

RECORD OF PROCEEDINGS

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

ROLL CALL  
PRESENT: Mayor Burke; Trustees Lanzi, Lewis, and Peterson; Interim Town Manager/Town Clerk Kolinske and Town Treasurer/Clerk Pro-Tem Dzinski.

ABSENT: Trustees Johnson, Ludwig and Weydert. Trustee Peterson moved to excuse the absences of Trustees Johnson, Ludwig, and Weydert because they were on vacation. Trustee Lewis seconded the motion and all Trustees voted aye.

APPROVAL OF MINUTES  
October 24, 2011: Not available.

November 14, 2011: Trustee Peterson moved to approve the minutes of the November 14, 2011 regular meeting as written. Trustee Lewis seconded the motion and all Trustees voted aye.

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

Mayor Burke said that it is with great sadness that we note the passing of Steve Cormey on Saturday, November 19, 2011. Cormey was a singer, songwriter and long time resident who contributed to the community generously and unselfishly, both through his music and his spirit. A memorial service will be held Saturday, December 3<sup>rd</sup> in the Community House beginning at 2:00 p.m.

Mayor Burke announced that on behalf of the Grand Lake Community, thanks go to Chris Tarr for the donation of this year's Town Christmas Tree.

Mayor Burke then announced that the Grand Chorale's Christmas Concert will be held on Saturday, December 10<sup>th</sup> beginning at 7:00 p.m. in the Community House.

CONFLICTS OF INTEREST: Mayor Burke explained the purpose of having Trustees announce conflicts of interest and 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. None of the Trustees had any conflicts.

REPORTS: SALES TAX  
CASH FLOW REPORT  
FOR NOVEMBER 2011:

Mayor Burke asked Town Treasurer/Clerk Pro-Tem Dzinski to present the sales tax cash flow report. Dzinski reported that the amount of revenue received in November 2011 for the month of September is \$123,252. This amount is over 10 ½% above what was received through November 2010, and that the November receipts were the highest in the past five years.

REPORTS: FINANCIAL  
REPORT FOR  
OCTOBER 2011:

Mayor Burke asked Financial Trustee Peterson to present the Financial Report for October 2011. Peterson reported that General Fund expenditures through the end of October totaled \$1,041,163 or 71.0% of budgeted amount of \$1,466,777. He said the Water Fund expenditures for the same period totaled \$324,415 or 66.1% of the \$491,156 budget, the Marina Fund expenditures totaled \$164,923 or 49.5% of the \$33,076 budget and the PAYT Fund expenditures totaled \$7,369 or 114.8% of the \$6,421 budget. Peterson pointed out that the PAYT trash service was much more successful than anyone anticipated. Peterson concluded by reporting cash on hand at October 31, 2011 in the amount of \$1,462,256.27.

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF RENEWAL OF THE TAVERN  
LIQUOR LICENSE FOR J.R.'S GRILL, LLC, D/B/A J.R.'S  
GRILL -

Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske reported that the fees have been paid and the renewal documents are in order. The water, business license, and sales tax accounts are all current. She noted that the Grand County Sheriff's Department found no adverse information that would affect the status of the license. She then concluded by saying that Jon Parker, Manager, was present. Mr. Parker had no comment at this time.

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

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF A TRADE NAME CHANGE  
FROM J.R.'S GRILL, LLC, D/B/A J.R.'S GRILL TO J.R.'S  
GRILL, LLC, D/B/A GRAND LAKE CATERING -

Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske reported that an application has been received from J.R.'s Grill, LLC to change their trade name from J.T.'s Grill to Grand Lake Catering. The Grand County Sheriff's Department reviewed its files and does not oppose the change. Jon Parker, Manager, was present. Mr. Parker explained that J.R.'s Grill is now doing catering and there has been confusion between J.R.'s Grill and other businesses in the area with

similar names. He felt that changing the business name to Grand Lake Catering would serve his business better. Mayor Burke asked whether the name change affects the liquor license just approved by the Board. Kolinske clarified that the name change on the liquor license would occur after it is approved by the Board and sent to the State. Trustee Lewis moved to approve the trade name change from J.R.'s Grill, LLC, d/b/a J.R.'s Grill to J.R.'s Grill, LLC, d/b/a Grand Lake Catering. Trustee Peterson seconded and all Trustees voted aye.

