

RECORD OF PROCEEDINGS

REGULAR MEETING
TOWN OF GRAND LAKE BOARD OF TRUSTEES
MONDAY, MAY 9, 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 7:34 p.m. at the Town Hall, 1026 Park Avenue.

ROLL CALL

PRESENT: Mayor Burke; Trustees Johnson, Lanzi, Ludwig, and Peterson; Town Manager Hale, Town Clerk Kolinske, Town Planner Wittman and Town Code Enforcement Officer Korkowski.

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

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

APPROVAL OF MINUTES

April 25, 2011: Trustee Peterson moved to approve the minutes of the April 25, 2011 regular meeting as written, seconded by Trustee Lanzi. All Trustees voted aye except Trustees Johnson and Ludwig, who abstained.

ANNOUNCEMENTS:

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

Mayor Burke announced that the Flowering of Grand Lake will host the 23rd Annual Gardener's Exchange on Saturday, May 14 from noon – 4 p.m. in the Community House.

Mayor Burke announced the "Rude Awakening" will be held on Thurs., May 19th at the Daven Haven beginning at 7:00 p.m.

Mayor Burke announced that the Town of Grand Lake is seeking volunteers for "Clean Up Day" on Saturday, May 21 from 9 – noon with a barbecue to follow. Call 627-3435 with questions or meet at the Heckert Pavilion at 9 a.m.

Mayor Burke announced that the Town of Grand Lake will celebrate Arbor Day on May 23rd. The Mayor and members of the Greenways Committee will conduct a ceremony at the Grand Lake Elementary School. The time is to be determined.

Mayor Burke then announced that the Town of Grand Lake 2011 Drinking Water Consumer Confidence Report for Calendar Year 2010 is now available on the Town's website and at Town Hall.

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

Due to the lack of a quorum, both Trustees remained seated.

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF RENEWAL OF THE HOTEL AND

RESTAURANT LIQUOR LICENSE FOR BURNT BONE, INC., D/B/A SAGEBRUSH BERBECUE & GRILL - Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske reported that the fees have been paid; the renewal documents are in order and indicate no changes from the previous renewal. 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 concluded by saying that Robert Freeman, President, was present.

Trustee Peterson then moved to approve the renewal of the Hotel and Restaurant Liquor License for Burnt Bone, Inc., d/b/a Sagebrush Barbeque & Grill. Trustee Lanzi seconded the motion and all Trustees voted aye except Trustees Johnson and Ludwig, who abstained.

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF A SPECIAL EVENTS PERMIT

APPLICATION FROM THE FRIENDS OF THE LIBRARY FOR THE "TOPS OF THE ROCKIES" FUNDRAISING EVENT - Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske explained that this request is for the "Tops of the Rockies" fundraising event to be held at the Grand Lake Yacht Club, 1128 Lake Avenue on Saturday, June 25, 2011. The application documents are in order and complete. The premises are required by statute to be posted for at least 10 days prior to approval of the permit. She suggested action at the May 23rd Board Meeting as a regular item of business or as a Public Hearing. Kolinske noted that Connie Robertson, Representative of The Friends of the Library, was present.

Trustee Peterson moved to act on this request as a regular item of business at the May 23, 2011 Board Meeting. Trustee Lanzi seconded the motion, and all Trustees voted aye except Trustees Johnson and Ludwig, who abstained.

LIQUOR LICENSING AUTHORITY: **CONSIDERATION OF A SPECIAL EVENTS PERMIT APPLICATION FROM THE MOUNTAIN FAMILY CENTER FOR THE "28TH ANNUAL COLORADO STATE CHILI COOK OFF" FUNDRAISING EVENT** - Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske explained that this request is from the Mountain Family Center for the "28th Annual Colorado State Chili Cook Off" to be held in Town Square on Saturday, June 25, 2011 from 9:00 a.m. to 8:00 p.m. Proceeds of this fundraising event will go to the Grand Lake Fire Protection District's Scholarship Fund. The application documents are in order and complete. The premises are required by statute to be posted for at least 10 days prior to approval of the permit. She suggested action at the May 23rd Board Meeting as a regular item of business or as a Public Hearing. Kolinske noted that because of a fire, Mindy Everhart, representative of the Fire District, was not present.

