REGULAR MEETING
TOWN OF GRAND LAKE BOARD OF TRUSTEES
MONDAY, DECEMBER 10, 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 7:30 p.m. at the Town Hall, 1026 Park Avenue.

ROLL CALL
PRESENT:
Mayor Burke; Trustees Gasner, Lanzi, Ludwig, Peterson, and Weydert; Town Manager Hook, Town Clerk Kolinske, Town Treasurer/Clerk Pro-Tem Dzinski, and Town Planner Biller.

ABSENT:
Mayor Burke announced that Trustee Lewis was absent due to illness. Trustee Peterson moved to excuse Trustee Lewis’s absence from the afternoon workshop and this evening’s meeting. Trustee Weydert seconded the motion and all Trustees voted aye.

APPROVAL OF MINUTES
November 12, 2012:
Trustee Weydert moved to approve the minutes of the November 12, 2012 regular meeting as written, seconded by Trustee Peterson. All Trustees voted aye except Trustee Ludwig, who abstained.

November 26, 2012:
Trustee Peterson moved to approve the minutes of the November 26, 2012 regular meeting as written, seconded by Trustee Weydert. All Trustees voted aye except Trustee Ludwig, who abstained.

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

Mayor Burke announced that Delicious Dishes, a fundraiser for the Mountain Family Center will be held Tuesday, December 11th at the Daven Haven Lodge from 5 - 9 p.m.

Mayor Burke announced that the Board of Trustees’ second December meeting is cancelled as is traditional during the holiday season. The next Board meeting will be January 14, 2013.

Mayor Burke then asked everyone to please enjoy this holiday season with a free “Deck the Halls” movie Dec. 14th at the Rocky Mountain Repertory Theatre, crafts and desserts on the 15th at the Trinity Church in the Pines, Rocky Mountain Repertory Theatre’s “Home for the Holidays” production Dec. 15th and 16th, the holiday family melodrama, “The Belle of Grand Lake” Dec. 26th – 31st, a Grand Lake Area Historical Society Benefit on the 26th at the Rapids Lodge benefiting the Smith-Eslick Cottage Court, a Historical Holiday Celebration at the Kauffman House Dec. 27th, a Christmas Festival of Music Dec. 16th at the Community House and fireworks over Grand Lake on New Year’s Eve.
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.

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

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF APPROVAL FOR A SPECIAL EVENTS LIQUOR PERMIT FOR THE GRAND LAKE AREA HISTORICAL SOCIETY FOR THEIR “HISTORICAL HOLIDAY CELEBRATION” – Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske explained that an application for a Special Events Liquor Permit was received with the appropriate state fee, proof of possession, certificate of good corporate standing, and floor diagram, from the Grand Lake Area Historical Society. The request is to sell malt, vinous and spirituous liquor by the drink for consumption on the premises only for their “Historical Holiday Celebration” fundraising event. The requested date is Thursday, December 27, 2012 from 6:00 to 9:00 p.m. The proposed location is the Kauffman House at 407 Pitkin Street. Public notice was posted on the premises on November 30, 2012 and attested to by Grand County Sheriff Schmidt. The Grand County Sheriff’s Department reviewed the application and found no adverse information which would affect this permit. 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 noted that Elin Capps was present representing the Historical Society.

Trustee Peterson moved to approve the Special Events Liquor Permit for the Grand Lake Area Historical Society’s “Historical Holiday Celebration” on December 27, 2012 at the Kauffman House. Trustee Weydert seconded the motion, and all Trustees voted aye.

At 7:37 p.m. Trustee Ludwig resumed his seat.

NEW BUSINESS:

PUBLIC HEARING - CONSIDERATION OF RESOLUTION NO. XX-2012, A RESOLUTION GRANTING TWO (2) VARIANCES TO THE DRIVEWAY STANDARDS LOCATED AT BLOCK 1, LOT 20 & THE SOUTH ½ OF LOT 19, GRAND LAKE ESTATES 1ST FILING; MORE COMMONLY REFERRED TO AS 910 CAIRNS AVENUE – Mayor Burke asked Town Planner Biller to present this matter to the Board. Biller explained that the Town has received two (2) variance requests to the driveway standards. The applicant is proposing a looped driveway located mid block which is a variance to the following:

1. One driveway access point, and
2. The minimum required separation.
Variances shall be reviewed by the Planning Commission at a Public Hearing and should make a recommendation to Board of Trustees who will make the final determination. The Planning Commission has forwarded a favorable recommendation by Resolution No. 13-2012. The Municipal Code 11-2-F-3ii Residential Driveways state:

e2. Variances may be granted for ....looped driveways located mid block when a minimum 100’ separation exists between the edges of each drive and 50’ from the adjoining property lines.

