

RECORD OF PROCEEDINGS

REGULAR MEETING
TOWN OF GRAND LAKE BOARD OF TRUSTEES
MONDAY, FEBRUARY 28, 2011 7:30 P.M.

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

ROLL CALL

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

ABSENT: None.

Mayor Burke announced that Trustee Ludwig will be absent from the workshop session on March 14, 2011, Trustee Weydert will be absent from the workshop session on April 11, 2011 and that she will be gone from April 11 to the 15, 2011.

Trustee Lewis moved to excuse Trustee Ludwig, Weydert and Burke's absence on those dates mentioned. Trustee Johnson seconded the motion and all Trustees voted aye.

APPROVAL OF MINUTES

February 14, 2011: Trustee Johnson moved to approve the minutes of the February 14, 2011 regular meeting as written, seconded by Trustee Peterson. All Trustees voted aye except Trustees Lewis and Weydert, who abstained.

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

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 Ludwig announced that he had a conflict with the Local Liquor Licensing issues as he holds a license for The Rapids Lodge and Restaurant.

REPORTS: SALES TAX
CASH FLOW REPORT
FOR FEBRUARY 2011:

Mayor Burke asked Town Clerk Kolinske to present the sales tax cash flow report. Kolinske reported that the amount of revenue received in

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February for the month of December 2010 is \$38,235. This amount is 7.68% above what was received through February 2010.

REPORTS: FOURTH
QUARTER SALES TAX
COLLECTION BY INDUSTRY

OCT. – DEC.: 2006-2010: Town Clerk Kolinske noted that Town Treasurer/Clerk Pro-Tem Dzinski provided a report consisting of the Fourth Quarter Sales Tax Collection by Industry for October – December: 2006-2010.

REPORTS: FINANCIAL
REPORT FOR
JANUARY 2011:

Mayor Burke asked Financial Trustee Peterson to present the Financial Report for January 2011. Peterson reported that General Fund expenditures through the end of January totaled \$60,488.25 or 4.1% of budget. He said the Water Fund expenditures for the same period totaled \$19,474.58 or 4.0% of budget, the Marina Fund expenditures totaled \$5,089.25 or 1.5% of budget and no funds have been expended from the PAYT Fund.

At 7:35 p.m. Trustees Johnson and Ludwig excused themselves 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 Peterson 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 Lewis seconded the motion and all Trustees voted aye.

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF RENEWAL OF THE HOTEL AND RESTAURANT LIQUOR LICENSE FOR MTNMAX, INC., D/B/A MAX AND T'S BAR AND GRILL - Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske reported that the fees have been paid and the renewal documents are in order. The water, business license, and sales tax accounts are all current. She noted that the Grand County Sheriff's Department found no adverse

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information that would affect the status of the license. She then concluded by saying that Max Ludwig, President/Secretary, was present.

Trustee Lewis moved to approve the renewal of the Hotel and Restaurant Liquor License for MtnMax, Inc., d/b/a Max and T's Bar and Grill. Trustee Peterson seconded the motion and all Trustees voted aye.

At 7:40 p.m. Trustees Johnson and Ludwig resumed their seats.

OLD BUSINESS:

None.

NEW BUSINESS:

CONSIDERATION OF ORDINANCE NO. 2-2011, 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 expired on January 24th for their portion of the Town's modular building. Staff apologizes to the Board for the oversight of letting this agreement expire; a tickler system has been put into place that should help prevent this from happening in the future. However, part of the issue is that there are currently three tenants, with three separate terms, so staff wants to suggest that all three tenants get on the same terms for ease of administration. Currently, the lease with the Rec. District expires in September, the lease with GCWIN expires in November, and the Historical lease expires in January. Staff is suggesting that all the terms with all three leases expire on December 31st, and has placed that same date in this agreement. Otherwise, this lease is substantially the same lease that was entered into last year with the Historical Society, with the only changes being the dates. Insurance coverage has been, and continues to be, in place. 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. 2-2011. Hale noted that Jim Cervenka, representative of the Historical Society, was present.

