

RECORD OF PROCEEDINGS

REGULAR MEETING
TOWN OF GRAND LAKE BOARD OF TRUSTEES
MONDAY, FEBRUARY 27, 2012 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, Ludwig, Peterson, and Weydert; Town Manager Hook and Town Clerk Kolinske.

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

APPROVAL OF MINUTES
February 13, 2012: Trustee Weydert moved to approve the minutes of the February 13, 2012 regular meeting as written, seconded by Trustee Lewis. All Trustees voted aye except Trustee Peterson, who abstained.

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

Mayor Burke announced that Grand Lake's Ice Fishing Contest will be held March 3 & 4. Cash prizes will be awarded for 1st through 5th place in each of 3 divisions; lake trout, rainbow and brown.

Mayor Burke announced that the 1st Annual Pink Ribbon Riders Colorado Snow Run will be held March 9 & 10 at Winding River Resort. Their mission is to promote breast cancer awareness. Funds are raised for both men and women in need.

Mayor Burke announced that March 5, 2012 is the last day to register to vote in the April 3, 2012 Regular Municipal Election.

Mayor Burke then welcomed David Hook, the Town's new Town Manager.

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.

REPORTS: SALES TAX
CASH FLOW REPORT

FOR FEBRUARY 2012: Mayor Burke asked Town Clerk Kolinske to present the sales tax cash flow report. Kolinske reported that the amount of revenue received in February 2012 for the month of December 2011 is \$48,487. This amount is over 7 ½% above what was received through February 2011.

INDUSTRY SALES TAX
COLLECTION BY VENDOR
(2007-2011): (1) 3RD QUARTER,
(2) 4TH QUARTER AND (3)
TOTAL YEAR:

Town Clerk Kolinske noted that Town Treasurer/Clerk Pro-Tem Dzinski provided a report consisting of the Third Quarter, Fourth Quarter and total year's Sales Tax Collection report, categorized by industry, for 2007-2011.

REPORTS: FINANCIAL
REPORT FOR
JANUARY 2012:

Mayor Burke asked Financial Trustee Jim Peterson to present the Financial Report for January 2012. Peterson reported that the General Fund expenditures through the end of January totaled \$76,156.32 or 3% of budget. He said the Water Fund expenditures for the same period totaled \$23,162.84 or 3.1% of budget, the Marina Fund expenditures totaled \$7,453.06 or 2.4% of budget and the PAYT Fund expenditures totaled \$200.00 or 1.6% of budget.

At 7:44 p.m. Trustee Ludwig excused himself and left the room.

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF RENEWAL OF THE RETAIL LIQUOR STORE LIQUOR LICENSE FOR JAKE'S SPIRITS, LLC, D/B/A GRAND LAKE WINE & SPIRITS – Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske reported that the fees have been paid; the renewal documents are in order and indicate no changes from the previous renewal. The business license and sales tax accounts are all current. She said that the building is serviced by a private well and not by the Town of Grand Lake Water Department. 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 Ken Jensen, President, was present.

Trustee Lewis moved to approve the renewal of the Retail Liquor Store Liquor License for Jake's Spirits, LLC, d/b/a Grand Lake Wine & Spirits. Trustee Peterson seconded the motion and all Trustees voted aye.

At 7:47 p.m. Trustee Ludwig resumed his seat.

OLD BUSINESS: None.

NEW BUSINESS: **CONSIDERATION OF APPOINTMENT OF DIANE MAHONEY TO THE GRAND LAKE ZONING BOARD OF ADJUSTMENT AS A FULL VOTING MEMBER** – Mayor Burke asked Town Clerk Kolinske to present

this matter to the Board. Kolinske explained that at the last regularly-scheduled Board of Adjustment (BOA) meeting Chairman Tom Weydert announced his resignation. Diane Mahoney has expressed interest in sitting as a full board member and has attended all regular meetings of the BOA for nearly a year; Diane is well aware of the duties of the BOA and is fully prepared to commit to serving as a member. If the Board is favorable to her appointment, the Board should move to appoint Diane Mahoney to the Zoning Board of Adjustment as a full voting member.

