

RECORD OF PROCEEDINGS

REGULAR MEETING
TOWN OF GRAND LAKE BOARD OF TRUSTEES
MONDAY, JULY 14, 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, and Town Planner Biller.

ABSENT:

None.

APPROVAL OF MINUTES

April 28, 2014:

Trustee Gasner moved to approve the minutes of the April 28, 2014 regular meeting as written, seconded by Trustee Lanzi. All Trustees voted aye except Trustee Lewis, who abstained.

ANNOUNCEMENTS:

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

Mayor Burke announced that the 67th Annual Buffalo Barbecue Celebration will include the Rotary Club's 40th Annual Pancake Breakfast from 7 – 11 a.m. on the 19th, a 5K run and bingo on the 19th, cowboy church in the park, a parade on the 20th and a western arts & crafts fair, turquoise & stone beadmaking demonstrations, boardwalk sales, barbecue and live music on the 19th and 20th.

Mayor Burke announced that the public is invited to a Streetscape and Wayfinding Masterplan Meeting on July 17th at 7:00 p.m. in the Grand Lake Community House.

Mayor Burke then announced that the Grand Arts Council is sponsoring Music in the Park Wednesday evenings, July 16th through and including August 13th at 5 p.m. in the Town Square Gazebo.

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.

None of the Trustees had a conflict with any items on the agenda.

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF REGISTRATION OF A MANAGER FOR GRUMPY'S SALOON, INC., D/B/A LARIAT SALOON – Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske reported that the appropriate form to change a manager was received,

with the appropriate fees, from Dustin Barnes, President/Secretary of Grumpy's Saloon, Inc., d/b/a Lariat Saloon at 1121 Grand Avenue. § 12-47-412 (6), C.R.S. states, "When a person ceases to be a registered manager for a tavern license, for whatever reason, the tavern licensee shall notify the licensing authorities within five days and shall designate a new registered manager within thirty days." The manager must be registered with both the state and the local licensing authority. The current registered manager is Natalie Burch. Dustin is requesting to change the registered manager from Natalie to Scott Permann. Please note that the Grand County Sheriff provided an attachment to his correspondence and he stated that these records are arrest records only and do not reflect what Mr. Permann's dispositions were on these charges. Kolinske stated that should the Board request to see any of the dispositions, she will contact the Sheriff's Office. One of the charges happened 35 years ago and several others are 29 years old. Mr. Barnes said that he has been made aware of these charges and feels comfortable with registering this individual as his manager. Staff would recommend the Board make a motion to accept Scott Permann as the registered manager for the Lariat Saloon. She noted that Dustin Barnes was present.

Trustee Lewis moved to accept Scott Permann as the registered manager for the Lariat Saloon. Trustee Gasner seconded the motion and all Trustees voted aye.

LIQUOR LICENSING AUTHORITY: **CONSIDERATION OF RENEWAL OF THE TAVERN LIQUOR LICENSE FOR GRUMPY'S SALOON, INC., D/B/A LARIAT SALOON** – 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. A letter was received from the Grand County Sheriff's Department along with copies of two reports. One involved the previous registered manager and the other involved Dustin Barnes. Town Attorney Krob reviewed the report and didn't feel the matter was significant enough to bring before this Board. She concluded by saying that Dustin Barnes, President/Secretary, was present.

Trustee Gasner moved to approve the renewal of the Tavern Liquor License for Grumpy's Saloon, Inc., d/b/a Lariat Saloon. Trustee Lanzi seconded the motion and all Trustees voted aye.

LIQUOR LICENSING AUTHORITY: **CONSIDERATION OF A SPECIAL EVENTS PERMIT APPLICATION FROM THE GRAND LAKE CHAMBER OF COMMERCE FOR THEIR BREWS AND CREWS FUNDRAISING EVENT** – Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske reported that this request is from the Grand Lake Chamber of Commerce for their Brews and Crews fundraising event to be held on Saturday, August 23, 2014. The proposed location is the Town Square. The application documents are in order and complete. The premises are required

by statute to be posted for at least 10 days prior to approval of the permit. She suggested action at the July 28th Board Meeting as a regular item of business or as a Public Hearing. Kolinske noted that Samantha Miller, Executive Director of the Chamber of Commerce, was present.

