

RECORD OF PROCEEDINGS

REGULAR MEETING
TOWN OF GRAND LAKE BOARD OF TRUSTEES
MONDAY, FEBRUARY 13, 2017 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 Jenkins, Kudron, and Lewis; Town Manager White, Town Clerk Nicholls, Interim Town Planner Wally Baird, Town Code Administrator ORourke, and Town Attorney Krob.

ABSENT: Mayor Peterson noted that Trustee Goodfellow was listening on the phone but would not be voting.

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 a snowmobile poker run to benefit Flight for Life Colorado will be held Saturday, February 25th at 9 a.m. at the Grand Lake Community House.

Mayor Peterson announced that a freestyle Nordic Race to benefit the National Sports Center for Disabled Competitive Nordic Program is being held at the Grand Lake Nordic Center on Saturday, February 25th and Sunday, February 26th.

Mayor Peterson then announced the Board of Trustees has 2 vacancies to be filled by appointment at the February 27th Board of Trustees Meeting. Interested parties must be at least 18 years old, have resided in the Town of Grand Lake for at least 12 consecutive months immediately preceding the date of appointment, and may not run or hold 2 offices simultaneously. Submit letters of interest to the Town Clerk by February 22nd.

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.

There were no conflicts of interest.

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.

Andy Murphy, 1224 Lake Avenue #3, was recognized by the Chair. Mr. Murphy stated that he is removing his interest in the Board of Trustees positions due to residency requirements. He commended the Public Works Department for their diligent work on snow and slush removal over the weekend. He concluded by recommending that the snow between Harmon and Broadway be completely clear instead of maintaining two snowmobile lanes.

SCHEDULED

PRESENTATIONS/

DELEGATIONS:

Mayor Peterson introduced Greg Barnes, 604 Marina Drive. Mr. Barnes stated that the lot where his sign currently resides has been sold and the new owners will not allow him to retain the Daven Haven sign on their property. He has been unable to secure another location for his off-premise sign and asked the Town to consider letting him put the sign on Town property. He suggested a location across from the go-carts and stated he would be willing to put up a sign for the Grand Lake Center in conjunction with the Daven Haven sign.

After a discussion regarding the sign design and other location possibilities the Board directed Staff to work with Mr. Barnes on possible locations and to bring the item back to the Board for action.

Stephen Wall, 12692 US Highway 34, was recognized by the Chair. Ms. Wall expressed her approval of the dual Daven Haven and Grand Lake Center sign as proposed by Mr. Barnes.

CONSENT AGENDA:

Mayor Peterson introduced the Consent Agenda which contained the Minutes from the January 23, 2017 Meeting and Accounts Payable for January 2017.

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

LIQUOR LICENSING AUTHORITY: None

OLD BUSINESS:

CONSIDERATION OF TRANSPORTATION SPONSORSHIP FOR THE GRAND GALA A FUNDRAISING EVENT FOR THE GRAND FOUNDATION

– Mayor Peterson asked Town Manager White to present this matter to the Board. White stated that the Grand Foundation is requesting support from the Town of Grand Lake in the amount of \$700 as a Transportation Sponsorship, equivalent to a Bronze Level Sponsorship for its annual fundraiser. Last year, the Town provided this level of support for the Grand Foundation event. Last year’s Grand Foundation fund raising efforts subsequently resulted in awards to the Rocky Mountain Repertory Theater, the Grand Lake Area Historical Society, Grand County Characters, Grand Angels and the Independent Sports Club. This year’s event will be held at Devils Thumb Ranch Resort and Spa, Tabernash, CO on Saturday, April 29, 2017 at 6pm at High Lonesome Lodge. The Town’s contribution to this event would help cover the cost of transporting Gala guests to and from the event, thereby providing a safe and convenient service to all of the guests throughout the county. The transportation service would provide a pickup/drop off location again in Grand Lake. Staff has recommended that a funding request for this event be submitted during our budget review process henceforth.

A discussion ensued regarding budgeting, funding request requirements and deadlines.

Trustee Lewis moved to support in the amount of \$700 to provide a 2017 Transportation Scholarship to the Grand Foundation in support of its annual Grand Foundation Gala, and require them to request during the budget cycle for next year. Trustee Kudron seconded the motion and all Trustees voted aye, except Trustee Jenkins who voted nay.

