

RECORD OF PROCEEDINGS

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REGULAR MEETING  
TOWN OF GRAND LAKE BOARD OF TRUSTEES  
MONDAY, AUGUST 10, 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 7:30 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, Lanzi, Lewis, and Sabo; Town Manager White, Town Clerk Kolinske and Town Planner Biller.

ABSENT: None.

ANNOUNCEMENTS: Mayor Burke announced that it would be appreciated if cell phones were turned off during the meeting.

Mayor Burke announced that the Grand Arts Council is sponsoring a Dakota Blonde and Peggy Mann Band Concert in the Community House on August 14<sup>th</sup> beginning at 7 p.m.

Mayor Burke announced that Heart of the Mountains Hospice will hold a Cold Water Swimming event on August 15<sup>th</sup> at the Town Kayak Dock beginning at 9:30 a.m.

Mayor Burke announced that the Colorado Corvette Club presents the 6<sup>th</sup> Annual Corvette Mountain Madness Car Show and Silent Auction on August 15<sup>th</sup> from 10 – 2 on Grand Avenue.

Mayor Burke then announced that the Grand Lake Area Chamber of Commerce is sponsoring The Spirit Lake Blues at Grand Lake on August 22<sup>nd</sup> at Lakefront Park.

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.

Trustee Jenkins announced that she had a conflict with the Local Liquor Licensing issues as her family holds an interest in the license for Gateway Inn.

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Trustee Lanzi announced that he had a conflict with the fourth item under New Business pertaining to bus stop signage for Mountain Transit Adventures as this is his personal business.

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:

None.

CONSENT AGENDA:

Mayor Burke introduced the Consent Agenda which contained the following: Minutes from the June 22, 2015 Meeting and Accounts Payable for July, 2015.

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

At 7:35 p.m. Trustees Jenkins and Sabo excused themselves and left the room.

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF RENEWAL OF THE HOTEL AND RESTAURANT LIQUOR LICENSE FOR EL PACIFICO, LLC, D/B/A EL PACIFICO - Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske reported that the owner could not be present and asked that this matter be tabled until the next meeting.

Trustee Gasner moved to table consideration of this matter until the next regularly scheduled meeting to be held August 24, 2015. Trustee Baird seconded the motion and all Trustees voted aye.

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF RENEWAL OF THE BEER AND WINE LIQUOR LICENSE FOR PIZZA DEL LAGO, INC., D/B/A GRAND PIZZA - Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske reported that the fees have been paid; all the renewal documents are in order and indicate no changes. The water, business license, and sales tax accounts are all current. She noted that the Grand County Sheriff's Department found no adverse

information which would affect the status of the license. She concluded by saying that Jay Jackson, President/Treasurer, and Dee Jackson, Secretary, were both present.

Trustee Baird moved to approve the renewal of the Beer and Wine Liquor License for Pizza Del Lago, Inc., d/b/a Grand Pizza. Trustee Lewis seconded the motion and all Trustees voted aye.

**LIQUOR LICENSING AUTHORITY: CONSIDERATION TO SET A PUBLIC HEARING FOR A NEW BEER AND WINE LIQUOR LICENSE FOR H.M. CRAMMOND, LTD., D/B/A THE HUB** – Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske reported that an application for a new Beer and Wine Liquor License was received on June 16, 2015, with the appropriate fees, evidence of possession, and floor diagram, from H.M. Crammond, Ltd., d/b/a The Hub. The location is 830 Grand Avenue. The property is zoned Commercial. The location is more than 500 feet from any educational institution, and no license has been denied for this location in the last two years; therefore, state statute does not prohibit liquor from being sold from this location.

The applicant is required to attend the Board meeting at which the application is received by the Local Authority. The Local Liquor Licensing Authority, Board of Trustees, may require the applicant to provide evidence of the reasonable requirements of the neighborhood and the desires of the inhabitants. If the Board so requires, it may wish to set the boundaries of the “neighborhood” and establish what is required from the applicant to demonstrate the reasonable requirements of the neighborhood and the desires of the inhabitants. The Board must schedule a public hearing on the application, therefore, staff would recommend that a public hearing be set for August 24, 2015.

