

RECORD OF PROCEEDINGS

REGULAR MEETING
TOWN OF GRAND LAKE BOARD OF TRUSTEES
MONDAY, JUNE 22, 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 7:34 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, Town Planner Biller and Town Code Administrator Rendon.

ABSENT: None.

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

Mayor Burke announced that Concerts in the Park, sponsored by the Grand Arts Council, will present "*Tight Like That*" on Wednesday, June 24th in the Town Square Gazebo from 5 – 7 p.m.

Mayor Burke announced that the 32nd Annual "*Colorado State Chili Cook Off*", sponsored by the Independent Sports Club, will be held Saturday, June 27th in Town Square.

Mayor Burke announced that the 4th of July Weekend Celebration will include a pancake breakfast, boardwalk sales, a fireworks display over Grand Lake at dark, and music at Lakefront Park prior and in Town Square after the fireworks.

Mayor Burke then announced that a Craft Fair, sponsored by the Grand Lake Area Chamber of Commerce, will be held July 11th and 12th in Town Square.

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 and he had a conflict with the second item under New Business which was consideration of a variance request to Municipal Code 12-2-28 Parking Regulations located at Lots 1-4, Block 18, Town of Grand Lake; more commonly referred to as 325 Vine Street because he lives within a 200 foot radius of the subject property.

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Trustee Baird announced that she had a conflict with the renewal of the Liquor License for Daven Haven Lodge as she is employed there.

Trustee Lanzi announced that he had a conflict with the renewal of the Liquor License for O-A Bistro as he is the owner of the building.

UNSCHEDULED
PUBLIC COMMENTS:

Mayor Burke announced that this time is reserved for members of the public to make a presentation to the Board on items or issues that are not scheduled on the agenda. The Board will not discuss/debate these items, nor will the Board make any decisions on items presented during this time, rather, the Board will refer the items to staff for follow up. She then asked if there were any unscheduled public comments and noted that comments are limited to 3 minutes.

There were no unscheduled public comments.

SCHEDULED
PRESENTATIONS/
DELEGATIONS:

Mayor Burke introduced John Kacik, President of the Board of Trustees of the Grand County Library District. John began by saying that as of May 21, 2015 the District has added additional hours to each of its branches. This was made possible because of surveys, meetings, adjusting the budget and the refinancing of some debt. He expressed the desire to continue communications between the Town and the Library District.

Stephanie Ralph, Executive Director, was then recognized by the Chair. She gave a Power Point Presentation and spoke about their strategic plan and spoke most particularly about the Juniper Library in Grand Lake.

Lastly, Kim Jensen, Treasurer, was recognized by the Chair who gave the board an update on the library's finances.

Mayor Burke thanked all of the representatives present for their time and for coming to this evening's meeting then proceeded to the next item on the agenda.

CONSENT AGENDA:

Mayor Burke introduced the Consent Agenda which contained the following: Minutes from the May 26, 2015 Meeting.

Trustee Baird moved to approve the Consent Agenda as presented. Trustee Lewis seconded the motion and all Trustees voted aye except Trustee Gasner, who abstained.

REPORTS: SALES TAX
CASH FLOW REPORT
FOR JUNE 2015:

Mayor Burke asked Town Clerk Kolinske to present the sales tax cash flow report. Kolinske reported that the amount of revenue received in June 2015 for

the month of April is \$27,083. This amount is nearly 2 ½% above what was received through June 2014.

REPORTS: FINANCIAL
REPORT FOR
MAY 2015:

Mayor Burke asked Financial Trustee Gasner to present the Financial Report for May 2015. Gasner reported that the General Fund expenditures through the end of May totaled \$518,100.60 or 15.9% of budget. He said the Water Fund expenditures for the same period totaled \$193,221.43 or 24% of budget, the Marina Fund expenditures totaled \$43,338.61 or 15.3% of budget and the PAYT Fund expenditures totaled \$11,561.37 or 32.7% of budget.

At 8:12 p.m. Trustee Sabo excused himself and left the room.

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF RENEWAL OF THE RESORT COMPLEX WITH RELATED FACILITY PERMIT LIQUOR LICENSE FOR GRAND LAKE VENTURES, LLC, D/B/A GRAND LAKE LODGE

– 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. The water, business license, and sales tax accounts are all current. She noted that the Grand County Sheriff's Department found no adverse information that would affect the status of the license. She concluded by saying that Jeff Larson, Manager, was present.

Trustee Jenkins moved to approve the renewal of the Resort Complex with Related Facility Permit Liquor License for Grand Lake Ventures, LLC, d/b/a Grand Lake Lodge. Trustee Gasner seconded the motion and all Trustees voted aye.

