REGULAR MEETING
TOWN OF GRAND LAKE BOARD OF TRUSTEES
MONDAY, APRIL 22, 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, Peterson, and Weydert; Town Manager Hook, Town Clerk Kolinske, and Town Planner Biller.

ABSENT: Mayor Burke announced that Trustee Ludwig was on vacation. Trustee Lanzi moved to excuse Trustee Ludwig's absence from the afternoon workshop and this evening's meeting. Trustee Peterson seconded the motion and all Trustees voted aye.

APPROVAL OF MINUTES
April 8, 2013: Trustee Lewis moved to approve the minutes of the April 8, 2013 regular meeting as written. Trustee Weydert 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 Wednesday, May 1st is Silver Star Service Banner Day. This is the official day that the Silver Star Families of America along with the Town of Grand Lake honor our wounded, ill, injured and dying military members and veterans by showing our appreciation for their sacrifices.

Mayor Burke then said that she hoped that everyone enjoyed Earth Day.

PRESENTATIONS: On behalf of the Town, Mayor Burke presented a Certificate of Appreciation to Martha Boehner in recognition of her dedicated service as the Chairperson of the Cemetery Committee for the Town of Grand Lake.

On behalf of the Cemetery Committee, Town Clerk Kolinske presented Martha Boehner with a plant and thanked her for her service as the Chairperson.

Mayor Burke then mentioned that Scotti McCarthy resigned her position on the Cemetery Committee and that a Certificate of Appreciation will be mailed to her for her dedicated service on the Committee.
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.

Trustees Lewis and Weydert both announced that they had a conflict with the ninth item under new business regarding the holiday tree vandalism.

REPORTS: SALES TAX CASH FLOW REPORT FOR APRIL 2013:

Mayor Burke asked Town Clerk Kolinske to present the sales tax cash flow report. Kolinske reported that the amount of revenue received in April 2013 for the month of February is $38,629. This amount is over 1¼% above what was received through April 2012.

REPORTS: FINANCIAL REPORT FOR MARCH 2013:

Mayor Burke asked Financial Trustee Peterson to present the Financial Report for March 2013. Peterson reported that the General Fund expenditures through the end of March totaled $217,608.81 or 7.2% of budget. He said the Water Fund expenditures for the same period totaled $249,890.32 or 26.7% of budget, the Marina Fund expenditures totaled $14,861.72 or 3.9% of budget and the PAYT Fund expenditures totaled $1,865.40 or 12.9% of budget.

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF APPROVAL OF A SPECIAL EVENTS LIQUOR PERMIT FROM THE GRAND LAKE CHAMBER OF COMMERCE FOR THE “30TH ANNUAL COLORADO STATE CHILI COOK OFF” FUNDRAISING EVENT – Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske explained that this request was for the “30th Annual Colorado State Chili Cook Off” fundraising event to be held in Town Square on Saturday, June 22, 2013 from 9:00 a.m. to 8:00 p.m. Proceeds of this fundraising event will go to the Grand Lake Fire Protection District’s Scholarship Fund. She said that the application documents were in order and the appropriate state fee was paid. Public notice was posted on the premises on April 12, 2013 and attested to by Grand County Sheriff Deputy Bell. The Grand County Sheriff’s Department reviewed the application and found no adverse information which would affect this permit. She stated that 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 then noted that Mindy Everhart, representative, was present.

Trustee Peterson moved to approve the Special Events Liquor Permit for the Grand Lake Chamber of Commerce for the “30th Annual Colorado State
Chili Cook Off" fundraising event to be held Saturday, June 22, 2013. Trustee Weydert seconded the motion and all Trustees voted aye.

**LIQUOR LICENSING AUTHORITY: CONSIDERATION OF APPROVAL OF A SPECIAL EVENTS LIQUOR PERMIT FROM THE ROCKY MOUNTAIN REPERTORY THEATRE FOR “THE PRELUDE!” FUNDRAISING EVENT** – Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske explained that this request was for “The Prelude!” fundraising event to be held at the Western Riviera Events Center on Saturday, June 1, 2013 from 5:00 to 11:00 p.m. She said that the application documents were in order and the appropriate state fee was paid. Public notice was posted on the premises on April 12, 2013 and attested to by Grand County Sheriff Deputy Bell. The Grand County Sheriff’s Department reviewed the application and found no adverse information which would affect this permit. She stated that 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 then noted that Carol Wolff, Executive Director, was present.

