

RECORD OF PROCEEDINGS

REGULAR MEETING
TOWN OF GRAND LAKE BOARD OF TRUSTEES
MONDAY, APRIL 28, 2008 7:30 P.M.

CALL TO ORDER: The regular meeting of the Board of Trustees was called to order by Mayor Glenn Harrington at 7:35 p.m. at the Town Hall, 1026 Park Avenue.

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

ABSENT: Trustees Lewis and Rhone.

APPROVAL OF MINUTES

April 14, 2008: Trustee Peterson moved to approve the minutes of the April 14, 2008 regular meeting as written, seconded by Trustee Johnson. All Trustees voted aye except Trustee Weydert, who abstained.

ANNOUNCEMENTS:

Mayor Harrington announced that it would be appreciated if cell phones were turned off during the meeting.

Mayor Harrington announced that the Town of Grand Lake is seeking volunteers for "Clean Up Day" on May 16th from 9 – Noon. A picnic lunch will be provided. Call 627-3435 to volunteer and help beautify our Town.

Mayor Harrington announced that the Grand Lake Rotary Club, the Sky-Hi Daily News and the Grand Lake Metropolitan Recreation District will sponsor a Candidate Forum for the Grand Lake Metropolitan Recreation District candidates on Tuesday, April 29 beginning at 7:00 p.m. at the Grand Lake Fire House.

Mayor Harrington then announced that the Businesses Against Alcohol & Drug Dependence (BAADD) is hosting a pre Cinco de Mayo fund raiser at Pancho & Lefty's on Sunday, May 4 beginning at 2:00 p.m.

REPORTS: SALES TAX
CASH FLOW REPORT
FOR APRIL 2008:

Mayor Harrington asked Town Clerk Kolinske to present the sales tax cash flow report. Kolinske reported that the amount of revenue received in April, 2008 for the month of February, 2008 is \$43,581. This amount is 4.81% above what was received through April, 2007.

At 7:40 p.m. Trustee Johnson excused himself and left the room.

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF RENEWAL OF THE HOTEL AND RESTAURANT LIQUOR LICENSE FOR THE BEAR'S DEN, LLC, D/B/A THE BEAR'S DEN - Mayor Harrington 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 water, business license, and sales tax accounts are all current. She 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 Vickie Johnson, representative, was present.

Trustee Peterson moved to approve the renewal of the Hotel and Restaurant Liquor License for the Bear's Den, LLC, d/b/a The Bear's Den. Trustee Weydert seconded the motion and all Trustees voted aye.

At 7:43 p.m. Trustee Johnson resumed his seat.

OLD BUSINESS:

None.

Due to the fact that Trustee Weydert also serves as a Board Member for the Grand Lake Fire Protection District, he announced that he would abstain from voting on the next item on the agenda.

NEW BUSINESS:

CONSIDERATION OF A CONDITIONAL USE REQUEST FROM THE GRAND LAKE AREA FIRE PROTECTION DISTRICT TO ALLOW FOR NON-FIRE DISTRICT EMERGENCY PERSONNEL TO RENT THE APARTMENTS LOCATED AT THE LOCAL FIRE DISTRICT STATION ON LOT 1, BLOCK 13, GRAND LAKE ESTATES 2ND FILING - Mayor Harrington asked Town Planner Wittman to present this matter to the Board. Wittman explained that on April 3, 2008, staff received a building permit application from the Grand Lake Area Fire Protection District (GLAFPD) to remodel the kitchen of their facility located on Lot 1, Block 13, Grand Lake Estates 2nd Filing. After staff reviewed the permit, it was brought to staff's attention that the GLAFPD was not in compliance with a Conditional Use Permit that the Town had administered in 2001. Resolution No. 2-2001 states, "THAT, the four apartments included in the Fire Station are to be occupied by volunteer firefighters ... ". Currently GLAFPD is not in compliance, having one of the units rented to a Grand County emergency responder whom is not a member of the Fire Protection District. When contacted, Fire Chief Mike Long was unaware of the condition on the Conditional Use, as the GLAFPD Board approved the rental to a tenant that is not a member of the GLAFPD. On April 10th, Mr. Mike Long (on behalf of GLAFPD) submitted to Town staff a request for an amendment to the existing Conditional Use. Since the Town does not administer amendments to a Conditional Use, the GLAFPD must request an amendment to the existing resolution, authorizing the current Conditional Use. Mr. Long's request states that to be compliant with the current Conditional Use, the GLAFPD has, in accordance with applicable State laws, given the tenant (a Sheriff's Deputy) 60 days to move out. The GLAFPD is requesting that the Town approve a Conditional Use request to allow for the GLAFPD rental units to be rented to any Grand County emergency responder including, but not limited to, Grand

