REGULAR MEETING
TOWN OF GRAND LAKE BOARD OF TRUSTEES
MONDAY, JUNE 8, 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 Kolinske, Town Planner Biller and Town Code Administrator Tony Rendon.

ABSENT: Mayor Burke announced that Trustee Gasner was absent from both the afternoon workshop and this evening’s meeting but had not called to say that he would not be present. Trustee Jenkins moved to not excuse Trustee Gasner from this afternoon’s workshop or this evening’s meeting. Trustee Lewis seconded the motion 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 Rocky Mountain Repertory Theatre opens its 2015 Summer Season with "42nd Street" on June 12 and "The Addams Family" on June 19.

Mayor Burke announced that an Arts & Crafts Fair, sponsored by the Grand Lake Area Chamber of Commerce will be held June 13 & 14 in the Town Square Park.

Mayor Burke announced that a Rubber Duck Race, sponsored by the Rotary Club of Grand Lake will be held on June 20 at the Heckert Pavilion in Town Square Park.

Mayor Burke then announced that the Town of Grand Lake 2015 Drinking Water Consumer Confidence Report for Calendar Year 2014 is now available. Copies may be downloaded from the Town’s website, www.townofgrandlake.com or requested at Town Hall during business hours.

CONFLICTS OF INTEREST: Mayor Burke stated that if there are any Trustees wishing to announce a conflict of interest with any items on this evening’s agenda, they should do so at this time.
Trustee Sabo announced that he had a conflict with the Local Liquor Licensing issues as he holds an interest in the license for Grand Lake Lanes.

Trustee Jenkins then announced that she had a conflict with the Liquor License renewal for the Gateway Inn as she is employed there and her father owns the license.

**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 Vaughn Baker, Park Superintendent, Larry Gamble, Management Assistant, and Mark McCutcheon, Colorado River District Ranger, Rocky Mountain National Park.

Vaughn Baker gave a Power Point Presentation and spoke about the season opening of Trail Ridge Road, he gave an update of the restoration of trails and roads that were impacted by the flood of 2013, there will be an increase in fees effective October 1, 2015, there will be delays on Trail Ridge due to a 14 mile stretch of chip seal, the hazard tree management is ongoing, he spoke about the restoration of the Grand Ditch, and he announced that 2014 was a record year for visitation. In conclusion, he spoke about the events and exhibits pertaining to the Parks Centennial and announced that there was legislation passed for Colorado to offer license plates honoring the Parks Centennial.

Mark McCutcheon then gave a report on the snowmobile trail. He said that they experimented with placing wooden slats on the trail for a distance of approximately 100' and at the cost of about $300. This was an attempt to keep snowmobiles on the trail with the warm winter and lack of snow on the trail. He, however, gave it a grade of a D+ and added that the wooden slats are not going to be the solution. They will continue experimenting.

Larry Gamble, also Chief of Planning, gave an update on the progress of allowing bicycle use on the two miles of the East Shore Trail that extends north from the Shadow Mountain Dam.

Mayor Burke thanked them for their time and for coming to this evening's meeting and proceeded to the next item on the agenda.
Mayor Burke then introduced Grand County Commissioners Merrit Linke and James Newberry. The Commissioners gave a brief update on the current water issues, the landfill near Granby, the County wide Economic Development efforts, the possibility of a Transportation District, County roads, Highway 9 improvements, automated avalanche control on Berthoud Pass, and the audio streaming of the Commissioner Meetings. Commissioner Newberry thanked the Town for their donation to the Grand County Council on Aging and informed the Board what the funds will be used for. In conclusion Newberry said that it’s too bad that people are so focused on the negative of the County instead of all the positive things that are being done.

Having no further comments, Mayor Burke thanked them for their time and for coming to this evening’s meeting and proceeded to the next item on the agenda.

CONSENT AGENDA:

Mayor Burke introduced the Consent Agenda which contained the following: Accounts Payable for May 2015.

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

At 8:21 p.m. Trustee Sabo excused himself and left the room.

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF APPROVAL OF A SPECIAL EVENTS LICOR PERMIT FROM THE GRAND LAKE CHAMBER OF COMMERCE FOR THEIR “68 TH ANNUAL BUFFALO BARBECUE CELEBRATION” - Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske stated that this request was for their “68 th Annual Buffalo Barbeque Celebration” to be held Saturday, July 18, 2015 from 12 – 5 p.m. and Sunday, July 19, 2015 12 – 4 p.m. in Town Square. She said that the application documents were in order and the appropriate state fee was paid. Public notice was posted on the premises and attested to by Grand Lake’s Code Administrator, Tony Rendon, on May 14, 2015. The Grand County Sheriff’s Department reviewed the application and found no adverse information which would affect this permit. She stated that the Board must investigate the application and must deny the permit if its issuance would injure the public welfare by reason of the nature or location of the special event, or failure of the applicant to conduct past special events in compliance with applicable laws and regulations. Kolinske then noted that Hayden Burke, President of the Chamber was present.

