

RECORD OF PROCEEDINGS

REGULAR MEETING
TOWN OF GRAND LAKE BOARD OF TRUSTEES
MONDAY, JUNE 22, 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 7:32 p.m. at the Town Hall, 1026 Park Avenue.

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

ABSENT: Trustees Johnson, Rhone and Weydert.

APPROVAL OF MINUTES

May 26, 2009: Trustee Lewis moved to approve the minutes of the May 26, 2009 regular meeting as written. Trustee Peterson 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 Rocky Mountain Repertory Theatre is now presenting its second production of the 2009 Season, "*The Pirates of Penzance*", in the Community House.

Mayor Burke announced that the 26th Annual Colorado State Chili Cook Off will be held Saturday, June 27 in the Town Park. Proceeds will go to the Grand Lake Fire Protection District's Scholarship Fund.

Mayor Burke announced that the 6th Annual "*Art & Architecture Home Tour*" sponsored by the Grand Arts Council will be held Saturday, June 27. Tickets can be purchased at the Grand Lake Art Gallery.

Mayor Burke announced that the 4th Annual "*Tops of the Rockies*" sponsored by The Friends of the Grand County Library will be held Sunday, June 28 at the Grand Lake Yacht Club. Tickets are available at any Grand County Library. Proceeds will benefit the Juniper Library.

Mayor Burke then announced that the 4th of July Celebration will include a bake sale, pancake breakfast and a fireworks display over Grand Lake at dark.

REPORTS: SALES TAX
CASH FLOW REPORT
FOR JUNE 2009:

Mayor Burke asked Town Clerk Kolinske to present the sales tax cash flow report. Kolinske reported that the amount of revenue received in June for the month of April, 2009 is \$19,326. This amount is 13% below what was received through June, 2008.

REPORTS: FINANCIAL

REPORT:

Mayor Burke asked Financial Trustee Peterson to present the Financial Report for May, 2009. Peterson reported that General Fund expenditures through the end of May totaled \$552,182.24 or 22% of budget. He said the Water Fund expenditures for the same period totaled \$161,968.88 or 34% of budget and the Marina Fund expenditures totaled \$36,976.62 or 13% of budget.

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF RENEWAL OF THE HOTEL AND RESTAURANT LIQUOR LICENSE FOR EL PACIFICO, LLC, D/B/A EL PACIFICO RESTAURANT - 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 water, business license, and sales tax accounts are all current. She noted that the Grand County Sheriff's Department found no adverse information that would affect the status of the license. She concluded by saying that Jesus Varela, Member, was present.

Trustee Lewis moved to approve the renewal of the Hotel and Restaurant Liquor License for El Pacifico, LLC, d/b/a El Pacifico Restaurant. Trustee Peterson seconded the motion and all Trustees voted aye.

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF A SPECIAL EVENTS LIQUOR PERMIT APPLICATION FROM THE GRAND LAKE CHAMBER OF COMMERCE FOR "BUFFALO BARBECUE" - Mayor Burke asked Town Clerk Kolinske

to present this matter to the Board. Kolinske explained that this request is for "Buffalo Barbecue" to be held in the Town Square on Saturday, July 18, 2009 from 10:00 a.m. to 10:00 p.m. and on Sunday, July 19, 2009 from 10:00 a.m. to 6:00 p.m. The proposed location is Lake Avenue from the west edge of the Lake Avenue parking lot to Garfield Street. The Lake Avenue parking lot will remain open. The application documents are in order and complete. The premises are required by statute to be posted for at least 10 days prior to approval of the permit. She suggested action at the July 13 Board Meeting as a regular item of business or as a Public Hearing. Kolinske noted that Brad Taylor, Executive Director for the Chamber of Commerce, was present.

Brad Taylor was recognized by the chair and explained that the perimeter where alcohol will be served will be delineated with flags except where there are natural barriers. There will be a tent placed in the gravel next to the pavilion to accommodate additional serving lines for the barbecue. There will not be any tents set up on the lawn. He stated that he has talked with the businesses that will be affected and has received written approval from the Yacht Club. He noted that he will be getting the others within a day or two. He concluded by saying that this location is in effort to expand the event. If it doesn't work, he said that they will try to rework Town Square next year.

Trustee Peterson moved to act on this request as a regular item of business at the July 13, 2009 Board Meeting. Trustee Lewis seconded the motion, and all Trustees voted aye.

OLD BUSINESS:

PUBLIC HEARING – QUASI-JUDICIAL – CONSIDERATION OF ORDINANCE NO. 27-2009, AN ORDINANCE RECOMMENDING CERTAIN PROPERTIES BE REZONED, CERTAIN PROPERTIES NOT BE REZONED IN CONFORMANCE WITH THE 2006 COMPREHENSIVE LAND USE PLAN AND THAT THE COMPREHENSIVE LAND USE PLAN, THE OFFICIAL ZONING MAP 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 this is a “quasi-judicial proceeding” and should be conducted as such. Each of the members of this body must act fairly and impartially based on the information provided to them in the packet and the evidence provided at the Public Hearing including testimony made. 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 and will follow the numbers as listed on the map titled *Town of Grand Lake 2009(1) Rezoning: Affected Parcels*.
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 of Trustees can then ask questions about the speaker’s testimony.
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.

