

RECORD OF PROCEEDINGS

REGULAR MEETING
TOWN OF GRAND LAKE BOARD OF TRUSTEES
MONDAY, JUNE 14, 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 7:35 p.m. at the Town Hall, 1026 Park Avenue.

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

ABSENT: None.

APPROVAL OF MINUTES

May 10, 2010: The minutes of May 10, 2010 were not available.

May 24, 2010: The minutes of May 24, 2010 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 Magnesium Chloride (dust control) will be applied to Town streets on June 17 & 18.

Mayor Burke announced that the 5th Annual "*Tops of the Rockies*" sponsored by The Friends of the Grand County Library will be held Sunday, June 20 at the Grand Lake Yacht Club. Tickets are available at any Grand County Library.

Mayor Burke announced that the 27th Annual "*Colorado State Chili Cook Off*" will be held Saturday, June 26 in the Town Park. Proceeds will go to the Grand Lake Fire Protection District's Scholarship Fund.

Mayor Burke announced that the 7th Annual "*Art & Architecture Home Tour*" sponsored by the Grand Arts Council will be held Saturday, June 26 from 1-5 p.m.

Mayor Burke then announced that the Independent Sports Club is sponsoring a charity auction at the Grand Lake Golf Course on June 26, along with the annual golf tournament on June 26 and 27.

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 Ordinance No. X-2010, an Ordinance Amending the

Municipal Code of the Town of Grand Lake by Amending Chapter 6, Article 4, Section 2, Business License Exemptions, and Chapter 6, Article 1, Section 2, Peddlers, Solicitors and Transient Merchants Definitions.

Trustee Peterson announced that he will abstain from voting on Resolution No. 17-2010, a Resolution Designating Authorized Drivers for Black Beauty since he will be one of the drivers.

At 7:37 p.m. Trustee Johnson excused himself and left the room.

LIQUOR LICENSING AUTHORITY: **CONSIDERATION OF APPROVAL OF A SPECIAL EVENTS LIQUOR PERMIT FOR ROCKY MOUNTAIN REPERTORY THEATRE FOR THE "CABARET/ALL THAT JAZZ" FUNDRAISING EVENT** - Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske stated that this request was for a fundraising event to be held at the Grand Lake Yacht Club, 1128 Lake Avenue, on Sunday, July 25, 2010 from 1:00 p.m. to 10:00 p.m. She said that the application documents were in order and the appropriate state fee was paid. Public notice was posted on the premises on June 4, 2010 and attested to by Grand County Sheriff Deputy Sprague. The Grand County Sheriff's Department reviewed the application and found no adverse information which would affect this permit. She 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.

Kolinske noted that Carol Wolff, Executive Director for the Theatre, was present.

Trustee Lewis then moved to approve the Special Events Liquor Permit for the Rocky Mountain Repertory Theatre for "Cabaret/All That Jazz". Trustee Gibbons seconded the motion and all Trustees voted aye.

LIQUOR LICENSING AUTHORITY: **CONSIDERATION OF APPROVAL OF SPECIAL EVENTS LIQUOR PERMITS FOR THE GRAND LAKE CHAMBER OF COMMERCE FOR VARIOUS FUNDRAISING EVENTS** - Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske stated that this request was for several fundraising events to be held in Town Square and at Lakefront Park. The requested dates are July 16, 17 & 18, 2010 for Buffalo Barbecue, August

27 & 28, 2010 for Blues Fest and September 17 & 18, 2010 for Fall Bluegrass Festival. She said that the application documents were in order and the appropriate state fees were paid. Public notices were posted on the premises on June 4, 2010 and attested to by Grand County Sheriff Deputy Sprague. The Grand County Sheriff's Department reviewed the applications and found no adverse information which would affect these permits. She stated that the Board must investigate the applications and must deny the permits 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.

Kolinske noted that Sara Sable, Executive Director, and Darin Foran, Event Manager for the Chamber, were present.

Trustee Peterson then moved to approve the Special Events Liquor Permits for the Grand Lake Chamber of Commerce for various fundraising events. Trustee Lewis 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 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 David Freeman, General Manager, was present.

