

RECORD OF PROCEEDINGS

REGULAR MEETING
TOWN OF GRAND LAKE BOARD OF TRUSTEES
MONDAY, JANUARY 25, 2010 7:30 P.M.

CALL TO ORDER: The regular meeting of the Board of Trustees was called to order by Mayor Judy Burke at 7:36 p.m. at the Town Hall, 1026 Park Avenue.

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

ABSENT: Trustee Lewis.

APPROVAL OF MINUTES

January 11, 2010: Trustee Peterson moved to approve the minutes of the January 11, 2010 regular meeting as written, seconded by Trustee Weydert. All Trustees voted aye except Trustee Rhone, who abstained.

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

Mayor Burke announced that the Three Lakes Ice Fishing Contest is scheduled for January 29 – 31. Call the Granby Chamber of Commerce at 887-2311 for more information.

Mayor Burke then announced that this year's Winter Carnival *Olympics...Grand Lake Style* will begin January 29th with an opening ceremony and torch procession and will end February 14th with a closing ceremony. The events on February 6th will include a snowman contest, flag football, tea pot curling, parade, sled pull, bed sled luge, human bowling, kids' sled pull & steeplechase, snow sculptures, bonfire & bingo, awards, party and dance. Experience Grand Lake as it transforms itself into an International Olympic Village.

PRESENTATIONS: **FORMAL "THANK YOU" TO BOB SCOTT, FORMER BOARD OF ADJUSTMENT MEMBER** – Mayor Burke read the following: "All too often, it is easy to ignore the sacrifice that many of our volunteers put forth when they dedicate untold hours of their time towards the betterment of the Town of Grand Lake. For this reason, the Board of Trustees wants to take the time to thank one of our great volunteers and citizens, Mr. Bob Scott, for dedicating nearly six years on the Town's Board of Adjustment. Bob was appointed to this Board on March 10, 2003, and served in this capacity with honor until his relocation out of Town made it impossible for him to continue to serve in this capacity. So, on behalf of the Town, Thank You for your service to the Town and its citizens, and we hope that you continue to stay engaged with many of the local non-profits and committees that don't have to

worry about residency requirements.” She then presented him with a framed print by Howard Neville in appreciation for his service.

REPORTS: SALES TAX
CASH FLOW REPORT
FOR JANUARY 2010:

Mayor Burke asked Town Clerk Kolinske to present the sales tax cash flow report. Kolinske reported that the amount of revenue received in January 2010 for the month of November 2009 is \$26,737. This amount is 8.33% below what was received in January 2009.

REPORTS: FINANCIAL
REPORT FOR
DECEMBER 2009:

Mayor Burke asked Financial Trustee Peterson to present the Financial Report for December 2009. Peterson reported that General Fund expenditures through the end of December totaled \$1,734,321.01 or 69.2% of budget. He said the Water Fund expenditures for the same period totaled \$356,855.23 or 75% of budget and the Marina Fund expenditures totaled \$147,316.83 or 51.9% of budget.

CONFLICTS OF
INTEREST:

Mayor Burke stated that if there are any Trustees wishing to announce a conflict of interest with any items on this evening’s agenda, they should do so at this time.

Trustee Peterson announced that he had a conflict with Resolution No. 3-2010 relating to Rocky Mountain Repertory Theatre since his wife is a Board Member.

Trustee Lanzi announced that he would abstain from discussion regarding the amendment to the sign code.

Trustee Johnson announced that he would abstain from discussion of banners within the amendment to the sign code.

Mayor Burke announced that she would abstain from discussion regarding the amendment to the sign code.

LIQUOR LICENSING AUTHORITY: None.

At 7:43 p.m. Trustee Peterson excused himself and left the room.

