

RECORD OF PROCEEDINGS

REGULAR MEETING
TOWN OF GRAND LAKE BOARD OF TRUSTEES
MONDAY, SEPTEMBER 13, 2010 7:30 P.M.

CALL TO ORDER: The regular meeting of the Board of Trustees was called to order by Mayor Pro-Tem Jim Peterson at 7:30 p.m. at the Town Hall, 1026 Park Avenue.

PRESENT: Mayor Pro-Tem Peterson; Trustees Johnson, Lanzi, Lewis, and Weydert; Town Manager Hale, Town Treasurer/Clerk Pro-Tem Dzinski and Town Planner Wittman.

ABSENT: Mayor Burke.

APPROVAL OF MINUTES

May 24, 2010: Trustee Johnson moved to approve the minutes of the May 24, 2010 regular meeting as written, seconded by Trustee Lewis. All Trustees voted aye except Trustee Weydert, who abstained.

July 26, 2010: Trustee Lewis moved to approve the minutes of the July 26, 2010 regular meeting as written. Trustee Johnson seconded the motion and all Trustees voted aye.

August 23, 2010: Trustee Lewis moved to approve the minutes of the August 23, 2010 regular meeting as written, seconded by Trustee Johnson. All Trustees voted aye except Trustees Peterson and Weydert, who abstained.

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

Mayor Pro-Tem Peterson announced that Grand Lake's "Race for the Cure", a fundraiser for breast cancer research, will be held October 3. Register online with Team Grand Lake at www.komendenver.org.

Mayor Pro-Tem Peterson announced that the Grand Lake Fire Protection District will be flow testing fire hydrants in Town between Sept. 7th and 30th. This may cause some cloudiness in the water but will not affect the ability to use it as normal.

Mayor Pro-Tem Peterson then announced that a vacancy exists on the Town Board of Trustees. Qualified electors of the Town interested in serving are encouraged to contact Town Hall.

CONFLICTS OF INTEREST:

Mayor Pro-Tem Peterson 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.

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There were no Trustees who expressed a conflict of interest with anything on this evening's agenda.

LIQUOR LICENSING AUTHORITY: None.

OLD BUSINESS:

CONSIDERATION TO RESCHEDULE A PUBLIC HEARING TO CONSIDER A PLANNING COMMISSION RECOMMENDATION REGARDING MCLAREN STREET DESIGNATION AS A PUBLIC PARK – Mayor Pro-Tem Peterson asked Town Planner Wittman to present this matter to the Board. Wittman explained that recommendations have been made by the Parks, Open Space and Trails (POST) Committee to formally create a pocket park in that area that was platted and deeded to the Town as McLaren Street. The Board was presented this matter, along with a Planning Commission recommendation, at the first regularly-scheduled meeting in August and the Board moved to hold a Public Hearing on September 13, 2010. However, staff made an error in the legal noticing for the meeting. Legal Notice #5432993 was published in the Middle Park Times on August 19, 2010. This legal notice indicated the Public Hearing was to be held on September 1, 2010. Certified mail was sent to property owners within 200' advertising September 13, 2010, as the appropriate date for the Public Hearing. Staff has since sent notification to property owners indicating the error in legal noticing and the Town's need to reschedule the Public Hearing to comply with legal requirements. Due to the errors, staff recommends the Board move to reschedule the Public Hearing for the McLaren Street Right of Way Public Hearing for September 27, 2010.

Trustee Johnson moved to reschedule the Public Hearing for the McLaren Street Right of Way Public Hearing for September 27, 2010. Trustee Lewis seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF ORDINANCE NO. X-2010, AN ORDINANCE AMENDING THE TOWN OF GRAND LAKE MUNICIPAL CODES BY AMENDING SECTION 1 OF ARTICLE 2 OF CHAPTER 6, SIGN CODE – Mayor Pro-Tem Peterson asked Town Planner Wittman to present this matter to the Board. Wittman explained that at the Planning Commission's last regularly-scheduled meeting held September 1, the Commission moved to forward a favorable recommendation to the Board of Trustees for approval of Ordinance No. X-2010, an Ordinance Amending the Town of Grand Lake Municipal Codes by Amending Section 1 of Article 2 of Chapter 6, Sign Code. An outline of the proposed Sign Code Changes is as follows:

In the "Definitions" section:

- "Area of Sign" shall include framing; and

- “Directional Signs” have been elaborated upon to include separation between “Open House Directional Signs” and “Town Off-Premise Signs”, which will now be the only authorize off-premise signage a business shall be allowed; and
- “Governmental Signs” shall now include “Gateway” or “Monument Signs” which identify the Town of Grand Lake or areas within the Town (this section will preclude “Subdivision” signage, as this type of signage will now be addressed separately); and
- Staff has developed a “Historic Landmark Sign” designation for those non-conforming signs that are designated, by petition by the owner, to be kept for their historical significance; and
- “Land Development Sign” will now cover all subdivisions and planned development signage; and
- “Light Emitted Diode” Signs are now defined.

In the “General Restrictions” section:

- Signs that flash or blink shall now be allowed if authorized for a public purpose by governmental agency; and
- Illumination of signage by LED shall conform with the Design Review Standards, which indicate they must be “dark sky compliant”.

In “Signs Exempted From a Permit”:

- Instead of those signs that are authorized for a public purpose “by law” shall now be authorized by a governmental agency; and
- Historical Signs are removed; and
- Residential signs shall now have to comply with the illumination standards outlined in the Design Review Guidelines; and
- Service organization emblems, banners and pennants, Directional Signs to Public Places, Governmental Signs, Trail Signs as well as Graphic Designs will no longer be exempted and have been placed in subsequent sections of the code.

In “Signs Requiring Review”:

Staff has broken this Section up with two different subsections:

1. Signs Requiring an Administrative Review: Historical Site Signs, those indicating a historical structure or site; and Service Emblem Signs; and Directional Signs to Public Places; and TOPS Signs; and Governmental, Gateway or Monument Signs; and Trail Signs; and Graphic Designs. These types of signs may not only be forwarded to the Town Board but, also, the Town Board shall be the body for appeals.
2. Signs Requiring Board Review: Historic Landmark Signs, which is a newly created type of sign and this section outlines the process for review and approval of those signs.

In "Signs Requiring a Permit":

- Business Signage in Subdivision or Planned Developments must comply with a sign plan that was approved with the development approval; and
- Free-standing signs will no longer be limited to one per parcel; and
- Off-premise signage shall be limited to only TOPS signs, the Commission will be reviewing the TOPS program at their next regularly-scheduled meeting and, subsequently, the Town Board may be seeing proposed program alterations soon; and
- Signs hanging above a public walkway shall be limited to one per entry/exit; and
- Banners or Pennants that represent civic events shall be governed under "Banners and Temporary Signs"; and
- Institutions and Recreational Clubs shall no longer be limited in the number of signs; and
- Land Development Signs shall be allowed to have their signage plan amended with authorization by the Town Board of Trustees.

The Board should discuss the proposed changes and determine whether or not the Board would like to hold a Public Hearing. While a Public Hearing is not required, the Planning Commission did opt to hold a Hearing; no written comments or public testimony were received by the Planning Commission. After all discussion has taken place, the Board may move to:

- 1) Direct staff to incorporate any changes discussed by the Town Board and to have staff bring a modified ordinance back to the Board at a later date; or
- 2) Schedule a Public Hearing for consideration of Ordinance X-2010, an Ordinance Amending the Town of Grand Lake Municipal Codes by Amending Section 1 of Article 2 of Chapter 6, Sign Code for October 25, 2010; or
- 3) Uphold the Planning Commission's recommendation by adopting Ordinance No. X-2010, an Ordinance Amending the Town of Grand Lake Municipal Codes by Amending Section 1 of Article 2 of Chapter 6, Sign Code.

Following discussion, Trustee Lanzi moved to uphold the Planning Commission's recommendation by adopting Ordinance No. 16-2010, an Ordinance Amending the Town of Grand Lake Municipal Codes by Amending Section 1 of Article 2 of Chapter 6, Sign Code seconded by Trustee Johnson.

