

RECORD OF PROCEEDINGS

REGULAR MEETING
TOWN OF GRAND LAKE BOARD OF TRUSTEES
MONDAY, FEBRUARY 24, 2014 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 Gasner, Lanzi, Lewis, Ludwig, Peterson, and Weydert; Town Manager Hook, Town Clerk Kolinske, and Town Planner Biller.

ABSENT:

Mayor Burke announced that Trustee Peterson was absent from the February 10, 2014 Workshop Session due to his teaching Special Olympics. Trustee Lanzi moved to excuse Trustee Peterson from the Workshop Session on February 10, 2014. Trustee Lewis seconded the motion and all Trustees voted aye.

Mayor Burke then announced that Trustee Gasner was absent from this afternoon's Workshop Session due to business. Trustee Weydert moved to excuse Trustee Gasner from this afternoon's Workshop Session. Trustee Lewis seconded the motion and all Trustees voted aye.

APPROVAL OF MINUTES

January 27, 2014: Not available.

February 10, 2014: Not available.

ANNOUNCEMENTS:

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

Mayor Burke announced that Grand Lake will host its 3rd Annual Catch and Release Ice Fishing Contest March 1st & 2nd. \$35 Adult Entry Fee, kids 14 and under fish free. Prizes will be awarded in three categories. For more details visit www.grandlakeicefishingcontest.com or call 970-798-8021.

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.

RECORD OF PROCEEDINGS

Trustee Lewis announced that she had a conflict with the first item under New Business; relating to the consideration of adopting a resolution regarding the Marina Drive Minor Subdivision.

REPORTS: SALES TAX
CASH FLOW REPORT
FOR FEBRUARY, 2014:

Mayor Burke asked Town Clerk Kolinske to present the sales tax cash flow report. Kolinske reported that the amount of revenue received in February, 2014 for the month of December, 2013 is \$55,646. This amount is over 31% above what was received through February 2013.

INDUSTRY SALES TAX
COLLECTION BY VENDOR
(2009 – 2013): 4TH QUARTER
AND TOTAL YEAR:

Town Clerk Kolinske noted that Town Treasurer Ackerman provided a report consisting of the 4th Quarter Sales Tax Collection by Vendor and a report consisting of Total Year by Vendor.

REPORTS: FINANCIAL
REPORT FOR
JANUARY, 2014
(UNADJUSTED):

Mayor Burke asked Financial Trustee Peterson to present the Financial Report for January, 2014. Peterson reported that the General Fund expenditures through the end of January totaled \$78,288.04 or 2.4% of budget. He said the Water Fund expenditures for the same period totaled \$30,732.98 or 4.3% of budget, the Marina Fund expenditures totaled \$6,481.90 or 2.3% of budget and the PAYT Fund expenditures totaled \$690.65 or 3.3% of budget.

At 7:35 p.m. Trustee Ludwig excused himself and left the room.

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF RENEWAL OF THE RETAIL LIQUOR STORE LIQUOR LICENSE FOR JAKE'S SPIRITS, LLC, D/B/A GRAND LAKE WINE & SPIRITS – Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske reported that the fees have been paid; the renewal documents are in order and indicate no changes from the previous renewal. The business license and sales tax accounts are all current. She said that the building is serviced by a private well and not by the Town of Grand Lake Water Department. 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 Ken Jensen, President, was present.

Trustee Peterson moved to approve the renewal of the Retail Liquor Store Liquor License for Jake's Spirits, LLC, d/b/a Grand Lake Wine & Spirits. Trustee Lewis seconded the motion and all Trustees voted aye.

LIQUOR LICENSING AUTHORITY: **CONSIDERATION OF REGISTRATION OF A MANAGER 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 appropriate form to register a manager was received, with the appropriate fees, from Dustin Barnes, President/Secretary of Grumpy's Saloon, Inc., d/b/a Lariat Saloon at 1121 Grand Avenue. In the case of hotel and restaurant licenses or tavern licenses, where the owner has not chosen to manage the premises personally, the Liquor Code contains special requirements that there be a registered "manager". The manager must be registered with both the state and the local licensing authority. Dustin has been managing the Lariat as owner and is now requesting to register Natalie Burch. Staff recommends the Board make a motion to accept Natalie Burch as the Registered Manager for the Lariat Saloon. She noted that Dustin Barnes and Natalie Burch were both present.

