

RECORD OF PROCEEDINGS

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REGULAR MEETING  
TOWN OF GRAND LAKE BOARD OF TRUSTEES  
MONDAY, JULY 11, 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 7:38 p.m. at the Town Hall, 1026 Park Avenue.

ROLL CALL

PRESENT: Mayor Burke; Mayor Pro-Tem Peterson; Trustees Johnson, Lanzi, Lewis, Ludwig, and Weydert; Town Manager Hale, Town Clerk Kolinske, Town Code Enforcement Officer Korkowski, and Town Attorney Krob.

ABSENT: None.

APPROVAL OF MINUTES

June 13, 2011: Not available.

June 27, 2011: Not available.

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

Mayor Burke announced that the Rocky Mountain Repertory Theatre is now presenting its third production of the 2011 Season, "*Chess the Musical*", in their new facility.

Mayor Burke announced that Music in the Park, sponsored by the Grand Arts Council and the Chamber of Commerce, will present Brad Pregeant, Wednesday, July 13 at the Town Square Gazebo, beginning at 5:30.

Mayor Burke announced that the 64<sup>th</sup> Annual Buffalo Barbeque Celebration will include a pancake breakfast, a 5K run and walk, music, a parade, a barbeque, bingo, used book sale, food vendors and kid's games, the weekend of July 16 – 17.

Mayor Burke announced that The Independent Sports Club is hosting a garage sale July 15, 16 and 17 at 525 Grand Avenue from 8 a.m. to 4 p.m. The ISC provides the youth of Grand County with opportunities to promote, support and sponsor their educational, athletic and social experiences.

Mayor Burke then announced that the Town was given notification this week that the Smith-Eslick Cottage Camp received designation as a State Historical Landmark.

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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.

Both Trustee Lewis and Trustee Peterson announced that they had a conflict with Grumpy's Show Cause Hearing because they work for the family of the owner of Grumpy's.

Trustee Peterson then announced that he also had a conflict with consideration of Resolution No. 11-2011, a Resolution Authorizing the Installation of a LED Open Sign for the Wake Coffee Shop to be Located on the Entrance Post of the Business Located at Sunnyside Addition to Grand Lake, Block 2, Lot 12.

OLD BUSINESS:

None.

At 7:42 p.m. Trustees Lewis, Ludwig and Peterson excused themselves and left the room.

LIQUOR LICENSING AUTHORITY: QUASI-JUDICIAL – SHOW CAUSE HEARING – REGARDING THE TAVERN LIQUOR LICENSE OWNED BY GRUMPY'S SALOON, INC., D/B/A GRUMPY'S SALOON – Mayor Burke asked Town Attorney Krob to present this matter to the Board. Krob explained that the Board of Trustees is sitting as the Local Liquor Licensing Authority to conduct this Show Cause Hearing. Essentially there are two questions the Authority must address:

- 1) Did Grumpy's violate either the Colorado statutes or the Colorado regulations governing liquor licenses?
- 2) If so, what sanctions should the Authority impose as a result of such violations?

To answer these questions, the hearing will proceed as follows:

1. Presentation by the Town Clerk

The Clerk will present the results of her investigation, including

a. An explanation of the type of license held by Grumpy's and how long they have had it. She may provide the Authority with a copy of the liquor license.

b. The events that led to this show cause hearing. The basis for the show cause hearing is primarily the events of the evening of June 11, 2011. To explain those events, the Clerk may present the Authority with the written report

of the police officer involved in the matter, or she may have the officer testify before the Authority. A copy of the officer's report has already been provided to the license holder and a copy is in the packets for the Authority's reference. The Clerk may also advise the Authority as to discussions she has had with any witnesses to the events and with the liquor license holder.

c. The sections of the statute and/or regulations the Clerk believes were violated as a result of the actions of the liquor license holder. According to the notice of hearing provided to the license holder, the regulation the Clerk believes the license holder to have violated is Regulation 47-900, Disorderly Conduct. A copy of Regulation 47-900 was attached to the notice of hearing, and a copy has been provided to the Authority.

d. Possible sanctions the Authority may want to consider. This will likely consist primarily of a tabulation of sanctions imposed by the various liquor license authorities throughout the State. A copy of this compilation has been provided to the Authority.

To the extent the Clerk calls any witnesses to testify before the Authority, the liquor license holder can ask the witnesses questions about their testimony or the exhibits.

At the conclusion of the Clerk's initial presentation, any documents provided by the Clerk to the Authority should be noted and made a part of the official record.

2. Presentation by the license holder

After the Clerk's presentation, the license holder can then testify and/or present any witnesses or documents they want the Authority to consider to show (1) that the liquor license holder did not commit the violation as alleged, and/or (2) matters in mitigation to suggest that a less severe sanction should be imposed by the Authority if there was a violation. The liquor license holder may make their presentation themselves, or they may have an attorney do it on their behalf.