Trustee Peterson moved to act on this request as a regular item of business at the May 23, 2011 Board Meeting. Trustee Lanzi seconded the motion and all Trustees voted aye except Trustees Johnson and Ludwig, who abstained.

OLD BUSINESS:

None.

NEW BUSINESS:

CONSIDERATION OF AN APPEAL TO A DENIED SIGN APPLICATION AT CY'S DELI, 717 GRAND AVENUE – Mayor Burke asked Town Code Enforcement Officer Korkowski to present this matter to the Board. Korkowski explained that on May 3, 2011 Town staff received an application for a new sign to be erected at Cy's Deli located at Block 18, Lots 13, more commonly referred to as 717 Grand Avenue. The sign meets all requirements for a freestanding type of sign and the zone it is located in, except the applicant wants to place the sign onto an existing post that is in the Town's right-of-way and the sign will have upward lighting. The Municipal Code only allows for downward shielded lighting. Because of this, staff had to deny the application. The existing sign post was placed in the Town's right-of-way before the current Sign Code was adopted. The post has been used in the past for signs for Grand Pizza and Rocky Mountain Coffee when they were located there, but not for the latest business, The Diner. The applicant, Nate Bechard, is appealing the staff decision to the Board. Staff has measured the site, and the sign post is approximately 9 feet 9 inches into the Grand Avenue right-of-way. The roof over the boardwalk is 9 feet 3 inches into the right-of-way. The distance between the sign post and the sign support on the roof is approximately 6 feet, so the sign will probably not be wider than that unless the support is removed. Based upon these numbers, the sign will need to be less than the 10 feet wide currently shown, which would keep the size even farther within the allotted 50 square feet of signage allowed. The existing lighting is upward in nature, but can possibly be changed to a downward shielded light with minimal cost. Staff recommends that the Board take

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comments on the sign, review the material presented, and then make a motion to either approve or deny the sign permit application. There is also a projecting bracket on the street side of the existing post which staff believes should be removed, if the sign is allowed. Korkowski noted that Nate Bechard was present.

Nate Bechard, 717 Grand Avenue, was recognized by the Chair. He said that after he has had the chance to really look at the existing post, he has determined that it is not as sturdy as he thought. Therefore, he is changing his request and asked the Board if he could attach a smaller sign perpendicular to the roof that extends over the boardwalk. The sign would be 6 feet by 40 inches in size. He said that he would like to use the extension of the existing post for lighting. He would have to attach conduit to it to run power up to the lights.

Town Code Enforcement Officer Korkowski said that roof mounted signs are allowed by code but cannot extend above the peak of the roof.

The Board discussed at length this request as well as changing the code to allow for a 6 foot projection into Town right-of-way versus 4 feet.

Following discussion, Trustee Lanzi moved to grant a variance to the Sign Code and allow the sign to project 6 feet into Town right-of-way from the property line with downward shielded lighting with the provision that the existing sign post is removed from the right-of-way. Trustee Peterson seconded the motion and all Trustees voted aye.

NEW BUSINESS:

PUBLIC HEARING – CONSIDERATION OF ORDINANCE NO. 8-2011, AN ORDINANCE REPEALING AND REPLACING THE TOWN OF GRAND LAKE MUNICIPAL CODE CHAPTER 11, MUNICIPAL PROPERTY REGULATIONS

AND

CONSIDERATION OF RESOLUTION NO. 4-2011, A RESOLUTION COMBINING AND UPDATING USE POLICIES FOR THE TOWN OF GRAND LAKE PUBLIC FACILITIES AND STRUCTURES

