

RECORD OF PROCEEDINGS

REGULAR MEETING
TOWN OF GRAND LAKE BOARD OF TRUSTEES
TUESDAY, MAY 26, 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 7:31 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, Jenkins, Lanzi, Lewis, and Sabo; Town Manager White, Town Clerk Kolinske, and Town Code Administrator Rendon.

ABSENT: Mayor Burke announced that Trustee Gasner was absent from both the afternoon workshop and this evening's meeting due to a work conflict.

Trustee Lewis moved to excuse Trustee Gasner from both the afternoon workshop and this evening's meeting. Trustee Lanzi 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 the Grand Lake Area Historical Society will host a presentation by actor Kurtis Kelly portraying Freelan O. Stanley at its Annual Meeting and Election of Board on June 10th in the Grand Lake Community House at 7 p.m. Coffee and treats will be provided.

Mayor Burke then announced that Road Stabilization will be applied to Town streets on June 11th & 12th.

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.

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

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unscheduled public comments and noted that comments are limited to 3 minutes.

There were no unscheduled public comments.

NEW BUSINESS:

This item was taken out of order of the agenda to be considered next. **CONSIDERATION TO AUTHORIZE THE MAYOR TO SIGN THE LIMITED AND REVOCABLE LICENSE AND POLICY ON USE OF THE SONG TITLE BY ARTIST BETWEEN THE TOWN OF GRAND LAKE AND MICHELLE BRADFORD** - Mayor Burke asked Town Manager White to present this matter to the Board. White explained that an agreement is under consideration between the Town of Grand Lake and Michelle Bradford for the use of the song "Never Summer...Forever Home" by Steve Corney. There was a ceremony held over the weekend in his honor at Lakefront Park and unveiled a rock with the words of that song etched into it. He said that the song is the sole and exclusive property of Michelle Bradford. The song shall only be used by the Town for official Town events and in circumstances reasonably related for promotion of the Town, or with the consent and approval of Bradford for any other event. The agreement has been reviewed by Bradford's Attorney as well as the Town's Attorney. Bradford has agreed to provide the Town with a signed copy. White then noted that Michelle Bradford was present.

Michelle presented a signed copy of the agreement to staff, and, on behalf of the Town, Mayor Burke expressed her appreciation.

Trustee Lewis then moved to authorize the Mayor to sign the Limited and Revocable License and Policy on Use of the Song Title by Artist between the Town of Grand Lake and Michelle Bradford. Trustee Jenkins seconded the motion and all Trustees voted aye.

SCHEDULED
PRESENTATIONS/
DELEGATIONS:

There were no scheduled presentation/delegations.

CONSENT AGENDA:

Mayor Burke introduced the Consent Agenda which contained the following: Minutes from the May 11, 2015 Meeting.

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

REPORTS: SALES TAX
CASH FLOW REPORT
FOR MAY 2015:

Mayor Burke asked Town Clerk Kolinske to present the sales tax cash flow report. Kolinske reported that the amount of revenue received in May 2015 for the month of March is \$51,000. This amount is 1.38% above what was received through May 2014 and the most received since at least 2011.

1ST QUARTER SALES
TAX COLLECTION
BY VENDOR:

Town Clerk Kolinske noted that Town Treasurer Ackerman provided a report consisting of the First Quarter Sales Tax Collection by Vendor report for January – March 2011-2015.

REPORTS: FINANCIAL
REPORT FOR
APRIL 2015:

In the absence of Financial Trustee Gasner Mayor Burke asked Town Clerk Kolinske to present the Financial Report for April 2015. Kolinske reported that the General Fund expenditures through the end of April totaled \$415,543.62 or 12.8% of budget. He said the Water Fund expenditures for the same period totaled \$151,658.08 or 18.9% of budget, the Marina Fund expenditures totaled \$30,905.72 or 10.9% of budget and the PAYT Fund expenditures totaled \$10,756.41 or 30.4% of budget.

At 7:41 p.m. Trustee Sabo excused himself and left the room.