Trustee Jenkins moved to approve the Special Events Liquor Permit from the Grand Lake Chamber of Commerce for their “68 th Annual Buffalo Barbeque Celebration” to be held Saturday, July 18, 2015 from 12 – 5 p.m. and Sunday, July 19, 2015 from 12 – 4 p.m. Trustee Lewis seconded the motion and all Trustees voted aye.
LIQUOR LICENSING AUTHORITY: CONSIDERATION OF RENEWAL OF THE HOTEL AND RESTAURANT LIQUOR LICENSE FOR LEGS, INC., d/b/a E.G.'S – 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 provided the Clerk with copies of the records found but the records pertaining to the former manager and not incidents that would affect the license. She concluded by saying that in light of the recent events involving the restaurant, the owner, Judy Lorens, moved to California and was told that she did not need to be present for this renewal.

Mayor Burke noted that Ms. Lorens and her daughter are in Town. Town Clerk Kolinske said that she was not aware of Ms. Lorens’ presence in Town and again stated that Ms. Lorens was told that neither she nor a representative did not need to be present for this renewal.

Trustee Lewis moved to approve the renewal of the Hotel and Restaurant Liquor License for Legs, Inc., d/b/a E.G.’s seconded by Trustee Baird.

During discussion, Trustee Jenkins said that the Board generally does not approve a liquor license application without a representative present. Mayor Burke agreed with Trustee Jenkins and said that it is not a legal requirement but it has always been the Board’s practice to have someone present.

Following discussion, the motion carried when all Trustees voted aye except Trustee Jenkins and Mayor Burke, who both voted nay.

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF RENEWAL OF THE ARTS LIQUOR LICENSE FOR ROCKY MOUNTAIN REPERTORY THEATRE – Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske reported that the fees have been paid and the renewal documents are in order. The water and sales tax accounts are all current. Since the Repertory Theatre is a non-profit organization, they are exempt from having to purchase a Business License. The Grand County Sheriff’s Department found no adverse information that would affect the status of the license. She then concluded by saying that Carol Wolff, was present representing the Theatre.

Trustee Lewis then moved to approve the renewal of the Arts Liquor License for Rocky Mountain Repertory Theatre. Trustee Baird seconded the motion and all Trustees voted aye.

At 8:34 p.m. Trustee Jenkins excused herself and left the room.

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF RENEWAL OF THE TAVERN LIQUOR LICENSE FOR GATEWAY INN, INC., d/b/a GATEWAY INN – 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 water, business license, and sales tax accounts are all current. The Grand County Sheriff’s Department found no adverse information that would affect the status of the license. She concluded by saying that Tom Jenkins, Vice President/Secretary, was present.

Trustee Lewis moved to approve the renewal of the Tavern Liquor License for Gateway Inn, Inc., d/b/a Gateway Inn. Trustee Baird seconded the motion and all Trustees voted aye.

At 8:37 p.m. Trustees Sabo and Jenkins resumed their seats.

OLD BUSINESS:
None.

NEW BUSINESS:

**APPEAL HEARING - CONSIDERATION TO GRANT AN APPEAL TO A DENIED GREENWAY APPLICATION FOR LOT 11, BLOCK 3, TOWN OF GRAND LAKE; MORE COMMONLY REFERRED TO AS 1117 GRAND AVENUE (A.K.A. GRAND LAKE ART GALLERY)** - Mayor Burke asked Town Planner Biller to present this matter to the Board. Biller explained that Town staff denied a greenway application submitted by Jim Cervenka. The applicant has appealed the denial made by staff which requires the Boards review.

Municipal Code 11-4-10 Greenway Obstruction states:

(A)2. It shall be unlawful for any person to place any merchandise or advertising on the Greenways.

(B)2. The following items and items similar in nature may be placed in the Greenways upon receiving written approval...All items listed below shall be wooden, have a wood-like appearance or be painted cast iron:

(b) Tables (four chairs maximum).
1. Shall not exceed the dimensions of nine (9) square feet.

