

RECORD OF PROCEEDINGS

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REGULAR MEETING  
TOWN OF GRAND LAKE BOARD OF TRUSTEES  
MONDAY, MAY 10, 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 7:30 p.m. at the Town Hall, 1026 Park Avenue.

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

ABSENT: Trustee Lewis.

APPROVAL OF MINUTES

April 12, 2010: Trustee Peterson moved to approve the minutes of the April 12, 2010 regular meeting as written. Trustee Johnson seconded the motion and all Trustees voted aye.

April 26, 2010: Trustee Peterson moved to approve the minutes of the April 26, 2010 regular meeting as written. Trustee Johnson 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.

Mayor Burke announced that Grand Lake Elementary will host a Community Meeting with East Grand School District, May 12 at 6:30 p.m.

Mayor Burke announced that the Flowering of Grand Lake will host the 22<sup>nd</sup> Annual Gardener's Exchange on Saturday, May 15 from noon – 4 p.m. in the Community House.

Mayor Burke announced that the Town of Grand Lake will celebrate Arbor Day on May 18 with a ceremony beginning at 10:00 a.m. at the Grand Lake Elementary School.

Mayor Burke announced that "Rude Awakening" will be held on Thursday, May 20 at the Daven Haven beginning at 7:00 p.m.

Mayor Burke announced that the Town of Grand Lake is seeking volunteers for "Clean Up Day" on Saturday, May 22 from 9 – 11:30 a.m. with a barbecue to follow. Call 627-3435 with questions or meet at Heckert Pavilion at 9 a.m.

Town Clerk Kolinske then announced that Arapaho National Recreation Area's "Work Your Pass Off" is scheduled for Saturday, May 15 beginning at 8:00 a.m. Volunteers are asked to meet at the Green Ridge or Sunset boat ramp to pick up trash bags and complete their volunteer forms.

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 the remodel of the County's Administration Building is finished. Road and Bridge is preparing to begin applying magnesium chloride to County maintained roads starting at the west end of the County. She said that this past winter, the County removed trees within the County road right-of-ways. She noted that the Forest Service has received a substantial amount of funds for tree removal and will begin to remove trees from road right-of-ways, highways and water sheds. The Forest Service is trying to also obtain funds from Northern Colorado Water Conservancy District and Denver Water for the clearing of trees from the water sheds. She then announced that the County landfill near Granby is now closed and the transfer station is open. Within the next week or so the Trash Company will have 35 – 40 gallon trash bags that anyone can purchase for \$4.00; they then can be filled and dropped off at the transfer station at no additional cost.

Commissioner Newberry then updated the Board on water issues. He spoke about the umbrella agreement between Northern Colorado Water Conservancy District and the Bureau of Reclamation for the initial studies of the Three Lakes area. It was noted that County Manager Lurline Underbrink Curran went to Washington two weeks ago to testify before the EPA regarding Grand Lake. He explained that Gary Bumgarner's father is not doing well, so Gary is spending as much time with him as possible which is why he was not present. In conclusion, he briefly talked about the County's budget, cutbacks and reductions.

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

Trustee Lanzi announced that he had a conflict with Consideration of Planning Commission Resolution No. 8-2010, a Resolution Recommending the Denial of the Special Use Permit Application from Rocky Mountain Grill/Douglas Lipsky to Place a Food Vendor Cart on Lot 8, Block 11, Town of Grand Lake as he owns property within a 200' radius.

Trustee Weydert announced that he also had a conflict with Consideration of Planning Commission Resolution No. 8-2010, a Resolution Recommending the Denial of the Special Use Permit Application from Rocky Mountain

Grill/Douglas Lipsky to Place a Food Vendor Cart on Lot 8, Block 11, Town of Grand Lake as he owns property within a 200' radius.

At 8:04 p.m. Trustee Johnson excused himself and left the room.

**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 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, June 20, 2010 from 4:00 p.m. to 9:00 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 and attested to by Grand County Sheriff Deputy Sprague on April 29, 2010. 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 then noted that Connie Robertson, representative, was present.

Trustee Peterson 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 20, 2010 from 4:00 to 9:00 p.m. Trustee Weydert seconded the motion and all Trustees voted aye.