Trustee Peterson moved to approve the Special Events Liquor Permit for the Rocky Mountain Repertory Theatre for “The Prelude!” fundraising event to be held Saturday, June 1, 2013. Trustee Lewis seconded the motion and all Trustees voted aye.

**LIQUOR LICENSING AUTHORITY: PUBLIC HEARING - CONSIDERATION OF A NEW HOTEL AND RESTAURANT LIQUOR LICENSE FOR SLOOPY’S GRILL, LLC, D/B/A SLOOPY’S GRILL** – Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske explained that an application for a new Hotel and Restaurant Liquor License has been received, with the appropriate fees, evidence of possession, and floor diagram, from Sloopy’s Grill, LLC, d/b/a Sloopy’s Grill. The proposed location is 39 County Road 48 (on the corner of Highway 34 and the Golf Course Road). The property is zoned as a Planned Development. The location is more than 500 feet from any educational institution, and no license has been denied for this location in the last two years for the reason that the reasonable requirements of the neighborhood and the desires of the adult inhabitants were satisfied by the existing outlets; therefore, state statute does not prohibit liquor from being sold from this location. On April 8th, the Local Liquor Licensing Authority, Board of Trustees, received this application and scheduled a Public Hearing for consideration of this application for 7:30 p.m. this evening, which is more than 30 days from the date of the application. Public notice of the Public Hearing was posted on the premises and attested to by Grand County Sheriff Deputy Bell on April 11, 2013, more than 10 days prior to this evening and Legal Notice No. 9075220 of this Public Hearing was published on April 11, 2013 in the Middle Park Times. The notice provided the type of license
applied for, the name and address of the applicant, the date of the application, and the date of the hearing. A petition was received containing 58 signatures. Kolinske said that she was able to verify that 13 of the people that signed are Grand Lake residents. The Grand County Sheriff’s Department reviewed their files and found no adverse information that would affect the issuance of the license. At this Public Hearing, the Board must make a specific finding of fact from evidence adduced at this hearing regarding the desires of the adult inhabitants of the Town, and it must deny the application if it finds the sale of liquor at such a location is contrary to those desires. The local licensing authority has authority to refuse to issue this license for good cause, as defined in 12-47-103. The applicant is required to establish the reasonable requirements of the neighborhood or the desires of its adult inhabitants. The hearing is to be conducted as a quasi-judicial proceeding and in a manner which assures all interested parties a fair and reasonable opportunity to present views and information, and such that the applicant’s procedural rights of fundamental fairness be protected. The Board must consider the moral character of the applicant; the reasonable requirements of the neighborhood; the desires of the adult inhabitants of the neighborhood; the number, type and availability of liquor outlets located in or near the neighborhood; and other reasonable restrictions which are or may be placed on the neighborhood by the Local Licensing Authority, Board of Trustees. The Board may not consider any information presented after the close of the Public Hearing. It must make a determination either approving or denying the license, and state the reasons for that decision, within 30 days of the close of the Public Hearing. Kolinske concluded by saying that Richard Schliep, Member, was present.

Mayor Burke opened the meeting for public comment.

John Murray, 725 Park Avenue, asked about a new hotel. Town Clerk Kolinske explained to him that the type of license applied for is a new Hotel and Restaurant Liquor License.

Donna Ready, 1133 Grand Avenue, said that she thinks it’s a great idea.

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

Trustee Lewis moved to approve a new Hotel and Restaurant Liquor License for Sloopy’s Grill, LLC, d/b/a Sloopy’s Grill. Trustee Peterson seconded the motion and all Trustees voted aye.

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF RENEWAL OF THE HOTEL AND RESTAURANT LIQUOR LICENSE BY GRAND MOUNTAIN BANK FOR THE TERRACE INN – Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske explained that this item is being removed from the agenda because a Transfer of Ownership from Grand
Mountain Bank to a new applicant will be presented to the Board in the near future.

OLD BUSINESS:
None.