Municipal Code 11-4-10 (C) Obstruction Density states:

2. For every four (4) linear feet, the business will be allotted one square foot of approved obstructions. Regardless of linear frontage, no business will be restricted to less than fifteen square feet.

(a) Surface landscaping, such as grass and pavers are not considered to be obstructions and will therefore not be limited or counted in any way towards the density calculation.
1. Gravel shall not be considered an obstruction, although use of gravel as a landscape feature is discouraged. Less than 50% of surface landscaping may be gravel.

2006 Comprehensive Plan states the following:

- “Three different treatments of the landscape strip are recommended including lawn, raised planters, and landscaped areas that will promote
the businesses they are in front of. The Town strongly encourages owners to provide outdoor art on their property or in the landscape/ gravel strip to enrich the experience of Town visitors and create a stronger sense of place. In addition to enhancing Grand Lake’s landscape strips, it is recommended that additional hanging baskets and other flower boxes be utilized throughout the town.

2013 Downtown Assessment Report recommends the following:

- “Downtown design elements should be used to identify and define the core. Elements such as the boardwalk, enhanced landscaping...and other specialized elements need to be confined to the downtown core.” (pg.17)
- “Review the restrictions currently in place regulating the boardwalk and greenbelt area...determine a set of rules and regulations for these areas that make sense and promote a consistent streetscape theme...Encourage a dialogue between property owners and the town to prepare, upgrade, expand and provide annual maintenance of the boardwalk and greenbelt.” (pg.17)
- “The historic, old western charm of the board walks and covered walkways can be enhanced with interesting seating, such as vibrantly colored rocking chairs, benches and porch swings. The greenbelt area should be considered carefully when it comes to potential cost, climate, and ongoing maintenance. Consider using additional potted plants and hanging baskets from the covered walkway posts to make an attractive landscape.” (pg.17)

The 2015 Grand Avenue Streetscape Masterplan contains the following:

- Public Outreach Meeting #1 – Liked elements include “streetscapes that incorporate greenery, landscaping, seating, color and unique shop signage”. Dislikes include “streetscapes lacking landscaping and greeneries” and “unkempt landscaping and underutilized gravel greenways”.

On 5/27/14, the Board denied an appeal to allow certain greenway obstructions that included an umbrella and business logo planter. The Board did grant the applicant an additional 10.4 sq.ft. of greenway obstruction for a proposed planter resulting in a total of 25.4 sq.ft. of allowable greenway obstructions.

Staff denied the request based on the following factors:

- the total obstructions exceed 15 sq.ft. and does not comply with the Board granted 25.4 sq.ft. of obstruction
- the proposed obstructions are not wood-like appearance or painted cast iron
- the chalk board appears to be a tool which could be used for advertising, which is prohibited.
the proposed items do not entirely coincide with the 2006 Comprehensive Plan, the 2013 Downtown Assessment Recommendations or the 2015 Grand Avenue Streetscape Masterplan

Staff acknowledges the current greenway regulations in place are very restrictive (amount of obstruction and materials allowed) and do not allow for certain materials in the greenway including plastic. Staff believes the applicant could revise their application to include acceptable materials and meet the recommendations of Town planning documents.

The Board should discuss the denied greenway application and the request of the applicant. The Board has several options to consider including:

1. Grant the appeal, thus approving the greenway application as presented; or
2. Grant the appeal with conditions; or
3. Deny the appeal.

Biller noted that Jim Cervenka, applicant, was present.

Mr. Cervenka was recognized by the Chair and gave a presentation of his request. In conclusion, he said that they just want to bring in some color and vibrancy and make the area in front of their building a little bit more inviting.

Trustee Lanzi asked about how hard it would be to get water to the front of his building so that he could put in grass?

Cervenka responded by saying that the Design Committee has a proposal to include water extension that they are going to request the Town include in their 2016 budget.

Trustee Lanzi then said that the boardwalk is rather narrow in their area and the greenway is rather wide. He asked Cervenka if he had considered extending the boardwalk.

Cervenka responded by saying yes and in fact they would like to do something this year but the request at hand does not include planting grass, connecting to the existing underground water line, or extending the boardwalk.

A lengthy discussion then took place regarding the planting of grass, connecting to the existing underground water line, extension of the boardwalk, plastic chairs and plastic flower pots.

Cervenka mentioned that the chairs he is proposing are the same kind of chairs that are currently in front of the Cascades Book Store. (Note: The Book Store is located in the Village Square building owned by Trustee Lanzi).
Jim Peterson, 1590 W. Portal Road, was recognized from the audience and said having been on the Board for 16 years he was probably involved with the adoption of much of the code that is in place today. Considering the number of businesses that are closed, something needs to be done to help and keep those that are open and make the tourists feel good.