At the conclusion of the liquor license holder's presentation, any documents provided by the liquor license holder to the Authority should be noted as exhibits and made a part of the official record.

3. Follow up by the Clerk

To the extent the Clerk has any response to the witnesses and exhibits provided by the liquor license holder, she should provide them at this time.

4. Deliberation by the Authority

Once the presentation of the evidence by the Clerk and the license holder is

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complete and the Authority has asked any questions it has of the parties, the matter is then turned over to the Authority for decision and action. Again the two questions are:

- a. Has the license holder violated Regulation 47-900?
- b. If the license holder has violated Regulation 47-900 what sanction should be imposed?

If the Authority reaches this issue, the possible sanctions it may impose include:

- 1) Revocation
- 2) Suspension

Once the Authority has reached a decision as to whether a violation has occurred and if so, what sanction should be imposed, it should make a motion reflecting its decision.

During the Clerk's presentation Kolinske said that a Tavern Liquor License is held by Grumpy's Saloon, Inc., d/b/a Grumpy's Saloon. The licensee is Dustin Barnes, President. Dustin Barnes has been operating under a Temporary Transfer Permit issued by the Town Clerk on April 4, 2011. Grumpy's Saloon was closed the entire month of April and opened on or about May 5, 2011 for business. It is alleged that on June 11, 2011, the Licensee or Licensee's employees or agents knowingly permitted acts of disorderly conduct on the Licensed Premises. She referred to Grand County Sheriff's Office Incident Report 11-000524-0. Notice of Hearing and Order to Show Cause for Suspension or Revocation was mailed to Dustin Barnes by Certified Mail on July 1, 2011. Rachel Terry signed as having received the notice on July 5, 2011. On July 7, 2011, Kolinske said that she received an Individual History Record and fingerprint card from Rachel Terry to register her as manager. She noted that what she had handed out to the Authority was an actual copy of the Incident Report, not a draft, a copy of the Temporary Transfer Permit and a sign in sheet of those who attended TIPS Training on June 15, 2011.

Town Attorney Krob then asked Lt. Grinstead, Grand County Sheriff's Department, if he would like to comment. He introduced himself as Lt. Duane "Buddy" Grinstead. He presented a summary of dates and incidents that lead up to the June 11, 2011 case. He began with Incident 11-000384-2 that happened on May 8, 2011 in front of Grumpy's. Richard Dickenson left Grumpy's intoxicated and began a verbal altercation with a man and a woman across the street. Grinstead said that the significance with this incident is that the woman was a victim of a sexual assault case involving Dickenson and the man was a witness. Dickenson was later arrested for retaliation against a victim and/or witness.

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Incident 11-000453-1 occurred on May 28, 2011. This was an incident that began in Grumpy's with an argument over an arm wrestling match and ended in a fight outside of the bar. In this case, Dustin Barnes notified the Sheriff's Department of what was going on, which is exactly what he should have done.

Incident 11-000524-1 occurred on June 11, 2011. This was an assault case that happened inside of Grumpy's. At about 5:00 p.m. that day the victim, Elizabeth "Ann" Garcia, arrived at Grumpy's for a friend's birthday party. The suspect, Mandy Fay, a/k/a Mandy Bell was sitting inside with her boy friend, Elizabeth's ex-boy friend, Shane Wilcox. At approximately 5:30 p.m. Mandy began swinging her beer bottle at Shane's head making contact a couple of times. Mandy then started swinging her bottle at Ann's head making contact several times. At that point the bartender, Chelsi Haider, tried to intervene with Mandy but Mandy took off out the door and down the boardwalk. Ann was taken to the emergency room at Granby Medical Center with a laceration that appeared to be approximately one inch and was gaping open approximately 1/8 of an inch. Connecting to that was another laceration that protruded down towards her nose and was approximately 1/4 inch and gaping open approximately 1/8 of an inch. She was given nine stitches and 3 staples. Deputy Macchione responded to Granby Medical Center. None of the employees at Grumpy's called to report this incident. Grinstead said that this was most concerning to the Sheriff's Department as it is the responsibility of the employee of the establishment to report such an incident. Mandy was later arrested and charged with Second Degree Assault, a class 4 Felony and a second count, domestic Violence enhanced Second Degree Assault, a class 4 Felony. On June 16, 2011, he said that he learned of an incident where the bartender, Julie Nees, was drinking on the job and was fired for being intoxicated. This is after she completed TIPS Training on June 15, 2011. He said that he does not know whether or not she is working there at the present time. He heard that she had been rehired. Grinstead said that after the June 11<sup>th</sup> incident he and Sheriff Johnson felt that it would be best to set up a meeting with Dustin Barnes to express their concerns with Grumpy's. He said that a meeting was held on June 20, 2011 and those in attendance were Sheriff Johnson, Dustin Barnes, Rachel Terry, Town Clerk Kolinske, Town Code Enforcement Officer Korkowski and himself. He said that he and Sheriff Johnson offered ideas to Dustin and Rachel on how to run a productive business. He said that the type of business that Gary Gates, the former owner, ran was not productive to the community. He and Sheriff Johnson knew that Dustin and Rachel were faced with the task of trying to keep things under control and to perhaps change the clientele of the previous owner. Grinstead noted that the number of calls that they have received has drastically been reduced since Dustin and Rachel have taken over. Following the meeting on June 20, 2011, Dustin and Rachel met with their employees and discussed policy and procedures. He said that Dustin and Rachel are now aware of the fact that when something happens inside the bar and they are shoved outside any incidents are still their responsibility. It's a neighborhood and the establishment has a responsibility to the neighborhood. On a personal note, Grinstead said that he does not want to see the business fail or see them lose their liquor license. He feels that Dustin and