**LIQUOR LICENSING AUTHORITY: CONSIDERATION OF SPECIAL EVENTS LIQUOR PERMIT APPLICATIONS FROM THE GRAND LAKE CHAMBER OF COMMERCE FOR VARIOUS FUND RAISING EVENTS** - Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske explained that the applicant has requested that this matter be considered at the Board's next regularly scheduled meeting to be held on May 24, 2010.

**LIQUOR LICENSING AUTHORITY: CONSIDERATION OF A SPECIAL EVENTS LIQUOR PERMIT APPLICATION FROM THE MOUNTAIN FAMILY CENTER FOR THE 27<sup>TH</sup> ANNUAL COLORADO STATE CHILI COOK OFF** - Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske explained that this request is from the Mountain Family Center for the "27<sup>th</sup> Annual Colorado State Chili Cook Off" to be held in Town Square on Saturday, June 26, 2010 from 9:00 a.m. to 8:00 p.m. Proceeds of this fundraising event will go to the Grand Lake Fire Protection District's

Scholarship Fund. 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 24 Board Meeting as a regular item of business or as a Public Hearing. Kolinske noted that Mindy Everhart, representative of the Fire District, was present.

Trustee Weydert moved to act on this request as a regular item of business at the May 24, 2010 Board Meeting. Trustee Peterson 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 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. 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 Weydert seconded the motion and all Trustees voted aye.

**LIQUOR LICENSING AUTHORITY: CONSIDERATION OF RENEWAL OF THE HOTEL AND RESTAURANT LIQUOR LICENSE FOR CAREY AND GREGORY BARNES, D/B/A DHWW INVESTMENTS, DAVEN HAVEN LODGE/BACKSTREET STEAKHOUSE -** Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske explained that the applicants called to say that they are stranded in Denver and cannot attend this evenings meeting and have requested that this matter be considered at the Board's next regularly scheduled meeting to be held on May 24, 2010.

**LIQUOR LICENSING AUTHORITY: CONSIDERATION OF RENEWAL OF THE HOTEL AND RESTAURANT LIQUOR LICENSE FOR ESTES PARK CHALET, INC., D/B/A GRAND LAKE LODGE -** 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 Grand County Sheriff's Department reviewed their files and found no adverse information that would affect the status of the license. The Water Department reported that the account was current. Since the Lodge has not been in business, they do not have a business license and no sales tax to report. She then concluded by saying that Reed James, was present.

Trustee Peterson moved to approve the renewal of the Hotel and Restaurant Liquor License for Estes Park Chalet, Inc., d/b/a Grand Lake Lodge. Trustee Weydert seconded the motion and all Trustees voted aye.

At 8:15 p.m. Trustee Johnson resumed his seat.

OLD BUSINESS:

**CONSIDERATION OF RESOLUTION NO. 11-2010, A RESOLUTION IDENTIFYING THE APPROVED SIGNAGE FOR DAVEN HAVEN LODGE AND BACKSTREET STEAKHOUSE** - Mayor Burke asked Town Planner Wittman to present this matter to the Board. Wittman explained that at you last regularly scheduled meeting the Board opted to continue consideration of Resolution No. 11-2010 until the Board has had another chance to discuss this item with the applicants. She too noted that the applicants called to say that they are stranded in Denver and cannot attend this evenings meeting and have requested that this matter be considered at the Board's next regularly scheduled meeting to be held on May 24, 2010.

NEW BUSINESS:

**CONSIDERATION OF A SPECIAL EVENT PERMIT REQUEST FROM THE CENTER FOR EXCELLENCE FOR FUNKFEST 2010** – 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 Center for Excellence for Funkfest 2010. 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 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, while not new and not utilizing a liquor permit, is now proposed as a three-day event versus a one-day event, it's being referred to the Board of Trustees for approval. This event is proposed as a three-day event over Labor Day weekend; Friday through Sunday. Also, this event is proposed to occur in two places simultaneously, the Lakefront Park, Fri. – Sun. 10 a.m. – 8 p.m., and Town Square/Heckert Pavilion, Fri. – Sat. 10 a.m. – 7 p.m. As a reminder, last year this was a one-day event, and it was contained to Town Square. Also, staff would like to remind the Board that the Town has already authorized the closing of Lake Avenue for three separate events this year, Brew Fest, Buffalo

BBQ and Blues Festival, and that this approval was only granted on the fact that the Chamber had worked with all of the impacted businesses beforehand. Based upon discussion at the afternoon workshop, Hale stated that the Board would like the applicant to better define the event.

