

RECORD OF PROCEEDINGS

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REGULAR MEETING  
TOWN OF GRAND LAKE BOARD OF TRUSTEES  
MONDAY, MARCH 11, 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, Lewis, Ludwig, Peterson, and Weydert; Town Manager Hook, Town Clerk Kolinske, and Town Planner Biller.

ABSENT:

Mayor Burke announced that Trustee Weydert was absent from the afternoon workshop due to a work related obligation. Trustee Lanzi moved to excuse Trustee Weydert's absence from the afternoon workshop. Trustee Gasner seconded the motion and all Trustees voted aye except Trustee Weydert, who abstained.

APPROVAL OF MINUTES

February 25, 2013:

Trustee Peterson moved to approve the minutes of the February 25, 2013 regular meeting as written. Trustee Lewis 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 announced that a vacancy exists on the Town of Grand Lake Board of Adjustment. Members shall be bona fide residents of the Town and shall serve without compensation. Anyone interested in serving on this board is encouraged to submit a letter of interest to Joe Biller, Town Planner, by March 29, 2013.

Mayor Burke announced that a "Giant Spaghetti Feast" to benefit the Grand Lake Fireworks Committee will be held on Sunday, March 17<sup>th</sup> at the Sagebrush BBQ and Grill beginning at 5:00 p.m. There will be live music, an auction and a costume contest. Cost for the dinner is \$10.00 for adults and \$5.00 for children.

Mayor Burke announced that the Kauffman House Museum will be open March 16<sup>th</sup> & 17<sup>th</sup> from 1 – 4 p.m.

Mayor Burke then announced that the air date of the Grand Lake episode of Hotel Impossible, featuring the Western Riviera, will be on the Travel Channel, Monday, March 25<sup>th</sup> at 8:00 p.m. MST.

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.

Trustees Lewis and Weydert both announced that they had a conflict with the last item under New Business, "Consideration of possible action as a result of executive session discussion."

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

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF RENEWAL OF THE RETAIL LIQUOR STORE LIQUOR LICENSE FOR JAKE'S SPIRITS, LLC, D/B/A GRAND LAKE WINE & SPIRITS – Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske reported that the fees have been paid; the renewal documents are in order and indicate no changes from the previous renewal. The business license and sales tax accounts are all current. She said that the building is serviced by a private well and not by the Town of Grand Lake Water Department. She noted that the Grand County Sheriff's Department found no adverse information which would affect the status of the license. She concluded by saying that Ken Jensen, President, was present.

Trustee Peterson moved to approve the renewal of the Retail Liquor Store Liquor License for Jake's Spirits, LLC, d/b/a Grand Lake Wine & Spirits. Trustee Lewis seconded the motion and all Trustees voted aye.

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF RENEWAL OF THE TAVERN LIQUOR LICENSE FOR GATEWAY INN, INC., D/B/A GATEWAY INN – Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske reported that the fees have been paid; the renewal documents are in order and indicate no changes from the previous renewal. The water, business license, and sales tax accounts are all current. The Grand County Sheriff's Department found no adverse information that would affect the status of the license. She concluded by saying that Tom Jenkins, Vice President/Secretary, was present.

Trustee Lewis moved to approve the renewal of the Tavern Liquor License for Gateway Inn, Inc., d/b/a Gateway Inn. Trustee Peterson seconded the motion and all Trustees voted aye.

At 7:38 p.m. Trustee Ludwig resumed his seat.

OLD BUSINESS: None.

NEW BUSINESS: **CONSIDERATION OF A SPECIAL EVENT PERMIT APPLICATION FROM THE GRAND LAKE CHAMBER OF COMMERCE FOR THE USE OF TOWN PROPERTY** – Mayor Burke asked Town Planner Biller to present this matter to the Board. Biller explained that the Town received a Special Event Permit (SEP) application from the Chamber regarding the use of Town property which requires the Board’s review. The application is requesting the use of the Town’s lamp posts to hang “artistic” banners during the summer season.

Municipal Code 11-6-3 Special Event Permitting

A. Special Event Permit General Information

1. The Special Event Permit (SEP) review process prescribed herein is intended to assure compatibility and harmony between the proposed special use with both the surrounding properties and the town at large.
2. Special Event Permit shall be utilized for the use of Municipal-owned facilities, structures, lands, or Town Rights-of-Ways by a non-profit or governmental entity sponsored group for fund-raising efforts or to hold a public event.
3. The Special Use and Special Event permit process shall not be used for the rental and subsequent use of Town facilities in accordance with Town rental policies.

