

RECORD OF PROCEEDINGS

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REGULAR MEETING  
TOWN OF GRAND LAKE BOARD OF TRUSTEES  
MONDAY, SEPTEMBER 28, 2015 7:30 P.M.

CALL TO ORDER: The regular meeting of the Board of Trustees was called to order by Mayor Judy Burke at 7:30 p.m. at the Town Hall, 1026 Park Avenue.

PLEDGE OF ALLEGIANCE: Mayor Burke led everyone in reciting the Pledge of Allegiance.

ROLL CALL PRESENT: Mayor Burke; Trustees Baird, Jenkins, Lanzi, Lewis, and Sabo; Town Manager White, Town Clerk Nicholls, and Town Code Administrator Rendon.

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

Trustee Lewis moved to not excuse Trustee Gasner from this evening's meeting. Trustee Jenkins seconded the motion, a brief discussion ensued and all Trustees voted aye.

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

Mayor Burke announced that the Town Board afternoon Work Session was cancelled to accommodate attendance at the Disney Way Training by several staff and Town Trustees.

Mayor Burke announced that a Flu Shot Clinic will be held at Town Hall on October 6 from 8 a.m. to 10 a.m.

Mayor Burke then announced Celebrate Fire Prevention Week at the Grand Lake Fire Department Open House on October 7 from 4 p.m. to 7 p.m. There will be a complimentary BBQ, free giveaways, hands-on educational stations, and wildfire mitigation information.

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 Jenkins announced that she had a conflict with the Local Liquor Licensing and the Nightly Rental Licenses issues as her family holds an interest in the licenses for the Gateway Inn.

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Trustee Sabo announced that he had a conflict with the Local Liquor Licensing issue as he holds an interest in the license for Grand Lake Lanes.

Trustee Baird announced she had a conflict with the request for an extension of the change of residency outside city limits as it pertains directly to her.

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.

Mary Lou Lane, 1302 Spruce Drive, was recognized by the chair. She stated that she has been a long time visitor and resident of Grand Lake and holds a lot of affection for the Town. She expressed her frustration with the lack of upkeep and maintenance on the vacant buildings that were formally Boot Hill and Sombrero Stables. She stated that she feels that the buildings reflect poorly on the Town. She said that she has spoken with Code Administrator Tony Rendon about the issue, and she thinks the Town needs to think of a way to address the issue with the business owner's who do not take care of their places. She concluded by saying that she thought the buildings should be cleaned up and taken care of better as it would reflect well upon the whole Town.

Mayor Burke responded by saying the Board and staff has been working towards a solution to require businesses to take care of their properties.

SCHEDULED  
PRESENTATIONS/  
DELEGATIONS:

**CONSIDERATION OF THE APPOINTMENT OF KATIE NICHOLLS TO THE POSITION OF TOWN CLERK FOR THE TOWN OF GRAND LAKE** – Mayor Burke introduced the consideration of Katie Nicholls as Town Clerk for the Town of Grand Lake. Trustee Jenkins welcomed her. Trustee Lewis moved to appoint Katie Nicholls to the position of Town Clerk for the Town of Grand Lake. Trustee Jenkins seconded the motion and all Trustees voted aye. Mayor Burke then administered the oath of office to Nicholls.

Mayor Burke noted that scheduled presenter Nancy Franz of Grand Resource & Recycle Coalition was not present.

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CONSENT AGENDA:

Mayor Burke introduced the Consent Agenda which contained the following: Minutes from the September 14, 2015 Meeting.

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

REPORTS: SALES TAX  
CASH FLOW REPORT  
FOR SEPTEMBER 2015:

Mayor Burke asked Town Clerk Nicholls to present the sales tax cash flow report. Nicholls reported that the amount of revenue received in September 2015 for the month of July is \$55,274. This amount is over 5.33% above what was received through September 2014.

REPORTS: FINANCIAL  
REPORT FOR  
AUGUST 2015:

Mayor Burke asked Town Clerk Nicholls to present the Financial Report for August 2015. Nicholls reported that the General Fund expenditures through the end of August totaled \$927,488.39 or 28.5% of budget. She said the Water Fund expenditures for the same period totaled \$314,524.63 or 39.1% of budget, the Marina Fund expenditures totaled \$194,942.91 or 68.6% of budget and the PAYT Fund expenditures totaled \$18,914.81 or 53.4% of budget.

REPORTS: MANAGER'S  
REPORT:

Mayor Burke asked Manager White to present the Manager's Report. White stated that he is very happy to welcome the new Town Clerk, Katie Nicholls. He stated that she interviewed very well and is very pleased to have her working for the Town of Grand Lake, Colorado, and that she started on September 24.

