

RECORD OF PROCEEDINGS

REGULAR MEETING
TOWN OF GRAND LAKE BOARD OF TRUSTEES
MONDAY, MARCH 26, 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, Town Clerk Kolinske and Town Planner Wittman.

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

March 12, 2012: Trustee Peterson moved to approve the minutes of the March 12, 2012 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 then announced that the Grand Lake Fire Protection District will host an Easter Egg Hunt on Saturday, April 7, in the Town Park beginning at 11:00 a.m.

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.

REPORTS: SALES TAX CASH FLOW REPORT FOR MARCH 2012:

Mayor Burke asked Town Clerk Kolinske to present the sales tax cash flow report. Kolinske reported that the amount of revenue received in March 2012 for the month of January is \$33,118. This amount is 3.65% above what was received through March 2011.

REPORTS: FINANCIAL REPORT FOR FEBRUARY 2012:

Mayor Burke asked Financial Trustee Jim Peterson to present the Financial Report for February 2012. Peterson reported that the General Fund expenditures through the end of February totaled \$164,445.72 or 6.5% of budget. He said the Water Fund expenditures for the same period totaled \$54,156.69 or 7.1% of budget, the Marina Fund expenditures totaled \$11,719.12 or 3.8% of budget and the PAYT Fund expenditures totaled \$406.00 or 3.3% of budget.

LIQUOR LICENSING AUTHORITY: None.

OLD BUSINESS:

CONSIDERATION OF RESOLUTION NO. X-2012, A RESOLUTION EXTENDING A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE GRAND ARTS COUNCIL AND THE TOWN OF GRAND LAKE – Mayor Burke asked Town Planner Wittman to present this matter to the Board. Wittman explained that at the Board’s last regularly-scheduled meeting the Board discussed with Andrea Cox, representative of the Grand Arts Council (GAC), the Council’s lack of submittal of a business plan and secondary request for an extension of the MOU for continuation of temporary occupancy for the GAC’s structure located at Lots 9-12, Block 9, Town of Grand Lake. Cox indicated the GAC has hired staff to assist with a fundraising campaign to include application for numerous grant programs. Cox further indicated the GAC will construct the Park Avenue boardwalk and greenbelt no later than September 30, 2012. Following a lengthy discussion, the Board opted to allow for the extension of the MOU conditional on the GAC’s submittal of an acceptable Business Plan and completion of the Park Avenue boardwalk and greenbelt by September 30, 2012; failure on the part of GAC to meet these requirements will necessitate the removal of the temporary occupancy by the Town of Grand Lake on October 1, 2012. The Board directed staff to draft an appropriate resolution. Staff recommends the Board move to adopt this draft resolution. Wittman noted that Andrea Cox and Jim Cervenka were present representing the Grand Arts Council.

Trustee Weydert moved to adopt Resolution No. 6-2012, a Resolution Extending a Memorandum of Understanding between the Grand Arts Council and the Town of Grand Lake. Trustee Peterson seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF A MINOR ENCROACHMENT AND INDEMNIFICATION AGREEMENT BETWEEN THE TOWN OF GRAND LAKE AND THE GRAND COUNTY LIBRARY DISTRICT - Mayor Burke asked Town Planner Wittman to present this matter to the Board. Wittman explained that the Town is in receipt of an encroachment request from Sue Luton, Branch Manager for the Grand County Library District. Sue’s request is to place a book return under the covered boardwalk on the south side of the library building; the book return would sit flush with the west side of the structure and would not encroach any greater into the boardwalk space than the existing fireplace. Additionally, the book return’s location is not parallel to any covered boardwalk post support. Municipal Code Chapter 11, Municipal Property Regulations, indicates: “Major Encroachments are considered encroachments that are more permanent in nature. Examples include, but are not limited to: buildings or structures, driveways, fences and retaining walls, decks and patios, some components of public utilities, as well as other immovable objects other than minor landscaping”. The code further indicates “Minor Encroachments are considered encroachments that are less permanent in nature or those that are at the ground level. Examples include, but are not limited to: at-grade natural drainage and landscaping features (hedges, trees, gardens, landscaping, etc)...Minor Encroachments will be reviewed by Town staff. Requests for Encroachment

Agreements that do not have staff support shall be directed to Town Board of Trustees ...” While this request does have staff support and staff feels it is appropriate to consider this encroachment one that is minor in nature, staff is bringing the matter before the Board for the Board’s authorization for staff to enter into this agreement. The primary reason for this is that though the book return is movable, staff has indicated it would be the preference to secure the return to the boardwalk in this location due to the lightweight nature of the return box; this is written into the agreement. In addition to the encroachment request, the library district is requesting the Town waive the fees and deposits associated with this request. A deposit of \$250 is required for a Major Encroachment, with a \$100 fee; a fee of \$50 is required for a Minor Encroachment. The Board should discuss the encroachment with the applicant’s representative and discuss, amongst the Board, the waiver of the fees/deposits applicable. If the Board is favorable to the encroachment, the Board should move to authorize staff to enter into a Minor Encroachment and Indemnification Agreement with the Grand County Library District. Wittman noted that Sue Luton, Branch Manager, was present.