Rachel realize the value of the situation.

Town Attorney Krob then asked for the license holder's presentation. Both Dustin Barnes and Rachel Terry approached the podium. Rachel addressed the Authority as Dustin was suffering from a migraine headache. Rachel Terry, 178 County Road 6522, introduced herself as Manager and said, "Regarding the case with Mandy, Ann and Shane: According to our bartender that was working that shift when the incident happened, she served Mandy one beer and one shot. She was showing no visible signs of intoxication. Further, our bartender noticed a bit of tension rising from the two parties. At this point, after sensing the tension, not knowing of the relationships between the three, she separated the two parties by putting Ann at the end of the bar and making sure Mandy stayed at the table. After the incident occurred, Mandy left instantly down the boardwalk and Ann rushed into the restroom to clean herself up. In the midst of all the confusion with the bar patrons and the bartender, Ann proceeded to leave the restroom and exit the establishment. While leaving, our bartender asked several times if she wanted to wait at the bar for medical attention. Ann declined. At this point, Ann's son and his friend said that the police had been contacted and our bartender felt that we did not need to call them again as she was anticipating them to arrive shortly. After an hour past the incident, and off of her shift, our bartender left the building to go home to her children. I informed her that when the police arrived, I would give them her contact information as she had seen the entire incident. Deputy Nate Macchione arrived about fifteen minutes after our bartender had left and I gave him her phone number. Macchione contacted her and had her write an official statement." Rachel then passed out to the Authority a signed and notarized statement from Chelsi Haider and a signed and notarized statement from Elizabeth "Ann" Garcia regarding the incident. She continued by saying, "Since Mandy was not found until a few days after the incident, there is no evidence to prove that she had been over served. And, as per the written and notarized statement by Ann and our bartender, they both do not believe that Mandy was visibly intoxicated and therefore over served. Domestic arguments occur often in places where alcohol is served and can escalate quicker than usual once alcohol is introduced. Just because the involved parties had been drinking alcohol, does not mean that alleged over serving actually caused the incident. We, also, did not 'knowingly permit' these acts to occur in our bar. In fact, as soon as the incident happened in the bar, our bartender was running out the door just after Mandy yelling at her to get out. While we did not call the police personally on this incident, we were under direct conversation with Ann's son and friend, that were present during the incident, that the police had been called. We were anticipating talking to the Sheriff's Department regarding the incident. Whether or not the police were called, we are now aware that regardless of who may or may not have called, we must, as an establishment verify with the Sheriff's Department that they were, in fact, notified of any incidents."

The Authority then took a few minutes to read the notarized statements. When discussion continued, Rachel mentioned that Julie Nees was no longer employed at Grumpy's.

Dustin Barnes, 604 Marina Drive, pointed out to the Authority that per the sign in sheet of those who attended TIPS Training on June 15, 2011, ten of their employees attended which is pretty much their entire staff.

Rachel continued by saying, "Regarding the case with the two men who got in a fight in the same block as our establishment: According to the bartender and bouncer that night, the four friends were there drinking, one who obviously drank too much who was served water, and then left to go get food. About two hours later they came back and ordered one round of drinks and a bit later started arm wrestling and the bouncer noticed it and made them stop. A bit later, they began arguing in the middle of the dance floor. The bouncer then escorted Corry out of the bar. Corry and a friend walked down the boardwalk towards the town park and Corry spun around and ran back towards Grumpy's. Wes tried to intercept Corry and in doing so knocked heads/faces with Corry. Dustin immediately called the Sheriff's Department and reported the incident. Dustin took the correct action and called the police immediately. I do not believe that we over served Corry, as my bartender said that he did not ever serve him a drink at our bar and that he was drunk before he came in. Our bouncer did the same thing that the police did, which was give him to a friend to take him home. The only problem out of this was Corry running into his friend.

Regarding the case with Richard "Rick" Dickenson, Beth, the victim of a sexual assault case, and Steven, the witness: According to statements, Rick was inside the bar while Beth and Steven were outside getting into their vehicle. Rick allegedly came out of the bar 'in a drunken rage' yelling and threatening them. Since Steven was on the phone with the Sheriff's Department while the incident took place, there was no reason for us to call the police at that point. We knew that the Sheriff's Department would be by shortly. Since Rick was not found until a few days after the incident, there is no evidence to prove that he was in a drunken state except for the statement and dispatch call from Steven in which he said that he looked drunk. But I believe that coming from someone who was involved in the case, that things may seem heavier than in actuality.

