

RECORD OF PROCEEDINGS

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REGULAR MEETING  
TOWN OF GRAND LAKE BOARD OF TRUSTEES  
MONDAY, MARCH 28, 2011 7:30 P.M.

CALL TO ORDER: The regular meeting of the Board of Trustees was called to order by Mayor Judy Burke at 7:32 p.m. at the Town Hall, 1026 Park Avenue.

ROLL CALL

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

ABSENT: Mayor Burke reported that Trustee Lewis was absent because of work and Trustee Ludwig was on vacation.

Trustee Peterson moved to excuse Trustee Lewis and Ludwig's absences. Trustee Weydert seconded the motion and all Trustees voted aye.

APPROVAL OF MINUTES

March 14, 2011: Trustee Peterson moved to approve the minutes of the March 14, 2011 regular meeting as written, seconded by Trustee Weydert. All Trustees voted aye except Trustee Johnson, who abstained.

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

Mayor Burke then announced that the Town of Grand Lake is seeking Lamppost Garden volunteers to adopt a Grand Avenue garden. Interested volunteers should contact Abbi Jo Wittman, Town Planner, for more information about this unique and rewarding volunteer.

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 Peterson announced that he had a conflict with the Liquor Licensing issue involving the Rocky Mountain Repertory Theatre because his wife is a Board Member for the Theatre and he is currently working on the theatre building.

REPORTS: SALES TAX  
CASH FLOW REPORT  
FOR MARCH 2011:

Mayor Burke asked Town Clerk Kolinske to present the sales tax cash flow report. Kolinske reported that the amount of revenue received in March for the month of January is \$34,587. This amount is nearly 7% above what was received through March 2010.

REPORTS: FINANCIAL  
REPORT FOR  
FRBRUARY 2011:

Mayor Burke asked Financial Trustee Peterson to present the Financial Report for February 2011. Peterson reported that General Fund expenditures through the end of February totaled \$146,348.38 or 10.0% of budget. He said the Water Fund expenditures for the same period totaled \$48,978.98 or 10.0% of budget, the Marina Fund expenditures totaled \$14,852.76 or 4.5% of budget and the PAYT Fund expenditures totaled \$350.00 or 5.5% of budget.

At 7:37 p.m. Trustee Johnson excused himself and left the room.

LIQUOR LICENSING AUTHORITY: CONSIDERATION TO EXTEND THE TEMPORARY  
TRANSFER PERMIT FOR EUGENE M. STOVER ESTATE,  
D/B/A LARIAT SALOON –

Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske explained that on January 24, 2011, this Board approved a Transfer of Ownership from Eugene M. Stover, d/b/a Lariat Saloon to Eugene M. Stover Estate, d/b/a Lariat Saloon for the Tavern Liquor License. Even though every attempt was made to ensure that the application was complete, the State has requested additional information. Bonnie Gravitt, Administrative Manager, and Patty Stover – Weaver, Co-Personal Representative of the Estate, have diligently gathered the requested information with the exception of an Individual History Record and fingerprints for Mildred Stover who resides out of state. Because of this, she said that she would like the Board to consider extending the Temporary Transfer Permit. Liquor Code allows the Local Authority to, in its discretion and for good cause shown, extend the permit for an additional period not to exceed sixty days. Kolinske doesn't believe that it will take that long to receive approval from the State, but recommended that the Board extend the Temporary Transfer Permit for sixty days. She noted that Patty Stover – Weaver was present.

Trustee Peterson moved to extend the Temporary Transfer Permit for Eugene M. Stover Estate, d/b/a Lariat Saloon for sixty days. 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, D/B/A  
GRAND LAKE LANES - Mayor Burke asked Town Clerk Kolinske to

present this matter to the Board. Kolinske explained that the appropriate form to register a manager was received, with the appropriate fees, from Tom Tompkins, owner of Grand Lake Bowling Lanes, LLC, d/b/a Grand Lake Lanes at 824 Grand Avenue. In the case of hotel and restaurant licenses, where the owner has not chosen to manage the premises personally, the Liquor Code contains special requirements that there be a registered "manager". The manager must be registered with both the state and the local licensing authority. In December 2010, this Board approved John Fleming as the registered manager for Grand Lake Lanes. And now Tom has submitted the proper application to remove John as manager and to register himself. Staff recommends the Board make a motion to accept Tom Tompkins as the registered manager for Grand Lake Lanes.

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

**LIQUOR LICENSING AUTHORITY: CONSIDERATION OF A TRANSFER OF OWNERSHIP**

**APPLICATION FROM ESTES PARK CHALET, INC., D/B/A GRAND LAKE LODGE TO GRAND LAKE VENTURES, LLC, D/B/A GRAND LAKE LODGE** - 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 Hotel and Restaurant Liquor License from Estes Park Chalet, Inc., d/b/a Grand Lake Lodge at 15500 U.S. Highway 34 to Grand Lake Ventures, LLC, d/b/a Grand Lake Lodge. 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 current. A Business License and Sales Tax License will be purchased before the Lodge opens for business. Kolinske stated that the Board may set a public hearing before considering the transfer, but was not required to do so. She noted that Jeff Larson, Registered Manager, was present.

