



GRAND LAKE BOARD OF TRUSTEES WORKSHOP AND MEETING AGENDA

Monday, October 09, 2023 at 4:30 PM

Town Hall Board Room – 1026 Park Avenue

*The Town of Grand Lake upholds the Six Pillars of Character:
Citizenship, Trustworthiness, Respect, Responsibility, Fairness and Caring*

Please join my meeting from your computer, tablet or smartphone.

<https://us06web.zoom.us/j/87414929700>

You can also dial in using your phone.

United States: 719 359 4580

Access Code: 874 1492 9700

WORK SESSION 4:30 PM

1. Call to Order
2. Roll Call
3. Conflicts of Interest
4. Items of Discussion
 - A. The Grand Lake Carriage Tours
 - B. Public Works Update
 - C. Discussion About Parental Leave
 - D. 2023 Holiday Party

EVENING MEETING 6:00 PM

1. Call to Order
2. Pledge of Allegiance
3. Announcements
4. Roll Call
5. Conflicts of Interest
6. Manager's Report
7. Public Comments (Limited to 3 Minutes)
8. Consideration to Approve Meeting Minutes
 - A. September 25, 2023
9. Consideration to Approve Accounts Payable
 - A. October 9, 2023
10. Items of Discussion
 - A. Consideration of a Special Events Permit for the Great Grand Lake Pumpkin Patch
 - B. Consideration of Resolution 36-2023, Setting Certain Fees for Shadowcliff Mountain Lodge's Special Event the Great Grand Lake Pumpkin Patch
 - C. Consideration of Resolution 37-2023, Setting Certain for the Grand Chorale's Use of the Community House for Their Annual Christmas Concert
 - D. Recommendation to Allow Fence Over the Allowable Eight Foot Height at Cokers Corner Minor Sub also known as 1680 Sunnyside Dr.
 - E. Consideration of Ordinance 10-2023, Amending the Grand Lake Municipal Local Employee Residence Program Manual
11. Future Items for Consideration
12. Mayor's Report
13. Adjourn Meeting



October 9, 2023

To: Mayor Kudron & Board of Trustees

From: Alayna Carrell, Town Clerk

RE: The Grand Lake Carriage Tours

In August, for the first time in over thirty years, I received the Town of Grand Lake’s second Animal Drawn Vehicle Business License Application from The Grand Lake Carriage Tours.

All applications and supporting documentation have been reviewed and approved by the Town Staff and the Town Attorney. The Grand Lake Carriage Tours is officially ready to open for business, with their first event being at the Pumpkin Patch, on Friday, October 13th in Town Park.

Carol Stanley and Morgan Hale are the owners and are in attendance to introduce themselves to the Board and the community.

Town of Grand Lake Zoning Map



Map Legend

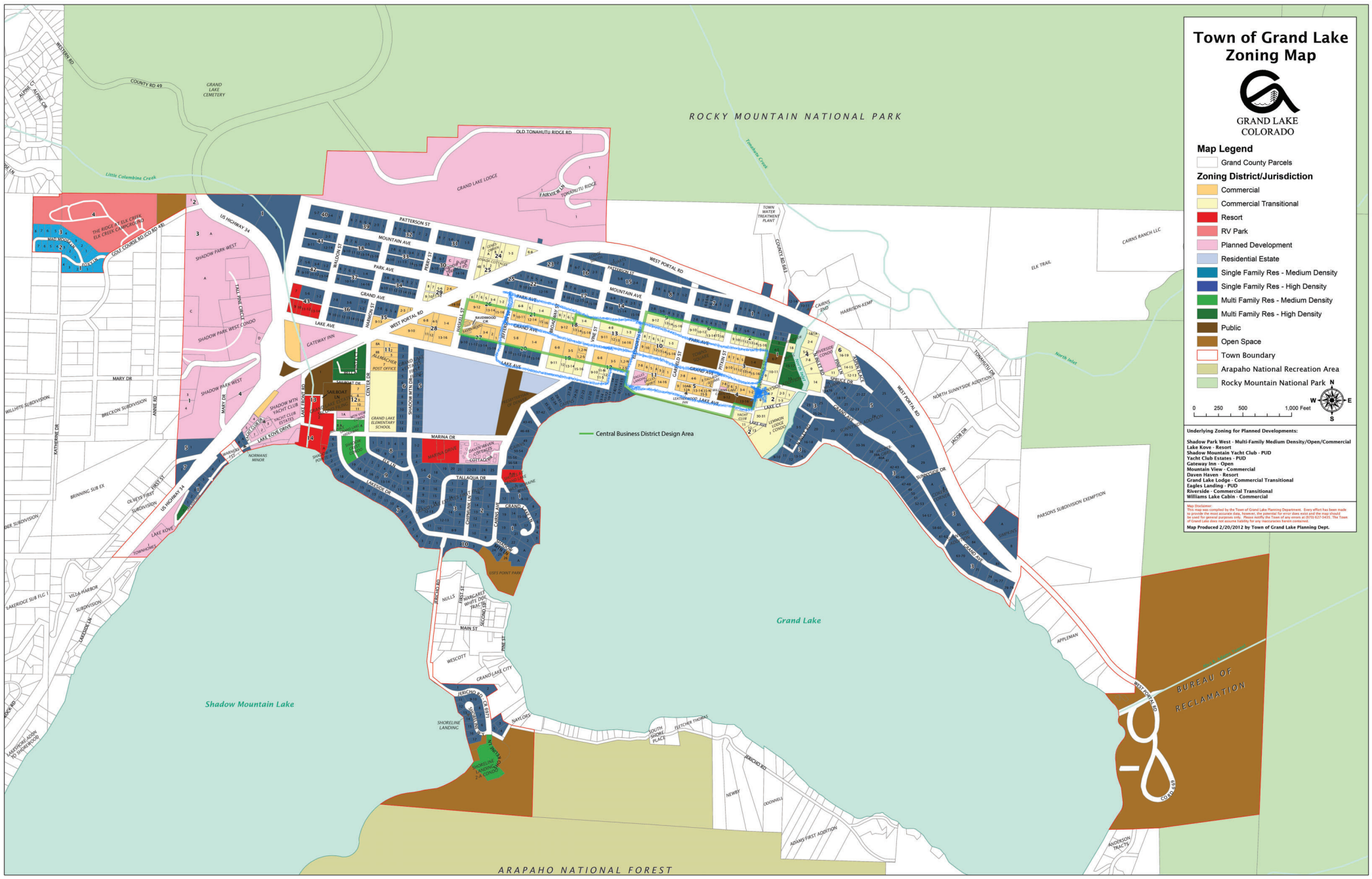
- Grand County Parcels
- Zoning District/Jurisdiction**
- Commercial
- Commercial Transitional
- Resort
- RV Park
- Planned Development
- Residential Estate
- Single Family Res - Medium Density
- Single Family Res - High Density
- Multi Family Res - Medium Density
- Multi Family Res - High Density
- Public
- Open Space
- Town Boundary
- Arapaho National Recreation Area
- Rocky Mountain National Park N

0 250 500 1,000 Feet

Underlying Zoning for Planned Developments:

- Shadow Park West - Multi-Family Medium Density/Open/Commercial
- Lake Cove - Resort
- Shadow Mountain Yacht Club - PUD
- Yacht Club Estates - PUD
- Gateway Inn - Open
- Mountain View - Commercial
- Daven Haven - Resort
- Grand Lake Lodges - Commercial Transitional
- Eagles Landing - PUD
- Riverside - Commercial Transitional
- Williams Lake Cabin - Commercial

Map Produced 2/20/2012 by Town of Grand Lake Planning Dept.













1026 Park Ave · PO Box 99
Grand Lake, CO 80447
970-627-3435
www.townofgrandlake.com

To: Mayor Kudron and the Grand Lake Board of Trustees
From: John Crone, Town Manager
Re: Providing Parental Leave
Date: October 9, 2023

Background

People in Grand Lake have often expressed the need to bring in more families. Additionally, the Town government has been trying to identify ways to incentivize people to consider Town jobs as career opportunities. One way to work toward both of these goals is to provide parental leave to staff members.

Currently, the Town does not have a paternal leave policy. If an employee has a child (or adopts or fosters a child), they are required to take PTO if they want to be paid for their time off. This can be problematic given the necessity for multiple doctor visits throughout the first year of a child's life, as well as the very real possibility that the staffer will also face the need for time off for reasons unrelated to the child throughout the year.

The Family Medical Leave Act is a federal requirement that allows workers to take up to twelve weeks of leave for various medical reasons including having a new child (whether through childbirth, adoption, or fostering). The FMLA does NOT require that the employee be paid for this time. The State of Colorado is starting a FAMLA insurance program at the beginning of 2024. This program will provide a certain amount of pay for those employees taking FMLA leave; however, the amount covered by the insurance will be somewhere between 40% of pay and 90% of pay depending on how much the employee works. Although the insurance will help, relying on it will put employees in serious financial risk given the high cost of living in Grand Lake.

Currently, no other municipalities in Grand County offer paid paternal leave; however, Winter Park is introducing a policy for potential adoption by its Council.

Discussion

Staff would like to propose that the Town institute a paid parental leave policy. The proposed policy would provide make-up pay for a certain period of time. This pay would cover the difference between the insurance payouts and the employee's regular pay. During any leave, the Town is required to still provide benefits and must allow the employee to return to their job (FMLA). However, we need feedback on several points.

