

RECORD OF PROCEEDINGS

REGULAR MEETING
TOWN OF GRAND LAKE BOARD OF TRUSTEES
MONDAY, JANUARY 24, 2011 7:30 P.M.

CALL TO ORDER:

The regular meeting of the Board of Trustees was called to order by Trustee Weydert at 7:33 p.m. at the Town Hall, 1026 Park Avenue. Due to the absence of Mayor Burke and Mayor Pro-Tem Peterson, Trustee Weydert chaired the meeting.

ROLL CALL
PRESENT:

Trustees Johnson, Lanzi, Lewis, Ludwig, and Weydert; Town Manager Hale and Town Clerk Kolinske.

ABSENT:

Trustee Weydert announced that Mayor Burke is attending a school meeting and Mayor Pro-Tem Peterson is on vacation.

Trustee Johnson moved to excuse Mayor Burke's and Mayor Pro-Tem Peterson's absences. Trustee Lewis seconded the motion and all Trustees voted aye.

APPROVAL OF MINUTES

December 13, 2010:

Trustee Lanzi moved to approve the minutes of the December 13, 2010 regular meeting as written, seconded by Trustee Ludwig. All Trustees voted aye except Trustees Johnson and Lewis, who abstained.

January 11, 2011:

Trustee Lewis moved to approve the minutes of the January 11, 2011 regular meeting as written, seconded by Trustee Lanzi. All Trustees voted aye except Trustee Johnson, who abstained.

ANNOUNCEMENTS:

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

Trustee Weydert announced that this year's Winter Carnival "*A Space Oddity*" will be held on Saturday February 5th. The events will include teapot curling, snowman contest, flag football, steeplechase, parade, snow sculptures, sled pull, bed sled races, human bowling, sculpture judging, bingo, fireworks and will end with "*The Space Ball*" beginning at 8:00 p.m.

Trustee Weydert announced that the Kauffman House will host an "*Open House*" on Saturday, February 5th from 1 – 4 p.m.

Trustee Weydert then announced that a "*Poker Run*" to benefit Flight for Life will be held on Saturday, February 12th. Registration will be from 8 a.m. to 12 noon in the Community House.

CONFLICTS OF
INTEREST:

Trustee Weydert 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.

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Trustee Johnson announced that he had a conflict with the Local Liquor Licensing issues as he holds a license for The Bears Den.

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 JANUARY 2011:

Trustee Weydert asked Town Clerk Kolinske to present the sales tax cash flow report. Kolinske reported that the amount of revenue received in January 2011 for the month of November 2010 is \$26,290. This amount is 1.67% below what was received in January 2010.

REPORTS: FINANCIAL
REPORT FOR
DECEMBER 2010:

In the absence of Financial Trustee Jim Peterson, Trustee Weydert asked Town Clerk Kolinske to present the Financial Report for December 2010. Peterson reported that General Fund expenditures through the end of December totaled \$1,604,251.30 or 91% of budget. He said the Water Fund expenditures for the same period totaled \$412,334.21 or 84.4% of budget, the Marina Fund expenditures totaled \$177,207.29 or 54.5% of budget and the PAYT Fund expenditures have now totaled \$3,478.61.

LIQUOR LICENSING AUTHORITY: QUASI-JUDICIAL - CONSIDERATION OF A TRANSFER OF OWNERSHIP APPLICATION FROM EUGENE M. STOVER, D/B/A LARIAT SALOON TO EUGENE M. STOVER ESTATE, D/B/A LARIAT SALOON – Trustee Weydert asked Town Clerk Kolinske to present this matter to the Board. Kolinske explained that the Town received a Transfer of Ownership Application for the Tavern Liquor License from Eugene M. Stover, d/b/a Lariat Saloon at 1121 Grand Avenue to Eugene M. Stover Estate, d/b/a Lariat Saloon. The Lariat has been operating under a Temporary Transfer Permit issued by the Town Clerk on October 14, 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 4th quarter of 2010, and is therefore considered current. Water bills for the 1st quarter of 2011 are not yet due. The business license and sales tax accounts are current. Kolinske stated that the Board may chose to hold a public hearing before considering the transfer, but was not required to do so. Robert Nicholls has become the Registered Manager. She noted that Patricia Stover-Weaver, Co-Personal Representative of the Estate of Eugene M. Stover, is present this evening.

Following brief discussion, Trustee Lewis moved to approve the transfer of the Tavern Liquor License to Eugene M. Stover Estate, d/b/a Lariat Saloon, without a public hearing seconded by Trustee Lanzi. All trustees voted aye except Trustees Ludwig and Johnson, who abstained.

