

RECORD OF PROCEEDINGS

REGULAR MEETING
TOWN OF GRAND LAKE BOARD OF TRUSTEES
MONDAY, FEBRUARY 23, 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 7:31 p.m. at the Town Hall, 1026 Park Avenue.

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

ABSENT: Trustee Lewis.

APPROVAL OF MINUTES
February 9, 2009: Trustee Weydert moved to approve the minutes of the February 9, 2009 regular meeting as written, seconded by Trustee Johnson. All Trustees voted aye except Trustee Rhone, who abstained.

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

Mayor Burke then announced that the Mountain Family Center is in need of food donations such as macaroni & cheese, soups, Hamburger/Tuna Helper, rice, spaghetti, ramen noodles, and peanut butter. Take at least two food items to the Grand Lake Art Gallery and enter to win a piece of porcelain pottery, valued at \$120, donated by Parry Alander, to be given away at the end of March.

PRESENTATIONS: Mayor Burke thanked Aron Rhone for his 16 years of service on the Planning Commission and presented him with a framed picture and brass plaque which read:

*"In Appreciation to
Aron Rhone
For
Dedicated Service on the
Grand Lake Planning Commission
1988-1992 & 1997-2009"*

Former Mayor, Gene Stover, former Planning Commission Chairman, Frank Appelhans, and former Planning Commission Chairman, Delmar Schnittker, were present and all commended Aron for his dedication to the Planning Commission.

PRESENTATIONS: Mayor Burke announced that **Nancy Stuart, Grand County Commissioner**, was scheduled to be present to discuss Grand County's proposed Transfer Station, but has cancelled.

REPORTS: SALES TAX
CASH FLOW REPORT
FOR FEBRUARY, 2009:

Mayor Burke asked Town Clerk Kolinske to present the sales tax cash flow report. Kolinske reported that the amount of revenue received in February, 2009 for the month of December, 2008 is \$45,620. This amount is 21.56% below what was received thru February, 2008.

REPORTS: 4TH QUARTER
SALES TAX COLLECTION
BY INDUSTRY AND
TOTAL 2008 SALES TAX

COLLECTION BY INDUSTRY: Town Clerk Kolinske noted that the Town Treasurer provided a report consisting of the 4th Quarter Sales Tax Collection by Industry and Total 2008 Sales Tax Collection by Industry.

REPORTS: FINANCIAL
REPORT:

Mayor Burke asked Financial Trustee Peterson to present the Financial Report for January, 2009. Peterson reported that General Fund expenditures through the end of January totaled \$69,177.46 or 2.8% of budget. He said the Water Fund expenditures for the same period totaled \$15,773.17 or 3.3% of budget and the Marina Fund expenditures totaled \$5,527.29 or 2.0% of budget.

At 7:42 p.m. Trustee Johnson excused himself and left the room.

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF RENEWAL OF THE RETAIL LIQUOR STORE LIQUOR LICENSE FOR JAKE'S SPIRITS, LLC, D/B/A GRAND LAKE WINE & SPIRITS – Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske reported that the fees have been paid; the renewal documents are in order and indicate no changes from the previous renewal. The business license and sales tax accounts are all current. She said that the building is serviced by a private well and not by the Town of Grand Lake Water Department. She noted that the Grand County Sheriff's Department found no adverse information which would affect the status of the license. She concluded by saying that Ken Jensen, President, was present.

Trustee Peterson moved to approve the renewal of the Retail Liquor Store Liquor License for Jake's Spirits, LLC, d/b/a Grand Lake Wine & Spirits. Trustee Rhone seconded the motion and all Trustees voted aye.