As the Board of Trustees is aware, the Town’s adoption of the 2006 Comprehensive Plan called for major Town-initiated rezoning of those parts of the Town that were inconsistent with the Town’s current zoning. The parcels proposed for rezoning were called out in Figure 40: *The Grand Lake Comprehensive Land Use Plan*. Since that time, three rezoning proceedings were conducted over the past three years. The three rezoning proceedings were individually voted upon by the Town Board of Trustees, thus reflected in the *Town of Grand Lake Zoning Map*. This map reflects the Town’s current zoning as well as those parcels that were rezoned as identified in *The Grand Lake Comprehensive Land Use Plan Map* (Figure 40 of the Master Plan). In March 2009, the Town amended the 2006 Comprehensive Plan by the *Comprehensive Land Use Plan Map*. Not only was this figure amended to reflect those

changes that were approved by the Board, but the amendment approved the elimination, from future rezoning, of all parcels that were currently zoned "Commercial Transitional" that had not yet been considered for rezoning. The Planning Commission and the Board agreed that Commercial Transitional was the highest and best use for those parcels with the adoption of Ordinance No. 13-2009, leaving the remainder of the parcels to still be proposed for rezoning. At the same time that the Board approved Ordinance No. 13-2009, the Board made the motion to set a schedule for rezoning as well as to allow staff to set the Public Hearings for the rezoning proceedings. The parcels were divided into two separate rezoning proceedings. This evening's Public Hearing will focus on those parcels identified on the map: *Town of Grand Lake 2009(1) Rezoning: Affected Parcels*; please see the section below: *Parcels Affected by the Proposed Rezoning*. The current and proposed zoning districts are indicated on the *Town of Grand Lake Rezoning 2009(1): Current Zones* and *Town of Grand Lake Rezoning 2009(1): Proposed Zones* Maps. She said that the Planning Commission held a Public Hearing regarding this matter on June 3, 2009. At that time the Commission took public testimony and discussed the proposed rezoning of the affected parcels. After Commission consensus was developed, the Commission directed staff to draft a Planning Commission Resolution. On June 17th, the Commission reviewed the Resolution, and the table-setting Resolution indicating the postponement of a certain parcel, and moved to approve the resolution. The Board of Trustees must conduct a Public Hearing to consider the Town's zoning application. Before doing so, the Board must publish notice of the hearing at least 15 days in advance of the hearing, indicating the time and place of the hearing and general purpose of the hearing. Legal Notice No. 3481139 was published in the Middle Park Times on May 28th, June 4th and June 11th. Notice of the Hearing must be sent by registered mail, return receipt requested to the owners of record of each parcel of property that is proposed to be rezoned, as well as to the owners of property within 200' of the property that is proposed to be rezoned. On May 15th, certified mailings were sent to 153 property owners; 119 property owners have signed they received the notification. Seven (17) notices were returned to the Town of Grand Lake having not been signed; two (3) of those unsigned notices are property owners of affected parcels.

Additionally, the Town should post notice of the Hearing at 500' intervals along the front of the affected properties; Town staff posted the affected parcels on May 20, 2009. As indicated, at the Public Hearing the Board will hear testimony on each of the parcels. After all testimony is made, the Board of Trustees will deliberate the matter which may require the Board to continue the Public Hearing until a later date. Once the Board has developed consensus, the Board will move to approve an ordinance approving or denying the rezoning of the individual properties. Due to the nature of the proceedings, those members that have been noticed as a result of this proceeding or those residing within 200' of the subject parcels will be asked to abstain from discussions on the parcels in the 200' proximity; this is indicated in subsequent sections. If there are any other members that feel that they should abstain from

participating in any of the proposed rezoning proceedings, they will be asked to disclose this. The information contained below is a brief description of the subject parcel(s), the current and proposed zone as well as any applicable staff or citizen comments.

1. Town of Grand Lake Block 42, Lots 5-10 (*Currently Zoned* – Resort District/*Proposed*– Single Family Residential High Density District).
 - These parcels are located on Wade Street to the east of the Pondview Subdivision’s ponds. The subdivision includes both commercial and residential uses which are both considered a Use by Right in the Resort District; however, those developed parcels on lots 5-10 have been developed as single family residences. The change of the zoning would not conflict with the Subdivision Final Plat and would be considered a decrease in the allowable density, as per the zoning district change.
 - The current zoning allow for uses that are not compatible with the surrounding neighborhood which could include eating and drinking establishments.
 - At the Planning Commission Public Hearing, James Shockey, member of Pondview Condos HOA stated that all members of their HOA that he was in contact with stated that they are in favor of the rezoning. He further stated that if the ponds were drained, single family residences would be most appropriate in this location.

2. Norman’s Minor Subdivision, Lots A, North and South, and B, North and South, of the 30 ft. Road ROW in the SW4 SEC6 T3N R75W (*Currently Zoned* – Multiple Family Residential Medium Density District/*Proposed* - Single Family Residential High Density District).
 - These parcels, located on Marina Drive, are bordered to the east by a large multiple family residential development and county lands on the east. Lot A has been developed with a single family residence. While Lot B remains vacant, the landowner also owns the parcel to the direct west. This parcel, located in unincorporated Grand County, has also been developed as a single family residence.
 - No public comments were taken at the Planning Commission Public Hearing.

3. Grand Lake Estates 2nd Filing Block 14 (*Currently Zoned* – Single Family Residential High Density District/*Proposed*– Resort District).
 - This property has been developed as mobile home park known as Shadow Mountain Recreational Park, Inc. (SMRP). Shareholders of at least 100 shares have the right, when available, to lease space for their mobile home. SMRP is not a full-time, year-round recreational park. The maximum number of nights that any individual unit could be occupied is 300 nights.
 - There are 24 mobile units and a clubhouse in the preexisting development. The units must comply with the current Rules and Regulations of SMRP which means that changes would allow for the