Just because we have altercations at our establishment that have previous underlying problems, does not mean that we knowingly permitted acts of disorderly conduct' nor that they were over served. If there is a pending or recently closed court case, wouldn't you think that they would have strong feelings regarding the outcome – regardless of whether or not they had been drinking? If there was a domestic dispute regarding two women and one man, don't you think that it would escalate once the three were in the same area?

We have taken several steps in the right direction:

- All of our bartenders, barbacks and bouncers are TIPS certified as of June 15 – actually four days after the last reported incident.
- We are putting more effort in our management of our employees to prevent future occurrences by educating our staff and putting new policies in place for our staff that outline what we are responsible for as liquor license holders.

- We have incident report books available to all of our staff at all times to report any incidents that may seem minor at the time.
- We have required that for any major incidents, our staff will contact the Sheriff's Department so they know what is going on.
- We are currently building a fire exit gate on the stairs to our back patio to prevent guests and/or minors from entering through the back door so that we can keep a better eye on our establishment.
- We actually employ three bouncers every Friday and Saturday along with the presence of the owner, Dustin, which is the highest number of bouncers on staff per night than any other establishment in Grand Lake.
- We also have a security system in place with cameras being installed to protect ourselves and the patrons of the bar.

While you may think that owning a bar is too much for 'younger' people – you may want to consider that Dustin has been a direct part of 3 successful businesses within Grand Lake. From Daven Haven, 20 years in business, to the vending route, also 20 years in business, and to his own DJ business, 11 years, Dustin is no stranger to being an entrepreneur and running a business in the Town of Grand Lake. Yes, the bar business varies from other businesses that he's been involved in, but for someone who has been doing this for as long as he has – it does not take long to learn how to perfect it. It's not that we are running a bar blatantly allowing people to do as they please and drink as much as they please. We literally got the luck of the draw with the incidents and responded as appropriately as we knew at the time.”

Lt. Grinstead referred to the statements submitted by Chelsi Haider and Elizabeth “Ann” Garcia and brought it to the Authority's attention that both statements were signed and notarized with today's date. For the record he also noted that in the statement that Mandy gave to Investigator John W. Stein, Mandy said that on June 11, 2011, she had been drinking at the Waconda earlier in the day then went to Grumpy's. She was at Grumpy's for less than an hour and consumed two (2) Rum and Coke's and then three (3) shots. She believes the shots were called “acme's” but is not familiar with them or what is in the shot. She was then drinking a bottled Budweiser Beer at the time of the incident.

Mayor Burke asked Lt. Grinstead if there was another incident that occurred over the weekend. Grinstead responded by saying that to the best of his knowledge, there were some people leaving after closing, probably all friends making noise having a good time. They all got into a C Lazy U van when they left.

Mayor Burke then asked if anyone in the audience would like to comment.

Lisa Jenkins, 921 Park Avenue and 911 County Road 4051, was the first to be recognized. She said that all businesses have challenges and although they may be different she thinks that we all learn from our mistakes. She said that she thinks that Dustin has been showing steps and good heartedness towards trying to fix things and make this is good community. She said that she has gone to

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Grumpy's occasionally and said that this is the first time in three years that she and several of her friends have felt comfortable going into Grumpy's. They feel welcome and not threatened.

Cody Holt, 504 Park Avenue, said that he has recently started helping Dustin out. There is kind of a different crowd in there but Grumpy's is not causing problems. If Grumpy's weren't there these people would go someplace else with the same problems. With the steps that Dustin has taken; TIPS Training, extra training for his bartenders, making sure that they are not drinking, and having that many bouncers on the floor have definitely made a difference. Dustin is trying. He's come a long way. Bar owners are bound to have bumps in the road.

Kevin Cox, 1246 Lake Avenue, said that as an owner of a business here in Grand Lake he knows how hard it is to get established, especially going into a new field. It is difficult managing staff and managing the dynamics of the business. He said that it was gracious of the Sheriff's Department to sit down with Dustin and Rachel and give them some guidance. It shows that they are willing to work with them to help them succeed and he hopes that the Board will work with Dustin as well.

For the record, Town Attorney Krob read the following:

Regulation 47-900. Conduct of Establishment.

A. Orderliness, loitering, serving of intoxicated persons.

Each person licensed under Articles 46, 47, and 48 of Title 12, and any employee or agent of such licensee shall conduct the licensed premises in a decent, orderly and respectable manner; and shall not permit on the licensed premises the serving or loitering of a visibly intoxicated person or habitual drunkard, nor shall the licensee, his employee or agent knowingly permit any activity or acts of disorderly conduct as defined by and provided for in Section 18-9-106, C.R.S., nor shall a licensee permit rowdiness, undue noise, or other disturbances or activity offensive to the senses of the average citizen, or to the residents of the neighborhood in which the licensed establishment is located.

