

RECORD OF PROCEEDINGS

REGULAR MEETING
TOWN OF GRAND LAKE BOARD OF TRUSTEES
MONDAY, OCTOBER 27, 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 Johnson, Lanzi, Lewis, and Peterson; Town Manager Hale, Town Clerk Kolinske, and Town Planner Wittman.

ABSENT: Trustees Rhone and Weydert.

APPROVAL OF MINUTES
October 13, 2008: The minutes of the October 13, 2008 regular meeting were not available.

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

Mayor Burke announced that the Grand Lake Merchants will conduct a Scavenger Hunt throughout Town for ages fourteen and under on Friday, October 31st.

Mayor Burke announced that the Grand Arts Council will be conducting auditions for the upcoming holiday melodrama on November 2 and 3 from 6 p.m. to 8 p.m. in the Community House.

Mayor Burke then announced that Election Day is Tuesday, November 4, 2008. The polling place will be the Grand Lake Fire Station. The polls will be open from 7 a.m. to 7 p.m. Mail In Ballots must be received by the Clerk and Recorder's Office by 7 p.m. on Election Day.

PRESENTATIONS: Town Manager Hale thanked Glenn Harrington for his service as Town Trustee and presented him with a framed picture and brass plaque which read:

*"Presented to Glenn Harrington
In appreciation of devoted service
to the Town of Grand Lake
2004 - 2008"*

Harrington extended a fond farewell to everyone and encouraged the Board to continue the good work with the leadership and spirit that it has been doing.

REPORTS: SALES TAX
CASH FLOW REPORT
FOR OCTOBER 2008:

Mayor Burke asked Town Clerk Kolinske to present the sales tax cash flow report. Kolinske reported that the amount of revenue received in October

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for the month of August, 2008 is \$151,862. This amount is nearly 5% below what was received through October, 2007.

OLD BUSINESS:

CONSIDERATION OF RESOLUTION NO. 14-2008, A RESOLUTION REGARDING AN AGREEMENT TO ACCEPT LIABILITY IN CONNECTION WITH THE TOWN CREDIT CARDS – Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale referred to draft Resolution No. 14-2008 and the Agreement to Accept Liability in connection with the annual reissuance of the Town’s credit card with the Colorado State Employees Credit Union. He noted that he and Martha Lund, Administrative Assistant, are the authorized users of the account. He then recommended that the Board adopt Resolution No. 14-2008 and authorize the Mayor to sign the Agreement to Accept Liability in connection with the reissuance of the Town’s credit card with the Colorado State Employees Credit Union.

Trustee Johnson moved to adopt Resolution No. 14-2008 and authorize the Mayor to sign the Agreement to Accept Liability in connection with the reissuance of the Town’s credit card with the Colorado State Employees Credit Union. Trustee Lewis seconded the motion and all Trustees voted aye.

NEW BUSINESS:

QUASI-JUDICIAL – PUBLIC HEARING – CONSIDERATION OF TOWN INITIATED REZONING – Mayor Burke asked Town Planner Wittman to present this matter to the Board. Wittman reminded the Board that this is a “quasi-judicial proceeding” and should be conducted as such. The Town has recently reviewed quasi-judicial proceedings but as a reminder each of the members of this body must act fairly and impartially based on the information provided to them in their packet and the evidence provided at the Public Hearing, including testimony made in the Public Hearing portion of the meeting. Trustee Johnson will be asked to abstain from participating in the proposed rezoning of those properties labeled 1, 2 and 3. Trustee Weydert will be asked to abstain from participating in the proposed rezoning of the property labeled 5. If there are any other members that feel that they should to abstain from participating in any of the proposed rezoning proceedings, or have a conflict of interest, they will be asked to disclose this at the Public Hearing. She said that the Town Attorney & staff suggest the meeting be conducted as follows:

1. Staff will make a presentation.
2. The meeting should be opened for public comment.
3. Comment should be taken one parcel at a time.
4. Each audience member will be able to speak once for 3 minutes. The speaker can give testimony to another parcel if they wish when that parcel is up for discussion.
5. The Board can then ask questions about the speaker’s testimony.

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6. No decision will be made until all public comments have been taken for all parcels.
7. Close the Public Hearing.
8. Meeting is turned over to the Board of Trustees for discussion and consideration.