- 1:1 exchange of a mobile home with another mobile home while staying within the designated footprint for the unit.
- In 2005, SMRP applied for a Planned Development through the Town. At that time, the development's Sketch Plan was approved by the Town. No records indicate why the application was not further explored by the property owners.
 - Mobile homes are not a Use by Right in the Single Family Residential – High Density District. The Resort District allows for lodging, multi-family dwellings and time shares as well as Nightly Rentals and staff believes it is because of this that the 2006 Comprehensive Land Use Plan called for the proposed rezoning. While mobile homes are not a Use by Right in the Resort District, the rezoning of this parcel would permit the uses that are currently being conducted on this parcel where the Single Family Residential – High Density District currently does not.
 - Staff did consult Mr. Scott Pension, Grand County Building Official, as to whether or not commercial uses could be permitted in the mobile homes in this neighborhood. If this parcel was rezoned, any mobile home built after 1976 is a HUD Manufactured home and it can only be used as a single family residence. Commercial enterprises would need to be built as new and preexisting homes could not be used for commercial uses. While new mobile homes are rated for use residential, commercial, job site, etc. and a mobile home might be replaced by a commercial mobile unit, and the Town reviews all applications for replacement and the current Rules and Regulations for SMRP do not allow commercial uses.
 - Comments were received from Cory and Lisa Jackson regarding this parcel. They disagree with the proposed rezoning. They feel the uses allowed in the Resort District are “more obnoxious or detrimental to the welfare of the area” stating that the traffic generated would be dangerous and the public and property safety would be jeopardized. Additionally, they feel that the increase in the maximum allowable height “would affect views for neighboring single/multiple family dwellings”.
 - At the Planning Commission Public Hearing Lisa Jackson, 6114 Meadow Brook Drive, Morrison, CO, stated that it appears that allowing commercial and lodging facilities might not be appropriate in this neighborhood. She further stated that the allowance of the minimum lot area of 5000 sq. ft. in Multiple Family Residential – High Density might be a more appropriate zone for this parcel.
 - At the Planning Commission Public Hearing, Cory Jackson, 6114 Meadow Brook Drive, Morrison, CO, stated that he agreed with Lisa Jackson and further stated that the allowance of commercial uses in this area would be inappropriate.
4. Mitchell Subdivision Exemption Tract B (*Currently Zoned* – Single Family Residential High Density District/*Proposed* – Resort District).

- This parcel was created in a Grand County land use action. The parcel has been developed as a single family residence. The adjacent properties have been developed as single family residences.
 - Comments were received from Cory and Lisa Jackson regarding this parcel. They disagree with the proposed rezoning. They feel the uses allowed in the Resort District are “more obnoxious or detrimental to the welfare of the area” stating that the traffic generated would be dangerous and the public and property safety would be jeopardized. Additionally, they feel that the increase in the maximum allowable height “would affect views for neighboring single/multiple family dwellings”.
 - The rezoning of this parcel would be inconsistent and incompatible with the surrounding neighborhood.
 - Comments were received from Elizabeth Jane Mitchell VanderTuin, property owner, who stated that they do not wish to have their property rezoned as it has been developed as a single family home and the Resort District would not be appropriate with the current neighborhood uses. Lisa Jackson, 6114 Meadow Brook Drive, Morrison, CO, stated that she is strongly in opposition to the change from the Single Family District to the Resort District as this a single family neighborhood. She further stated that the proposed rezoning would be detrimental to the public and private lakefronts that are on the opposite side of the 30’ right of way in this location. She also stated the rezoning would create additional noise issues if commercial activities did take place in this location.
 - Comments were also received from Christine Mitchell Custer, property owner, stating that she does not wish to have her property rezoned as it has always been a single family residence surrounded by like structures.
 - At the Planning Commission Public Hearing, Lisa Jackson, 6114 Meadow Brook Drive, Morrison, CO, stated that she is strongly in opposition to the change from the Single Family District to the Resort District as this a single family neighborhood. She further stated that the proposed rezoning would be detrimental to the public and private lakefronts that are on the opposite side of the 30’ right of way in this location. She also stated the rezoning would create additional noise issues if commercial activities did take place in this location.
 - At the Planning Commission Public Hearing Cory Jackson, 6114 Meadow Brook Drive, Morrison, CO, stated that if the owners of the property did not want to see it changed then the Town should not rezone the property. Additionally, while the current owners may not have plans to develop the property, future owners may want commercial activities in this area and he thought that this sort of change in ownership could jeopardize the nature of the neighborhood.
5. Grandview Villas Phase I and Phase II located in the NE4 of SEC6 T3N R75W of 6TH PM of the Town of Grand Lake (Currently Zoned –

Commercial District/*Proposed* – Multiple Family Residential High Density District).

- Grandview Villas Phase I was the construction of one (1) structure located on the corner of Center Drive and Sailboat Drive. This structure contains 18 units. Grandview Villas Phase II was the construction of the other two buildings (“Building A” located parallel to Center Drive and “Building B” located parallel to Sailboat Drive). Building A contains 12 units while Building B contains 18 units.
- While multiple family units are considered a Use by Right in the Commercial District, the 2006 Comprehensive Land Use Plan called for the rezoning of these parcels to be rezoned consistent with how the property has been developed.
- Other than the change in the zone which would not longer allow for commercial activities in Grandview Villas, the most significant change would be the Nightly Rental (NR) Licensing program that is administered under the Town. Under the current zoning, NR units are considered a Use by Right. In a circumstance as this, the Town does not require the \$150 application fee for a new NR or one that has either a.) had a complaint against the unit or b.) allowed the license to lapse. The application fee is to allow the Town to capture the costs associated with noticing for conducting a Public Hearing on the NR. Under the proposed zoning, the application fee would be charged for all new applications, those units that have had a complaint drawn against the unit or those that had allowed the license to lapse. This application fee would only be applicable to the aforementioned situations. The annual license fee is the same in each district.
- No public comments were taken at the Planning Commission Public Hearing.

6. Grand Lake Estates 2nd Filing Block 12, Lots 7-11 (*Currently Zoned* – Commercial District/*Proposed* – Multiple Family Residential High Density District).

