

RECORD OF PROCEEDINGS

REGULAR MEETING  
TOWN OF GRAND LAKE BOARD OF TRUSTEES  
MONDAY, JULY 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, Ludwig, and Peterson; Town Manager Hook, and Town Planner Biller.

ABSENT: Mayor Burke announced that Trustee Weydert was absent due to the fact that he had family visiting from out of town. Trustee Peterson moved to excuse Trustee Weydert's absence. Trustee Gasner seconded the motion and all Trustees voted aye.

APPROVAL OF MINUTES

June 24, 2013: Trustee Lewis moved to approve the minutes of the June 24, 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 Chamber is sponsoring an Arts and Crafts Fair, August 3<sup>rd</sup> and 4<sup>th</sup>, in Town Square.

Mayor Burke announced that the Grand Lake Historical Society will present "History Day" on August 3<sup>rd</sup> at the Kauffman House Museum.

Mayor Burke then announced that the Grand Lake Yacht Club Regatta will be held August 3<sup>rd</sup> – 11<sup>th</sup>.

CONFLICTS OF INTEREST:

Mayor Burke stated that if there are any Trustees wishing to announce a conflict of interest with any items on this evening's agenda, they should do so at this time.

Trustee Ludwig announced that he had a conflict with the Local Liquor Licensing issues as he holds a license for The Rapids Lodge and Restaurant.

REPORTS: SALES TAX CASH FLOW REPORT FOR JULY 2013:

Mayor Burke asked Town Manager Hook to present the sales tax cash flow report. Hook reported that the amount of revenue received in July 2013 for the month of May is \$55,694. This amount is .83% below what was received through July 2012.

REPORTS: FINANCIAL  
REPORT FOR  
JUNE 2013:

Mayor Burke asked Financial Trustee Peterson to present the Financial Report for June 2013. Peterson reported that the General Fund expenditures through the end of June totaled \$525,993.10 or 17.3% of budget. He said the Water Fund expenditures for the same period totaled \$417,532.12 or 44.7% of budget, the Marina Fund expenditures totaled \$53,464.25 or 14.0% of budget and the PAYT Fund expenditures totaled \$4,420.40 or 30.5% of budget.

At 7:35 p.m. Trustee Ludwig excused himself and took a seat in the audience.

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF RENEWAL OF THE HOTEL AND RESTAURANT LIQUOR LICENSE FOR TOMLYNSON, INC., D/B/A RAPIDS LODGE AND RESTAURANT – In the absence of Town Clerk Kolinske, Mayor Burke asked Town Manager Hook to present this matter to the Board. Hook reported that the fees have been paid and the renewal documents are in order. The water, business license, and sales tax accounts are all current. He noted that the Grand County Sheriff's Department found no adverse information that would affect the status of the license. He concluded by saying that Tom Ludwig, President, was present.

Trustee Peterson moved to approve the renewal of the Hotel and Restaurant Liquor License for Tomlynson, Inc., d/b/a The Rapids Lodge. Trustee Lewis seconded the motion and all Trustees voted aye.

Trustee Ludwig then excused himself and left the room.

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF A SPECIAL EVENTS LIQUOR PERMIT APPLICATION FROM THE GRAND ART'S COUNCIL FOR THE "A NIGHT IN MOROCCO" FUNDRAISING EVENT – Mayor Burke asked Town Manager Hook to present this matter to the Board. Hook explained that an application for a Special Events Liquor Permit has been received, with the appropriate state fee, certificate of good corporate standing, and floor diagram, from the Grand Arts Council. The request is to sell malt, vinous and spirituous liquor by the drink for consumption on the premises only for the "A Night in Morocco" fundraising event. The requested date is Saturday, September 14, 2013 from 3:00 to 11:00 p.m. The proposed location is the Grand Lake Community House at 1025 Grand Avenue. It has been the most recent procedure of this Board to receive the application and then schedule consideration of approval of the permit as a regular item of business at the following meeting. Although a Public Hearing is not required by statute, the Board may choose to set one. The premises are required by statute to be posted for at least 10 days prior to approval of the permit. Approval of the requested permit may be scheduled for the August 12<sup>th</sup> regular Board meeting, as either a Public Hearing or regular item of business. Hook noted that Cathy Walton-Smith, Vice President of the Arts Council was present.

