

RECORD OF PROCEEDINGS

REGULAR MEETING
TOWN OF GRAND LAKE BOARD OF TRUSTEES
MONDAY, DECEMBER 14, 2015 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.

PLEDGE OF ALLEGIANCE: Mayor Burke led everyone in reciting the Pledge of Allegiance.

ROLL CALL PRESENT: Mayor Burke; Trustees Baird, Gasner, Jenkins, Lanzi, Lewis, and Sabo; Town Manager White, Town Clerk Nicholls, Town Treasurer Ackerman, Town Planner Biller and Town Code Administrator Rendon.

ABSENT: None.

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

Mayor Burke announced that a sign-in sheet is located by the door and to please sign in before leaving.

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 11, 2016.

Mayor Burke then announced that the 2016 Election will be held on Tuesday, April 5th to elect a Mayor, and four Trustees, three to serve a 4-year term, and one to serve a 2-year term. Qualified candidates may begin circulating their nomination petitions on January 5th. Please direct any questions to the Town Clerk.

Mayor Burke then asked everyone to enjoy this holiday season with a free family movie night showing of "The Muppet Christmas Carol" on Dec. 18th at the Rocky Mountain Repertory Theatre, Rocky Mountain Repertory Theatre's "Home for the Holidays" production Dec. 19th and 20th, "A Rocky Mountain Christmas with Juliet" Dec. 20th, a "Historical Holiday Celebration" at the Kauffman House Dec. 26th, and the 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 Jenkins announced that she had a conflict with the Local Liquor Licensing issues as her family holds an interest in the license for the Gateway Inn. She also stated she would be abstaining from the Consent Agenda Vote due to being absent from that meeting.

UNSCHEDULED

PUBLIC COMMENTS:

Mayor Burke announced that this time is reserved for members of the public to make a presentation to the Board on items or issues that are not scheduled on the agenda. The Board will not discuss/debate these items, nor will the Board make any decisions on items presented during this time, rather, the Board will refer the items to staff for follow up. She then asked if there were any unscheduled public comments and noted that comments are limited to 3 minutes.

Jim Peterson, 1590 West Portal Road, was recognized by the Chair. He stated that he noted that the evening's agenda included an increase to the nightly rental fee. The fee was created to solve problems experienced by the neighbors of the rental units, not generate revenue. He concluded by stating that the fee seems to have become a revenue source instead of just covering administrative costs and he is against this change.

Pat Farmer, 433 Harmon Street was recognized by the Chair. She said that she believes that part of the nightly rental fee was to level the playing field with businesses which have to pay a lot more fees for running their businesses than a private homeowner renting out their home. She stated that if revenue can be produced from it she is in favor of an increase.

SCHEDULED

PRESENTATIONS/

DELEGATIONS:

There were no scheduled presentations or delegations.

CONSENT AGENDA:

Mayor Burke introduced the Consent Agenda which contained the following: Minutes from the November 23, 2015 Meeting and Accounts Payable for November, 2015.

Trustee Sabo raised the question of how detailed the minutes should be and stated that he felt they were not a reflection of what he recalled had occurred at the meeting. He stated he felt that a Public Comment and the topic of the Grand Lake Center were quite reduced. Mayor Burke clarified that the minutes are a reflection of what happened and not a word-for-word account. Trustee Gasner moved to separate the two Consent Agenda items. Trustee Sabo seconded the motion. Trustees Gasner, Sabo, and

Baird voted aye. Trustee Jenkins, Trustee Lewis, Trustee Lanzi and Mayor Burke voted nay.

Trustee Gasner moved to approve the Consent Agenda as presented. Trustee Baird seconded the motion. Trustee Lewis, Trustee Lanzi, Trustee Baird and Mayor Burke voted aye. Trustee Gasner and Trustee Sabo voted nay. Trustee Jenkins abstained.

At 7:42 p.m. Trustee Jenkins excused herself and left the room.