Mayor Burke then turned the matter over to the Authority for discussion.

Trustee Weydert said that he was very disappointed. He said that this Board has always taken liquor licensing very seriously. It was said that Dustin has been a direct part of the success of the Daven Haven for 20 years, so this isn't like 'Gosh I didn't know.' He said that there were some very self serving statements made. He then referred to the written statements made by Chelsi Haider and Elizabeth "Ann" Garcia and noted that they were both notarized today. He said that this leads him to believe that they are just covering themselves. He said that Rachel had mentioned that there is no evidence to prove that Mandy had been over served but in the incident report Mandy herself said that she was drunk when the fight began and that she had been drinking earlier in the day at the Waconda. He said that he does believe that Dustin was fully aware of the past history of Grumpy's

as that is how it became available to him. However, Trustee Weydert was pleased to hear that the number of incidents is down since Dustin has taken over. In conclusion he said that there has been a violation and the Authority should discuss what sanctions should be imposed.

Trustee Johnson said that from what he heard and from what he has read he finds a lack of willingness to take responsibility. He too is very disappointed. It was said that if Grumpy's weren't there these people would go someplace else with the same problems. He said that he would hope that the other establishments have rules and regulations in place to prevent things like this from happening. He told Dustin that if he does maintain his liquor license following this hearing he hopes that Dustin will have rules and regulations to prevent anything like this from ever happening again. He agreed with Trustee Weydert in that there was a violation and over service was involved.

Trustee Lanzi stated that he would have to stand up for Dustin. He said, "I believe the problem here is you have Mandy that's an idiot, you have a cowboy that's an idiot, you have a couple of arm wrestlers that are idiots, you have Rick that's an idiot, what does that mean? Bars attract idiots. And yes I can see where sometimes things get out of control and I think that is what happened here. I have to give the benefit of the doubt to the bar owner or the management over idiots."

Mayor Burke said, "Some of the statements that Rachel made makes me really wonder whether any of this has sunk in. You are in charge of this business and people who get hurt in your business or people who cause problems in your business are your problem, even if they walk out the door. I have not heard anything this evening that makes me think that you have changed your attitude about how this establishment is going to be handled. I know that a lot of the things that you have done certainly should help the situation that you have. TIPS Training is definitely encouraged. I don't know that you can blame incidents on previous owners. It's your place now; you have the responsibility to make sure that your patrons act responsibly. This is a hard business to be in. It is totally different from being a DJ. As a DJ you don't have the responsibilities that you have now of controlling the patrons in your establishment. When we first talked to you about your liquor license, we tried to make it extremely clear that because you are young, people are going to try to take advantage of you. I think that is something that you have learned the hard way now. It's going to take a lot of hard work to keep better control of this establishment."

Dustin Barnes, 604 Marina Drive, responded to the Authority's comments by saying that as far as Mayor Burke's and Trustee Weydert's comments about not taking this seriously, he cited the steps that they have taken to help them.

- He said that all of their bartenders, barbacks and bouncers are TIPS certified which is not required and as far as he knows, quite a few of the establishments in town do not have their staff as well trained as they do.

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- They are putting more effort in their management of their employees to prevent future occurrences by educating their staff and putting new policies in place for their staff that outline what they are responsible for as liquor license holders.
- They have incident report books available to all of their staff at all times to report any incidents that may seem minor at the time, which he does not knowingly know if any of the other bars have.
- They have required that for any major incidents, their staff will contact the Sheriff's Department so they know what is going on.
- We employ 3 bouncers and make sure that they are fully staffed on busy nights.
- The Sheriff's Department felt that they were going in the right direction.
- He admitted that the restaurant business is different than the bar business.

Dustin concluded by inviting everyone into Grumpy's to check it out. He said that there is an arcade next door. They are trying to make it a friendly atmosphere for families. He said that he would like to have everyone come in on a busy weekend so that they could see that they do have control over their establishment, that it is a very inviting atmosphere and that it is being changed to the best of their abilities.

In regards to Question 1, Did Grumpy's violate Regulation 47-900, Disorderly Conduct a roll call vote was taken. Trustee Johnson said "yes", Trustee Lanzi said "no" to the violation but said that there was a lapse of judgment, Trustee Weydert said "yes" and Mayor Burke said "yes".

In regards to Question 2, the Authority agreed that the license should not be revoked. Discussion then began regarding other possible sanctions.

Trustee Weydert said that he had been looking through the sanction provided by the State and noted that some of them are severe. He then asked the Town Clerk what the sanction was for Grand Pizza's suspension was. Town Clerk Kolinske responded by saying that Grand Pizza's violations were perjury and sale to a minor. The license was suspended for 14 days. Three of those days were served; June 10, 11 and 12, 2009, and 11 days were held in abeyance for a period of one year.

