

RECORD OF PROCEEDINGS

REGULAR MEETING  
TOWN OF GRAND LAKE BOARD OF TRUSTEES  
MONDAY, JUNE 9, 2008 7:30 P.M.

CALL TO ORDER:

The regular meeting of the Board of Trustees was called to order by Mayor Pro-Tem Aron Rhone at 7:33 p.m. at the Town Hall, 1026 Park Avenue.

PRESENT:

Mayor Pro-Tem Rhone; Trustees Johnson, Lanzi, Lewis, Peterson, and Weydert; Town Manager Hale, Town Clerk Kolinske, Town Planner Wittman and Town Code Enforcement Officer Korkowski.

ABSENT:

None.

APPROVAL OF MINUTES

May 27, 2008:

Trustee Weydert moved to approve the minutes of the May 27, 2008 regular meeting as written, seconded by Trustee Lewis. All Trustees voted aye except Trustee Peterson, who abstained.

ANNOUNCEMENTS:

Mayor Pro-Tem Rhone announced that it would be appreciated if cell phones were turned off during the meeting.

Mayor Pro-Tem Rhone announced that the Rocky Mountain Repertory Theatre will begin its 2008 Summer Season with "Oklahoma!" on Friday, June 13 in the Community House.

Mayor Pro-Tem Rhone announced that Magnesium Chloride (dust control) will be applied to Town streets on June 12 & 13.

Mayor Pro-Tem Rhone then announced that the 25<sup>th</sup> Annual Colorado State Chili Cook Off will be held Saturday, June 21 in the Town Park. Proceeds will go to the Grand Lake Fire Protection District's Scholarship Fund.

PRESENTATIONS:

None.

At 7:34 p.m. Trustee Johnson excused himself and left the room.

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF APPROVAL FOR A SPECIAL EVENTS LIQUOR PERMIT FOR THE ROCKY MOUNTAIN REPERTORY THEATRE FOR THE "CABARET/ALL THAT JAZZ" FUNDRAISING EVENT - Mayor Pro-Tem Rhone asked Town Clerk Kolinske to present this matter to the Board. Kolinske stated that this request was for a fundraising event to be held at the Grand Lake Yacht Club, 1128 Lake Avenue, on Sunday, July 27, 2008 from 1:00 p.m. to 10:00 p.m. She said that the application documents were in order and the appropriate state fee was paid. Public notice was posted on the premises on May 30, 2008 and attested to by Grand County Sheriff Deputy Ellison on

June 5, 2008. The Grand County Sheriff's Department reviewed the application and found no adverse information which would affect this permit. She stated that 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; or
- \* the organization fails to show that other existing facilities are not available or are inadequate for the needs of the organization, and that the organization is temporarily occupying premises and that the general public will be served during the special event.

Kolinske then noted that Sally Scott, Company Manager, was present representing the Theatre.

Trustee Peterson moved to approve the Special Events Liquor Permit for the Rocky Mountain Repertory Theatre for "Cabaret/All That Jazz". Trustee Lewis seconded the motion and all Trustees voted aye.

Since Trustee Weydert is a Board Member for the Grand Lake Fire Protection District, he announced that he will abstain from voting.

**LIQUOR LICENSING AUTHORITY: CONSIDERATION OF APPROVAL FOR A SPECIAL**

**EVENTS LIQUOR PERMIT FOR THE MOUNTAIN FAMILY CENTER FOR THE 25<sup>TH</sup> ANNUAL COLORADO STATE CHILI COOK OFF** - Mayor Pro-Tem Rhone asked Town Clerk Kolinske to present this matter to the Board. Kolinske stated that this request was for the 25<sup>th</sup> Annual Colorado State Chili Cook Off to be held in Town Square on Saturday, June 21, 2008 from 9:00 a.m. to 8:00 p.m. Proceeds of this fundraising event will go to the Grand Lake Fire Protection District's Scholarship Fund. She said that the application documents were in order and the appropriate state fee was paid. Public notice was posted on the premises on May 20, 2008 and attested to by Grand County Sheriff Deputy Ellison on June 5, 2008. The Grand County Sheriff's Department reviewed the application and found no adverse information which would affect this permit. She stated that 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; or
- \* the organization fails to show that other existing facilities are not available or are inadequate for the needs of the organization, and that the organization is temporarily occupying premises and that the general public will be served during the special event.

