

RECORD OF PROCEEDINGS

REGULAR MEETING
TOWN OF GRAND LAKE BOARD OF TRUSTEES
MONDAY, JUNE 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 7:32 p.m. at the Town Hall, 1026 Park Avenue.

ROLL CALL

PRESENT: Mayor Burke; Trustees Gasner, Lanzi, Lewis, Ludwig, Peterson, and Weydert; Town Manager Hook, Town Clerk Kolinske, Town Planner Biller and Town Attorney Krob.

ABSENT: None.

APPROVAL OF MINUTES

May 14, 2012: 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 will open its 2012 Summer season with *"Anything Goes"* on June 15th and with *"Jekyll & Hyde"* on June 22nd.

Mayor Burke announced that there will be a CWPP and Ready-Set-Go presentation on June 16th at 1:00 p.m. in the Community House.

Mayor Burke announced that the 29th Annual *"Colorado State Chili Cook Off"* will be held Saturday, June 23rd in the Town Park. Proceeds will go to the Grand Lake Fire Protection District's Scholarship Fund.

Mayor Burke then announced that the 7th Annual *"Tops of the Rockies"* sponsored by The Friends of the Grand County Library will be held Sunday, June 24th at the Grand Lake Yacht Club. Tickets are available at any Grand County Library.

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.

Trustee Lewis announced that she had a conflict with the liquor license issue regarding the Lariat Saloon as she works for family members of the new owners of the Lariat.

REPORTS: SALES TAX
CASH FLOW REPORT
FOR MAY 2012:

Mayor Burke asked Town Clerk Kolinske to present the sales tax cash flow report. Kolinske reported that the amount of revenue received in May 2012 for the month of March is \$37,522. This amount is 4.15% above what was received through May 2011.

REPORTS: FIRST
QUARTER SALES TAX
COLLECTION BY
VENDOR:

Town Clerk Kolinske noted that Town Treasurer/Clerk Pro-Tem Dzinski provided a report consisting of the First Quarter Sales Tax Collection by Vendor for January – March 2008 - 2012.

REPORTS: FINANCIAL
REPORT FOR
APRIL 2012:

Mayor Burke asked Financial Trustee Peterson to present the Financial Report for April 2012. Kolinske reported that the General Fund expenditures through the end of April totaled \$338,693.96 or 13.3% of budget. She said the Water Fund expenditures for the same period totaled \$119,650.96 or 15.8% of budget, the Marina Fund expenditures totaled \$30,310.71 or 9.7% of budget and the PAYT Fund expenditures totaled \$806.00 or 6.6% of budget.

At 7:39 p.m. Trustee Ludwig excused himself and left the room.

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF RENEWAL OF THE TAVERN LIQUOR LICENSE FOR GATEWAY INN, INC., D/B/A GATEWAY INN – Since there was not a representative present, Trustee Peterson moved to table consideration of this matter until the next regularly scheduled meeting. Trustee Weydert seconded the motion and all Trustees voted aye.

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF APPROVAL OF A SPECIAL EVENTS LIQUOR PERMIT FROM THE FRIENDS OF THE LIBRARY FOR THE “TOPS OF THE ROCKIES” FUNDRAISING EVENT – Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske stated that this request was for a fundraising event to be held at the Grand Lake Yacht Club, 1128 Lake Avenue, on Sunday, June 24, 2012 from 5:00 p.m. to 8:00 p.m. She said that the application documents were in order and the appropriate state fee was paid. Public notice was posted on the premises and attested to by Grand County Sheriff Deputy Manley on May 31, 2012. The Grand

County Sheriff's Department reviewed the application and found no adverse information which would affect this permit. She stated that 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 then noted that Ann Feucht, representative, was present.

Trustee Peterson moved to approve the Special Events Liquor Permit for The Friends of Grand County Library for the "Tops of the Rockies" fundraising event to be held June 24, 2012 from 5:00 to 8:00 p.m. Trustee Weydert seconded the motion and all Trustees voted aye.

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF APPROVAL OF A SPECIAL EVENTS LIQUOR PERMIT FROM THE GRAND LAKE CHAMBER OF COMMERCE FOR THE CREW AND BREW FUNDRAISING EVENT – Since there was not a representative present, Trustee Peterson moved to table consideration of this matter until the next regularly scheduled meeting. Trustee Lewis seconded the motion and all Trustees voted aye.

