

RECORD OF PROCEEDINGS

REGULAR MEETING
TOWN OF GRAND LAKE BOARD OF TRUSTEES
MONDAY, OCTOBER 10, 2016 7:30 P.M.

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

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

ROLL CALL PRESENT: Mayor Peterson; Trustees Goodfellow, Jenkins, Kudron, and Lewis; Town Manager White, Town Clerk Nicholls, Town Planner Biller, Town Treasurer Ackerman, Town Code Administrator ORourke, and Town Attorney Krob.

ABSENT: Mayor Peterson announced that Trustee Gasner and Trustee Sabo were absent from the meeting. Trustee Lewis moved to not excuse Trustee Gasner and Trustee Sabo from the evening's meeting. Trustee Jenkins seconded the motion and all Trustees voted aye except Trustee Goodfellow who voted nay.

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

Mayor Peterson announced that a sign-in sheet is located by the door and to please sign in before leaving.

Mayor Peterson announced that the Disney Way Workshop-General Dream Retreat with Bill Capodagli will be held at the Grand Lake Center on October 17th – 19th. Following the Workshop, on October 24th – 26th there will be a Disney Way Public Sector-Dream Retreat also to be held at the Grand Lake Center.

CONFLICTS OF INTEREST: Mayor Peterson 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.

Trustees Goodfellow, Jenkins and Lewis announced that they had a conflict with nightly rental license issue.

UNSCHEDULED PUBLIC COMMENTS: Mayor Peterson 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. He 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 Peterson introduced Jay Young, 355 N. Inlet Road. Mr. Young stated that he has been a long time retail business owner in Grand Lake and the county. The week before Constitution Week there was an arts and crafts show in Town Park which he noted had a motor home parked sideways taking up three spaces and other vendors were using the greenway. He stated he called the Sheriff's office and they reviewed the permit and they stated there was nothing they could do on their end. He expressed concern with the vendors at the arts and crafts shows taking income from the fixed retail in the Town. He noted that there were 47 merchandise conflicts with the local retailers at the last show. He feels having these events when the Town is already full is not in the Town's best interest. He recommended having one signature event when the Town is not already full to bring in more business and not take it away from existing retailers. He then reviewed his sales and the loss his business has from the arts and crafts shows. He concluded by stating that the Town wants the retailers to stay open in the winter, pay taxes and provides jobs for the people, and feels the Town should consider the impact to the retailers when approving so many arts and crafts shows.

The Board briefly discussed the impact and stated that they will consider all Mr. Jay stated when and if the event comes before the Board next year.

Steven Wallis, Colorado Events, 938 Wagon Wheel Gap Road, Boulder, was recognized by the Chair. Mr. Wallis stated this was their fourth year doing the arts and crafts shows in Grand Lake. He sees the event as a boost to the Town in all segments including the retailers. As a solution to the problem raised local retailers could be offered a free booth at the event. His event received positive feedback and is a boost to the economy with increased visitors as well as vendor's spending money in Town. He acknowledged the violations mentioned by Mr. Young, and stated while he was unclear of the guidelines he would not repeat the actions or anything not permissible. He concluded that he hopes the event can continue and is not averse to making changes if necessary.

Jay Young, was again recognized by the Chair. Mr. Young stated that the offer of a free booth is not feasible due to lack of personnel and difficulty splitting their inventory. He reiterated the issue with the number of the arts and crafts shows. He also expressed concern with the vendors running their business out of their pocket and the Town receiving the sales tax. He concluded with his suggestion of doing one large event in June or a second one as Oktoberfest.

CONSENT AGENDA:

Mayor Peterson introduced the Consent Agenda which contained the following: Minutes from the September 26, 2016 Meeting and Accounts Payable for September 2016.

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

At 8:17 p.m. Trustee Goodfellow excused himself and left the room. Trustee Kudron excused himself and took the podium.

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF A SPECIAL EVENT

LIQUOR PERMIT FOR THE GRAND LAKE ROTARY CLUB FOR THEIR "CITIZEN OF THE YEAR" EVENT – Mayor Peterson asked Town Clerk Nicholls to present this matter to the Board. Nicholls stated an application for a Special Events Liquor Permit was received with the appropriate local fee, proof of possession, certificate of good corporate standing, and floor diagram, from the Grand Lake Rotary Club. The request is to sell malt, vinous and spirituous liquor by the drink for consumption on the premises only for their "Citizen of the Year" Event to be held Thursday, October 20, 2016 from 5:00 p.m. to 10:00 p.m. The Grand Lake Rotary Club qualifies for a Special Events Permit in that it is incorporated with the State of Colorado as a non profit philanthropic group, and has not received more than 15 Special Events Liquor License Permits for 2016 (this is their 3rd request). The proposed location is the Grand Lake Center at 301 Marina Drive. The Grand Lake Center is more than 500 feet from any educational institution; therefore, State Statute does not prohibit liquor from being sold from this location. Public notice was posted on the premises and attested to by Grand Lake's Code Administrator, Erin ORourke on September 28, 2016. 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. She concluded by stating Steve Kudron was present.