Trustee Peterson moved to accept Natalie Burch as the Registered Manager for the Lariat Saloon. Trustee Gasner seconded the motion and all Trustees voted aye.

LIQUOR LICENSING AUTHORITY: **CONSIDERATION OF REGISTRATION OF A MANAGER FOR GRUMPY'S SALOON, INC., D/B/A GRUMPY'S SALOON** – Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske reported that the appropriate form to change a manager was received, with the appropriate fees, from Dustin Barnes, President/Secretary of Grumpy's Saloon, Inc., d/b/a Grumpy's Saloon at 913 Grand Avenue. § 12-47-412 (6), C.R.S. states, "When a person ceases to be a registered manager for a tavern license, for whatever reason, the tavern licensee shall notify the licensing authorities within five days and shall designate a new registered manager within thirty days." The manager must be registered with both the state and the local licensing authority. The current registered manager is Patrick Barnes. Dustin is requesting to change the registered manager from Patrick to himself. Staff would recommend the Board make a motion to accept Dustin Barnes as the registered manager for Grumpy's Saloon.

Trustee Peterson moved to accept Dustin Barnes as the registered manager for Grumpy's Saloon. Trustee Lewis seconded the motion and all Trustees voted aye.

At 7:41 p.m. Trustee Ludwig resumed his seat.

OLD BUSINESS: **CONSIDERATION TO RATIFY A LETTER OF SUPPORT REGARDING ROLLINS PASS ROAD** – Mayor Burke asked Town Manager Hook to present this matter to the Board. Hook explained that at the meeting held on February 10, 2014, the Board authorized Mayor Burke to sign a letter of support on this matter. The Board's motion

made reference to a revised letter that was provided as a table setting. It was slightly different than the original draft letter included in the Board packet based on feedback from Grand County at the Mayors, Managers & Commissioners meeting that morning. As staff was preparing to forward the approved letter to Grand County, an editing oversight was discovered. Further edits should have been made in the last paragraph for it to read well. Staff consulted Mayor Burke regarding the editing error. Hook said that the two of them concurred that the letter needed to be revised further before issuance. Since time was of the essence and since Mayor Burke was not available to sign the final letter, he and Mayor Burke also concurred that it should be issued immediately under the Town Manager's signature. Because the letter as issued does not match what was authorized by the Board, further action of the Board is required. Town Manager Hook apologized for not properly editing the letter that the Board authorized Mayor Burke to sign. The only changes made to the final letter are in the date, the last paragraph, and the signature line. The Board should discuss the changes made to the final letter to determine if those changes are acceptable to the Board. Staff recommends the Board ratify the letter of support as issued. The Board should ratify the letter of support as issued or direct staff to prepare a new letter of support to replace the letter as issued.

Trustee Lewis moved to ratify the letter of support as issued. Trustee Weydert seconded the motion and all Trustees voted aye.

At 7:43 p.m. Trustee Lewis excused herself and left the room.

NEW BUSINESS:

CONSIDERATION OF RESOLUTION NO. XX-2014, A RESOLUTION AMENDING THE FINAL DEVELOPMENT PLAN FOR THE MARINA DRIVE MINOR SUBDIVISION RECORDED JULY 16, 2000 AT RECEPTION NO. 2002-007243 – Mayor Burke asked Town Planner Joe Biller to present this matter to the Board. Biller explained that staff has received a Land Use Application request to amend the Final Plan for the subdivision. The request is to remove Plat Note #1, thus not requiring the developer to complete the water line loop between Cairns Avenue and Shadow Mountain Drive. The Planning Commission has forwarded a favorable recommendation for granting this amendment request which requires Board review. The applicants are Greg and Carey Barnes. Background information is as follows:

September 1996 – The owners requested subdivision of the property with Town Staff.

