

RECORD OF PROCEEDINGS

REGULAR MEETING
TOWN OF GRAND LAKE BOARD OF TRUSTEES
MONDAY, NOVEMBER 10, 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 Lanzi, Lewis, Peterson, Rhone, and Weydert; Town Clerk Kolinske, Town Treasurer Dzinski, Town Planner Wittman and Town Code Enforcement Officer Korkowski.

ABSENT: Trustee Johnson and Town Manager Hale.

APPROVAL OF MINUTES

October 13, 2008: Trustee Rhone moved to approve the minutes of the October 13, 2008 regular meeting as written, seconded by Trustee Weydert. All Trustees voted aye except Trustee Lanzi, who abstained.

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

LIQUOR LICENSING AUTHORITY: None.

OLD BUSINESS:

PUBLIC HEARING – CONSIDERATION OF A PROPOSED BUDGET FOR THE TOWN OF GRAND LAKE FOR THE YEAR 2009 – Mayor Burke asked Town Treasurer Dzinski to present this matter to the Board. Dzinski explained that at the meeting held October 13, 2008, the Board of Trustees set a Public Hearing for this evening. Legal Notice No. 725 was published in the Sky-Hi Daily News on October 16, 2008 advising the public of the hearing and of the availability of copies of the proposed 2009 Budget at Town Hall. No copies have been requested as of this date. She noted that the budget will be considered for adoption on December 8, 2008.

Mayor Burke opened the hearing for public comment.

Chris Tarr, Secretary, Grand Lake Elementary Parent Advisory Committee, was recognized from the audience. He explained that he submitted two requests for contribution funds and appealed to the Board for approval. The first request, on behalf of the Grand Lake Parent Advisory Committee, is in the amount of \$2,000 for enrichment programs. The second is a dollar for dollar matching grant up to a limit of \$5,000 for new fencing around the playground and ball field.

Following discussion, Town Treasurer Dzinski stated that the request is being considered but final approval will not be given until the 2009 Budget is adopted.

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Having no other comments, Mayor Burke closed the Public Hearing and continued on to the next item on the agenda.

OLD BUSINESS:

CONSIDERATION TO RESET THE PUBLIC HEARING SCHEDULED FOR NOVEMBER 10, 2008 FOR DECEMBER 8, 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 Burke asked Town Planner Wittman to present this matter to the Board. Wittman explained that at the September 22, 2008, regular Board of Trustees Meeting, the Board set a Public Hearing for code revisions to Chapter 12, Articles 2, *Zoning Regulations*, Chapter 6, *Subdivision Regulations*, Chapter 7, *Design Review Standards*, and Chapter 8, *Vested Development Rights*. She said that this Public Hearing was not properly noticed and staff will have to publish legal notice prior to the Board making a decision on these proposed changes. Staff recommends that the Board move to reset the Public Hearing for December 8, 2008. Staff recommends that the Board not take public testimony at this time.

Trustee Peterson moved to reset the Public Hearing for December 8, 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 Weydert seconded the motion and all Trustees voted aye.

OLD BUSINESS:

CONSIDERATION OF RESOLUTION NO. 15-2008, A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR MORRIS KING TO CONSTRUCT AN INCLINED ELEVATOR AT 1604 GRAND AVENUE (A/K/A LOT 41, BLOCK 3, SUNNYSIDE ADDITION TO THE TOWN OF GRAND LAKE) - Mayor Burke asked Town Planner Wittman to present this matter to the Board. Wittman explained that the applicant has requested that this item be tabled until the next meeting since the applicant has not reviewed the Agreement and Covenants.

Trustee Weydert moved to table consideration of Resolution No. 15-2008, a Resolution Approving a Conditional Use Permit for Morris King to Construct an Inclined Elevator at 1604 Grand Avenue (a/k/a Lot 41, Block 3, Sunnyside Addition to the Town of Grand Lake until the next regularly scheduled meeting on November 24, 2008. Trustee Rhone seconded the motion and all Trustees voted aye.

OLD BUSINESS:

CONSIDERATION OF ORDINANCE NO. 17-2008, AN ORDINANCE 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 AND MUNICIPAL CODE OF THE TOWN OF GRAND LAKE BE MODIFIED TO REFLECT THIS DECISION - Mayor Burke asked Town Planner Wittman to present this matter to the Board. Wittman explained that draft Ordinance No. 17-2008 has been created to take official action regarding Town-initiated rezoning. Staff recommends that the Board of Trustees review Ordinance No. 17-2008 and if satisfied, staff recommends the Board move to approve Ordinance No. 17-2008.

