

RECORD OF PROCEEDINGS

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REGULAR MEETING  
TOWN OF GRAND LAKE BOARD OF TRUSTEES  
MONDAY, OCTOBER 11, 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 Lanzi, Lewis, Ludwig, Peterson, and Weydert; Town Manager Hale, Town Clerk Kolinske and Town Planner Wittman.

ABSENT: Mayor Burke announced that Trustee Johnson was absent due to a family medical issue.

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

APPROVAL OF MINUTES

September 27, 2010: Trustee Weydert moved to approve the minutes of the September 27, 2010 regular meeting as written, seconded by Trustee Lanzi. All Trustees voted aye except Trustees Lewis and Peterson, who abstained.

ANNOUNCEMENTS:

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

Mayor Burke announced that it is with deep regret that we note the passing of Gene Stover on Monday, October 4. He was the longest serving mayor in the history of the Town serving from 1984 to 2004. He served as Trustee from 1982 to 1984 and on the Planning Commission from 1983 to 2004. Gene was truly a great asset to this community as he gave unselfishly of his time. He sincerely will be missed. Burke further stated that there are many things in this community that were either started or started and finished during his administration that we will all benefit from for years to come. She said that she will always remember Gene planting the potentilla bushes along the hillside of the Highway 34 right-of-way across from the Chamber building, cussing at every one of them. She said that the Independent Sports Club was started during his administration, he was instrumental in starting the Lariat Open which brings golfers in from all over, and he truly was a mentor to many.

Mayor Burke then announced that all excavators and contractors in the Grand Lake area are reminded that the deadline for encroachments in the Town rights-of-way is October 15. NO road cuts or encroachment permits will be allowed after this date.

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 Ludwig announced that he had a conflict with the Local Liquor Licensing issues as he holds a license for The Rapids Lodge and Restaurant.

Trustee Peterson announced that he had a conflict with consideration of trading the "Coker Parcel" for either Lot 9, 10 or 11, Block 12 due to the fact that his wife represents the Coker's.

At 7:34 p.m. Trustee Ludwig excused himself and left the room.

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF RENEWAL OF THE HOTEL AND RESTAURANT LIQUOR LICENSE FOR BENTON JOHNSON, D/B/A THE BEARS DEN – Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske reported that she put this matter on the agenda in error as she knew that Benton Johnson would not be at this evening's meeting.

Trustee Weydert moved to continue consideration of this matter until the next regularly scheduled meeting to be held on October 25, 2010. Trustee Lewis seconded the motion and all Trustees voted aye.

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF RENEWAL OF THE 3.2 PERCENT BEER RETAIL LIQUOR LICENSE FOR MOUNTAIN FOOD MARKET, INC., D/B/A MOUNTAIN FOOD MARKET - Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske reported that the fees have been paid; all the renewal documents are in order and indicate no changes. The business license and sales tax accounts are all current. She said that the Town of Grand Lake Water Department reports that the building is serviced by a private well. The Grand County Sheriff's Department found no adverse information which would affect the status of the license. She then concluded by saying that Brenda Schoenherr, President, was present.

Trustee Lewis moved to approve the renewal of the 3.2 Percent Beer Retail Liquor License for Mountain Food Market, Inc., d/b/a Mountain Food Market. Trustee Weydert seconded the motion and all Trustees voted aye.

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF RENEWAL OF THE 3.2 PERCENT BEER RETAIL LIQUOR LICENSE FOR CIRCLE D OF GRAND LAKE, INC., D/B/A CIRCLE D FOODS – Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske reported that the fees have been paid; all the renewal documents are in order and indicate no changes. The water, business license, and sales tax accounts are all

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current. She noted that the Grand County Sheriff's Department found no adverse information which would affect the status of the license. She concluded by saying that Craig Downing, President/Treasurer, was present.

Trustee Lewis moved to approve the renewal of the 3.2 Percent Beer Retail Liquor License for Circle D of Grand Lake, Inc., d/b/a Circle D Foods. Trustee Peterson seconded the motion and all Trustees voted aye.