NEW BUSINESS:

CONSIDERATION OF LETTER OF SUPPORT FOR A FUNDING REQUEST FOR THE GRAND LAKE AREA HISTORICAL SOCIETY

– Mayor Peterson asked Town Manager White to present this matter to the Board. White stated that the Town of Grand Lake received a request from Elin Capps of the Grand Lake Area Historical Society in support of a grant application it is submitting to History Colorado. The Smith Eslick Cottage Court is thought to be the earliest, original-condition “motor Court” in the nation. It has been placed on the Colorado State Register of Historic Properties. Town Staff supports the application and recommends approval and requests Town Board direction to have the Mayor sign the letter of support from the

Town of Grand Lake. He concluded by stating that Elin Capps was present.

Elin Capps, 122 County Road 4652, was recognized by the Chair. Ms. Capps stated that they are trying for a substantial amount of money for exhibits. She thanked the Board for their support through the years.

Trustee Lewis moved to support the funding request made by the Grand Lake Area Historical Society to stabilize and preserve the Smith Eslick Cottage Court and to authorize the Mayor to sign the letter for submittal to History Colorado. Trustee Kudron seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION TO REITERATE AND RECONFIRM THE TOWN OF GRAND LAKE'S SUPPORT FOR THE DOLA GRANT – Mayor Peterson asked Town Manager White to present this matter to the Board. White stated the Town recently submitted a DOLA grant application on January 31, 2017 for an Energy Mineral Grant. The Town has been asked by its DOLA representative to reiterate and reconfirm the Town Board's support for the DOLA funding request. The Town Attorney has drafted a formal motion to verify the Town Board's support for the DOLA application and the Town's funding request.

Trustee Lewis moved to reiterate and reconfirm the Town of Grand Lake's support for the DOLA grant for our Streetscape and Infrastructure Improvement Project as previously evidenced by the Board of Trustees approval on January 9, 2017 of a contract with Diamondback Engineering to, among other things, provide assistance for the Town's DOLA grant application, and also to authorize the Mayor/and/or the Town Manager to sign all documents in furtherance of such DOLA grant. Trustee Jenkins seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF SPONSORSHIP FOR THE 2017 ACROSS THE DIVIDE GEO TOUR – Mayor Peterson asked Town Manager White to present this matter to the Board. White stated that Mayor Peterson was contacted by Fran Grooters of Estes Park regarding consideration by the Town of Grand Lake for sponsorship of the Across the Divide Geo Tour, from Estes Park to Grand Lake, through Rocky Mountain National Park. The Across the Divide Geo Tour is put on by volunteers who believe geocaching is a great activity for people of all walks of life and physical abilities. It is a way to let kids and adults use their electronics to explore our natural surroundings, especially here in the western gateway to Rocky Mountain National Park and

extending across the divide to Estes Park. The request from the Town of Grand Lake is for the amount of \$500.

After a brief discussion regarding funding requests and budgeting, Trustee Lewis moved to deny support from the Town of Grand Lake in the amount of \$500 to provide sponsorship for the 2017 Across the Divide Geo Tour. Trustee Jenkins seconded the motion and all Trustees voted aye, except Mayor Peterson who voted nay.

Andy Murphy, 1224 Lake Avenue #3, was recognized by the Chair. Mr. Murphy stated that with his experience in the banking business he frequently saw discretionary funds set aside for unexpected donation requests, and recommended that the Town consider doing the same.

NEW BUSINESS:

CONSIDERATION OF ORDINANCE 01-2017, AN ORDINANCE AMENDING THE TOWN'S GENERAL PENALTY PROVISION CONTAINED IN SECTION 1-1-9 OF THE TOWN CODE TO INCREASE THE MAXIMUM POSSIBLE FINES FOR MUNICIPAL VIOLATIONS –