Jim Cervenka, 610 Center Drive, was then recognized from the audience. He said that he met with Town Manager Hale earlier that day and told him that their submission for acceptance to the Colorado State Register of Historic Places was submitted on Friday, March 11, 2011 and the decision date will June 10, 2011. They are hoping that the State will recognize the historic significance of the Smith Eslick Cottage Court. He mentioned that the drainage ditch that runs in front of the Cottage Court is really part of the Cairns Ditch that brought water from the North Inlet through the Town of Grand Lake for irrigation and domestic use and it in itself is a historic part of Grand Lake. He said that he asked State Historical if it would be wise for the Society to request designation

of the ditch and the Cottage Court. They were very much in favor of it as they would like to see all of the historic resources brought together. Town Manager Hale and Town Planner Wittman, however, wanted to know the exact location of the ditch and because of the snow it is hard to determine, but it is almost certain that it is in the Town's Vine Street right-of-way. So for now, Cottage Court is all that they have asked for to be designated. He also said that he talked with Town Manager Hale and the Public Works Director, Bernie McGinn, about the possibility of leasing the old Town Hall building at 315 Pitkin Street at some point in the future as they are seeing the need for additional space.

Following discussion, Trustee Johnson moved to adopt Ordinance No. 2-2011, 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, and to authorize the Mayor to sign the Lease Agreement between the Town and the Society. Trustee Peterson seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF PLANNING COMMISSION RESOLUTION NO. 2-2011, A RESOLUTION MAKING A RECOMMENDATION TO THE TOWN BOARD OF TRUSTEES FOR APPROVAL OF A DESIGN REVIEW STANDARDS VARIANCE REQUEST FROM MR. RON WOOD FOR THE INSTALLATION OF VINYL WINDOWS, A PROHIBITED WINDOW MATERIAL, ON THE STRUCTURE, AND APPROVED ADDITION, LOCATED AT LOT 5, BLOCK 5, GRAND LAKE ESTATES 1ST ADDITION, A/K/A 516 SHADOW MOUNTAIN DRIVE – Mayor Burke asked Town Planner Wittman to present this matter to the Board. Wittman explained that on February 2, 2011, the Town of Grand Lake received a Design Review Standards variance request from Mr. Ron Wood for the installation of vinyl windows on his structure, and approved addition, located at Lot 5, Block 5, Grand Lake Estates 1st Addition; vinyl and vinyl clad windows are prohibited exterior window materials in the Town of Grand Lake. At their last regularly scheduled meeting, the Planning Commission unanimously approved Planning Commission Resolution No. 2-2011, forwarding a favorable recommendation of approval of the prohibited material to the Town Board of Trustees. According to Chapter 12-7, *Design Review Standards*: “Any person who is aggrieved by the denial of a building permit due to the administrative ruling of the Building Code Administrator in regards to the design standards listed herein of this Article shall have the right to appeal to the Board of Trustees. The appeal must be in written form, state the grounds for the appeal, and be filed with the Town within fourteen (14) days of the denial. The Planning Commission shall hear the appeal at their next regularly scheduled meeting after receipt of the written notice and provide a recommendation to the Board of Trustees. The Board of Trustees shall

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hear the appeal at their next regularly scheduled meeting after the Planning Commission meeting.” The Board should review Planning Commission Resolution No. 2-2011, the applicant’s submittal and take testimony from the applicant, if desired. The Board should then discuss for determination whether or not the Board would like to uphold the recommendation of the Planning Commission. While the code does not indicate any applicable review criteria, the Board may want to take into consideration what the code indicates:

Purpose:

As Grand Lake becomes more densely built, there is a need to create a symbiotic relationship between buildings and public and open spaces. The Town of Grand Lake seeks to preserve the historical, rustic, and unique western small-town character of Grand Lake while also integrating its preservation with new and pioneering creative designs. Intending to help enhance quality and strengthen visual continuity while preserving historically significant properties, allowing innovation and encouraging creativity, the purpose of these standards is to stimulate creative design solutions for individual properties while promoting and preserving a sense of cohesiveness among the entire Town of Grand Lake.

Material Selection:

Material selection should take into account the historical and existing perspective of the Town. Materials should consider the multiple elevations and views of the projects while durability and maintenance and long-term performance should also be a consideration in material selection. The objective of material standards is to allow flexibility in the choice and applications of exterior materials...

- 1. The proposed materials must be appropriate to the surrounding context, both built and natural.*
- 2. The proposed materials must also be durable and maintainable over time and inclement weather.*

Once all discussion has taken place by the Board, the Board should make a motion regarding this matter. The Board should move to uphold or to not uphold the recommendation of the Planning Commission and authorize or not authorize the use of the Jeld-Wen Vinyl Windows, a prohibited exterior window material, for the structure, and its approved addition, located at Lot 5, Block 5, Grand Lake Estates First Addition to the Town of Grand Lake. Wittman noted that Ron Wood was present.