OLD BUSINESS:

**CONSIDERATION OF RESOLUTION NO. 34-2011, A RESOLUTION PERMITTING THE CONTINUED USE OF A NON-CONFORMING SIGN FOR THE MOUNTAIN FOOD MARKET LOCATED AT BLOCK 28, LOTS 6-8** - Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske explained that the Board adopted the Sign Code on August 13, 2007 which contained a non-conforming sign section. This section allowed for a three year period in which non-conforming signs needed to be brought into compliance, and that period ended August 13, 2010. At their May 10, 2010 meeting the Board extended the time frame for compliance until August 13, 2011. John Linton of the Mountain Food Market has filed a request to allow for the continued use of their signs. This matter was brought up for discussion at the Board's regular meeting on November 14, 2011, but no representative was present for the applicant, and the matter was tabled.

The three signs on the building cover 256 square feet. The Sign Code allows total signage to cover 50 square feet in Sign Zone A, which is where this business is located. The Board needs to determine if they want to allow an exception to the sign code for the size of these signs. The letter from John Linton states that the signs have been on the building for over 36 years. If the Board does decide to grant the exception, Staff has prepared Resolution No. 34-2011 allowing the use. Kolinske stated that Jon Linton was present on behalf of Mountain Food Market.

Jon Linton, Mountain Food Market, 400 Grand Avenue, Grand Lake, Colorado, stated that Mountain Food Market would like to keep its existing signs for the reasons stated in his letter dated November 1, 2011. Trustee Peterson commented that the signs had been in place for as long as he could remember both as a visitor and since he moved to Grand Lake. Trustee Lewis commented that the signs were very attractively painted.

Trustee Peterson moved to adopt Resolution No. 34-2100, a Resolution Permitting the Continued Use of a Non-Conforming Sign for the Mountain Food Market Located at Block 28, Lots 6-8. Trustee Lewis seconded and all Trustees voted aye.

OLD BUSINESS:

**CONSIDERATION OF RESOLUTION NO. x-2011, A RESOLUTION PERMITTING THE CONTINUED USE OF A NON-CONFORMING SIGN FOR THE LAKEVIEW GENERAL STORE AND CONOCO GAS STATION LOCATED AT 14626 US HIGHWAY 34** - Before Town Clerk Kolinske was asked to present this matter to the Board, Trustee Peterson noted that no one was present in the audience on behalf of Lakeview General Store. Trustee Peterson then moved to table this matter one more time until a representative of Lakeview General Store is present. Trustee Lanzi seconded and all Trustees voted aye. All Trustees agreed that Staff should make it clear to Lakeview General Store that a representative should be present at the next meeting where this matter is on the agenda.

OLD BUSINESS:

**CONSIDERATION OF RESOLUTION NO. 36-2011, A RESOLUTION PERMITTING THE CONTINUED USE OF A NON-CONFORMING SIGN FOR THE SPIRIT LAKE LODGE LOCATED AT BLOCK 13, LOTS 14-16** – Before Town Clerk Kolinske was asked to present this matter to the Board, Trustee Peterson moved to table this matter until a representative of Spirit Lake Lodge is present. Trustee Lanzi seconded and all Trustees voted aye. Town Treasurer/Clerk Pro Tem reminded the Board that this matter was discussed at the Board’s regular meeting on November 14, 2011. At that time the Board instructed staff to prepare a resolution allowing for the continued use of the non-conforming sign with certain conditions and adoption of the requested resolution is the matter before the Board this evening. Trustee Lewis moved to adopt Resolution No. 36-2011, a Resolution Permitting the Continued Use of a Non-Conforming Sign for the Spirit Lake Lodge Located at Block 13, Lots 14-16. Trustee Lanzi seconded and all Trustees voted aye.