NEW BUSINESS:
CONSIDERATION OF APPOINTMENT OF A MEMBER TO THE GRAND LAKE CEMETERY COMMITTEE – Mayor Burke turned the matter over to Martha Boehner. Martha reported that at the most recent meeting of the Grand Lake Cemetery Committee, April 9, 2013, the Committee agreed to recommend the appointment of Christina Rourke to fill the vacancy on the Committee. Scotti McCarthy submitted a letter of resignation after a lengthy absence from the Grand Lake area. The Committee feels that because Christina is a full-time resident, she has a great interest in the area and in the Cemetery and having family member in the Cemetery, she would be an excellent addition to the Committee. Martha then asked the Board for their consideration of the Committee’s recommendation for appointment. She noted that she is stepping down from the Chairperson position but will remain on the Committee and that Corinne Lively will be the new Chairperson.

Christina Rourke, 1015 Mountain Avenue, was then recognized from the audience. She said that she hopes to be an asset to this Committee and thanked the Board for their consideration.

Trustee Weydert moved to accept the recommendation of the Committee and appoint Christina Rourke as a member to the Grand Lake Cemetery Committee. Trustee Lewis seconded the motion and all Trustees voted aye.

NEW BUSINESS:
CONSIDERATION OF APPOINTMENT OF A MEMBER TO THE GRAND LAKE ZONING BOARD OF ADJUSTMENT – Mayor Burke asked Town Planner Biller to present this matter to the Board. Biller explained that the Zoning Board of Adjustment has a position vacancy. The Board directed staff to conduct interviews of potential candidates and then make a staff recommendation for appointment. Municipal Code 12-3-2 Members of the Board states:

The Zoning Board of Adjustment shall consist of seven (7) members appointed by the Board of Trustees and each member shall serve for a term of three (3) years, or until his successor takes office.

Municipal Code 12-2-3 Qualifications of Board Members states:
All members of the Zoning Board of Adjustment shall serve as such without compensation and shall be bona fide residents of the Town of Grand Lake, and if any member ceases to reside in the Town of Grand Lake, his membership shall immediately terminate.

Staff interviewed two (2) very qualified individuals for this vacancy and determined that both candidates met the requirements of the Municipal
Code. After careful consideration, staff recommends the Board appoint John Murray as a Zoning Board of Adjustment member. John Murray is newly retired COO of an environmental planning and engineering firm and has experience serving on other municipal boards. John currently resides at 725 Park Avenue. The Board may choose to dialogue with the candidate before appointment. The Board has several options to consider including:

1. Appoint John Murray as a Zoning board of Adjustment member, or
2. Not appoint John Murray as a Zoning Board of Adjustment member; or
3. Appoint another bona fide resident of the Board’s choosing.

Biller noted the John Murray was present.

John Murray was recognized from the audience and said that he built his cabin on Park Avenue in 2005, retired his position last year and now wants to get more involved in the Town of Grand Lake. He said that he has similar experience working on various County boards that dealt with zoning and variances. He looks forward to spending time on this Board and said, "I don’t intend on letting you down."

Following brief discussion, Trustee Peterson moved to appoint John Murray of 725 Park Avenue as a Zoning Board of Adjustment member of the Town of Grand Lake. Trustee Lewis seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF A CONDITIONAL USE PERMIT APPLICATION FOR A BOARDING FACILITY LOCATED AT BLOCK 26, LOTS 15-16, TOWN OF GRAND LAKE; MORE COMMONLY REFERRED TO AS 525 GRAND AVENUE - Mayor Burke asked Town Planner Biller to present this matter to the Board. Biller explained that the Town has received a Conditional Use Permit (CUP) application from Therese Marie for the purpose of a dog boarding facility and retail pet supply store. The Planning Commission has reviewed the application and has forwarded a favorable recommendation for approval by Resolution No. 03-2013. Mountain Mongrels is currently located at 625 Grand Avenue and would be relocating to the proposed location of 525 Grand Avenue. Municipal Code 12-2-18 Regulations for Commercial District states:

(B) Conditional Uses
5. Fixed-business kennels, boarding facilities, horseback riding facilities, and other businesses that generate income from the use and utilization of animals.

Municipal Code 8-1-8 Kennels states:
(B) Licenses – Issuance – Renewal
Kennel licenses shall be issued and administered by Grand County Animal Control in accordance with the rules and regulations...
established by the Grand County Board of County Commissioners and the State of Colorado.

