

RECORD OF PROCEEDINGS

REGULAR MEETING
TOWN OF GRAND LAKE BOARD OF TRUSTEES
MONDAY, JANUARY 11, 2016 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.

PLEDGE OF ALLEGIANCE: Mayor Burke led everyone in reciting the Pledge of Allegiance.

ROLL CALL PRESENT: Mayor Burke; Trustees Baird, Gasner, Jenkins, Lewis, and Sabo; Town Manager White, Town Clerk Nicholls, Town Planner Biller, and Town Attorney Krob.

ABSENT: Mayor Burke announced that Trustee Lanzi was absent from both the afternoon workshop and this evening's meeting.

Trustee Lewis moved to excuse Trustee Lanzi for medical reasons from the afternoon workshop and the evening meeting. The motion was seconded by Trustee Jenkins 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 a sign-in sheet is located by the door and to please sign in before leaving.

Mayor Burke announced that Town Sales Tax Licenses for businesses, Nightly Rental Licenses and Animal Licenses are now due for 2016. All are available at Town Hall.

Mayor Burke then announced that this year's Winter Carnival, "Grand Lake Royalty" will be held on Saturday, January 23rd. The events include tea pot curling, snowman contest, snow golf, kids steeplechase, parade, snow sculpture contest, parent/child sled pull, bed sled races, human bowling, fireworks over the lake and the ball.

Mayor Burke announced that the 2016 election is on Tuesday, April 5th. Nomination petitions from candidates are due to the Town Clerk by no later than Monday, January 25th at 4:30 p.m. Qualified candidates must be at least 18 years of age, registered to vote in Grand Lake, and must have resided within the Town limits for at least 12 months preceding the date of election. Anyone interested in running for Mayor or Trustee should see the Town Clerk for more information.

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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.

No Trustees had any conflicts of interest.

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

There were no unscheduled public comments.

SCHEDULED PRESENTATIONS/ DELEGATIONS:

Mayor Burke announced that the scheduled presentation of The Rotary Club of Grand Lake has been removed from the agenda.

CONSENT AGENDA:

Mayor Burke introduced the Consent Agenda which contained the following: Minutes from the December 14, 2015 Meeting and Accounts Payable for December 2015.

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

REPORTS: SALES TAX CASH FLOW REPORT FOR DECEMBER 2015:

Mayor Burke asked Town Clerk Nicholls to present the sales tax cash flow report. Nicholls reported that the amount of revenue received in December 2015 for the month of October was \$60,786. This amount is 10.49% above what was received through October 2014.

REPORTS: FINANCIAL REPORT FOR NOVEMBER 2015:

Mayor Burke asked Town Clerk Nicholls to present the Financial Report for November 2015. Nicholls reported that the General Fund expenditures year-to-date totaled \$1,397,882.33 or 42.9% of budget. She said the Water Fund expenditures for the same period totaled \$440,351.02 or 54.8% of budget, the Marina Fund

expenditures totaled \$141,745.48 or 49.9% of budget and the PAYT Fund expenditures totaled \$23,509.12 or 66.4% of budget.

LIQUOR LICENSING AUTHORITY: NONE

OLD BUSINESS:

CONSIDERATION OF ORDINANCE 01-2016, TO UPDATE AND REPLACE ANY PREVIOUS AGREEMENTS FOR MARKETING SERVICES AND FOR VISITORS' CENTER SERVICES BETWEEN THE TOWN OF GRAND LAKE AND THE GRAND LAKE AREA CHAMBER OF COMMERCE AND TO AUTHORIZE THE MAYOR TO SIGN THE AGREEMENT FOR MARKETING SERVICES/VISITORS' CENTER SERVICES FOR 2016 BETWEEN THE TOWN OF GRAND LAKE AND THE GRAND LAKE AREA CHAMBER OF COMMERCE - Mayor Burke asked Manager White to present this matter to the Board. White explained that the purpose was to review agreements. He stated that the revised versions of the proposed 2016 Marketing and Visitors Center Services Agreements between the Town of Grand Lake and the Grand Lake Area Chamber of Commerce were incorporated herein by Ordinance 01-2016. The agreements have been reviewed by the Chamber and by the Town Attorney. Several issues require further discussion; other issues have already been reviewed and incorporated into the existing document. The Town Attorney ruled out two of the proposed changes suggested by the Chamber due to TABOR restrictions. The information was to be discussed on December 14, 2015 for Board review and approval. However, the Chamber Board was not able to sufficiently review the documents prior to that date. Subsequently, the Chamber requested that the item be placed on the January 11, 2016 Town Board agenda and be retroactive back to the first of the year. The 2016 Marketing Services and Visitors' Center Services must be addressed to replace the expired 2015 Marketing and Visitors' Center Services Agreements. Historically, since the inception of these agreements, they have been reviewed at the end of the preceding year for consideration in the ensuing year. He stated that Jim Kroepfl, Treasurer, Grand Lake Area Chamber of Commerce was present.