1. Is the Board even interested in instituting such a policy?
2. How long should the Town provide the pay (up to twelve weeks)?
3. How much should the Town pay?
4. Should there be limitations on who is eligible (e.g. full-time, have worked here for at least a year, etc.)?
5. Are there any other limitations needed?



October 9, 2023

To: Mayor Kudron & Board of Trustees

From: Alayna Carrell, Town Clerk

RE: 2023 Holiday Party

As of today, there are officially 77 days left until Christmas , which means only 60 days until the 2023 Town of Grand Lake Christmas Party. The scheduled date of this year’s festivities is December 8, 2023, so we can catch everyone before they leave town to celebrate with their families.

The following locations currently have been confirmed to have availability and accommodation for one hundred guests and are being proposed for our 2023 Town of Grand Lake Christmas Party.

- Charlie’s
- Sagebrush
- The Gateway/Wild Bear Tavern
- El Pacifico Pho

There were two other businesses I reached out to but received no response.

Town Staff recommends the Board choose the event location so Staff can move forward with proper planning.



GRAND LAKE BOARD OF TRUSTEES WORKSHOP AND MEETING MINUTES

Monday, September 25, 2023, at 6:00 PM

Town Hall Board Room – 1026 Park Avenue

*The Town of Grand Lake upholds the Six Pillars of Character:
Citizenship, Trustworthiness, Respect, Responsibility, Fairness and Caring*

A. Call to Order

The regular meeting of the Board of Trustees was called to order by Mayor Kudron at 6:24 P.M. in the Town Hall Board Room

B. Pledge of Allegiance

Mayor Kudron led everyone in reciting the Pledge of Allegiance.

C. Announcements

Mayor Kudron announced: Please turn off all cell phones during the meeting.

D. Roll Call

Mayor Kudron, Mayor Pro-Tem Bergquist, Trustees Arntson, Bishop, Causseaux, Sobon, Strachan, Town Clerk Carrell, and Town Manager Crone were present.

E. Public Comments (Limited to 3 Minutes)

Mike Tompkins, 310 Lakeside Drive. Thanked the Town and Town Employees for their support in Constitution Week who were involved in helping to make it a successful event. They would like to remain their own separate event but request the Town to continue to fund the firework show.

F. Conflicts of Interest

None.

G. Manager's Report

Wildlife Issues

The bears are fattening up. Please respect our wildlife. Keep pets and yourselves away from deer and moose. Keep your trash secured.

Upcoming Events

We made it through Summer! There are no major events scheduled over the next couple of weeks. However, the library and Rocky Mountain Folk School still have events going on (including the Ricky Tims' quilt workshop on October 6 & 7).

Employee Housing

The units at Portal Crossing are almost complete. If you are interested in one of these units, please contact our Community Development Director, Kim White.

Our attorney is still working on a proposed change to our LERP that will allow employers to purchase deed restricted units. The units will need to be rented to employees who would otherwise qualify under the LERP guidelines.

Fall and Hunting Season

We anticipate a very busy leaf-peeping season, so continue to be careful and look out for pedestrians. It is also hunting season in Colorado. If you are going on a hike in the woods, make sure that you're highly visible and keep your pets on a leash.

Federal Government Shutdown

It seems likely that the federal government will enter into a shutdown later this week. At this time, Rocky Mountain National Park has not made any plans for the potential shutdown. In the past, they have approached shutdowns in various manners. During the last shutdown, they left the gates open but closed down all services.

As soon as the Park has more information, we will let you know.

Winter Water Service

It is time to start thinking about your winter water service. If you think that your water lines are in danger of freezing, please contact Town Hall to see if you qualify (or need) a bleeder valve. Bleeder valves keep a constant flow of water through your service line without an additional charge to your account.

Town Park Playground

All of the new equipment has been installed in the Town Park. (we are still waiting for some replacement island hopper platforms for one of our old pieces). The new equipment makes our playground handicap accessible. We are very proud to offer this to all kids who visit us.

Next Meeting

The next scheduled meeting will be held in two weeks. It is scheduled for October 9, 2023.

H. Consideration to Approve Meeting Minutes

5. September 11, 2023

Trustee Sobon made a motion to approve the meeting minutes for September 11, 2023. Trustee Arntson seconded the motion. Town Clerk Carrell called the vote:

Mayor Kudron	Aye
Mayor Pro-Tem Bergquist	Aye
Trustee Arntson	Aye
Trustee Bishop	Aye
Trustee Causseaux	Aye
Trustee Sobon	Aye
Trustee Strachan	Aye

I. Consideration to Approve Accounts Payable

6. September 25, 2023

Presented by Town Treasurer Wilson.

Trustee Strachan made a motion to approve accounts payable for September 25, 2023. Trustee Bishop seconded the motion. Town Clerk Carrell called the vote:

Mayor Kudron	Aye
Mayor Pro-Tem Bergquist	Aye
Trustee Arntson	Aye
Trustee Bishop	Aye
Trustee Causseaux	Aye
Trustee Sobon	Aye
Trustee Strachan	Aye

J. Financial Review

1. August Financials & July Sales Tax

Presented by Town Treasurer Wilson.

K. Items of Discussion

1. Consideration of Resolution 33-2023, Setting Certain Fees & Deposits

Presented by Town Treasurer Wilson.

Trustee Strachan made a motion to approve Resolution 33-2023, setting certain fees and deposits. Mayor Pro-Tem Bergquist seconded the motion. Town Clerk Carrell called the vote:

Mayor Kudron	Aye
Mayor Pro-Tem Bergquist	Aye
Trustee Arntson	Aye
Trustee Bishop	Aye
Trustee Causseaux	Aye
Trustee Sobon	Aye
Trustee Strachan	Aye

2. Consideration of Resolution 34-2023, Setting Certain Fees for the Grand Lake Historical Society's Monthly Use of the Community House

Presented by Permit Technician/Administrative Assistant Irish.

Alan Walker, 13132 US Hwy 34 was present on behalf of the Grand Lake Historical Society.

Trustee Sobon made a motion to approve Resolution 34-2023, waiving the rental fees for the Grand Lake Historical Society's Monthly Use of the Community House. Trustee Strachan seconded the motion. Town Clerk Carrell called the vote:

Mayor Kudron	Aye
Mayor Pro-Tem Bergquist	Aye
Trustee Arntson	Aye
Trustee Bishop	Aye
Trustee Causseaux	Aye
Trustee Sobon	Aye
Trustee Strachan	Aye

3. Consideration of Resolution 35-2023, Setting Certain Fees for the Grand Arts Council's Twice Monthly Use of the Community House

Presented by Permit Technician/Administrative Assistant Irish.

Alan Walker, 13132 US Hwy 34 was present on behalf of the Grand Arts Council for questions.

Trustee Arntson made a motion to approve Resolution 34-2023, waiving the rental fees for the Grand Arts Council's twice monthly use of the Community House. Mayor Pro-Tem Bergquist seconded the motion. Town Clerk Carrell called the vote:

Mayor Kudron	Aye
Mayor Pro-Tem Bergquist	Aye
Trustee Arntson	Aye
Trustee Bishop	Aye
Trustee Causseaux	Aye
Trustee Sobon	Aye
Trustee Strachan	Aye

4. Consideration of a Request for a Fence Over the Allowable Eight Foot Height at Cokers Corner Minor Sub also known as 1680 Sunnyside Dr.

Presented by Community Development Director White.

Trustee Sobon made a motion to deny as presented and return to the Planning Commission for changes that the applicant would be willing to discuss. Trustee Bishop seconded the motion. Town Clerk Carrell called the vote:

Mayor Kudron	Aye
Mayor Pro-Tem Bergquist	Aye
Trustee Arntson	Aye
Trustee Bishop	Aye
Trustee Causseaux	Aye
Trustee Sobon	Aye
Trustee Strachan	Nay

5. Consideration of the Purchase of Two Ice Skating Warming Huts

Presented by Town Manager Crone and Public Works Director Reed-Tolonen.

Trustee Bishop made a motion to approve the purchase of one ice skating warming hut from Colorado Shed Company. Trustee Strachan seconded the motion. Town Clerk Carrell called the vote:

Mayor Kudron	Aye
Mayor Pro-Tem Bergquist	Aye
Trustee Arntson	Aye
Trustee Bishop	Aye
Trustee Causseaux	Aye
Trustee Sobon	Aye
Trustee Strachan	Aye

6. Consideration of the Institution of a Recognition Bench Program

Presented by Town Manager Crone.

Mayor Pro-Tem Bergquist made a motion to instruct the Town Manager to implement a Recognition Bench Program. Trustee Arntson seconded the motion. Town Clerk Carrell called the vote:

Mayor Kudron	Aye
Mayor Pro-Tem Bergquist	Aye
Trustee Arntson	Aye
Trustee Bishop	Aye
Trustee Causseaux	Aye
Trustee Sobon	Aye
Trustee Strachan	Aye

7. Consideration of Proposition 123 Commitment to Opt-In

Presented by Town Manager Crone.

