

RECORD OF PROCEEDINGS

REGULAR MEETING
TOWN OF GRAND LAKE BOARD OF TRUSTEES
MONDAY, APRIL 27, 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.

ROLL CALL
PRESENT:

Mayor Burke; Trustees Baird, Gasner, Jenkins, Lanzi, Lewis, and Sabo; Town Manager White, Town Clerk Kolinske, Town Planner Biller, Town Code Administrator Rendon and Town Attorney Krob.

ABSENT: None.

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

Mayor Burke announced that the 2015 Commercial Enhancement Grant Program Applications are available at Town Hall and on the Town's website. The deadline for spring grants is May 1st.

Mayor Burke then announced that Friday, 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.

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 Sabo announced that he had a conflict with the Local Liquor Licensing issues as he holds an interest in the license for Grand Lake Lanes.

Trustee Gasner stated that he did not have any conflicts of interest but disclosed that he helped the Antique Vintage Snowmobile Club of Colorado with their vintage snowmobile oval race and vintage snowmobile show during Winter Carnival and the Club's liaison was present to speak to the Board as a Scheduled Presentation/Delegation.

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

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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.

There were no unscheduled public comments.

SCHEDULED
PRESENTATIONS/
DELEGATIONS:

Mayor Burke introduced Bob Florquist, local liaison for the Antique Vintage Snowmobile Club of Colorado. Florquist explained that the Club held their first, of hopefully many, vintage snowmobile oval races and vintage snowmobile shows during Winter Carnival in February. He said that the Club is planning their 2015/2016 race and show season and will return in May to discuss coming back to Grand Lake to hold one, if not two, events next time. They feel that having the event in town and on the lake draws more people into Town than when they have held the event at Winding River Ranch. Winding River Ranch is a great place to hold a race but it really only drew a crowd of racers only. Florquist said that by having the event in Town and on the lake it will draw many more spectators than just snowmobile racers plus it will bring more people into Town. On behalf of the Club, he asked the Board if they could hold the event during Winter Carnival and be able to hold the event again on a different weekend as well. In conclusion, he asked the Board if they had any suggestions or any recommendations that they would like them to pursue or follow.

Mayor Burke said that she has heard nothing but good about the event and that the Town would welcome them back.

Trustee Lewis also made a comment about how well the event went and echoed the Mayor's statement that the Town would welcome them back.

During discussion, he was told that the Club will need to fill out the necessary Special Event Permit applications, but he would not have to come before the Board a second time for approval.

CONSENT AGENDA:

Mayor Burke introduced the Consent Agenda which contained the following: Minutes from the March 23, 2015 Meeting and April 13, 2015 Meeting.

Trustee Lewis moved to approve the Consent Agenda. Trustee Jenkins seconded the motion and all Trustees voted aye.

REPORTS: SALES TAX
CASH FLOW REPORT
FOR APRIL, 2015:

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

April 2015 for the month of February is \$40,958. This amount is 6% below what was received through April 2014.

REPORTS: FINANCIAL
REPORT FOR
MARCH 2015:

Mayor Burke asked Financial Trustee Gasner to present the Financial Report for March 2015. Gasner reported that the General Fund expenditures through the end of March totaled \$297,250.16 or 9.1% of budget. He said the Water Fund expenditures for the same period totaled \$112,213.70 or 14.0% of budget, the Marina Fund expenditures totaled \$20,765.32 or 7.3% of budget and the PAYT Fund expenditures totaled \$9,792.66 or 27.7% of budget.

At 7:48 p.m. Trustee Sabo excused himself and left the room.

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF A SPECIAL EVENTS PERMIT APPLICATION FROM THE FRIENDS OF THE GRAND COUNTY LIBRARY FOR THEIR "PROGRESSIVE DINNER" -

Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske explained that this request was for their after-dinner drink portion of their Progressive Dinner to be held at the Kauffman House, on Wednesday, May 27, 2015 from 8:00 p.m. to 12:00 a.m. The premises are required by statute to be posted for at least 10 days prior to approval of the permit. She suggested action at the May 11th Board Meeting as a regular item of business or as a Public Hearing. Kolinske noted that Yvonne Clark was present representing The Friends of the Grand County Library.