Trustee Lewis moved to act on this request as a regular item of business at the July 28, 2014 Board Meeting. Trustee Gasner seconded the motion and all Trustees voted aye.

OLD BUSINESS:

CONSIDERATION TO AWARD BIDS FOR REPAIRS TO THE PITKIN ANNEX BUILDING – Mayor Burke asked Town Manager Hook to present this matter to the Board. Hook explained that sometime this past winter, the Pitkin Annex sustained water damage to some of its ceilings, walls and floors. In June, CIRSA authorized repair of the damage as an insurance claim. Staff discussed the status of the damage and repair with the Board at the June 9 workshop and again at the June 23 regular meeting. Based on the Board's June 9 direction, staff advertised for bids for the repair work. Addendum #1 was issued on Friday, June 27 to modify the scope of work slightly and to extend the bid and completion dates. Bids were opened on Thursday, July 10. Hook said that he received a phone call from CIRSA and an email indicating that they would agree to the bid from Rocky Mountain Catastrophe and Restoration (RMCR) in the amount of \$25,939.35 but did not agree with Big Valley Construction's bid because it was approximately \$8,000 higher. Based on the urgency the Board provided in its direction on June 9, and with the emergency authority granted the Town Manager by Municipal Code 4-2-7(A.2), staff obtained a quote from RMCR and authorized them to proceed with demo and dry-out activities. That emergency action was ratified at the June 23 meeting. That work is now complete. CIRSA has authorized payment for this work and the invoice for RMCR is included in the A/P for this evening. In the process of completing that work, RMCR discovered some minor mold issues within the office space that they recommend be mitigated. Additionally, they noted that the crawlspace and the public bathrooms may be in need of attention regarding mold. Staff will be following up on those suggestions separately. The Bid Document includes two alternate bids, one for replacing the entire roof instead of just a few spot repairs authorized by CIRSA and one for replacing a damaged window that CIRSA did not authorize. The Town has a \$1,000 deductible with CIRSA. Unless we pursue either of the alternate bids, our net out of pocket cost should be \$1,000. Since this damage repair project was not anticipated, there is no specific line item in the 2014 budget for this repair. At the June 23 meeting, the Board authorized the Town Manager and two Board Members to review and award the bid. With the change in bid date to July 10, staff elected to bring the bid to the Board as per normal procedure. Regarding Alternate Bid #1 Hook said that he and Public Works Director Bernie McGinn both support moving forward with replacing the entire roof and would suggest that it would be appropriate for the Town to move forward with the bid from Big Valley Construction in the amount of \$13,900 and that would be entirely at the Town's cost. He said that he has

talked with CIRSA and they will not pay for the entire roof replacement. Regarding Alternate Bid #2, he and McGinn does not feel it is worth \$800 or \$1,600 to replace the one damaged window. It was damaged by the water but it does not adversely affect the function of the window. The Board should discuss the merits of performing the mold mitigation within the water damaged area of the Pitkin Annex at the Town's expense prior to the repair work, the merits of awarding the bid for the repair work to RMCR and the merits of replacing the full roof and the merits of staff's recommendation to not replace the window. Staff recommends that the Board authorize the Town Manager to proceed with the recommended mold mitigation. Additionally, staff recommends that the Board award the water damage repair work to RMCR in the amount of \$25,939.35 and that the Town Manager be authorized to administer the project, including signing of the agreement. Staff also recommends that Big Valley Construction be authorized to replace the entire roof for \$13,900. The Board has several options to consider, including:

- Authorizing or not authorizing Staff to proceed with the recommended mold mitigation within the water damaged area of Pitkin Annex at the Town's expense prior to the water damage repair work
- Awarding or not awarding the water damage repair work to the bidder and in the amount approved by CIRSA
- Authorizing or not authorizing the Town Manager to administer the project as authorized by CIRSA and the Board, including signing of agreements