Mayor Peterson asked Town Attorney Krob to present this matter to the Board. Krob stated that upon reviewing the sign code, he noticed that the Town's penalty provisions still provide for a maximum possible penalty of \$300 plus jail. The Colorado legislature has increased the maximum amount of fines that municipal courts can impose to \$2,650, but this has to be accomplished by the municipality adopting a local ordinance increasing the maximum possible fines. He recommended that the Town adopt an ordinance that makes the following changes in connection with all its penalty provisions, including its general penalty clause. First, increase the maximum possible fines from \$300 to \$2,650, as permitted by statute. Second eliminate the possibility of a jail sentence. In the 25 years he has represented the Town, the Town's municipal judge has never imposed a jail sentence, which is true for most small towns. However, if there is a possibility of a jail sentence under the Town's code, then the Town has to provide the defendant with a jury trial if they request one. Jury trials for small towns, particularly for the clerks of small towns, are a truly painful exercise and expensive. However, if the possibility of jail time is eliminated from the Town code, then there is no right to a jury trial and all cases are tried to the judge without a jury.

After a brief discussion Trustee Jenkins moved to approve Ordinance 01-2017, an ordinance amending the Town's general penalty provision contained in Section 1-1-9 of the Town Code to increase the maximum possible fines for municipal violations. Trustee Lewis seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF A PUBLIC PROPERTY ENCROACHMENT APPLICATION FOR SHADOW MOUNTAIN YACHT CLUB LOT A; MORE COMMONLY REFERRED TO AS 605 LAKE FRONT ROAD – Mayor Peterson asked Interim Town Planner Baird to present this matter to the Board. Baird stated the purpose of this item is the consideration of a major Public Property Encroachment Application to place a new sign for the Shadow Mountain Yacht Club. The proposed sign would be located on the south side of the yacht club entrance. The existing sign is on the north side of the entrance. The application is complete. In order to make the entrance to the Shadow Mountain Yacht Club more identifiable, the yacht club has determined that a new sign at the proposed location would meet their objective. The proposed encroachment is approximately the same as occupied by the existing sign. The proposed location also has the same setbacks from the driving surface on Lake Front Road. The proposed sign plan shows the sign being made with flagstone which is contrary to the Town's sign code. The sign application has been denied so the owners will be able to appeal the denial and present their case to use the flagstone surface. Removing the existing sign and replacing it with another sign on the opposite side of the road does not appear to create any impact or undue disturbance of traffic, either pedestrian or vehicle. The property is and has been properly maintained and is not in any way a detriment to the neighborhood or the Town. Staff is in favor of granting the encroachment request.

Doug Pahnke, Treasurer, Shadow Mountain Yacht Club was recognized by the Chair. Mr. Pahnke described the location and current signs at Shadow Mountain Yacht Club. He stated that people have a difficult time finding the complex and the proposed encroachment would give them the best visibility.

After a brief discussion regarding current sign locations, Trustee Jenkins moved to approve the request for Public Property Encroachment to place a sign for the Shadow Mountain Yacht Club within the public right-of-way at the entrance to the Shadow Mountain Subdivision as described in the plan submitted for the location of the sign, subject to the Town receiving a copy of the property owners' general liability insurance naming the Town of Grand Lake as an additional insured, and direct the staff to prepare a resolution regarding this matter and authorize the mayor to sign it. Trustee Kudron seconded the motion and all Trustees voted aye.

NEW BUSINESS:

APPEAL HEARING - CONSIDERATION OF AN APPEAL TO A DENIED SIGN PERMIT APPLICATION FOR THE SHADOW MOUNTAIN YACHT CLUB SUBDIVISION MONUMENT – Mayor Peterson asked Town Code Administrator ORourke to present this matter to the Board. ORourke stated that the Town has received a Sign Application for a sign to be placed, at the corner of Shadow Mountain Yacht Club and Lake Front Road, for the use of identifying the Shadow Mountain Yacht Club Subdivision. Staff denied the request based on the Municipal Code. The applicant is Doug Pahnke and he has requested an appeal, which requires Board review. The Sign Application was submitted on January 25, 2017. Applicant was contacted on January 30, 2017 and notified the sign application was denied and why. On January 31, 2017 Town Staff received a written request, from Doug Pahnke, to appeal the denial of the Sign Application. Staff recommends the Board consider granting the appeal request of the denied Sign Application appeal. The proposed sign does not meet the wood-like appearance requirement, however, the etched stone proposed by the Applicant is in keeping with Grand Lake’s natural and rustic feel.

