

RECORD OF PROCEEDINGS

REGULAR MEETING
TOWN OF GRAND LAKE BOARD OF TRUSTEES
MONDAY, OCTOBER 12, 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, Jenkins, Lanzi, Lewis, and Sabo; Town Manager White, Town Clerk Nicholls, and Town Planner Biller.

ABSENT: Mayor Burke announced that Trustee Gasner was absent from this evening's meeting.

Trustee Lewis moved to not excuse Trustee Gasner from this evening's meeting. Trustee Jenkins seconded the motion, a brief discussion ensued 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 all excavators and contractors in the Grand Lake area are reminded that the deadline for right-of-way permits is October 15th. No road cut or right-of-way permits will be permitted after this date.

Mayor Burke announced that a Children's Halloween Party sponsored by the Grand Lake Chamber of Commerce will be held Friday, October 30th in the Community House from 12 – 1 p.m. A costume contest will be held and refreshments will be provided. Following the contest children are invited to trick-or-treat at the shops around Town.

Mayor Burke then announced that Election Day is Tuesday, November 3rd. Since this is a mail Ballot Election, all ballots must be received by the County Clerk and Recorder's Office by 7 p.m. on Election Day. The Board Room at Town Hall in Grand Lake will be a drop off location on October 29th & 30th and November 2nd from 2 – 6 p.m. and again on November 3rd from 7 a.m. – 7 p.m.

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.

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Trustee Jenkins announced that she had a conflict with the Local Liquor Licensing issues as her family holds an interest in the license for the Gateway Inn, and a conflict with the presentation by the Grand Lake Area Chamber of Commerce as she had a conflict with her membership.

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.

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.

Bob King, 1020 Mountain Avenue, Vice President of the Grand Lake Chamber of Commerce was recognized by the chair. He explained that he worked very hard after the embezzling of funds by the former executive director and for the blues festival. He thinks that cutting funding to the Chamber of Commerce is a bad idea after they had worked very hard to be fiscally responsible and recover from the past indiscretions.

Dot Weber, 420 Ellsworth Street #23, was recognized by the chair. She stated that she was there on behalf of the Rocky Mountain Repertory Theater; she is Vice President of their board and Chair of the Facilities. She explained that last year they were granted an extension to complete parking requirements by October 15, 2015. She said the paving and clean up had been completed and looks good. She went on to state that she appreciated the extension of time.

Mayor Burke thanked her for getting the project completed and said that it looked nice.

Tom Goodfellow, 1204 Grand Avenue, was recognized by the chair. He explained that he had heard about a reduction of funds for the Chamber of Commerce. He feels that we have a dysfunctional Chamber when it comes to the community, but it has actually started to make some strides. He said that he was curious how the marketing of the new Grand Lake Center was going to occur with the reduction of funds. He asked the Town if they are going to cut funding to find another place to cut funding. He concluded by saying that as a business owner he wants a strong Chamber particularly in light of the current economics.

Cathie Hook, Granby Colorado, Executive Director of Granby Chamber was recognized by the chair. She explained that she is a former Grand Lake Chamber of Commerce board member and has been involved with 4 chambers total. She said that Grand County has had a tremendous year. Visitors have a choice of where they visit and the Grand Lake Chamber has done a tremendous job at marketing. They have made it a priority and she would hate for us to lose that momentum. A strong visitors center and strong marketing plan are needed to continue to go forward. She asked that the Town continue to fund the Chamber as they have to continue that momentum. She said if there is no way to get around cutting funding then to consider giving the Chamber more latitude in what they do.

At 7:46 p.m. Trustee Jenkins excused herself and left the room.

SCHEDULED
PRESENTATIONS/
DELEGATIONS:

Mayor Burke introduced Samantha Miller, Executive Director, Grand Lake Chamber of Commerce. She explained that Grand Lake had a really great summer and she was grateful for the continued funding, and was able to bring on 2 more part-time staff. She provided a three page handout (see attached Exhibit A) for the Board to review showing the activity to the Chamber's website. Following her presentation she respectfully requested the release of the Chamber's 3rd quarter funds for 2015.

Trustee Lewis moved to release the Grand Lake Chamber of Commerce's 3rd quarter funds. Trustee Baird seconded the motion and all Trustees voted aye.

At 8:01 p.m. Trustee Jenkins resumed her seat.

Mayor Burke introduced Jennifer Brown, Grand Lake Local Businesses. She said last year the local Town businesses were able to do an open-house in the winter with extended hours and a smores bar. The Town contributed \$700.00 to the event, \$500.00 for news marketing and \$200.00 for posters. The event was a success for a first annual event. She said they would like to continue the tradition and hold the event on December 5, 2015. She stated they would like to secure the evening for the event and asked for support from the Town for the event.