- Lots 7 and 8 of this parcel are either developed or partially developed. Lot 7 is the parcel which the carwash is located on. Lot 8 is where Spirit Lake Polaris has a facilities and storage essential to their operations. If Lot 7 and Lot 8 were rezoned, the rezoning would create two (2) non-conforming uses in this area.
- Lots 9 – 11 are vacant. These parcels are bordered by commercial uses to the north and multiple family uses to the south.
- The neighborhood is a mixture of residential, commercial and public uses and the preexisting multiple uses of this neighborhood should be taken into consideration.
- At the Public Hearing, Morris King, 1604 Grand Avenue, Grand Lake, CO, stated that as the owner of three of these lots he has had prospective buyers look at the vacant lots. He stated that he felt that this would be a decrease in the allowable uses. Additionally, he

commented that the change in the zone would negatively affect those two parcels that were commercially developed.

7. Grand Lake Estates 2nd Filing Block 13, Lot 1 (*Currently Zoned – Commercial District/Proposed – Public District*).
 - This parcel is the Grand Lake Area Fire Protection District's facility. It has been developed as a firehouse which is a Use by Right in the Public District.
 - No public comments were taken at the Planning Commission Public Hearing.

8. Grand Lake Estates 2nd Filing Block 11, Lot 4-6 and Allmacher Subdivision Exemption Lot 7 (*Currently Zoned – Commercial District/Proposed – Public District*).
 - This parcel is the property on which the Grand Lake Post Office is located. While the Post Office is situated on this parcel, the USPS does not own the parcel; the parcel is privately owned and leased to the USPS.
 - If the parcel would be rezoned, the Post Office may be considered a Use by Right in that the use is not of greater intensity than that of other Commercial enterprises.
 - No public comments were taken at the Planning Commission Public Hearing.

9. North 30' Lots 1-4, Block 27, Town of Grand Lake (*Currently Zoned – Commercial District/ Proposed – Open Space District*).
 - This parcel is owned by Grand County Board of County Commissioners. The parcel is comprised of deposits of glacial moraine. The parcel has unsteady soils and a steep slope leaving it undevelopable. The Town will be working with the County to stabilize this parcel.
 - No public comments were taken at the Planning Commission Public Hearing.
 - Since the time of the Planning Commission Public Hearing, the Grand County Board of County Commissioners has been approached by a third party to potentially purchase this land from the County. Staff brought this matter to the Planning Commission at the time of consideration of the Planning Commission advisory Report; the PC has made the recommendation that the BOT postpone consideration of rezoning of this property until the potential property transfer has occurred.

10. Pt. Lot 8, SEC6 T3N R75 – a/k/a: Living Word Christian Fellowship (*Currently Zoned – Open/Proposed – Residential Estate District*).
 - This parcel of land was proposed for rezoning in 2008. As the Board may remember, members of the congregation advised the Town that they would prefer to not be rezoned to the Public District as they felt

that this could limit the potential for resale of this parcel. At that time, Living Word requested that the Town consider rezoning this property "Residential Estate" as it would be consistent with how the property has been developed, ensuring low density in this area. The request for consideration was adopted by the Town with the passing of Ordinance No. 18-2008.

- If the parcel was rezoned, the church would not be non-conforming as churches may be considered as a Conditional Use in the Residential Estate District.
- No public comments were taken at the Planning Commission Public Hearing.

11. Grand Lake Estates 2nd Filing Block 13, Lot 2 Less .06 AC Tract at REC #9600 7805 PLUS .061 AC Vacated Portion of Sailboat Lane DES as Parcel A at REC # 9600 7804 NE4 S6 T3N R75W (*Currently Zoned – Open/Proposed – Resort District*).

- This parcel is the Grand Lake Estates Homeowners Association's Marina. A marina is a Use by Right in only the Resort District in Grand Lake.
- No public comments were taken at the Planning Commission Public Hearing.
- Electronic comments were received just prior to memo development from Deanna Inmann, with GLEHOA. She noted that while the Resort District allows for commercial marinas, the GLEHOA's private marina would not be a Use-by-Right. She indicated that their attorney suggested the Town look into modifying the uses permitted, either by right or conditional, to allow for private marinas.

12. Grand Lake Estates 2nd Filing 2.0 AC Sewer Plant Site SW4NE4 SEC6 T3N R75 (*Currently Zoned – Open/Proposed – Public District*).

- This parcel was deeded to the Town of Grand Lake to be used for general recreational purposes and meetings for public or non-profit organizations. The property is currently comprised of the Municipal Public Works shop and Winters Pioneer Park. Both of these uses are considered a Use by Right in the Public District.
- No public comments were taken at the Planning Commission Public Hearing.

13. Town of Grand Lake Block 28 the North Part of Lots 1-5 NE4 SEC6 T3N R75 (*Currently Zoned – Open/Proposed – Open Space District*).

- This parcel is also owned by the Board of County Commissioners. This parcel is adjacent to the Town's Grand Avenue Right of Way. The space is currently partially utilized as landscaping and property access to the private property owners who are adjacent to this parcel.
- No public comments were taken at the Planning Commission Public Hearing.

14. Town of Grand Lake that part of Lot 14-16 lying South of Tunnel Road, Block 29 NE4 SEC6 T3N – a/k/a: Triangle Park (*Currently Zoned – Open/Proposed – Open Space District*).
 - This parcel is also owned by the Board of County Commissioners and has been utilized as parkland. Parks are a Use by Right in the Open Space District.
 - No public comments were taken at the Planning Commission Public Hearing.

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 in 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.