OLD BUSINESS:

CONSIDERATION OF RESOLUTION NO. 3-2010, A RESOLUTION AUTHORIZING THE RELEASE OF AN APPROVED BUILDING PERMIT FOR A PROPOSED THEATRE STRUCTURE TO BE LOCATED AT LOTS 6 – 8, BLOCK 12, TOWN OF GRAND LAKE – Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that at the last regularly scheduled meeting the Board received an Affordable Housing

Fee waiver request from Rocky Mountain Repertory Theatre (RMRT). At that time, the Board discussed this matter with RMRT and seemed favorable to allowing the waiver if an agreement was made between the Town and RMRT to restrict current RMRT company housing to be free housing for 29 members. It was further discussed by the Board that to ensure a timely review of the building permitting process and to keep RMRT on schedule for construction, the Town Board would be favorable to allowing the release of the building permit, once approved, contingent that the Affordable Housing Fee requirements have been met by RMRT prior to obtaining a Certificate of Occupancy for the proposed theatre structure. Staff has drafted Resolution No. 3-2010, for consideration. Staff advises the Board to review the resolution and discuss, if necessary. After all discussion has taken place, staff recommends the Board move to adopt Resolution No. 3-2010: *A Resolution Authorizing the Release of an Approved Building Permit for a Proposed Theatre Structure to be Located at Lots 6-8, Block 12, Town of Grand Lake.* Hale noted that Bob Scott was present representing Rocky Mountain Repertory Theatre.

Bob Scott commented that their predicted building perimeter is 18 months.

Trustee Johnson then moved to adopt Resolution No 3-2010, a Resolution Authorizing the Release of an Approved Building Permit for a Proposed Theatre Structure to be Located at Lots 6 – 8, Block 12, Town of Grand Lake. Trustee Rhone seconded the motion and all Trustees voted aye.

At 7:46 p.m. Trustee Peterson resumed his seat.

NEW BUSINESS:

CONSIDERATION OF APPOINTMENT OF A MEMBER TO THE GRAND LAKE CEMETERY COMMITTEE - Mayor Burke introduced Martha Boehner, Chairman of the Grand Lake Cemetery Committee.

Martha Boehner addressed the Board by saying, "As you know, a position on our committee has been vacant since the resignation of Marv Aiken. We are fortunate that there has been interest expressed by community members to serve in this capacity. On behalf of the Grand Lake Cemetery Committee, I would like to recommend that Corrine Lively be invited to join our committee. We feel Corrine will be a definite asset to our group. Thank you very much for your consideration of this appointment."

Trustee Rhone moved to appoint Corrine Lively to the Grand Lake Cemetery Committee. Trustee Weydert seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF APPOINTMENT ON AN INTERIM ALTERNATE MEMBER TO THE TOWN OF GRAND LAKE BOARD OF ADJUSTMENT – Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that at the last regularly scheduled meeting the Board was informed by Trustee Peterson of his willingness to serve as an interim alternate member to the Board of Adjustment (BOA) until such time the Town is able to fill the vacancies with members of the community. As a reminder to the Board, the Town still seeks two (2) alternate members to serve on the BOA. If the Board is favorable to the appointment of Trustee Peterson as an alternate member to the BOA, staff recommends the Board move to appoint Jim Peterson as an interim alternate board member to the Town of Grand Lake Board of Adjustment.

Trustee Weydert moved to appoint Jim Peterson as an interim alternate board member to the Town of Grand Lake Board of Adjustment. Trustee Rhone seconded the motion and all Trustees voted aye except Trustee Peterson, who abstained.

NEW BUSINESS:

CONSIDERATION OF ORDINANCE NO. XX-2010, AN ORDINANCE AMENDING THE TOWN OF GRAND LAKE MUNICIPAL CODES BY AMENDING SECTION 1 OF ARTICLE 2 OF CHAPTER 6 SIGN CODE – Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that the Planning Commission discussed changes to the sign code at their November 18, 2009 and January 20, 2010 meetings. As a result of these meetings the Planning Commission forwarded a favorable recommendation to the Board to adopt Ordinance No. xx-2010 which would modify the Municipal Sign Code. The proposed changes to the code are listed below:

Graphic Design signs:

A recent court case in Colorado, Mahany v City of Englewood, had a ruling at the Appeals Court level which has bearing on our Sign Code. This issue has to do with painted murals, the review process involved with them, and a person's first amendment right to free speech. The ruling by the Appeals Court stated two things. The first issue was there had to be a specified initial review period, a certain number of days to review the request, and the second item was there had to be an expeditious judicial review process on the initial ruling, if appealed. The Town's Sign Code merely lists that the graphic designs will be handled administratively by the Town Manager. There is no specified time frame to review a graphic design request or an appeal process listed in the code, although the Town has traditionally brought any appeal of a staff decision to the Board. Staff is recommending the Sign Code be altered to first set up a time frame of 7 days for "graphic designs" to be processed by the Town Manager or his designee, and secondly to establish a formal review process including a time frame of 45 days for

the review by the Board. The Planning Commission agreed with this recommendation.

Banners:

The current code just requires that signs “have a wood-like appearance with a natural flat wood tone background”. Banners are allowed by code, with limitations, and are a sign by definition, but by their nature do not look “wood-like” at all. As such, staff has been allowing banners without holding them to the “wood-like” appearance. The Planning Commission is recommending that banners not be required to have a wood-like appearance. Also, there is the issue of several banners being used by businesses which do comply with the requirements by code, but by changing the banners out, it could give the appearance that these banners are up all year long. An example is a business having different banners for the various entertainers/specials, but it gives the appearance of just one banner. Each banner complies with the time limitations, but it appears there is always a banner up. The Planning Commission recommends a business could only have a banner, for 26 days, or multiple banners, such as 26 banners for 1 day each, displayed for a cumulative total of 26 days per year.

Projecting Signs over ROW:

Lastly, staff would like to discuss projecting signs over the Town’s ROW. Code currently reads “*The sign shall not extend more than four (4) feet past the foundation wall*”. While staff remembers discussing this item in 2009 with the Board of Trustees, and, quite possibly, the Planning Commission, it appears there is a discrepancy between what was discussed, how the code reads and how the code has been applied to sign permit applications. Specifically, staff and members of the Town Board remember discussing the 4’ projection from the foundation wall. In discussions, staff remembers the Board agreeing to allow the encroachment to be 4’ into the right-of-way, providing all other provisions of the Sign Code are met. The Planning Commission recommends the code be changed to reflect a 4’ encroachment over the ROW only in the designated mandatory boardwalk areas. Proposed Ordinance #xx-2010 sets the guidelines for the initial review and the review process for graphic designs, changes requirements for banners, and modifies projecting signs over the ROW.

The Board has the following options:

1. Hold a public hearing on this matter.
2. Continue this matter for further discussion.
3. Adopt this ordinance either as is or with changes.
4. Not adopt this ordinance.

During discussion, Trustee Peterson agreed with the Planning Commission’s recommendation that banners not be required to have a wood-like appearance, however, he does not agree that businesses can only have a banner, for 26 days, or multiple banners, such as 26 banners for 1 day each, displayed for a cumulative total of 26 days per year. He

said that with today's economy, businesses should be allowed to display banners without a limited number of days. Perhaps this section can be placed on hold until the economy changes. It was brought to Trustee Peterson's attention that the time period of not to exceed twenty-six (26) days per year exists in current code. The proposed change is from "and for no more than seven (7) consecutive days" to "cumulative".

Following further discussion, Trustee Weydert moved to set a Public Hearing for February 22, 2010 to consider Ordinance No. xx-2010, an Ordinance Amending the Town of Grand Lake Municipal Codes by Amending Section 1 of Article 2 of Chapter 6 Sign Code. Trustee Rhone seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF RESOLUTION NO. 4-2010, 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 AND REPLACING RESOLUTION 28-2009 – Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that on November 23rd, the Board adopted Resolution No. 28-2010, 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. The Town of Kremmling had asked for a copy of our question, as they too are considering placing this in front of their voters in April. Their attorney raised a little flag with our question, specifically stating that statute forbids extraneous (too wordy) language in ballot questions. Basically, she advised Kremmling to limit their question to one sentence. I forwarded this concern onto Town Attorney Krob, who then advised that Kremmling's approach does seem cleaner; our original question isn't necessarily wrong, but this approach is even better. It seems prudent to replace Resolution No. 28-2009 with Resolution No. 4-2010, therefore, staff is recommending the Board adopt Resolution No. 4-2010.

