

RECORD OF PROCEEDINGS

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REGULAR MEETING  
TOWN OF GRAND LAKE BOARD OF TRUSTEES  
MONDAY, OCTOBER 28, 2013 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 Gasner, Lanzi, Ludwig, and Peterson; Town Manager Hook, Town Clerk Kolinske, and Town Planner Biller.

ABSENT: Mayor Burke announced that Trustees Lewis and Weydert were absent from both the afternoon workshop and this evening's meeting because of vacation. Trustee Peterson moved to excuse Trustees Lewis and Weydert from both this afternoon workshop and this evening's meeting. Trustee Lanzi seconded the motion and all Trustees voted aye.

APPROVAL OF MINUTES

September 23, 2013: Trustee Peterson moved to approve the minutes of the September 23, 2013 regular meeting as written, seconded by Trustee Lanzi. All Trustees voted aye except Trustee Gasner, who abstained.

October 14, 2013: Trustee Lanzi moved to approve the minutes of the October 14, 2013 regular meeting as written. Trustee Peterson 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 Election Day is Tuesday, November 5, 2013. Since this is a Mail Ballot Election, all ballots must be received by the County Clerk and Recorder's Office by 7 p.m. on Election Day. The Board Room at Town Hall in Grand Lake will be a drop off location on Election Day from 7 a.m. to 7 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.

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 OCTOBER 2013:

Mayor Burke asked Town Clerk Kolinske to present the sales tax cash flow report. Kolinske reported that the amount of revenue received in October 2013

for the month of August is \$177,253. This amount is 5.29% above what was received through October 2012. She also noted that this amount is more than what has been received for the month of August since 2009.

REPORTS: FINANCIAL  
REPORT FOR  
SEPTEMBER 2013:

Mayor Burke asked Financial Trustee Peterson to present the Financial Report for September 2013. Peterson reported that the General Fund expenditures through the end of September totaled \$1,247,718.28 or 41.0% of budget. He said the Water Fund expenditures for the same period totaled \$535,793.25 or 57.3% of budget, the Marina Fund expenditures totaled \$112,218.34 or 29.4% of budget and the PAYT Fund expenditures totaled \$10,327.90 or 71.3% of budget.

At 7:34 p.m. Trustee Ludwig excused himself and left the room.

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF A SPECIAL EVENTS LIQUOR PERMIT APPLICATION FOR THE TRINITY CHURCH IN THE PINES FOR A CONCERT FUNDRAISING EVENT TO BENEFIT 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 for a fundraising concert to benefit Grand Angels. The requested date is Sunday, December 8, 2013 from 6:00 to 11:00 p.m. 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 11<sup>th</sup> regular Board meeting, as either a Public Hearing or regular item of business. Kolinske noted that Linda Spaet was the representative present.

Linda Spaet, 270 County Road 412, Granby, CO, was recognized from the audience and said that the concert will raise funds for the Joyful Givers Program and Santa's Secret Shop.

Following brief discussion, Trustee Peterson moved to act on this request as a regular item of business at the November 11, 2013 Board meeting. Trustee Gasner seconded the motion, and all Trustees voted aye.

At 7:39 p.m. Trustee Ludwig resumed his seat.

OLD BUSINESS:

None.

NEW BUSINESS:

**CONSIDERATION TO MODIFY THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE TOWN OF GRAND LAKE AND GRAND LAKE VENTURES, LLC; MORE COMMONLY REFERRED TO AS GRAND LAKE LODGE** – Mayor Burke asked Town Planner Biller to present this matter to the Board. Biller explained that the Town has received a request from the Grand Lake Lodge to modify the MOU for the requirement of paving the employee housing parking lot prior to November 15, 2013.

Municipal Code 12-2-28 Parking Design Standards states:

All parking areas to be paved with concrete, which is highly encouraged, or asphalt, compacted to a minimum of 4", in the commercial, commercial transitional, and industrial districts.