Staff has contacted Grand County Animal Control and they do not issue kennel licenses. The Colorado Department of Agriculture issues licenses and performs annual inspections of this type. Staff would like to remind the Board that the conditional use permit process does NOT require a Public Hearing, but the Board may require a Public Hearing. The Planning Commission opted to NOT hold a Public Hearing. Staff recommended to the Planning Commission at least one (1) Public Hearing should be held by either the Commission or the Board. Staff has reviewed the Conditional Use Permit application and believes the applicant has a sound business plan for the proposed use. The applicant has already identified some potential problems including noise and exterior appearance. The applicant’s narrative contains specific details on how to mitigate these potential problems and Town records do not indicate any nuisance violations for Mountain Mongrels at its current location. Staff recommends the Board approve the Conditional Use Permit considering the following:

1. The Town has shown the desire for economic development and Mountain Mongrels has developed a business plan in order to expand their current business already in town.

2. The location of the conditional use is practical for reducing impacts to adjoining property owners by utilizing the natural glacial moraine to shield itself on the majority of its adjacent sides. The nearest neighboring building is the Sunset motel which currently is a full two (2) lots away.

3. The applicant has demonstrated the ability to successfully manage a similar business in town.

Staff recommends the Board adopt the resolution as presented which contains the following Planning Commission conditions:

1. The applicant complies with the requirements of Municipal Code Chapter 8: Regulation of Animals; and
2. The applicant is the considered the responsible party and/or “person” of boarded animals relating to Municipal Code Chapter 8: Regulation of Animals; and
3. The applicant obtain all permits and comply with inspections required by the State of Colorado; and
4. The facility is limited to a maximum of ten (10) kenned dogs on the premise at all times; and
5. The outdoor operating hours are limited to 7am to 7pm; and
6. If a written noise complaint is received by the Town, the applicant will be required to timely install acoustic tiling inside the kennel; and
7. The breeding of animals is NOT permitted; and
8. The applicant is responsible for maintaining a clean facility including the area immediately surrounding the premise, as determined by the Town; and
9. The play area shall be graded, drained and maintained by the applicant to prohibit off premise discharge of any and all animal waste; and
10. All animal care activities such as grooming and washing shall be conducted inside the facility; and
11. The applicant shall construct and maintain a 6’ wood fence as shown on the attached Exhibit A and Exhibit B; and
12. All structures, including shade shelters, shall be constructed less than 6’ in height and in accordance with the Municipal Code; and
13. The applicant shall adhere to the site plan provided in Exhibit A; and
14. All permits necessary to comply with the Municipal Code shall be obtained by the applicant.
15. The Town shall supply a doggy pick up station at the new location and supply dog the waste bags so long as the applicant empties the waste basket; and
16. The Town shall review the Conditional Use Permit if two (2) or more written complaints, including citations, which are received by the Town in any twelve (12) month period. The review shall be conducted according to Municipal Code 12-2-18(B).

The Board should first discuss if a Public Hearing is necessary prior to taking action on the matter. If the Board of Trustees determines a Public Hearing is not necessary, the Board should then discuss the Conditional Use Permit application. The Board has several options to consider including:
1. Schedule a Public Hearing; or
2. Approve the recommendation of the Planning Commission by adopting Resolution xx-2013, thus granting the Conditional Use Permit, or
3. Modify the recommendation of the Planning Commission, thus granting the Conditional Use Permit with other conditions, or
4. Disapprove the recommendation of the Planning Commission, thus denying the Conditional Use Permit.

Biller noted that Therese Marie was present.