Kolinske then noted that Mindy Everhart, representative of the Mountain Family Center, was present.

Trustee Lewis moved to approve the Special Events Liquor Permit for the Grand Lake Area Chamber of Commerce for the Colorado State Chili Championship, seconded by Trustee Peterson. All Trustees voted aye except Trustee Weydert, who abstained.

**LIQUOR LICENSING AUTHORITY: CONSIDERATION OF RENEWAL OF THE HOTEL AND RESTAURANT LIQUOR LICENSE FOR CAREY AND GREGORY BARNES, D/B/A DHWW INVESTMENTS, DAVEN HAVEN LODGE/BACKSTREET STEAKHOUSE** - Mayor Pro-Tem Rhone 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 noted that the Grand County Sheriff's Department found no adverse information that would affect the status of the license. She concluded by saying that Carey Barnes, Owner, was present.

Trustee Lewis moved to approve the renewal of the Hotel and Restaurant Liquor License for Carey and Gregory Barnes, d/b/a DHWW Investments, Daven Haven Lodge/Backstreet Steakhouse. Trustee Weydert seconded the motion and all Trustees voted aye.

**LIQUOR LICENSING AUTHORITY: CONSIDERATION OF A TRANSFER OF OWNERSHIP APPLICATION FROM B & D MOUNTAIN ENTERPRISES, INC., GRAND PIZZA TO PIZZA DEL LAGO, INC., D/B/A GRAND PIZZA FOR THE BEER AND WINE LIQUOR LICENSE** - Mayor Pro-Tem Rhone asked Town Clerk Kolinske to present this matter to the Board. Kolinske explained that the Town received a Transfer of Ownership Application for the Beer and Wine Liquor License from B & D Mountain Enterprises, Inc., d/b/a Grand Pizza to Pizza Del Lago, Inc., d/b/a Grand Pizza at 1119 Grand Avenue. Jay and Delores Jackson have been operating under a Temporary Transfer Permit issued by the Town Clerk on February 13, 2008. The fees have been paid and all the proper application documents have been completed. The water, business license, and sales tax accounts are current. A letter was received from the Grand County Sheriff's Department providing the following information:

On April 12, 2008, Delores Jackson received a Summons for an illegal sale of alcohol to a minor during an alcohol compliance check. She appeared in court on May 6 and was found guilty of providing alcohol to a minor. She was fined \$92, ordered to perform 96 hours of public service, and must make a \$500 contribution to DARE. As a result the applicants recognized the need for TIPS Training and pursued putting a session together which was held on June 2. Their employee also has a certificate of completion of TIPS Training.

The FBI reported that Jay Jackson was arrested on January 15, 1989 by the Police Department in Huntington Beach, CA on the following charges:

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Took vehicle without owner consent vehicle theft – case dismissed.  
Petty theft – convicted/probation.  
Took vehicle for temporary use – convicted/probation.

Kolinske explained that these charges occurred over 19 years ago and alone are probably not sufficient enough to deny the license on the basis that the applicant is a person who is not of good moral character. However, because Jay provided false information on his Individual History Record, he has been charged with perjury in the second degree which is a class 1 misdemeanor. He is scheduled to appear on June 10, 2008.

The Board has several options: 1). Deny approval of the application and revoke the Temporary Transfer Permit. 2). Approve the application as is. 3). Extend the Temporary Transfer Permit for a length of time (30 – 60 days) and give Jay the opportunity to amend the application. Then approve the application and potentially suspend the license after it's issued. She noted that the applicants, Jay and Delores Jackson, were present.

