

REGULAR MEETING
TOWN OF GRAND LAKE BOARD OF TRUSTEES
MONDAY, MAY 12, 2008 7:30 P.M.

CALL TO ORDER:

The regular meeting of the Board of Trustees was called to order by Mayor Pro-Tem Aron Rhone at 7:36 p.m. at the Town Hall, 1026 Park Avenue.

PRESENT:

Mayor Pro-Tem Rhone; Trustees Johnson, Lewis, Peterson, and Weydert; Town Manager Hale, Town Clerk Kolinske and Town Planner Wittman.

ABSENT:

Trustee Lanzi.

APPROVAL OF MINUTES

April 28, 2008:

Trustee Peterson moved to approve the minutes of the April 28, 2008 regular meeting as written, seconded by Trustee Weydert. All Trustees voted aye except Trustees Lewis and Rhone, who abstained.

ANNOUNCEMENTS:

Mayor Pro-Tem Rhone announced that it would be appreciated if cell phones were turned off during the meeting.

Mayor Pro-Tem Rhone announced that the Town of Grand Lake is seeking volunteers for "Clean Up Day" on May 16th from 9 – Noon. A picnic lunch will be provided. Call 627-3435 to volunteer and help beautify our Town.

Mayor Pro-Tem Rhone announced that the Flowering of Grand Lake will host the 20th Annual Gardener's Exchange on Saturday, May 17 from Noon – 4 p.m. in the Community House.

Mayor Pro-Tem Rhone announced that the Town of Grand Lake will celebrate Arbor Day on May 19 with a ceremony beginning at 10:00 a.m. at the Grand Lake Elementary School. There will be a "tree give away" from 1 – 4 p.m. in the Town Park.

Mayor Pro-Tem Rhone announced that "Rude Awakening" will be held on Tuesday, May 20 at the Daven Haven Lodge beginning at 7:00 p.m.

Mayor Pro-Tem Rhone announced that Friends of the Grand County Library will hold its 17th Annual Progressive Dinner for the Juniper Library on Wednesday, May 28.

Mayor Pro-Tem Rhone announced that Memorial Day weekend celebrations will include a parade, observance, sidewalk sales, and an antique and collectibles auction.

Mayor Pro-Tem Rhone announced that the Board of Trustees' second May meeting will be held on Tuesday, May 27, 2008 due to the Memorial Day Holiday.

Mayor Pro-Tem Rhone then announced that the Town was saddened to learn of the death of Barbara McCook, a long time resident and friend of Grand Lake. Our thoughts and prayers go out to her family in this difficult time.

PRESENTATIONS:

GRAND COUNTY COMMISSIONERS - Mayor Pro-Tem Rhone welcomed Grand County Commissioners; Gary Bumgarner, James Newberry, and Nancy Stuart. Nancy Stuart, the Commissioner representing Grand Lake's District, began by saying that RFP's for recycling and transfer stations are being reviewed. Waste Connections and Waste Management are being considered. She said that the new Judicial Building is beginning to take shape. "It is on time and on money." Notices will be going out with the date and time of dedication. She noted that Road and Bridge will begin applying magnesium chloride to County maintained roads starting at the west end of the County. She stated that the County, in cooperation with Mountain Parks Electric, will begin to remove trees within the County road right-of-ways starting with the most heavily traveled roads first. She said that the runway at the airport in Granby will be repaved with the help of State grant funds. The County will continue to oversee the food service for Grand County Council on Aging. They are still struggling financially; however, the program is beginning to come back. She stated that they have completed Phase II of the Stream Management Plan that determined which water ways are in need of help. She noted that the Commissioners have had meetings with Northern Colorado Water Conservancy District (Northern) and Northern is going to try different ways of pumping water this year. Denver Water and Northern are both about 45 days behind on the Firming Project but are hoping to have it out by the end of this summer. She concluded by saying that Grand County is in the process of updating its Master Plan.

Commissioner Newberry then updated the Board on the mold issue at Fox Run, the County landfill and maintenance of the Headwaters Trails Alliance trails.

Having no questions or further comments, Mayor Pro-Tem Rhone thanked the Commissioners for their time and for coming to this evening's meeting.

