

RECORD OF PROCEEDINGS

REGULAR MEETING
TOWN OF GRAND LAKE BOARD OF TRUSTEES
MONDAY, MAY 23, 2011 7:30 P.M.

CALL TO ORDER: The regular meeting of the Board of Trustees was called to order by Mayor Judy Burke at 7:34 p.m. at the Town Hall, 1026 Park Avenue.

ROLL CALL
PRESENT:

Mayor Burke; Trustees Johnson, Lanzi, Lewis, Ludwig, Peterson, and Weydert; Town Manager Hale, Town Clerk Kolinske and Town Planner Wittman.

ABSENT: None.

APPROVAL OF MINUTES

May 9, 2011: Trustee Johnson moved to approve the minutes of the May 9, 2011 regular meeting as written, seconded by Trustee Peterson. All Trustees voted aye except Trustees Lewis and Weydert, who abstained.

ANNOUNCEMENTS:

Mayor Burke announced that the East Grand School District just voted to close Grand Lake Elementary effective at the close of this school year. Mayor Burke announced that it would be appreciated if cell phones were turned off during the meeting.

Mayor Burke announced that "Hands Across the Nation", the official opening of Trail Ridge Road, will take place at the Alpine Visitor Center on Friday, May 27, 2011 at 10:00 a.m., weather permitting.

Mayor Burke announced that the Memorial Day Parade and Observance will be on Monday, May 30th beginning at 10:00 a.m.

Mayor Burke announced that the Historical Society's Annual Meeting will be June 8th at 7:00 p.m. in the Community House. Michael Geary will give a presentation on the history of Grand Lake Lodge. The public is invited.

Mayor Burke then announced that the Chamber of Commerce will host a Spring Arts and Crafts Fair on Saturday, June 11th and Sunday, June 12th in Grand Lake's Town Square.

PRESENTATIONS:

Mayor Burke announced that the Grand County Commissioners have rescheduled their visit until June 27th because of the School Board Meeting held this evening.

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.

Trustee Johnson announced that he had a conflict with the Local Liquor Licensing issues as he holds a license for The Bears Den.

Trustee Ludwig announced that he also had a conflict with the Local Liquor Licensing issues as he holds a license for The Rapids Lodge and Restaurant.

Trustee Lewis announced that she works for the Daven Haven Lodge, therefore, she would abstain from voting on their renewal.

REPORTS: SALES TAX
CASH FLOW REPORT
FOR MAY 2011:

Mayor Burke asked Town Clerk Kolinske to present the sales tax cash flow report. Kolinske reported that the amount of revenue received in May for the month of March 2011 is \$32,330.00. This amount is 5.36% above what was received through May 2010.

REPORTS: FIRST
QUARTER SALES TAX
COLLECTION BY
VENDOR:

Town Clerk Kolinske noted that Town Treasurer/Clerk Pro-Tem Dzinski provided a report consisting of the First Quarter Sales Tax Collection by Vendor for January – March 2007 - 2011.

REPORTS: FINANCIAL
REPORT FOR
APRIL 2011:

Mayor Burke asked Financial Trustee Peterson to present the Financial Report for April 2011. Peterson reported that General Fund expenditures through the end of April totaled \$307,310.25 or 21.0% of budget. He said the Water Fund expenditures for the same period totaled \$110,757.44 or 22.6% of budget, the Marina Fund expenditures totaled \$31,667.23 or 9.5% of budget and the PAYT Fund expenditures totaled \$825.00 or 12.9% of budget.

At 7:40 p.m. Trustees Johnson and Ludwig excused themselves and left the room.

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF APPROVAL OF A SPECIAL EVENTS LIQUOR PERMIT FROM THE FRIENDS OF GRAND COUNTY LIBRARY FOR THE "TOPS OF THE ROCKIES" FUNDRAISING EVENT - Mayor Burke 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 Saturday, June 25, 2011 from 4:00 p.m. to 9:00 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 and attested to by Grand County Sheriff Deputy Payne on May 10, 2011. 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 Ann Feucht, representative, was present.