Trustee Rhone moved to adopt Resolution No. 4-2010, 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 and Replacing Resolution No. 28-2009. Trustee Weydert seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF RESOLUTION NO. XX-2010, 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 AN ALTERNATIVE DISTRIBUTION OF MONTHLY ACCOUNTS PAYABLE - Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that staff recently discovered that per Section 31-20-202 of CRS, it is required that the Town publishes its accounts payable monthly. This is one of those tasks that was somehow overlooked during the staff turnover (treasurer and manager), and just came to light as a requirement. So, in accordance with statute, the January Accounts Payable (AP) was sent for publication. Secondly, since the Town will be asking the voters to publish by title only this April, and since this will be a new publication cost that we had not planned or budgeted for, it makes sense to ask the voters to remove this requirement as well. To put it bluntly, if we had received one question in the last five years as to why the Town didn't publish its AP, we would have looked into it and discovered that indeed we were supposed to be doing just that. However, since we haven't had citizens knocking down our doors for this information, it makes sense to remove this requirement as soon as possible. Draft Resolution No. XX-2010 has been reviewed by the Town Attorney and Town Clerk. It is modeled significantly after our other ballot question, and provides for alternative means of publication, website and Town Hall availability. If the Board supports sending this question to the voters in April, the staff recommendation is to adopt Resolution No. 5-2010.

Trustee Peterson moved to adopt Resolution No. 5-2010, 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 an Alternative Distribution of Monthly Accounts Payable. Trustee Johnson seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF ORDINANCE NO. 2-2010, AN ORDINANCE AUTHORIZING THE LEASE OF REAL PROPERTY TO THE GRAND LAKE AREA HISTORICAL SOCIETY BY THE TOWN OF GRAND LAKE AND ESTABLISHING THE TERMS THEREOF - Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that the lease with the Historical Society is set to expire for their portion of the modular building on January 25th. At the last regularly scheduled meeting, the Board didn't have any challenges or concerns with renewing this lease for another year. He said that the Town is in receipt of a signed copy of the lease, the lease amount of \$1.00, and insurance documentation. However, the insurance documentation is not a Certificate of Insurance and it is not clear whether the Town is named as additional insured. As a reminder, this lease is substantially the same

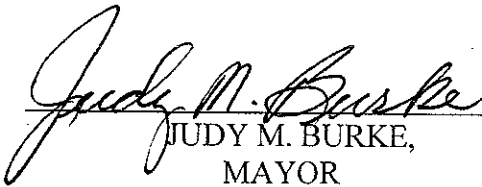
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lease as last year with the only changes being the dates. Additionally, this lease reflects the same terms and conditions that we have in place with GCWIN and the GLMRD. If the Board still desires to enter into a new lease with the Historical Society, the staff recommendation is for the Board to adopt Ordinance No. 2-2010.

Trustee Peterson moved to adopt Ordinance No. 2-2010, an Ordinance Authorizing the Lease of Real Property to the Grand Lake Area Historical Society by the Town of Grand Lake and Establishing the Terms Thereof contingent upon the Town receiving proof of insurance naming the Town and the School District as additional insured and to authorize the Mayor to sign the Lease Agreement between the Town and the Historical Society. Trustee Rhone seconded the motion and all Trustees voted aye.

CITIZEN PARTICIPATION: Dave Lively, 274 County Road 493, was recognized from the audience and stated that as of January 1st he is the new President of the Grand County Historical Association and the interim Executive Director for the next year.

ADJOURNMENT: Trustee Rhone moved to adjourn, seconded by Trustee Peterson. All Trustees voted aye, and the meeting was adjourned at 8:10 p.m., January 25, 2010.



JUDY M. BURKE,
MAYOR

ATTEST:



RONDA KOLINSKE, CMC,
TOWN CLERK