At 8:14 p.m. Trustee Baird excused herself and left the room.

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF RENEWAL OF THE HOTEL AND RESTAURANT LIQUOR LICENSE FOR CAREY AND GREGORY BARNES, D/B/A DHWW INVESTMENTS, DAVEN HAVEN LODGE

– 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. The business license, and sales tax accounts are all current but the water account is delinquent. She noted that the Grand County Sheriff's Department found no adverse information that would affect the status of the license. She concluded by saying that Carey Barnes, Owner, was present.

Trustee Lewis then moved to approve the renewal of the Hotel and Restaurant Liquor License for Carey and Gregory Barnes, d/b/a DHWW Investments, Daven Haven Lodge contingent upon the water account being brought current. Trustee Lanzi seconded the motion and all Trustees voted aye.

At 8:17 p.m. Trustee Baird resumed her seat while Trustee Lanzi excused himself and left the room.

LIQUOR LICENSING AUTHORITY: **CONSIDERATION OF RENEWAL OF THE HOTEL AND RESTAURANT LIQUOR LICENSE FOR O-A BISTRO, LLC, D/B/A O-A BISTRO** - 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. The water, business license, and sales tax accounts are all current. She noted that the Grand County Sheriff's Department found no adverse information that would affect the status of the license. She concluded by saying that Olney Kliewer, Managing Member, was present.

Trustee Lewis moved to approve the renewal of the Hotel and Restaurant Liquor License for O-A Bistro, LLC, d/b/a O-A Bistro. Trustee Jenkins seconded the motion and all Trustees voted aye.

At 8:20 p.m. Trustees Lanzi and Sabo resumed their seats.

OLD BUSINESS: None.

NEW BUSINESS: **QUASI-JUDICIAL - CONSIDERATION OF RESOLUTION NO. XX-2015, A RESOLUTION GRANTING A NIGHTLY RENTAL LICENSE IN A RESIDENTIAL NEIGHBORHOOD LOCATED AT SHADOW PARK WEST CONDO'S, UNIT D, BUILDING 15; MORE COMMONLY REFERRED TO AS 194 TALL PINE CIRCLE, #15-D** - Mayor Burke asked Town Code Administrator Rendon to present this matter to the Board. Rendon explained that on 05/08/2015, the Town of Grand Lake ("the Town") received a Nightly Rental License Application from John Dinkmeyer ("the Property Owner"). During the application process, the Town received one (1) written letter of objections which requires the Board of Trustees review.

On 5/8/2015, the Town received a Nightly Rental License Application for Shadow Park West Condo's, Unit D, Building 15; more commonly referred to as 194 Tall Pine Circle, #15-D.

On 5/18/2015, Town Staff sent out certified letters to properties within 100 feet of the Property Owner requesting any written objections to the proposed use. Town Staff requested that any objections be received on or before 6/5/2015, at 4:30 p.m.

By 6/5/2015, Town Staff received one (1) written letter of objections addressing the proposed Nightly Rental Conditional Use. The objection letter was received from Gene Gillis. The written letter of objections stated the following reasons for objections to the proposed Nightly Rental Conditional Use:

- Balcony is shared with neighbors
- Rentals bring in less desirable people

On 5/26/2015, the Property Owner was sent a copy of the written letter of objections.

Municipal Code 12-2-31(B)4 Nightly Rental Conditional Use Permits states:

(a)1(i) Town Action:

- 1. If Town Staff determines that the application satisfies the requirements of Section 12-2-31(B)4, all adjoining property owners or all owners within 100', whichever includes the largest number of properties, will be notified in writing by the Town of the applicants proposed use. All notified property owners will be given fifteen (15) days to object to the proposed use in writing.*
- 2. If one (1) or more notified property owners object to the proposed use in writing, the application shall be treated as a conditional use as outlined in Section 12-2-31(B)3,. The owner of the subject property shall be given a copy of all written complaints. In consideration of the proposed use, the Planning Commission may hold a Public Meeting to determine its recommendation to the Board of Trustees. The Board of Trustees may hold a Public Hearing on the proposed use to decide whether to approve, modify, or disapprove the Planning Commission's recommendation.*

Town Staff believes that all the requirements of the Nightly Rental License Application have been satisfied by the Property Owner and on 6/17/2015, the Planning Commission forwarded a favorable recommendation by Resolution 14-2015, for the Nightly Rental Conditional Use.