Trustee Lewis moved to approve Ordinance No. 17-2008, An Ordinance 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 and Municipal Code of the Town of Grand Lake be Modified to Reflect This Decision. Trustee Peterson seconded the motion and all Trustees voted aye.

Since Trustee Peterson owns Lot 28, Block 5, Sunnyside Addition, he excused himself and left the room.

NEW BUSINESS:

QUASI-JUDICIAL – CONSIDERATION OF WATER WELL PERMITS FOR LOTS 44, 47 & 49, BLOCK 3, SUNNYSIDE ADDITION TO THE TOWN OF GRAND LAKE - Mayor Burke asked Town Code Enforcement Officer Korkowski to present this matter to the Board. Korkowski explained that on 10-14-08 the Town was advised that three (3) water wells were being drilled on L. G. Broderick's properties located at Sunnyside Addition, Block 3, Lots 44, 47, 48, and 49 commonly referred to as 1436 Grand Avenue. Broderick owns all the lots from 44 to 50, but Lots 45 and 46 are under the name of Englewood, Inc. (Broderick is the registered agent). On 10-16-08 Town staff went back to the Broderick properties to locate what lots the wells appeared to be on. One well appears to be on Lot 44, one well appears to be on Lot 48, and one well appears to be on Lot 49. This matched the State Permit applications. There are 2 homes on the involved properties, a small A-frame (Lot 48) and the Main house (Lots 47-48). The State Permits list the wells as not being inside a water supply area when in fact they are all inside the water system of the Town. The permits also show each well as being for single family dwelling use, but there are no dwellings on Lots 44 or 49. The applications also listed the sewage system was septic, but all properties are in the Three Lakes Water and Sanitation District (both houses currently utilize Three Lakes). Korkowski stated that on 10-16-08, he sent Broderick a certified letter advising him of the

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violation by not obtaining water well permits from the Town and requiring him to immediately submit applications for the water wells upon receipt of the letter. The letter was signed for on 10-17-08, and on 10-20-08, he said that Broderick left him a phone message that James Drilling had told him they filled out the proper paperwork for the wells. Broderick was apologetic about the oversight by James Drilling. The Town has received the proper paperwork from Broderick for all three wells. Broderick has provided cover letters, site maps, signed well agreements, and the \$250.00 fee for each well. The State water well permits have already been issued. Broderick has stated that the well on Lot 47 will be for the small cabin on Lot 48, the well on Lot 44 will be for a future cabin to be built on that lot, and the well on Lot 49 will be for the main house on Lots 47-48. The State Engineer advises it is fairly standard for multiple lot owners to have a well on one lot service a house on an adjacent lot. Municipal Code 10-1-4 (b) states "No person shall operate, own, manage, drill, dig, control, or possess a water well without first obtaining a water well permit from the Town of Grand Lake and the State of Colorado. No Town water well permits shall be issued if the Board of Trustees determines that the property owner can connect to the water system at a reasonable cost." The Board needs to determine if Broderick could connect to the Town's water supply at a reasonable cost. David Johnson, the Town of Grand Lake Water Superintendent, has submitted a letter stating that the bid price for extending the water main from Grand Avenue to Broderick's properties was \$240,000.00 for installation to be done in the spring of 2008. Johnson does not have a recommendation for the Board. Broderick currently has summer water from the Town and would still be required to pay for that service per Municipal Code 10-1-6(h) if he was granted the well permits. If the Board determines Broderick could not cost effectively connect to the Town water supply, then the Mayor and Town Clerk should sign the well agreements. Each well should be considered separately as they are on separate properties. Staff does not have a recommendation. Korkowski noted that Mr. Broderick was present.

Mayor Burke asked Broderick if he would like to comment. Broderick stated that he hired James Drilling Co. based on a high recommendation that the company was very reputable. He noted that the bid James Drilling Co. submitted included them obtaining all necessary permits. He said that he talked to James Drilling and they said that they weren't aware that they needed permits from the Town. Broderick concluded by saying that he was present to make things right.

Mayor Burke asked Broderick what the depth of the wells are. Broderick said that one was approximately 450' deep and the other two are approximately 700' deep. He commented that the cost was 1/5 - 1/6 the cost of connecting to Town supply water.