Following discussion, Trustee Sabo moved to grant the appeal for the greenway application for certain obstructions located adjacent to Lot 11, Block 3, Town of Grand Lake; more commonly referred to as 1117 Grand Avenue with the following conditions: 1) the chalkboard not be used for advertisement of any kind, 2) this is an experiment for one year only, and limit the allowable obstruction to 25.4 square feet. Trustee Jenkins seconded the motion and the motion carried when all Trustees voted aye except Trustee Lewis and Mayor Burke who voted nay and Trustee Lanzi who abstained because of the Book Store.

NEW BUSINESS:

PUBLIC HEARING – CONSIDERATION TO ADOPT RESOLUTION NO. XX-2015; A RESOLUTION GRANTING A SPECIAL USE PERMIT FOR A MAZE AND FUN CENTER LOCATED AT LOT 1, BLOCK 11, GRAND LAKE ESTATES 2ND FILING TO THE TOWN OF GRAND LAKE – Mayor Burke opened the Public Hearing and asked Town Planner Biller to present this matter to the Board. Biller explained that the Town has received a special use application for a seasonal maze and fun center. The request is for a temporary facility on a vacant commercial parcel. Gregg Spicer is the applicant and the property is owned by Jay Young. The Planning Commission has forwarded a favorable recommendation by Resolution 07-2015 which requires Board of Trustees review.

Municipal Code 12-2-31(A) General SUP states:

2. A [SUP] permit [is required] for the temporary use (six months or less) of private property.
   (b) For Commercial/Mixed Use, the permit shall be utilized for the approval of proposed accessory uses, not incidental to the primary use of the property, or when there are two or more business present, with at least one business that is proposed to be located in a non-fixed structure, or a temporary facility.....
   (d) 1. Applications must be made at least ninety (90) days prior to the date(s) of the proposed use.
   (f) Any significant changes to the application must be made at least thirty (30) days prior to the proposed use unless caused by an emergency, as determined by Town staff.

3. At a Public Hearing, after receiving comment and testimony, the Commission shall make recommendation to the Board of Trustees in the form of a resolution. Nothing in this section shall preclude the Commission from tabling or continuing the Public Hearing to another time and place. If the Resolution is to approve the request, it shall contain the following findings:
(i) That the proposed location of the use is in accord with the purposes of this Chapter and the purposes of the district in which the SUP site is located.

(ii) That the proposed location of the Special Use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, nor will the proposed use be materially injurious to nearby land uses, properties, or improvements.

(iii) That the proposed use will comply with all of the applicable provisions of the Code of Ordinances.

(iv) That the applicant shall comply with such terms and conditions as the Commission determines are necessary to carry out the letter and intent of the Special Use Permit process.

(v) That the SUP shall be valid for a specific duration of time, citing specific dates.

1. In the case of reoccurring applications, the Planning Commission may make recommendation to the Town Board of Trustees for the Board’s approval of an annually-reoccurring Special Use Permit not to exceed three years.

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

1. Amusement Services: 1 space/1,000 S.F. of Total Outdoor Floor Area

2. (a) The total number of required parking spaces shall be calculated based on the table from part 1. An fraction shall be rounded up to the next whole number.....

2. After allowing for the on-street parking credit...structures shall be required to satisfy seventy-five (75%) percent of the resulting number of required parking spaces off street, unless a variance is obtained by the Town.

3. On-Street Parking Credits in Determining Required Parking Spaces

   (b) The amount of parking spaces required as determined elsewhere in this section shall be reduced by the number of available on-street parking spaces on a one-to-one basis.

Staff contacted all surrounding property owners and published the location of this Public Hearing in the Middle Park Times by ad #11183034A and received no comments regarding the SUP.

Staff has reviewed the application and in general the applicant has proposed the following temporary and portable facilities:

- A 3,600 sq.ft. maze
- Mechanical Bull
- Mineral Panning
- Shooting Gallery
- Ropes course
- Office/restrooms/walkways
- Use of on-street parking
Staff is in support of a new business and supports efforts to increase activities for our summer visitors.