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF APPROVAL OF A SPECIAL EVENTS LIQUOR PERMIT FROM THE INDEPENDENT SPORTS CLUB, INC. FOR THE “32ND ANNUAL COLORADO STATE CHILI COOK OFF” FUNDRAISING EVENT – Mayor Burke asked Town Clerk Kolinske to

present this matter to the Board. Kolinske explained that an application for a Special Events Liquor Permit has been received, with the appropriate fee, permission for possession, certificate of good corporate standing, and floor diagram, from the Independent Sports Club (ISC), Inc. The request is to sell malt, vinous and spirituous liquor by the drink for consumption on the premises only for their “32nd Annual Colorado State Chili Cook Off” fundraising event. The requested date is Saturday, June 27, 2015 from 9:00 a.m. to 9:00 p.m. In the past, proceeds of this event went to the Grand Lake Fire Protection District’s Scholarship Fund. Proceeds will now go to the ISC. The proposed location is Town Square.

Public notice was posted on the premises on May 14, 2015 and attested to by Grand Lake’s Code Administrator, Tony Rendon. The Grand County Sheriff’s Department reviewed the application and found no adverse information which would affect this permit.

The Board must investigate the application and must deny the permit if its issuance would injure the public welfare by reason of the nature or location of the special event, or failure of the applicant to conduct past special events in compliance with applicable laws and regulations. She then noted that Mindy Nelson was present representing the ISC.

Trustee Lewis moved to approve the Special Events Liquor Permit Application from the Independent Sports Club, Inc. for their “32nd Annual Colorado State

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Chili Cook Off” fundraising event to be held Saturday, June 27, 2015 from 9:00 a.m. to 9:00 p.m. Trustee Baird seconded the motion and all Trustees voted aye.

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF APPROVAL OF A SPECIAL EVENTS LIQUOR PERMIT FROM THE FRIENDS OF GRAND COUNTY LIBRARY FOR THE “TOPS OF THE ROCKIES” FUNDRAISING EVENT - Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske explained that an application for a Special Events Liquor Permit has been received, with the appropriate state fee, permission for possession, certificate of good corporate standing, and floor diagram, from The Friends of Grand County Library. The request is to sell malt, vinous and spirituous liquor by the drink for consumption on the premises only for the “Tops of the Rockies” fundraising event. The requested date is Saturday, July 11, 2015 from 8:00 a.m. to 10:00 p.m. The proposed location is the Grand Lake Yacht Club.

Public notice was posted on the premises on May 14, 2015 and attested to by Grand Lake’s Code Administrator, Tony Rendon. The Grand County Sheriff’s Department reviewed the application and found no adverse information which would affect this permit.

The Board must investigate the application and must deny the permit if its issuance would injure the public welfare by reason of the nature or location of the special event, or failure of the applicant to conduct past special events in compliance with applicable laws and regulations. She then noted that Connie Graham was present representing The Friends of Grand County Library.

Trustee Jenkins moved to approve the Special Events Liquor Permit Application from The Friends of Grand County Library for their “Tops of the Rockies” fundraising event to be held Saturday, July 11, 2015 from 8:00 a.m. to 10:00 p.m. Trustee Baird seconded the motion and all Trustees voted aye.

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF APPROVAL OF A SPECIAL EVENTS LIQUOR PERMIT FROM THE GRAND LAKE CHAMBER OF COMMERCE FOR THEIR “68TH ANNUAL BUFFALO BARBEQUE CELEBRATION” – Since there was not a representative of the Chamber present, Trustee Lewis moved to table this matter until the next regularly scheduled meeting to be held June 8, 2015. Trustee Baird seconded the motion and all Trustees voted aye.

At 7:48 p.m. Trustee Sabo resumed his seat.

OLD BUSINESS: **CONSIDERATION TO CONTINUE THE FACILITY USE AGREEMENT WITH THE PICKLEBALL PLAYERS GROUP THROUGH OCTOBER 31, 2015 WITH THE FEE OF \$20 PER USAGE** - Mayor Burke asked Town Manager White to present this matter to the Board. White explained that consideration to extend the Pickleball Facility Use Agreement for intermittent use through October 31, 2015, concurrent with the

current Future Use Committee's work, is requested. The additional consideration is to extend the current cost of \$20 per usage through that same period.

White further stated the Pickleball Players Group has been a responsible tenant during its intermittent use of the facility. Whenever possible, play is conducted outdoors. With recent rain this spring usage has increased somewhat. Clean up of the facility after usage by this group has not been problematic in any way. At the last Town Board meeting, the Town Manager was given direction to temporarily continue the Facility Use Agreement with the Pickleball Players Group through July 1, 2015.

Due to the past history of diligence, staff recommends that the previous agreement for usage and fees that this group held with the East Grand School District be upheld through October 31, 2015 as the Future Uses Committee continues its work through that timeframe.

