

RECORD OF PROCEEDINGS

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

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

ABSENT: Trustees Lanzi and Rhone.

APPROVAL OF MINUTES

November 9, 2009: Trustee Peterson moved to approve the minutes of the November 9, 2009 regular meeting as written, seconded by Trustee Johnson. All Trustees voted aye except Trustee Lewis, who abstained.

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

Mayor Burke announced that the Olde Fashioned Craft Bazaar, sponsored by the Grand Arts Council, will be held November 27, from 10-5 and November 28, from 10-4, in the Grand Arts Center on Park Avenue.

Mayor Burke announced that the Kauffman House will be hosting an "Open House", November 27 & 28, from 1-4.

Mayor Burke announced that on behalf of the Grand Lake Community, thanks go to Jim and Brenda Schoenherr for the donation of this year's Town Christmas Tree.

Mayor Burke wished everyone a Happy Thanksgiving and announced that Town Hall will be closed Friday, November 27 in celebration of Thanksgiving.

Mayor Burke announced that "Delicious Dishes", a fundraiser for Mountain Family Center will be held December 10 at Daven Haven Lodge from 5 p.m. to 9 p.m.

Mayor Burke congratulated Town Clerk, Ronda Kolinske, on receiving the 2009 CMCA Award, "Outstanding Contributions to a Municipality". This is a great honor, and one that is well deserved for our valued and hard-working Town Clerk.

Mayor Burke then announced that the Annual Tree Lighting Ceremony will be held November 27 in Town Square beginning at 5:00 p.m.

PRESENTATIONS:

Mayor Burke introduced James Shockey, **MEMBER OF THE POST (PARKS, OPEN SPACE AND TRAILS) COMMITTEE**. Shockey noted that he, and the other members of POST, have been working since February identifying the parks and open space throughout Town. They have realized that there are public lands that the general public may not know about such as the gazebo on Grand Lake and the lake access through the Fire Lane off of Cairns Avenue. They thought that with signage that welcomed the public, these areas may be visited more often. Since the 2010 Budget has not been adopted, Shockey, on behalf of the Committee, asked the Board of Trustees for \$2,000.00 as start up money to implement their plan to construct signs. He apologized for not having a written proposal, but said that he and the Committee would come back before the Board with a presentation.

Following discussion, the Board agreed to consider funding POST \$2,000, taking \$1,000 from Headwaters Trails Alliance's (HTA's) proposed contribution.

REPORTS: SALES TAX  
CASH FLOW REPORT  
FOR NOVEMBER 2009:

Mayor Burke asked Town Clerk Kolinske to present the sale tax cash flow report. Kolinske reported that the amount of revenue received in November for the month of September, 2009 is \$96,776. This amount is nearly 11% below what was received through November 2008.

REPORTS: THIRD  
QUARTER SALES TAX  
COLLECTION BY VENDOR  
JULY-SEPT.: 2005-2009:

Town Clerk Kolinske noted that Town Treasurer/Clerk Pro-Tem Dzinski provided a report consisting of the Third Quarter Sales Tax Collection by Vendor report for July-Sept. 2005-2009.

REPORTS: FINANCIAL  
REPORT:

Mayor Burked asked Financial Trustee Peterson to present the Financial Report for October 2009. Peterson reported that General Fund expenditures through the end of October totaled \$1,462,055.28 or 58.3% of budget. He said the Water Fund expenditures for the same period totaled \$297,649.16 or 62.6% of budget and the Marina Fund expenditures totaled \$105,367.87 or 37.1% of budget.

At 7:53 p.m. Trustee Johnson excused himself and left the room.

LIQUOR LICENSING AUTHORITY: PUBLIC HEARING – CONSIDERATION OF APPROVAL FOR SPECIAL EVENTS LIQUOR PERMITS FOR THE GRAND ARTS COUNCIL'S ANNUAL HOLIDAY MELODRAMA - Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske explained that an application for Special Events Liquor Permits has been received, with the appropriate state fee, proof of 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 during their annual holiday melodrama. The requested dates are December 26, 2009 and December 28, 2009 through December 31, 2009 from 5:00 to 10:00 p.m. The proposed location is the Grand Lake Community House at 1025 Grand Avenue. Public notice was posted on the premises on November 11, 2009 and attested to by Grand County Sheriff Deputy Bell. Legal Notice No. 4290578 was published in the Middle Park Times on November 19, 2009. No comments have been received. 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, was present.

Mayor Burke opened the meeting for public comment.