Following brief discussion, Trustee Lewis moved to act on this request as a regular item of business at the August 12, 2013 Board meeting. Trustee Gasner 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 THE BREW AND CREW FEST FUNDRAISING EVENT** – Mayor Burke asked Town Manager Hook to present this matter to the Board. Hook explained that an application for a Special Events Liquor Permit has been received, with the appropriate state fee, certificate of good corporate standing, and floor diagram, from the Grand Lake Chamber of Commerce. The request is to sell malt, vinous and spirituous liquor by the drink for consumption on the premises only for the Brew and Crew Fest fundraising event. The requested date is Saturday, August 17, 2013. The proposed location is the Town Square. Public notice was posted on the premises on May 31, 2012 and attested to by Grand County Sheriff Deputy Luchs on July 9, 2013. The Grand County Sheriff's Department reviewed the application and found no adverse information which would affect this permit. He then noted that Kacey Beres, Executive Director for the Chamber was present.

Following brief discussion, Trustee Gasner moved to approve the Special Events Liquor Permit from the Grand Lake Chamber of Commerce for the Crew and Brew Fest fundraising event contingent upon approval of the Special Event Permit request that will be considered later in the meeting. Trustee Peterson seconded the motion, and all Trustees voted aye.

At 7:43 p.m. Trustee Ludwig resumed his seat.

**OLD BUSINESS:**

None.

**NEW BUSINESS:**

**CONSIDERATION OF RESOLUTION NO. XX-2013, A RESOLUTION GRANTING AN ENCROACHMENT LICENSE INTO THE WEST PORTAL RIGHT OF WAY FOR CERTAIN IMPROVEMENTS LOCATED ADJACENT TO TRACT C, COKER'S CORNER MINOR SUBDIVISION, TOWN OF GRAND LAKE; MORE COMMONLY REFERRED TO AS 1730 WEST PORTAL ROAD** – Mayor Burke asked Town Planner Biller to present this matter to the Board. Biller explained that the Town has received an encroachment license application from Richard and Katherine Groshong for the construction of an additional driveway and extra parking which requires the Boards review.

**Section 11-6-1: Public Property Encroachments**

*A. Encroachment Defined - An encroachment is any item that is placed, erected or built on the public right-of-way by a private property owner. A property owner shall seek permission from the Town to encroach onto Rights of Ways or municipal property prior to the*

*encroachment occurring. Where an encroachment exists without Town approval, the owner shall be required to remove the encroachment at his own expense or seek permission from the Town for the encroachment to remain.*

*B. Types of Encroachments*

*1. Major Encroachments are considered encroachments that are more permanent in nature. Examples include, but are not limited to: buildings or structures, driveways, fences and retaining walls, decks and patios, some components of public utilities, as well as other immovable objects other than minor landscaping.*

As per the Municipal Code, staff contacted the following utility companies informing them of this encroachment request:

Three Lakes Water and Sanitation District  
Mountain Parks Electric  
Comcast of Colorado  
Xcel Energy  
Century Link  
Town of Grand Lake Water Department

Staff received no objections to this encroachment. The Public Works Director and staff have reviewed the application and have no objection to the encroachment. Staff recommends the Board grant the encroachment license for the construction of additional driveway and parking by adopting the resolution as presented. The resolution includes the following conditions of approval:

1. The License is limited to the existing and proposed improvements as shown in the attached Exhibit A (hereinafter the "Encroachment"); and
2. The Encroachment complies with the requirements of Municipal Code Chapter 11, Article 2, Street Development Polices, Standards, & Specifications; and
3. The Grantee must maintain the Encroachment at its sole expense; and
4. This License shall remain in full force and effect for the benefit of the Grantee, their heirs, successors and assigns, until such time as the Town, in its sole determination, determines that this license should end. At such time, within 45 days of the Town providing notice to the Grantee, Grantee shall remove the Encroachment and restore that portion of the Town right of way to pre-existing condition or better at Grantee's expense. The Grantee may perform normal maintenance and repairs to the Encroachment, but may not enlarge it further into or above the public right-of-way; and
5. The granting of this License shall not be considered a precedent for any future encroachments; and
6. The granting of this License does not limit any public use of the West Portal right of way; and

