

RECORD OF PROCEEDINGS

REGULAR MEETING
TOWN OF GRAND LAKE BOARD OF TRUSTEES
MONDAY, APRIL 14, 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 Engelhardt, Harrington, Lewis and Peterson; Town Manager Hale, Town Clerk Kolinske, Town Treasurer/Clerk Pro-Tem Dzinski, Town Planner Wittman and Town Code Enforcement Officer Korkowski.

ABSENT: Mayor Burke and Trustee Weydert.

APPROVAL OF MINUTES

March 24, 2008: Trustee Peterson moved to approve the minutes of the March 24, 2008 regular meeting as written, seconded by Trustee Lewis. All Trustees voted aye except Trustees Engelhardt and Rhone, who abstained.

ACCOUNTS PAYABLE

March, 2008: Trustee Peterson moved to examine the Accounts Payable and Prepaid for all Funds for the Town of Grand Lake. Trustee Lewis seconded the motion and all Trustees voted aye. Town Treasurer/Clerk Pro-Tem Dzinski noted that there were additions totaling \$9,399.97 and one deletion in the amount of \$218.92. Both are reflected on "Attachment B" to the Accounts Payable. Trustee Peterson moved to approve the Accounts Payable and Prepaid for all Funds for the Town of Grand Lake as amended. Trustee Lewis seconded the motion and all Trustees voted aye.

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 "Cabin Fever Follies" sponsored by the Grand Arts Council is Saturday, April 26, in the Community House beginning at 7:00 p.m.

Mayor Pro-Tem Rhone then said that it is with deep regret to note the passing of Evelyn Schnittker on Saturday, April 12 following her battle with leukemia. Evelyn served as a Grand Lake Town Trustee from 1992-2000, volunteered with the Grand Lake Chamber of Commerce for many years, and was involved with many other causes and groups in the community. She will be greatly missed.

PRESENTATIONS: **CONSIDERATION OF THE DESIGNATION OF THE TOWN CLERK TO ADMINISTER THE OATH OF OFFICE TO THE**

MAYOR AND TRUSTEES ELECTED AT THE APRIL 1, 2008 REGULAR MUNICIPAL ELECTION – Mayor Pro-Tem Rhone asked Town Clerk Kolinske to present this matter to the Board. Kolinske reported that the Town of Grand Lake has 413 registered electors. With 183 voters this election, the turnout was 44%. The election judges, Kelly Shockey, Deborah Bahan and Karen Raymond determined the results of the election. She said that she and Linda Dickinson, an elector qualified to have served as an election judge, canvassed the results with identical conclusions, therefore, the results are official. Kolinske stated that per State Statute, all elected officials shall take an oath administered by the Municipal Judge, Town Clerk, or other person who is designated by the governing body or who is authorized by law to administer oaths. She said that she would be honored to administer the oath of office to the new Board if the Board should so decide.

Trustee Peterson moved to designate Town Clerk Kolinske to administer the Oath of Office to the Mayor and Trustees elected at the April 1, 2008 Regular Municipal Election. Trustee Engelhardt seconded the motion and all Trustees voted aye.

Town Clerk Kolinske administered the Oath of Office to newly elected Mayor Glenn Harrington, then to re-elected Trustee Kathy Lewis, and to newly elected Trustees Elmer Lanzi and Benton Johnson.

Town Manager Hale thanked departing Trustee Engelhardt for his service on the Board and presented him with a gift from Town Staff and the Board of Trustees. Engelhardt sat in the audience as the new Board took their seats.

NEW BUSINESS:

CONSIDERATION OF THE DESIGNATION OF THE MAYOR OF THE TOWN OF GRAND LAKE TO ADMINISTER THE OATH OF OFFICE TO THE TOWN CLERK AND TO THE TOWN TREASURER/CLERK PRO-TEM - Mayor Pro-Tem Rhone moved to designate Mayor Harrington as the official authorized to administer the Oath of Office to the Town Clerk and to the Town Treasurer/Clerk Pro-tem. Trustee Peterson seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF THE INSTALLATION OF THE TOWN CLERK FOR THE TOWN OF GRAND LAKE – Mayor Pro-Tem moved to reappoint Ronda Kolinske as Town Clerk. Trustee Lewis seconded the motion and all Trustees voted aye. Mayor Harrington then administered the Oath of Office to Kolinske.