Trustee Jenkins moved to continue the Facility Use Agreement with the Pickleball Players Group through October 31, 2015 with the fee of \$20 per usage. Trustee Baird seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION TO ADOPT RESOLUTION NO. XX-2015; A RESOLUTION GRANTING A NIGHTLY RENTAL LICENSE IN A RESIDENTIAL NEIGHBORHOOD LOCATED AT SHADOW MOUNTAIN YACHT CLUB CRAIG UNIT: 16; MORE COMMONLY REFERRED TO AS 605 LAKE FRONT ROAD #C16 – Mayor Burke asked Town Code Administrator Rendon to present this matter to the Board. Rendon explained that the Town of Grand Lake (“the Town”) received a Nightly Rental License Application from Christine A. Koch (“the Property Owner”). During the application process, the Town received a three (3) written objections which requires the Board’s review. The Planning Commission has forwarded a favorable recommendation by Resolution 09-2015.

Municipal Code 12-2-31(B)4 Nightly Rental Conditional Use Permits states:

(a)1(i) Town Action:

- 1. If Town Staff determines that the application satisfies the requirements of Section 12-2-31(B)4, all adjoining property owners or all owners within 100’, whichever includes the largest number of properties, will be notified in writing by the Town of the applicants proposed use. All notified property owners will be given fifteen (15) days to object to the proposed use in writing.*
- 2. If one (1) or more notified property owners object to the proposed use in writing, the application shall be treated as a conditional use as outlined in Section 12-2-31(B)3,. The owner of the subject property shall be given a copy of all written complaints. In consideration of the proposed use, the Planning Commission may hold a Public Meeting to determine its recommendation to the*

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Board of Trustees. The Board of Trustees may hold a Public Hearing on the proposed use to decide whether to approve, modify, or disapprove the Planning Commission's recommendation.

Staff contacted all surrounding property owners within 100' and received three (3) written objections from Scott and Linda Trauth, Thomas Burke and Henry Hartman. These property owners state the following reasons for objections to the license:

- Proper care of property
- Parking problems
- Too many renters per unit
- Noise concerns
- Litter concerns

Staff recommends the Board adopt the resolution as presented which contains no conditions for granting the license. If the Nightly Rental License is issued, the Property Owner would be subject to all the provisions for Nightly Rental License renewal, which includes written complaints in the previous 12 month period.

The Board should first determine if a Public Hearing is necessary. If the Board determines a Public Hearing is not necessary, they should discuss the Nightly Rental License Application, the written objections received and the recommendation of the Planning Commission.

The Board has the following options:

1. Require a review of the Nightly Rental License Application at a Public Hearing; or
2. Grant the Nightly Rental License by adopting the resolution; or
3. Grant the license with conditions; or
4. Not grant the license.

He then noted that Christine Koch, applicant, was present.

Following discussion, Trustee Lewis moved to adopt Resolution No. 10-2015; a Resolution Granting a Nightly Rental License in a Residential Neighborhood Located at Shadow Mountain Yacht Club; More Commonly Referred to as 605 Lake Front Road, Unit #C16, as presented seconded by Trustee Jenkins. Prior to the vote, Trustee Baird disclosed the fact that she will be voting against this request because this takes away from the long term rental pool, private residences don't have to make the same tax payments as commercial properties, and it takes away from the lodging businesses. A vote was then taken and all Trustees voted aye except Trustee Baird, who voted nay.

NEW BUSINESS:

CONSIDERATION OF A SPECIAL EVENT PERMIT FROM THE GRAND ARTS COUNCIL FOR "A PEGGY MANN CONCERT WITH DAKOTA BLONDE"- Mayor Burke asked Town Code Administrator Rendon

to present this matter to the Board. Rendon explained that the Grand Arts Council has submitted a Special Event Permit (SEP) Application for consideration of "A Peggy Mann Concert with Dakota Blonde".

Staff is in possession of a Special Event Permit (SEP) Application submitted by the Grand Arts Council. The Concert is proposed to be held in the Community House with requested use of the Town Hall Kitchen and Board Room on Friday, August 14, 2015. Setup will start at 9:00 a.m. and clean-up from the event will be completed by 10:00 p.m. that evening. 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 Grand Arts Council and the Town of Grand Lake. Staff believes that this event should not require a public hearing. Staff is aware that there will be a Liquor License Application submitted, for Board of Trustees approval, for this event. 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. Additionally, the Board should decide if a public hearing is necessary.

