

RECORD OF PROCEEDINGS

REGULAR MEETING
TOWN OF GRAND LAKE BOARD OF TRUSTEES
MONDAY, DECEMBER 13, 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 7:31 p.m. at the Town Hall, 1026 Park Avenue.

APPROVAL OF MINUTES

November 22, 2010: Trustee Weydert moved to approve the minutes of the November 22, 2010 regular meeting as written, seconded by Trustee Peterson. All Trustees voted aye except Trustee Ludwig, who abstained.

ROLL CALL

PRESENT: Mayor Burke; Trustees Lanzi, Ludwig, Peterson, and Weydert; Town Manager Hale, Town Clerk Kolinske and Town Treasurer/Clerk Pro-Tem Dzinski.

ABSENT:

Mayor Burke announced that Trustee Johnson was absent due to business meetings and Trustee Lewis was absent preparing for Delicious Dishes. Trustee Peterson moved to excuse Trustee Johnson's and Trustee Lewis's absences. Trustee Weydert 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 Delicious Dishes, a fundraiser for the Mountain Family Center will be held Tuesday, December 14 at Daven Haven Lodge from 5 – 9 p.m.

Mayor Burke announced that the Board of Trustees' second December meeting is cancelled as is traditional during the Holiday Season. The next Board meeting will be January 10, 2011.

Mayor Burke asked everyone to please enjoy this holiday season with the holiday family melodrama, *"The Shame of Grand Lake"* December 26 – 31; Rocky Mountain Repertory Theatre's Home for the Holidays Concert December 18 and 19; Open House at the Kauffman House December 29; and fireworks over Grand Lake on New Year's Eve.

Trustee Peterson then announced that the theme for the 2011 Winter Carnival is "A Space Oddity".

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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.

REPORTS: SALES TAX CASH FLOW REPORT FOR DECEMBER 2010:

Mayor Burke asked Town Clerk Kolinske to present the sales tax cash flow report. Kolinske reported that the amount of revenue received in December for the month of October is \$38,235. Although up from 2009, this amount is still .30% below what was received through December 2009.

REPORTS: FINANCIAL REPORT FOR NOVEMBER 2010:

Mayor Burke asked Financial Trustee Peterson to present the Financial Report for November 2010. Peterson reported that General Fund expenditures through the end of November totaled \$1,465,808.18 or 83.2% of budget. He said the Water Fund expenditures for the same period totaled \$364,901.09 or 74.7% of budget, the Marina Fund expenditures totaled \$153,335.92 or 47.2% of budget and the PAYT Fund expenditures have now totaled \$3,278.61.

At 7:39 p.m. Trustee Ludwig excused himself and left the room.

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF RENEWAL OF THE TAVERN LIQUOR LICENSE FOR J.R.'S GRILL, LLC, D/B/A J.R.'S GRILL - Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske reported that the fees have been paid and the renewal documents are in order. 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 then concluded by saying that Jon Parker, Manager and Alyda Parker, Manager, were present.

Trustee Peterson moved to approve the renewal of the Tavern Liquor License for J.R.'s Grill, LLC, d/b/a J.R.'s Grill. Trustee Weydert seconded the motion and all Trustees voted aye.

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF REGISTRATION OF A MANAGER FOR GRAND LAKE BOWLING LANES, LLC,

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D/B/A GRAND LAKE LANES - Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske reported that the appropriate form to register a manager was received, with the appropriate fees, from Thomas Tompkins, owner of Grand Lake Bowling Lanes, LLC, d/b/a Grand Lake Lanes at 824 Grand Avenue. The Liquor Code contains special requirements that there be a registered "manager" in the case of hotel and restaurant licenses, where the owner has not chosen to manage the premises personally. The manager must be registered with both the state and the local licensing authority. The local licensing authority may refuse to accept a person as a registered manager unless satisfied with the person's character, record, and reputation. The applicant is John Fleming. The Grand County Sheriff's Department conducted a background check on Mr. Fleming and found no adverse information. Staff recommends the Board accept John Fleming as the registered manager for Grand Lake Lanes. She then noted that John Fleming was present.

Trustee Weydert moved to accept John Fleming as the registered manager for Grand Lake Lanes. Trustee Peterson seconded the motion and all Trustees voted aye.

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF RENEWAL OF THE HOTEL AND RESTAURANT LIQUOR LICENSE FOR GRAND LAKE BOWLING LANES, LLC, D/B/A GRAND LAKE LANES

Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske reported that the fees have been paid and the renewal documents are in order. 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 then concluded by saying that John Fleming, Manager, was present.