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

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

OLD BUSINESS: None.

NEW BUSINESS: **CONSIDERATION TO AWARD A BID FOR TREE SPRAYING IN TOWN SQUARE, THOMASSON PARK AND THE CEMETERY** - Mayor Burke asked Town Clerk Kolinske to present this

matter to the Board. Kolinske explained that the Town received 2 bids in response to the Invitation to Bid, Notice #5020387, published in the Middle Park Times on May 13, 2010 and May 20, 2010. The total cost of the bids is based upon 639 trees at the cemetery, high pressure spray, 100 trees at Thomasson Park, high pressure spray, and 17 trees at Town Park, low pressure spray. If the number of trees was increased or decreased, the total bid price would have to be adjusted to reflect that change, but staff believes the above tree count is accurate.

| | High pressure trees | Low pressure trees | Additional Costs | Total |
|---------------------|---------------------|----------------------|------------------|------------|
| THC Enterprises | \$7,020.50 (\$9.50) | No charge | \$100.00 | \$7,120.50 |
| Swingle Lawn & Tree | \$6,096.75 (\$8.25) | \$1,054.00 (\$62.00) | None | \$7,150.75 |

The estimate of \$7,962.50 given in the e-mail by Swingle is based upon 890 high pressure trees and 10 low pressure trees. Staff revised the estimate to the actual count. Both THC and Swingle are licensed applicators with the State of Colorado. Kolinske noted that she was advised by THC that they rent a lift to spray the Town's trees and the trees at Lemmon Lodge the same day. If the Town's pro-rated portion totals \$100.00 or less, the Town will not be charged for the lift. This would be the same as in 2009 where the Town was not charged. This would then reduce their bid price to \$7,020.50. Staff recommends the Board review the bid information and then authorize the Town Manager to enter into an Agreement for Services with one of the bidders to spray the Town trees upon receipt of proof of liability insurance.

Following brief discussion, Trustee Johnson moved to authorize the Town Manager to enter into an Agreement for Services with THC Enterprises to spray the trees in Town Square, Thomasson Park and the Cemetery once the Town has received proof of liability insurance. Trustee Peterson seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF A SPECIAL EVENT PERMIT FROM THE GRAND COUNTY DEMOCRATS – 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 Application submitted by the Grand County Democrats to be held on the 4th of July. 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.**

Since this is a new event, it's being proposed on the 4th of July and the effect that it may have on the neighborhood, it's being referred to the Board of Trustees for approval. Although the Board wouldn't have seen this application until today regardless of when it was turned in, the Town normally requires at least 30 days to review a Special Events Permit. This one was turned in on June 10th for an event on July 4th. Hale stated that it wouldn't have made a difference since an application turned in as far back as May 24th wouldn't have been viewed by this Board until today, but staff did want to point it out. The proposed request is to pull a wagon filled with bottled water, lighted necklaces, bracelets and balloons for sale as a fundraiser for the Grand County Democrats. If the Board supports this request, the staff recommendation is for the Board to move to authorize the Mayor to sign the Special Events Permit request submitted by the Grand County Democrats.

Following discussion, Trustee Gibbons moved to approve a Special Event Permit Application for the Grand County Democrats for July 4th. Trustee Lanzi seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF SPECIAL EVENT PERMITS FROM THE GRAND ARTS COUNCIL - 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 Application submitted by the Grand Arts Council to be held on the 4th of July. 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.**

Since this is a new event, it's being proposed on the 4th of July and the effect that it may have on the neighborhood, it's being referred to the Board of Trustees for approval. As a disclaimer, Hale noted that his wife has been working on bringing a Farmer's Market into Town, but isn't involved with this specific event, didn't fill out an application, etc. So, given the fact that all staff has a lot that they are working on for this

