

REGULAR MEETING
TOWN OF GRAND LAKE BOARD OF TRUSTEES
MONDAY, MARCH 24, 2008 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.

PRESENT: Mayor Burke; Trustees Harrington, Lewis, Peterson, and Weydert; Town Manager Hale and Town Planner Wittman.

ABSENT: Trustees Engelhardt and Rhone and Town Clerk Kolinske.

APPROVAL OF MINUTES

March 10, 2008: Trustee Peterson moved to approve the minutes of the March 10, 2008 regular meeting as written. Trustee Weydert 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 then announced that early voting began March 21 and will continue through March 28 at Town Hall from 8 a.m. to 4:30 p.m. The polling place on April 1 will be Town Hall, with the polls open from 7 a.m. to 7 p.m.

REPORTS: SALES TAX
CASH FLOW REPORT
FOR MARCH 2008:

Mayor Burke asked Town Manager Hale to present the sales tax cash flow report. Hale reported that the amount of revenue received in March for the month of January is \$42,475. This amount is 10.07% above what was received through March, 2007.

REPORTS: 4TH QUARTER
SALES TAX AND 2007
SALES TAX BY
INDUSTRY:

Town Manager Hale noted that the Town Treasurer provided a report consisting of the 4th Quarter Sales Tax and 2007 Sales Tax by Industry.

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF RENEWAL OF THE TAVERN LIQUOR LICENSE FOR EUGENE M. STOVER, D/B/A LARIAT SALOON - Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale 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. He noted that the Grand County Sheriff's Department found no adverse information that would affect the status of the license. He concluded by saying that this is the Lariat's 29th license and noted that Gene Stover, owner of the license, was present.

Trustee Lewis moved to approve the renewal of the Tavern Liquor License for Eugene M. Stover, d/b/a Lariat Saloon. Trustee Peterson seconded the motion and all Trustees voted aye.

OLD BUSINESS:

None.

NEW BUSINESS:

CONSIDERATION OF A PLANNING COMMISSION RECOMMENDATION TO ISSUE A BUILDING PERMIT FOR A BOATHOUSE ON GRAND LAKE, LOCATED AT 1604 GRAND AVENUE, A/K/A LOT 41, BLOCK 3, SUNNYSIDE ADDITION TO THE TOWN OF GRAND LAKE - Mayor Burke asked Town Planner Wittman to present this matter to the Board. Wittman explained that staff received a building permit application from Morris King to build a new two-slip boat house on Lot 41, Block 3, Sunnyside Addition to Grand Lake. Applications for boathouse permits are processed in a unique manner in that a Public Meeting is required for the Planning Commission, as per Zoning Regulations, prior to proceeding to the Board of Trustees. Legal Notice No. 970 was published in the Sky-Hi News on February 28, 2008, providing notification of the meeting and requesting comments. Certified Mailings were sent to 11 property owners within 200' of the property. Nine signed as having received. One comment from a private homeowner, Fred Lutz, who is concerned that, if approved, the ten foot distance between the side of the boathouse and his property line (Lot 42) is not adequate enough space if a larger boat were place on his side of the property. The proposed boathouse would be 30' wide, with 5' wide decks on each side of the boathouse, by 35' long. The entire length of the dock would project into the lake 35' and an additional 5'11" would project onto the shoreline. The structure would be located 5' from each of the side property lines. The height of the boathouse, from the waterline to the top of the roof, would be 11'6" with the height, to the top of the railing, being 16'. The proposed boathouse siding will be 2 X 12, hand hewn in Superdeck Natural color. The top deck will also be Superdeck Natural 2 X 6 treated cedar. The railing will be cedar posts and top rails with 4" wire mesh. She said that the Army Corps of Engineers has not granted approval for this dock as of yet. Wittman further explained that per Section 12-2-23 h 1. - Boathouse and Covered Boat Docks Construction - Construction of boathouses and covered boat docks is a special use case and requires a public hearing before the issuance of a Building Permit. Boathouse construction and covered boat dock construction does not require a special use or conditional use permit, but any conditions placed on the construction of said boathouses and covered boat docks will constitute conditions for a Building Permit. Per Section 12-2-6 Definitions: Boathouse - An accessory structure for sheltering boats and other aquatic equipment, with one boathouse that meets applicable design standards allowed per existing single family residence with lake frontage; to be used primarily for storage of equipment and not for human habitation. Recreation facilities such as courts and decks may be made a part of the boathouse structure, but no facilities such as lavatories, toilets, showers, sinks, cooking equipment (other than charcoal type cookers) and sleeping accommodations

may be included. And per Section 12-2-26 h 5. Design Standards for Boathouse Construction - In addition to the Grand Lake Design Review Standards and any other applicable agency's regulations, all boathouses and covered boat docks shall comply with the following Design Standards unless a site-specific exception is allowed:

-Height Limit: No structure shall exceed sixteen feet (16') from the mean water line to the highest point of the structure.