Trustee Peterson moved to approve the renewal of the Hotel and Restaurant Liquor License for Grand Lake Bowling Lanes, LLC, d/b/a Grand Lake Lanes. Trustee Weydert seconded the motion and all Trustees voted aye.

At 7:46 p.m. Trustee Ludwig resumed his seat.

NEW BUSINESS:

PUBLIC HEARING – CONSIDERATION OF ORDINANCE NO. 19-2010, AN ORDINANCE ADOPTING A SUPPLEMENTAL BUDGET AND APPROPRIATING SUMS OF MONEY TO DEFRAY EXPENSES FOR THE TOWN OF GRAND LAKE PAY-AS-YOU-THROW ENTERPRISE FUND FOR THE 2010 BUDGET YEAR – Mayor Burke opened the Public Hearing and asked Town Treasurer/Clerk Pro-Tem Dzinski to present this matter to the Board. Dzinski explained that the Board needs to

adopt a supplemental budget for the Pay-As-You-Throw (PAYT) Enterprise Fund for the 2010 budget year, since this fund was established in July 2010, after the adoption of the regular 2010 budget. Budget law requires that the proposed supplemental budget be noticed and a public hearing be held. The public hearing can be held at the same Board meeting as adoption of the supplemental budget. Legal Notice No. 5880730 was published in the Middle Park Times on Thursday, December 2, 2010. Upon conclusion of the public hearing, staff recommends adoption of Ordinance No. 19-2010 in accordance with Colorado budget law.

Having no public comment, Mayor Burke closed the Public Hearing and turned the matter over to the Board of Trustees.

Trustee Peterson moved to adopt Ordinance No. 19-2010, an Ordinance Adopting a Supplemental Budget and Appropriating Sums of Money to Defray Expenses for the Town of Grand Lake Pay-As-You-Throw Enterprise Fund for the 2010 Budget Year. Trustee Weydert seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF ADOPTION OF 2011 BUDGET FOR THE TOWN OF GRAND LAKE – Mayor Burke asked Town Treasurer/Clerk Pro-Tem Dzinski to present this matter to the Board. Dzinski explained that there are 3 final actions to be taken by the Board to complete the 2011 Town of Grand Lake Budget process: adopt the budget, appropriate funds; and levy general property taxes.

NEW BUSINESS:

CONSIDERATION OF RESOLUTION NO. 27-2010, A RESOLUTION SUMMARIZING EXPENDITURES AND REVENUES FOR EACH FUND AND ADOPTING A BUDGET FOR THE TOWN OF GRAND LAKE, COLORADO, FOR THE CALENDAR YEAR BEGINNING ON THE FIRST DAY OF JANUARY, 2011, AND ENDING ON THE LAST DAY OF DECEMBER, 2011 - Mayor Burke asked Town Treasurer/Clerk Pro-Tem Dzinski to present this matter to the Board. Dzinski explained that the proposed 2011 Budget for the Town of Grand Lake was submitted to the Board of Trustees on October 11, 2010. The Board set the 2011 budget for public hearing on November 8, 2010. Notice of the Proposed Budget was published in the Middle Park Times on Thursday, October 21, 2010, Legal Notice No. 5694380, advising the public of the Public Hearing and of the availability of the draft budget for review. The public hearing was held on November 8, 2010, at the regularly scheduled meeting of the Board of Trustees. There were no comments, written or oral, from the public on the budget. Resolution No. 27-2010 summarizes expenditures and revenues in each Fund and adopts a budget that allows for estimated expenditures in the General Fund, Water Enterprise Fund, Marina Enterprise Fund, and Pay-As-

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You-Throw Enterprise Fund in the total amount of \$2,297,430. The total expenditures in each fund are balanced with revenues in the same amount.

Staff recommends the Board adopt Resolution No. 27-2010, a Resolution Summarizing Expenditures and Revenues for Each Fund and Adopting a Budget for the Town of Grand Lake, Colorado, for the Calendar Year Beginning on the First Day of January, 2011, and Ending on the Last Day of December, 2011.

Trustee Weydert moved to adopt Resolution No. 27-2010, a Resolution Summarizing Expenditures and Revenues for Each Fund and Adopting a Budget for the Town of Grand Lake, Colorado, for the Calendar Year Beginning on the First Day of January, 2011, and Ending on the Last Day of December, 2011. Trustee Peterson seconded the motion and all Trustees voted aye.

Trustee Peterson then thanked Town Treasurer/Clerk Pro-Tem Dzinski and staff for all their hard work.