March 2001 – Sketch Plan was approved with the completion of the water main loop. However, it appears Planning Commission directed the applicant to inquire with the Water Superintendent (Bill Hagemann) regarding this requirement.

June 2000 – Final Plat was reviewed by the Planning Commission. The Commission discussed the water main extension along Marina Drive. Town Staff reported Attorney Krob made a recommendation , a plat note be added to restrict the issuance of building permits if the applicant intended NOT to install the water main along Marina Drive at the time of approval.

July 2000 – Final Plat was approved by the Planning Commission. The applicant was not present at the meeting. Plat note #1 was on the approved plat.

July 2000 – Final Plat was reviewed by the Board of Trustees. Following discussion, consideration was continued to address property valuation.

August 2000 – Final Plat review was tabled, twice, at the applicant's request. (No review by the Board.)

September 2000 – Final Plat review was tabled at the applicant's request. (No review by the Board.)

June 2001- The Board approved the value of the subdivision, including the Daven Haven Planned Development. Plat note #1 was also reworded to reflect building permits for Parcel 1 and Parcel 2.

July 2001 – Final Plat was approved by the Board of Trustees.

The Marina Drive Minor Subdivision was recorded in 2002.

The Daven Haven Cottages is a planned development within the Marina Drive Minor Subdivision.

Municipal Code 12-9-7 Amendments to Land Use Developments

(C) Amendments to Final Development Plans

1. Minor changes in the location of buildings, siting, and height of building and structures, may be authorized by the Planning Commission without additional public hearings if required by engineering or other circumstances not foreseen at the time the Final Development Plan was approved. No change authorized by this subsection may cause any of the following:

- (a) A change in the use or character of the development*
- (b) An increase in overall coverage of structures*
- (c) An increase in the intensity and density of use*
- (d) An increase in the problems of traffic circulation and public utilities*
- (e) A reduction in approved open space*

(f) A reduction of off-street parking and loading space

(g) A reduction in required pavement widths

(D) Amendments to Final Development Plats

The Planning Commission may recommend to the Board of Trustees amendments to the requirements of these Regulations after giving adequate public notice of a public meeting in a newspaper of general circulation. Town staff shall set a public hearing date before the Board of Trustees, and notice of said hearing shall be published in the official newspaper of the Town at least fifteen (15) days prior to the time of the hearing. The Town Board of Trustees shall conduct the hearing and either adopt, adopt with modifications, or not approve the proposed amendments. A joint hearing of the two bodies is appropriate. All amendment Ordinances must be authorized using the following form and published Regulations to the general public.

Municipal Code 12-9-11 Land Development Regulation- Standards states:

4. Responsibility for Improvements

(a) General Requirements - The following improvements shall be constructed at the expense of the Developer as stipulated in the Development Improvement Agreement in a manner approved by the Town Board of Trustees and in a manner which is consistent with sound construction and local standards. Where specific requirements are spelled out in other Sections of this Article of other applicable Articles the specific requirements shall apply:

6. Water distribution system, where applicable.

10. Other facilities as may be specified or required in the Municipal Code, by the Board of Trustees.

Municipal Code 10-1-1

(A) Board of Trustees to Determine Extension Method

The extension of water mains shall be made by arrangement acceptable to the Town or the Town's designated representatives. Regardless of the method agreed upon, all agreements for the extension of water mains connecting to the water system shall at a minimum conform to the following conditions:

2. Water main extensions shall be installed at no cost to the Town. If necessary, this shall be enforced by the Town securing collateral in an amount necessary and sufficient to meet estimated installation and inspection costs.

