the Tree City U.S.A. sign near Mountain Food Market.

Glenn Harrington agreed to take this information to the Rotary Club Board then it will come back before the Board of Trustees for consideration of approval by resolution.

NEW BUSINESS: **CONSIDERATION OF ORDINANCE NO. XX-2010, AN ORDINANCE ESTABLISHING A MORATORIUM ON INSTALLATION OF DIRECTIONAL SIGNS IN THE TOWN OF GRAND LAKE OF ORDINANCE NO. XX-2010, AN ORDINANCE AMENDING THE TOWN OF GRAND LAKE MUNICIPAL CODES BY AMENDING SECTION 1 OF ARTICLE 2 OF CHAPTER 6 SIGN CODE -** Mayor Burke asked Town Code Enforcement Officer Korkowski to present this matter to the Board. Korkowski explained that Town staff has found an omission in the sign code which needs to be addressed. Current sign code defines directional signs, but it does not specifically list any regulations regarding them unless the directional sign relates to open houses. This omission could lead to directional signs being placed around Town without any application or permitting process being followed. Staff would like the Board to discuss the type of regulations they would like to see, if any, for this type of sign. Staff has drafted an ordinance with suggestions for regulations for the Board to use as a template. Since sign code has always been an issue that the Board has set for Public Hearings in the past, staff is recommending the Board set the matter for a Public Hearing for May 24, 2010. If the Board would like the Planning Commission to review this matter first, the Board might also want to consider a moratorium on any new directional signs until this matter is resolved. Draft Ordinance No. xx-2010 which modifies the sign code and draft Ordinance No. 5-2010 adopting a moratorium on directional signs are for the Board's consideration.

Trustee Peterson moved to adopt Ordinance No. 5-2010, an Ordinance Establishing a Moratorium on Installation of Directional Signs in the Town of Grand Lake and forward the matter of Directional Signs to the Planning Commission for review and recommendation. Trustee Lewis seconded the motion and all Trustees voted aye.

NEW BUSINESS: **CONSIDERATION OF A REQUEST FROM GRAND CAMP TO FINANCE PLANT INVESTMENT FEES –** Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that the Town is in receipt of a request from Jeff Green, Representative of Grand Camp, to finance the Plant Investment Fees, a/k/a water tap fees, for their commercial subdivision consisting of 14 units. The development is proposed to be located on Highway 34 and Mary Drive. The Plant Investment Fee is the fee charged at the time of connection to the water system. The Plant Investment Fee is both a repayment for the

Town's previous investments in the water system and is used to finance the construction of water collection, transmission, storage, treatment, and distribution. The total Plant Investment Fees for this development is \$97,500, \$6,500 per unit plus an additional Homeowners Association irrigation tap. As Municipal Code Section 10-1-8 indicates, "*The customer shall pay a water plant investment fee in the amount established by resolution adopted by the Board of Trustees. Said fee shall be in addition to all other fees or charges relating to water service elsewhere described in this article, and under no circumstance shall such plant investment fee be refunded or rebated.*" Additionally, the Code further states: "*The Plant Investment Fee shall be paid in full prior to the issuance of any building permit for new construction.*" The Code indicates the fee may be financed by the applicant through the Town for additions to existing structures with the following conditions:

1. Down payment of at least twenty percent (20%) of the total plant investment fee due.
2. Payment period of two (2) years maximum with payments to be made quarterly.
3. Floating interest rate to be charged on the unpaid balance of two (2) points above the Federal Funds Rate as published ten (10) days prior to the due date of the quarterly payment.
4. The applicant shall sign a promissory note for the amount being financed, said note to be of a form and manner approved by the Town.
5. Failure by the applicant to pay within thirty (30) days of the due date of any payment shall relieve the Town of any obligation to further serve the property, and said Plant Investment Fee shall be forfeited.
6. Nothing in this section shall limit the Town's ability to shut off water, file tax liens, or otherwise initiate legal action due to the applicant's failure to make payments to the Town within thirty (30) days of the due date of any payment.

As the Board is aware, this is not an addition to an existing structure. Additionally, the Board is aware this type of request came to the Board when a request was submitted by Rocky Mountain Repertory Theatre (RMRT). On February 22, 2010, the Town Board approved Resolution No. 7-2010 which outlined the Board's willingness to negotiate with Rocky Mountain Repertory Theatre the potential financing of the Plant Investment Fee, as their development included the addition to an existing complex – as opposed to the addition to an existing structure, if the Municipal Code is modified or if other arrangements for the payment of the Plant Investment Fee are made by RMRT. Hale noted that RMRT came in last week and paid their Plant Investment Fee therefore all negotiations with them are now off the table.