The Municipal Code 11-2 does require the following:

3. HARDSHIPS FOR CONSIDERATION
   i. Variance requests will only be granted if the applicant can demonstrate all of the following:
      a. That by reason of exceptional shape, size or topography of lot, or other exceptional situation or condition of the building or land, practical difficulty or unnecessary hardship would result to the owners of said property from a strict enforcement of these Regulations;
      b. That literal interpretation of the provisions of these Regulations would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of these Regulations.
      c. That the special conditions and circumstances do not result from the actions of the applicant;
      d. That granting the variance request will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district;
      e. That the granting of the variance does not pose a detriment to the public good and does not substantially impair the intent and purpose of the Zone Plan and these Regulations.

Staff has contacted all property owners within 200’ of the above address and caused legal notice to be published in the newspaper as required by the Municipal Code. Staff received one (1) surrounding property owner response via email regarding the variance request. Barbara Bergonz, 907 Cairns Avenue, had no objections to the variance. The looped driveway has already been constructed. During a routine sight visit, staff noticed the newly constructed driveway and contacted the contractor. Byron Miller Construction is the contractor and has been very cooperative with staff in resolving the driveway issue. The Grand Lake Estates HOA has approved the looped driveway. A lot line agreement for Lot 20 and the south ½ of Lot 19 has previously been recorded. Staff does believe all 5 hardship conditions required for granting a variance are met. Staff recommends that the drainage of Cairns Avenue be maintained to the satisfaction of the Town Public Works Department. Staff recommends the applicant be required to obtain a right of way permit for the work conducted in Cairns Avenue. Staff recommends the Board approve the resolution as prepared. The Board should discuss the variances requested and whether the hardships defined by the Municipal Code have been satisfied. The Board has many options including:
1. Adopt Resolution No. XX-2012, thus recommending both variances requested; or
2. Adopt Resolution No. XX-2012, with conditions; or
3. Recommend denial of one or both of the variances requested.

Biller noted that Michael Huckabee was present representing the owners.

Mayor Burke then opened the meeting for public comment. Having none, she closed the Public Hearing and turned the matter over to the Board of Trustees.

Trustee Peterson moved to adopt Resolution No. 26-2012, a Resolution Granting Two (2) Variances to the Driveway Standards Located at Block 1, Lot 20 and the South ½ of Lot 19, Grand Lake Estates 1st Filing; More Commonly Referred to as 910 Cairns Avenue. Trustee Weydert seconded the motion and all Trustees voted aye.

NEW BUSINESS:

PUBLIC HEARING - CONSIDERATION OF ORDINANCE NO. XX-2012, AN ORDINANCE VACATING CERTAIN MUNICIPAL RIGHT OF WAYS LOCATED WITHIN THE LEMMON LODGE SUBDIVISION EXEMPTION, RECEPTION NO. 167077 – Mayor Burke asked Town Planner Biller to present this matter to the Board. Biller explained that the Town has received a vacation request for the right of ways located within the Lemmon Lodge Subdivision Exemption which requires the Board’s review. Municipal Code 11-2-J states the procedure for request of vacation of Municipal Rights of Way shall be done in accordance with CRS 43-2-303. CRS 43-2-303 requires right of way vacations to be done by Town ordinance. The vacation of the right of ways within Lemmon Lodge is required. It appears that during the original Lemmon Lodge Subdivision Exemption, the northern half of the Lake Avenue right of way and the right of way running north and south were intended to be vacated. Staff has reviewed the recorded plats and meeting minutes. From these documents it appears 1) the Town intended to vacate these rights of ways and 2) Lemmon Lodge did not complete the necessary follow up with the Town to complete vacation. Staff recommends the Board adopt the ordinance. The Board should discuss the vacation of the right of ways within the Lemmon Lodge Subdivision Exemption. The Board has several options to consider including:
   1. Adopt the Ordinance, thus vacating the right of ways; or
   2. Adopt the Ordinance, with additional conditions; or
   3. Continue the Public Hearing; or
   4. Not adopt the Ordinance.

Mayor Burke then opened the meeting for public comment.

Bruce Howell, Cabin #9, Lemmon Lodge, introduced himself as President of the Lemmon Lodge Homeowner’s Association. He again explained that this vacation should have been completed in 1979 when Lemmon Lodge was originally platted.
Tim Shenk, 1946 County Road 57, Granby, CO, introduced himself as the Land Surveyor for this project. He said that this is a duplicate of what the original plat intended to vacate and noted that that there are buildings that sit within these rights of ways.

Having no other comments, Mayor Burke closed the Public Hearing and turned the matter over to the Board of Trustees.