The Board should approve, modify, deny or table the Special Event Permit application. He then noted that Jim Cervenka, Treasurer of the Grand Arts Council, was present.

Trustee Lewis moved to authorize Mayor Burke to sign the Special Event Permit for the Grand Arts Council for "A Peggy Mann Concert with Dakota Blonde". Trustee Jenkins seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION TO AUTHORIZE THE TOWN MANAGER TO ADMINISTER PURCHASING, PROCUREMENT; AND CONTRACT ADMINISTRATION FOR THE EAST INLET BOAT LAUNCH PROJECT - Mayor Burke asked Town Manager White to present this matter to the Board. White explained that the Town received two (2) grant awards for improvements at the East Inlet Boat Launch. Staff is preparing to utilize these grant funds along with Town funds in accordance with the Town procurement process which requires Board review.

July 2014 – The Town received an award of \$24,000 from Colorado Parks and Wildlife (CPW) for the East Inlet with improvement "related to the boat ramp and boat docks should be the highest priority for the grant funds".

December 2014 – The Town adopted the 2015 budget for the East Inlet with a project budget of \$50,000.

March 2015 – The Town received an award of \$4,525 from Northwest Colorado Council of Governments (NWCCOG) for pre-construction technical assistance for the East Inlet.

Municipal Code 4-2-4 [Purchasing and Procurement] Contracts states:

- (A) *Contracts for services or supplies in an amount exceeding Ten Thousand (\$10,000.00) dollars will be awarded by competitive sealed bidding to the low responsible bidder whose bid meets the requirements and criteria set forth in the invitation for bids...*
- (B) *Contracts for services or supplies in amounts of Ten Thousand (\$10,000.00) dollars or less may be awarded by the Board of Trustees without a competitive bidding process based upon the following guidelines...*

Municipal Code 4-2-6 [Purchasing and Procurement] Professional Services states:

- (A) *The Town Manager or his designee shall issue a public notice in a newspaper of general circulation at least fourteen (14) days prior to the due date of applications for the professional service to be performed.
The Board of Trustees or their designee shall ...into account professional licensure, professional competence... negotiate a contract*

for professional services with the highest qualified person...shall take into consideration the estimated value of the service to be rendered...shall undertake negotiations with the person considered the second most qualified...shall undertake negotiations with the person considered the third most qualified.

Municipal Code 4-2-7 [Purchasing and Procurement} Open Market states:

(A) The Town Manager or his designee may purchase services or supplies without contract if the cost of the services or supplies does not exceed Fifteen Thousand (\$15,000.00) dollars, the purchase does not exceed the established budget, and the services or supplies are within one of the following categories:

Below is a table outlining the project budget as dictated by the grants received:

Description	Quantity	Units	Unit Cost	Budgeted
Technical Assistance				\$ 9,050
Construction*				\$ 44,200
Boat moorage docks	480	SF	\$ 59.58	\$ 28,600
Gangways	2	EA	\$ 4,000	\$ 8,000
Extend Concrete Ramp	32	CY	\$ 187.50	\$ 6,000
Signage	4	EA	\$ 400.00	\$ 1,600
			Project Total	\$ 53,250.00

*Cost Estimate utilized in CPW Grant Application

There are several things that need to occur before actual construction including:

1. Bureau of Reclamation Management Agreement for long term use of the East Inlet area.
(Krob Law is currently working on this agreement due May 2015 utilizing NWCCOG grant monies.)
2. Establish a funding contract with CPW for the project.
(Need Management Agreement first.)
3. Obtain an environmental permit for the project.
(Need to hire a consultant using NWCCOG grant monies by Dec. 2015.)
4. Obtain bids for improvements and verify budget.
5. Construction.

Staff recommends the Board authorize the Town Manager or his designee to administer purchasing, procurement; and contract administration for the East Inlet Boat Launch project with the project budget of \$53,250.

This does not include execution of the Management Agreement for long term use of the East Inlet, which will be reviewed by the Board at a later date.

The Board should discuss the authorization process it deems necessary for contracts and agreements for the East Inlet Boat Launch Project.

The Board has many options including:

- 1) Authorize the Town Manager to administer the East Inlet Boat Launch Project; or
- 2) Not authorize the Town Manager to administer the project, thus requiring Board approval for each step of project as required by the Municipal Code.

