

RECORD OF PROCEEDINGS

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REGULAR MEETING  
TOWN OF GRAND LAKE BOARD OF TRUSTEES  
MONDAY, DECEMBER 8, 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 7:33 p.m. at the Town Hall, 1026 Park Avenue.

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

ABSENT: Trustee Lewis and Town Treasurer/Clerk Pro-Tem Dzinski. Trustee Weydert arrived after the Call to Order.

APPROVAL OF MINUTES

November 24, 2008: Trustee Rhone moved to approve the minutes of the November 24, 2008 regular meeting as written, seconded by Trustee Peterson. All Trustees voted aye except Trustees Lanzi and Rhone, who abstained.

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

Mayor Burke extended congratulations to Shane and Darci Hale on the birth of their son Sawyer Eugene. He was born Hale & hearty on November 24<sup>th</sup>.

Mayor Burke announced that the Board of Trustees' second December meeting is cancelled as is traditional during the Holiday Season. The next Board meeting will be January 12, 2009.

Mayor Burke announced that Town Hall will be closed Friday, December 26 in celebration of Christmas.

Mayor Burke then announced that Old Fashioned Christmas continues in Grand Lake with candlelight caroling, a live nativity pageant, the holiday family melodrama, "*Stop That Villain.....or Have You No Shame Rip Roquefort?*", a reception at the Kauffman House, and fireworks on New Year's Eve. Please enjoy this holiday season!

Trustee Peterson thanked the citizens of the Town and the County for being so generous this year following their son's automobile accident.

Town Code Enforcement Officer Korkowski then extended a Thank You to those who have supported the Mountain Family Center.

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

LIQUOR LICENSING AUTHORITY: **CONSIDERATION OF APPROVAL FOR SPECIAL EVENTS LIQUOR PERMITS FOR THE GRAND ARTS COUNCIL'S CONCERT IN THE PINES SERIES** – Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske explained that an application for a Special Events Liquor Permit has been received, with the appropriate state fee, permission for possession, certificate of good corporate standing, and floor diagram, from the Grand Arts Council. The request is to sell malt, vinous and spirituous liquor by the drink for consumption on the premises only. The requested dates are Saturday, January 17, 2009, Saturday, February 21, 2009, and Saturday, March 21, 2009 from 5:00 p.m. to 10:00 p.m. for the Concert in the Pines Series. The proposed location is the Grand Lake Community House. Public notice was posted on November 26, 2008 and attested to by Grand County Sheriff Deputy Schmidt. The Grand County Sheriff's Department reviewed the application and found no adverse information which would affect this permit. She then noted that Jim Cervenka, representative, was present.

Trustee Peterson moved to approve the Special Events Liquor Permits for the Grand Arts Council's Concert in the Pines Series. Trustee Rhone seconded the motion and all Trustees voted aye.

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

OLD BUSINESS:

**QUASI-JUDICIAL - PUBLIC HEARING – CONSIDERATION OF RESOLUTION NO. 17-2008, A RESOLUTION APPROVING THE SPECIAL USE REQUEST FOR A TEMPORARY SNOWMOBILE RENTAL FACILITY LOCATED WITHIN THE COMMERCIAL DISTRICT AT 304 WEST PORTAL ROAD, TOWN OF GRAND LAKE** – Mayor Burke asked Town Code Enforcement Officer Korkowski to present this matter to the Board. Korkowski explained that Don Neumann of Grand Adventures, LLC submitted a Special Use Application to run a seasonal snowmobile rental business at the Sombrero Stables from December 2008 to mid-May 2009. Neumann has supplied the Town with the application form, a cover letter detailing the business operation, a copy of a current lease, a site plan, and a copy of a valid State of Colorado Sales Tax License. Grand Adventures has a current Town Business License. The land is zoned Commercial and allows for this type of temporary structure only with a Special Use Permit. Grand Adventures proposes having the same modular building set up on site at Sombrero Stables that has previously complied with County Regulations. Korkowski said that they will need to obtain a special building permit in order to comply with the County and State requirements for setting up the modular. There is ample parking on site for staff and customers. They propose a porta-potty on site and signage on the modular itself that complies with Town Regulations. Grand Adventures was located at the same site during the previous 3 winters.

