

RECORD OF PROCEEDINGS

REGULAR MEETING
TOWN OF GRAND LAKE BOARD OF TRUSTEES
MONDAY, NOVEMBER 14, 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 7:30 p.m. at the Town Hall, 1026 Park Avenue.

ROLL CALL

PRESENT: Mayor Burke; Trustees Lanzi, Lewis, Peterson, and Weydert; Interim Town Manager/Town Clerk Kolinske, Town Treasurer/Clerk Pro-Tem Dzinski, and Town Code Enforcement Officer Korkowski.

ABSENT: Trustees Johnson and Ludwig. Trustee Weydert moved to excuse the absence of Trustees Johnson and Ludwig; Trustee Peterson seconded the motion and all Trustees voted aye.

APPROVAL OF MINUTES

October 10, 2011: Trustee Lewis moved to approve the minutes of the October 10, 2011 regular meeting as written. Trustee Lanzi seconded the motion and all Trustees voted aye.

October 24, 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 Grand Lake Rotary Club is sponsoring "Pakistani Bowling & Silent Auction" on Sunday, November 20th at 3 & 5 p.m. This is a Christmas food basket fundraiser for our Grand Lake friends.

Mayor Burke announced that the Town's Tree Lighting Ceremony will begin on Friday, November 25th at 5:30 p.m.

Mayor Burke then announced that The Olde-Fashioned Holiday Craft Bazaar, sponsored by the Grand Arts Council, will be held November 25 and 26, from 10 a.m. to 5 p.m. in the Grand Arts Center on Park Avenue.

PRESENTATIONS: Mayor Burke introduced Dr. Millie Hamner, State Representative for House District 56. Dr. Hamner explained that her representation is based on the current redistricting and that House District 56 now includes Grand County. She has been visiting Grand County to introduce herself to the citizens in a number of forums. Dr. Hamner's background is in education, but she understands that water issues are of great concern to the county and is attempting to get up to speed on those issues. She then passed out information on her positions and business cards with her contact information. Rob Rankin was present in the audience and strongly supported Dr. Hamner through both his professional and personal relationships with her. Jim Cervenka expressed his hope that Dr. Hamner would

be able to put her efforts into persuading the federal government to find the resources to keep Trail Ridge Road open for as long as possible. Dr. Hamner responded that she is a state, not a federal representative, but that she would try to make the appropriate federal agencies aware of the issue when the occasion arises.

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.

No Trustees had a conflict of interest with any items on the agenda.

LIQUOR LICENSING AUTHORITY: QUASI-JUDICIAL - CONSIDERATION OF A SPECIAL EVENTS LIQUOR PERMIT APPLICATION FOR THE GRAND LAKE AREA HISTORICAL SOCIETY FOR THEIR "HISTORICAL HOLIDAY CELEBRATION." Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske explained that an application for a Special Events Liquor Permit was received with the appropriate state fee, proof of possession, certificate of good corporate standing, and floor diagram, from the Grand Lake Area Historical Society. The request is to sell malt, vinous and spirituous liquor by the drink for consumption on the premises only for their "Historical Holiday Celebration" fundraising event. The requested date is Monday, December 26, 2011 from 6:00 to 9:00 p.m. The proposed location is the Kauffman House at 407 Pitkin Street. Public notice was posted on the premises on October 28, 2011 and attested to by Grand County Sheriff Macchione. The Grand County Sheriff's Department reviewed the application and found no adverse information which would affect this permit. The Board must investigate the application and must deny the permit if its issuance would injure the public welfare by reason of the nature or location of the special event, or failure of the applicant to conduct past special events in compliance with applicable laws and regulations. Kolinske noted that Elin Capps was present representing the Historical Society.

Following brief discussion, Trustee Peterson moved to approve the Special Events Liquor Permit for the Grand Lake Area Historical Society's "Historical Holiday Celebration" on December 26, 2011 at the Kauffman House. Trustee Lewis seconded the motion, and all Trustees voted aye.