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OLD BUSINESS:

CONSIDERATION TO DENY ORDINANCE NO. 14-2010, 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 – Trustee Weydert asked Town Manager Hale to present this matter to the Board. Hale explained that when consideration of the Ordinance No. 14-2010 was first brought to the Board of Trustees, the Board wasn't willing to advance any monies to the Chamber until after the membership voted to determine whether two of the Town's Trustees would be permanent fixtures on the Chamber. After that affirmative vote, staff held off in bringing this matter back to the Board as there was turnover in the Executive Director's position, as well as some shuffling in the leadership, so it was determined that it would be best not to pursue this discussion again until there was some stability in the organization. Staff was in discussions with the Chamber's leadership prior to the end of 2010 and it was mutually agreed that it would be best for both parties if no loan were issued, although no commitment was made in 2010. As the Chamber has now officially withdrawn its request for an advance of monies, the only official action that is left is to deny the ordinance. The staff recommendation is for the Board to deny Ordinance No. 14-2010.

Trustee Johnson moved to deny Ordinance No. 14-2010, 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. Trustee Lewis seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION TO ENFORCE THE PROVISIONS OF THE SHADOW VIEW TERRACE SUBDIVISION IMPROVEMENT AGREEMENT – Town Manager Hale announced that this item has been removed from the agenda since the developer has come into compliance.

NEW BUSINESS:

CONSIDERATION OF AN ORDINANCE AMENDING ARTICLE THREE OF CHAPTER TWELVE (ZONING BOARD OF ADJUSTMENT) OF THE MUNICIPAL CODE OF THE TOWN OF GRAND LAKE – Trustee Weydert asked Town Manager Hale to present this matter to the Board. Hale explained that at the last regular meeting of the Town Board of Trustees staff discussed with the Board the Board's willingness to take on the responsibilities of the Board of Adjustment (BOA) due to the Town's inability to maintain membership on this Board as well as to consistently hold meetings. Staff also discussed this last evening with the BOA. The BOA is of the mindset, as is staff and most of the Board of Trustees, that the BOA should be a separate body from the Town Board. Thus, the BOA would like to propose to the Trustees alteration to the BOA membership. Specifically, the BOA would like to operate with four (4) voting members. This would still require a "super majority" of the concurring vote of three (3) members for a variance to be granted. Staff has drafted an ordinance based on these recommendations. Additionally, staff is proposing alteration of this section of Municipal Code for additional provisions for granted and denied variances. Staff would like to discuss the proposed changes with the Board for determination as to

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whether or not the Board would like to accept the BOA's proposal as opposed to disbanding the Board of Adjustment by having the Town Board sit as the BOA. While this section of the Municipal Code does not require a Public Hearing, the Board may opt to hold one. If the Board would like to hold a Public Hearing, the Board should move to set a Public Hearing to consider this ordinance for March 14, 2011. If the Board is favorable to the proposed alterations but would not like to hold a Public Hearing then the Board should move to adopt the proposed ordinance. If the Board is not favorable to the proposed changes, the Board should move to direct staff to amend the proposed ordinance in accordance with the Board's discussion for staff to bring back at the Board's next regularly-scheduled meeting.

Trustee Lanzi moved to set a Public Hearing for March 14, 2011 to consider an ordinance amending Article Three of Chapter Twelve (Zoning Board of Adjustment) of the Municipal Code of the Town of Grand Lake. Trustee Johnson seconded the motion and all Trustees voted aye.

NEW BUSINESS:

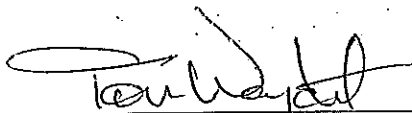
Added to the agenda was **CONSIDERATION TO AUTHORIZE THE MAYOR TO SIGN A LETTER OF SUPPORT TO DEVELOP THE TRAIL RIVER RANCH EDUCATION CENTER.** Trustee Weydert asked Town Manager Hale to present this matter to the Board. Hale explained that the Trail River Ranch group is applying for a grant to develop an education center on the property that Betty Dick had.

Trustee Johnson moved to authorize the Mayor to sign a letter of support to develop the Trail River Ranch Education Center on the property that Betty Dick had in Rocky Mountain National Park. Trustee Lanzi seconded the motion and all Trustees voted aye.

CITIZEN PARTICIPATION: None.

ADJOURNMENT:

Trustee Johnson moved to adjourn, seconded by Trustee Lanzi. All Trustees voted aye, and the meeting was adjourned at 7:51 p.m., January 24, 2011.



TOM WEYDERT,
CHAIRMAN

ATTEST: 

RONDA KOLINSKE, CMC,
TOWN CLERK