The Planning Commission held a Public Meeting regarding this matter on November 19, 2008. At that meeting, the Planning Commission passed Planning Commission Resolution No. 3-2008 which provided a favorable recommendation to the Board to approve the Special Use Permit. Legal Notice No. 821 for the Board of Trustees Public Hearing was placed into the Sky-Hi News on November 20, 2008 and 18 certified letters were sent out to property owners within 200 feet of Sombrero Stables. No comments were received by the public. This is the fourth year in a row that the application has been submitted with insufficient time to grant a Special Use Permit before the proposed opening of the business. The business has been allowed to open the previous 3 years as the process was in progress. The last Special Use Permit No. 1-2008 specifically listed a penalty of Fifty Dollars (\$50.00) per day if the modular was placed back into Town prior to the issuance of a new Special Use Permit for 2008-2009. The modular has not been placed back into Town yet. Staff recommendation is for the Board to hold the Public Hearing, receive comments from the public, and decide granting or denying Special Use Permit No. 2-2008. If the Board decides to grant the Special Use Permit, then Resolution No. 17-2008 should be adopted. Staff also recommends the Board use an exact date for removal of the modular (the Planning Commission in their Resolution set the date as April 30, 2009). Korkowski then noted that Don Neumann was present.

Mayor Burke opened the meeting for public comment and asked Neumann if he would like to speak. Neumann requested that the Board grant the Special Use Permit for this year as business will be the same as the past three years.

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

Trustee Johnson asked for an explanation as to why the application was not submitted with sufficient time. Neumann responded by saying that he has been operating on one year leases with Sombrero Stables and has never been able to obtain an executed lease prior to November 1<sup>st</sup>. He noted that this current lease renews annually for the next five years therefore it will not be a problem in the future.

Trustee Johnson then moved to grant Special Use Permit No. 3-2008 and adopt Resolution No. 17-2008, a Resolution Approving the Special Use Request for a Temporary Snowmobile Rental Facility Located Within the Commercial District at 304 West Portal Road, Town of Grand Lake with a date for removal of April 30, 2009. Trustee Weydert seconded the motion and all Trustees voted aye.

Don Neumann then distributed a few copies of the November issue of Snow West Magazine to the Board Members. He pointed out the article

and pictures of Grand Lake and explained that, because of Sno Shoot, the article mentions Grand Lake as the #3 destination for snowmobiling. In conclusion he said that approximately 400,000 copies of the magazine were circulated.

OLD BUSINESS:

**PUBLIC HEARING – CONSIDERATION OF ORDINANCE NO. 11-2008, AN ORDINANCE AMENDING CHAPTER 12, 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 referred to draft Ordinance No. 11-2008 and explained that 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. Within the draft ordinance those items found in **BOLD** and *Italics* are items to add to the relevant section and those items with a strikethrough are items to be omitted. On August 6, 2008, this matter was presented to the Planning Commission. At that time, 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 Section 28 that addresses snow shed on Town right-of-ways. Staff has added this to the draft ordinance. At the October 15<sup>th</sup> Planning Commission meeting, the Planning Commission reviewed two items: Town-Initiated Rezoning and Parking Lots on 50’ X 100’ lots. The Commission has forwarded recommendations regarding the both of these. They have been included in the proposed ordinance. Wittman stated that this meeting is a continuation of the November 10, 2008, Board of Trustees Meeting. As a reminder, staff had forgotten to properly notice for the meeting. Legal Notice No. 789 was published in the Sky-Hi Daily News on November 13, 2008. The draft ordinance was also put on the Town’s website. Staff has not received comments. 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’. Part 3 of the draft ordinance addresses the expressed desire of the Planning Commission and the Town Board to include the Uses that are currently permitted by right in the Open Zone to be Conditional Uses in the Residential Estate Zone. This was discussed with the Town-initiated rezonings. To ensure that the Town is upholding what it has told the property owner(s) of those properties that are proposed to be rezoned to Residential Estate, Town staff has included these into this round of code changes so that when the Town reviews and approves subsequent agenda

items that the modifications will be a part of the new rezoning. Since this is an increase in the Conditional Uses for this Zoning District, and not a decrease in the permitted or Conditional Uses and has already been viewed favorably by the PC and property owners in attendance, staff feels that it is most appropriate to include this in this Public Hearing. Staff has added the requirement that submission of Preliminary Plat (for both Planned Developments and Subdivisions) include a Local Employee Residence Plan as the 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 20 of the draft ordinance proposes the requirement for parking lots on 50' X 100' lots. Currently the Town's Regulations would not allow for the development of a parking lot, although they are Uses Permitted by Right in the Commercial and Commercial Transitional Districts. Staff has discussed this matter with the Planning Commission and would like to incorporate these changes into the recommended ordinance for review and approval at this time. Staff has also incorporated this change due to the fact that it was brought to staff's attention by a property owner that was thinking of putting a parking lot on an empty Commercially-Zoned 50' X 100' lot. 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. She concluded by saying that Town staff recommends that the Board open the Public Hearing portion of this meeting to take public comment. Once all comments have been received, the Board should close the Public Hearing and discuss this matter. After discussion, staff would recommend that the Board move to approve Town of Grand Lake Ordinance 11-2008.