In January, 2006, the Planning Commission and Board of Trustees adopted the updated Master Plan for the Town of Grand Lake. The Plan called for a major rezoning of the Town in order to better develop the Town as it nears build out. Earlier this year, it was the expressed desire of the Planning Commission and Board of Trustees to continue the rezoning proceedings in compliance with the *Proposed Rezoning Map* and the *Proposed Rezoning Map Schedule* dated February 26, 2007. The proposed rezoning of the following properties is **TOWN INITIATED** and not by the property owner.

1. 15.424 AC TR IN LOT 8 6 3N 75 DESC B/175 P/388 LESS TRS Sold &/or Platted (*Current – Open District/Proposed – Residential Estate District*). This property is currently vacant.

2. Presbytery of Denver Outright Exemption Lot B and A 150FT X 100FT Tract (.345AC) in Lot B & A 25FT X 150FT Tract (.086AC) in Lot B all Sec 6 T 3N R75 3.13AC (*Current – Open District/Proposed – Public District*). Trinity Church of the Pines, the Presbyterian Church, currently owns this property and there is one structure on the property that is used as a church. The property was split by an Outright Exemption in 1993 into two Lots: Lot A and Lot B. The proposed rezoning would not affect that plat.

3. PT LOT 8 SEC 6 T3N R75 (*Current – Open District/Proposed – Public District*). Living Word Christian Fellowship currently owns this property and there is one structure, the old Grand Lake Schoolhouse, and it is used as a church.

4. Shores at Grand Lake Unbuilt Tracts of Land Described as Lot A, Lot B, Lot B, Lot D, Lot E, Lot F, Lot G, and Lot H, Town of Grand Lake, Grand County Per Rec. #175565 (*Current – Resort/Proposed - Single Family Residential High Density District*). This property currently has one (1) structure on the lot, Lake Haven, and it is operated as a business that caters to small retreats, family reunions, weddings, etc.

5. Parcel 2, 0.7705 AC, Marina Drive Minor Subdivision, Town of Grand Lake (*Current – Resort District/Proposed – Single Family Residential High Density District*). This property is vacant.

6. .25 Acres Pt of Lot 9 Des B/384 P/890 S6 T3N R75W (*Current – Resort District/Proposed - Single Family Residential High Density District*). This property currently has one single-family residence on the site.

7. Parcel 1, 0.8729 AC, Marina Drive Minor Subdivision, Town of Grand Lake (*Current – Resort District/Proposed – Single Family Residential High Density District*). This property is vacant.

Chapter 3 of the Master Plan, Public Input – Visions, Goals and Objectives, states '*Our community will strive to balance future land uses and ensure economic self-sustainability*'. *The following are recommendations from the Master Plan concerning rezoning:*

CHAPTER 1 - Policies and Actions

P1.2 The Town will rezone properties consistent with the Comprehensive Plan. When a desired zoning action would not be consistent with the Comprehensive Plan, the Comprehensive Plan will be amended prior to rezoning.

P1.3 All zoning and land use decisions, including the development of streets, parks, utilities and the provision of public services shall be consistent with the Comprehensive Land Use Plan, including its maps, goals and policies.

A1.3 Establish a schedule to amend the zoning map to bring it into conformance with the Comprehensive Plan.

CHAPTER 4 – Policies & Actions

A4.33 Rewrite the Town's zoning code and land use regulations to incorporate more specific zoning code definitions helping to eliminate regulations guesswork, eliminate unintended development in the "open" zone district, and to streamline quality development initiatives.

A4.34 Zone properties to ensure consistency with the density ranges identified on the Comprehensive Land Use Plan.

A4.35 Rewrite Grand Lake's current land use regulations to reflect the land uses as indicated on the Comprehensive Land Use Plan.

CREATION OF NON-CONFORMING STRUCTURES OR USES

By rezoning Tract #4, commonly known as Lake Haven, there is the potential that the Town would possibly be creating eight non-conforming lots due to a preexisting recorded plat. Recorded in 1980, The Shores at Grand Lake plat displays eight townhouse units that were approved by the Town. Multiple family dwellings are not a Use Permitted by Right in the Single Family Residential – High Density District.