Staff Recommendation and Board of Trustees Action

This meeting is a “quasi-judicial” hearing and staff does not necessarily make recommendation on the proposed rezoning. The Board should open this matter for a Public Hearing and take public comments, regarding one parcel at a time. After the individual has made comment, the Board should ask any applicable questions with the following Trustees abstaining from any discussion on the following parcels:

RECORD OF PROCEEDINGS

Trustee Johnson:

9. North 30' Lots 1-4, Block 27, Town of Grand Lake (*Currently Zoned – Commercial District/Proposed – Open Space District*).

Trustee Lewis:

6. Grand Lake Estates 2nd Filing Block 12, Lots 7-11 (*Currently Zoned – Commercial District/ Proposed – Multiple Family Residential High Density District*).
12. Grand Lake Estates 2nd Filing 2.0 AC Sewer Plant Site SW4NE4 SEC6 T3N R75 (*Currently Zoned – Open/Proposed – Public District*).

Trustee Weydert (at his request, due to potential conflict):

7. Grand Lake Estates 2nd Filing Block 13, Lot 1 (*Currently Zoned – Commercial District/ Proposed – Public District*).

After all comments have been heard, the Board should close the Public Hearing portion of the meeting and discuss this matter. While staff has drafted Ordinance No. 27-2009 as per the recommendation of the Planning Commission, the Board does have the following options in making a motion:

The Board may move to:

A) Continue the Public Hearing to gather additional information and direct staff to bring Ordinance No. 27-2009 back for consideration at the July 13th Board meeting; OR

B) Approve Ordinance No. 27-2009 listing specific conditions that have been discussed amongst the Board throughout the duration of the meeting; OR

C) Approve Ordinance No. 27-2009: *AN ORDINANCE RECOMMENDING CERTAIN PROPERTIES BE REZONED, CERTAIN PROPERTIES NOT BE REZONED IN CONFORMANCE WITH THE 2006 COMPREHENSIVE LAND USE PLAN AND THAT THE COMPREHENSIVE LAND USE PLAN, THE OFFICIAL ZONING MAP AND MUNICIPAL CODE OF THE TOWN OF GRAND LAKE BE MODIFIED TO REFLECT THIS DECISION.*

Mayor Burke opened the meeting for public comment on each of the parcels.

- Parcel 1. No comments.
- Parcel 2. No comments.
- Parcel 3. No comments.
- Parcel 4. No comments.
- Parcel 5. No comments.
- Parcel 6. No comments.
- Parcel 7. No comments.
- Parcel 8. No comments.

Parcel 9. Although the Planning Commission made the recommendation to postpone consideration of rezoning this property until the potential property transfer has occurred, there were no comments.

Parcel 10. No comments.

Parcel 11. No comments.

Parcel 12. No comments.

Parcel 13. No comments.

Parcel 14. No comments.

Mayor Burke then closed the Public Hearing and turned the matter over to the Board.

Trustee Peterson made the comment that Parcels 3, 4, 6 and 11 be looked at since they are the only parcels that written comments were made on.

Town Planner Wittman stated that per the Planning Commission's recommendation, Ordinance No. 27-2009 was drafted to rezone Parcel 3, not rezone Parcel 4, not rezone Parcel 6 and rezone Parcel 11 with the condition that the conditional uses of the Resort District be amended to allow for private marinas.

Following further discussion, Trustee Peterson moved to approve Ordinance No. 27-2009, an Ordinance Recommending Certain Properties be Rezoned, Certain Properties Not be Rezoned in Conformance With the 2006 Comprehensive Land Use Plan and That the Comprehensive Land Use Plan the Official Zoning Map and Municipal Code of the Town of Grand Lake be Modified to Reflect This Decision. Trustee Lewis seconded the motion and all Trustees voted aye.

OLD BUSINESS:

CONSIDERATION OF DRAFT ORDINANCE NO. XX-2009, AN ORDINANCE AMENDING THE TOWN OF GRAND LAKE MUNICIPAL CODE CHAPTER 7, ARTICLE 8, SECTION 3 ADDITIONS OR MODIFICATIONS. THE ORDINANCE WILL ALLOW FOR THE USE OF ELECTRIC POWERED GOLF CARTS UPON TOWN ROADWAYS – Mayor Burke asked Town Code Enforcement Officer Korkowski to present this matter to the Board. Korkowski explained that at the meeting held on June 8, 2009 the Board directed Town staff to draft an ordinance allowing for the use of electric powered golf carts upon Town roadways. Draft Ordinance xx-2009 amends 7-8-3 by modifying Model Traffic Code 109.5. The authority for amending this comes from CRS 42-4-111. Golf carts are not considered an “off-highway vehicle” by CRS 33-14.5-101 and are specifically listed as such. Golf carts are also not a “motorized bicycle”, “toy vehicle”, or “similar vehicle” by definition in CRS 42-4-109. Electric golf carts come closest to the definition of a “neighborhood electric vehicle” in CRS 42-4-109.5, although this type of vehicle, when it becomes effective August 6, 2009, must comply with all of the applicable equipment requirements in CRS 42-4-200 series which most golf carts don't meet. Other

jurisdictions have allowed for the limited use of golf carts on specific roadways. The Grand County Sheriff's Department has reviewed the draft ordinance and does not support the ordinance as it currently is written. The issues Sheriff Johnson raises are:

1. He questions whether the Town actually has the authority to allow electric golf carts on public streets.
2. Defining what a "golf cart" actually is.
3. What equipment would be necessary to safely operate the golf cart?
4. Would a driver need a driver's license and would the vehicle need to be registered?
5. What is the maximum speed of a golf cart?
6. What would prevent someone from renting golf carts as "sightseeing vehicles"?