LIQUOR LICENSING AUTHORITY: QUASI-JUDICIAL - CONSIDERATION OF THE RENEWAL OF THE HOTEL AND RESTAURANT LIQUOR LICENSE FOR GRAND LAKE BOWLING LANES, LLC, D/B/A GRAND LAKE LANES. - Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske reported that the fees have been paid; all the renewal documents are in order and indicate no changes. She noted that the Grand County Sheriff's Department found no adverse information which would affect

the status of the license. She concluded by saying that Maggie Tompkins was present on behalf of Grand Lake Lanes.

Trustee Lewis moved to approve the renewal of the Hotel and Restaurant Liquor License for Grand Lake Bowling Lanes, LLC, d/b/a Grand Lake Lanes. Trustee Peterson seconded the motion and all Trustees voted aye.

OLD BUSINESS:

PUBLIC HEARING – CONSIDERATION OF A 2011 SUPPLEMENTAL BUDGET FOR THE TOWN OF GRAND LAKE PAY-AS-YOU-THROW ENTERPRISE FUND. Mayor Burke asked Town Treasurer Dzinski to present this matter to the Board. Dzinski explained that the Board needs to adopt a supplemental budget for the Pay-As-You-Throw Enterprise Fund for the 2011 budget year. When the 2011 PAYT budget was adopted in December 2010, the PAYT fund had not yet experienced a full year of revenues and expenses. Although PAYT still does not have a full year of budget data, it is now close enough to the end of the year to reasonably estimate what the 2011 revenues/expenditures will be. Budget law requires that the proposed supplemental budget be noticed and a public hearing held regarding the same. Legal Notice No. 7123684, Notice of Proposed Supplemental Budget for the Town of Grand Lake Pay-As-You-Throw Enterprise Fund, setting the public hearing for November 14, 2011, was published in the Middle Park Times on Thursday, October 20, 2011. Dzinski said that the proposed 2011 Supplemental Budget for the Town of Grand Lake Pay-As-You-Throw Enterprise Fund is hereby submitted to the Board of Trustees for consideration at the Public Hearing scheduled for November 14, 2011.

Mayor Burke opened the Public Hearing regarding the 2011 supplement budget for the Town of Grand Lake Pay-As-You-Throw Enterprise Fund at 7:45 p.m. There being no comment from the public, Mayor Burke closed the Public Hearing at 7:46 p.m.

OLD BUSINESS:

CONSIDERATION OF ORDINANCE NO. 23-2011, AN ORDINANCE ADOPTING A SUPPLEMENTAL BUDGET AND APPROPRIATING SUMS OF MONEY TO DEFRAY EXPENSES FOR THE TOWN OF GRAND LAKE PAY-AS-YOU-THROW ENTERPRISE FUND. Mayor Burke asked Town Treasurer Dzinski to present this matter to the Board. Dzinski explained that in accordance with Colorado budget law, an ordinance adopting the supplemental budget and appropriating money to defray expenses needs to be adopted. Trustee Peterson moved to adopt Ordinance No. 23-2011, an Ordinance Adopting a Supplemental Budget and Appropriating Sums of Money to Defray Expenses for the Town of Grand Lake Pay-As-You-Throw Enterprise Fund for the 2011 Budget Year. Trustee Lewis seconded and motion and all Trustees voted aye.

OLD BUSINESS:

PUBLIC HEARING – CONSIDERATION OF A PROPOSED BUDGET FOR THE TOWN OF GRAND LAKE FOR THE YEAR 2012. Mayor Burke asked Town Treasurer Dzinski to present this matter to the Board.