Trustee Peterson then moved to table consideration of this matter until the applicant can come back with a new application that better defines the event. Trustee Weydert seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION OF RESOLUTION NO. 14-2010, A RESOLUTION APPROVING GRADING WORK FOR THE GRAND AVENUE RIGHT OF WAY ADJACENT TO LOTS 1-2, BLOCK 27, TOWN OF GRAND LAKE** - Mayor Burke asked Town Planner Wittman to present this matter to the Board. Wittman explained that on April 5, 2010, staff received a grading permit application from Mr. Todd Hammerlund of ATH Specialties to conduct grading work on Grand Avenue adjacent to Lots 1-2, Block 27, Town of Grand Lake. Staff has approved a grading permit for the southern portions of these two lots but wanted to discuss Mr. Hammerlund's desire to improve the public right-of-way (ROW) with the Planning Commission and Board of Trustees. This item was discussed by the Planning Commission on May 5, 2010. The Planning Commission forwarded a recommendation regarding this request and the Planning Commission is favorable to the approval of this request contingent upon Mr. Hammerlund's willingness to have a geotechnical engineer certify the work upon completion. While unsigned, members of the Commission, who sit on the Town Board, will be able to verify the recommendation. As a reminder to the Board, the North 30' of these two lots were owned by the Grand County Board of County Commissioners and in June of 2009, was transferred to the Town and then to the adjacent property owner. Additionally, the property owner was to also acquire the North 30' of Lots 3-4, as well. At that time, the Town Board indicated the property would not be transferred until the adjacent property owner submitted a slope stabilization plan and a timeline for the completion of that plan. In July, 2009, the applicant submitted a grading permit application, which was approved, to remove the most hazardous "ledge" of the slope. This work has been conducted on Lots 1-2. No work had been noted to be done on the North 30' of Lots 3-4 other than hazardous tree removal. The proposed work is to create a building pad on Lots 1-2 to be lowered to the grade of Grand Avenue. In order to achieve the grades identified, some work will have to occur on the Grand Avenue ROW. Staff will have adequate visuals, identifying the subject property, the Town's ROW and the proposed areas of disturbance, at the meeting to better aid the Board in their request. Since the Commission's last meeting, two (2) items have been brought up by the applicant:

- 1) The recommendations made by a geotechnical engineer were verbal. Neither the applicant nor the Town have a copy of written recommendations outlining the project. Mr. Hammerlund indicated that the geotechnical engineer orally recommended how to slope the property and

- revegetate. Without a written set of recommendations, the applicant is concerned exactly what will be certified and, additionally, inquired as to whether or not the Town Board was comfortable with Town staff verifying the work upon completion and bringing back before the Town Board if the work was not conducted in accordance with the issued Grading Permit; and
- 2) Grading permits in the Town are only valid for a period of six (6) months with the Public Works Director being able to grant an additional six (6) month extension. Upon transfer of the property to Mr. Hammerlund, he indicated to the Town that this project was going to be a part-time endeavor for him and this work could take a couple of seasons to be able to complete. He is curious about the Board's willingness of allowing the work performed in the ROW, as well as the work associated with the permit issued for Lots 1-2, Block 27, Town of Grand Lake, through the 2011 construction season.

Staff has discussed this and understands the property owner's position. Staff is comfortable with determining whether or not the work, upon completion, is compliant with the approved grading permit. Additionally, Town staff acknowledges the work to be performed is a large undertaking and the allowance of an extended permit would seem appropriate so long as staff could bring this matter back before the Board if site conditions, and the lands adjacent to them, appeared to be unfavorable. Staff has drafted Resolution No. 14-2010, based upon the Planning Commission's recommendation. Wittman said that at the afternoon workshop the Board seemed amiable to the resolution with the following conditions:

- 1) That the work performed is to be verified by Town of Grand Lake staff in accordance with Exhibit "A"; and
- 2) That all disturbed areas will be vegetated and/or blanketed upon completion of ground disturbance for sediment and erosion control; and
- 3) That ATH Specialties is to name the Town of Grand Lake as additional insured.