Trustee Johnson said that he doesn't want to take someone's means of support away but does want to make a statement. He suggested suspending the license for a longer period of time but the number of days served much less and the remaining amount held in abeyance.

Trustee Lanzi said that in his mind there was no infraction just poor judgment. He said that he would like the Authority to refrain from being harsh. The business is on its way to being a successful, well run business. It's hard enough without having to take responsibility for every drunk in Town that comes into your business.

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Trustee Weydert addressed Trustee Lanzi and said that if he were stopped for speeding that would be a lapse of judgment on his part but should he not be penalized?

Trustee Lanzi said that he would go for a suspension to be held in abeyance.

Town Attorney Krob then summarized some of the suspensions from the compilation of sanctions provided by the State. He noted that the Authority has to specifically adopt an ordinance to impose a fine in lieu of suspension and the Town of Grand Lake has not done so; therefore, the Authority only has the option to revoke or suspend.

Trustee Weydert suggested suspending the license for 15 days; 5 days served and 10 held in abeyance for 1 year. The 5 days should be served in September or the first part of October. Also, one of the 5 days should be a weekend day.

Trustee Johnson suggested increasing the total number of days of suspension to make a larger statement of the seriousness of the matter. He suggested a 30 day suspension; 5 days served and 25 held in abeyance for 1 year. He had no preference of when the days were to be served.

Trustee Lanzi went along with Trustee Weydert's suggestion and said that the time served should be during the middle of October.

Mayor Burke was in favor of a 30 day suspension; 5 days served and 25 held in abeyance for 1 year and that the days served would be the first 5 days in October which would be Saturday through Wednesday.

Town Attorney Krob noted that the condition of the 1 year is that no other violations occur. If there is an incident and an incident report that does not necessarily mean there was a violation.

Trustee Weydert then moved to suspend Grumpy's Saloon's liquor license for 30 days; 5 days are to be served October 1 – 5, 2011, and 25 are held in abeyance for 1 year. Trustee Johnson seconded the motion and all Trustees voted aye.

Town Clerk Kolinske explained that the Temporary Transfer Permit was issued on April 4, 2011 and expires August 2, 2011. The next regularly scheduled Board Meeting will be held on July 25, 2011 but this Board was already told that was not a good date as it is Rachel's birthday. The next available date would be August 8<sup>th</sup> which is after the expiration date of the temporary. She said that this Board has the authority to extend the permit for an additional period not to exceed sixty days. Sixty days would extend the Temporary Transfer Permit until October 1, 2011. At some point prior to that date the applicant will come before the Board for approval of the Transfer of Ownership application.

Trustee Weydert moved to extend the Temporary Transfer Permit to October 1,

2011. Trustee Johnson seconded the motion and all Trustees voted aye.

At 9:28 p.m. Mayor Burke called for a recess.

At 9:33 p.m. Trustees Lewis, Ludwig and Peterson resumed their seats and the meeting reconvened.

NEW BUSINESS:

**CONSIDERATION OF A RIGHT-OF-WAY LICENSE AND AGREEMENT BETWEEN THE TOWN OF GRAND LAKE AND SOMBRERO STABLES** – Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that the Board of Trustees directed staff to work with Sombrero Stables in 2010, in order to draft an agreement between the two entities. The general feeling at that time was that while the Town hasn't had any specific issues with Sombrero, there needed to be a better definition of the roles of both organizations, as Sombrero is one of the principal users of Thomasson Park, and has informal duties such as cleaning up after their horses, and sometimes helping out with trail maintenance, but no formal, written agreement had ever captured all of this. Sombrero has always picked up after their horses, and has helped to maintain the trails that they've used, so this agreement doesn't ask them to do anything that they haven't always done—it just puts it in writing. Furthermore, it identifies joint inspection of their trail system at the beginning and end of every season so both entities are on the same page. Hale disclosed the fact that the end of the season inspection did not occur last year, so staff is working with the Sombrero staff to make sure that both entities are on the same page with the requirements of the agreement. The Town has always put up the horse crossing signs and has painted the crosswalks for the horses, so there is no new obligation, other than the joint inspection, for the Town either. A track change version was sent to Cody Rex Walker for him to comment and that is what he executed. There are some minor changes throughout; the most significant change is that this agreement is being proposed as a three-year agreement versus needing to be renewed annually. Hale said that insurance with the correct endorsement has been provided. A copy of the agreement has been sent to the Thomasson's; staff doesn't anticipate any issues with their execution of it. The staff recommendation is for the Board to enter into the Right-of-Way License and Agreement with Sombrero Stables, and authorize the Mayor to sign the same. Hale explained that because this is a busy time for Cody Rex Walker, he would not be present this evening.

Trustee Lanzi moved to enter into the Right-of-Way License and Agreement with Sombrero Stables, and authorize the Mayor to sign the same. Trustee Weydert seconded the motion and all Trustees voted aye.

At 9:37 p.m. Trustee Peterson excused himself and left the room.

