

RECORD OF PROCEEDINGS

REGULAR MEETING  
TOWN OF GRAND LAKE BOARD OF TRUSTEES  
MONDAY, AUGUST 25, 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 7:30 p.m. at the Town Hall, 1026 Park Avenue.

ROLL CALL  
PRESENT:

Mayor Burke; Trustees Baird, Jenkins, Lanzi, Lewis, and Sabo; Town Manager Hook, Town Clerk Kolinske, Town Planner Biller and Town Code Enforcement Administrator Rendon.

ABSENT:

Mayor Burke announced that Trustee Gasner was absent from both the afternoon workshop and this evening's meeting due to a family emergency. Trustee Baird moved to excuse Trustee Gasner from both this afternoon's workshop and this evening's meeting. Trustee Jenkins seconded the motion 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 Grand Arts council will hold its 17<sup>th</sup> Annual Tombstone Tales in the Grand Lake Cemetery on Sunday, August 31<sup>st</sup>. Shuttle busses will leave the Gateway Inn every 20 minutes from 11:00 a.m. to 1:40 p.m. Tickets are available at the Grand Lake Art Gallery or online at [www.grandartscouncil.com](http://www.grandartscouncil.com). Adults \$15.00 and children under 12 \$8.00.

Mayor Burke then announced that Rocky Mountain National Parks' Centennial Ice Cream Social Kick-Off Event will be held at the Holzworth Historic Site on Thursday, September 4<sup>th</sup> from 1 – 3 p.m.

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 of interest with any items on the agenda.

UNSCHEDULED PUBLIC  
COMMENTS:

Mayor Burke announced that this time is reserved for members of the public to make a presentation to the Board on items or issues that are not scheduled on the agenda. The Board will not discuss/debate these items, nor will the Board make any decisions on items presented during this time, rather, the Board will refer the items to staff for follow up. She

then asked if there were any unscheduled public comments and noted that comments are limited to 3 minutes.

There were no unscheduled public comments.

SCHEDULED PRESENTATIONS/  
DELEGATIONS:

None.

CONSENT AGENDA:

Mayor Burke introduced the Consent Agenda which contained the following: Minutes for May 27, 2014.

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

REPORTS: SALES TAX  
CASH FLOW REPORT  
FOR AUGUST 2014:

Mayor Burke asked Town Clerk Kolinske to present the sales tax cash flow report. Kolinske reported that the amount of revenue received in August 2014 for the month of June is \$140,004. This amount is 16.42% above what was received through August 2013 and the most received since at least 2000.

2<sup>ND</sup> QUARTER SALES  
TAX COLLECTION  
BY VENDOR:

Town Clerk Kolinske noted that Town Treasurer Ackerman provided a report consisting of the Second Quarter Sales Tax Collection by Vendor for April - June 2010-2014.

REPORTS: FINANCIAL  
REPORT FOR  
JULY 2014:

In the absence of Financial Trustee Gasner, Mayor Burke asked Town Clerk Kolinske to present the Financial Report for July 2014. Kolinske reported that the General Fund expenditures through the end of July totaled \$890,690.39 or 27.2% of budget. She said the Water Fund expenditures for the same period totaled \$256,170.30 or 35.9% of budget, the Marina Fund expenditures totaled \$83,241.59 or 29.5% of budget and the PAYT Fund expenditures totaled \$11,836.67 or 56.3% of budget.

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF RENEWAL OF THE HOTEL AND RESTAURANT LIQUOR LICENSE FOR EL PACIFICO, LLC, D/B/A EL PACIFICO RESTAURANT – 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. She concluded by saying that Jesus Varela, owner, and his wife Maria Rios, 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 Restaurant. Trustee Baird seconded the motion and all Trustees voted aye.