The public hearing is to be conducted as a quasi-judicial proceeding and in a manner which assures all interested parties a fair and reasonable opportunity to present views and information, and such that the applicant’s procedural rights of fundamental fairness be protected. The Board must make a specific finding of fact from evidence adduced at the hearing regarding the desires of the adult inhabitants of the Town, and it must deny the application if it finds the sale of liquor at such a location is contrary to those desires. The Board must consider the moral character of the applicant; the reasonable requirements of the neighborhood; the desires of the adult inhabitants of the neighborhood; the number, type and availability of liquor outlets located in or near the neighborhood; and other reasonable restrictions which are or may be placed on the neighborhood by the local licensing authority, Board of Trustees. She concluded by saying that Heather Crammond, President and Mark Paulsen, Vice-President were both present.

Trustee Gasner moved to set a Public Hearing for August 24, 2015 to consider a new Beer and Wine Liquor License for H.M. Crammond, Ltd., d/b/a The Hub and to set the boundary of the Town of Grand Lake as the neighborhood. Trustee Baird seconded the motion and all Trustees voted aye.

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF RENEWAL OF THE TAVERN

**LIQUOR LICENSE FOR GRUMPY'S SALOON, INC., D/B/A LARIAT SALOON** - Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske reported that the fees have been paid; all the renewal documents are in order and indicate no changes. The water, business license, and sales tax accounts are all current. A letter was received from the Grand County Sheriff's Department which states that they have reviewed their files and have provided the following information. On February 14, 2015, a young woman hit a young man in the face with a beer bottle at the Lariat Saloon. He was hit so hard that the bottle broke into pieces on his face causing a very deep laceration to his left cheek. This was most likely not caused from over service to the woman but instead caused by "anger issues" that she has. The young man pressed charges against the woman and based upon the deputy's investigation, she was charged with intention to cause bodily injury by means of a deadly weapon. Kolinske said that she had no further information regarding the charges. Town Attorney Krob reviewed the police report and made the recommendation that this incident be brought before the Board, however, his review of case law suggests that this incident alone is likely not a sufficient reason for denying a license renewal. She noted that Dustin Barnes, President and Secretary, was present.

Trustee Baird moved to approve the renewal of the Tavern Liquor License for Grumpy's Saloon, Inc., d/b/a Lariat Saloon. Trustee Gasner seconded the motion and all Trustees voted aye.

At 7:49 p.m. Trustees Jenkins and Sabo resumed their seats.

OLD BUSINESS:

None.

NEW BUSINESS:

**CONSIDERATION TO AUTHORIZE THE MAYOR TO SIGN A LETTER ON BEHALF OF THE CEMETERY COMMITTEE ADDRESSED TO ROCKY MOUNTAIN NATIONAL PARK ASKING FOR PERMISSION TO HAVE A SURVEY DONE USING DRONE TECHNOLOGY** - Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske turned the floor over to the Chairman of the Grand Lake Cemetery Committee, Corinne Lively.

Corinne Lively, 274 County Road 493, Grand Lake, CO, explained to the Board that this may be a difficult request to get approved. She said that she is asking for the Board's support and Mayor's signature on a letter addressed to Vaughn Baker, Superintendent of Rocky Mountain National Park, to allow the Cemetery Committee to conduct a survey using drone technology. The estimated cost for the survey of the seven-acre cemetery site using the company Skycatch is \$500 which is quite reasonable compared to a traditional survey.

Following discussion, Trustee Lewis moved to authorize the Mayor to sign a letter on behalf of the Cemetery Committee addressed to Rocky Mountain National Park asking for permission to have a survey done using drone technology. Trustee Jenkins seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION TO ALLOW ADDITIONAL USE OF THE GRAND LAKE CENTER FOR A CUSTOMER-CENTRIC BASE CAMP TRAINING PROVIDED BY BILL CAPODAGLI, CO-AUTHOR OF "THE DISNEY WAY"** - Mayor Burke asked DiAnn Butler to present this matter to the Board. DiAnn Butler, Grand County Economic Development Coordinator who resides at 601 Lake Drive, Grand Lake, CO, was recognized from the audience. She said that she was present to ask for approval to use the Grand Lake Center for "The Disney Way" base camp training that is scheduled to be held Monday – Wednesday, September 28-30, 2015 with the idea that this training will be held during off season months such as the Spring and Fall which would help with the economic impact of our community. In addition, she asked for a letter of support signed by the Mayor for this customer-centric training and asked if the Town would host a welcome reception for the attendees of the workshop from about 5-7 p.m. the first evening and serve light appetizers for approximately 50-100 people. She suggested that it be held someplace different than the Grand Lake Center.