In addition, by rezoning Tract #4, Lake Haven, the Town would be creating a non-conforming use in that the preexisting business is not a Use Permitted by Right in the proposed district. Eating and drinking establishments, as well as lodging, are permitted in the Resort District. No other non-conforming uses would be a result of this rezoning. The proposed rezoning would not create any non-conforming structures at this time.

Wittman set the record by saying that Legal Notice No. 651 was published in the Middle Park Times on October 2, 9, and 16, 2008. Certified mailings

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were sent on August 22, 2008 to the owners of record of each parcel of property that is to be rezoned, as well as to the owners of property within 200 feet of the property that is to be rezoned. Certified mailings were sent to 79 property owners. All of the property owners of the subject parcels have signed for the original mailings.

The following comments were from owners of property proposed to be rezoned:

Fred and Jan Bell (#4: Shores at Grand Lake Unbuilt Tracts of Land) – They oppose the change in zoning and would like to protect the current zoning as it is one of the reasons that they purchased the property. They feel that this would not be in their best interests and would greatly reduce the value of the property.

Terry Helming, Pastor, Living Word Christian Fellowship (#3: PT LOT 8 SEC 6 T3N R75) – They request that the Town not rezone the property to Public, and instead consider rezoning of this property to Commercial Transitional.

The following comments were received from individuals who do not own land proposed to be rezoned:

Diane Berger Stoner – Opposes the property rezoning of the property that was given to the Town by the Cairns family that has been deeded as undevelopable land.

Robert and Nancy Lavington – They are opposed to the rezoning of Tracts #2 and #3 from Open Space to Public District. They would like the Town to honor the deed that runs with Tract #2. In addition, they believe that the Uses Permitted by Right in a Public District are not appropriate for a predominantly residential area and believe there is enough Public District land in the Town.

Robert Kruse – Believes that the Town should keep the scenic easement that was donated to the churches. He feels that a parking lot, a Use by Right in the Public District, would create congestion in this area of Town.

Sarah and Brad Clements – Ask that the Town honor the deed that runs concurrently with the land that was donated to Trinity Church of the Pines.

Don Chubb – Does not support any of the proposed rezoning. Has stated that he feels that each of the church properties have been able to function under their current zoning designations. He notes that there is a scenic easement which should be kept in place. He notes that there is great concern in this neighborhood that the theatre's parking requirements, coupled with the fact that parking lots are a Use by Right in the proposed

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district, heightens these concerns. He states that parking in this neighborhood would detract from safety and quiet enjoyment of his property. Mr. Chubb also states that rumors of affordable housing and high density development in the neighborhood near the Daven Haven pose a threat to a stable residential neighborhood. Overall he believes that this could create unforeseen land uses in the future.

Todd and Rocio Keleske – They state that they oppose the change in zoning from Open to Public District because open space is limited and they would not want to see the Town loose it.

Suzanne Berger Erikson – Opposes the rezoning of the area of land that Patience Kemp donated to Trinity Church of the Pines for a scenic easement.

Curtis G. Morrill – Opposes the rezoning of Tracts #2 and #3 because low intensity land use should remain low. A potential parking lot could turn the current activity from low to medium-high, turning the residential neighborhood into something more like commercial.

Sylvia Hites – Notes that there is a scenic corridor deed for the Trinity Church of the Pines property and would like the Town to protect that.

Tim Thompson – Feels that the current zoning and property uses have allowed uses that are compatible with the surrounding residential neighborhood. He states concern over the theatre's need for parking and is dramatically opposed to any Use by Right to increase the intensity of either of the Church properties. He further states that if the Town is rezoning to allow public parking or special event parking, he is in strong opposition. He recommends that the Town exclude parking as a Use by Right in this zone and that we reconsider rezoning of open lands.

Keith and Tammy Eatough – They expressed opposition to the proposed rezoning of the Trinity of the Church property to the Public District. They feel that this would unduly reduce the value of the property and those in the neighborhood. They also request the property be rezoned Commercial Transitional as it could potentially aide in future tax revenue for the Town.

Chad Scott – Indicates that Rocky Mountain Repertory Theatre has no communication regarding the use of the empty lot along and near Cairns. There are no intentions to purchase land for parking.