Trustee Strachan made a motion to instruct the Town Manager to file the necessary paperwork with the state recognizing our commitment to provide eight affordable housing units by the end of 2026 and opting into eligibility for Proposition 123 funding. Trustee Bishop seconded the motion. Town Clerk Carrell called the vote:

Mayor Kudron	Aye
Mayor Pro-Tem Bergquist	Aye
Trustee Arntson	Aye
Trustee Bishop	Aye
Trustee Causseaux	Aye
Trustee Sobon	Aye
Trustee Strachan	Aye

L. Future Items for Consideration

- LERP
- MOU County Road 471
- Proposal to go Cashless
- Parental Leave
- Emergency Response Resolution
- Future Aerolab Space at the Grand Lake Center
- Recycling Program

M. Mayor's Report

Two weeks ago, the Board had a retreat and discussed the culture of our Town and how to keep it alive. This Board has done an outstanding job working on the basics. We spent an entire workshop learning about all the things that we are doing behind the scenes that we don't get to hear about as often. Keeping our eyes focused on the ball and everything around it is how we will continue to have a complete community.

N. Adjourn Meeting

Trustee Strachan made a motion to adjourn the meeting. Trustee Arntson seconded the motion. Town Clerk Carrell called the vote:

Mayor Kudron	Aye
Mayor Pro-Tem Bergquist	Aye
Trustee Arntson	Aye
Trustee Bishop	Aye
Trustee Cousseaux	Aye
Trustee Sobon	Aye
Trustee Strachan	Aye

This meeting of the Board of Trustees was adjourned at 8:49 PM.

(Attest)

Alayna Carrell, Town Clerk

Stephan Kudron, Mayor



Town of Grand Lake will post Accounts Payable online after Board of Trustees Approves it.

Feel free to reach out to Heike Wilson, Treasurer at hwilson@toglco.com or call 970-776-0779 if would like to view Accounts Payable before the Board of Trustees Approves it. List will be available the Thursday before the 2nd and 4th Monday of each month by request



1026 Park Ave · PO Box 99
Grand Lake, CO 80447
970-627-3435
www.townofgrandlake.com

October 9, 2023

To: Mayor Kudron and Board of Trustees
From: Caitrin Irish, Permit Tech-Admin Assistant
Re: Board of Trustee Review of Shadowcliff Mountain Lodge's Pumpkin Patch Special Event

*Attachments: Special Event Application
Special Event Site Plan
Liability Insurance
Non-Profit Status
1 Peddler License Application*

Purpose

The Town has received a special event application from Shadowcliff Mountain Lodge to hold a special event, titled The Great Grand Lake Pumpkin Patch in the town square.

Background

The applicant, Shadowcliff Mountain Lodge, requests this event to be held in the town square park, including use of the Gazebo and Heckert Pavilion, the afternoon of Friday October 13th from 2:00PM to 7:00PM. The event has been presented as family friendly fun, including a pumpkin give away, facepainting, and games.

Event Specifics:

- Set up: will begin the evening of Thursday October 12th at 6:00PM.
- Clean up: is scheduled to only take an hour, from 7:00PM to 8:00PM October 13th.
- No additional port-a-potties will be provided.
- Signage: There is only one temporary sign to be placed. The design and exact location of the sign has not been noted.
- No alcohol will be served at this event.
- The applicant has asked for the following assistance from Public Works:
 - Assistance unloading the pumpkin delivery
 - Placement of candlestick traffic cones and ropes
 - Placement and removal of trash bins as notated on the site map.
- The applicant states there will be no impact on local businesses, except the additional vehicles parked on the streets surrounding the town square.
- One Peddler's License application was received on October 5, 2023. A copy of the sales tax license was not submitted with the applicant. The applicant was informed, and they agreed to send the copy to the town along with the \$15.00 peddler's license fee prior to the event date.



1026 Park Ave · PO Box 99
 Grand Lake, CO 80447
 970-627-3435
 www.townofgrandlake.com

Staff Comments

Per town code, all applications are to be submitted 30 days prior to the event for review and issuance. The original application was submitted September 22nd. The applicant updated the application and submitted it on September 26th. Though the application was received less than 30 days prior to the event, members of town staff chose to move forward as it should benefit the community. Proof of Liability Insurance was submitted however the Town of Grand Lake was not listed as additionally insured. The applicant has agreed to correct this and will provide proof of the correction prior to October 13th, 2023.

Board Review

When reviewing the application, the Board of Trustees is to consider the following:

Municipal Code 11-6-3(C): Special Event Permit Application Review and Approval.

1. Review Considerations. The following factors shall be considered prior to approval of a SEP:

- (a) The predominant use of the primary facility being used; and*
- (b) The proposed event and the event hours; and*
- (c) Neighborhood compatibility; and*
- (d) Effect of the proposed event on the community; and*
- (e) The Town's anticipated cost in staff time and equipment use; and*
- (f) The benefit to non-profit from the event; and*
- (g) The benefit to local businesses from the event; and*
- (h) Duplication of services or sale items; and*
- (i) Nature of the past event issues or similar past event issues.*

Board Review

The Board has several options to consider including:

1. Granting the Special Event Permit; or
2. Granting the Special Event Permit with modifications; or
3. Deny the Special Event Permit.

Suggested motions:

- 1. I move to approve the Special Event Permit application for The Great Grand Lake Pumpkin Patch hosted by Shadowcliff Mountain Lodge.***

Or

- 2. I move to approve the Special Event Permit application for The Great Grand Lake Pumpkin Patch hosted by Shadowcliff Mountain Lodge, as presented, with the following conditions***

_____.

Or

- 3. I move to deny the Special Event Permit for The Great Grand Lake Pumpkin Patch hosted by Shadowcliff Mountain Lodge.***



Town Of Grand Lake Special Event Permit (SEP) Application

For a one-day Special Event, this application must be submitted at least 30 days prior. If the special event is for more than one day or involves liquor, this application must be submitted at least 90 days prior. This application must be submitted in full, with all required supporting documentation, to be considered for approval.

A permit will not be issued if the applicant is delinquent on any accounts of the Town or any of its enterprise funds.

Contact Information

Contact Person Name: Scott Merchant Phone Number: _____
 Address: _____ City: _____
 State: _____ Zip: _____ Email: _____

Organization or Entity Information

Organization: Shadowcliff Mountain Lodge Phone Number: _____
 Address: 105 City Rd 663 City: Grand Lake
 State: CO Zip: 80447 Email: programs@shadowcliff.org

Event Information

Event Name: The Great Grand Lake Pumpkin Patch Dates of Event: 10/13/23
 Is this the first occurrence of the event? Yes No
 During Event Contact: Scott Merchant Phone Number: _____
 Post Event Clean-up Contact: Scott Merchant Phone Number: _____

Event Details

Document Check List

The following items must be submitted with the application. If no applicable, please note NA.

Documents	Included in Application	Received By Town
Site Plan – Including the following:	X	✓
Dimensions and Locations of Specific Activities		✓
Delineation for Liquor Service & Consumption		NA
Ingress and Egress Points		✓
Off-Street Parking and Track Circulation		None shown, assumed street parking
Location of Any Signage		Noted at entrance, not shown on map
Trash Can/Dumpster Location		✓
Restrooms/Porta-Potties Location		Assumed: use of town park facilities
Copies of Colorado and Grand Lake Sales Tax Licenses		✓
Copy of Government or Non-Profit Status		✓
Copy of Grand Lake Business License and/or Peddler’s Applications		1 - 10/5
Copy of Liquor License Application or License		NA
Endorsed Liability Insurance - Town of Grand Lake Listed as Additional Insured		Requested to put TOGL as additionally insured
Fees Paid (New event fee \$250.00 and/or \$250.00 refundable damage deposit)		
Any Additional Information or Documents Which Pertain to the Event or this Application		

Event Details Continued

Please answer the following questions in detail. If more space is needed to adequately respond to the questions, please attach them to this application; note in the space given where to find the response in the additional documentation.

What is the precise nature of the event: _____

This event will be an afternoon of pumpkin giveaway, games, music and treats

Detail the itinerary (dates & times) for event and clean-up Setup = 10/12 6pm or 10/13 @ 9am

Event Start = 2pm Event End = 7pm Clean up = 7pm-8pm

List all Town facilities or parks to be used for the event: Town Square Park

Please fill out the Facility Rental Application for each facility to be utilized

State the compatibility with the surrounding properties and how the event will impact the neighboring businesses. Comments from surrounding businesses may be requested.

No surrounding businesses will be affected by this event

List exact dates, times, and locations of requested street closures or blocking of parking spaces: _____

10/12/23 set up in Town Square 10/13 please see site map

What is the anticipated impact to on-street parking: _____

This event might increase parked cars on Grand, Park, Garfield and Pitkin

Detail planned signage for the event including dimensions of signs, locations, dates placed & removed We will have one large sign that says Great Grand Lake Pumpkin Patch directly next to the entrance

Detail trash and waste plan, including placement & removal of containers and post event clean up: _____

Trash bins will be placed on 10/12 and cleared at the end of 10/13

List any special requests or services to be provided by the town such as electricity sprinkler shut-off, sound system use, marquee announcement, use of Town Park kiosk: _____

The Great Grand Lake Pumpkin Patch (Free Pumpkins for everyone!)

