

RECORD OF PROCEEDINGS

REGULAR MEETING  
TOWN OF GRAND LAKE BOARD OF TRUSTEES  
MONDAY, SEPTEMBER 23, 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 Lanzi, Lewis, Ludwig, Peterson, and Weydert; Town Manager Hook, Town Clerk Kolinske, and Town Planner Biller.

ABSENT: Mayor Burke announced the Trustee Gasner was absent from this afternoon's and this evening's meetings due to personal reasons. Trustee Lanzi moved to excuse Trustee Gasner's absence from both this afternoon and this evening. Trustee Lewis seconded the motion and all Trustees voted aye.

APPROVAL OF MINUTES

August 26, 2013: Not available.

September 9, 2013: Not available.

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

Mayor Burke announced that the 1<sup>st</sup> Annual "Taking Steps to End All Cancer Race" and auction will be held September 29<sup>th</sup>. The race will start at 10 a.m. Funds raised will benefit the Grand County Rural Health Network.

Mayor Burke then announced that a Flu Shot Clinic will be held on Tuesday, October 1<sup>st</sup> in the Board Room at Town Hall from 8 – 10 a.m.

PRESENTATIONS: Mayor Burke introduced Chip Besse, Board Member of the East Grand School District.

Mr. Besse, 124 County Road 8317, Tabernash, explained that he has been on the Board for 2 ½ years. He said that he filled a seat that was vacant on a volunteer basis. The impetus for him to fill that seat was because of what happened to the Grand Lake Elementary School. He didn't feel that things were being run very well financially. He continued by saying that there will be a question on the upcoming ballot to increase the mill levy for the School District. They are asking for \$400,000 per year for a period of 3 years. Eighty percent of that money will go toward improving the infrastructure within the schools to improve technology and then adding a one to one learning program. By that he means providing an ipad to every child in the District.

Trustee Peterson said that the voters are being asked to vote on a lot of ballot issues. Right now he said that the library is the most important thing to Grand Lake and tends to support their mill levy increase since Grand Lake is without a school. He told Besse that it is going to be a tough one to sell.

Besse responded by saying that he is hopeful that they both get passed. The library is a great place for kids to download content who don't have internet access at home.

As discussion continued Besse said that this year it is the goal of the District to become a District with Distinction which is based upon testing requirements. This year the District missed it by two points. Districts of Distinction are in the top 10% of the school districts in the State of Colorado. He said they are really close and believes that is a positive selling point. He also believes that if the technology and infrastructure is there, he has a long term vision of kids returning to the school in Grand Lake. He made it very clear that he wasn't saying, "Vote for this and we will bring the school back." He said that this is a stepping stone where we can legitimately come up with an option, maybe a middle ground, to have a discussion about a scaled down version of a school.

Trustee Weydert made the comment that the District had a school that was in the top 10%, referring to Grand Lake Elementary, and yet the District decided to close it. He then added that he too is not supportive of the mill levy increase.

Besse stated that the District invited back some of the students that had graduated and gone onto college for a meeting and the students were asked where did the District fail or under prepare you for college and they all unanimously said technology. They said that everything they do is done over the internet; homework, tests, etc.

Mayor Burke also stated that she would not support the mill levy increase for a couple of reasons. First she said that she did not want to see a watered down school return to Grand Lake. Having all of the latest in technology does not replace a good teacher in a classroom. Having been a teacher herself and having received some of the first data processing grants that were given from the federal government, she said she knows how important it is to have technology but it's not going to replace a teacher in a classroom. That \$400,000 a year for three years will replace a lot of good teachers in the school district. Secondly, she said that she sat in on a meeting where Mr. Besse suggested that they sell the Grand Lake Elementary School building.

Besse responded by saying that he did make that suggestion because he knew that Mayor Burke was involved in a project with Rocky Mountain

National Park to bring in education into one of their facilities. Mayor Burke noted that she is involved with that project but said that the school would be part of that project.

Besse stated that if a case can be made and it makes financial sense, he would not be against reopening the school. There is a different Board now and a different Superintendent. There is no foregone conclusion that there's never going to be a school here again. He said this discussion needs to happen, but not this evening.

Trustee Peterson noted that his son went through the school system here and is well aware of the amount of lost and found. Kids are constantly losing things and he said that he doesn't see them handling ipads any differently. He doesn't see them lasting.

Besse said that the plan that they have, which has been mirrored in other districts, is having a self insurance policy where each child would pay a deposit of \$50.00 per year. It's estimated that one in 15 will have to be replaced. The math is such that it would be cost neutral.

Town Manager Hook asked how much does this mean to the taxpayer. Besse said that the increase would equate to \$7.00 per \$100,000 in value per year for residential properties and four times that for commercial.

Following a lengthy discussion regarding the mill levy increase, the District's finances and the closing of Grand Lake Elementary, Mayor Burke and the Trustees thanked Mr. Besse for coming.

