

RECORD OF PROCEEDINGS

REGULAR MEETING
TOWN OF GRAND LAKE BOARD OF TRUSTEES
MONDAY, JANUARY 26, 2009 7:30 P.M.

CALL TO ORDER: The regular meeting of the Board of Trustees was called to order by Mayor Judy Burke at 7:34 p.m. at the Town Hall, 1026 Park Avenue.

PRESENT: Mayor Burke; Trustees Lanzi, Lewis, Peterson, Rhone, and Weydert; Town Manager Hale, Town Clerk Kolinske, and Town Planner Wittman.

ABSENT: Trustee Johnson and Town Code Enforcement Officer Korkowski.

APPROVAL OF MINUTES

January 26, 2009: Trustee Rhone moved to approve the minutes of the January 12, 2009 regular meeting as written. Trustee Weydert seconded the motion and all Trustees voted aye.

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

Mayor Burke announced that the Three Lakes Ice Fishing Contest is scheduled for January 30 – February 1. Call the Granby Chamber of Commerce at 887-2311 for more information.

Mayor Burke announced that the Grand Arts Council will host an Artist's Showcase, February 6 at Caroline's Cuisine beginning at 7:00 p.m. featuring Karla Booth and the real snowflake photography.

Mayor Burke announced that Grand Lake's 8th Annual Winter Carnival and Mardi Gras Dance will be held Saturday, February 7. The events include tea pot curling, bed sled race, human bowling, snowman contest, snow sculptures and bingo. Contact Suzi Maki at 627-1000 for additional details.

Trustee Peterson then reminded everyone to dress in their best pirate attire as the theme for this year's Winter Carnival is "Pirates of the Caribbean."

PRESENTATIONS: **CANDIDATES FOR THE PARKS, TRAILS AND OPEN SPACE COMMITTEE** – Mayor Burke asked Town Planner Wittman to present this matter to the Board. Wittman explained that as Town staff discussed with the Board of Trustees at the 2008 Long Range Planning Retreat, it is the desire of staff to create a Parks, Trails and Open Space Committee. The committee will be responsible for drafting recommendations for the Town Board of Trustees to enable the Town to develop a Parks, Trails and Open Space Master Plan as well as act as a standing committee to assist in developing priorities, making funding recommendations, etc.

The Master Plan will be comprised of recommendations regarding park improvements, recreation needs and services, trail development and open space planning. The committee is anticipated to meet for one year. At the end of this period, the committee will bring recommendations to the Town for the further development of a Master Plan. Staff has posted numerous notices in the Sky-Hi News requesting letters of interest to sit on the Committee in September, November and December. Staff has waited to bring this matter before the Board until there was an interest from five to seven individuals, as advertised for the committee, and an opportunity to discuss this matter with each of interested individuals. The Town has received letters from seven interested Grand Lake area residents. The candidates are: Janice Peck, Diane Mahoney, Lee Knochenmus, Dan Ostrowski, Brian Howard, Daniel Matthews and James Shockey. Staff is recommending that the Board take a few moments to discuss with each of the candidates their desire and commitment to sit on this committee. Particularly, staff is recommending (based on previous experience working with Town committees) that the Board ask each of the individuals the following questions:

- What are their relevant experiences and/or background in relation to the desire outcome?
- Is the candidate willing to make the commitment to serve on the committee for (up to) one year?
- Will the candidate be available to meet with the committee (at least) twice per month?

Wittman concluded by saying that staff recommends that the Board of Trustees place this item for action on the February 9, 2009 and said that the first meeting for this committee will be held on Tuesday, February 10, 2009.

Five of the seven candidates were present. They were: Daniel Matthews, Brian Howard, Janice Peck, Diane Mahoney and James Shockey. Each of the candidates was interviewed and answered the above mentioned questions.

Following the interviews, Trustee Rhone moved to appoint Daniel Matthews, Brian Howard, Janice Peck, Diane Mahoney and James Shockey as members to sit on the Parks, Trails and Open Space Committee and appoint Lee Knochenmus and Dan Ostrowski as alternates. Trustee Lewis seconded the motion and all Trustees voted aye.

REPORTS: SALES TAX
CASH FLOW REPORT
FOR JANUARY 2009:

Mayor Burke asked Town Clerk Kolinske to present the sales tax cash

flow report. Kolinske reported that the amount of revenue received in January for the month of November, 2008 is \$29,166. This amount is nearly 16% below what was received in January, 2008.

LIQUOR LICENSING AUTHORITY: None.

OLD BUSINESS: None.