At 8:16 p.m. Trustee Johnson excused himself and left the room.

LIQUOR LICENSING AUTHORITY: **CONSIDERATION OF A SPECIAL EVENTS PERMIT APPLICATION FROM THE FRIENDS OF THE LIBRARY FOR THE "TOPS OF THE ROCKIES" FUNDRAISING EVENT** - Mayor Pro-Tem Rhone asked Town Clerk Kolinske to present this matter to the

Board. Kolinske explained that this request is for the "Tops of the Rockies" fundraising event to be held at the Grand Lake Yacht Club, 1128 Lake Avenue on Friday, June 27, 2008. 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 May 27 Board Meeting as a regular item of business or as a Public Hearing. Kolinske noted that Ann Feucht, Representative of The Friends of the Library, was present.

Trustee Peterson moved to act on this request as a regular item of business at the May 27, 2008 Board Meeting. Trustee Weydert seconded the motion, and all Trustees voted aye.

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF A SPECIAL EVENTS PERMIT APPLICATION FROM CHILI APPRECIATION SOCIETY INTERNATIONAL FOR THE 25TH ANNUAL COLORADO STATE CHILI COOK OFF – Town Clerk Kolinske noted for the record that this matter has been removed from this evenings agenda.

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF RENEWAL OF THE HOTEL AND RESTAURANT LIQUOR LICENSE FOR RAYMOND AND JULIA BLANCHARD, D/B/A THE TERRACE INN - Mayor Pro-Tem Rhone 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 Julia Blanchard, Owner, was present.

Trustee Lewis moved to approve the renewal of the Hotel and Restaurant Liquor License for Raymond and Julia Blanchard, d/b/a The Terrace Inn. Trustee Weydert seconded the motion and all Trustees voted aye.

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF RENEWAL OF THE TAVERN LIQUOR LICENSE FOR GATEWAY INN, INC., D/B/A GATEWAY INN – Mayor Pro-Tem Rhone 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 Tom Jenkins, Vice President/Secretary, was present.

Trustee Peterson moved to approve the renewal of the Tavern Liquor License for Gateway Inn, Inc., d/b/a Gateway Inn. Trustee Weydert seconded the motion and all Trustees voted aye.

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF RENEWAL OF THE HOTEL AND RESTAURANT LIQUOR LICENSE FOR BURNT BONE, INC., D/B/A SAGEBRUSH BARBECUE & GRILL - Mayor Pro-Tem Rhone 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 Bob Freeman, President, was present.

Trustee Peterson moved to approve the renewal of the Hotel and Restaurant Liquor License for Burnt Bone, Inc., d/b/a Sagebrush Barbeque & Grill. Trustee Lewis seconded the motion and all Trustees voted aye.

At 8:25 p.m. Trustee Johnson resumed his seat.

OLD BUSINESS:

PUBLIC HEARING – CONSIDERATION OF AMENDMENTS TO ZONING, CHAPTER 12, ARTICLE 2, AND SUBDIVISION, CHAPTER 12, ARTICLE 6, REGULATIONS OF THE TOWN OF GRAND LAKE – Mayor Pro-Tem Rhone asked Town Planner Wittman to present this matter to the Board. Wittman explained that according to the Town of Grand Lake's Comprehensive Land Use Plan, adopted January of 2006, "The Town's current zoning code is somewhat inaccurate and inconsistent. Although the code has been amended...it has evolved into a piecemeal document that can be very challenging to administer." She presented two draft ordinances to the Board. One pertaining to Chapter 12-2, *Zoning Regulations*, and the other pertaining to Chapter 12-6, *Subdivision Regulations*, containing changes compiled by both current and former staff. On February 28th, staff presented the proposed changes to the Planning Commission. Notice was published in the Middle Park Times on March 13, 2008 and a Public Meeting was held on April 2, 2008. The Planning Commission provided a favorable recommendation to adopt the proposed ordinances, reflecting the proposed changes to the municipal code sections, *Zoning Regulations* and *Subdivision Regulations*. Since some of the proposed changes significantly affect the code, and how the code is administered, she summarized the changes as follows:

The Open Space definitions, for Chapter's 12-2 and 12-6 are not consistent with one another and often leave a gray area when a development is planning for 'Public' and 'Private' Open Space. Staff is purposing the creation of Open Space (Public) and Open Space (Private) definitions that will serve for both chapters. She said that the Planning Commission suggested allowing for Snow Storage to be accounted for in Open Space areas. Staff is favorable to this concept but would like to propose that this amount of space be no greater than 50% of the total required Open Space and that it may only be counted if the Snow Storage was placed onto

impervious landscaped areas that have been designed to connect to an adequate drainage system. Staff has also included the Planning Commission recommendation to not allow golf courses to be allowed as calculated open space.

Submission Requirements: Staff is proposing that all applications be submitted twenty-one (21) days prior to the next regularly-scheduled Planning Commission meeting. This would allow for a fourteen (14) day staff review time to determine whether or not the application is complete. Incomplete applications will be returned to the applicant and asked to be resubmitted twenty-one (21) days prior to the next regularly scheduled meeting. This allows for adequate time for staff to process the proposals and to make sure that the items that staff presents to the Planning Commission have the necessary requirements. When determining the submission deadlines, staff addressed other municipalities and the county's submission deadlines. Grand County's submission deadline is 28 days. Staff is also recommending that prior to submissions, applicants have a Pre-Application conference, with staff, to outline all necessary requirements for the three-step development process: Sketch Plan, Preliminary Plat and Final Plat (all conducted with the Planning Commission). This conference would better prepare the applicant with the requirements for submission(s) as well as potentially alleviate some of the excess meetings that can occur later in the development process. Staff is proposing that at the time of Preliminary Submittal, for both Planned Developments and Subdivisions, the developer submit twenty (20) copies of the materials so that there is an adequate number of copies not only for Planning Commission review but also for applicable agencies that staff asks for comment from as well as members of the general public. Staff is proposing that the submitted drawn materials, for all major developments (Subdivisions and Planned Developments), also be submitted electronically so that staff is better able to present the proposal to the Planning Commission and the Board of Trustees. Electronic materials will be required at all phases of the development process.

She said that staff in many cases has defined which is the governing body over various actions. Inconsistency occurs when it comes to various Commissions and Board, for example: the Planning Commission and the Grand County Board of Commissioners, the Board of Trustees and the Board of Adjustment, etc. Staff is also proposing many changes throughout both documents that update section numbers, where applicable. Often the Town has adopted new regulations and when a section is referenced throughout the document, the updated section numbers were not often addressed.

Wittman then summarized the following proposed changes to Chapter 12-2, Zoning Regulations:

Conditional Uses: Staff is proposing that the Zones that currently allow for 'Electric substations and gas regulator stations' as conditional uses to be changed to *Public Utilities*.

Nightly Rentals: Staff is proposing that the Zones that allow for Nightly Rentals as a permitted Use by Right, also include the statement: "...will be treated as a conditional use when an objection has been raised as to the use by right. Please refer to Section 12-2-31 (B)" when the Nightly Rental is listed under Conditional Use. This would eliminate questioning of those that look to the code and see that Nightly Rentals are listed under both categories.

CT and C District: Proposed changes reflect mixed-used developments, allowing for commercial on the main floor and residential on the upper floor(s), which is already permitted so long as the first 50' of the lot on the main story is commercial space. This change was approved, by the Planning Commission some time ago but our code was not changed to reflect the approved permitted use(s).

C District: Staff is proposing removing the *Special Use Permit* section from the C District and placing it into a section which outlines all Special and Conditional Use Regulations, eliminating the confusion of which type of permit is necessary for certain activities. Please see *Special and Conditional Use Regulations*.

Existing Supplemental Regulations: Staff's largest proposal comes in the break-up of the current *Supplemental Regulations*. In many circumstances, whenever something new was adopted into the *Zoning Regulations*, the Town would insert it into this section, which has led to great confusion when trying to understand the exact requirements for different types of projects. Information in this section was divided into the following newly-developed sections:

Regulations for Mixed-Use Developments
Supplemental Regulations for Setbacks, Height and Area
Off-Street Parking Regulations
Shoreland Regulations
Special and Conditional Use Regulations
Non-Conforming Uses and Structures

All other sections of *Supplemental Regulations* were dispersed throughout the rest of the chapter, particularly *Vacations* and *Annexations* which were placed into the *Establishment of Zone Districts* section.

