

RECORD OF PROCEEDINGS

REGULAR MEETING
TOWN OF GRAND LAKE BOARD OF TRUSTEES
MONDAY, AUGUST 9, 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 7:37 p.m. at the Town Hall, 1026 Park Avenue.

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

ABSENT: Trustee Gibbons resigned effective July 29, 2010.

APPROVAL OF MINUTES

May 10, 2010: Trustee Peterson moved to approve the minutes of the May 10, 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 vacancy exists on the Town Board of Trustees. Qualified electors of the Town interested in serving are asked to submit a letter of interest by noon September 9, 2010. Applicants must also be a U.S. citizen and at least 18 years of age.

Mayor Burke then announced that Heart of the Mountains Hospice "Swim Event" will be held August 14 at Point Park beginning at 11 a.m.

PRESENTATIONS: Mayor Burke presented Trustee Peterson with a plaque and a glass from Rural Resort Region as a "Friend of the Seniors".

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.

No Trustees had a conflict of interest with any items on the agenda.

LIQUOR LICENSING AUTHORITY: None.

OLD BUSINESS:

PUBLIC HEARING – CONSIDERATION OF ORDINANCE NO. X-1-2-, AN ORDINANCE AMENDING CHAPTER 7 OF THE GRAND LAKE TOWN CODE BY THE ADDITION OF A NEW ARTICLE 5, PROHIBITING CERTAIN USES RELATING TO MEDICAL MARIJUANA – Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that the State legislature adopted two bills to address medical marijuana. The first bill

adopted was HB 10-109, regulating patients to undergo a physical examination by a M.D. or D.O. to receive a recommendation, not a prescription, for medical marijuana. HB 109 goes further to separate the relationship between the doctor and the marijuana center, prohibiting any compensation going from the dispensary to the doctor. The second and much more significant bill was HB 10-1284, concerning the regulation of medical marijuana. This bill managed to work through the constitutional protections for medical marijuana while preserving the local land use authority in a few ways. First, if someone has five or fewer patients that they provide for, they are considered a primary caregiver as outlined in the constitution, and will not be regulated in any way. If an operation would like to provide marijuana to six or more patients, they will be considered a medical marijuana center (MMC), the term dispensary goes away. MMC's can be regulated as well as completely banned by either an election or by simply adopting an ordinance. The Board has discussed these options, and after discussion, staff was directed to bring back a draft ordinance that will outright prohibit this use in Town and set this matter for a Public Hearing on August 9, 2010. Public Notice No. 5303739 giving notice of this hearing was published in the Middle Park Times on July 15, 2010. If adopted, the draft ordinance will add Article 5 of Chapter 7 to Town Code prohibiting operations of the following: a medical marijuana center, an optional premises cultivation operation (growing only), and a medical marijuana infused products manufacturing facility (baked goods) in Town. In short, it would be a complete ban on any commercial operations relating to medical marijuana that are currently allowed under HB 10-1284. The other option that remains would be to set this question for the November election. As a reminder, due to the County Clerks deadline requirements, ballot language would need to be adopted at the next regularly scheduled meeting, August 23rd if this were the direction that the Board decides to go. Staff recommends that the Board consider the public testimony on this issue and either move to:

1. Adopt Ordinance No. 12-2010, an Ordinance Amending Chapter 7 of the Grand Lake Town Code by the Addition of a New Article 5, Prohibiting Certain Uses Relating to Medical Marijuana.
2. Adopt Ordinance No. 12-2010, an Ordinance Amending Chapter 7 of the Grand Lake Town Code by the Addition of a New Article 5, Prohibiting Certain Uses Relating to Medical Marijuana as amended at this meeting.
3. Deny Ordinance No. 12-2010, an Ordinance Amending Chapter 7 of the Grand Lake Town Code by the Addition of a New Article 5, Prohibiting Certain Uses Relating to Medical Marijuana, and direct staff to bring back proposed ballot language allowing these medical

RECORD OF PROCEEDINGS

marijuana uses in the Town of Grand Lake for your consideration at the August 23, 2010 regularly scheduled meeting.

Mayor Burke then opened the meeting for public comment.

Having none, Mayor Burke closed the Public Hearing and turned the matter over to the Trustees.

Town Manager Hale noted that the Towns of Fraser and Granby and Grand County are going to a vote of the people this November. The Towns of Winter Park and Kremmling have passed ordinances prohibiting certain uses related to medical marijuana.

