

RECORD OF PROCEEDINGS

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REGULAR MEETING  
TOWN OF GRAND LAKE BOARD OF TRUSTEES  
MONDAY, JUNE 10, 2013 7:30 P.M.

CALL TO ORDER: The regular meeting of the Board of Trustees was called to order by Mayor Judy Burke at 7:30 p.m. at the Town Hall, 1026 Park Avenue.

ROLL CALL

PRESENT: Mayor Burke; Trustees Gasner, Lanzi, Lewis, Ludwig, Peterson, and Weydert; Town Manager Hook, and Town Clerk Kolinske.

ABSENT: None.

APPROVAL OF MINUTES

May 13, 2013: Trustee Lewis moved to approve the minutes of the May 13, 2013 regular meeting as written. Trustee Peterson 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 presents "Cowboy Poetry & Songs", June 12<sup>th</sup> beginning at 7:00 p.m. in the Community House.

Mayor Burke announced that dust control will be applied to Town streets on June 13<sup>th</sup> & 14<sup>th</sup>.

Mayor Burke announced that the Rocky Mountain Repertory Theatre will open its 2013 Summer Season with "Peter Pan" on June 14<sup>th</sup> and with "How to Succeed in Business Without Really Trying" on June 21<sup>st</sup>.

Mayor Burke announced that the 30<sup>th</sup> Annual "Colorado State Chili Cook Off" will be held Saturday, June 22<sup>nd</sup> in Town Square. Proceeds will go to the Grand Lake Fire Protection District's Scholarship Fund.

Mayor Burke then announced that a small 2 acre fire has been confirmed on the north end of Big Meadows on the west side of Rocky Mountain National Park. It was started by lightning. The fire is about 4 miles from the Green Mountain Trailhead, roughly 2.5 miles from the Granite Falls area. Fire managers have ordered resources to assess the fire. Town Manager Hook noted that he had a telephone conversation with Mark McCutcheon, Colorado River District Ranger for Rocky Mountain National Park, and he said that there is no threat to the Town and that he expected that there will be firefighters on the ground at around 6:30 this evening.

Trustee Peterson then said that the new exhibit at the Kauffman House, "Grand Avenue – A Walk in the Past" is very informative and suggested taking the time to go see it.

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.

None of the Trustees had a conflict of interest with any items on the agenda.

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF A SPECIAL EVENTS PERMIT

**APPLICATION FROM THE GRAND LAKE CHAMBER OF COMMERCE FOR A FUNDRAISING EVENT** - Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske explained that this request is from the Grand Lake Chamber of Commerce for a fundraising event to be held in on Thursday, July 4, 2013 from 5:00 p.m. to 2:00 a.m. The proposed location is the Western Riviera Events Center. The application documents are in order and complete. 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 June 24<sup>th</sup> Board Meeting as a regular item of business or as a Public Hearing. Kolinske noted that Tom Goodfellow was present as a representative of the event.

Tom Goodfellow, 1204 Grand Avenue, was recognized from the audience and said that the funds raised will benefit the Fireworks Organization and will help fund the newly acquired icon of Bruce the Moose.

Following discussion, Trustee Peterson moved to act on this request as a regular item of business at the June 24, 2013 Board Meeting. Trustee Lewis seconded the motion, and all Trustees voted aye.

OLD BUSINESS:

None.

NEW BUSINESS:

**CONSIDERATION OF A PRE-ANNEXATION AGREEMENT WITH IRREVOCABLE POWER OF ATTORNEY TO FACILITATE ANNEXATION BETWEEN BALTZ FAMILY PARTNERS, LTD AND THE TOWN OF GRAND LAKE FOR THE PURPOSE OF PROVIDING WATER TO AN OUT-OF-TOWN CUSTOMER** – Mayor Burke asked Town Manager Hook to present this matter to the Board. Hook explained that the Mayor and Board of Trustees should consider accepting the Pre-Annexation Agreement with Irrevocable Power of Attorney to Facilitate Annexation, "Pre-Annexation Agreement", as executed and submitted by Baltz