She noted that Mr. Hammerlund is ill and could not be present.

The need for dust control was discussed amongst Board Members. Town Planner Wittman mentioned the fact that the requirements of obtaining a Grading Permit do not include dust control. It does however address safety and hazardous conditions. Since this has not been discussed with Mr. Hammerlund the Board needed to decide whether or not this issue would warrant continuing this matter for further discussion.

Following discussion, Trustee Lanzi moved to adopt Resolution No. 14-2010, a Resolution Approving Grading Work for the Grand Avenue Right of Way Adjacent to Lots 1-2, Block 27, Town of Grand Lake with the condition that this matter is brought back before the Board in September, 2010, prior to when the six month permit expires in October, 2010, for discussion and renewal. Trustee Weydert seconded the motion and all Trustees voted aye.

At 8:37 Trustees Lanzi and Weydert excused themselves and left the room.

NEW BUSINESS:

**PUBLIC HEARING – QUASI-JUDICIAL – CONSIDERATION OF A PLANNING COMMISSION RESOLUTION NO. 8-2010, A RESOLUTION RECOMMENDING THE DENIAL OF THE SPECIAL USE PERMIT APPLICATION FROM ROCKY MOUNTAIN GRILL/DOUGLAS LIPSKY TO PLACE A FOOD VENDOR CART ON LOT 8, BLOCK 11, TOWN OF GRAND LAKE** - Mayor Burke asked Town Planner Wittman to present this matter to the Board. Wittman explained that on April 7, 2010, the Town of Grand Lake received a Special Use Permit (SUP) application from Rocky Mountain Grill/Douglas Lipsky to place a food vendor cart on Lot 8, Block 12, Town of Grand Lake. The request is to place an approximately 42 square foot self-contained cart in a 100 square foot area. In addition to the cart, the applicant is requesting to place a 55-gallon trash can, which trash will be hauled away daily, a condiment table as well as two small tables with one umbrella, which neither are depicted on the submitted site plan. The application is complete with the exception of copies of the applicable licenses. Town staff has advised the applicant that while these items are required, it is acceptable to work through the process of obtaining them while working through the SUP application process. Approval by the Board of Trustees will be conditional if the applicant has not obtained these items at the time of the Board’s consideration. Upon receipt of a complete application, Town staff sent the applicable noticing for a Public Hearing. Legal Notice #4893843 was published in the Middle Park Times on April 15, 2010. On April 14, 2010, notice was sent, via certified mail, to 30 property owners who own property within 200’ of the subject parcel; two (2) letters were hand delivered. Thirty (30) property owners have signed as having received this notice, including the legal property owner. One (1) letter has been returned as undeliverable and no written comments have been received. As the Municipal Code indicates, a Special Use Permit grants: “The use of property, in any zoning district, for a period of six months or less, which use is not listed as a use by right or a conditional use.” It further states: “The Special Use Permit (SUP) and Special Event Permit review process prescribed herein is intended to assure compatibility and harmony between the proposed special use with both the surrounding properties and the Town at large.” On May 5, 2010, the Planning Commission held a Public Hearing regarding this application. Public testimony was made by:

Kathy Weydert, 401 Ellsworth Avenue, indicated she was opposed to this application because she felt that the competition of seasonal businesses with the local food service establishments is unfair, when those local businesses have a financial investment in the community by paying property taxes, and have invested in commercial kitchens and restroom facilities. She indicated it is unfortunate to have a four month business compete with businesses that strive to make it year round.

Pat Jones, 420 Ellsworth Avenue, also indicated her opposition to this application. She indicated that as a year-round business owner it was a hard winter and an application like this may hurt our already invested food

purveyors. She further noted that this will take money out of the local economy as the applicant is not invested in our community.