NEW BUSINESS:

CONSIDERATION OF THE INSTALLATION OF THE TOWN TREASURER/CLERK PRO-TEM FOR THE TOWN OF GRAND

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LAKE – Trustee Peterson moved to reappoint Gay Dzinski as Town Treasurer/Clerk Pro-Tem. Trustee Lewis seconded the motion and all Trustees voted aye. Mayor Harrington then administered the Oath of Office to Dzinski.

NEW BUSINESS:

CONSIDERATION OF THE APPOINTMENT OF THE MAYOR PRO-TEM FOR THE TOWN OF GRAND LAKE – Trustee Peterson moved to reappoint Trustee Rhone as the Mayor Pro-Tem for the Town of Grand Lake, seconded by Trustee Lewis. All Trustees voted aye except Trustee Rhone, who abstained.

NEW BUSINESS:

CONSIDERATION OF THE APPOINTMENT OF THE FINANCIAL TRUSTEE FOR THE TOWN OF GRAND LAKE – Mayor Pro-Tem Rhone moved to appoint Trustee Peterson as the Financial Trustee for the Town of Grand Lake, seconded by Trustee Lewis. All Trustees voted aye except Trustee Peterson, who abstained.

NEW BUSINESS:

CONSIDERATION OF THE APPOINTMENT OF THE TOWN ATTORNEY FOR THE TOWN OF GRAND LAKE – Trustee Peterson moved to reappoint Scotty Krob as the Town Attorney for the Town of Grand Lake. Mayor Pro-Tem Rhone seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF THE APPOINTMENT OF THE MUNICIPAL JUDGE FOR THE TOWN OF GRAND LAKE – Mayor Pro-Tem Rhone moved to reappoint Georgia Noriyuki as Municipal Judge for the Town of Grand Lake. Trustee Lewis seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF THE APPOINTMENT OF THE BOARD OF TRUSTEES' LIAISON TO THE GRAND LAKE AREA CHAMBER OF COMMERCE – Trustee Peterson moved to reappoint Trustee Lewis as the Board of Trustees' Liaison to the Grand Lake Area Chamber of Commerce, seconded by Mayor Pro-Tem Rhone. All Trustees voted aye except Trustee Lewis, who abstained.

NEW BUSINESS:

CONSIDERATION OF THE APPOINTMENT OF THE REPRESENTATIVE TO THE NORTHWEST COLORADO COUNCIL OF GOVERNMENTS – Mayor Pro-Tem Rhone moved to reappoint Trustee Peterson as the Representative to the Northwest Colorado Council of Governments, seconded by Trustee Lewis. All Trustees voted aye except Trustee Peterson, who abstained.

NEW BUSINESS:

CONSIDERATION OF THE APPOINTMENT OF THE ALTERNATE TO THE NORTHWEST COLORADO COUNCIL OF GOVERNMENTS – Trustee Peterson moved to reappoint Town Manager Hale as the Alternate to the Northwest Colorado Council of

Governments. Mayor Pro-Tem Rhone seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF THE APPOINTMENT OF THE REPRESENTATIVE TO THE GRAND COUNTY HOUSING AUTHORITY – Since the Grand County Housing Authority is now being managed by Grand County; the Town of Grand Lake no longer has a Representative. Mayor Harrington then moved on to the next agenda item.

NEW BUSINESS:

CONSIDERATION OF THE APPOINTMENT OF THE REPRESENTATIVE TO THE GRAND COUNTY WATER INFORMATION NETWORK – Trustee Peterson moved to reappoint Glenn Harrington, Mayor, as Representative to the Grand County Water Information Network, seconded by Mayor Pro-Tem Rhone. All Trustees voted aye except Mayor Harrington, who abstained.

NEW BUSINESS:

CONSIDERATION TO SET A PUBLIC HEARING FOR MAY 12, 2008 TO CONSIDER CHANGES TO CHAPTER 12-2 AND TO 12-6 OF THE GRAND LAKE TOWN CODE – Mayor Harrington asked Town Planner Wittman to present this matter to the Board. Wittman explained that the Town of Grand Lake's Comprehensive Land Use Plan, adopted January of 2006, states: "The Town's current Zoning Code is somewhat inaccurate and inconsistent. Although the code has been amended,...it has evolved into a piecemeal document that can be very challenging to administer." Two ordinances have been drafted, one reflecting changes to Chapter 12-2, *Zoning Regulations*, and the other reflecting changes to Chapter 12-6, *Subdivision Regulations*. While the majority of the revisions come from changes that have been logged by staff, the rest of the proposed changes stem from a need to streamline the municipal code; this is routine housekeeping of an out-of-date code. On February 28, staff presented the proposed changes to the Planning Commission. Notice was given in the Middle Park Times on March 13, 2008, and a Public Hearing was held on April 2, 2008. The Planning Commission provided a favorable recommendation to adopt the proposed ordinances reflecting the proposed changes to the municipal code sections *Zoning Regulations* and *Subdivision Regulations*. Wittman summarized the proposed changes affecting both Chapter 12-2 and 12-6 as follows:

Definitions – Open Space: As discussed at the March 5 Planning Commission meeting, the Town's Open Space definitions in Chapters 12-2 and 12-6 are not consistent with one another and often leave a gray area when a development is planning for 'Public' and 'Private' Open Space. Staff is proposing the creation of Open Space (Public) and Open Space (Private) definitions that will serve both chapters.

At that same meeting, a suggestion was made by the Planning Commission to allow for Snow Storage to be accounted for in Open Space areas. Staff is favorable to this concept but would like to propose that this amount of space be no greater than 50% of the total required Open Space and that it may only be counted if the Snow Storage is placed onto impervious landscaped areas that have been designed to connect to an adequate drainage system. Staff has also included the Planning Commission recommendation to not allow golf courses to be allowed as calculated open space.

Submission Requirements: Staff is proposing that all applications be submitted twenty-one (21) days prior to the next regularly-scheduled Planning Commission Meeting. This would allow for a fourteen (14) day staff review time to determine whether the application is complete. Incomplete applications will be returned to the applicant and asked to be resubmitted twenty-one (21) days prior to the next regularly scheduled meeting. This allows adequate time for staff to process the proposals and to make sure that the items that staff presents to the Planning Commission have the necessary requirements. When determining the submission deadlines, staff researched the submission deadlines of other municipalities and the County. Grand County's submission deadline is 28 days.

Staff is also recommending that prior to submissions, applicants have a Pre-Application conference with staff to outline all necessary requirements for the three-step development process: Sketch Plan, Preliminary Plat and Final Plat (all conducted with the Planning Commission). This conference would better prepare the applicant as to the requirements for submission(s) as well as potentially alleviate some of the excess meetings that can occur later in the development process.

Staff is proposing that at the time of Preliminary Submittal for both Planned Developments and Subdivisions, the developer submit twenty (20) copies of the materials so there are an adequate number of copies not only for Planning Commission review but also for applicable agencies that staff asks for comment from, as well as members of the general public.

Staff is proposing that the submitted drawn materials for all major developments (Subdivisions and Planned Developments) also be submitted electronically so that staff is better able to present the proposal to the Planning Commission and the Board of Trustees. Electronic materials will be required at all phases of the development process.

Other: Staff in many cases has defined which is the governing body over various actions. Inconsistency occurs when it comes to various Commissions and Boards, for example, the Planning Commission and the

Grand County Board of Commissioners, the Board of Trustees, and the Board of Adjustment, etc.

Staff is also proposing many changes throughout both documents that update section numbers, where applicable. Often the Town has adopted new regulations and when a section is referenced throughout the document, the section numbers often were not updated..

Wittman stated that the Planning Commission was favorable to the aforementioned proposed changes.

She then summarized the proposed changes for Chapter 12-2, Zoning Regulations, as follows:

Conditional Uses: Staff is proposing that the term "Electric substations and gas regulator stations" be changed to "Public Utilities" in the Zones that currently allow that conditional use.

Nightly Rentals: Staff is proposing that the Zones that allow for Nightly Rentals as a permitted Use by Right also include the statement that Nightly Rentals "...will be treated as a conditional use when an objection has been raised as to the use by right. Please refer to Section 12-2-31 (B)" when the Nightly Rental is listed under Conditional Use. This would eliminate questions from those who look at the code and see that Nightly Rentals are listed under both categories.

CT and C District: Proposed changes reflect mixed-used developments, allowing for commercial on the main floor and residential on the upper floor(s), which is already permitted so long as the first 50' of the lot on the main story is commercial space. This change was approved, by the Planning Commission some time ago but the Town's code was not changed to reflect the approved permitted use(s).