By signing below the applicant acknowledges they have received, reviewed, and understands the requirements set forth in Municipal Code Chapter 11: Municipal Property Regulations, including the notes below*. The applicant further acknowledges the information contained on the application is true and correct and that submission of false information shall be cause for the SEP to be immediately revoked without notice or hearing. During the event, the SEP shall be available and presented upon demand at the location of the Special Event.

- * Clean-up must be completed within 24 hours of the end of the event. If this is not accomplished the Town Staff will finish the clean-up resulting in a \$50.00 per hour per staff member charge to the even organization and no refunding of the damage deposit.
- * No stakes may be used in any town park
- * No alcohol is allowed unless a Special Event Liquor Permit has been issued

Scott Merchant

9/21/23

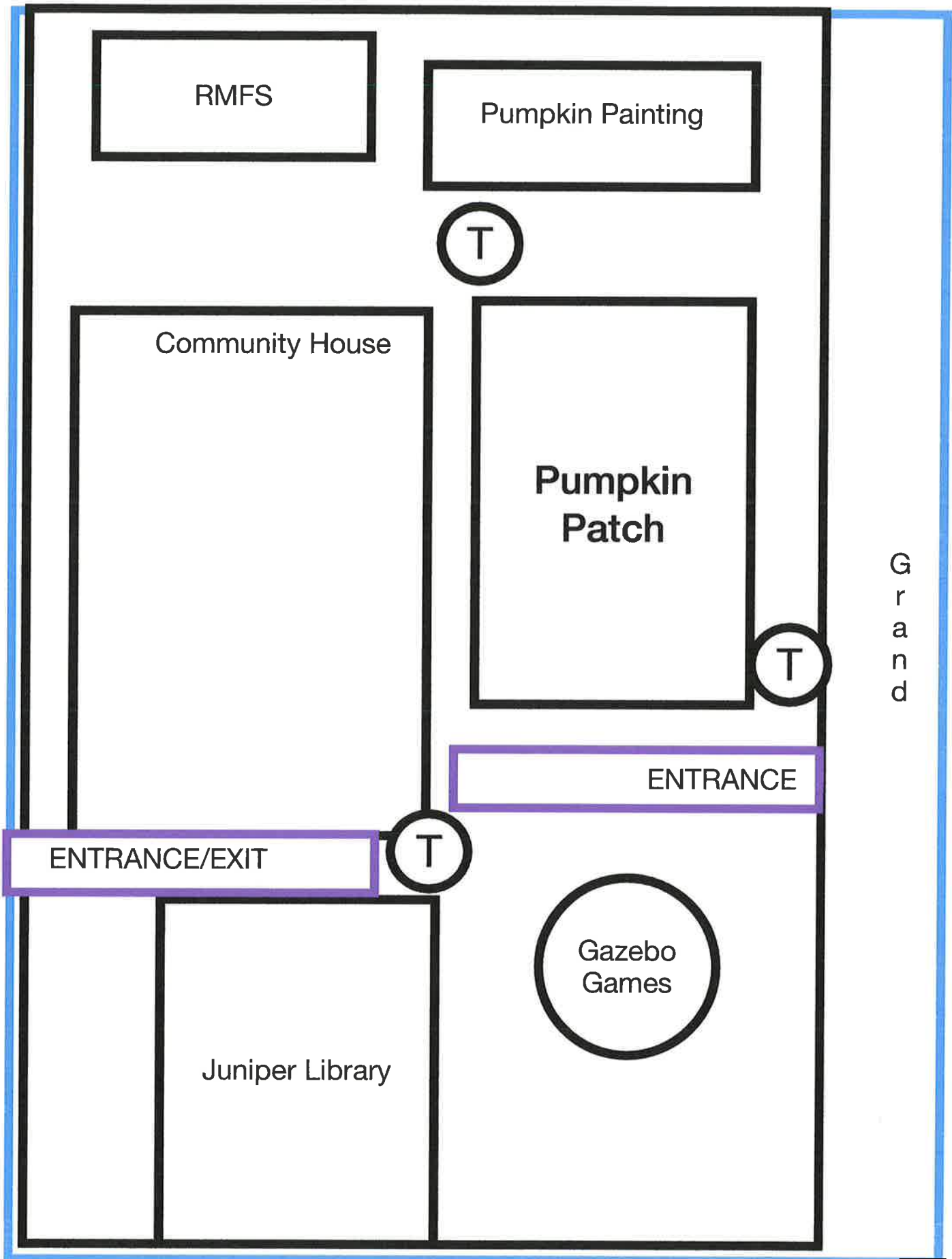
Signature

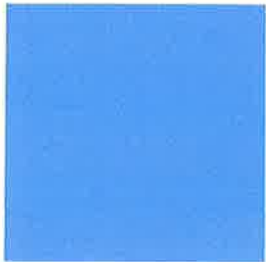
Date

For questions contact the town: Phone: 970-627-3435 Email: town@toglco.com

P
a
r
k

G
r
a
n
d





Candlesticks and Rope



Alcohol Consumption and Sales



Entrance and Exit



Trash



1026 Park Ave · PO Box 99
 Grand Lake, CO 80447
 970-627-3435
 www.townofgrandlake.com

October 9, 2023

To: Mayor Kudron and Board of Trustees
 From: Caitrin Irish, Permit Tech-Admin Assistant
 Re: Setting of Certain Fees for Shadowcliff Mountain Lodge’s Pumkin Patch Special Event

Attachments: Special Event Application

Purpose

The Town has received a special event application for Shadowcliff Mountain Lodge’s The Great Grand Lake Pumpkin Patch. Shadowcliff Mountain Lodge is requesting the new event fee to be waived.

Background

The applicant, Shadowcliff Mountain Lodge, will hold this event in the town square park, including use of the Gazebo and Heckert Pavilion, the afternoon of Friday October 13th from 2:00PM to 7:00PM. The event has been presented as family friendly fun, including a pumpkin give away, facepainting, and games.

The fee for a new special event, as adopted by the Board of Trustees, is \$250.00. Shadowcliff Mountain Lodge is considered a non-profit organization.

Colorado state statute allows the Town to “aid and foster, by all lawful measures, associated charity organizations by appropriations and to grant the use of suitable rooms in the municipal buildings. No portion of any money so appropriated shall be given or loaned to any society, corporation, association, or institution that may be wholly or in part under sectarian or denominational control.” C.R.S. § 31-15-901(1)(c).

Staff Recommendation

Staff recommends if the Board grants Shadowcliff Mountain Lodge’s request to waive this fee.

Board Action

The Board has several options to consider including:

1. Granting the request by adopting the resolution; or
2. Granting the request with modifications; or
3. Deny the request.

Suggested motions:

1. ***I move to adopt Resolution 36-2023, A RESOLUTION SETTING CERTAIN FEES FOR SHADOWCLIFF MOUNTAIN LODGE’S SPECIAL EVENT, THE GREAT GRAND LAKE PUMPKIN PATCH.***

Or

2. ***I move to adopt Resolution 36-2023, A RESOLUTION SETTING CERTAIN FEES FOSHADOWCLIFF MOUNTAIN LODGE’S SPECIAL EVENT, THE GREAT GRAND LAKE PUMPKIN PATCH, as presented, with the following conditions _____.***

Or

3. ***I move to deny the request to waive the facility use fee.***



Town Of Grand Lake Special Event Permit (SEP) Application

For a one-day Special Event, this application must be submitted at least 30 days prior. If the special event is for more than one day or involves liquor, this application must be submitted at least 90 days prior. This application must be submitted in full, with all required supporting documentation, to be considered for approval.

A permit will not be issued if the applicant is delinquent on any accounts of the Town or any of its enterprise funds.

Contact Information

Contact Person Name: Scott Merchant Phone Number: _____
 Address: _____ City: _____
 State: CO Zip: _____ Email: _____

Organization or Entity Information

Organization: Shadowcliff Mountain Lodge Phone Number: _____
 Address: 105 City Rd 663 City: Grand Lake
 State: CO Zip: 80447 Email: programs@shadowcliff.org

Event Information

Event Name: The Great Grand Lake Pumpkin Patch Dates of Event: 10/13/23
 Is this the first occurrence of the event? Yes No
 During Event Contact: Scott Merchant Phone Number: _____
 Post Event Clean-up Contact: Scott Merchant Phone Number: _____

Event Details

Document Check List

The following items must be submitted with the application. If no applicable, please note NA.

Documents	Included in Application	Received By Town
Site Plan – Including the following:	X	✓
Dimensions and Locations of Specific Activities		✓
Delineation for Liquor Service & Consumption		NA
Ingress and Egress Points		✓
Off-Street Parking and Track Circulation	None shown, assumed street parking	
Location of Any Signage	Noted at entrance, not shown on map	
Trash Can/Dumpster Location		✓
Restrooms/Porta-Potties Location	Assumed: use of town park facilities	
Copies of Colorado and Grand Lake Sales Tax Licenses		✓
Copy of Government or Non-Profit Status		✓
Copy of Grand Lake Business License and/or Peddler's Applications		1 - 10/5
Copy of Liquor License Application or License		NA
Endorsed Liability Insurance - Town of Grand Lake Listed as Additional Insured	Requested to put TOGL as additionally insured	
Fees Paid (New event fee \$250.00 and/or \$250.00 refundable damage deposit)		
Any Additional Information or Documents Which Pertain to the Event or this Application		

Event Details Continued

Please answer the following questions in detail. If more space is needed to adequately respond to the questions, please attach them to this application; note in the space given where to find the response in the additional documentation.