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF APPROVAL OF A SPECIAL EVENTS LIQUOR PERMIT APPLICATION FROM THE GRAND LAKE AREA HISTORICAL SOCIETY FOR THEIR "HISTORICAL HOLIDAY CELEBRATION -
Mayor Burke asked Town Clerk Nicholls to present this matter to the Board. Nicholls explained that an application for a Special Events Liquor Permit has been 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" event to be held Saturday, December 26, 2015 from 6:00 to 9:00 p.m. The proposed location is the Kauffman House. Public notice was posted on the premises and attested to by Grand Lake's Code Administrator, Tony Rendon, on December 4, 2015. The Grand County Sheriff's Department reviewed the application and found no adverse information which would affect this permit. Elin Capps from the Historical Society was present at the meeting.

Trustee Lewis moved to approve the Special Events Liquor Permit Application from the Grand Lake Area Historical Society for a "Historical Holiday Celebration" event for the date of Saturday, December 26, 2015 from 6:00 to 9:00 p.m. Trustee Baird seconded the motion and all Trustees voted aye.

At 7:45 p.m. Trustee Jenkins resumed her seat.

OLD BUSINESS:

LETTER OF RESIGNATION FROM TRUSTEE JEANIE BAIRD AND TOWN ATTORNEY KROB VACANCY RECOMMENDATION – Mayor Burke asked Manager White to present the matter to the Board. White stated that to follow up on the upcoming Board vacancy an official resignation letter has been received from Trustee Jeanie Baird declaring February 22, 2016 as her last day serving as a Trustee. A letter from the Town Attorney Krob was also received to allow Town Clerk Nicholls to include the vacancy on the ballot for the regular election on April 5, 2016 rather than through a special election. Petitions and other election

materials related to the position may be distributed at the same time as the other vacancies to be filled at the regular election.

Trustee Lewis moved to accept Trustee Baird's resignation from the Grand Lake Town Board effective February 22, 2016, not to be filled until the election on April 5, 2016. Trustee Gasner seconded the motion all Trustees voted aye except Trustee Baird who abstained.

Mayor Burke thanked Trustee Baird for all her hard work on the Board.

NEW BUSINESS:

CONSIDERATION TO ADOPT ORDINANCE 11-2015, AN ORDINANCE AUTHORIZING THE LEASE OF REAL PROPERTY TO THE GRAND COUNTY WATER INFORMATION NETWORK BY THE TOWN OF GRAND LAKE AND ESTABLISHING THE TERMS THEREOF AND TO AUTHORIZE MAYOR BURKE TO SIGN THE LEASE AGREEMENT – Mayor Burke asked Manager White to present the matter to the Board. White stated that the Board has the opportunity to consider renewing the lease with the Grand County Water Information Network (GCWIN) for a portion of the Town's modular building on the Grand Lake Center property. The lease agreement with GCWIN will expire on December 31, 2015. Staff reviewed the current lease and made a few minor formatting and date changes. Per direction of the Board, last year the staff increased the rent to cover an estimate of the Town's costs related to the modular structure. The bulk of the costs relate to labor and equipment to plow the snow in the small parking lot in front of the building that is outside of the Town's right-of-way. Annual insurance was the next most significant cost. Other lesser additional costs are tied to labor and supplied for minor maintenance efforts via Public Works staff. Total annual costs are estimated to be \$1,800. The proposed lease agreement is attached to the draft ordinance. The new lease runs through December 31, 2016. GCWIN is in agreement with the proposed lease and Ryan Lokteff, Executive Director, is in the process of obtaining signatures. Upon execution of the lease, GCWIN will submit a copy of insurance as well as a check in the amount of \$600. The lease arrangement has been a good fit for the Town and the tenants. Both GCWIN and the Grand Lake Area Historical Society continue to be good tenants. Simultaneously, we utilize the buildings and have the utility costs defrayed.

Ryan Lokteff, Executive Director, Grand County Water Information Network was recognized by the Chair. He thanked the Town and Board for the space, stating it has been a good fit for GCWIN. He continued by explaining he has been in his position for over a year and is happy to do work to help water in Grand County. They

monitor lakes and streams all over the county and have done clarity studies on Grand Lake and Shadow Mountain Reservoir. Next year they hope to go to monitoring 5 days a week to get more data on the lakes to adapt to the pumping practices. He concluded by stating he is working on finalizing the paperwork for the lease.