C District: Staff is proposing removing the *Special Use Permit* section from the C District and placing it into a section which outlines all Special and Conditional Use Regulations, eliminating the confusion of which type of permit is necessary for certain activities. *Please see Special and Conditional Use Regulations.*

Existing Supplemental Regulations: Staff's largest proposal comes in the break-up of the current *Supplemental Regulations*. In many circumstances, whenever something new was adopted into the *Zoning Regulations*, the Town would insert it into this section, which has led to great confusion when trying to understand the exact requirements for different types of projects. Information in this section was divided into the following newly-developed sections:

Regulations for Mixed-Use Developments
Supplemental Regulations for Setbacks, Height and Area
Off-Street Parking Regulations
Shoreland Regulations
Special and Conditional Use Regulations
Non-Conforming Uses and Structures

All other sections of *Supplemental Regulations* were dispersed throughout the rest of the chapter, particularly *Vacations* and *Annexations*, which were placed into the *Establishment of Zone Districts* section.

Wittman said that staff recommended the Planning Commission discuss the following items:

Supplemental Regulations for Setbacks, Height and Area: Staff found the removal of ‘...and scenery lofts’ in the previous planner’s files. This was a discussion item that the Planning Commission had when the Lakeside Loft developer tried to gain roof access by calling it a “scenery loft.” Staff is proposing that the word ‘theatre’ be placed before ‘scenery loft’ to better clarify the exact intentions of this supplemental height regulation. During the Public Hearing, the Planning Commission took public comment regarding this matter and concluded that the word ‘theatre’ should be placed before ‘scenery loft’.

Also, the code states “A structure presently encroaching into a setback shall be allowed to make additions onto the structure within the boundary line measured from the lot line to the edge of the existing encroachment without seeking a variance from the Board of Adjustment”. The Planning Commissioners agreed to put the word ‘not’ after the word ‘shall.’

Special and Conditional Use Regulations: Staff is proposing having two (2) separate types of Special Use Permits (SUP): Commercial or Public SUPs and General SUPs.

With the exception of where noted, the Planning Commission was favorable to the aforementioned proposed changes.

She then summarized the proposed changes for Chapter 12-6, Subdivision Regulations as follows:

Subdivision Preliminary Requirements: Staff is proposing that the drawing requirements for Preliminary Subdivision submittal include elevation drawings. This would better enable the Planning Commission to understand what the structure(s) would look like. The Planning Commission was favorable to this additional submission requirement.

Wittman concluded by saying that if the Board of Trustees finds that all of the proposed changes are satisfactory, staff recommends that the Board of Trustees set a Public Hearing for May 12, 2008.

Trustee Peterson moved to set a Public Hearing for May 12, 2008 to consider changes to Chapters 12-2 and 12-6 of the Grand Lake Town Code. Mayor Pro-Tem Rhone seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION TO AUTHORIZE THE MAYOR TO SIGN A LETTER OF SUPPORT FOR NEVILLE STUDIO'S REQUEST FOR COLORADO ARTS COUNCIL GRANT MONIES TO FACILITATE THE CREATIVE ECONOMY SEMINAR TO BE HELD IN THE GRAND COUNTY COMMUNITY THIS SPRING - Mayor Harrington asked Town Planner Wittman to present this matter to the Board. Wittman explained that staff has been approached by Mr. Howard Neville to write a Letter of Support for a request to the Colorado Arts Council for grant monies to facilitate the *Creative Economy Seminar* in Grand County this spring. Grant funds will assist Mr. Neville, along with the Business Economic Development Association (BEDA), in having a two-day event designed to increase public awareness of economic development efforts through the creation and expansion of a 'Creative Economy'. This seminar will involve an event hosted by a major Grand County business and would target community leaders and business owners. Artists will be invited to display their artwork and share experiences in creating public art within their communities. The seminar will also highlight educational speakers on how to generate funds for public art, as well as the benefits of a 'Creative Economy', an economic development strategy that aims to attract the 'Creative Class'. The second day, hosted by a new business in the Grand Lake area, Circle H Corral, will be the first invitation for community members to participate in the first in the series of summer art walks. According to the Town of Grand Lake's 2006 Comprehensive Plan, the Town's *Economic Restructuring* policy states that *'The Town supports publicly led initiatives undertaken to diversify the local economy'*. Community-based events such as this one greatly impact the local community by further promoting a more diverse and full time year-round economy. Wittman noted that Becky McBride, representative for BEDA, was present.

