

RECORD OF PROCEEDINGS

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REGULAR MEETING  
TOWN OF GRAND LAKE BOARD OF TRUSTEES  
MONDAY, JANUARY 9, 2012 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 Lanzi, Lewis, Ludwig, Peterson, and Weydert; Town Clerk/Interim Town Manager Kolinske, Town Treasurer/Clerk Pro-Tem Dzinski, and Town Planner Wittman.

ABSENT: Trustee Johnson. Trustee Peterson moved to approve the absence of Trustee Johnson and Trustee Weydert seconded. All Trustees voted aye.

APPROVAL OF MINUTES

October 24, 2011: Trustee Lewis moved to approve the minutes of the October 24, 2011 regular meeting as written, seconded by Trustee Peterson. All Trustees voted aye except Trustee Ludwig, who abstained.

November 12, 2011: Trustee Peterson moved to approve the minutes of December 12, 2011 regular meeting as written. Trustee Lewis 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 then announced that Town Sales Tax Licenses for businesses and Animal Licenses are now due for 2012. Both are available at Town Hall.

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 any conflicts.

LIQUOR LICENSING AUTHORITY: **QUASI-JUDICIAL** – None.

OLD BUSINESS: **CONSIDERATION OF COMPLIANCY WITH NUISANCE ABATEMENT** – Mayor Burke asked Town Planner Wittman to present this matter to the Board. Wittman explained that in the summer of 2011, Town staff received several complaints about the property located at Lots 7-8, Block 35, Town of Grand Lake, a/k/a 406 Grand Avenue. The complaints were about “junk” being stored in the open on the property. On July 14, 2011 staff was able to talk with Bill Zick, the owner of the property, and he advised he would get everything separated into trash, which he would throw away, and items he intended to sell at a garage

sale. It appeared that very little was done to accomplish the stated goals and staff asked the Board to take action as required by the Municipal Code. Under Municipal Code 7-6-13 Additional Provisions, the property was declared a nuisance by the Board of Trustees at their regular meeting on August 22, 2011. A certified letter, signed by the Mayor, was sent to the Zicks, but the letter was returned as unclaimed. Town staff then posted the property with a copy of the letter on October 14, 2011 as required by Municipal Code by stapling the letter, enclosed in a protective pouch, to the front door of the residence. The letter gives the owner a ten (10) day period after receipt/posting of the notice to correct the issue. Upon inspection, staff noticed that a few items have been picked up, but that what appears to have occurred was that a makeshift "fence", using materials present, was placed along the south side of the main area in question, and some items have appeared to have been stacked to the north of the fence. The Board must discuss this matter for determination of compliancy with nuisance abatement. If the Board is not satisfied with the abatement, the Town may have the issue corrected and all charges for that correction will assessed to the owner/person in charge of the property. The owner then has ten (10) days to pay that assessment. If the owner does not pay the assessment, then notice is posted in the local paper for two (2) weeks for a public hearing in front of the Board of Trustees. If there are no objections to the assessment or there are objections but they are not sustained, then the owner has ten (10) days from the hearing date to pay the assessment. If the assessment is still not paid, then the Town can certify the assessment and have it placed on the County Treasurer Tax list with an additional ten percent (10 %) penalty to defray costs.

After further discussion, Trustee Peterson moved to direct Staff to begin the administrative process to enforce compliancy with nuisance abatement for the property located at located at Lots 7-8, Block 35, Town of Grand Lake, a/k/a 406 Grand Avenue. Trustee Weydert seconded and all Trustees voted aye.

OLD BUSINESS:

**CONSIDERATION OF ORDINANCE NO. 1-2012, AN ORDINANCE AUTHORIZING THE LEASE OF REAL PROPERTY TO THE GRAND LAKE METROPOLITAN RECREATION DISTRICT BY THE TOWN OF GRAND LAKE AND ESTABLISHING THE TERMS THEREOF** – Mayor Burke asked Town Clerk/Interim Town Manager Kolinske to present this matter to the Board. Kolinske explained that the current Lease Agreement between the Town of Grand Lake and the Grand Lake Metropolitan Recreation District expires at midnight on December 31, 2011. This agreement is identical to the previous agreement with the exception that it commences January 1, 2012 and ends at midnight on December 31, 2012. The Lease Agreement has been signed by the President of the Rec. District. The rent payment in the amount of One

Dollar (\$1) has been paid and a current Certificate of Insurance is on file. If the Board is satisfied with the Lease Agreement, staff would recommend the Board adopt Ordinance No. 1-2012, an Ordinance Authorizing the Lease of Real Property to the Grand Lake Metropolitan Recreation District by the Town of Grand Lake and Establishing the Terms Thereof and to authorize the Mayor to sign the Lease Agreement between the Town and the Grand Lake Metropolitan Recreation District. Kolinske noted that Don Summers, President of the Rec District, was present.