During discussion, Trustee Gasner suggested that organization would be required for hosting a welcome reception and suggested that discussion of this matter be brought back at a future meeting. Trustee Jenkins stated the Gateway Inn would donate food if a facility could be found for 100 people, as the Gateway Inn can't accommodate that many. No decision was made regarding a welcome reception.

Following discussion, Trustee Gasner moved to allow the additional use of the Grand Lake Center facility for a three day workshop to be held Monday through Wednesday, September 28-30, 2015, for a customer-centric base camp training provided by Bill Capodagli, co-author of "The Disney Way" and to authorize the Mayor to sign a letter of support.

NEW BUSINESS:

**CONSIDERATION TO ALLOW ADDITIONAL USE OF THE GRAND LAKE CENTER FOR PERIODIC USE AND TO GIVE THE TOWN MANAGER DISCRETION TO ALLOW SUCH USE ON A LIMITED BASIS PRIOR TO OCTOBER 31, 2015** – Mayor Burke asked Town Manager White to present this matter to the Board. White stated the purpose is to consider giving the Town Manager, or his designee, discretion in deciding to allow use of the Grand Lake Center, on a short term basis, to meet the needs of the community. The Town of Grand Lake has received requests for periodic use of the Grand Lake Center from the Grand Lake Fire District, Rocky Mountain National Park, and sometimes to accommodate a group displaced from another Town facility due to scheduling conflicts.

Staff understands that a previous Board motion limited the use of the Grand Lake Center during the time that the Future Uses Committee was developing a business plan and a proposal for future uses, to be completed by October 31, 2015. In the meantime, there have been several requests, for very short duration, for the Town to consider use of the facility since that decision was made. Staff recommends that the Town Manager, or his designee, be given discretion to allow occasional use for short duration, on a case by case basis.

Trustee Gasner moved to allow the additional use of the Grand Lake Center facility for periodic use and to give the Town Manager, or his designee, discretion to allow such use on a limited basis prior to October 31, 2015 on a short term basis. Trustee Jenkins seconded the motion and all Trustees voted aye.

At 8:07 p.m. Trustee Lanzi excused himself and left the room.

NEW BUSINESS:

**CONSIDERATION OF RESOLUTION NO. XX-2015; A RESOLUTION GRANTING AN ENCROACHMENT LICENSE FOR BUS STOP SIGNAGE IN THE TOWN RIGHT OF WAY FOR MOUNTAIN TRANSIT ADVENTURES** - Mayor Burke asked Town Planner Biller to present this matter to the Board. Biller stated the Town has received an encroachment license request from Elmer Lanzi for the installation of bus stop signs in various locations on Town right of way which requires the Boards review.

Municipal Code 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.*

*C. Indemnification and Insurance Requirements*

*The property owner is required to indemnify and save harmless The Town of Grand Lake against any and all damages which may result from the encroachment. Insurance may be required. The certificate of insurance shall be submitted to the Town prior to the execution or issuance of the Encroachment License or Agreement.*

Municipal Code 11-6-2 Public Property Rental states:

*(B) Long Term Leases*

- 1. The Town may enter into Long Term Leases for municipal-owned property that does not have restrictions or provisions indicating otherwise*
- 2. The Leases shall be in accordance with the Municipal Code, where applicable.*
- 3. Entering into leases of this nature shall be done by Ordinance adoption by the Board of Trustees.*

The Town has not notified the utility companies as required by the Municipal Code considering the request.

Staff has reviewed the request and believes public transportation is a benefit to the Town. However, the details of the for-profit enterprise are unclear such as permanent bus stop signage, permanent bus stop locations, and long term lease for use of Town property.