(F) Water Main Extension Agreements

The applicant may wish to receive reimbursement for a portion of the costs of the main extension from any property owners who may receive a benefit from connection to the main extension. In such instances, the applicant may request that the Town enter into a Water Main Extension Agreement in a form acceptable to the Town for a term not to exceed ten (10) years. A Water Main Extension Agreement must be executed prior to the date of final acceptance of the water main extension by the Town, such final acceptance being subject to Section 10-1-10(D) Dedication and Acceptance Procedures. The applicant shall pay to the Town a fee of \$250 to cover the costs associated with preparation of the Water Main Extension Agreement, including: the research required to establish the properties affected by the Agreement; development of an equitable reimbursement formula; recording fees, and administration of the Agreement during the term of the agreement.

Staff considers this amendment a minor change to “development plan”, however, the development plan is incorporated on the final plat, which has been recorded. Staff has sent certified letters to properties adjacent to this property that may be affected by this change. Staff has sent certified letters to all utility companies and received no comment. Staff has been in contact with the Town Water Superintendent and he has no objections to the request and has the following comments:

- The proposed request meets current Town Water Superintendent requirements
- The existing fire hydrant in its current configuration operates at town average pressure and volume.
- The Town allowed two water services lines along Marina Drive
402 Marina Drive - 1973
500 Marina Drive - 1979
- The Town Water Department would most likely be responsible for completing the water main if the request is approved.
- The current Water Department budget does NOT include this extension.

To clarify, if the request is approved, the existing dead end water main located in Marina Drive directly in front of the Daven Haven Lodge and Cottages would be extended west by 200± ft. The remaining water main required to complete the “loop” (Parcel 1 to existing water main in Shadow Mountain Dr.) may not be installed by the developer. Town Attorney Krob has been consulted regarding this amendment. His comments have already been incorporated in the draft resolution presented. If the Board deems the plan change appropriate, staff

recommends the Board adopt the resolution as presented which contains the following conditions:

1. The water main construction shall commence (or be completed) prior to the issuance of any building permit for Parcel 1 or Parcel 2 pursuant to one of the following two options:

Option 1: Water main constructed as shown in Exhibit B

Building permits for Parcel 1 and Parcel 2 shall be limited to;

- a) One (1) single-family residence per parcel.
- b) Accessory unit(s) as described in the Town Municipal Code.

Option 2: Water main constructed as shown in Exhibit C

Building permits for Parcel 1 and Parcel 2 shall be limited to;

- a) Uses allowed by Municipal Code 12-2-21 Regulations for Resort District – RST

2. All other Federal, State, and local regulations shall be adhered to.
3. This resolution approving the Land Use Application shall also be an agreement signed by the applicant, indicating their acceptance of the conditions.
4. This resolution shall be deemed to be a deed restriction agreed to by the applicant, to be recorded in the records of the Grand County Clerk and Recorder, and shall remain in effect unless and until it is replaced with a subdivision improvement agreement and security acceptable to the Town Board of Trustees or proof that the water line has been constructed and accepted by the Town.

The Board may want to discuss the Development Plan change versus a Development Plat change. If the Board agrees with the Commission the proposed changes are to the “development plan”, the Board should proceed with discussion of the application. If the Board disagrees with the Commission and determines the proposed changes are to the “development plat”, the Board should refrain from discussion on the matter considering the issue would become a quasi-judicial matter. If the Board determines the proposed changes are to the “development plan”, the Board should discuss the amendment request and the draft resolution. The Board has many options including:

1. Adopt the Resolution as presented, thus approving the amendment request; or
2. Adopt the Resolution with other conditions; or
3. Not approve the Resolution, thus not approving the amendment request; or
4. Continue the matter until a Public Hearing can be scheduled to comply with Municipal Code 12-9-7(D).

Town Planner Biller noted that Greg Barnes was present.

Following brief discussion, Trustee Lanzi moved to adopt Resolution No. 2-2014: a Resolution Amending the Final Development Plan for the Marina Drive Minor Subdivision Recorded July 16, 2002 at Reception #2002-007243, as presented. Trustee Gasner seconded the motion and all Trustees voted aye.

At 7:52 p.m. Trustee Lewis resumed her seat.