Due to a conflict of interest with the next agenda item, Trustees Peterson and Lewis excused themselves and left the room.

NEW BUSINESS:

CONSIDERATION OF A REQUEST FROM THE GRAND LAKE CHAMBER TO HAVE A BONFIRE FOR WINTER CARNIVAL – Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that the Grand Lake Chamber was issued a Special Use Permit for the annual Winter Carnival on February 7, 2009. A part of their request is for an 8' x 8' bonfire (64 square feet) which exceeds the size limitation for open fires (16 square feet) set in Municipal Code 7-1-28. Since the open fire is not a zoning issue, the Board would have to waive the size limitation for this bonfire to occur. If the Board is amiable to granting this request, the motion should be very specific as to maximum size, exact location, date timeframe, and having fire fighting equipment/personnel present during the burn. He then noted that Suzi Maki was present representing the Chamber.

Following discussion, Trustee Weydert moved to approve an 8' x 8' bonfire for the Grand Lake Chamber of Commerce and the Grand Arts Council in conjunction with the Grand Lake Fire Protection District from 3 – 6 p.m. at Lots 9 & 10, Block 9, Town of Grand Lake (west side of the Grand Arts Council Center building). Trustee Rhone seconded the motion and all Trustees voted aye.

Trustees Peterson and Lewis then resumed their seats.

NEW BUSINESS:

CONSIDERATION OF ORDINANCE NO. 8-2009, 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 it's time to renew the lease with the Historical Society for their portion of the modular building. Their existing lease actually expired on January 14th, but since they have had continuous insurance coverage on the premises, and because of staff's oversight, they have been allowed to continue occupancy while the Board considers renewal. Other than housekeeping items, the only significant change is under Section 6.1(d), which better describes how maintenance and repairs should be handled. This language is the same that we recently added to Grand County Water

Information Network and the Mountain Family Center's leases. 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. 8-2009 and to authorize the Mayor to sign the Lease Agreement attached as Exhibit 1. He noted that Elin Capps, Secretary of the Grand Lake Area Historical Society was present.

Trustee Peterson moved to adopt Ordinance No. 8-2009, an Ordinance Authorizing the Lease of Real Property by the Town of Grand Lake and Establishing the Terms Thereof and to authorize the Mayor to sign the Lease Agreement attached as Exhibit 1. Trustee Rhone seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF RESOLUTION NO. 2-2009, A RESOLUTION REVISING AND COMBINING THE FEE SCHEDULES FOR LAND USE, WATER SERVICE AVAILABILITY AND PLANT IMPROVEMENT, USE OF FACILITIES, SERVICES, PERMITS, AND LICENSES IN THE TOWN OF GRAND LAKE, COLORADO - Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that Town staff has compiled a list of all current fees and deposits that are required for Land Use, Water Usage and Plant Improvements, use of facilities, services, permits, and licenses. In the past, each Town entity set fees and deposits by separate resolutions and at times there would be 6 to 7 different resolutions to sift through for the information. This proposed resolution would list all fees and deposits in one convenient place, and could easily be updated when necessary. Staff is recommending adding a fee for the Water Protection Permit, which is currently free, as the process for this permit is fairly complex and does take up staff time. David Johnson, Town Water Superintendent, states that the time and cost for mapping the Water Protection maps is very expensive and that is why he is recommending the \$300.00 fee. The fees charged by the Public Works Department have never been set by resolution, so these fees are being set by the customary practices and charges which have been used by them in the past. Staff has also included the anticipated water rate changes which are set for April 1, 2009. On January 7, 2009, the Planning Commission reviewed the Fee and Deposit Schedule. They made one change and agreed there should be a fee for the Water Protection Permit. Since that meeting, staff has added the Special Land Use Review deposit. He referred to a table setting and pointed out a change to 6. b. Faxing. Hale then concluded by saying that staff recommends the Board review the fees and deposits and, if acceptable, adopt Resolution No. 2-2009.