Following brief discussion, Trustee Weydert moved to adopt Ordinance No. 9-2012, an Ordinance Vacating Certain Municipal Right of Ways Located within the Lemmon Lodge Subdivision Exemption, Reception No. 167077. Trustee Peterson seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF RESOLUTION NO. XX-2012, A RESOLUTION APPROVING PRELIMINARY PLAT LEMMON LODGE; A REDEVELOPMENT OF THE LEMMON LODGE SUBDIVISION EXEMPTION AMENDING AND REPLATTING IN ITS ENTIRETY THAT SUBDIVISION FOR LEMMON LODGE RECORDED SEPTEMBER 25, 1979 AT RECEPTION NO. 167077 – Mayor Burke asked Town Planner Biller to present this matter to the Board. Biller explained that the Town has received a Preliminary Plat application for Lemmon Lodge. The Planning Commission has elected to require Board of Trustees review as allowed per Municipal Code 12-9-2. At a regular scheduled meeting on November 7, 2012, the Commission forwarded a favorable recommendation for approval. Municipal Code 12-9-2 does allow the Planning Commission to require a preliminary plat application to be reviewed by the Board of Trustees as it considers necessary. Town staff has been working with the owners of Lemmon Lodge since 2008 to submit a request for a new subdivision of the property. The subdivision, once completed, will provide for all existing and proposed structures to be located wholly within the footprint boundaries for each of the units. While designed to ‘clean up’ the development, the new plat will replace the 1979 Subdivision Exemption Plat and the 1979 Stipulations of Subdivision Plat Exemption Lemmon Lodge Resort. The Planning Commission elected to require Board of Trustee review and approval prior to Final Plat due to the unique circumstances to Lemmon Lodge. Previous Town staff and current staff are both in favor of the replatting of Lemmon Lodge. Planning Commission Resolution No. 15-2012 contained nine (9) items that should be addressed by the applicant. The applicant has addressed two (2) of those nine (9) items. Staff believes the seven (7) remaining items can be addressed prior to the submittal of the Final Plat. Staff has one (1) additional comment arising from the revisions to the Preliminary Plat. Staff has the following comments and recommends the Board approve the resolution as presented:

1) Title work as required by the Town Attorney is submitted to the Town;

The Municipal Code typically requires title work for developments. The expense incurred to provide title work on all units was considered and the Town Attorney agreed on certain terms that only ownership verification of each unit was necessary.
2) A minimum of 64 parking spaces is required to be shown and/or created on the plat including a sureties agreement for proposed improvements;

   Staff's recommendation to the Commission was to meet the Town Code required parking. The Commission made a recommendation to the Board of 60 parking spaces. That recommendation was based on 26 total units. Lemmon Lodge will be revising the plat and revert back to duplex units for Units 25 and 26. Thus staff believes the requirement should be increased accordingly. In keeping with the philosophy of the Commission, staff recommends 64 parking spaces be shown on the Final Plat.

3) Written confirmation from the HOA and the owner of Unit 24/25 that the unit will be treated as a duplex;

   The owner of these units expressed concerns with the replatting of their property. Ultimately, the owner and the HOA are working through the details to keep these units as shown on the 1979 plat.

4) The applicant coordinate with Town staff to develop and submit an addressing plan;

   Staff and the applicant are working through the details of the addressing plan. Currently, the units are not sequentially numbered. The Board may recall that previously this summer staff readdressed the Sunnyside Addition to include sequential numbering. Staff specifically did not include Lemmon Lodge anticipating readdressing would be dealt with during the replatting process.

5) The plat note #17 addressing the quiet title action as stated in Part B of this document be revised to include the Board of Trustees;

   Staff has concerns over the quiet title action recorded at Reception No. 2011003522 and whether or not the acceptance of this preliminary plat by the Town diminishes the Towns right to the land in question. Specifically, the area defined as “Greenbelt” on the 1979 Lemmon Lodge Plat. Town Attorney Kroh addressed this issue by making a condition of approval as described in Part B of the draft resolution, also shown on the plat. The plat only includes the Planning Commission.

6) The utility exhibits be incorporated into the 24x36 plat documents; and

   Staff believes the utility exhibits are unnecessary and for simplicity should be incorporated in the plat. Staff confirmed with both utilities that this was acceptable.

7) The entrance sign to Lemmon Lodge be removed from the Lake Avenue right of way.

   Originally Lemmon Lodge was requesting a right of way encroachment permit for the entrance sign. Lemmon Lodge has withdrawn that request and therefore staff recommends they be required to remove the sign from the right of way.

8) The applicant provide the Town with the amended declarations;

   The declarations will need to be revised to include the duplex units mentioned previously.

The Board should discuss the preliminary plat for Lemmon Lodge. The Board has several options to consider including:
1. Adopt Resolution xx-2012 as presented, thus approving preliminary plat for Lemmon Lodge; or
2. Adopt Resolution xx-2012 with conditions; or
3. Continue consideration and direct the applicant to revise the preliminary plat prior to approval; or
4. Deny the preliminary plat application.

Biller noted that Bruce Howell and Tim Shenk were both present.