Dzinski explained that the proposed 2012 Budget for the Town of Grand Lake is being submitted to the Board of Trustees for consideration at the Public Hearing scheduled for November 14, 2011. Legal Notice No. 7123643, Notice of Proposed Budget, setting the public hearing was published in the Middle Park Times on Thursday, October 20, 2011. The 2012 Budget must be adopted by the Board of Trustees no later than December 15, 2011. The draft before the Board is dated 10/18/11, and was prepared based on Board discussion at the Budget Workshop on September 26, 2011 and subsequent Board discussions up through October 18, 2011. Dzinski further stated that the 10/18/11 draft budget is subject to further change by the Board up until final adoption in December.

Mayor Burke opened the Public Hearing regarding the proposed budget for the Town of Grand Lake for the year 2012 at 7:49 p.m. There being no comment from the public, Mayor Burke closed the Public Hearing at 7:50 p.m. There was no further discussion by the Board at this time.

NEW BUSINESS:

QUASI-JUDICIAL – CONSIDERATION TO ALLOW THE CONTINUED USE OF A NON-CONFORMING SIGN AT SOMBRERO STABLES. Mayor Burke asked Town Code Enforcement Officer Korkowski to present this matter to the Board. Korkowski explained to the Board that the Sign Code adopted on August 13, 2007 contains 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. Cody Walker of Yakutat Land Corporation (Sombrero Stables) has filed a request to allow for the continued use of their sign. They claim the sign meets the “historic landmark” criteria. The sign on the building covers 96 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 the sign meets the criteria for a “historic landmark” sign. If the sign meets the “historic landmark” criteria then the matter is resolved. If the Board determines the sign does not meet the “historic landmark” criteria, the Board must determine if it wants to allow an exception to the sign code for this sign. If the Board does decide to grant the exception, Staff will prepare a Resolution allowing the use for presentation to the Board at the next regular meeting. Korkowski stated that Brian Buchanan was present on behalf of Sombrero Stables. Korkowski also explained that the criteria for “historic” is a sign that is 40 years or older. Brian Buchanan confirmed that the sign met the age criteria.

After brief discussion and clarification that if the Board declares the sign historic the matter is resolved, Trustee Lewis moved to declare the Sombrero Stables a “historic landmark” sign. Trustee Peterson seconded and all Trustees voted aye.

NEW BUSINESS:

QUASI-JUDICIAL – CONSIDERATION TO ALLOW THE CONTINUED USE OF A NON-CONFORMING SIGN AT MOUNTAIN FOOD MARKET. Mayor Burke asked Town Code Enforcement Officer Korkowski to present this matter to the Board. Korkowski explained to the Board that the Sign Code adopted on August 13, 2007 contains 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. Jon Linton of Mountain has filed a request to allow for the continued use of their sign, stating the signs have been in place for over 36 years. 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 the sign meets the criteria for a “historic landmark” sign. If the sign meets the “historic landmark” criteria then the matter is resolved. If the Board determines the sign does not meet the “historic landmark” criteria, the Board must determine if it wants to allow an exception to the sign code for this sign. If the Board does decide to grant the exception, Staff will prepare a resolution allowing the use for presentation to the Board at the next regular meeting.

Trustee Weydert moved to table this matter until a representative of Mountain Food Market can be present. Trustee Peterson seconded and all Trustees voted aye.

NEW BUSINESS:

QUASI-JUDICIAL – CONSIDERATION TO ALLOW THE CONTINUED USE OF A NON-CONFORMING SIGN AT WESTERN RIVIERA MOTEL. Mayor Burke asked Town Code Enforcement Officer Korkowski to present this matter to the Board. Korkowski explained to the Board that the Sign Code adopted on August 13, 2007 contains 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. Mike and Jackie Tompkins of the Western Riviera Motel have filed a request to allow for the continued use of two of their signs. The first sign is on top of the roof of the motel itself and the Tompkins state the sign has historical significance as it has been there since at least 1969 (42 years) and have submitted a postcard from 1969 showing the sign on top of the motel. The Sign Code does not allow signs above the top of the roofline, but does allow for the Board to determine if a sign meets the ‘historic landmark’ qualifications. The second sign is an off-premise sign on the southeast corner of Grand Avenue and Ellsworth Street. This sign extends over the boardwalk approximately 5½ feet, and the Sign Code only allows for a sign to extend over the right of way for four feet. The Tompkins state the sign does not extend more than 4 feet over the boardwalk and dispute the measurement by Staff. Also, the Sign Code does not allow off-premise signs even though the same person owns both the Western Riviera and