7. The Grantee agrees to pay the License fee to the Town in the amount of One Hundred Dollars (\$100.00); and
8. The Grantee delivers the Town a fully executed Indemnification Agreement attached as Exhibit B; and
9. The proposed improvements must be completed within one (year). Failure to complete the proposed improvements shall nullify the granting of those proposed improvements; and
10. The existing improvements shall be granted despite the consequences in completing the proposed improvements.

The Board should discuss the encroachment license request. The Board has several options to consider including:

1. Adopt the resolution xx-2013 as presented, thus granting the encroachment request; or
2. Adopt resolution xx-2013 with conditions; or
3. Deny the request.

Billier then noted that the applicant, Katherine Groshong, was present.

Following discussion, Trustee Lewis moved to adopt Resolution No. 10-2013, a Resolution Granting an Encroachment License into the West Portal Right of Way for Certain Improvements Located Adjacent to Tract C, Coker's Corner Minor Subdivision, Town of Grand Lake; More Commonly Referred to as 1730 West Portal Road, as presented. Trustee Peterson seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION OF THE 2<sup>ND</sup> QUARTER REPORT FROM THE GRAND LAKE AREA CHAMBER OF COMMERCE** – Mayor Burke asked Town Manager Hook to present this matter to the Board. Hook explained that the Grand Lake Area Chamber of Commerce (Chamber) representatives will be in attendance to present their 2<sup>nd</sup> Quarter financial reports information as required by the Agreement for Visitor's Center Services and the Agreement for Marketing Services. Additionally, they will request release of the 2<sup>nd</sup> Quarter funds as outlined in the Agreement for Visitor's Center Services and the Lease Agreement for the Visitor's Center real property. Through Ordinance No. 11-2012, the Town of Grand Lake (Town) accepted and entered into an Agreement for Visitor's Center Services with the Chamber to operate the Grand Lake Visitor's Center for the Town in 2013. Among other things, this agreement establishes that:

- the Town pay the Chamber \$32,732 to operate the Visitor's Center during 2013 (same as 2012)
- the Chamber submit quarterly financial reports to the Town
- the Town remit quarterly payments for Visitor's Center operations to the Chamber after finding their quarterly reports to be satisfactory (\$32,732 divided by 4 = \$8,183 quarterly)

Through Ordinance No. 22-2011, the Town accepted and entered into a Lease Agreement with the Chamber for the Visitor's Center real property through November 2016. Among other things, this agreement established that:

- the Chamber will pay annual rent in the amount of \$2,500
- the rent will be 'paid' via the Town withholding \$2,500 from the Town's 1<sup>st</sup> Quarter payment to the Chamber as established in the Agreement for Visitor's Center Services (\$8,183 minus \$2,500 = \$5,683)
- the withheld \$2,500 will be set aside by the Town as a maintenance contingency for any repairs to the Visitor's Center that exceeds \$500.

On December 10, 2012, the Town entered into an Agreement for Marketing Services with the Chamber to market the Grand Lake community. Among other things, this agreement establishes that:

- all BLC fees remitted by the Town to the Chamber:
  - will fund generic advertising, to promote existing events, to provide seed money for new events, and to generically market Grand Lake
  - will not be used for salaries, or any other expenses pertaining to the operation of the Visitor's Center or the Chamber
- the Chamber is required to submit quarterly reports on how BLC fees have been allocated over the previous quarter.

In April 2013, the Chamber requested that the 2013 rent 'payment' to the Town be deferred to October 2013 and withheld from the Town's 3<sup>rd</sup> Quarter Visitor's Center operations payment to the Chamber, instead of the 1<sup>st</sup> Quarter as established by the current Lease Agreement. This request was made to aid the Chamber with their cash flow through the 3<sup>rd</sup> Quarter, 2013. At the April 8, 2013 meeting, the Board authorized staff to issue a check to the Grand Lake Area Chamber of Commerce in the amount of \$8,183 as full 1<sup>st</sup> Quarter payment for Visitor's Center operations and that the Chamber's rent payment of \$2,500 be deferred to the 2<sup>nd</sup> Quarter's payment with the condition that the building is painted or stained during the 2<sup>nd</sup> Quarter.