Trustee Lewis moved to act on this request as a regular item of business at the May 11, 2015 Board meeting. Trustee Lanzi seconded the motion, and all Trustees voted aye.

At 7:52 p.m. Trustee Sabo resumed his seat.

OLD BUSINESS:

None.

NEW BUSINESS:

CONSIDERATION TO GRANT A SPECIAL EVENT PERMIT TO THE ROTARY CLUB OF GRAND LAKE FOR A RUBBER DUCK RACE – Mayor Burke asked Code Administrator Rendon to present this matter to the Board. Rendon explained that staff is in possession of a Special Event Permit Application submitted by the Rotary Club of Grand Lake for a 2015 Rubber Duck Race. The Rotary Club of Grand Lake is a non-profit organization. The event is proposed to take place at the West Portal Bridge over Tonahutu River, Lemmon Lodge and the Heckert Pavilion. The race will start at 1:30 p.m. on Saturday, June 20, 2015. Because this is a first time event, action by the Board of Trustees is required. According to the Town of Grand Lake Municipal Code,

Chapter 11, Article 6, Section 3(C) Special Event Permit Application Review and Approval:

11-6-3(C)2(b) - Approval by Board of Trustees

If approval is not obtained by 11-6-3(C)2(a) Approval by the Mayor, the Board of Trustees shall review the SEP application.

11-6-3(C)1 - Review Considerations

The following factors shall be considered prior to approval of a SEP:

- (a) The predominant use of the primary facility being used; and
- (b) The proposed event and the event hours; and
- (c) Neighborhood compatibility; and
- (d) Effect of the proposed event on the community; and
- (e) The Town's anticipated cost in staff time and equipment use; and
- (f) The benefit to non-profit from the event; and
- (g) The benefit to local businesses from the event; and
- (h) Duplication of services or sale items; and
- (i) Nature of the past event issues or similar past event issues.

The Board shall review and may approve the application based on 11-6-3(C)1 - Review Considerations. The Board, at its discretion, may require one or more of the following:

1. Require review of the SEP at a Public Hearing; and/or
2. Permit all or only a portion of the SEP application; and/or
3. Impose permit conditions on the event.

Staff believes that this event is not in conflict with the consideration factors listed above and should be a successful event for the Town of Grand Lake and the Rotary Club of Grand Lake. Staff believes this event should not require a Public Hearing. Town staff recommends approval and execution of the Special Event Permit as presented. The Board should review and discuss the application, taking into consideration the factors listed above as well as input from the Rotary Club of Grand Lake. The Board should approve, deny or table the Special Event Permit application. He noted that Steve Kudron was present.

Steve Kudron was recognized from the audience. During his presentation he explained that the Rotary Club is excited to be able to bring the Grand Duck Derby to Grand Lake for the benefit of renovating community buildings. He noted that the duck drop will be at 1:00 and not 1:30.

During discussion, Town Clerk Kolinske asked Kudron how he plans to drop the ducks into the river. Kudron responded by saying that their primary sponsor is Grand Lake Plumbing and they have access to a

boom cart that will extend out over the river. There will be a crane operator that will drop down on the south side of the bridge, not on the bridge, 20' above the water and release the ducks. He said he also hopes to have an automated drone that will take pictures of the race.

Following discussion, Trustee Lewis moved to authorize Mayor Burke to sign the Special Event Permit for the Rotary Club of Grand Lake known as the Rubber Duck Race, as described in the attached application, and upon confirmation from staff that all other application requirements have been met and the permit is ready for signature. Trustee Jenkins seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION TO ALLOW A CHANGE TO THE GRADING PERMIT FOR BLOCK 27, LOTS 1-4, TOWN OF GRAND LAKE; MORE COMMONLY REFERRED TO AS 528 GRAND AVENUE – Mayor Burke asked Town Planner Biller to present this matter to the Board. Biller explained that the grading permit issued by Resolution 07-2013 contained an approved grading plan by the Board. The contractor is requesting to change the grading plan to include the excavation of more material. The grading permit was extended by Board Resolution 32-2014 and is set to expire on October 15, 2015.