the property the sign is located on. The Board needs to determine the following. First, is the sign on the motel a 'historical landmark' sign and thus can stay. Secondly, can the sign on Grand Avenue, which is an off-premise sign, be allowed to stay and extend more than four feet into the right of way. If the Board does decide to grant the exception, Staff will prepare a Resolution allowing the use for presentation at the next BOT meeting. Maggie Tompkins was present and agreed to be a representative of Mike and Jackie Tompkins.

Trustee Lewis moved to declare the Western Riviera rooftop sign an historical landmark sign. Trustee Lanzi seconded and all Trustees voted aye

The Board then discussed the Western Riviera off-premise sign on Grand Avenue. Korkowski explained that the Tompkins plan to repaint and reposition the sign on the other side of the post to which it is currently attached, which is on property owned by the Tompkins, although it still would be considered an off-premise. The repositioning will move the sign back to within the four foot limit.

Trustee Lanzi moved to allow an exception for the off-premise sign, not to extend more than four feet. Trustee Lewis seconded. After further discussion regarding the time frame involved, Trustee Lewis moved to amend the motion to allow the exception with the stipulation that the sign be moved to the other side of the post by July 4, 2012. Trustee Lanzi seconded and all Trustees voted aye. Korkowski will prepare a resolution granting the conditional exception.

NEW BUSINESS:

QUASI-JUDICIAL – CONSIDERATION TO ALLOW THE CONTINUED USE OF A NON-CONFORMING SIGN AT SPIRIT LAKE LODGE. Mayor Burke asked Town Code Enforcement Officer Korkowski to present this matter to the Board. Korkowski explained to the Board that the Sign Code adopted on August 13, 2007 contains 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. Krystyna Sobon of Spirit Lake Lodge has filed a request to allow for the continued use of their sign. The sign extends eight feet (8') into the Town right of way. The Sign Code allows signs to project only 4 feet into the right of way. The Board needs to determine if they want to allow an exception to the sign code for this sign. If the Board does decide to grant the exception, Staff will prepare a Resolution allowing the use for presentation at the next BOT meeting. Korkowski noted that Krystyna Sobon of Spirit Lake Lodge was present.

After brief discussion, Trustee Lewis moved to grant an exception for the Spirit Lake Lodge sign and direct Staff to prepare a resolution regarding the exception. Trustee Lanzi seconded and all Trustees voted aye.

NEW BUSINESS:

QUASI-JUDICIAL – CONSIDERATION TO ALLOW THE CONTINUED USE OF A NON-CONFORMING SIGN AT CONOCO. Mayor Burke asked Town Code Enforcement Officer Korkowski to present this matter to the Board. Trustee Weydert immediately moved to table this matter until a representative of the business is present. Trustee Lewis seconded and all Trustees voted aye.

NEW BUSINESS:

QUASI-JUDICIAL – CONSIDERATION TO ALLOW THE CONTINUED USE OF A NON-CONFORMING SIGN AT MIYAUCHI'S SNACK BAR. Mayor Burke asked Town Code Enforcement Officer Korkowski to present this matter to the Board. Korkowski explained to the Board that the Sign Code adopted on August 13, 2007 contains 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. Joan Miyauchi of Miyauchi's Snack Bar originally filed a request to allow for the continued use of their sign and the Board tabled the matter at their May 24, 2010 meeting in order for Staff to present to the Board a better definition for a "historic sign". The sign extends above the top of the roofline of the business itself and Joan Miyauchi states the sign has historical significance as it has been there since they bought the business over 25 years ago. They also say that the sign is a landmark for the waterfront at Grand Lake. The Sign Code does not allow signs to project above the top of the roofline, but now does allow for the Board to determine if a sign meets the 'historic landmark' qualifications. The Board needs to determine if the sign is a 'historic landmark' sign or if the sign is allowed to remain in place for another reason. If the Board decides the sign is a 'historic landmark' sign or to grant the exception, staff will prepare a resolution allowing the use for presentation at the next Board meeting. Korkowski stated that Joan Miyauchi is present.