Staff recommends the Board adopt the resolution, as presented which contains the following conditions of approval:

- 1. The Grantee completes the required Encroachment License Application; and,*
- 2. The License is limited to bus stop locations (hereinafter the "Encroachment"); and*
- 3. The Encroachment complies with requirements of Municipal Code; and*
- 4. The Grantee must maintain the Encroachment at its sole expense; and*

5. The placement of the Encroachment shall be limited to pickup locations subject to review and approval of the Public Works Director; and,
6. The maximum size of the each bus stop sign shall not exceed 12"x18"; and,
7. 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; and
8. The granting of this License shall not be considered a precedent for any future encroachments; and
9. The granting of this License does not limit use of the public right of way; and
10. The Grantee agrees to pay the License fee to the Town in the amount of One Hundred Dollars (\$100.00); and
11. The Grantee delivers the Town a Certificate of Insurance naming the Town as additionally insured; and
12. The Grantee delivers the Town a fully executed Indemnification Agreement attached as Exhibit B; and
13. The Grantee complies with all other federal, state and local regulations.

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

The Board has several options to consider including:

1. Adopt the resolution as presented, thus granting the encroachment request; or
2. Adopt the resolution with revised conditions; or
3. Not adopt the resolution thus Deny the request.
4. Continue review until a long term lease of town property is submitted.

Mayor Burke expressed concern with not notifying the utility companies because at least three of those signs are attached to utility poles that the Town does not own and doesn't have the right to give permission to place them on something the Town does not own.

Mayor Burke noted that the License Fee to the Town is \$100 and asked Biller if that amount would apply to each location. Biller responded by saying that the Resolution is drafted as presented. He noted that is the reason he mentioned a long term lease. If the Board feels that this should



be tied into a long term lease then the Board should not grant an encroachment by itself.

Mayor Burke then mentioned that the bus service has been sporadic and asked, for example, if the business is closed down for two weeks is Mr. Lanzi going to remove all of the signs? Biller responded by saying that it is his understanding that Mr. Lanzi wanted to do something temporary so maybe place some signs on some non-fixed platforms that could be removed at the end of the season. Biller said that he will leave that up to Public Works Director, Bernie McGinn, as to what he would allow permanently in the right of way and what needs to be taken down for the season.

Following discussion, Trustee Gasner moved to set this matter for a Public Hearing and have the applicant remove the signs until after the Public Hearing. Trustee Baird seconded the motion and all Trustees voted aye.

At 8:22 p.m. Trustee Lanzi resumed his seat.

NEW BUSINESS:

Mayor Burke then announced that **CONSIDERATION OF A CHARGE AHEAD COLORADO GRANT APPLICATION FOR EVSE AND/OR EV FUNDING** was added to the agenda and asked Town Manager White to present this matter to the Board. White explained that Liz McIntyre, Member, Local Resource, LLC, was present for the afternoon workshop session and has worked previously with the Towns of Winter Park and Kremmling in getting electric vehicle charging stations in those areas. White provided a copy of a grant application as a table setting and said that the due date for submission is August 17, 2015. The Town's portion of the grant is \$1,850 and the State's portion would be \$3,000 +. He said that the Public Works Director has gone out and looked at locations and has chosen a location near the beach. In conclusion, White asked the Board for the Board's support to go ahead with the grant application by the dead line of next Monday.

Following brief discussion, Trustee Jenkins moved to authorize Town staff to move forward with the organization of submitting and completing the grant application for EVSE with a maximum cost to the Town not to exceed \$1,850. Trustee Gasner seconded the motion and all Trustees voted aye.

NEW BUSINESS:

Mayor Burke then announced that **CONSIDERATION TO APPROVE AN EXPENDITURE TO REPAIR THE ROOF AT THE GRAND LAKE CENTER** was added to the agenda and asked Town Manager White to present this matter to the Board. White explained that back in June bids were sought to repair the roof at the Grand Lake Center. The

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two bids that came in were very far apart and White said that he did not understand why, so they were both contacted to make sure they were clear on the scope of work and given a chance to resubmit. When the bids came back in, the difference between the two was roughly \$3,000. He recommended going with the low bidder who was Zurn Ply Roofing, LLC subject to the completion of checking references.

Following brief discussion, Trustee Gasner moved to authorize Town Manager White to enter into an agreement to repair the roof at the Grand Lake Center. Trustee Baird seconded the motion and all Trustees voted aye.