packet, there wasn't really anyone for him to delegate writing this memo to; thus, Hale said that he will read the memo, but won't participate past presenting this request to the Board. Although the Board wouldn't have seen this application until today regardless of when it was turned in, the Town normally requires at least 30 days to review a Special Events Permit; this one was turned in on June 10th for an event on July 4th. It wouldn't have made a difference since an application turned in as far back as May 24th wouldn't have been viewed by this Board until today, but staff did want to point it out. For the event itself, there has been a lot of discussion on establishing a Farmer's Market in Grand Lake, but Hale said that he believes some trepidation from the fact that we've never had one in Town, so there are some unknowns about its effect on existing business, positive and negative. A lot of discussion has centered around the location, and the fact that the Grand Art's Council is going to sponsor a flea market indoors this year gave rise to the idea to run a Farmer's Market concurrently outdoors. As he had previously intoned, given the fact that there has been some trepidation this year, he said that he believes that the idea for 2010 is to have a limited number of Farmer's Markets to see how they go, with this one that is proposed being the first test run. Given the fact that it is off of Grand Avenue, the biggest impact will be on the surrounding neighborhood. The hours of operation are not defined other than stating "day time"; this would certainly need to be much better defined. Additionally, this use is proposed in the parking lot that is supposed to be providing parking to the building itself, so the Board needs to weigh the possible impacts to the neighborhood regarding parking on Park Avenue on the 4th of July. Depending upon the Board's feeling on this event, Town staff recommends that the Board either move to approve, approve with modifications or deny this Special Events Permit, and to authorize the Mayor to sign it if the motion is to approve or approve with modifications.

Due to insufficient information regarding the event, Trustee Lewis moved to table consideration of the Special Event Permit Application from the Grand Arts Council until the next regularly scheduled meeting to be held on June 28, 2010 and requested that a representative of the Arts Council be present. Trustee Johnson seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF A SPECIAL EVENT PERMIT FROM THE GRAND LAKE CHAMBER OF COMMERCE - Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that the Board recently approved the Special Event's Permit for Buffalo Barbecue weekend, which will be a 3-day event. It will occur on July 16 & 17 from 8 a.m.-10 p.m., and July 18 from 8 a.m.-7 p.m. An issue that has just come to light is that the previously approved carnival is a self contained unit; they normally camp in their units in order to watch over all of their gear and to help ensure that no one messes with anything and

gets hurt. As you're aware, the Town normally prohibits camping within Town boundaries, and the Board has used its prerogative to approve and to deny requests of this nature in the past. For example, the Chili Cook-off participants are prohibited from camping in their trailers parked at Town Square, but the fireworks contractor is allowed to sleep onsite once the ordinance is at the lakefront, for the same reasons that are being argued here. If the Board is fine with the change, then the motion should be to authorize the carnival company to sleep in their self-contained unit's onsite during Buffalo Barbecue, and to authorize the Mayor to sign an amended Special Events Permit. Hale noted that Sara Sable, Executive Director, and Darin Foran, Event Manager for the Chamber, were present.

Following discussion, Trustee Peterson moved to authorize one night watchman to camp over night in a self-contained unit to watch over the equipment and to authorize the Mayor to sign an amended Special Events Permit. Trustee Lewis seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF ORDINANCE NO. X-2010, AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE TOWN OF GRAND LAKE BY AMENDING CHAPTER 6, ARTICLE 4, SECTION 2, BUSINESS LICENSE EXEMPTIONS, AND CHAPTER 6, ARTICLE 1, SECTION 2, PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS DEFINITIONS - Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that an issue has arisen that staff wanted to bring to the Board's attention. Staff believes that the code regulating business licensing needs to be reviewed and amended to encourage local businesses to participate in special events in Town. As the code currently reads, if a restaurant wants to provide hotdogs and hamburgers for the Bluegrass Festival, they should purchase a transient merchants license, even if they have already purchased and hold a business license in Town. Practically speaking, this really hasn't ever been pursued; if the Chamber lines up a vendor to provide food, and they are already providing either a fixed fee or a percentage of sales to the Chamber, any additional licensing has seemed unnecessarily and overly punitive. When considering a Farmer's Market, this regulation could be excessive enough as to prevent the event from ever getting off of the ground. The Chamber would be establishing a booth cost to cover its costs for insurance, promotion, etc., so requiring each merchant to pay an additional \$15 for a transient merchants license every week, especially if they have already purchased a business license, would likely price out anyone from participating in the first place. The section of code for business licensing reads as follows: Section 6-4-1, Separate Premise or Separate Business Requires License, A separate license shall be obtained for each separate business in Town regardless of whether the business

conducted is a separate business at the same locale or is a branch, division or agency of a licensee situated at another premise in Town...A finding by the Town Clerk of any one of the following conditions shall be prima facie evidence that the licensee has more than one business:

- a. Separate physical locales;
- b. Separate business activities in segregated portions of the same building;
- c. Issuance of multiple sales tax licenses;
- d. Issuance of multiple sign permits advertising businesses at the same locale; or
- e. Separate business ownerships.

Furthermore, code defines a transient merchant as follows:

- (a) “Transient Merchant” includes any person, firm or corporation, whether as owner, agent, consignee or employee, whether a resident of the Town or not, who engages in a temporary business of selling and delivering goods, wares, and merchandise within the Town, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, trailer, tent, railroad boxcar, boat, public room in hotels, lodging houses, apartments, shops, or any street, alley or other place within the Town for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction; provided that such definition does not include any person, firm or corporation who, while occupying such temporary location, does not sell from stock but exhibits samples for the purpose of securing orders for future delivery within the provisions of this Article merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by conducting such transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant or auctioneer. This definition shall include but not be limited to individuals or entities offering goods at a craft fair or similar event.

Staff would like the Board to consider allowing a waiver of purchasing an additional business or transient merchants license if the following conditions are in place:

1. The business that is occurring is in conjunction with a previously approved Special Event’s Permit.
2. The business is in possession of a current business license (whether it’s a fixed or non-fixed business license).

For vendors that only plan on coming up for one or two weekends per year, the existing transient merchants license is appropriate, and that mechanism would still be in place. However, if a vendor wanted to try to participate in 6 weekends of a Farmer’s Market, she could purchase a non-fixed business license at \$55, versus paying \$15 every weekend.

Following discussion, Trustee Lewis moved to adopt Ordinance No. 8-2010, an Ordinance Amending the Municipal Code of the Town of Grand Lake by Amending Chapter 6, Article 4, Section 2, Business License Exemptions, and Chapter 6, Article 1, Section 2, Peddlers, Solicitors and Transient Merchants Definitions seconded by Trustee Peterson. All Trustees voted aye except Trustee Johnson, who abstained.

NEW BUSINESS:

CONSIDERATION OF AN HISTORICAL PRESERVATION INTERN - Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that the Town recently received an unsolicited application from a graduate student, Rachel Parris, who is interested in doing a historic preservation internship for the Town. As we've struggled some in the past with the question of how to move forward with the implementation of a preservation ordinance, preservation district, Certified Local Government designation, etc., this does seem to be a very good opportunity. Specifically, relying heavily upon Abbi's feel and understanding for the overall direction that we should consider, staff's current inclination is to utilize Ms. Parris to help us establish a historic context for the Town and developing a National Register of Historic Places Multiple Property Documentation Form and a National Register of Historic Places Multiple Property Documentation Form, Supplemental Information for State Register Nominations. The work time period would be roughly 10 weeks, between June 21st to August 27th, although to meet the criteria for her academic internship, she only needs 210 hours (5.25 weeks), so the scope of work would be to complete the criteria that we've set above, and if she can do so in less than 10 weeks we wouldn't expect her to take on another project. For compensation, she doesn't need or expect much. Apparently she has a friend who works for RMNP, and she can stay with him for free the entire summer. She emphasized that she didn't want money to be a deciding factor, as she needs the internship and wants to be in this area specifically. One suggestion that she had was that if we could tailor the project to only utilize her for 20 hours per week, she would work for simply the experience and would get another part time job to help pay the bills. The second option would be to simply focus on a good project, give her enough time to finish it, as 75% complete won't get us anywhere, and then set a nominal pay. Having been an intern more than once, I can assure the Board that it doesn't need to be overly robust. Hale said that his initial thought would be to offer her around \$125-\$150/week, a \$1,250-\$1,500 stipend for the entire 10 week project; this would translate to \$3.75 per hour at the high end. The Town did budget a \$20,000 for a historical survey, with a planned \$2,500 for our end of the grant match, in this year's budget, and we likely won't even bother to apply for this grant until the abovementioned work is completed, so there is room in the existing budget if the Board would like to consider this.