Jim Kroepfl, 133 Alpine Cir, Treasurer, Grand Lake Area Chamber of Commerce was recognized by the Chair. Mr. Kroepfl raised a question regarding a clause in previous agreements allowing excess funds to be used towards landscaping or to conduct the audit required by the Town. Town Manager White clarified the issue raised and stated it was changed to be used for Marketing Services, but the Staff is not opposed to moving it back. A brief discussion ensued and the Board instructed Staff to make the change as requested.

Trustee Gasner stated that in the Afternoon Workshop Session the Board had requested the Chamber include Meeting Minutes along with the reports received from the Chamber. After further discussion regarding the reports provided by the Board and the addition of the minutes, Mr. Kroepfl agreed to the change and the Board instructed Staff to add the inclusion of minutes with the reports.

Mayor Burke raised the question of the days and hours of operation stated in the agreement. After some discussion, and with the agreement of the Chamber, the Staff was instructed to revise the section to 7 days of operation year round.

Trustee Lewis moved to accept the agreement as proposed with the amendments that have been noted of record subject to final review and approval by the Town Manager and Town Attorney to ensure that they are made. Trustee Baird seconded the motion and all Trustees voted aye.

OLD BUSINESS:

CONTINUATION OF THE DISCUSSION OF THE GRAND LAKE CENTER – Mayor Burke asked who would like to introduce the topic. Trustee Jenkins stated that she would like to make a motion unless there was discussion needed. Trustee Jenkins moved to add back into the Budget exactly what was presented to the Board on December 14, 2015 in reference to all items relating to the Grand Lake Center. Trustee Baird seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF DESIGNATION OF POSTING NOTICES OF PUBLIC MEETINGS – Mayor Burke asked Town Clerk Nicholls to present this matter to the Board. Nicholls stated the public place or places for posting notice of public meetings of the Town shall be designated each year at the first regular meeting of the year per CRS 24-6-402(2)(c). Public meetings are those at which the adoption of any proposed policy, position, resolution, rule, regulation, or formal action occurs or at which a majority or quorum of the body is in attendance, or is expected to be in attendance. Public meetings include all meetings of a quorum or three or more members of any local public body, whichever is fewer, at which any public business is discussed or at which any formal action may be taken. Meetings shall be held only after full and timely notice to the public. Staff recommended that the Board make a motion to designate that notice of public meetings shall be posted in the Grand Lake Post Office and at the Grand Lake Town Hall at least twenty-four (24) hours prior to all public meetings of the Town. This is the same procedure as has been followed for at least the previous nineteen years.

Trustee Lewis moved to keep the notice of public meetings at the Grand Lake Post Office and the Grand Lake Town Hall. Trustee Jenkins seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION TO ADOPT RESOLUTION 01-2016; A RESOLUTION GRANTING AN ENCROACHMENT LICENSE INTO THE LAKE FRONT ROAD RIGHT OF WAY FOR CERTAIN IMPROVEMENTS LOCATED AT BLOCK 14, GRAND LAKE ESTATES 2ND FILING; MORE COMMONLY REFERRED TO AS 700 LAKE FRONT ROAD UNIT #6 – Mayor Burke asked Town Planner Biller to present this matter to the Board. Biller stated the Town has received an encroachment license application from Raymond Christensen for a portion of an existing mobile home located on the town right of way which requires Board review. Staff has not contacted the utility companies considering the mobile home is already encroaching the right of way and the applicant is not proposing any modification affecting the utilities to the unit. Staff is comfortable moving forward considering the encroachment already exists. The Planning Commission permitted the expansion and enlargement of the existing structure by Resolution 23-2015 with the condition the applicant obtain an encroachment license. Staff has also processed a building permit for the construction of the roof on top of the existing unit. The Planning Commission reviewed a Planned Development Application for the Grand Lake Estates in 2005 and 2007. The Commission at the time believed the existing encroachments would be rectified over time. The application has not moved forward and is awaiting action by the homeowners association. Staff believes the completion of the Planned Development Application would alleviate most building permit requests for the property. However, there are several mobile home units that are positioned on town right of way creating a different set of criteria for review by the Town. Considering the age of the Planned Development Application and lack of progress by the applicant to complete review by the Town, Staff believes issuing building permits to the structures only encourages the application to remain idle. The Public Works Director and Staff have reviewed the application and have no objection to the encroachment. The applicant has already executed the required indemnification agreement for the license. Staff recommends the Board adopt the draft resolution as presented which grants an encroachment license for the existing mobile home and includes the following conditions: the Applicant obtains an approved Building Permit for the Property; and, the Applicant complies with all other federal, state, and local regulations; and, in granting this Request the Board is not obligated to grant similar requests in the future nor does granting this Request set precedent for any future requests; and, the Applicant has one (1) year to comply with all the conditions and requirements above or this authorization shall become null in void. The Board