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The Board and staff held a lengthy discussion with Broderick regarding the combination of lots by a Lot Line Agreement due to the fact that two of the wells service water to structures on different lots. From a planning standpoint Town Planner Wittman was concerned with the possibility of Lot 49 being sold separately yet the well services the main house on Lots 47 & 48. Wittman made the comment that if Lot 49 is sold the well should go with Lot 49 and disconnection of water should be made from the main house.

Following discussion, Trustee Lewis moved to authorize the Mayor and Town Clerk to sign the Town of Grand Lake Well Agreement for Lot 44, Block 3, Sunnyside Addition to the Town of Grand Lake due to the fact that the property owner cannot cost effectively connect to the Town water supply. Trustee Lanzi seconded the motion and all Trustees voted aye.

Trustee Lewis then moved to authorize the Mayor and Town Clerk to sign the Town of Grand Lake Well Agreement for Lot 47, Block 3, Sunnyside Addition to the Town of Grand Lake due to the fact that the property owner cannot cost effectively connect to the Town water supply. Trustee Rhone seconded the motion and all Trustees voted aye.

Trustee Lewis then moved to authorize the Mayor and Town Clerk to sign the Town of Grand Lake Well Agreement for Lot 49, Block 3, Sunnyside Addition to the Town of Grand Lake due to the fact that the property owner cannot cost effectively connect to the Town water supply. Trustee Rhone seconded the motion and all Trustees voted aye.

Trustee Peterson resumed his seat.

NEW BUSINESS:

CONSIDERATION TO SET A PUBLIC HEARING FOR JANUARY 12, 2009 TO CONSIDER AMENDMENTS TO CHAPTER 11, ARTICLE 1, BOARDWALKS AND SIDEWALKS, OF THE GRAND LAKE TOWN CODE - Mayor Burke asked Town Planner Wittman to present this matter to the Board. Wittman explained that staff has updated the Boardwalks and Sidewalks section of Municipal Code. In addition to the alterations of the preexisting chapter, staff is proposing to incorporate the current Municipal Code Chapter 12, Article 9: Greenways into the same section as Boardwalks and Sidewalks. This section establishes the Greenways Committee, while addressing some of the items that the Town needs as requirements for the Tree City USA program. Staff is proposing that a new section of Code be created to address these requirements, while keeping the requirements of the Greenways and the Greenways Committee in the section that it is more relevant. As indicated, the current requirements of Boardwalks and Sidewalks are out of date. Staff has worked with Public Works Director McGinn to ensure that the practice for the development of boardwalks in

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the community is consistent. If this section of the Code is updated, no longer would the Town be requiring that the Boardwalk be secured with nails. The only major change to this part of the Code is that the Town would allow for composite decking (Trex) to be used in place of treated wood. Composite decking tends to last longer than treated wood and is less likely to curl where wood would. She then stated that the entire proposed Section 11-1-10 would be a new addition to the Municipal Code. This section has been created to address the Town's requirement that where a mandatory boardwalk is required, so is a Greenway. This section addresses Greenway obstructions, density, and permitting of Greenway improvements to better facilitate unified development. The changes to this section also address minor changes to the Community Greenways Committee. This committee has taken on numerous responsibilities over the years of their existence. While the Town is grateful for the work of this dedicated group of individuals, Town staff acknowledges that a portion of why this group is in existence is to develop and maintain a community forestry plan; this is a requirement of the Town's Tree City USA status. Staff is proposing that a member of the Town staff serve as a liaison to this group to be able to assist them in the future development, updating and approval of a community forestry plan that is comprehensive and outlines strategic goals for the Town's Urban Forest. Earlier this month, the Town Greenways Committee (along with Hilly Lawn) reviewed the proposed code amendments. The Greenways Committee was strongly in favor of establishing guidelines for the development and maintenance of the Greenways. The group is strongly in favor of developing requirements for what is permissible to be placed in the Greenway, what ground cover and materials are permitted and the Town's overall encouragement of the redevelopment of these areas. The Greenways Committee, however, was not in favor of the 'Maintenance of Allowable Obstructions' section that is proposed. This Committee feels that it should be the Town's responsibility to uniformly develop and maintain the Greenways. They believe that if the Town leaves this responsibility up to the property owner or business owner then the Town will not see these areas redeveloped and the maintenance of these areas will not be achieved. These comments were supported by numerous examples of where a property or business owners currently are not maintaining the areas. The group also addressed the Master Plan goal that addresses the "gravel strips". The group acknowledged that in the development of the Master Plan, there was discussion about having an irrigation system put into the Greenways. The only Master Plan action that addressed this area was that the "Town Planner to research with department of Public Work staff where utilities, if any, are located under the landscape / gravel strip - before tree plantings or sculpture plinths are installed." Staff does work with Public Works to ensure new development and redevelopment of the Greenways is adequate in relation to public utilities. Wittman said that the Board of Trustees should discuss the merits of the recommended code changes. In