Douglas Lipsky, applicant, Tabernash, CO, indicated that he is invested in the community as he has been a resident of Grand County for nearly ten years. He further noted he will be investing in Grand Lake by paying rent on the property, of \$500 a month, as well as for a local commercial kitchen, of \$300-400 a month, as this is a requirement of the Health Department. Additionally, Lipsky noted the sales tax generation for any new business should be welcomed by the Town.

After public testimony was made, the Commission closed the Hearing and turned the matter over for discussion. Discussion included inquiries to the applicant regarding the hours of operation, 10 am – 4 pm daily, items served, less than 10 menu items with a focus on items that can be eaten “on the go”, and the placement of picnic tables on the site, which staff indicated was not included in the application request and would not be permitted unless the application was amended. Members of the Commission inquired as to the requirement for restrooms, which are not required when the food cart is self contained. Additionally, the Commission discussed the potentially negative impact on existing food service businesses and increase of pedestrian traffic in this area, that the structure on the subject parcel was vacant, and could remain that way throughout the summer, as well as the submittal requirements for the application, with 90 days lead time for noticing/hearing requirements.

After no further discussion, Chairman Shockey made a motion to make recommendation to the Town Board of Trustees to approve a Special Use Permit for Rocky Mountain Grill/Douglas Lipsky for a food vendor cart to be placed on Lot 8, Block 12 of the Town of Grand Lake because the impact would be minimal to those items outlined in code. The motion failed due to the lack of a second. Commissioner Burke then made a motion to make recommendation to the Town Board of Trustees to deny the Special Use Permit as it will have an effect on existing businesses in the community, seconded by Commissioner Canon. All Commissioners voted aye except Commissioner Shockey and Chairman Southway, who voted nay. With a tie vote on Commissioner Burke’s motion, as Commissioners Gilbert, Lanzi and Weydert abstained from conversation and voting on the matter, staff informed the Commission the item would be forwarded to the Board at their next regularly-scheduled meeting with a synopsis of the Commission’s discussion along with the motions made and vote of those motions. Municipal Code states: *“Upon adoption and transmittal of the Commission’s Resolution, Town staff shall set a date for a Public Hearing of the application before the Board of Trustees...Final action on the Special Use Permit is to be taken by the Board of Trustees at the Public Hearing; except that the Board may continue the Public Hearing to another time before taking final action.”* Upon completion of staff’s presentation, the Board should open the Public Hearing to take public comment including a testimony of the applicant, if desired.

Once all public comments are made, the Board should close the Public Hearing and turn the matter over for discussion. The Board should look at the application, consider public testimonies made and weigh those items in relationship to the considerations listed above. After all discussion has taken place, the Town Board should direct staff to draft a Resolution based on the discussion that has taken place and bring back before the Town Board at their next regularly-scheduled meeting for adoption by the Board. Town Planner Wittman noted that the applicant, Douglas Lipsky, was not present.

Mayor Burke then opened the meeting for public comment.

Kathy Weydert, 401 Ellsworth Avenue, she again indicated that she was opposed to this application because she felt that the competition of seasonal businesses with the local food service establishments is unfair, when those local businesses have a financial investment in the community by paying property taxes, and have invested in commercial kitchens and restroom facilities. She indicated it is unfortunate to have a four month business compete with businesses that strive to make it year round.

Tom Ludwig, 14347 Highway 34 Cabin 5, noted that there was already a food vendor cart on the opposite corner at the Village Hub and expressed concern with the number of these carts that the Town could potentially have. He owns the Rapids Lodge and Restaurant and said that he won't be affected by the food carts but would be upset if he had a restaurant on Grand Avenue and worked very hard all winter to keep it open.

Mindy Everhart was then recognized from the audience and said that she and her father own the property across the street where the Village Hub is and knows that the food service cart there will be in operation this summer. Lipsky's cart would be in direct competition and she is opposed. She also noted that public restrooms must be provided if there is going to be seating.

Having no other public comments, Mayor Burke closed the Public Hearing and turned the matter over to the Board.