B. Special Event Permit Application and Required Information:

1. Applications must be submitted at least thirty (30) days prior to the date(s) of the event.
  - (a) If the event involves a Special Events Liquor Permit, the SEP application must be made at least ninety (90) days prior to the date(s) of the event.
  - (b) If the event is a first time event and proposed to be held for more than one (1) day, the application must be submitted at least ninety (90) days prior to the dates(s) of the event.
  - (c) Any significant changes to the application must be made at least thirty (30) days prior to the proposed use unless caused by an emergency, as determined by Town Staff.

This idea was discussed at the afternoon workshop held on January 28, 2013. Staff has compiled the details discussed at that workshop into the draft SEP. The Public Works Department has been consulted on the use of the town lamp posts and is in agreement with the SEP. The Town Attorney was contacted by staff but staff has not received any comments from him. Specifically, the SEP is subjective in nature and relies on the Town staff to determine what banners are visually pleasing. Secondly, the SEP as presented requires an indemnification agreement from the

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Chamber. Staff wishes to confirm if the indemnification agreement is required. Staff recommends the Board approve the SEP, authorize the Mayor to sign it, and authorize the Mayor and Town Manager to revise the conditions of the permit as necessary. The Board should discuss the use of Town property and whether this request is compatible with the town at large. The Board has the following options:

1. Approve the SEP Application, thus allowing the use of Town property; or
2. Approve the SEP Application with conditions; or
3. Deny the application.

Kacey Beres, Chamber Director, 565 Kinsey Ave., Kremmling, CO, was present to answer questions.

Trustee Peterson noted that the SEP states a starting date of April 18, 2013 and he suggested it say starting no sooner than April 18<sup>th</sup> but no later than Memorial Day.

Following discussion, Trustee Gasner moved to approve the Special Event Permit application for the use of banners on Town property, authorize the Mayor to sign it, and authorize the Mayor and Town Manager to revise the conditions of the permit as appropriate providing that they are up no earlier than April 18<sup>th</sup> and no later than Memorial Day. Trustee Lewis seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION OF AN AGREEMENT FOR SERVICES BETWEEN THE TOWN OF GRAND LAKE AND GOOD EARTH MOUNTAIN LANDSCAPING AND CONSTRUCTION, INC. FOR DRESSING ROOM IMPROVEMENTS** – Mayor Burke asked Town Manager Hook to present this matter to the Board. Hook explained that Staff received an unsolicited proposal from Dave Naples, owner of Good Earth Mountain Landscaping and Construction, Inc. to provide the final ‘dress-out’ to the dressing room over the Board Room. Mr. Naples was a participant in the 2012 holiday melodrama and was motivated to assemble the proposal so that future participants in the melodrama could enjoy a warmer and more pleasant dressing room. Hook said that it is his understanding that the dressing room was created and partially finished to accommodate the cast of the Rocky Mountain Repertory Theatre when they performed their summer theater on the Community House stage. The Board discussed the proposal at the Board’s afternoon workshop on January 25. There seemed to be consensus on moving forward to take advantage of this opportunity. The proposed improvements would ‘dress-out’ the room very nicely, enhance the use of the room and add value to our Town Hall/Community House facility. All users of the Community House who will use the dressing room will benefit from the proposed improvements. Subsequent to that meeting, Hook said that he has coordinated with the contractor on the details of

schedule, scope and budget. The Agreement for Services (Agreement) has been signed by the contractor and is ready for the Board's consideration. Given the nature of the donated and volunteer labor, the contractor will be squeezing the work on this project in-between the demands of other projects. Work is proposed to start soon after approval of the Agreement and will be complete by April 30. The cost to the Town remains at \$1,000. The proposal and Agreement call for a \$500 deposit to be paid to the contractor at the outset. While providing an upfront deposit is not a normal practice of the Town, it seems reasonable to accommodate the request given the small dollar value of the deposit and other elements of the proposal, including that the contractor will be donating employee labor to the project and coordinating volunteer labor on the project. Although the adopted 2013 budget did not specify a line item and allocate funding for this specific project, it did include allowances for improvements to Town Hall and the Community House. Part of the allowance was the Town's local match to a historic preservation grant which was denied subsequent to budget adoption. Staff believes that there is sufficient funding available for the \$1000 cost of this project. The Board should discuss the proposal and Agreement to determine if the terms for schedule, scope and budget are acceptable. Staff recommends that the Board approve the Agreement as presented and authorize execution of the Agreement.