-Width Limit: No structure shall exceed thirty feet (30') in width. This width excludes any uncovered dock or decking that is physically attached to the structure. Side setbacks must be satisfied.

-Extension Beyond Shoreline: No structure may extend more than thirty-five feet (35') beyond the natural shoreline, including any uncovered dock or decking that is physically attached to the structure.

There may be site-specific cases where boathouses and covered boat docks may be dug into the shoreline, with approval of the applicable agency having jurisdiction, to preserve the natural character of the surrounding area. On March 19, 2008, the Planning Commission reviewed the proposal, took public comment and discussed the merits of the proposal. The Planning Commission made a recommendation to the Board of Trustees for approval of a boathouse to be constructed on Lot 71, Block 3, Sunnyside Addition to the Grand Lake, conditional upon:

- 1) Army Corps of Engineer approval; and
- 2) A reduction of the side decks from 5' (five feet) to 4' (four feet).

She concluded by saying that staff recommends the Board of Trustees discuss the merits of this proposal. If the Board is satisfied, staff recommends the Board grant approval of a boathouse to be constructed on Lot 71, Block 3, Sunnyside Addition to Grand Lake, conditional upon Army Corps of Engineering approval, and a resubmission of building plans to adequately represent the reduction of the side decks from 5' (five feet) to 4' (four feet). She noted that Morris King, applicant, was present.

Trustee Peterson moved to approve a building permit application for a boathouse on Grand Lake, located at 1604 Grand Avenue, a/k/a Lot 41, Block 3, Sunnyside Addition to the Town of Grand Lake conditional upon Army Corps of Engineering approval, and a resubmission of building plans to adequately represent the reduction of the side decks from 5' (five feet) to 4' (four feet). Trustee Lewis seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION TO AUTHORIZE THE TOWN MANAGER TO EXECUTE A PARTICIPATION CERTIFICATE AND TO AUTHORIZE A \$10,000 EXPENDITURE FOR DOWN PAYMENT ASSISTANCE - Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that at the meeting held March 10, 2008, the Board of Trustees granted down payment assistance to the Town's very

first applicant in five years. At that meeting, staff advised of the possibility of a second applicant coming around this year, and requested at that time that the Board consider funding a second applicant if the occasion occurred. What he didn't realize at the time was that the theoretical second applicant would become an actual applicant just two weeks later, so with great surprise he asked the Board to consider a second, unbudgeted down payment assistance grant this year. He said that the Grand County Housing Authority has conditionally approved this person for down payment assistance, granting \$8,500 from their funds received from the Colorado Mountain Housing Coalition. Furthermore, this applicant happens to be more qualified than our last grantee, having scored 25 points on the point system (compared to 20 with the last applicant). This person works in Town and has been trying to break into the homeownership market for quite some time. There does seem to be a stronger financial need with this applicant as well, as this person has qualified for 3% interest, payable over the next 20 years, which would net the Town \$3,310 upon maturity. As with the other loan, the Deed of Trust would be the Town's security, so this is a relatively safe way for the Town to help a local enter the ranks of homeowner. Luckily, while we only budgeted for one loan this year, we also budgeted \$20,000 for "Attainable Housing Expenses", with the thought that the Town may be able to purchase the water taps, sewer taps, etc., for the attainable units coming online. Since this loan would get the Town to the same end, staff believes that it would be appropriate to move forward with these monies. The staff recommendation is for the Board of Trustees to authorize the Town Manager to execute the Participation Certificate and to authorize the expenditure of \$10,000 on behalf of the applicant.

Trustee Weydert moved to authorize the Town Manager to execute the Participation Certificate and to authorize the expenditure of \$10,000 for down payment assistance. Trustee Harrington seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION TO AUTHORIZE THE TOWN MANAGER TO ENTER INTO A REIMBURSEMENT AGREEMENT WITH JOHN ERICKSON AND CINDY HENDERSON WITH PAYMENT TO THE TOWN IN AUGUST 2008, AND TO AUTHORIZE TOWN STAFF TO MOVE FORWARD WITH THE ORDER AND INSTALLATION OF A NON-MOTORIZED BOAT DOCK - Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that he and Marina Manager Hassoldt were approached with the idea of installing a non-motorized boat dock on Grand Lake by Grand Lake Sports owners' John Erickson and Cindy Henderson, as well as a man named Simon O'Connor who is interested in offering a sailing school on Grand Lake this year. He said that he and Hassoldt had discussed this idea previously, since it makes sense for the Town to offer a safer place for these boats to launch, versus the very busy and dangerous Headwater's Marina where many opt to put in. Currently, the plan is to install this near the volleyball court, east of the pavilion. He said that Hassoldt called around to the Town's distributors, including the company that