LIQUOR LICENSING AUTHORITY: Added to the agenda was **CONSIDERATION OF A SPECIAL EVENTS LIQUOR PERMIT APPLICATION FROM THE GRAND ARTS COUNCIL FOR A FUND RAISING EVENT FOR MIKE "THE GENERAL" SMITH** - Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske explained that an application for a Special Events Liquor Permit was received today, with the appropriate fee, permission for possession, certificate of good corporate standing, and floor diagram, from the Grand Arts Council for a fund raising event for Mike "The General" Smith. The request is to sell malt, vinous and spirituous liquor by the drink for consumption on the premises only. The requested date is Friday, November 12, 2010 from 5:00 to 11:00 p.m. Per State Statute, "an applicant must file for a special event with the local licensing authority at least 30 days prior to the date of the event. . . However, for "good cause shown," the local licensing authority may waive this thirty-day requirement." Kolinske said that she is bringing this matter before the Board as an added item to the agenda instead asking the Board to waive the thirty-day requirement. The proposed location is the Grand Lake Community House at 1025 Grand Avenue. It has been the most recent procedure of this Board to receive the application and then schedule consideration of approval of the permit as a regular item of business at the following meeting. Although a Public Hearing is not required by statute, the Board may choose to set one. The premises are required by statute to be posted for at least 10 days prior to approval of the permit. Approval of the requested permit may be scheduled for the October 25<sup>th</sup> regular Board meeting, as either a Public Hearing or regular item of business. Kolinske noted that Suzi Maki was present as Event Manager for this event.

Trustee Peterson moved to act on this request as a regular item of business at the October 25, 2010 Board meeting. Trustee Lewis seconded the motion, and all Trustees voted aye.

At 7:44 p.m. Trustee Ludwig resumed his seat.

OLD BUSINESS:  
NEW BUSINESS:

None.

**CONSIDERATION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE TOWN OF GRAND LAKE AND THE GRAND ARTS COUNCIL** – Mayor Burke asked Town Planner Wittman to present this matter to the Board. Wittman explained that at the last regularly-scheduled afternoon workshop, the Town Board discussed with Mr. Jim

Cervenka, representative of the Grand Arts Council, the Arts Council's inability to meet certain timeline improvements associated with the Arts Council's building permit release for the structure located at Lots 10-12, Block 9, Town of Grand Lake. The Board seemed favorable to granting an extension of those improvements not completed to date. Staff has drafted a new Memorandum of Understanding (MOU), based on the original MOU, and exhibits. The Board should discuss this matter. Once all discussion has taken place, and if the Board is favorable, the Board should move to authorize the Mayor to enter into the MOU between the Town of Grand Lake and the Grand Arts Council. Wittman noted that she advised the Arts Council that it was not necessary for a representative to be present this evening.

Following brief discussion, Trustee Peterson moved to authorize the Mayor to enter into the Memorandum of Understanding between the Town of Grand Lake and the Grand Arts Council. Trustee Weydert seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION OF RESOLUTION NO. 23-2010, A RESOLUTION GRANTING AN EXTENSION TO A GRADING PERMIT FOR 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 September 28, 2010, the Town received a request for an extension to a Grading Permit, issued to the owner of Lots 1-2, Block 27, Town of Grand Lake. As a reminder to the Board, in April, 2010, the Town Board of Trustees approved Resolution No. 14-2010 which authorized grading work to be performed in the Grand Avenue and Jefferson Street rights-of-way. The work to be performed was done in conjunction with an April, 2010, approved Grading Permit. At the time of the Board's consideration of Resolution No. 14-2010, the Board indicated they would like to be the reviewing body for extensions to the Grading Permit, if requested. At the May 10, 2010, regular meeting of the Town Board of Trustees the Board discussed the need for dust control. As staff indicated at that time, dust control is not indicated as a requirement of the Municipal Grading Permits. Included in Resolution No. 14-2010 were the provisions that all disturbed areas would be vegetated and/or blanketed upon completion of ground disturbance for sediment and erosion control. Since the permit approval, the Town has not received any complaints about the work being performed. Additionally, the contractor has made sure any runoff areas have been graded after heavy storms. Staff has drafted Resolution No. 23-2010, a Resolution Granting an Extension to a Grading Permit for Lots 1-2, Block 27, Town of Grand Lake. While the Town normally issues Grading Permits for six (6) months, staff has proposed a one-year extension to this permit with due consideration to whether or not six months is an adequate time period for an extension of a Grading Permit, given seasonal changes. The Board should discuss this matter. Once all

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discussion has taken place, the Board should move to approve, approve with conditions and/or modifications, or deny Resolution No. 23-2010.