Following brief discussion, Trustee Lewis moved to adopt Resolution No. 5-2013, a Resolution Approving the Conditional Use Permit for a Boarding Facility Located at Block 26, Lots 15-16, Town of Grand Lake; More Commonly Referred to as 525 Grand Avenue. Trustee Gasner seconded the motion and all Trustees voted aye.
NEW BUSINESS:

CONSIDERATION OF AN AGREEMENT FOR LANDSCAPING AND GARDENING SERVICES BETWEEN THE TOWN OF GRAND LAKE AND CARLA LAWN AND CAROL ANN THOMPSON, D/B/A HILLY LAWN – Since there was not a representative of Hilly Lawn present, Trustee Peterson moved to table consideration of this matter until the next regularly scheduled meeting to be held May 13, 2013. Trustee Lewis seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF ORDINANCE NO. XX-2013, AN ORDINANCE AUTHORIZING THE LEASE OF REAL PROPERTY TO MOUNTAIN PADDLERS, LLC, D/B/A MOUNTAIN PADDLERS, BY THE TOWN OF GRAND LAKE AND ESTABLISHING THE TERMS THEREOF AND TO AUTHORIZE THE TOWN MANAGER TO SIGN THE LEASE AND RENTAL AGREEMENT – Mayor Burke asked Town Manager Hook to present this matter to the Board. Hook explained that for the 2011 and 2012 seasons, the Town has leased the auxiliary building on the marina property to Mountain Paddlers, LLC to house a kayak rental business. Additionally, Mountain Paddlers has rented a full kayak rack, six slips, for both seasons. They rented a boat slip only in 2011. For the 2012 season, Mountain Paddlers relocated their kayak launch and storage operations to the sandy shore east of the L-dock. Their request to do so was based on safety and customer convenience. Mountain Paddlers proposes to continue its kayak rental business for the 2013 season. Mountain Paddlers proposes to lease the auxiliary building at the marina and all six ‘slips’ on one of the kayak racks. They will not lease a boat slip this year. The relocation of the kayak launch and storage operations to the sandy shore east of the L-dock worked well last season. Mountain Paddlers proposes to do the same again this season. Staff is not aware of any issues that would suggest Mountain Paddlers should not continue as the provider of kayak rental services. Marina Manager Hassoldt has been consulted on this matter and concurs with moving forward as proposed. Leasing of public property must be approved by ordinance. The 2013 Lease and Rental Agreement are consistent with prior agreements. Rental of the building and the kayak rack are to be for the same terms as 2012: The building rent is $3,000 for four months, May 24 to September 23. The kayak rack rent is $900 for the season, 6 slips at $150/each. Payment for rental of the kayak rack has been received and the remainder of the rent payments will be due in three equal payments throughout the summer. The total agreement amount is for $3,900. The Agreement has been executed by Mountain Paddlers, payment of the $900 for the kayak rack rental has been made and insurance renewal certificates will be provided when available. Confirmation of insurance and payment of the $900 kayak rack rent is a condition for execution of the agreement by the Town. The Board should discuss the merits of providing kayak rental services to Grand Lake residents and visitors. Additionally, the Board should discuss the proposed terms of the lease and rental agreement. Staff recommends the Board adopt Ordinance No. XX-2013 and authorize the Town Manager to sign the Lease
and Rental Agreement after confirming that insurance coverage is in place for the season. The Board should authorize or not authorize adoption of the ordinance and execution of the agreement. Hook noted that Andy Murphy, Managing Member of Mountain Paddlers, LLC, was present to answer questions.

Following brief discussion, Trustee Lewis moved to adopt Ordinance No. 3-2013, an Ordinance Authorizing the Lease of Real Property to Mountain Paddlers, LLC, d/b/a Mountain Paddlers, by the Town of Grand Lake and Establishing the Terms Thereof and to authorize Town Manager Hook to sign the Lease and Rental Agreement once insurance coverage is in place for the season. Trustee Weydert seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION TO AUTHORIZE THE MAYOR TO SIGN A LETTER OF SUPPORT FOR THE GRAND LAKE AREA HISTORICAL SOCIETY – Mayor Burke asked Town Manager Hook to present this matter to the Board. Hook explained that the Historical Society (Society) continues to seek funding to improve the Smith Eslick Cottage Court. They have requested the Town’s support in their funding request to the Hart Family Fund for Small Towns. In the past, the Board has provided letters of support for funding requests by the Society. Staff believes that support from the Town can make a positive difference in the consideration of funding requests by funding agencies. Staff believes that, with sufficient funding, the Society will succeed in their goal of making the Smith Eslick Cottage Court a viable attraction that will benefit the Grand Lake community. The Board should discuss the merits of supporting the request of the Society and the contents of the draft letter of support. Staff recommends the Board authorize Mayor Burke to sign the letter of support. The Board should authorize or not authorize execution of the letter of support. Hook noted that Elin Capps, Secretary of the Grand Lake Area Historical Society, was present.

