REGULAR MEETING
TOWN OF GRAND LAKE BOARD OF TRUSTEES
MONDAY, SEPTEMBER 8, 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 7:32 p.m. at the Town Hall, 1026 Park Avenue.

ROLL CALL PRESENT: Mayor Burke; Trustees Baird, Gasner, Jenkins, Lanzi, Lewis, and Sabo; Town Manager Hook, Town Clerk Kolinske, Town Planner Biller and Town Code Administrator Tony 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 Grand Lake Plumbing will host the 1st Annual Grand County Chamber Chili Cook Off at 12208 Hwy. 34, Wednesday, September 10th from 5 – 8 p.m. Help decide who gets the $500 prize. RSVP to 627-3441.

Mayor Burke announced that a Night in Morocco, sponsored by the Grand Arts Council, will be held Saturday, September 13th in the Grand Lake Community House beginning at 7:15 p.m. with cocktails and food. Tickets are available on-line at grandartscouncil.com and at the Grand Lake Art Gallery.

Mayor Burke announced that Grand Lake’s 3rd Annual constitution Week will be held September 15th – 20th. This year’s celebration will include speakers, trivia, a parade, bingo, a 5K run, and fireworks over Grand Lake.

Mayor Burke then said that it is with a great deal of sadness to note the passing of Toby Lund on September 4th. Toby is the son of Kenneth and Marti Lund. The Town extends its condolences to his family and friends.

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.

Mayor Burke announced that she had a conflict with the third item under New Business which was, “Consideration of the abandonment of a water tap, a credit toward the possible future repurchase of a tap and discharge of unpaid minimum water charges for Lot 11, Block 30, Town of Grand
Lake” since she has been friends with Bert and Susan Rewold for many
years.

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 Debbie Harris, Committee Chairperson of the
Middle Park High School Post Prom Committee. Harris explained that
Post Prom began in 1992 following a fatal accident that involved High
School students in 1991 the morning after prom. She further explained
that the Committee provides a drug and alcohol free place for students to
go after the prom. The entertainment and the prizes that are provided are
costly. Harris said that the Committee has submitted a $500.00 donation
request for 2015 and concluded by asking for the Town’s support.

CONSENT AGENDA:
Mayor Burke introduced the Consent Agenda which contained the
following: Minutes from the June 9, 2014 Meeting and Accounts
Payable for August 2014.

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

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF RENEWAL OF THE BEER AND
WINE LIQUOR LICENSE FOR PIZZA DEL LAGO, INC., D/B/A
GRAND PIZZA – Since there was not a representative present, Trustee
Gasner moved to table consideration of the renewal of the Beer and
Wine Liquor License for Pizza Del Lago, Inc., d/b/a Grand Pizza until
the next regularly scheduled meeting to be held September 22, 2014.
Trustee Jenkins seconded the motion and all Trustees voted aye.

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF APPROVAL OF A SPECIAL
EVENTS LIQUOR PERMIT APPLICATION FROM THE GRAND
LAKE AREA CHAMBER OF COMMERCE FOR THEIR FALL
DINNER AND ELECTIONS – Mayor Burke asked Town Clerk
Kolinske to present this matter to the Board. Kolinske explained that an
application for a Special Events Liquor Permit has been received with the
appropriate state fee, proof of possession, certificate of good corporate
standing, and floor diagram, from the Grand Lake Area Chamber of Commerce. The request is to sell malt, vinous and spirituous liquor by the drink for consumption on the premises only for their Fall Dinner and Elections. The requested date is Thursday, September 25, 2014 from 4 - 9 p.m. The proposed location is the Western Riviera Events Center. Public notice was posted on the premises on August 28, 2014 and attested to by Grand Lake’s Code Administrator, Tony Rendon. The Grand County Sheriff’s Department reviewed the application and found no adverse information which would affect this permit. 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 noted that Samantha Miller, Executive Director, was present.

Trustee Lewis moved to approve the Special Events Liquor Permit Application from the Grand Lake Area Chamber of Commerce for their Fall Dinner and Elections to be held Thursday, September 25, 2014 from 4 - 9 p.m. Trustee Lanzi seconded the motion and all Trustees voted aye.

OLD BUSINESS:

None.

