

RECORD OF PROCEEDINGS

REGULAR MEETING
TOWN OF GRAND LAKE BOARD OF TRUSTEES
MONDAY, APRIL 25, 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 7:33 p.m. at the Town Hall, 1026 Park Avenue.

ROLL CALL

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

ABSENT: Mayor Burke announced that Trustee Johnson was absent because of work and Trustee Ludwig was on vacation. Trustee Peterson moved to excuse Trustee Johnson and Trustee Ludwig's absences. Trustee Weydert seconded the motion and all Trustees voted aye.

APPROVAL OF MINUTES

April 11, 2011: Trustee Weydert moved to approve the minutes of the April 11, 2011 regular meeting as written, seconded by Trustee Peterson. All Trustees voted aye except Mayor Burke, who abstained.

ANNOUNCEMENTS:

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

Mayor Burke announced that Sunday, May 1st is Silver Star Service Banner Day. This is the official day that the Silver Star Families of America along with the Town of Grand Lake honor our wounded, ill, injured and dying military members and veterans by showing our appreciation for their sacrifices.

Mayor Burke then announced that "*Cabin Fever Follies*" sponsored by the Grand Arts Council is Saturday, May 7, in the Community House beginning at 7:00 p.m.

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 Lanzi and Mayor Burke announced that they both had a conflict with consideration of Resolution No. 3-2011, a Resolution Recommending Approval of the Special Use Permit Request for a Temporary Pet Supply Retail Business Located Within the Commercial District at 921 Grand Avenue because they own property within 200' of said property and received a Certified letter. Mayor Burke said that due to the fact that there would not be a quorum if she and Trustee Lanzi left the room, they would both remain seated and abstain from discussion and from voting. Mayor Pro-Tem Peterson will chair that part of the meeting.

REPORTS: SALES TAX
CASH FLOW REPORT
FOR APRIL 2011:

Mayor Burke asked Town Clerk Kolinske to present the sales tax cash flow report. Kolinske reported that the amount of revenue received in April for the month of February is \$35,863. This amount is 9.11% above what was received through April 2010.

REPORTS: FINANCIAL
REPORT FOR
MARCH 2011:

Mayor Burke asked Financial Trustee Peterson to present the Financial Report for March 2011. Peterson reported that General Fund expenditures through the end of March totaled \$220,184.06 or 15% of budget. He said the Water Fund expenditures for the same period totaled \$68,681.47 or 14% of budget, the Marina Fund expenditures totaled \$25,983.17 or 7.8% of budget and the PAYT Fund expenditures totaled \$550.00 or 8.6% of budget.

LIQUOR LICENSING AUTHORITY: PUBLIC HEARING – CONSIDERATION OF A NEW BEER
AND WINE LIQUOR LICENSE FOR CY’S DELI, LLC, D/B/A CY’S DELI

– Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske explained that an application for a new Beer and Wine Liquor License has been received, with the appropriate fees, evidence of possession, and floor diagram, from Cy’s Deli, LLC, d/b/a Cy’s Deli. The proposed location is at 717 Grand Avenue Units 1 & 2. The property is zoned Commercial. The location is more than 500 feet from any educational institution, and no license has been denied for this location in the last two years for the reason that the reasonable requirements of the neighborhood and the desires of the adult inhabitants were satisfied by the existing outlets; therefore state statute does not prohibit liquor from being sold from this location. On March 28, the Local Liquor Licensing Authority, Board of Trustees, received this application and scheduled a Public Hearing for consideration of this application for 7:30 p.m. this evening, which is more than 30 days from the date of the application. Public notice of the Public Hearing was posted on the premises and attested to by Grand County Sheriff Deputy Payne on April 4, 2011, more than 10 days prior to this evening and Legal Notice No. 6370679 of this Public Hearing was published on April 14, 2011 in the Middle Park Times. The notice provided the type of license applied for, the name and address of the applicant, the date of the application, and the date of the hearing. A petition was received containing 27 signatures. Kolinske said that she was able to verify that 18 of the people that signed are Grand Lake residents. The Grand County Sheriff’s Department reviewed their files and found no adverse information that would affect the issuance of the license. At this Public Hearing, the Board must make a specific finding of fact from evidence adduced at this hearing regarding the desires of the adult inhabitants of the Town, and it must deny the application if it finds the sale of liquor at such a location is contrary to those desires. The local licensing authority has authority to refuse to issue this license for good cause, as defined in 12-47-103. The applicant is required to establish the reasonable requirements of the neighborhood or the desires of its adult inhabitants. The hearing is to be conducted as a quasi-judicial proceeding and in a manner which assures all interested parties a fair and reasonable opportunity to

