

RECORD OF PROCEEDINGS

---

REGULAR MEETING  
TOWN OF GRAND LAKE BOARD OF TRUSTEES  
MONDAY, JULY 28, 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 7:34 p.m. at the Town Hall, 1026 Park Avenue.

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

ABSENT: Trustee Lewis.

APPROVAL OF MINUTES  
July 14, 2008: Trustee Weydert moved to approve the minutes of the July 14, 2008 regular meeting as written, seconded by Trustee Johnson. 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 Youth Theatre Production will present "*Hound Dog Marty's 'Rock & Roll Party'*" on August 2 and 3 in the Community House.

Mayor Pro-Tem Rhone announced that Concerts in the Park, sponsored by the Grand Arts Council, will present "*Corso Bersaglieri*" on August 2 in Town Square beginning at 12 noon.

Mayor Pro-Tem Rhone announced that the Grand Lake Yacht Club Regatta will be held August 2 - 9.

Mayor Pro-Tem Rhone then announced that the "Grand CraftFest" an arts and crafts fair sponsored by the Grand Lake Metro. Rec. District will be held August 9 & 10 in Town Square.

Trustee Peterson moved to rearrange the agenda and to consider the Old Business next. Trustee Johnson seconded the motion and all Trustees voted aye.

OLD BUSINESS: **PUBLIC HEARING – CONSIDERATION OF A CONDITIONAL USE PERMIT FOR THE TOWN OF GRAND LAKE TO INSTALL AND IMPLEMENT A PUBLIC AUDIO COMMUNICATION SYSTEM IN THE TOWN SQUARE** - Mayor Pro-Tem Rhone asked Town Planner Wittman to present this matter to the Board. Wittman explained that on June 3, 2008, Town staff received a proposal from Peter Esmonde to design, install, and implement a state of the art audio

communication system for the Town of Grand Lake. The system will consist of 12 permanently-mounted speakers, an amplifier, a CD player and a cordless microphone. The system is proposed to be affixed to the Community House, as well as affixed to the theatre marquee and the boardwalk shelters located on the southeast and southwest corners of the Town Park. Mr. Esmonde has worked with Bernie McGinn, Director of Public Works, to ensure the system will be adequately placed on public property. This is a Conditional Use Request with the Town being the applicant. She said that the Planning Commission reviewed this Conditional Use Request on June 18, 2008. The Planning Commission expressed concerns regarding noise pollution and a representative of Michael's Audio informed the Commission that the speaker volume can be tapped to not exceed a certain level and that volume level is easily changeable, if desired. The Planning Commission provided a favorable recommendation, to the Board of Trustees to approve this request. At the June 23<sup>rd</sup> Board of Trustees Meeting, the Board opted to hold a Public Hearing regarding this Conditional Use Permit. Legal Notice No. 467 was published in the Sky-Hi Daily News on June 26, 2008. No comments were received. Wittman concluded by saying that the Town Board should open the Public Hearing and take comments. Once all comments are received, the Board should discuss the merits of this proposal. After discussion, the Board should either move to approve, deny or continue this Conditional Use Permit request.

Mayor Pro-Tem Rhone opened the meeting for public comment.

Judy Burke, 390 W. Mary Drive, was recognized from the audience. Burke spoke in favor of the proposal but suggested that there be volume control.

Having no other comments, Mayor Pro-Tem Rhone closed the Public Hearing and turned the matter over to the Board of Trustees.

Following brief discussion, Trustee Peterson then moved to approve a Conditional Use Permit for the Town of Grand Lake to install and implement a public audio communication system in the Town Square. Trustee Weydert seconded the motion and all Trustees voted aye.

REPORTS: SALES TAX  
CASH FLOW REPORT  
FOR JULY 2008:

Mayor Pro-Tem Rhone asked Town Clerk Kolinske to present the sales tax cash flow report. Kolinske reported that the amount of revenue received in July for the month of May, 2008 is \$49,998. This amount is 2.83% below what was received through July, 2007.