Mayor Burke asked Brown if she had asked the Chamber for funding. Brown stated she had not. A discussion ensued. Samantha Miller, Executive Director of the Grand Lake Chamber of Commerce was recognized by the chair and stated the Chamber was willing to commit to half of the \$700.00 amount needed.

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After further discussion Trustee Lewis moved to try to find funds to help the downtown businesses advertise for the open house event conjointly with the Grand Lake Chamber of Commerce in the amount of \$350.00 from the Town. Trustee Lanzi seconded the motion and all Trustees voted aye.

Mayor Burke introduced Nancy Franz, Secretary, Grand Resource & Recycle Coalition. She stated that she wanted to thank the Board and Town of Grand Lake for the monthly donation given to the recycling program held at Ace Hardware in Granby. She said that she hopes that they will keep up the donations next year.

CONSENT AGENDA:

Mayor Burke introduced the Consent Agenda which contained the following: Minutes from the September 28, 2015 Meeting and Accounts Payable for September 2015.

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

At 8:14 p.m. Trustees Jenkins and Sabo excused themselves and left the room.

LIQUOR LICENSING AUTHORITY: **CONSIDERATION OF APPROVAL OF A CORPORATE REPORT OF CHANGES APPLICATION FROM GRAND LAKE BOWLING LLC, D/B/A GRAND LAKE LANES A/K/A LULU CITY PIZZA.** Mayor Burke asked Town Clerk Nicholls to present this matter to the Board. Nicholls reported that in October, 2015 Thomas Tompkins granted 51% stock to his wife Marguerite L. Norby. Marguerite was also given the title of Manager. The current liquor license is held jointly between Grand Lake Bowling Lanes LLC and CO Management, LLC. The documentation required for the background check performed by Grand County Sheriff's Department on Marguerite L. Norby is en route to the Town. The State of Colorado Department of Revenue has issued a conditional Hotel & Restaurant Liquor License upon successful submission of the Corporate Report of Changes Application and background check.

After a brief discussion Trustee Lanzi made a motion to approve the Corporate Report of Changes Application for Grand Lake Bowling Lanes, LLC, d/b/a Grand Lake Lanes a/k/a Lulu City Pizza. Trustee Baird seconded the motion and all Trustees voted aye.

At 8:19 p.m. Trustees Jenkins and Sabo resumed their seats.

NEW BUSINESS:

QUASI-JUDICIAL – CONSIDERATION TO GRANT A VARIANCE TO MUNICIPAL CODE 11-4 FOR THE MANDATORY INSTALLATION OF BOARDWALK AND

GREENWAY; AND GRANT A VARIANCE TO MUNICIPAL CODE 12-2-6 LOCATED AT LOT 15, BLOCK 6, TOWN OF GRAND LAKE; MORE COMMONLY REFERRED TO AS 1029 PARK AVENUE. Mayor Burke asked Town Planner Biller to present this matter to the Board. Biller explained that the Town received a Variance Request Application from Barbara & Jon Siefkes (“the Applicants”) and the Planning Commission has forwarded a favorable recommendation, by Resolution 20-2015 with conditions, which requires Board review. The Applicant is requesting a variance to the following: installation of the mandatory boardwalk as required by Municipal Code 11-4-7, installation of the mandatory greenway as required by Municipal Code 11-4-9, and the construction of an accessory structure exceeding the maximum allowable area required by Municipal Code 12-2-6

Biller provided additional information:

Public participants of the 2006 Comprehensive Plan cited the following:

1. Grand Lakes Vision statement is “The rustic village of Grand Lake is moving into the future on the wings of the past always striving to protect its natural environment, to preserve its history, and to ensure the quality of life for everyone.”
2. Boardwalk/older buildings/character of the town (strength)

Public participants of the 2013 Downtown Assessment states the following:

1. Residents love Grand Lake’s small and rustic feel

The Assessment recommends the following:

1. “Create a master plan for the downtown including a defined area for the historic boardwalk treatment. Historic boardwalks should only be located in the downtown core.”
2. “Review the restrictions in place regulating the boardwalk and greenbelt area”.

The 2015 Grand Avenue Streetscape Masterplan states:

1. “The boardwalk is the single-most important pedestrian element in the town...”
2. “The boardwalk is a great circulatory motivator, it wants to be walked on and take people through town. It is also an iconic element that is unique and associated with Grand Lake.”
3. Public Outreach #1 –Likes – The new boardwalk in Town Square Park and large pedestrian walkways.

