

RECORD OF PROCEEDINGS

REGULAR MEETING
TOWN OF GRAND LAKE BOARD OF TRUSTEES
MONDAY, SEPTEMBER 22, 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 Johnson, Lanzi, Peterson, and Weydert; Town Clerk Kolinske, and Town Planner Wittman.

ABSENT: Trustee Lewis and Town Manager Hale.

APPROVAL OF MINUTES
September 8, 2008: Minutes were not available.

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 Special Municipal Election is Tuesday, September 23, 2008. The polling place will be Town Hall, with the polls open from 7 a.m. to 7 p.m.

Mayor Pro-Tem Rhone announced that a public meeting for Granby and Grand Lake area residents will be held Wednesday, September 24 from 6 p.m. to 8 p.m. at the Mountain Parks Electric Community Room to evaluate the Grand County's Draft Master Plan.

Mayor Pro-Tem Rhone announced that as a reminder, the Town of Grand Lake's Budget Workshop will be held on Thursday, September 25 at noon. Lunch will be provided.

Mayor Pro-Tem Rhone then announced that a special concert sponsored by the Grand Arts Council will be held on Saturday, October 11, 2008 from 2 to 6 p.m. in the Grand Lake Community House to benefit Zack Peterson and Family.

REPORTS: SALES TAX
CASH FLOW REPORT
FOR SEPTEMBER 2008:

Mayor Pro-Tem Rhone asked Town Clerk Kolinske to present the sales tax cash flow report. Kolinske reported that the amount of revenue received in September for the month of July, 2008 is \$183,454. This amount is 4.79% below what was received through September, 2007.

At 7:35 p.m. Trustee Johnson excused himself and left the room.

LIQUOR LICENSING AUTHORITY: **CONSIDERATION OF RENEWAL OF THE 3.2 PERCENT BEER RETAIL LIQUOR LICENSE FOR CIRCLE D OF GRAND LAKE, INC., D/B/A CIRCLE D FOODS** - Mayor Pro-Tem Rhone asked Town Clerk Kolinske to present this matter to the Board. Kolinske reported that the fees have been paid; all the renewal documents are in order and indicate no changes. The water, business license, and sales tax accounts are all current. She noted that the Grand County Sheriff's Department found no adverse information which would affect the status of the license. She concluded by saying that Craig Downing, President/Treasurer, was present.

Trustee Peterson moved to approve the renewal of the 3.2 Percent Beer Retail Liquor License for Circle D of Grand Lake, Inc., d/b/a Circle D Foods. Trustee Weydert seconded the motion and all Trustees voted aye.

LIQUOR LICENSING AUTHORITY: **CONSIDERATION OF APPROVAL FOR A SPECIAL EVENTS LIQUOR PERMIT FOR THE GRAND ARTS COUNCIL FOR A SPECIAL CONCERT TO BENEFIT ZACK PETERSON AND FAMILY** - Mayor Pro-Tem Rhone asked Town Clerk Kolinske to present this matter to the Board. Kolinske stated that this request was for a special concert to benefit Zack Peterson and Family to be held in the Grand Lake Community House on Saturday, October 11, 2008 from 2:00 to 10:00 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 on September 12, 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 Jim Cervenka, Representative of the Grand Arts Council, was present.

Trustee Weydert moved to approve the Special Events Liquor Permit for the Grand Arts Council for a special concert to benefit Zack Peterson and Family. Trustee Lanzi seconded the motion and all Trustees voted aye. Due to a conflict of interest Trustee Peterson abstained.

At 7:40 p.m. Trustee Johnson resumed his seat.

OLD BUSINESS:

QUASI-JUDICIAL PUBLIC HEARING – CONSIDERATION OF A CONDITIONAL USE PERMIT FROM MORRIS KING TO CONSTRUCT AN INCLINED ELEVATOR (A/K/A “TRAM”) AT LOT 41, BLOCK 3, SUNNYSIDE ADDITION (1604 GRAND AVENUE) - Mayor Pro-Tem Rhone asked Town Planner Wittman to present this matter to the Board. Wittman explained that at the August 20, 2008 Planning Commission Meeting, the Planning Commission heard a Conditional Use Permit request, submitted by Morris King, to install an inclined elevator (tram) at his property located at 1604 Grand Avenue. Prior to this, Mr. King had submitted the same request but had withdrawn his application prior to it coming to the Board of Trustees. The second application was treated like a new application but staff forgot to send the required certified mailings to property owners within 200’ of the property. At the August 25, 2008, Board of Trustees meeting, the Board elected to hold a Public Hearing regarding Morris King’s Conditional Use Permit request on this night. At the time of memo development, staff became aware of the error made. Mr. King has been notified of this error. Certified mailings have been sent to property owners within 200’ noticing of a Board of Trustees Public Hearing regarding this request to be held on October 13, 2008. Since this is a Quasi-Judicial proceeding, staff recommends that the Board of Trustees not discuss this matter until neighboring property owners have been notified and had a chance to provide public comment. Staff recommends that the Board of Trustees make a motion to continue the Public Hearing until October 13, 2008.