Town Attorney Krob stated that the item before them is not a request for a variance of the Town’s Sign Code, but rather an appeal to a Staff decision. As this is not a variance request, and variance requests are not allowed with the current Sign Code, the decision before the Board is if the Staff properly applied the Code as it currently exists in its denial.

Doug Pahnke, Treasurer, Shadow Mountain Yacht Club was recognized by the Chair. Mr. Pahnke stated that he feels that the proposed sign is wood-like in appearance in the colors and tones of the sign. He further explained the materials of the proposed sign.

A discussion ensued regarding the sign code revisions currently being reviewed by the Board. Review of sign materials and adding a variance process were briefly discussed as topics for the next sign code revision discussion.

Trustee Kudron moved to continue the topic with consideration at the March 13, 2017 Meeting. Trustee Jenkins seconded the motion and all Trustees voted aye.

NEW BUSINESS:

QUASI-JUDICIAL - CONSIDERATION TO GRANT VARIANCES FOR REQUIRED OPEN SPACE, UTILITY LOCATIONS, AND ONSITE PARKING REQUIREMENTS FOR LOTS 3-5, BLOCK 12, TOWN OF GRAND LAKE; MORE COMMONLY REFERRED TO AS 824 GRAND

AVENUE – Mayor Peterson asked Interim Town Planner Baird to present this matter to the Board. Baird stated that the purpose of this item is to consider the variances recommended for the proposed development at 824 Grand Avenue. The proposed development is known as Boardwalk Lofts. The variances may be approved, denied or modified by the Town Board. The spokesman for the proposed development, Jim Kruetzer, presented proposed variances to the Grand Lake Municipal Code concerning a mixed use commercial and residential development, to the planning commission at their regular meeting on January 18, 2017. These variances include: a variance in the required open space; a variance in the utility locations; and a variance in the onsite parking requirement. After closing the public hearing the planning commission discussed the matter before them and determined to recommend a variance to the open space requirement and to the parking for the commercial space to be worked on by staff with the developer, as stated, would pay the in-lieu fee. Staff, Mr. Kruetzer and Mountain Parks Electric, have developed potential solutions to the electrical line issues and keeping within the National Electrical Code. The developer would be required to pay all costs involved in the proposed solutions. These solutions include leaving the existing electrical lines in place and moving the proposed building, or burying the electrical lines. Burying the electric lines create an issue with putting the electric power lines closer to the existing water line than is preferable. This issue can be mitigated by encasing the power lines in concrete or flowable fill. Another alternative to the electric utility issue would be to move the electric line to the south side of the alley and road. This alternative was deemed to be unacceptable due to the impact on the property to the south and the ability of the owners of these properties to enjoy the use of their property. Staff is in favor of the planning commission's recommendation for approval.

Jim Kruetzer, Senior Project Manager, Sloan Construction Company was recognized by the Chair. Mr. Kruetzer explained the overall project and that they have use by right for the project. The building is located within an area of zero lot line construction, as some adjacent buildings currently have. The proposed building is within the allowable 35 feet height maximum, meets the 50 foot commercial frontage space requirement for the first level, and exceeds the 30 percent second level commercial requirement. He questioned the necessity of an open space requirement on commercial lots, stating that it seems to be a requirement more appropriate for larger parcels of land. There are lots within Town that currently do not meet the open space requirements. He further stated that they plan to pay the fee-in-lieu for parking as is allowable per the Town Code. He concluded by explaining how the project meets the Comprehensive Plan and the efforts made to

work with the neighbors and alleviate the concerns they have regarding the project. He offered to have three units with deed restrictions to be allotted as low income housing.

A brief discussion ensued regarding parking fee-in-lieu requirements.

Tom Wydert, 401 Ellsworth Street, was recognized by the Chair. Mr. Wydert stated that there are surrounding property owners who comply with the open space requirements. The proposed project maximizes everything to the limit and he questioned why the rules need to be broken for it. He further stated that parking will become a problem, and the \$28,000 generated with the parking fee-in-lieu will not allow the Town to come up with 28 parking spaces. He questioned whether the proposed garages for the residents will become storage units.