AND

CONSIDERATION OF RESOLUTION NO. 5-2011, A RESOLUTION UPDATING THE COMBINED FEE AND DEPOSIT SCHEDULE FOR THE TOWN OF GRAND LAKE, COLORADO – Mayor Burke opened the Public Hearing and asked Town Planner Wittman to present this matter to the Board. Wittman explained that throughout 2011 staff has been working on the combining of all policy and regulations that are applicable to public lands, facilities and structures. In this Municipal Code Chapter 11,

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which currently merely holds Community Boardwalks, Sidewalks and Greenways provisions, is being proposed to be completely overhauled and recreated to be titled Municipal Property Regulations. Ordinance No. 8-2011, an Ordinance Repealing and Replacing the Town of Grand Lake Municipal Code Chapter 11, Municipal Property Regulations will now be outlined as follows:

Chapter 11-1: Purpose and Scope

Chapter 11-2: Definitions

Chapter 11-3: Street Development Policies, Standards and Specifications, which will include all policies – even those currently found in Land Use Development

Chapter 11-4: Alleys

Chapter 11-5: Boardwalks, Sidewalks and Community Greenways

Chapter 11-6: Bicycle and Walking Paths

Chapter 11-7: Use of Municipal Property, which shall include sections on Municipal Property Encroachments, Agreements, Landscape MOUs, Rental of Structures and Facilities, Long and Short Term, as well as Special Event Permitting

Those items that are in *italics* were items that were previously in the Municipal Code in some place. Those items in **bold and underline** are proposed by Town staff.

Resolution No. 4-2011 is a Resolution combining and updating use policies for the Town of Grand Lake public facilities and structures. While staff has been working on the updating and new-section creation for Chapter 11: Municipal Lands, Facilities and Structures, there has been various conflicts between policy and practice; staff has drafted Resolution No. 4-2011 to help put all use policies in one convenient location for easy administration. Additionally staff has created one application form for all municipal structures and facilities. Point Park, however, will still be managed in a different manner in that it is owned by the US Forest Service. Wittman referred to three resolutions that she included in the packet and they are Resolution 1980-4, Resolution 6-1989 and Resolution 8-1993, which outline the uses once defined for the old Town Hall, now otherwise known as the Pitkin Annex, one for the Community House policies and fees, as well as a third for Heckert Pavilion. Town staff has combined the policies, some specific to a given facility/structure and others generalized for all – specifically for cleaning.

As the Board is aware, staff has been working on an updated Fee and Deposit schedule for the Town of Grand Lake. Wittman stated that she has drafted Resolution No. 5-2011, a Resolution Updating the Combined Fee and Deposit Schedule for the Town of Grand Lake, Colorado. Since its annual update, at the end of the 2010, there have been minor code changes that have necessitated the updating of this document. Specifically:

- A Special Event Permit, for community events held by non-profits on public lands, shall require a \$100 Deposit for cleaning expenses that may be incurred; and
- The deposits that were required for the Community House shall, too, be utilized for the Pitkin Annex, former Town Hall building; and
- Community Organization's have been included as those groups that may be exempt from fees for the use of the Community House, the Pitkin Annex, and Heckert Pavilion. As a reminder, the Town will require pecuniary events to pay an hourly fee for use; and
- Variance applications shall require a deposit for application review and processing as opposed to a fee so that the Town recoups the expenses for processing of these types of applications.

On April 21, 2011, Legal Notice No. 6406140 was published in the Middle Park Times that read,

**NOTICE OF TOWN OF GRAND LAKE BOARD OF TRUSTEES
PUBLIC HEARING TO CONSIDER AMENDMENTS AND
ADDITIONS TO MUNICIPAL CODE CHAPTER 11: MUNICIPAL
PROPERTY REGULATIONS, POLICIES FOR SHORT TERM
FACILITY RENTALS AND INSURANCE REQUIREMENTS AS
WELL AS UPDATING THE MUNIICIPAL FEE AND DEPOSIT
SCHEDULE**

Additionally, Ordinance No. 8-2011 has been noticed on the Town's website since February, 2011. Town staff has not received any comments. The Board should open the Public Hearing portion of the meeting and take all public comment. Once all comments are made, the Board should close the hearing and turn the matter over for Board discussion and action. Once all discussion has taken place, the Board should make motions regarding each of the proposed items. Staff recommends the Board move to:

1. Adopt Ordinance 8-2011, an Ordinance Repealing and Replacing the Town of Grand Lake Municipal Code Chapter 11, Municipal Property Regulations; and
2. Resolution No. 4-2011, a Resolution Combining and Updating Use Policies for the Town of Grand Lake Public Facilities and Structures; and
3. Resolution No. 5-2011, a Resolution Updating the Combined Fee and Deposit Schedule for the Town of Grand Lake, Colorado; and
4. Table consideration of adoption of municipal insurance requirements until such time as the Town has received a recommendation from Town Attorney Krob.

Mayor Burke then opened the meeting for public comment. Having none, she closed the Public Hearing and turned the matter over to the Board.

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Trustee Peterson moved to adopt Ordinance No. 8-2011, an Ordinance Repealing and Replacing the Town of Grand Lake Municipal Code Chapter 11, Municipal Property Regulations. Trustee Johnson seconded the motion and all Trustees voted aye.

Trustee Peterson then moved to adopt Resolution No. 4-2011, a Resolution Combining and Updating Use Policies for the Town of Grand Lake Public Facilities and Structures. Trustee Johnson seconded the motion and all Trustees voted aye.

Trustee Peterson then moved to adopt Resolution No. 5-2011, a Resolution Updating the Combined Fee and Deposit Schedule for the Town of Grand Lake, Colorado. Trustee Johnson seconded the motion and all Trustees voted aye.

Trustee Peterson then moved to table consideration of adoption of municipal insurance requirements until such time as the Town has received a recommendation from Town Attorney Krob. Trustee Johnson seconded the motion and all Trustees voted aye.

NEW BUSINESS:

PUBLIC HEARING – CONSIDERATION OF ORDINANCE NO. 9-2011, AN ORDINANCE AMENDING THE TOWN OF GRAND LAKE MUNICIPAL CODE CHAPTER 12, ARTICLE 2, SECTION 31, SPECIAL AND CONDITIONAL USE - Mayor Burke asked Town Planner Wittman to present this matter to the Board. Wittman explained that the updating of this code section is that this section conforms with the provisions of proposed Ordinance No. 8-2011 as the regulations for Special Use Permitting will now be found in Chapter 11: Municipal Property Regulations. In addition to the items addressed below, the changes proposed are designed to “clean up” this code section. Other than the removal of Special Event Permitting, the other most significant change is for the creation of a definition of a Special Use Permit, as the code did not previously have one. The Planning Commission has recommended:

A permit for the temporary use (six months or less) of private property.

- (1) For Residential and Resort-Zoned parcels and neighborhoods, the permit shall be utilized for the approval of proposed uses not listed as a Use-by-Right or a Conditional Use.
- (2) For Commercial/Mixed Use, the permit shall be utilized for the approval of proposed accessory uses, not incidental to the primary use of the property, or when there are two or more businesses present, with at least one business that is proposed to be located in a non-fixed structure, or a temporary facility; or when the total square footage of the unit/structure does not meet the minimum floor area for the zoning district where it is located.

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- (3) The permit may be utilized for the approval of uses proposed on Public and Open Space-Zoned lands not owned by the Town of Grand Lake.

Legal Notice No. 6406232 was published in the Middle Park Times on April 21, 2011; this item has also been on the Town's website since February 17, 2011. To date, staff has not received any public comments. The Board should open the Public Hearing portion of the meeting and take public comment. Once all comments have been received, the Board should close the hearing and turn the matter over for Board discussion and action. Once all discussion has taken place, the Board should make a motion regarding Ordinance No. 9-2011, an Ordinance Amending the Town of Grand Lake Municipal Code Chapter 12, Article 2, Section 31, Special and Conditional Use.

Mayor Burke then opened the meeting for public comment. Having none, she closed the Public Hearing and turned the matter over to the Board.