Trustee Lewis moved to approve the Agreement for Services as presented and to authorize Town Manager Hook to sign the Agreement. Trustee Peterson seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION OF COMMENTS ON HB 13-1013, HJR 13-1004 AND/OR SB 13-048** – Mayor Burke asked Town Manager Hook to present this matter to the Board. Hook explained that as discussed with the Board in prior meetings, the Town of Grand Lake (Town) has provided written comment opposing SB 13-025, collective bargaining, to State Senator Baumgardner and State Representative Levy. The Colorado State Senate has approved this bill. The Colorado House of Representatives has not yet voted on this bill. Governor Hickenlooper sent a letter to the Colorado General Assembly leadership on February 19, 2013 outlining his concerns with the bill as written. CML continues to encourage its members to contact their Senator, their Representative and Governor Hickenlooper. On March 4, 2013, CML issued their updated Statehouse Report via email. On February 15, 2013, Colorado Association of Ski Towns (CAST) issued an email update on HB 13-1013 and HJR 13-1004. On March 5, 2013, CAST issued an email update on HB 13-1013, HJR 13-1004, and SB 13-048. The email indicates that there will be discussion on these three bills at the upcoming CAST meeting on March 14, 2013 and further requests that members should discuss these bills internally prior to the CAST meeting. On March 6, 2013, Rocky Mountain National Park (RMNP)

Superintendent Vaughn Baker corresponded verbally and via email with Mayor Burke regarding the possibility of the Town of Grand Lake and the Town of Estes Park jointly contacting our respective State Senators and State Representatives about sponsoring a resolution in the Colorado General Assembly to recognize and support the 100<sup>th</sup> Anniversary of RMNP. Staff plans to coordinate with Mayor Burke in the near future to provide Governor Hickenlooper with our written comments opposing SB 13-025. Staff desires to know if the Board has any particular interest or concern with HB 13-1013, HJR 13-1004, or SB 13-048 as it relates to CAST's email request. Staff believes that HB 13-1013 and HJR 13-1004 have no direct impact on the Town since they appear to focus on ski area special use permits on USFS lands. Staff believes that SB 13-048 may provide flexibility to the Town should the Town continue involvement in the county-wide transit discussion. Staff believes that it may be valuable to support other CAST members in their position on these bills. Staff supports the concept of the State of Colorado recognizing and supporting the 100<sup>th</sup> Anniversary of RMNP. Staff desires to know if the Board has any particular interest or concern with any other current proposed legislation. Staff is prepared to assist with the follow-up on any legislation that the Board may feel warrants additional involvement on the part of the Town. The Board should discuss the latest information on pending legislation to determine if additional involvement on the part of the Town is warranted, especially as it relates to the request of CAST for the discussion at their March 14 meeting. Further, the Board should discuss the concept of developing a joint letter with Estes Park regarding a possible Colorado General Assembly resolution recognizing and supporting the 100<sup>th</sup> Anniversary of RMNP. Regarding HB 13-1013, HJR 13-1004, or SB 13-048, staff recommends that those attending the CAST meeting on March 14 discuss these bills with the other CAST members to more fully understand the issues. Further, should CAST members be asked to vote to establish a CAST position of 'support' or 'not support' any or all of these bills, staff recommends that the Board authorize Mayor Burke or her designated representative to exercise prudent judgment in voting on HB 13-1013, HJR 13-1004, and/or SB 13-048 at the March 14 CAST meeting. Regarding a possible Colorado General Assembly resolution recognizing and supporting the 100<sup>th</sup> Anniversary of RMNP, staff recommends that the Board authorize Mayor Burke and Town Manager Hook to exercise prudent judgment in developing a joint letter with Estes Park to our respective State Senators and State Representatives on this matter. Staff has no recommendations on other legislation for the Board at this time. The Board should provide direction on how to respond to the CAST request on HB 13-1013, HJR 13-1004, and/or SB 13-048. Further, the Board should provide direction on a possible Colorado General Assembly resolution recognizing and supporting the 100<sup>th</sup> Anniversary of RMNP.