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF APPROVAL OF A SPECIAL EVENTS LIQUOR PERMIT FROM THE GRAND LAKE CHAMBER OF COMMERCE FOR THE "29TH ANNUAL COLORADO STATE CHILI COOK OFF" FUNDRAISING EVENT – Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske stated that this request was for the "29th Annual Colorado State Chili Cook Off" event to be held in Town Square on Saturday, June 23, 2012 from 9:00 a.m. to 8:00 p.m. Proceeds of this fundraising event will go to the Grand Lake Fire Protection District's Scholarship Fund. She said that the application documents were in order and the appropriate state fee was paid. Public notice was posted on the premises on May 31, 2012 and attested to by Grand County Sheriff Deputy Manley. The Grand County Sheriff's Department reviewed the application and found no adverse information which would affect this permit. She stated that 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 then noted that Mindy Everhart, representative, was present.

Trustee Weydert moved to approve the Special Events Liquor Permit for the Grand Lake Chamber of Commerce for the "29th Annual Colorado State Chili Cook Off" fundraising event to be held Saturday, June 23,

2012 from 9:00 a.m. to 8:00 p.m. Trustee Lewis seconded the motion and all Trustees voted aye.

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF RENEWAL OF THE ARTS LIQUOR LICENSE FOR ROCKY MOUNTAIN REPERTORY THEATRE – 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 and sales tax accounts are all current. Since the Repertory Theatre is a non-profit organization, they are exempt from having to purchase a Business License. The Grand County Sheriff's Department found no adverse information that would affect the status of the license. She then concluded by saying that Carol Wolff, Executive Director, was present.

Trustee Lewis then moved to approve the renewal of the Arts Liquor License for Rocky Mountain Repertory Theatre. Trustee Peterson seconded the motion and all Trustees voted aye.

At 7:49 p.m. Trustee Lewis excused himself and left the room.

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF WHETHER OR NOT TO SET A PUBLIC HEARING FOR THE TRANSFER OF OWNERSHIP FROM EUGENE M. STOVER ESTATE, D/B/A LARIAT SALOON TO GRUMPY'S SALOON, INC., D/B/A LARIAT SALOON – Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske explained that the Town has received a Transfer of Ownership Application for the Tavern Liquor License from Eugene M. Stover Estate, d/b/a Lariat Saloon at 1121 Grand Avenue to Grumpy's Saloon, Inc., d/b/a Lariat Saloon. Dustin Barnes is operating under a Temporary Transfer Permit issued by the Town Clerk. The transfer will be brought before the Board for consideration on July 9, 2012. The Board may chose to hold a public hearing, or it may approve the transfer without a public hearing. If the Board chooses to hold a public hearing, notice of the hearing must be posted at least 10 days before the hearing. In that case, the Board's action on June 11 could be to set a public hearing for July 9, 2012. Publication of the notice of the public hearing is only required if a public hearing is held. In the most recent liquor license transfers the Board has chosen to approve the transfers without conducting public hearings. As the Board will recall, a Show Cause Hearing for Grumpy's Saloon was held on July 11, 2011 for disorderly conduct. The license was suspended for 30 days. Five days were served October 1 – 5, 2011, and 25 days are being held in abeyance for 1 year from July 11, 2011. No additional incident reports have been received since the hearing. The Lariat is now under the same ownership as Grumpy's, a fact the Board may wish to consider when determining whether to hold a public hearing regarding the Lariat transfer.

Trustee Lanzi moved to consider the Transfer of Ownership of the Tavern Liquor License from Eugene M. Stover Estate, d/b/a Lariat Saloon to Grumpy's Saloon, Inc., d/b/a Lariat Saloon on July 9, 2012 as a regular item of business. Trustee Gasner seconded the motion and all Trustees voted aye.

At 7:54 p.m. Trustee Lewis resumed her seat.

LIQUOR LICENSING AUTHORITY: CONSIDERATION TO SET A SHOW CAUSE HEARING REGARDING THE HOTEL AND RESTAURANT LIQUOR LICENSE ISSUED TO EL PACIFICO, LLC, D/B/A EL PACIFICO RESTAURANT – Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske explained that the Town has been notified by the Sheriff's Office of alleged incidents that occurred on or about January 14 and 15, 2012 involving El Pacifico Restaurant. The alleged violations include multiple violations of § 12-47-901(a.5)(I), C.R.S., procuring/selling an alcoholic beverage to an underage person, multiple violations of § 12-47-901(5)(a)(IV)(b)(I), C.R.S., consumption of alcohol on the premises between the hours of 2 a.m. and 7 a.m. and a violation of § 12-47-901(a), C.R.S. to sell/serve an alcoholic beverage to a visibly intoxicated person. No citations have been issued regarding these allegations. At this meeting the Board of Trustees, acting as the Local Liquor Licensing Authority, will need to decide whether to set this matter for a hearing to determine whether El Pacifico's liquor license should be suspended or revoked. The Board can take one of two actions:

1. The Board can set this matter for a Show Cause Hearing to be held on July 9, 2012 or on August 13, 2012, to determine whether the license should be suspended or revoked.
2. The Board can decide to not have a Show Cause Hearing.