Bruce Howell was recognized from the audience and addressed staff’s comments as follows:
1) Regarding the title work requirement, they have contracted with a title company and plan to have it completed before they submit the final version of the replat.
2) Regarding the 64 minimum required parking spaces, Howell acknowledged that the preliminary plat currently shows 62 and he said that the plat will be changed if necessary once the owner of Unit 24/25 decides on whether this unit remains one or becomes two.
3) Regarding written confirmation from the HOA and the owner of Unit 24/25, he said that written confirmation will be provided from the HOA and the owners of Units 24/25 and 26.
4) Regarding the submission of and addressing plan, he said that they are working through the details with Town Planner Biller.
5) Regarding the revision of plat note #17, he said that they agree to have it revised.
6) Regarding the incorporation of the utility exhibits, he said that they agree to the incorporation.
7) Regarding the entrance sign, he said that they are accepting bids for the removal and plan to have it completed prior to final.
8) Regarding amended declarations, Howell said that they agree to provide the Town with amended declarations.

Following brief discussion, Trustee Weydert moved to adopt Resolution No. 27-2012, a Resolution Approving Preliminary Plat for Lemmon Lodge; a Redevelopment of the Lemmon Lodge Subdivision Exemption Amending and Replatting in its Entirety that Subdivision for Lemmon Lodge Recorded September, 25, 1979 at Reception No. 167077 as presented. Trustee Peterson seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF RESOLUTION NO. XX-2012, A RESOLUTION APPROVING THE CORRECTION PLAT TO THE DAVEN HAVEN COTTAGES AS DESCRIBED IN GRAND COUNTY RECEPTION #2002-007245; AND AS BUILT PLAT DAVEN HAVEN COTTAGES AS DESCRIBED IN GRAND COUNTY RECEPTION #2005-004886; AND 1ST AMENDMENT TO THE FINAL PLAT OF DAVEN HAVEN COTTAGES AS DESCRIBED IN GRAND COUNTY RECEPTION #2008-011705; AND DAVEN HAVEN CABINS FINAL PLAT 2ND AMENDMENT TO THE
DEVELOPMENT FORMALLY KNOWN AS DAVEN HAVEN COTTAGES AS DESCRIBED IN GRAND COUNTY RECEPTION #2012-002995 – Mayor Burke asked Town Planner Biller to present this matter to the Board. Biller explained that the Town has received a land use application from the Daven Haven Lodge regarding a correction plat to the previously approved, amended, and recorded Daven Haven plats. The Board is required to review and approve the changes to the plats. Municipal Code 12-9-8 Redevelopment Procedure states the following:

A. Redevelopment of land or changes to a recorded Plat shall be considered a development and it shall comply with these regulations with the following exceptions:

   e. If it is discovered that there is a minor surveying or drafting error in a recorded final plat, the developer shall be required to file a final plat with an Affidavit witnessed by a registered land surveyor, concerning the change which shall be approved by the Planning Commission and the Board of Trustees. If, however, the correction of the error results in such major alterations that the corrected plat no longer meets the design standards and criteria of these regulations, then the corrected plat shall require full approval procedures as previously described and the recording of a corrected plat.

B. A copy of all Final Plat revisions shall be submitted to the Planning Commission and the Board of Trustees for their review.

C. Where the redevelopment complies with the appropriate requirements of these regulations, a recorded plat indicating the redevelopment shall be submitted to the Town Planning Commission and the Board of Trustees for their endorsements, prior to the filing of such plat with the Town Clerk. Such plats shall specifically indicate the revisions being made compared to the previously recorded plat.

The Daven Haven Planned Development (PD), in general, consists of the subdivision of the Daven Haven Lodge and Restaurant from 12 residential cabins.

- The Town approved the original PD by Ordinance 4-2002. (Grand County Rec. #2002-007245)
- The Town accepted the as-built drawings on April 25, 2005. (#2005-004886)
- The Town approved an amendment to the PD by Ord. 1-2006. (Not recorded)
- The Town approved the 1st amendment to the PD by Ord. 19-2008. (#2008-011705)
- The Town approved the 2nd amendment to the PD by Ord. 25-2011. (#2012-002995)

The corrections are shown by revision clouds on the Correction Plat. In summary, there are two (2) errors and one (1) omission that need to be corrected.

- The footprint for Cabin 37 is now shown corrected.
- The square footages/measurements for the cabins and parcel 3 are now shown corrected.
The building envelopes need to be located on the plat and are now shown.

Staff was approached by representatives of the Daven Haven Lodge in August of 2012 concerning the omission of ties locating the building envelopes on the recorded plat. Staff tried to resolve the building envelope omission at the administration level, but during this simple review found other more significant errors. After further investigation, the surveyor agreed that several "scriveners" errors or drafting errors had occurred on all previously recorded plats. Cabin 29 and Cabin 31 within the PD have been sold. Staff did send certified letters to both owners informing them of the proposed corrections being made to the plats. Staff has the understanding that two (2) more cabins are under contract and are awaiting title commitments based on the outcome of this correction process. Staff has been working with the Daven Haven representatives to determine the best approach to revise the errors and omissions. Staff does not believe a replat of the entire development is necessary, but does believe Planning Commission and Board of Trustees review is required by the Municipal Code. Staff would like to point out that the Planning Commission has not reviewed the Correction Plat. Staff anticipates Planning Commission review at the next regular scheduled meeting on December 19th. Staff is aware this procedure is unusual but believes is technically permissible under Municipal Code. Staff has brought this matter to the Board prior to Commission approval to facilitate the bureaucratic process in an attempt appease the sensitive circumstances surrounding the applicant. Although the Board has the opportunity to approve the correction plat first, the resolution if adopted, does preserve the Mayors signature last on the correction plat. The Town Attorney has been consulted by staff and there are no outstanding issues. Staff recommends the Board adopt the resolution as presented, which contains the following conditions of approval:

1. the applicant provide an original reproducible Correction Plat; and
2. the applicant obtain the appropriate signatures prior to Town signatures; and
3. the applicant obtain Planning Commission approval; and
4. the Planning Commission Chairman and Mayor sign the Correction Plat last.

The Board should discuss the correction plat. The Board should also discuss if the terms of the resolution are acceptable. The Board has several options to consider including:
1. Adopt the resolution xx-2012 as presented, thus approving the correction plat; or
2. Adopt resolution xx-2012 with conditions; or
3. Not adopt the resolution.

Biller noted that Greg Barnes, owner/applicant, was present.

Greg Barnes, 604 Marina Drive, was recognized from the audience. He said that he is near completion; in fact he is in the process of obtaining signatures. He then asked the Board if there is a chance this can be approved without going to the
Planning Commission since the corrections are minor and because of time constraints.

Mayor Burke asked Town Planner Biller about his thoughts of not obtaining Planning Commission approval.

Biller said that he thought it would be a disservice to the Planning Commission since they have been involved with this since 2002. If the Board feels that it is not necessary, he said that he could provide the Commission Members with an FYI; however, in meeting the intent of Municipal Code, this should go to them for signature. He went on to explain that this matter was scheduled to be on the Planning Commission agenda December 5, 2012 but due to the fact that the Town did not receive the correct information, it did not make that meeting. Biller said that he fast tracked the process by contacting the owners and sent certified letters for that meeting anticipating that this matter will go to the Board after the Planning Commission. From his stand point, he said that he has done everything that he could possibly do to expedite the process.

Discussion ensued regarding the next regularly scheduled Planning Commission meeting December 19, 2012. Since that date did not seem conducive to Mr. Barnes and because of the fact that Town Planner Biller didn’t have any other agenda items for December 19th, Biller mentioned conducting a Special Meeting with the Planning Commission sooner. He said that he would contact the Commission Members to see how soon they could meet.

Following discussion, Trustee Peterson moved to adopt Resolution No. 28-2012, a Resolution Approving the Correction Plat to the Daven Haven Cottages as Described in Grand County Rec. #2002-007245; and As Built Plat Daven Haven Cottages as Described in Grand County Rec. #2005-004886; and 1st Amendment to the Final Plat of Daven Haven Cottages as Described in Grand County Rec. #2008-011705; and Daven Haven Cabins Final Plat 2nd Amendment to the Development Formally Known as Daven Haven Cottages as Described in Grand County Rec. #2012-002995. Trustee Weydert seconded the motion and all Trustees voted aye.

**NEW BUSINESS:**

**CONSIDERATION OF AN INTERGOVERNMENTAL AGREEMENT (IGA) BETWEEN THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND AND THE BOARD OF TRUSTEES OF THE TOWN OF GRAND LAKE REGARDING THE GRAND COUNTY BUILDING DEPARTMENT** – Mayor Burke asked Town Planner Biller to present this matter to the Board. Biller explained that the Town entered into an IGA with Grand County in December 2009. The Agreement requires the Town to review the terms every three (3) years. Town staff has reviewed the IGA with the Grand County Building Department and during that review has developed mutually agreed upon revisions. Historically, the Grand County Building Department has provided building permit services to the Town. In 2008 the Town considered a proposal from Safebuilt Colorado, a private firm, to conduct the
Town building department services. The Town ultimately rejected the proposal and maintained the relationship with Grand County. The Board may recall at a regular schedule workshop on April 23, 2012, the Board discussed the proposed revisions to the IGA. Grand County legal staff has already reviewed the revisions in the presented IGA. It is customary for this Board to sign last in all contracting scenarios. However, considering the two entities involved, Town staff has presented the IGA to the Board first for signature and the BOCC will have the opportunity to consider the IGA at its next regular scheduled meeting Tuesday, December 18. If the Board has another preference for signature or if signature has taken place differently in years prior, staff is open to those ideas. Staff has reviewed and agrees with the proposed revisions to the IGA. The new IGA would require the Town to review the terms every 5 years. Staff recommends the Board enter into the proposed IGA with Grand County. The Board has many options including:

1. Authorize the Mayor and Town Manager to sign the IGA as presented, thus revising the agreement for building services with Grand County; or
2. Authorize the Mayor and Town Manager to sign an IGA with any Board corrections; or
3. No action, thus keeping the current terms of the perpetual 2009 IGA.