June 2009 – The Board of Trustees adopted Resolution 16-2009; a resolution addressing the north 30' of Lots 1-4, Block 27 (a/k/a the glacial moraine) in the Town of Grand Lake. The resolution endorsed the sale of the 30' strip of land to a third party with the following condition:

“.....the future buyer develop an engineering stabilization plan, with a timeline for execution of the plan, to be presented and approved by the Town of Grand Lake to ensure the stabilization of this parcel for the protection of the safety and welfare of persons and public property.”

May 2010 – The Board adopted Resolution 14-2010; a resolution approving grading in the Grand Avenue right of way adjacent to Lots 1-2, Block 27, Town of Grand Lake.

The Board granted extensions to this grading permit for the following years:

October 2010

October 2011

November 2012 - The contractor completed all grading activities and erosion control on Lots 1-2.

June 2013 – The Board adopted Resolution 7-2013; a resolution granting a grading permit for Block 27, Lots 1-4 and adjacent Town right of ways.

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As required by Resolution 7-2013, the contractor provided the following updates to the Board stating:

Sept. 2013

- “In all the project is 45% complete...”
- “...additional erosion control devices will be installed and maintained...”
- “When the project is 100% complete, October 2014...”

July 2014

- “The project ...is currently 65% complete.”

Sept. 2014

- “The project ...is currently 70% complete.”
- For the first time the contractor indicated an extension to the Oct 15, 2014 deadline would be requested.

A records request was received by the Ravenwood HOA in August 2013. At that time, staff recommended the HOA approach the Town to address any grading issues that could be incorporated into the grading permit. According to the contractor the increase in excavation is a request directly from the Ravenwood HOA. The intent is to excavate an additional 17 feet of the ridge along the common property line. The cutting of the ridge will create a usable flat area for the HOA. In staff's opinion, the following items are outstanding as required by grading permit:

- Cut slopes steeper than the grading plan.
- “All cut and fill slopes shall be covered with topsoil and hydroseeded...”
- Erosion Control measures as shown by the contractor have not been installed.
- The retaining wall in the Jefferson Street right of way is incomplete.
- The bond expiration date is currently June 28, 2016 and needs to include 2 years after permit expiration.
- A drainage swale along Grand Avenue has yet to be defined.

Staff is reluctant to grant an increase in cut volumes considering the contractor has already stated the project was behind schedule considering the earthwork volumes were greater than originally anticipated. The contractor has stated the project, including this increase in excavation will be completed prior to October 15, 2015. Staff recommends the Board grant the change to the grading permit with the following conditions:

1. All slopes will be a maximum of 2:1.
2. All slopes not 2:1 will require a retaining wall using native materials found onsite.
3. The Contractor provides an updated bond for two (2) years starting from October 15, 2015.

The Board should discuss the grading permit change request made by the applicant. The Board has many options including the following:

1. Not grant the change, thus requiring the contractor to comply with the existing grading plan received 6/28/13.
2. Grant the grading plan change as presented; thus extending allowing more excavation within the requirements and time frame required by Resolution 07-2013 and 32-2014.

Following brief discussion, Trustee Lewis moved to grant the grading plan change as requested for Lots 1-4, Block 27, Town of Grand Lake; more commonly referred to as 528 Grand Avenue with the following conditions:

- a. All slopes will be a maximum of 2:1
- b. All slopes not 2:1 will be require a retaining wall using native materials found onsite.
- c. The Contractor provides an updated bond for two (2) years starting from October 15, 2015.
- d. All other requirements of Resolution 07-2013 and 32-2014 are met.