Following discussion, Trustee Gasner moved to authorize the Town Manager to proceed with the recommended mold mitigation within the water damaged area of the Pitkin Annex at the Town's expense prior to the water damage repair work; to award the water damage repair work to the bidder and in the amount approved by CIRSA; and, to authorize the Town Manager to administer the project as authorized by CIRSA and the Board, including signing of agreements between Big Valley Construction for the replacement of the whole roof and Rocky Mountain Catastrophe and Restoration. Trustee Jenkins seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION TO ADOPT RESOLUTION NO. XX-2014; A RESOLUTION GRANTING A NIGHTLY RENTAL LICENSE IN A RESIDENTIAL NEIGHBORHOOD LOCATED AT GRANDVIEW VILLAS PHASE 2, UNIT #103; MORE COMMONLY REFERRED TO AS 203 BELLA VISTA COURT #103 – Mayor Burke and Town Planner Biller to present this matter to the Board. Biller explained that the Town received a Nightly Rental License application from Shane Blea. During the application process, the Town received two (2) written objections which requires Board review. The Planning Commission has forwarded a favorable recommendation by Resolution 13-2014. 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, 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.*

Staff contacted all surrounding property owners within 100' and received written objection from neighbors with the following objections to the license:

- Minimum nights for rental
- Garbage

Staff contacted the applicant directly regarding advertising and renting the unit prior to obtaining a valid license. Staff recommends the Board adopt the resolution as presented which contains no conditions for granting the license. If the Nightly Rental License is issued by the Board, the applicant 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 and the written objections received. The Board has the following options:

1. Require a review of the Nightly Rental License Application at a Public Hearing; or
2. Adopt the resolution, thus granting the Nightly Rental License; or
3. Adopt the resolution with conditions; or
4. Not adopt the resolution, thus not grant the license.

Billie then read into the record correspondence from Sally Blea (see attached Exhibit A) that was provided to the Board Members as a table setting.

During discussion, Trustee Baird said that nightly rentals in residential areas, in her opinion, is not good for this Town for two reasons:

1. It takes away business from the Town's lodging businesses, and
2. The Town has a serious issue with long term rentals. You cannot find a place to live here; it's very difficult. If people want to rent out their houses or their condos they should have to do it on a long term basis.

Following discussion, Trustee Lewis moved to adopt Resolution No. 15-2014; a Resolution Granting a Nightly Rental License in a Residential Neighborhood Located at Grandview Villas Phase 2 Unit #103; More Commonly Referred to as 203 Bella Vista Court #103, as presented. Trustee Lanzi seconded the motion and all Trustees voted aye except Trustee Baird, who voted nay.

NEW BUSINESS:

CONSIDERATION TO ADOPT RESOLUTION NO. XX-2014; A RESOLUTION GRANTING A ZONING VARIANCE REGARDING THE MAXIMUM ALLOWABLE AREA FOR ACCESSORY USES LOCATED ON THE SOUTH HALF OF LOT 6 & LOT 7, BLOCK 7, TOWN OF GRAND LAKE, COLORADO; MORE COMMONLY REFERRED TO AS 1015 MOUNTAIN AVENUE – Mayor Burke and Town Planner Biller to present this matter to the Board. Biller explained that the Town received a variance request to the zoning regulations from John and Christina Rourke which requires Board review. The Planning Commission has forwarded a favorable recommendation by Resolution 12-2014. The Municipal Code 12-2-6 Definitions states:

Accessory Uses and Structures - A use naturally and normally incidental to a use by a right, and complying with all of the following conditions:

- a. *Clearly incidental and customary to and commonly associated with the operation on the use by right;*
- b. *Is operated and maintained under the same ownership as the use by right;*
- c. *Includes only those structures or structural features consistent with the use by right;*
- d. *The gross land area utilized by all accessory uses of all uses by right on the same property shall not exceed ten percent (10%) of the gross land area utilized by all the uses by right (see Building Area);*
- e. *May include home occupations, as defined by this Article or;*

Building Area – That portion of the lot that can be occupied by the principal use, excluding the front, rear and side yards.

