

RECORD OF PROCEEDINGS

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REGULAR MEETING  
TOWN OF GRAND LAKE BOARD OF TRUSTEES  
MONDAY, JULY 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 7:35 p.m. at the Town Hall, 1026 Park Avenue.

PRESENT: Mayor Pro-Tem Rhone; Trustees Johnson, Lanzi, Lewis, and Weydert; Town Clerk Kolinske, Town Planner Wittman, and Town Code Enforcement Officer Korkowski.

ABSENT: Trustee Peterson and Town Manager Hale.

APPROVAL OF MINUTES  
June 23, 2008: Trustee Weydert moved to approve the minutes of the June 23, 2008 regular meeting as written. 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 the Rocky Mountain Repertory Theatre is now presenting its third production of the 2008 Season, "Big", in the Community House.

Mayor Pro-Tem Rhone announced that the 61<sup>st</sup> Annual Buffalo Barbeque Celebration will include a pancake breakfast, music, used book sale, parade, and a barbeque the weekend of July 19 and 20.

Mayor Pro-Tem Rhone then announced that Trustee Peterson's son, Zack, was in a severe car accident over the weekend. Town Code Enforcement Officer Dan Korkowski was at the hospital that day and gave an update on Zack's condition noting that due to a spinal injury, his hospitalization and rehabilitation time will be extensive. On behalf of the Town Board and Town Staff, Mayor Pro-Tem Rhone stated that prayers and best wishes go out to Zack and his family.

PRESENTATIONS: None.

At 7:39 p.m. Trustee Johnson excused himself and left the room.

LIQUOR LICENSING AUTHORITY: **CONSIDERATION OF RENEWAL OF THE HOTEL AND RESTAURANT LIQUOR LICENSE FOR EL PACIFICO, LLC, D/B/A EL PACIFICO RESTAURANT** - Mayor Pro-Tem Rhone 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 Jesus Varela, Member, was present.

Trustee Lewis moved to approve the renewal of the Hotel and Restaurant Liquor License for El Pacifico, LLC, d/b/a El Pacifico Restaurant. Trustee Weydert seconded the motion and all Trustees voted aye.

**LIQUOR LICENSING AUTHORITY: CONSIDERATION OF RENEWAL OF THE HOTEL AND RESTAURANT LIQUOR LICENSE FOR ESTES PARK CHALET, INC., D/B/A GRAND LAKE LODGE** - Town Clerk Kolinske noted that there was not a representative of the Lodge present.

Trustee Weydert moved to table consideration of the renewal of the Hotel and Restaurant Liquor License for Estes Park Chalet, Inc., d/b/a Grand Lake Lodge until a representative can be present. Trustee Lewis seconded the motion and all Trustees voted aye.

**LIQUOR LICENSING AUTHORITY: CONSIDERATION OF APPROVAL FOR A SPECIAL EVENTS LIQUOR PERMIT FOR THE GRAND LAKE AREA CHAMBER OF COMMERCE FOR "BUFFALO BARBECUE"** - Mayor Pro-Tem Rhone asked Town Clerk Kolinske to present this matter to the Board. Kolinske stated that this request was for "Buffalo Barbecue" to be held at Town Square on Saturday, July 19, 2008 from 10:30 a.m. to 7:00 p.m. and Sunday, July 20, 2008 from 10:30 a.m. to 6:00 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 Schmidt on June 26, 2008. 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 Brad Taylor, Executive Director for the Chamber of Commerce, was present.

Trustee Lewis moved to approve the Special Events Liquor Permit for the Grand Lake Area Chamber of Commerce for "Buffalo Barbecue". Trustee Weydert seconded the motion and all Trustees voted aye.

RECORD OF PROCEEDINGS

At 7:45 p.m. Trustee Johnson resumed his seat.

OLD BUSINESS:

None.

NEW BUSINESS:

**PUBLIC HEARING - CONSIDERATION OF ORDINANCE NO. 7-2008, AN ORDINANCE CREATING MUNICIPAL CODE SECTION 12-10-3, INCLUSIONARY ZONING, AS PART OF THE CODE OF THE TOWN OF GRAND LAKE AND RESOLUTION NO. 5-2008, A RESOLUTION ADOPTING PROGRAM MATERIALS FOR THE INCLUSIONARY ZONING PROGRAM AS PART OF CHAPTER 12, ARTICLE 10, OF THE CODE OF THE TOWN OF GRAND LAKE -** Mayor Pro-Tem Rhone asked Town Planner Wittman to present this matter to the Board. Wittman explained that if adopted, the Inclusionary Zoning (IZ) Ordinance will create a new section in Chapter 12, Article 10 (*Affordable Housing Requirements*). Under the new provisions of this section, IZ will require all new residential developments (creating five or more units) to create a minimum of 10% of the units to be IZ units. These attainable, for-purchasing housing units will be marketed and sold to lower and moderate income families who work in Grand Lake, or the Grand Lake area. According to the Grand County Housing Needs Assessment (dated December, 2007), 87% of the Grand Lake residents surveyed would like to continue to live in Grand Lake. According to the same survey, 776 out of 1000 people said that their reason for leaving Grand County, or not accepting a position here, was because the cost of living is too high or that there was not an adequate supply of housing stock. In Grand County, approximately 330 jobs are left unfilled during peak employment periods due to housing related factors; to fill the demand from the unfilled positions in 2007, an additional 118 housing units are needed. Coupled with the additional housing units to address overcrowding, those commuters who would like to live in Grand County as well as retirees moving to the area, an additional 721 units will be needed by 2012. This study went further to state that Grand Lake was the only community that did not have some form of housing priced below the free market. A presentation on the findings of this study was presented to the Board earlier this year. Chapter 12, Article 10, of the Municipal Code does not require a Public Hearing as per regulations set forth by the Town of Grand Lake. At the April 16<sup>th</sup> Planning Commission Regular Meeting, the Planning Commission chose to hold a Public Hearing regarding this matter. The Planning Commission held that Public Hearing on June 4, 2008, regarding the proposed Ordinance and Resolution. Public comments were taken regarding the matter. Arguments were made that there was no need for additional housing stock, especially those types of housing units that are priced at below-market costs. The Planning Commission provided a favorable recommendation to the Board of Trustees to approve the Inclusionary Zoning program. She said that on June 9, 2008, staff presented this item to the Board of Trustees. The Board of Trustees set a Public Hearing for July 14<sup>th</sup>, 2008. After hearing all comments from the public and discussing, the merits of this

program, the Board should move to *either* approve *or* deny Ordinance 7-2008, an Ordinance Creating Municipal Code Section 12-10-3, Inclusionary Zoning, as Part of Chapter 12, Article 10, of the Code of the Town of Grand Lake. If the Board moves to approve Ordinance 7-2008, then the Board should also to approve Resolution 5-2008, A Resolution Adopting Program Materials for the Inclusionary Zoning Program as Part of Chapter 12, Article 10, of the Code of the Town of Grand Lake. Wittman noted that there are grammatical changes that need to me made as well as changes to section references.

Mayor Pro-Tem Rhone opened the meeting for comment. Having none, he closed the Public Hearing and turned the matter over to the Board.

The Board and staff briefly discussed the changes that need to be made.

Since the changes that need to be made are merely clerical and not substantive, Trustee Lewis moved to adopt Ordinance No. 7-2008, an Ordinance Creating Municipal Code Section 12-10-3, Inclusionary Zoning, as Part of Chapter 12, Article 10, of the Code of the Town of Grand Lake with grammatical and section reference changes and reviewed by a Member of the Board prior to execution by Mayor Pro-Tem Rhone. Trustee Lewis also moved to adopt Resolution No. 5-2008, a Resolution Adopting Program Materials for the Inclusionary Zoning Program as Part of Chapter 12, Article 10, of the Code of the Town of Grand Lake. Trustee Weydert seconded both motions and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION OF RESOLUTION NO. 9-2008, A RESOLUTION GRANTING A LICENSE FOR THE ENCROACHMENT INTO THE PUBLIC ALLEY RIGHT-OF-WAY OF CERTAIN IMPROVEMENTS LOCATED ADJACENT TO LOTS 7 AND 8, BLOCK 4, TOWN OF GRAND LAKE** - Mayor Pro-Tem Rhone asked Town Planner Wittman to present this matter to the Board. Wittman explained that on June 30<sup>th</sup>, Town staff received a Plans Change Request from Jim Williams at 484 Pitkin Avenue. The request is to modify an active building permit to include the construction of a new deck on the Williams property located behind Humphrey's. As staff began to review the request, it was brought to staff's attention that the plan change includes the installation of the concrete decking piers to be located on the Town's right-of-way, an alley that exists on Block 4 between Grand and Lake Avenues. Mr. Williams request is for a 9" encroachment into this alley way for approximately 36' and 1". This request comes to the Town due to the Building Code requirement to have a 36" wide deck in the area of where a door is located on the structure, leading to the proposed deck. The encroachment license request extends for the entire length of the deck. This deck is compliant with the recently-approved Williams Lake Cabin Planned Development. The applicant has been advised that at any time the Town would like to make improvements to the right-of-way, that the

Encroachment License would become null and void. In the event of an emergency situation, the Town may need to access the right-of-way and any damage done to the encroachment would be Mr. William's responsibility. The alley currently contains a large boulder and the concrete piers would not be visible from Lake Avenue. Currently the Town has no improvements in this location and the Town's Public Works Director, Bernie McGinn, foresees no problems in granting an encroachment license in this area. Based on staff discussions, Town staff feels that an encroachment of 9" in width is permissible with a length of 20' 1". Staff recommends that the Board of Trustees review the proposal and discuss its merits. After discussion and if the Board is amiable, staff recommends that the Board adopt Resolution No. 9-2008. She noted that Tom Goodfellow was present representing the owner.