Trustee Gasner moved to authorize Mayor Burke or her designated representative to exercise prudent judgment in voting at the March 14 CAST meeting on HB 13-1013, HJR 13-1004, and/or SB 13-048, and to authorize Mayor Burke and Town Manager Hook to exercise prudent judgment in developing a joint letter with Estes Park to our respective State Senators and State Representatives regarding a possible Colorado General Assembly resolution recognizing and supporting the 100<sup>th</sup> Anniversary of Rocky Mountain National Park. Trustee Lewis seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION TO RATIFY THE SUBMITTAL OF A COMMENT LETTER REGARDING SEQUESTRATION IMPACTS** – Mayor Burke asked Town Manager Hook to present this matter to the Board. Hook explained that when submitting formal comments on behalf of the Town, it is normal practice for staff to seek the authorization of the Board on the record in advance of submitting the comments. At the February 11 afternoon workshop, the Board informally discussed the potential impacts of sequestration on Rocky Mountain National Park (RMNP) and the Town. Included in that discussion was some information from RMNP about how expenditure cutbacks might affect snow removal on Trail Ridge Road. At the February 25 afternoon workshop, the Board again discussed sequestration impacts. Part of that conversation was about the email and phone correspondence between staff and RMNP administration about the Town’s concerns. RMNP District Ranger McCutcheon discussed sequestration issues during the Public Participation portion of the evening regular meeting agenda on the 25<sup>th</sup>. No formal action was taken by the Board, but there was consensus that the Town should correspond with its federal delegation on the matter. The comment letter signed by Mayor Burke was submitted to each member of the federal delegation via email on February 28, 2013. Additionally, the letter and email were forwarded to RMNP. Comments to the federal delegation needed to be submitted without delay since the sequestration deadline of March 1 was looming. Hook said that he and Mayor Burke collaborated on preparing relevant comments in a timely manner with the recognition that he would need to bring them before the full Board at your next meeting. Staff recommends that the Board ratify the comment letter submitted or take exception to the comment letter submitted on this matter.

Trustee Peterson moved to ratify the submittal of the comment letter dated February 28, 2013 to Grand Lake’s federal delegation regarding the impacts of sequestration on the Town. Trustee Lewis seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION OF A PLEDGE OF COMMITMENT TO PARTICIPATE IN THE FEDERAL LANDS LIVABILITY INITIATIVE** – Mayor Burke asked Town Manager Hook to present this

matter to the Board. Hook explained that as he mentioned in his Items from the Town Manager discussion with the Board at several recent workshops, the nomination/application to participate in the Initiative was submitted in partnership with Rocky Mountain National Park (RMNP) on January 14, 2013. On March 7, 2013, RMNP staff forwarded an email to the Town wherein The Conservation Fund (TCF) advised that the Town's application had been accepted for participation in the Initiative. While the Town and RMNP are the key partners in the Initiative, other local federal lands partners will be invited to participate in the process. The Conservation Fund requires that the Town execute the Pledge to confirm our participation in the Initiative. The Pledge outlines the Six Principals of Livability as espoused by the federal departments and agencies participating in the Initiative. It also outlines the responsibilities of RMNP, the Town and TCF for participation in the Initiative. The two primary activities that will involve RMNP and the Town are a Livability Assessment and an Action-Planning Workshop. The Livability Assessment is a multi-day visit by TCF team to the Grand Lake/RMNP area. They will meet with local stakeholders to assess livability in the Grand Lake community relative to the Six Principals of Livability. TCF team will generate a report summarizing the results of the assessment. The Action-Planning Workshop will involve TCF team returning to the Grand Lake/RMNP area to facilitate charrettes and/or workshops with the Grand Lake community to determine an action plan for implementing recommendations in the assessment report. There is no 'fee' for the services provided by TCF team. There will be a cost to the Town and/or RMNP to participate in the Initiative. These costs will be limited to two categories, staff time and expenses incurred locally to host TCF team for the two visits they will make to the area. Hook said that he is in the process of quantifying the costs the Town might expect to incur. Representatives of RMNP and TCF have been contacted to assist in this quantification. Clearly, it is quite an honor to have been selected from a national competition as one of five gateway communities to participate in the Initiative. Staff believes that participation in the Initiative will allow the Town to focus on enhancing our strategic partnership relationship with RMNP. Staff supports the concept of participating in the Initiative as a part of the Town's economic development efforts. Staff believes that it is important for the Town to lead the community through any process that will generate support, enthusiasm, and a common vision for economic development in Grand Lake. During the recent Downtown Assessment, Focus Group discussion included comments from the community about how the Grand Lake community and RMNP might not be maximizing the potential to build on each other's strengths. Additionally, there were several Downtown Assessment Team recommendations that pointed towards exploring how the Grand Lake community and RMNP could work at improving our symbiotic relationship to the betterment of both. Staff believes that the Initiative assessment process and report will provide