Cathy Walton-Smith, 4931 County Road 41, President of the Arts Council, presented the Board with a proposal (see attached Exhibit A) based on the concerns expressed by the Director of the Arts Council at the Board meeting held November 9, 2009.

Jim Bianco, P. O. Box 469, Treasurer of the Arts Council, was then recognized from the audience. He said that all nine Directors of the Arts Council are in support and hopefully this proposal will satisfy anyone with reservations.

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

Trustee Lewis moved to approve the Special Events Liquor Permits for the Grand Arts Council's Annual Holiday Melodrama providing that they adhere to their proposal. Trustee Peterson seconded the motion, and all Trustees voted aye.

**LIQUOR LICENSING AUTHORITY: CONSIDERATION OF A SPECIAL EVENTS LIQUOR PERMIT APPLICATION FROM THE GRAND ARTS COUNCIL FOR THEIR CONCERT IN THE PINES SERIES** - Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske explained that an application for a Special Events Liquor Permit has been received, with the appropriate fee, permission for possession, certificate of good corporate standing, and floor diagram, from the Grand Arts Council for the "Concert in the Pines" series. The request is to sell malt, vinous and spirituous liquor by the drink for consumption on the premises only. The requested dates are Saturday, January 23, 2010, Saturday, February 20, 2010 and Saturday, March 20, 2010 from 4:00 p.m. to 10:30 p.m. The proposed location is the Grand Arts Center at 913 Park Avenue. It has been the most recent procedure of this Board to receive the application and then schedule consideration of approval of the permit as a regular item of business at the following meeting. Although a Public Hearing is not

required by statute, the Board may choose to set one. The premises are required by statute to be posted for at least 10 days prior to approval of the permit. Approval of the requested permit may be scheduled for the December 14<sup>th</sup> regular Board meeting, as either a Public Hearing or regular item of business. Kolinske noted that Jim Cervenka, representative of the Arts Council, was present.

Jim Cervenka, 236 Lakeview Drive, representative of the Arts Council, was recognized from the audience stating that this is the 6<sup>th</sup> season for the "Concert in the Pines" that they have offered wine and without incident. He said that a percentage of the wine sales helps pay for the entertainment which allows them to continue the concert series.

Trustee Peterson moved to act on this request as a regular item of business at the December 14, 2009 Board meeting. Trustee Lewis seconded the motion, and all Trustees voted aye.

At 8:09 Trustee Johnson resumed his seat.

OLD BUSINESS:

**CONTINUATION OF A PUBLIC HEARING TO CONSIDER ORDINANCE NO. 36-2009, AN ORDINANCE REPEALING ORDINANCE NO. 6-2003 OF THE TOWN OF GRAND LAKE AND AMENDING CHAPTER 9, ARTICLE 1: BUILDING REGULATION AND CHAPTER 12, ARTICLE 2: ZONING REGULATIONS, OF THE CODE OF THE TOWN OF GRAND LAKE FOR THE PURPOSE OF REGULATING THE ERECTION, CONSTRUCTION, ENLARGEMENT, ALTERATION, REPAIR, MOVING, REMOVAL, DEMOLITION, CONVERSION, OCCUPANCY, EQUIPMENT USE, HEIGHT, AREA AND MAINTENANCE OF ALL BUILDINGS OR STRUCTURES AS WELL AS PROVIDING FOR THE ISSUANCE OF, THE COLLECTION OF FEES THEREFOR, AND THE PENALTIES FOR THE VIOLATION THEREOF PERMITS WITHIN THE TOWN OF GRAND LAKE** – Mayor Burke asked Town Planner Wittman to present this matter to the Board. Wittman explained that on October 12, 2009, the Town Board held a Public Hearing to consider adoption of the 2009 International Building Code, and other relevant 2009 codes that was continued to November 9. On November 9, the Public Hearing was again continued to November 23 to further allow the Grand County Building Department to solidify the County's policy for sprinkler requirements in Single-Family Dwelling (SFD) Townhomes. To refresh your memory, the Grand County Building Department proposed eliminating the requirement for sprinklers in SFD Townhomes when the 2009 codes proposed the removal. As indicated in your November 9 meeting, the Grand Lake Fire Protection District (GLFPD), in conjunction with the Grand County Firefighters Association (GCFFA), have agreed with the County to implement the requirement for sprinklers in SFD