Trustee Lanzi seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION TO AUTHORIZE TOWN MANAGER WHITE TO SIGN AN AGREEMENT FOR LANDSCAPING AND GARDENING SERVICES BETWEEN THE TOWN OF GRAND LAKE AND CAROL ANN THOMPSON AND CARLA LAWN, D/B/A/ HILLY LAWN – Mayor Burke asked Town Manager White to present this matter to the Board. White explained that the Board has the opportunity to consider entering into an agreement for landscaping and gardening services for the 2015 season. The Town has utilized the services of Carla Lawn and Carol Ann Thompson, d/b/a Hilly Lawn, for a number of years. The agreement has been signed by Ms. Lawn. The current certificate of insurance is valid through early May and a copy of the new certificate will be provided upon renewal. The agreement is consistent with prior agreements for the same services. It reflects the amount adopted in the 2015 budget (a 2.5% increase). The agreement will be signed by Ms. Thompson upon her return to Grand Lake from vacation. The Board should discuss the agreement for the 2015 landscaping and gardening services. Staff recommends the Board authorize the Town Manager to sign the Agreement for Landscaping and Gardening Services once the agreement is signed by both Ms. Lawn and Ms. Thompson. The Board should authorize or not authorize execution of the agreement.

Trustee Lewis moved to authorize Town Manager, Jim White, to sign the Agreement for Landscaping and Gardening Services with Hilly Lawn for the 2015 season after the agreement is signed by both Ms. Lawn and Ms. Thompson. Trustee Baird seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF ORDINANCE NO. XX-2015, 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 - Mayor Burke asked Town Manager White to present this matter to the Board. White explained that the Board of Trustees has an opportunity to consider entering into a lease and rental agreement for kayak rental operations at the Headwaters Marina at the lakefront for the 2015 season. For the 2011, 2012, 2013 and 2014 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 each season. They rented a boat slip only in 2011. Leasing of public property must be approved by ordinance. Mountain Paddlers proposes to continue its kayak rental business for the 2015 season. Mountain Paddlers proposes to lease the auxiliary building at the marina and all six 'slips' on one of the kayak racks. Several modifications were added to the 2015 Lease and Rental Agreement. The building rent has been increased by \$300 annually to offset utility costs and other related costs. The current rate is now set at \$3,300 for four months, May 22 to September 21. Previously it was \$3000 for four months. The kayak rack rent remains the same at \$900 for the season, 6 slips at \$150/each. Payment for rental of the kayak rack is due prior to Town execution of the Lease and Rental Agreement, and the remainder of the rent payments will be due in three equal payments throughout the summer. The total agreement amount is for \$4,200. The Agreement has been executed by Mountain Paddlers. Payment of the \$900 for the kayak rack rental is pending. Insurance renewal certificates have been received. Confirmation of insurance and payment of the \$900 kayak rack rent is a condition for execution of the agreement by the Town. Insurance coverage amounts have been increased to reflect what has historically been provided, so this will not impact the Lessee in any material manner. Staff recommends the Board adopt Ordinance No. XX-2015 and authorize the Town Manager to sign the Lease and Rental Agreement after confirming that the \$900 kayak rack rent payment has been made and 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. White noted that Andy Murphy was present.

Murphy was recognized from the audience. During discussion with Murphy he mentioned that last year Trustee Gasner performed a rescue of a young lady who was caught in a micro burst. He said that they are very mindful of the weather, in fact, they will quit renting and have people come back when the storm passes. He encouraged the Board to adopt the ordinance and said that next year he will be asking for a multi year lease.

Trustee Gasner asked him if he will be getting a boat this year.

Murphy responded by saying that he thinks that they are going to. He said that for their first year they had a very nice 23' boat and were able to get a slip at the Marina. Due to the cost, they had to do away with the boat. He said what he is thinking about doing is getting a Zodiac style inflatable boat with a 10 – 15 horse power motor. Having something that low to the water will be easier to retrieve someone if they did need help. He then asked, if he were to obtain this boat, could he be given permission to keep it on the east side of the Marina building as a safety measure at no additional charge.

