

RECORD OF PROCEEDINGS

REGULAR MEETING
TOWN OF GRAND LAKE BOARD OF TRUSTEES
MONDAY, OCTOBER 22, 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 7:36 p.m. at the Town Hall, 1026 Park Avenue.

ROLL CALL
PRESENT:

Mayor Burke; Trustees Gasner, Lanzi, Lewis and Weydert; Town Manager Hook, Town Clerk Kolinske and Town Planner Biller.

ABSENT:

Mayor Burke announced that Trustees Ludwig and Peterson were both absent because of vacation. Trustee Lewis moved to excuse Trustee Ludwig's and Trustee Peterson's absences. Trustee Weydert seconded the motion and all Trustees voted aye.

APPROVAL OF MINUTES

October 8, 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 Chamber of Commerce will conduct a children's Halloween Party on Saturday, October 27 beginning at 11:00 a.m. in the Community House.

Mayor Burke announced that Election Day is Tuesday, November 6, 2012. The polling place will be the Grand Lake Community House. The polls will be open from 7 a.m. to 7 p.m. Mail In Ballots must be received by the Clerk and Recorder's Office by 7 p.m. on Election Day.

Mayor Burke then announced that Melodrama tryouts will be held November 7 & 8 in the Community House beginning at 6:00 p.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 OCTOBER 2012:

Mayor Burke asked Town Clerk Kolinske to present the sales tax cash flow report. Kolinske reported that the amount of revenue received in October 2012 for the month of August is \$164,138. This amount is over 5 ¾% above what was received through October 2011.

REPORTS: FINANCIAL
REPORT FOR
SEPTEMBER 2012:

In the absence of Financial Trustee Peterson, Mayor Burke asked Town Clerk Kolinske to present the Financial Report for September 2012. Kolinske reported that the General Fund expenditures through the end of September totaled \$886,056.29 or 34.9% of budget. She said the Water Fund expenditures for the same period totaled \$290,241.43 or 38.3% of budget, the Marina Fund expenditures totaled \$135,646.72 or 43.5% of budget and the PAYT Fund expenditures totaled \$5,309.01 or 43.2% of budget.

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF RENEWAL OF THE RETAIL LIQUOR STORE LIQUOR LICENSE FOR MILES GROUP, LLC, D/B/A LAKEVIEW LIQUOR – 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. The water, business license, and sales tax accounts are all current. 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 Joann Miles, Member, was present.

Trustee Lewis moved to approve the renewal of the Retail Liquor Store Liquor License for Miles Group, LLC, d/b/a Lakeview Liquor. Trustee Weydert seconded the motion and all Trustees voted aye.

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF A SPECIAL EVENTS LIQUOR PERMIT APPLICATION FOR THE TRINITY CHURCH IN THE PINES FOR A CONCERT FUNDRAISING EVENT FOR GRAND ANGELS - Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske explained that an application for a Special Events Liquor Permit has been received, with the appropriate state fee, certificate of good corporate standing, and floor diagram, from the Trinity Church in the Pines. The request is to sell malt, vinous and spirituous liquor by the drink for consumption on the premises only. The requested date is Sunday, December 2, 2012 from 12:00 noon to 11:00 p.m. for a concert fundraising event for Grand Angels. The proposed location is the Grand Lake Community House. It has been the most recent procedure of this Board to receive the application and then schedule consideration of approval of the permit as a regular item of business at the following meeting. Although a Public Hearing is not required by statute, the Board may choose to set one. The premises are required by statute to be posted for at least 10 days prior to approval of the permit. Approval of the requested permit may be scheduled for the November 12th regular Board meeting, as either a Public Hearing or regular item of business. Kolinske noted that Pat Granquist was present representing Grand Angels.

Following brief discussion, Trustee Weydert moved to act on this request as a regular item of business at the November 12, 2012 Board meeting. Trustee Lewis seconded the motion, and all Trustees voted aye.