NEW BUSINESS:

CONSIDERATION OF RESOLUTION NO. XX-2014, A RESOLUTION UPDATING THE FEE AND DEPOSIT SCHEDULE FOR THE TOWN OF GRAND LAKE – Mayor Burke asked Town Planner Joe Biller to present this matter to the Board. Biller explained that staff has received several fee refund request and believes a policy needs to be in place regarding refunds which requires Board review. The current fee schedule was adopted in 2012. However, the Town does not have an official policy regarding refunds of fees. Generally speaking, the requirement of fee's and deposits are to cover Town incurred expenses. Expenses can be classified as time and materials for review, issuance, and renewal notices. There are two (2) distinct payments required when applying for a permit, license, or application.

- A Fee
- A Deposit

Currently, it is clear a deposit is refundable after all Town incurred costs are paid. This is reflected in the Agreement for Services an applicant submits with an application. A fee is collected when an application is submitted. The issue of a fee refund occurs when the application is withdrawn, denied, or approved and then withdrawn. In most cases, the applicant withdraws their application and requests a refund. Current Town Staff practice regarding fee refunds is:

- Refunds are issued if the request is denied.
- Refunds have been issued on a case-by-case basis if the applicant has withdrawn their request.

Examples: Refund \$10 for a denied sign permit
Refund \$400 for a renewal of a nightly rental license within the first month, if no rentals have occurred.
Refund of a \$100 Encroachment License fee due to application withdraw after approval.
Refund of a \$55 business license fee due to the applicant not opening for business.
Refund of a \$5 sales tax license fee due to the applicant not opening for business.
Refund of a \$20 right of way permit due to the contractor not performing the work.

Ninety-nine percent of the time, refunds are a non-issue. However, staff has received several requests to refund nightly rental licenses after renewal. Most common reason, "I changed my mind". Staff currently has a request to refund another nightly rental fee. Staff has not taken action on this request. Staff recommends the Board allow staff to issue the requested refund of \$400 for the 2014 Nightly Rental License No. 69. Staff also recommends the Board adopt the resolution as presented which contains the following:

1. A Fee is non-refundable, unless:
 - a. The request is denied.
 - b. The application is withdrawn prior to review and granting of the request.
 - c. A refund is approved by the Board of Trustees.

The Board should discuss the refunding of fees. The Board has many options including:

1. Adopt the resolution as presented, thus in general making fee's non-refundable; or
2. Adopt the resolution with other conditions; or
3. Not adopt the resolution, thus allowing staff to handle refunds on a case-by-case basis.
4. Direct staff in another direction regarding refunds.

Trustee Lewis moved to adopt Resolution No. 3-2014; a Resolution Updating the Fee and Deposit Schedule for the Town of Grand Lake, as presented. Trustee Peterson seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION TO AUTHORIZE THE MAYOR TO SIGN WRITTEN COMMENTS REGARDING THE USE OF BICYCLES ON THE EAST SHORE TRAIL WITHIN ROCKY MOUNTAIN NATIONAL PARK – Mayor Burke asked Town Planner Joe Biller to present this matter to the Board. Biller explained that the National Park Service (NPS) has issued an Environmental Assessment report for the East Shore Trail. At the Board workshop on 1/27/14, staff was directed to draft comments regarding the issue. The NPS will take written public comment until March 3, 2014. The environmental assessment can be found at:

<http://parkplanning.nps.gov/projectHome.cfm?projectID=43625>.

The Board directed staff to comment specifically on the special rulemaking regarding the realignment of the existing trail. In general, the draft comment touches on the following topics:

- A brief history of support for wilderness designation/exclusion.
- Cited sources showing support for bicycle use
- Request to reconsider special rule making with supporting facts.

The Board should discuss the draft comment letter and discuss revisions, if necessary. The Board has many options including:

1. Authorize the Mayor to sign the comment letter, as presented; or
2. Authorize the Mayor to sign the comment letter with revisions; or
3. Not authorize the Mayor to sign the comment letter; or
4. Direct staff to revise the comment letter.