Following discussion, Trustee Gasner moved to adopt Ordinance No. 6-2015, 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 contingent upon the requirement of Murphy obtaining a boat or vessel that can be used to rescue if needed and the Town will add in a parking spot to be determined for that vessel in close proximity to his location seconded by Trustee Baird.

Trustee Jenkins moved to amend the motion by adding “and to authorize Town Manager, Jim White, to sign the Lease and Rental Agreement after confirming that the \$900 kayak rack rent payment has been made and that insurance coverage is in place for the season”. Trustee Gasner seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION TO ENDORSE A LETTER OF SUPPORT FROM THE TOWN OF GRAND LAKE TO HELP THE ROCKY MOUNTAIN CONSERVANCY SECURE FUNDING TO PURCHASE THE CASCADE COTTAGES WITHIN THE BOUNDARIES OF ROCKY MOUNTAIN NATIONAL PARK AND AUTHORIZE THE MAYOR TO SIGN THE LETTER – Mayor Burke asked Town Manager White to present this matter to the Board. White explained that the Mayor has been requested to ask for help in the form of a letter of support from the Grand Lake Trustees in preparation for assistance from the National Park Service and the Land and Water Conservation Fund in acquiring the Cascade Cottages. This request will be made on behalf of the Rocky Mountain Conservancy and its Executive Director, Charles Money. The Cascade Cottages is a privately owned resort containing 39.5 acres within the authorized boundary of Rocky Mountain National Park. It has been operated since the 1920's as a summer resort.

Trustee Lewis moved to endorse the letter of support from the Town of Grand Lake to help the Rocky Mountain conservancy secure funding to purchase the Cascade Cottages within the boundaries of Rocky Mountain National Park and authorize the Mayor to sign the letter. Trustee Jenkins seconded the motion and all Trustees voted aye.

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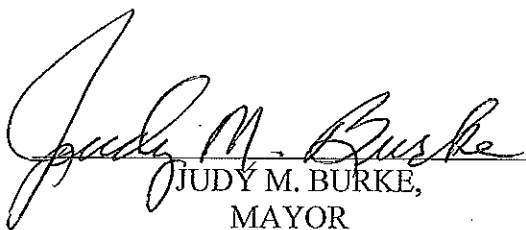
Added to the agenda was **CONSIDERATION TO ACCEPT THE CONVEYANCE OF THE ELEMENTARY SCHOOL AND TO AUTHORIZE THE MAYOR TO SIGN THE ACCEPTANCE** – Mayor Burke asked Town Attorney Krob to present this matter to the Board. Krob explained that normally when an individual conveys a piece of property to someone else the person getting the property doesn't have to sign anything. There is a statute in Colorado that says if you are conveying property to a municipality, the municipality has to sign something accepting the property. The Town has gone through the process and this is the last step. He noted that the conveyance documents have been signed by the School District.

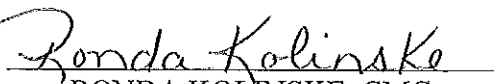
Trustee Jenkins moved to accept the conveyance of the Elementary School to the Town of Grand Lake as reflected in the Bargain and Sale Deed from the East Grand School District No. 2 subject to the restrictive covenant imposed by the School District and authorize the Mayor to sign the Acceptance. Trustee Gasner seconded the motion and all Trustees voted aye except Trustee Baird, who voted nay.

Mayor Burke announced that in lieu of the Mayor's Report and Comment the Board will go into Executive Session for the purposes of (1) receiving legal advice from the Town Attorney pursuant to § 24-6-402(4)(b), and (2) to discuss a personnel matter pursuant to § 24-6-402(4)(f).

At 8:32 p.m. the Board went into Executive Session.

The Board came out of Executive Session and at 9:09 p.m., January 13, 2014 Trustee Gasner moved to adjourn. Trustee Baird seconded the motion and all Trustees voted aye.


JUDY M. BURKE,
MAYOR

ATTEST: 
RONDA KOLINSKE, CMC,
TOWN CLERK