RECORD OF PROCEEDINGS

present views and information, and such that the applicant's procedural rights of fundamental fairness be protected. The Board must consider the moral character of the applicant; the reasonable requirements of the neighborhood; the desires of the adult inhabitants of the neighborhood; the number, type and availability of liquor outlets located in or near the neighborhood; and other reasonable restrictions which are or may be placed on the neighborhood by the Local Licensing Authority, Board of Trustees. The Board may not consider any information presented after the close of the Public Hearing. It must make a determination either approving or denying the license, and state the reasons for that decision, within 30 days of the close of the Public Hearing. Kolinske concluded by saying that Nathaniel Bechard, Manager, and Brittany Pettitt, Manager, were present.

Mayor Burke opened the meeting for public comment.

Having none, she closed the Public Hearing and turned the matter over to the Board of Trustees.

Following brief discussion, Trustee Peterson moved to approve a new Beer and Wine Liquor License for Cy's Deli, LLC, d/b/a Cy's Deli. Trustee Weydert seconded the motion and all Trustees voted aye.

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF RENEWAL OF THE HOTEL AND RESTAURANT LIQUOR LICENSE FOR RAYMOND AND JULIA BLANCHARD, D/B/A THE TERRACE INN - 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 water, business license, and sales tax accounts are all current. She noted that the Grand County Sheriff's Department found no adverse information that would affect the status of the license. She concluded by saying that Ray Blanchard, Owner, was present.

Trustee Lewis moved to approve the renewal of the Hotel and Restaurant Liquor License for Raymond and Julia Blanchard, d/b/a The Terrace Inn. Trustee Peterson seconded the motion and all Trustees voted aye.

OLD BUSINESS: None.

NEW BUSINESS: **CONSIDERATION OF ORDINANCE NO. X-2011, AN ORDINANCE REPEALING THE TOWN OF GRAND LAKE MUNICIPAL CODE CHAPTER 7, ARTICLE 6, SECTION 5 SLAUGHTERHOUSE OR OBNOXIOUS BUSINESS** - Mayor Burke asked Town Code Enforcement Officer Korkowski to present this matter to the Board. Korkowski explained that Town staff is proposing a repeal of Municipal Code 7-6-5 Slaughterhouse or Obnoxious Business. Staff believes that this code has already been repealed just by the fact that it was written well before the current Zoning Code 12-2, and the provisions in Zoning are the newer and more appropriate regulations to follow. The provisions in Zoning are also somewhat in conflict with this code as the

Town does allow breweries and livery stables, and as such, when Zoning was adopted, this code, or at least parts of it, was repealed due to this conflict. Staff recommends the Board discuss the proposed ordinance, and take what action they deem appropriate. If the Board decides to adopt the ordinance, then the motion should be to adopt Ordinance No. 4-2011.