During discussion Board Members agreed to the one year extension and talked about seeing where he is at in one year. If substantial progress has not been made by that time, the Board may not be favorable to another extension.

Following discussion, Trustee Peterson moved to adopt Resolution No. 23-2010, a Resolution Granting an Extension to a Grading Permit for Lots 1-2, Block 27, Town of Grand Lake as drafted. Trustee Weydert seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION OF ORDINANCE NO. 16-2010, AN ORDINANCE UPHOLDING A PLANNING COMMISSION RECOMMENDATION BY DESIGNATING MCLAREN STREET AS AN OPEN SPACE AREA, TO BE KNOWN AS JAMES CAIRNS ACCESS, AND BY DESIGNATING USES** - Mayor Burke asked Town Planner Wittman to present this matter to the Board. Wittman explained that at the last regularly-scheduled meeting, the Board held a Public Hearing regarding a Planning Commission recommendation for McLaren Street to be designated as an open space area in the Town of Grand Lake with the permitted uses being limited to day-use fishing OR non-motorized boating, picnicking and sightseeing, snowmobile access and, by permission granted from the Town, contractor access for maintenance/construction of structures on Grand Lake while preserving an easement through the centerline of the area for emergency service vehicles. Following all discussion at that meeting, Trustee Johnson moved to uphold the recommendation of the Planning Commission by directing staff to draft the appropriate documents for the formal dedication of this area to be known as James Cairns Access and to be brought back before the Board at their next regularly-scheduled meeting for final Board approval. Trustee Lanzi seconded the motion and all Trustees voted aye. Staff has drafted Ordinance No. 16-2010, an Ordinance Upholding a Planning Commission Recommendation by designating McLaren Street as an Open Space area, to be known as James Cairns Access, and by Designating Uses. The Board should review the ordinance to see that it is compliant with the Board's desires and intentions and discuss, if applicable. Once all discussion has taken place, the Board should move to adopt Ordinance No. 16-2010.

During discussion, Trustee Lewis suggested naming the area James Cairns Public Access, as was discussed in the afternoon workshop. Trustee Lanzi suggested coming up with a different word for "Access". The Board Members then agreed to name it James Cairns Open Space.

Following discussion, Trustee Lewis moved to adopt Ordinance No. 16-2010, an Ordinance Upholding a Planning Commission Recommendation

by Designating McLaren Street as an Open Space Area, to be Known as James Cairns Open Space, and by Designating Uses. Trustee Weydert seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION TO SET A PUBLIC HEARING FOR THE 2011 BUDGET FOR THE TOWN OF GRAND LAKE FOR NOVEMBER 8, 2010** – Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale reported that the proposed budget is hereby submitted to the Board of Trustees pursuant to §29-1-105, C.R.S. Staff recommends that the Board set the 2011 Budget for public hearing, §29-1-106(1), C.R.S., for Monday, November 8, 2010, with notice of the public hearing to be published in the Middle Park Times on Thursday, October 21, 2010.

Trustee Lewis moved to set the 2011 Budget for public hearing for Monday, November 8, 2010. Trustee Lanzi seconded the motion and all Trustees voted aye.

At 8:06 p.m. Trustee Peterson excused himself and left the room.