What is the precise nature of the event: _____

This event will be an afternoon of pumpkin giveaway, games, music and treats

Detail the itinerary (dates & times) for event and clean-up Setup = 10/12 6pm or 10/13@ 9am

Event Start = 2pm Event End = 7pm Clean up = 7pm-8pm

List all Town facilities or parks to be used for the event: Town Square Park

Please fill out the Facility Rental Application for each facility to be utilized

State the compatibility with the surrounding properties and how the event will impact the neighboring businesses. Comments from surrounding businesses may be requested. _____

No surrounding businesses will be affected by this event

List exact dates, times, and locations of requested street closures or blocking of parking spaces: _____

10/12/23 set up in Town Square 10/13 please see site map

What is the anticipated impact to on-street parking: _____

This event might increase parked cars on Grand, Park, Garfield and Pitkin

Detail planned signage for the event including dimensions of signs, locations, dates placed & removed We will have one large sign that says Great Grand Lake Pumpkin Patch directly next to the entrance

Detail trash and waste plan, including placement & removal or containers and post event clean up: _____

Trash bins will be placed on 10/12 and cleared at the end of 10/13

List any special requests or services to be provided by the town such as electricity sprinkler shut-off, sound system use, marquee announcement, use of Town Park kiosk: _____

The Great Grand Lake Pumpkin Patch (Free Pumpkins for everyone!)

By signing below the applicant acknowledges they have received, reviewed, and understands the requirements set forth in Municipal Code Chapter 11: Municipal Property Regulations, including the notes bellow*. The applicant further acknowledges the information contained on the application is true and correct and that submission of false information shall be cause for the SEP to be immediately revoked without notice or hearing. During the event, the SEP shall be available and presented upon demand at the location of the Special Event.

- * Clean-up must be completed within 24 hours of the end of the event. If this is not accomplished the Town Staff will finish the clean-up resulting in a \$50.00 per hour per staff member charge to the even organization and no refunding of the damage deposit.
- * No stakes may be used in any town park
- * No alcohol is allowed unless a Special Event Liquor Permit has been issued

Scott Merchant

9/21/23

Signature

Date

For questions contact the town: Phone: 970-627-3435 Email: town@toglco.com

**TOWN OF GRAND LAKE
BOARD OF TRUSTEES
RESOLUTION NO. 36-2023**

**A RESOLUTION SETTING CERTAIN FEES FOR SHADOWCLIFF MOUNTAIN
LODGE’S SPECIAL EVENT THE GREAT GRAND LAKE PUMPKIN PATCH**

WHEREAS, Shadowcliff Mountain Lodge has scheduled a new special event, The Great Grand Lake Pumpkin Patch, October 13, 2023; and,

WHEREAS, the fee for a new special event is set at \$250.00; and,

WHEREAS, the Board of Trustees has the authority pursuant to Colorado State Statute § 31-15-901 (1)(c) and Section 2-3-2 of the Municipal Code to adopt a resolution waiving the Town fee; and,

WHEREAS, upon consideration of staff comments and discussion amongst the Board members themselves, the Board concluded that waiving the special event fee is in the best interests of the Town and its citizens;

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF GRAND LAKE, COLORADO:

THAT, the Board hereby waives the special event fee for Shadowcliff Mountain Lodge’s The Great Grand Lake Pumpkin Patch to be held October 13, 2023.

DULY MOVED, SECONDED, AND ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF GRAND LAKE THIS 9th DAY OF OCTOBER 2023.

Votes Approving:
Votes Opposing:
Votes Abstaining:
Absent:

(SEAL)

ATTEST:

Alayna Carrell, Town Clerk

Stephan Kudron, Town Mayor



1026 Park Ave · PO Box 99
Grand Lake, CO 80447
970-627-3435
www.townofgrandlake.com

October 9, 2023

To: Mayor Kudron and Board of Trustees
From: Caitrin Irish, Permit Tech-Admin Assistant
Re: Setting of Certain Fees for the Grand Chorale's Annual Christmas Concert
Attachments: Community House Facility Application

Purpose

The Town has received a request from the Grand Chorale for the use of the Community House to hold their annual Christmas Concert on December 10th, 2023, from 4:30PM to 9:00PM.

Background

The Grand Chorale's Annual Christmas Concert has provided a cappella Christmas entertainment to our community for years. It is one of the many holiday traditions hosted at the Community House.

The standard fee for use of the Community House, as adopted by the Board of Trustees, is \$600.00 a day and \$300.00 a day for non-profit organizations. The Grand Chorale is a non-profit. They will be utilizing the AV equipment, which according to the fee schedule adopted by the Board of Trustees, will add an additional \$200.00 fee. The total fee for the evening's use would be \$500.00.

Colorado state statute allows the Town to "aid and foster, by all lawful measures, associated charity organizations by appropriations and to grant the use of suitable rooms in the municipal buildings. No portion of any money so appropriated shall be given or loaned to any society, corporation, association, or institution that may be wholly or in part under sectarian or denominational control." C.R.S. § 31-15-901(1)(c).

Staff Recommendation

Staff recommends if the Board grants the Grand Chorale's request to waive the fee for these events.

Board Action

The Board has several options to consider including:

1. Granting the request by adopting the resolution; or
2. Granting the request with modifications; or
3. Deny the request.

Suggested motions:

1. ***I move to adopt Resolution 37-2023, A RESOLUTION SETTING CERTAIN FEES FOR THE GRAND CHORALE'S USE OF THE COMMUNITY HOUSE FOR THEIR ANNUAL CHRISTMAS CONCERT.***

Or

2. ***I move to adopt Resolution 37-2023, A RESOLUTION SETTING CERTAIN FEES FOR THE GRAND CHORALE'S USE OF THE COMMUNITY HOUSE FOR THEIR ANNUAL CHRISTMAS CONCERT, as presented, with the following conditions _____.***

Or

3. ***I move to deny the request to waive the facility use fee.***



Town Of Grand Lake Community House Facility Application and Use Agreement

According to the use policies for the Town of Grand public facilities and structures (outlined by section 11-6-2 in the Municipal Code), any group or governmental entity (User) desiring to use any public facility or structure shall comply with the terms of the of the Municipal Code and any Resolution enacted.

Please Note: There are blackout dates for facilities and structures throughout the year. Please contact the Town Hall for more information regarding those dates.

Please complete the below Application and Use Agreement and return to the Grand Lake Town Hall with payment. For questions, please contact the Town Hall. Phone: 970-627-3435 Email: town@toglco.com

Contact Information

Group or User: The Grand Chorale Contact Person: Jeffrey Shaw

Contact Mailing Address: _____

Town: Granby State: CO ZIP Code: 80446

Contact Phone: _____ Contact Email: _____

Special Event (If Applicable): Grand Chorale Annual Christmas Concert

Facility Information

Rental Cost: Private or Pecuniary: \$600 Gov./Non-Profits/Special Dist.: \$300

Deposit: Damage and Cleaning Deposit: \$500 *A valid credit card must remain on file for any incidentals*

Optional Amenities Deposits/Fees

- Key Use \$50 Deposit
- Use of AV Equipment \$200 Fee
- Use of Kitchen \$100 Fee

Event Information

Is this user group a Government, Non-Profit or special District? YES NO

Is this a private or public event? Private Public

If the event is public, please fill out the special event application as well

Is this a reoccurring event? yearly YES NO

Is this a pecuniary use? (Will you be selling something?) YES NO

Event Name: The Grand Chorale Christmas Concert

Event Use: A Capella Chorus

Explain clean-up & waste removal: No waste. We set up risers and chairs and all tear down. Chairs will be put back where we found them

Event Information Continued

Please list the date(s), start & end time(s):

Date	Start Time	End Time
Sun 12/10	4:30 PM Set up	9 PM

Date	Start Time	End Time

Please identify businesses that may be providing services during the use of the facility or structure. Include all caterers, music services, rental companies, delivery services, etc. Provide all the information requested.

Business Type	Business Name	Phone	Address
None			

NOTE:

- No alcohol is allowed in Town Parks. The Community House is the only facility that allows alcohol to be provided in the Community House during a private event. If alcohol is to be sold, please contact the Town Clerk regarding liquor licensing.
- Clean up must be completed during the time rented. If the facility or structure is not left cleaned, the town will charge \$50.00 per hour per staff member.
- AV Equipment may only be used with approval from the Town and
- Any event open to the public will need a special event permit.

ACKNOWLEDGEMENT: By my signature, I and my organization (User) hereby acknowledge to have received a copy of the Town of Grand Lake Resolution of policies for the Town of Grand Lake Public Facilities and Structures and that the policies have been read, understood and are agreed to comply with the terms thereof.

Signature 

Date 9-29-23

ACKNOWLEDGEMENT: By my signature, I and my organization (User) hereby acknowledge to have received a copy of the Town of Grand Lake Resolution of policies for the Town of Grand Lake Public Facilities and Structures and that the policies have been read, understood and are agreed to comply with the terms thereof.

