

RECORD OF PROCEEDINGS

REGULAR MEETING
TOWN OF GRAND LAKE BOARD OF TRUSTEES
MONDAY, MAY 24, 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 Johnson, Lanzi, Lewis, and Peterson; Town Manager Hale, Town Clerk Kolinske, Town Planner Wittman and Town Code Enforcement Officer Korkowski.

ABSENT: Mayor Burke announced that Trustees Gibbons and Weydert were absent. She said that Trustee Gibbons was absent because he was on vacation in Italy and that Trustee Weydert was absent because of a work related obligation.

Trustee Peterson moved to excuse both absences. Trustee Johnson seconded the motion and all Trustees voted aye.

APPROVAL OF MINUTES
May 10, 2010:

The minutes of May 10, 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 there will be a Memorial Day Parade and Observance on Monday, May 31st beginning at 10 a.m.

Mayor Burke announced that the Chamber of Commerce will host the Grand Lake Arts and Crafts Fair on June 12th and 13th in Town Square.

Mayor Burke announced that the Rocky Mountain Repertory Theatre opens its 2010 Summer Season with "Carousel" on June 11th at 8 p.m. in the Community House.

Mayor Burke announced that the Town of Grand Lake 2010 Drinking Water Consumer Confidence Report for Calendar Year 2009 is now available on the town's website and at Town Hall.

Mayor Burke then announced that Trail Ridge Road is scheduled to open this Friday, May 28 at 10:00 a.m. She encouraged everyone to attend the ceremony.

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 O-A Bistro under the Local Liquor Licensing Authority as he is a personal friend of the applicant as well as their landlord. He also announced that he had a conflict with the Waste Disposal Ordinance as he is considering a Pay As You Throw business of his own on his property located outside of the Town limits.

Trustee Lewis announced that she had a conflict with those items relating to the Daven Haven Lodge and Greg Barnes as she is employed by them.

REPORTS: SALES TAX
CASH FLOW REPORT
FOR MAY 2010:

Mayor Burke asked Town Clerk Kolinske to present the sales tax cash flow report. Kolinske reported that the amount of revenue received in May for the month of March is \$35,257. This amount is nearly 16% below what was received in May 2009.

REPORTS: FIRST
QUARTER SALES TAX
COLLECTION BY VENDOR
JAN.-MAR.: 2006-2010:

Town Clerk Kolinske noted that Town Treasurer/Clerk Pro-Tem Dzinski provided a report consisting of the First Quarter Sales Tax Collection by Vendor report for January-March 2006-2010.

REPORTS: FINANCIAL
REPORT FOR
APRIL 2010:

Mayor Burke asked Financial Trustee Peterson to present the Financial Report for April 2010. Peterson reported that General Fund expenditures through the end of April totaled \$383,565.95 or 21.8% of budget. He said the Water Fund expenditures for the same period totaled \$154,702.66 or 31.7% of budget and the Marina Fund expenditures totaled \$26,763.17 or 8.2% of budget.

At 7:45 p.m. Trustee Johnson excused himself and left the room.

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF APPROVAL OF A SPECIAL EVENTS LIQUOR PERMIT FROM THE MOUNTAIN FAMILY CENTER FOR THE "27TH ANNUAL COLORADO STATE CHILI COOK OFF" - Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske stated that this request was for the 27th 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. She said that the application documents were in order and the appropriate state fee was paid. Public notice was posted on the premises on May 11, 2010 and attested to by Grand County Sheriff Deputy Schmidt. 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 Mindy Everhart, representative of the Mountain Family Center, was present.

Trustee Peterson moved to approve the Special Events Liquor Permit for the Mountain Family Center for the "27th Annual Colorado State Chili Cook Off". Trustee Lewis 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 FUNDRAISING EVENTS - Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske explained that this request is for several fundraising events to be held in the Town Square or at Lakefront Park. The requested dates are July 16, 17 & 18, 2010 for Buffalo Barbecue, August 27 & 28 for Blues Fest and September 17 & 18 for Fall Bluegrass Festival. 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 June 14 Board Meeting as a regular item of business or as a Public Hearing. Kolinske noted that Sara Sable, Executive Director, and Darin Foran, volunteer for the Chamber of Commerce, were present.