County Ambulance, Search and Rescue, Sheriff's Office. He would also like to include the possibility of allowing for members of the Department of Wildlife, United States Forest Service, Rocky Mountain National Park, Etc. to be able to rent the units. In addition, Mr. Long is requesting that one (1) of the units (which is currently furnished) be available for visiting instructors, mechanics, vendors, family members or a displaced family on a very short-term basis, typically no more than a day or two. The applicant has verbally requested that the Town waive the applicable \$250 Conditional Use fee associated with this application on the basis that the organization is a tax-exempt organization. Wittman stated that Conditional Use requests are heard before the Planning Commission prior to proceeding to the Board of Trustees. The Planning Commission may elect, at their judgment, to hold a Public Hearing prior to providing a recommendation to the Town Board of Trustees, regarding the request. The Town Board of Trustees may elect to hold a Public Hearing on the request prior to approving, modifying, or disapproving the recommendation of the Planning Commission by resolution. On April 16th, the Planning Commission heard the Grand Lake Area Fire Protection District's Conditional Use request and elected to not hold a Public Hearing. The Planning Commission discussed with Mindy Everhart, a representative of the Fire District, the current use(s) of the existing rental units. Ms. Everhart also explained that the GLAFPD is currently utilizing one (1) of the rental units that is reserved for visiting instructors, paid staff, displaced families, etc. for short periods of time. This is a furnished unit and the District would like to be able to keep the current use of this unit for this purpose. Ms. Everhart stated that the three (3) other rental units in the District station can be occupied by a total of six (6) residents. Currently there are two (2) volunteer firefighters that are leasing two of the spaces; each of the residents is aware that they may receive a roommate at any time. The decision to allow other emergency response personal occupy the rental units came from the Fire Protection District's Board of Directors, with the thought that having someone occupy the units was better than leaving them empty. Ms. Everhart also explained that it is the Board's priority to have volunteer firefighters in these apartments and the non-firefighter is aware that the organizational volunteers take priority to other emergency responders, if the need arises. Ms. Everhart further explained that by allowing agency personnel from the National Parks Service, the National Forest Service, the Department of Wildlife, etc. that it would better service the community in disaster situations where additional relief and support may be needed. In order to better protect the community in the event of a natural disaster, specialists may be brought in to aide the local efforts. By allowing for these types of emergency service personnel to stay in the station's apartments, the community may be better protected. After much discussion, the Planning Commission agreed that the use of these rental units should be left up to the Grand Lake Area Fire Protection District's Board. The Commission recognized the controversies of the rental units when the station was created but also the need to have local, affordable housing options for the emergency response personnel that service our community. The Planning Commission made a favorable recommendation, to the Board of Trustees, to grant the Fire

District's request. Wittman concluded by saying that staff recommends that the Town Board of Trustees waive the application fee for this Conditional Use request on the basis that this is a tax-exempt organization. Staff also recommends that the Board of Trustees discuss the merits of this request and elect to, or not to, hold a Public Hearing regarding this request. If the Board of Trustees elects to hold a Public Hearing, staff recommends the Town Board of Trustees to move to schedule a Public Hearing for Tuesday, May 27th, or Monday, June 9th, at 7:30 p.m. If the Board of Trustees elects to not hold a Public Hearing and is satisfied with the merits of the request, staff recommends the Town Board of Trustees adopt Resolution No. 3-2008, a Resolution Amending Resolution No. 2-2001: a Conditional Use at Lot 1, Block 14, Grand Lake Estates 2nd Filing, for a Fire Station. She noted that Fire Chief Mike Long was present.