Signature 

Date 9-29-23

**TOWN OF GRAND LAKE
BOARD OF TRUSTEES
RESOLUTION NO. 37-2023**

**A RESOLUTION SETTING CERTAIN FEES FOR THE GRAND CHORALE’S USE OF THE
COMMUNITY HOUSE FOR THEIR ANNUAL CHRISTMAS CONCERT**

WHEREAS, The Grand Chorale has scheduled the use of the Community House to hold their Annual Christmas Concert December 10, 2023; and,

WHEREAS, the rental fee for the use of the Community House and AV equipment for the scheduled event is set at \$500.00 for non-profit organizations; and,

WHEREAS, the Board of Trustees has the authority pursuant to Colorado State Statute § 31-15-901 (1)(c) and Section 2-3-2 of the Municipal Code to adopt a resolution waiving Town fees; and,

WHEREAS, upon consideration of staff comments and discussion amongst the Board members themselves, the Board concluded that waiving rental fees is in the best interests of the Town and its citizens;

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF GRAND LAKE, COLORADO:

THAT, the Board hereby waives rental fees for the use of the Community House for the Grand Chorale’s Annual Christmas Concert to be held December 10, 2023, from 4:30PM to 9:00PM.

**DULY MOVED, SECONDED, AND ADOPTED BY THE BOARD OF TRUSTEES OF
THE TOWN OF GRAND LAKE THIS 9th DAY OF OCTOBER 2023.**

Votes Approving:
Votes Opposing:
Votes Abstaining:
Absent:

(SEAL)

ATTEST:

Alayna Carrell, Town Clerk

Stephan Kudron, Town Mayor



Date: 10/09/2023

To: Mayor Kudron and the Board of Trustees
From: Kimberly White, Community Development Department

Re: Consideration of a Request for a Fence Over the Allowable Eight Foot Height at Cokers Corner Minor Sub also known as 1680 Sunnyside Dr.



Purpose:

Applicant is requesting to build a stone gate and fence section over the allowed six-foot height, which requires Planning Commission approval per design standards of the municipal code 12-7-4 (E) (4). The height of the stone wall will be seven (7) feet, the columns on the east and west end will be eight (8) feet, the stone archway will be nine (9) feet to accommodate the seven (~7) foot doorway, and the columns flanking the archway will be (eleven) 11 feet (figure 1)

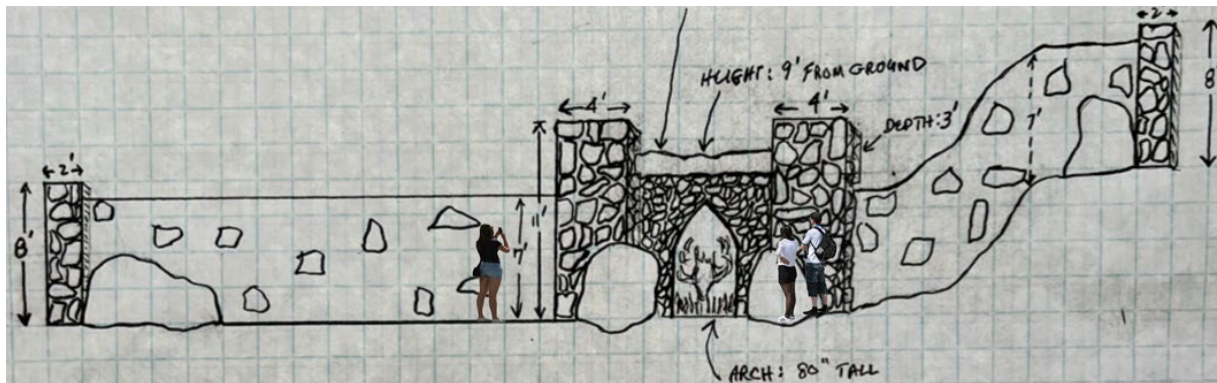


Figure 1



Background:

The owner submitted multiple designs for a stone wall with multiple turrets (figure 2). Staff reviewed the illustrations and determined that it resembled a castle and did not meet the design code section 12-7-4 (E) as it was not in harmony “with the adjacent building architecture and the surrounding natural environment”.

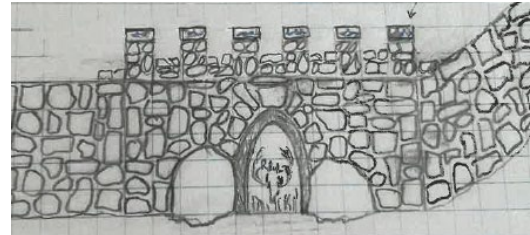


Figure 2

The applicant revised the drawings and resubmitted them without the turrets (figure 3) basing the design on a nearby fireplace relic (figure 4) and stone wall that is on the adjacent property (figure 5). On September 20th, the Planning Commission reviewed the application for the 10’ walls with 14’ columns and recommended 4:0 to the Board to allow the proposal but at a height not greater than 8’ including the columns, and required a building permit per Residential Building Code. The application was heard by the Board of Trustees on September 25th, 2023. It was denied at the 10’ and 14’ height, but suggested that the applicant take a new application with shorter walls to the Planning Commission for review.

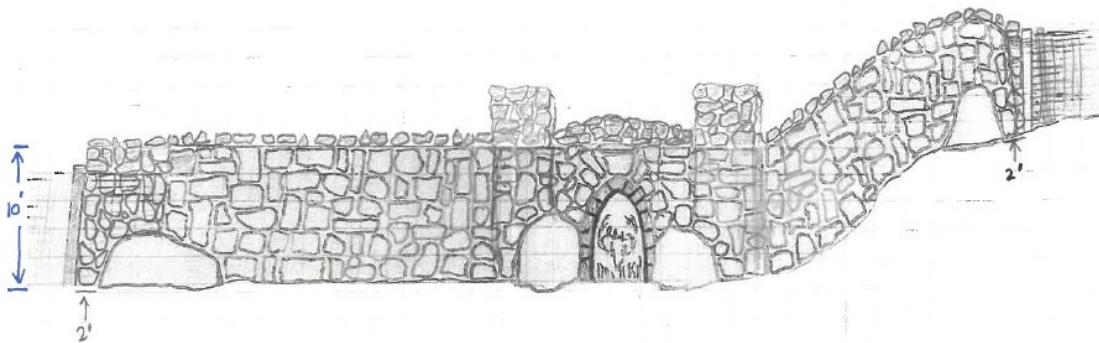


Figure 3

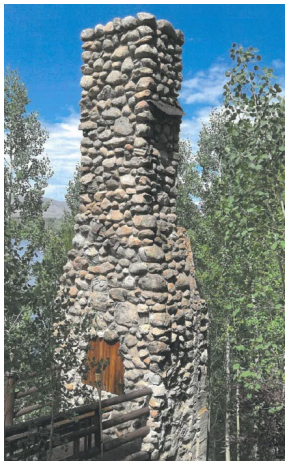


Figure 4



Figure 5



At the October 4th, 2023 Planning Commission, the commission discussed the new application with the gate section above the allowable 8’ height, at a height of 9’ – 11’ high (figure 6)

- PC stated that the fence is already 3 feet above the roadway on that corner
- PC stated that the height of the fence is overwhelming and should not be above the eight foot height.
- PC stated that this style does not fit in with the Town of Grand Lake design code and is not in harmony with the character of Grand Lake.
- PC stated that at that height the wall would likely become a climbing wall for curious youth.
- PC voted to deny the application 2:2, which carries as a recommendation to Deny the application.

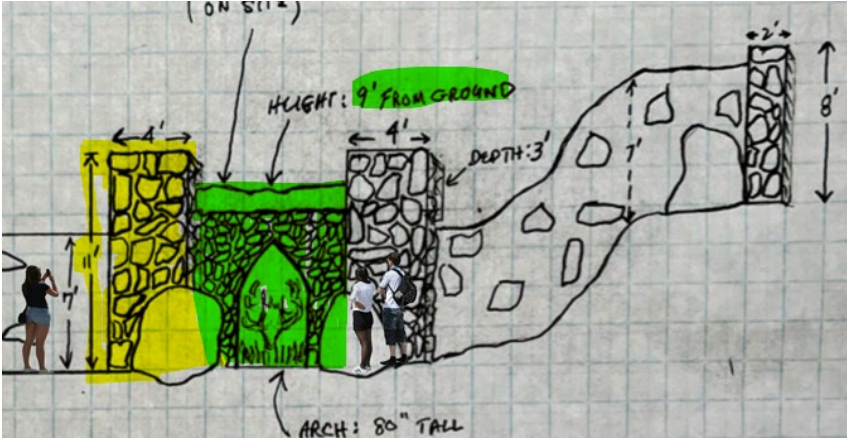


Figure 6

Staff Notes:

On May 10th, 2021 The Board of Trustees approved Resolution 13-2021, a variance to allow the garden gazebo to be built on the vacant lot at 1680 Sunnyside Dr. without a primary structure being in place. An 8’ gaming fence permit was issued as the fence was made of allowable materials and was not over the allowable 8’ height.

The stone fence and gate is currently under construction due to the impending winter season and will not be built above the six-foot mark until/unless a building permit is issued. Additionally, it will not be built above the eight-foot mark unless the Board allows the fence height exception.

The Board shall take into consideration Planning Commission recommendation to deny and MC 12-7-4 and 12-7-8 when determining if the fence/gate should be allowed.