Since the Grand County Sheriff's Department is the enforcement entity for the Town and would know the benefits and pitfalls of allowing golf carts on the roadways, staff would defer to their recommendation of not adopting the proposed ordinance. The Board does not have to hold a Public Hearing on this matter, but may elect to hold one. If the Board decides to hold a Public Hearing, then staff recommends the Public Hearing be set for July 27, 2009. Staff recommends the Board take public comment, discuss the ordinance, and then take what action they deem appropriate.

Mayor Burke then asked for public comment.

Robert Canon, 516 Park Avenue, was recognized from the audience. He said that he concurs with the Grand Count Sheriff's Department's issues. He said if the Town would allow golf carts then why not allow ATV's?

Marv Fischer, 504 Park Avenue, said that he agrees with Robert Canon. He said that he is very opposed to bringing a low profile vehicle onto Town streets during a very busy time of the year. Allowing golf carts and snowmobiles is a very different situation.

Having no other comments, Mayor Burke turned the matter over to the Board of Trustees.

Trustee Peterson moved to deny Ordinance No.xx-2009, an Ordinance Amending the Town of Grand Lake Municipal Code Chapter 7, Article 8, Section 3 Additions or Modification. Trustee Lewis seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF A CHANGE/ADDITION TO A SUBDIVISION SIGN OWNED BY RAVENWOOD TOWNHOMES – Mayor Burke asked Town Code Enforcement Officer Korkowski to present this matter to the Board. Korkowski explained that Charles Wahlen, the registered agent of the owner of Ravenwood Townhomes located at 500, 504, and 508 Ravenwood Circle, has requested a change to the subdivision sign which is located on the north side of the complex along Grand Avenue. The change he is requesting is to place a sign post just east of the current sign and attach a cross member over

the existing sign. This devise would then have a sign hanging down directly above the existing subdivision sign and a "vacancy" sign hanging east of the proposed post. The new sign above the existing sign would advertise the units in the complex for vacation rentals. While this change does somewhat involve the existing subdivision sign, staff believes the new signage requested is not a "subdivision" sign, but a "sign advertising for rent", which is described under Municipal Code 6-2-1(D)(6). This part of the code limits the size of the sign to six (6) square feet. The size of the proposed signage is 6'Wx3'H (18 square feet), not including the vacancy sign, which is greater than the allowed six (6) square feet. The proposed new sign also advertises for nightly rentals. Ten of the eleven units have Nightly Rental Licenses already issued, and one of the requirements for obtaining the license is to adhere to the Sign Code. The proposed signage does not meet sign code requirements. Additionally, the placement of the proposed signage is in the Town's right-of-way. Ravenwood Townhomes does have an existing encroachment license for the rock retaining wall and the current subdivision sign was approved in the Town right of way by acceptance of the recorded "As-Built" plat for the subdivision.

The decisions facing the Board are:

1. Is the proposed sign a modification of the subdivision sign, and, if so, is the Board favorable to approving the modification and granting a new encroachment license for it?
2. If the sign is not a modification, does the Board want to grant a waiver to the Sign Code and Nightly Rental License Code for the proposed sign as a "sign advertising for rent"?
3. If the Board is favorable to the waiver in question 2, is the Board favorable to granting an encroachment license for the sign in the right-of-way?

If the Board decides they are favorable to granting an encroachment license, staff will prepare the appropriate paperwork and present it for formal action at the next available Board meeting. Staff does not recommend approval of the sign as a modification of the subdivision sign due to it being a completely separate sign and for the reasons listed above. Staff recommends the Board take public comment, discuss the matter, and then take what action they deem appropriate.

Mike Banton, P. O. Box 424, Grand Lake, CO, was recognized from the audience representing Charles Wahlen. He said that they have taken the temporary signs down. Following discussion, Banton agreed to put a sign on the property not to exceed 6 square feet.

NEW BUSINESS:

CONSIDERATION OF AN INFORMATIONAL SIGN TO BE PLACED ON LOTS 6-8, BLOCK 12, TOWN OF GRAND LAKE, A/K/A 404 VINE STREET FOR THE ROCKY MOUNTAIN REPERTORY THEATRE – Mayor Burke asked Town Code Enforcement Officer Korkowski to present this matter to the Board. Korkowski explained that Chad Scott of the Rocky Mountain Repertory Theatre has requested the Board to consider allowing the Theatre to place an informational sign on their property located at Block 12, Lots 6-8 commonly referred to as 404 Vine Street. Since their proposed

project is a use by right, there will not be a public hearing on the building permit application. The "site informational sign" does state this sign can only be erected after the first public hearing, which is more geared to a land use action. The proposed sign does not fit the definition of a "business sign" as it lists other contractors involved in the project. Removal of the contractors' information would then make this sign a "business sign" which would meet code and be approved by staff. The proposed sign does fit the definition of a "site informational sign", but the issue of this project not requiring a public hearing does not establish a time frame this type of sign can be erected. Staff would like direction from the Board as to when a "site informational sign" can be erected if there is to be no public hearing or if a commercial project which is a use by right can only have a "project sign" which can be placed after a building permit is issued. Staff recommends the Board take public comment, discuss the matter, and then take what action they deem appropriate on this sign request. He noted that Chad Scott was present.

Mayor Burke asked for public comment.

Marv Fischer, 504 Park Avenue, was recognized from the audience. He said that the sign is attractive and is in favor of it. He said that the Town needs to be careful to not set a dangerous precedent.

Following a brief presentation by Chad Scott, Trustee Peterson moved to approve an informational sign to be placed on Lots 6-8, Block 12, Town of Grand Lake, a/k/a 404 Vine Street for the Rocky Mountain Repertory Theatre.