Greg and Carrie Barnes – They are opposed to the proposed rezoning and wanted to remind the Town that when they were going through previous land use processes with the Town of Grand Lake, the prospect of rezoning these parcels had come up. It was their expressed desire that they would not

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like to rezone the properties as it would limit their expansion opportunities of the Daven Haven Lodge.

Matthew and Bethany Fichter – Active members of Living Word Christian Fellowship, they believe that the proposed rezoning would decrease the property value. They request that the property be rezoned to CT.

Dan and Colleen Clausen – Active members of Living Word Christian Fellowship, they believe that the proposed rezoning would decrease the property value. They request that the property be rezoned to CT.

Georgia Noriyuki – States that Living Word Christian Fellowship has been established in Grand Lake since the early 1980s. She states that the change in zone would decrease the potential buyers of this property, should the fellowship need to relocate at some other time. She also states that this may decrease the value of the property and also requests that the property be rezoned to CT. She states that this is so the congregation may receive fair market value for the property if the congregation sells the property in the future.

Bob and Sandy Alexander – Also active members of Living Word Christian Fellowship, they believe that the proposed rezoning would decrease the property value and neighboring property values. They request that the property be rezoned to CT.

Debbie Keller – Requests that the property (Living Word) not be rezoned as proposed, but be rezoned to CT as she expects this area will flourish with redevelopment.

Bart and Rosemary Opatril – Members of Living Word Christian Fellowship, they feel the proposed rezoning would decrease the value of the property and believe that the property should be rezoned CT as it is in the best interest of the Town for potential tax revenues.

Jonathan and Elizabeth Kegans – Also believe that the proposed rezoning of Living Word would unduly reduce the value of the property. They also propose the Town rezone this property to CT.

At the September 17 and October 15, 2008, Planning Commission meetings, the Commission held Public Hearings regarding Town-initiated rezoning. The Commission listened to comments received by staff, took public testimony, and discussed the proposed rezonings. After discussion, the Commission made the following recommendations regarding this Town-initiated rezoning procedure:

1. 15.424 AC TR IN LOT 8 6 3N 75 DESC B/175 P/388 LESS TRS Sold &/or Platted - **RECOMMENDED TO BE REZONED FROM OPEN TO**

RESIDENTIAL ESTATE WITH THE CONDITION THAT THE MUNICIPAL ZONING CODE OF THE TOWN OF GRAND LAKE BE AMENDED TO ALLOW THE USES PERMITTED BY RIGHT IN THE CURRENT OPEN DISTRICT AS CONDITIONAL USES IN THE RESIDENTIAL ESTATE DISTRICT.

This recommendation was made when the Planning Commission discussed this matter with the property owner. The owner stated that she felt like she would be losing potential development opportunities as the current Open District allows for churches, schools, libraries, community centers, public parks, other public buildings and public or quasi-public recreational facilities, as well as educational, religious and philanthropic institutions (but not including penal or mental institutions) as Uses Permitted by Right. The Planning Commission and the property owner discussed this opportunity and both parties were in support of the rezoning if the Board of Trustees was favorable to this negotiation.

2. Presbytery of Denver Outright Exemption Lot B and A 150FT X 100FT Tract (.345AC) in Lot B & A 25FT X 150FT Tract (.086AC) in Lot B all Sec 6 T 3N R75 3.13AC - **RECOMMENDED TO BE REZONED FROM OPEN TO PUBLIC.**

3. PT LOT 8 SEC 6 T3N R75 - **RECOMMENDED TO BE REZONED FROM OPEN TO RESIDENTIAL ESTATE WITH THE CONDITION THAT THE MUNICIPAL ZONING CODE OF THE TOWN OF GRAND LAKE BE AMENDED TO ALLOW THE USES PERMITTED BY RIGHT IN THE CURRENT OPEN DISTRICT AS CONDITIONAL USES IN THE RESIDENTIAL ESTATE DISTRICT.**

4. Shores at Grand Lake Unbuilt Tracts of Land Described as Lot A, Lot B, Lot B, Lot D, Lot E, Lot F, Lot G, and Lot H, Town of Grand Lake, Grand County Per Rec. #175565 - **RECOMMENDED TO NOT BE REZONED AND TO REMAIN RESORT DISTRICT WITH THE CONDITION THAT THE MUNICIPAL ZONING CODE OF THE TOWN OF GRAND LAKE BE AMENDED TO CONSIDER COMMERCIAL MARINAS, A USE CURRENTLY PERMITTED BY RIGHT IN THE RESORT DISTRICT, A CONDITIONAL USE.**

