

RECORD OF PROCEEDINGS

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REGULAR MEETING  
TOWN OF GRAND LAKE BOARD OF TRUSTEES  
MONDAY, SEPTEMBER 10, 2012 7:30 P.M.

CALL TO ORDER: The regular meeting of the Board of Trustees was called to order by Mayor Judy Burke at 7:35 p.m. at the Town Hall, 1026 Park Avenue.

ROLL CALL PRESENT: Mayor Burke; Trustees Gasner, Lanzi, Lewis, Ludwig, Peterson, and Weydert; Town Manager Hook, Town Treasurer/Clerk Pro-Tem Dzinski and Town Planner Biller.

ABSENT: None.

APPROVAL OF MINUTES July 9, 2012: Trustee Ludwig moved to approve the minutes of the July 9, 2012 regular meeting as written. Trustee Peterson seconded the motion and all Trustees voted aye.

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

Mayor Burke announced that a charity golf tournament and auction will be held at the Grand Lake Golf Course on September 15 to benefit the local Rural Health Network for cancer related services.

Mayor Burke then announced that the Constitution Week Celebration, sponsored by the Chamber of Commerce, will include trivia, a round table talk, parade, a ceremony in Town Square, games & education, bingo, a dance party and fireworks over Grand Lake, September 17 - 22.

Trustee Peterson announced that a golf tournament is being held at Grand Elk on Friday, September 14 to benefit the Grand County Food Bank.

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 trustee had any conflicts

OLD BUSINESS:

**GRADING PERMIT UPDATE FOR LOTS 1-2, BLOCK 27, TOWN OF GRAND LAKE; MORE COMMONLY REFERRED TO AS 528 GRAND AVENUE** – Mayor Burke asked Town Planner Biller to present this matter to the Board. Biller explained that as per Resolution 27-2011, Part 3, written progress reports shall be submitted to the Town by July 15 and September 15. Staff has spoken with the contractor, Todd Hammerlund of ATH Specialties, and Mr. Hammerlund confirmed

that he would be attending the meeting to give an update. It was noted that Mr. Hammerlund was not present.

Trustee Peterson moved to table this matter until the next meeting unless Mr. Hammerlund appeared later in the evening. Trustee Lewis seconded and all Trustees voted aye.

OLD BUSINESS:

**CONSIDERATION OF RESOLUTION NO. 20-2012, A RESOLUTION REPEALING AND REPLACING RESOLUTION 23-2009 AND RESOLUTION 2-2012; GRANTING A LICENSE FOR THE ENCROACHMENT INTO THE PUBLIC RIGHT-OF-WAY OF CERTAIN IMPROVEMENTS LOCATED ADJACENT TO BLOCK 36, LOT 16, TOWN OF GRAND LAKE** - Mayor Burke asked Town Planner Biller to present this matter to the Board. Biller explained that the Board had directed staff to draft a new resolution regarding the retaining wall encroachment along Harmon Street and the deadline to complete the improvements required. The Board concurred that the resolution present by Biller addressed and met the request of the Board.

Trustee Peterson moved to adopt Resolution No. 20-2012, a Resolution Repealing and Replacing Resolution 23-2009 and Resolution 2-2012; Granting a License for the Encroachment into the Public Right-of-Way of Certain Improvements Located Adjacent to Block 36, Lot 16, Town of Grand Lake. Trustee Weydert seconded the motion. There being no further discussion, all Trustees voted aye

NEW BUSINESS:

**CONSIDERATION OF A VARIANCE REQUEST TO THE SIGN CODE BY GRAND ESCAPE COTTAGES** - Mayor Burke asked Town Planner Biller to present this matter to the Board. Biller explained that Staff has received an appeal to a denial to two sign permit applications from Mr. and Mrs. Goodfellow, owners of Grand Escape Cottages located at Lots 4-7, Block 2, Sunnyside Addition to Grand Lake, more commonly referred to as 1204 Grand Avenue. By way of background, Biller explained that staff had observed a sign code violation on April 12, 2012, at the aforementioned property and contacted Tom Goodfellow regarding the violation. Mr. Goodfellow was asked to remove a neon sign located on the exterior of the building which was in violation of Municipal Code 6-2-1C-8. The sign was removed and no further action was taken by staff.