Townhomes in 2013; the Board of County Commissioners (BOCC) has approved the proposed changes. As indicated by Scott Penson, Grand County Building Official, this will not only give adequate time for all parties involved to get up to speed but will also allow for review of the 2012 Codes, which may not require sprinklers in SFD Townhomes. The 2013 provision will be for all Townhomes, which are defined as three or more units, but not include SFD Townhomes, which are defined as one or two-unit Townhomes (of which duplexes are a part of). SFD Townhomes but would not include those structures where a caretaker or "mother-in-law" unit is located in the same structure; these units currently do have to meet fire resistant construction. The Board may either elect to follow the same suit of the BOCC by adopting Ordinance No. 36-2009, as proposed with the notation that the sprinkler requirements for SFD Townhomes will occur in 2013, or, the Board may move to adopt Ordinance No. 36-2009 with conditions that would apply exclusively to the Town of Grand Lake. Wittman noted that Scott Penson, Grand County Building Official, was present.

Scott Penson was recognized by the Chair. He presented the Board with two pages of changes (see attached Exhibit B) and stated that on Tuesday, October 27 the BOCC approved the 2009 Codes with these changes.

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

Following discussion, Trustee Lewis moved to adopt Ordinance No. 36-2009, an Ordinance Repealing Ordinance No. 6-2003 of the Town of Grand Lake and Amending Chapter 9, Article 1: Building Regulation and Chapter 12, Article 2: Zoning Regulations, of the Code of the Town of Grand Lake for the Purpose of Regulating the Erection, Construction, Enlargement, Alteration, Repair, Moving, Removal, Demolition, Conversion, Occupancy, Equipment Use, Height, Area and Maintenance of all Buildings or Structures as well as Providing for the Issuance of, the Collection of Fees Therefor, and the Penalties for the Violation Thereof Permits Within the Town of Grand Lake. Trustee Weydert seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**PUBLIC HEARING (QUASI JUDICIAL) – CONSIDERATION OF ORDINANCE NO. XX-2009, AN ORDINANCE APPROVING THE TOWN INITIATED REZONING OF CERTAIN PARCELS, DENYING THE TOWN INITIATED REZONING OF CERTAIN PARCELS IN CONFORMANCE WITH THE 2006 COMPREHENSIVE LAND USE PLAN AND TO MODIFY THE COMPREHENSIVE LAND USE PLAN AND THE TOWN ZONING MAP 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. As a reminder, each of the members of this body must act fair and impartial based on the information provided to them this evening

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including testimony made in the Public Hearing portion of the meeting. The Town Attorney and 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 *Site Location* maps.
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 Town 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 Town Board of Trustees for discussion and consideration.

As the Board 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, four rezoning proceedings were conducted over the past three years. The previous rezoning proceedings were individually voted upon by the Town Board of Trustees, thus reflected in the *Town of Grand Lake Zoning Maps*. 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 Comprehensive Plan. This evening's Public Hearing will focus on those parcels identified on the *Site Location* map; please see the section below for information on *Parcels Affected by the Proposed Rezoning*. This is the anticipated final rezoning procedure affecting a significant number of parcels at one time. The intention of this hearing is to determine the appropriateness of accordingly rezoning "Open" zoned parcels for the intentional elimination of the Town's "Open" District. The Town 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. 4188530 was published in the Middle Park Times on October 29<sup>th</sup>, November 5<sup>th</sup> and November 12<sup>th</sup>.

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 in the Town of Grand Lake. On October 14<sup>th</sup> certified mailings were sent to 132 property owners; 116 property owners have signed as receiving the notification. Nine (9) notices were returned to the Town of

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Grand Lake having not been signed; one unsigned notice was from the Shoreline Landing Homeowners Association.

Additionally, the Town should post notice of the hearing at 500' intervals along the front of the affected properties and Town staff posted the affected parcels on October 15, 2009.

At the Public Hearing, the Board will hear testimony on each of the parcels. After all testimony is made, the Board will deliberate the matter which may require the Board to continue the Public Hearing until a later date.

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 voting 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, you will be asked to disclose this information.

Below is a brief description of the subject parcel(s), the current and proposed zone as well as any applicable staff comments; although staff assisted numerous residents with questions regarding the rezonings, no public comments have been submitted.

1. Bureau of Reclamation owned land commonly referred to as "The East Inlet Boat Launch", comprised of: GC PIN 119309200017 (.51 AC TR in NW4NW4 SEC 9 T3N R75), GC PIN 119309200016 (.09AC TR in NW4NW4 SEC 9 T3N R75), and GC PIN 119304300013 (Town of Grand Lake Lot 10 40 AC+/- SEC4 T3N 45) proposed to be rezoned from the "Open" District to the "Open Space" District.

o Written comments were received from the Bureau of Reclamation and are included in the packets.