Ron Wood, 6395 S. Jay Way, Littleton, CO, was recognized from the audience. During his presentation to the Board, he displayed examples of two different types of windows. One was made of aluminum clad, which is an acceptable window material, and the other was the Jen Weld

Vinyl. They were both the same color and it was hard to tell the difference between the two. The Jen Weld Vinyl windows are made for this altitude and are guaranteed for life. The vinyl requires very little maintenance as the vinyl does not chip. Mr. Wood said that the color may fade slightly but all paint colors do. Town Planner Wittman noted that all of the colors that the manufacturer makes are acceptable according to the Town's Design Review Standards.

Following discussion, Trustee Lanzi moved to uphold the recommendation of the Planning Commission and authorize the use of the Jen Weld Vinyl Windows for the structure, and its approved addition, located at Lot 5, Block 5, Grand Lake Estates First Addition to the Town of Grand Lake. Trustee Johnson seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION TO AUTHORIZE THE MAYOR TO SIGN A LETTER ADDRESSED TO THE GRAND COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING THE COUNTY'S PROPOSAL OF ALLOWING MEDICAL MARIJUANA CENTERS, GROW OPERATIONS AND INFUSED PRODUCTS ON GRAND COUNTY ZONED TOURIST DISTRICTS - Mayor Burke asked Town Planner Wittman to present this matter to the Board. Wittman explained that on March 15, 2011, the Grand County Board of County Commissioners will consider a Planning Commission recommendation regarding regulations for Medical Marijuana Centers, Grow Operations and Infused Products; staff will be attending this meeting. Wittman noted that she attached the following relevant information to their packets: Grand County Department of Planning and Zoning Certificate of Recommendation, *Proposed* Grand County Regulations and Grand County Planning Commission (2.9.11) Meeting Minutes. County staff has proposed regulations which would include these types of businesses in the Unincorporated Grand County Tourist-Zoned District; the Grand County Planning Commission opted to follow with staff's recommendation despite a Town of Grand Lake letter sent to the County urging both Grand County bodies to consider not allowing these businesses in the Tourist-Zoned District. As the letter indicates, these types of businesses do not fit into the Tourist Zone, as its stated purpose is to "...provide areas to accommodate related businesses to serve the traveling and recreation oriented public..." The Town acknowledges the Tourist Zone District does allow drug stores as permitted uses, but asserts that Medical Marijuana Centers (MMCs) are inherently different from drug stores, as MMCs are not intended for the traveling and recreation oriented public. Additionally, staff notes the Business Zone District is intended "...to provide areas designed for retail shopping convenience of persons residing in the County." It is staff's perception that it is apparent that the Business Zone is a much better fit and far more appropriate for this use. As Section 25-1.5-106 of the

Colorado Revised Statutes indicates that: *“at the time a patient applies for inclusion on the confidential registry, the patient...[must] register the primary center he or she intends to use.”* In other words, these facilities are only envisioned and intended to support the communities in which they reside—Grand County MMCs for Grand County patients—and their zoning should reflect this intent. For elected and appointed officials who are not aware, Grand County Zone Map 5, indicates, the Town’s entire Urban Growth Boundary (UGB) is located in the Tourist-Zoned District; staff will have a visual of the Town’s UGB for reference. The letter that has been sent to the County Commissioners also indicates this and urges them to consider this as they are preparing to adopt regulations which may affect these lands in the Grand Lake area. As a reminder, this item was brought up in the spring of 2010 when the County was looking at regulations for MMCs, this was prior to the passage of state legislation regarding this matter. At that time, staff sent a similar letter to the Grand County Planning Commission and brought the matter before the Board and Commission for an FYI. At that time, the Grand County Planning Commission had indicated they would only like to permit these types of businesses in the Business-Zoned District. The item was not forward to the BOCC due to the enactment of the County-wide moratorium on these types of businesses. While discussing this matter with County staff, it was indicated this was brought up at the most recent Grand County Planning Commission meeting. In the meeting, the Commission determined the increased distance setbacks, predominantly 1000’ from residences, would be a buffer which could reduce the number of these types of businesses in the Three Lakes area. The County has not determined exactly how many parcels in unincorporated Grand County would be eligible for this type but business despite determining the current 817 parcels zoned “Tourist” or “Business”. Staff has redrafted the submission letter with signature blocks for Mayor Burke and Chairman Southway. Staff would like members of the Commission and Board to discuss this matter to determine whether or not the Commission and Board would like to authorize the Mayor and Chairman to sign the letter to the Grand County Board of County Commissioners.