Trustee Peterson moved to approve the Special Events Liquor Permit for The Friends of Grand County Library for the "Tops of the Rockies" fundraising event to be held June 25, 2011 from 4:00 to 9:00 p.m. Trustee Lewis seconded the motion and all Trustees voted aye.

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF APPROVAL OF A SPECIAL EVENTS LIQUOR PERMIT FROM THE MOUNTAIN FAMILY CENTER FOR THE "28TH ANNUAL COLORADO STATE CHILI COOK OFF" FUNDRAISING EVENT - Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske stated that this request was for the "28th Annual Colorado State Chili Cook Off" event to be held in Town Square on Saturday, June 25, 2011 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 10, 2011 and attested to by Grand County Sheriff Deputy Payne. 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 Peterson moved to approve the Special Events Liquor Permit for the Mountain Family Center for the "28th Annual Colorado State Chili Cook Off" fundraising event to be held Saturday, June 25, 2011 from 9:00 a.m. to 8:00 p.m. Trustee Lewis seconded the motion and all Trustees voted aye.

At 7:49 p.m. Trustee Lewis excused herself and left the room.

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 -

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. She said that she was not able to verify that the water, business license, and sales tax accounts were paid current prior to this evening's meeting. Kolinske 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 Peterson mentioned that the diagram of the premises that was provided to them in the packets did not include any of the outside serving areas.

Following brief discussion, Trustee Weydert 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 conditional upon verification of water, business license and sales tax accounts being paid current and that the diagram of the premises is current. Trustee Peterson seconded the motion and all Trustees voted aye.

At 7:53 p.m. Trustee Lewis resumed her seat.

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF AN ALTERATION OF LICENSED PREMISES APPLICATION FROM GRUMPY'S SALOON, INC., D/B/A GRUMPY'S SALOON -

Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske explained that an application for Alteration of Licensed Premises was received, with the appropriate fee, from Grumpy's Saloon, Inc., d/b/a Grumpy's Saloon at 913 Grand Avenue. The request is to convert the existing kitchen into an arcade. The mural board in front of the building is proposed to be taken down so that the existing entrance/exit door can be used. Grumpy's holds a Tavern license, therefore, does not need a full kitchen. I have been informed that there is a food machine containing chips and candy bars and they offer frozen/microwaveable burritos, hot pockets, etc., which meets the food requirement of serving sandwiches and light snacks for consumption on the premises during business hours. They do not need to offer full meals. Physical changes, alterations or modifications of the licensed premises, or in the usage of the premises, by Local Authority and State Authority, shall include, but not be limited to, the following:

1. Any increase or decrease in the total size or capacity of the licensed premises.
2. The sealing off, creation of, or relocation of a common entryway, doorway, passage or other such means of public ingress and/or egress, when such common entryway, doorway or passage permits access to

the licensed premises from or between public streets or thoroughfares, adjacent or abutting building, rooms or premises.

3. Any substantial or material enlargement of a bar, or relocation of a bar, or addition of a separate bar.

While the Liquor Regulations do not require a prior hearing on an application to alter licensed premises, they also do not appear to prevent a local licensing authority from holding a public hearing on an application prior to making its decision to grant or deny the application. Should the Board decide to hold a public hearing, notice must be posted and/or published not less than ten days prior to the date of the hearing. The soonest possible date that a hearing could be set is for June 13, 2011. The Grand County Sheriff's Department reports that there is one incident that is under investigation at this time but would not affect the modification request. Kolinske noted that the applicant, Dustin Barnes, was present.

Trustee Lewis asked about the restriction of children in the arcade while alcohol is being served.

Barnes responded by saying that the inside door between the bar and the arcade will be locked during the day so that children can spend time in the arcade and unlocked at night, then the door from the arcade to the boardwalk will be locked.

Following brief discussion, Trustee Peterson moved to approve the Alteration of Licensed Premises Application for Grumpy's Saloon, Inc., d/b/a Grumpy's Saloon. Trustee Weydert seconded the motion and all Trustees voted aye.