great insight to the strengths, weaknesses, opportunities and threats of our strategic partnership with RMNP. Additionally, staff believes that the Action-Planning Workshop will provide great insight into how to implement recommendations detailed in the report, including insight into how we may be able to partner with other federal departments and agencies for funding and technical assistance. Staff has reviewed the Pledge and finds that nothing unexpected or onerous is contained therein. The Board should discuss the information provided regarding the Initiative and the Pledge to determine if the terms are acceptable. Staff recommends that the Board approve the Pledge as presented and authorize execution of the Pledge.

Trustee Gasner moved to approve the Pledge of Commitment to Participate in the Federal Lands Livability Initiative as presented and to authorize Town Manager Hook to sign the Pledge of Commitment to Participate in the Federal Lands Livability Initiative. Trustee Peterson seconded the motion and all Trustees voted aye.

At 8:00 p.m. Trustees Lewis and Weydert excused themselves and left the room.

NEW BUSINESS:

**CONSIDERATION OF POSSIBLE ACTION AS A RESULT OF EXECUTIVE SESSION DISCUSSION** – Mayor Burke asked Town Manager Hook to present this matter to the Board. Hook explained that in February, 2013, the District Attorney wrote to the Town of Grand Lake as the victim in the holiday tree vandalism case, asking that the Town submit a Statement of Restitution. The Board has discussed this matter in several recent executive sessions, including earlier today, anticipating such an inquiry and in response to this particular inquiry. Town Attorney Krob has been consulted on how to respond to this request. His advice is to determine a fair market value of the tree, damaged lights and Town labor and equipment in response to the vandalism incident. Additionally, he advises that the Town consider providing input on public or community service. Further, Town Attorney Krob indicates that the Town's response are only suggestions from the Town; the judge will have the final determination of what, if any, restitution and/or public service and/or community service will be appropriate in this case. Staff has estimated that the value of the tree, damaged lights and Town Staff follow-up to the tree vandalism to be approximately \$2,440. The Board should discuss if submitting the Statement of Restitution is appropriate, and if so, discuss the value of restitution to be used in completing the form. Staff recommends that the Board authorize staff to complete and submit the Statement of Restitution using the value of \$2,440. Further, staff recommends that the Statement of Restitution also include a comment that the Town supports the application of public service and/or community service in this case.

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Trustee Peterson stated that he agrees with the submission of a Statement of Restitution but does not agree with the value of the tree.

Trustee Gasner then moved to authorize Town Manager Hook to submit the Statement of Restitution to the District Attorney using a restitution value of \$2,440 and indicating the Town's support for the application of public service and/or community service in this case. Trustee Ludwig seconded the motion and all Trustees voted aye except Trustee Peterson, who voted nay.

At 8:06 p.m. Trustees Lewis and Weydert resume their seats.

ACCOUNTS PAYABLE

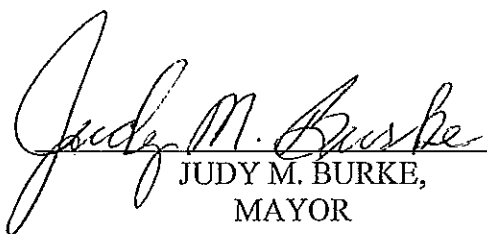
February, 2013:

Trustee Peterson moved to examine the Accounts Payable and Prepaid for all Funds for the Town of Grand Lake. Trustee Weydert seconded the motion and all Trustees voted aye. Trustee Peterson then moved to approve the Accounts Payable and Prepaid for all Funds for the Town of Grand Lake. Trustee Weydert seconded the motion and all Trustees voted aye.

CITIZEN PARTICIPATION: None.

ADJOURNMENT:

Trustee Peterson moved to adjourn, seconded by Trustee Weydert. All Trustees voted aye, and the meeting was adjourned at 8:08 p.m., March 11, 2013.

  
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JUDY M. BURKE,  
MAYOR

ATTEST:   
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RONDA KOLINSKE, CMC,  
TOWN CLERK