Trustee Weydert moved to continue the Public Hearing regarding this matter until October 13, 2008. Trustee Johnson seconded the motion and all Trustees voted aye.

OLD BUSINESS:

CONSIDERATION OF ELECTRICAL INSPECTION PROPOSALS – Mayor Pro-Tem Rhone asked Town Planner Wittman to present this matter to the Board. Wittman explained that at the September 8, 2008 regular Board meeting, the Board was presented with a proposal from SAFEbuilt to begin contracting with them to conduct the Town’s electrical inspections in Town on July 1, 2009. In order to accomplish this, a letter must be sent to the State no later than September 30. The Town currently relies on the State to conduct these inspections, and has the option to continue contracting with the State. At their September 3rd meeting, the Planning Commission provided a favorable recommendation to SAFEbuilt’s proposal. At that same meeting, the County’s Building Official, Scott Penson, advised that the County is also considering starting conducting electrical inspections as well. She noted that Town Manager Hale advised the Board that he would bring back service agreements from the County and SAFEbuilt for the Board’s consideration at tonight’s meeting. The September 30th deadline would apply to both SAFEbuilt and the County, so if the Board decides to

contract with either a letter must be sent to the State. Wittman stated that the Board was provided a copy of SAFEbuilt's Service Agreement for their review. Their scope of services outlines their turn around time for plan reviews. Their fee structure is proposed to be at 1.15 of the State's fees, which will be split 95/5 between SAFEbuilt and the Town. Since there were some questions regarding a 3 year contract, this proposes a 1 year duration for this contract, with automatic renewals if both parties are satisfied with the arrangement. Furthermore, they have included a reinspection fee since it was an uncertainty during the September 8 Board Meeting. Other than that, the insurance, illegal alien section, etc., are all fairly common and reasonable. As for the County, there is no written proposal for consideration. She said that Hale met with Scott Penson, County Commissioners Nancy Stuart and Gary Bumgarner on September 17 to discuss electrical inspections. Penson has every intention of requesting the staff position to do electrical inspections beginning July 1, and both Commissioners Stuart and Bumgarner felt strongly that they were going to budget for this position in 2009, but the budget has not been adopted yet. Hale asked them what assurances that the Town will have that they will actually create this position, and they offered their word. Hale has never had any reason to question either of them in their sincerity, but needed to mention that if something unforeseen happens and the County doesn't follow through, the Town could end up without an electrical inspector for 2009. This is a high likelihood, but it bears mentioning that switching to Grand County is not without risk. The County has a range that it could charge for electrical inspections; while not completely set, Penson advised that he would likely set them at the same rate as SAFEbuilt (15% over the state), which will include the \$11.50 for reinspection fees (also set by statute, \$10 with a 15% variance). The County's current practice is same day inspections if you call by 7 a.m. Finally, there is the State Electrical Inspector. Under this system, the Town has no agreements, no administration, and has had very little headaches with the program. Wittman said that Hale talked to Dave Weaver, owner of Eagle Spirit Electric, who thought that if the State was still an option, he didn't believe that the Town needed to change its inspection program. Much like the testimony received two weeks ago, Weaver advised that the state electrical inspector does a good job, and that scheduling for inspections a few days in advance wasn't that big of a deal. She concluded by saying that she spoke with Commissioner Stuart earlier that day and it appears that Bob Shirley, State Electrical Inspector, will not be retiring soon, therefore, the State is still an option. Wittman concluded by noting that County Commissioner Nancy Stuart, County Building Official Scott Penson, and Mark Kahler, representative for SAFEbuilt Colorado, Inc. were present then turned the matter over to the Board.

Commissioner Stuart was recognized from the audience and said that they spoke with Bob Shirley and confirmed that he will not be retiring

for another year, maybe two, due to the economy. She said that the County would commit to doing electrical inspections if, in fact, Shirley was retiring. Scott Penson will still be bringing this matter before the Commissioners on Tuesday, September 23, but she said that she is not sure how the Commissioners will vote now that the State is still and always will be an option.