At 7:42 p.m. Trustee Johnson excused himself and left the room.

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF RENEWAL OF THE HOTEL AND

**RESTAURANT LIQUOR LICENSE FOR ESTES PARK CHALET, INC., D/B/A GRAND LAKE LODGE** - 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 Grand County Sheriff's Department reviewed their files and found no adverse information that would affect the status of the license. She noted that this matter was tabled on July 14, 2008 due to the fact that there was not a representative present. At that time the Water Department reported that the 2<sup>nd</sup> quarter of 2008 was delinquent and the 3<sup>rd</sup> quarter not yet due. Kolinske said that she did not obtain an updated report on the account. Since the Lodge has not been in business, they do not have a business license and no sales tax to report. She then concluded by saying that Kathy James Rinker, was present representing the Lodge.

Trustee Weydert moved to approve the renewal of the Hotel and Restaurant Liquor License for Estes Park Chalet, Inc., d/b/a Grand Lake Lodge with the stipulation that the water account is current. Trustee Peterson seconded the motion and all Trustees voted aye.

**LIQUOR LICENSING AUTHORITY: CONSIDERATION OF A MODIFICATION OF PREMISES REQUEST FROM JAKE'S SPIRITS, LLC, D/B/A GRAND LAKE WINE & SPIRITS**

- Mayor Pro-Tem Rhone asked Town Clerk Kolinske to present this matter to the Board. Kolinske explained that an Application for Modification of Premises was received, with the appropriate fees, from Jake's Spirits, LLC d/b/a Grand Lake Wine & Spirits at 904 Grand Avenue. The request is to add the 14' x 28' storage area, the 14' x 26' office/storage area and a 7' x 8' proposed enclosed porch to their premises. The storage area and the office/storage area have been used as storage for alcohol for a very long time. She said that she was unaware of it until the Jensen's said that they were paid a visit by a Liquor Enforcement Officer who made them aware of the fact that they were not in compliance. At present, alcohol is being carried from the storage area through the quilt store to the liquor store. This is not at all acceptable as the quilt store cannot be included in their premises; therefore, they are proposing to put a new door in the storage area and construct an enclosed porch so that the alcohol can remain on their licensed premises. Kolinske noted that Ken Jensen, President, was present.

Trustee Peterson moved to approve the Modification of Premises request for Jake's Spirits, LLC, d/b/a Grand Lake Wine & Spirits. Trustee Weydert seconded the motion and all Trustees voted aye.

At 7:50 p.m. Trustee Johnson resumed his seat.

NEW BUSINESS:

**QUASI-JUDICIAL – CONSIDERATION OF A CONDITIONAL USE PERMIT FOR RHETT CALTRIDER FOR A NIGHTLY RENTAL AT 300 LAKESIDE DRIVE** – Mayor Pro-Tem Rhone asked Town Code Enforcement Officer Korkowski to present this matter to the Board. Korkowski explained that the Town received a nightly rental application from Rhett Caltrider for his property located at 300 Lakeside Drive. The application does not satisfy the requirements of Section 12-2-23(j) (The Municipal Code number was changed to 12-2-31(B)(3) after this application was received, but the content of the Code itself has not changed). Eight (8) certified letters were sent to and received by property owners within 100 feet of this property. The Town received no letters in response. When the application was presented to the Planning Commission, the application did not satisfy the requirements of the Municipal Code in that the applicant's water account was in arrears. The water account has since been brought current. Mr. Caltrider had also provided a "local contact person" who lived on the front range, but would be up here during the rental times of his house. The person would be within the 15 minutes response time if they were up here, but it would be hard for staff to verify the rental dates and the location of the contact person. Mr. Caltrider has since changed the local contact person to one who lives within the 15 minutes response time as required by Code. Also, by Municipal Code, this application must be reviewed by the Planning Commission and the Board of Trustees as there has been a justified complaint filed against this license. The complaint is in the form of a Municipal Summons issued to Mr. Rhett Caltrider for an alleged violation of Municipal Code 12-2-23(j), Nightly Rental License requirements. The court date for this violation was set for July 9, 2008, but Mr. Caltrider has requested and received a new date from the Municipal Court. Mr. Caltrider's property was found advertised for a nightly rental several times on various websites in January 2008 without having a license issued. A few of the websites were listings by his previous management company, Destinations West, but these advertisements were removed in a timely manner after he requested the management company to remove them. According to personnel at Destinations West, the advertisement on the VRBO (Vacation Rentals by Owner) is not currently nor has it ever been their website advertisement. Korkowski said that Destinations West advised him that Mr. Caltrider told them he had that advertisement, but the advertisement and the contact information in that website strictly belongs to Mr. Caltrider. They have no control over that advertisement. (Mr. Caltrider refutes these statements in an e-mail dated 07-10-2008). He stated that he has attempted, on several occasions, to notify Mr. Caltrider to first renew his license and then reapply for a license if he still wanted to use his property as a Nightly Rental. The following is a chronological list of those attempts:

1. Renewal letters went out to existing license holders, including Mr. Caltrider, the first week of November, 2007. If someone did not reply

RECORD OF PROCEEDINGS

---

to the letter by January 1, 2008, Korkowski tried to contact them, as he did with Mr. Caltrider, to determine the status of their unit.

2. A certified letter was sent to Mr. Caltrider dated 01-25-2008 to notify him he was in violation of the Nightly Rental Code as Korkowski said that he found his property listed on VRBO with nightly rates, but it was returned as 'unable to forward'.
3. Korkowski contacted Mr. Caltrider by phone in February to get a good address to send the letter and to notify him of the violation. He requested an application be sent to him via e-mail, which Korkowski did on 02-21-2008. Korkowski also supplied him with information about the Town's website for further information on Nightly Rentals. Mr. Caltrider also confirmed that the address the Town had on file in Spicewood, Texas was correct.
4. When Korkowski did not receive an application from Mr. Caltrider by 03-19-2008, he checked VRBO and found him still advertising his property for rent with nightly rates. Korkowski attempted to issue Mr. Caltrider a municipal summons for violating Municipal Code 12-2-23(j) by certified mail, but that letter was returned as 'unclaimed unable to forward'.
5. On 04-01-2008 Judy Burke notified Korkowski saying that she had received an e-mail from Mr. Caltrider about his property. He claimed to have sent an application on March 11, 2008 (the Town did not receive it), and he did not have any plans to rent the unit on a short term basis.
6. On 04-07-2008 the Town received an incomplete nightly rental application from Mr. Caltrider dated 03-11-2008. The application had a sticky note attached to it which said Mr. Caltrider intended to sell the property and he would only be renting the unit for periods of time over 31 days. Korkowski sent Mr. Caltrider an e-mail on 04-08-2008 advising him of the information needed to complete the application and the fact the VRBO website still had his property listed with nightly rates. He also told him if he was only going to rent the unit on a monthly basis, then he did not need the nightly rental license and Korkowski said that he would return his application and check.
7. Korkowski did not get a reply to the 04-08-2008 e-mail, so he sent a letter to Mr. Caltrider on 04-18-2008 returning his application and check and advising him he did not have a license and to remove the advertisement or be subject to being sent another summons. This letter was sent by regular mail.
8. On 04-23-2008 Korkowski again attempted to issue Mr. Caltrider a summons via certified mail at a Fossil Creek address in Haltom City,

Texas (there was a notation on the letter from the post office of a possible forwarding address). This letter was returned as 'unclaimed unable to forward'.