Following brief discussion, Trustee Peterson moved to uphold the Planning Commission's recommendation to waive the application fee for this Conditional Use request and to grant a Conditional Use request to the Grand Lake Fire Protection District by adopting Resolution No. 3-2008, a Resolution Amending Resolution No. 2-2001: A Conditional Use at Lot 1, Block 14, Grand Lake Estates 2nd Filing, for a Fire Station, seconded by Trustee Lanzi. All Trustees voted aye except Trustee Weydert, who abstained.

NEW BUSINESS:

CONSIDERATION OF ORDINANCE NO. 3-2008, AN ORDINANCE AMENDING CHAPTER 12, ARTICLE 7, DESIGN REVIEW STANDARDS, OF THE CODE OF THE TOWN OF GRAND LAKE - Mayor Harrington asked Town Planner Wittman to present this matter to the Board. Wittman explained that as issues arise, staff has seen small details that should be amended to more effectively administer the Town Code. Staff is proposing changing the requirements for when the Board of Adjustment (BOA) is required to meet to hear a variance request to the Town's *Design Review Standards*. Currently the BOA is required to meet within five working days of submittal of a petition by the applicant. Staff is proposing that the BOA meet within twenty (20) working days of submittal of petition by the applicant, or a date set by mutual agreement between the Town and the applicant. She said that the Town of Grand Lake's Design Review Advisory Committee has been charged with the task of updating the Town's Design Review Standards. Staff is not proposing changes to any of the standards rather only to the *Appeals* section of Chapter 12-7. While some sections of the Town Code require Public Hearings before the Planning Commission and/or the Board of Trustees, Chapter 12-7 does not. Changes to this section are not required to be noticed for and heard before a Public Hearing; however, the Planning Commission and/or the Town Board of Trustees may require a Public Hearing to be held. On April 16, 2008, the Planning Commission reviewed a *draft* Ordinance of proposed amendments to Chapter 12, Article 7, *Design Review Standards*. The Planning Commission moved to make a favorable recommendation, to the Town Board of Trustees, to approve the *draft* Ordinance affecting this chapter of the Municipal Code. Wittman concluded

by saying that staff recommends the Board of Trustees discuss the proposed requirement to the *Appeals* section of the *Design Review Standards*. If the Board is favorable to the proposed changes staff recommends that the Board move to approve Ordinance No. 3-2008.

Trustee Weydert moved to adopt Ordinance No. 3-2008, an Ordinance Amending Chapter 12, Article 7, Design Review Standards, of the Code of the Town of Grand Lake. Trustee Peterson seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF ORDINANCE NO. 4-2008, AN ORDINANCE AMENDING THE TOWN OF GRAND LAKE MUNICIPAL CODES 7-1-28 OPEN FIRES PROHIBITED, 7-2-4 FIREWORKS, 7-2-6 DISCHARGING FIREARMS, AND 12-10-2 INDIVIDUAL STUDIES –

Mayor Harrington asked Town Code Enforcement Officer Korkowski to present this matter to the Board. Korkowski explained that while updating previous ordinance revisions to the Municipal Codes, he found that the above listed codes have penalties that include the possibility of a jail sentence. Municipal Codes 7-1-28, 7-2-4, and 12-10-2 should have the jail portion of the penalty removed as they are items that are non-criminal in nature. He said that Town Attorney Krob has suggested the Town should de-criminalize the non-criminal in nature portions of the Municipal Code and remove any penalties that include a possibility of a jail sentence. This suggestion makes sense for two main reasons. First and foremost, neither the Town nor the Municipal Judge will ever pursue jail time for a non-criminal type violation. Secondly, absent the possibility of any jail time, the Town would not be required to offer a jury trial as a trial option. Jury trials create administrative problems and a financial drain on the town, which could easily be avoided. Section 7-2-6 is criminal in nature, but it has a penalty provision of only a \$100.00 fine. This seems a little out of line considering the nature of the offense and the penalties in place for similar offenses. The Board should either remove the specific penalty provision thereby placing the criminal penalties on it or place a higher fine on the offense. Staff recommends that the specific penalty provision be removed which would make the criminal penalties apply. This section also needs a provision to exclude peace officers acting under color of their authority. Korkowski noted that Section 12-10-2(1) needs to be updated. This section was originally enacted under Ordinance No. 8-2001 and specifically excluded accessory buildings and structures from the fee. The Town Board of Trustees passed two (2) resolutions since that enactment (Resolution No. 1-2004 and Resolution No. 5-2006) which changed the fee structure and included accessory buildings and structures in the fee structure. This should have been handled by ordinance, not resolution. The intent of the Board of Trustees was to change the actual fee structure by including accessory buildings and structures, as evidenced by the 2 resolutions. This ordinance will rectify that administrative oversight. Based upon this information, staff is requesting that Municipal Codes 7-1-28, 7-2-4, 7-2-6, and 12-10-2 be amended, and Ordinance No. 4-2008 be adopted.