Regarding the documents in the Chamber's 2<sup>nd</sup> Quarter packet, staff has a few observations to share:

- The P&L report shows a 2<sup>nd</sup> Quarter loss of a little over \$11k; while this is a troublesome value, it is fair to point out that cash flow planning by the Chamber has anticipated that the 2<sup>nd</sup> and 3<sup>rd</sup> Quarters would be negative and that this has not been an unusual situation in recent years
- Calls and visitors to the Visitor's Center in 2013 are generally down from 2012 but generally up from 2010 and 2011
- Facebook statistics seem to show a nice distribution across user demographics

Hook said that it is his understanding that Chamber staff and Chamber Board of Directors do have concerns about the financial position of the Chamber, including the negative cash flow and current credit card balance, and that they have continued to monitor the Chamber's financial matters.

Regarding recent Visitor's Center operations, Town staff is aware of some occasions where the Visitor's Center was not staffed as outlined in the Agreement for Visitor's Center Services. The Town understands that these instances were due to insufficient volunteer coverage and that Chamber staff have taken measures to make sure the Visitor's Center is appropriately staffed. Additionally, during the 2<sup>nd</sup> Quarter, Town staff became aware of some concerns from members of the community about the condition of the landscaping and irrigation system at the Visitor's Center. It is the Town's understanding that Chamber staff has begun efforts to address these concerns. Town staff believes that the Chamber has met its reporting obligations to the Town as per current agreements.

Town Staff believes that the Chamber has generally met its obligations associated with the current agreements. That said, Town staff believes that it would be beneficial to have a dialogue with the Board of Trustees during the 3<sup>rd</sup> Quarter. It is essential that Trustee Ludwig and Trustee Lewis, as Board of Trustees liaisons to the Chamber Board of Directors, and Town staff, as cooperators with Chamber staff on the operational level, receive direction on matters related to these agreements. Such a dialogue will be especially valuable as the 4<sup>th</sup> Quarter approaches since several key activities will need to occur in that time period, including renewal of both the Agreement for Marketing Services and the Agreement for Visitor's Center Services. Staff will issue a check for the 2<sup>nd</sup> Quarter as soon as practical once the Board of Trustees (Board) provides direction to staff on this matter. The Board should discuss its level of satisfaction with the 2<sup>nd</sup> Quarter financial report of the Chamber, the Board's level of satisfaction with the Chamber's use of BLC fees on marketing efforts in the 2<sup>nd</sup> Quarter and the Chamber's request for rent deferral to the 3<sup>rd</sup> Quarter. Staff recommends that the Board approve the Chamber's 2<sup>nd</sup> quarter payment in the amount of \$8,183 minus \$2,500 rent for a net total of \$5,683.

The Board needs to take action to fulfill the Town's requirements of the Agreement for Visitor's Center Services regarding remittance of quarterly payments to the Chamber.

- If the Board is satisfied with the Chamber's 2<sup>nd</sup> quarter financial reports, then the Board should direct staff to issue a check in the amount of \$5,683.
- If the Board is not satisfied with the Chamber's quarterly financial report and wish to withhold the 2<sup>nd</sup> quarter payment until the Board is satisfied with the Chamber's quarterly financial report, then the Board should direct staff to not issue a check until so directed.

Hook then noted that Kacey Beres, Executive Director for the Chamber was present.

Following discussion, Trustee Gasner moved to authorize staff to issue a check to the Grand Lake Area Chamber of Commerce in the amount of \$8,183 as full 2<sup>nd</sup> Quarter payment for Visitor's Center operations and that the Chamber's rent payment be deferred to the October 2013 discussion of the Chamber's 3<sup>rd</sup> Quarter operations seconded by Trustee Lewis.