NEW BUSINESS:

**CONSIDERATION OF RESOLUTION NO. 11-2011, A RESOLUTION AUTHORIZING THE INSTALLATION OF A LED OPEN SIGN FOR THE WAKE COFFEE SHOP TO BE LOCATED ON THE ENTRANCE POST**

**OF THE BUSINESS LOCATED AT SUNNYSIDE ADDITION TO GRAND LAKE, BLOCK 2, LOT 12** – Mayor Burke asked Town Code Enforcement Officer Korkowski to present this matter to the Board. Korkowski explained that staff received a request from Kevin Cox and Kate Elliott of the Wake Coffee Shop located at 1246 Lake Avenue, Sunnyside Addition to Grand Lake, Block 2, Lot 12 to place a LED lighted open sign at the entry gates to the business complex. He said that staff had to deny the sign request as Municipal Code 6-2-1-C-8 specifically states, “No neon signs or LED signs shall be allowed except window signs which are located on the inside of a window.” The Wake Coffee Shop has enough area of signage left to allow for the sign, and the sign would be on their property. The only issue that staff had with the requested sign was the above stated restriction on neon/LED signs. There is one other outdoor neon/LED open sign which the Board has allowed, and that is on the Daven Haven sign at Grand and Broadway. Staff recommends that the Board take public comment on the issue, discuss the issue, and then make a decision. If the Board decides to allow the sign, staff has drafted Resolution No. 11-2011 for your consideration. Korkowski noted that Kevin Cox and Kate Elliott were present.

Kate Elliott, 312 Park Avenue, was recognized by the Chair. She explained that the Wake Coffee Shop is at a critical juncture where they must decide whether or not to keep the doors open for the 2012 season. She said that they believe they can avoid this measure by increasing their exposure with additional signage. They are situated in a challenging location as they do not receive the foot traffic that the main street merchants enjoy. Additionally, they are often confused with being a part of the “private” Yacht Club. They believe the addition of a small open sign placed directly under the entrance “Wake” sign will help tourists to know that they are indeed open to the public. This sign, though neon, is small and non-flashing. She asked the Board to make an allowance to help this small business survive.

Kevin Cox, 1246 Lake Avenue, said that there is another sign that he would much rather have besides just the open sign and that is a sign in the shape of a fish with bubbles and the word OPEN within the fish. He said that he didn’t have a picture of it because he was not able to print a copy from the internet due to the moving bubbles. He explained that it is the same size that is presently being requested and asked the Board to consider allowing the fish sign instead.

Trustee Lanzi said that he can envision a sign such as that in front of every business in Town. Approval will set a precedent.

Trustee Ludwig said that he feels that this is definitely a hardship case and feels that there are other businesses in Town that are hardship cases also that would like to put a sign out. The code was put in place for a reason and if approved, how many other businesses will be in asking for the same type of variance.

Following discussion, Trustee Lewis moved to adopt Resolution No. 11-2011, a Resolution Authorizing the Installation of a LED Open Sign for the Wake Coffee

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Shop to be Located on the Entrance Post of the Business Located at Sunnyside Addition to Grand Lake, Block 2, Lot 12 seconded by Trustee Weydert. All Trustees voted aye except Trustee Lanzi and Trustee Ludwig who voted nay. The motion was passed approving the fish with bubbles as long as the size does not vary from the application specifications.

At 10:01 p.m. Trustee Peterson resumed his seat.

NEW BUSINESS:

**CONSIDERATION OF RESOLUTION NO. 12-2011, A RESOLUTION COMBINING AND UPDATING USE POLICIES FOR THE TOWN OF GRAND LAKE PUBLIC FACILITIES AND STRUCTURES** – Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that at the Board’s last meeting, the Board discussed two municipal facilities that were not addressed in the May, 2011, adopted Resolution, No. 4-2011, that outlined use policies for Municipal Facilities and Structures. Staff has modified the original resolution to outline policies discussed by the Board. The Board should review and discuss the draft resolution for determination as to whether or not the Board would like to amend the staff-proposed resolution prior to the Board considering resolution adoption. If the Board is favorable, the Board should move to adopt Resolution No.12-2011. Additionally, at the last regularly-scheduled workshop the Board discussed RMRT’s staff serving as volunteers in the Town Square kiosk. While staff has outlined this type of volunteer program to be an acceptable use of the eastern portion of the “Visitors Services Kiosk”, staff will be working on a more formalized “Visitors Services Kiosk Volunteer Program” for the Board’s consideration at your next regularly-scheduled meeting.

Trustee Weydert moved to adopt Resolution No. 12-2011, a Resolution Combing and Updating Use Policies for the Town of Grand Lake Public Facilities and Structures. Trustee Johnson seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION TO REAPPOINT TOWN MANAGER HALE AS THE CML POLICY COMMITTEE REPRESENTATIVE FOR THE 2011/2012 LEGISLATIVE SESSION** - Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that it is time once again to appoint the CML Policy Committee Town representative. He said that he is the current representative and has been during his entire tenure, and is happy to continue in this capacity if no one on the Board has a challenge with that direction. Assuming that will be ok, the staff recommendation is for the Board to reappoint Town Manager Hale as the CML Policy Committee representative for the 2011/2012 legislative session.