Also added to the agenda was a presentation given by **JEROMY HUNTINGTON, DISTRICT WILDLIFE MANAGER FOR COLORADO PARKS AND WILDLIFE**. Mayor Burke introduced Mr. Huntington and said that the Board had a discussion during the afternoon workshop about bears and moose.

Huntington said that he has been at his present position for the past two years. He said that he has fond memories of Grand Lake as he worked for the Town's Public Works Department in 2000 to 2001. During his tenure he spent time cleaning up bear scat from the boardwalk. Now that he is back, he said he is very pleased to see the bear proof containers that have been placed in Town and throughout the parks and that sets a great example for the community. One of the biggest challenges that he has seen here is with the amount of trash and available food source, particularly through trash, in and around Grand Lake. He explained that if a bear continually gets into the trash and the owner of the property does not make any efforts to mitigate the situation then there are cases where he could potentially issue a citation. He spoke of some communities that have very strict ordinances regarding bear resistant or bear proof containers. Those municipalities police their communities and issue citations to those who have a trash container that is left unlatched or unsecured. He said that according to State Statute, if a bear continually got into a trash container and the owner doesn't make any efforts to mitigate or correct the situation he could potentially issue a citation. He then mentioned starting up a "Bear Aware" and a "Moose Aware" program. He explained that this would be a volunteer program where they would send volunteers out to educate people in communities. The challenge is resort communities where tourists come and go. It's an ongoing effort that never ends. He said that his big push recently has been primarily with restaurants and businesses asking them to lead the way and set an example. There are a number of resources on their website for people that are looking to educate themselves about bears and how to mitigate problems whether it is trash or bird feeders. Their website is [cpw.state.co.us](http://cpw.state.co.us).

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Trustee Gasner expressed concern about a bear that he would consider to be more than just a normal bear. It shows up during the day and has been known to charge at someone. Gasner said that he has yelled at it but it doesn't seem to be afraid.

Huntington said that he is aware of a very large solid colored black bear that got trapped in the trash compactor at Pancho and Lefty's last year. When they got it out it took off, went down the boardwalk and went into and out of the candy store. That was during the day. He said that bears are used to people yelling, to people honking their horns and to people banging pots and pans. They have learned that there are no negative consequences with any of those. Something that they are not used to hearing is the shaking of a soda can with rocks or gravel in it. People who have tried this have gotten a good response from the bear. Even throwing the can at the bear has worked. He said that it is very important to make sure the bear has an escape route before attempting to scare it away. For those who are having problems with dumpsters, he suggested using carpet tack strips or tail boards. The nails should stick out no farther than ¼ of an inch. He said that people have had success with placing the carpet tack strips or nail boards on top of the dumpster so when the bear goes to put his paws on the dumpster he puts his paws on the tacks or the nails. Ammonia bombs are what they used to suggest but they are now discouraging the use of them because they can cause blindness to the bears. Removing the attractive source is a major first step. If a bear becomes a public safety issue, he said that it may have to be euthanized. He said that is the worst part of his job but he has had to do it from time to time. He encourages anyone to call him directly if they are having a problem. He said that he can be reached on his cell at 970-531-3708 or by email at jeromy.huntington@state.co.us.

Mayor Burke said that this has been very informative and thanked Mr. Huntington for time.

MAYOR'S REPORT  
AND COMMENT:

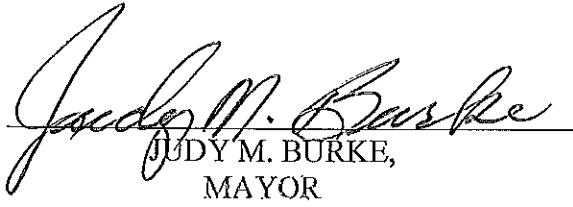
Mayor Burke had nothing to report or had no comments to make.

ADJOURNMENT:

Trustee Lewis moved to adjourn, seconded by Trustee Lanzi. All Trustees voted aye, and the meeting was adjourned at 9:01 p.m., August 10, 2015.

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JUDY M. BURKE,  
MAYOR

ATTEST:   
RONDA KOLINSKE, CMC,  
TOWN CLERK