Trustee Peterson amended the motion by adding that the \$2,500 deferral not be extended any further than the 3<sup>rd</sup> Quarter. Trustee Lewis seconded the amendment and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION OF A SPECIAL EVENT PERMIT REQUEST FOR THE ANNUAL BREW AND CREW FEST** – Mayor Burke asked Town Manager Hook to present this matter to the Board. Hook explained that staff is in possession of a Special Event Permit (SEP) Application submitted by the Chamber related to the annual Brew and Crew Fest that is scheduled for Saturday, August 17, 2013.

According to the Town of Grand Lake Municipal Code, Chapter 11, Article 6, Section 3.A.3 - Special Event Permit Application Review and Approval:

*The Mayor, or the Mayor's designee, will refer the matter to the Board of Trustees for approval if the event involves a Special Events Liquor Permit, the event is a first time event, or if the event has had known issues in the past. The Board of Trustees shall take the following factors into consideration:*

- 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. Duplication of services or sales items; and*
- g. Nature of the past event issues.*

This SEP Application is being referred to the Board of Trustees (Board) because this event involves a Special Events Liquor Permit and because the Chamber proposes to make several changes to the event as permitted in 2012. As a reminder, the regatta did not happen in 2012, but it was included in the approved SEP. Significant changes in the proposed 2013 Brew and Crew Fest from recent years include the following:

- There will be no Corvette car show; hence, there will be no need to close Grand Avenue like was approved in 2012
- The organizers of the regatta have requested that they be allowed to closed a small section of Lake Avenue Friday evening to off-load boats for



storage on the grass next to the bathrooms and Saturday morning for the moving of boats between the grass area and the beach area; this closure is expected to be intermittent during the several times that boats are being loaded/unloaded/moved; this closure was not included in the 2012 approved SEP; apparently, this closure has been included in approved SEP for recent years prior to 2012

The 2013 Brew and Crew Fest is proposed for the third Saturday in August, a week earlier than in recent years. This places it on the same day as the Heart of the Mountains Hospice cold water swim fundraiser. The hospice fundraiser has traditionally been the third Saturday in August, but was held on the second Saturday in 2012, end of the Grand Lake Yacht Club's regatta week. Based on data from Headwaters Marina Manager Hassoldt, it would appear that the third Saturday in August is a much busier day on the lake than the 4<sup>th</sup> Saturday in August. Regatta organizers are in the process of gathering feedback from the entities along the lakefront regarding the event and will share that feedback with staff prior to the Board meetings on the 22<sup>nd</sup> and with the Board at the meetings. Staff is uncertain how the absence of the Corvette car show will impact the overall event. Certainly, not closing Grand Avenue and Lake Avenue at the same time is a plus to traffic flow. Staff has considered the issues surrounding the closure of Lake Avenue. Staff believes that it is a reasonable request and should be workable to implement and waits for the above mentioned feedback from lakefront entities. Organizers of the Brew and Crew Fest and the Heart of the Mountains Hospice cold water swim fundraiser have coordinated regarding their separate events and seem to have concurrence that both events can occur without adversely impacting either event. In general, the regatta will involve lakefront activities earlier in the morning while the cold water swim lakefront activities will occur later in the morning. Brew Fest activities will occur in Town Square Park and should not provide any conflicts. Staff waits for the above mentioned feedback from lakefront entities. Since the SEP process addresses only the use of Town facilities and specifically excludes activities on the lake, staff believes that it is the responsibility of event organizers to coordinate with other users of town lakefront facilities. Hence, staff has included conditions in the permit for the organizers of both separate events on the 17<sup>th</sup> to coordinate/communicate with each other and with those that use Town facilities. This includes a coordination meeting with lakefront entities about a week prior to the 17<sup>th</sup> and the posting of notice of the events at the several Town facilities along the lakefront for several days in advance of the 17<sup>th</sup>. Staff waits for the above mentioned feedback from lakefront entities. Because staff is unclear if boat inspections by Colorado Parks and Wildlife (CPW) are required for these types of crew boats that may come from invested waters elsewhere in the state or the country, staff has added a condition in the permit that regatta organizers coordinate with managers of the aquatic nuisance species program at CPW. The Board should review and discuss the merits of the proposed event activities described in application, taking into consideration factors listed above. As it relates to the above mentioned feedback from lakefront entities,

key factors would seem to be (a) through (d). As long as the pending feedback from lakefront entities is not negative and no new safety issues come to our attention, staff supports approval and execution of the Special Event Permit as presented. The Board should approve, deny or table the application. Hook noted that Kacey Beres, Executive Director of the Grand Lake Chamber of Commerce, was present.