There are different opinions of Town staff:

1. The costs of water taps, as well as sewer taps and other infrastructure needs are a construction requirement and should not be allowed to be financed for new construction, whether commercial or residential. It is the thought that this is a development cost and if the Town was to pursue this option, at what point is the Town going to be receiving requests for financing of all Town fees and taxes associated with the permitting process. Additionally, the requirement now is that 100% of the payment be received prior to the building permit, and there is no real benefit to negotiating this requirement away. While there may be ways for the Town to eventually recover these monies through legal action if the developer got behind on payments, etc., that option is far inferior to simply receiving the money up front.
2. The costs for utility infrastructure for commercial developments far exceed those costs for residential developments. With 20% down and the remainder financed over a period of two years, and with a financing agreement in place, the Town would still be getting the total fee cost prior to allowing the tapping to the Town's water system and the 20% is a way to continue to aide development in the Town. If the development was sold, the Town would be able to collect funds in a civil suit or be able to hold a future owner to the agreement.

This is matter for discussion for the Board as it is up to the Board whether or not the Board would like to enter into an agreement of this nature. The Board should discuss this matter and then provide direction to staff. Possible motions for the Board:

1. The Board may move to direct staff to work with representatives of Grand Camp, as well as the Town Attorney, on the development of a financing agreement to bring back for the Town Board's consideration at a later date; or
2. The Board may move to deny the request by the applicant, stating specific reasons why the Board is not favorable to this type of agreement.

Hale noted that Morris King, Secretary/Director of Grand Camp, was present.

Morris King, 1604 Grand Avenue, was recognized from the audience and said that the water and sewer infrastructure will cost them around \$200,000.00 and is making this request to help defer some of the upfront costs.

Trustee Gibbons asked King if he has submitted financial statements to the Town. King responded by saying that he has not submitted financial

statements but has submitted the required documentation for the development.

Trustee Gibbons said that he was all in favor of development but would like to see the plans and financials to complete the project.

Trustee Weydert explained that the Town normally doesn't ask for such documentation when considering a request for concessions. He said that this development has already been approved by going through the all proper procedures.

Trustee Lanzi stated that this is not an addition to an existing structure, therefore is not eligible for financing.

Trustee Lewis made the comment that the Town is not in a position to finance and further stated that developers should pay their own way.

Following discussion, Trustee Lewis moved to deny the request for Grand Camp to finance Plant Investment Fees, seconded by Trustee Lanzi. All Trustees voted aye except Trustee Gibbons, who voted nay.

NEW BUSINESS:

CONSIDERATION OF A SPECIAL EVENT PERMIT REQUEST FROM THE GRAND LAKE FIRE PROTECTION DISTRICT FOR THE 27TH ANNUAL COLORADO STATE CHILI COOK OFF – Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that the Town is in possession of a Special Events Permit (SEP) Application submitted by the Grand Lake Fire Protection District for the 27th Annual Colorado State Chili Cook Off. According to Section 12-2-31 - Special and Conditional Use Regulations: The Mayor, or the Mayor's designee, may sign the SEP without referring the matter to the Board of Trustees if the SEP is deemed to be in the best interest of the Town with the following items being taken into consideration:

- (a) The predominant use of the primary facility being used
- (b) The proposed event and the event hours
- (c) Neighborhood compatibility
- (d) Effect of the proposed event on the community
- (e) The Town's anticipated cost in Staff time and equipment use
- (f) Duplication of services or sales items
- (g) Permanent address of the non-profit organization or governmental entity
- (h) First time event

The Mayor, or the Mayor's designee, will refer the matter to the Board of Trustees for approval if the event involves a Special Events Liquor Permit. Since this event will involve a liquor permit, it's being referred to the Board of Trustees for approval. If the Board is OK with this

event, the staff recommendation is for the Board to authorize the Mayor to sign the Special Event Permit.

Following brief discussion, Trustee Lewis moved to authorize the Mayor to sign the Special Event Permit Request from the Grand Lake Fire Protection District for the 27th Annual Colorado State Chili Cook Off. Trustee Johnson seconded the motion and all Trustees voted aye.

NEW BUSINESS:

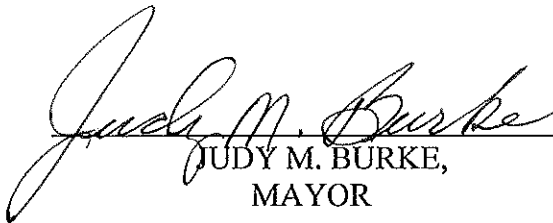
CONSIDERATION OF APPOINTMENT OF A MEMBER TO THE GRAND LAKE CEMETERY COMMITTEE – Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske explained that due to the recent resignation of Aron Rhone to the Grand Lake Cemetery Committee, Martha Boehner, Chairman, forwarded a recommendation, on behalf of the Committee, to appoint Margaret (Scotti) McCarthy. Boehner noted that Scotti has been very helpful to the Committee in the recent past, and has a keen interest in the area. She would be a great asset to the Committee and to the Town.

Trustee Peterson moved to appoint Margaret (Scotti) McCarthy to the Cemetery Committee. Trustee Gibbons seconded the motion and all Trustees voted aye.

CITIZEN PARTICIPATION:

ADJOURNMENT:

Trustee Lewis moved to adjourn, seconded by Trustee Weydert. All Trustees voted aye, and the meeting was adjourned at 8:27 p.m., April 26, 2010.



JUDY M. BURKE,
MAYOR

ATTEST. 

RONDA KOLINSKE, CMC,
TOWN CLERK