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 SEPTEMBER 2013:

Mayor Burke asked Town Clerk Kolinske to present the sales tax cash flow report. Kolinske reported that the amount of revenue received in September 2013 for the month of July is \$222,735. This amount is over 4 ½ % above what was received through September 2012. She also noted that this amount is more than what has been received since 2009.

REPORTS: FINANCIAL REPORT FOR

AUGUST 2013:

Mayor Burke asked Financial Trustee Peterson to present the Financial Report for August 2013. Peterson reported that the General Fund expenditures through the end of August totaled \$773,934.90 or 25.4% of budget. He said the Water Fund expenditures for the same period totaled \$502,577.78 or 53.8% of budget, the Marina Fund expenditures totaled \$96,240.73 or 25.2% of budget and the PAYT Fund expenditures totaled \$8,632.90 or 59.6% of budget.

At 8:10 p.m. Trustee Ludwig excused himself and left the room.

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF A TRANSFER OF OWNERSHIP

**APPLICATION FROM GRAND MOUNTAIN BANK, D/B/A THE TERRACE INN TO M&S WHEATLEY ENTERPRISES, LLC, D/B/A THE TERRACE INN** – Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske reported that the Town has received a Transfer of Ownership Application for the Hotel and Restaurant Liquor License from Grand Mountain Bank, d/b/a The Terrace Inn at 813 Grand Avenue to M&S Wheatley Enterprises, LLC, d/b/a The Terrace Inn. Grand Mountain Bank acquired title to the property by a Public Trustee's Deed executed on March 29, 2013. Per CRS 12-47-308(4)(b), if a financial institution comes into possession of a licensed premises through foreclosure or deed in lieu of foreclosure, the state and local licensing authority may grant a transfer of ownership for a period of up to one year. The fees have been paid and all the proper application documents have been completed. A letter has been received from the Grand County Sheriff's Department which states that they have found no adverse information that would affect the transfer of the license. Town Attorney Krob has reviewed the application documents and is satisfied. The Grand Lake Water Department reports that the account is paid in full through the 3<sup>rd</sup> quarter of 2013, and is, therefore, considered current. The Terrace Inn has been operating under a Temporary Transfer Permit issued by the Town Clerk. They have a current Business License but have not been open long enough to have a history of sales tax returns. For a liquor license transfer, the Board MAY chose to hold a public hearing, or it may approve the transfer without a public hearing. If the Board chooses to hold a public hearing, notice of the hearing must be posted at least 10 days before the hearing. In that case, the Board's action this evening could be to set a public hearing for October 14, 2013. In the most recent liquor license transfers the Board has chosen to approve the transfers without conducting public hearings. She noted that Sharon Wheatley, Member, was present.

Trustee Lewis then moved to approve the transfer of the Hotel and Restaurant Liquor License from Grand Mountain Bank, d/b/a The Terrace Inn to M&S Wheatley Enterprises, LLC, d/b/a The Terrace Inn, without a public hearing. Trustee Peterson seconded the motion and all Trustees voted aye.

At 8:14 p.m. Trustee Ludwig resumed his seat.

OLD BUSINESS: None.

NEW BUSINESS:

**CONSIDERATION OF REPLACING A PONTOON BOAT IN THE HEADWATERS MARINA FLEET** – Mayor Burke asked Town Manager Hook to present this matter to the Board. Hook explained that staff is requesting authorization to ‘rotate’ some of the fleet inventory of Headwaters Marina. As it is occasionally done with other Town owned equipment, replacing boats in the inventory of the marina enterprise must be considered from time to time. Several factors come into play, including wear and tear on our existing fleet, maintenance history, customer expectations, and market conditions for the sale of used boats and the purchase of new boats. The adopted 2013 budget included \$90,000 for the possible purchase of several boats. The current proposal involves replacing only one pontoon boat in our current inventory. Staff may return to the Board before spring to discuss additional inventory replacement. Marina Manager Hassoldt proposes to sell one pontoon boat to a private owner and to replace that boat with a new one of similar specifications. He has been approached by a potential buyer who is very interested in one of our pontoon boats. Given that interest, he has investigated several replacement boat opportunities. The boat manufacturer of the same pontoon boats currently in our fleet has substantially increased prices in recent years. Coupled with the fact that the new local dealer will not provide a discount similar to those provided by the prior dealer, Marina Manager Hassoldt has investigated a comparable new 2014 pontoon boat from a competing firm. The quality of the boat and the pricing discounts offered combine to make it favorable to move forward now. While final negotiations for both the sale price and the replacement purchase price are not complete, staff expects that the net cost to the marina enterprise fund will not be more than \$12,000. The net cost may be spread out across the 2013 and 2014 budget years if Marina Manager Hassoldt opts to pay only a down payment in 2013. In order to expedite the sale and purchase once negotiations are finalized, staff requests that the Board consider this generalized proposal. If the Board prefers to defer making a decision until precise revenue and expense values are known, staff can return at a later date. The Board should discuss the merits of replacing boats in our current fleet inventory and the parameters of this specific opportunity. Staff recommends that the Board authorize staff to sell or trade-in one pontoon boat in the current fleet inventory for no less than \$7,000 and to purchase a new pontoon boat with similar specifications for no more than \$19,000, so that the net cost to the marina enterprise fund will be no more than \$12,000. The Board should authorize or not authorize staff to proceed with the sale of one pontoon boat and the purchase of one new pontoon boat.