Mayor Burke then opened the meeting for public comment.

Donna Ready, 1133 Grand Avenue, was recognized from the audience. She asked the Board if they would be willing to consider giving parking credits for all of the spaces that would fit on a 50' X 100' lot even though it is acknowledged that perhaps 1/3 may be for snow storage in the winter.

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

During discussion, Town Planner Wittman stated that parking lots on 50' X 100' lots are addressed on Page 15 of the draft ordinance. She noted however that the Planning Commission did not discuss credits.

Following discussion, Board Members agreed to consider the draft ordinance as written and to send the credit issue back to the Planning Commission for recommendation.

Trustee Rhone then moved to adopt Ordinance No. 11-2008, an Ordinance amending Chapter 12, 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.

NEW BUSINESS:

**CONSIDERATION OF RESOLUTION NO. 20-2008, A RESOLUTION SUMMARIZING EXPENDITURES AND REVENUES FOR EACH FUND AND ADOPTING A BUDGET FOR THE TOWN OF GRAND LAKE, COLORADO, FOR THE CALENDAR YEAR BEGINNING ON THE FIRST DAY OF JANUARY, 2009, AND ENDING ON THE LAST DAY OF DECEMBER, 2009** - Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that three actions needed to be taken by the Board to finalize the 2009 Budget procedure, namely, adopting the budget, appropriating funds, and levying the general property tax. First, the budget needs to be adopted. He said that Resolution No. 20-2008 is the vehicle whereby the budget is formally adopted. The proposed 2009 Budget for the Town of Grand Lake was submitted to the Board of Trustees on October 13, 2008. The Board set the 2009 Budget for Public Hearing on November 10, 2008. Notice of the Proposed Budget was published in the *Sky-Hi Daily News* on Thursday, October 16, 2008, Legal Notice No. 725, advising the public of the Public Hearing and of the availability of the draft budget for review. The Public Hearing was held on November 10, 2008 at the regularly scheduled meeting of the Board of Trustees. One member of the public commented in support of a grant request; otherwise, there were no comments, written or oral, from the public on the budget as a whole. Resolution No. 20-2008 summarizes the expenditures and revenues in each Fund and adopts a budget that allows for estimated expenditures in the General Fund, Water Enterprise Fund, Marina Enterprise Fund, and Debt Service Fund in the total amount of \$3,409,233. The total expenditures in each fund are balanced with revenues in the same amount.

Trustee Rhone moved to adopt Resolution No. 20-2008, a Resolution Summarizing Expenditures and Revenues for Each Fund and Adopting a Budget for the Town of Grand Lake, Colorado for the Calendar Year Beginning on the First Day of January, 2009 and Ending on the Last Day of December, 2009. Trustee Weydert seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION OF ORDINANCE NO. 20-2008, AN ORDINANCE APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS AND SPENDING AGENCIES, IN THE AMOUNTS AND FOR THE PURPOSES AS SET FORTH BELOW, FOR THE TOWN OF GRAND LAKE, COLORADO FOR THE 2009 BUDGET YEAR** - Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that the Board has now adopted the 2009 annual budget in accordance with the Local Government Budget Law and that funds have now been budgeted to be received and expended. He stated that this ordinance appropriates a total of \$2,566,643 for General Fund expenditures, a total of \$475,776 for Water Enterprise Fund expenditures, a total of \$284,064 for Marina Enterprise Fund expenditures and a total of \$87,750 for Debt Service Fund.

Trustee Peterson moved to adopt Ordinance No. 20-2008, an Ordinance Appropriating Sums of Money to the Various Funds and Spending Agencies, in the Amounts and for the Purposes as Set Forth Below, for the Town of Grand Lake, Colorado for the 2009 Budget Year. Trustee Johnson seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION OF RESOLUTION NO. 21-2008, A RESOLUTION LEVYING GENERAL PROPERTY TAXES FOR THE YEAR 2008, TO HELP DEFRAY THE COSTS OF GOVERNMENT FOR THE TOWN OF GRAND LAKE, COLORADO, FOR THE 2009 BUDGET YEAR** - Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that the Town is allowed to levy general property taxes to help defray the costs of government. Resolution No. 21-2008 preserves the tax of 9.409 mills established in 1994, with a temporary mill levy rate reduction of 5.533, resulting in a total mill levy for the Town of Grand Lake of 3.876 for budget year 2009. This mill levy is in compliance with the 5.5% statutory limitation and with the TABOR Amendment. Resolution No. 21-2007 authorizes the Mayor to certify the temporarily reduced mill levy of 3.876 to the Grand County Board of Commissioners.