OLD BUSINESS:

CONSIDERATION OF A SPECIAL EVENT PERMIT REQUEST FROM THE GRAND LAKE CHAMBER OF COMMERCE FOR THE CREWS AND BREWS FEST – Since neither Scott Munn nor a representative was present, Trustee Weydert moved to table consideration of this matter until such time that a representative could be present. Trustee Johnson seconded the motion and all Trustees voted aye.

NEW BUSINESS:

PUBLIC HEARING – CONSIDERATION OF ORDINANCE NO. 10-2011, AN ORDINANCE AMENDING CHAPTER 9: BUILDING AND FIRE REGULATIONS OF THE MUNICIPAL CODE OF THE TOWN OF GRAND LAKE – Mayor Burke opened the Public Hearing and asked Town Planner Wittman to present this matter to the Board. Wittman explained that on April 20, 2011 the Planning Commission forwarded a favorable recommendation of approval to the Town Board of Trustees regarding a proposed ordinance affecting Municipal Code Chapter 9: Building and Fire Regulations. On February 2, 2011, the Commission discussed with staff some of the issues the Town has been experiencing when it comes to setback verification for new construction. At that time, the Commission discussed

many options in relationship to land surveying requirements that may need to be written as regulation in order for the Town and a property owner to ensure compliance; at that time, the Commission discussed the option of requiring pre-construction, footer/foundation, as well as post-construction surveys. The draft ordinance addressed some of the discussed changes.

For Part I – **Bold and Underline** are items newly proposed
Bold and Italics are items that are currently existing in Chapter 12-2

For Part II - **Bold and Underline** are items newly proposed
Normal font style indicates no changes to the section

While staff has drafted an ordinance based on the Commission's original discussions, staff has opted to not include the requirement for a footer/foundation certificate/survey. There are two reasons for this. First, if a monument boundary is set and depicted on a pre-construction survey, as well as on the ground, the chances of error may be significantly reduced. Additionally, it would be beneficial for the Town, as well as property owners, to see if this additional survey would help prevent noncompliance issues prior to the Town enacting a requirement for three surveys. The Planning Commission, however, did direct staff to modify the ordinance to allow for two found, and verified, or set monuments to further help reduce the risk of error. This is the most significant change to this article, other than the transfer of the "Administration" section from Municipal Code Chapter 12, Article 2, Zoning Regulations, to Chapter 9; all other items found in this chapter are currently in the Municipal Code. Legal Notice #64799556 was published in the Middle Park Times on May 5, 2011. Additionally, this item has been placed onto the Town's website. To date, no public comments have been received. The Board should take comment on the matter. Once all comments have been made, the Board should close the Public Hearing and turn the matter over for Board discussion. Based on the Board's discussion, the Board should make a motion on this matter. If the Board is favorable to the proposed changes, the Board should move to adopt Ordinance No. 10-2011.

Mayor Burke asked if anyone in the audience would like to comment.

Geoff Elliott, 312 Park Avenue, was then recognized. He said that his professional opinion is that all money spent on surveying is well worth it and pays for itself over the long run. He said that he has seen some horrible mistakes made that turned out to be unbelievably expensive.

Having no other comments, Mayor Burke closed the Public Hearing and turned the matter over to the Board.

Trustee Johnson said that he does not understand how survey markers can easily be moved or removed as they should be of a permanent nature.

Town Planner Wittman responded by saying that it depends on how they were set in the first place. Sometimes the markers may be sticks in the ground which can easily be moved or removed. She said that the Town will be requiring that they be set monuments or when existing markers are found that they be verified.

Trustee Johnson then asked if the Town had a definition of a boundary marker; something that states that a marker is something substantial and not just a flag or a stick.

Wittman said that there is no definition of a boundary or survey marker. She said that she would need to do some research and bring this issue back to the Board in the form of another code change if Trustee Johnson was comfortable with moving forward with this matter or if he would rather hold off until she had a definition.