Following brief discussion, Trustee Lanzi moved to approve the transfer of the Hotel and Restaurant Liquor License to Grand Lake Ventures, LLC, d/b/a Grand Lake Lodge, without a public hearing. Trustee Peterson seconded the motion and all Trustees voted aye.

Although Trustee Peterson will abstain from discussion and from voting on the next agenda item, he remained seated due to the fact that there otherwise would not be a quorum seated at the table.

LIQUOR LICENSING AUTHORITY: PUBLIC HEARING – CONSIDERATION OF A NEW ARTS LIQUOR LICENSE FOR ROCKY MOUNTAIN REPERTORY THEATRE, D/B/A ROCKY MOUNTAIN THEATRE -

Mayor Burke opened the Public Hearing and asked Town Clerk Kolinske to present this matter to the Board. Kolinske explained that an application for a new Arts Liquor License has been received, with the appropriate fees, evidence of possession, and floor diagram, from Rocky Mountain Repertory Theatre, d/b/a Rocky Mountain Repertory Theatre. The proposed location is at 800 Grand Avenue. The property is zoned Commercial. On March 14, the Local Liquor Licensing Authority, Board of Trustees, received this application and scheduled a Public Hearing for consideration of this application for 7:30 p.m. this evening, which is more than 30 days from the date of the application. Public notice of the Public Hearing was posted on the premises and attested to by Grand County Sheriff Deputy Payne and Legal Notice No. 6282600 of this Public Hearing was published in the Middle Park Times. The notice provided the type of license applied for, the name and address of the applicant, the date of the application, and the date of the hearing. A petition was received containing 25 signatures. Kolinske said that she was able to verify that 23 of the people that signed are Grand Lake residents. The Grand County Sheriff's Department reviewed their files and found no adverse information that would affect the issuance of the license. At this Public Hearing, the Board must make a specific finding of fact from evidence adduced at this hearing regarding the desires of the adult inhabitants of the Town, and it must deny the application if it finds the sale of liquor at such a location is contrary to those desires. The local licensing authority has authority to refuse to issue this license for good cause, as defined in 12-47-103. The applicant is required to establish the reasonable requirements of the neighborhood or the desires of its adult inhabitants. The hearing is to be conducted as a quasi-judicial proceeding and in a manner which assures all interested parties a fair and reasonable opportunity to present views and information, and such that the applicant's procedural rights of fundamental fairness be protected. The Board must consider the moral character of the applicant; the reasonable requirements of the neighborhood; the desires of the adult inhabitants of the neighborhood; the number, type and availability of liquor outlets located in or near the neighborhood; and other reasonable restrictions which are or may be placed on the neighborhood by the Local Licensing Authority, Board of Trustees. The Board may not consider any information presented after the close of the Public Hearing. It must make a determination either approving or denying the license, and state the reasons for that decision, within 30 days of the close of the Public Hearing. Kolinske concluded by saying that Carol Wolff, Executive Director, and Dick Lacouture, Board Member, were present.

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

Following brief discussion, Trustee Weydert moved to approve a new Arts Liquor License for Rocky Mountain Repertory Theatre, d/b/a Rocky Mountain Repertory Theatre seconded by Trustee Lanzi. All Trustees voted aye except Trustee Peterson, who abstained.

**LIQUOR LICENSING AUTHORITY: CONSIDERATION OF SETTING A PUBLIC HEARING**

**FOR A NEW BEER AND WINE LIQUOR LICENSE FOR CY'S DELI, LLC, D/B/A CY'S DELI** - Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske explained that an application for a new Beer and Wine Liquor License was received on March 21, 2011, with the appropriate fees, evidence of possession, and floor diagram, from Cy's Deli, LLC d/b/a Cy's Deli. The proposed location is at 717 Grand Avenue. The property is zoned Commercial. The location is more than 500 feet from any educational institution, and no license has been denied for this location in the last two years; therefore state statute does not prohibit liquor from being sold from this location. The applicant is required to attend the Board meeting at which the application is received by the Local Authority. The Local Liquor Licensing Authority, Board of Trustees, may require the applicant to provide evidence of the reasonable requirements of the neighborhood and the desires of the inhabitants. If the Board so requires, it may wish to set the boundaries of the "neighborhood" and establish what is required from the applicant to demonstrate the reasonable requirements of the neighborhood and the desires of the inhabitants. The Board must schedule a public hearing on the application not less than 30 days from the date of the application. Staff recommends that a public hearing be set for April 25, 2011. Public notice of the hearing must be posted on the premises and published not less than 10 days prior to the date of the hearing. The notice must be published at least once and provide the type of license applied for, the name and address of the applicant, the date of the application, and the date of the hearing. The Local Authority, or clerk, must provide any findings to the applicant at least 5 days prior to the hearing. The public hearing is to be conducted as a quasi-judicial proceeding and in a manner which assures all interested parties a fair and reasonable opportunity to present views and information, and such that the applicant's procedural rights of fundamental fairness be protected. The Board must make a specific finding of fact from evidence adduced at the hearing regarding the desires of the adult inhabitants of the Town, and it must deny the application if it finds the sale of liquor at such a location is contrary to those desires. The Board must consider the moral character of the applicants; the reasonable requirements of the neighborhood; the desires of the adult inhabitants of the neighborhood; the number, type and availability of liquor outlets located in or near the neighborhood; and other reasonable restrictions which are or may be placed on the neighborhood by the Local Licensing Authority, Board of Trustees. Kolinske noted that Nathaniel Bechard and Brittany Pettitt, applicants, were present.