Following brief discussion, Trustee Lanzi moved to authorize the Mayor and Town Manager to sign the Intergovernmental Agreement (IGA) between the Board of County Commissioners of the County of Grand and the Board of Trustees of the Town of Grand Lake regarding the Grand County Building Department to administer and enforce the Town’s Building Code. Trustee Peterson seconded the motion and all Trustees voted aye.

**NEW BUSINESS:**

**CONSIDERATION TO AUTHORIZE THE MAYOR TO SIGN THE ENGAGEMENT LETTER WITH RUBINBROWN, LLP FOR THE DECEMBER 31, 2012 AUDIT** – Mayor Burke asked Town Treasurer/Clerk Pro-Tem Dzinski to present this matter to the Board. Dzinski explained that RubinBrown has submitted a letter of engagement outlining the terms and objectives as well as the nature and limitation of services to be provided in connection with the 2012 audit. The fee for the December 31, 2012 audit engagement is estimated to be about $13,500, no increase, based on the understanding that the Town Treasurer will be preparing the financial statements this year. If RubinBrown were to prepare the statements, the cost would be approximately $16,450, no increase. Both estimates are based on the assumption that no unexpected circumstances will be encountered during the audit that would require significant additional time. Out-of-pocket expenses will be billed in addition to the fee. At this time, Dzinski said that she does not anticipate the Town meeting the federal threshold of $300,000 that would trigger a Circular A-133 audit. Staff recommends that the Board of Trustees authorize the Mayor to sign the Engagement Letter with RubinBrown, LLP for the December 31, 2012 audit.
Trustee Weydert moved to authorize the Mayor to sign the Engagement Letter with RubinBrown, LLP for the December 31, 2012 audit seconded by Trustee Peterson. All Trustees voted aye except Trustee Gasner, who voted nay.

NEW BUSINESS:

CONSIDERATION OF RESOLUTION NO. XX-2012, A RESOLUTION SUMMARIZING EXPENDITURES AND REVENUES FOR EACH FUND AND ADOPTING A BUDGET FOR THE TOWN OF GRAND LAKE, COLORADO, FOR THE CALENDAR YEAR BEGINNING ON THE FIRST DAY OF JANUARY, 2013, AND ENDING ON THE LAST DAY OF DECEMBER, 2013 – Mayor Burke asked Town Treasurer/Clerk Pro-Tem Dzinski to present this matter to the Board. Dzinski explained that staff has previously provided under separate cover, the final draft of the 2013 budget, dated 12/3/12, for the Town of Grand Lake for the Board’s consideration. There are 3 final actions to be taken by the Board to complete the 2013 Town of Grand Lake Budget process: adopt the budget, appropriate funds, and levy general property taxes.

The proposed 2013 Budget for the Town of Grand Lake was submitted to the Board of Trustees on October 8, 2012. The Board set the 2013 budget for public hearing on November 12, 2012. Notice of the Proposed Budget was published in the Middle Park Times on Thursday, October 18, 2012, Legal Notice No. 8478059, advising the public of the Public Hearing and of the availability of the draft budget for review. The public hearing was held on November 12, 2012, at the regularly scheduled meeting of the Board of Trustees. There were no comments, written or oral, from the public on the budget. Resolution No. XX-2012 summarizes expenditures and revenues in each Fund and adopts a budget that allows for estimated expenditures in the General Fund, Water Enterprise Fund, Marina Enterprise Fund, and Pay-As-You-Throw Enterprise Fund in the total amount of $4,375,606. The total expenditures in each fund are balanced with revenues in the same amount. Staff recommends the Board adopt the draft resolution.

Trustee Weydert moved to adopt Resolution No. 29-2012, a Resolution Summarizing Expenditures and Revenues for Each Fund and Adopting a Budget for the Town of Grand Lake, Colorado, for the Calendar Year Beginning on the First Day of January, 2013, and Ending on the Last Day of December, 2013. Trustee Peterson seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF ORDINANCE NO. XX-2012, AN ORDINANCE APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS AND SPENDING AGENCIES, IN THE AMOUNTS AND FOR THE PURPOSES AS SET FORTH BELOW, FOR THE TOWN OF GRAND LAKE, COLORADO FOR THE 2013 BUDGET YEAR – Mayor Burke asked Town Treasurer/Clerk Pro-Tem Dzinski to present this matter to the Board. Dzinski explained that once the budget is adopted in accordance with the Local Government Budget Law, with money budgeted to be received and expended, the
Board must appropriate sums of monies for the expenditures. Ordinance No. XX-2012 appropriates the necessary monies as follows:

- General Fund: $3,045,069
- Water Enterprise Fund: $934,819
- Marina Enterprise Fund: $381,237
- Pay-As-You-Throw Enterprise Fund: $14,481

Staff recommends the Board adopt the draft ordinance.