Trustee Peterson moved to adopt Ordinance No. 1-2012, an Ordinance Authorizing the Lease of Real Property to the Grand Lake Metropolitan Recreation District by the Town of Grand Lake and Establishing the Terms Thereof and to authorize the Mayor to sign the Lease Agreement between the Town and the Grand Lake Metropolitan Recreation District. Trustee Weydert seconded, and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION OF A REQUEST TO BURN SLASH AT 1901 WEST PORTAL ROAD AND TO AUTHORIZE THE MAYOR TO SIGN A WRITTEN APPROVAL NOTICE** - – Mayor Burke asked Town Planner Wittman to present this matter to the Board. Wittman explained that on January 3, 2012 the Town received a request from Jess Williams, representative of Kevin Simpkins, to complete beetle kill mitigation efforts on Tract A, Simpkins Subdivision Exemption, located within the Town of Grand Lake, by burning 56 slash piles ranging in size from 3’X3’X3’ to 8’X8’X6’. The piles have been on the property for nearly three years and it is the desire of the property owner to have them removed. As the property owner’s representative indicates, the number of piles and the steepness of grade make burning the most desirable means to fulfill mitigation efforts. If the piles were eliminated, by burning or hauling off premise, the property would be entirely free of dead trees. As per Ordinance No. 5-2001, open fires larger than 4’X4’ are prohibited with the Town limits. This has been codified, Section 7-1-28: Open Fires Prohibited, to read: Open Fires (any outdoor fire) of any kind are prohibited, unless the prior written consent of the Board of Trustees is obtained. Barbeque and campfire pits or rings not exceeding sixteen (16) square feet is area and liquid or gas fueled stoves and grills and other devices either permanently constructed or purchased for the purpose of outdoor cooking are exempted from the provisions of this Section. The intent of this ordinance was to prohibit burning of slash and/or construction materials, but to allow for campfires with an appropriate fire ring. Fires other than what is allowed require the prior written consent of the Board. Williams is estimating three piles to be burned daily for a period of 18 days, pending burn bans which could prolong the burn; no set times have been indicated for the burn. Williams would be the burn supervisor for the project, which the County requires for all Open Burn applications. While the application indicates

the property is adjacent to public lands, the property borders private lands on the north as well as West Portal Road on its southern boundary. While the Town has allowed for slash burning in the past, the approved properties have been for larger Homeowner's Associations or for Grand Lake Lodge, encompassing a total of 75+/- acres of land within the Town and situated at the northernmost boundary for the Town. In these circumstances, the Town has required a supervisor to be onsite at all times of the burn, a burn permit be obtained from the County, and notification made to the Grand Lake Fire Protection District as well as the Town of Grand Lake prior to burning. Given that the property is greater than two acres in size, a fairly large parcel in the Town of Grand Lake, the property is located on the Town's northernmost boundary, and the piles are completely dry, staff feels this is an appropriate request for the Board's consideration. The Board should discuss this matter with the property owner's representative to gather any additional information the Board would need to formulate a motion on this matter. Staff recommends, if the Board is amenable, discussing:

1. Dates (Monday-Friday or a deadline for completion of the burn) and Times (7:00 to 2:00 has been acceptable in the past by the Board) that the Board would like to impose on the property; and
2. The maximum pile size (the Grand County Division of Natural Resources recommends pile sizes smaller than 10'X10') which may be proposed by the representative.

If the Board is favorable, staff will draw up written notification from the Town Board. That notification will indicate:

1. Jess Williams will be onsite at all times during burns; and
2. The maximum pile size; and
3. The hours, dates, etc., the Board determines are appropriate; and
4. The fires must be "completely extinguished" outside of the specified time periods; and
5. The Grand Lake Fire Protection District and the Town of Grand Lake must be notified prior to each burn; and
6. The burn must be conducted in accordance with the terms and conditions of the permit issued by Grand County Department of Natural Resources.

Again, if the Board is favorable, the Board must make a motion on the matter. If the Board is favorable to approving the request, the Board's motion should include authorizing Mayor Burke to sign the written approval notice. Wittman noted that Jess Williams, representing the property owner, was present.

The Trustees discussed specifics regarding the burn, including safety considerations, timing, weather conditions, number of piles to be burned,

etc. Jess Williams explained the parameters of conducting the burn and the procedures he would follow to ensure a safe and efficient burn. After further discussion, Trustee Lewis moved to approve the slash burn request in order to complete beetle kill mitigation efforts on Tract A, Simpkins Subdivision Exemption, located within the Town of Grand Lake and to authorize the Mayor to sign the written approval notice. Trustee Lanzi seconded and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION OF RESOLUTION NO. 1-2012, A RESOLUTION UPDATING THE COMBINED FEE AND DEPOSIT SCHEDULE FOR THE TOWN OF GRAND LAKE, COLORADO** - Mayor Burke asked Town Planner Wittman to present this matter to the Board. Wittman explained that as the Board should remember the Town has combined all fees and deposits into one schedule, which should be updated annually. Staff proposed changes for the 2012 schedule are as follows:

- Omit “Re-Subdivision” from the schedule since a re-subdivision is considered a new subdivision in the code.
- Right-of-Way Vacation Request, currently set as a \$250 deposit, is proposed to be increased to a \$500 deposit. This is a major land use action, requiring Public Hearings with both the Planning Commission and Town Board. With the most recent vacation request, the Town’s billing costs exceeded the deposit amount, which was not discovered until all staff time and attorney’s fees were assessed – sometimes long after the application has been voted upon. Having the funds in place, up front, prevents the Town from retroactively seeking payment for the expenses incurred.
- All variance requests are being proposed to be nearly doubled. The justification for this is similar to that of vacation requests – the Town simply is not requesting a deposit sum that is comparable to the costs the Town incurs for an application.
- Staff is proposing delineation between black and white and color copies, since the Town now has the ability to make color copies.
- Since the Town has updated the website to include the entire Municipal Code, the Town has not received requests for paper copies of the Subdivision or Zoning Code. Staff is proposing the removal of these items.
- Staff is proposing moving the CD request of the Master Plan, which, too, is available online, to the category for CD requests of any other information on the schedule. Again – these are not things the Town has received requests for in some time.

The Board should review the draft resolution and attachment for discussion of the staff proposed changes. The Board should further discuss if there are any additional schedule changes the Board would

like to see. Once all discussion has taken place, staff proposes the Board move to approve Resolution 1-2012, A Resolution Updating the Combined Fee and Deposit Schedule for the Town of Grand Lake, Colorado.

Trustee Weydert moved to adopt Resolution 1-2012, A Resolution Updating the Combined Fee and Deposit Schedule for the Town of Grand Lake, Colorado. Trustee Lewis seconded, and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION OF AN EMPLOYMENT AGREEMENT BETWEEN THE TOWN BOARD OF TRUSTEES OF THE TOWN OF GRAND LAKE AND DAVID G. HOOK, TOWN MANAGER -** Mayor Burke asked Town Clerk/Interim Town Manager Kolinske to present this matter to the Board. Kolinske explained that the Employment Agreement reflects what the Board agreed to, David Hook's suggested revisions, and Town Attorney Krob's comments. The agreement is similar to the agreement between the Town and former Town Manager Shane Hale, with the changes highlighted. David Hook received a copy on Wednesday, January 4, 2012, signed it and mailed it back to the Town on the January 5. If the Board is satisfied with the agreement, staff would recommend the Board authorize the Mayor to sign the Employment Agreement between the Town Board of Trustees of the Town of Grand Lake and David G. Hook, Town Manager.

Trustee Lewis moved to authorize the Mayor to sign the Employment Agreement between the Town Board of Trustees of the Town of Grand Lake and David G. Hook, Town Manager. Trustee Peterson seconded and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION OF RESOLUTION NO. X-2012, A RESOLUTION OPPOSING THE PROPOSED FLAMING GORGE PIPELINE AND TO AUTHORIZE THE MAYOR AND/OR MAYOR AND TRUSTEES TO SIGN THE FLAMING GORGE OPPOSITION STATEMENT -** Mayor Burke asked Town Clerk/Interim Town Manager Kolinske to present this matter to the Board. Kolinske explained that Molly Diachok-Mugglestone, MPA, Protect the Flows Project Coordinator, sent a copy of a resolution and an opposition statement for the Board's consideration. Following discussion, if the Board is in agreement, staff would recommend that the Board adopt Resolution No. X-2012, a Resolution Opposing the Proposed Flaming Gorge Pipeline and to authorize the Mayor and/or Mayor and Trustees to sign the Flaming Gorge Opposition Statement.

After further discussion, Trustee Lanzi moved to not adopt the draft Resolution Opposing the Proposed Flaming Gorge Pipeline and to authorize the Mayor and/or Mayor and Trustees to sign the Flaming

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Gorge Opposition Statement and Trustee Ludwig seconded. Mayor Burke and Trustees Ludwig, Lanzi, and Peterson voted aye; Trustee Weydert voted nay, and Trustee Lewis abstained. The motion to not adopt the draft resolution passed.

ACCOUNTS PAYABLE

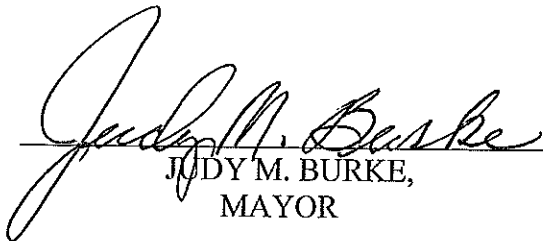
Dec., 2011/Jan., 2012:

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


CITIZEN PARTICIPATION: None.

ADJOURNMENT:

Trustee Lewis moved to adjourn, seconded by Trustee Weydert. All Trustees voted aye, and the meeting was adjourned at 8:12 p.m., January 9, 2012.

  
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JUDY M. BURKE,  
MAYOR

ATTEST:

  
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GAY OZINSKI,  
TOWN TREASURER/CLERK PRO-TEM