Steve Kudron, President, Grand Lake Rotary Club, was recognized by the Chair. Mr. Kudron stated it is the Rotary's honor to present the Citizen of the Award each year. He explained the selection process and announced that Judy Burke was this year's recipient. This year will mark the first year of having the event at the Grand Lake Center. Tickets are \$25 each and include one drink ticket; drinks can be purchased thereafter. He concluded that all servers are TIPS certified and they wish to continue the event.

Trustee Jenkins moved to approve the Special Events Liquor Permit Application from the Grand Lake Rotary Club for their "Citizen of the Year" event to be held Thursday, October 20, 2016 from 5:00 p.m. to 10:00 p.m. Trustee Lewis seconded the motion and all Trustees voted aye.

Trustees Goodfellow and Kudron resumed his seat at 8:22 p.m.

OLD BUSINESS:

PUBLIC HEARING – CONSIDERATION OF A PROPOSED BUDGET FOR THE TOWN OF GRAND LAKE FOR THE YEAR 2017 – Mayor Peterson asked Town Manager White to present this matter to the Board. White stated the proposed 2017 Budget for the Town of Grand Lake is hereby submitted to the Board of Trustees for consideration at the Public Hearing scheduled for October 10, 2016. Legal Notice No. 12380195A, Notice of Budget, announcing the public hearing was published in the Middle Park Times on Thursday, September 22, 2016. The 2017 Budget must be adopted by the Board of Trustees no later than December 15, 2016. The most recent updates have been made to the draft budget. It should be noted that the draft budget being considered at the Public Hearing is subject to further change by the Board up until final adoption. After hearing the public comment portion of the Public Hearing, Staff recommends the Board close the Public Hearing and proceed to the next item on the agenda.

Town Treasurer Ackerman stated a new draft dated October 10, 2016 was distributed to the Board. She then read in the following changes made from the budget included in the packet. Changes Staff made were: updated proposed sales tax, added EV charging station revenue, added Grand Lake Center membership, updated REDI Grant to 2017, Hilly Lawn requested a 5% cost of living increase, updated CIRSA allocations, moved visitor center repairs and maintenance to 2017, updated Sheriff dispatch, added special event security, increased Public Works Operation/Mechanic II salary, moved bridge staining to 2017, increased ads and bids

notices, increased Honeywell contract, removed Community Center floors, added Community Center lighting system, added computer for water department, water pipe replacement and installment per Streetscape Plan, updated Marina revenues, removed life jacket rentals revenue, increased marina wages, upped marina fuel costs, upped direct sales PAYT bags, re-upped dumpster service and sales tax, and added bond agent fees.

Mayor Peterson opened the Public Hearing, there were no public comments. Mayor Peterson closed the Public Hearing.

A brief discussion ensued regarding, EV Charging Station expenses, Hilly Lawn salary increase request, and possibly establishing a wellness program. A budget meeting was tentatively set for Tuesday, October 18th at 2:00 p.m.

NEW BUSINESS:

CONSIDERATION OF ENGAGEMENT LETTER WITH DAZZIO & ASSOCIATES, PC – Mayor Peterson asked Town Manager White to present this matter to the Board. White stated Dazzio & Associates, PC has submitted a letter of engagement outlining the terms and objectives as well as the nature and limitation of services to be provided in connection with the 2016 audit. The fee for the December 31, 2016 audit engagement is set not to exceed \$12,600 (no increase). This pricing is based on the assumption that no unexpected circumstances will be encountered during the audit that would require significant additional time. Out-of-pocket expenses are included in this not to exceed amount.

Trustee Jenkins moved to authorize the Mayor and Town Manager to sign the Engagement Letter with Dazzio & Associates, PC for the December 31, 2016 audit. Trustee Lewis seconded the motion and all Trustees voted aye.