Trustee Lewis moved to adopt Ordinance No. 11-2015, an ordinance authorizing the lease of real property to the Grand County Water Information Network by the Town of Grand Lake and establishing the terms thereof, and to authorize Mayor Burke to sign the lease agreement after GCWIN has signed the lease and paid the rent. Trustee Lanzi seconded motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION TO ADOPT ORDINANCE 12-2015, AN ORDINANCE AUTHORIZING THE LEASE OF REAL PROPERTY TO THE GRAND LAKE AREA HISTORICAL SOCIETY BY THE TOWN OF GRAND LAKE AND ESTABLISHING THE TERMS THEREOF AND TO AUTHORIZE MAYOR BURKE TO SIGN THE LEASE AGREEMENT - Mayor Burke asked Manager White to present the matter to the Board. White stated that the Board has the opportunity to consider renewing the lease with the Grand Lake Area Historical Society (GLAHS) for a portion of the Town's modular building on the Grand Lake Center property. The lease agreement with GLAHS will expire on December 31, 2015. Staff reviewed the current lease and made a few minor formatting and date changes. Per direction of the Board, last year the staff increased the rent to cover an estimate of the Town's costs related to the modular structure. The bulk of the costs relate to labor and equipment to plow the snow in the small parking lot in front of the building that is outside of the Town's right-of-way. Annual insurance was the next most significant cost. Other lesser additional costs are tied to labor and supplied for minor maintenance efforts via Public Works staff. Total annual costs are estimated to be \$1,800. The proposed lease agreement is attached to the draft ordinance. The new lease runs through December 31, 2016. The GLAHS has reviewed and signed the lease and submitted a copy of insurance as well as a check in the amount of \$600. The lease arrangement has been a good fit for the Town and the tenants Grand County Water Information Network and the Grand Lake Area Historical Society. We get a building that is put to good use and the payment defrays the cost of utilities. He stated that Elin Capps was present at the meeting.

Trustee Lewis moved to adopt Ordinance No. 12-2015, an ordinance authorizing the lease of real property to the Grand Lake Area Historical Society by the Town of Grand Lake and establishing the terms thereof, and to authorize Mayor Burke to sign the lease

agreement. Trustee Gasner seconded motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF RESOLUTION NO. 28-2015, 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, 2016, AND ENDING ON THE LAST DAY OF DECEMBER, 2016 – Mayor Burke asked Town Treasurer Ackerman to present the matter to the Board. Ackerman stated the proposed 2016 Budget for the Town of Grand Lake was submitted to the Board of Trustees on September 21, 2015. The Board set the 2016 budget for public hearing on November 9, 2015. Notice of the Proposed Budget was published in the Middle Park Times on Thursday, October 22, 2015, Legal Notice No. 11611204A, advising the public of the Public Hearing and of the availability of the draft budget for review. The public hearing was held on November 9, 2015, at the regularly scheduled meeting of the Board of Trustees. Public comment is summarized in the minutes of that meeting, available on our website or upon request from the Town Clerk. Resolution No. 28-2015 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 \$4,029,863. The total expenditures in each fund are balanced with revenues in the same amount. Staff recommends the Board adopt Resolution No. 28-2015.

Trustee Gasner stated that he would recommend denying the budget and provided his understanding of the figures relating to the Marina Budget, Personnel, and Grand Lake Center. He stated that he felt that the Grand Lake Center should be funded by an Enterprise Fund as a loan, and that the money should be used elsewhere.

Trustee Jenkins noted Trustee Gasner's absence from the first two budget meetings stating he could have been able to help with the items he raised issue to. She said she felt the staffing increase was not unreasonable and her numbers were different then the numbers he presented. She further stated that she agreed with Trustee Gasner regarding the Grand Lake Center.

Trustee Jenkins moved to adopt Resolution No. 28-2015, 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, 2016, and ending on the last day of December, 2016, with the exception of line items related to the Grand Lake Center. Trustee Baird seconded the

motion. A discussion ensued pertaining to the Grand Lake Center and the possibility for an Enterprise Fund loan as the funding source. Trustees Jenkins, Lewis, Lanzi and Baird voted aye. Trustee Gasner, Trustee Sabo and Mayor Burke voted nay.