OLD BUSINESS:

**CONSIDERATION OF RESOLUTION NO. 35-2011, A RESOLUTION PERMITTING THE CONTINUED USE OF A NON-CONFORMING SIGN FOR THE WESTERN RIVIERA MOTEL LOCATED AT BLOCK 11, LOTS 7-8** – Town Treasurer/Clerk Pro Tem reminded the Board that this matter was also discussed at the Board’s regular meeting on November 14, 2011. At that time the Board instructed staff to prepare a resolution allowing for the continued use of the non-conforming sign with certain conditions and adoption of the requested resolution is the matter before the Board this evening. Trustee Lanzi moved to adopt Resolution No. 35-2011, a Resolution Permitting the Continued Use of a Non-Conforming Sign for the Western Riviera Motel Located at Block 11, Lots 7-8. Trustee Peterson seconded and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION OF RESOLUTION NO. 37-2011, A RESOLUTION APPROVING A CONDITIONAL USE AT LOT A, NORMAN'S MINOR SUBDIVISION FOR A NIGHTLY RENTAL LICENSE IN A RESIDENTIAL NEIGHBORHOOD** – Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske explained that the Town has received a nightly rental application from Laura Lee Lang of Logix Development for their property located at Norman's Minor subdivision Lot A, more commonly referred to as 353 Lake Kove Drive. The application satisfied the requirements of Section 12-2-31-B-4, Nightly Rental Conditional Use Permits. Four (4) certified letters were sent to and received by property owners within one hundred (100) feet of this property.

The Town received one letter in protest to the issuance of the license. The letter is from Cory and Lisa Jackson and specifically brings up issues of the licensure allowing commercial use in a residential area, the negative effect on local commercial lodging businesses, that the area is zoned residential, possible parking issues, and safety concerns. There was nothing listed that was specific against the Logix Development property.

The Planning Commission reviewed this request at their 11-16-11 meeting and made a favorable recommendation to the Board to approve the Conditional Use for a Nightly Rental License to Logix Development.

The Board of Trustees has four options available to them.

1. The Board may hold a public hearing.
2. The Board may approve the draft Resolution.
3. The Board may amend the draft Resolution with conditions.
4. The Board may disapprove the Planning Commission recommendation and deny the request for a nightly rental license.

The staff recommendation is to approve the Planning Commission's recommendation and adopt Conditional Use Resolution No. 37-2011. Kolinske noted that Laura Lee Lang was present on behalf of Logix Development.

Following discussion, Trustee Lewis moved to approve Resoution No. 37-2011, A Resolution Approving a Conditional Use at Lot A, Norman's Minor Subdivision for a Nightly Rental License in a Residential Neighborhood, with the understanding that parking by renters should be on the property or within the property boundaries on the right-of-way in consideration of the neighbors. Trustee Lanzi seconded and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION OF ORDINANCE NO. 22-2011 AN ORDINANCE AUTHORIZING THE LEASE OF REAL**

**PROPERTY TO THE GRAND LAKE CHAMBER OF COMMERCE BY THE TOWN OF GRAND LAKE AND ESTABLISHING THE TERMS THEREOF AND TO AUTHORIZE THE MAYOR TO SIGN EXHIBITS 1 AND 2 ATTACHED. –**

Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske explained that Ordinance No. 22-2011 is in connection with a new Lease Agreement attached to the Ordinance as Exhibit 1 and a Service Agreement attached to the Ordinance as Exhibit 2 between the Town of Grand Lake and the Grand Lake Chamber of Commerce. Both the Lease and the Service Agreement are identical to the current expiring agreements, with the exception that the Lease is for a period of five (5) years, commencing on November 28, 2011 and ending at midnight on November 30, 2016. Both agreements have been reviewed by the Chamber and signed by Steve Armstead, the Chamber President. The agreements are awaiting signature of the Chamber Treasurer.