**LIQUOR LICENSING AUTHORITY: CONSIDERATION OF RENEWAL OF THE BEER AND WINE LIQUOR LICENSE FOR PIZZA DEL LAGO, INC., D/B/A GRAND PIZZA** – Since there was not a representative present, Trustee Lewis moved to table consideration of the renewal of the Beer and Wine Liquor License for Pizza Del Lago, Inc., d/b/a Grand Pizza until the next regularly scheduled meeting to be held September 8, 2014. Trustee Baird seconded the motion and all Trustees voted aye.

**LIQUOR LICENSING AUTHORITY: CONSIDERATION OF APPROVAL OF A SPECIAL EVENTS LIQUOR PERMIT FROM THE GRAND LAKE AREA HISTORICAL SOCIETY FOR THE TRAPPERS' WILD GAME CULINARY AFFAIR** – Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske explained that an application for a Special Events Liquor Permit has been received, with the appropriate state fee, certificate of good corporate standing, and floor diagram, from the Grand Lake Area Historical Society. The request is to sell malt, vinous and spirituous liquor by the drink for consumption on the premises only for the Trappers' Wild Game Culinary Affair. The requested dates are Friday, September 26, 2014 from 6:00 to 10:00 p.m. in the Grand Lake Community House and Saturday, September 27, 2014 from 11:00 a.m. to 10:00 p.m. using both the Community House and Town Square. Public notice was posted on the premises on August 14, 2014 and attested to by Grand Lake's Code Administrator, Tony Rendon. The Grand County Sheriff's Department reviewed the application and found no adverse information which would affect this permit. Kolinske noted that Jim Cervenka was present representing the Historical Society and Sheila Brown was present representing Grand Lake Area Dining Establishments (GLADE).

Following discussion, Trustee Lewis moved to approve the Special Events Liquor Permit Application from the Grand Lake Area Historical Society for the Trappers' Wild Game Culinary Affair to be held Friday, September 26, 2014 from 6:00 to 10:00 p.m. in the Grand Lake Community House and Saturday, September 27, 2014 from 11:00 a.m. to 10:00 p.m. using both the Community House and Town Square. Trustee Baird seconded the motion, and all Trustees voted aye.

**LIQUOR LICENSING AUTHORITY: CONSIDERATION OF A SPECIAL EVENTS LIQUOR PERMIT APPLICATION FROM THE GRAND LAKE AREA CHAMBER OF COMMERCE FOR THEIR FALL DINNER AND ELECTIONS** - Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske explained that an application for a Special Events Liquor Permit has been received, with the appropriate state fee,

proof of possession, certificate of good corporate standing, and floor diagram, from the Grand Lake Area Chamber of Commerce. The request is to sell malt, vinous and spirituous liquor by the drink for consumption on the premises only for the Chamber's Fall Dinner and Elections. The requested date is Thursday, September 25, 2014 from 4 – 9 p.m. and the proposed location is the Western Riviera Events Center. It has been the most recent procedure of this Board to receive the application and then schedule consideration of approval of the permit as a regular item of business at the following meeting. Although a Public Hearing is not required by statute, the Board may choose to set one. The premises are required by statute to be posted for at least 10 days prior to approval of the permit. Approval of the requested permit may be scheduled for the September 8<sup>th</sup> regular Board meeting, as either a Public Hearing or regular item of business. Kolinske noted that Samantha Miller, Executive Director for the Chamber of Commerce, was present.

Following brief discussion, Trustee Jenkins moved to act on this request as a regular item of business at the September 8, 2014 Board meeting. Trustee Lewis seconded the motion, and all Trustees voted aye.

OLD BUSINESS:

**QUASI-JUDICIAL - CONTINUATION OF AN APPEAL HEARING TO CONSIDER AN APPEAL TO A DENIED SIGN PERMIT APPLICATION FOR A SIGN TO BE MOUNTED ON THE WALL OF THE BUILDING LOCATED AT BLOCK 10, LOT 13, TOWN OF GRAND LAKE; MORE COMMONLY REFERRED TO AS 917 GRAND AVENUE** – Mayor Burke asked Town Code Administrator Tony Rendon to present this matter to the Board. Rendon explained that the Town has received a sign application for a sign to be placed on the structure of the building occupied by John F. Williams for the use of advertising his place of business – John F. Williams Photography. Staff denied the request based on the Municipal Code. The applicant is John F. Williams and he has requested an appeal, which requires Board review.