The Board granted a temporary Certificate of Occupancy (CO) of the employee housing and laundry facility by Resolution No. 7-2012 after receiving a favorable recommendation from the Planning Commission. The resolution grants a temporary CO with a condition the paving would be completed no later than November 15, 2013, after such date the temporary CO would be revoked. The MOU does state the Town may consider amendments so long as the Grand Lake Lodge brings the matter before the Town prior to the deadline. The Grand County Building Department will follow the direction of the Town regarding the temporary CO. Staff has reviewed the recommendation by the Planning Commission and the MOU executed by the Board. It appears adequate compaction during the winter months was the main concern for allowing the paving to be postponed. In general, the Grand Lake Lodge is requesting to postpone paving of the employee housing parking lot so monies can be utilized for other Lodge improvements. At the afternoon workshop, Jeff Larson, General Manager of the Lodge, provided the Board with a proposed date of November 15, 2015 to complete the paving. Staff believes asphalt paving and adequate compaction can still be completed prior to the deadline of November 15, 2013. The Board should discuss the request made by the Grand Lake Lodge. The Board has the following options:

1. Modify the existing MOU between the Town and the Lodge as required; or
2. Not modify the existing MOU, thus holding the Lodge to the conditions of the MOU.

Biller noted that Jeff Larson was present.

Jeff Larson, 15500 U.S. Highway 34, was recognized from the audience. He said the reason they are asking to postpone paving is so they can replace a portion of the water and sewer lines first.

Following discussion, Trustee Peterson moved to modify the existing MOU between the Town and Grand Lake Ventures, LLC with the following modifications: 1) the paving will be completed no later than November 15,

2015, and authorize the Mayor to execute the MOU. Trustee Gasner seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION OF THE 3<sup>RD</sup> QUARTER REPORT FROM THE GRAND LAKE CHAMBER OF COMMERCE** – Mayor Burke asked Town Manager Hook to present this matter to the Board. Hook explained that through Ordinance No. 11-2012, the Town of Grand Lake (Town) accepted and entered into an Agreement for Visitor's Center Services with the Chamber to operate the Grand Lake Visitor's Center for the Town in 2013. Among other things, this agreement establishes that:

- the Town pay the Chamber \$32,732 to operate the Visitor's Center during 2013 (same as 2012)
- the Chamber submit quarterly financial reports to the Town
- the Town remit quarterly payments for Visitor's Center operations to the Chamber after finding their quarterly reports to be satisfactory (\$32,732 divided by 4 = \$8,183 quarterly)

Through Ordinance No. 22-2011, the Town accepted and entered into a Lease Agreement with the Chamber for the Visitor's Center real property through November 2016. Among other things, this agreement established that:

- the Chamber will pay annual rent in the amount of \$2,500
- the rent will be 'paid' via the Town withholding \$2,500 from the Town's 1<sup>st</sup> quarter payment to the Chamber as established in the Agreement for Visitor's Center Services (\$8,183 minus \$2,500 = \$5,683)
- the withheld \$2,500 will be set aside by the Town as a maintenance contingency for any repairs to the Visitor's Center that exceeds \$500

On December 10, 2012, the Town entered into an Agreement for Marketing Services with the Chamber to market the Grand Lake community. Among other things, this agreement establishes that:

- all Business License Commission (BLC) fees remitted by the Town to the Chamber:
  - will fund generic advertising, to promote existing events, to provide seed money for new events, and to generically market Grand Lake
  - will not be used for salaries, or any other expenses pertaining to the operation of the Visitor's Center or the Chamber
- the Chamber will submit quarterly reports on how BLC fees have been allocated over the previous quarter

In April 2013, the Chamber requested that the 2013 rent 'payment' to the Town be deferred to October 2013 and withheld from the Town's 3<sup>rd</sup> quarter Visitor's Center operations payment to the Chamber, instead of the 1<sup>st</sup> quarter as established by the current Lease Agreement. This request was made to aid the Chamber with their cash flow through the 3<sup>rd</sup> quarter, 2013. At the April 8,