Trustee Johnson made the comment that if the applicant hasn't already secured a commercial kitchen it may be a problem for him even if this permit is approved. He won't necessarily need to find one in Grand Lake, but must be able to go to the kitchen every 24 hours.

Following discussion, Trustee Gibbons moved to deny the Special Use Permit Application from Rocky Mountain Grill/Douglas Lipsky to place a food vendor cart on Lot 8, Block 11, Town of Grand Lake, seconded by Trustee Johnson. All Trustees voted aye except Trustee Peterson, who voted nay.

At 8:56 p.m. Trustees Lanzi and Weydert resumed their seats.

NEW BUSINESS:

**CONSIDERATION OF ORDINANCE NO. 6-2010, AN ORDINANCE PLACING A MORATORIUM ON SUBSECTION I OF SECTION 1 OF ARTICLE 2 OF CHAPTER 6 OF THE GRAND LAKE MUNICIPAL CODES** – Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that the Board adopted the Sign Code on August 13, 2007 which contained a non-conforming sign section. This section allowed for a three year period in which non-conforming signs needed to be brought into compliance with the adopted code, and this period ends August 13, 2010. On August 12, 2009 numerous letters were sent to businesses that had non-conforming signs advising them of the need to come into conformity with code or appeal staff's decision to the Board. The letters were sent out a year before the compliance date to allow business owners time to correct the issues with their signs. Staff has discussed the issue of non-conforming signs and is proposing a moratorium to enforcement of this particular section of the code until August 13, 2011. Signs are a very costly item for businesses, and staff would like to give businesses some relief during these hard economic times. The money for the signs could be better spent promoting the businesses and bringing in more customers. Based upon the discussion of this issue by the Board at their April 26, 2010 meeting, staff has drafted Ordinance No. 6-2010 for the Board to review. Staff recommends the Board adopt Ordinance No. 6-2010.

Following brief discussion, Trustee Peterson moved to adopt Ordinance No. 6-2010, an Ordinance Placing a Moratorium on Subsection I of Section 1 of Article 2 of Chapter 6 of the Grand Lake Municipal Codes. Trustee Weydert seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION OF RESOLUTION 12-2010, A RESOLUTION REVISING AND COMBINING THE FEE SCHEDULES FOR LAND USE, WATER SERVICE AVAILABILITY AND PLANT IMPROVEMENT, USE OF FACILITIES, SERVICES, PERMITS, AND LICENSES IN THE TOWN OF GRAND LAKE, COLORADO** - Mayor Burke asked Town Planner Wittman to present this matter to the Board. Wittman explained that Town staff has compiled a list of all current fees and deposits that are required for land use, water usage, plant improvements, use of facilities, services, permits, and licenses. The water service availability fee changes each year on April 1<sup>st</sup>. Instead of having to update the resolution each year to accommodate this change, Resolution No. 12-2010 has been drafted to allow for this yearly increase. The resolution also includes a section about Out-of-Town tap fees being double the In-Town rate, which had been left out of the previous Resolution No. 2-2009. This will also allow for the yearly increase of this fee without having to adopt a new resolution. Staff has also included a section which lists Special Event Permits separate from Special Use Permits as that was changed last year. No other fees or deposits have changed since Resolution No. 2-2009 was adopted. Staff recommends the Board review the fees and deposits and, if acceptable, adopt Resolution No. 12-2010.

Robert Canon, 516 Park Avenue, was recognized from the audience and expressed concern with the use of bleeder valves. He said that at the rate of one gallon per minute, bleeders are not a very conservative use of treated water. Town Manager Hale said that Town staff will be reviewing the water ordinance and perhaps some of the bleeder accounts can be eliminated in the future.

Tom Ludwig, 14347 Highway 34 Cabin 5, was then recognized from the audience with a comment that the Town should advertize its good water. He said that the people staying at the Rapids bring their own bottled water then he has the additional trash to deal with. He stated that he does let them know how good the Town water is.