2. The United States Forest Service owned land commonly referred to as "The East Shore Trailhead", comprised of: GC PIN 119309200005 (15.03 ACRES 25.10 AC NE4NE4 7 3N 75 DESC B/271 P/636 PLUS 0.26 AC DESC B292 P86 LESS 0.24 AC DESC B292 P89 LESS 7.1 AC DESC B299 P532 to Shoreline Landing LESS 2.17 ACRE to Shoreline Landing 2-A RECP #217519) proposed to be rezoned from the "Open" District to the "Open Space" District.

3. The Shadow Park West "Green Belt," comprised of: Shadow Park West: GC PIN 119306219002 (5.650AC IN PT TR A, BLK 5 A/K/A PARCEL C), and GC PIN 119306212003 (9.886AC PT TR B AKA PARC A), and GC PIN 119306220001 (BLK 4, PT TRACT A, 1.925 AC+/- DESC AS PARCEL B IN B/292 P/558, NW4 SEC 6, T3N, R75W) proposed to be rezoned from the "Open" District to the "Open Space" District. These parcels were platted

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by the Homeowners Association in 1982 (GC Reception #193905 – *Plat of Green Belt*). Open Space is the use of these lands.

4. Shadow Park West GC PIN 119306213001 (BLK 3 TRACT C) proposed to be rezoned from the “Open” District to the “Open Space” District. This parcel was advertised in the October 8<sup>th</sup>, 15<sup>th</sup> and 22<sup>nd</sup> Middle Park Times as a parcel in part of the Shadow Park West “Green Belt” – this was an error and not included as a part of the platted “Green Belt”. The parcel underlying zone, and identification of use, was called out by the Town with the adoption of Ordinance No. 3-1986. This is the ordinance that approved the Final Development Plan for Shadow Park West. The ordinance states: “Notwithstanding the provisions of part 1) of this Final Development Plan, it is specifically understood and agreed that the permitted land use for Tract C, Block 3, will be for enclosed storage and that no zoning variance will be needed for said land use.” Since enclosed storage is not a Use by Right in either the “Open” or “Open Space” Districts, coupled with the fact that the underlying zoning has no relevance with the governing PD, the change in district would not create any greater or lesser of a non-conformance.

5. The United States Forest Service owned land commonly referred to as “Point Park” comprised of GC PIN 119306400011 (2.41AC+/- TRACT IN LOT 16 (SESE) SEC 6 T3N R75), GC PIN 119306401034 (Grand Lake Estates First Filing #1 LOT 26 LESS THE EAST 30FT OF Lot 26 SE4 SEC 6 T3N R75). The parcel is proposed to be rezoned from the “Open” District to the “Open Space” District.

o GC PIN 119306401035 (Grand Lake Estates First Filing #1 Lot 25) advertised as a part of Point Park was a mistake. The parcel is proposed to be rezoned from the “Open” District to the “Open Space” District. This parcel is under private ownership and it is not the desire of the property owner, Ms. Barbara Leutwiler, to have this parcel zoned as Open Space. Staff believes that it was a mapping error of the Town of Grand Lake that occurred somewhere between 1978 and 1991, believing that this parcel was a part of Point Park when it has entirely been under private ownership.

6. Shoreline Landing Subdivision Filing #1: 0.182AC+/- Open Space Parcel Tract E (GC PIN 119307103013), 0.315 AC+/- Open Space Parcel Tract F (GC PIN 119307104006), 0.953 AC+/- Open Space Parcel Tract G (GC PIN 119307103014) proposed to be rezoned from the “Open” District to the “Open Space” District. These parcels were platted as Open Space by the Homeowners Association in 1981 (GC Plat #187404).

7. Ridge at Elk Creek, Outlot A, 1.467 AC+/- DESC at Rec No 2004-005368 (GC PIN 119306228015) proposed to be rezoned from the “Open” District to the “Open Space” District.

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8. The north 30' of Lots 1-4, Block 27, Town of Grand Lake, Grand County Colorado (GC PIN 119306123001) proposed to be rezoned from the "Commercial" District to the "Public" District. This parcel is commonly referred to as the "Glacial Moraine".