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF APPROVAL FOR A SPECIAL EVENTS LIQUOR PERMIT FOR THE ROTARY CLUB OF GRAND LAKE FOR PEGGY MANN'S CD RELEASE PARTY - 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 Rotary Club of Grand Lake. The request is to sell malt, vinous and spirituous liquor by the drink for consumption on the premises only. The requested date is Saturday, March 28, 2009 from 7:00 to 10:00 p.m. for Peggy Mann's CD Release Party. Proceeds from the sale of alcohol will go to the Rotary Club. The proposed location is the Grand Lake Community House. Public notice was posted on February 13, 2009 and attested to by Grand County Sheriff Deputy Oehlkers. The Grand County Sheriff's Department reviewed the application and found no adverse information which would affect this permit. She then noted that Larry Bacon, representative, was present.

Trustee Peterson moved to approve the Special Events Liquor Permits for the Rotary Club of Grand Lake. Trustee Weydert seconded the motion and all Trustees voted aye.

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF APPROVAL FOR A SPECIAL EVENTS LIQUOR PERMIT FOR THE GRAND ARTS COUNCIL FOR THE MARCH CONCERT IN THE PINES - 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 date is Saturday, March 21, 2009 from 4:00 to 10:00 p.m. for the final Concert in the Pines fund raising event. The proposed location is the Grand Arts Council Center at 913 Park Avenue. Public notice was posted on February 12, 2009 and attested to by Grand County Sheriff Deputy Oehlkers. The Grand County Sheriff's Department reviewed the application and found no adverse information which would affect this permit. She then noted that Cathy Walton-Smith, President of the Grand Arts Council, was present.

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

At 7:50 p.m. Trustee Johnson resumed his seat.

OLD BUSINESS:

CONSIDERATION OF RESOLUTION NO. 2-2009, A RESOLUTION REVISING THE RULES, REGULATIONS, AND FEES FOR THE TOWN OFF-PREMISE SIGN PROGRAM (TOPS) IN THE TOWN OF GRAND LAKE, COLORADO - Mayor Burke asked Town Code Enforcement Officer Korkowski to present this matter to the Board. Korkowski explained that Town staff has updated

the TOPS Resolution from the May 28, 1991 version. There have been several administrative changes in the way the program is handled, and the resolution needs to be updated to reflect these changes. The major changes in the regulations are that the Town will no longer have the signs made, there will no longer be a initial fee of \$150.00 for the making of the sign, the entity that wants the sign assumes the maintenance for it, the background coloring has changed from maroon to a muted non-reflective color, and the coloring for the lettering has changed from white to a muted non-reflective color. The coloring changes will help the signs stand out more to better advertise those businesses and other entities (such as Town Hall and the lake) which do not front Grand Avenue. This is a continuation from the February 9, 2009 meeting. He concluded by saying that staff recommends the Board review the changes and the fee and, if acceptable, adopt Resolution No. 2-2009.

Trustee Johnson moved to adopt Resolution No. 2-2009, a Resolution Revising the Rules, Regulations, and Fees for the Town Off-Premise Sign Program (TOPS) in the Town of Grand Lake, Colorado. Trustee Rhone seconded the motion and all Trustees voted aye.

OLD BUSINESS:

PUBLIC HEARING – CONSIDERATION OF ORDINANCE NO. 11-2009, AN ORDINANCE OF THE TOWN OF GRAND LAKE, COLORADO, THE FRANCHISE TO FURNISH, SELL AND DISTRIBUTE GAS TO THE TOWN AND TO ALL PERSONS, BUSINESSES AND INDUSTRY WITHIN THE TOWN GRANTED BY THE TOWN OF GRAND LAKE, COLORADO TO PUBLIC SERVICE COMPANY OF COLORADO; SETTING FORTH DETAILS IN RELATION THERETO; AND, DECLARING AN EMERGENCY THEREFORE - Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that the Town has been operating on a temporary franchise agreement with Public Service Company (XCEL) over the past six months while Town staff (including the Town Attorney) and representatives from XCEL have discussed the new 20 year instrument. For quick highlights, the franchise fee will remain at 3%, and will be remitted monthly, which staff estimates to equate to \$10,000 - \$12,000 per year based upon our August - December receipts. They have use of our rights-of-way to distribute gas, but must still comply with our rules for street cuts, excavating, digging, restoration, etc. They agree to serve new areas, provide reliable service, respond to emergencies, etc. There have been a couple of minor changes to the franchise since the first draft. Hale referred to a memo/e-mail from Todd Anderson highlighting those changes. Included in the Board packet is a copy of the notice that was published by XCEL giving notice of this consideration in compliance with state statute (there is a specific statutory process that is summarized and attached by the Town Attorney for Mountain Parks Electric, but

applies for all franchises). The staff recommendation is for the Board of Trustees to adopt Ordinance No. 11-2009 as an emergency ordinance with an effective date of March 1, 2009.