NEW BUSINESS:

CONSIDERATION OF RESOLUTION NO. 29-2015, A RESOLUTION APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS AND SPENDING AGENCIES, IN THE AMOUNTS AND FOR THE PURPOSES AS SET FORTH THEREIN, FOR THE TOWN OF GRAND LAKE, COLORADO FOR THE 2016 BUDGET YEAR – Mayor Burke asked Town Treasurer Ackerman to present the matter to the Board. Ackerman stated 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. Resolution No. 29-2015 appropriates the necessary monies as follows: General Fund will change from \$2,948,613, Water Enterprise Fund \$826,692, Marina Enterprise Fund \$215,958, Pay-As-You-Throw Enterprise Fund \$38,600. Staff recommends the Board adopt Resolution No. 29-2015.

After a brief discussion Trustee Lanzi moved to adopt Resolution 29-2015, a resolution appropriating sums of money to the various funds and spending agencies, in the amounts and for the purposes as set forth therein, for the Town of Grand Lake, Colorado, for the 2016 budget year as amended. Trustee Baird seconded the motion. All Trustees voted aye with the exception of Trustee Sabo who voted nay.

NEW BUSINESS:

CONSIDERATION OF RESOLUTION NO. 30-2015, A RESOLUTION LEVYING GENERAL PROPERTY TAXES FOR THE YEAR OF 2015, TO HELP DEFRAY THE COSTS OF GOVERNMENT FOR THE TOWN OF GRAND LAKE, COLORADO, FOR THE 2016 BUDGET YEAR - The Town is allowed to levy general property taxes to help defray the costs of government. Resolution No. 30-2015 preserves the tax of 9.409 mills established in 1994, with a temporary mill levy rate reduction of 3.284 mills and an additional abatement/refund levy of 0.013 mills, resulting in a total mill levy for the Town of Grand Lake of 6.138 for budget year 2016. This mill levy is in compliance with the 5.5% statutory limitation and with the TABOR Amendment. Resolution No. 30-2015 authorizes the Town Manager to certify the temporarily reduced mill levy of 6.138 to the Grand County Board of Commissioners. Staff recommends the Board adopt Resolution No. 30-2015.

Trustee Lewis moved to adopt Resolution 30-2015, a Resolution Levying General Property Taxes for the Year 2015, to Help Defray

the Costs of Government for the Town of Grand Lake, Colorado, for the 2016 Budget Year. Trustee Baird seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF RESOLUTION NO. 31-2015, A RESOLUTION OF THE TOWN OF GRAND LAKE, COLORADO, IN ITS CAPACITY AS THE LOCAL LIQUOR LICENSING AUTHORITY FOR SPECIAL EVENT PERMITS FOR THE SALE BY THE DRINK OF FERMENTED MALT BEVERAGES OR MALT, SPIRITUOUS, OR VINOUS LIQUORS; ELECTING TO ISSUE SPECIAL EVENT PERMITS TO QUALIFIED ORGANIZATIONS WITHOUT PRIOR NOTIFICATION TO THE STATE LICENSING AUTHORITY; AND ESTABLISHING A LOCAL PERMITTING FEE FOR THE PROCESSING OF APPLICATIONS FOR SPECIAL EVENTS – Mayor Burke asked Town Clerk Nicholls to present the matter to the Board. Nicholls stated on August 10, 2011 the State Senate passed Senate Bill 11-066, allowing a Local Licensing Authority to issue Special Event Liquor Licenses instead of the State Authority. The only requirements with licensing locally are that the Liquor Enforcement Division receive a copy of the locally-approved application within 10 days of permit issuance, and the State’s website is reviewed to ensure the applying organization does not exceed the number of annual allowed permit days. No fees are required by the State if the Local Licensing Authority issues the permit. Switching the issuance of permits will significantly decrease the timing of an application, providing a smoother process for both the applicant and the Board, acting as Local Licensing Authority. Additionally, the permit fees previously collected for the State could be paid to the Town instead. The State of Colorado allows a local fee of up to \$100.00 to be collected for Special Event Liquor License permits. This fee is meant to offset the administrative costs associated with the review of the application and issuance of the license. There are no foreseeable drawbacks to locally issuing the Special Event Liquor License permits. The workload of the staff would remain relatively the same. Staff recommends that the Board adopt Resolution No. 31-2015.