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particular, staff would like to address the concerns of the Greenways Committee. In addition, staff would also like to discuss with the Board the requirements for the construction of boardwalks in areas where mandatory boardwalks are required. As the Code current reads, any new construction or reconstruction on a property where mandatory boardwalks are required, the property owner is required to construct the boardwalk. At this time, this has been left up to Town staff's discretion. If a property owner was making minor repairs, the Town has not really enforced this item. Town staff would like direction, at this time, from the Town Board to incorporate any desired language into the draft code. Although a Public Hearing is not required for this section of the Code, staff believes that it would be most appropriate for the Board to hold a Public Hearing to be able to gain a better understanding of how property and business owners feel about these proposed Code amendments. If the Board would like to hold a Public Hearing, staff recommends that the Board move to hold a Public Hearing regarding the proposed Chapter 11, Article 1: Boardwalks, Sidewalks and Community Greenways for January 12, 2009.

Trustee Lewis moved to set a Public Hearing for January 12, 2009 to consider amendments to Chapter 11, Article 1, Boardwalks and Sidewalks, of the Grand Lake Town Code. Trustee Rhone seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION TO SET A PUBLIC HEARING FOR JANUARY 12, 2009 TO CONSIDER THE ADDITION OF CHAPTER 13, ARTICLE 1, URBAN FOREST MANAGEMENT TO THE GRAND LAKE TOWN CODE - Mayor Burke asked Town Planner Wittman to present this matter to the Board. Wittman referred to a *draft* section to the Town's Municipal Code and explained that this proposal is an entirely new section of the Code but largely comprised of preexisting sections that are related but not in the same Code sections. Municipal Code Chapter 13, Article 1: Urban Forest Management aims to address all of the vegetative growth in the Town of Grand Lake. While this is predominantly a compilation of preexisting Code, the largest addition would be that of the 'Desirable Plantings' section. This is a compilation of recommendations of plants that grow well in high-altitude environments that was developed by Dr. Jim Feucht. These are recommended and desirable; it does not mean that if people plant items that are not on this list that they will be in violation (unless they plant nuisance plants). Staff wants to create this section of the Code to address forestry management in Grand Lake. While the majority of the Town's recent efforts have been the removal of the dead and diseased trees, the forestry management of the Town should also address the planting, pruning, etc. of new and healthy trees. This would be considered the Town's Community Forestry Plan. The Town is required to have an annually-updated Community Forestry Plan per the Tree City USA

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Program. The creation of this section of the Code would group the Community Forestry Plan (not yet developed) in with the applicable sections of Code. Staff recommends that the Board discuss this matter and its applicability within the Town of Grand Lake. The creation of a new section of the Municipal Code should be reviewed in a Public Hearing. Staff recommends that the Board move to hold a Public Hearing regarding the proposed Chapter 13, Article 1: Urban Forestry Management for January 12, 2009.

Trustee Rhone moved to set a Public Hearing for January 12, 2009 to consider the addition of Chapter 13, Article 1, Urban Forest Management to the Grand Lake Town Code. Trustee Weydert seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF A WARRANTY BOND RELEASE FOR THE RIDGE AT ELK CREEK - Mayor Burke asked Town Code Enforcement Officer Korkowski to present this matter to the Board. Korkowski explained that the Town received a letter from Tom Stanley requesting that the Town release his warranty bonds for the Ridge at Elk Creek. The Town currently has two warranty bonds in place; the first for \$75,556, the warranty amount for paving—~~asphalt and sub-base~~—(\$74,660) plus interest earned. The second warrant is in the amount of \$28,276, which represents the 10% warranty amount for all improvements, including the asphalt, (\$27,964) plus interest. The larger bond kept in place for the asphalt, which has been poured along with curb and gutter, so there is no reason to hold onto it. All improvements have been completed and have been without material defect with the exception of A(4) Median Barrier at Entrance, which has not been installed. The median was required by the Board to be installed due to the fact that Stanley doesn't have a secondary access to the subdivision. Since Stanley has been in discussions with staff for Phase II at Elk Creek (as part of an annexation), the Town has allowed him to hold off on this improvement until that discussion is finalized (the median would be unnecessary with this annexation as a second access would be provided). At this point, staff is not comfortable releasing the second bond for the lesser amount. As long as we have surety in place, the median can be built at any time; until the Board officially releases him from this requirement (in conjunction with Phase II), the Town should keep it in place. If the Board is comfortable, the staff recommendation is for the Board of Trustees to authorize the Town Manager to release Bond No. 882045S in the amount of \$75,566.50 for the Ridge at Elk Creek Subdivision Improvements.