Following discussion, Trustee Johnson moved to adopt Ordinance No. 9-2011, an Ordinance Amending the Town of Grand Lake Municipal Code Chapter 12, Article 2, Section 31, Special and Conditional Use. Trustee Lanzi seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF RESOLUTION NO. 6-2011, A RESOLUTION UPHOLDING A PLANNING COMMISSION RECOMMENDATION BY AUTHORIZING THE CONSTRUCTION OF A BOATHOUSE TO BE BUILT ON LOTS 37-40, CAIRNS ADDITION TO GRAND LAKE - Mayor Burke asked Town Planner Wittman to present this matter to the Board. Wittman explained that On May 4, 2011, the Planning Commission forwarded to the Town Board of Trustees a favorable recommendation for approval of a new boathouse to be constructed on Lots 37-40, Cairns Addition to Grand Lake. Members of the Commission cited the proposed boathouse was not only consistent with the community character but that the proposed structure is well within the confines of the Municipal Code. Staff received a building permit application from Jane Kemp and Richard McQueary to build a new one-slip boat house on Lots 37-40 Cairns Addition to the Town of Grand Lake, a/k/a 536 Cairns Avenue. The entirety of the proposed structure, including decking on the rear side of the boathouse, will be constructed, if approved, at an elevation of 8369'. The proposed structure, with a foundation of galvanized metal, concrete-filled pier supports, has received Army Corps of Engineers approval. The boathouse is proposed to be attached to a pre-existing boat dock which measures 33' long by 4' wide. The proposed boathouse would extend between 24' and 30' from the natural shoreline in this area which is compliant with the maximum extension of 35' beyond the natural shoreline. The proposed boathouse is 18' in width and when coupled with the 4' dock the total width of the structure would be 22'; the maximum allowable width

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for a structure of this nature is 30', the total allowable width, with maximum 5' side decks, would be 40'. Proposed with a galvanized, green metal, gabled roof, at a height of 14' from the water line to the highest point of the structure, and siding to match the house, shake shingles, on this lot, the structure will be compliant with the Municipal Design Standards. As with all permit projects, staff strongly encourages the use of a sediment curtain in the water, to contain lakebed disturbance, on shore sediment settling ponds, in the advent water will need to be pumped for cleaner access closer to the shoreline or in the lake. As with all approved development projects, staff may require shoreline waddles and/or silt fencing to prevent erosion to potentially disturbed areas. Staff also conducts presite inspections for each construction project to determine if there are other Best Management Practices that might need to be implemented. Applications for boathouse permits are processed in a unique manner in that a Public Hearing is required for the Planning Commission prior to proceeding to the Board of Trustees. The Board of Trustees is to hear the recommendation of the Planning Commission at their next regularly-scheduled meeting; a Board of Trustees Public Hearing is not required. To date, staff has received comments from three (3) members of the public:

Morrill Properties – Indicate Morrill Properties, 516 Cairns Avenue, does not object to the boathouse.

Lagerborg Family – Indicate they are in support of the project and have the confidence the applicants and property owners will conform with the highest architectural standards of the Town of Grand Lake.

David and Karen Chubb – Indicate support for the project as it is consistent with the neighborhood.

During the Planning Commission Public Hearing, Mr. Larry Berger, 700 Cairns Avenue, did indicate to the Commission he was strongly in support of the boathouse for the reasons cited by the Commission.

As the code indicates: "After taking evidence in relation to said boathouse or covered boat dock, the Planning Commission shall recommend approval, approval with conditions or denial of the Building Permit application to the Board of Trustees. The Planning Commission may recommend, based on site-specific conditions, approval of a design that exceeds specified parameters of the Boathouse and Boat Dock Design Standards... No recommendation shall be considered grounds for the recommended approval of subsequent applications." As indicated, the Commission's recommendation was favorable of approval and no conditions were recommended. The Commission did discuss the requirements of the utilization of an in-water sediment curtain as well as for uphill sediment ponds. Staff indicated that the Commission could place these requirements on the construction but that sometimes these steps may be greater than what