Trustee Peterson moved to appoint Diane Mahoney to the Zoning Board of Adjustment as a full voting member. Trustee Weydert seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF RESOLUTION NO. 4-2012, A RESOLUTION GRANTING PERMISSION TO THE ESTES PARK CHALET, INC., D/B/A GRAND LAKE LODGE DESIGN REVIEW AND ENFORCEMENT COMMITTEE, LTD. TO CONVEY THE ASSIGNMENT OF POWER OF THE COVENANTS, CONDITIONS AND RESTRICTIONS OF ARCHITECTURE, DESIGN AND ENVIRONMENTAL CONTROL TO TONAHUTU RIDGE HOME OWNERS ASSOCIATION - Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske explained that on January 27 the Town received a letter from Ron Stern, representing the James family, in regards to the Assignment of Powers clause in the Grand Lake Lodge Design Review and Enforcement Committee (DRC) covenants, conditions and restrictions of Architecture, Design and Environmental Control. The James family would like to assign the powers of the DRC to the Tonahutu Ridge Homeowner's Association (HOA) but there is a provision in the covenants indicating: "Prior to making any assignments referred to in section 7.04.1 Grand Lake Lodge shall first obtain the written permission of the Town which permission the Town has agreed will not be unreasonably withheld." Though Stern indicates "Subject to Scotty's opinion I do not think substantial formality is required and a letter or email from you, from the manager or Scotty expressing the Town's permission would suffice." Town Attorney Krob recommends the action be done by Board resolution. Staff has drafted a resolution based on Krob's recommendation. The resolution grants permission for the assignment of power further indicating the Town requests notification upon recording so the Town may obtain a copy for the property file. Staff recommends the Board move to adopt Resolution No. 4-2012.

Trustee Lanzi moved to adopt Resolution No. 4-2012, a Resolution Granting Permission to the Estes Park Chalet, Inc., d/b/a Grand Lake Lodge Design Review and Enforcement Committee, Ltd. to convey the Assignment of Power of the Covenants, Conditions and Restrictions of Architecture, Design and Environmental Control to the Tonahutu Ridge Home Owners Association. Trustee Peterson seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF RESOLUTION NO. 5-2012, A RESOLUTION REGARDING APPOINTMENT OF JUDGES FOR THE APRIL 3, 2012 TOWN OF GRAND LAKE REGULAR MUNICIPAL ELECTION - Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske explained that Statutes require at least three election judges for a municipal election. The judges are sworn to "... studiously endeavor to prevent fraud, deceit, and abuse in conducting ..." the election. The only qualifications for a judge are to be a registered elector at least 18 years of age. The requirement that judges live within the boundaries of the body holding the election no longer is in effect. The judges in the 2010 election were compensated one hundred fifty dollars and unless otherwise directed, Kolinske said that she would like to do the same. For what is probably a fifteen-hour day, \$150.00 amounts to \$10.00 per hour. Statute requires appointment of judges at least fifteen days before the election, and allows the governing body to delegate the authority and responsibility to appoint judges to the Clerk, by resolution. Kolinske requested that the Board adopt Resolution No. 5-2012.

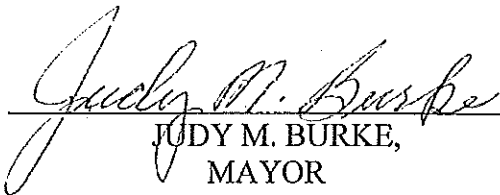
Trustee Peterson moved to adopt Resolution No. 5-2012, a Resolution Regarding Appointment of Judges for the April 3, 2012 Town of Grand Lake Regular Municipal Election. Trustee Lewis seconded the motion and all Trustees voted aye.

CITIZEN PARTICIPATION: Kim Mullinex, 505 Grand Avenue, was recognized from the audience with a question. She asked if the Board would be willing to consider waiving the requirement for a person to be a candidate having to have lived within the Town limits prior to the election if that person moves into Town.

Town Clerk Kolinske responded by saying that State Statute cites that a person must have lived within the Town limits for at least 12 consecutive months prior to the election to be qualified as a candidate for office in the Town of Grand Lake. The Board of Trustees cannot waive that requirement.

ADJOURNMENT:

Trustee Lewis moved to adjourn, seconded by Trustee Peterson. All Trustees voted aye, and the meeting was adjourned at 8:03 p.m., February 27, 2012.



JUDY M. BURKE,
MAYOR

ATTEST: 

RONDA KOLINSKE, CMC,
TOWN CLERK