Following discussion Trustee Johnson moved to adopt Ordinance No. 12-2010, an Ordinance Amending Chapter 7 of the Grand Lake Town Code by the Addition of a New Article 5, Prohibiting Certain Uses Relating to Medical Marijuana as drafted. Trustee Weydert seconded the motion and all Trustees voted aye.

OLD BUSINESS:

CONSIDERATION OF A RELEASE OF COVENANTS FOR LOTS 1 AND 2, BLOCK 4, TOWN OF GRAND LAKE REGARDING PARKING – Mayor Burke asked Town Planner Wittman to present this matter to the Board. Wittman explained that this item was continued from the Board’s last regularly-scheduled meeting at the request of the property owner. On March 11, 2010, the Town received a request letter from Mr. Robert King, owner of Pancho and Lefty’s and owner of Lots 1-4, Block 4, Town of Grand Lake, for the Planning Commission and Town Board of Trustees to consider the removal of the parking credit covenants for Lots 1, Block 4 of the Town of Grand Lake. The covenants satisfy the parking requirements for that structure located on Lots 3-4. Mr. King’s request is for the Town to consider the removal of those covenants, a/k/a the parking requirements, in exchange for the parking credits associated with Lot 9, Block 2 of the Town of Grand Lake. According to the 2001 building permit file, the applicant was required to have a total of 19 parking spaces to meet the requirements, for the structure located on Lots 3-4, outlined in the code. The applicant met 12 of those spaces with on-street credit, by utilizing the credits associated with Lots 3, 4 and ½ of Lot 1. Parking credits were granted by the total number of spaces that could be striped in front of a parcel. Once credits were subtracted from the total number of required spaces, the applicant was required to meet 75% of the total number of remaining required spaces. These 5.25, rounded to 6 spaces, were required to be located off-street. This is where and how the Town placed the covenants on Lot 1. According to the Town’s records, the structure located on Lots 3-4, Block 4, would have needed 29 parking spaces prior to the Town’s consideration and adoption of new parking standards in 2009/2010. According to the Municipal Code: “In

determining the amount of off-street parking required, credit will be given for the available on-street parking adjacent and contiguous to any property subject to the provisions of this Section which adjoins a public right-of-way of eighty (80') feet or more in the Multiple-Family, Commercial, Commercial Transitional, Resort, Light Industrial, and General Industrial Districts." According to today's calculations, Lots 1-4 would be allotted 17 parking credits. When subtracted from the total number of parking spaces required, this would leave 12 parking spaces required to be met. Town Code still indicates 75% of the remaining spaces must be satisfied. This would indicate the property owner would be required to satisfy 9 parking spaces; Town Code does indicate these need to be located off-street, but Town Code further indicates the ability to improve parking in areas where it is underdeveloped. In September 2001, Mr. King signed a covenant to bind Lot 1, Block 4 with Lots 3-4, Block 4. This was recorded with Grand County. Additionally, in November, 2001, Mr. King signed a covenant that then bound Lot 2 with Lot 3. Initially staff thought that this was in part due to access requirements to the east side of the structure. In further investigations, Town staff was able to determine that approximately 6' separates Lot 2 and Lot 3. Since this parcel is zoned commercially, and the structure on Lot 3 can be built with no setback, staff's assessment is that Lots 1 and 2 may be separated from Lots 3 and 4. Since the 50' X 100' Lot 9, Block 2 is located on an 80' right of way, Pitkin Street, and a 100' right of way, Park Avenue, this parcel has 12 parking credits associated with it. The parcel is zoned Commercial Transitional and is allowed to have a single family residential, commercial or mixed use structure located on the parcel. Any residential uses on the parcel will be required to have the parking requirements met onsite. The proposed commercial uses would be calculated based on the Town's parking standards. While the parking spaces for commercial uses are not required to be onsite, the commercial uses would be allowed to utilize the credits. In May, the Planning Commission discussed with Mr. Bob King the Commission's willingness to make a favorable recommendation to the Town Board for the removal of those parking covenants associated with Lot 1, Block 4 of the Town of Grand Lake in exchange for the developed parking facilities and pedestrian improvements associated with Lot 9, Block 2 of the Town of Grand Lake. At that time, the Commission seemed favorable to the exchange with the following conditions:

- The 12 parking credits associated with Lot 9, Block 2, 4 on Park Avenue and 8 on Pitkin Street right of ways, will be in exchange for the covenants of those parking spaces associated with Lot 1, Block 4; and
- The parking credits will not be double-counted for any future development of Lot 9, Block 2; and
- Future access to Lot 9, Block 2 shall be restricted to the lot from the alley;

RECORD OF PROCEEDINGS

- The mandatory boardwalk and greenway, as well as the physical parking spaces, will be developed as per the Town's specifications; and
- Upon the sale of Lot 1, the aforementioned improvements must be in place.

