

RECORD OF PROCEEDINGS

REGULAR MEETING
TOWN OF GRAND LAKE BOARD OF TRUSTEES
MONDAY, AUGUST 23, 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 7:42 p.m. at the Town Hall, 1026 Park Avenue.

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

ABSENT: Mayor Burke announced that Trustees Peterson and Weydert were absent. She said that Trustee Peterson was absent because of a Dr. appointment and that she was not notified by Trustee Weydert of his absence as required in the Town of Grand Lake Code of Conduct/Ethics Handbook.

Trustee Johnson moved to excuse Trustee Peterson's absence. Trustee Lewis seconded the motion and all Trustees voted aye.

Since Trustee Weydert did not notify the Chair with a reason for his absence, Trustee Johnson then moved to declare Trustee Weydert's absence unexcused. Trustee Lewis seconded the motion and all Trustees voted aye.

Mayor Burke then announced that she will not be at the September 13, 2010 meeting as she will be in Washington, D.C. for a National Park Advisory Board Meeting.

Trustee Lewis moved to excuse Mayor Burke's absence. Trustee Lanzi seconded the motion and all Trustees voted aye.

APPROVAL OF MINUTES

August 9, 2010: Trustee Johnson moved to approve the minutes of the August 9, 2010 regular meeting as written. Trustee Lewis 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 school opens Wednesday, August 25th. Please be cautious of school buses and drive carefully.

Mayor Burke announced that "*Rocky Mountain Blues Festival*" sponsored by the Grand Lake Chamber of Commerce, will be held on August 27 & 28 at Lakefront Park. The event will feature music, Cajun food and vendors. Admission is free.

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Mayor Burke announced that "2010 Funkfest" sponsored by the Center 4 Excellence will be held September 3-5 at Lakefront Park and Town Park Pavilion. The event will feature music and vendors.

Mayor Burke announced that the Lord of the Valley Lutheran Church will hold its annual pie sale on Saturday, September 4 from 9 a.m. to 1 p.m. in the Town Gazebo.

Mayor Burke announced that a Farmer's Market will be held on Saturday, September 4 from 8 a.m. to 4 p.m. at the Grand Arts Center.

Mayor Burke announced that the Grand Arts Council will hold its 13th Annual Tombstone Tales on Sunday, September 5. Shuttle busses will leave the Gateway Inn every 20 minutes between 11:00 a.m. to 2 p.m.

Mayor Burke then announced that Town Manager Hale recently received the International City/County Management Association (ICMA)'s Credentialed Manager Candidate designation. He will become an ICMA Credentialed Manager in January 2012. Hale is one of 1,200 local government management professionals who participate in the ICMA Voluntary Credentialing Program. To be credentialed by ICMA, a member must have significant experience as a senior management executive in local government, have earned a degree, preferably in public administration or a related field, and demonstrated a commitment to high standards of integrity and to lifelong learning and professional development.

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.

REPORTS: SALES TAX CASH FLOW REPORT FOR AUGUST 2010:

Mayor Burke asked Town Clerk Kolinske to present the sales tax cash flow report. Kolinske reported that the amount of revenue received in August 2010 for the month of June is \$93,849. This amount is nearly 11 ½% below what was received through August 2009.

REPORTS: SECOND QUARTER SALES TAX COLLECTION BY VENDOR APRIL-JUNE: 2006-2010:

Town Clerk Kolinske noted that Town Treasurer/Clerk Pro-Tem Dzinski provided a report consisting of the Second Quarter Sales Tax Collection

by Vendor report for April-June 2006-2010.

REPORTS: FINANCIAL
REPORT FOR
JULY, 2010:

In the absence of Financial Trustee Peterson, Mayor Burke asked Town Clerk Kolinske to present the Financial Report for July, 2010. Kolinske reported that General Fund expenditures through the end of July totaled \$919,586.69 or 52.2% of budget. He said the Water Fund expenditures for the same period totaled \$222,934.82 or 45.6% of budget, the Marina Fund expenditures totaled \$147,316.83 or 51.9% of budget and the PAYT Fund has no totals as of yet.

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF RENEWAL OF THE HOTEL AND RESTAURANT LIQUOR LICENSE FOR BENTON JOHNSON, D/B/A THE BEARS DEN – Since there would not be a quorum if Trustee Johnson excused himself and took a seat in the audience, this matter was not considered but will be placed on the agenda for the next regularly scheduled meeting to be held September 13, 2020.