This recommendation was made because of the comments that were received from the public at the hearing. Statements were made that in this small resort community, there is little to no resort-zoned land left. The Commission agreed with this argument but was not favorable to continuing to allow commercial marinas (as a Use Permitted by Right) in the Resort District due to the fact that this is a predominantly residential area and a commercial marina may be inappropriate in this neighborhood. The Commission and the property owner were favorable to this negotiation.

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5. Parcel 2, 0.7705 AC, Marina Drive Minor Subdivision, Town of Grand Lake - **RECOMMENDED TO NOT BE REZONED AND TO REMAIN RESORT DISTRICT WITH THE CONDITION THAT THE MUNICIPAL ZONING CODE OF THE TOWN OF GRAND LAKE BE AMENDED TO CONSIDER COMMERCIAL MARINAS, A USE CURRENTLY PERMITTED BY RIGHT IN THE RESORT DISTRICT, A CONDITIONAL USE.**

6. .25 Acres Pt of Lot 9 Des B/384 P/890 S6 T3N R75W - **RECOMMENDED TO NOT BE REZONED AND TO REMAIN RESORT DISTRICT WITH THE CONDITION THAT THE MUNICIPAL ZONING CODE OF THE TOWN OF GRAND LAKE BE AMENDED TO CONSIDER COMMERCIAL MARINAS, A USE CURRENTLY PERMITTED BY RIGHT IN THE RESORT DISTRICT, A CONDITIONAL USE.**

7. Parcel 1, 0.8729 AC, Marina Drive Minor Subdivision, Town of Grand Lake - **RECOMMENDED TO NOT BE REZONED AND TO REMAIN RESORT DISTRICT WITH THE CONDITION THAT THE MUNICIPAL ZONING CODE OF THE TOWN OF GRAND LAKE BE AMENDED TO CONSIDER COMMERCIAL MARINAS, A USE CURRENTLY PERMITTED BY RIGHT IN THE RESORT DISTRICT, A CONDITIONAL USE.**

In addition, the Planning Commission made recommendation that the Town of Grand Lake official zoning map be updated to reflect the rezoning of the aforementioned properties and the Town of Grand Lake Municipal Code be amended to reflect the proposed changes to the Permitted and Conditional Uses.

Wittman concluded by saying that staff recommends that the Board open the Public Hearing portion of this meeting and take public comment. After all comments have been received, staff recommends that the Board close the Public Hearing and discuss this matter before taking action on these items.

Staff would also like to advise that the Board of Trustees does have numerous options concerning the rezoning:

1. If the Board does not feel that there is sufficient information to act on this item, the Board may move to continue the Public Hearing. This motion would need to also direct staff as to what additional information must be presented to the Board before the Board feels comfortable making a decision.

2. The Board may move to uphold each of the individual recommendations of the Planning Commission. This motion will need to

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include a review of each of the individual recommendations that are outlined in the Planning Commission Resolution No. 1-2008.

3. The Board may move to not uphold any of the individual recommendations of the Planning Commission. This motion will need to address each property individually. If the Board chooses to not follow the recommendation of the Planning Commission on a specific parcel, the Board must include the desired zoning action on that particular property.

Lastly, if the motion is made is to rezone certain properties, this motion will also need to include the changes to the official zoning map and Municipal Code of the Town of Grand Lake.

Mayor Burke then opened the meeting for public comment.

Gay Shaffer, 842 Lake Avenue, was recognized from the audience. She commended the Planning Commission for their hard work with this rezoning process. She said that everyone seated in the audience applauded the Planning Commission's recommendation.

Having no other comments, Mayor Burke closed the Public Hearing and turned the matter over to the Board.

Following discussion, Trustee Peterson moved to uphold Planning Commission Resolution No. 1-2008, a Resolution Recommending Certain Properties be Rezoned in Conformance With the 2006 Comprehensive Land Use Plan and Recommending Certain Properties Not be Rezoned and the Comprehensive Land Use Plan be Modified to Reflect This Decision and directed staff to prepare an ordinance reflecting such for consideration at the next regularly scheduled meeting. Trustee Lewis seconded the motion and all Trustees voted aye except Trustee Johnson, who abstained.