The following provisions are required per the Municipal Code:

<table>
<thead>
<tr>
<th>Proposed Use</th>
<th>Code Category</th>
<th>Lot Area</th>
<th>Proposed Outdoor Floor Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maze/Fun Center</td>
<td>1 space / 1,000 sq.ft Outdoor floor area</td>
<td>8,888 sq.ft</td>
<td>7,425 sq.ft</td>
</tr>
</tbody>
</table>

Staff along with Public Works has the following comments:
- The Lake Avenue right of way adjacent to this parcel does not contain on street parking spaces meeting the minimum requirements of Municipal Code Chapter 11 for dimensions or surfacing.
- The Lake Avenue right of way adjacent to this parcel does not contain adequate drainage elements.
- No utilities are currently located on this parcel.
- Pedestrian facilities are not provided meeting the minimum requirements of Municipal Code Chapter 11.

The applicant has failed to provide the Town with a revised site plan showing access and parking areas utilizing the adjacent Lot A.

Staff recommends the Board continue the Public Hearing until the applicant can revise the application accordingly.

The Board should conduct the Public Hearing as follows:
1. Allow staff to present the matter.
2. Allow the applicant to address the Commission.
3. Open the Public Hearing for comment.
5. Allow for Commission discussion.
6. Take action as appropriate.

The Board has the following options:
1. Adopt the resolution as presented, thus grant the SUP.
2. Adopt the resolution with revised conditions.
3. Continue the Public Hearing.
4. Not adopt the resolution, thus not granting the SUP.

Biller noted that Greg Gallavan was present representing the applicant.

Mr. Gallavan, 696 County Road 509, was recognized by the Chair. He said that they had a maze here in Grand Lake about 12 or 13 years ago down by Pancho & Lefty’s. He complimented Town Planner Biller and the Planning Commission.
for their support. He said that they should have begun the process a month or so sooner but have dropped behind and can't make it happen by the 4th of July but plan to get it on line for next summer. He apologized to the Board for taking up their time and requested to withdraw the application.

Mayor Burke then opened the meeting for public comment. Having none, she closed the Public Hearing and proceeded to the next agenda item.

NEW BUSINESS:

PUBLIC HEARING – CONSIDERATION TO ADOPT ORDINANCE NO. XX-2015; AN ORDINANCE AMENDING CHAPTER 6: ARTICLE 2: SIGN CODE - Mayor Burke opened the Public Hearing and asked Town Planner Biller to present this matter to the Board. Biller explained that staff has prepared a color comparison chart for the Municipal Code 6-2-3(O) visually defining “wood tone background” as suggested by the Planning Commission and the Board of Trustees. The Planning Commission has forwarded a favorable recommendation by Resolution 4-2015.

At the Board 2014 Fall Retreat, the Board directed staff to review the existing sign code for review by the Board 1st quarter 2015.

On October 15, 2014, the Planning Commission discussed the current Municipal Code and suggested the implementation of a color palette similar to the Municipal Code Design Review Standard exterior paint color comparison chart.

On March 4, 2015, the Design Committee reviewed the proposed sign code color comparison chart and had no objections. Specifically citing the intent of the color comparison chart would be used strictly for sign background colors and not applied to sign letters. Staff agreed the color of the letters or print of the sign would comply with the existing Municipal Code requirements.

To ensure the ramifications of amending the current code, staff (Tony) conducted a detailed inventory of the existing business signs in town. The results are quantified below:

<table>
<thead>
<tr>
<th>Description</th>
<th>Quantity</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fixed Businesses</td>
<td>93</td>
<td>2.2 signs / business</td>
</tr>
<tr>
<td>Total Signs</td>
<td>203</td>
<td>100%</td>
</tr>
<tr>
<td>Approved</td>
<td>119</td>
<td>59%</td>
</tr>
<tr>
<td>No application</td>
<td>84</td>
<td>41%</td>
</tr>
<tr>
<td>Not Compliant w/Proposed Color Comparison Chart</td>
<td>17</td>
<td>9%</td>
</tr>
<tr>
<td>Town Approved</td>
<td>7</td>
<td>3%</td>
</tr>
<tr>
<td>Not Approved</td>
<td>10</td>
<td>6%</td>
</tr>
</tbody>
</table>

Municipal Code 6-2-3 Definitions states:
(O) All Signs shall have a wood like appearance with a natural flat wood tone background.

Municipal Code 6-2-10 Non-Conforming Signs states:

(A) Any sign which does not conform to the provisions of this Article on the effective date of this Article shall be deemed a non-conforming sign.

(B) Any non-conforming sign shall be brought into compliance with this Article within three (3) years of the effective date of this Article.

1. Nothing in this section shall relieve the owner of a non-conforming sign from the provisions of this Article regarding safety, maintenance, and repair.