The property owner submitted a temporary sign permit on September 5, 2012, for Constitution Day, which was approved.

The property owner also requested a sign permit for a neon open sign located on the exterior of a building and a sign permit for an existing

sign located above the roofline. Both of these applications were denied because they violate the current sign code as follows:

6-2-1C General Restrictions

8. *No neon signs or LED signs shall be allowed except window signs which are located on the inside of a window.*

10. *No signs shall project above the roofline of the business being identified or advertised by the sign.*

Billier further explained that staff had reviewed the existing signage to determine if all the Municipal Code Staff requirements were being met as part of this variance request. During those observations the following items appeared to violations:

1. An existing A-Frame sign was placed in the Grand Avenue right of way, which violates 6-2-1D-C which states:

*A-frame signs "must be placed solely on private property of the business and not on any public property..."*

2. An existing sign appears to be placed in the Grand Avenue right of way which violates 11-6-1 Public Property Encroachment.

According to the Municipal Code 6-2-1G-2 Appeal Process for Denial of Permit; *"if the sign application is denied, the applicant may appeal the decision to the Board of Trustees, whose decision is final."*

Mr. Goodfellow discussed with staff his ability with to decrease existing signage to allow for the temporary banner.

Billier concluded by suggesting for Board discussion the following: request of the property owners to allow an exterior neon open sign; request of the property owners to allow the existing sign above the business roofline; other existing signage on the property. The Board has the following options:

- Approve the sign applications.
- Approve the sign applications with conditions.
- Deny the sign applications.

If the Board approves one or both of the sign permit application(s), staff recommends approving the variance to the sign code by means of resolution. A resolution would be available for formal approval by the Board at the next scheduled meeting on September 24, 2012.

Trustee Peterson commented that the roof sign had been there since he first started coming to Grand Lake. Also, while he balked at saying no to

signs that help businesses, if there are too many signs, something will have to go. Trustee Ludwig asked what signs are there currently and how much can they have. Biller referred the Board to the exhibits provided, including the signage calculation sheet as of 9/7/12. He noted that the total allowed signage for the property was 50 square feet and that the current signage was 51.5 square feet, not including the roof sign. The Board briefly discussed the variances that had been granted to other businesses, including Daven Haven and the coffee shop at Grand Lake Marina/Boater's Choice.

Trustee Lanzi moved to approve the variances for the roof sign and the neon open sign on the outside of the building with the condition that the total signage be brought into compliance with the sign code. Trustee Gasner seconded. The Trustees then discussed whether a resolution was necessary. Planner Biller recommended that a resolution be utilized to approve the Board's decision in that such a resolution becomes part of the property record for future reference. Based on discussion, Trustee Lanzi agreed to revise his motion.

Trustee Lanzi moved to approve the variances for the roof sign and the neon open sign on the outside of the building with the condition that the total signage be brought into compliance with the sign code and directed that staff prepare a resolution for formal approval to be considered by the Board at its meeting on September 24, 2012. Trustee Gasner seconded the revised motion. There being no further discussion, all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION OF RESOLUTION NO. 21-2012, A RESOLUTION OUTLINING THE USE OF SECURITIES FOR THE GRAND CAMP COMMERCIAL DEVELOPMENT LOCATED AT 600 MARY DRIVE, TOWN OF GRAND LAKE AND CONSIDERATION TO DIRECT STAFF TO START THE PROCUREMENT PROCESS.** Mayor Burke asked Town Planner Biller to present this matter to the Board. Trustee Peterson recommended a "Reader's Digest" presentation in that the Board was familiar with the background of the Grand Camp Project, a plan with which the other Trustees agreed. Biller explained that the Town has the authority to use the securities outlined in the Grand Camp Subdivision Improvement Agreement to complete the project improvements. The Planning Commission has adopted Resolution 11-2012, including Exhibit A, which is a bid schedule of the recommended improvements for which the SIA securities would be used. However, the Planning Commission had a number of questions for the Town Attorney. Biller explained that he had not heard from Attorney Krob at the time of packet preparation. However, he did hear from Mr. Krob prior to the meeting and could now supply answers to the Planning Commission questions.