NEW BUSINESS:

CONSIDERATION OF A FINAL DEVELOPMENT PLAN FOR THE RAPIDS AND SUBDIVISION FINAL PLAT FOR RIVERSTONE - Mayor Burke asked Town Planner Wittman to present this matter to the Board. Wittman explained that the applicant has requested that this matter be removed from this evening's agenda. She said that she will bring it back to the Board when the applicant is ready to proceed.

NEW BUSINESS:

CONSIDERATION OF A REQUEST TO CONSTRUCT TWO CUPOLAS ON TOWN PARK "ELEPHANT CAGES" TO COVER SPEAKERS FOR THE TOWN AUDIO SYSTEM - Mayor Burke asked Town Planner Wittman to present this matter to the Board. Wittman explained that on July 28, 2008, the Board approved Resolution No. 10-2008, granting a Conditional Use Permit to the Town of Grand Lake to install a public address system in the Town Square. The system has been installed in Town Park and now Peter Esmonde has approached Town staff

about the possibility of constructing a cupola on top of each of the “elephant cages” in Town Park to shield the speakers from weather and possible vandalism. Designed with 2 X 4 framing, shake shingles and black mesh, the cupolas are intended to screen the speakers while allowing for the distribution of sound. The front of the cupola will be 24” in height (from the top of the “elephant cage”) and the back will be 20” in height; the cupola will pitch forward to allow for proper drainage. The cupolas will be 24” long. The width of the cupolas will vary between 64” in the rear and 80” in the front. The black mesh will be constructed in a frame which will be screwed into the frame of the cupola so that access to the speakers can be obtained in the future. The mesh will be on all four sides of the cupola. Esmonde has stated that this will not cost the Town any money. Although he estimates the project to cost approximately \$300, he has secured donated materials and volunteer labor to complete the project by Thanksgiving, 2008. If the Board is favorable to the concept of covering the speakers that are located on the corners of the Town Park, the Board should move to allow Peter Esmonde, in coordination and cooperation with the Town’s Public Works Director, to construct two cupolas to be installed in Town Park to cover the two sets of three speakers that are located on the corners of Grand Avenue at Garfield and Pitkin Streets.

Trustee Lewis moved to allow Peter Esmonde, in coordination and cooperation with the Town’s Public Works Director, to construct two cupolas to be installed in Town Park to cover the two sets of three speakers that are located on the corners of Grand Avenue at Garfield and Pitkin Streets. Trustee Lanzi seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF ORDINANCE NO. 15-2008, AN ORDINANCE AUTHORIZING THE LEASE OF REAL PROPERTY BY THE TOWN OF GRAND LAKE AND ESTABLISHING THE TERMS THEREOF – Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that the annual lease between the Town and Grand County Water Information Network (GCWIN) expires November 15. The modular building sat vacant for years with interest from different non-profits throughout, but without anyone really wanting to take up residency, especially given water/sewer issues. With the help of Trustee Rhone, the building was re-plumbed during the summer of 2007, and later that fall the building was filled with three separate tenants within a couple of months. Although the \$1/year lease rate isn’t going to break the bank anytime soon, the fact that the Town no longer pays any of the utilities certainly saves the Town money by having tenants. Furthermore, since water quality is probably the largest concern that this Board is currently addressing, helping to house GCWIN in Town seems like a great way to contribute towards the cause without spending tax dollars to do so. Hale then referred to the differences between the proposed and existing lease. There were a few areas that he specifically pointed out. First, Section 2.3 was amended with language to reflect how GCWIN currently addresses