Trustee Peterson moved to act on this request as a regular item of business at the June 14, 2010 Board Meeting. Trustee Lewis seconded the motion, and all Trustees voted aye.

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF A SPECIAL EVENTS LIQUOR PERMIT APPLICATION FROM THE 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 explained that this request is for "Cabaret/All That Jazz", a major fundraiser, to be held at the Grand Lake Yacht Club, 1128 Lake Avenue on Sunday, July 25, 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 June 14 Board Meeting as a regular item of business or as a Public Hearing. Kolinske noted that Sally Scott, Company Manager, was present.

Trustee Lewis moved to act on this request as a regular item of business at the June 8, 2009 Board Meeting. Trustee Lanzi 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 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 Greg Barnes, Owner, was present.

Trustee Peterson moved to approve the renewal of the Hotel and Restaurant Liquor License for Carey and Gregory Barnes, d/b/a DHWW Investments, Daven Haven Lodge/Backstreet Steakhouse, seconded by Trustee Lanzi. All Trustees voted aye except Trustee Lewis, who abstained.

LIQUOR LICENSING AUTHORITY: **CONSIDERATION OF RENEWAL OF THE HOTEL AND RESTAURANT LIQUOR LICENSE FOR O-A BISTRO, LLC, D/B/A O-A BISTRO** - 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. 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 Olney Kliewer, Managing Member, was present.

Trustee Lewis moved to approve the renewal of the Hotel and Restaurant Liquor License for O-A Bistro, LLC, d/b/a O-A Bistro, seconded by Trustee Peterson. All Trustees voted aye except Trustee Lanzi, who abstained.

At 7:59 p.m. Trustee Johnson resumed his seat.

OLD BUSINESS:

CONSIDERATION OF A SPECIAL EVENT PERMIT REQUEST FROM THE CENTER 4 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 Event Permit (SEP) Application submitted by the Center 4 Excellence for Funkfest 2010. The Board reviewed this request at its May 10th meeting, and directed Mr. Larry Norman to better define this event. Specifically, the Board stated that it wanted to know how many vendors and what types of vendors would be participating, and also suggested that the volleyball beach area be utilized versus the proposed Lakefront Park area, as the Board was not willing to allow a Lake Street closure on Labor Day weekend. The event will be held for three days; September 3-5th. For Heckert Pavilion, they are only requesting that an information kiosk be allowed from noon to five p.m. each night. For the Lakefront Park, there will be live music held on Saturday and Sunday, from noon to 6:30 on Saturday and from noon to 8 on Sunday. The vendors will be 1 food, 3 artisans, 1 t-shirt/retail, and 1 nutritional/health food supplement, for a total of six vendors. Based upon the Board's discussion at the

afternoon workshop, staff recommends that the Board move to approve this Special Events Permit and to authorize the Mayor to sign it.

Trustee Johnson moved to approve this Special Events Permit and to authorize the Mayor to sign it. Trustee Peterson seconded the motion and all Trustees voted aye.

OLD BUSINESS:

PUBLIC HEARING – CONSIDERATION OF ORDINANCE NO. XX-2010, AN ORDINANCE AMENDING THE TOWN OF GRAND LAKE MUNICIPAL CODE CHAPTER 7, ARTICLE 6, SECTION 12 WASTE DISPOSAL – Mayor Burke asked Town Code Enforcement Officer Korkowski to present this matter to the Board. Korkowski explained that at their April 26, 2010 meeting the Board reset the Public Hearing regarding this matter for May 24, 2010. Legal Notice #4956926 was posted in the Middle Park Times on April 29, 2010. The Board also authorized staff to advertise a Request for Proposal (RFP) for private entities to provide a Pay As You Throw (PAYT) program for the Town. The ad was placed in the Middle Park Times on April 6, 13, and 29 under notice #4979429. Staff also sent e-mails of the RFP to people who had requested it be sent to them. The due date for responses to the RFP was May 20, 2010. As a result of the ads and the e-mails the Town received 3 responses. All of the responses contained bids only on Option 3, which was just providing the pick-up and hauling, not running the PAYT program. Valley Recycling only made a bid on 30 yard roll-offs, not the listed 8 cubic yard dumpsters. Waste Management bid on 2 8-yard trash dumpsters emptied twice per week for \$890.00/month. They bid one 8-yard recycle dumpster emptied once per week for \$145.00/month. The Trash Company, also known as Waste Connections, made several different bids. The first was for 2 8-yard dumpsters for trash emptied once per week for \$277.70/month. The second was for 2 8-yard dumpsters for trash emptied twice per week for \$555.40/month. On call pick-ups would be \$75.00/pick-up. Recycling would be 1 8-yard dumpster per month at \$125.00/month with a \$125.00 charge for each additional on-call pick-up. Awarding a contract on any of these proposals seems premature as no PAYT facility has been built. As a reminder to the Board, staff has previously provided cost estimates if the Town decided to run the program. Staff directed the contractors to give estimates on the high side. The total building estimated cost is \$29,000.00. 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 building was repaid back over 10 years with no interest*. If the dumpsters had fewer bags per dump, then this number would be greater. Based on earlier cost analysis, revised to reflect the current service bids, for the bags and service at \$1.51/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 and/or there were changes on the building costs, such as shorter payback time frame or interest charges. Staff has provided a draft ordinance which was the culmination of the work the Ad Hoc Committee performed and their recommendations. While the proposed ordinance does make substantial changes in the waste disposal

requirements and the proposed ordinance does not make a PAYT program mandatory, nor does it mandate that the Town must provide a PAYT system. It merely allows for a PAYT program to be run in the Town. The proposed ordinance can be adopted separate from the PAYT issue. Given the fact that pursuing PAYT will only occur if the Town runs it, the Board should discuss the following items:

1. Should the Town establish an enterprise for waste disposal?
2. How much would the Board be willing to loan this enterprise from the general fund in order to fund the building, bag purchase, and advertising for the program?
3. The Board needs to discuss the proposed locations for the facility and determine its' preference. The sites to be considered are the Town parking lot on Park Avenue behind the putt-putt, the east side of the Town shops along Plant Rd., the west side of the Town Shops near where the recycle containers were located, and the proposed land swap along Center Drive which was suggested for the Coker property.
4. If the Board prefers a site, then should staff start the Conditional Use process to authorize the use or should staff start the process for all of the sites suggested? All proposed locations would require this process as this would not be a use by right.

Staff has also included amortization schedules for a 5-year and a 10-year loan at an interest rate of 4% which is the interest rate for the Marina. Staff recommends the Board hold the Public Hearing on proposed Ordinance No. 7-2010, take public comment, discuss the issues, and take what action they deem necessary.

Mayor Burke opened the meeting for public comment.

Carolyn Alcorn, 1304 Grand Avenue, was the first to be recognized from the audience. She asked if this draft ordinance will required that everyone have a bear proof container. The response to her was "no". She then stated that she was very much in favor of the PAYT system.

Tom Ludwig, 14374 U.S. Highway 34, Unit 5, was then recognized and asked whose responsibility is it if a bear gets into a dumpster with plastic lids. Town Code Enforcement Officer Korkowski responded by saying that it is the property owner's responsibility. Ludwig then mentioned that he used to live in a town where a PAYT system was in place and it worked very well.

Mayor Burke then closed the Public Hearing and turned the matter over to the Board of Trustees.

Following discussion, Trustee Peterson said that a lot of the details need to be ironed out but this is a start. He then moved to adopt Ordinance No. 7-2010, an Ordinance Amending the Town of Grand Lake Municipal Code Chapter 7, Article 6, Section 12 Waste Disposal seconded by Trustee Lewis. All Trustees voted aye except Trustee Lanzi, who abstained.