Trustee Lanzi asked Jay Jackson how old he was in 1989. Jay responded by saying that he was 25.

Trustee Weydert stated that he was leaning toward denying approval of the application. He explained that the Town is facing more than one situation of perjury at the present time. "It's a very serious matter."

Delores Jackson spoke in regards to her situation and said that she was caught in a weak moment when she sold alcohol to a minor. She said, "I'm thankful it was a sting operation, not just someone out trying to get alcohol." She then spoke on behalf of her husband and said that the illegal acts occurred a long time ago, and in former jobs with high security and background checks, nothing had ever come up about his brief criminal history. She said that it is very important to their business that they have a liquor license. She mentioned that they had closed in escrow on property in the area this morning and are planning to stay here and hopefully operate a successful business.

Trustee Lewis noted that the Board takes this matter very seriously and is very sensitive to the issue of perjury right now; however, she said that she would hate to see someone who is just starting out in a business lose the opportunity to succeed.

Trustees Peterson and Lanzi both agreed that the perjury issue is a charge at this point, not a conviction.

Following lengthy discussion, Trustee Weydert moved to approve the Transfer of Ownership application and extend the Temporary Transfer Permit for a period not to exceed 30 days in order to give Jay Jackson the

opportunity to amend his Individual History Record before the application is submitted to the State. Furthermore, the Board reserves the right to hold a Public Hearing to discuss suspension or revocation of the license following the outcome of Mr. Jackson's court proceedings and State approval, if granted, of the license. Trustee Lanzi seconded the motion and all Trustees voted aye.

At 8:11 p.m. Trustee Johnson resumed his seat.

OLD BUSINESS:

None.

NEW BUSINESS:

**CONSIDERATION OF RESOLUTION NO. 6-2008, A RESOLUTION GRANTING A LICENSE FOR THE ENCROACHMENT INTO THE PUBLIC RIGHT-OF-WAY OF CERTAIN IMPROVEMENTS LOCATED ADJACENT TO LOT 1, BLOCK 15, TOWN OF GRAND LAKE** - Mayor Pro-Tem Rhone asked Town Planner Wittman to present this matter to the Board. Wittman explained that on May 27, 2008, the Town received an Encroachment License request from Suzanne Reed, located at 829 Mountain Avenue, Lot 1, Block 15. Ms. Reed's request comes after an anonymous complaint was drawn against her property; issues surrounding the complaints are being rectified with the Town's Code Enforcement Officer, Dan Korkowski. Ms. Reed's request is to continue to allow a regulation-sized fire pit, a bench near the fire pit and an antique logging sled to remain in the Ellsworth Right-of-Way between Mountain and Patterson Avenues, adjacent to Lot 1, Block 15. Although Ms. Reed claims to have maintained a great portion of the Ellsworth R-O-W with native wildflower and shrub plantings, she is not asking for the Encroachment License to cover these items. The existing encroaching tree house will be removed from the Town's R-O-W. Town staff has conducted a site visit and measured the encroachments. The entirety of the request would be for an encroachment of 26' into the Ellsworth R-O-W. Public Works Director, Bernie McGinn, has reviewed the request and does not believe that the encroachment will affect current maintenance efforts; the Town does not currently maintain Ellsworth and the encroachments do not affect Mountain Avenue. Ms. Reed is aware that at any time the Town would like to make improvements to the R-O-W, that the Encroachment License would become null and void. Ms. Reed has also been made aware that in an emergency situation the Town may need to access Ellsworth and any damage done to the encroachments will be her responsibility. The fire pit and the bench encroach approximately 5' into the R-O-W but with the 26' encroachment of the antique logging sled, staff feels that allowing this encroachment could set precedence for future requests. Staff recommends that the Board of Trustees amend draft Resolution No. 6-2008, to omit the antique logging sled and then adopt Resolution No. 6-2008. Wittman noted that Suzanne Reed was present.