If the Board is satisfied, staff recommends that the Board adopt Ordinance No. 22-2011 and authorize the Mayor to sign the Lease Agreement attached to the Ordinance as Exhibit 1 and the Service Agreement attached to the Ordinance as Exhibit 2. Kolinske noted that Steve Armstead, President, and Lisa Jenkins, Executive Director, were present on behalf of the Grand Lake Chamber of Commerce.

Following discussion, Trustee Lanzi moved to adopt Ordinance No. 22-2011, an Ordinance Authorizing the Lease of Real Property to the Grand Lake Chamber of Commerce by the Town of Grand Lake and Establishing the Terms Thereof, and to authorize the Mayor to sign both the Lease and the Service Agreement. Trustee Peterson seconded and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION TO AUTHORIZE THE MAYOR TO SIGN THE MARKETING AGREEMENT BETWEEN THE TOWN OF GRAND LAKE AND THE GRAND LAKE CHAMBER OF COMMERCE** - Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske explained that the new Marketing Agreement with the Grand Lake Chamber of Commerce before the Board is identical to what was previously signed. The new agreement shall commence on January 1, 2012 and remain in effect for a period of one year. The agreement has been reviewed and signed by the Chamber. If the Board is satisfied, staff recommends that the Board authorize the Mayor to sign the Marketing Agreement between the Town of Grand Lake and the Grand Lake Chamber of Commerce. Kolinske pointed out that Steve Armstead, President, and Lisa Jenkins, Executive Director, were present on behalf of the Chamber.

Following discussion, Trustee Peterson moved to authorize the Mayor to sign the Marketing Agreement between the Town of Grand Lake and the

RECORD OF PROCEEDINGS

Grand Lake Chamber of Commerce. Trustee Lewis seconded and all Trustees voted aye.

NEW BUSINESS:

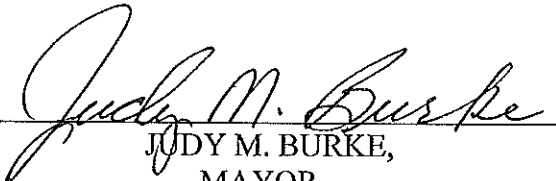
**CONSIDERATION OF ORDINANCE NO. 24-2011, AN ORDINANCE AMENDING THE TOWN OF GRAND LAKE MUNICIPAL CODE CHAPTER 2 TO CLARIFY AND FURTHER DEFINE THE DUTIES OF THE TOWN ADMINISTRATOR, TOWN CLERK, TOWN CLERK PRO-TEM, AND TOWN TREASURER.** - Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske explained that when she became Town Clerk in 1998, the duties of the Clerk and the Treasurer were split up and new job descriptions were written, but the Municipal Code was never changed. The changes made for all three positions, Clerk Pro-Tem and Treasurer is currently one position, are basically housekeeping measures as the duties of each position are set forth in state statutes. If the Board is satisfied with the changes, staff recommends adoption of the draft ordinance.

Following discussion, Trustee Peterson moved to adopt Ordinance No. 24-2011, an Ordinance Amending the Town of Grand Lake Municipal Code Chapter 2 to Clarify and Further Define the Duties of the Town Administrator, Town Clerk, Town Clerk Pro-Tem, and Town Treasurer. Trustee Lewis seconded and all Trustees voted aye.


CITIZEN PARTICIPATION: None.

ADJOURNMENT:

Trustee Peterson moved to adjourn, seconded by Trustee Lewis. All Trustees voted aye, and the meeting was adjourned at 8:14 p.m., November 28, 2011.

  
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JUDY M. BURKE,  
MAYOR

ATTEST:

  
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GAY DZINSKI,  
TOWN TREASURER/CLERK PRO-TEM