NEW BUSINESS:

CONSIDERATION OF ORDINANCE NO. 20-2010, AN ORDINANCE APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS AND SPENDING AGENCIES, IN THE AMOUNTS AND FOR THE PURPOSES AS SET FORTH BELOW, FOR THE TOWN OF GRAND LAKE, COLORADO FOR THE 2011 BUDGET YEAR - Mayor Burke asked Town Treasurer/Clerk Pro-Tem Dzinski to present this matter to the Board. Dzinski stated, now that the budget is adopted in accordance with the Local Government Budget Law, with money budgeted to be received and expended, the Board must appropriate sums of monies for the expenditures. Ordinance No. 20-2010 appropriates the necessary monies as follows:

General Fund	\$1,466,777
Water Enterprise Fund	\$ 491,156
Marina Enterprise Fund	\$ 333,076
Pay-As-You-Throw Enterprise Fund	\$ 6,421

Staff recommends the Board adopt Ordinance No. 20-2010, an Ordinance Appropriating Sums of Money to the Various Funds and Spending Agencies, in the Amounts and for the Purposes as Set Forth Below, for the Town of Grand Lake, Colorado, for the 2011 Budget Year.

Trustee Peterson moved to adopt Ordinance No. 20-2010, an Ordinance Appropriating Sums of Money to the Various Funds and Spending Agencies, in the Amounts and for the Purposes as Set Forth

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Below, for the Town of Grand Lake, Colorado, for the 2011 Budget Year. Trustee Weydert seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF RESOLUTION NO. 28-2010, A RESOLUTION LEVYING GENERAL PROPERTY TAXES FOR THE YEAR 2010, TO HELP DEFRAY THE COSTS OF GOVERNMENT FOR THE TOWN OF GRAND LAKE, COLORADO, FOR THE 2011 BUDGET YEAR - Mayor Burke asked Town Treasurer/Clerk Pro-Tem Dzinski to present this matter to the Board. Dzinski explained that the Town is allowed to levy general property taxes to help defray the costs of government. Resolution No. 28-2010 preserves the tax of 9.409 mills established in 1994, with a temporary mill levy rate reduction of 5.612 mills, resulting in a total mill levy for the Town of Grand Lake of 3.797 for budget year 2011. This mill levy is in compliance with the 5.5% statutory limitation and with the TABOR Amendment. Resolution No. 28-2010 authorizes the Mayor to certify the temporarily reduced mill levy of 3.797 to the Grand County Board of Commissioners.

Staff recommends the Board adopt Resolution No. 28-2010, a Resolution Levying General Property Taxes for the Year 2010, to Help Defray the Costs of Government for the Town of Grand Lake, Colorado, for the 2011 Budget Year.

Trustee Peterson moved to adopt Resolution No. 28-2010, a Resolution Levying General Property Taxes for the Year 2010, to Help Defray the Costs of Government for the Town of Grand Lake, Colorado, for the 2011 Budget Year. Trustee Weydert seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF A SPECIAL EVENT PERMIT APPLICATION FROM THE ROCKY MOUNTAIN REPERTORY THEATRE FOR THE YOUTH THEATRE WORKSHOPS – Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that the Town is in possession of a Special Events Permit Application submitted by the Rocky Mountain Repertory Theatre (RMRT) to use the Grand Lake Community House for the Youth Theatre Workshops. The Theatre has always utilized Grand Lake Elementary (GLE) in the past for its rehearsal space, but given the uncertainty of GLE, the Theatre is attempting to secure space. It is staff's understanding that if GLE turns out to be an option this next year, it is still RMRT's first preference; regardless, RMRT should know sometime in March whether they will need this space for certain.

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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

As you'll see from the letter submitted by Clare Haden, new Education Director and Company Manager, the practice times span three weeks, M-F, in July. There is an outside chance that having the kids in this space in July could impact possible rentals, but since they don't need the space on the weekends, a negative impact isn't that likely. Additionally, insurance has already been provided to the Town, and is more than adequate.

The only aspect that is a little awkward is that this Special Use is specifically being requested for the practice only, versus practice and the event. The code states that a "Special Event Permit (SEP): The use of property in the Commercial, Commercial Transitional, or Public Zones or Town right-of-ways by a non-profit or governmental entity sponsored group for fund-raising efforts or to hold a public event." While this facility has been utilized just like this for practice on many occasions (The Follies, the Melodrama, etc.), it always has lead up to an actual event. In this case, the public event will actually happen at the new theatre facility. Staff believes that this still meets the intent and the letter of the code, but wanted to point out to the Board that this is the case. If the Board doesn't have any challenges with this, staff recommends that the Board move to authorize the Mayor to sign the Special Events Permit to the Repertory Theatre for their Youth Theatre Workshop rehearsals.