NEW BUSINESS:

**CONSIDERATION OF TRADING THE “COKER PARCEL” FOR EITHER LOT 9, 10 OR 11, BLOCK 12, GRAND LAKE ESTATES** – Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that over the past few months the Board has considered, debated and discussed the possibility of an offered trade of the Town property that is referred to as the “Coker Parcel” for a lot on Center Drive. The latest discussion has been on the possibility of this trade given the fact that the Town could not get an appraisal done, and the Board’s question of whether it would be legal to trade without one. Since then, staff contacted the Town Attorney who advised that while not outlined specifically in statute, getting an appraisal helps to insulate the Town from challenges in the future if someone were to question whether the public gained property that is equal to or greater than the value of the current lot. It’s the Board’s onus to make sure that nothing is given away—the public must always at least break even on these types of transactions, and an appraisal is a great way to document that it in fact happened. Since this offer has certainly been considered, at this point the fairest thing to do is to call the question on the matter and determine if the Board wants to accept the offer on the table, which is a trade for the Coker Parcel for any one of the three lots that are located south of the carwash. Each lot is 50’ x 150’, although one has a 10’ easement making the building footprint narrower, each has a sewer tap, and is zoned Commercial. You’ll recall that the Coker Parcel in question is roughly a 65’ x 90’, a .13 acre lot located on West Portal Road. This is a single lot with nearly square dimensions, and with outstanding lake views. The property is zoned Single Family Residential – High Density. This property has been cleared by the Town of Grand Lake for any Lodgepole pines that are alive or dead, 4” in diameter or greater. There are no structures on the property. The property is not serviced by water. To

service this property, the Town would have to extend the water main down West Portal Road from the area near the North Inlet River. This lot was dedicated to the Town during the Coker Minor Subdivision as the required 7% Land Dedication. He said that there are two motions that the Board could make this evening: First, the Board could make a motion to deny the offer for any one of lots 9, 10 or 11, Block 12, Grand Lake Estates for the "Coker" parcel. Secondly, the Board could make a motion to direct staff to bring back an ordinance and any additional accompanying information that would attempt to document the values of each property and would facilitate the land swap. If the Board does choose to make the latter motion, staff will make every attempt to have this for consideration by the next meeting, but may need a full month as there will be a lot of reliance on the Town Attorney to make sure that it is done in compliance with state statute. Hale noted that Suzi Maki was present representing the Cokers.

Maki was recognized from the audience and began by handing out a packet of information that she had prepared. She explained that the Coker Parcel is also not serviced by sewer and it would cost at least \$50,000 or more to run sewer from Grand Avenue to this lot. The lot is small and at most a 25' wide home could be built on it. She said that she does not see any value of this parcel to the Town whereas a lot on Center Drive has much more potential. There is also the possibility of the Town owning all three at some point. Maki stated that she has not been able to sell the remaining Coker property because of the Town's ownership of Lot B and the uncertainty of what the Town may do with it.

There was then a lengthy discussion between Maki and the Board regarding value. The Board conveyed to Maki that they were not resistant to a land trade, however, if the trade were for two lots on Center Drive, they would be more willing to consider it. Maki said that the Cokers can't afford to purchase two lots.

The consensus of the Board was to do nothing at this time and if Maki should get an offer to sell Lot A contingent upon Lot B she could come back to the Town at that time to talk about a trade. Maki's argument to that was there may not be anything to offer as a trade then.

Following discussion, Trustee Weydert moved to deny the offer for any one of Lots 9, 10 or 11, Block 12, Grand Lake Estates for the "Coker Parcel". Trustee Lanzi seconded the motion and all Trustees voted aye.

At 8:43 p.m. Trustee Peterson resumed his seat.

NEW BUSINESS:

**CONSIDERATION OF A REQUEST FROM A CITIZEN TO PRO-RATE A BUSINESS LICENSE FEE** - Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that Lenny and Gail Brooks sent a letter to the Town stating that they will close

their doors in September and included a check for \$41.25, which is a three-month pro rata amount of the full \$165 fee. Town Clerk Kolinske responded to Lenny and Gail advising that the Town does not pro rate business licenses, and requesting the remaining amount be remitted. Hale said that Lenny contacted him and advised that he wants this request to go to the Board for your consideration. Staff has also included a copy of the current business license regulations and wants to direct your attention to Section 6-4-10, License Renewal and Fees. Given the fact that the code doesn't allow a waiver of these fees, combined with the fact that any waiver could cause a very bad precedence if Town businesses were allowed to just pay for the prime summer months of operation, staff recommends that the Board deny this request. Therefore, the staff recommendation is to direct the Town Manager to respond to Mr. and Mrs. Brooks with a letter advising that the Board upholds the letter sent by Town Clerk Kolinske on September 14<sup>th</sup> and re-advising them on the code that prohibits any pro-rating of these license fees, as well as the penalty for not buying a license.