NEW BUSINESS:

QUASI-JUDICIAL – CONSIDERATION TO GRANT A BUILDING PERMIT FOR A BOATHOUSE LOCATED AT LOTS 41 & 42, CAIRNS ADDITION TO GRAND LAKE; MORE COMMONLY REFERRED TO AS 552 CAIRNS AVENUE – Mayor Peterson asked Town Planner Biller to present the matter to the Board. Biller stated the Town has received a building permit application for a new boathouse which requires Board review. The applicants are Andy and Kathy Davis who are represented by Never Summer Construction. The Planning Commission has forwarded a favorable recommendation for approval. The Applicants are also requesting use of the James Cairns Open Space for construction of the boathouse. Ordinance 16-2010 allows for this area to be used for contractor access to Grand Lake with approval from the Town. The Commission recommended approval with the following conditions that the

boathouse does not extend more than 35' from the shoreline, and any damage to the James Cairns Open Space is repaired by the Applicant. He concluded by stating Hal Simmons, Never Summer Construction, was present.

Trustee Jenkins disclosed that she was present at the Planning Commission meeting this was discussed and therefore has prior knowledge. She stated she felt she could still be objective but asked the Board for their opinion of whether she can sit in on the matter. The Board and applicant both stated no perceived conflict.

After a brief discussion Trustee Lewis moved to grant a building permit for a boathouse located at Lots 41 & 42, Cairns Addition to Grand Lake, more commonly referred to as 552 Cairns Avenue with all the conditions the Planning Commission suggested. Trustee Kudron seconded the motion and all Trustees voted aye.

NEW BUSINESS:

QUASI-JUDICIAL – CONSIDERATION TO GRANT A BUILDING PERMIT FOR A COVERED BOAT DOCK LOCATED AT LOT 8, BLOCK 1, GRAND LAKE ESTATES 1ST FILING TO THE TOWN OF GRAND LAKE; MORE COMMONLY REFERRED TO AS 715 GRAND LAKE LANE – Mayor Peterson asked Town Planner Biller to present the matter to the Board. Biller stated the Town has received a building permit application to cover an existing boat dock which requires Board review. The applicant is Jose Rodriguez, and owner of the property. The Planning Commission has forwarded a favorable recommendation for approval. Staff has reviewed the building permit application and the application is complete. He concluded by stating the contractor was present.

Trustee Lewis moved to grant a building permit for a covered boat dock located at Lot 8, Block 1, Grand Lake Estates 1st Filing to the Town of Grand Lake; more commonly referred to as 715 Grand Lake Lane. Trustee Goodfellow seconded the motion and all Trustees voted aye.

At 8:52 Trustees Goodfellow, Jenkins, and Lewis left the room.

NEW BUSINESS:

QUASI-JUDICIAL-CONSIDERATION TO GRANT A NIGHTLY RENTAL LICENSE IN A RESIDENTIAL NEIGHBORHOOD AT LOT A, BLOCK 12, GRAND LAKE ESTATES 2ND FILING TO THE TOWN OF GRAND LAKE; MORE COMMONLY REFERRED TO AS 625 CENTER DRIVE – Mayor Peterson asked Town Planner Biller to present the matter to the Board. Biller stated The Town received a Nightly Rental License Application from RL United, LLC. During the application process the Town received two written letters of

objection which requires Board review. The Planning Commission has forwarded a favorable recommendation for approval. In general, the written objections from the surrounding property owners cite the following concerns: noise; garbage; parking concerns; and pet waste. The Board should be aware the Applicant does have an open building permit for the property. He concluded by stating Rod Ries was present.

Rod Ries, 12561 W. Asbury Place, Lakewood, was recognized by the Chair. Mr. Ries stated both his partner and their families have been coming up here for a long time and want to be good neighbors. They primarily want to use the property for themselves. They read the objections from the neighbors and have plans to address all the issues raised with the renters.

A discussion ensued regarding the project plan and property manager.

Jane Binford, 607 Shadow Mountain Drive, was recognized by the Chair. Ms. Binford inquired about the removal of the existing trash on the property prior to the snow fall.

Trustee Kudron moved to grant a nightly rental license in a residential neighborhood at Lot A, Block 12, Grand Lake Estates 2nd Filing to the Town of Grand Lake; more commonly referred to as 625 Center Drive upon closure of the building permit. Mayor Peterson seconded the motion and all Trustees voted aye.

Trustees Goodfellow, Jenkins, and Lewis resumed their seats at 9:01 p.m.