Trustee Peterson moved to authorize the Town Manager to release Bond No. 882045S in the amount of \$75,566.50 for the Ridge at Elk Creek Subdivision Improvements and retain the second bond in the amount of \$28,276. Trustee Lewis seconded the motion and all Trustees voted aye.

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NEW BUSINESS:

CONSIDERATION OF A LETTER OF SUPPORT FOR GRAND COUNTY SOLID WASTE TRANSFER STATION - Mayor Burke asked Town Code Enforcement Officer Korkowski to present this matter to the Board. Korkowski explained that Grand County is requesting a letter of support for their Solid Waste Transfer Station. They are requesting \$2M from the Department of Local Affairs (DoLA) from their Tier II program; the Town is also approaching DoLA this cycle for its storm drainage, but is requesting monies out of their Tier I program, so there is no conflict. Also, when hit up for this support, Korkowski said that Town Manager Hale immediately asked the County for their support on the Town's grant, which they immediately agreed to. The staff recommendation is for the Board to authorize the Mayor to sign a letter of support for the Grand County Solid Waste Transfer Station for their \$2M Energy and Mineral Impact Assistance Grant.

Trustee Peterson moved to authorize the Mayor to sign a letter of support for the Grand County Solid Waste Transfer Station for their \$2M Energy and Mineral Impact Assistance Grant. Trustee Rhone seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF RESOLUTION NO. 16-2008, A RESOLUTION IN SUPPORT OF THE PROPOSED ACQUISITION OF THAT CERTAIN PORTION OF LAND KNOWN AS "THE WEDGE" TO BECOME A PART OF THE UNITED STATES FOREST SERVICE, ARAPAHO NATIONAL FOREST - Mayor Burke asked Town Code Enforcement Officer Korkowski to present this matter to the Board. Korkowski referred to draft Resolution No. 16-2008 and explained that it is the same as Resolution No. 14-2004 with a few minor changes. The United States Forest Service has asked for an updated resolution. If the Board doesn't have any challenges, the staff recommendation is for the Board to adopt Resolution No. 16-2008.

Trustee Peterson moved to adopt Resolution No. 16-2008, a Resolution in Support of the Proposed Acquisition of the Certain Portion of Land Known as "The Wedge" to Become a Part of the United States Forest Service, Arapaho National Forest. Trustee Weydert seconded the motion and all Trustees voted aye.

ACCOUNTS PAYABLE

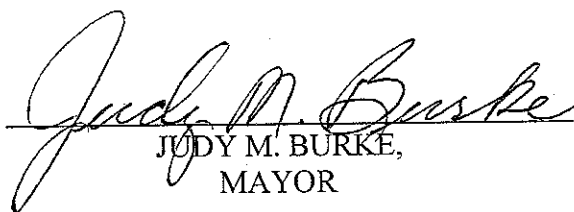
October, 2008:

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

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CITIZEN PARTICIPATION: Gay Shaffer, 824 Lake Avenue, was recognized from the audience and said that since Mr. Broderick was present this evening, however left following approval of his wells, she wanted to make a comment about the tent on top of his boat house. She stated that she has heard many complaints about it and said that they should not be allowed on flat roofed boat houses.

ADJOURNMENT: Trustee Peterson moved to adjourn, seconded by Trustee Lewis. All Trustees voted aye, and the meeting was adjourned at 8:52 p.m., November 10, 2008.


JUDY M. BURKE,
MAYOR

ATTEST: 
RONDA KOLINSKE, CMC,
TOWN CLERK