Municipal Code: 12-7-4-(E)4. Fences shall be constructed of wood, native or imitation stone in a style and color harmonious with the adjacent building architecture and the surrounding natural environment.



... (a) no chainlink....

(b) Fences over eight (8') feet in height shall be reviewed by the Planning Commission for approval or denial.

Per international residential building code (R105.2), which is adopted by Town code 9-1-2, if a fence is over six feet, it must have a building permit.

12-7-3 Definitions

Human Scale: A reasonable size and shape for an average person to use. is the proportion of space in relation to human dimension. It is an important unit of measure for different parts of the building, while keeping in mind who will use each space. Define spaces according to human measurements. Elements should be scaled to human physical capabilities. Avoid monumental scale, oversized spaces, and extremely large distances.

12-7-8 Design Review Procedures and Submission Requirements.

- (B) Design review approval will be based on how the proposal integrates with the local and immediate context. Review of proposed plans, materials, and colors will consider both the positive and negative impacts on the surrounding buildings and adjacent spaces and natural environment. Consideration factors shall include:
 - 1. The proposal's consideration to the local and immediate context of the existing buildings, the natural environment, historical aspects and the local community culture. Determination will be based on the design elements listed herein as well as:
 - (a) The proposal's overall harmony with adjacent buildings, open and public spaces.
 - (b) Any graphic design that might interfere with public safety or does not add to or enhance the aesthetic value of the Town of Grand Lake will be denied.
 - 2. The elemental design tools of composition, proportion, scale, and rhythm are important elements for achieving a balance between unity and complexity in design. These tools may be used to improve the limitations of architectural style and to achieve buildings with more timeless visual assets. Each of these design tools will be applied to the materials, surfaces, massing and street wall (if applicable) of buildings to better indicate use, visual interest, and creation of a more appropriate balance with human scale. Design Elements include:
 - (a) Scale- the proportion used to determine the relationships and harmony between different elements (existing surroundings including buildings and natural elements, to better define heights and widths and depth).
 - (b) Composition- the organization of parts (including non-built spaces) of a project to achieve a unified whole.
 - (c) Proportion- the relationship of one (1) part to another or to the whole.
 - (d) Rhythm- the relative variation of regular and repetitive elements (how surface materials begin and end and how a switch form one (1) material to another occurs).



Recommended Motions:

The Board has the following options:

1. Board motions to instruct staff to draft a resolution to approve the request to allow the fence gate and wall at the height of 9' to 11' height.
- or
2. Board motions to instruct staff to draft a resolution to allow the request with the following conditions _____.
- or
3. Motion to Deny

Below are exhibits submitted by the applicant for consideration of this request.

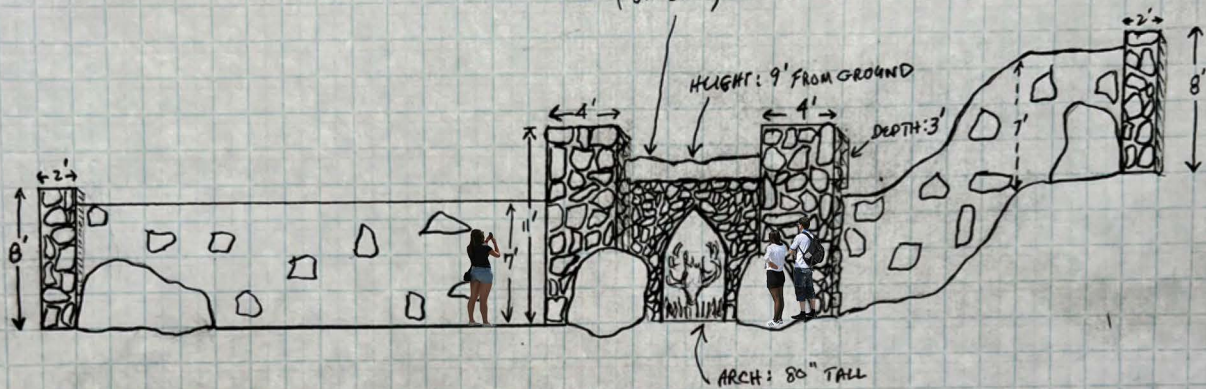
- Exhibit A: Reduced height of fence and wall by 3'.
- Exhibit B: Adjacent property as seen from public ROW
- Exhibit C: Images of relics of foundation walls and stone theme that are used for architectural reference.
- Exhibit D: Materials that will be used for the wall.

COKER'S CORNER ENTRY GATE

Exhibit A

Section 10, Item D.

THICKNESS OF ROCK: 13-14" ; LENGTH: 9' ; WIDTH
(ON SITE)



□
SCALE: $\frac{1}{4}" = 2'$

★ PLEASE NOTE THAT VS. THE ORIGINAL PROPOSAL (PLANNING COMMISSION),
THE WALL ITSELF HAS BEEN LOWERED FROM 10' TO 7' = 3' LOWER;
THE TOWERS HAVE BEEN LOWERED FROM 14' TO 11' = 3' LOWER.

THIS WILL ALSO ENABLE US TO USE THE HUGE ROCK WE HAVE
PURCHASED FOR THIS PURPOSE.



Exhibit C



2.



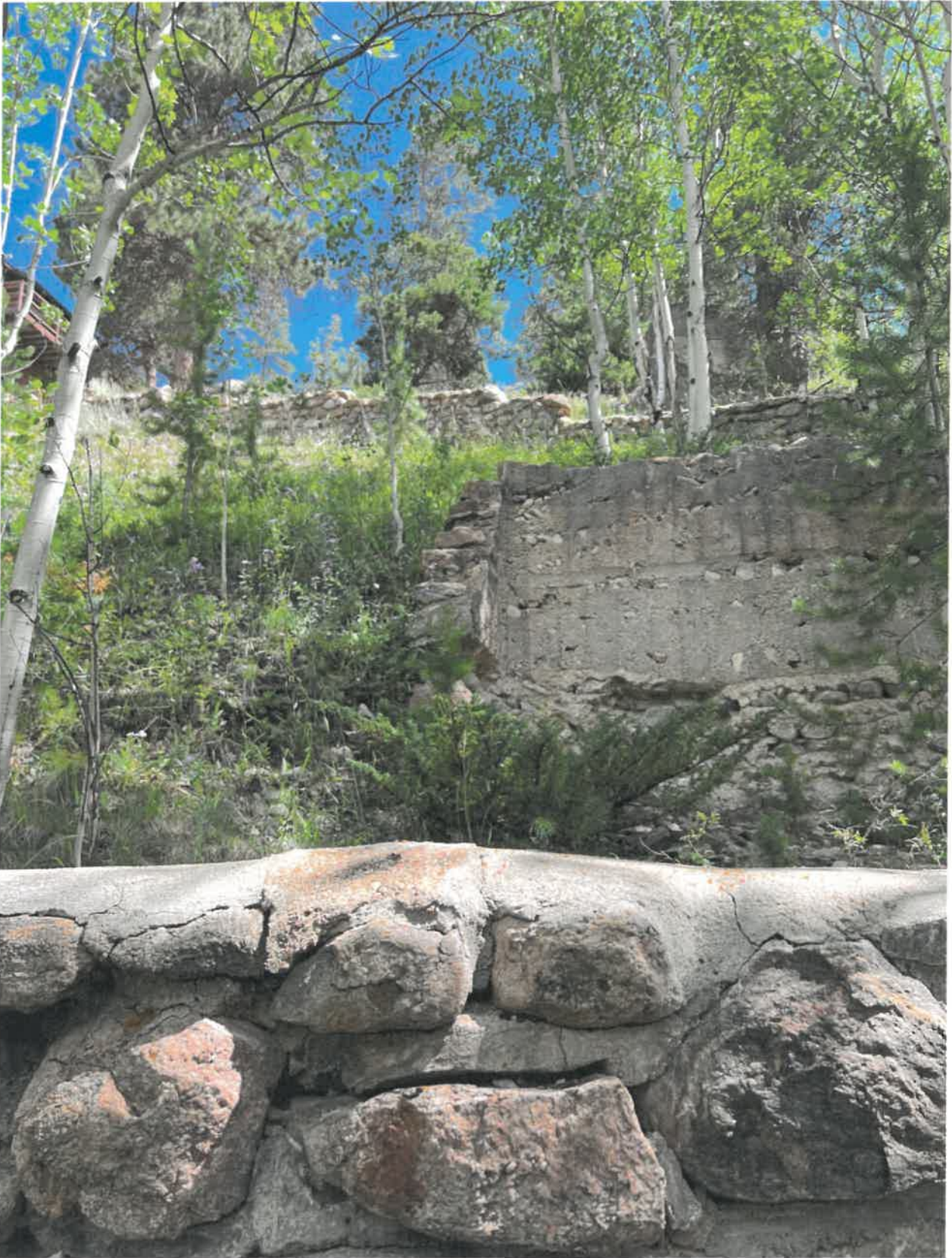
7.



4.



5.



6.



+



8.





10.