2013 meeting, the Board authorized staff to issue a check to the Chamber in the amount of \$8,183 as full 1<sup>st</sup> quarter payment for Visitor's Center operations and that the Chamber's rent payment be deferred to the July 2013 discussion of the Chamber's 2<sup>nd</sup> quarter operations. At the July 22, 2013 meeting, after discussing the Chamber's 2<sup>nd</sup> quarter operations, the Board authorized staff to issue a check to the Grand Lake Area Chamber of Commerce in the amount of \$8,183 as full 2<sup>nd</sup> quarter payment for Visitor's Center operations, deferring the Chamber's rent payment to the Chamber's 3<sup>rd</sup> quarter. Regarding the documents in the Chamber's 3<sup>rd</sup> quarter packet, staff has a few observations to share with the Board:

- Visitor's Center 'traffic' was adversely affected by RMNP closing twice (September/front range flooding & October/federal shutdown)
- The Chamber is prepared to have the rent withheld from the 3<sup>rd</sup> quarter payment
- With the seasonal closure of Trail Ridge Road now official, Visitor's Center days & hours of operations are being adjusted to Thursday through Monday, 10a to 4p; special hours will apply during the Thanksgiving and Christmas/New Year's holidays
- The Chamber experienced a positive cash flow during the 3<sup>rd</sup> quarter
- As mentioned in recent budget discussions, there is consensus between Town staff and Chamber staff that the financial reporting format for Board review needs refinement to more clearly report the relationship between marketing revenue (business license fees) and marketing expenses as well as Visitor's Center operations revenue (General Fund monies) and Visitor's Center operations expenses

Town staff believes that the Chamber has met its 3<sup>rd</sup> quarter reporting obligations to the Town as per the current agreements. The remaining 2013 reporting requirements will be addressed with the forthcoming consideration of the Agreement for Marketing Services and the Agreement for Visitor's Center Services. Staff will issue a check for the 3<sup>rd</sup> quarter as soon as practical once the Board of Trustees (Board) provides direction to staff on this matter. The check has been prepared and was approved by the Board on October 14 with the October accounts payable, but has been held by the Town Treasurer pending this discussion. The Board should discuss its level of satisfaction with the 3<sup>rd</sup> quarter financial report of the Chamber, its level of satisfaction with the Chamber's use of funds allocated to Visitor's Center operations in the 3<sup>rd</sup> quarter, and its level of satisfaction with the Chamber's use of BLC fees allocated to marketing efforts in the 3<sup>rd</sup> quarter. Staff recommends that the Board approve the Chamber's 3<sup>rd</sup> quarter payment for Visitor's Center operations in the amount of \$5,683 (\$8,183 minus the \$2,500 rent). The Board needs to take action to fulfill the Town's requirements of the Agreement for Visitor's Center Services regarding remittance of quarterly payments to the Chamber.

- If the Board is satisfied with the Chamber's 3<sup>rd</sup> quarter financial reports, then the Board should direct staff to issue a check in the amount of \$5,683.

- If the Board is not satisfied with the Chamber's quarterly financial report and you wish to withhold the 3<sup>rd</sup> quarter payment until you are satisfied with the Chamber's quarterly financial report, then the Board should direct staff to not issue a check until so directed.

During discussion, Trustee Gasner expressed that he was disappointed that no one from the Chamber was present. He then moved to authorize staff to issue a check to the Grand Lake Area Chamber of Commerce in the amount of \$5,683 as full 3<sup>rd</sup> quarter payment for Visitor's Center operations, less the Chamber's rent payment currently due. Trustee Peterson seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION OF A VARIANCE REQUEST TO THE DESIGN REVIEW STANDARDS FOR A METAL FENCE LOCATED AT BLOCK 4, TOWN OF GRAND LAKE; MORE COMMONLY REFERRED TO AS LAKEFRONT PARK** – Mayor Burke asked Town Planner Biller to present this matter to the Board. Biller explained that Town staff is proposing a Public Works improvement project for the installation of a metal type fence to address a known hazard located along the alleyway adjacent to Lakefront Park.