Supplemental Regulations for Setbacks, Height and Area: Staff found the removal of '...and scenery lofts' in the previous planner's files. This was a discussion item that the Planning Commission had when the Lakeside Loft

developer tried to gain roof access by calling it a "scenery loft." Staff is proposing that the word 'theatre' be placed before 'scenery loft' to better clarify the exact intentions of this supplemental height regulation. During the Public Hearing, the Planning Commission took public comment regarding this matter and concluded that the word 'theatre' should be placed before 'scenery loft'.

Also, the code states "A structure presently encroaching into a setback shall be allowed to make additions onto the structure within the boundary line measured from the lot line to the edge of the existing encroachment without seeking a variance from the Board of Adjustment". The Planning Commissioners agreed to put the word 'not' after the word 'shall'.

Special and Conditional Use Regulations: Staff is proposing having two (2) separate types of Special Use Permits (SUP): Commercial or Public SUPs and General SUPs.

She then summarized the following proposed changes to Chapter 12-6, Subdivision Regulations:

Subdivision Preliminary Requirements: Staff is proposing that the drawing requirements for Preliminary Subdivision submittal include elevation drawings. This would better enable the Planning Commission to understand what the structure(s) would look like. The Planning Commission was favorable to this additional submission requirement.

Wittman concluded by saying that should the Board of Trustees see that all of the proposed changes are satisfactory, staff recommends that the Board of Trustees move to adopt Ordinance No. 5-2008 and 6-2008.

Mayor Pro-Tem Rhone then opened the meeting for public comment. Having none, he closed the Public Hearing and turned the matter over to the Board of Trustees.

Following brief discussion, Trustee Weydert moved to adopt Ordinance No. 5-2008, an Ordinance Amending Chapter 12, Article 2, Zoning Regulations, of the Code of the Town of Grand Lake. Trustee Peterson seconded the motion and all Trustees voted aye.

Trustee Weydert then moved to adopt Ordinance No. 6-2008, an Ordinance Amending Chapter 12, Article 6, Subdivision Regulations, of the Code of the Town of Grand Lake. Trustee Peterson seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF RESOLUTION NO. 4-2008, A RESOLUTION ORDERING AND ESTABLISHING A DATE FOR A SPECIAL MUNICIPAL ELECTION FOR MAYOR OF THE TOWN OF

GRAND LAKE, COLORADO - Mayor Pro-Tem Rhone asked Town Clerk Kolinske to present this matter to the Board. Kolinske referred to a memo that Town Attorney Krob addressed to the Board stating that on May 7, 2008, Judge Hoak ruled that two of the electors who participated in the April 1, 2008 Grand Lake municipal election were not eligible to do so. As a result, the judge declared the position of Grand Lake mayor vacant. Under the statutes (Sections 31-4-303 and 31-10-108, C.R.S.), the mayoral vacancy can be filled by the Board of Trustees appointing a mayor or by a special election. In light of the circumstances surrounding this close race, my recommendation is that the Board adopt a resolution setting a special election for the mayor position. She noted that she drafted Resolution No. 4-2008 with election dates of July 1, 2008, July 8, 2008 or September 16, 2008. She explained that according to Section 31-10-108, C.R.S., no special election shall be held within the thirty-two days before or after the date of a primary election which will be held on August 12, 2008. She said that because of the on going investigation of fifty other questionable voters, she did not feel comfortable with establishing a date until she obtained additional information as to when the investigation may be complete. She then made a recommendation to the Board to table consideration of Resolution No. 4-2008 until the next regularly scheduled Board meeting on May 27, 2008.

