

RECORD OF PROCEEDINGS

REGULAR MEETING
TOWN OF GRAND LAKE BOARD OF TRUSTEES
MONDAY, FEBRUARY 8, 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 7:33 p.m. at the Town Hall, 1026 Park Avenue.

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

ABSENT: Trustee Peterson.

APPROVAL OF MINUTES

January 25, 2010: Trustee Rhone moved to approve the minutes of the January 25, 2010 regular meeting as written, seconded by Trustee Weydert. 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 a poker run to benefit Flight for Life – Colorado will be held in Grand Lake on Saturday, February 13 beginning at 9:00 a.m. in the Community House. There will also be a silent auction from 9:00 a.m. to 3:30 p.m. Donations of food and drinks, prize money and silent auction items can be made by calling Mike Ingle, Trail Blazers President, at 970-531-5940.

Mayor Burke then announced that Nomination Petitions for three Town Trustee seats, to be elected at the April 6 Regular Municipal Election, may be obtained from Town Hall beginning February 15, 2010 and must be filed with the Town Clerk by 4:30 p.m. Friday, March 5, 2010. Applications for absentee ballots and voter registration forms are also available at Town Hall. Electors must register by March 8.

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 Johnson announced that he had a conflict with the Local Liquor Licensing issues as he holds a license for The Bears Den.

Trustee Weydert announced that he had a conflict with O-A Bistro under the Local Liquor Licensing Authority as he is personal friends of the applicant and will abstain from voting.

Trustee Lanzi also announced that he had a conflict with O-A Bistro under the Local Liquor Licensing Authority as he is personal friends of the applicant as well as their landlord and will abstain from voting.

At 7:37 p.m. Trustee Johnson excused himself and left the room.

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

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

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF AN ALTERATION OF LICENSED PREMISES APPLICATION FROM O-A BISTRO, LLC, D/B/A O-A BISTRO – Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske reported that an Application for Alteration of Licensed Premises was received, with the appropriate fee, from O-A Bistro, LLC, d/b/a O-A Bistro at 928 Grand Avenue Unit 108. The request is to add the remainder of the original Unit 108 and Unit 103 to the premises. Unit 103 is located at the northeast corner of the building and is approximately 630 square feet +/- . There will be a 40" opening between the two units. The plan is to offer a full meal menu to include crepes, a variety of different-cheeses and wine from Unit 103 with no changes to the food or drink in Unit 108. The request includes an outdoor seating area of approximately 309 square feet +/- located at the southeast portion of Unit 103. There will be wrought iron railing of 36" in height to prevent people from walking away with an alcoholic beverage. The only entrance to the outdoor seating area will be from inside through 3 separate french style doors. Elmer Lanzi is the owner of the building and the lease agreement between Olney Kliewer and Lanzi has been amended. Physical changes, alterations or modifications of the licensed premises, or in the usage of the premises (by Local Authority and State Authority), shall include, but not be limited to, the following:

1. Any increase or decrease in the total size or capacity of the licensed premises.
2. The sealing off, creation of, or relocation of a common entryway, doorway, passage or other such means of public ingress and/or egress,

when such common entryway, doorway or passage permits access to the licensed premises from or between public streets or thoroughfares, adjacent or abutting building, rooms or premises.

3. Any substantial or material enlargement of a bar, or relocation of a bar, or addition of a separate bar.

While the Liquor Regulations do not require a prior hearing on an application to alter licensed premises, they also do not appear to prevent a local licensing authority from holding a public hearing on an application prior to making its decision to grant or deny the application. While many applications for minor and non-controversial alterations would not call for a hearing, in circumstances involving a significant proposed alteration – such as doubling the capacity of the licensed premises – a hearing would prove essential to the licensing authority’s ability to make a good decision. Should the Board decide to hold a public hearing, notice must be posted and/or published not less than ten days prior to the date of the hearing. The soonest possible date that a hearing could be set is for February 22, 2010. A copy of the completed application was just sent to the Grand County Sheriff’s Department for approval, therefore, should the Board approve this request, a motion should be made contingent upon receiving approval from the Grand County Sheriff’s Department. Kolinske concluded by saying that the applicant, Olney Kliewer, was present.

Following discussion, Trustee Rhone moved to set a public hearing for February 22, 2010 to consider an Alteration of Licensed Premises Application from O-A Bistro, LLC, d/b/a O-A Bistro and that a notice need not be published. Trustee Lewis seconded the motion and all Trustees voted aye except Trustees Weydert and Lanzi, who abstained.

At 7:51 p.m. Trustee Johnson resumed his seat.

OLD BUSINESS:

None.