Municipal Code 12-7-4 Design Review Standards states:

(E)4 Fences shall be constructed of wood, native or imitation stone in a style and color harmonious with the adjacent building architecture and the surrounding natural environment.

Municipal Code 12-2-27 Variance Request Procedure states:

The following factors should be considered by the Planning Commission and Town Board of Trustees in determining whether to issue a variance:

1. The compatibility of the proposed action with the surrounding area; and
2. Whether the proposed action is in harmony with the character of the neighborhood; and
3. The need for the proposed action; and
4. The effect of the proposed action upon future development in the area; and
5. The shape, size, topography, slope, soils, vegetation, and other physical characteristics; and
6. Whether alternative designs are possible; and
7. With due consideration for the Town's Comprehensive Plan.

The Town has been served a Notice of Claim for personal injury as a result of an incident occurring at this location, which requires improvements by the Town. The Town Attorney has been contacted regarding the claim. The Town Attorney advised staff to contact CIRSA and comply with any recommended action to prevent future incidents. CIRSA has been contacted by staff and advised the Town comply with the Municipal Code regarding road and

pedestrian standards. CIRSA does not object to the proposed cable fence. The Board of Trustees discussed several alternatives to address this hazardous condition at its afternoon workshop on Monday, September 23, 2013. During the evening meeting, staff recommended a variance be obtained to maintain consistency for any improvement that does not comply with the Municipal Code. The Board directed staff to proceed with the project to address the known hazard. The Planning Commission has forwarded a favorable recommendation by Resolution No. 13-2013. Existing vehicular protection is addressed by boulders located along the edge, but only a portion of the alley is currently lined with boulders. Existing pedestrian protection is addressed by an existing wood split rail fence that appears to be incomplete and in need of repairs. The Municipal Code does not specifically state the standards required for this particular situation. The goal of the project is to provide pedestrian and vehicle protection for approximately 260 ft along the south edge of the alleyway. The proposed protection will begin near the boulder located adjacent to Hancock St. and end near the grass path extending from the alleyway to the lower portion of Lake Front Park. The use of boulders for vehicular protection will be extended for a total length of 260 ft. Staff is proposing pedestrian protection via a proposed metal fence composed of three (3) horizontal galvanized steel cable railings supported by vertical rusted metal posts (8 ft o.c.) cast in concrete. The length of the proposed fence would be approximately 260 ft. The existing split rail fence would be removed. In staff's opinion, the variance request meets the established criteria for approval:

1. *The compatibility of the proposed action with the surrounding area;*  
 Currently a cable type fence system is already used along the boardwalk of Lakefront Park for increased view of the lake.
2. *Whether the proposed action is in harmony with the character of the neighborhood;*  
 The property is zoned Public and the neighborhood can be characterized as downtown commercial with a high volume of pedestrian traffic. Maintaining pedestrian access throughout downtown and the visibility of Grand Lake without compromising the protection of the general public is in harmony with the downtown character.
3. *The need for the proposed action;*  
 A known hazard exists. Town action is required by CIRSA and suggested by the Town Attorney.
4. *The effect of the proposed action upon future development in the area;*  
 The proposed metal fence will have a positive impact on future development. The vacant lot located adjacent to the alley will benefit from pedestrian protection being in place. The use of metal cable will increase the visibility of the lake as compared to a wood split rail fence.
5. *The shape, size, topography, slope, soils, vegetation, and other physical characteristics;*

The topography in this area presents a hazard. The Town is trying to balance pedestrian and vehicle safety while maintaining the view corridor of the Town's lake front assets.

6. *Whether alternative designs are possible;*

Alternative designs are possible, including wood, stone or even metal guardrail which would not require a variance. The use of those materials would obstruct the view corridor more than the proposed alternative. Additionally, CIRSA has recommended that the Town should consider protection devices that detour the sitting or climbing upon.