Trustee Weydert moved to direct the Town Manger to respond to Mr. and Mrs. Brooks with a letter advising that the Board upholds the letter sent by Town Clerk Kolinske on September 14<sup>th</sup> and re-advise them on the code that prohibits any pro-rating of these license fees, as well as the penalty for not buying a license. Trustee Lewis seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION TO AUTHORIZE THE TOWN MANAGER TO SIGN AND SEND CORRESPONDENCE ADDRESSED TO CRAIG MAGWIRE, DISTRICT RANGER** - Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that staff became aware that the original enabling legislation for the ANRA included a \$5M authorization for water quality through Matt Sugar of Senator Udall's office, and requested that Grand County send a letter to Craig Magwire inquiring about this money, which Grand County did. Since that time, in subsequent conversations with Lurline Curran, County Manager, it was agreed that a similar letter from the Town would help. Thus, staff had drafted a letter requesting a meeting with Mr. Magwire. If the Board doesn't have any challenges, the staff recommendation is for the Board to make a motion to authorize Town Manager Hale to sign the draft letter to Craig Magwire.

Trustee Lewis moved to authorize Town Manager Hale to sign the draft letter to Craig Magwire. Trustee Peterson seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION OF APPOINTMENT OF TWO TRUSTEES TO THE BOARD OF THE CHAMBER OF COMMERCE** - Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that the Chamber of Commerce recently amended its By-Laws

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through vote of its membership, which among other things, changed the representation of the Town from one ex-officio member to two full voting members. Thus, the Board needs to appoint its two representatives to the Chamber's Board. The Town's current representative is Kathy Lewis, and current alternate is Jim Peterson. Additionally, Tom Ludwig was just elected to the Chamber's Board, and it has been discussed informally that Tom could sit as one of the Town's two representatives to the Chamber's Board, and he would resign his elected position to the Board. The Board should discuss who would be interested in filling these posts, and then make a motion to appoint those two members that would best represent the Town on the Chamber of Commerce Board of Directors.

Based on discussion at the afternoon workshop, Trustee Peterson moved to appoint Trustees Lewis and Ludwig as the two Trustee members to the Chamber of Commerce Board of Directors. Trustee Weydert seconded the motion and all Trustees voted aye except Trustees Lewis and Ludwig, who abstained.

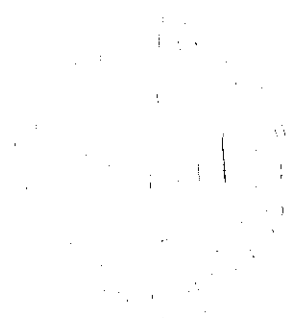
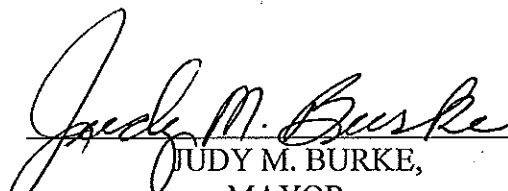
ACCOUNTS PAYABLE  
September, 2010:

Trustee Peterson moved to examine the Accounts Payable and Prepaid for all Funds for the Town of Grand Lake. Trustee Weydert seconded the motion and all Trustees voted aye. Trustee Peterson then moved to approve the Accounts Payable and Prepaid for all Funds for the Town of Grand Lake. Trustee Weydert seconded the motion and all Trustees voted aye.

CITIZEN PARTICIPATION: None.

ADJOURNMENT:

Trustee Peterson moved to adjourn, seconded by Trustee Weydert. All Trustees voted aye, and the meeting was adjourned at 8:51 p.m., October 11, 2010.

  
  
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JUDY M. BURKE,  
MAYOR

ATTEST:   
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RONDA KOLINSKE, CMC,  
TOWN CLERK