At 8:21 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 – Mayor Burke asked Town Planner Wittman to present this matter to the Board. Wittman explained that at the last regularly-scheduled meeting the Board opted to continue consideration of Resolution No. 11-2010 until the Board had another chance to discuss this item with the applicant, Greg and Carey Barnes with Daven Haven Lodge and Backstreet Steakhouse. As a reminder to the Board, Daven Haven requested relocation of their off-premise signage to be moved from 404 Vine Street (Lot 8, Block 12) to Lot 1, Block 20, Town of Grand Lake. In discussions with the applicant in early April, the Board was favorable to the move and directed staff to draft a resolution to be brought back at their next regularly-scheduled meeting. Resolution No. 11-2010, has been drafted based on the recommendations of that meeting. The relocation of the existing signage will authorize the relocation of an existing non-conforming sign, as the total off-premise signage exceeds the maximum allowable square footage by 2.82 square feet. To further clarify, the Town initially approved a 3' x 4' (12 square feet) sign to be placed on the Rocky Mountain Repertory Theatre's property; the site plan indicated the sign would be 4' x 6'. Both calculations were compliant with the Municipal Code. When staff measured the sign, the sign has a total square footage of 25.18 square feet, not including the directional sign, the Vacancy sign or the neon Open sign. It is staff's understanding that the Board was not comfortable with the relocation of the sign if it was still non-conforming as the existing sign exceeds 25 square feet. Since the time that this resolution was first presented to the Town Board, staff has once again measured the sign. The sign face, not including a 1" frame for the two-sided sign, is 4' x 6' in size. This would make the sign, not including the lower directional sign, the Vacancy sign or the neon Open sign, 24 square feet; once again, the maximum square footage of an off-premise sign is 25 square feet. Staff needs direction from the Board as to whether or not the Area of Sign includes the framing for the sign. The Municipal Code partially defines "Area of Sign" as "*the area of a sign is the total area of the visible and labeled side of a sign.*" Additionally, since this item was first presented to the Board on April 7, 2010, the Board has elected to place a moratorium on Directional Signage so that the Town could further discuss and formalize new regulations regarding these types of sign. At the Planning Commission's last regularly-scheduled meeting, the Commission discussed Directional and Off-Premise Signage and has provided direction to staff regarding these types of signs. With a moratorium in place, staff questions whether or not the Town Board is comfortable voting on a resolution that gives consideration to Directional Signage. The Board should discuss Resolution No. 11-2010 as well as the aforementioned matters with the Barnes and determine the applicability of the draft resolution. Wittman noted that over the weekend the sign was moved from the Rocky Mountain Repertory Theatre's property and was leaning against the Theatre's construction fence in the Vine Street right-of-way. She said that if the Board is still favorable to the provisions in the resolution, the Board should move to adopt Resolution No. 11-2010, a

Resolution Identifying the Approved Signage for the Daven Haven Lodge and Backstreet Steakhouse. If the Board is not comfortable with the provisions of the resolution, the Board should move to:

- 1) Deny Resolution No. 11-2010 and direct staff to draft a new resolution, outlining the conditions for relocation of the sign, to be brought back before the Board at their next regularly-scheduled meeting; or
- 2) Approve Resolution No. 11-2010 with conditions specific to the new discussions held between the Town Board and the Barnes.

Lengthy discussion then transpired regarding whether or not the area of a sign includes the framing for the sign.

Town Code Enforcement Officer Korkowski said that for as long as he has been with the Town he has always measured from outside to outside, including the frame, to arrive at a total area of the visible and labeled side of a sign.

During further discussion, Trustee Lanzi asked Mr. Barnes if it would be a problem for him to cut 2” off of his sign. Barnes responded by saying “No”.