The following parcels were rezoned in conformance with the 2006 Comprehensive Plan and Ordinance No. 13-2009. At that time, the parcels were publicly owned; the Town rezoned the parcels from Commercial to Public. Since that time, the parcels have been transferred into private ownership; the Town will consider rezoning the individual parcels back to their original zoning:

A. A part of Lot 5, Block 28, Town of Grand Lake, Grand County Colorado (GC PIN 119306122002), described as follows, *Beginning at a point which is at the intersection of the East line of said Lot 5 with the North line of Block 28, thence westerly, along the North line of Lot 5, for 37.9' to a point which is the intersection of said line with the South line of the right of way of the Northern Colorado Water Conservancy District's Tunnel Road; Thence southwesterly, along said R.O.W. line for 31.9' feet; thence easterly for a distance of 50.7' to the East line of said Lot 5; thence northerly along said lot line for 33.3' to the point of beginning* proposed to be rezoned from the "Public" District to the "Commercial" District. This is located in front of the parcel commonly referred to as "The Green Building".

B. Lots 1, 2, 3 and 4 in Block 28, Town of Grand Lake, Grand County Colorado (GC PINS 119306112009, 119306122010, and 119306122011), described as follows, *Beginning at the NE Cor. Of Lot 1; Thence North 77 degrees 18 feet west on the north lines of said Lots 1 and 2 for 100' to the NW Cor. Of Lot 2; Thence South 12 degrees 42 minutes West, along the west line of Lot 2 for 16.6'; then South 86 degrees 4 minutes East, across Lots 1 and 2 for 101.37' to the NE Cor Lot 1 and the place of beginning. The part of Lot 3, in Block 28, described as follows, beginning at the NE Cor. of said Lot 3; Thence North 77 degrees 18 minutes West for 50' to the NW Cor. Of said Lot 3; Thence South 12 degrees 42 minutes West, along the west line said Lot 3, for 24.9'; Thence South 86 degrees 44 minutes East, for 50.68' to the east line of Lot 3; Thence North 12 degrees 42 minute East, along said lot line for 16.6' to the NE Cor. And the place of beginning. That part of Lot 4, Block 28, described as follows, beginning at the NE Cor. Of said Lot 4; Thence North 77 degrees 18 minutes West for 50' to the NW Cor. Of said Lot 4; Thence 12 degrees 42 minutes East for 50.68 feet to the East line of Lot 4; Thence North 12 degrees 42 minutes East, along said lot line for 24.9' to the NE Cor. and the place of beginning* proposed to be rezoned from the "Public" District to "Commercial". This is located in front of those parcels that contain the business "Columbine Cabins".

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.

The Planning Commission held a Public Hearing on November 4<sup>th</sup>, 2009. Based on public comments, both in person and in writing, the Planning Commission directed staff to draft a resolution. Planning Commission Resolution No. 7-2009 was presented to the Commission on November 23, 2009. The Resolution recommended rezoning of all parcels EXCEPT the N. 30' of Lots of 1-4, Block 27 and Grand Lake Estates First Filing Lot 25; the Commission passed the resolution unanimously. Staff has drafted Ordinance No. xx-2009 based on the recommendations of the Planning Commission; the ordinance is for the Board's Consideration this evening. 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 Commission should ask any applicable questions with Mayor Burke abstaining for those parcels labeled #3 and #4. After all comments have been heard, the Board should close the Public Hearing portion of the meeting and discuss this matter. Staff advises that the Board may:

- 1) Move to continue this matter for further public comment; or
- 2) Move to continue this matter until the next regularly-scheduled meeting and direct staff to update the proposed ordinance to reflect those items discussed, outlining the specific changes to the ordinance; or

3) Move to uphold the Planning Commission's recommendation by adopting Ordinance No. 42-2009: *An Ordinance Approving the Town Initiated Rezoning of Certain Parcels, Denying the Town Initiated Rezoning of Certain Parcels in Conformance with the 2006 Comprehensive Land Use Plan, and to Modify the Comprehensive Land Use Plan and the Town Zoning Map to Reflect this Decision.*

Mayor Burke disclosed that she resides within 200' of Parcels 3 & 4 and would abstain from discussion. Trustee Johnson disclosed that he resides within 200' of Parcel 8 and would abstain from discussion.

Mayor Burke then opened the meeting for public comment. Having none, she closed the Public Hearing and turned the matter over to the Board of Trustees.

Following brief discussion, Trustee Weydert moved to uphold the Planning Commission's recommendation by adopting Ordinance No. 42-2009, an Ordinance Approving the Town Initiated Rezoning of Certain Parcels, Denying the Town Initiated Rezoning of Certain Parcels in Conformance with the 2006 Comprehensive Land Use Plan, and to Modify the Comprehensive Land Use Plan and the Town Zoning Map to Reflect this Decision, seconded by Trustee Lewis. All Trustees voted aye except Mayor Burke and Trustee Johnson, who abstained.