The Municipal Code 12-2-12 Regulations for Single Family Residential – High Density – RSH states:

(A) *Uses Permitted by Right*

2. *Home occupations.*

5. *Accessory buildings and uses customarily incident to the uses permitted in this district.*

The Municipal Code 12-2 Variance Request Procedure states:

The Town Board of Trustees shall hear the variance application, with Planning Commission recommendation, at their next regularly scheduled meeting. The Board of Trustees may elect to hold a Public Hearing regarding the variance application. The Board of Trustees shall grant or deny the variance within 45 days of receipt from the Planning Commission.

The following factors should be considered by the Planning Commission and Town Board of Trustees in determining whether to issue a variance:

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- a. *The compatibility of the proposed action with the surrounding area; and*
- b. *Whether the proposed action is in harmony with the character of the neighborhood; and*
- c. *The need for the proposed action; and*
- d. *The effect of the proposed action upon future development in the area; and*
- e. *The shape, size, topography, slope, soils, vegetation, and other physical characteristics; and*
- f. *Whether alternative designs are possible; and*
- g. *With due consideration for the Town's Comprehensive Plan.*

The Town received five (5) written comments regarding the variance request. Four (4) comments were in support of the variance and one (1) comment objected to the variance.

Lot	Lot Area	Individual Building Area	Combined Building Area	10% Building Area
6S	3,750 sq.ft. (75x50)	1,200 sq.ft. (30x40)	5,450 sq.ft.	545 sq.ft.
7	7,500 sq.ft. (150x50)	3,450 sq.ft. (30x115)		

Accessory Use	Area
Existing Carport	360 sq.ft.
Existing Shed	120 sq.ft.
Proposed Growing Dome	380 sq.ft.
Total	860 sq.ft.

The request is to increase the total allowable area for accessory uses by 315 sq.ft. This increase reflects the area allowed if Lots 6 and 7 are combined via a lot line agreement. Staff believes the unique features are created by combining adjoining lots that diminishes the impact of the variance on the surrounding property owners.

Staff recommends the Board adopt the resolution as presented, which contains the following conditions of approval:

1. The maximum area for all accessory uses does not exceed 860 sq.ft.; and
2. The Applicant executes a Lot Line Agreement with the Town; and
3. The Applicant complies with all other federal, state, and local regulations; and
4. The granting of this variance does not set precedence for any future variance requests nor obligate the Town to grant similar variance requests in the future.

The Board should first determine if a Public Hearing is necessary. If the Board determines a Public Hearing is not necessary, the Board should discuss the variance request.

The Board has many options including:

1. Continue review until a Public Hearing can be scheduled; or
2. Adopt the resolution as presented, thus grant the variance request; or
2. Adopt the resolution with other conditions or revisions; or
3. Not adopt the resolution, thus deny the variance.

Billier noted that John and Christina Rourke were present.

Following brief discussion, Trustee Jenkins moved to adopt Resolution No. 16-2014; a Resolution Granting a Zoning Variance Regarding the Maximum Allowable Area for Accessory Uses Located on the South ½ of Lot 6 & Lot 7, Block 7, Town of Grand Lake, Colorado; More Commonly Referred to as 1015 Mountain Avenue, as presented. Trustee Lewis seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION TO DIRECT STAFF TO DRAW ON THE LETTER OF CREDIT FOR SHADOW VIEW TERRACE – Mayor Burke and Town Planner Billier to present this matter to the Board. Billier explained that the developer, Brian Howard, is in default of the Subdivision Improvements Agreement for Shadow View Terrace. The Letter of Credit (LOC) is set to expire on July 28, 2014 at 6 p.m. Staff is seeking direction on how to proceed.

Background Information

Apr. 2006 – The SIA was executed.

July 2007 – The developer discussed making changes to the approved plat with the Commission.

Apr. 2009 – The SIA expired.

July 2010 – The Board of Trustees released a portion of the letter of credit.

July 2012 - The developer provided an update to the Commission.

Sept 2012 – The developer provided an update to the Commission.

Sept. 2013 – Staff met with the developer to discuss the requirements of the approved plat.