NEW BUSINESS:

QUASI JUDICIAL - APPEAL HEARING - CONSIDERATION OF AN APPEAL HEARING TO A DENIED SIGN PERMIT APPLICATION FOR A BUSINESS SIGN TO BE PLACED AT LOT 15, BLOCK 21, TOWN OF GRANDLAKE; MORE COMMONLY REFERRED TO AS 625 GRAND AVENUE – Mayor Burko asked Town Code Administrator Tony Rendon to present this matter to the Board. Rendon stated the Town has received a sign application for a sign to be placed at the location of the building occupied by Delish Bodyworks at 625 Grand Avenue, for the use of advertising their place of business. Staff denied the request based on the Municipal Code. The applicant is Steve Kudron and he has requested an appeal, which requires Board review.

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

Staff recommends the Board deny the appeal based on the following:
Upon review of the sign application, the sign does not appear wood-like, it appears to be metal-like.

The Board should discuss the applicant’s appeal to staff’s decision regarding the sign application. The Board has the following options:
1. Grant the appeal request, thus approving the sign application as presented; or
2. Grant the appeal request with recommended modification; or
3. Deny the appeal request.

Rendon noted that Steve Kudron and Jennifer Brown, owners of Delish Bodyworks were present.

During discussion, Kudron mentioned that in the initial application he did not include lighting but would like to add either top up lighting or shoulder top down lighting to the sign application so that the sign would be lit during the evening as people come into Town to let them know that Grand Lake is awake during the winter.

Following discussion, Trustee Jenkins moved to grant the appeal request approving the sign application for Block 21, Lot 15, Town of Grand Lake; more commonly referred to as 625 Grand Avenue, as presented; and direct staff to draft a resolution outlining this motion; and authorize the Mayor to sign it; and to add lighting to meet Town Code. Trustee Gasner seconded the motion and all Trustees voted aye.

NEW BUSINESS:

QUASI JUDICIAL - PUBLIC HEARING - CONSIDERATION TO ADOPT RESOLUTION NO. 24-2014; A RESOLUTION GRANTING A SPECIAL USE PERMIT TO ALLOW POULTRY LOCATED AT LOT 2, BLOCK 1, LAKE KOVE SUBDIVISION, TOWN OF GRAND LAKE; MORE COMMONLY REFERRED TO AS 393 LAKE KOVE DRIVE – Mayor Burke opened the Public Hearing and asked Town Planner Joe Biller to present this matter to the Board. Biller stated that the Town received a variance request to zoning regulations to allow chickens on a parcel zoned single family residential. The applicant is Andy Thomasson. Special Use Permits and variances shall be reviewed by the Board of Trustees at a Public Hearing. The Planning Commission has forwarded a favorable recommendation by Resolution 17-2014. The Town received a written complaint regarding a setback violation for an accessory building located in the side yard setback. During review of the complaint, the Town became aware of the accessory building being utilized as a chicken coop. Town staff issued a Code Enforcement Warning Citation requiring removal of the chicken coop from the side yard setback; the applicant has removed the chicken coop from the setback.

Municipal Code 8-1-1 [Regulation of Animals] Definitions states:
(A) Domestic Animal Shall include all species of animals commonly and universally accepted as being domesticated.

(G) Livestock: Cattle, sheep, horses, rabbits, poultry, or any other similar animals.

(I) Pet Animal: Shall include dogs, cats, rabbits, rodents, birds, reptiles, and any other species of animal which is sold or retained as a household pet but shall not include skunks,
nonhuman primates in excess of eight (8) pounds in the Town of Grand Lake and any other species of wild, exotic or carnivorous animal that may be further restricted in this law.

Municipal Code 8-1-9 [Regulation of Animals] Animals Prohibited states:
(B) It is hereby prohibited and it shall be unlawful for any person to import, offer for sale, keep, maintain, harbor or permit in Town any monkey or other nonhuman primate weighing over eight (8) pounds, skunk, raccoon, jaguar, leopard, lynx, tiger, lion, ocelot, bobcat, cheetah, mountain lion, wildcat, panther, bear, wolf, coyote, fox, other carnivorous animal or poisonous reptile.