Mayor Burke then opened the meeting for public comment.

Having none, Mayor Burke closed the Public Hearing and turned the matter over to the Board.

Trustee Peterson moved to adopt Ordinance No. 11-2009, an Ordinance of the Town of Grand Lake, Colorado, the Franchise to Furnish, Sell and Distribute Gas to the Town and to all Persons, Businesses and Industry Within the Town Granted by the Town of Grand Lake, Colorado to Public Service Company of Colorado; Setting Forth Details in Relation Thereto; and, Declaring an Emergency Therefore, with an effective date of March 1, 2009. Trustee Rhone seconded the motion and all Trustees voted aye.

OLD BUSINESS:

CONSIDERATION OF ORDINANCE NO. 1-2009, AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE TOWN OF GRAND LAKE BY AMENDING CHAPTER 11, ARTICLE 1, BOARDWALKS AND SIDEWALKS BY ADDING COMMUNITY GREENWAYS - Mayor Burke asked Town Code Enforcement Officer Korkowski to present this matter to the Board. Korkowski explained that this ordinance was presented to the Board at their January 12, 2009 meeting. During discussion at that meeting, staff was directed to find out more information about stamped concrete (durability, maintenance, and cost of the stamps themselves), and ADA guidelines for curb cuts at roadways. Internet resources, concrete companies, and contractors all agree there is no difference in the durability and maintenance of stamped versus regular concrete. Both will wear and deteriorate the same. Sealing is important for extending the life of both, but there are different types of sealers from high gloss (very slippery) to a dull finish (best for walked on surfaces). If the concrete is colored, there should be minimal fading, if any at all, because the colorant can be placed throughout the concrete. All resources mentioned to not use ice salt/solvents for the first year in order to allow the concrete to completely set. One contractor said with the more intricate designs there could be problems, but the wood plank design should not have any issues different than regular concrete. The Board also wanted to know costs for purchasing the mats. He provided the Board with a price list for wooden plank type stamp mats. Korkowski said that the planks are 12" wide (could not find any 6") and come in various lengths to alter the plank pattern. The Town would probably want at least 5 different lengths in order to provide different patterns. The Town would also need the tamper and releasing agent if the Town was to do its own work. Estimated cost for the mats, tamper, and

releasing agent would be around \$1,200.00 including the shipping. The Town would then be able to control the pattern and make it consistent throughout Town. The proposed ordinance has been changed to reflect that the stamped concrete have similar coloring and wood pattern as the wood used in the boardwalk. Based upon public comments, staff also recommends the Board consider making the Boardwalks along Grand Avenue and Lake Avenue from Hancock Street to Vine Street as being constructed of real wood planks, not a composite, in order to maintain the "rustic feeling" that has come to be identified with Grand Lake and to maintain continuity in the downtown area. This has not been changed in the proposed ordinance, but it could be added to Section 11-1-7. Current ADA regulations for curb cuts require a contrast in color of at least 70% or raised truncated domes (they have specifications) if the surfaces are the same (i.e.: concrete to concrete or blacktop to blacktop) or there must be a change in surface types (such as the Town's wood to blacktop). There are also the standards established for grade, width, and construction which the Town has been aware of and complying with. There is also a special stamp mat for concrete that has the truncated domes made to the ADA specifications if the curb cuts were to ever be made of concrete. Staff recommendation is for the Board to discuss the above items and, if favorable to the ordinance, adopt it specifying in the motion any changes.