Trustee Lewis moved to adopt Ordinance No. 4-2011, an Ordinance Repealing the Town of Grand Lake Municipal Code Chapter 7, Article 6, Section 5 Slaughterhouse or Obnoxious Business. Trustee Weydert seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF THE BOARD OF TRUSTEES TO DEEM A STRUCTURE AS A NUISANCE DUE TO ITS STRUCTURALLY UNSAFE CONDITION AND TO AUTHORIZE THE MAYOR TO SEND A CERTIFIED LETTER DEMANDING ABATEMENT OF THE NUISANCE AS AUTHORIZED BY MUNICIPAL CODE - Mayor Burke asked Town Code Enforcement Officer Korkowski to present this matter to the Board. Korkowski explained that Town staff saw a collapsed one car garage located at Block 2, Lot 9, more commonly referred to as 1101 Park Avenue. The garage appeared to have collapsed due to snow load over the winter, and staff contacted the Grand County Building and Sanitation Department to determine the structural safety of the building. On April 18, 2011 the Grand County Building Department posted an Unsafe Structure Notice on the structure. The current condition of the structure and surrounding area is that it is not secured, anything or anyone can just walk inside, and the building appears to have structural damage to wall and roof supports. Under Municipal Code 7-6-8, Abandoned Structures, the structure needs to be declared a nuisance by the Board of Trustees due to the safety issues and the issuance of the Unsafe Structure Notice. Under Municipal Code 7-6-13, Additional Provisions, the Board of Trustees is given the power to authorize the Mayor to send a certified letter ordering the owner of the property to correct the issue. This letter gives the owners a ten (10) day period after receipt of the notice to correct the issue. If the owners do not correct the issue, then the Town may have it corrected and all charges for that correction will assessed to the owner/person in charge of the property. The owner then has ten (10) days to pay that assessment. If the owner does not pay the assessment, then notice is posted in the local paper for two (2) weeks for a Public Hearing in front of the Board of Trustees. If there are no objections to the assessment or there are objections but they are not sustained, then the owner has ten (10) days from the hearing date to pay the assessment. If the assessment is still not paid, then the Town can certify the assessment and have it placed on the County Treasurer Tax list with an additional ten percent (10 %) penalty to defray costs. Staff has also included a letter from the Grand County Building and Sanitation Department to the property owners advising them that the building is dangerous and needs immediate action. Staff recommends that the Board of Trustees finds that the structure is a nuisance due to its structurally unsafe condition and authorizes the Mayor to send a certified letter demanding abatement of the nuisance as authorized by Municipal Code.

RECORD OF PROCEEDINGS

Following brief discussion, Trustee Peterson moved to declare the structure at Lot 9, Block 2, a/k/a 1101 Park Avenue as a nuisance due to its structurally unsafe condition and authorize the Mayor to send a certified letter demanding abatement of the nuisance as authorized by Municipal Code. Trustee Weydert seconded the motion and all Trustees voted aye.

NEW BUSINESS:

PUBLIC HEARING – CONSIDERATION OF ORDINANCE NO. X-2011, AN ORDINANCE AMENDING THE TOWN OF GRAND LAKE MUNICIPAL CODE CHAPTER 12, ARTICLE 10, SECTION 3 INCLUSIONARY ZONING - Mayor Burke asked Town Code Enforcement Officer Korkowski to present this matter to the Board. Korkowski explained that Town staff is proposing a revision to Municipal Code 12-10-3, Inclusionary Zoning which would allow Town staff to make changes to only two tables in the code without the need to hold a Public Hearing and ordinance/resolution adoption. Current Municipal Code requires any changes to the “Local Employee Residency Requirements and Guidelines” to be made after a Public Hearing on the matter and adoption of an ordinance. The Requirements and Guidelines which the Town adopted requires Town staff to review quarterly and update as necessary the “Initial Price Range” and “Targeted Households by Income Category” tables. Staff is proposing Ordinance No. 5-2011 which would allow Town staff to update these tables as necessary without formal proceedings or action by the Board. The tables are, and any changes to them would be, based upon figures determined by the United States Department of Housing and Urban Development, specific to Colorado, and provided to the Town by the Grand County Housing Authority. The Town cannot change these figures. Staff also made one grammatical change. Staff has also included the Local Employee Residency Requirements and Guidelines with the above discussed tables highlighted and updated using the current HUD figures. Legal Notice #6361097 for the Public Hearing on this matter was posted in the Middle Park Times on April 7, 2011. Staff recommends the Board open the Public Hearing, hear public comment, discuss the proposed ordinance, and take what action they deem appropriate.