installed the new ADA boat docks last year, and estimates that the materials for the dock and the handrails would be around \$6,000. When you add in installation and the improvements that will need to occur in order to help make the area more accessible, that estimate doubles to around \$12,000. As part of their proposal, the group has offered \$6,000 in matching funds in order to move forward with this idea. Furthermore, Hassoldt believes that the Town could do the installation and improvements in-house, so the actual out-of-pocket financial contribution would be minimal, although with staff time, heavy equipment, etc., the Town would be spending time and resources on this project. Finally, John Erickson and Cindy Henderson have also requested that they be allowed to reimburse the Town in August, 2008 after their summer season is underway and they have more cash flow. Hale said that he doesn't know if Simon O'Connor has the same request. Given the fact that kayaks aren't a hot commodity in March, he said that he believes that this is a reasonable request. Staff realizes that this is an unbudgeted project for 2008, but given the offer before the Board, it makes sense to move forward with this project. Hale stated that he would want to get an agreement for any reimbursement to the Town signed prior to ordering the docking material, but other than that, he'd like to move forward and get the project slated so everything can be done prior to Memorial Day. If possible, he said that he'd like to request that Simon O'Connor make his check directly to the company that we order the dock from, so we'll only be looking at a \$3,000 non-budgeted expenditure in the Marina, which will be reimbursed and shown as revenue in August. In conclusion, the staff recommendation is for the Board to authorize the Town Manager to enter into a reimbursement agreement with John Erickson and Cindy Henderson, payable to the Town in August, 2008, and to authorize Town staff to move forward with the order and installation of a non-motorized boat dock. He noted that John Erickson, Simon O'Connor and Marina Manager Hassoldt were present.

Trustee Peterson moved to authorize the Town Manager to enter into a reimbursement agreement with John Erickson and Cindy Henderson, payable to the Town in August, 2008, and to authorize Town staff to move forward with the order and installation of a non-motorized boat dock. Trustee Lewis seconded the motion and all Trustees voted aye.

Due to a conflict of interest with the next agenda item, Trustee Peterson excused himself from discussion.

NEW BUSINESS:

CONSIDERATION TO WAIVE ALL DEVELOPMENT FEES FOR THE ROCKY MOUNTAIN REPERTORY THEATRE'S PLANNED DEVELOPMENT - Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that he, Mayor Burke, Commissioner Fischer and Town Planner Wittman have been meeting with the Repertory Theatre to discuss their future plans for a permanent theatre. He said that he intends to have them make a presentation at the long-range planning retreat this year to get everyone up to speed on their plans, but until then, just feel

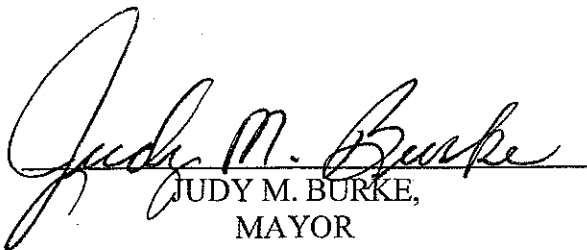
comfortable with the fact that everything this group does is first class, and their new building will be no different. As part of this process, the Rep must go through a Planned Development. Normally, the Town requires a \$1,500 deposit to get the process started, and may collect two to three times that amount before the project is completed depending upon how squared away the developer is and how long the process takes. The Rep is requesting that the Town waive all fees normally associated with this project. Since the Rep certainly isn't a developer, and instead a non-profit that is committing itself to a huge capital project in the community, staff believes that waiving the fees is appropriate in this instance. The staff recommendation is for the Board of Trustees to waive all development fees for the Repertory Theatre's Planned Development. He noted that Dorothy Weber, Co-Chair of the Facility's Development Committee.

The Board Members discussed waiving the deposit required for a Planned Development to cover staff time and legal or consultant fees. Out-of-pocket expenses such as recording fees should be paid by the Rep. It was suggested that a cap of \$2,000.00 be placed on the fees the Town is willing to waive for staff time and outside professional fees. If these fees exceed the \$2,000.00 cap, the Rep can make another request to the Board.

Following discussion, Trustee Lewis moved to waive development fees for staff time and legal or consultant fees in an amount of up to \$2,000.00 for the Rocky Mountain Repertory Theatre's Planned Development and any amount in excess of \$2,000.00 will be upon separate request to the Board of Trustees from the Rocky Mountain Repertory Theatre, seconded by Trustee Harrington. All Trustees voted aye except Trustee Peterson, who abstained.

CITIZEN PARTICIPATION: None.

ADJOURNMENT: Trustee Peterson moved to adjourn, seconded by Trustee Weydert. All Trustees voted aye, and the meeting was adjourned at 8:02 p.m., March 24, 2008.


JUDY M. BURKE,
MAYOR

ATTEST: 
RONDA KOLINSKE, CMC,
TOWN CLERK