(A) Uses Permitted by Right
1. Single Family and Accessory Dwelling Units (ADUs).
2. Home occupations
3. Domestic animals, provided such animals are household pets and that kennels are not maintained.
4. Fences, hedges, and walls, provided such uses are located where they will not obstruct motorists' vision at street intersections.
5. Accessory buildings and uses customarily incident to the uses permitted in this district.
6. Nightly Rentals in the Single Family Residence only. Nightly Rentals will not be permitted in Accessory Dwelling Units (ADUs).
7. Historic structures.
(B) Conditional Uses
1. Public Utilities.
2. Fire stations, police stations and telephone exchanges.
3. Water reservoirs, water storage tanks, water pumping stations, sewer lift stations and wireless towers.
4. The Commission may in addition prescribe any additional conditions regarding intensity or limitation of use, appearance, hours of operation, setbacks or required open space, or other such conditions which may be deemed necessary by the Planning Commission.
5. Nightly Rentals will be treated as a conditional use when an objection has been raised as to the use by right.
6. Bed and Breakfasts

Municipal Code 12-2-31 [Land Use & Zoning Regulations] Special and Conditional Use Permits (SUP) states:
(A) General SUP
A permit for the temporary use (six months or less) of private property.
1. For Residential and Resort-Zoned parcels and neighborhoods, the permit shall be utilized for the approval of proposed uses not listed as a Use-by-Right or a Conditional Use.
2. (f) The Planning Commission shall review the SUP application in a Public Hearing to receive testimony and comment of interested citizens, businesses, and adjoining property owners prior to making a recommendation to the Town Board of Trustees.

(B)7. Appeals – Unless otherwise indicated in this Chapter or Municipal Code Chapter 9: Building Regulations, any person adversely affected by any interpretation, requirement, application or enforcement of these Regulations may file an application for a variance, to be considered by the Planning Commission. Such application for a variance shall be filed with Town staff on a furnished form specifying the grounds of appeal and after paying the appropriate fee.

To summarize the Municipal Code, a Special Use Permit is required for uses not listed as uses by right or conditional uses in 12-2-12. To issue a year round Special Use Permit a variance is required. This Public Hearing will serve both requirements of the Municipal Code. Staff has contacted all property owners within 200’ of the property and caused legal publication by ad #10447782A in the Middle Park Times for this Public Hearing. The Town received four (4) written comments regarding the use of chickens on the property. The comments received did not specifically object to the request and generally supported chickens on the premise with the following items of concern:
- Number of Chickens
- Noise (roosters)
- Compliance with setback regulations

The property is located within a homeowners association (HOA) and, therefore, is subject to HOA covenants. Staff recommends the Board adopt the resolution as presented, which contains all conditions recommended by the Planning Commission and are as follows:
1. The Use is limited to “non-crowing” chickens.
2. The Use excludes roosters.
3. The maximum number of chickens on the property is limited to fifteen (15).
4. The SUP is annually reoccurring for three (3) consecutive years.
5. Any changes to this SUP shall be reviewed and approved by the Planning Commission and Board of Trustees.
6. Review of this SUP may be warranted by the Planning Commission and Board of Trustees if two (2) or more written complaints, notices, citations, or combination thereof are received by the Town in any twelve (12) month period.
7. The applicant complies with all other federal, state, and local regulations; and
8. The granting of this Use does not set precedence for any future requests nor obligate the Town to grant similar use requests in the future.

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

The Board has many options including:
1. Grant the Special Use Permit for chickens by adopting the Resolution 24-2014; or
2. Grant the permit with other conditions or revisions; or
3. Not grant Special Use Permit.

Mayor Burke asked if anyone in the audience would like to make comment.

Bert Rewold, 401 Park Avenue, was recognized from the audience and said, "Fifteen chickens, used for your own consumption, is a lot of chickens. They will lay a lot of eggs. That’s all they do. The number should be reduced."

Having no other public comment, Mayor Burke closed the Public Hearing and turned the matter over to the Board of Trustees.

Following discussion, Trustee Jenkins moved to adopt Resolution No. 24-2014; a Resolution Granting a Special Use Permit to allow Poultry located at Lot 2, Block 1, Lake Kove Subdivision, Town of Grand Lake; More Commonly Referred to as 393 Lake Kove Drive, as presented. Trustee Baird seconded the motion and all Trustees voted aye except Trustee Gasner and Mayor Burke who voted nay.