Family Partners, LTD (“BFP”). Staff is in possession of a Pre-Annexation Agreement submitted by BFP as the first step in the Plant Investment Application with an Out-of-Town Water Customer process. In the past, water service to property owners outside Town limits was provided only if the owner petitioned to annex to the Town. If the property was not currently eligible to be annexed, a recordable pre-annexation agreement was required, Water Ordinance Series 1988, Section 10-1-9. The ordinance was amended in 2004 to allow provision of water service to out-of-town customers who are eligible for annexation if the Board determines that annexation is not in the Town’s best interest, i.e., neither party has any wish to annex. Ordinance No. 7-2004 amended Section 10-1-9(b)(2) to read:

“2) a legally binding and irrevocable pre-annexation agreement in recordable form to run with the land, if said property is not eligible to immediately annex *or if the Board of Trustees determines that immediate annexation is not in the Town’s best interest.*”

However, a pre-annexation agreement is still required to provide service. BFP owns a home outside of Town limits and proposes to connect to the Town’s water system. The BFP property is currently eligible for annexation, but neither the Town nor BFP have any desire to annex. BFP is aware of the appropriate Plant Investment Fee, double the in-Town fee, to connect to the Town’s system and is willing to provide payment as soon as their Agreement is accepted by the Town. The Pre-Annexation Agreement has been executed by BFP. The Town’s attorney, Scott Krob, has approved the Agreement as to form. This Pre-Annexation Application is being referred to the Board of Trustees as required by Water Ordinance Series 1988, Section 10-1-9. Staff recommends that the Board authorize the Mayor to execute the Pre-Annexation Agreement with Irrevocable Limited Power of Attorney to Facilitate Annexation between Baltz Family Partners, LTD and the Town of Grand Lake in connection with water service to an out-of-town customer. Hook then noted that Mr. and Mrs. Baltz were both present.

Trustee Lewis moved to authorize Mayor Burke to sign the Pre-Annexation Agreement with Irrevocable Limited Power of Attorney to Facilitate Annexation as described in the attachments, as confirmed by staff that all other Plant Investment Fee Application requirements have been met and the Agreement is ready for signature. Trustee Weydert seconded the motion and all Trustees voted aye.

ACCOUNTS PAYABLE  
May, 2013:

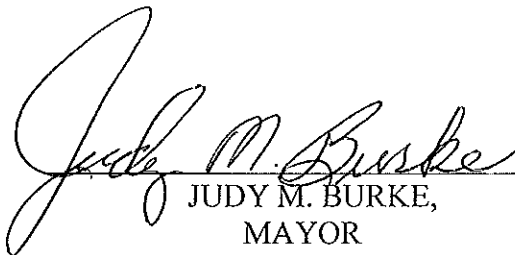
Trustee Peterson moved to examine the Accounts Payable and Prepaid for all Funds for the Town of Grand Lake. Trustee Weydert seconded the motion and all Trustees voted aye. Trustee Peterson then moved to approve the Accounts Payable and Prepaid for all Funds for the Town of

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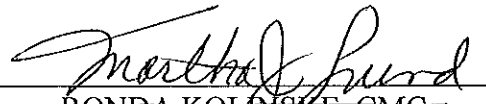
Grand Lake. Trustee Weydert seconded the motion and all Trustees voted aye.

CITIZEN PARTICIPATION: Doris Braun, 700 Park Avenue, was recognized from the audience. She introduced herself as the Chairman and Treasurer of the Grand Lake Fireworks Organization. She expressed her frustration with the Special Event Permit Application process and with the fact that she has not received her permit for the 4<sup>th</sup> of July fireworks. She brought up two issues that are different this year than in prior years: insurance and Display Operator License. She stated that obtaining a permit is not as easy as it used to be. She is a volunteer and has done this for the past seventeen years. There were others present who offered their assistance to the Fireworks Organization to obtain a permit. Hook said that insurance is part of the code and that he is trying to be responsible for those things that he has responsibility of. At the end of a lengthy discussion, Hook then said that he will consider alternatives to help expedite the processing of the permit.

ADJOURNMENT: Trustee Peterson moved to adjourn, seconded by Trustee Weydert. All Trustees voted aye, and the meeting was adjourned at 8:18 p.m., June 10, 2013.

  
JUDY M. BURKE,  
MAYOR

ATTEST:

  
RONDA KOLINSKE, CMC,  
TOWN CLERK-PRO-TEM