7. *With due consideration for the Town's Comprehensive Plan.*

The Town Comprehensive plan specifically describes lake visibility from the central business district as a strategy. The plan also describes promoting pedestrian access and amenities to and from the lake front. The use of rusted metal is an effort to comply with the rustic nature of the comprehensive plan.

Staff recommends the Board adopt the resolution as presented, thus granting the variance request for the use of a metal fence along the alley. The Board should discuss the merits of the variance request. The Board has the following options:

1. Grant the variance by adopting the Resolution as presented; or
2. Grant the variance with conditions; or
3. Deny the variance request.

If the Board denies the variance request, staff recommends the Board propose an alternative design in order for staff to proceed with the project.

Trustee Peterson moved to adopt Resolution No. 16-2013, a Resolution Granting a Variance to the Design Review Regulations for a Metal Fence Located at Block 4, Town of Grand Lake; More Commonly Referred to as Lake Front Park. Trustee Lanzi seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION TO AWARD THE BID FOR THE GRAND LAKE CEMETERY TREE REMOVAL PROJECT** – Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske explained that the Town went out to bid for the removal of all trees and stumps from approximately 2 +/- acres of unoccupied property located within the northerly portion of the Grand Lake Cemetery in Rocky Mountain National Park. The majority of the trees have never been sprayed for the prevention of the infestation of the Mountain Pine Beetle and are dead. The Cemetery Committee budgeted \$20,000 for this project. Two bids were received and are as follows:

Edwin E. Hill Excavating	\$11,500.00
ATH Specialties	\$18,000.00



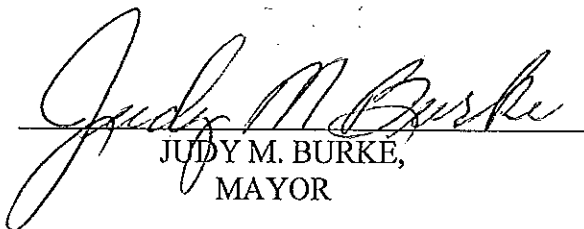
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The reason for the big difference in the two bids is Edwin E. Hill Excavating (Hill) has a tub burner and has a permit from Grand County's Division of Natural Resources to use it. Hill can burn stumps in the tub burner whereas ATH Specialties (ATH) will have to remove each and every stump from the property. Staff has requested a Certificate of Insurance from Hill and has verified that most of the insurance requirements have been met. Staff has requested an endorsement from Middle Park Agency showing the Town of Grand Lake as additional insured. Staff was told that this would take up to three days to obtain. Staff is expecting to receive a by Wednesday, October 30, 2013. If the Board is satisfied, staff recommends the Board of Trustees award the bid to Edwin E. Hill Excavating for \$11,500.00 and to authorize the Town Manager to execute an Agreement for Services, providing staff has received the requested endorsement and that all other pre-contract provisions are met by Wednesday, October 30, 2013. If not met by this deadline, staff recommends that the Board of Trustees award the bid to ATH for \$18,000.00 and to authorize the Town Manager to execute an Agreement for Services when all pre-contract provisions are met.

Following brief discussion, Trustee Peterson moved to award the bid to Edwin E. Hill Excavating for \$11,500.00 and to authorize the Town Manager to execute an Agreement for Services, providing staff has received the requested endorsement and that all other pre-contract provisions are met by Wednesday, October 30, 2013. If not met by this deadline, staff recommends that the Board of Trustees award the bid to ATH for \$18,000.00 and to authorize the Town Manager to execute an Agreement for Services when all pre-contract provisions are met. Trustee Gasner seconded the motion and all Trustees voted aye.

CITIZEN PARTICIPATION: None.

ADJOURNMENT: Trustee Peterson moved to adjourn, seconded by Trustee Gasner. All Trustees voted aye, and the meeting was adjourned at 8:06 p.m., October 28, 2013.

  
JUDY M. BURKE,  
MAYOR

ATTEST:   
RONDA KOLINSKE, CMC,  
TOWN CLERK