Trustee Lewis moved to authorize the Mayor to sign a letter addressed to the Grand County Board of County Commissioners regarding the County’s proposal of allowing Medical Marijuana Centers, Grow Operations and Infused Products on Grand County zoned Tourist Districts. Trustee Weydert seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION TO AUTHORIZE THE MAYOR TO SIGN A LETTER ADDRESSED TO THE EAST GRAND SCHOOL DISTRICT PLEDGING \$20,000 WITH CERTAIN CONDITIONS - Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that at the meeting held February 14th, the Board

discussed its willingness to contribute \$20,000 towards East Grand School District in order to ensure that Grand Lake Elementary and Fraser Valley Elementary are opened and operated for the entirety of the 2011/2012 school year regardless of how the ballot question goes in November. During that meeting, staff advised that this money should come with some conditions, and has attempted to outline those in the draft letter that should be discussed to ensure that there is nothing highlighted that should be added or deleted. For a quick update, our neighboring local governments have pledged the following: Winter Park (at least \$75,000), Fraser (\$50,000), and Granby (\$20,000). Also, the BOCC has not voted, but allegedly Grand County is considering \$170,000. If the Board continues to support this direction, the staff recommendation is for the Board to authorize the Mayor to sign the draft letter pledging \$20,000 to the East Grand School District with certain conditions. He said that during the afternoon workshop it was suggested that number 5. of the draft letter be changed from, "That the district allows money to be raised for this purpose; Grand Lake's pledge is a dollar for dollar challenge grant to the community, so it is imperative that community organizations be given the authorization to begin fundraising in earnest." to "That the district allows money to be raised for this purpose *so the citizenry can begin fundraising efforts in earnest as the Town anticipates that others in our community will want to contribute towards this cause as well.*"

Following brief discussion, Trustee Weydert moved to authorize the Mayor to sign a letter addressed to the East Grand School District pledging \$20,000 with certain conditions and with the amendment of number 5. Trustee Peterson seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION TO AUTHORIZE THE TOWN MANAGER TO SIGN A SPECIAL USE PERMIT WITH THE NATIONAL PARK SERVICE FOR A SNOWMOBILE CROSSING SIGN ALONG THE WEST SIDE OF HIGHWAY 34 RIGHT-OF-WAY BETWEEN COUNTY ROAD 48 AND COUNTY ROAD 49 - Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that the Town's Special Use Permit with Rocky Mountain National Park for the snowmobile crossing sign at Highway 34 and the Golf Course Road has expired, and the Town will need to enter into a new 5 year agreement to continue this use. The current Special Use expired in 2007 and Town staff made Park staff aware of this expiration. The other snowmobile crossing sign is on CDOT right-of-way, and doesn't require any special permitting. For the permit, their conditions have changed some since the Town first entered into an agreement with them in 2003, but staff doesn't see any red flags with their current requirements. If the Board is satisfied with this permit, the staff recommendation is for the Board to authorize the Town Manager to

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sign the Special Use Permit with National Parks Service/Rocky Mountain National Park for the snowmobile crossing sign at the intersection of Highway 34 and Golf Course Road.

Following brief discussion, Trustee Peterson moved to authorize the Town Manager to sign a Special Use Permit with the National Park Service for a snowmobile crossing sign along the west side of Highway 34 right-of-way between County Road 48 and County Road 49. Trustee Lewis seconded the motion and all Trustees voted aye.

NEW BUSINESS:

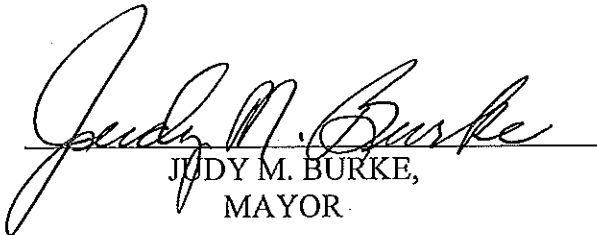
Added to the agenda was **CONSIDERATION TO APPOINT THE MAYOR TO SERVE ON THE SCHOOL AD-HOC COMMITTEE.** Town Manager Hale explained that the School District is going to establish an approximate fifteen member Ad-Hoc Committee. They are looking for representatives from the public as well as private from every community in the County. Staff is suggesting that the Board make a motion to appoint Mayor Burke to the East Grand School District's Ad-Hoc Committee as the Town's representative.

Trustee Johnson moved to appoint Mayor Burke to the East Grand School District's Ad-Hoc Committee as the Town's representative seconded by Trustee Lewis. All Trustees voted aye except Mayor Burke, who abstained.


CITIZEN PARTICIPATION: None.

ADJOURNMENT:

Trustee Johnson moved to adjourn, seconded by Trustee Peterson. All Trustees voted aye, and the meeting was adjourned at 8:16 p.m., February 28, 2011.



JUDY M. BURKE,
MAYOR

ATTEST: 

RONDA KOLINSKE, CMC,
TOWN CLERK