Following discussion, Trustee Weydert moved to table consideration of Resolution No. 4-2008, a Resolution Ordering and Establishing a Date for a Special Municipal Election for Mayor of the Town of Grand Lake, Colorado until the next regularly scheduled Board meeting on May 27, 2008. Trustee Lewis seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION TO AUTHORIZE THE TOWN MANAGER TO ENTER INTO AN AGREEMENT FOR LANDSCAPING AND GARDENING SERVICES WITH HILLY LAWN FOR THE 2008 SEASON - Mayor Pro-Tem Rhone asked Town Manager Hale to present this matter to the Board. Hale explained that this agreement reflects the budgeted amounts that the Board agreed to when adopting the 2008 budget. He noted that five new landscape areas were added for them to maintain last year, including the boat shop, Crabtree's, Town Square, Kauffman House and the Boulder/Pavilion area directly across the walk from the Kauffman House. Furthermore, based upon information that the Town received in 2007, we now require them to carry appropriate insurance, and divide their contract over six months, versus having them fill in time sheets (like they used to). Finally, instead of playing catch up every few years with huge rate hikes, we've attempted to keep up their rates by allowing an annual cost of living (CoLA) increase, which is directly tied to the staff CoLA set by the Board every budget cycle. This will be the second year of treating them more like pure contract labor versus the hybrid contract labor/Town employee system that had occurred from the inception of this relationship. Last year seemed to work much better from their perspective, and the Town

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and our insurer were very happy with the changes as well. The staff recommendation is for the Board of Trustees to authorize the Town Manager to enter into an Agreement for Landscaping and Gardening Services with Hilly Lawn for the 2008 season.

Following brief discussion, Trustee Peterson moved to authorize the Town Manager to enter into an Agreement for Landscaping and Gardening Services with Hilly Lawn for the 2008 season. Trustee Lewis seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION TO AUTHORIZE THE TOWN MANAGER TO ENTER INTO AN AGREEMENT FOR ARCADE SERVICES WITH GREG BARNES FOR THE 2008 SEASON – Mayor Pro-Tem Rhone asked Town Manager Hale to present this matter to the Board. Hale explained that the Town is beginning its second year as the operators of Headwater's Marina. Greg Barnes had contracted previously with his arcade machines when Sol Vista was the concessionaire in the building, was dismissed for a year when J.R. "operated" the marina, and was brought back last year for our first year as the operator. Our initial agreement contemplated a 40/60 split of the revenues, which was very hard to manage by all accounts. In short, Marina Manager, Jerry Hassoldt couldn't guarantee that he would be available when the machines were emptied (so how do we ensure the 40%), and we were literally paid in quarters, which gave both Jerry and Town Treasurer, Gay Dzinski, very strong arms in transit to the bank, but was more cumbersome than convenient. This year, Jerry has negotiated a flat rate of \$5,500 which will be payable over a five month period. In 2007, we only received \$3,700 with our percentage, so this will be more profitable for the Town, but also much more predictable. Hale said that he is still waiting on the insurance information from Greg and won't sign the agreement until it is addressed; other than that, I think that we're ready to go for 2008. The staff recommendation is for the Board of Trustees to authorize the Town Manager to enter into an Agreement for Arcade Services with Greg Barnes for the 2008 season, once appropriate insurance is provided to the Town.

Trustee Peterson moved to authorize the Town Manager to enter into an Agreement for Arcade Services with Greg Barnes for the 2008 season, once appropriate insurance is provided to the Town. Trustee Weydert seconded the motion and all Trustees voted aye.

ACCOUNTS PAYABLE
April, 2008:

Trustee Peterson moved to examine the Accounts Payable and Prepaid for all Funds for the Town of Grand Lake. Trustee Weydert seconded the motion and all Trustees voted aye. Town Manager Hale noted that there was an addition of \$250.00 payable to Grand County Business Economic Development Association. Trustee Peterson moved to approve the

RECORD OF PROCEEDINGS

Accounts Payable and Prepaid for all Funds for the Town of Grand Lake as amended. Trustee Weydert seconded the motion and all Trustees voted aye.

CITIZEN PARTICIPATION: None.

ADJOURNMENT: Trustee Weydert moved to adjourn, seconded by Trustee Peterson. All Trustees voted aye, and the meeting was adjourned at 8:53 p.m., May 12, 2008.



JOHN A. RHONE,
MAYOR PRO-TEM

ATTEST: 

RONDA KOLINSKE, CMC,
TOWN CLERK