Following discussion, Trustee Peterson moved to adopt Resolution No. 6-2008, a Resolution Granting a License for the Encroachment into the Public Right-of-Way of Certain Improvements Located Adjacent to Lot 1, Block 15, Town of Grand Lake with the omission of the antique logging sled. Trustee Weydert seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION OF RESOLUTION NO. 7-2008, A RESOLUTION APPROVING A CONDITIONAL USE AT SHADOW PARK WEST CONDOMINIUMS, PHASE VII, UNIT #2 FOR A NIGHTLY RENTAL LICENSE IN A RESIDENTIAL NEIGHBORHOOD** - Mayor Pro-Tem Rhone asked Town Code Enforcement Officer Korkowski to present this matter to the Board. Korkowski explained that the Town has received a nightly rental application from Keith and Sheryl Lantz for their property located at 210 Tall Pine Circle. The application satisfied the requirements of Section 12-2-26(j). Eleven (11) certified letters were sent to and nine (9) received by property owners within 100 feet of this property. Two (2) letters were returned unclaimed. The Town received 4 responses to those letters. The first letter is from Sally Davis, and she objects to any nightly rentals as she has concerns about her safety because of strangers in the area. She has no specific complaints about this property. The second letter is from is from George Beilby, and he is complaining about a different rental unit and the problems he has had with the renters there. The problems are mainly about parking issues and noise. He does not want any more rental units in the building. He has no specific complaints about this property. The third response is an e-mail from Richard Lewis, and he is against any nightly rentals. He has no specific complaints against this property. The fourth response is an e-mail from Bill and Veda Siemplenski, and they are in favor of granting the license. The Planning Commission reviewed this request on June 4, 2008 and recommended that a nightly rental license and Conditional Use Resolution be issued to the Lantzs. He said that the Board of Trustees has the following four options available to them:

1. The Board may hold a Public Hearing.
2. The Board may approve Resolution No. 7-2008.
3. The Board may amend Resolution No. 7-2008 with conditions.
4. The Board may disapprove the Planning Commission recommendation.

Korkowski concluded by saying that the staff recommendation is to approve the Planning Commission's recommendation and adopt Conditional Use Resolution No. 7-2008. He noted that Kevin Cox of Grand Mountain Rentals, who is managing this property, was present.

Trustee Weydert moved to adopt Resolution No. 7-2008, a Resolution Approving a Conditional Use at Shadow Park West Condominiums, Phase VII, Unit #2 for a Nightly Rental License in a Residential Neighborhood. Trustee Lewis seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION TO SET A PUBLIC HEARING FOR JULY 14, 2008 TO CONSIDER ORDINANCE NO. 7-2008, AN ORDINANCE AFFECTING CHAPTER 12, ARTICLE 10, OF THE CODE OF THE TOWN OF GRAND LAKE (INCLUSIONARY ZONING) AND RESOLUTION NO. 5-2008, A RESOLUTION ADOPTING PROGRAM MATERIALS FOR THE INCLUSIONARY ZONING PROGRAM AS PART OF CHAPTER 12, ARTICLE 10, OF THE CODE OF THE TOWN OF GRAND LAKE** – Mayor Pro-Tem Rhone asked Town Planner Wittman to present this matter to the Board. Wittman referred to a draft Inclusionary Zoning (IZ) Ordinance and a draft Resolution adopted the IZ Program Manual. As per recommendations from the Planning Commission/Board of Trustees joint workshop held on March 20, 2008, staff has updated the program materials to allow for the policy-based decisions made at that meeting. If adopted, the IZ Ordinance will create a new section in Chapter 12, Article 10 (*Affordable Housing Requirements*). Under the new provisions of this section, IZ will require all new residential developments (creating five or more units) to create a minimum of 10% of the units to be IZ units. These attainable, for-purchasing housing units will be marketed and sold to lower and moderate income families who work in Grand Lake, or the Grand Lake area. Chapter 12, Article 10, of the Municipal Code does not require a Public Hearing as per regulations set forth by the Town of Grand Lake. At the April 16<sup>th</sup> Planning Commission Regular Meeting, the Planning Commission chose to hold a Public Hearing regarding this matter. The Planning Commission held a Public Hearing on June 4, 2008, regarding the proposed Ordinance and Resolution. The Planning Commission made recommendation to the Board of Trustees to hold a Public Hearing regarding this matter. The Planning Commission also provided a favorable recommendation to the Board of Trustees to approve the Inclusionary Zoning program. She concluded by saying that staff recommends that the Board of Trustees review the submitted documents and if satisfied, move to hold a Public Hearing regarding the proposed changes to Municipal Code Chapter 12, Article 10, *Affordable Housing Requirements*, on July 14, 2008.