utilities; when the lease was drafted a year ago, it was with the possibility of other tenants. To make the Board aware, he pointed out the fact that all of the utilities are in GCWIN's name. They are the primary tenant as it were, so they pay the bill, but bill back to the other tenants by splitting up water/sewer by thirds, and gas/electric is divided based upon floor space. Also, section 6.1(4) is amended to better delineate what repairs/maintenance are expected of each tenant versus when the Town can be approached to participate in a more major operation. This issue has just come up with repairs to the fire alarm system in the building. Hale suggested that the Town place the threshold at \$250 per instance and \$500 per year, realizing that any cost is likely going to be split between all three tenants, so the real deductible as it were is \$750 per instance and \$1,500 per year. While the Town hadn't previously set a financial limit with GCWIN, the existing lease with the Mountain Family Center and the Historical Society is \$250/year; anything above that amount is the automatic responsibility of the Town as landlord. He concluded by saying that if the Board agrees with the changes as well as the idea of leasing this portion of the building for another year, the staff recommendation is for the Board to adopt Ordinance No. 15-2008. Furthermore, staff recommends that the Board authorize the Mayor to sign the Lease Agreement attached as Exhibit 1.

Trustee Peterson moved to adopt Ordinance No. 15-2008, An Ordinance Authorizing the Lease of Real Property by the Town of Grand Lake and Establishing the Terms Thereof. Trustee Lewis seconded the motion and all Trustees voted aye.

Trustee Peterson then moved to authorize the Mayor to sign the Lease Agreement attached as Exhibit 1. Trustee Lewis seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF ORDINANCE NO. 16-2008, AN ORDINANCE AUTHORIZING THE LEASE OF REAL PROPERTY BY THE TOWN OF GRAND LAKE AND ESTABLISHING THE TERMS THEREOF - Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that the annual lease between the Town and the Mountain Family Center is up on November 13. He then referred to the differences between the proposed and existing lease. The only slight modification is that section 3.1 sets a longer term by two days. He said that he did it this way intentionally so both lessees will have their leases up on the same day—it seems cleaner for everyone involved having uniformity here. If the Board agrees with the changes as well as the idea of leasing this portion of the building for another year, the staff recommendation is for the Board to adopt Ordinance No. 16-2008. Furthermore, staff recommends that the Board authorize the Mayor to sign the Lease Agreement attached as Exhibit 1.

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Trustee Lewis moved to adopt Ordinance No. 16-2008, An Ordinance Authorizing the Lease of Real Property by the Town of Grand Lake and Establishing the Terms Thereof. Trustee Peterson seconded the motion and all Trustees voted aye.

Trustee Lewis then moved to authorize the Mayor to sign the Lease Agreement attached as Exhibit 1. Trustee Peterson seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION TO AUTHORIZE THE TOWN MANAGER TO ENTER INTO AN AGREEMENT FOR SERVICES WITH VISION LAND CONSULTANTS, INC. FOR PREPARATION OF A PROJECT MANUAL FOR THE VISITOR'S CENTER - Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale referred to a proposal from Vision Land Consultants, Inc. (formerly Gagnon & Hayne Engineers) to prepare the project manual that is necessary to move forward with the Visitor's Center landscaping and paving project. He explained that the Town had contracted with Gagnon & Hayne initially to go out to bid on the Visitor's Center itself; so they are familiar with the project, and have already completed some of the work that will go into this manual. Even so, the project manual that will need to be prepared will contain mostly new civil work; the site has changed since Gagnon & Hayne first came in (now there is a building there, for example), CDOT's regulations and codes have changed, and the manual itself is demonstrative to be blunt. The cost not to exceed price is \$19,200 to have them prepare the manual. There is no way to proceed with CDOT until this manual is prepared, and in order to prepare it we need an engineer. Hale said that he did call Bill Hayne to get a better feel for the price, since \$19,200 was a higher number than he had expected to see. Hayne informed him that he would expect this project to go between 10% - 20% under the bid price, but that given the complexity in preparing the manual, he used a higher number since it could be realistic. So, the good news is that we have made substantial progress with the staff at CDOT in order to move this project forward, and we are very close to being ready to go out to bid. The bad news is that we're going to have to spend money to proceed. The staff recommendation is for the Board of Trustees to accept the proposal from Vision Land Consultants, Inc., and to authorize the Town Manager to enter into an agreement for services with Vision Land Consultants, Inc., for a cost not to exceed \$19,200.