is required given the various types of construction practices that may occur. If a project requires pumping, then Town staff will indicate the project will need a filtration for the water prior to the water entering back into the lake. Additionally, sediment curtains are strongly recommended in situations with significant lakebed disturbance as to contain the in-water debris. Given the precast nature of the support piers, this project may not necessarily need an in-water sediment curtain as the lakebed may not be significantly disturbed. The Board should discuss the Planning Commission's recommendation, the merits of the proposed activity as well as attached resolution. Once all discussion has taken place on this matter, the Board should make a motion on this matter. Staff recommends the Board move to uphold the Planning Commission recommendation by adopting Resolution No. 6-2011, a Resolution Upholding a Planning Commission Recommendation by Authorizing the Construction of a Boathouse to be Located on Lots 37-40, Cairns Addition to Grand Lake. Wittman concluded by saying that Jane Kemp and Richard McQueary were present.

Following discussion, Trustee Johnson moved to adopt Resolution No. 6-2011, a Resolution Upholding a Planning Commission Recommendation by Authorizing the Construction of a Boathouse to be Located on Lots 37-40, Cairns Addition to Grand Lake. Trustee Peterson seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF A SPECIAL EVENT PERMIT (SEP) REQUEST FROM THE GRAND LAKE FIRE PROTECTION DISTRICT FOR THE 28TH ANNUAL COLORADO STATE CHILI COOK OFF – 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 Grand Lake Fire Protection District for the 28th Annual Colorado State Chili Championship. 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:

- (1) The predominant use of the primary facility being used
- (2) The proposed event and the event hours
- (3) Neighborhood compatibility
- (4) Effect of the proposed event on the community
- (5) The Town's anticipated cost in Staff time and equipment use
- (6) Duplication of services or sales items
- (7) Permanent address of the non-profit organization or governmental entity
- (8) First time event

The Mayor, or the Mayor's designee, will refer the matter to the Board of Trustees for approval if the event involves a Special Events Liquor Permit.

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Since this event will involve a liquor permit, it's being referred to the Board of Trustees for approval. The Fire Department has met all of the normal check off requirements for this type of event, site plan, insurance, deposit, etc. If the Board is ok with this event, the staff recommendation is for the Board to authorize the Mayor to sign the 28th Annual Chili Cook Off Special Event Permit.

Trustee Peterson moved to authorize the Mayor to sign the 28th Annual Chili Cook Off Special Event Permit. Trustee Johnson seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF A SPECIAL EVENT PERMIT (SEP) REQUEST FROM THE GRAND LAKE CHAMBER OF COMMERCE FOR THE 64TH ANNUAL BUFFALO BARBECUE – 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 Grand Lake Chamber of Commerce for the 64th Annual Colorado Buffalo Barbecue. 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:

- (1) The predominant use of the primary facility being used
- (2) The proposed event and the event hours
- (3) Neighborhood compatibility
- (4) Effect of the proposed event on the community
- (5) The Town's anticipated cost in Staff time and equipment use
- (6) Duplication of services or sales items
- (7) Permanent address of the non-profit organization or governmental entity
- (8) First time event

The Mayor, or the Mayor's designee, will refer the matter to the Board of Trustees for approval if the event involves a Special Events Liquor Permit. Since this event will involve a liquor permit, it's being referred to the Board of Trustees for approval. If the Board is ok with this event, the staff recommendation is for the Board to authorize the Mayor to sign the Buffalo Barbecue Special Event Permit.

Trustee Peterson moved to authorize the Mayor to sign the Buffalo Barbecue Special Event Permit. Trustee Johnson seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF A SPECIAL EVENT PERMIT (SEP) REQUEST FROM THE GRAND LAKE CHAMBER OF COMMERCE FOR THE CREWS AND BREWS FEST – 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

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Application submitted by the Grand Lake Chamber of Commerce for the Crews and Brews Fest. 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:

- (1) The predominant use of the primary facility being used
- (2) The proposed event and the event hours
- (3) Neighborhood compatibility
- (4) Effect of the proposed event on the community
- (5) The Town's anticipated cost in Staff time and equipment use
- (6) Duplication of services or sales items
- (7) Permanent address of the non-profit organization or governmental entity
- (8) First time event

The Mayor, or the Mayor's designee, will refer the matter to the Board of Trustees for approval if the event involves a Special Events Liquor Permit.