Trustee Peterson moved to authorize Mayor Burke to sign the draft letter of support as presented supporting the funding request for the Smith Eslick Cottage Court. Trustee Weydert seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION TO AUTHORIZE THE MAYOR TO SIGN A PROCLAMATION THAT PROCLAIMS MAY 5 THROUGH MAY 11, 2013 AS MUNICIPAL CLERKS WEEK – Mayor Burke asked Town Manager Hook to present this matter to the Board. Hook explained that the Board should consider proclaiming May 5 through May 11, 2013 as Municipal Clerks Week nationwide. In 2012, the Board authorized a proclamation recognizing Municipal Clerks Week. Staff believes that the service of all municipal clerks, including Grand Lake Town Clerk Kolinske and Town Clerk Pro-Tem Dzinski warrant recognition. Such a
proclamation is particularly bittersweet in 2013 as Town Clerk Pro-Tem Dzinski’s pending retirement will make this her last year in that role. The Board should discuss the merits of proclaiming May 5 through May 11, 2013 as Municipal Clerk’s Week. Given the importance of recognizing the valuable contributions of Town Clerk Kolinske and Clerk Pro-Tem Dzinski in service to the Town of Grand Lake, staff recommends the Board authorize Mayor Burke to sign the proclamation. The Board should authorize or not authorize execution of the proclamation. Hook then read the draft Proclamation.

Trustee Lanzi moved to authorize Mayor Burke to sign the proclamation as presented, establishing May 5 through May 11, 2013 as Municipal Clerk’s Week in Grand Lake. Trustee Lewis seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF PENDING LEGISLATION BEFORE THE COLORADO GENERAL ASSEMBLY – Mayor Burke asked Town Manager Hook to present this matter to the Board. Hook explained that the following is a continuation of the dialogue with the Board from 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, including resubmitting the Town’s February 7, 2013 letter to Rep. Levy on April 10, 2013. The Colorado State Senate has approved this bill. The Colorado House of Representatives has also approved the bill within the last week to 10 days and it will be moving onto the Governor’s desk for his signature or veto. In keeping with prior discussions on this particular bill, Hook said that his has prepared a letter addressed to the Governor requesting that he veto this legislation. He noted that State Senator Baumgardner voted “no” and State Representative Levy was the only democrat representative to vote “no” when it came before the House.

- CAST held their annual legislative meeting on March 14, 2013. After discussion of several pending legislative issues, CAST membership decided the following:
  - HB 13-1013 and HJR 13-1004 (ski area water rights): provide a letter in support of the USFS following an appropriate public process; no formal action to support/not support the proposed legislation; CAST has advised that the USFS has begun the public input process for a new ski area water rights clause for ski area leases.
  - SB 13-048 (use of HUTF funding for transit): support the proposed legislation and allow CAST to be placed on a list of supporting organizations.
  - HB 13-1252 (allocating funds for Eisenhower Tunnel fire suppression improvements): support the legislation.
Potential new road improvement funding: continue to participate in the ongoing interagency discussions and keep the membership informed.

- Pending legislation on Amendment 64 (recreational marijuana): Legislation to implement Amendment 64 is expected soon. CML staff provided an update at the March CAST legislative meeting; no CAST action required; options for local municipalities such as Grand Lake generally fall into three categories: opt-out now (before legislation is enacted); wait for the legislation to decide to opt-out; or, wait and opt-in via the adoption of local ordinances to complement state legislation to allow for the commercial growing and retail sale of marijuana. Action by Grand Lake to opt-out or opt-in is required by October 1, 2013.

- Hook said that he and Mayor Burke recently pursued the matter of a joint Grand Lake-Estes Park letter requesting Colorado General Assembly recognition and support of the 100th Anniversary of Rocky Mountain National Park with Estes Park Mayor Pinkham.