Following brief discussion, Trustee Lewis moved to authorize the Mayor to sign a letter of support for Neville Studio's request for Colorado Arts Council grant monies to facilitate the Creative Economy Seminar to be held in the Grand County community this spring.

NEW BUSINESS:

CONSIDERATION OF A REQUEST FROM BRUCE KOHLWEY OF WILLOW CREEK LOGGING TO BURN SLASH AT 400-404 MOUNTAIN AVENUE, 405-409 MOUNTAIN AVENUE AND AT 1444 GRAND AVENUE – Mayor Harrington asked Town Code Enforcement Officer Korkowski to present this matter to the Board. Korkowski explained that staff has received two requests from Bruce Kohlwey of Willow Creek Logging asking to burn slash piles in the Town of Grand Lake. The first request is to allow him to burn six piles of slash at the Edna Stoddard property located at the 400-404 Mountain Ave. (Block 30, Lots 6-8) and 405-409 Mountain Ave. (Block 31, Lot 7) and 107 Perry St. (Block 31, Lot 8). Mr. Kohlwey states that the piles will be five feet in height and about four to six feet in diameter. The second request is to allow him to burn five to six piles of slash at the James Eldridge property located at 1444 Grand Ave. (Sunnyside Addition Block 3, Lots 52-53). Mr. Kohlwey does not give a size for these piles, just that there is two feet of snow and conditions are perfect for burning. Mr. Kohlwey states in both cases the steepness of the terrain and his inability to get equipment on those areas to get them cleaned up as the reasons for the slash piles. Kohlwey also mentions the cost of manual clean-up. Korkowski noted that the Town does not allow any open burning in the Town limits per Municipal Code 7-1-28 unless it is in a barbeque or campfire ring or pit not exceeding sixteen square feet in size. Town staff has enforced this rule strictly. Other loggers have worked areas very similar to the ones presented and have removed the slash. It is more costly to the logger and, ultimately, the homeowner, but those factors should have been considered in making the bid for those areas. Korkowski said that Mr. Kohlwey has been cited once on 11-14-06 for violating Municipal Code 7-1-28 for burning slash piles at Lenada Cottages. Per Jennifer Murray at the Grand County Department of Natural Resources, Willow Creek Logging is allowed to obtain burn permits, but Bruce Kohlwey is currently not allowed to obtain a burn permit. Staff recommends that the Board of Trustees not grant the requests for burn piles due to the above information. He noted that neither Mr. Kohlwey nor a representative was present.

Trustee Peterson moved to deny the request from Bruce Kohlwey of Willow Creek Logging to burn slash at 400-404 Mountain Avenue, 405-409 Mountain Avenue and at 1444 Grand Avenue. Trustee Lewis seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF ORDINANCE NO. 2-2008, AN ORDINANCE AMENDING THE TOWN OF GRAND LAKE MUNICIPAL CODES BY AMENDING ARTICLE 2, CHAPTER 6, SIGN CODE - Mayor Harrington asked Town Code Enforcement Officer Korkowski to present this matter to the Board. Korkowski explained that staff has become aware of two issues in the Sign Code as it pertains to political signs. Staff has found that most political signs for

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candidates are purchased in a 18" x 24" size (3 square feet) which would make them illegal in the Town of Grand Lake. While these signs can be purchased in a smaller size to fit the requirements of two (2) square feet, staff does not believe that increasing the size limitation to three (3) square feet would be that much more obtrusive and would reflect the normal size. Staff also received complaints about political signs on vehicles, and that is not directly addressed in the Code. The current Code only directly addresses 'business signs' on vehicles. Staff believes the proposed Ordinance has wording sufficient to correct this issue and make the Town's intent clear about political signs on vehicles. He concluded by recommending that Ordinance No. 2-2008 be adopted.

Mayor Pro-Tem Rhone moved to adopt Ordinance No. 2-2008, an Ordinance Amending the Town of Grand Lake Municipal Codes by Amending Article 2, Chapter 6, Sign Code. Trustee Johnson seconded the motion and all Trustees voted aye.

CITIZEN PARTICIPATION: None.

ADJOURNMENT: Mayor Pro-Tem Rhone moved to adjourn, seconded by Trustee Lewis. All Trustees voted aye, and the meeting was adjourned at 8:13 p.m., April 14, 2008.



GLENN HARRINGTON,
MAYOR

ATTEST: 

RONDA KOLINSKE, CMC,
TOWN CLERK