Municipal Code 6-2-3 General Restrictions States:

*(O) All signs shall have a wood-like appearance with a natural flat wood tone background.*

- This appeal was presented to the Board of Trustees on July 28, 2014. It was tabled to be reviewed at the next Board Meeting to be held on August 11, 2014.
- It was requested, via e-mail sent to John F. Williams on July 30, 2014, that he attend the August 11, 2014, Board Meeting. On August 6, 2014 Town staff received an e-mail from John F. Williams stating that he will not be attending the August 11, 2014 Board Meeting.

- On August 14, 2014, an e-mail was sent to John F. Williams stating that his appeal was tabled at the August 11, 2014 Board Meeting and his appeal would be presented at the August 25, 2014 Board Meeting.
- On August 15, 2014 Town staff received an e-mail from John stating that he might not be able to attend the August 25, 2014 Board Meeting.

The sign application was submitted on 6/25/2014. The denial of the application was done per a phone conversation with John on 7/1/2014. On 7/4/2014, it was observed by the Town Code Administrator that the sign had been mounted at John's place of business, 917 Grand Avenue. On 7/16/2014, the official letter of denial and the re-imbursement of \$10.00 for the application were delivered to John's place of business. A verbal warning was issued that gave John the option to appeal the denial of the application or to remove the sign by 07/28/2014. Staff recommends the Board deny the sign application appeal based on the following:

- The Municipal Code states that *(All signs shall have a wood-like appearance with a natural flat wood tone background)*. Upon review of the sign it does not appear wood-like it appears to be metal-like.

The Board should discuss the applicant's appeal to staff's decision regarding the application sign application. The Board has the following options:

1. Grant the appeal request, thus approving the sign application request as presented; or
2. Grant the appeal request with recommended modification; or
3. Deny the appeal request.

For the record, Rendon noted that John F. Williams was not present.

Following brief discussion, Trustee Lewis moved to deny the appeal request. Trustee Baird seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION TO ADOPT RESOLUTION NO. XX-2014; A RESOLUTION APPROVING THE AMENDED FINAL PLAT FOR LOTS 19 & 20, BLOCK 3, SUNNYSIDE ADDITION TO GRAND LAKE AT RECEPTION #15299; MORE COMMONLY REFERRED TO AS 500 N. INLET ROAD** – Mayor Burke asked Town Planner Biller to present this matter to the Board. Biller explained that the Town has received a minor subdivision land use application from Robert Dalton requesting to redefine two (2) existing platted lots which requires Board review. The Planning Commission forwarded a favorable recommendation to approve the Final Plat by Resolution 7-2014. Municipal Code 12-9-2 Board Review of the Final Development

Application states the Town Board of Trustees shall review the Final Development Application at a regularly scheduled public meeting after receiving a recommendation from the Planning Commission. In general, the owner is amending an existing lot line which will do the following:

- Allow each existing lot to be sold separately; and
- Each lot will then comply with the zoning regulations.

Two (2) residential structures are currently located on the property and therefore all site improvements have already been conducted. Again, this minor subdivision is strictly amending an existing lot line. Staff has reviewed the Final Plat which contains revisions addressing almost all the conditions outlined by the Planning Commission Resolution 7-2014. The Final Plat, as submitted, has been reviewed by Town Attorney Krob and his minor comments have been incorporated herein. Staff believes the minor comments can be easily addressed by the applicant after Board approval and prior to final signature by the Mayor for recording. Staff recommends the Board adopt the resolution as presented which contains the following conditions of approval:

1. The plat is revised as follows:
  - a. A plat note is added stating the following:
    - *This Plat shows a dock encroaching into the body of Grand Lake. The status of the ownership of the bed, banks, and water of Grand Lake is uncertain. By approving this plat, the Town takes no position regarding the ownership of the bed, banks, or waters of Grand Lake.*
    - *All improvements shown are existing.*
  - b. The setback identified on amended Lot 19 as "side" is corrected to "rear" setback.
  - c. The side yard setbacks shown on amended Lot 20 are corrected by removing line work extending to the water's edge.
  - d. The callout "Property Line at Elevation 8366.00' Per Rec. #2013005503 is revised to read "Property Line Per Rec. #2013005503."
2. The applicant submits all final plat documents with appropriate signatures for recording to the Town.
3. The applicant complies with all other federal, state, and local regulations.
4. The Mayor, at her sole discretion, may require Board review prior to signature.

The Board should discuss the minor subdivision and the recommendation of the Planning Commission. The Board has the following options to consider:

1. Adopt the resolution as presented, thus approve Final Plat; or
2. Adopt the resolution with revisions or other conditions; or
3. Not adopt the resolution; thus denying Final Plat; or
4. Continue the matter to allow amendments to the application.

Biller then noted that Kent Whitmer was present representing the applicant.

Following brief discussion, Trustee Jenkins moved to adopt Resolution No. 23-2014; a Resolution Approving the Amended Final Plat for Lots 19 and 20, Block 3, Sunnyside Addition to the Town of Grand Lake at Reception #15299; more commonly referred to as 500 N. Inlet Road, as presented. Trustee Sabo seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION TO GRANT A WAIVER TO THE AFFORDABLE HOUSING FEE FOR NEW CONSTRUCTION LOCATED AT LOT 16, BLOCK 19, TOWN OF GRAND LAKE; MORE COMMONLY REFERRED TO AS 729 LAKE AVENUE -** Mayor Burke asked Town Planner Biller to present this matter to the Board. Biller explained that the Town has received a request to waive the affordable housing fee required for the issuance of a building permit application. The owner of the property is the Grand Lake Area Historical Society (GLAHS) who has requested the waiver. The Smith-Eslick's Cottage Court building (motel) was built in the early 1900's.

2009 - The motel structure was moved from 800 Grand Avenue to its current location at 729 Lake Avenue. A permit was not required; therefore a permit was not issued by the Town.

2010 – The Planning Commission approved the temporary use of plastic sheeting on the exterior of the building.

August 2014 – Town staff approved a building permit for the construction of a new concrete foundation for the permanent placement of the building that includes the required affordable housing fee.

The Rocky Mountain Repertory Theatre was granted a fee waiver to the affordable housing by Resolution 29-2010, which requires them to provide employee housing. This waiver does not address or include existing structures located on the property. More information on the Eslick's Cottage Court can be found at <http://grandlakehistory.org/museums/cottage-camp/>.

Municipal Code 12-2-10 Affordable Housing Fees states:

*The Town shall collect a fee set by a resolution adopted by the Grand Lake Board of Trustees for new construction that occurs within the Town boundaries.....The Town Building Official shall not issue any building permits for new construction until such time as this fee is paid in full.*

*(C) Certain development or annexations may be eligible for a waiver of this Section based on criteria established by the Grand Lake Board of Trustees.*

In staff's opinion, permanently placing any structure on land that was previously vacant is considered new construction. Staff agrees the building was "existing" on another parcel. However, staff believes the moving of this building has similar traits of mobile home type construction or module home type construction. The total waiver request is in the amount of \$480. Staff believes the waiver request is appropriate considering the following:

- GLAHS is a non-profit organization
- The intent of the building permit is for historic preservation of a Town amenity.

Staff recommends the Board grant the property owner a waiver of the affordable housing fee for the permanent placement of the structure. The Board should discuss the fee waiver request. The Board has the following options to consider:

1. Grant a waiver to the entire affordable housing fee; or
2. Grant a waiver with conditions; or
3. Not grant a waiver.

Biller then noted that Jim Cervenka, President of the Grand Lake Area Historical Society, was present.