Trustee Lewis moved to adopt Resolution No. 31-2015; a resolution electing that the Board of Trustees of the Town of Grand Lake, Colorado, in its capacity as the Local Licensing Authority, issue special event permits to qualified organizations without prior notification to the State Licensing Authority, and establishing a local permitting fee for the processing of applications for special events. Trustee Jenkins seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF ORDINANCE 13-2015, AN ORDINANCE APPROVING THE 2016 TOWN OF GRAND LAKE FEE AND DEPOSIT SCHEDULE WITH REVISIONS

– Mayor Burke asked Code Administrator Tony Rendon to present this matter to the Board. Rendon stated that the purpose is to review and consider approving the 2016 Town of Grand Lake Fee & Deposit Schedule with Staff recommended additions, deletions and modifications. After providing the background of the Fee & Deposit Schedule and the Municipal code supporting the fees and deposits he stated all Town Staff Departments reviewed the 2014 Fee and Deposit Schedule and provided recommendations to determine which fees and deposits should be revised or not revised for the upcoming year of 2016. Previous revisions to the Town of Grand Lake Fee and Deposit Schedule have been adopted by resolution however, based on input from Town of Grand Lake Attorney Scott Krob, changes to documents that affect any sections of the Town of Grand Lake Municipal Code should generally be adopted by ordinance unless the Town of Grand Lake Board of Trustees has previously adopted an ordinance that specifically authorizes a particular Municipal Code section to be revised by resolution, rather than by ordinance. During the 1st Quarter of 2016, Town Staff will review all sections of the Town of Grand Lake Municipal Code to identify where fees and deposits are listed by dollar amount, i.e., the Sign Application Fee shall be Ten Dollars. After this task is complete, Town Staff will draft an ordinance to present to the Board of Trustees recommending that all dollar amounts listed in the Code be replaced with a general statement, i.e., the Sign Application Fee shall be determined and set, by ordinance or resolution, by the Town of Grand Lake Board of Trustees as outlined in the current Town of Grand Lake Fee and Deposit Schedule. This will eliminate any discrepancies that might exist between the Code and the Schedule. Staff recommends the schedule with the revisions be approved by the Board of Trustees.

Trustee Lewis moved to adopt Ordinance 13-2015, an ordinance approving the Schedule and the Revisions as presented, and direct staff to draft an ordinance outlining this motion, and authorize the Mayor to sign it. Trustee Jenkins seconded and all Trustees voted aye, except Trustee Gasner who voted nay.

NEW BUSINESS:

CONSIDERATION OF ORDINANCE XX-2015, AN AMENDMENT TO ORDINANCE NO. 22-2011 TO UPDATE AND REPLACE AN AGREEMENT FOR VISITORS' CENTER SERVICES BETWEEN THE TOWN OF GRAND LAKE AND THE GRAND LAKE AREA CHAMBER OF COMMERCE AND TO AUTHORIZE THE MAYOR TO SIGN THE AGREEMENT FOR MARKETING SERVICES/VISITORS' CENTER SERVICES FOR 2016

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BETWEEN THE TOWN OF GRAND LAKE AND THE GRAND LAKE AREA CHAMBER OF COMMERCE – Mayor Burke stated that Samantha Miller, executive director of the Chamber has asked that the item be tabled until the next meeting.

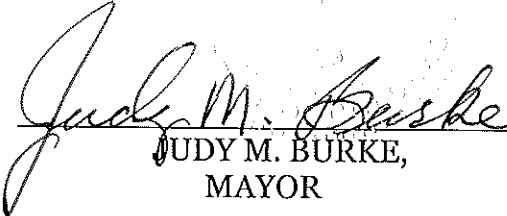
Trustee Lewis moved to table the item until the January 11, 2016 meeting. Trustee Baird seconded the motion and all Trustees voted aye.

MAYOR'S REPORT AND COMMENT:


Mayor Burke thanked the Staff on behalf of the Board for all the work that they do.

ADJOURNMENT:

Trustee Lewis moved to adjourn, seconded by Trustee Gasner. All Trustees voted aye, and the meeting was adjourned at 8:31 p.m., December 14, 2015.



JUDY M. BURKE,
MAYOR

ATTEST: 

KATIE NICHOLLS,
TOWN CLERK