Following discussion, Trustee Peterson moved to authorize Mayor Burke to sign the comment letter regarding bicycle use on the East Shore Trail within the Rocky Mountain National Park. Trustee Lewis seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF RESOLUTION NO. XX-2014, A RESOLUTION REGARDING APPOINTMENT OF JUDGES FOR THE APRIL 1, 2014 TOWN OF GRAND LAKE REGULAR MUNICIPAL ELECTION – Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske explained that Statutes require at least three election judges for a municipal election. The judges are sworn to “... studiously endeavor to prevent fraud, deceit, and abuse in conducting ...” the election. The only qualifications for a judge are to be a registered elector at least 18 years of age. The requirement that judges live within the boundaries of the body holding the election no longer is in effect. The judges in the 2010 election were compensated one hundred fifty dollars and unless otherwise directed, she said that she would like to do the same for this year. For what is probably a fifteen-hour day, \$150.00 amounts to \$10.00 per hour. Statute requires appointment of judges at least fifteen days before the election, and allows the governing body to delegate the authority and responsibility to appoint judges to the clerk, by resolution. Town Clerk Kolinske requested that the Board adopt Resolution No. 4-2014.

Trustee Peterson moved to adopt Resolution No. 4-2014, a Resolution Regarding Appointment of Judges for the April 1, 2014 Town of Grand Lake Regular Municipal Election. Trustee Lewis seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF PENDING LEGISLATION BEFORE THE COLORADO GENERAL ASSEMBLY – Mayor Burke asked Town Manager Hook to present this matter to the Board. Hook explained that the Board has an opportunity to consider if pending legislation warrants further action on the part of the Town. Continuing the dialogue with the Board from prior meetings:

- Legislation in recognition and support of the 100th Anniversary of Rocky Mountain National Park was planned to be introduced in this session of the Colorado General Assembly
- The packet for the Board’s January 13 workshop included information related to broadband issues

RECORD OF PROCEEDINGS

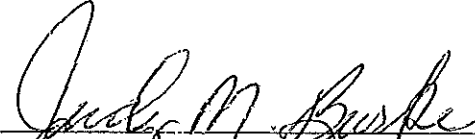
- The packets for the Board's January 27 and February 10 meetings included info on legislative matters
- CML's legislative workshop was held on February 13
- CAST's legislative workshop is scheduled for March 13 at the CML Building in Denver

On February 14, 2014, NWCCOG/QQ issued legislative update emails. The cover email includes the news that Governor Hickenlooper intends to sign HB 14-1164 dealing with non-partisan elections. Staff desires to know if the Board has any particular interest or concern with any current proposed legislation. Staff is prepared to assist with the follow-up on any legislation that the Board may feel warrants additional involvement on the part of the Town. Trustee Lewis and staff attended the CML Legislative workshop on the 13th. While very educational, informative and interesting, there did not seem to be any 'red flags' warranting action by the Town. Staff has confirmed that the RMNP anniversary joint resolution has been drafted with Senator Baumgardner as its sponsor. Senator Baumgardner has not yet introduced the resolution this session. The Board should discuss the latest information on pending legislation to determine if additional involvement on the part of the Town is warranted. Staff has no recommendations on legislation for the Board at this time. If there is specific pending legislation on which the Board desires to provide direction to staff, the Board should consider developing a motion to that effect. If there is no specific legislation on which the Board desires to provide direction to staff at his time, the Board should consider a motion to that effect.

Trustee Peterson moved to take no action concerning the pending legislation before the Colorado General Assembly. Trustee Gasner seconded the motion and all Trustees voted aye.

CITIZEN PARTICIPATION: None

ADJOURNMENT: Trustee Lewis moved to adjourn, seconded by Trustee Peterson. All Trustees voted aye, and the meeting was adjourned at 8:02 p.m., February 24, 2014.



JUDY M. BURKE,
MAYOR

ATTEST: 

RONDA KOLINSKE, CMC,
TOWN CLERK