Trustee Peterson moved to set a Public Hearing for July 14, 2008 to consider Ordinance No. 7-2008, an Ordinance Affecting Chapter 12, Article 10, of the Code of the Town of Grand Lake (Inclusionary Zoning) and Resolution No. 5-2008, a Resolution Adopting Program Materials for the Inclusionary Zoning Program as Part of Chapter 12, Article 10, of the Code of Town of Grand Lake. Trustee Lewis seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION TO AUTHORIZE THE TOWN MANAGER TO ENTER INTO AN AGREEMENT FOR SERVICES WITH THE ENTERPRISES, INC. FOR TREE SPRAYING** - Mayor Pro-Tem Rhone asked Town Manager Hale to present this matter to the Board. Hale explained that the Town advertised for bids for tree spraying in 2008 and

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received one bid from THC Enterprises, Inc. for \$8.50 per tree. This is the same amount the THC bid in 2007. Staff recommends that the Board of Trustees award the 2008 tree spraying bid to THC Enterprises, Inc. in the amount of \$8.50 per tree for approximately 1,800 trees and to authorize the Town Manager to enter into an Agreement for Services with THC.

Trustee Lewis moved to award the 2008 tree spraying bid to THC Enterprises, Inc. in the amount of \$8.50 per tree for approximately 1,800 trees and to authorize the Town Manager to enter into an Agreement for Services with THC Enterprises, Inc., seconded by Trustee Weydert. All Trustees voted aye except Trustee Peterson, who voted nay.

NEW BUSINESS:

**CONSIDERATION TO AUTHORIZE THE TOWN MANAGER TO ENTER INTO AN AGREEMENT FOR SERVICES WITH THE CONSTRUCTION GUYS, INC. FOR THE CONSTRUCTION OF AN APPROACH DOCK** – Mayor Pro-Tem Rhone asked Town Manager Hale to present this matter to the Board. Hale explained that the kayak boat dock is moving forward; the Town has been working with the Corps of Engineers on the project (through Geoff Elliot), and are fine to proceed. It will be a low profile floating dock that can be removed every winter, so our focus has been on the limit of disturbance on the bank, how it gets connected to the shore, etc. Geoff Elliot worked on the shoreline design that will connect to the dock with Max Baseman. Marina Manager, Jerry Hassoldt, is satisfied that the design will work, so we intend to pull a permit this week and get started. Hale referred to a bid from the Construction Guys, Inc. (Max Basemann) for \$2,160. The one change to this bid is that Jerry would prefer a 5' wide deck, so the square footage will increase to 60', and the price to \$2,700. Remember that we have \$6,000 pledged from two local businesses for this project; we've held off collecting from Simon thus far, since we didn't want the money until we knew the Corps would sign off, we'd have it installed prior to the 4<sup>th</sup> of July, etc., but will approach him prior to ordering the docks. Our original estimate was around \$6,000, so depending upon railing, floatation and the price of fuel, we'll see how close we'll come, but we built in an original estimate for \$12,000, so I think that we're still well on track. Given Max's understanding of the environmental concerns as well as the dollar amount (anything under \$10,000 doesn't require a competitive bid process), the staff recommendation is for the Board of Trustees to authorize the Town Manager to enter into an Agreement for Services with the Construction Guys, Inc. for the construction of the approach dock.