Trustee Weydert moved to adopt Resolution No. 21-2008, a Resolution Levying General Property Taxes for the Year 2008, to Help Defray the Costs of Government for the Town of Grand Lake, Colorado, for the 2009 Budget Year. Trustee Rhone seconded the motion and all Trustees voted aye.

Town Manager Hale then thanked the Board and its two newest members for their hard work on this year's budget.

NEW BUSINESS:

**CONSIDERATION OF ORDINANCE NO. 21-2008, AN AMENDMENT TO ORDINANCE NO. 14-2007 THAT UPDATES**

**AND REPLACES EXHIBIT 2, A SERVICE AGREEMENT** – Since there was not a representative from the Chamber present, Trustee Weydert moved to table consideration of this matter until a representative can be present. Trustee Rhone seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION OF A MARKETING AGREEMENT BETWEEN THE TOWN OF GRAND LAKE AND THE CHAMBER** - Since there was not a representative from the Chamber present, Trustee Weydert moved to table consideration of this matter until a representative can be present. Trustee Rhone seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION TO AUTHORIZE THE MAYOR TO SIGN AN OBJECTION LETTER TO THE WINDY GAP FIRING PROJECT, WITH ANY MINOR ALTERATIONS SUGGESTED BY OTHER AGENCIES** – Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale referred to a letter of objection that he drafted to the Windy Gap Firing Project (WFFP). He said that he forwarded a copy to NWCCOG QQ and to GCWIN for their comments, but have not heard back. He said that he would like to preserve the ability to make minor changes to the letter if advised to do so from Lane at QQ or Jane at GCWIN, but other than that he thinks that the letter lays out the Town's biggest objections to the WGFP. If the Board is in agreement, the staff recommendation is for the Board of Trustees to authorize the Mayor to sign the objection letter to the Windy Gap Firing Project, with any minor alterations suggested by other agencies.

Trustee Rhone moved to authorize the Mayor to sign the objection letter to the Windy Gap Firing Project, with any minor alterations suggested by other agencies. Trustee Peterson seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION TO SET A PUBLIC HEARING FOR JANUARY 12, 2009 TO CONSIDER AN ORDINANCE CREATING THE TOWN OF GRAND LAKE MUNICIPAL CODE CHAPTER 7, ARTICLE 6, SECTION 12, WASTE DISPOSAL** – Mayor Burke asked Town Code Enforcement Officer Korkowski to present this matter to the Board. Korkowski explained that staff has been developing a proposed ordinance for mandatory trash service, mandatory wildlife-resistant trash containers, and recycling service to be provided in the Town. The Board, at their regular meeting on September 8, 2008, decided to hold a joint workshop with the Planning Commission and any interested public members. This meeting was held on October 28, 2008. Both of the current trash service providers in the Town and several interested people were present at the meeting and provided

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insightful input for modifications to the proposed ordinance. As a result of the meeting and other e-mail comments, several sections of the proposed ordinance were modified, some wording was changed, and additional definitions were added. The members present at that meeting also wanted the Planning Commission to review the revised proposed ordinance because of the changes. The Planning Commission reviewed the modified ordinance at their October 19, 2008 meeting. They suggested a couple of changes and then provided a favorable recommendation to forward the proposed ordinance to the Board. Staff recommends the Board set a Public Hearing on this matter for January 12, 2009 in order to receive additional comments from the public.

Trustee Johnson suggested that wording be added to state that a container must be latched or secured in a manner that makes the container wildlife-resistant.

Trustee Peterson moved to set a Public Hearing on this matter for January 12, 2009 to consider an ordinance creating the Town of Grand Lake Municipal Code Chapter 7, Article 6, Section 12, Waste Disposal. Trustee Johnson seconded the motion and all Trustees voted aye.

ACCOUNTS PAYABLE

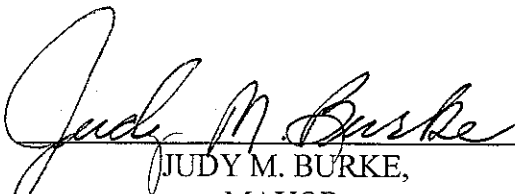
November, 2008:

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.

CITIZEN PARTICIPATION: On behalf of the entire Board, Mayor Burke wished everyone a Merry Christmas and a Happy New Year.

ADJOURNMENT:

Trustee Peterson moved to adjourn, seconded by Trustee Rhone. All Trustees voted aye, and the meeting was adjourned at 8:33 p.m., December 8, 2008.

  
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JUDY M. BURKE,  
MAYOR

ATTEST:   
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RONDA KOLINSKE, CMC,  
TOWN CLERK