Trustee Johnson then announced that he will abstain from discussion and voting on the next item on the agenda.

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF A TRANSFER OF OWNERSHIP APPLICATION FROM LAKEVIEW GROUP, INC., D/B/A LAKEVIEW GENERAL/LIQUOR STORE TO MILES GROUP, LLC, D/B/A LAKEVIEW LIQUOR FOR THE RETAIL LIQUOR STORE LIQUOR LICENSE - Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske explained that the Town received a Transfer of Ownership Application for the Retail Liquor Store Liquor License from Lakeview Group, Inc., d/b/a Lakeview General/Liquor Store at 14626 U.S. Highway 34 to Miles Group, LLC, d/b/a Lakeview Liquor. Joann Miles has been operating under a Temporary Transfer Permit issued by the Town Clerk on May 25, 2010. The fees have been paid and all the proper application documents have been completed. A letter has been received from the Grand County Sheriff's Department which states that they have found no adverse information that would affect the transfer of the license. Town Attorney Krob has reviewed the application documents and is satisfied. The Water Department reports that the account is paid in full through the 2nd quarter of 2010, and is therefore considered current. The business license and sales tax accounts are current. Kolinske stated that the Board may set a public hearing before considering the transfer, but was not required to do so. She noted that Joann Miles, owner, and Ted Fasso, Manager, were both seated in the audience.

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Following brief discussion, Trustee Lewis moved to approve the transfer of the Retail Liquor Store Liquor License to Miles Group, LLC, d/b/a Lakeview Liquor, without a public hearing. Trustee Lanzi seconded the motion and all Trustees voted aye except Trustee Johnson, who abstained.

OLD BUSINESS: None.

NEW BUSINESS: **CONSIDERATION OF ORDINANCE NO. 13-2010, AN ORDINANCE EXTENDING THE DUMPSTER SCREENING SUNSET PROVISION OF ORDINANCE NO. 34-2009** – Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that in July, 2010, the Board opted to continue the sunset provision, enacted by Ordinance No. 36-2009, that required dumpsters, located on public right-of-way, to be enclosed. Staff has drafted Ordinance No. 13-2010 as per the Board’s direction at that time. The Board may move to adopt the ordinance, deny the ordinance or choose to hold a Public Hearing on the matter. Staff recommends that since the provisions of the sunset would be postponed for one more year that the Board move to adopt Ordinance No. 13-2010.

Trustee Lewis moved to adopt Ordinance No. 13-2010, an Ordinance Extending the Dumpster Screening Sunset Provision of Ordinance No. 34-2009. Trustee Lanzi seconded the motion and all Trustees voted aye.

NEW BUSINESS: **CONSIDERATION OF ORDINANCE NO. X-2010, AN ORDINANCE AUTHORIZING THE ADVANCE OF MONIES TO THE GRAND LAKE CHAMBER OF COMMERCE, ESTABLISHING THE REPAYMENT SCHEDULE AND IDENTIFYING SECURITY IN CASE OF DEFAULT BY THE CHAMBER** - Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that the Chamber of Commerce has requested a \$20,000 cash advance from future monies that the Town would pay for their operation of the Visitor’s Center through a Service Agreement with the Town. The Board was amiable to this loan with a few stipulations, which staff has attempted to capture through a draft ordinance and Memorandum of Understanding (MOU). Hale referred the Board to the language after Now Therefore...in the MOU. Briefly, the Town advances \$20,000, conditional upon the reimbursement, with interest, beginning in 2012, and conditional upon the Chamber proposing a restructuring of the bylaws to the membership which will include at a minimum that two of the Chamber’s Board members be appointed by the Town’s Board of Trustees, from among the Board of Trustees. Finally, in the case of default by the Chamber, the website becomes property of the Town. Interest must be charged on this advance, and through staff’s research, staff is recommending that the Board charge either 4.5% or 5.0%. At each interest rate the payments