At their last regularly-scheduled meeting, the Planning Commission unanimously voted (4-0) to make a favorable recommendation to the Town Board of Trustees for the Town's approval of the Release of Covenants and the 2010 Covenant contingent on Mr. King's ownership of Lot 9, Block 2. Wittman said that staff would also like to note some potentially positive aspects to the request:

1. With the development of parking on the public right of way in this location, on Lot 9, Block 2, so, too, would be the development of boardwalk and greenway in an area that it is required and underdeveloped; and
2. With the removal of the covenants, Lot 1, and possibly Lot 2, would be able to be commercially developed. Staff does not believe the highest and best use of commercially-zoned property on Grand Avenue is a gravel parking lot.

Additionally, staff would like to note that in the 2010 Covenant, the provision for review and approval by Grand Lake Fire Protection District (GLFPD). As stated earlier, staff previously thought access in this location was mandated by the GLFPD and has since discovered the access provided, in relationship to the structure, is compliant with the Municipal Code. If the Board is favorable to allowing for the Release of Covenants and the execution of the existing covenants, the Board may choose to include striking this provision. The Board should discuss this matter with Mr. King to determine the Board's desire to enter into a new agreement with Mr. King by upholding the Planning Commission's recommendation. The Board should discuss all pros and cons to a proposal of this nature. Once all discussions have taken place, the Board, if favorable, should move to uphold the recommendation of the Planning Commission by approving the Release of Covenant, with the condition of striking the provision for GLFPD review and approval, for Lots 1 and 2, Block 4, Town of Grand Lake as well as approving the 2010 Covenant for Lot 9, Block 2, contingent on Mr. King's ownership of that lot. If the Board is not favorable to the recommendation of the Planning Commission, the Board should discuss with Mr. King alternatives to his proposal, move to deny the recommendation and direct staff to work with the property owner to bring back a more favorable proposal at a later date and time.

RECORD OF PROCEEDINGS

Bob King, 1020 Mountain Avenue, was present and said that removing the covenants would make Lots 1 and 2 more saleable and developable. He noted that it is his intent to sell Lots 1 and 2.

Following discussion, Trustee Peterson moved to approve the Release of Covenant, with the condition of striking the provision for Grand Lake Fire Protection District review and approval, for Lots 1 and 2, Block 4, Town of Grand Lake as well as approving the 2010 Covenant for Lot 9, Block 2, contingent on Mr. King's ownership of that lot. Trustee Lewis seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF A REQUEST FOR A BANNER FROM THE GRAND LAKE AREA CHAMBER OF COMMERCE – Since there was not a representative from the Chamber of Commerce, Trustee Peterson moved to table consideration of this matter until such time a representative can be present with the banner. Trustee Weydert seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF A PLANNING COMMISSION RECOMMENDATION REGARDING MCLAREN STREET DESIGNATION AS A PUBLIC PARK - Mayor Burke asked Town Planner Wittman to present this matter to the Board. Wittman explained that at their last regularly-scheduled meeting, the Planning Commission held a Public Hearing to discuss the formal dedication and designation of McLaren Street as a public park to be incorporated into the Town's parkland, open space and trails. After all public testimony was made, by a total of seven local individuals, and the Commission deliberated the matter, Commissioner Canon made a favorable recommendation to the Town Board of Trustees that the area known as McLaren Street be designated as an open space area in the Town of Grand Lake with the permitted uses being limited to day-use fishing OR non-motorized boating, picnicking and sightseeing, snowmobile access and, by permission granted from the Town, contractor access for maintenance/construction of structures on Grand Lake while preserving an easement through the centerline of the area for emergency service vehicles. Commissioner Burke seconded the motion. Discussion took place by the Commission that the Commission would like to make recommendation to the Town Board for the Board to consider directing staff and/or funding for the reworking of the rocks on the irregular shoreline, to make the area a more user-friendly shoreline for fishing as well as non-motorized access to the lake, as well as for the Board to deliberate what the appropriate name should be for the open space area. Additionally, the Commission discussed their willingness to allow for public signage indicating the name of the area as well as information indicating "public access to lake/day use only"; the Commission was in agreement signage should be minimal and not detract from the natural beauty. After all discussions took place, all members of the Commission