Trustee Peterson moved to adopt Ordinance No. 10-2012, an Ordinance Appropriating Sums of Money to the Various Funds and Spending Agencies, in the Amounts and for the Purposes as Set Forth Below, for the Town of Grand Lake, Colorado, for the 2013 Budget Year. Trustee Weydert seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF RESOLUTION NO. XX-2012, A RESOLUTION LEVYING GENERAL PROPERTY TAXES FOR THE YEAR 2012, TO HELP DEFRAY THE COSTS OF GOVERNMENT FOR THE TOWN OF GRAND LAKE, COLORADO, FOR THE 2013 BUDGET YEAR — Mayor Burke asked Town Treasurer/Clerk Pro-Tem Dzinski to present this matter to the Board. Dzinski explained that the Town is allowed to levy general property taxes to help defray the costs of government. Resolution No. XX-2012 preserves the tax of 9.409 mills established in 1994, with a temporary mill levy rate reduction of 4.384 mills, resulting in a total mill levy for the Town of Grand Lake of 5.025 for budget year 2013. This mill levy is in compliance with the 5.5% statutory limitation and with the TABOR Amendment. Resolution No. XX-2012 authorizes the Mayor to certify the temporarily reduced mill levy of 5.025 to the Grand County Board of Commissioners. Staff recommends the Board adopt the draft resolution.

Trustee Weydert moved to adopt Resolution No. 30-2012, a Resolution Levying General Property Taxes for the Year 2012, to Help Defray the Costs of Government for the Town of Grand Lake, Colorado, for the 2013 Budget Year, and authorize the Mayor to certify the temporarily reduced mill levy of 5.025 to the Grand County Board of Commissioners. Trustee Peterson seconded the motion and all Trustees voted aye.

Trustee Peterson then thanked staff and the Board of Trustees for all their hard work on the 2013 Budget.

NEW BUSINESS:

CONSIDERATION OF ORDINANCE NO. XX-2012, AN AMENDMENT TO ORDINANCE NO. 22-2011 TO UPDATE AND REPLACE EXHIBIT 2, AN AGREEMENT FOR VISITOR'S CENTER SERVICES BETWEEN THE TOWN OF GRAND LAKE AND THE GRAND LAKE AREA CHAMBER OF COMMERCE AND TO AUTHORIZE THE MAYOR TO SIGN THE 2013 AGREEMENT FOR VISITOR'S CENTER SERVICES
BETWEEN THE TOWN AND THE CHAMBER – Mayor Burke asked Town Manager Hook to present this matter to the Board. Hook explained that in late 2011, through adoption of Ordinance 22-2011, the Town accepted and entered into two agreements with the Chamber: a Lease Agreement for the Town owned Visitor’s Center and a Service Agreement for the Chamber to operate the Visitor’s Center on behalf of the Town. The Lease Agreement establishes a number of responsibilities for the Chamber as tenant and the Town as landlord. It has a 5-year term expiring on November 30, 2016. The Service Agreement establishes a number of responsibilities for the Chamber as service provider and the Town as owner of the Visitor’s Center. It has a 1-year term expiring on December 31, 2012. Because Ordinance 22-2011 was adopted with the 2012 Service Agreement as Exhibit 2, the 2013 Service Agreement must replace the 2012 Service Agreement as Exhibit 2 through adoption of a new ordinance amending Ordinance 22-2011. The Chamber Board has approved the Service Agreement and has provided the Town with a signed copy. The 2013 Service Agreement has changed in format and content to some extent from the agreement for 2012. In reviewing the 2012 Service Agreement, the 2012 Marketing Agreement and the current Lease Agreement, staff observed that there were some similarities between the documents as well as many differences. Additionally, the Service Agreement and the Marketing Agreement also had some notable differences when compared to other agreements for services between the Town and other entities. For example, there were inconsistencies in the legal boilerplate, the introductory paragraphs and sections on default, termination, notice, future appropriations, compliance with laws, non-waiver, assignment, agreement, severability, applicable law, binding effect, insurance/indemnification, and governmental immunity act. There were also other differences between the agreements, such as how the term of agreement was presented and the presentation of the authorities of, and relationship between, the Town and the Chamber. After consulting with Town Attorney Krob, he and staff concurred that both the Service Agreement and the Marketing Agreement should be reworked to make them more similar in format and content without taking away key provisions important to the Town and the Chamber. The Service Agreement is now structured similarly to the Marketing Agreement. No crucial text was deleted from the document. In some cases, text was rephrased or moved or both. In some cases, new text and dates were added. While working through the larger issue of Service Agreement structure, staff took the opportunity to address several details to improve clarity and user-friendliness of the document. For example, it was difficult to identify the Chamber’s reporting and submittal requirements in the existing agreement because they were scattered throughout the document. These requirements have now been consolidated into one section. Other examples include: the official name of the Chamber is now inserted, ‘Area’ had been omitted; the two Board of Trustees representatives to the Chamber Board are now specifically identified as being voting Chamber Board members to conform to current expectations and practice; due dates have been added to reporting and submittal requirements, not all requirements had clear due dates. As you can imagine, the process to rework the Service Agreement took several iterations. Town Attorney Krob has reviewed the Service Agreement and provided comment. His comments have been
incorporated into the document. Additionally, Chamber Executive Director Lisa Jenkins has reviewed the several drafts generated. Town Manager Hook said that he and Jenkins discussed her questions and comments on each draft and developed consensus on incorporating her feedback. The Board should discuss whether the Service Agreement meets or does not meet the Board’s expectations for Visitor’s Center operations in 2013. Staff recommends adoption of the ordinance and execution of the Service Agreement as presented. Hook noted that Lisa Jenkins, Executive Director for the Chamber was present.