On April 15, 2013, CML issued their updated Statehouse Report via email. On April 12, 2013, NWCCOG/QQ issued their legislative update email. Staff plans to coordinate with Mayor Burke and Mayor Pinkham in the near future on the joint letter requesting Colorado General Assembly recognition and support of the 100th Anniversary of Rocky Mountain National Park. Staff plans to invite Town Attorney Krob to a Board workshop in the near future to discuss Grand Lake’s options related to recreational marijuana further. 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. Staff has no recommendations on other legislation for the Board at this time. If there is specific pending legislation on which the Board desires to provide direction to staff, the Board should consider developing a motion to that effect.

Since no action was taken Mayor Burke moved on to the next agenda item.

At 8:20 p.m. Trustees Lewis and Weydert excused themselves and left the building for the evening.

NEW BUSINESS:

CONSIDERATION OF A PETITION REGARDING THE HOLIDAY TREE VANDALISM – Mayor Burke asked Town Manager Hook to present this matter to the Board. Hook explained that a petition has been submitted to the Board of Trustees for consideration. In mid-January, 2013 the Town’s holiday tree was vandalized. Town staff filed a police report with the Grand County Sheriff's Office and cooperated with the Sheriff's Office during their investigation into the matter. In February, 2013, the District Attorney wrote to the Town of Grand Lake as the victim in the case,
requesting that the Town submit a Statement of Restitution. At the March 11 Board meeting, after discussion in executive session, the Board authorized staff, on a 4-1 vote, 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. The arraignment for the two defendants identified in the February correspondence from the District Attorney has been set for 8:45 AM, April 23, 2013. Other than receipt and submittal of the Statement of Restitution, Hook said that he has had no contact with the District Attorney's office or court officials. On April 18, 2013, a petition was submitted to the Town by Donna Ready. The petition details an alternate approach to penalizing the culprits and requests that the court date on April 23 be canceled. Town Attorney Krob has advised in the past that, once the police report was filed, the Town, as the victim, would not have much influence on the outcome of the case. All investigative decisions are made by the Sheriff's Office. All decisions related to the prosecution of the case are made by the District Attorney. He said that the Town has never been asked by the District Attorney about whether or not to file charges or whether to dismiss any charges after they were filed. Their only inquiry to the Town was about restitution value. Based on the advice of Town Attorney Krob, the Town responded factually to that request. Even then, Town Attorney Krob advised that the Town's response was only a suggestion to the District Attorney and the court. Ultimately, the Judge has the final decision on whether restitution is appropriate, and if so, what is the appropriate value. Because the case is being handled in a court where the Town has no control, the Town has absolutely no ability to cancel the April 23 court date as requested in the petition. Based on the submittal date of the petition and the fact that your meeting is the evening before the morning arraignment, it seems improbable that even a request to cancel the court date could be effective. Based on the new information presented in the petition, the Board could consider trying to offer formal comments to the court at the arraignment regarding restitution and dismissal of the charges. To do so would require formal action at this evening's meeting and potentially physical attendance at the morning arraignment. Even then, there is no guarantee that the court would accept our comments or, if presented, that the comments would influence the outcome of the court proceedings. The Board could discuss the merits of the new information presented in the petition and whether that new information warrants any change in the Town's position regarding restitution. Additionally, the Board could consider forming a position regarding dismissal of the charges. Staff recommends that the Board take no additional action regarding the judicial process, allowing the judicial process to run its course. The Board has several options to consider, including, but not limited to, one or more of the following actions:

- No additional action; previous Statement of Restitution action remains unchanged; the judicial process moves forward as determined by the judicial system.
• Revise the restitution value previously established by the Board and so advise the court.
• Formulate a position regarding dismissing or not dismissing the charges and so advise the court.

Trustee Lanzi asked if the Town could adjust the amount of restitution after the court takes action. He said that $2,400 is a little excessive.

Town Manager Hook responded by saying that it would really depend on what action the court takes tomorrow, tomorrow is identified as an arraignment hearing. Hook said that in talking with Town Attorney Krob and the Court that morning, it was made clear to him that tomorrow could be the first step in a number of appearances by the defendants or it could be the first and only appearance before the court. He said that if Trustee Lanzi had some inclination to suggest a different value to the Court, he recommended that the Board take action this evening to affirm that and allow Town Manager Hook to communicate that to the Court in the morning.