Staff recommends the Board adopt the resolution as presented which contains no conditions for granting the license. If the Nightly Rental License is issued, the Property Owner would be subject to all the provisions for Nightly Rental License renewal; which includes written complaints in the previous 12 month period.

The Board should first determine if a Public Hearing is necessary. If the Board determines a Public Hearing is not necessary, they should discuss the Nightly Rental License Application, the written letter of objections received, and the recommendation of the Planning Commission.

The Board has the following options:

1. Require a review of the Nightly Rental License Application at a Public Hearing; or
2. Grant the Nightly Rental License by adopting the resolution; or
3. Grant the license with conditions; or
4. Not grant the license.

Since there was not a representative present, Trustee Gasner moved to table consideration of this matter until the next regularly scheduled meeting to be held July 13, 2015. Trustee Baird seconded the motion and all Trustees voted aye.

At 8:25 p.m. Trustee Sabo excused himself and left the room.

NEW BUSINESS:

QUASI-JUDICIAL – CONSIDERATION OF A VARIANCE REQUEST TO MUNICIPAL CODE 12-2-28 PARKING REGULATIONS LOCATED AT LOTS 1-4, BLOCK 18, TOWN OF GRAND LAKE; MORE COMMONLY REFERRED TO AS 325 VINE STREET – Mayor Burke asked Town Planner Biller to present this matter to the Board. Biller explained that the Town has received a Zoning Variance Request Application from Brian Pinkerton. The Planning Commission has forwarded a favorable recommendation by Resolution 10-2015 with conditions which requires Board review. The applicant is the property owner and is requesting the following:

- Variance to the minimum required on-site parking spaces 13 on-site parking spaces 10' x 20' required
- Variance to the minimum required on-site loading/unloading areas (2 spaces 14' x 20')

On 3/18/15, the Planning Commission adopted Resolution 06-2015; a resolution granting certain changes to the non-conforming property. The following two (2) conditions were included in the resolution:

3. *The Applicant is responsible for all improvements necessary to meet the requirements as shown on the Site Plan, including but not limited to, parking and snow storage.*
4. *As per Municipal Code 12-2-28(B) the Applicant shall provide all required parking onsite (no on-street parking credits). The Applicant may request a variance as allowed by Municipal Code 12-2-28(D).*

Staff believes the following conditions exist:

1. Approximately 6 parking spaces are usable on the property with access from the alley.
2. Approximately 7 parking spaces are usable on the Vine Street right of way.

Municipal Code 12-2-28(C)1(b) Parking Design Standards states:

3. *All parking areas shall have proper surface material.*
 - (i.) *All parking areas are to be paved with concrete, which is highly encouraged, or asphalt, compacted to a minimum depth of four inches (4”), in the commercial, commercial transitional, and industrial districts. Concrete or asphalt may be required in the residential, open and resort districts if there is similar contiguous surfacing material.*
 1. *Gravel surfacing in the rear of structures may be permitted by the Planning Commission without obtaining a variance.*

Municipal Code 12-2-28(D) Variances to Parking Requirements and Standards states:

1. *Variances to parking requirements and standards may be granted by the Board of Trustees, with recommendation from the Planning Commission. In order to grant approval of a variance, the Board shall find the following findings:*
 - (a) *that the proposed parking plan requesting the variance has a mitigation plan in place for the requested variance; and*
 - (b) *that the proposed parking plan requesting the variance has mitigated by providing enhanced pedestrian linkages between uses and structures with developed parking areas; and*
 - (c) *that the proposed parking plan requesting the variance has demonstrated that the enhanced pedestrian linkages and developed parking areas will be for the public good to link community uses, promote and increase pedestrian traffic as well as not to pose a detriment to existing parking conditions in the Town; and*
 - (d) *that the cost of the of the pedestrian linkages and developed parking areas are 30% or greater of the total parking fee; and*
 - (e) *that the parking spaces that are being proposed to be provided will be a minimum of 65% of the total parking space requirement.*

Municipal Code 12-2-28(B)1 Parking Requirements states:

GROUP TYPE OF STRUCTURE	REQUIRED # OF OFF-STREET PARKING SPACES PER UNIT
II. ACCESSORY DWELLING UNITS (ADUs), APARTMENTS AND ANY RENTED HOTEL, MOTEL, CABIN/LODGE ROOM	
Studio or One Bedroom Unit	1 Space
Two Bedroom Unit	1.5 Spaces
Three Bedroom Unit	2 Spaces
Four + Bedroom Unit	2.5 Spaces
VII. ADDITIONAL REQUIREMENTS WHICH WILL BE IN ADDITION TO THE REQUIREMENTS SET FORTH IN GROUPS I-VI	
Guest Parking	1 Space/5 Units
Loading/Unloading Areas	1 Space/4 Units