Trustee Peterson moved to authorize the Mayor to sign the Special Events Permit submitted by Rocky Mountain Repertory Theatre to use the Grand Lake Community House for their Youth Theatre Workshop rehearsals. Trustee Weydert seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF RESOLUTION NO. 29-2010, A RESOLUTION UPDATING THE COMBINED FEE AND

DEPOSIT SCHEDULE FOR THE TOWN OF GRAND LAKE, COLORADO - Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that on May 10, 2010, the Town Board adopted Resolution No. 12-2010 which updated the Fee and Deposit Schedule for the Town. The proposed changes are outlined as follows:

1. Encroachment License Application – staff is proposing that the Town adopt an Encroachment License Application deposit, funds used for staff time or costs associated with development of the License request. Additionally staff is then proposing a \$100 fee if the License is granted, this is the current standard of a \$100 fee; the fee may come out of the deposit if the funds are available. Currently the \$100 one-time fee, for the use of public property for personal benefit, does not necessarily cover the costs associated with the applications and staff is of the opinion that if the Board does grant the use of public property for personal benefit, landscaping, fences, etc., then the property owner should have to pay a nominal sum for the License.
2. Boathouse Permit – staff is proposing that the Town change the \$100 Boathouse Permit fee to a \$250 deposit as the current fee does not cover the expenses of the Town to process an application of this nature.
3. Water Service Availability – Staff is proposing the removal of the rates and making notation of the resolution that enacted the rates increases, this may prevent the Town’s need to update this schedule on an annual basis.
4. Youth Groups – Staff is proposing the removal of fees for youth groups as we do not charge fees for our local non-profits and we should be willing to promote safe community resources to the community’s youth.
5. Community House – Staff has found that when the Town adopted rental fees, in 1989, for the Community House, there was a \$100 cap on the \$20/hr rental rate; staff is proposing a rental cap of \$250, which would be five hours – though private events may be held for longer periods than that.

Staff has drafted Resolution No. 29-2010 based on staff’s proposal; if adopted, the schedule would become effective on January 1, 2011. The Board should discuss this matter and, if favorable, move to approve Resolution No. 29-2010.

Trustee Lanzi moved to adopt Resolution No. 29-2010, a Resolution Updating the Combined Fee and Deposit Schedule for the Town of Grand Lake, Colorado. Trustee Weydert seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION TO AUTHORIZE THE MAYOR TO SIGN A LETTER OF SUPPORT TO THE GRAND COUNTY BOARD OF COMMISSIONERS FOR GRANTING A SPECIAL USE PERMIT FOR THE XMR SNO CROSS RACES - Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that on December 10, 2010, the Town received a request from Ms. Julie Jolstad for the Town's consideration of submitting a letter of support to the Grand County Board of Commissioners for granting of a Special Use Permit for the XMR Sno Cross races to be held at Winding River Ranch on January 1 and 2, 2011; a letter of support was sent, by staff, in 2009 for the event to be held in January, 2010, as the request for a letter of support was brought before the Town after staff had the ability to bring the matter before the Town Board.

Staff has drafted a letter of support and if the Board is favorable, the Board should move to authorize the Mayor to sign the letter of support.

Trustee Weydert moved to authorize the Mayor to sign a letter of support to the Grand County Board of Commissioners for granting a Special Use Permit for the XMR Sno Cross races. Trustee Peterson seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION TO AUTHORIZE THE MAYOR TO EXECUTE THE USDA ASSURANCE AGREEMENT FOR THE DCI TECHNICAL ASSISTANCE GRANT APPLICATION - Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that representatives of the Department of Local Affairs (DOLA) and Downtown Colorado Inc (DCI) met with the Town Board to discuss the opportunity for the Town to apply for funding for Technical Assistance. Town staff has submitted an application for funding in 2012, for business development, retention and expansion planning to occur in 2011. In part of the application process was the Town's execution of a USDA Assurance Agreement; a copy of this Agreement has been reviewed and approved by the Town Attorney.

The Board should move to authorize the Mayor to execute the USDA Assurance Agreement for the DCI Technical Assistance grant application.

Trustee Weydert moved to authorize the Mayor to execute the USDA Assurance Agreement for the DCI Technical Assistance grant application. Trustee Peterson seconded the motion and all Trustees voted aye.

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ACCOUNTS PAYABLE


November, 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: Mayor Burke extended a "Thank You" to the Board of Trustees and to staff for all their hard work and wished all a Merry Christmas.

ADJOURNMENT:

Trustee Peterson moved to adjourn, seconded by Trustee Weydert. All Trustees voted aye, and the meeting was adjourned at 8:04 p.m., December 13, 2010.



JUDY M. BURKE,
MAYOR
THOMAS F. WEYDERT,
CHAIRMAN

ATTEST: 

RONDA KOLINSKE, CMC,
TOWN CLERK