Following discussion, Trustee Peterson moved to adopt Resolution No. 11-2010, a Resolution Identifying the Approved Signage for Daven Haven Lodge and Backstreet Steakhouse, approving the existing Daven Haven Off-Premise Sign to be relocated with the condition that the sign conforms to the maximum allowable square footage (of 25 square feet) for an off-premise sign. Trustee Lanzi seconded the motion and all Trustees voted aye except Trustee Johnson, who voted nay.

NEW BUSINESS:

CONSIDERATION TO AUTHORIZE THE TOWN MANAGER TO ENTER INTO AN AGREEMENT FOR ARCADE SERVICES WITH GREG BARNES FOR THE 2010 SEASON – Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale presented a draft arcade agreement between the Town and Greg Barnes for the 2010 season to the Board and explained that Marina Manager Hassoldt and Greg Barnes have agreed to hold last year’s prices, so the agreement is the same as it was for 2008 and 2009. \$5,500 will be payable over a five month period. He noted that Greg’s does have insurance from last year but expires on June 3, 2010. Carey Barnes told him that it would be renewed when she receives the renewal notice in the mail. The staff recommendation is for the Board to authorize the Town Manager to enter into an Agreement for Arcade Services with Greg Barnes for the 2010 season.

Trustee Johnson moved to authorize the Town Manager to enter into an Agreement for Arcade Services with Greg Barnes for the 2010 season. Trustee Peterson seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF RESOLUTION NO. 15-2010, A RESOLUTION GRANTING A LICENSE FOR THE ENCROACHMENT INTO THE PUBLIC RIGHT-OF-WAY OF CERTAIN IMPROVEMENTS LOCATED

ADJACENT TO PARCEL 4, DAVEN HAVEN COTTAGES OF THE TOWN OF GRAND LAKE - Mayor Burke asked Town Planner Wittman to present this matter to the Board. Wittman explained that on April 1, 2010, the Town received a request from Greg and Carey Barnes with the Daven Haven Lodge, Daven Haven Cottages Parcel 4 otherwise referred to as 604 Marina Drive, for the Town's consideration of a permanent encroachment into the Cairns Avenue right-of-way. The request is to place an external cooler on a preexisting concrete pad that extends into the Cairns Avenue right-of-way by approximately 16.39' at its greatest point. The applicant has verbally indicated the cooler will be similar to that of Grand Lake Lanes and Circle D Grocery Store but will be sided on all four sides, as well as roofed, with material similar to the siding of the current Daven Haven Lodge. Staff conducted a site visit and has measured the entirety of the encroachment. The encroachment is 14' long, extended from the building into the Cairns Avenue right-of-way, and 8' in width. In addition to the preexisting dumpster in this location, a grease clean-out also rests on this concrete pad. To staff's knowledge, neither of these existing facilities have been approved by the Town. Daven Haven Cottages Planned Development was approved in 2001. At that time, the Town did grant the property owners with an Encroachment License for an easement to the existing structure that was, and currently is, in the Cairns Avenue right-of-way. The existing structure extends into the Cairns Avenue right-of-way by approximately 2.39' at its greatest point. In the same request as this, Greg and Carey Barnes have asked for the Town to consider the relocation of their existing trash facilities. This was brought before the Planning Commission and on May 19, 2010, the Commission approved Planning Commission Resolution No. 10-2010. The Commission unanimously agreed that the receptacle should be relocated off of the Cairns Avenue right-of-way and located on the subject parcel. Wittman said that the applicant's request has been discussed amongst Town staff. Public Works Director McGinn has indicated that he is not comfortable with the encroachment in this location. While the Cairns Avenue right-of-way is 80' in width, an encroachment of this nature may impede on lands the Town may wish to develop greater pedestrian amenities at a future time. Additionally, Town staff feels that this could set a significant precedence as typically the Town has not granted these types of licenses for items that are permanent in nature. The Town has utilized encroachment licenses to grant easements to preexisting structures, for significant landscaping needs, such as the development of a retaining walls, fences, etc., but most typically the Town has entered into agreements that have allowed for the temporary placement of items such as minor landscaping, walkways, etc. so that individual property owners may utilize the Town's rights-of-way but that it does not grant perpetual use for items that are more permanent in nature. Under all circumstances, the Town has held the right to remove the encroachment in the future. When looking at the attached site plan of the property, it appears there is ample room on Parcel 4, to the direct south or to the west of the Lodge, for the placement of an improvement of this nature. When staff contacted Town Attorney Krob, he advised that an external cooler was an accessory to the primary use and can be granted to be placed on the property without having to replat the development. As the Board is able to see, the land which the lodge is sitting on is not listed as a