Mayor Burke then opened the meeting for public comment.

Having none, she closed the Public Hearing and turned the matter over to the Board of Trustees.

Trustee Lanzi moved to adopt Ordinance No. 5-2011, an Ordinance Amending the Town of Grand Lake Municipal Code Chapter 12, Article 10, Section 3 Inclusionary Zoning. Trustee Lewis seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF ORDINANCE NO. X-2011, AN ORDINANCE AMENDING THE TOWN OF GRAND LAKE MUNICIPAL CODE CHAPTER 4, ARTICLE 3, SECTION 33 PAYMENT REQUIREMENTS AND REFUNDING PROCEDURES FOR BUILDING AND CONSTRUCTION TAX

AND

CONSIDERATION OF ORDINANCE NO. X-2011, AN ORDINANCE AMENDING THE TOWN OF GRAND LAKE MUNICIPAL CODE CHAPTER 12, ARTICLE 10, SECTION 1 AFFORDABLE HOUSING FEES - Mayor Burke asked Town Code Enforcement Officer Korkowski to present this matter to the Board. Korkowski explained that Town staff has been in the process of cleaning the building permit files as there are several permits that the applicant has completed the project but not contacted either the Town or the Grand County Building Department for their final inspections. Staff also encountered permits on which the work was never started. Some of these permits date back to 2002. Staff has been working with the Grand County Building Department to close those permits that are obviously finished. When staff reviewed the applicable Use Tax and Affordable Housing Municipal Codes, staff found no direction on what to do in instances where the building permit was issued but the project was not started or when an applicant does not call for the final inspections. There was direction in code on what to do with the Use Tax and Affordable Housing fees only when a Certificate of Occupancy or equivalent was issued. Based upon what staff found, Ordinance No. 6-2011 Use Tax and Ordinance No. 7-2011 Affordable Housing are being proposed to address these issues. The Town Attorney recommends that since this issue involves both a tax and a fee, the issues should be addressed in different ordinances. Staff is proposing that in cases where the permit was issued, but the project was not started, use tax will be refunded to the applicant. No interest will be paid on the use tax which is returned to the applicant. If the project was started, or any part of it, and the permit is closed for any reason, other than failure to start, either by the Town or the Grand County Building Department, then the monies will be transferred to the appropriate funds. No refunds would be given, and no credit will extend to a new building permit which might contain the same proposed work. This will apply to new building permits only, not existing permits. The Grand County Building Department can close a building permit when the work is evidently finished or there is inactivity on a permit for over 365 days, no inspections were called for during that time or there is abandonment of the project, and this is stated on the application for the permit. Their policy is that the fees they collect upon obtaining the permit are not refundable and if an applicant reapplies for the same work, new fees will be collected: they will not credit an applicant for the previous fees. Staff has also made some clerical changes to the Municipal Codes as the procedures for handling building permits has changed. The term Clerk has been removed from the code as that is not the appropriate contact point in the Town anymore for this issue. Also, the Town no longer directly collects fees/taxes; the County does that for us and transfers that money to the Town when the building permit is issued. Staff has also discussed with the Town Attorney the current procedure for determining the Use Tax. Municipal Code states, "amount equal to 4% of 50% of the total cost of the project". The Town currently estimates this Use Tax for new projects and additions using a formula which includes a multiplier specific for the type of work being permitted. This multiplier is based upon the average costs for that specific type of work as