NEW BUSINESS:

CONSIDERATION OF ORDINANCE NO. XX-2010, AN ORDINANCE REPEALING AND REPLACING TOWN OF GRAND LAKE ORDINANCE NO. 9-2009, AN ORDINANCE APPROVING GRAND CAMP, A COMMERCIAL SUBDIVISION LOCATED AT A PART OF TRACT A, SHADOW PARK WEST SUBDIVISION OF THE TOWN OF GRAND LAKE – Mayor Burke asked Town Planner Wittman to present this matter to the Board. Wittman explained that in February, 2009, the Town Board gave conditional approval for Grand Camp, a commercial subdivision proposed to be located on Highway 34 and Mary Drive. The conditions for the approval were merely items of formality, having items ready for recording. As of the date of memo development, the applicant has not met the conditions outlined in the Ordinance. Since the time of memo development the applicant has taken steps to meet the deadline imposed. Staff has received the Kiosk Agreement, Land Dedication Fee in the amount of \$24,500 and an address

mylar. Wittman said that a full set of plat mylars have been received but there are printing errors, no plat note of the Kiosk Agreement and the CD only consists of 2 pages of the plat. An executed copy of the Subdivision Improvement Agreement (SIA) was submitted; however, the Letter of Credit is \$1,000 less than the SIA. She reminded the Board that in previous discussions between staff and Town Attorney Krob, Mr. Krob indicated that conditional approval of an ordinance does not constitute approval of a development application. She said that since the time that she has been on staff, the Town has revamped the Land Use Development Regulations to state that an approved application has six (6) months to record the approved documents. The Code further states the Planning Commission may grant an additional six (6) month extension for recording the development. On August 5th, 2009, four days prior to the original six month deadline, the applicant met with the Planning Commission to discuss a one (1) month extension; the Commission granted the extension with the adoption of Planning Commission Resolution No. 5-2009. On September 16th, the applicant then discussed with the Commission the applicant's request of a six (6) month extension. At that time, the Commission was favorable to allowing for a five (5) month extension, for a total of six months; the Commission adopted Planning Commission Resolution No. 6-2009 stating the applicant must meet the items outlined in Ordinance No. 9-2009 no later than February 8, 2010. At their last regularly-scheduled meeting, the Commission unanimously approved to forward a recommendation to the Board of Trustees to revoke Ordinance No. 9-2009: *An Ordinance Approving Grand Camp, A Commercial Subdivision Located At a Part of Tract A, Shadow Park West Subdivision of the Town of Grand Lake*, if the developer does not meet the requirements of Ordinance 9-2009 by February 8, 2010. Staff has drafted Ordinance No. XX-2010: *An Ordinance Repealing and Replacing Town of Grand Lake Ordinance No. 9-2009* for discussion and consideration of the Board. Wittman noted that this matter was discussed at the afternoon workshop and Town Attorney Krob was consulted. Krob suggested that the Board hold a Public Hearing to consider Ordinance No. XX-2010 or make the determination that the provisions outlined in Ordinance No. 9-2009 have been met. The earliest possible date that a Public Hearing can be held is March 8, 2010. She noted that Morris King, applicant, and Jeff Green, representative, were present.

Jeff Green, 13550 Washington Street, Denver, CO, was recognized from the audience. He summarized the items that he submitted during the meeting and acknowledged that the Letter of Credit was \$1,000 short.

Trustee Lewis asked Town Planner Wittman if she has had sufficient time to review what has been submitted. Wittman responded by saying that she has not had time to review all documents such as the SIA, the Declarations and Covenants. She said that she and Town Manager Hale will need to review these documents together and verify that the executed documents are exactly the same as what was approved. Wittman noted, however, that she

has spent ample time to determine that the conditions outlined in Ordinance No. 9-2009 have been met.

Following discussion, Trustee Lanzi stated that since it appears that Grand Camp has substantially completed the conditions outlined in Ordinance No. 9-2009 with the exception of the Letter of Credit being \$1,000 less than the SIA he made a motion directing staff to bring this matter back to the Board of Trustees if staff determines that there are any issues. Trustee Weydert seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION TO ACCEPT THE 2010 NORTHWEST COLORADO COUNCIL OF GOVERNMENT'S TECHNICAL ASSISTANCE GRANT AND TO AUTHORIZE THE MAYOR TO SIGN THE ACCEPTANCE AGREEMENT FOR ADVANCED GIS TECHNICAL SUPPORT - Mayor Burke asked Town Planner Wittman to present this matter to the Board. Wittman explained that the Town applied to the Northwest Colorado Council of Governments (NWCCOG) Technical Assistance Grant Program for advanced Geographic Information System (GIS) technical support for \$1000 to help bring the Town to a "self help" position with our current mapping system, data updates and management, as well as skills training for staff, advance data management and map display. These funds will be matched with \$500 of Town funds, budgeted under contractor services, to be able to solicit 20-25 hours of advanced technical assistance. As indicated in the grant, the Town relies on outside resources to create our maps. Typically this is done through the use of many different map layers, often from different sources. When one map layer is in a different projection format than another, the map layers need to be adjusted to be able to accommodate for those changes. Additionally, that data, once changed, needs to be saved in a format that is not only reusable by the Town but also available for redistribution to other agencies, such as Grand County. She said that she is able to manipulate data to project our current land use information when it is necessary, she is unable to conduct advance projections, map display, and manipulate data layers to make a single unified map of a similar projection as well as have the know-all to understand advance data management. Without this grant, staff will have to spend much greater hours self-teaching these skills. Staff is recommending that the Board accept this grant. If the Board is favorable to doing so, the Board should move to accept the 2010 Northwest Colorado Council of Government's Technical Assistance Grant and to authorize the Mayor to sign the acceptance agreement for advance GIS technical support.