Following discussion, Trustee Peterson said that he has no reason not to believe that SAFEbuilt and Grand County would both do a fine job, but since the Town has not had any problems or any complaints, he moved that the Town stay with the current electrical inspections provided by the State. Trustee Weydert seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION TO SET A PUBLIC HEARING FOR NOVEMBER 10, 2008 TO CONSIDER ORDINANCE NO. 11-2008, AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 2: ZONING REGULATIONS, ARTICLE 6: LAND SUBDIVISION REGULATIONS, ARTICLE 7: DESIGN REVIEW STANDARDS AND ARTICLE 8: VESTED PROPERTY RIGHTS, 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 as our last round of code changes have been adopted and become effective, staff has compiled recommendations and alterations for amendments to the Municipal Code of the Town of Grand Lake. Specifically, the attached *draft* Ordinance effects Chapter 12, Articles 2, *Zoning Regulations*, Chapter 6, *Subdivision Regulations*, Chapter 7, *Design Review Standards*, and Chapter 8, *Vested Development Rights*. As a reminder, the vast majority the proposed changes are ‘housekeeping’ efforts. The revisions come from previous revisions to municipal code sections, creating a need to adjust section numbers, as well as items that both staff and the Planning Commission have discussed as items to consider for code amendments. On August 6, 2008, this matter was presented to the Planning Commission. The Commission elected to hold a Public Hearing on September 17, 2008. Legal Notice No. 555 was published on August 14, 2008, in the Sky-Hi Daily News. At that Hearing, no comments were provided in writing or in person at the meeting. The Commission discussed that Section 28 address snow shed on Town rights-of-way. Staff has added this to the draft ordinance. She stated that staff has created new definitions for ‘Access’, ‘Emergency Access’ and ‘Theatre Scenery Loft’. Accesses defined ‘ingress and egress traffic circulation’. Staff has also expanded on the definitions of a ‘Neighborhood Business’ and ‘Sign’. Staff has added the requirement that submission of Preliminary Plat (for both Planned Developments and Subdivisions) include a Local Employee Residence Plan as our new Inclusionary Zoning requirement has become effective. Staff has created some timelines for recording of Final Plats for both Planned Developments and Subdivisions. Staff has also added the provision to

Subdivision and Planned Development regulations that surface runoff will not be created as a result of the proposed development and Best Management Practices (BMPs) for storm drainage are highly encouraged to not tax the municipal storm drain. Part 28 of the draft ordinance indicates that the Solar Orientation requirements must also include a statement of how the proposed structures will protect snow and ice shed from neighboring structures and adjoining properties. The Planning Commission directed staff to update Section 28 of the proposed Ordinance No. 11-2008 and forwarded a favorable recommendation to the Board of Trustees to approve Ordinance No. 11-2008. She concluded by saying that staff recommends that the Board of Trustees move to set a Public Hearing for November 10, 2008 to consider Ordinance No. 11-2008.

Trustee Weydert moved to set a Public Hearing for November 10, 2008 to consider Ordinance No. 11-2008, An Ordinance Amending Chapter 2, Article 2: *Zoning Regulations*, Article 6: *Land Subdivision Regulations*, Article 7: *Design Review Standards* and Article 8: *Vested Property Rights*, of the Code of the Town of Grand Lake. Trustee Peterson seconded the motion and all Trustees voted aye.

NEW BUSINESS:


Mayor Pro-Tem Rhone announced that there was an added item to the agenda and turned the matter over to Town Planner Wittman for presentation. Town Planner Wittman explained that the Town received a request from Andrea Cox to place "Welcome Home Zack" on the Town's marquee this weekend. Since it is not typically the Town's policy to place personal messages on the marquee it will take Board action.


Trustee Weydert moved to have "Welcome Home Zack" placed on the Town's marquee for this weekend. Trustee Johnson seconded the motion and all Trustees voted aye. Due to a conflict of interest Trustee Peterson abstained.

CITIZEN PARTICIPATION: None.

ADJOURNMENT:

Trustee Peterson moved to adjourn, seconded by Trustee Weydert. All Trustees voted aye, and the meeting was adjourned at 8:07 p.m., September 22, 2008.


JOHN A. RHONE,
MAYOR PRO-TEM

ATTEST: 
RONDA KOLINSKE, CMC
TOWN CLERK