General or Limited Common Element, nor designated Open Space, and, therefore, would be approved as per the requirements of the Town's Land Development Regulations as a reduction in Open Space would result in a replat of the property. Encroachment licenses are approved or denied with the Board's adoption or denial of a resolution. Resolution No. 15-2010, a Resolution Granting a License for the Encroachment into the Public Right of Way Certain Improvements Located Adjacent to Parcel 4, Daven Haven Cottages of the Town of Grand Lake has been drafted for the Board's consideration. The Board should discuss this matter with the applicant prior to making a motion. The Board has several options for motions; the Board may:

- 1) Move to approve Resolution No. 15-2010; or
- 2) Move to approve Resolution No. 15-2010 with conditions, stating specification conditions; or
- 3) Move to deny Resolution No. 15-2010, stating specific reasons for the denial of this request.

During discussion, Trustee Peterson said that he was glad that the existing trash facilities are located on the subject parcel and not in the Cairns Avenue right-of-way but would like to see the construction debris removed from the right-of-way. Greg Barnes stated that he has talked with Town Code Enforcement Officer Korkowski and it will be taken away.

Following discussion, Trustee Johnson moved to deny Resolution No. 15-2010, a Resolution Granting a License for the Encroachment into the Public Right of Way Certain Improvements Located Adjacent to Parcel 4, Daven Haven Cottages of the Town of Grand Lake as every property in Town should be treated the same and Encroachment Licenses should be granted only when a hardship exists and there are no other alternatives. Trustee Lanzi seconded the motion and all Trustees voted aye.

At 9:13 p.m. Trustee Lewis resumed her seat.

NEW BUSINESS:

CONSIDERATION OF A REQUEST TO KEEP A NON-CONFORMING SIGN AT WESTERN RIVIERA - Mayor Burke asked Town Code Enforcement Officer Korkowski to present this matter to the Board. Korkowski explained that the applicants, Mike and Jackie Tompkins, are out of Town and could not make this evenings meeting. They have requested this to be removed from the agenda and reserve the opportunity to put it back on.

NEW BUSINESS:

CONSIDERATION OF A REQUEST TO KEEP A NON-CONFORMING SIGN AT MIYAUCHI'S SNACK BAR - Mayor Burke asked Town Code Enforcement Officer Korkowski to present this matter to the Board. Korkowski explained that Greg and Joan Miyauchi have submitted a request to keep their non-conforming sign at the restaurant located at Block 5, Lot 15, more commonly referred to as 1029 Lake Avenue. The non-conforming sign they would like to keep is the main sign which extends above the roofline of the building. Extension above the roofline of the building is what makes the sign non-conforming. The

Miyauchi's state the sign has been there for over 25 years and is an essential part of the lakefront of Grand Lake. While the sign does extend above the roofline of Miyauchi's, it is not higher than any of the other buildings next to it. Korkowski noted that the applicants were not present.

Following brief discussion, Trustee Lanzi moved to grant an exception to the sign code to grandfather the sign until such time the Snack Bar is no longer in business and the sign is kept in good repair and it is not altered seconded by Trustee Lewis. During discussion, Trustee Johnson said that the issue of what dictates a historic sign needs to be addressed before any exceptions are granted. This would grant an exception to one sign but what about the next request. The motion failed when Trustees Lanzi and Lewis voted aye and Trustees Burke, Johnson and Peterson voted nay.