RECORD OF PROCEEDINGS

provided by the ICBO, International Conference of Building Officials, and is used widely throughout the United States. While the use of this assumption of value is a good base, all homes of equal size do not cost the same amount to build because of materials used and building techniques employed. The Town could be overcharging or undercharging homeowners. The Town uses an estimate from the homeowner/builder for repairs and reroofs to compute Use Tax, and this is similar to the method used by the Grand County Building department to calculate their building permit fees. The Town could also use the estimate from the homeowner/builder to do the same for all types of building work. This would make the calculation for Use Tax easier to understand and more fair as the use tax would be computed on the "actual" value, not an "average". The Town Attorney has reviewed this and has stated that either way of computing the Use Tax is acceptable. This would be a policy decision by the Board. Both ways make assumptions of value and these assumptions carry their own risks. The multiplier uses an average cost assumption which could cause an overpayment or underpayment. Conversely, the homeowner/builder estimate relies on the veracity of the person providing the estimate. Staff would like direction on how the Board would like to see the Use Tax calculated. Staff will modify the form, if necessary, based upon the direction of the Board. Staff recommends the Board take public comment on the changes in the proposed ordinances, discuss them, and take what action they deem appropriate.

Trustee Lewis moved to adopt Ordinance No. 6-2011, an Ordinance Amending the Town of Grand Lake Municipal Code Chapter 4, Article 3, Section 33 Payment Requirements and Refunding Procedures for Building and Construction Tax. Trustee Weydert seconded the motion and all Trustees voted aye.

Trustee Lewis moved to adopt Ordinance No. 7-2011, an Ordinance Amending the Town of Grand Lake Municipal Code Chapter 12, Article 10, Section 1 Affordable Housing Fees. Trustee Weydert seconded the motion and all Trustees voted aye.

Trustee Lanzi then moved to direct staff to use the amended Use Tax calculation sheet based on ½ (one half) of the total cost of the project multiplied by 4% to determine the amount of Use Tax. Trustee Lewis seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF AN APPEAL TO A DENIED SIGN APPLICATION AT GRAND LAKE STATION - Mayor Burke asked Town Code Enforcement Officer Korkowski to present this matter to the Board. Korkowski explained that on April 20, 2011, Town staff received a sign application for a new sign to be erected at Grand Lake Station, the old Village Hub Coffee Shop, located at Block 12, North half of Lots 1-2, more commonly referred to as 830 Grand Avenue. The sign meets all requirements for that particular type of sign and the zone it is located in, except the sign does not have a "wood-like appearance". Because of this, staff had to deny the application. The sign is made of a material called Dibond, which is an aluminum composite material. Staff is concerned that the

nature of the material and any possible coating on it might be very reflective. The thin sheets of aluminum will be exposed on the edges, but this is a very small area to reflect light and does not concern staff as much as the coating material itself. The applicant, Mindy Everhart, for Bill McCook, is appealing staff's decision to the Board. Staff recommends that the Board take comments on the sign, review the material presented, and then make a motion to either approve or deny the sign permit application. Korkowski noted that Mindy Everhart was present.

Mindy Everhart, 830 Grand Avenue, was recognized from the audience and said that there is no background as the sign will be cut out as a silhouette with the brown wood tone building as the background. The back will be painted black with no raw aluminum edges to eliminate a reflectivity issue.

Following discussion, Trustee Lewis moved to approve the sign application for Grand Lake Station at 830 Grand Avenue. Trustee Peterson seconded the motion and all Trustees voted aye.