Since this is the first time for this event, and because it will involve a liquor permit, it's being referred to the Board of Trustees for approval. The basic plan is to hold a corvette car show and "brew fest" in Town Square, with a crew race/regatta staged at the beach area. No street closures are proposed, but the Chamber is requesting some parking reserved for the car show. This event is planned on August 27th as a one day event. All aspects of the permit are met in reference to the site plan, insurance, etc, other than the fact that no site plan was included for the beach area, so staff cannot determine if there is actually anything formal planned at the beach, or if instead that the organizers just expect that people will set up there to watch the races. If the Board is ok with this event, the staff recommendation is for the Board to authorize the Mayor to sign the Grand Lake Crews and Brews Fest Special Event Permit.

Due to the discussion during the afternoon workshop, Trustee Peterson moved to table consideration of this matter until the next regularly scheduled meeting giving the Chamber time to notify the businesses along Lake Avenue from Hancock Street to Ellsworth Street. Trustee Johnson seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION TO AUTHORIZE THE TOWN MANAGER TO SIGN A LEASE AND RENTAL AGREEMENT BETWEEN THE TOWN OF GRAND LAKE AND AJMURPHY, LLC, D/B/A MOUNTAIN PADDLERS - Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that the Board is aware of the discussions that have taken place between the Town and Andy Murphy, Owner of Mountain Paddlers. At the last workshop, staff briefed the Board on the negotiations that were underway with Andy, and the Board also directed staff to move forward with the construction of the kayak racks.

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Beginning with the latter, both racks have been constructed and are ready for occupancy. For the lease itself, Andy has agreed to the details that staff briefed you on two weeks ago. The boat slip is being rented for \$2,000; the published rate for an indoor boat slip at the marina. The kayak slips are being rented for \$150 each, which is the price that the Board tentatively agreed to at their last meeting, for a total of \$900 for the six slips. The building is being rented for \$3,000, which equates to \$10.71/foot per month for a four month period. All slippage rentals are due prior to execution of this agreement, and the remainder of the payments will be due in three equal payments during the summer. The total lease amount is for \$5,900. Hale said that both he and Marina Manager Hassoldt agree that this is a fair deal for all parties involved. Andy has signed the Lease and Rental Agreement and the boat Slip Rental Agreement. At present, he does have insurance but the Town is not shown as being additional insured. Andy is working on getting a copy of the insurance with the Town listed to staff. If the Board agrees to the terms and conditions, Andy will issue a check for \$2,900 so staff can execute the agreement. The staff recommendation is for the Board to authorize the Town Manager to sign the Lease and Rental Agreement between the Town and AJMURPHY, LLC, d/b/a Mountain Paddlers, after receiving the Town payment and proof of insurance coverage. Hale concluded by saying that Andy Murphy and Marina Manager Jerry Hassoldt were both present.

Andy Murphy was recognized from the audience and expressed his gratitude to the Town and Town staff for working on this matter so diligently to make this happen so quickly.

Following discussion, Trustee Johnson moved to authorize the Town Manager to sign the Lease and Rental Agreement between the Town and AJMURPHY, LLC, d/b/a Mountain Paddlers, after receiving the Town payment and proof of insurance coverage. Trustee Peterson seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION TO AUTHORIZE THE TOWN MANAGER TO ENTER INTO AN AGREEMENT FOR ARCADE SERVICES WITH GREG BARNES FOR THE 2011 SEASON - Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that staff has drafted the arcade agreement between the Town and Greg Barnes for the 2011 season. Marina Manager Jerry Hassoldt suggested that the lease amount be raised to help cover for the increased costs in electric. The total increase suggested by Jerry is \$300, which has been added onto the first three payments for \$100 each, for a season total of \$5,800. Staff is suggesting additional changes to this lease as well, after having discussions with both Jerry and Greg. First of all, instead of referring to Greg as the contractor, he is now being referred to as the lessee. Secondly, the last sentence in #1 has been added because the area can take on a disheveled appearance, which reflects poorly on the marina. Third, #5 has been added