Trustee Gasner recalled the conversation from the afternoon workshop and the Board was told that organizers of the Brew and Crew Fest discussed this event with the lakefront entities and everyone is acceptable to the event with the exception of Headwaters Marina Manager Hassoldt who had a complaint but also gave his consent.

Trustee Peterson noted that there didn't seem to be many complaints between Brews and Crews and the cold water swim, but there were complaints between the cold water swim and the Marina. It appears that Brews and Crews will be done at about the same time that the swimmers will be getting started. The conflict seems to be with the swimmers and the boats. Although there haven't been any problems in the past, it is unusual to have two events on the same day.

Andy Murphy, Owner and Operator of Mountain Paddlers located at Headwaters Marina on Grand Lake. He said that he is in favor of the events but expressed concern with safety. He suggested that the events be posted several days in advance at both marinas on Grand Lake, at his business, Mountain Paddlers, at the public docks, at the boat launch on Grand Lake, at Trail Ridge Marina on Shadow Mountain Lake and on the pedestrian bridge. This will alert boaters to be aware that there will be slow moving craft in the water in the early morning then later there will be people in the water swimming. He then said that the swimmers usually enter the water at Point Park and swim to the L dock. Murphy made a recommendation that the swimmers enter the water at Point Park, follow the western shore then the northern shore in the shallow water area of the lake, where power boats don't go, and exit the lake at the non motorized boat dock.

Trustee Peterson made the comment that there are rescue boats out there to pick up swimmers who can't complete the swim. If the swimmers were in the shallow water where power boats can't go, it would hinder rescue efforts.

Follow lengthy discussion, Trustee Gasner moved to authorize Mayor Burke to sign the Special Event Permits for the Chamber event known as the Brew and Crew Fest as described in the application, upon confirmation from staff that all other application requirements have been met and the permit is ready for signature. Trustee Lewis seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION TO AUTHORIZE TOWN MANAGER HOOK TO SIGN ALL REQUIRED PAPERWORK RELATED TO OBTAINING A**

**FUEL DISTRIBUTORS LICENSE, AS WELL AS ANY FUTURE PAPERWORK TO KEEP SUCH LICENSE IN PLACE, IN ORDER TO CONTINUE DISTRIBUTING FUEL** – Mayor Burke asked Town Manager Hook to present this matter to the Board. Hook explained that the Town has been providing and invoicing for fuel to Grand Lake Fire Protection District, Grand County Sheriff’s Office, Grand County Search & Rescue and Grand County Road & Bridge (“Customers”). It has recently come to the attention of the Town Treasurer, Erin Ackerman, that the State requires a Fuel Distributors License for such provisions. Upon investigation into the placement of such License, Ackerman has found the following requirements:

- Fuel Distributors License Application
- Fuel Distributors Bond
- Application for EFT Payments
- Financial Statement
- Trading Partner Agreement
- \$10 Fee

Thereafter, the Town would be required to file monthly fuel tax reports regardless of whether there were sales for the month or not. Hook said that Ackerman also found, upon receipt of this license, the Town’s Customers would be required to apply for and submit to the Town, annually, a Fuel Tax Exemption Certificate before providing fuel to them. Staff believes in order to continue to provide this service, the Town would require an increase in the 10% surcharge currently in place. The Board should review and discuss the requirements of obtaining and maintaining the license required to distribute fuel as stated, taking into consideration the factors listed above. Staff recommends the Board decide either to cease sales to outside entities or continue in the license application process and consider raising the surcharge fee. The Board should approve, deny or table the application.