Oct. 2013 – The developer was denied an SIA extension request by the Commission and gave the developer until January 1, 2013 to provide an amendment to the plat.

Nov. 2013 – The Planning Commission reviewed the LOC with the developer and recommended the Board be prepared to draw on the LOC in July 2014.

Jan. 2014 – The developer confirmed with staff, no amendment would be submitted and the project would be completed in the summer of 2014.

June 2014 – Staff received a request for initial acceptance from the developer.

July 2014 – Staff conducted a site visit regarding initial acceptance of the improvements.

A LOC for one (1) year has been renewed each July beginning in 2010.

The developer has submitted a request to staff for initial acceptance of the improvements and a reduction in the LOC. In staff's opinion, the development is built roughly 90% per the approved plat and, therefore, is not ready for initial acceptance or reduction in the LOC by the Town. On numerous occasions, the developer was specifically directed by the Planning Commission to submit proposed amendments to the approved plat for review and ultimately gave the developer a deadline of January 1, 2014 for any plat amendments otherwise complete the project per the approved plat. In staff's opinion, the developer has not complied with the Planning Commission's requests, direction, or deadlines. The developer has been in default of the SIA since 2009. The developer believes the improvements required are complete, however it is not completed per the approved plat. At a minimum, the following is required for the project to be approved by the Town for the improvements conducted, as is:

- As-Built Drawings
(Requires staff review for compliance with the approved plan/plat)
- Amendment to the Planned Development
(Requires Planning Commission & Board review for the changes to the plan/plat)
- Initial Acceptance of the Improvements
(Requires Board review and approval – starts 2 year warranty period)
- Final Acceptance of the Improvements
(Requires review by the Town after the 2 year warranty period)

The Planning Commission at their regular meeting on November 6, 2013 recommended the Board be prepared to draw on the LOC in July 2014. The amount of the LOC is \$45,854. Staff sent certified letters to the developer and the bank giving thirty (30) days notice of the intent to draw on the securities as required by the Subdivision Improvements Agreement (Section 5 and Section 11a). Simply put, the developer knew the deadlines, the process required for all options and ramifications of all deadlines and options. Below is a simplified cause and effect regarding Board options.

Option	Action by Board	Planning Commission Recommendation	Possible Developer Actions	Staff Action
A	Direct staff to draw on Letter of Credit prior to 6 pm 7/28/14	1. Complete project per approved plan/plat prior to 7/28/14 2. Draw on LOC	1. Complete the project per plat/plan prior to 7/28/14 2. Provide "cash" to Town prior to 7/28/14 to replace LOC & avoid Town Draw of LOC	1. Review as-built for approved plat/plan compliance 2. Draw LOC
B	Extend the Letter of Credit	Discussed and not recommended	1. Complete the project within the new LOC	1. Review as-built for approved

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			deadline	plat/plan
C	Allow the LOC to expire	Discussed and not recommended	1. Complete the project within an unspecified time frame	1. Not issue future building permits for the 3 remaining lots
D	Extend the SIA	Discussed and not recommended	1. Complete the project within an unspecified time frame	1. Review project for compliance with new SIA

Staff recommends the Board direct staff to ensure securities are in Town control prior to noon on Monday, July 28, 2014 by one of the following methods:

1. Draw on the Letter of Credit in the full amount of \$45,854.
2. In lieu of LOC draw, the developer provides verifiable monies (cashier's check, money transfer) to the Town in the amount of \$45,854.

The Board should discuss the recommendation of the Planning Commission and the options available to the Town regarding the securities expiration for Shadow View Terrace. The Board has many options including:

1. Direct staff to draw on the letter of credit; or
2. Not direct staff to draw on the letter of credit; or
3. Direct staff as appropriate

Billier noted that Brian Howard, Developer, was present.

Following discussion, Trustee Jenkins moved to direct staff to ensure securities are in Town control for Shadow View Terrace prior to noon on Monday, July 28, 2014 by one of the following methods:

- a. Draw on the Letter of Credit in the full amount of \$45,854.
- b. In lieu of drawing the Letter of Credit, the developer provides verifiable monies, such as cashier's check, money transfer, to the Town in the amount of \$45,854.