Trustee Peterson then moved to continue consideration of this matter until staff has had time to do research and can provide some guidelines for historic signage to the Board. Trustee Johnson seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF A SPECIAL EVENT PERMIT REQUEST FROM STILLWATER CHURCH – 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 Stillwater Church for a patriotic rally 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. There will be a 24' snowmobile trailer, or equivalent, set up by the Heckert Pavilion, and music by the Legacy Quartet as well as a keynote address by retired Brigadier General Richard Abel, both of which will take place between 3-5 p.m. on the 4th. They are requesting three parking spaces for access to load/unload sound equipment, and for two tables to sell CD's for the abovementioned quartet and to hold a book signing for the retired General. Town staff walked the site with Mr. Weber last week, and suggested this location as the best for the stage, and also requested that the trailer/stage be left overnight and removed the next morning since there is so much traffic on the 4th. In short, this

application represents the aspects that Town staff had suggested to minimize the impacts of having this event on such a busy day. Based upon discussion held during the afternoon workshop, staff recommends that the Board move to approve this Special Events Permit, and to authorize the Mayor to sign it.

Trustee Johnson moved to approve the Special Event Permit request from Stillwater Church for the 4th of July and to authorize the Mayor to sign it. Trustee Peterson seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION TO DIRECT THE TOWN MANAGER TO AUTHORIZE ALTERATIONS TO THE FRONT DESK AT THE VISITOR'S CENTER - Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that the Chamber would like to make changes to the front desk at the Visitor's Center. Specifically, they would like to cut out a portion of the front desk so staff doesn't have to walk around to get to the kiosk. According to Section 6.2 of the Lease Agreement between the Town and the Chamber, the Chamber shall not make any other material alterations or improvements on or to the Leased Premises without the Town's prior written consent. Any permanent improvements made to the real property by the Chamber during the lease term, shall be deemed a part of the real estate and, at the election of the Town, shall remain upon the Leased Premises at the expiration or termination of this Lease. If requested by the Town following the expiration or termination of this Lease, the Chamber shall, at the Chamber's expense, promptly remove any improvements installed by the Chamber and shall restore the real property to the condition it was upon the commencement of this Lease. If the Board is fine with this work, then the recommended motion is for the Board of Trustees to make a motion to direct Town Manager Hale to authorize the alterations to the front desk as proposed, by sending the Chamber the Town's written consent to this work. Hale noted that Sara Sable, Executive Director, and Darin Foran, volunteer, were present.

Trustee Lewis moved to direct Town Manager Hale to authorize the alterations to the front desk as proposed, by sending the Chamber the Town's written consent to this work. Trustee Johnson seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF A FUNDING REQUEST FOR AN \$8,000 ADVANCE TO THE GRAND LAKE CHAMBER OF COMMERCE - Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that the Town received a funding advance request from the Grand Lake Chamber, due to the fact that one of their major sponsors has moved their first payment back one month, which puts the Chamber in a tough cash flow position. Specifically, the Chamber is requesting that the Town advance it \$8,000 of the Business License Commission (BLC) funds. Per the Marketing Agreement, Section 3(b), Obligations of the Town, states that the Town shall "remit 95% of the Business License Fees and Peddlers, Solicitors and Transient Merchants Fees collected by the Town on a monthly basis, no later than 20 days following the end of the month." The agreement is written as such so the Chamber gets a true

accounting of the monies that are received, versus estimating the amount at the beginning of the year as we used to and then remitting it flat monthly. Additionally, it doesn't put the Town in the position of paying money to the Chamber that hasn't actually been collected yet; for example, through the month of May last year, the Town only collected \$1,300 in BLC funds. From a practical standpoint, the money that is collected in any given month is remitted the following Accounts Payable (AP), except in months when the collections are so low, the Town usually waits to send a check to when its built up a bit. In 2009, the July AP, for June receipts, was \$11,555 to the Chamber, so if the Board were favorable to this idea, it would amount to about a two month advance, as we can reasonably expect the July 12th AP to include in excess of this \$8,000 figure. As an additional thought, since this money normally comes in during the month of June, even though we wouldn't have remitted until July AP, the Town will probably recover this cash relatively quickly next month. If the Board is favorable to this idea, the staff recommendation is for the Board to make a motion to draft a check in the amount of \$8,000 to the Grand Lake Chamber of Commerce, and to not remit additional BLC funds to the Chamber until the Town has recovered this \$8,000 advance. Hale noted that Sara Sable, Executive Director, and Darin Foran, volunteer, were present.