Sara Clements, 213 West Topaz, Granby and 828 Lake Avenue, was recognized by the Chair. Ms. Clements stated she was here on behalf of Gay Shaffer, her mother as well as herself. She expressed concerns with lighting, parking, lack of open space, new business potential, and exhaust system in the garage. She concluded by requesting more information from the developer.

Jim Kruetzer was again recognized by the Chair. Mr. Kruetzer addressed the lighting concerns by Ms. Clements. He further stated that the property is use by right and will not be coming back to the Board for approval. They are meeting all the codes as expected and will go straight to permitting. He concluded by stating he is available to meet with anyone who has questions or concerns.

Tom Wydert was again recognized by the Chair. Mr. Wydert stated that the Board does not have to make a decision tonight and other options are available.

Judy Burke, 390 West Mary Drive, was recognized by the Chair. Ms. Burke stated that there are Town Codes for Affordable Housing, to which there are already some projects, with requirements, already in Town. She encouraged the Town to review them. She inquired to the sales price of the units, and suggested that the developer look at current prices of affordable units. She described the history on the proposed development project next to Pancho & Lefty's, a similar project, and the parking issues raised during that project, specifically space and parking for peoples recreational vehicles. She concluded by stating that development is needed and she hopes the project works out.

Andy Murphy, 1224 Lake Avenue #3, was recognized by the Chair. Mr. Murphy stated that the Town does not have the right to micro-manage the project because people do not like it. The only issues the Board can address are those supported by the Town Code, which is open space on this project. He concluded by supporting development in the Town.

Town Attorney Krob recited the criteria for granting a variance.

A discussion ensued regarding traffic on Lake Avenue, snow loads and snow removal plans, affordable housing, parking, and the potential of a fee-in-lieu for open space.

Mr. Kruetzer expressed his frustration with working with the Town regarding the project. He further stated that he would be in favor of a fee-in-lieu for open space depending on the fee.

Tom Wydert was again recognized by the Chair. Mr. Wydert stated that if the applicant brought a plan in that did not require any variances, it would be a done deal as they have a use by right. Opinions on the overall project are irrelevant with a use by right. He concluded by stating his support of Town Staff.

Trustee Kudron moved to approve the variance of the open space requirement for the Boardwalk Lofts project at 824 Grand Avenue Lots 3-5, Block 12, Grand Lake. The motion did not come before the Board for lack of a second.

A discussion ensued regarding open space, potential fee-in-lieu, and the variance process.

Trustee Lewis moved to continue the issue to the February 27, 2017 meeting with the condition that the applicant works with Staff on open space and other issues raised. Trustee Jenkins seconded the motion and all Trustees voted aye except Trustee Kudron who voted nay.

At 9:43 p.m. the Board took a brief break, reconvening at 9:48 p.m.

Mayor Peterson announced that in the continuation of the Town Manager's contract discussion, the Board has decided to continue the contract with a four percent raise for the year and granting an additional 40 hours of use it or lose it administrative leave for the 2017 year. Both are retroactive to the beginning of the year.

RECORD OF PROCEEDINGS

Town Clerk Nicholls stated that she received a record request from Real Estate Agent Donna Ready regarding an unrecorded vacation of Patterson Street in front of Lots 1-2, Block 8. The research uncovered the property was transferred via court order. The court order had an error in the legal description which needs to be clarified.

Town Attorney Krob explained that the property was not vacated but was transferred by quiet title through the court. He stated the order is sufficient to state the Town has no interest in Patterson Street. The request from the title company is to acknowledge a typo in the Town's intent in the legal description. He stated he believed there is a typo but the Town cannot rewrite the court order and the Town's intent was likely not misrepresented as it was a defendant. He recommended that a quit claim deed be the method of clarifying the issue.

MAYOR'S REPORT
AND COMMENT:

Mayor Peterson thanked the Public Works Department for all their hard work over the last week. He also thanked all the people who helped with Winter Carnival.


ADJOURNMENT:

Trustee Jenkins moved to adjourn, seconded by Trustee Lewis. All Trustees voted aye, and the meeting was adjourned at 9:57 p.m., February 13, 2017.



JAMES C. PETERSON,
MAYOR

ATTEST:



KATIE NICHOLLS,
TOWN CLERK