Trustee Lewis moved to accept the 2010 Northwest Colorado Council of Government's Technical Assistance Grant and to authorize the Mayor to sign the acceptance agreement for advance GIS technical support. Trustee Rhone seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF AN EMPLOYMENT AGREEMENT BETWEEN THE TOWN OF GRAND LAKE AND SHANE HALE, TOWN MANAGER – Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that as discussed on January 11th and again on January 25th, his previous employment agreement expired on January 1, 2010. Changes to the former agreement were discussed during those two meetings. The version being considered represents those discussions and incorporates the agreed upon changes, and has been reviewed and commented on by the Town Attorney. Barring any further discussion or considerations, the staff recommendation is for the Board to authorize the Mayor to sign the Employment Agreement between the Town Board of Trustees of the Town of Grand Lake and Shane E. Hale.

Trustee Lewis moved to authorize the Mayor to sign the Employment Agreement between the Town Board of Trustees of the Town of Grand Lake and Shane E. Hale. Trustee Johnson seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF SUPPORT FOR HB10-1017 AND HB10-1001 - Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that Joyce Buford, Executive Director of CAST, forwarded a memo to the Town requesting support on two bills that are currently under consideration in the state legislature. The first bill, HB10-1017, Voluntary Agreement Affecting Rent, which is in response to the Telluride v. Lot Thirty-Four Venture LLC case where the Supreme Court struck down Telluride's affordable housing requirement on the basis that it constituted "rent control", which is against CRS 38-12-301. While this bill does not overturn the abovementioned case, it would allow voluntary agreements between developers and Towns regarding affordable housing/deed restrictions, etc. This bill, in one form or another, has been introduced in the legislature for the past few years, ever since the Telluride decision, but has had trouble even making it out of committee. The Town has adopted inclusionary zoning, and would certainly like to be able to not only enter into voluntary agreements with developers in the future, but to also know that those agreements are within the scope of the law and wouldn't be thrown out by the courts at a later date. The second bill is HB10-1001, Raise the Renewable Portfolio Standard for Investor-Owned Electric Utilities. This bill is being pushed by the Rocky Mountain Climate Organization (RMCO), an affiliate member of CAST, and would increase the amount of energy created by renewable sources from 3% in 2007 to 30% by 2020. This bill would only apply to investor-owned utilities, and exempts municipally-owned and co-op utilities. Hale stated that Mountain Parks Electric would not have to comply and that Joe Pandey, General Manager, said they would not be taking a position on this. Everyone has a vested interest in the various industries transitioning to renewable sources of energy, but don't know that the Town as an entity has a strong position to

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take on this subject. He said that he wants to discuss both bills with the Board to see what direction the Board would like to take. If so inclined, there are a few different motions that could be made:

1. Do nothing in support/opposition for either bill.
2. Staff could draft a letter in support/opposition for either bill for your consideration at your next meeting.
3. The practice over the past few years has been to authorize the Mayor and the Town Manager to take whatever actions they deem appropriate to lobby on behalf/or against a certain bill or measure (phone call, correspondence, etc).

Following discussion, Trustee Weydert moved to take no position on HB10-1017 and to authorize the Mayor and/or the Town Manager to take a position of advocacy regarding HB10-1001. Trustee Lewis seconded the motion and all Trustees voted aye.

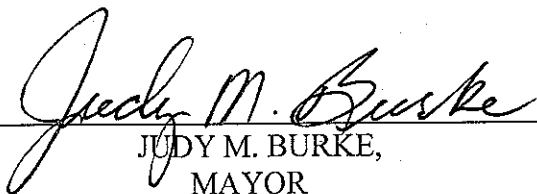
ACCOUNTS PAYABLE
February, 2010:

Trustee Rhone 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. Trustee Rhone then moved to approve the Accounts Payable and Prepaid for all Funds for the Town of Grand Lake. Trustee Weydert seconded the motion and all Trustees voted aye.


CITIZEN PARTICIPATION: None.

ADJOURNMENT:

Trustee Rhone moved to adjourn, seconded by Trustee Weydert. All Trustees voted aye, and the meeting was adjourned at 8:16 p.m., February 8, 2010.


JUDY M. BURKE,
MAYOR

ATTEST:


RONDA KOLINSKE, CMC,
TOWN CLERK