2. The owner of a non-conforming sign may appeal the determination of non-conformity to the Board of Trustees, whose decision is final.

Staff caused publication of this Public Hearing in the Middle Park Times by ad #10957937A.

Staff believes the color palette provided is an accurate representation of the existing Municipal Code 6-2-3(O). However, during review of signs approved by the Board and Town staff other background colors have been approved such as blue, white and black.

Staff believes these colors may have merit to be included in the color comparison chart.

Staff recommends the Municipal Code is amended to include a color comparison chart.

The Board should conduct the Public Hearing as follows:

1. Open the Public Hearing
2. Allow staff to present the matter
3. Take all public comment
4. Close the Public Hearing
5. Allow for Board discussion
6. Take action as appropriate

The Board should discuss amending the Sign Code by including a color comparison chart.

The Board has many options including:

1. Adopt the ordinance, thus amending the Municipal Code to include the color comparison chart; or
2. Adopt the ordinance with revisions, such as including or excluding certain colors; or
3. Not adopt the ordinance, thus amending the Municipal Code.

Mayor Burke then opened the meeting for public comment.
Andrea Cox, 519 County Road 4632, was recognized from the audience. She asked if the code mentions color requirements for franchises as she is required to have a red, white and blue sign.

Biller explained that the code does not address franchise signs therefore her sign would be considered non-conforming and would require compliance in three years. How the Town has handled the sign code in the past is to have non-conforming signs come before the Board for approval. He gave the example of the CONOCO sign located on Highway 34. The owner came before the Board and the sign was approved.

Greg Gallavan, 696 County Road 509, was then recognized from the audience. He said, “Seems like communism or something. You can’t use this color or you can’t use that color. In the business world now, just look at the graphics that are out there. You can’t really say that you can only use a certain color and have a vibrant looking community. People want signs that stick out and get more business.”

Having no other comments, Mayor Burke closed the Public Hearing and turned the matter over to the Board.

Following brief discussion, Trustee Jenkins moved to adopt Ordinance No. 8-2015; an Ordinance amending the Municipal Code Chapter 6: Article 2: Sign Code, as presented. Trustee Lanzi seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION TO ADOPT A SPECIAL USE PERMIT AND A SPECIAL EVENT PERMIT FOR A 2015, VINTAGE TIME TRAVELERS MODEL T CLUB AND COMMUNITY EVENT – Mayor Burke asked Town Code Administrator Rendon to present this matter to the Board. Rendon explained that the Grand Lake Area Historical Society (“the Applicant”) has submitted a Special Event Permit Application for consideration of a 2015, Vintage Time Travelers Model T Club and Community Event (“the Event”).

- On 5/6/2015, Town staff received a Special Event Permit (SEP) Application from the Applicant for a 2015, Campout of Vintage Time Travelers Model T Club and Community Event. The Event is proposed to be held on August 24th, 2015, at Block 9, Lots 15-16, in the Town of Grand Lake (“the Property”).
- As part of the Event, the Applicant is proposing to include camping and temporary uses for a Commercial/Mixed Use, therefore, a Special Use Permit was required per Municipal Code 12-2-31(A) Special Use Permits.
- On 5/6/2015, Town staff received a Special Use Permit (SUP) Application from the Applicant. The SUP was reviewed by Town staff and in accordance with Municipal Code 12-2-31(A) was presented to the Planning Commission on 6/3/2015. The Planning Commission
reviewed the SUP Application and forwarded a favorable recommendation to the Board of Trustees with the following conditions of approval:

1. The Special Use Permit is valid for August 24th, 2015 and August 25th, 2015; and,
2. The proposed Uses are restricted by the site plan; and,
3. The Applicant completes all requirements to close the open Building Permit (B14-326GL) issued to the property; and,
4. The Applicant will be contacting the property owners, to address any concerns with the Event, in the two (2) blocks that surround the property by July 1st, 2015; and,
5. Any changes to the Special Use Permit shall be reviewed and approved by the Town Manager and the Mayor; and,
6. The Applicant requested a variance to the requirement of review at a Public Hearing.
7. The Applicant complies with all other federal, state, and local regulations.

Because this is a first time event, action by the Board of Trustees is required. According to the Town of Grand Lake Municipal Code, Chapter 11, Article 6, Section 3(C) Special Event Permit Application Review and Approval:

11-6-3(C)2(b) - Approval by Board of Trustees

If approval is not obtained by 11-6-3(C)2(a) Approval by the Mayor, the Board of Trustees shall review the SEP application.