Trustee Johnson was comfortable with moving forward with the adoption of the ordinance; therefore, he moved to adopt Ordinance No. 10-2011, an Ordinance Amending Chapter 9, Building and Fire Regulations, of the Code of the Town of Grand Lake with the provision that staff develops a definition for a property boundary monument following research. Trustee Weydert seconded the motion and all Trustees voted aye.

NEW BUSINESS:

PUBLIC HEARING – CONSIDERATION OF ORDINANCE NO. 11-2011, AN ORDINANCE AMENDING CHAPTER 12, ARTICLE 2: ZONING REGULATIONS OF THE MUNICIPAL CODE OF THE TOWN OF GRAND LAKE - Mayor Burke opened the Public Hearing and asked Town Planner Wittman to present this matter to the Board. Wittman explained that on April 20, 2011, the Planning Commission held a Public Hearing to consider a proposed ordinance regarding various changes to the Zoning Regulations. At that time, the Commission forwarded a favorable recommendation of approval of the changes. The ordinance was drafted by staff based on numerous discussions between staff and the Commission; the changes reflect a year of small “updates” to the Zoning Code. Formatting for the ordinance is:

Bold and Underline items proposed to be added to the code

~~Strikethrough~~ items are proposed to be removed from the code

Bold and Italics items are items from a different area of the code and have no changes

Part I of the ordinance addresses the Municipal Parking Regulations:

- In addition to adding “Commercial Assembly” to Group IV, staff has cleaned up the areas where there may have been conflicts between Off-Street/On-Site/On-Street Parking.
- Additionally, staff has changed the section to allow for 1/3 of Off-Street parking areas to be counted for snow storage, while still allowing for full credit of those parking areas created.

- Staff has added that for variances, a pre-application conference will be required with the Planning Commission and that may involve a site visit.

Part II of the Ordinance addresses Non-Conforming Uses and Structures:

- The first change is the notion that a new non-conformity, building or use, cannot be created as this was not previously addressed in the code, only merely those created from the enactment of the article. This may help the Town to enforce Business and Zoning Regulations that are newly-created but non-conforming.
- A new section has been created to allow for Planning Commission review of extension of a non-conforming use throughout a property, as opposed to merely just throughout a structure.
- In addition to the aforementioned items, staff has included, since the Planning Commission's recommendation, one addition to this section. Under the provision of "Restoration or Replacement" staff has reiterated, as similarly outlined in "Repairs and Maintenance", that "If a building has been officially condemned, it may not be restored under this provision" as staff thought it was appropriate to have this notation in this section as well as the previous section.

Part III of the Ordinance addresses Administration

- The administration of building permits will now be found in Chapter 9 – as discussed.

Legal Notice #6479600 was published in the Middle Park Times on May 5, 2011. This item has additionally been posted to the Town's website. Wittman said that she received an email that morning from a woman who had asked for the Board's consideration of allowing non-conforming structures to be grandfathered in to allow for maintenance and restoration. She said that she returned an email and indicated that the Town's code does currently allow for that to some extent. Wittman said that she also emailed her a copy of Municipal Code in the event she has such a structure, she will have the provisions.

The Board should open the Public Hearing and take comment. Once all comments have been made, the Board should close the hearing and turn the matter over for Board discussion and action. If the Board is favorable to the proposed ordinance, the Board should move to adopt Ordinance No. 11-2011.

Mayor Burke asked if anyone in the audience would like to comment.

Geoff Elliott, 312 Park Avenue, was once again recognized from the audience. As a resident, he said that he appreciates the effort that the Town Planner, Town Manager and the Town Code Enforcement Officer are doing to clean up the code. "Makes sense. Good business."

Having no other comments, Mayor Burke closed the Public Hearing and turned the matter over to the Board.