RECORD OF PROCEEDINGS

voted favorably to Commissioner Canon's recommendation. On June 16, 2010, the Planning Commission heard a staff proposal for the formal dedication of that tract of undeveloped public right-of-way known as McLaren Street as a public park. As the Board may remember, this recommendation was made to the Town by the Parks, Open Space and Trails (POST) Committee who was charged with the task of making recommendations to the Town regarding future expansion and development of the Town's parks, trails and open space system. As a reminder to the Board, no recommendations have been formally adopted although the Board has opted to consider some recommendations prior to the official adoption of a local Parks, Open Space and Trails Master Plan. At the June meeting, the Commission was informed the Town was advised by Town Attorney Krob the Planning Commission should hold a Public Hearing to determine the applicability of the designation as well as the uses of the proposed park to make recommendation to the Town Board of Trustees. McLaren Street, a 50' X 200' parcel located on the west shore of Grand Lake, was platted and recorded in 1905 by James Cairns. On that plat, Mr. Cairns indicated "I hereby dedicate and grant to the public, the perpetual use to the streets and alleys, as marked, mapped and designated thereon." This platted street leads directly to Grand Lake. The shoreline of street is rocky; no boat launch or dock exists in this area. Two (2) benches exist in this location. The 200' access to the lake includes mature and recently planted trees and shrubs. Although the Site Location Map and Site Photographs depict a temporary restroom facility in this location, this amenity was removed in 2010 at the request of the neighboring property owner who initially requested the placement of it in this location. A chain expands the Cairns Street frontage with a sign on the chain indicating "*No Overnight Camping.*" It is the assumption of staff this platted right-of-way has not been utilized as a public thoroughfare and has traditionally been utilized as public access to the lake for picnickers, fishermen, non-motorized boat access, for emergency services to the lake and for approved contractors when desiring to utilize a barge or the ice to transport materials across Grand Lake as well as for snowmobile access onto Grand Lake. Given this area has been utilized predominantly for recreational means and has restricted most vehicular use, coupled with the recommendation of the POST committee, Town staff thought it be applicable the Town formally designate this area as a park and incorporate it into the municipal parks, open space and trails system. Proposed to be named "Mt. Craig View Park", the POST committee made recommendations for the future development of the area. Indicating "*Little change of this park is proposed as more passive recreation options in this location are ideal to blend with the existing residential neighborhood,*" the POST Committee noted this area is often underutilized. In addition to the installation of appropriate signage at the entrance to make it more visitor friendly, the POST committee indicated the installation of removable posts and/or parking blocks on Cairns

Avenue could help make the entrance more inviting and help indicate the public's ability to utilize this area. The committee also recommended: *"A picnic table placed in this location would encourage visitors to utilize this area for a larger variety of uses. To expand on the current uses, the irregular rocks on the shoreline could be reworked to make a safer environment and the water more accessible. A non-motorized boat dock, similar to that in Lakeside Park, could be installed."* Additionally, the committee suggested the higher priority items *"...would include low cost items to beautify the entrance and make it more visitor friendly to encourage the use of this area..."*, citing the installation of a picnic table and parking/signage improvements *"...would be minimal efforts for the greatest impact."* The committee further indicates *"Long-term plans for the park would include the installation of a vault toilet, reworking the rocks on the shoreline and installation of a non-motorized boat dock"* as recommendation. In discussions with the Town Board of Trustees on May 24, 2010, the Board indicated Board Members were amicable to the uses including fishing or non-motorized boating, as the CRS indicates "no person shall operate...a vessel within 150' of any person on shore engaged in fishing", picnicking, pedestrian day-use, snowmobile access as well as, by permission only, contractor access for construction and maintenance of structures located on Grand Lake. Additionally, the Board inquired with Town staff the applicability of a "dry hydrant" in this area and indicated they would be favorable to maintaining the access for emergency purposes if that was the desire of the Fire Department. The Town Board, as recommended by the Grand Lake Area Historical Society, was favorable to naming the area "Cairns Park." Fire Chief Long indicated that despite GLFPD not having a "draft hydrant" in this location, if access for emergency vehicles was maintained then the Fire Department would be in favor of designation of this area as a park. A summary of all written comments received as of August 5, 2010 are outlined below:

Diane B. Stoner, 612 Cairns Avenue, indicates that she, as well as the Donelson Berger Family, is opposed to the proposed park because Grand Lake has many public lake access points, they do not want the notice and mess as this is a direct intrusion on their rights, and that they feel the Town is not acting in good faith in honoring the intent of the original donor of the land.