9. Korkowski talked with Mr. Caltrider by phone on 04-25-2008, and was given the address on Fossil Creek Blvd. as his address, but the city was Fort Worth. Korkowski directly asked him if there was a unit/apartment number and he said there wasn't.
10. On 05-21-2008 Korkowski again attempted to issue the summons to Mr. Caltrider via certified mail at the Fossil Creek address as the previous letters were returned 'unclaimed unable to forward'. This letter was returned as 'insufficient address'.
11. On 06-06-2008 the Town received a Nightly Rental application from Mr. Caltrider through a property management company, Elevation Property Services, LLC. The application was the same one previously referred to dated 03-11-2008, but it had additional information written on it, including a unit number for the Fossil Creek address, sales tax information, and a local contact person. The application was complete at that time and the process was started for responses from the neighbors within 100 feet.
12. On 06-10-2008 Korkowski again attempted to issue a summons to Mr. Caltrider via certified mail at the Fossil Creek address with a unit number. This letter was picked up on 06-26-2008.
13. On 06-23-2008 the Town received a letter from Elevation Property Services, LLC which stated they would no longer be representing Mr. Caltrider on the nightly rentals of his unit. Korkowski sent Mr. Caltrider an e-mail on 06-24-2008 advising him to either supply the Town with a suitable contact person or to pull the application. Korkowski received a reply the same day from Mr. Caltrider advising he would be using a different property manager and would send him the information.
14. On 06-25-2008 the Town received several e-mails from Mr. Caltrider. The first couple of e-mails gave the information on the new management company, Tom Menefee Property Services. Since Korkowski did not know this company, he contacted Mr. Menefee, who stated he lived in Lakewood, and could not respond in 15 minutes as required by Municipal Code. Korkowski advised him he could still manage the property, but the Town required a local contact person, and, if he could provide one, that would be acceptable. Shortly after that conversation, Korkowski received an e-mail from Mr. Caltrider taking issue with the 15 minute response time and wanting a copy of the Municipal Code, which was sent to him.

15. On 06-26-2008 Korkowski again received several e-mails from Mr. Caltrider. Two e-mails wanted names and personal information on the people responsible for enacting the Nightly Rental Code. Korkowski advised him the Board of Trustees was the entity that passed the Ordinance, and he could address any concerns or correspondence to them at the Town's address. One e-mail was about his summons and issues with it. Another was a response to Korkowski's e-mail about him having to go through the Town Attorney since he mentioned legal action by his "legal team". Korkowski provided him with the Town Attorney's information, and also advised him of the dates for the Planning Commission and Board of Trustees meetings on this application.

The Planning Commission reviewed this request on July 16, 2008 and recommended that a nightly rental license and Conditional Use be denied to Mr. Caltrider. The Board of Trustees has several options available to them.

1. The Board may hold a Public Hearing.
2. The Board may recommend the license be granted.
3. The Board may recommend the license be granted with conditions.
4. The Board may recommend the license be denied.

If the Board decides to grant the Nightly Rental License and Conditional Use, a Resolution will be drafted and presented to the Mayor Pro-Tem for signature. He said that staff had no recommendation for the Board. He noted that Julie Gasner was present representing Mr. Caltrider.

Gasner was recognized from the audience and said that she was not aware of any of this. She said that she was in property management for 4 ½ years in Summit County. Since her move to Grand County, she said that she has wanted to get back into property management. She was contacted by Mr. Caltrider who wants to rent monthly except during the peak season, then wants to rent nightly. She said that Mr. Caltrider wants her to check in guests and be available for emergencies.

Following lengthy discussion, Trustee Weydert moved to continue consideration of the Conditional Use Permit for Rhett Caltrider for a nightly rental at 300 Lakeside Drive until after Mr. Caltrider's court hearing which is scheduled for August 13, 2008. Trustee Peterson seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION OF ORDINANCE NO. 8-2008, AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE TOWN OF GRAND LAKE BY AMENDING CHAPTER 12, ARTICLE 4, STREET DEVELOPMENT POLICIES, STANDARDS AND SPECIFICATIONS** – Mayor Pro-Tem Rhone asked Town Planner Wittman to present this matter to the Board. Wittman explained that the