Municipal Code 11-4-7 Boardwalks to be Mandatory in Certain Parts of Town states:

- A. In order to create a uniform appearance within the Town and in order to foster rustic and Western atmosphere within the Town, boardwalks constructed of lumber or composite decking material

and according to the specifications herein contained shall be mandatory for the following properties:

1. Block 6, Lots 9-16, including the west side of Lot 9 and the east side of Lot 16.
- B. The properties herein listed will be required to construct boardwalk when issued a building permit for:
 2. New exterior construction either equaling 25% or greater of the total square footage of the predominant structure or 20% of the Grand County Assessor's valuation; or,

Municipal Code 11-4-9 Community Greenways states:

- A. It is the intent of the Town of Grand Lake to utilize Greenways as an integral asset to the Urban Forest when placed along Town Rights of Way and to act as a buffer between vehicular and pedestrian traffic. This area, placed between the parking and traveling portion of a Town Right of Way and the boardwalk, will also aid in snow storage and drainage.
- B. In order to create a uniform appearance within the Town, areas that are required to have a boardwalk, as identified in this Article, are also required to have a greenway.

Municipal Code 11-2-11(D) [Street Development Policies, Standards, and Specifications Variance Request] Hardships for Consideration states:

- C. Variances from [these standards] shall be reviewed by the Planning Commission at a Public Hearing and make a recommendation to the Board of Trustees
- D. Variance requests will only be granted if the applicant can demonstrate all of the following:
 1. That by reason of exceptional shape, size or topography of lot, or other exceptional situation or condition of the building or land, practical difficulty or unnecessary hardship would result to the owners of said property from a strict enforcement of these Regulations;
 2. That literal interpretation of the provisions of these Regulations would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of these Regulations.
 3. That the special conditions and circumstances do not result from the actions of the applicant;
 4. That granting the variance request will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district;
 5. That the granting of the variance does not pose a detriment to the public good and does not substantially impair the intent and purpose of the Zone Plan and these Regulations.

Municipal Code 12-2-6 Definitions states:

Accessory Uses and Structures - A use naturally and normally incidental to a use by a right, and complying with all of the following conditions:

- d. The gross land area utilized by all accessory uses of all uses by right on the same property shall not exceed ten percent (10%) of the gross land area utilized by all the uses by right (see Building Area);

Municipal Code 12-2-27(B) Variance Request Procedure states:

Applicants must submit the Request for Variance from Zoning Regulations, with the required attachments and applicable fees, to Town Staff. The Planning Commission will hold a Public Hearing within 45 days from Town receipt of the application.

3. The following factors should be considered by the Planning Commission and Town Board of Trustees in determining whether to issue a variance:

- a. The compatibility of the proposed action with the surrounding area; and
- b. Whether the proposed action is in harmony with the character of the neighborhood; and
- c. The need for the proposed action; and
- d. The effect of the proposed action upon future development in the area; and
- e. The shape, size, topography, slope, soils, vegetation, and other physical characteristics; and
- f. Whether alternative designs are possible; and
- g. With due consideration for the Town's Comprehensive Plan.

On October 7, 2015, during the Planning Commission Meeting, a Public Hearing was held to present and discuss the Variance Request Application. The Planning Commission, by approving Resolution 20-2015, recommends granting the variance with conditions. The Planning Commission has forwarded a favorable recommendation of approval to the Board of Trustees.

Staff is in favor of the Planning Commission's recommendation of approval.

The Board should discuss the variance request and the recommendations of the Planning Commission.

The Board has many options including:

1. Grant the variance request as presented by the Applicant, thus allowing the following:
 - a. Eliminate the requirement of boardwalk; and

- b. Eliminate the requirement of greenway; and
 - c. Allow the construction of an accessory structure exceeding the maximum allowable area required by Municipal Code 12-2-6; or
2. Grant the variance request as recommended by the Planning Commission which contains certain conditions; or,
 3. Deny the variance request; or,
 4. Continue review of the variance request.

He noted that Jon Siefkes was present.

After discussion, Trustee Lewis moved to adopt resolution 20-2015; a resolution recommending to grant certain variance to the Municipal Property Regulations Chapter 11-4 for mandatory boardwalk and greenway; and recommending to grant certain variance to the Zoning Regulations Chapter 12-2-6 for the property located at Lot 15, Block 6, Town of Grand Lake, more commonly referred to as 1029 Park Avenue, with the understanding that the cost will be based on the lowest responsible bidder and such deposit would be deemed a credit for the property owners' proportionate expenses at the time that the boardwalk is built. Trustee Lanzi seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION TO SET THE 2016 BUDGET FOR THE TOWN OF GRAND LAKE FOR PUBLIC HEARING ON MONDAY NOVEMBER 9, 2015 AT 7:30 P.M., WITH NOTICE OF THE PUBLIC HEARING TO BE PUBLISHED IN THE MIDDLE PARK TIMES ON THURSDAY, OCTOBER 22, 2015. Mayor Burke asked Town Manager White to present the matter to the Board. White explained that pursuant to §29-1-105, C.R.S., the proposed 2016 budget was submitted to the Board of Trustees for its consideration on September 21, 2015. Although we are aware that further budget discussions are necessary, particularly with respect to the compensation and contributions portions of the budget, the only budget activity at this time is setting the public hearing. Staff recommends the Board move to set the 2016 Budget for the Town of Grand Lake for public hearing on Monday, November 9, 2015 at 7:30 p.m., with notice of the public hearing to be published in the *Middle Park Times* on Thursday, October 22, 2015.