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in its entirety. Greg is concerned that by ending the storage on April 30th versus the previous May 15th, that he may not have access to the building due to snow. This provision was added to help make it clear that it is his responsibility to plan accordingly to have the machines out by their due date, while still giving the Town some wiggle room if there are legitimate circumstances beyond his control. Finally, #12 has been reworded to again reemphasize that once the lease has expired, all improvements need to be out of the space. The only "loophole" in this agreement is the fact that the Town doesn't currently require any sort of damage deposit, so the holdover provision would be hard to enforce if we don't have the money already. However, since Greg Barnes has been a local for a very long time, the Board can use its own discretion as to whether or not the Board feels comfortable without any sort of advanced deposit. The agreement has been signed by Greg Barnes but does not have a current insurance policy. If the Board is comfortable the staff recommendation is for the Board of Trustees to authorize the Town Manager to enter into an Agreement for Arcade Services with Greg Barnes for the 2011 season, once insurance naming the Town as additional insured has been provided.

Marina Manager Jerry Hassoldt was recognized from the audience. He explained to the Board that there have been problems in the past with the arcade and brought up additional issues that are of concern to him. He said that he hates to have to review the agreement once again, but had issues that perhaps should be part of the agreement. He said that he needs the additional income for the Marina but has had some issues in working with Greg.

During discussion Trustee Johnson said that he sensed frustration in Jerry and suggested that the Town not renew the lease. He said that there are other businesses out there that would love to lease the space and would conduct business in a professional manner.

Town Manager Hale explained that now is not the time to not renew the lease. He said that the Board had a discussion with Greg in December, 2010 and decided to renew for one more year, so nonrenewal at this point would be unprofessional as it wouldn't be giving ample notice.

Following discussion, Trustee Peterson moved to authorize the Town Manager to enter into an Agreement for Arcade Services with Greg Barnes for the 2011 season, once the grievances have been addressed and insurance naming the Town as additional insured has been provided. Trustee Lanzi seconded the motion and all Trustees voted aye except Trustee Johnson, who voted nay.

NEW BUSINESS:

CONSIDERATION OF A PROCLAMATION PROCLAIMING MAY 23, 2011 AS GRAND LAKE ARBOR DAY - Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that the

RECORD OF PROCEEDINGS

draft proclamation establishes May 23, 2011 as Arbor Day. The staff recommendation is for the Board to authorize the Mayor to sign the proclamation.

Trustee Johnson moved to authorize the Mayor to sign the proclamation proclaiming May 23, 2011 as Grand Lake Arbor Day. Trustee Peterson seconded the motion and all Trustees voted aye.

ACCOUNTS PAYABLE

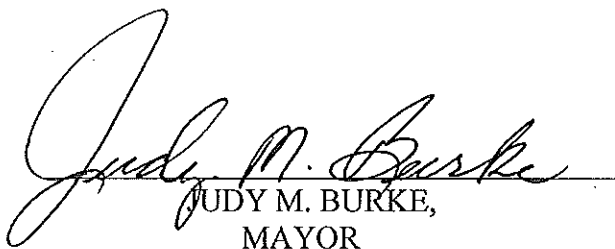
April, 2011:

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

CITIZEN PARTICIPATION: None.

ADJOURNMENT:

Trustee Peterson moved to adjourn, seconded by Trustee Johnson. All Trustees voted aye, and the meeting was adjourned at 9:40 p.m., May 9, 2011.


JUDY M. BURKE,
MAYOR

ATTEST: 
RONDA KOLINSKE, CMC,
TOWN CLERK