Town's current Street Standards were adopted in 1973 and staff has been working for the past few years on attempting to update the standards. She referred to draft Ordinance No. 8-2008 that would adopt new Street Development Policies, Standards and Specifications for the Town of Grand Lake. Once adopted, these standards will replace Chapter 12, Article 4 of the Municipal Code. As a reminder, Chapter 12, Article 4 of the Municipal Code does not require a Public Hearing prior to changes being made. At the last regularly scheduled Planning Commission meeting, the Commission held a Public Hearing regarding Ordinance No. 8-2008. Legal notice was published and no comments were received prior to or at the hearing. The Planning Commission has provided a favorable recommendation to the Town Board of Trustees for the adoption of the ordinance. Staff recommends that the Board of Trustees discuss the merits of this item and move to either hold a Public Hearing on the Street Development Policies, Standards and Specifications for August 25<sup>th</sup> or move to approve Ordinance No. 8-2008: Street Development Policies, Standards and Specifications for the Town of Grand Lake.

Trustee Weydert moved to set a Public Hearing for August 25, 2008 to consider Ordinance No. 8-2008, an Ordinance Amending the Municipal Code of the Town of Grand Lake by Amending Chapter 12, Article 4, Street Development Policies, Standards and Specifications. Trustee Peterson seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION TO AUTHORIZE THE MAYOR PRO-TEM TO SIGN A LETTER OF SUPPORT FOR THE KREMMLING MEMORIAL HOSPITAL DISTRICT ENERGY AND MINERAL IMPACT GRANT AND TO AUTHORIZE THE PLEDGE OF \$1,000 TOWARDS THE GRANT FROM THE 2009 BUDGET -** Mayor Pro-Tem Rhone asked Town Manager Hale to present this matter to the Board. Hale explained that the Town received a request from Bill Widener (CEO of Kremmling Memorial Hospital District) for a letter of support for their Energy and Mineral Impact Grant request for \$2,000,000. This money in turn will be used to leverage a \$19M loan from HUD; all to build the Granby Medical Center. This loan will be paid off over the next 25 years with the lease payments of the tenants. County-wide healthcare is an issue that concerns Grand Lake, and a medical center in Granby with a true emergency department could be the difference between life and death for residents and visitors alike. He said that he spoke to Greg Winkler (Town's DoLA representative) to see what other applications he was looking for from Grand County this cycle and it looks as though Kremmling Memorial Hospital District's (KMHD's) is the only county-wide grant that will be submitted. Other requests, including one from Fraser, Winter Park, and Kremmling all involve the municipalities themselves; nonetheless worthwhile, but they wouldn't really warrant our support. During that conversation with Winkler, he mentioned that a letter of support would help their chances with the grant, but a cash pledge towards the effort would


RECORD OF PROCEEDINGS

really help KMHD with their effort. To explain further, a relatively small pledge will give KMHD the ability to pull the Town in as another funding partner; the fact that we're funding would be a lot bigger deal than the amount that we're funding. Hale said that since it wasn't even requested by the applicant, it is with a bit of trepidation that he suggest the Board consider a pledge of \$1,000 in matching funds towards the \$2M grant if successful. This money could be budgeted in 2009, so at this point it would just be good will from the Town with the worst-case scenario being no money is spent, and the best case scenario being that KMHD is able to leverage in the neighborhood of \$20M in funding made possible in part by the Town's \$1,000 pledge. The staff recommendation is that the Board of Trustees authorize the Mayor Pro-Tem to sign a letter of support for the KMHD energy and mineral impact grant. Furthermore, if the Board agrees, the staff recommendation is for the Board to authorize the pledge of \$1,000 towards the success of the grant (if received) out of the 2009 budget.

Trustee Weydert moved to authorize the Mayor Pro-Tem to sign a letter of support for the KMHD energy and mineral impact grant and to authorize the pledge of \$1,000 towards the success of the grant (if received) out of the 2009 budget. Trustee Johnson seconded the motion and all Trustees voted aye.

CITIZEN PARTICIPATION: None.

ADJOURNMENT: Trustee Peterson moved to adjourn, seconded by Trustee Weydert. All Trustees voted aye, and the meeting was adjourned at 8:25 p.m., July 28, 2008.

  
\_\_\_\_\_  
JOHN A. RHONE,  
MAYOR PRO-TEM

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