should discuss the encroachment license request and the conditions of the license.

Trustee Baird asked for clarification pertaining to the building permits to the structure. Town Planner Biller explained that all the units are non-conforming with the zoning regulations and due to the lack of a building footprint every single building permit will require Town review. A planned development application would alleviate some of the hard work to get a building permit.

After discussion, Trustee Lewis moved to adopt Resolution 01-2016, a resolution granting an Encroachment License into the Lake Front Road right of way for certain improvements located at Block 14, Grand Lake Estates 2nd Filing; more commonly referred to as 700 Lake Front Road Unit #6 with all staff recommendations. Trustee Baird seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION TO AUTHORIZE MAYOR BURKE TO SIGN WRITTEN COMMENTS REGARDING BICYCLE USE ON THE EAST SHORE TRAIL WITHIN THE ROCKY MOUNTAIN NATIONAL PARK – Mayor Burke asked Town Planner Biller to present this matter to the Board. Biller stated that The National Park Service (NPS) is in the process of determining whether to allow bicycle use on a two mile section of the East Shore Trail. The NPS is accepting public comment regarding their “rulemaking” process to allow such use. The NPS will take written public comment until February 1, 2016. Staff has prepared a draft letter for Board review. The Board should discuss the draft comment letter and discuss revisions, if necessary, and authorize or not authorize the Mayor to sign the letter. He further stated that the letter says the Town wants to approve the authorization of the Superintendent of the Park Service to allow bicycle use.

Trustee Baird moved to authorize Mayor Burke to sign the comment letter regarding bicycle use on East Shore Trail with the Rocky Mountain National Park in substantially the same form as presented. Trustee Lewis seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION TO PUBLICALLY RELEASE MEMORANDUM TO THE TOWN BOARD FROM TOWN ATTORNEY KROB – Mayor Burke asked Town Attorney Krob to present this matter to the Board. Krob stated he provided the Board with a memorandum addressing the issue of whether a Town employee can run for the position of Town Trustee. He further stated that since it is a communication from the Town Attorney to the Town Board it is a confidential communication. There is a public

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benefit for the document to be made public and he recommended that the Board pass a motion to authorize the memorandum to be made public once he has added the section addressing the Town's Ethics Code provisions.

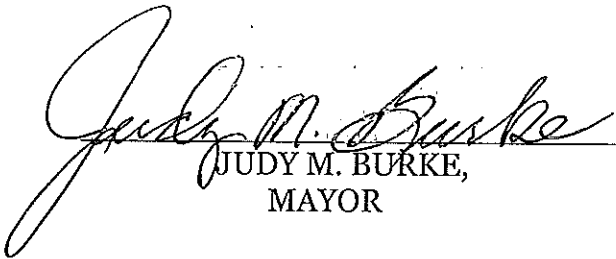
After a brief discussion, Trustee Jenkins moved to make the memorandum that Town Attorney Krob presented to the Board in executive session a public document with the inclusion of the Ethics Code. Trustee Lewis seconded the motion and all Trustees voted aye.

MAYOR'S REPORT
AND COMMENT:

Mayor Burke concluded by handing out the evaluation forms for the Town Manager to the Trustees and asked that they be returned by January 18, 2016.

ADJOURNMENT:

Trustee Lewis moved to adjourn, seconded by Trustee Baird. All Trustees voted aye, and the meeting was adjourned at 8:11 p.m., January 11, 2016.



JUDY M. BURKE,
MAYOR

ATTEST:



KATIE NICHOLLS,
TOWN CLERK