Trustee Peterson said that since these customers are all emergency personnel, this is a good service to provide to them, therefore, he moved to authorize Town Manager David Hook to sign all required paperwork related to obtaining a Fuel Distributors License, as well as any future paperwork to keep such License in place, in order to continue distributing fuel. Trustee Gasner seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION OF RESOLUTION NO. 11-2013, A RESOLUTION REPEALING AND REPLACING RESOLUTION NO. 8-2013 AND RESCINDING SPECIAL FIRE RESTRICTIONS WITHIN THE TOWN OF GRAND LAKE** – Mayor Burke asked Town Manager Hook to present this matter to the Board. Hook explained that Municipal Code 2-2-9 authorizes the Mayor and Town Manager to implement or rescind a ban on open fires and fireworks. Additionally, the code requires that any such action undertaken by the Mayor and Town Manager be presented to the Board at their next meeting for review to ratify or rescind the action.

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On June 28, 2013, staff issued restrictions on open fires and the use of fireworks within the Town limits, with certain exceptions. At the meeting on July 8, 2013, Resolution 8-2013 was adopted by the Board ratifying those fire restrictions.

On July 19, 2013, staff fully rescinded the fire restrictions in place on open fires and the use of fireworks within the Town limits. As a result, only standard, year-round restrictions are now in effect. The elimination of all special restrictions came after consulting with Mayor Burke on similar actions issued by the Board of County Commissioners and Arapaho-Roosevelt National Forest that were effective July 19, 2013. With this action, the Town, Grand County, Arapaho-Roosevelt National Forest, and Rocky Mountain National Park are all operating with only standard, year-round restrictions in effect. Staff believes that it is important for the Town to be at the same level of fire restrictions as Grand County, Rocky Mountain National Park and Arapaho-Roosevelt National Forest. Staff has been removing the numerous fire restriction notices that have been posted at many locations within and near town. Efforts will continue to remove them as they are found. Additionally, staff has removed the fire ban notice posting on the Town's website and on both marquees. The Board should discuss the information provided and the merits of rescinding the fire restrictions recently in place. If the current status is not satisfactory, the Board should discuss what is satisfactory and discuss providing direction to staff on appropriate fire restrictions. Staff recommends that the Board adopt Resolution xx-2013 as presented. The Board should adopt Resolution xx-2013, as presented or adopt a modified version of Resolution xx-2013.

Trustee Gasner moved to adopt Resolution No. 11-2013, a Resolution Repealing and Replacing Resolution No. 8-2013 and Rescinding Special Fire Restrictions within the Town of Grand Lake. Trustee Lewis seconded the motion and all Trustees voted aye.

CITIZEN PARTICIPATION: Julie Gasner, 624 Mountain Avenue, was recognized from the audience. She spoke about the unfortunate incident that occurred July 4<sup>th</sup> after the fireworks display. The incident happened outside of Town but it has unfortunately brought negative publicity upon the Town. There wasn't anything that the Town or anyone could have done to prevent it from happening. She said that when she was growing up, her parents lived behind the Blue Bird Motel for a number of years and they all watched the fireworks from there every year. When her parents learned about the accident they said that they are amazed that something like this hasn't happened before because they have seen people/kids in the Highway year after year. She said that perhaps CDOT should not allow parking along the Highway.

Trustee Peterson said that the Town's sphere of influence begins at the top of Coffee Divide. Everything that happens from there to the Town affects the Town regardless of whether or not the Town is responsible. He said that he

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thought that the Town will probably end up working with the State Highway Patrol to not allow any parking along the Highway on the 4<sup>th</sup> of July.


Trustee Lanzi suggested lowering the speed limit along the Highway. Julie Gasner, Trustee Peterson and Trustee Lewis all agreed that the problem is not with the speed limit it is with people walking in front of moving vehicles after dark.

During discussion, it was mentioned that there is a solution to every problem, but cancelling the fireworks on the 4<sup>th</sup> of July was not one of them. That would drastically hurt tourism.

Following discussion, Mayor Burke thanked everyone for their comments.

ADJOURNMENT:

Trustee Gasner moved to adjourn, seconded by Trustee Lewis. All Trustees voted aye, and the meeting was adjourned at 9:04 p.m., July 22, 2013.

  
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JUDY M. BURKE,  
MAYOR

ATTEST:   
\_\_\_\_\_  
RONDA KOLINSKE, CMC,  
TOWN CLERK