OLD BUSINESS:

CONSIDERATION TO ACCEPT THE BUSINESS PLAN FOR THE GRAND ARTS COUNCIL LOCATED AT LOTS 9 – 12, BLOCK 9, TOWN OF GRAND LAKE; MORE COMMONLY REFERRED TO AS 913 PARK AVENUE – Mayor Burke asked Town Planner Biller to present this matter to the Board. Biller explained that the Grand Arts Council has submitted a business plan for the Board’s review and approval as outlined in Resolution No. 6-2012, which states:

“An acceptable Business Plan, addressing business goals, strategies to meet them, potential problems, as well as other key components to a well-developed Plan, shall be submitted and accepted by the Town...”

Resolution No. 6-2012, in referencing Resolution No. 40-2011, also provides insight on the content and review process of the business plan:

“the Plan should address business goals, strategies to meet them, potential problems, as well as other key components to a well-developed Plan; the GAC Board of Directors will meet with the Town Board of Trustees... for discussion of the Plan...”

The Town and the Grand Arts Council (GAC) entered into a memorandum of understanding beginning in January 2009 for a temporary occupancy of the GAC building. This memorandum has been extended by the Board since its conception. The agreement was contingent on several improvements including the installation of boardwalks, greenways, and the development of a business plan. On 11/28/11, the Board reviewed a draft business plan from the GAC at its regular scheduled workshop and determined it was insufficient. The Board adopted Resolution No. 06-2012 which required the GAC to submit and obtain an approved business plan by September 30, 2012. The Town received a business plan on 10/1/12 from the president of the GAC. At the Board’s workshop on 10/8/12, Andrea Cox gave an update in regards to the state of the GAC. In Resolution No. 40-2011 and Resolution No. 25-2011 the Board indicated they would like to meet with the Grand Arts Council Board of Directors when reviewing the business plan. The temporary occupancy for the building has been removed. As of 10/5/12 the GAC building has been posted with “do not occupy” signs. The GAC Board of Directors has been invited and encouraged to attend the afternoon workshop and the evening regular meeting to discuss the Plan with the Board of Trustees. Staff has reviewed the business plan. It does appear to be more thorough than the original plan submitted in 2011. The business plan does contain

financial statements, mission statement, event schedule for 2013, business goals and an extensive background. The business plan does rely heavily on donations to relieve debt. The business plan does not clearly identify potential problems. The GAC indicated to the Board on 3/26/12 they had hired staff to conduct fundraising events and perform grant applications. From the business plan submitted it appears that the GAC has not hired any staff and the organization is still purely voluntary. Staff contacted Andrea Cox on 10/16/12 indicating the GAC Board of Directors should attend this meeting to discuss the business plan. Additionally, it is unclear if the MOU has expired. Staff assumes since the requirements of the MOU have not been satisfied expiration is a moot point. The Board should discuss the business plan and determine if it is acceptable. The Board has several options to consider including:

1. Accept the business plan as presented.
2. Deny acceptance the business plan.

Biller noted that Andrea Cox was present.

Andrea Cox, 519 County Road 4632, was recognized from the audience. She began by apologizing to the Board for not coming to the afternoon workshop as she was held up with work. Mayor Burke then asked her why her Board of Directors weren't present, as Town Planner Biller mentioned, they were encouraged to attend to discuss the Plan with the Board of Trustees. Cox said that she didn't realize that they were supposed to be in attendance. Since she is the one that has been coming she is the only one that came.

During discussion, several Board Members expressed their dissatisfaction with the Plan as they feel that it is a less than viable plan. They also discussed the fact that the GAC was required to submit a plan and regardless of the quality of the Plan they submitted a Plan.

Following discussion, Trustee Lanzi moved to accept the Grand Arts Council's plan as presented. Trustee Weydert seconded the motion. During further discussion, Trustee Gasner suggested denying acceptance of the business plan until they can meet with the GAC Board of Directors. Trustee Weydert stated that even though he seconded the motion he would vote against it because he was thinking more along the lines of acknowledging receipt of the plan rather than acceptance.

