

UNSCHEDULED

PUBLIC COMMENTS:

Mayor Peterson 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. He 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:

There were no scheduled delegations.

CONSENT AGENDA:

Mayor Peterson introduced the Consent Agenda which contained the Minutes from the October 24, 2016 Meeting and Accounts Payable for October 2016.

Trustee Gasner requested the items be separated.

Trustee Lewis moved to approve the Minutes from October 24, 2016 as presented. Trustee Jenkins seconded the motion and all Trustees voted aye, except Trustee Gasner who abstained.

Trustee Lewis moved to approve Accounts Payable for October 2016. Trustee Jenkins seconded the motion and all Trustees voted aye.

LIQUOR LICENSING AUTHORITY: None.

OLD BUSINESS:

None.

At 7:31 p.m. Trustee Jenkins excused herself and sat in the audience.

Attorney Krob noted that Trustee Jenkins disclosed her conflict of interest to the Board earlier and the Board indicated they had no objections to her participating as a member of the audience as it is an item that affects her property personally.

NEW BUSINESS:

**QUASI-JUDICIAL – CONSIDERATION TO GRANT A VARIANCE TO THE MUNICIPAL CODE 11-2 STREET DEVELOPMENT POLICIES, STANDARDS, AND**

**SPECIFICATIONS LOCATED IN THE LAKE AVENUE RIGHT-OF-WAY ADJACENT TO BLOCK 36 AND BLOCK 43 TOWN OF GRAND LAKE** – Mayor Peterson asked Town Planner Biller to present this matter to the Board. Biller stated the Town has received a Variance Request Application from Tom Jenkins for the construction of a roadway which requires Board review. He provided a brief overview of the background information going back to March 17, 2004. He then stated that on October 5, 2016 the Planning Commission forwarded a recommendation of approval of the frontage road concept with the following conditions: a maximum 15% grade for the frontage road; the frontage road servicing a maximum of four residential lots; the frontage road may exceed the longitudinal intersection grades of 4% for the first 25 feet; full plans be developed and approved by Staff before going to the Board of Trustees; drainage easements and grading easements shall be obtained prior to Board of Trustee review; and any other standards be met in order for a Right of Way Permit to be issued. The Town Attorney has reviewed the draft documents provided by the Applicant and submitted to the Town. In his opinion, there are substantial revisions necessary before they are ready for execution. The Applicant has chosen not to revise the documents at this time. The Town Attorney and Applicant have since discussed revising the documents and are moving forward. He noted that the Town has received 2 emails tonight from the owners of lots 11 & 12 approving the drawings submitted by the Applicant, stating they would be willing to sign the drainage easements. Staff does believe all five hardships can be met for some of the variances being requested by the Applicant. However, Staff has the following comments and concerns with the application: individual driveways to Lots 9-12, Block 36 are not shown and may require variances to the Municipal Code in the future; drainage and grading easements have not been executed by the Applicant, but it appears he has permission by those owners; the construction of Lake Avenue in the future shall be the responsibility of the Town; if the frontage road is continued to the west, four properties currently zoned Resort (Block 43) would be using a roadway with a width of only 16ft wide; the owners of Lot 11 and Lot 12 were granted a variance in 2005 by the Town. In Staff's opinion, if the Board grants this variance without their written consent, the Town may be liable; if the frontage road is needed to provide better service on Lake Avenue, the tie in point should be at the existing driveway for Lots 13 & Lots 14 of Block 36; and the Public Works Director will not issue a right of way permit

with the current information submitted to the Town. Staff recommends the Board deny the variance request as presented. He concluded by stating Tom Jenkins was present.

Tom Jenkins, 207 Bella Vista Court #114, was recognized by the Chair. Mr. Jenkins stated that the preliminary traffic analysis did not mention a service road, which he felt meant it was not a concern to the planning commission. He then questioned if records were kept of Board of Trustees Workshops.

Town Clerk Nicholls stated that the only item of record is the agenda and supplemental material.

Biller stated that there are Board of Trustees minutes of record, which the Applicant is in possession of, in which the service road was specifically talked about and not agreed to.

Lisa Jenkins, 200 W. Portal Road, was recognized by the Chair. Ms. Jenkins stated that through a records request she discovered that in the June 28, 2004 meeting the people not in favor of the service road was actually their family. Other people were not involved and it did not include the service road.

Mr. Jenkins continued by describing the proposed project as displayed in the 2005 approved plan and the various grades to all eleven lots. He reviewed the access to his lots 9 and 10 based upon the plan, which requires 50% and 21% driveway grades. He stated that he disagrees with the construction of a major thoroughfare within city right of way in the 2005 variance issued; it should be the Town's responsibility. He also disagrees with the Board of Trustees delegation of authority to the Planning Commission on the issue.

Ms. Jenkins stated that their family did not agree with the 2005 plan. They did agree with the 2004 traffic studies that showed the service road, which is why their 6 lots are not included in the 2005 plan. Two commercial properties, the flooring company, condos and owners of a new subdivision were also in opposition of the 2005 plan.

Mr. Jenkins continued that the 2005 variance did not show any driveways, but a presentation prior to adoption did show them. The 2005 plan was approved for the building of 2 homes. He stated that he never signed a drainage easement

for the detention pond on his property approved in the 2005 Resolution. He then reviewed the timeline of his current variance request, which he began in April 2015. He stated that the Planning Commission and Staff has given them conflicting requirements and suggestions at different points in the process resulting in confusion and questions. He then reviewed the Planning Commission recommendations and addressed the action they have taken on each item. He requested variances for driveway access to his lots from the service road.

A discussion ensued clarifying the locations, needs and desires of the proposed project for a frontage road only. Maintenance of Lake Avenue and fire department requirements were also briefly discussed. A question arose as to whether the Planning Commission's conditions have been met.

Town Planner Biller stated for construction of a frontage road only the plans are 99.9% complete. However, he continued, to accomplish the Applicant's ultimate goal to get a building permit; the right of way permit is not complete.

Trustee Kudron moved to grant the variance to construct a frontage road as presented in the most recent set of plans to include the 15% grade, subject to the conditions that were forwarded by the Planning Commission that includes: a maximum 15% grade for the frontage road; the frontage road a maximum of four residential lots; the frontage road may exceed the longitudinal intersection rates of 4% for the first 25 feet; a variance acknowledgement for adjacent property owners; a drainage easement related to the service road; and a drainage easement across adjacent property owners. Trustee Gasner seconded the motion and all Trustees voted aye.

Trustee Jenkins resumed her seat at 8:35 p.m.

NEW BUSINESS:

**CONSIDERATION OF A SPECIAL EVENT PERMIT REQUEST FOR DUSTIN BARNES FOR A LIVE AUCTION EVENT AT THE GRAND LAKE CENTER –**

Mayor Peterson asked Town Manager White to present this matter to the Board. White stated that Staff is in possession of a Special Event Permit Application submitted by Dustin Barnes to conduct a live auction of arcade and other similar equipment. This is a pecuniary event for Dustin Barnes. The proposed event has three parts: rental of classrooms at the