Manager White stated that the Town has a request from the Town of Fraser for a letter of support in its effort to attain a Regional Planning Studies Grant for county-wide solid waste diversion strategy. White stated that he had drafted a letter for the Mayor to sign upon approval by the Board.

Trustee Lewis moved to have Mayor Burke sign the letter of support for the Town of Fraser in its effort to attain a Regional Planning Studies Grant for county-wide solid waste diversion strategy. Trustee Jenkins seconded the motion and all Trustees voted aye.

Manager White stated that prior to the meeting he received an email that was a preliminary notice of the Colorado Energy Office's intent to award the Town of Grand Lake for the proposed electric vehicle (EV) charging station project per the grant announcement released through the Charge Ahead Colorado Program in July. White concluded by stating that there

is still work to be done but it looks like the Town will be successful in getting electronic car charging stations.

Manager White announced that Disney Way Training at the Grand Lake Center began today at 1pm, continuing on Tuesday for a full day and concluding on Wednesday for a half day. Additionally, there was a Welcoming Reception from 5pm to 7pm sponsored by the Town of Grand Lake, at the Gateway Inn. More than 95 attendees participated in the event today. Today's Town Board afternoon Work Session was cancelled to accommodate attendance by several staff and Town Trustees. White continued to state that Bill Capodagli, author of *The Disney Way*, was appreciative of the attendance, the people that showed up at the reception, and the general welcome he received from the people in the Town.

Mayor Burke responded that Bill Capodagli was also very happy with the transformation of the Grand Lake Center and everyone thought it looked very nice.

Manager White announced the Town of Grand Lake received a letter from the Federal Energy Regulatory Commission in Washington, D.C. constituting a written determination that the Grand Lake Water Treatment Plant Hydro Project meets the qualifying criteria under FPA section 30(a), and it is not required to be licensed under Part I of the FPA. We are now working with Telluride Energy on an RFP for the project and continuing communication with Mountain Parks Electric on the logistics of the interconnect process for this project.

Manager White concluded his report with 2 quote(s): "On this and every turn, we will be making progress and progress is not just moving ahead. Progress is dreaming, working, building a better way of life." by Walt Disney, and "A dream is a wish your heart makes." by Jiminy Cricket.

REPORTS: CODE  
ADMINISTRATOR'S  
STATUS REPORT:

Code Administrator, Tony Rendon stated that he had provided the weekly status report for the weeks of September 14, 2015 thru September 28, 2015, and asked if there were any questions. Trustee Lewis asked about the status of the Pancho and Lefty's boardwalk complaint. Rendon stated he walked the boardwalk and did not see anything significant and is awaiting further clarification from the resident who made the complaint.

At 7:50 p.m. Trustees Jenkins and Sabo excused themselves and left the room.

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF RENEWAL OF THE HOTEL

**AND RESTAURANT LIQUOR LICENSE FOR EL PACIFICO, LLC, D/B/A EL PACIFICO** - Mayor Burke asked Town Clerk Nicholls to present this matter to the Board. Nicholls reported that the fees have been paid; all 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 which would affect the status of the license. She concluded by saying that Jesus Varela, a/k/a Charlie, Owner, and his wife Maria were present.

Trustee Lewis moved to approve the renewal of the Hotel and Restaurant Liquor License for El Pacifico, LLC, d/b/a El Pacifico. Trustee Baird seconded the motion and all Trustees voted aye.

At 7:45 p.m. Trustee Sabo resumed his seat.

NEW BUSINESS:

**CONSIDERATION OF RESOLUTION 24-2015, A RESOLUTION GRANTING A NIGHTLY RENTAL LICENSE IN A RESIDENTIAL NEIGHBORHOOD LOCATED AT SHADOW PARK WEST CONDO'S, UNIT C, BUILDING 10, MORE COMMONLY REFERRED TO AS 154 TALL PINE CIRCLE** - Mayor Burke asked Code Administrator Rendon to present this matter to the Board. Rendon explained On July 2, 2015, the Town of Grand Lake received a Nightly Rental License Application from Donald Sullivan. During the application process, the Town received one (1) written letter of objections which requires the Board of Trustees review.

On July 2, 2015, the Town received a Nightly Rental License Application for Shadow Park West Condo's, Unit C, Building 10; more commonly referred to as 154 Tall Pine Circle, #10-C. On August 7, 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 August 24, 2015, by 4:30 p.m.