Following further discussion, Trustee Lanzi withdrew his motion and Trustee Weydert withdrew his second.

Trustee Gasner then moved to table consideration of this matter until the next regularly scheduled meeting to be held on November 12, 2012

seconded by Trustee Lanzi. The motion carried when all Trustees voted aye except Trustee Lewis and Mayor Burke, who voted nay.

NEW BUSINESS:

CONSIDERATION OF RESOLUTION NO. XX-2012, A RESOLUTION GRANTING A NIGHTLY RENTAL CONDITIONAL USE PERMIT IN A RESIDENTIAL NEIGHBORHOOD AT LOTS 3 – 4, BLOCK 33, TOWN OF GRAND LAKE – Mayor Burke asked Town Planner Biller to present this matter to the Board. Biller explained that the Town has received a nightly rental application from the Stuenkel Family Trust for the property located within the Town of Grand Lake, Block 33, Lots 3 & 4; more commonly referred to as 320 Mountain Ave. The Planning Commission forwarded a favorable recommendation to grant the Conditional Use permit by resolution. The application satisfied the requirements of Section 12-3-31(B-4). Six (6) certified letters were sent to property owners within one hundred (100) feet of this property. The Town received two (2) objection letters in response. The applicant was issued a copy of both objection letters as required. The concerns vary including safety concerns, decreased property values, increased traffic, and other nightly rentals in the neighborhood. Staff has received a complaint for a possible nightly rental without a license located at 329 Mountain Avenue. Staff did investigate the complaint and was unable to determine if a nightly rental violation was occurring. Staff will monitor this property for possible future violations. Staff contacted the two (2) property owners who objected to this application and informed them of this meeting. Staff recommends the Board approve the resolution as presented, thus granting the nightly rental license. This recommendation is made with the strict understanding future complaints could jeopardize the ability of license renewal by the applicant. The Board should discuss if a public hearing is necessary for this conditional use application. The Board should discuss the request for a nightly rental license and the objection letters. The Board has several options to consider including:

1. Adopt resolution XX-2012, thus granting the nightly rental license; or
2. Table the consideration and require a Public Hearing before formal action; or
3. Deny the application.

Biller then noted that the applicants were present.

Trustee Weydert moved to adopt Resolution No. 24-2012, a Resolution Granting a Nightly Rental Conditional Use Permit in a Residential Neighborhood at Lots 3-4, Block 33, Town of Grand Lake. Trustee Lewis seconded the motion and all Trustees voted aye.

NEW BUSINESS:

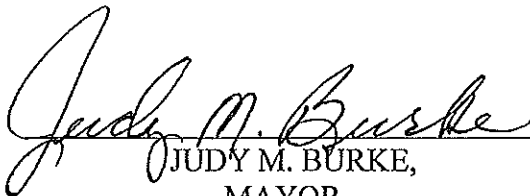
CONSIDERATION OF RESOLUTION NO. XX-2012, A RESOLUTION AUTHORIZING THE TOWN OF GRAND LAKE

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 Clerk Kolinske to present this matter to the Board. On behalf of the Town Treasurer, Kolinske presented a draft resolution and an Agreement to Accept Liability in connection with the annual reissuance of the Town’s two credit cards with Credit Union of Colorado to the Board of Trustees. The credit limit on each card is \$2,000, for a total of \$4,000 liability. David Hook, Town Manager, and Martha Lund, Administrative Assistant, are currently the authorized users. Staff recommends that the Board adopt the resolution 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 moved to adopt Resolution No. 25-2012, 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. 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 8:19 p.m., October 22, 2012.



JUDY M. BURKE,
MAYOR

ATTEST: 

RONDA KOLINSKE, CMC,
TOWN CLERK