NEW BUSINESS:

PUBLIC HEARING – QUASI-JUDICIAL – CONSIDERATION OF RESOLUTION NO. 3-2011, A RESOLUTION RECOMMENDING APPROVAL OF THE SPECIAL USE PERMIT REQUEST FOR A TEMPORARY PET SUPPLY RETAIL BUSINESS LOCATED WITHIN THE COMMERCIAL DISTRICT AT 921 GRAND AVENUE, TOWN OF GRAND LAKE – Mayor Pro-Tem Peterson asked Town Planner Wittman to present this matter to the Board. Wittman explained that on March 16, 2011, the Planning Commission forwarded a favorable recommendation to the Town Board of Trustees for conditional approval of a Special Use Permit (SUP) request from Mountain Mongrels to place a temporary, outdoor, retail pet supply sales business on Lot 14, Block 10 of the Town of Grand Lake, a/k/a 921 Grand Avenue. The Commission adopted Planning Commission Resolution No. 3-2011 which outlines their recommendation. The Town received an SUP application request from Ms. Jessica Yale representing Mountain Mongrels. The request is to operate the seasonal outdoor business from May 1, 2011 for a period up to six months. Open 7 days a week from 8am to 8pm, the business is proposed to be conducted out of a 6'X8' storage shed as well as a 10'X10' canopied, open-air tent. While the use is a Use-By-Right on the commercially-zoned parcel, applications for businesses operated from a temporary structure are considered a Special Use in the Town of Grand Lake in that temporary structures are not listed as a Use-by-Right nor a Conditional Use in the Commercial Zoning District. Special Use Permits, if approved, allow for the placement of a temporary structure and/or use for a maximum of six (6) months. In addition to consideration of the Commission's recommendation, including those conditions imposed, the Board could consider, as these are the items outlined in the Municipal Code, that the Commission shall consider when making their findings:

- (a) Relationship of the proposed Special Use to the economic development objectives of the Town and the anticipated impact of the SUP on existing businesses.

RECORD OF PROCEEDINGS

- (b) Effect upon traffic, with particular reference to congestion, automotive and pedestrian safety and convenience, traffic flow and control, access, maneuverability, and, if applicable, snow removal from the streets and parking areas.
- (c) Effect upon the character of the area in which the proposed Special Use is to be located, including the scale and bulk of the proposed Special Use in relation to surrounding uses and neighborhood.
- (d) Such other factors and criteria as the Commission deems applicable to the proposed Special Use including but not limited to: proposed length of use; specific businesses, landowners or other interested parties to be notified; or proposed conditions of SUP issuance.

On March 31, 2011, Legal Notice #6333503 was published in the Middle Park Times. Additionally, 19 letters were sent certified mail, return receipt requested to property owners within 200' of the subject parcel; to date, all 19 property owners have signed has having been received. Two comments have been received:

Mr. Elwin Crabtree, 801 Grand Avenue, indicated he feels "that the activity proposed is detrimental to the ambiance of Grand Lake's main street décor" and that "leasing space in an existing building would be a far better solution."

Mr. Mike Ray, Managing Member of Cody Wilder, LLC who owns the structure that houses the Grand Lake Brewing Company, indicated he does not believe "...this to be consistent with the image...property owners and business who pay rent...are investing heavily in maintaining and projecting."

Staff has drafted Resolution No. 3-2011 based on the Planning Commission's recommendation. Staff recommends the Board open the Public Hearing and take public comment, including testimony by the applicant if the applicant desires. Once all comment has been made, the Board should discuss this matter and formulate a motion. Based on public testimony and Board's discussion, the Board may move to uphold or not uphold the Planning Commission's recommendation by adopting, adopting with conditions or denying Resolution No. 3-2011.

Mayor Pro-Tem Peterson then opened the meeting for public comment.

Jessica Yale, 97 County Road 4652, was recognized from the audience. She said that she hopes to have a more permanent location this fall but thought it might be a fun summer business for Grand Lake.

Having no other comments, Mayor Pro-Tem Peterson closed the Public Hearing and turned the matter over to the Board.

Trustee Weydert noted that he is also a member of the Planning Commission where there was considerable discussion regarding this matter. He said that although the Planning Commission has forwarded a favorable recommendation for approval, he was and still is opposed to this request on the grounds of its

RECORD OF PROCEEDINGS

temporary nature and location. He said that he is not opposed to the business itself. When the Board makes its findings as outlined by Town Planner Wittman, the Board needs to consider the economic development objectives of the Town. Consider the businesses that pay their fair share year round. Not only does he disagree with the temporary nature of the business, he disagrees with the tent aspect of it. It is not in character with the proposed area. He made the comment that if there were no other commercial spaces available, it would be worth considering, but currently there is permanent structure space available.