11-6-3(C)1 - Review Considerations

The following factors shall be considered prior to approval of a SEP:
(a) The predominant use of the primary facility being used; and
(b) The proposed event and the event hours; and
(c) Neighborhood compatibility; and
(d) Effect of the proposed event on the community; and
(e) The Town’s anticipated cost in staff time and equipment use; and
(f) The benefit to non-profit from the event; and
(g) The benefit to local businesses from the event; and
(h) Duplication of services or sale items; and
(i) Nature of the past event issues or similar past event issues.

The Board shall review and may approve the application based on 11-6-3(C)1 - Review Considerations. The Board, at its discretion, may require one or more of the following:
1. Require review of the SEP at a Public Hearing; and/or
2. Permit all or only a portion of the SEP application; and/or
3. Impose permit conditions on the event.
Staff has included the Special Use Permit, with the conditions as outlined in the Planning Commissions Resolution 12-2015, as part of the overall Special Event Permit. Staff is aware that a Liquor License Application has been submitted for this Event and will be presented to the Board of Trustees for approval at a future Board Meeting. Staff believes that this event is not in conflict with the consideration factors listed above and should be a successful event for the Town of Grand Lake and the Grand Lake Area Historical Society. Staff believes this event should not require a Public Hearing.

Town staff recommends approval and execution of the Special Event Permit as presented.

First, the Board should determine if a Public Hearing is appropriate for the Special Event and Special Use Permits. If the Board determines a Public Hearing is appropriate, the Board should not review the Special Event and Special Use Permits and table the meeting until July 13, 2015.

If the Board determines a Public Hearing is not necessary, the Board should discuss the applications, taking into consideration the factors listed above, the Planning Commissions favorable recommendation, as outlined in Resolution 12-2015, as well as input from the Grand Lake Area Historical Society.

The Board should approve, deny or table the Special Event Permit application.

Rendon noted that Jim Cervenka, President of the Grand Lake Area Historical Society, was present.

Cervenka stated that the Historical Society was approached by Rocky Mountain National Park about 2 ½ years ago and was asked if they would be willing to host this event as part of the Park's Centennial celebration. They said yes to hosting it considering 100 year old automobiles, a 100 year old National Park and a 100 year old cottage court (the only one remaining in the United States). He said they have worked through the details of what the Vintage Time Travelers would like. There will be three to six parties driving their Model T's as part of this event. They will start in Buena Vista, spend their first night in Grand Lake, then go over Trail Ridge to Estes Park for their second night, then on around the western United States. He said that one of the things the Time Travelers requested is that they be allowed to camp next to their Model T's.

During discussion, Mayor Burke said that although she is in favor of the event she would like this request to be heard during a Public Hearing since the property is located in a residential area.

Cervenka noted that the event is for one night only and requested that the expense to conduct a Public Hearing be absorbed by the Town and not them as a non-profit.
Andrea Cox, 519 County Road 4632, was recognized from the audience and said that she is an adjacent property owner and is totally in favor of the request and that the Town can save the cost of mailing her a certified letter.

Following discussion, Trustee Lewis moved to set a Public Hearing for July 13, 2015 and the Town absorb the cost to conduct it. Trustee Lanzi seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION TO ADOPT RESOLUTION NO. XX-2015: A RESOLUTION GRANTING A NIGHTLY RENTAL LICENSE IN A RESIDENTIAL NEIGHBORHOOD LOCATED AT SHADOW MOUNTAIN YACHT CLUB CRAIG UNIT: 13; MORE COMMONLY REFERRED TO AS 605 LAKE FRONT ROAD #C13 -- Mayor Burke asked Town Code Administrator Rendon to present this matter to the Board. Rendon explained that on 5/4/2015, the Town of Grand Lake ("the Town") received a Nightly Rental License Application from Don and Nan Etta Graber (the Property Owners"). During the application process, the Town received five (5) written letters of objections and 3 written letters of concerns which requires the Board’s review.