Trustee Peterson moved to adopt Resolution No. 2-2009, a Resolution Revising and Combining the Fee Scheduled for Land Use, Water Service Availability and Plant Improvement, Use of Facilities, Services, Permits,

and Licenses in the Town of Grand Lake, Colorado with the change to 6.
b. Faxing as referred to in the table setting. Trustee Lewis seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF A FINAL PLAT OF GRAND CAMP, A SUBDIVISION OF A PART OF TRACT A, SHADOW PARK WEST LOCATED AT THE CORNER OF MARY DRIVE AND HIGHWAY 34 - Mayor Burke asked Town Planner Wittman to present this matter to the Board. Wittman explained that the subject property, located off the intersection of Highway 34 and Mary Drive across the street from Conoco, has an underlying zoning of Commercial. Situated on 1.13 acres, the applicant is proposing to construct one (1) structure with two (2) 5,000 square foot building wings. The building will have a maximum height of 35'. There will be 14 units in the structure. The center unit will be two-story but the rest of the units are single-story with a false second story. The applicant has stated that the units would either be for lease or for sale. This project will necessitate 52 parking spaces. All spaces have been met onsite. On July 16, 2008, the Planning Commission granted approval of a variance to the Town's Zoning Regulation that parking lots having 30 or greater parking spaces must have two accesses on the basis that Grand Camp will have one access off of Mary Drive and the access shall have a painted median with two 16' ingress and egress points and the development shall also have one emergency access off of Highway 34. This variance was initially granted on the basis that the applicant had one main entrance (with a raised median separating the ingress and egress) and an emergency access. At that time, the Town did not have a separate distinction for accesses. To date, the Town has created definitions for 'access' and 'emergency access' and has updated the access requirements for parking lots with 30 or greater spaces. In addition, the applicant is proposing to meet the 7% land dedication requirement through a fee in-lieu. Staff brought this matter to the Town Board of Trustees in November, 2008. The Town negotiated a raw land value of \$350,000 and the fee in-lieu will be \$24,500. The applicant has also agreed to the placement of an informational kiosk on the property but this has not yet been determined if it will be a part of the land dedication requirement. The condo units will be served by the Town of Grand Lake for water and Three Lakes Water and Sanitation District will service the units with sewer. The applicant is proposing a forced main and gravity sanitary sewer system. This system will include a lift station which will be owned and maintained by the HOA. This project will necessitate certain road improvements. Particularly, due to the increased density, the Colorado Department of Transportation is requiring that Highway 34 be widened in this location and that a right turn lane (coming from the Park) and a left turn lane (coming from Granby) be placed on the highway. In addition, the Town Planning Commission is requesting that the developer widen Mary Drive to 40' at the point of intersection of Mary Drive and Highway 34. This 40' will extend to the

uphill edge of the Grand Camp driveway. At this point, the 40' will taper back to the existing roadway width (of approximately 22') for a length of 60'. The Mary Drive improvements will necessitate a retaining wall between 2' and 8' to be placed on the Mary Drive right of way, as indicated on the plats. The depicted configuration of the retaining wall on Plat Sheet C1 is incorrect but the subsequent plat sheets have the correct configuration. Staff has made the recommendation that the retaining wall be made of natural rock boulder in the stepped configuration. The applicant has agreed to do so, as well as submit engineered plans at the time a building permit application is submitted. In February, 2008, a sketch plan of the Grand Camp, a commercial condo complex, was presented to the Planning Commission for review and conceptual approval. On January 21, 2009, the Planning Commission received a revised Final Plat of Grand Camp and the Commission moved to approve Resolution No. 1-2009: *A RESOLUTION RECOMMENDING THE APPROVAL OF GRAND CAMP, A COMMERCIAL SUBDIVISION, LOCATED AT A PART OF TRACT A, SHADOW PARK WEST OF THE TOWN OF GRAND LAKE*. The Resolution was approved in a four to two vote. The Resolution does state numerous conditions of the approval. Grand Camp has submitted electronic versions of the revised plats. Staff has not reviewed these plats but has indicated that one (1) set of a hard copy will need to be reviewed to determine if all of the conditions have been met. She said that the Board will need to address the following:

1. The Board should discuss it's willingness to allow for a variance to the Municipal Code's parking regulations that for those parking lots that are greater than 30 spaces, that two accesses shall be provided. The Board should discuss whether or not the painted median with two 16' ingress and egress points, coupled with an emergency access, shall be sufficient enough to grant the variance.
2. The Board should discuss its willingness to pay for a portion of an informational kiosk to be located at the entrance to the building. Wittman said that the Board discussed this issue during the afternoon workshop and is willing to pay for 1/3 of the cost and one panel for the Town. A maintenance agreement will need to be drafted between the HOA and the Town of Grand Lake. Town staff has not received a cost estimate for the informational kiosk but has indicated that they would like to see one side of the three-sided sign to have an emphasis on the Grand Lake area location and amenities. No design details have been formulated.
3. Town Code states that "after receipt of recommendation from the Planning Commission but prior to any final action by the Board of Trustees, the developer shall submit...an executed copy of the SIA, HOA documents, etc." As of January 23, 2009, Town staff had not

received the HOA Declarations and Covenants nor had staff received an estimate of probable costs (for the development of an SIA) from a licensed engineer. Since that date, staff has received the items mentioned and forwarded them on to Town Attorney Krob for review.