Following discussion amongst Trustees and staff, Trustee Peterson moved to adopt Ordinance No. 11-2011, an Ordinance Amending Chapter 12, Article 2: Zoning Regulations, of the Municipal Code of the Town of Grand Lake. Trustee Weydert seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF RESOLUTION NO. 7-2011, A RESOLUTION AUTHORIZING THE RELEASE OF AN APPROVED BUILDING PERMIT FOR A REMODEL TO THE STRUCTURE LOCATED AT LOTS 15-16, BLOCK 20, TOWN OF GRAND LAKE – Mayor Burke asked Town Planner Wittman to present this matter to the Board. On May 12, 2011 the Town of Grand Lake received a request from Trinity Church in the Pines for the Town Board's consideration of a waiver of Affordable Housing Fees for a building permit which will be submitted for a major remodel of the structure located at Lots 15-16, Block 20, Town of Grand Lake. As the request indicates, their request is due to the nature that the organization provides housing for their only full-time employee, Pastor David Heil, and his family. This employee represents approximately 66% of the employment percentage. Geoff Elliot, Elder and Manse Project Coordinator, further requests the Town's waiver of Use Tax but the Town's customary practice is to administratively waive Use Tax for any tax-exempt organization. In early 2010, the Town of Grand Lake received a like request from Rocky Mountain Repertory Theatre (RMRT). At that time, the Board discussed with RMRT's board members the Town's willingness to waive Affordable Housing Fees for the same reason that due to the non-profit nature of their organization and that they were providing housing for all employees but one, which was the only full-time, year-round resident; the housing supplied by RMRT for its employees represented 97% of the organization's employment based. At that time, the Town Board opted to enter into an Affordable Housing Agreement with RMRT which deed-restricted the property for fifteen years. Staff suggests the Board discuss this with representatives of Trinity Church of the Pines to determine the Board's willingness to enter into such agreement with Trinity. Based on discussions between the Town Board and Trinity Church of the Pines, staff will draft an agreement and bring an executed agreement back to the Town Board for the Board's formal consideration as an item of business in a regular meeting. Similar to the process the Town has followed in the past, staff has drafted a resolution for the Board's consideration to allow for the release of the building permit while a decision has been made about a possible waiver of fees or the payment of fees in full. If the Board is not favorable to the request, the Board should move to deny Resolution No. 7-2011. Wittman noted that Geoff Elliot and Connie Williams were present.

During discussion, Town Planner Wittman mentioned that the Affordable Housing Fees for a 36' x 36' addition at \$1.00 per square foot would be approximately \$1,300.

RECORD OF PROCEEDINGS

Following discussion, Trustee Lewis moved to adopt Resolution No. 7-2011, a Resolution Authorizing the Release of an Approved Building Permit for a Remodel to the Structure Located at Lots 15-16, Block 20, Town of Grand Lake. Trustee Peterson seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF A SPECIAL EVENT PERMIT REQUEST FROM THE GRAND COUNTY SEARCH AND RESCUE TO COLLECT DONATIONS DURING BUFFALO BARBECUE WEEKEND – Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale said that there was not a representative present from the Grand Lake Search and Rescue and recommended that the Board table consideration of this matter.


Trustee Weydert moved to table consideration of this matter until a representative of Grand Lake Search and Rescue can be present. Trustee Johnson seconded the motion and all Trustees voted aye.

CITIZEN PARTICIPATION: None.

Prior to adjournment, Town Manager Hale announced that Nancy Karas, Superintendent, and Tom Sifers, President of East Grand School District, will be meeting with the Grand County Board of County Commissioners on Tuesday, May 24, 2011. Since neither he nor Mayor Burke would be able to attend, Trustee Weydert volunteered to attend to represent the Town and Trustee Lanzi will also be in attendance. Hale said that Trustee Weydert will be asking the Commissioners to not advance the \$170,000 that the County has pledged to the East Grand School District.

ADJOURNMENT:

Trustee Peterson moved to adjourn, seconded by Trustee Weydert. All Trustees voted aye, and the meeting was adjourned at 9:04 p.m., May 23, 2011.



JUDY M. BURKE,
MAYOR

ATTEST: 

RONDA KOLINSKE, CMC,
TOWN CLERK