Municipal Code 11-2-6(B)4(a) Basic Principles for Driveways states:

2. *Alley access shall be required for all Commercial and Commercial Transitional Zoned parcels where practical and feasible.*

Municipal Code 12-2-28(B) Parking Requirements states:

4. *The non-refundable parking fee shall be ten thousand (\$10,000.00) dollars for each parking space unable to be provided...*

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6. *Accessible Parking - one designated accessible (handicapped) parking space shall be required as a part of the overall off-street parking requirements mandated under this Section for each twenty-five (25) off-street parking or fraction thereof. In all cases the accessible space shall be located in a manner close and convenient to the principal building main pedestrian ingress/egress.*

During the public notice for the Planning Commission, the Town received four (4) written comments regarding variance request and are included for reference. The following is the calculation for the minimum required on-site spaces per the Municipal Code:

Description	# of Bedrooms	# of Parking Spaces Required	Unit #
2 Story House	4	2.5	9
Yellow Bear Cabin	2	1.5	8
1 bed Cabin	1	1	7
Crazy Bull Cabin	1	1	6
Studios	5	5	1-5
Sub total	13	11	
Guest Parking		1.8	
Unload/Loading Zone (14'x20' each)		1.125	
Total	13	15	9

Staff has reviewed the application and believes the requirement of a minimum of on-site parking spaces for 9 rental units and their guests is not unreasonable. Staff understands the parking regulations when applied to this parcel require the applicant to conduct on-site improvements. The aerial picture provided shows the existing parking conditions of the property which identifies some of the challenges the applicant is facing. The applicant claims the Vine Street right of way adjacent to their land “appears to be part of the property”. This portion of the right of way is maintained by the Town and not the property owner. The “long term historical use” of Town right of way claimed by the Applicant is not a provision acknowledged by the non-conforming resolution adopted by the Commission. The Commission has forwarded a favorable recommendation with conditions. The applicant has failed to meet the following:

1. The applicant provide a minimum of eight (8) parking spaces on-site (10' x 20')
2. The applicant provide a trash receptacle with proper enclosure on the Property...
3. The applicant completes the required Vine Street improvements to provide the maximum of ten (10) perpendicular gravel on-street parking spaces...

The site plan provided by the applicant does not meet the requirements of the Planning Commission resolution. The Planning Commission suggested #6 of

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the resolution be addressed using deed restriction or other means to ensure compliance for paving of the on-street parking of Vine Street. A draft deed restriction will be reviewed by Town Attorney Krob before execution.

Staff recommends the Board continue review of the variance request until the Applicant can revise the site plan to comply with the Planning Commission recommendation.

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

The Board has several options to consider including:

1. Granting the variance request as presented by the applicant
2. Granting a modified variance request.
3. Not recommend grant the variance, thus requiring the applicant to comply all requirements of the Municipal Code.
4. Continue consideration of the variance request.

Billier noted that Michelle Pinkerton, property owner, was present.

Michelle Pinkerton, 5163 N. Mesa Drive, Castle Rock, CO, was recognized by the Chair and presented her variance request to the Board.

Following discussion between the Board and Ms. Pinkerton, Trustee Jenkins moved to continue review of the variance request until all requirements of Planning Commission recommendation are satisfied. Trustee Gasner seconded the motion and all Trustees voted aye.

At 8:44 p.m. Trustee Sabo resumed his seat.

NEW BUSINESS:

CONSIDERATION TO GRANT AN ENCROACHMENT LICENSE INTO THE VINE STREET RIGHT-OF-WAY FOR THE PURPOSES OF CONSTRUCTING A REPLICATION OF THE HISTORIC CAIRNS DITCH LOCATED ADJACENT TO LOT 16, BLOCK 19, TOWN OF GRAND LAKE; MORE COMMONLY REFERRED TO AS 729 LAKE AVENUE - Mayor Burke asked Town Planner Billier to present this matter to the Board. Billier explained that the Town has received an encroachment license application from the Grand Lake Area Historical Society for the use of Vine Street right of way for the re-creation of the historic Cairns Ditch.

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.*

Staff has not contacted the utility companies informing them of this encroachment request. If the Board approves the request Staff will contact them to as required by the Municipal Code.

The Public Works Director and staff have reviewed the application and have no objections to the encroachment. In general, the request is to install the following:

- a recirculation pump and lined ditch for the flow of water
- portable bridges across the ditch
- interpretative signage

The applicant is aware the Cairns ditch is the current drainage infrastructure for the Town and public works utilizes this area for snow storage.