Trustee Jenkins moved to set the 2016 Budget for the Town of Grand Lake for public hearing on Monday, November 9, 2015 at 7:30 p.m., with notice of the public hearing to be published in the *Middle Park Times* on Thursday, October 22, 2015. Trustee Lewis seconded the motion and all Trustees voted aye.

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NEW BUSINESS:

CONSIDERATION OF RESOLUTION NO. 25-2015, A RESOLUTION DESIGNATING INDIVIDUALS AUTHORIZED TO CONDUCT TRANSACTIONS WITH RESPECT TO THE TOWN OF GRAND LAKE'S CASH AND INVESTMENT ACCOUNTS. In the absence of Town Treasurer Ackerman, Mayor Burke asked Town Manager White to present the matter to the Board. White explained that as a reminder, the Town currently has cash accounts with the following entities:

Grand Mountain Bank:

- 1 Money Market Fund
- 2 Checking Accounts (one is a holding account for letter of credit funds)

CSafe:

- 2 Money Market Funds

ColoTrust:

- 1 Money Market Fund

Advantage Bank:

- 1 Certificate of Deposit

FlatIrons Bank:

- 1 Certificate of Deposit

Gill Capital Partners:

- Investment Bonds

The Town's policy is to require two signers on all checks. Authorized individuals have traditionally included the Mayor, the Mayor Pro-Tem, the Financial Trustee, the Town Manager, and the Town Clerk. The Town Treasurer is authorized to receive information with respect to the accounts, limited specifically to requesting account statements and status information from the various institutions.

The current authorized signers on all the Town's accounts are:

Judy M. Burke	Mayor
Kathleen A. Lewis	Mayor Pro-Tem
Jim Gasner	Financial Trustee
James J. White	Town Manager
Ronda Kolinske	Town Clerk

The Town has made it a practice to review and update the authorized signers after each municipal election to reflect election results, changes in personnel, or any other changes desired by the Board. Staff recommends the Board take this opportunity to make any changes it deems advisable. In order to expedite matters, the Town Treasurer has prepared the draft resolution for your consideration. This draft designates the above-named current signers replacing Katie Nicholls for Ronda Kolinske, but, of course, the Board may designate any individuals it

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wishes. If the Board approves the Resolution, the Town Treasurer will prepare the appropriate documents, including signature cards, etc., and have them available for signature by the authorized individuals.

Staff recommends the Board adopt Resolution No. 25-2015, a Resolution Designating Individuals Authorized to Conduct Transactions with Respect to the Town of Grand Lake's Cash and Investment Accounts.

Trustee Baird moved to adopt Resolution No. 25-2015, a Resolution Designating Individuals Authorized to Conduct Transactions with Respect to the Town of Grand Lake's Cash and Investment Accounts. Trustee Lewis seconded the motion and all Trustees votes aye.

MAYOR'S REPORT
AND COMMENT:

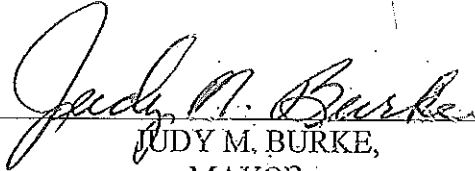
Mayor Burke said that the Board will be facing an uncommon issue in November with the departure of Trustee Baird, the position will need to be filled. She further stated that pending discussion with Trustee Gasner another position may also need to be filled. Mayor Burke asked Town Attorney Krob to explain the processes and time limits.

Attorney Krob explained that the Board has 3 options in filling the vacancies: immediately set it for special election, appoint a new Trustee by a majority vote or do not appoint and after 60 days it will automatically go to special election. The person who is elected would fill out the vacant Trustee's term. He further explained that a special election cannot be held within 90 days of the regular election. If the 60 days is within the 90 days then the vacancy would remain until the regular election. No decisions are made until the vacancy occurs.

After discussion, Mayor Burke thanked Town Attorney Krob.

ADJOURNMENT:

Trustee Lewis moved to adjourn, seconded by Trustee Baird. All Trustees voted aye, and the meeting was adjourned at 8:53 p.m., October 12, 2015.



JUDY M. BURKE,
MAYOR

ATTEST 

KATIE NICHOLLS,
TOWN CLERK