Miyauchi stated that the intention is to repaint and maintain the sign, but she was waiting until she knew whether continued use of the sign would be allowed.

Trustee Lewis moved to declare the Miyauchi Snack Bar sign a 'historic landmark' sign. Trustee Lanzi seconded and all Trustees voted aye.

NEW BUSINESS:

QUASI-JUDICIAL – CONSIDERATION OF A REQUEST FROM THE GRAND ARTS COUNCIL TO DISPLAY A BANNER ON THE MARQUEE AT THE ENTRANCE TO TOWN FOR THE OLDE-FASHIONED HOLIDAY CRAFT BAZAAR. Mayor Burke asked Town Code Enforcement Officer Korkowski to present this matter to the Board. Korkowski explained that Andrea Cox of the Grand Arts Council has submitted a request for a 2-sided banner they want to place on the marquee at the entrance to Town. The Chamber would like to have the banner hung on the marquee for the upcoming Olde-Fashioned Holiday Craft Bazaar. The

banner (24 square feet) complies with our guidelines for size, no larger than fifty (50) square feet in size, but the location of the banner being on public property requires the matter be presented to the Board for a decision to allow or deny the request. The Board has the following options: the Board may approve the banner; the Board may approve the banner and add conditions to the placement and times the banner is on the marquee; or the Board may deny request. If the Board decides to approve the placement of the banner, Staff has prepared a Resolution which allows for the banner to be placed onto the marquee at the entrance to Town per the sign application specifications. Korkowski stated that Andrea Cox and Jim Cervenka of the Grand Arts Council are present.

Cox and Cervenka displayed the actual banner they would like to hang. Mayor Burke requested that if the banner is allowed that Public Works Director Bernie McGinn be consulted about the actual means of hanging the banner. The question was raised about whether the banner would actually fit on the entrance marquee posts and what other locations might be appropriate if it did not. Cox stressed that they hoped to have the banner at the entrance to Town rather than in the center of Town.

Trustee Peterson moved to adopt Resolution No. 32-2011, a Resolution Authorizing the Temporary Placement of a Banner by the Grand Lake Arts Council on the Entrance Marquee to the Town of Grand Lake from November 23 through November 27, 2011, and that the Mayor is authorized to declare another appropriate location if necessary. Trustee Weydert seconded and all Trustees voted aye.

NEW BUSINESS:

QUASI-JUDICIAL - CONSIDERATION OF A SLASH BURN REQUEST FROM THE GRAND LAKE LODGE. Mayor Burke asked Town Code Enforcement Officer Korkowski to present this matter to the Board. Korkowski explained that staff has received a request from Jeff Larson of the Grand Lake Lodge to allow his sub-contractors to burn slash piles on the Lodge property in the Town of Grand Lake. The request is to allow the Lodge sub-contractors to burn the numerous slash piles on the Lodge property over this burn season. Mr. Larson states that the piles will meet all requirements for burn piles as set by the Grand County Natural Resources Department, and they will also comply with all burn requirements, including reporting. The Town does not allow any open burning in the Town limits per Municipal Code 7-1-28 unless it is in a barbeque or campfire ring or pit not exceeding 16 square feet in size or the Board has given previous written approval. Town Staff has enforced this rule strictly. The Board has the authority to allow for open burns on a case by case basis, and the Board did allow the Grand Lake Lodge to burn slash last burn season, one 15x15 pile that was continually fed. On 11-10-11 staff did find that the Lodge was burning slash without Board approval, but they had obtained a County permit from Natural Resources and thought they were legal to burn. The County admitted they issued the burn permit in error and have since revoked it. Jeff Larson and

town staff estimate that there are approximately 100 slash piles on the Lodge property. Staff has no recommendation to the Board. The Board may approve the request, approve the request with conditions, or deny the request. Korkowski further stated that Jeff Larson is present on behalf of the Grand Lake Lodge.