- On 4/27/2015, it was brought to the attention of Town staff that the Property Owners located at 605 Lake Front Road, Unit #C13, Shadow Mountain Yacht Club, were listing a Nightly Rental Unit on Vacation Rentals By Owner (VRBO) without an approved Nightly Rental License. Per Town Municipal Code 12-2-31(B)4; Nightly Rental Conditional Use Permit Penalties, the Property Owners were notified to cease and desist advertisements and given ten (10) days to come in compliance or an Administrative Enforcement Citation may be issued.
- On 5/4/2015, Town staff received a Nightly Rental License Application and all required documents from the Property Owners in an effort to comply with Municipal Code 12-2-31(B)4; Nightly Rental Conditional Use Permits.
- On 5/5/2015, the Town staff sent out certified letters to properties within 100 feet of the Property Owners requesting any written objections to the proposed use. Town Staff requested that any objections be received on or before 5/25/2015 at 4:30 p.m.
- By 5/25/2015, Town staff received five (5) written letters of objections and three (3) written letters of comments addressing the proposed Nightly Rental Use. The objection letters were received from; Darrick Christopher, Thomas Burke, Scott and Linda Trauth, Mike and Penny Brown and Phylis Sitzman. The Property Owners state the following reasons for objections to the license:
  - Proper care of property
  - Increased traffic
  - Increased maintenance costs
  - Increased noise
• Litter concerns
• Decline in property value

• On 5/26/2015, the Property Owners were sent copies of the written letters of objections and the written letters of concerns.

Municipal Code 12-2-31(B)4 Nightly Rental Conditional Use Permits states:
(a)(1) 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 Owners and, on 6/3/2015, the Planning Commission forwarded a favorable recommendation by Resolution 13-2015, 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 Owners 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 letters of objections received, the written letters of comments 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.
Rendon then noted that Dorothy Johnston was present representing the applicant.

Following brief discussion, Trustee Jenkins moved to adopt Resolution No. 11-2015; a Resolution Granting a Nightly Rental License in a Residential Neighborhood Located at Shadow Mountain Yacht Club; More Commonly Referred to as 605 Lake Front Road, Unit C13. Trustee Sabo seconded the motion and all Trustees voted aye except Trustee Baird, who voted nay.

NEW BUSINESS:

CONSIDERATION OF A REQUEST TO PROVIDE A CERTIFICATE OF SIGNIFICANT COMMUNITY SUPPORT FOR THE MIDDLE PARK MEDICAL CENTER FROM THE TOWN OF GRAND LAKE AND AUTHORIZE THE MAYOR TO SIGN IT – Mayor Burke asked Town Manager White to present this matter to the Board. White explained that on May 29, 2015, the Town received a letter from David Ross, CEO of the Middle Park Medical Center. It contained a request for a letter of support from the Town of Grand Lake. It represents collaboration with USDA to restructure the Medical Center’s existing bonds to reduce its interest rate, resulting in significant annual financial savings. The request from the Town of Grand Lake is to sign a “Certification of Significant Community Support”. It helps the Medical Center in its efforts to show community support in response to Section 3811 of the CONACT (7 U.S.C.2009h) required for community facility guaranteed loans, direct loans, and grants. Staff concludes that this letter of support represents no financial obligation to the Town of Grand Lake, nor other binding obligation. Concurrently, it aids the medical facility. Staff urges the Town Board to consider this information as it makes its choice to provide a letter of support.

Trustee Jenkins moved to provide a Certificate of Significant Community Support for the Middle Park Medical Center from the Town of Grand Lake and authorize the Mayor to sign it. Trustee Baird seconded the motion and all Trustees voted aye.

Mayor Burke announced that CONSIDERATION TO ALLOW THE GRAND ARTS COUNCIL TO HANG A BANNER ON THE TOWN’S SIGN AT THE ENTRANCE TO TOWN was added to the agenda and asked Town Code Administrator Rendon to present the matter to the Board. Rendon explained that Town staff received an application from the Grand Arts Council to put up a banner for their Art and Architecture Home Tour to be held on June 20th. He said that Town Clerk Kolinske received the application in her email on June 4, 2015 but was on vacation until today, therefore, he received it this morning and it was obviously too late to officially place it on the agenda.

Mayor Burke stated that this has been a good event in the past and that the applicant, Andrea Cox, puts a lot of work into it.
Trustee Lewis moved to approve the banner request from the Grand Arts Council for the Art and Architecture Home Tour. Trustee Baird seconded the motion and all Trustees voted aye.

MAYOR'S REPORT AND COMMENT:

Mayor Burke said that it is important that we appreciate all of the hard work that Tony and Joe have put into all of the information that they have given us on these particular items.

The Board then had a conversation about businesses extending the boardwalks into the greenway in front of their buildings and about various projects and funding.

ADJOURNMENT:

Trustee Lewis moved to adjourn, seconded by Trustee Baird. All Trustees voted aye, and the meeting was adjourned at 10:13 p.m., June 8, 2015.

JUDY M. BURKE, MAYOR

ATTEST: RONDA KOLINSKE, CMC, TOWN CLERK