This is a quasi-judicial matter. Therefore, other than to decide whether the nature of the alleged violations are sufficient to necessitate a Show Cause Hearing, the Board should refrain from discussing the validity or merits of the allegations or any possible penalties it may impose if it concludes the violations have occurred until the time of the Show Cause Hearing. Kolinske noted that Jesus Varela, owner, and his wife Maria were present.

Town Attorney Krob stated that this is not the time for the Board to discuss any of the facts or alleged facts involving this case. He then discouraged the Board from hearing from anyone whether it is on behalf of the license holder or law enforcement or anyone else regarding the alleged facts. The only issue the Board should consider is are these violations sufficiently serious enough in nature, that if proven, the Board

would consider either suspending or revoking their license. If the allegations are serious enough, the Board should set a Show Cause Hearing. It is at that hearing, and not until that hearing, that the Board would hear the facts from both the law enforcement and the license holder.

Trustee Gasner then moved to set a Show Cause Hearing for July 9, 2012 regarding the Hotel and Restaurant Liquor License issued to El Pacifico, LLC, d/b/a El Pacifico Restaurant. Trustee Weydert seconded the motion and all Trustees voted aye.

At 8:01 p.m. Trustee Ludwig resumed his seat.

OLD BUSINESS:

None.

NEW BUSINESS:

CONSIDERATION OF AN APPEAL TO A DENIAL MADE TO A GREENWAY OBSTRUCTION REQUEST FROM QUACKER GIFT SHOP LOCATED IN TALLAQUA SQUARE - Mayor Burke asked Town Planner Biller to present this matter to the Board. Biller explained that the Town received an appeal to a denial made to a greenway obstruction request. Appeals to a denial will be heard by the Board of Trustees. A written application was received for a greenway obstruction for a new business, Quacker Gift Shop, located in Tallaqua Square Townhomes, Unit 4; more commonly referred to as 1034 Grand Ave. Town staff reviewed the application and determined that the request did not meet all the Greenway Obstruction requirements of the Municipal Code including:

- a) The obstruction is considered "*advertising on the greenway*" which is not allowed per Municipal Code 11-4-10 Greenway Obstructions Part A2.
- b) The obstruction "*shall be wooden, have a wood-like appearance or be painted cast iron*" as per Municipal Code 11-4-10 Greenway Obstructions Part B2.

The Board has the following options:

- Approve the application
- Deny the application
- Continue the review of the application for no more than 30 days.

Biller noted that Steve Kudron, applicant and owner of Quacker Gift Shop was present.

Mr. Kudron, 1034 Grand Avenue, was then recognized from the audience. He first thanked the Board for hearing his appeal. He said

that the Town staff denied his request on the basis of two considerations. His appeal seeks to demonstrate that these considerations do not interfere with the spirit of the code and that approval of his request will be of intrinsic benefit to other retail neighbors as well as the overall appeal of the Town to its residents and visitors alike. In his response to the first Greenway Obstruction requirement, "advertising on the greenway" he said that their statue of a large rubber duckie contains no advertising for the store whatsoever. It exists on the greenway as a unique object which appeals to visitors and residents alike. The rubber duck is an iconic piece of memorabilia, which will draw attention and joy to those to happen by it. The statue, built in 1973 and designed as a part of a set by the Colorado Springs American Legion Post will be the subject of many a family picture, describing their joy in finding a giant rubber duck in Grand Lake. That they may or may not come into their store is chance. In response to the second Greenway Obstruction requirement, "shall be wooden, have a wood-like appearance or be painted cast iron" he said that he believes that it does not apply as Part B3 of the code states that statues may be approved by consensus of the Town's Board of Trustees. He then said that it is important to note that their intention for the placement of the statue is only to be placed in the Greenway during their open hours. The reason for this is so that the statue will be under regular supervision so as not to provide a safety hazard or be tempting to those intent on vandalism during unsupervised times. He said that he has spoken to their neighbors in Tallaqua Square, other merchants in Town and residents who have stopped into their store during the week they have been open about their little statue. They have received only positive response and believe that the approval of our request be a benefit for many a summer to come. He concluded by saying that he hopes the Board will consider his appeal and thanked them for their time.