She concluded by saying that staff recommends the Board move to continue the Final Plat review of Grand Camp until the February 9, 2009 Board of Trustees Meeting to allow the applicant sufficient time to submit the necessary requirements to Town staff. Town staff has advised the applicant that if they are unable to submit these documents then staff will recommend denial of this application to the Board due to the Town's requirement that if the application is not acted upon within 35 days of Board receipt, then the plat is automatically granted. She noted that Morris King, applicant, was present.

Trustee Peterson moved to continue consideration of a Final Plat of Grand Camp, a subdivision of a part of Tract A, Shadow Park West located at the corner of Mary Drive and Highway 34 until the February 9, 2009 Board of Trustees Meeting. Trustee Lewis seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF APPOINTMENT OF A BOARD MEMBER SELECTED BY THE BOARD OF TRUSTEES TO THE GRAND LAKE PLANNING COMMISSION - Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske explained that a Planning Commission vacancy has been created with the recent retirement of Aron Rhone. Aron has served 15 ½ years on this board and will be missed. Aron was a member of the Board of Trustees selected by the Board of Trustees. His replacement also has to be a member of the Board of Trustees selected by the Board of Trustees. If there is a Board member with an interest in serving on the Planning Commission, I would recommend that the Board appoint that person to this position by motion.

Since Trustee Lanzi expressed an interest, Trustee Rhone moved to appoint Trustee Lanzi as a member of the Board of Trustees selected by the Board of Trustees to the Planning Commission seconded by Trustee Weydert. All Trustees voted aye except Trustee Lanzi, who abstained.

CITIZEN PARTICIPATION: The Town was approached by Daniel O'Donnell regarding a trade of his two parcels adjacent to Tunnel Road (.59 acre) for the Town's Coker Lot B parcel (.13 acre). This was discussed during the afternoon workshop and the Board was not favorable to the trade as the O'Donnell property is not easily accessible and is not a desirable location for Public Works facilities. Suzi Maki, 1590 W. Portal Road, was recognized from the audience and asked the Board what an acceptable property would be since the Board turned down Mr. O'Donnell's offer. She said that she has Lot A, Coker's Corner Minor Subdivision listed and is having a

RECORD OF PROCEEDINGS

difficult time selling it since she is not able to tell potential buyers what the Town may eventually do with Lot B. At present, the Town has no plans for Lot B.

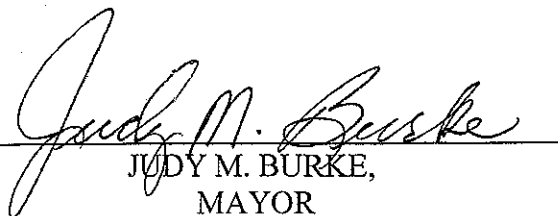
Town Manager Hale responded by saying that if there was a piece of land with easy access, easily accessible utilities and could be used right away for snow storage, a parking lot, etc., he would be willing to set up a special meeting with the Board to discuss it immediately.

John Inman, 321 Elk Lane, was recognized from the audience. He explained that he is the President of Grand Lake Estates Homeowners Association and was present to make comment regarding the Waste Disposal Ordinance that was recently passed. He noted that there are approximately 135 properties in the Grand Lake Estates Subdivision. Approximately 17 of those or 13% are full time residents and approximately 118 or 87% are part time residents. He stated that the Covenants for Grand Lake Estates do not allow for short term rentals so the residents or second homeowners either have their trash picked up or take it back home with them when they leave. He then asked the Board to research other solutions that do not unfairly charge property owners that do not contribute to the problem nor would benefit from the ordinance. In conclusion, he said that as President, he would encourage those within the association to be responsible citizens and to take care of their own trash in a good way to help the Town to deal with the situation.

Trustee Peterson responded by briefly saying that if all people were responsible, the Town would not be dealing with this situation. The ordinance was an effort to change something that wasn't working. He also explained that it is too difficult to determine who's a full time resident, who's part time, visitors, etc. to make it fair. He said that he felt that the Town would take a look at their association if they had an acceptable plan that they could manage.

ADJOURNMENT:

Trustee Rhone moved to adjourn, seconded by Trustee Weydert. All Trustees voted aye, and the meeting was adjourned at 8:34 p.m., January 26, 2009.



JUDY M. BURKE,
MAYOR

ATTEST: 

RONDA KOLINSKE, CMC
TOWN CLERK