Jane Patience Kemp, 536 Cairns Avenue, indicates that her family opposes the proposal. She cites that it was the intention of her grandfather to have this area open for access to the lake for fighting fires. She further indicates the Town's 1986 placement of dirt and rocks created the shoreline. She continues by indicating the small parcel would not be able to accommodate additional traffic and a parking problem would be created. Ms. Kemp also indicates trash is an issue in this location. Attached to her letter was a response from the County Attorney, in 1940,

RECORD OF PROCEEDINGS

indicating recreational uses causing issues at that time. Ms. Kemp asks the area not be advertised as a park and no structures be added to it but is pleased with the Town's recent plantings and would be in support of a buck-and-rail fence.

Fred and Jan Bell, 734 Cairns Avenue, indicates the original use of this land was for access to water of Grand Lake for fire. She notes the Los Angeles Fire Department has kept several fires under control by accessing the lake water. She further notes Mr. Cairns planning was a very real and practical way for providing protection and urges the Town to be thoughtful in deliberations.

Penelope Potter, on behalf of herself, and Melinda Berger/Deborah Ellis, 610 Cairns Avenue, indicates opposition to the proposed idea of a park. She questions the benefits of calling this area a park when there is already considerable amount of foot traffic in the area; designation would increase the use. Additionally, she questions calling it a "park" and whether the Town's intentions are for greater amenities, citing a playground, restrooms, other structures, etc. She indicates with the removal trees there is no longer a sound/visual barrier and that increased noise and view of a restroom would diminish property value and personal use. She also indicates misuse of the area has lead to increased trash, private property trespassing, and increased speeds of snowmobile use. Additionally, Ms. Potter indicates parking is already an issue in this location and given the intention of access to the lake, parking in front of the access should be prohibited, thus causing a greater issue.

Barbara M. Leutwiler, 704 Shadow Mountain Lane, states she thinks this is a highly questionable project. She feels this area is far too small to be designated as a park. She cites extra cars, trash and traffic would be a detriment to the neighborhood. She also indicates the Town Park and Public Beach area should be sufficient public access in a community the size of Grand Lake. Additionally, she indicates spending money on this area would be fiscally irresponsible. Lastly Ms. Leutwiler indicates this project is not appropriate nor neighborhood friendly.

Drew Rzepiennik, Ravenwood Unit A-3, states he does not think the park could accommodate more visitors and activities such as picnicking, ball throwing, grilling or whatever else may be intended. He indicates the area is special to him and his family as it is within walking distance to their house and that it presents a safe shoreline and a shallow for kids that is secluded and removed from the larger beach areas.

Additionally, Ms. Jane Kemp gave Town Hall staff correspondence to her from two owners of other nearby parties: David Chubb and Karen Fry. Mr. Chubb indicates he and Karen share her concerns about the proposed park. Ms. Fry indicates she thinks the area is too small, that restroom

facilities would be a waste and that Mr. Cairn's intention of a fire lane for emergencies should be preserved.

Patricia and John Raney, 834 Lake Avenue, indicate they are opposed to the proposed Cairns Avenue picnic pavilion and cite numerous concerns with the Town's installation of this amenity.

Anne Massey, 716 Grand Avenue, indicates she is in agreement with Jane Kemp's letter.