Staff recommends the Board grant the encroachment license for the Cairns Ditch improvements by adopting the resolution as presented. The resolution includes the following conditions of approval:

1. The License is limited to the proposed improvements as shown in the attached Exhibit A (hereinafter the "Encroachment"); and
2. The Encroachment complies with the requirements of Municipal Code Chapter 11, Article 2, Street Development Polices, Standards, & Specifications; and
3. The Grantee must maintain the Encroachment at its sole expense; and
4. 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, but may not enlarge it further into or above the public right-of-way; and
5. The granting of this License shall not be considered a precedent for any future encroachments; and

6. The granting of this License does not limit any public use of the Vine Street right of way; and
7. The Grantee agrees to pay the License fee to the Town in the amount of One Hundred Dollars (\$100.00); and
8. The Grantee delivers the Town a fully executed Indemnification Agreement attached as Exhibit B; and
9. The proposed improvements must be completed within one (1) year. Failure to complete the proposed improvements shall nullify the granting of those proposed improvements; and
10. The Grantee complies with all other federal, state, and local regulations.

The Board should discuss the encroachment license request.

The Board has several options to consider including:

1. Adopt the resolution xx-2015 as presented, thus granting the encroachment request; or
2. Adopt resolution xx-2015 with modified conditions; or
3. Deny the request.

Billier noted that Jim Cervenka was present representing the Historical Society.

Jim Cervenka, President of the Grand Lake Area Historical Society was recognized by the Chair. He said that the Historical Society believes that they should protect, promote and preserve some of Grand Lake's historic history. He then made a presentation of their request to re-create 135' of the Cairns Ditch along Vine Street adjacent to the Smith-Eslick Cottage Court. He said that Paul Harrington, owner of Harrington Landscapes and a member of Cottage Camp Planning Committee, will be spearheading this effort.

During discussion, Mayor Burke noted that in the documentation provided to the Board Members in their packets, there was information that the ditch was abandoned and the water rights to Cairns #3 Ditch transferred to the Grand Lake Metropolitan Recreation District in 1962, therefore, she questioned who the current owner of the water rights is.

Following a lengthy discussion between Jim Cervenka, Paul Harrington and the Board of Trustees, Trustee Lewis moved to adopt Resolution No. 12-2015, a Resolution Granting an Encroachment License into the Vine Street Right of Way for Certain Improvements Located Adjacent to Lot 16, Block 19, Town of Grand Lake; More Commonly Referred to as 729 Lake Avenue contingent upon who owns the water rights and that the granting of this request does not adversely affect water rights and/or water users. Trustee Baird seconded the motion and all Trustees voted aye except Trustee Gasner who voted nay.

NEW BUSINESS:

Mayor Burke then announced that **CONSIDERATION OF A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN TO THE TOWN OF GRAND LAKE AND TOM AND BONNIE CLARKE, JEAN**

DEMMLER AND JOHN KANE REGARDING SIGNAGE FOR THE SPITZMILL-KANE TRAIL was added to the agenda and asked Town Planner Biller to present the matter to the Board. Biller briefly explained that the existing MOU has expired and the MOU being presented for consideration merely extends the maintenance of the signage and supports for an additional 5 years from the effective date of the agreement. Biller noted that Tom Clarke was present representing "the Neighbors".

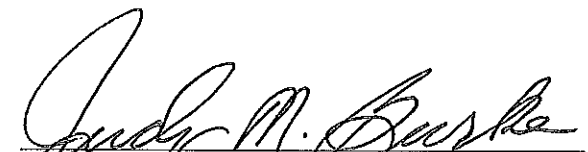
Trustee Lewis moved to authorize the Mayor to sign the Memorandum of Understanding between the Town of Grand Lake the Tom and Bonnie Clarke, Jean Demmler and John Kane for the Spitzmiller Trail signage. Trustee Gasner seconded the motion and all Trustees voted aye.


MAYOR'S REPORT
AND COMMENT:

Mayor Burke said that she would like to know the results of the Duck Derby and what, if anything, needs to be addressed if this becomes a reoccurring event. She suggested having Steve Kudron come give the Board a report. She then said with the traffic counts up and such it looks like it's going to be a great summer.

ADJOURNMENT:

Trustee Gasner moved to adjourn, seconded by Trustee Baird. All Trustees voted aye, and the meeting was adjourned at 9:18 p.m., June 22, 2015.


JUDY M. BURKE,
MAYOR

ATTEST: 
RONDA KOLINSKE, CMC,
TOWN CLERK