Since Trustee Peterson's wife is a Board Member for Rocky Mountain Repertory Theatre, he announced that he would abstain from discussion and voting on the next agenda item.

NEW BUSINESS:

**CONSIDERATION OF RESOLUTION NO. XX-2009, A RESOLUTION CLARIFYING THE PARKING CALCULATION MEASUREMENTS FOR COMMERCIAL ASSEMBLY USES** - Mayor Burke asked Town Planner Wittman to present this matter to the Board. Wittman explained that on November 7, the Town's most recent round of Zoning Code changes went into effect. As a reminder, these were the regulations that made the Town's new parking regulations effective. As you are aware, Rocky Mountain Repertory Theatre (RMRT) is actively planning for the construction of a new 300-seat theatre to be located on the corner of Vine Street and Grand Avenue. In recent discussions with RMRT's representing engineers, it has come to staff's realization there is a problem in applying the parking regulations, specifically, the requirements for calculation of spaces, to the new theatre. Section 12-2-28b-1 indicates that Group VII, which assembly is located in, is an "Additional Requirement which will be in addition to the Requirements set forth in Groups I-VI". This is indicating that the requirement for assembly, 1 space per 6 seats, is in addition to any commercial requirements. As this is not necessarily what staff remembers as the intent of the proposed code changes, staff would like to present this item for discussion so that the Town can take active steps to aid RMRT in solidifying their exact parking calculation. It is the belief of staff that the desired intentions of the Planning Commission and

the Board of Trustees was that the 1 per 6 requirement for assembly was a stand-alone requirement for something like a theatre that the predominant use is assembly. Additionally, Section 12-2-28b-2C outlines when all parking calculations are tallied, and street credit is applied, Groups IV and VI "*shall be required to satisfy seventy-five (75%) percent of the resulting number of required off-street parking spaces*". Staff wants to discuss the applicability of this measurement calculation for commercial assembly projects like the theatre. On November 18, the Planning Commission discussed this matter. It was agreed by the Commission that:

- a) Commercial assembly facilities where the predominant use of the structure is assembly should be placed into the Group IV Category: *Commercial, Retail, Service and Office Establishments*; and
- b) Commercial assembly facilities should be allowed to apply the calculation measurement outlined in Chapter 12-2-28a-2C; and
- c) Staff should bring the matter back at a later date for consideration of amendments to the Municipal Zoning Code.

The Commission directed staff to forward a favorable recommendation to the Board of Trustees to adopt a resolution outlining the aforementioned items. For your consideration, staff has drafted Resolution No. 29-2009: *A Resolution Clarifying the Parking Calculation Measurements for Commercial Assembly Uses* based on the recommendation of the Planning Commission. The Board should discuss this item. After discussion, if the Board is favorable, the Board should move to approve Resolution No. 29-2009: *A Resolution Clarifying the Parking Calculation Measurements for Commercial Assembly Uses*. If the Board is not favorable to the resolution, as presented, the Board should direct staff to incorporate any applicable changes to the resolution and bring this matter back for consideration at the next regularly-scheduled meeting.

Following brief discussion, Trustee Weydert moved to adopt Resolution No. 29-2009, a Resolution Clarifying the Parking Calculation Measurements for Commercial Assembly Uses seconded by Trustee Johnson. All Trustees voted aye except Trustee Peterson, who abstained.

NEW BUSINESS:

**CONSIDERATION OF RESOLUTION NO. 28-2009, A RESOLUTION SUBMITTING A BALLOT QUESTION TO A VOTE OF THE REGISTERED ELECTORS OF THE TOWN OF GRAND LAKE IN CONJUNCTION WITH THE REGULAR MUNICIPAL ELECTION TO BE HELD ON APRIL 6, 2010, TO PROVIDE FOR THE PUBLICATION OF ORDINANCES BY TITLE ONLY** – Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that the Town will likely spend somewhere in the neighborhood of \$15,000 on publications in 2009, which is a steep debt to consider in times of diminishing returns on revenues. This figure does include items that would continue to get published