Following brief discussion, Trustee Lewis moved to grant a waiver of the affordable housing fee for the building permit to permanently place the Eslick's Cottage Court building located on Lot 16, Block 19, Town of Grand Lake; more commonly referred to as 729 Lake Avenue. Trustee Jenkins seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION TO AWARD A CHANGE ORDER FOR MOLD MITIGATION AT THE PITKIN ANNEX** – Mayor Burke asked Town Manager Hook to present this matter to the Board. Hook explained that earlier this summer, the Board awarded Rocky Mountain Catastrophe & Restoration (RMCR) several interrelated work tasks. The current contract value for all work is \$42,581.62.

- Repair the water damage within the living space with costs covered by CIRSA insurance (about \$27.7k)
- Mitigate mold within the living space at Town cost (about \$1.3k)
- Replace the entire roof at Town cost (about \$13.6k).

During the process of evaluating mold mitigation within the living space, it was discovered that mold also existed within the crawlspace below the living space and within the public restrooms on the south end of the building. Hook said that the Limited Mold Testing Report provided by RMCR was previously provided to the Board and is again provided in the packets for ease of reference. Subsequent to providing the report, RMCR has provided the Town with two quotes to mitigate the mold in these locations.



- Crawlspace – Cost: \$8,021.16; Scope of work: remove mold & stains from exposed wood; install moisture barrier on floor and walls; add one access door from living space
- Public restrooms – Cost: \$5,693.97; Scope of work: all work is below a horizontal line 4’ above the floor; remove plumbing and electrical fixtures; remove wall and floor coverings; remove drywall and subflooring; remove moldy insulation; remove mold & stains from exposed wood; install new subfloor, floor covering, drywall, and wall covering on floor and walls; add one access door to crawlspace; reinstall fixtures

Mold mitigation is not covered by CIRSA as an insurance claim, thus the Town must bear this cost. Since this repair project was not anticipated, there is no specific line item value in the 2014 budget for this repair. Staff believes that it is in the best interests of the Town and the public to move forward with mitigating the mold found at Pitkin Annex. Staff is comfortable with awarding the mitigation work to RMCR as quoted. Given that their estimating program uses insurance industry standard tasks and unit costs, there does not seem much to be saved by going out for competitive bids. It seems especially true when you take into account the staff time and/or consultant costs related to assembling the bid documents as well as the added overhead that RMCR discounted in their quote because they are already on-site. Should the Board award the mitigation work to RMCR, staff proposes that this work be added to RMCR’s existing agreement for the water damage repair project via change order. The Board should discuss the merits of mitigating the mold in the crawlspace and the public restrooms at Pitkin Annex at the Town’s expense, and the merits of awarding the mitigation work to RMCR via change order to their existing contract or directing staff to pursue a competitive bid for the mitigation work. Staff recommends that the Board award the mold mitigation work in the crawlspace and public restrooms at Pitkin Annex to RMCR as per their two quotes totaling \$13,715.13 and that the Town Manager be authorized to administer the additional work, including signing of the change order to add this work to their existing agreement. The Board has several options to consider, including:

- Awarding or not awarding the mold mitigation work at Pitkin Annex to RMCR per their two quotes totaling \$13,715.13
- Authorizing or not authorizing the Town Manager to administer the project, including signing of the change order to add this work to their existing agreement
- Directing or not directing staff to pursue a competitive bid for the mold mitigation work

Following brief discussion, Trustee Baird moved to award the mold mitigation work in the crawlspace and public restrooms at Pitkin Annex to Rocky Mountain Catastrophe & Restoration as per their two quotes

totaling \$13,715.13; and, to authorize the Town Manager to administer the additional work, including signing of the change order to add this work to Rocky Mountain Catastrophe & Restoration's existing agreement. Trustee Lanzi seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION OF USE AND PURCHASE OF A COMMEMORATIVE COIN HONORING THE ROCKY MOUNTAIN NATIONAL PARK CENTENNIAL** - Mayor Burke asked Town Manager Hook to present this matter to the Board. Hook explained that Mayor Burke has developed and ordered a commemorative coin honoring the Rocky Mountain National Park (RMNP) Centennial at her own expense. This item was briefly discussed at the Board's last workshop. There was a request to bring this forward as an action item so the Board may formally consider how the Town might use the coin and if the Town might participate in a future order of additional coins. Some of the ideas mentioned include:

- Gifts to Town Board members, employees and volunteers
- Gifts to other elected officials in Grand County
- Gifts to other strategic partners of the Town
- Sales to the public, proceeds perhaps benefiting a local non-profit or cause (such as Trail River Ranch)
- The Town participate in an order of additional coins to supplement the supply that Mayor Burke has already ordered
- Order no additional coins to maximize their specialness

The 2014 Town budget includes a line item of \$10,000 for the Centennial celebration. During development of the budget, there were general conversations that this funding might be allocated to a number of efforts, including a challenge coin and other products as well as the efforts of local groups who decide to join in the effort to celebrate the Centennial within the Grand Lake community. To date, the Board has authorized the granting of funds for two local events – the Trappers Wild Game Culinary Affair (up to \$3000) and a geocaching event (up to \$1200). Thus, there is at least \$5800 still available in this line item. Staff believes that such a commemorative coin can provide much benefit to the Town and the RMNP Centennial in terms of promotion, awareness and appreciation. Staff believes that this opportunity fits within the guidelines previously provided verbally by the Board. Further, staff desires to encourage the Board to take advantage of this once in a lifetime opportunity. The Board should discuss the merits of the Town supporting and promoting the RMNP Centennial via the use and purchase of this commemorative coin. Staff recommends that the Board authorize certain Town uses of the RMNP Centennial commemorative coin and participation in the purchase of additional coins. The Board should authorize or not authorize certain Town uses of the RMNP

Centennial commemorative coin and participation in the purchase of additional coins.

Following discussion, Trustee Lanzi moved to authorize the Town to utilize the RMNP Centennial commemorative coin developed by Mayor Burke in the following ways: to benefit Trail River Ranch and any other charity that she deems worthy, and to authorize the expenditure of up to \$1,000.00 for the purchase of additional commemorative coins. Trustee Baird seconded the motion and all Trustees voted aye except Mayor Burke, who abstained.

NEW BUSINESS:

**CONSIDERATION OF AN ADJUSTMENT TO A CITIZEN'S WATER BILL** – Mayor Burke asked Town Manager Hook to present this matter to the Board. Hook explained that the Town received a request from a water customer for relief on a water bill and the Town Water Superintendent David Johnson's response is as follows:

"I checked Mr. Pollock's meter at 921 Mountain Avenue in July because of a high water bill. I found the water running, turned off the old summer line valve and the meter slowed down but was still running. I notified the owner that it was still leaking and needed other repairs. Mr. Pollock called on August 18-19. He was checking the water lines and found a leak and repaired it. I would recommend no credit be given for his water bill due to his poor response after he was told it needed to be repaired in July."

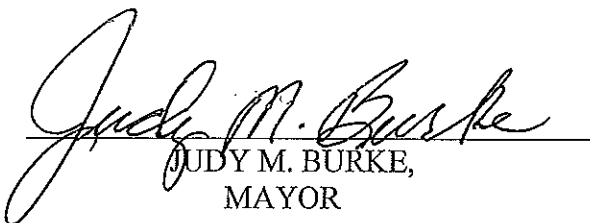
Trustee Lewis moved to deny an adjustment to Mr. Pollock's water bill per Town Water Superintendent David Johnson's recommendation. Trustee Baird seconded the motion and all Trustees voted aye.

MAYOR'S REPORT  
AND COMMENT:

None.

ADJOURNMENT:

Trustee Lewis moved to adjourn, seconded by Trustee Sabo. All Trustees voted aye, and the meeting was adjourned at 8:25 p.m., August 25, 2014.

  
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JUDY M. BURKE,  
MAYOR

ATTEST:   
\_\_\_\_\_  
RONDA KOLINSKE, CMC,  
TOWN CLERK