Tom Goodfellow, 1198 County Road 4, was recognized from the audience. He introduced himself as the contractor for Jim Williams and was present on Mr. Williams's behalf. During discussion he explained that the request is for a maximum of 9" in width and for a length of approximately 36' 1" to include the entire proposed deck that will extend to the east of the house.

Following discussion, Trustee Weydert moved to adopt Resolution No. 9-2008, a Resolution Granting a License for the Encroachment into the Public Alley Right-of-Way of Certain Improvements Located Adjacent to Lots 7 and 8, Block 4, Town of Grand Lake with a maximum of 9" in width and for a length of approximately 36' 1" to include the entire proposed deck that will extend to the east of the house. Trustee Lewis seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION OF TOWN INITIATED REZONING** – Mayor Pro-Tem Rhone asked Town Planner Wittman to present this matter to the Board. Wittman explained that at the February 20<sup>th</sup> Planning Commission Meeting, staff re-presented the 2007 Town of Grand Lake Comprehensive Plan Proposed Rezoning Map (dated February 26<sup>th</sup>, 2007) and the 2007 Town of Grand Lake Comprehensive Plan Proposed Rezoning Map Schedule (dated February 26<sup>th</sup>, 2007) for discussion. Staff asked for direction as to whether or not the Planning Commission felt that the proposed map needed to be altered prior to starting the Town-initiated rezoning process. At the 2008 long-range planning retreat, staff also discussed this matter with the Board of Trustees. It was the consensus of both of these bodies that the proposed map was the schedule to continue to follow until such time that a large-scale land-use action was proposed that could be in non-conformance with the proposed rezoning. She referred to a property owner notice that accompanies information pertaining to the proposed rezoning of their property; this document should be signed by the entire Board of Trustees prior to the Town restarting the rezoning process. Wittman then asked the Board to discuss whether or not the Board would be amenable to allowing staff to set the Public Hearings for all future rezoning

procedures when it is necessary. Rezoning procedures will be presented to the Planning Commission and the Commission will hold a Public Hearing regarding the matter. Upon receiving comment for all properties involved, the Planning Commission will make recommendation to the Board of Trustees. The Board of Trustees will then hold a Public Hearing regarding the rezoning. Upon review of the Planning Commission recommendation and after taking comment of all properties involved, the Board of Trustees will make a decision on the matter. Staff is requesting that the Board allow staff to set the Public Hearings, due to the nature of rezoning procedures. Rezoning procedures must also follow Quasi-Judicial proceedings. According to state statute, members of the Board may not discuss this matter with one another, staff, or members of the public prior to the Public Hearing(s) and for a period until a final decision is made. Staff will ask all members of the Board to disclose conversations that they may have had, as well as any conflicts of interest with the proposed matter, prior to the initiation of the Public Hearing. Prior discussions, as well as conflicts of interest, may disqualify members of this Board from being able to vote on the matter.

Trustee Johnson moved to authorize all Trustees to sign the Town-initiated rezoning property owner notice. Trustee Lewis seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION TO AUTHORIZE THE MAYOR PRO-TEM TO SIGN A LETTER OF AGREEMENT FOR THE LOCAL JURISDICTION REGULATION OF CONVEYANCES PURSUANT TO THE ELEVATOR AND ESCALATOR CERTIFICATION ACT, TITLE 9, ARTICLE 5.5, COLORADO REVISED STATUTES, BETWEEN THE NORTHWEST COLORADO COUNCIL OF GOVERNMENTS AND THE TOWN OF GRAND LAKE** - Mayor Pro-Tem Rhone asked Town Planner Wittman to present this matter to the Board. Wittman explained that the Northwest Colorado Council of Governments (NWCCOG) has operated its Elevator Inspection program since 1992 for its members. Much like the Grand County Building Department, which is designated as the Town's building inspectors; NWCCOG has operated as our elevator inspectors. Due to two pieces of state legislation passed, NWCCOG needs the Town to update our existing letter of agreement; our only requirement will be to adopt recent ASME standards by 2010; this can be done with our next building code update and shouldn't be too onerous. The staff recommendation is for the Board of Trustees to authorize the Mayor Pro-Tem to sign the Letter of Agreement for the Local Jurisdiction Regulation of Conveyances Pursuant to the Elevator and Escalator Certification Act, Title 9, Article 5.5, Colorado Revised Statutes, between the Northwest Colorado Council of Governments and the Town of Grand Lake.