NEW BUSINESS:

CONSIDERATION TO ADOPT RESOLUTION 18-2016; A RESOLUTION APPROVING THE GRAND CAMP SUBDIVISION AS-BUILT DRAWING LOCATED AT 600 MARY DRIVE, TOWN OF GRAND LAKE AND ESTABLISHING THE DETAILS THEREOF – Mayor Peterson asked Town Planner Biller to present the matter to the Board. Biller stated the Town is approaching the end of an existing contract for improvements conducted at the Grand Camp Subdivision, a commercial development project. To help facilitate Staff in the closing of this contract and other miscellaneous outstanding items, Board review is required. The Planning Commission has forwarded a favorable recommendation of approval. He explained that the packet outline the timeline of the project. The two year performance bond for the project will expire on October 22, 2016. Per the contractor, there is currently \$1,875 owed to the Contractor for the following outstanding items: 4.1 maintain and remove existing erosion control (\$425); 4.21 Partial

Herbicide Treatment in summer of 2015, spot spray (\$800); and 4.11 Removal of the erosion control (\$625). Town Staff notified the Contractor in November 2015 of the outstanding items and the Town's intent not to pay for line item 4.21 which does not appear to have been needed and/or conducted by the contractor. He then reviewed a summary of the Town's use of the Letter of Credit Funds. The Town has received an As-Built drawing for the improvements conducted by the Town. Staff believes the Board should approve the As-Built drawing and, thereby, creating a distinct transition from Town conducted improvements verses future improvements that the property owner or for future property owner moving forward.

After a brief discussion about the contractor, bank and bond Trustee Lewis moved to adopt Resolution 18-2016; a resolution approving the Grand Camp Subdivision as-built drawing located at 600 Mary Drive, Town of Grand Lake and establishing the details thereof. Trustee Jenkins seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION TO ADOPT ORDINANCE XX-2016, AN ORDINANCE ESTABLISHING A FEE AND DEPOSIT SCHEDULE FOR THE TOWN OF GRAND LAKE – Mayor Peterson asked Town Planner Biller to present the matter to the Board. Biller stated that at the Board's budget meeting, the Board directed Staff to review and provide a revised fee and deposit schedule as part of preparing the 2017 budget. The proposed revisions to the fee and deposit schedule are highlighted. If the Board adopts the Ordinance, the ordinance will take effect January 1st, 2017. He noted a correction to the Grand Lake Center's fees.

Stephen Wall, 12692 U.S. Highway 34, was recognized by the Chair. Ms. Wall informed the Board that the Grand Lake Center Implementation Committee is still reviewing and making changes to the Center's fees.

Trustee Lewis moved to table the issue until the Grand Lake Center fees are available. Trustee Jenkins seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION TO ADOPT A POLICY FOR THE DISPOSITION OF MUNICIPAL PROPERTY – Mayor Peterson stated that there was a discussion in the workshop regarding setting up a policy for the disposition of municipal property. The Town Manager and Town Attorney have drafted a policy for adoption.

RECORD OF PROCEEDINGS

Trustee Jenkins moved to approve the policy for the disposition of municipal property as dated October 10, 2016, written by Town Manger White and approved by Town Attorney Krob. Trustee Lewis seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION TO NOT ISSUE THE BILL OF SALE FOR THE SKID STEER TO TRUSTEE LANCE SABO – Mayor Peterson asked for a motion to not issue the bill of sale for the skid steer.

Trustee Jenkins moved to not issue the bill of sale for the skid steer to Trustee Lance Sabo and have the Town Attorney request the equipment be returned to the Town as soon as possible, so that it can be disposed of according to the new policy for the disposition of municipal property. Trustee Lewis seconded the motion and all Trustees voted aye.

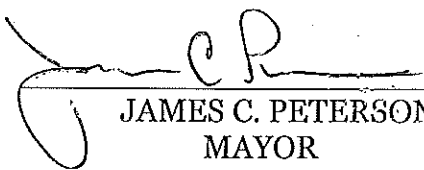
MAYOR'S REPORT AND COMMENT:

Mayor Peterson stated it is the most people he has seen at a budget meeting and he thanked them for their attendance.

Trustee Jenkins requested an executive session with attendance by Town Manager White at the next regular meeting to discuss a personnel matter.

ADJOURNMENT:

Trustee Lewis moved to adjourn, seconded by Trustee Kudron. All Trustees voted aye, and the meeting was adjourned at 9:23 p.m., October 10, 2016.



JAMES C. PETERSON,
MAYOR

ATTEST: 

KATIE NICHOLLS,
TOWN CLERK