even after the adoption of this measure; bids, notice of rezoning, etc., but the ordinances have been the lion's share of publication costs. Staff did let the Board know at their meeting held November 9 that the paper had been getting more inflexible on publication dates, by pushing back our deadline to the point of making it impossible to publish ordinances adopted on Monday nights until a full week later. Since that meeting, the publisher did stop by to say that some of her staff was working without her authority and our publication deadline is once again on Tuesdays. Regardless though, staff believes that publication by title only continues to make sense. If the Town can make every effort to provide the information to our public, in areas that they are more likely to use, and at a minimal cost to the taxpayer, then we should continue to move forward. This resolution and ballot language match the one that the Town of Fraser passed in 2004 with the exception that staff added language about publishing on the Town's website. Staff is currently in the process of placing all adopted resolutions and ordinances online regardless. Finally, this resolution has been reviewed by both the Town Clerk and Town Attorney. If the Board would still like to move forward, the staff recommendation is for the Board to adopt Resolution No. 28-2009, a Resolution Submitting a Ballot Question To a Vote of the Registered Electors of the Town of Grand Lake in Conjunction With the Regular Municipal Election to Be Held On April 6, 2010, to Provide For the Publication of Ordinances By Title Only.

Trustee Peterson moved to adopt Resolution No. 28-2009, a Resolution Submitting a Ballot Question to a Vote of the Registered Electors of the Town of Grand Lake in Conjunction With the Regular Municipal Election to Be Held On April 6, 2010, to Provide For the Publication of Ordinances By Title Only. Trustee Johnson seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION TO SET A PUBLIC HEARING TO CONSIDER ORDINANCE NO. 41-2009, AN ORDINANCE APPROPRIATING ADDITIONAL SUMS OF MONEY TO DEFRAY EXPENSES IN EXCESS OF AMOUNTS BUDGETED FOR THE TOWN OF GRAND LAKE DEBT SERVICE FOR THE 2009 BUDGET YEAR -** Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that as the Board is aware, it is anticipated that the refinancing of the 1997 Sales Tax Revenue Bonds will be completed before the end of the year. The USBank Certificate of Deposit in the estimated amount of \$108,677 has been redeemed, maturity date was November 16, 2009. These funds will be used to pay down \$65,000 of principal at closing, from the current \$495,000 to \$430,000, and approximately \$30,000 in professional fees, although we expect these fees to come in much lower. Because of the additional expenditures in the Debt Service Fund, we have to do a supplemental budget and appropriation before the end of the year, which requires a public hearing. Staff recommends the Board set a public hearing on the 2009 supplemental budget for the Town of Grand Lake Debt Service Fund for Monday, December 14, 2009 at 7:30 p.m. Notice of the supplemental budget will be published in the November 26,

RECORD OF PROCEEDINGS

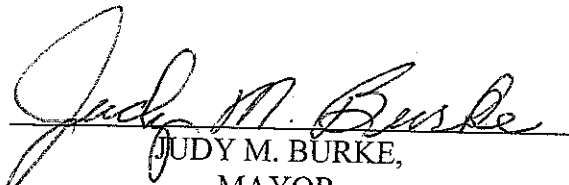
2009 edition of the Middle Park Times. The ordinance appropriating the necessary additional sums can then be adopted following the public hearing.

Trustee Peterson moved to set a Public Hearing on the 2009 supplemental budget for the Town of Grand Lake Debt Service Fund for Monday, December 14, 2009 at 7:30 p.m. Trustee Lewis 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 8:47 p.m., November 23, 2009.

  
JUDY M. BURKE,  
MAYOR

ATTEST:   
RONDA KOLINSKE, CMC,  
TOWN CLERK



*Celebrating the Arts in Grand County*

## **2009 Melodrama Liquor License Proposal**

### **BASED ON CONCERNS EXPRESSED AT THE LAST TOWN MEETING:**

1. **OVER SERVING - PEOPLE WILL BE CARDED IF THEY LOOK UNDER AGE AND THERE WILL BE ONLY TWO OPPORTUNITIES TO GET A DRINK -- 1/2 HOUR PRIOR TO THE SHOW AND 15 MINUTES DURING INTERMISSION -- NO ALCOHOL WILL BE SERVED AFTER INTERMISSION. NO SERVICE DURING THE SHOW AND NO HARD LIQUOR WILL BE SERVED ONLY BEER AND WINE.**
2. **RUDE BEHAVIOR - TWO STRONG GUYS AT EVERY PERFORMANCE TO ACT AS BOUNCERS. PEOPLE WILL GET ONE WARNING AND THEN BE EJECTED FOR BAD BEHAVIOR.**
3. **CHILDREN SERVING - NO MINORS WILL BE NEAR THE ALCOHOL SERVICE.**
4. **NOT ENOUGH ROOM FOR ALCOHOL SERVICE - SERVE ALCOHOL OUT OF THE KITCHEN.**
5. **CLEAN UP AFTER PLAY - VOLUNTEERS WILL BE CLEANING UP AFTER THE PERFORMANCES.**
6. **ALCOHOL OUTSIDE - THERE WILL BE SIGNS AT EACH DOOR SAYING ALL ALCOHOL NEEDS TO STAY INSIDE AND THERE WILL BE MONITORS.**
7. **NO OUTSIDE BEVERAGES WILL BE ALLOWED, A SIGN WILL BE POSTED AT THE FRONT DOOR.**
8. **SAFETY OF THE CAST - DIRECTOR WILL GIVE THE DIRECTIVE THAT AUDIENCE MEMBERS KEEP OUT OF THE AISLES.**
9. **THE LAWS AND GUIDELINES RECOMMENDED BY THE STATE OF COLORADO AND TOWN OF GRAND LAKE WILL BE STRICTLY ADHERED TO.**