Trustee Jenkins moved to authorize the Town Manager or his designee to administer purchasing, procurement; and contract administration for the East Inlet Boat Launch Project within the project budget of \$53,250. Trustee Lanzi seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION TO ENDORSE THE "GRAND LAKE CENTER" AS THE NEW NAME FOR THE FORMER ELEMENTARY SCHOOL FACILITY, WITH THE CAVEAT THAT OTHER NAMES MAY BE CONSIDERED IN THE FUTURE - Mayor Burke asked Town Manager White to present this matter to the Board. White explained that with the Town's recent purchase of the former elementary school in Grand Lake, a committee was established to help determine the future uses of the facility. The Committee has met three times. The Mayor, a member of the committee, had previously suggested that the facility be called the "Grand Lake Center". This idea has been well received by the Committee and the request came forth at the last meeting to ask the Town Board to formally endorse this name.

Staff is bringing forward the Committee recommendation to name the newly acquired facility the "Grand Lake Center", where community and education merge. The Committee formed to help establish recommended future uses recognizes that other naming options may develop in the future. Nonetheless, this name has resonated favorably with the Committee and gives the facility a new identity as the transition is under way.

Staff supports the new name for the facility. Staff will continue to work with the Committee to consider other options if they arise in the future.

Trustee Lewis moved to endorse "Grand Lake Center" as the new name for the former elementary school facility, with the caveat that other names may be considered in the future. Trustee Jenkins seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION TO DIRECT STAFF TO DRAFT A LETTER, BASED ON THE CONTENT OF THE LETTER FROM CML, ON BEHALF OF THE TOWN OF GRAND LAKE, TO GO OUT WITH THE MAYOR'S SIGNATURE TO ASK GOVERNOR HICKENLOOPER TO VETO HB 15-1348 REGARDING URBAN RENEWAL - Mayor Burke asked Town Manager White to present this matter to the Board. White explained that

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CAST Executive Director Joyce Buford has sent an e-mail, which included a letter from CML Director Sam Mamet and Deputy Director Kevin Bommer, requesting that Grand Lake and other CAST municipal members send a letter to Governor Hickenlooper requesting that he veto HB 15-1348 regarding urban renewal.

Staff urges support for the request from CML. As our statewide agency for municipalities throughout the state, CML has the pulse on the adverse impacts of legislative actions.

Trustee Jenkins moved to have the staff draft a letter, based on the content of the letter from CML, on behalf of the Town of Grand Lake, to go out with the Mayor's signature to ask Governor Hickenlooper to veto HB15-1348 regarding urban renewal. Trustee Lewis seconded the motion and all Trustees voted aye.

MAYOR'S REPORT
AND COMMENT:

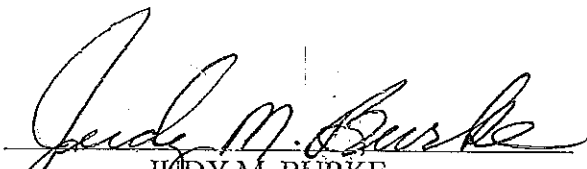
Mayor Burke made the comment that the Memorial Day weekend was very successful even though some people didn't cooperate very well, the weather was not the greatest for the festivities that were held and unfortunately Trail Ridge Road was not open. She said that there was a great turn out for Steve Corney's memorial dedication on Sunday the 24th and for the observance on Monday the 25th. She said, "I am very proud of this community that we do place such a high standard on the Memorial Day events that we have and even though it was raining, snowing, sleeting and a little bit of thunder, it turned out very well and I really want to thank everyone for coming and for participating." She then announced that Trustee Jenkins received an award from the Honor Guard for the Gateway's support of the military.

Mayor Burke then recognized Ivan Bloom, 707 Kinnikinnick, who had a comment.

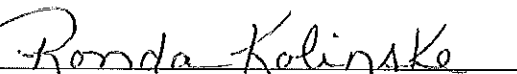
On behalf of the Community Church of the Rockies who has been holding services in the school building, Mr. Bloom said that, even though it was raining and cold, there were 74 people in attendance last Sunday. He said that attendance is growing and hopes the Board will work it out to keep them there.

ADJOURNMENT:

Trustee Lewis moved to adjourn, seconded by Trustee Baird. All Trustees voted aye, and the meeting was adjourned at 8:17 p.m., May 26, 2015.


JUDY M. BURKE,
MAYOR

ATTEST:


RONDA KOLINSKE, CMC,
TOWN CLERK