Trustee Lewis seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION TO ADOPT ORDINANCE NO. XX-2014; AN ORDINANCE AMENDING CHAPTER 6: ARTICLE 4: SECTION 3: [BUSINESS] LICENSE REQUIRED BY THE MUNICIPAL CODE – Mayor Burke and Town Planner Billier to present this matter to the Board. Billier explained that staff has received information regarding state statute which conflicts with Town requirements for business licenses. Staff believes a Code modification is in order to comply with state statute which requires Board review. State statute does not allow for the Town to charge for the licensing of electrical contractors. The Municipal Code currently does

specifically allow for an exception to licensing regulations. Staff is proposing a simple change by including an exception provision for electrical contractors in our code. Staff recommends the Board adopt the ordinance as presented which will comply with state statute. The Board should discuss the proposed code modification. The Board has the following options:

1. Adopt the ordinance as presented; or
2. Adopt the ordinance with revisions or conditions; or
3. Not adopt the ordinance.

Trustee Lewis moved to adopt Ordinance No. 3-2014; an Ordinance Amending Chapter 6: Article 4: Section 3: Business License Required of the Municipal Code, as presented. Trustee Gasner seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION TO ADOPT RESOLUTION NO. XX-2014, A RESOLUTION APPROVING BYLAWS FOR THE GRAND LAKE CEMETERY COMMITTEE – Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske explained that on behalf of the Grand Lake Cemetery Committee, Chairman Corinne Lively has presented a letter of recommendation to the Board of Trustees which states, “On behalf of the Grand Lake Cemetery Committee, we recommend approval of the proposed resolution to adopt our revised bylaws. Among other changes and clarifications, the new bylaws encourage participation and contribution from all Committee members by accepting electronic discussion and voting. We truly appreciate your ongoing financial and staff support of our efforts to carry out the terms of agreement between the Town and Rocky Mountain National Park. Thank you for the pleasure and honor of participating in the preservation and development of this vital piece of our community’s history.”

Trustee Lewis moved to adopt Resolution No. 17-2014, a Resolution Approving Bylaws for the Grand Lake Cemetery Committee. Trustee Lanzi seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION TO ADOPT RESOLUTION NO. XX-2014, A RESOLUTION ADOPTING A POLICY CONCERNING RECORDS REQUESTS AND ELECTRONIC MAIL USE UNDER THE COLORADO OPEN RECORDS ACT (CORA) – Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske explained that the adoption of this draft resolution is necessary due to the passing of HB14-1193 by the General Assembly which became effective on July 1, 2014. This bill requires records custodians to have in place a policy stating the amount charged for research and retrieval of records in response to a Colorado Open Records Act (CORA) request. HB14-1193 requires that a research and retrieval fee cannot be charged for the first hour spent on a request, and that the fee thereafter cannot exceed \$30.00 per hour. HB14-1193 also requires the policy be either published or posted, as a condition for imposition of research

and retrieval fees. Staff recommends that the Board adopt Resolution No. XX-2014.