Following discussion, Trustee Johnson moved to adopt Resolution No. 12-2010, a Resolution Revising and combining the Fee Schedules for Land Use, Water Service Availability and Plant Improvement, Use of Facilities, Services, Permits, and Licenses in the Town of Grand Lake, Colorado. Trustee Weydert seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION OF RESOLUTION NO. 13-2010, A RESOLUTION DESIGNATING INDIVIDUALS AUTHORIZED TO CONDUCT TRANSACTIONS WITH RESPECT TO THE TOWN OF GRAND LAKE'S CASH AND INVESTMENT ACCOUNTS** - Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that the Town Treasurer, Gay Dzinski, has drafted Resolution No. 13-2010 to update the authorized representatives for the Town's cash accounts. This Resolution authorizes the following individuals to transact business with respect to these accounts on behalf of the Town:

- Judy M. Burke, Mayor
- James C. Peterson, Mayor Pro Tem/Financial Trustee
- Kathy Lewis, Trustee
- Shane Hale, Town Manager
- Ronda Kolinske, Town Clerk

This authorization will apply to the following accounts:

- |                      |  |
|----------------------|--|
| Grand Mountain Bank: | 1 Checking Account/1 Money Market Fund |
| CSafe:               | 2 Money Market Funds                   |
| ColoTrust:           | 1 Money Market Fund                    |
| Advantage Bank:      | 1 Certificate of Deposit               |
| Flat Irons Bank:     | 1 Certificate of Deposit               |
| Mile High Banks:     | 1 Certificate of Deposit               |
| Gill & Associates:   | Investment Bonds                       |

In addition, the resolution authorizes Gay Dziński, in her capacity as Town Treasurer, to receive information with respect to these accounts, limited specifically to requesting account statements from the various institutions.

Trustee Gibbons moved to adopt Resolution No. 13-2010, a Resolution Designation Individuals Authorized to Conduct Transactions with Respect to the Town of Grand Lake's Cash and Investment Accounts. Trustee Peterson seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION TO AUTHORIZE THE MAYOR TO SIGN THE MEMORANDUM OF AGREEMENT (MOA) BETWEEN THE TOWN OF GRAND LAKE AND GRAND COUNTY, 3 LAKES WATERSHED ASSOCIATION, GREATER GRAND LAKE SHORELINE ASSOCIATION, NORTHERN COLORADO WATER CONSERVANCY DISTRICT, AND THE COLORADO RIVER WATER CONSERVATION DISTRICT FOR THE 2010 ALGAE TOXIN MONITORING PROGRAM** - Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that the Town originally agreed to participate as a funding partner in this program in 2008, and the cost savings from the first year resulted in full funding in 2009 from the 2008 reserves. In other words, the Town has helped to fund this program for its two years in existence, even though the Town wasn't asked to write out an additional check last year. For 2010, the Town is being asked to once again partner with these other agencies, which include Grand County, 3 Lakes Watershed Association, Greater Grand Lake Shoreline Association, Northern Colorado Water Conservancy District, and the Colorado River Water Conservation District. The County did put the Town on notice of this request in September, 2009, and the Board did include the Town's \$1,333 contribution under our water quality issues line item. For the MOA itself, it's basically the same agreement that has been signed in the past, and staff sees no issues in authorizing the Mayor to sign it again as long as the Board is still committed to funding a portion of this work. If that is the case, the staff recommendation is for the Board to authorize the Mayor to sign the Memorandum of Agreement.

Trustee Peterson moved to authorize the Mayor to sign the Memorandum of Agreement between the Town of Grand Lake and Grand County, 3 Lakes Watershed Association, Greater Grand Lake Shoreline Association, Northern Colorado Water Conservancy District, and the Colorado River Water Conservation District. Trustee Johnson seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION TO AUTHORIZE THE MARINA MANAGER TO USE HIS DISCRETION TO SELL ANY OF THE BOATS AT THE MARINA FOR MINIMUM PRICE OF \$1,000 LESS THAN RETAIL LOW NADA BLUE BOOK VALUE WITH THE APPROVAL OF THE TOWN MANAGER** - Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that at the past two long-range retreats,