At 8:08 p.m. Mayor Burke turned the Chair over to Mayor Pro-Tem Lewis, excused herself and left the room.
NEW BUSINESS:

CONSIDERATION OF THE ABANDONMENT OF A WATER TAP, A CREDIT TOWARD THE POSSIBLE FUTURE REPURCHASE OF A TAP AND DISCHARGE OF UNPAID MINIMUM WATER CHARGES FOR LOT 11, BLOCK 30, TOWN OF GRAND LAKE — Mayor Pro-Tem Lewis asked Town Manager Hook to present this matter to the Board. Hook stated that Town staff received communications from Bert & Susan Rewold in regards to an existing water tap fee, also known as a plant investment fee, on a lot they recently purchased. Staff gave their decision based upon research and consultation with the Town Attorney. According to the Rewold’s letter dated August 26, 2014, they wish to appeal this decision and the water charges. In August 2013, Bert and Susan Rewold purchased Lot 11, Block 30 of the Town of Grand Lake. The plant investment fee on this vacant lot was paid by the previous owner in September 2006 and minimum water charges began one year later in the 3rd quarter of 2007 per Resolution No. 9-2002. When Mr. Rewold began to receive the water bills for this account, he came in to inquire about the charge for water when there was none being used. Upon being informed of Resolution No. 9-2002 which states “Quarterly minimum usage fees begin for the quarter...for plant investment fees paid after the effective date of the Resolution, one year after the plant investment fee is paid,...”, Mr. Rewold questioned the legality of this practice. Staff further researched the Town’s Municipal Code and history of this account, and consulted with the Town Attorney’s office. In the Rewold’s letter dated July 30, 2014, they wished to abandon their tap, but maintained they would retain a $6,500 credit for any tap on this property they may wish to purchase in the future. In an August 1, 2014 letter to the Rewolds, the Town Treasurer informed the Rewolds of her research and consultation, and stated they could abandon the lot’s tap fee and the quarterly fee would cease. There would be no future credit and a request would have to be made of the Board for relief from the water charges which remain unpaid on their account. In response to this letter, the Rewolds requested to be placed on the agenda to “…appeal in person to the board regarding the charges & decision made concerning our water tap…”

The Board has the following options:

1. Accept or reject the abandonment of the Rewold’s tap on Lot 11 Block 30, Town of Grand Lake.
2. Offer or deny a credit for $6,500 tap fee.
3. Continue or stop water charges on account number 1630110 after the 3rd quarter of 2014.
4. Grant or refuse discharge of accumulated water charges on account number 1630110, presently in the amount of $484.91.

Hook noted that Mr. Rewold was present.
Bert Rewold, 401 Park Avenue, was recognized from the audience. During his presentation to the Board, he distributed pictures of his residence and of the adjacent vacant lot in question (see attached Exhibit A).

Following discussion, Trustee Gasner moved to accept the abandonment of the tap on Lot 11, Block 30, Town of Grand Lake, he moved to deny a credit for future use toward the re-purchase of a plant investment fee on Lot 11, Block 30, Town of Grand Lake, he moved to discontinue water charges on account number 1630110 as of October 1, 2014 and he moved to discharge the amount of $484.91, for accumulated water charges and penalties, on account number 1630110. Trustee Sabo seconded the motion and all Trustees voted any except Trustees Jenkins and Lanzi, who voted nay.

At 8:22 p.m. Mayor Burke resumed her seat.

NEW BUSINESS:

CONSIDERATION OF A COLORADO WATER RESOURCES & POWER DEVELOPMENT AUTHORITY GRANT APPLICATION AND GRANT ASSISTANCE AGREEMENT FOR THE GRAND LAKE HYDROPOWER PROJECT – Mayor Burke asked Town Manager Hook to present this matter to the Board. Hook explained that in late August, staff received the site assessment prepared by the Town’s consultant, Telluride Energy, and the clarification that a grant opportunity with a September 1 deadline was available. Preliminary analysis of the project finds it to be technically and economically feasible. Based on the Board’s informal feedback at the August 28 workshop, staff coordinated with Telluride Energy to prepare and submit the grant application to the Colorado Water Resources & Power Development Authority (CWRPDA) prior to the deadline and without the Board’s advance review and authorization. The proposed scope of work includes: finalizing project feasibility analysis, negotiating a net metering and interconnection agreement with Mountain Parks Electric, finalizing permitting, and completing engineering design. The proposed budget for this work is estimated at $30,000 and will be paid for with $15,000 of Grand Lake Water Utility funds and $15,000 of CWRPDA grant funds. Very soon after submitting the application, staff received confirmation that we had been awarded the requested grant. Additionally, we were provided with the grant agreement for the Town’s execution. Based on recent practice, the Board would normally review and authorize submittal of the grant application. Since time did not allow this to happen, staff took the liberty of submitting the grant application without Board review and authorization. We now seek the Board’s ratification of this action. The grant appears to be straightforward. The award is stated as $15,000. Grant eligible work must be complete by September 1, 2015. The Board should discuss the merits of proceeding with the development of the hydropower project via
the ratification of the grant application and via the execution of the grant agreement. Staff recommends that the Board ratify the submittal of the grant application, authorize Town Manager Hook to sign the grant agreement as presented and direct the Town Manager to administer the grant as required by the grant agreement. The Board should ratify or not ratify the submittal of the grant application, authorize or not authorize Town Manager Hook to sign the agreement and authorize or not authorize the Town Manager to administer the grant as required by the grant agreement.