Trustee Johnson moved to draft a check in the amount of \$8,000 to the Grand Lake Chamber of Commerce, and to not remit additional BLC funds to the Chamber until the Town has recovered this \$8,000 advance. Trustee Lewis seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION TO AUTHORIZE THE MAYOR TO SIGN A MEMORANDUM OF UNDERSTANDING BETWEEN THE TOWN OF GRAND LAKE AND THE HECKERT MEMORIAL FUND - Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that in March, staff briefed the Board on a situation that had arisen with Black Beauty (Louie's Jeep), specifically that upon taking title of the jeep, the Heckert Memorial Fund was finding it difficult to cover it with insurance, the Chamber is still carrying the insurance. Peter Esmonde was working with a local insurance agent, and had paid the deposit while they worked through the coverage, but recently learned that since the primary driver wasn't who was named on the policy, they wouldn't be able to get insurance through the non-profit. During that meeting, the Board was receptive to the Town playing a middleman role, whereby the title would be turned over to the Town and we would insure the Jeep through CIRSA which would be reimbursed by the Heckert Memorial Fund. The Town's middleman role would come from the fact that it would be privately stored, and still completely maintained by the Heckert Memorial Fund group. The Town could enter into an agreement that addresses CIRSA's requirements, number of miles limitations, must be kept in a garage when not used, etc. Hale said that the only caveat at that meeting was that since the Jeep was originally given to the Chamber, the Board directed Peter Esmonde and himself to discuss this with the Chamber Board prior to the Town taking it over. This was discussed with the Chamber at their March 17th meeting, and no one had any objections to this

RECORD OF PROCEEDINGS

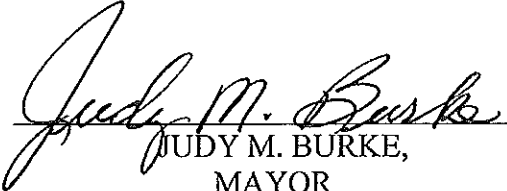
arrangement. Following all of these discussions and upon further discussion with the Town's insurer, Town staff found a few leads of insurance companies that do insure antique vehicles, and asked Peter Esmonde and his group to pursue these leads, as he and the Town Clerk both felt that it would be better to keep the Town out of this arrangement if possible. Two months later, it looks as though all of the leads haven't amounted to much, as no insurer will cover the policy without naming one of the members of the Heckert Memorial Fund to the policy, and no one person wants to have liability for the non-profit. Staff has drafted a Memorandum of Understanding (MOU), and it has been reviewed and signed by Peter Esmonde. Town Attorney Krob has reviewed and approved the draft. Hale noted that there were changes made to the MOU following the afternoon workshop and has been presented to the Board as a table setting. If the Board continues to support this arrangement, the staff recommendation is for the Board to authorize the Mayor to sign the MOU between the Town of Grand Lake and the Heckert Memorial Fund as amended.

Trustee Peterson moved to authorize the Mayor to sign the Memorandum of Understanding between the Town of Grand Lake and the Heckert Memorial Fund as amended. Trustee Lewis seconded the motion and all Trustees voted aye.

Trustee Lewis then moved to designate Peter Esmonde and Jim Peterson as designated drivers for Black Beauty. Trustee Johnson 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 9:40 p.m., May 24, 2010.



JUDY M. BURKE,
MAYOR

ATTEST, 

RONDA KOLINSKE, CMC,
TOWN CLERK