Trustee Johnson moved to reappoint Town Manager Hale as the CML Policy Committee representative for the 2011/2012 legislative session. Trustee Johnson seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION TO AUTHORIZE THE MAYOR TO SIGN A MEMORANDUM OF AGREEMENT BETWEEN THE TOWN OF GRAND**

**LAKE AND THE GRAND COUNTY BOARD OF COUNTY COMMISSIONERS, THREE LAKES WATERSHED ASSOCIATION, NORTHERN COLORADO WATER CONSERVANCY DISTRICT, AND THE COLORADO RIVER WATER CONSERVATION DISTRICT** - Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that the Town originally agreed to participate as a funding partner in this program in 2008, and has continued to participate every year thereafter. For 2011, the Town is being asked to once again partner with these other agencies, which include Grand County, 3 Lakes Watershed Association, Northern Colorado Water Conservancy District, and the Colorado River Water Conservation District. It looks as though the Greater Grand Lake Shoreline Association will not participate this year. The Board did include the Town's \$1,333 contribution under the water quality issues line item, although the request this year is only for \$1,173.66. For the MOA itself, it's basically the same agreement that was signed in the past, and staff sees no issues in authorizing the Mayor signing it again as long as the Board is still committed to funding a portion of this work. The staff recommendation is for the Board to authorize the Mayor to sign the Memorandum of Agreement between the Town of Grand Lake, the Grand County Board of County Commissioners, 3 Lakes Watershed Association, Northern Colorado Water Conservancy District, and the Colorado River Water Conservation District.

Trustee Lewis moved to authorize the Mayor to sign the Memorandum of Agreement between the Town of Grand Lake, the Grand County Board of County Commissioners, 3 Lakes Watershed Association, Northern Colorado Water Conservancy District, and the Colorado River Water Conservation District. Trustee Peterson seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION OF RESOLUTION NO. X-2011, A RESOLUTION RATIFYING THE AMENDED ARTICLES OF INCORPORATION FOR NORTHWEST COLORADO COUNCIL OF GOVERNMENTS (NWCCOG)** - Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that the Town received a memo from Pam Caskie, Executive Director, and in her memo she explains the need to amend their articles of incorporation. The basic issue is that they have been working to designate an Economic Development District, and the only way to do so is to amend the bylaws to include this district. As this doesn't change the Town's dues or representation, the staff recommendation is for the Board to adopt Resolution No. 13-2011.

Trustee Peterson moved to adopt Resolution No. 13-2011, a Resolution Ratifying the Amended Articles of Incorporation for Northwest Colorado Council of Governments (NWCCOG). Trustee Lewis seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION OF A DONATION REQUEST FROM CASA (COURT APPOINTED SPECIAL ADVOCATES)** - Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that the Town received a

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request from the Adams & Broomfield Counties CASA Chapter requesting a donation of a gift certificate for 2 people to take a tour at Headwater's Marina, \$34 value. The money raised will go towards training people who advocate for abused and neglected children involved in the judicial system through no fault of their own. The board has \$1,000 budgeted under miscellaneous donation requests, and has spent \$118 thus far. While a worthy organization and cause, as this is not a local chapter of CASA, and is nine months late to meet our 2011 budget cycle, the staff recommendation is to deny this request.

Trustee Peterson moved to deny the donation request from CASA. Trustee Johnson seconded the motion and all Trustees voted aye.

**ACCOUNTS PAYABLE**

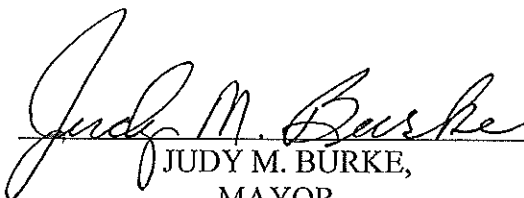
June, 2011:

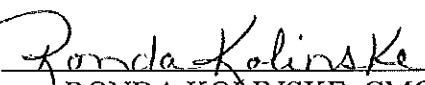
Trustee Peterson moved to examine the Accounts Payable and Prepaid for all Funds for the Town of Grand Lake. Trustee Weydert seconded the motion and all Trustees voted aye. Trustee Peterson then moved to approve the Accounts Payable and Prepaid for all Funds for the Town of Grand Lake. Trustee Weydert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

CITIZEN PARTICIPATION: None.

ADJOURNMENT:

Trustee Weydert moved to adjourn, seconded by Trustee Peterson. All Trustees voted aye, and the meeting was adjourned at 10:07 p.m., July 11, 2011.

  
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JUDY M. BURKE,  
MAYOR

ATTEST:   
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RONDA KOLINSKE, CMC,  
TOWN CLERK