By August 24, 2015, Town Staff received one (1) written letter of objections addressing the proposed Nightly Rental License Application. The written letter of objections was received from Adolph and Rosario Del Castillo on August 13, 2015. The written letter of objections states the following reasons for objections to the proposed Nightly Rental Use:

- Firewood/Logs stolen from our property
- Strangers parking in our parking space
- Furniture stolen from our deck
- Loud noise from parties
- Loud barking dogs

On September 1, 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 September 16, 2015, the Planning Commission forwarded a favorable recommendation by Resolution 19-2015, 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.

Code Administrator Rendon stated that a representative of the owner was present at the meeting.

Dan O'Donnell, 122 Hughes, Fraser, Local Operations Manager for Vacasa Management Company was recognized by the chair. O'Donnell stated that he has been living in Fraser for 28 years and recently took on the position as Local Operations Manager. He stated that the company thoroughly screens the people staying in their units. He continued to say that he is here to respond to any issues, complaints or questions that anybody might have with the property.

Following discussion between the Board and Mr. O'Donnell, Trustee Lewis moved to adopt Resolution 24-2015; a resolution granting a Nightly Rental License in a residential neighborhood located at Shadow Park West Condo's, Unit C, Building 10; more commonly referred to as 154 Tall Pine Circle, #10-C, as presented. Trustee Sabo seconded and all Trustees voted aye except Trustee Baird who voted nay.

At 8:03 p.m. Trustee Jenkins resumed her seat

At 8:05 p.m. Trustee Baird excused herself and left the room.

NEW BUSINESS:

**CONSIDERATION TO AUTHORIZE TRUSTEE BAIRD TO CONTINUE TO RESIDE OUTSIDE THE TOWN LIMITS THROUGH NOVEMBER 9, 2015** – Mayor Burke asked Manager White to present this matter to the Board. White stated that Trustee Baird requests Board approval to extend the change of residency granted for her to reside outside Town limits through November 9, 2015.

On August 8, 2014 the Board authorized Trustee Baird to reside outside Town limits for a period not to exceed 13 months. The period authorized expires September 30, 2015. This decision was based upon Town of Grand Lake Municipal Code 2-3-6 Removal of Officer, which reads: "When any officer ceases to reside within the limits of the Town, he may be removed." No other code or statute requires a Trustee to reside within the Town limits after election.

Trustee Baird will be leaving the county mid-November and would like to remain on the Board until such time; her last meeting would be November 9, 2015.

Staff believes that extending the authorization to reside outside of Town limits until the end of Trustee Baird's residency within the county will benefit the Board of Trustees and the Town of Grand Lake.

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The Board vacancy will need to either be filled by appointment, special election, or wait until the April election. Town staff will consult with the Town Attorney about the vacancy.

The Board should discuss the merits of Trustee Baird's request.

Staff recommends the Board authorize an extension to the change in residence granted for Trustee Baird to live outside Town limits through November 9, 2015.

The Board should approve or deny the request of Trustee Baird.

Following discussion Trustee Lewis moved to authorize Trustee Baird to continue to reside outside Town limits through November 9, 2015. Trustee Jenkins seconded the motion and all Trustees voted aye.

At 8:10 p.m. Trustee Baird resumed her seat.

MAYOR'S REPORT  
AND COMMENT:

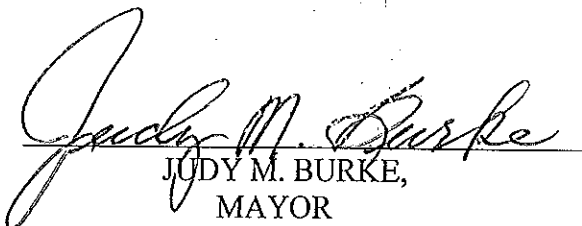
Mayor Burke said that we continue to be extremely busy even during the week and it is a great thing for our community. She said she believes that the businesses really appreciate it and she hopes it continues.

She then said she attended another water quality meeting today. She said that we are getting down to critical time on it, as we have only until November 9, 2015 to submit the report to the Colorado Water Control Commission. The Commission will then have a meeting on that report likely in May with a response due in June. She said that they will be extremely busy having meetings twice a week until the report is completed. She concluded by saying that she thinks that this is the single most important thing that the Trustees will be involved in for the community.

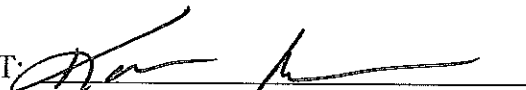
The Trustees thanked Mayor Burke for all her hard work on the water quality project.

ADJOURNMENT:

Trustee Baird moved to adjourn, seconded by Trustee Jenkins. All Trustees voted aye, and the meeting was adjourned at 8:12 p.m., September 28, 2015.

  
JUDY M. BURKE,  
MAYOR

ATTEST:

  
KATIE NICHOLLS,  
TOWN CLERK