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Before a vote was taken, Board Members discussed the importance of holding a Public Hearing on this matter.

The motion then failed when all Trustees voted nay.

Trustee Lewis then moved to schedule a Public Hearing for consideration of Ordinance X-2010, an Ordinance Amending the Town of Grand Lake Municipal Codes by Amending Section 1 of Article 2 of Chapter 6, Sign Code for October 25, 2010. Trustee Weydert seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF RESOLUTION NO. 22-2010, A RESOLUTION GRANTING THE LICENSE FOR ENCROACHMENT FOR CERTAIN IMPROVEMENTS LOCATED ADJACENT TO GRAND LAKE ESTATES FIRST FILING, LOT 3, BLOCK 10 - Mayor Pro-Tem Peterson asked Town Planner Wittman to present this matter to the Board. Wittman explained that the applicant is requesting that the Board reschedule consideration of this matter until the applicant and Town staff can each agree to the language within Resolution No. 22-2010 and the Indemnification Agreement attached as Exhibit "C".

Trustee Weydert moved to continue consideration of Resolution No. 22-2010, a Resolution Granting the License for Encroachment for Certain Improvements Located Adjacent to Grand Lake Estates First Filing, Lot 3, Block 10 until such time that the applicant and Town staff can reach an agreement satisfactory to both parties. Trustee Lewis seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF ORDINANCE NO. 15-2010, AN ORDINANCE AUTHORIZING THE LEASE OF REAL PROPERTY TO THE GRAND LAKE METROPOLITAN RECREATION DISTRICT BY THE TOWN OF GRAND LAKE AND ESTABLISHING THE TERMS THEREOF – Mayor Pro-Tem Peterson asked Town Manager Hale to present this matter to the Board. Hale explained that the lease with the Recreation District for a portion of the Town's modular has recently expired, although their insurance of the premises has been maintained so there haven't been any dire issues associated with the fact that it isn't currently valid. Over the past year, the lease has been a good fit. All of the tenants get along, the building is put to use and the Town no longer has to pay the utilities. Hale said that Don Summers, President of Grand Lake Metropolitan Recreation District, submitted a letter requesting that the Board consider renewing the lease with the same provisions as the previous lease. If the Board agrees with the idea of leasing this portion of the building to the Recreation District for one year, the staff recommendation is for the Board to adopt Ordinance No. 15-2010.

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Following brief discussion, Trustee Johnson moved to adopt Ordinance No. 15-2010, an Ordinance Authorizing the Lease of Real Property to the Grand Lake Metropolitan Recreation District by the Town of Grand Lake and Establishing the Terms Thereof and to authorize the Mayor to sign the Lease Agreement attached as Exhibit 1. Trustee Lewis seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION TO REMIT MATCHING FUNDS TO THE CHAMBER OF COMMERCE - Mayor Pro-Tem Peterson asked Town Manager Hale to present this matter to the Board. Hale explained that the Chamber is requesting the \$5,000 matching grant that the Board pledged contingent upon their raising at least \$5,000 from the community. Hale said that the Chamber submitted a list of donors with their pledges for the Board to consider. If the Board is satisfied that the Town's conditions have been met then the staff recommendation is for the Board to authorize staff to remit a check in the amount of \$5,000 to the Grand Lake Chamber of Commerce. Hale noted that Lisa Jenkins was present representing the Chamber.

Following brief discussion, Trustee Johnson moved to authorize staff to remit a check in the amount of \$5,000 to the Grand Lake Chamber of Commerce. Trustee Lewis seconded the motion and all Trustees voted aye.

ACCOUNTS PAYABLE


August, 2010:

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

CITIZEN PARTICIPATION: None.

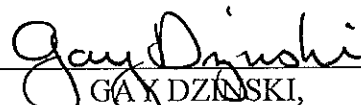
ADJOURNMENT:

Trustee Lewis moved to adjourn, seconded by Trustee Johnson. All Trustees voted aye, and the meeting was adjourned at 7:55 p.m., September 13, 2010.



JAMES C. PETERSON,
MAYOR PRO-TEM

ATTEST:



GAY DZINSKI,
TOWN TREASURER/CLERK PRO-TEM