Trustee Johnson moved to adopt Ordinance No. 4-2008, an Ordinance Amending the Town of Grand Lake Municipal Codes 7-1-28 Open Fires Prohibited, 7-2-4 Fireworks, 7-2-6 Discharging Firearms, and 12-10-2 Individual Studies. Trustee Weydert seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION TO DESIGNATE MAYOR HARRINGTON AS THE MOUNTAIN PARKS ELECTRIC VOTER DESIGNATE FOR THE TOWN OF GRAND LAKE – Mayor Harrington asked Town Manager Hale to present this matter to the Board. Hale explained that since Mountain Parks Electric is a co-op, they have annual elections for their Board of Directors. As a member, the Town can designate an elected official to represent the Town by proxy. Typically, this designee is the Mayor. Mayor Burke was previously designated but somehow Mountain Parks still has Mayor Stover listed as the Town’s designee. The staff recommendation is for the Board of Trustees to designate Mayor Harrington as the Mountain Parks Electric voter designate for the Town of Grand Lake.

Trustee Weydert moved to designate Mayor Harrington as the Mountain Parks Electric voter designate for the Town of Grand Lake. Trustee Peterson seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF DESIGNATION OF INDIVIDUALS AUTHORIZED TO CONDUCT TRANSACTIONS WITH RESPECT TO THE TOWN’S CASH AND INVESTMENT ACCOUNTS - Mayor Harrington asked Town Manager Hale to present this matter to the Board. Hale explained that the Town currently has cash accounts with the following entities:

Grand Mountain Bank:	2 Checking Accounts/3 Money Market Funds
CSafe:	2 Money Market Funds
Colorado Diversified Trust:	1 Money Market Fund
Advantage Bank:	1 Certificate of Deposit
Flat Irons Bank:	1 Certificate of Deposit
Mile High Banks:	1 Certificate of Deposit
USBank:	1 Certificate of Deposit
Gill & Associates:	Investment Bonds

He said that it is time to update the individuals with authority to conduct transactions in connection with these accounts, particularly with respect to authorized check signers. In the past the authorized individuals include the Mayor, the Mayor Pro-Tem, the Financial Trustee, the Town Manager, and the Town Clerk. Town’s policy is to require two signers on all checks. If the Board approves, Gay Dzinski, the Town Treasurer/Clerk Pro-Tem will prepare the required documentation for changing the authorized signers on the accounts. Staff recommends the Board authorize the following individuals to conduct transactions with respect to the Town’s cash and investment accounts.


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Glenn Harrington, Mayor
Aron Rhone, Mayor Pro-Tem
Jim Peterson, Finance Trustee
Shane Hale, Town Manager
Ronda Kolinske, Town Clerk

Trustee Weydert moved to authorize Glenn Harrington, Mayor, Aron Rhone, Mayor Pro-Tem, Jim Peterson, Finance Trustee, Shane Hale, Town Manager and Ronda Kolinske, Town Clerk to conduct transactions with respect to the Town's cash and investment accounts.

CITIZEN PARTICIPATION: None.

ADJOURNMENT: Trustee Peterson moved to adjourn, seconded by Trustee Lanzi. All Trustees voted aye, and the meeting was adjourned at 8:04 p.m., April 28, 2008.



JOHN A. RHONE,
MAYOR PRO-TEM

ATTEST: 

RONDA KOLINSKE, CMC,
TOWN CLERK