Trustee Lewis moved to ratify staff’s submittal of the Colorado Water Resources & Power Development Authority Hydropower Matching Grant Application for the Grand Lake Hydropower Project as presented, to authorize Town Manager Hook to sign the Colorado Water Resources & Power Development Authority Hydropower Matching Grant Assistance Agreement as presented, and to authorize Town Manager Hook to administer the grant as required by the agreement. Trustee Baird seconded the motion and all Trustees voted aye.

CONSIDERATION TO AUTHORIZE THE MAYOR TO SIGN A LETTER REGARDING THE NATIONAL SCENIC BYWAY GRANT PROGRAM RELATING TO PROPOSED MAP-21 TRANSPORTATION REAUTHORIZATION BILL (S.2322) – Mayor Burke asked Town Planner Biller to present this matter to the Board. Biller stated Town staff has prepared a draft letter to be sent to state representatives requesting their support to amend Section 1120 of the proposed MAP-21 transportation reauthorization bill. Board action is required to authorize the mayor to sign the letter. MAP-21 stands for Moving Ahead of Progress in the 21st Century. It is a bill that allocated multi-year transportation funding in fiscal years 2013 and 2014. The crux of this bill modification is to clarify that Transportation Alternative Funds designated in MAP-21 may be use for byway projects. The request to support this clarification came directly from the Colorado Scenic Byways Commission. Staff recommends the Board authorize the mayor to sign the letter. The Board should discuss the draft letter regarding proposed MAP-21 transportation reauthorization bill. The board has the following options:
1. Authorize the Mayor’s signature of the letter as presented; or
2. Authorize the Mayor’s signature with revisions; or
3. Not authorize signature.

Trustee Lewis moved to authorize the Mayor to sign a letter regarding the National Scenic Byway Grant Program relating to proposed Map-21 transportation reauthorization bill, as presented. Trustee Gasner seconded the motion and all Trustees voted aye.
NEW BUSINESS:

CONSIDERATION TO AWARD A BID FOR REPLACING VINYL FLOORING IN TOWN HALL – Mayor Burke asked Town Manager Hook to present this matter to the Board. Hook stated the Town has received bids to replace the vinyl flooring in Town Hall. The adopted 2014 budget includes a $12,500 line item for replacing the vinyl flooring in Town Hall including both bathrooms, the copy/storage room and the kitchen. Staff has solicited bids for the work from three contractors. The Board should discuss the merits of replacing the vinyl flooring in Town Hall. Staff recommends that the Board award the vinyl floor replacement work to Shadow Mountain Flooring in the amount of $7,885.96 and that the Town Manager be authorized to administer the project, including signing of the agreement. The Board has several options to consider, including:

- Awarding or not awarding the work to Shadow Mountain Flooring
- Authorizing or not authorizing the Town Manager to administer the project

During discussion, Trustee Gasner made the comment that if there are any change orders on this or on any future projects, it should be part of the motion that they should be brought to the Board for approval.

Trustee Lewis moved to award the Town Hall vinyl floor replacement work to Shadow Mountain Flooring in the amount of $7,885.96; and, to authorize the Town Manager to administer the project, including signing of agreements. Trustee Jenkins seconded the motion and all Trustees voted aye except Trustee Gasner, who voted nay.

MAYOR’S REPORT AND COMMENT:

Mayor Burke noted that there was a Fall Retreat held earlier that day and that there was a lot of good discussion. She said that the opening event for Rocky Mountain National Parks Centennial held last Thursday went very well and that there are more events coming up.

ADJOURNMENT:

Trustee Lewis moved to adjourn, seconded by Trustee Gasner. All Trustees voted aye, and the meeting was adjourned at 8:35 p.m., September 8, 2014.

Judy M. Burke, Mayor

Ronda Kolinske, CMC, Town Clerk