Following discussion, Trustee Weydert moved to authorize staff to sell or trade-in one pontoon boat in the current fleet inventory for no less than \$7,000 and to purchase a new pontoon boat with similar specifications for no more than \$19,000, so that the net cost to the marina enterprise fund will

be no more than \$12,000. Trustee Lewis seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION OF A PUBLIC WORKS IMPROVEMENT PROJECT FOR THE ALLEY LOCATED ADJACENT TO LOTS 9-16, BLOCK 4, TOWN OF GRAND LAKE; MORE COMMONLY REFERRED TO AS LAKE FRONT PARK** – Mayor Burke asked Town Planner Biller to present this matter to the Board. Biller explained that the Town has been served a Notice of Claim for personal injury as a result of an incident occurring on Town property, which may require improvements. On September 6, 2013, a claim was made to the Town of Grand Lake regarding an incident taking place on July 4<sup>th</sup>. The Town Attorney has been contacted regarding the claim. The Town Attorney advised staff to contact CIRSA and comply with any recommended action to prevent future incidents. CIRSA has been contacted by staff and advised the Town to comply with the Municipal Code regarding road and pedestrian standards. Municipal Code Chapter 11 Municipal Property Regulations do not specifically indicate requirements when guardrail and pedestrian railings are needed.

Municipal Code 11-2-1 Street Development, Policies, Standards and Specifications states:

*(A) The Section is not intended to be used as a substitute for knowledge, experience, or judgment, but as a guide to aid in deciding those factors needed to intelligently plan, design, construct, and upgrade Town Streets.*

Municipal Code 12-7-4 Design Review Standards states:

*(E)4 Fences shall be constructed of wood, native or imitation stone in a style and color harmonious with the adjacent building architecture and the surrounding natural environment.*

International Building Code 1013.2 Height states:

*Required guards shall be not less than 42 inches high, measured vertically above the adjacent walking surfaces....*

International Building Code 1013.3 Opening Limitations states:

*Required guards shall not have openings which allow passage of a sphere 4 inches in diameter from the walking surface to the required guard height.*

Staff is proposing to provide pedestrian and vehicle protection for approximately 260 ft. along the south edge of the alley way. The proposed protection will begin near the boulder located adjacent to Hancock St. and end near the grass path extending from the alley way to the lower portion of Lake Front Park. Staff has three (3) fencing material options to discuss with the Board:

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1. Wood
2. Painted aluminum
3. Rusted steel

All materials have advantages and disadvantages. In staff's opinion, the Town should document obtaining a variance if metal fencing is the desired option.

Staff recommends the Board address a "known hazardous situation" by conducting the following:

1. Install a new fence to replace the existing split rail fence along the alley; and
2. Extend the existing boulders lining the alley by installing more boulders further west.

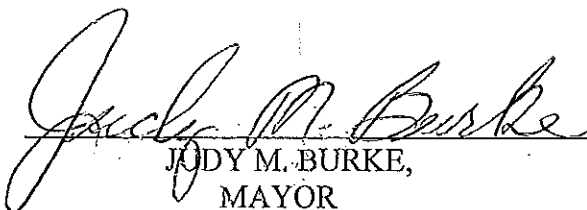
As discussed in the afternoon workshop, Staff believes a cable type fence which has many benefits over the other alternatives should be installed. The exact cost of the project has yet to be determined; however the most significant cost are the fence materials which has been estimated to be around \$3000. As part of the project, staff will follow up with CIRSA and Town Attorney Krob as appropriate. The Board should discuss how to address the known hazardous situation. The Board has many options to consider including the following:

1. Direct staff to proceed with the proposed improvements; or
2. Direct staff to address the situation from a different approach.


Trustee Weydert moved to authorize the Town Manager to proceed with the Public Works improvement project including obtaining a variance request, the installation of a new fence along the alley, and extending of the boulders along the alley adjacent to Lots 9-16, Block 4, Town of Grand Lake; more commonly referred to as Lakefront Park. Trustee Lewis seconded the motion and all Trustees voted aye except Trustee Ludwig, who abstained.

CITIZEN PARTICIPATION: None.

ADJOURNMENT: Trustee Lewis moved to adjourn, seconded by Trustee Weydert. All Trustees voted aye, and the meeting was adjourned at 8:31 p.m., September 23, 2013.

  
JODY M. BURKE,  
MAYOR

ATTEST:

  
RONDA KOLINSKE, CMC,  
TOWN CLERK