Trustee Lewis moved to authorize the Mayor Pro-Tem to sign the Letter of Agreement for the Local Jurisdiction Regulation of Conveyances Pursuant to the Elevator and Escalator Certification Act, Title 9, Article 5.5, Colorado Revised Statutes, between the Northwest Colorado Council of Governments and the Town of Grand Lake. Trustee Johnson seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION TO AUTHORIZE THE MAYOR PRO-TEM TO SIGN A LETTER OF SUPPORT TO COLORADO PRESERVATION, INC. FOR THE NOMINATION OF THE ESLICK MOTOR COURT TO THE 10 MOST ENDANGERED LIST** – Mayor Pro-Tem Rhone asked Town Planner Wittman to present this matter to the Board. Wittman explained that on July 10, 2008, staff was approached by the Grand Lake Area Historical Society as to whether or not the Town would write a letter of support for the Historical Society's potential application for designation of the Eslick Motor Court to Colorado Preservation, Inc.'s 10 Most Endangered Sites list. At the time of the development of this memo, the Board of Directors for Rocky Mountain Repertory Theatre (RMRT), the current owner of the motor court, has not made a decision as to whether or not they are in support of the potential nomination. A property owner does not have to support the nomination. Staff is presenting this matter to the Board of Trustees for discussion. Staff feels that it is not appropriate to write the letter of support if the property owner is not in agreement with the potential nomination. If RMRT's Board of Directors is in support, staff would feel that this is an appropriate letter of support. If the Board is amenable, staff recommends that the Board make a motion to authorize the Mayor Pro-Tem to sign a letter of support to Colorado Preservation, Inc. for the nomination of the Eslick Motor Court to the 10 Most Endangered List if the RMRT gives its support to the nomination.

Trustee Weydert moved to authorize the Mayor Pro-Tem to sign a letter of support to Colorado Preservation, Inc. for the nomination of the Eslick motor court to the 10 Most Endangered List if the RMRT gives its support to the nomination. Trustee Johnson seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION TO AUTHORIZE STAFF TO ENTER INTO AN AGREEMENT FOR SERVICES WITH THREE TREES TREE SERVICE FOR THE WATER PLANT TREE REMOVAL** - Mayor Pro-Tem Rhone asked Town Planner Wittman to present this matter to the Board. Wittman explained that the Town received a bid from Three Trees Tree Service for removal of approximately 170 trees from the water plant. The rate that they've quoted is \$29 per tree; obviously an outstanding price. We utilized this company for the removal of some trees at the water plant this past year, as well as one of our contractors with the tree removal project this winter; we were very happy with both projects, although the Town is still holding the retainage check for the latter project due to some log decks

RECORD OF PROCEEDINGS

that haven't been removed. Town Manager Hale has been in close contact with Three Trees and they are actively attempting to get the logs out-of-Town. They have about \$1,000 worth of work left to do, and we're holding a check for over \$13,000, so she said that she is very confident that it will happen soon. The Staff recommendation is for the Board of Trustees to award the water plant tree removal bid to Three Trees Tree Service for \$4,901 and to authorize staff to enter into an agreement for services with Three Trees Tree Service.

Trustee Johnson moved to award the water plant tree removal bid to Three Trees Tree Service for \$4,901 and to authorize staff to enter into an agreement for services with Three Trees Tree Service. Trustee Lewis seconded the motion and all Trustees voted aye.

ACCOUNTS PAYABLE


June, 2008:

Trustee Weydert 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. Trustee Weydert moved to approve the Accounts Payable and Prepaid for all Funds for the Town of Grand Lake. Trustee Johnson seconded the motion and all Trustees voted aye.

CITIZEN PARTICIPATION: Glenn Harrington, 205 Hancock Street, was recognized from the audience. As a Rotarian, Harrington thanked the Town Board and local businesses for their support with the pancake breakfast, sponsored by the Rotary Club, held this last weekend. He said that they had 209 in attendance which is the largest number that they have ever had.

ADJOURNMENT:

Trustee Lewis moved to adjourn, seconded by Trustee Weydert. All Trustees voted aye, and the meeting was adjourned at 8:31 p.m., July 14, 2008.

  
JOHN A. RHONE,  
MAYOR PRO-TEM

ATTEST:   
RONDA KOLINSKE, CMC,  
TOWN CLERK