Trustee Peterson expressed his concern of the liability of children playing on it and getting hurt; the same concern that the Board had in the past with statues in the Greenway.

Mr. Kudron said that they have a similar store in Manitou Springs with a duck like this one and for the past 18 months they have put a sign out stating, "Don't Climb". He said that they are diligent, his employees are literally feet away from where the duck is placed, and if anyone attempts to climb on the duck, they are told not to. "It is always being watched".

Trustee Ludwig recalled a time when a business owner placed a bear and a horse in the Greenway and the Board had the owner immediately remove them.

Following discussion, Trustee Lanzi moved to deny the application for a greenway obstruction from Quacker Gift Shop located in Tallaqua

Square, Unit 4 seconded by Trustee Ludwig. All Trustees voted aye except Trustee Peterson who voted nay.

NEW BUSINESS:

CONSIDERATION OF SUMMER STAFFING AT THE TOWN OF GRAND LAKE PUBLIC WORKS DEPARTMENT – Mayor Burke asked Town Manager Hook to present this matter to the Board. Hook explained that this request for a temporary seasonal position for the Public Works Department for summer 2012 is brought before the Board as a result of the Board’s discussion with Public Works Director McGinn during the recent Board of Trustees Long Range Planning Retreat. This position would allow existing full-time staff assigned to public works and parks duties to have a more uniform work schedule, more consistent time off and to have more time to focus on other tasks that would otherwise not get done. Staff proposes to hire a temporary seasonal worker to work a total of up to 20 hours per week, Friday through Monday. The daily schedule would likely be about 4 hours on Friday and Monday with about 6 hours on Saturday and Sunday. The tasks assigned to this individual would primarily be trash pick-up and public bathroom cleaning – important tasks to be done promptly, consistently and well during our summer visitor season. Town Manager Hook said that he understands that last summer’s work schedule was structured so that the four existing full-time staff were paired off and assigned a work schedule of 12 days on, two 5-day weeks and the weekend in-between, and two days off. The effect of this schedule was that each team of two employees alternated weekend duty. Each weekend totaled about 10 to 12 work hours, two to three hours on Saturday and two to three hours on Sunday for each member of the two member team. Comp time was accrued during most pay periods. Note that for each ‘on’ weekend, each employee had a significant imposition to their weekend personal time by the partial-day work obligation. While this old schedule is doable and perhaps even used elsewhere, this schedule has an adverse impact on their quality of life and that a change is worth considering. Another alternative to last year’s schedule involves changing the days-off schedule of one employee to work three days between Monday and Friday and every Saturday and every Sunday. This allows the remaining three employees to keep a ‘regular’ Monday to Friday work schedule. While this improves the situation for the three employees, it has an even worse impact on the one employee whose ‘weekend’ is now some combination of two weekdays. While this option is also doable and practiced elsewhere in industry, this option also has an adverse impact on the quality of life of our employee and that another alternative is worth considering. Staff estimates that the net cost of this proposal will be no more than approximately \$2200. This is based on an estimate of \$2100 to \$3200 for the temporary seasonal employee, approximately 13 weeks at up to 20 hours per week at \$8 to \$12 per hour; no benefits, no comp time, less approximately \$1000 savings in comp time premiums, either in direct payout to, or lost productivity via extra time off for, existing full-

time employees. As proposed, the temporary seasonal employee will be working approximately eight hours on Friday and Monday, essentially freeing up existing staff to take on additional tasks that could not otherwise be included in their daily schedule. He said that he and Public Works Director McGinn have discussed this and are excited about the possibilities. Some of the added tasks that were discussed include: completing the Thomasson Park improvements; additional pothole patching; staining Heckert Pavilion, the marquees and the bridges; painting bike racks, downtown lamp posts and the old library; refurbishing memorial benches; additional street sweeping on Fridays and Mondays; additional maintenance at Point Park; additional maintenance at the modular building and additional vehicle maintenance. With the Board's approval of this proposal, Town Manager Hook said that he will work with Public Works Director McGinn weekly to develop a work plan to focus the full-time staff at accomplishing as many of these additional tasks as possible in an efficient and effective manner. To reiterate, staff proposes the following for the 2012 summer season:

- Hire a single individual to fill a new position of Temporary Seasonal Maintenance Worker at a wage of up to \$12.00/hour for up to 20 hours/week
 - This would be a temporary seasonal employee for summer 2012 only (approximately 13 weeks remaining in the 2012 summer season)
 - As a temporary seasonal employee, no benefits (insurance, paid time off, etc.) would be available to the new hire
 - At a seasonal net wage cost of up to \$2,200, there are sufficient funds available in the Public Works and Parks budgets to reallocate to this proposal
 - This temporary seasonal employee have primary duties of trash pick-up and public bathroom cleaning Friday through Monday under the supervision of Public Works Director McGinn
- Return to the Board later in the fiscal year with a supplemental budget for the Public Works and/or the Parks budget to properly reallocate fund between line items within the budget (no net increase to the bottom line)
- Evaluate the performance of this 2012 summer operational change between now and the 2013 budget development process this fall so that we can then determine the 2013 staffing needs for public works and parks

Staff recommends authorization and direction be given to proceed with filling a temporary seasonal position for the summer of 2012 as described above and to develop a supplemental budget as described above. He noted that Public Works Director Bernie McGinn was present.

During discussion, Trustee Weydert noted that the Public Works Department has always had a temporary seasonal employee in the past. It's been in the past four years that they haven't due to the economy.

Public Works Director McGinn stated that in past years, the temporary seasonal employee worked a five day week that included the weekend.

Trustee Lanzi asked Public Works Director McGinn if twenty hours per week would be enough. McGinn responded by saying yes that twenty hours per week would be ample.

Town Manager Hook said that he would work with Public Works Director McGinn to develop a work plan so that additional tasks could be completed.

Mayor Burke express concern that there was some talk after it was made possible for the Water Department to hire a temporary seasonal employee that the Public Works employees didn't want to work weekends. If that is true, Mayor Burke said that it creates a problem for her to approve an extra employee.

Mr. McGinn said that his employees don't have a problem with working weekends; it's working twelve days straight that they are not happy with.

Following lengthy discussion, Trustee Lanzi moved to authorize Town Manager Hook to proceed with hiring a temporary seasonal employee for the Public Works Department as discussed and to direct Town Manager Hook to return to the Board with a supplemental budget for the Public Works and Parks budgets prior to the end of the Town's fiscal year, seconded by Trustee Peterson.

Before a vote was taken, Trustee Weydert said that he was leaning favorably toward this but has strong reservations. He said that he would like to see an in depth review at the end of this season.

A vote was taken and all Trustees voted aye except Trustee Lewis, who abstained.

NEW BUSINESS:

CONSIDERATION TO AWARD A BID FOR THE REPLACEMENT OF THE COMMUNITY HOUSE HVAC EQUIPMENT - Mayor Burke asked Town Manager Hook to present this matter to the Board. Hook explained that during the winter of 2010-2011, the HVAC equipment for the Community House was damaged beyond repair by snow and ice sliding off the roof and crushing the equipment. Recently, Public Works Director McGinn obtained two quotes for the replacement of the equipment, Rocky Mountain Heat Connection for \$20,057.85 & Granby Heating & Sheet Metal for

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\$23,952.00. Town Clerk Kolinske filed a claim with CIRSA for the replacement of that equipment. CIRSA, the Town's insurance company, agreed the damage was covered by the Town's policy and has sent a reimbursement check in the amount of \$20,057.85. Staff recommends the Board authorize the Town Manager to accept the bid of Rocky Mountain Heat Connection for \$20,057.85.

Trustee Peterson moved to authorize Town Manager Hook to accept the bid of Rocky Mountain Heat Connection, Inc. in the amount of \$20,057.85 and to direct Town Manager Hook to coordinate the completion of the work as soon as practical.

ACCOUNTS PAYABLE

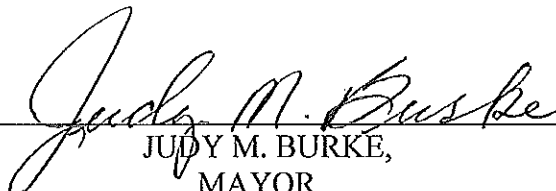
May, 2012:

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 Peterson moved to adjourn, seconded by Trustee Weydert. All Trustees voted aye, and the meeting was adjourned at 8:44 p.m., June 11, 2012.



JUDY M. BURKE,
MAYOR

ATTEST: 

RONDA KOLINSKE, CMC,
TOWN CLERK