Trustee Lewis agreed with Trustee Weydert. She said that she loves the business idea, as she has a dog, but is opposed to the tent and the temporary nature of the business. She feels that it does not fit in with the character of Grand Lake.

Mayor Pro-Tem Peterson said that he has watched what happens to the tents at the craft fairs when heavy winds come through. He said that he loves the idea of the business but hears about people not being able to rent their commercial space out. People have a lot of money invested in their businesses and the Board does try to protect them.

Following discussion, Trustee Lewis moved to deny Resolution No. 3-2011, a Resolution Authorizing Approval of the Special use Permit Request for a Temporary Pet Supply Retail Business Located Within the Commercial District at 921 Grand Avenue, Town of Grand Lake seconded by Trustee Weydert. All Trustees voted aye except Mayor Burke and Trustee Lanzi, who abstained.

NEW BUSINESS:

CONSIDERATION OF A PLANNING COMMISSION RECOMMENDATION FOR APPROVAL OF A DESIGN REVIEW STANDARDS VARIANCE REQUEST FROM HEADWATERS MARINA FOR THE INSTALLATION OF POLYURETHANE FOAM ROOFING ON THE STRUCTURE LOCATED AT 1030 LAKE AVENUE - Mayor Burke asked Town Planner Wittman to present this matter to the Board. Wittman explained that at the Planning Commission's meeting held on March 16, 2011, the Commission discussed Polyurethane Foam Roofing systems for flat roofs on commercial structures. At that time, the Commission indicated their willingness to consider this type of material. Although staff had not amended the code to reflect this change, on April 20, 2011, staff brought for the Commission's consideration a Design Standards variance request from Headwaters Marina for the placement of Polyurethane Foam roofing on the marina building, located at 1030 Lake Avenue. At that meeting, the Commission discussed the merits of allowing this type of material. Their discussion surrounded around structure weight load, fire rating, single material roofing systems, color and reflectivity in relationship to sun glare and absorption, as well as roof drainage. The Planning Commission unanimously approved Planning Commission Resolution No. 4-2011 which forwards a favorable recommendation of approval of this design material. The Town received the Design Review Standards variance from Mr. Jerry Hassoldt, Headwaters Marina Manager, for the placement of Polyurethane Spray Foam roofing - a seamless Polyurethane Foam and Elastomeric Roof Coating

System. The request comes before the Town as this structure's roof has not only deteriorated over time but, too, the current type of roofing material, rolled roofing, does not appear to be a suitable solution for a roof in this location of high winds. Additionally, as Mr. Hassoldt has indicated, the only "Acceptable Roofing Material" outlined in the Municipal Code for a flat roof is aggregate roofing, which would place a significant amount of weight to the structure which could put the entirety of the structure at risk. If approved, the manufacturer will install the spray, with measurements built into the contract to prevent overspray in this area. The material color will be a light brown color. The Board should review Planning Commission Resolution No. 4-2011 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 the code indicates:

Purpose:

... 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 a seamless Polyurethane Foam and Elastomeric Roof Coating System for the structure located at 1030 Lake Avenue, Town of Grand Lake.