- Legally can the Town conduct improvements, specifically, "at the sole discretion of the Town" - **YES**
- Can staff time be charged to the LOC funds? - **YES**
- Does the Town have the right to remove materials unclaimed on the site? **YES. The Town could first request the property owner to move the materials prior to making the removal a bid schedule line item.**
- Does a warranty period apply to the use of LOC funds? **NO. The contract for services could include a 2 year performance bond and thus fulfilling the warranty period requirement.**
- Does the Town have a procurement option for design build? (Municipal Code 4-2) **The Town does not have to follow the procurement process for the use of public funds. The securities are private funds and therefore do not have to follow the Municipal Code process. Mr. Krob did recommend the Town make an effort to gather sufficient competitive proposals for any proposed work.**
- Does the Town have to follow the procurement procedure for all funds used or just those over \$15,000 as required by the Municipal Code? **NO. Again, the Town is using private funds, not public funds.**

Trustee Lanzi asked if staff time was a priority.

Planner Biller indicated staff time was recommended by the Planning Commission and was a line item on the bid schedule under professional services.

Trustee Lanzi moved to adopt Resolution 21-2012, a Resolution Outlining the Use of Securities for the Grand Camp Commercial Development Located at 600 Mary Drive, Town of Grand Lake, and to follow the Planning Commission and Staff recommendations of priorities and Trustee Lewis seconded. All Trustees voted aye.

Trustee Weydert moved to direct staff to proceed with the recommended use of the Letter of Credit securities; Trustee Peterson seconded, and all Trustees voted aye.

**ACCOUNTS PAYABLE**  
August, 2012:

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 asked if there were any additions or deletions. At this point, Town Manager Hook informed the Board that a request had been made to the Town to purchase flags to be mounted on the Grand Avenue lampposts as part of the Constitution Week celebration. Hook said that

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Carey Barnes was present as a member of the organizational group and could further inform the Board regarding this request.

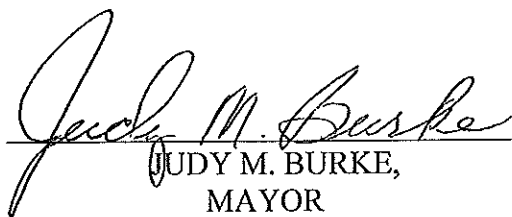
Carey Barnes, 604 Marina Drive, Grand Lake, said that one of the aims of the Constitution Week committee was to make Grand Avenue "grandiose" by putting up flags on the lampposts. She did a lot of research regarding the flags, the mounting systems, and the cost, and was able to secure a municipal price on all the components for 32 lampposts of approximately \$1,300, although there was still a question of the exact shipping costs. Ms. Barnes further pointed out that the flags would be reusable for future years for other events such as the Fourth of July. Treasurer/Clerk Pro-Tem informed the Board that the budget did have an appropriate line and funds for this expense.

Trustee Weydert moved to approve the additional expenditure for Grand Avenue flags for an amount not to exceed \$1,400. Trustee Peterson 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 Lewis moved to adjourn, seconded by Trustee Peterson. All Trustees voted aye, and the meeting was adjourned at 8:15p.m., September 10, 2012.

  
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JUDY M. BURKE,  
MAYOR

ATTEST:   
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GAY DZINSKI,  
TOWN TREASURER/CLERK PRO-TEM