Following discussion, Trustee Peterson moved to authorize staff to enter into a Minor Encroachment and Indemnification Agreement with the Grand County Library District and to waive the fees and deposits associated with this request. Trustee Lewis seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF RESOLUTION NO. X-2012, A RESOLUTION AUTHORIZING THE MAYOR TO SIGN A MEMORANDUM OF UNDERSTANDING BETWEEN THE GRAND LAKE VENTURES LLC (OTHERWISE KNOWN AS GRAND LAKE LODGE) AND THE TOWN OF GRAND LAKE – Mayor Burke asked Town Planner Wittman to present this matter to the Board. Wittman explained that on February 1, 2012 the Planning Commission unanimously approved Planning Commission Resolution No. 4-2012, a Resolution Forwarding a Favorable Recommendation of Approval of a Temporary Certificate of Occupancy for Permitted Structures at the Grand Lake Lodge to the Grand Lake Board of Trustees. As the resolution indicates, the Planning Commission is in agreement Grand Lake Lodge should be permitted to occupy four employee four-plex units and a centralized facility laundry building prior to hardscaping the drive and parking areas associated with the construction project. The Planning Commission determined that due to the Lodge’s seasonal operations and to allow for adequate compaction of the drive and parking areas, a temporary occupancy should be granted until November 15, 2013. Staff has drafted a resolution with an accompanied Memorandum of Understanding between the Town and Grand Lake Lodge based on the recommendation of the Commission. The Board should discuss this matter with representatives of the Lodge and take action on the matter. The Board may move to adopt, adopt with conditions, or deny Resolution No. X-2012. Wittman noted that Jeff Larson, representative of Grand Lake Lodge, was present.

Following discussion, Trustee Lewis moved to adopt Resolution No. 7-2012, a Resolution Authorizing the Mayor to Sign a Memorandum of Understanding

between Grand Lake Ventures LLC (Otherwise Known as Grand Lake Lodge) and the Town of Grand Lake. Trustee Weydert seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF RESOLUTION NO. X-2012, A RESOLUTION CANCELING THE REGULAR ELECTION SET FOR APRIL 3, 2012 AND DECLARING THE CANDIDATES ELECTED – Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske explained that since the only matter before the voters is the election of persons to office and there are not more candidates than offices to be filled at such election, including candidates filing affidavits of intent, the Regular Municipal Election scheduled for April 3, 2012 is cancelled and the following are declared elected:

Judy Burke is declared elected as Mayor to serve a four year term.

James Strider Gasner, Elmer Lanzi and Kathleen A. Lewis are declared elected as Trustee each to serve a four year term.

Thomas H. Ludwig is declared elected as Trustee to serve a two year term.

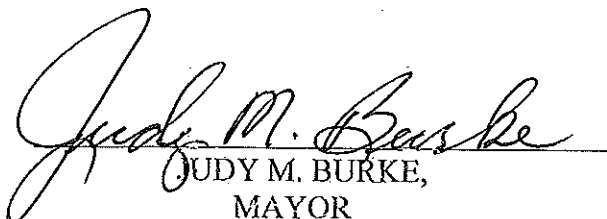
Staff would recommend that the Board adopt Resolution No. X-2012.

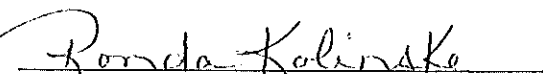
Following brief discussion Trustee Peterson moved to adopt Resolution 8-2012, a Resolution Canceling the Regular Election Set for April 3, 2012 and Declaring the Candidates Elected. Trustee Weydert seconded the motion and all Trustees voted aye.

CITIZEN PARTICIPATION: Trustee Weydert asked Lisa Jenkins, Executive Director of the Chamber of Commerce, who was seated in the audience, how the Pink Ribbon Rider event went. Jenkins responded by saying that the event was successful for them. With a lower turnout, they raised more money than the Flight for Life Poker Run. They were only able to snowmobile at three of the seven places they visited; North Dakota, Wyoming and Grand Lake. She said that they will be returning year after year for years to come.

ADJOURNMENT:

Trustee Lewis moved to adjourn, seconded by Trustee Peterson. All Trustees voted aye, and the meeting was adjourned at 8:12 p.m., March 26, 2012.


JUDY M. BURKE,
MAYOR

ATTEST: 
RONDA KOLINSKE, CMC,
TOWN CLERK