Trustee Johnson moved to accept the proposal from Vision Land Consultants, Inc., and to authorize the Town Manager to enter into an agreement for services with Vision Land Consultants, Inc., for a cost not to exceed \$19,200. Trustee Lewis seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION TO AUTHORIZE THE MAYOR TO SIGN THE TRANSPORTATION ENHANCEMENT CONTRACT FOR PROJECT STE M560-002(16718) - Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that the Town initially entered into a contract with CDOT to help construct the Visitor's Center. Along the way, the Town requested to be able to keep the grant, but to use it instead on paving and landscaping, as using it for the building was untenable given CDOT's regulations. Also, since the Town had a rather large sum of money through this grant (\$176,000), the Town requested that the swale in front of the fire station also be allowed for landscaping. Since the project scope has changed, the Town needs to enter into a new contract with CDOT. The staff recommendation is for the Board to authorize the Mayor to sign the Transportation Enhancement Contract for project STE M5600-002(16718).

Trustee Johnson moved to authorize the Mayor to sign the Transportation Enhancement Contract for project STE M5600-002(16718). Trustee Peterson seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION TO AUTHORIZE THE MAYOR TO SIGN THE AUTHORITY LETTER FOR PROJECT STE M560-002(16718) - Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that as part of the Enhancement Contract, the Town needs to provide an Authority Letter stating that the Town has appropriated funds towards the project. A copy was sent to representatives from CDOT and it meets their requirements. The staff recommendation is for the Board to authorize the Mayor to sign the Authority Letter for project STE M560-002(16718).

Trustee Johnson moved to authorize the Mayor to sign the Authority Letter for project STE M560-002(16718). Trustee Peterson seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION TO SET A PUBLIC HEARING FOR A SPECIAL USE APPLICATION FOR GRAND ADVENTURES - Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that Don Neumann of Grand Adventures, LLC has submitted a Special Use Application to run a seasonal snowmobile rental business at the Sombrero Stables from December 2008 to April 30, 2009. Due to the timing of the application, the submittal time frame for legal notices, and the way Planning Commission and Board meetings are set for November and December, the applicant is asking the Board to agree that no matter what the outcome of the Planning Commission Meeting on the Special Use on November 19, 2008, the Board will hold a Public Hearing on this matter on December 8, 2009 at their regularly scheduled meeting. The Board is required to hear the matter whether the Planning Commission provides a favorable recommendation or denies it (the appeal to a denial goes to the

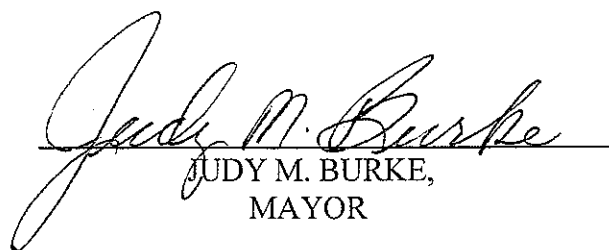
RECORD OF PROCEEDINGS

Board). Due dates for legal notices are by noon on Tuesdays, and if staff has to wait to after the Planning Commission on Wednesday to submit the legal notice, then the matter could not be heard until January 5, 2009 due to legal notice requirements. The Board does not have a second meeting in December. If the Board agrees to hold the hearing on December 8, 2008, then staff can submit the legal notice prior to the Planning Commission Meeting, but it will not be posted until the Thursday after the Planning Commission Meeting which will comply with the Municipal Code Regulations for legal notices. The procedure has been to wait for the Planning Commission decision, then hold a Board meeting to set the Public Hearing date, and then submit the legal notice, but the applicant believes this would cause an undue hardship on him as a good portion of the snowmobile season would have passed. Staff believes this a good solution to the problem as it does not compromise the Municipal Code and legal notice requirements, and it still mandates the applicant be in compliance before the business could open or the modular be installed. Staff recommends the Board set a Public Hearing on this matter for the December 8, 2008 regular meeting. He noted that Don Neumann was present.

Trustee Peterson moved to set a Public Hearing for December 8, 2008 to consider a Special Use Application for Grand Adventures. Trustee Lewis seconded the motion and all Trustees voted aye.

CITIZEN PARTICIPATION: None.

ADJOURNMENT: Trustee Lewis moved to adjourn, seconded by Trustee Johnson. All Trustees voted aye, and the meeting was adjourned at 8:33 p.m., October 27, 2008.


JUDY M. BURKE,
MAYOR

ATTEST: 
RONDA KOLINSKE, CMC,
TOWN CLERK