Trustee Weydert moved to authorize the Town Manager to enter into an Agreement for Services with the Construction Guys, Inc. for the construction of an approach dock. Trustee Lewis seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION TO SET A PUBLIC HEARING FOR JUNE 23, 2008 TO CONSIDER A WATER RATE INCREASE** - Mayor Pro-Tem Rhone asked Town Manager Hale to present this matter to the Board. Hale explained to the Board that they were briefed at the long-range retreat that the Town has been working through a consultant on a water rate study to analyze the expected improvements over the next 10 years compared with expected revenues. He said that he has scheduled the consultant to discuss this study with the Board on June 23, 2008. Although it's not a requirement, since we're looking at a rate structure over the next 10 years, staff believes that it is prudent to schedule a Public Hearing. The staff recommendation is for the Board of Trustees to schedule a Public Hearing for consideration of a water rate increase to be held at 7:30 on June 23.

Trustee Johnson moved to set a Public Hearing for June 23, 2008 to consider a water rate increase. Trustee Lewis seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION TO DESIGNATE TRUSTEE LEWIS AS THE TOWN'S REPRESENTATIVE TO THE GRAND COUNTY WATER INFORMATION NETWORK, AND TO DESIGNATE THE TOWN MANAGER AS THE TOWN'S ALTERNATE** - Mayor Pro-Tem Rhone asked Town Manager Hale to present this matter to the Board. Hale explained that at the last meeting, it was brought to the Board's attention that Glenn Harrington is still listed as the Town's representative to the Grand County Water Information Network (GCWIN). At that meeting, Trustee Lewis indicated that she would be willing to cover this post. Trustee Lewis sat as the Town's representative to GCWIN previously, but had to resign the post due to health reasons. The staff recommendation is for the Board of Trustees to designate Kathy Lewis as the Town's representative to the Grand Count Water Information Network, and to designate Shane Hale as the Town's alternate.

Trustee Weydert moved to designate Kathy Lewis as the Town's representative to the Grand Count Water Information Network, and to designate Shane Hale as the Town's alternate, seconded by Trustee Johnson. All Trustees voted aye except Trustee Lewis, who abstained.

NEW BUSINESS:

**CONSIDERATION TO DESIGNATE TRUSTEE PETERSON OR TRUSTEE LEWIS AS THE DESIGNATED TOWN REPRESENTATIVE FOR VOTING PURPOSES AT THE 2008 CML ANNUAL BUSINESS MEETING** - Mayor Pro-Tem Rhone asked Town Manager Hale to present this matter to the Board. Hale explained that a business meeting is held every year at CML to vote for the executive board, adopt the policy statement and to hear the President's report. The Mayor normally represents the Town at this meeting, so the Board will need to designate another member among your ranks as the Town's designee. He

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said that Trustees Peterson and Lewis are the only two elected officials that have reserved for the conference and that one of them should be designated.

Trustee Johnson moved to designate Trustee Peterson as the designated Town representative for voting purposes at the 2008 CML Annual Business Meeting, seconded by Trustee Weydert. All Trustees voted aye except Trustee Peterson, who abstained.

ACCOUNTS PAYABLE

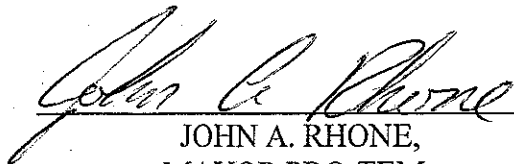
May, 2008:

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

CITIZEN PARTICIPATION: Gay Shaffer, 842 Lake Avenue, made the comment that the newly landscaped drainage on the lakefront looks fabulous.

ADJOURNMENT:

Trustee Weydert moved to adjourn, seconded by Trustee Peterson. All Trustees voted aye, and the meeting was adjourned at 8:45 p.m., June 9, 2008.

  
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JOHN A. RHONE,  
MAYOR PRO-TEM

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