Trustee Lewis moved to adopt Resolution No. 18-2014, a Resolution Adopting a Policy Concerning Records Requests and Electronic Mail Use Under the Colorado Open Records Act (CORA). Trustee Jenkins seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION TO AUTHORIZE MAYOR BURKE TO SIGN A COLORADO DEPARTMENT OF LOCAL AFFAIRS GRANT AGREEMENT FOR THE GRAND LAKE STREETScape AND WAYFINDING MASTER PLANS – Mayor Burke asked Town Manager Hook to present this matter to the Board. Hook explained that the Board of Trustees (Board) has the opportunity to enter into an agreement with the Colorado Department of Local Affairs (DOLA) for the Grand Avenue Streetscape Master Plan Project and the Wayfinding Master Plan Project. At the May 27 meeting, the Board authorized Mayor Burke to sign a grant request letter for a DOLA Administrative Grant to fund the streetscape master plan. At the June 23 meeting, the Board authorized Mayor Burke to sign a revised grant request letter to fund the streetscape master plan and the wayfinding master plan. At the June 23 meeting, the Board also awarded the planning and design contracts on both master plans to Munn Architecture. Subsequently, the contract has been signed and a Notice to Proceed has been issued. Subsequent to the Board's June 23 meeting, DOLA provided the Town with the Grant Agreement (Agreement.) For the most part, the Agreement is boilerplate. It does indicate that the award value is \$25,000 – just as requested. Exhibit B – Scope of Project accurately describes the scope of work and project budget for both master plans. The Board should discuss the merits of executing this Agreement and proceeding with the development of both master plans. Staff recommends that the Board authorize Mayor Burke to sign the Grant Agreement as presented and direct the Town Manager to administer the grant as required by the Agreement. The Board should authorize or not authorize Mayor Burke to sign the Agreement. Additionally, the Board should authorize or not authorize the Town Manager to administer the grant as required by the Agreement.

Trustee Lanzi moved to authorize Mayor Burke to sign the Colorado Department of Local Affairs Grant Agreement for the Grand Avenue Streetscape Master Plan Project and the Wayfinding Master Plan Project; and to authorize the Town Manager to administer the grant as required by the Agreement. Trustee Lewis seconded the motion and all Trustees voted aye.

ACCOUNTS PAYABLE

June, 2014:

Trustee Lewis moved to examine the Accounts Payable and Prepaid for all Funds for the Town of Grand Lake. Trustee Gasner seconded the motion and all Trustees voted aye. Trustee Lewis then moved to approve the Accounts

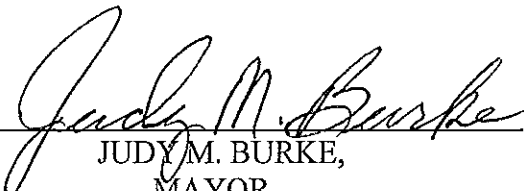
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Payable and Prepaid for all Funds for the Town of Grand Lake. Trustee Gasner seconded the motion and all Trustees voted aye.

CITIZEN PARTICIPATION: Larry Banman, Grand Gazette, was recognized from the audience. Out of curiosity, with all that has been going on with Grand County, he asked if the Town of Grand Lake has received a lot of Open Records Requests. Town Clerk Kolinske responded by saying "no" and Town Planner Biller responded by saying that the Records Requests that his office is seeing has nothing to do with what he would consider to be government open source. They are all property related.

Banman said that it seems the focus is on the County.

ADJOURNMENT: Trustee Gasner moved to adjourn, seconded by Trustee Baird. All Trustees voted aye, and the meeting was adjourned at 8:41 p.m., July 14, 2014.



JUDY M. BURKE,
MAYOR

ATTEST: 

RONDA KOLINSKE, CMC,
TOWN CLERK

Exhibit A

TO BOARD OF TRUSTEES

FROM SALLY BLEA – ON BEHALF OF APPLICANT SHANE BLEA FOR OVERNIGHT RENTAL PERMIT
APPROVAL

Mr. Biller notes in his report to you that two written objection letters were received, and the matter is therefore "required" to come before the Town Board. But if I am understanding your Municipal Code correctly, it states that the Planning Commission "may" hold a Public Meeting to determine its recommendation, and that the Board of Trustees "may" hold a Public Hearing on a proposed use to decide whether to approve the Planning Commission's recommendation.

My thought is that these written objections are against the program, not against the Applicant. I am sure you have already held a public forum to receive this type of input, but should concerned citizens continue to want to assert their dissatisfaction with your program, they should come directly to the Board instead of acting through the Applications for these type of complaints. Certainly if they had a complaint specifically to the Applicant, the Commission meeting and the Trustee hearing would be the proper avenue.

Perhaps the use of the word "may" in your Municipal Code gives Mr. Biller the latitude to automatically issue Permits to first time Applicants. Obviously "first time" Applicants could not have complaints against them directly, as it relates to overnight rental applications.

Thank you for your time.

Sally Blea