Mayor Burke expressed concerned about burning with the recent high winds. Trustee Peterson requested that the Lodge consult with the Fire Department, which Larson assured the Board he had done.

Trustee Peterson moved to approve the slash burn request of the Grand Lake Lodge with the condition that the Lodge and its contractors consult with the Grand Lake Fire Department and all other applicable agencies. Trustee Weydert seconded and all Trustees voted aye.

Trustee Weydert then suggested that the Lodge contact Kevin Kole regarding the possibility of using his curtain burner. Larson thanked Trustee Weydert for the information and said he would try to contact Kole.

NEW BUSINESS:

CONSIDERATION OF RESOLUTION NO. 33-2011, A RESOLUTION AUTHORIZING THE TOWN OF GRAND LAKE TO RETAIN A CREDIT CARD WITH CREDIT UNION OF COLORADO AND TO AUTHORIZE THE MAYOR TO SIGN AN AGREEMENT TO ACCEPT LIABILITY ON BEHALF OF THE TOWN. Mayor Burke asked Town Treasurer Dzinski to present this matter to the Board. Dzinski explained that the resolution and agreement were in connection with the annual reissuance of the Town's two credit cards with Credit Union of Colorado. The credit limit on each card is \$2,000, for a total of \$4,000 liability. Shane Hale, Town Manager, and Martha Lund, Administrative Assistant, are currently the authorized users. With Shane's departure, Staff recommends that Ronda Kolinske, Town Clerk, replace Shane as an authorized user until a new Town Manager is hired. At that time, staff will file a Change of Authorized User form with the Credit Union to make the Town Manager the second authorized user. Staff recommends that the Board adopt Resolution No. 33-2011 and authorize the Mayor to sign the Agreement to Accept Liability in connection with the reissuance of the Town's credit card with the Credit Union of Colorado.

Trustee Weydert moved to adopt Resolution No. 33-2011 and authorize the Mayor to sign the Agreement to Accept Liability in connection with the reissuance of the Town's credit card with the Credit Union of Colorado. Trustee Lewis seconded and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF A PROCLAMATION PROCLAIMING SUNDAY, NOVEMBER 27, 2011 AS STEVE CORMEY DAY. Mayor Burke explained that Ken Lund, a citizen of the Grand Lake area, requested that the Town proclaim November 27 as Steve Cormey day in honor of all the

RECORD OF PROCEEDINGS

achievements and contributions Corney has made to the community. Because of the strong emotional impact of this request, and how Corney himself might feel about it, after thorough discussion of the appropriateness of the proclamation, Trustee Lewis indicated that she would be visiting Corney soon and would get his reaction to such a proclamation.

Trustee Weydert moved to authorize the Mayor to sign a proclamation proclaiming November 27, 2011 as Steve Corney Day, if deemed appropriate. Trustee Lewis seconded and all Trustees voted aye.

ACCOUNTS PAYABLE

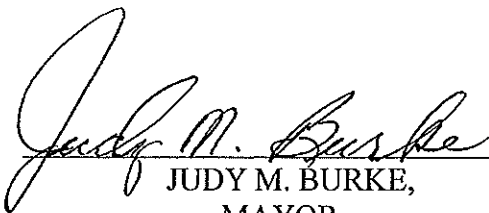
October, 2011:

Trustee Lewis 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 Lewis 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 Lewis. All Trustees voted aye, and the meeting was adjourned at 8:40 p.m., November 14, 2011.



JUDY M. BURKE,
MAYOR

ATTEST: 

GAY DZINSKI,
TOWN TREASURER/CLERK PRO-TEM