Trustee Lanzi moved to uphold the recommendation of the Planning Commission and authorize the use of a seamless Polyurethane Foam and Elastomeric Roof

RECORD OF PROCEEDINGS

Coating System for the structure located at 1030 Lake Avenue, Town of Grand Lake. Trustee Weydert seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF AN AGREEMENT FOR LANDSCAPING AND GARDENING SERVICES BETWEEN THE TOWN OF GRAND LAKE AND HILLY LAWN LANDSCAPING – Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that this agreement reflects the budgeted amounts that the Board agreed to when adopting the 2011 budget, which did include an increase based upon the new watering requirements for the firehouse swale, at a total of \$28,821. The agreement has been signed, and their insurance is still in place from last year and good through May. Carol Thompson, owner, assured me that she's been in contact with her insurer and that we'll be copied with their new policy when it comes into effect. The agreement has been signed by Carol Thompson so the staff recommendation is for the Board of Trustees to authorize the Town Manager to enter into an Agreement for Landscaping and Gardening Services with Hilly Lawn for the 2011 season.

Trustee Peterson moved to authorize the Town Manager to enter into an Agreement for Landscaping and Gardening Services with Hilly Lawn for the 2011 season. Trustee Weydert seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION TO AUTHORIZE THE MAYOR TO SIGN A LETTER ADDRESSED TO THE BUREAU OF RECLAMATION AND THE NORTHERN COLORADO WATER CONSERVANCY DISTRICT REQUESTING A STOP PUMP PERIOD IN JULY AND AUGUST 2011 – Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that staff had a chance to meet with some local citizens that are concerned about the diminished water quality in Grand Lake. Specifically, he said that he met with John Stahl, Scally O'Donnell and Steve Paul to revisit previous discussion regarding Grand Lake's water quality, the efforts that have been taken thus far, amicus brief among others, and logical next steps in this effort. Everyone agreed that since the appraisal study is underway between the Board of County Commissioners, Northern Colorado Water Conservancy District (NCWCD) and Bureau of Reclamation (BOR), that we would be best served to stand by and determine what steps are necessary upon its completion. In other words, while additional action may be necessary, it would be premature at this point. As a group, it was agreed that requesting a stop pump period at this point would be appropriate however; we've been in ongoing discussions for years on this matter, and it seems reasonable to be on the record with our request. The draft letter is requesting that NCWCD and the BOR consider a stop pump period this summer, July and August, in order to determine if Grand Lake's quality is significantly improved by doing so. Staff worked on the format and some of the language with the Town's letter, but the substantive points from the letter sent by the Greater Grand Lake Shoreline Association and Three Lakes Watershed Association were preserved. The staff recommendation is for the Board of Trustees to authorize the Mayor to sign the draft letter addressed to the Bureau of

RECORD OF PROCEEDINGS

Reclamation and the Northern Colorado Water Conservancy District requesting a stop pump period in July and August 2011.

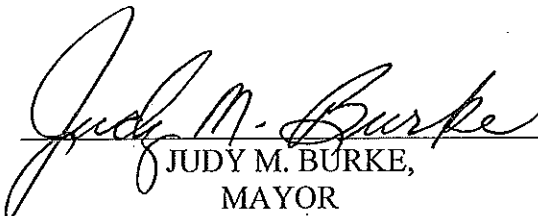
Trustee Weydert moved to authorize the Mayor to sign the draft letter addressed to the Bureau of Reclamation and the Northern Colorado Water Conservancy District requesting a stop pump period in July and August 2011. Trustee Lewis seconded the motion and all Trustees voted aye.

Added to the agenda was a **REQUEST FROM AMY MITROPOULOS, PRESIDENT OF THE TRAILGROOMERS, TO SIGN A LETTER OF SUPPORT FOR A GRANT.** Town Manager Hale stated that the Trailgroomers are requesting a \$65,000 grant from the Colorado State Parks and Trails Committee and needs a letter of support by Thursday, April 28; 2011, therefore, staff recommends that the Board authorize the Mayor to sign a letter of support for this grant.

Trustee Peterson moved to authorize the Mayor to sign a letter of support for the Trailgroomers request of a \$65,000 grant from the Colorado State Parks and Trails Committee. 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 8:42 p.m., April 25, 2011.


JUDY M. BURKE,
MAYOR

ATTEST: 
RONDA KOLINSKE, CMC,
TOWN CLERK