NEW BUSINESS:

CONSIDERATION OF RESOLUTION NO. 14-2009, A RESOLUTION REPEALING AND REPLACING RESOLUTION NO. 13-2009, A RESOLUTION GRANTING A LICENSE FOR THE ENCROACHMENT INTO THE PUBLIC RIGHT-OF-WAY OF CERTAIN IMPROVEMENTS LOCATED ADJACENT TO LOTS 9-11, BLOCK 11, TOWN OF GRAND LAKE – Mayor Burke asked Town Planner Wittman to present this matter to the Board. Wittman explained that on June 8th, the Town Board of Trustees moved to approved Resolution No. 13-2009. Upon the Town's receipt of a signed Indemnification Agreement, staff realized an error was made on the resolution and staff is seeking guidance from the Board as to how to proceed with this matter prior to the signing of Resolution No. 13-2009. In Section 6 of the resolution, it indicates that the \$100 license fee would be waived due to the fact that this was a non-profit organization. Staff used a template from a prior Encroachment License Resolution. As a reminder, the Town charges the applicant a \$100 fee upon approval of an Encroachment License. As this is an error, staff is proposing that the Board approve a new resolution that will repeal and replace Resolution No. 13-2009. Draft Resolution No. 14-2009 is being presented for the Board's consideration. Resolution No. 14-2009 repeals and replaces Resolution No. 13-2009. Section 6 in the new resolution indicates the agreed amount of \$100. Staff would like Board's direction to see if the Board is favorable to waiving

this fee or if the \$100 Encroachment License fee will be applicable prior to the signing of the new resolution. Typically staff would not suggest a waiving of the fee but since the work was directed by Public Works staff without an Encroachment License, the fee for an Encroachment License was never mentioned to representatives and the work performed by Eagle's Landing has not only beautified this public space but has also created an additional 125 square feet of snow storage for the Town of Grand Lake, staff is suggesting that the Board consider waiving this fee. Staff has discussed this matter with Ms. Dot Weber, Eagle's Landing HOA President. Ms. Weber did indicate that she would appreciate the Town's request as the improvements in this location are a direct benefit to the Town at a considerable cost to the HOA. The Board should discuss this matter. Once all discussion has taken place, the Board should move to:

a) Approve Resolution No. 14-2009: *A Resolution repealing and replacing Resolution No. 13-2009: A Resolution Granting a License for the Encroachment into the Public Right-Of-Way of Certain Improvements Located Adjacent to Lots 9-11, Block 11, Town of Grand Lake.*

-OR-

b) Approve Resolution No. 14-2009: *A Resolution repealing and replacing Resolution No. 13-2009: A Resolution Granting a License for the Encroachment into the Public Right-Of-Way of Certain Improvements Located Adjacent to Lots 9-11, Block 11, Town of Grand Lake* with the condition that Town staff alter Section 6 of the Resolution to indicate a waiver of the \$100 license fee to be paid by the Grantee citing specific reason(s) for the waiver.

Trustee Peterson moved to adopt Resolution No. 14-2009, a Resolution Repealing and Replacing No. 13-2009: A Resolution Granting a License for the Encroachment Into the Public Right-of-Way of Certain Improvements Located Adjacent to Lots 9-11, Block 11, Town of Grand Lake whereby the Town is waiving the \$100.00 fee due to the fact that Eagle's Landing was under the impression that they had obtained approval from the Town's Public Works Department. Trustee Lewis seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF RESOLUTION NO. 16-2009, A RESOLUTION ADDRESSING THE NORTH 30' OF LOTS 1-4, BLOCK 27 (A/K/A THE GLACIAL MORaine) OF THE TOWN OF GRAND LAKE – Mayor Burke asked Town Planner Wittman to present this matter to the Board. Wittman explained that at the last two long-range planning retreats, Town staff has stated that staff will be working with the Grand County Board of County Commissioners regarding the stabilization of the glacial moraine located at the intersection of Grand and Jefferson – extending to the Ravenwood Subdivision, the North 30' of Lots 1-4, Block 27. It has been the expressed desire of members of the staff of Grand County to give this parcel to the Town

of Grand Lake. On June 5, 2009, staff met with representatives of Grand County as well as the Colorado Geological Survey to discuss options for the stabilization of this slope. Staff was slated to bring this matter to the Town Board for discussion when approached by Mr. Todd Hammerlund with ATH Specialties. Mr. Hammerlund has entered into a contract for the purchase of Lots 1 and 2 in Block 27. Mr. Hammerlund was approaching the Town about "cleaning up" the glacial moraine for the Town. After discussion, Mr. Hammerlund learned that the parcel was not owned by the Town. Wittman said that she directed him to contact the Board of County Commissioners (BOCC). On June 16, staff attended the BOCC board meeting when this item was presented to the BOCC. The BOCC would like input from the Town Board prior to entering into any agreements for this parcel as the discussions have been for the BOCC to give the land to the Town. She indicated that while staff had not discussed this matter with the Town Board, staff did not feel like the Town of Grand Lake had an interest in acquiring the property and we are not concerned with how the property is stabilized, or who it is stabilized by, but that this was the Town's only concern when it came to this parcel. While Mr. Hammerlund is seeking to purchase Lots 1 and 2 of Block 27, Lots 3 and 4 of the same block are currently owned by Ms. Marsha Wahlen of Aurora, CO. As indicated on Exhibit A of the Resolution, the BOCC's parcel spans all four (4) lots either owned by Ms. Wahlen or under contract by Mr. Hammerlund. It was the expressed interest of the BOCC that merely "cleaning up" half of the BOCC's lot may not be sufficient for stabilization of this parcel. Mr. Hammerlund told the BOCC that he would be willing to stabilize that portion of Lots 3 and 4 in front of the Wahlen lots by terracing those lots. After determination of how the county acquired the property, the County seemed receptive to a proposal for purchase from Mr. Hammerlund so long as the Town of Grand Lake Board was receptive to this. The Board should discuss this matter with staff. Wittman said that one item that was brought to her attention is that the BOCC should allow Ms. Wahlen the first right of refusal of the lands that are located directly in front of Lots 3 and 4. She is not too sure that this is a matter that the Town of Grand Lake Board will want to comment on. The Board may want to discuss this matter. Staff has drafted the attached draft Resolution No. 16-2009 indicating the perspective of Town staff. The Resolution states that the Town is favorable to the third party sale if the third party obtains approval for an engineered stabilization plan from the Town prior to the transfer of the property. This will ensure that when the property is sold to the third party that the risks to the safety and welfare of persons and public property are addressed by the Town and the County. Staff believes that this would be a win-win situation for all parties involved. If the Board is in agreement with staff, then the Board should move to approve Resolution No. 16-2009: *A Resolution Addressing the North 30' of Lots 1-4, Block 27 (a/k/a the Glacial Moraine) of the Town of Grand Lake* listing any conditions, if applicable and direct staff to forward this Resolution on to the BOCC. If the Board is not in agreement with staff, then the Board should either:

a) direct staff to alter Resolution No. 16-2009 in the ways and means that the Board deems necessary, then move to approve the modified Resolution No. 16-2009 and direct staff to forward this Resolution on to the BOCC; or

b) move to deny Resolution No. 16-2009 and to direct staff to forward this resolution on to the BOCC providing direction to the BOCC as to why the Town is not in favor of the action, applicable suggestions to the BOCC as well as identify ways that the Town would be willing to work with the BOCC in achieving stabilization of this parcel. She noted that Todd Hammerlund was present.

Trustee Lanzi stated that he was in favor of the County turning the property over to the Town.

Trustee Lewis moved to adopt Resolution No. 16-2009, a Resolution Addressing the North 30' of Lots 1-4, Block 27 (A/K/A the Glacial Moraine) of the Town of Grand Lake seconded by Trustee Peterson. All Trustees voted aye except Trustee Lanzi, who voted nay. Motion carried.

NEW BUSINESS:

CONSIDERATION OF RESOLUTION NO. 15-2009, A RESOLUTION SUPPORTING THE UNITED STATES CENSUS BUREAU'S DESIRE TO CONDUCT A COMPLETE AND ACCURATE COUNT OF ALL OF THE TOWN OF GRAND LAKE'S RESIDENTS AS OF APRIL 1, 2010 – Mayor Burke asked Town Planner Wittman to present this matter to the Board. Wittman explained that the Town of Grand Lake has been approached by representatives of the Census 2010 program in regards to the Town's official acknowledgement to be a partner with the U.S. Census Bureau in determining a true and accurate count of the full-time residents of our community. The commitment to be a partner of the Census Bureau will commit the Town to assisting the U.S. Census Bureau in various ways so that every person is counted. Some of the activities that staff is aware that they can commit to are:

- Using 2010 Census drop-in articles, messages and logos in newsletters, mailings, and other in-house communications (e-mail, web, etc.); and
- Appoint a liaison to work with the Census Bureau; and
- Encourage employees and constituents to complete and mail their questionnaire; and
- Provide space to test new applicants, train new employees, etc.; and
- Use and distribute educational materials.

Draft Resolution No. 15-2009 indicates the Town's commitment to being a partner for the 2010 Census. The Board should discuss this matter. After discussion, the board may move to approve – OR – deny Resolution No. 15-2009.

Trustee Lewis moved to adopt Resolution No. 15-2009, a Resolution Supporting the United States Census Bureau's Desire to Conduct a Complete

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and Accurate Count of All of the Town of Grand Lake's Residents as of April 1, 2010. Trustee Peterson seconded the motion and all Trustees voted aye.

NEW BUSINESS:

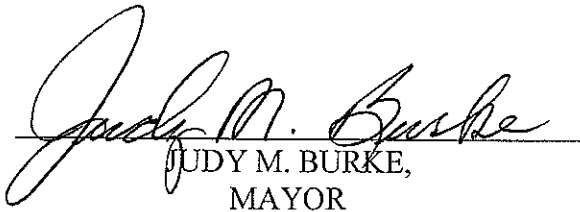
CONSIDERATION TO AUTHORIZE THE TOWN MANAGER TO SIGN AN INVESTMENT BANKING AGREEMENT BETWEEN THE TOWN OF GRAND LAKE AND STIFEL NICOLAUS & COMPANY – Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that at the Tuesday, June 9th special workshop to interview investment bankers, the unanimous consent was to offer the contract to Stifel Nicolaus & Co. Staff has contacted the three firms that the Town interviewed and forwarded the Town's thanks for every effort, as well as the good and bad news respectively. At Staff's direction and in part by their own initiative, the crew at Stifel is already researching the reissue of debt. For the Town's part, staff has sent them three years of audit information, our budget and our sales tax receipts year-over-year to date. In short, with increasing interest rates, everyone is working hard to help reduce the debt of the Town. The agreement has been signed by Troy Bernberg, a Vice-President with Stifel, and the Town's primary contact. The staff recommendation is for the Board to authorize the Town Manager to sign the Investment Banking Agreement between the Town and Stifel Nicolaus & Company.

Trustee Lewis moved to authorize the Town Manager to sign the Investment Banking Agreement between the Town and Stifel Nicolaus & Company with changes to Sections 2 and 3 as indicated in the table setting provided. Trustee Peterson seconded the motion and all Trustees voted aye.

CITIZEN PARTICIPATION:

ADJOURNMENT:

Trustee Lewis moved to adjourn, seconded by Trustee Peterson. All Trustees voted aye, and the meeting was adjourned at 9:11 p.m., June 22, 2009.


JUDY M. BURKE,
MAYOR

ATTEST: 
RONDA KOLINSKE, CMC,
TOWN CLERK