The Grand Arts Council is a nonprofit 501(c)(3) organization.  
Federal ID # 84-1141079  
P.O. Box 605, Grand Lake, CO 80447

Section R313 is amended by deleting in its entirety. **THIS SECTION DELETED.**

~~**R313.1 Townhouse automatic fire sprinkler systems.** An automatic residential fire sprinkler system shall be installed in townhouses.~~

~~**Exception:** An automatic residential fire sprinkler system shall not be required when additions or alterations are made to existing townhouses that do not have an automatic residential fire sprinkler system installed.~~

~~**R313.1.1 Design and installation.** Automatic residential fire sprinkler systems for townhouses shall be designed and installed in accordance with Section P2904.~~

~~**R313.2 One and two family dwellings automatic fire systems.** Effective January 1, 2011, an automatic residential fire sprinkler system shall be installed in one and two family dwellings.~~

~~**Exception:** An automatic residential fire sprinkler system shall not be required for additions or alterations to existing buildings that are not already provided with an automatic residential fire sprinkler system.~~

~~**R313.2.1 Design and installation.** Automatic residential fire sprinkler systems shall be designed and installed in accordance with Section P2904 or NFPA 13D.~~

Section R322 **FLOOD-RESISTANT CONSTRUCTION** is amended by deleting in its entirety. **THIS SECTION DELETED.**

Section R403.1 is amended to read as follows:

**R403.1 General.** All exterior walls shall be supported on continuous solid or fully grouted masonry or concrete footings, crushed stone footings, wood foundations, or other approved structural systems which shall be of sufficient design to accommodate all loads according to Section R301 and to transmit the resulting loads to the soil within the limitations as determined from the character of the soil. Footings shall be supported on undisturbed natural soils or engineered fill. **EXCEPT WHERE ERECTED ON SOLID ROCK OR OTHERWISE PROTECTED FROM FROST, FOUNDATION WALLS, PIERS AND OTHER PERMANENT SUPPORTS OF BUILDINGS AND STRUCTURES LARGER THAN 120 SQUARE FEET IN AREA OR 10 FEET IN HEIGHT SHALL EXTEND TO AT LEAST 30 INCHES BELOW FINISHED GRADE, AND SPREAD FOOTINGS OF 8 INCHES THICK X 16 INCHES WIDE MINIMUM SIZE SHALL BE PROVIDED TO PROPERLY DISTRIBUTE THE LOAD WITHIN THE ALLOWABLE LOAD-BEARING VALUE OF THE SOIL.**

**ALTERNATIVELY, SUCH STRUCTURES SHALL BE SUPPORTED ON PILES WHERE SOLID EARTH OR ROCK IS NOT AVAILABLE.**

Section R313 is amended to read as follows:

**R313.1 Townhouse automatic fire sprinkler systems. EFFECTIVE JANUARY 1, 2013** An automatic residential fire sprinkler system shall be installed in *townhouses*.

**Exception:** An automatic residential fire sprinkler system shall not be required when *additions* or *alterations* are made to existing *townhouses* that do not have an automatic residential fire sprinkler system installed.

**R313.1.1 Design and installation.** Automatic residential fire sprinkler systems for *townhouses* shall be designed and installed in accordance with Section P2904.

~~**R313.2 One and two family dwellings automatic fire systems.** Effective January 1, 2011, an automatic residential fire sprinkler system shall be installed in one and two family *dwellings*.~~

~~**Exception:** An automatic residential fire sprinkler system shall not be required for *additions* or *alterations* to existing buildings that are not already provided with an automatic residential fire sprinkler system.~~

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