The Board should discuss this opportunity and then give direction to staff on how you would like to proceed.

Following discussion, Trustee Peterson moved to authorize Town staff to make an offer to Rachel Parris, a Historical Preservation Intern, for a 10 week period and compensation not to exceed \$1,500.00. Trustee Gibbons seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF RESOLUTION NO. 16-2010, A RESOLUTION OPPOSING PROPOSITION 101 AND AMENDMENTS 60 AND 61 - Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that the push against three of the most draconian pieces of referred legislation is in full effect, as our state leaders continue to try to educate our citizens about the drastic impact that each of these would have individually and combined to the state and local governments. The Town Treasurer is currently working on the more detailed fiscal impacts of each measure to the Grand Lake budget specifically; as a lot of this data is currently housed with the County Clerk, specific ownership taxes, motor vehicle info generally, she is working with her peers to gather it all. Once we've had a chance to put our best foot forward with the estimated impacts of each of these measures, this Board will be provided with that information, since it will have a material impact on the discussions and considerations of budget 2011. Hale said that he intends to approach the Mayor's, Manager's and Commissioner's group about hosting a county-wide forum to discuss all three of these measures and their impact on local services, to be held later this year, closer to the actual election. Ideally, he said that he would schedule Sam Mamet, CML, Reeves Brown, Club 20, or both/some sort of panel to make the trip over. In addition to the other local governments, Hale plans on inviting the school districts, fire districts, recreation districts, library district, etc., to really help display a unified voice of opposition against these measures. For today though, staff would like the Board to consider adoption of the attached Resolution 16-2010, A RESOLUTION OPPOSING PROPOSITION 101 AND AMENDMENTS 60 AND 61. Staff has borrowed language from the sample CML Resolution, the CLUB 20 Resolution, and has added verbiage that represents the more specific impacts to the Town.

Trustee Lewis moved to adopt Resolution No. 16-2010, a Resolution Opposing Proposition 101 and Amendments 60 and 61. Trustee Peterson seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF RESOLUTION NO. 17-2010, A RESOLUTION DESIGNATING AUTHORIZED DRIVERS FOR BLACK BEAUTY - Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that at the last meeting, the Board adopted an agreement between the Town and the Heckert

Memorial Fund that gave the Town possession of Black Beauty so the Town could place the jeep on Town's insurance. One of the requirements in that agreement was that the Town designates drivers by resolution. The staff recommendation is for the Board to adopt Resolution No. 17-2010, designating Jim Peterson, Peter Esmonde and William "Bill" Cottrell as authorized drivers of Black Beauty.

Trustee Johnson moved to Resolution No. 17, 2010, a Resolution Designating Authorized Drivers for Black Beauty seconded by Trustee Lewis. All Trustees voted aye except Trustee Peterson, who abstained.

ACCOUNTS PAYABLE

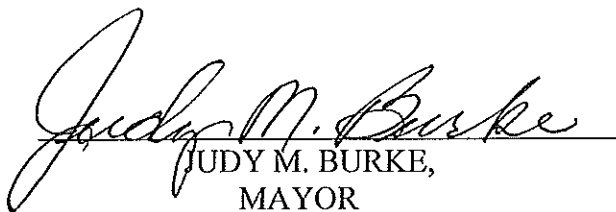
May, 2010:

Trustee Peterson 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 Peterson 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.

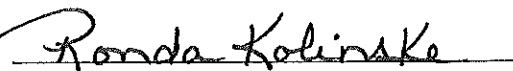
CITIZEN PARTICIPATION: None.

ADJOURNMENT:

Trustee Lewis moved to adjourn, seconded by Trustee Peterson. All Trustees voted aye, and the meeting was adjourned at 8:27 p.m., June 14, 2010.


JUDY M. BURKE,
MAYOR

ATTEST:


RONDA KOLINSKE, CMC,
TOWN CLERK