While the Municipal Zoning Regulations do not define "park", the code does indicate *Open Space (Public)* is "...*Undisturbed, revegetated or improved land dedicated to the common use of the public to provide visual openness and recreational use. Changes in the open space utilization must be approved by the Commission and Board of Trustees of the Town of Grand Lake.*" The code further indicates *Useable Open Space, Public or Quasi-Public*, is: "*Open area designed and developed for uses including, but not limited to recreation, courts, gardens, parks and walkways*". Additionally, the Town does not have a "Parkland" Zoning District but does have an Open Space District. While staff is not proposing zoning this parcel, it may be important to outline uses permitted in this district. Open Space District Uses-by-Right include: paved and unpaved walkways for pedestrian, bicycle, equestrian and snowmobile use; benches; sculptures; water features such as ponds, streams or fountains; architectural lighting and downcast low-illumination lighting for walkways and trails; sculpted or manicured landscape features; fencing; pedestrian bridges; natural habitat preserves, wetland habitat; and parks. The code further indicates parking lots, water storage tanks/pumping stations and sewer lift stations, public utilities, public restrooms and historic structures are Conditional Uses, which may require Public Hearings prior to approval. Staff wanted to outline this part of the Municipal Code as it may be more beneficial for the Town to consider designating this area as a dedicated open space area, as the Planning Commission has made the recommendation to do. Unlike the Public District, municipal Open Space lands allow for more passive recreation, which is what has been previously discussed for the uses of this area. While staff initially proposed this area to be designated as a park, the intentions of staff, as well as the POST Committee, is to beautify and enhance the area as opposed to developing the area as an active recreation site. Active recreation sites typically involve the development of playgrounds and other visitor amenities that promote "active recreation". Passive recreational sites are those that are designed for more passive uses, such as the existing fishing, picnicking, lake viewing, etc., that are the predominant uses of the area. These areas are generally undeveloped parcels that require minimal development. Following the process similar to the changing of Hancock Street to a trail, the Town should hold a Public Hearing regarding this matter. Suggested

RECORD OF PROCEEDINGS

by the Town Attorney, the Planning Commission and Town Board should hold a Public Hearing regarding the proposed park and its uses. Staff would recommend a Public Hearing be held with notification to the surrounding neighbors and notification to the newspaper. In addition, staff will seek comments from any other applicable local agencies the Board deems necessary. If the Board is favorable to staff's recommendation, the Board should move to hold a Public Hearing on September 13, 2010, for the Board's consideration of a Planning Commission recommendation regarding that area known as McLaren Street.

Following discussion, Trustee Peterson moved to set a Public Hearing for September 13, 2010 to consider a Planning Commission recommendation regarding McLaren Street designation as a public park. Trustee Lewis seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE TOWN OF GRAND LAKE AND RIDGE AT ELK CREEK, INC. - Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that the Board was approached by staff last year regarding the Ridge at Elk Creek's possible annexation and subdivision. Staff highlighted its concern that since this development has been in negotiations for six years now, that it may be better to just deny the annexation petition and to reconsider this annexation when re-approached by the developer, when he is actually ready to move forward. During that discussion, Mr. Stanley advised that he would prefer to memorialize the agreements that had thus far been negotiated for a year due to a sluggish economy, with the idea that he would need to re-approach the Board once it expired to again discuss the status of the project. Mr. Stanley has submitted a letter requesting a renewal of the Memorandum of Understanding (MOU), and has also signed the proposed MOU. Additionally, Mr. Bill Hayne, the P.E. on this project, has submitted a letter stating that the preliminary plat engineering is substantially complete, meaning that there will be little in Mr. Stanley's way in moving forward when he's ready to do so. For review, the MOU simply references the three documents that the Town and Developer have negotiated to-date: Annexation and Development Agreement, Municipal Water Service Agreement, and the Maintenance and Repair Agreement. Staff would point out that these documents are in the exact state that we had left them when negotiations ceased, with details like Mayor Pro-Tem Rhone in the signature line that would obviously need to be updated prior to execution. If the Board would like to move forward, the staff recommendation is for the Board of Trustees to make a motion to authorize the Mayor to sign the MOU between the Town and Ridge at Elk Creek, Inc. Hale noted that Tom Stanley was present.

RECORD OF PROCEEDINGS

Town Planner Wittman noted that Mr. Stanley will have to go through the Sketch Plan phase again when he is ready to proceed.

Following brief discussion with Mr. Stanley, Trustee Lewis moved to authorize the Mayor to sign the MOU between the Town and Ridge at Elk Creek, Inc. Trustee Peterson seconded the motion and all Trustees voted aye.

ACCOUNTS PAYABLE

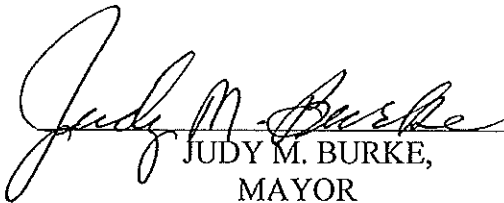
July, 2010:

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. Trustee Peterson 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 Peterson moved to adjourn, seconded by Trustee Weydert. All Trustees voted aye, and the meeting was adjourned at 8:25 p.m., August 9, 2010.



JUDY M. BURKE,
MAYOR

ATTEST: 

RONDA KOLINSKE, CMC,
TOWN CLERK