During discussion, the Board did not feel it was necessary for the Town to purchase the mats, tamper and releasing agent due to the fact that the wood plank design is very standard.

Following discussion, Trustee Weydert moved to adopt Ordinance No. 1-2009, an Ordinance Amending the Municipal Code of the Town of Grand Lake by Amending Chapter 11, Article 1, Boardwalks and Sidewalks by Adding Community Greenways with the requirement that the boardwalks along Grand Avenue and Lake Avenue from Hancock Street to Vine Street are constructed of real wood planks, not a composite, be added to Section 11-1-7. Trustee Rhone seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION TO SET A PUBLIC HEARING TO CONSIDER PROPOSED ORDINANCE NO. XX-2009, AN ORDINANCE AMENDING CHAPTER 12, ARTICLE 2: ZONING REGULATIONS, OF THE TOWN OF GRAND LAKE MUNICIPAL CODE, AND ORDINANCE NO. XX-2009, AN ORDINANCE AMENDING CHAPTER 12, ARTICLE 6: LAND SUBDIVISION REGULATIONS, OF THE TOWN OF GRAND LAKE MUNICIPAL CODE, AND

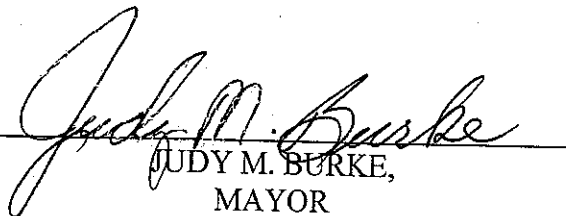
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ORDINANCE NO. XX-2009, AN ORDINANCE AMENDING THE TOWN OF GRAND LAKE MUNICIPAL CODE CHAPTER 12, ARTICLE 7, DESIGN STANDARDS, AND ORDINANCE NO. XX-2009, AN ORDINANCE CREATING CHAPTER 12, ARTICLE XX: LAND USE DEVELOPMENT PROCEDURES AND STANDARDS OF THE MUNICIPAL CODE OF THE TOWN OF GRAND LAKE, AND ORDINANCE NO. 4-2009, AN ORDINANCE AMENDING THE TOWN OF GRAND LAKE MUNICIPAL CODE CHAPTER 12, ARTICLE 3, ZONING BOARD OF ADJUSTMENT - Mayor Burke asked Town Planner Wittman to present this matter to the Board. Since the proposed ordinances were discussed at the afternoon workshop, Wittman briefly introduced them to the Board and explained that the only action for the Board to consider would be to set a Public Hearing for March 23, 2009.

Trustee Peterson then moved to set a Public Hearing for March 23, 2009 to consider proposed Ordinance No. XX-2009, an Ordinance Amending Chapter 12, Article 2: Zoning Regulations, of the Town of Grand Lake Municipal Code, and Ordinance No. XX-2009, an Ordinance Amending Chapter 12, Article 6: Land Subdivisions Regulations, of the Town of Grand Lake Municipal Code, and Ordinance No. XX-2009, an Ordinance Amending the Town of Grand Lake Municipal Code Chapter 12, Article 7, Design Standards, and Ordinance No. XX-2009, and Ordinance Creating Chapter 12, Article XX: Land Use Development Procedures and Standards of the Municipal Code of the Town of Grand Lake, and Ordinance No. 4-2009, and Ordinance Amending the Town of Grand Lake Municipal Code Chapter 12, Article 3, Zoning Board of Adjustment. Trustee Johnson seconded the motion and all Trustees voted aye.

CITIZEN PARTICIPATION: None.

ADJOURNMENT: Trustee Rhone moved to adjourn, seconded by Trustee Weydert. All Trustees voted aye, and the meeting was adjourned at 8:14 p.m., February 23, 2009.


JUDY M. BURKE,
MAYOR

ATTEST: 
RONDA KOLINSKE, CMC,
TOWN CLERK