the Board and staff have discussed the possibility of the Marina beginning to replace some of its older fleet with newer boats. For 2010, Marina Manager Hassoldt believes that the Marina may be better served by selling both a fishing boat and a pontoon, as the Town really only needs a full fleet on three weekends per year, with the rest of the year experiencing lower volumes. Given the depreciation on these boats, holding onto them for only a few rentals during the year doesn't really make sense, unless the Town isn't able to sell them high enough at which point the Town might as well keep them and rent them. So, the plan right now would be to sell off one of each this spring if possible, rent out the new slips if the purchaser isn't interested, and then to try to sell off some more boats this fall that the Town can replace next spring with a new fleet, or at least a few newer boats in that fleet. What staff would like to do is to have the ability to sell off a couple of these boats this spring, if the price is right. The ideal would be to sell off one pontoon and one fishing boat, although if there was a lot of interest in the pontoons for example, the Marina Manager may decide to sell off two pontoons instead, and to hold onto all of the fishing boats for rentals this year. The retail values shown may be a little high as these have been in a rental pool, although the maintenance and on them has been good, so it's a bit subjective. Marina Manager Hassoldt would like the flexibility to sell these, but with the ability to go up to \$1,000 less than the "retail low" figure if the particular boat in question has been damaged. The Town has examples of pontoons in the fleet that were purchased together, with similar hours, which will likely sell for at least a \$500 difference due to damage. He said that he doesn't think that the Town will need the full \$1,000 leeway, but a lot of damage could happen between now and when an offer is made on a boat, so a \$1,000 should give staff enough room to negotiate. Staff has spoken to the Town Attorney, who advised that there is really no formal process that the Town needs to go through to dispose of this property, and suggested that we at least get some kind of definitive value for what we're selling so it can be justified. We have the blue book value, as well as the depreciation schedule, so staff believes that we're documented enough. If the Board is satisfied with these parameters, then the staff recommendation is for the Board to make a motion to authorize the Marina Manager to use his discretion to sell any of the boats at the Marina for a minimum price of \$1,000 less than Retail Low NADA Blue Book Value with the approval of the Town Manager.

Trustee Peterson moved to authorize the Marina Manager to use his discretion to sell any of the boats at the Marina for a minimum price of \$1,000 less than Retail Low NADA Blue Book Value with the approval of the Town Manager. 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 2010 SEASON** - Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that this agreement reflects the budgeted amounts

RECORD OF PROCEEDINGS

that the Board agreed to when adopting the 2010 budget, which is unchanged from the 2009 contract. Their contract is divided over six months so each month we remunerate \$4,447.66 regardless of actual hours worked for the week or month. The certificate of insurance has been received and it is satisfactory to Town staff. The only change that staff would like to highlight is the absence of workman's compensation and employee liability coverage since the firm only consists of two owners/no employees, this coverage wasn't needed. The agreement has been signed by Carla Lawn, 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 2010 season.

Trustee Gibbons then moved to authorize the Town Manager to enter into an Agreement for Landscaping and Gardening Services with Hilly Lawn for the 2010 season. Trustee Weydert seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION OF A PROCLAMATION PROCLAIMING MAY 18, 2010 AS GRAND LAKE ARBOR DAY** - Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that this is the Town's 20<sup>th</sup> year as a Tree City USA and it is a great honor. The Town can designate its Arbor Day each year and this year it will be May 18.

Trustee Weydert then moved to authorize the Mayor to declare May 18, 2010 as Arbor Day in the Town of Grand Lake and to sign the proclamation stating such. Trustee Peterson seconded the motion and all Trustees voted aye.

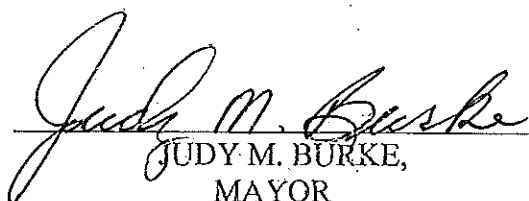
ACCOUNTS PAYABLE  
April, 2010:

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:

ADJOURNMENT:

Trustee Peterson moved to adjourn, seconded by Trustee Weydert. All Trustees voted aye, and the meeting was adjourned at 9:24 p.m., May 10, 2010.

  
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JUDY M. BURKE,  
MAYOR

ATTEST:   
\_\_\_\_\_  
RONDA KOLINSKE, CMC,  
TOWN CLERK