would be as follows: (4.5%=\$5,700.31 x 4, or \$2,801.24 in interest over 4 years) or (5%=\$5,781.24 x 4, or \$3,124.96 in interest over 4 years). The Chamber Board of Directors has reviewed the draft MOU and Karen Wood, Vice President, did sign the version that she had, although her version had Barb McElroy as the signature line so she'll need to come in and sign a clean copy as amended. Regarding Barb's status, she had resigned from the Chamber, but then un-resigned, but is pretty burned out and is really staying on the Board only in an advisory capacity, so she didn't attend the Chamber meeting on August 19th and isn't signing any new documents for the Chamber. Staff isn't quite sure what any of this means, other than she's at the end of her rope with all of the time and the stress, but she doesn't want to quit. The Board should discuss all aspects of this advance, and should specifically determine the interest rate that it would like to charge, which will become the Exhibit 1 to the MOU. After determining this, if the Board is ok with all that has been presented, the staff recommendation is for the Board to adopt Ordinance No. 14-2010 and to authorize the Mayor to sign the Memorandum of Understanding between the Town and Chamber that is attached to the ordinance.

Through discussion, Board Members agreed on an interest rate of 5% and directed Town Manager Hale to draft Exhibit 1 to the MOU as such.

Following discussion, Trustee Johnson moved to table consideration of this matter until the Chamber amends their bylaws to reflect that two of the Chamber's Board Members be Town Board of Trustees and are approved. Trustee Lewis seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION TO AUTHORIZE THE MAYOR TO SIGN AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE TOWN OF GRAND LAKE AND THREE LAKES WATER AND SANITATION DISTRICT - Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that through the years the Town and 3 Lakes have entered into and amended Intergovernmental Agreements to reflect the evolving relationship between both organizations. This has resulted in an Intergovernmental Agreement (IGA) originally drafted in 1990, with amendments in 1994 and 2007, as well as meeting minutes that never made it into the agreements, but are being honored just the same. Additionally, in looking through agreements that the Town has entered into over the past five or so years, the Town's requirements for street cuts, insurance, etc., have all increased but none were represented in this IGA. So, with the intent of making this agreement less confusing, but also updating the Town's requirements, Hale said that he and Sally Blea, District Manager, went about redrafting an IGA, with input from staff from both agencies.

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Sections 2 and 3 outline what each agency is agreeing to provide; there is nothing new per se, although the language referring to the trade of a sewer tap of 2.6 sfe for a 1 ½" water tap has never been in any agreement, although it was agreed to in meetings between the two boards and has been memorialized in those minutes. Sections 4 and 5 were suggested by the Town, and are mostly in response to current regulations and simply getting this agreement up to date in that respect. Additionally though, Section 5 also requires that 3 Lakes always submit their plans to the Town early in the year so the Town can plan accordingly, and that the two organizations meet no later than April 1 of each year to discuss annual projects/capital plans to make sure that we're on the same page. Finally, Sections 13 and 14 were suggested by their attorney. The 3 Lakes Board has reviewed this agreement and has signed it. If the Board is ok with the approach and the new additions to the agreement, the staff recommendation is for the Board to authorize the Mayor to sign an Intergovernmental Agreement between the Town of Grand Lake and Three Lakes Water and Sanitation District.

Trustee Johnson moved to authorize the Mayor to sign an Intergovernmental Agreement between the Town of Grand Lake and Three Lakes Water and Sanitation District. Trustee Lewis seconded the motion and all Trustees voted aye.

NEW BUSINESS:

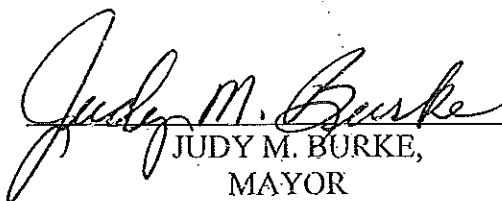
CONSIDERATION TO REAPPOINT TOWN MANAGER HALE AS THE CML POLICY COMMITTEE REPRESENTATIVE FOR THE 2010/2011 LEGISLATIVE SESSION - Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that it's time once again to appoint the CML Policy Committee Town representative. Hale said that he is the current representative and has been during his entire tenure and is happy to continue in this capacity.

Trustee Lanzi moved to reappoint Town Manager Hale as the CML Policy Committee representative for the 2010/2011 legislative session. Trustee Lewis seconded the motion and all Trustees voted aye.

CITIZEN PARTICIPATION: None.

ADJOURNMENT:

Trustee Lewis moved to adjourn, seconded by Trustee Johnson. All Trustees voted aye, and the meeting was adjourned at 8:19 p.m., August 23, 2010.


JUDY M. BURKE,
MAYOR

ATTEST. 
RONDA KOLINSKE, CMC,
TOWN CLERK