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Following brief discussion, Trustee Peterson moved to set a Public Hearing for April 25, 2011 to consider a new Beer and Wine Liquor License for Cy's Deli, LLC, d/b/a Cy's Deli and to set the boundary of the Town of Grand Lake. Trustee Weydert seconded the motion and all Trustees voted aye.

At 8:02 Trustee Johnson resumed his seat.

OLD BUSINESS:

**CONSIDERATION TO AWARD THE BID FOR A STONE BASE FOR THE GENE STOVER LAKEFRONT SIGN TO MULLINEX CUSTOM STONEWORKS FOR \$1,000** – Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that per the Board's direction, staff contacted three local masons to get a bid on the decorative stone for the Gene Stover Lakefront Park sign. He said that at the afternoon workshop, it was decided that the overall size of the sign will be reduced. It will hang 2' from the ground and will be 5 ½' tall to the top of the posts so stone bases will not be necessary.

Trustee Peterson moved to not award the bid to anyone as stone bases will not be necessary. Trustee Weydert seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION OF A REQUEST FROM GRAND LAKE LODGE TO BURN SLASH** - Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that the Town is in receipt of a request from the Grand Lake Lodge to do one additional burn of its slash piles this week. The normal burn period usually expires on April 1<sup>st</sup>, with the Grand County Division of Natural Resources granting extensions on a one week basis depending on snow cover, outside temperatures etc. According to Grand County Foreman, Jen Murray, she would issue a permit to the Lodge pending Town approval. At the afternoon workshop, the Lodge Manager, Jeff Larson, clarified that the request is to burn one 15' x 15' pile with additional slash that they will feed as they go. The Grand Lake Fire Chief, Mike Long, recommended that the slash be left to cure for a year before trying to burn it because of the amount of smoke that greener slash produces. The Town code currently allows open burning only with permission of the Board of Trustees:

7-1-28 Open Fires Prohibited

Open Fires (any outdoor fire) of any kind are prohibited, unless the prior written consent of the Board of Trustees is obtained. Barbeque and campfire pits or rings not exceeding sixteen (16) square feet is area and liquid or gas fueled stoves and grills and other devices either permanently constructed or purchased for the purpose of outdoor cooking are exempted from the provisions of this Section.

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If the Board is amiable to the plan, the staff recommendation is for the Board of Trustees to authorize the Grand Lake Lodge to burn slash per any recommendations from Grand Lake Fire Department and in conformance with their Grand County burn permit. Hale noted that Jeff Larson, Manager, and Josh Schmaltz, representative, were present.

Trustee Peterson moved to authorize the Grand Lake Lodge to burn slash in accordance with the County and to authorize the Town Manager to give written consent on behalf of the Board of Trustees. Trustee Johnson seconded the motion and all Trustees voted aye.

NEW BUSINESS:

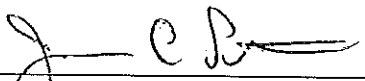
**CONSIDERATION TO AUTHORIZE THE MAYOR TO SIGN AN INTERGOVERNMENTAL AGREEMENT (IGA) BETWEEN THE TOWN OF GRAND LAKE AND GRAND LAKE METROPOLITAN RECREATION DISTRICT** - Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that the Board had the opportunity to review the draft IGA at their March 14<sup>th</sup> meeting. Other than one typo correction, the Board seemed amiable to entering into the IGA with the Grand Lake Metropolitan Recreation District (GLMRD). The GLMRD reviewed the IGA at their meeting held on March 17<sup>th</sup> and voted in favor of entering into it with the Town. The staff recommendation is for the Board to authorize the Mayor to sign the draft IGA between the Town and the Grand Lake Metropolitan Recreation District.

Trustee Weydert moved to authorize the Mayor to sign an Intergovernmental Agreement between the Town of Grand Lake and Grand Lake Metropolitan Recreation District. Trustee Peterson seconded the motion and all Trustees voted aye.

CITIZEN PARTICIPATION: None.


ADJOURNMENT:

Trustee Weydert moved to adjourn, seconded by Trustee Peterson. All Trustees voted aye, and the meeting was adjourned at 8:12 p.m., March 28, 2011.

  
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JUDY M. BURKE,  
MAYOR

James C. Peterson, Mayor Pro-Tem

ATTEST:

  
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RONDA KOLINSKE, CMC,  
TOWN CLERK