Trustee Gasner stated that the amount of restitution is factual but it isn’t fair. The Town’s Attorney advised that the Board base the amount on the cost of the tree, lights, etc. The tree was donated and was coming down anyway, but the Board was asked that question when the Board originally voted on the matter.

Again, Town Manager Hook said that if the Board would like to recommend to the Court what it thinks is a fair amount, he suggested that the Board take action this evening and allow him to communicate that to the Court. He said that the Court has a number of things in their file to consider such as the Statement of Restitution which declares the amount of $2,440, and they have information from staff recognizing that the tree was a donated tree, that in fact there was no out of pocket expense. Town Attorney Krob’s advice to the Board was to allow the Court to have all of that information to make a decision as they see fit.

Trustee Lanzi noted that it is disrespectful to the donors of that tree to declare that it has no value. He then moved to take no further action on this matter as requested in the petition seconded by Mayor Burke.

During discussion, Trustee Peterson, who didn’t vote in favor of the restitution amount from the beginning said that what happened here was seeming adults acted like kids and while it was a crime, it was a stupid act and probably one that they regret right now. He said that although what’s happened now, he believes that a pound of flesh is being offered for an ounce of crime. He doesn’t think that this fits the crime. He noted that when the Board originally considered the restitution, he thought it should have been about $640 which covers staff time, legal time, and the cost of
the lights. He discounted the cost of the tree because: 1) it didn’t cost the Town anything in the first place, 2) it wasn’t going to be up much longer, and 3) he said that he didn’t agree with how they arrived at the price of the tree. There is no way the town would ever approve of an $1,800 tree. He said that he would be happy to recommend to the Court an amount that covers all of the Town’s costs and a lot of community service of some sort.

Trustee Gasner agreed with Trustee Peterson.

Having no other discussion, the vote was tied when Trustee Lanzi and Mayor Burke voted aye and Trustees Gasner and Peterson voted nay.

Trustee Lanzi suggested revisiting this issue after the Court date.

Trustee Peterson said the Board cannot change the Court’s decision. The Board does not have the power to do that.

Trustee Lanzi then asked if the Judge might have some sort of idea of what a Christmas tree might be worth.

Trustee Peterson said that he had no idea.

Trustee Gasner said to Trustee Lanzi, “If you are questioning the value of the tree, then make another motion.”

During further discussion, Trustee Lanzi suggested that the Board recommend no more than $2,400.

Again, Trustee Gasner said to Trustee Lanzi, “If you are still questioning it, then make another motion. Why are you questioning the tree so much?”

Trustee Lanzi said that you can’t establish the value of a tree.

Mayor Burke said that that is not completely true. She said that she at one time had to ask an insurance person the value of a tree. She said that she had a piece of property owned by one individual and the next door neighbor wanted to improve his view so he cut down trees. They were valued by an insurance appraiser at $2,000 each.

Trustee Peterson said that was apples and oranges. If they cut down your tree that is a different issue, it’s a live tree on your property.

Trustee Lanzi said that he would like to hear another motion if the tree is worth nothing.

Trustee Peterson said that as a thank you to the donor of the tree, the Town held a tree lighting ceremony and thanked the donor and everyone was able
to enjoy the tree through the entire holiday season. He said that he doesn’t feel that the tree isn’t worth anything but feels it’s not worth $1,800. He said that he doesn’t fault the Town Manager for trying to come up with a number. Peterson then suggested taking the $1,800 and dividing that by the number of days that it was up and that gives you a cost per day then subtract the seven days that the Town missed having it up and that would be the cost of the tree.

Following discussion, Trustee Peterson then moved to write a letter to the Court suggesting that restitution be $640.00 which is actual out of pocket costs to the Town plus a reasonable amount, to be determined by the Judge, for the value of the tree given the fact that it was only going be up for another week and that we ask for a decent amount of community service to our Town for this act. Trustee Gasner seconded the motion and the motion passed when Trustees Peterson, Gasner and Lanzi voted aye and Mayor Burke voted nay.

Town Manager Hook noted that he will communicate with the Court first thing tomorrow morning.

CITIZEN PARTICIPATION: None.

ADJOURNMENT: Trustee Peterson moved to adjourn, seconded by Trustee Gasner. All Trustees voted aye, and the meeting was adjourned at 8:42 p.m., April 22, 2013.