Trustee Peterson moved to adopt Ordinance No. 11-2012, an Amendment to Ordinance No. 22-2011 to update and replace Exhibit 2, an Agreement for Visitor’s Center Services between the Town of Grand Lake and the Grand Lake Area Chamber Of Commerce and to authorize Mayor Burke to sign the 2013 Agreement for Visitor’s Center Services between the Town and the Chamber. Trustee Weydert seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION TO AUTHORIZE THE MAYOR TO SIGN THE 2013 AGREEMENT FOR MARKETING SERVICES BETWEEN THE TOWN OF GRAND LAKE AND THE GRAND LAKE AREA CHAMBER OF COMMERCE – Mayor Burke asked Town Manager Hook to present this matter to the Board. Hook explained that in late 2011, the Town and the Chamber entered into an Agreement for Marketing Services, for marketing services to promote tourism in Grand Lake. The Marketing Agreement establishes a number of responsibilities for the Chamber as service provider and the Town as an entity interested in promoting tourism for the benefit of the community at-large. It has a 1-year term expiring on December 31, 2012. The Chamber Board has approved the Marketing Agreement and has provided the Town with a signed copy. The 2013 Marketing Agreement has changed in format and content to some extent from the agreement for 2012. In reviewing the 2012 Marketing Agreement, the 2012 Service Agreement and the current Lease Agreement, staff observed that there were some similarities between the documents as well as many differences. Additionally, the Marketing Agreement and the Service Agreement also had some notable differences when compared to other agreements for services between the Town and other entities. For example, there were inconsistencies in the legal boilerplate, the introductory paragraphs and sections on default, termination, notice, future appropriations, compliance with laws, non-waiver, assignment, agreement, severability, applicable law, binding effect, insurance/indemnification, and governmental immunity act. There were also other differences between the agreements, such as how the term of agreement was presented and the presentation of the authorities of, and relationship between, the Town and the Chamber. After consulting Town Attorney Krob, he and staff concurred that both the Marketing Agreement and the Service Agreement should be reworked to make them more similar in format and content without taking away key provisions important to the Town and the Chamber. The Marketing Agreement is now structured similarly to the Service Agreement. No crucial text was deleted from the document. In some cases, text was rephrased or moved or both. In some cases, new text and dates were added. While working through the larger issue of
Marketing Agreement structure, staff took the opportunity to address several details to improve clarity and user-friendliness of the document. For example, it was difficult to identify the Chamber’s reporting and submittal requirements in the existing agreement because they were scattered throughout the document. These requirements have now been consolidated into one section. Other examples include: the official name of the Chamber is now inserted, ‘Area’ had been omitted; the two Board of Trustees representatives to the Chamber Board are now specifically identified as being voting Chamber Board members to conform to current expectations and practice; due dates have been added to reporting and submittal requirements, not all requirements had clear due dates. The process to rework the Marketing Agreement took several iterations. Town Attorney Krob has reviewed the Marketing Agreement and provided comment. His comments have been incorporated into the document. Additionally, Chamber Executive Director Jenkins has reviewed the several drafts generated. Town Manager Hook said that he and Jenkins discussed her questions and comments on each draft and developed consensus on incorporating her feedback. The Board should discuss whether the Marketing Agreement meets or does not meet the Board’s expectations for the promotion of tourism in Grand Lake in 2013. Staff recommends execution of the 2013 Marketing Agreement as presented. Again, Hook noted that Lisa Jenkins, Executive Director for the Chamber was present.

Trustee Weydert moved to authorize Mayor Burke to sign the 2013 Agreement for Marketing Services between the Town of Grand Lake and the Grand Lake Area Chamber of Commerce. Trustee Peterson seconded the motion and all Trustees voted aye.

ACCOUNTS PAYABLE

November, 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 Weydert moved to adjourn, seconded by Trustee Lanzi. All Trustees voted aye, and the meeting was adjourned at 8:48 p.m., December 10, 2012.

JUDY M. BURKE, MAYOR

ATTEST: RONDA KOLINSKE, CMC, TOWN CLERK

12/10/12 Town of Grand Lake – Board of Trustees