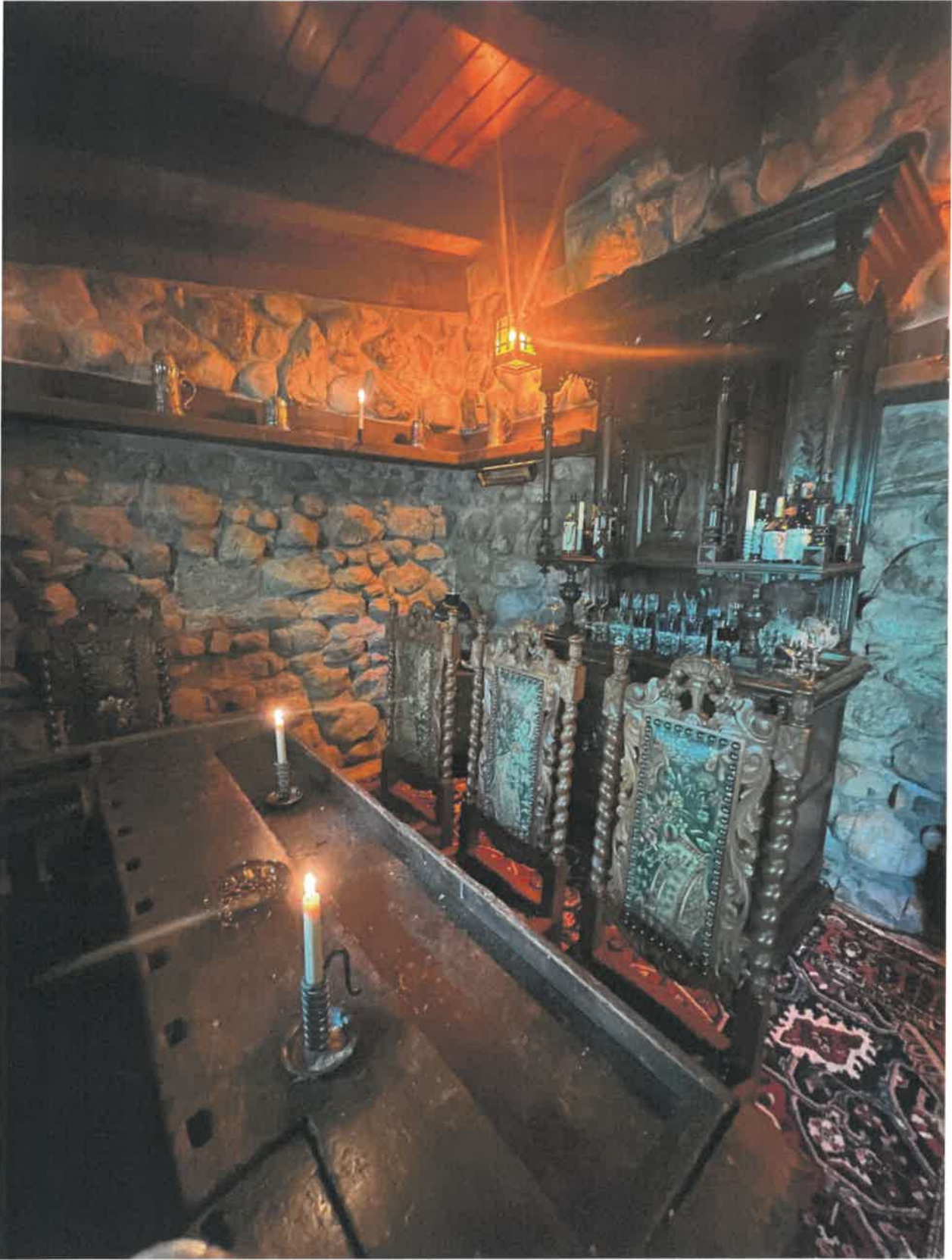


11.





17.



14.



17.



10.



17.





19.









Date: 10/09/2023

To: Mayor Kudron and the Board of Trustees
From: Kimberly White, Community Development Department

Re: Consideration of Ordinance 10-2023, Amending the Grand Lake Municipal Local Employee Residence Program Manual

Purpose:

To Allow Local Employee Residency Program (LERP) designated units to be purchased by employers to rent to qualified local employees.

Background:

In July of 2008, the Board established the Local Employee Residence Program (“LERP”) by passing Resolution 5-2008 and setting forth the Local Employee Residency Requirements and Guidelines (the “LERP Manual”) Exhibit A or follow this link:

[.https://teammunicode.com/webcontent/17004/lerp_manual.pdf](https://teammunicode.com/webcontent/17004/lerp_manual.pdf)

The current LERP conditions do not allow employers to purchase housing for staff, this change would allow this condition under the following conditions.

Proposed LERP additions:

First proposed addition to LERP reads as follows with the proposed addition in *italics* dealing with the eligibility and occupancy of the units:

5. Eligibility and Occupancy

a. Eligibility: In order to be eligible to purchase a home under the Local Employee Residency Program, an interested person must be a full-time employee, as defined, working in the Town of Grand Lake or Grand County or for a business with its principal office located in Grand Lake or Grand County, a retired person who has been a full-time employee in the area for a minimum of four (4) years immediately prior to retirement, a disabled person who has been a full-time employee in the area a minimum of two (2) years immediately prior to their disability, or a person with a bona fide offer of employment in the Town of Grand Lake or Grand County; or the spouse or dependent of any such qualified employee, retired person, or disabled person. It is the responsibility of the individual or household to demonstrate eligibility. All persons working in unincorporated Grand County or other municipalities within Grand County are not excluded from this program. It is the clear preference of this program to first provide attainable units to those persons that are full-time employees in the Town of Grand Lake.

1. A person will not be considered eligible if he owns any improved property.



2. Eligibility for Local Employee Residences will be made without regard to race, color, creed, religion, sex, disability, national origin, familial status or marital status.

3. Notwithstanding any provision the LERP Manual to the contrary, a Grand Lake business that utilizes employees in Grand Lake to operate their business may apply to the Board of Trustees for permission to purchase a LERP unit. Approval of the application by the Board of Trustees shall be expressly conditioned upon the Grand Lake business renting the LERP unit only to its qualifying employees. For purposes of this section, a qualifying employee shall be a person employed full time in Grand Lake with the Grand Lake business who owns the LERP unit and otherwise conforming to the LERP requirements of eligibility set forth in Section 5. The Grand Lake business shall be prohibited from charging monthly rent in an amount greater than the monthly mortgage of the LERP unit.

Second proposed addition to LERP reads as follows with the proposed addition in *italics* dealing with the applicant priority of the units:

5 b. Application and Certification: A person seeking to purchase a Local Employee Residence must apply to the Town of Grand Lake Program Administrator to receive a certification that they are eligible to purchase a unit. Since eligibility is based primarily on an applicant’s location of employment, reasonable proof of employment will be required. An applicant will not be required to meet any maximum income requirements.

1. Upon determination of place of employment, the applicant will receive a letter stating; (1) that they are eligible to purchase a Local Employee Residence; and (2) a Tier priority number. The purpose of this is to assure the developer/realtor that the applicant is qualified for the program and what the priority number is. This letter will also serve as notification to the buyer that they are eligible to participate in a lottery that may be held for any of the Local Employee Residences to be sold under this program, if such lottery is deemed necessary. It is the responsibility of the applicant to enter into a contract to purchase a Local Employee Residence.

2. A waiting list for Local Employee Residences will be maintained. The Program Administrator or the Town of Grand Lake will maintain a list of qualified applicants which contains the priority number they were assigned. The waiting list will be based on a first come-first served basis only.

3. Priority numbering is established as follows:

A. Tier I Qualifiers will be those persons who own or are full-time employees of, have retired from employment with, or a person with a bona fide offer of employment from a business within the Town of Grand Lake municipal limits.



B. Tier II Qualifiers will be those persons who own or are full-time employees of, have retired from employment with, or a person with a bona fide offer of employment from a business within 10 (ten) miles of the Town of Grand Lake municipal limits.

C. Tier III Qualifiers will be all other full-time employees, have retired from employment with, or a person with a bona fide offer of employment from a business within Grand County, but more than ten (10) miles from the Town of Grand Lake.

D. Tier IV qualifier will be any bona fide Grand Lake business that, due to the nature of the business, requires additional housing for qualified employees of the Grand Lake business, as the term qualified employee is used in Section 5(a)(3). Such LERP unit may only be utilized as a rental by the Grand Lake business to its employee at a rate reasonable rate to its employee whose main source of income is the Grand Lake business applying for a LERP unit. The LERP unit may only be rented to a qualified employee who meets all the requirements of the LERP Manual as if that employee was applying as an individual.

Recommended Motions:

The Board has the following options:

- 1. Board motions to instruct The Town Manager to sign Ordinance 10-2023
Or
- 2. Board motions to instruct The Town Manager to sign Ordinance 10-2023 with the following conditions _____
Or
- 3. Motion to Deny

EXHIBIT 'A'



**TOWN OF GRAND LAKE
LOCAL EMPLOYEE RESIDENCE PROGRAM
MANUAL**

July 2008
Resolution 5-2008

List of Contents	PAGE
General Information Form	3
Roles and Responsibilities	4
Requirements and Guidelines	6
Program Purpose	6
Definitions	6
Development of Local Employee Residences	7
Sale, Resale and Improvements	10
Eligibility and Occupancy	16
Grievances – Alternate Dispute Resolution	18
Master Declaration	22
Application Materials	56
Application Form	57
Affidavit Form	59
Authorize to Obtain Loan Info	60
Municipal Code Information	62
Zoning Code Ordinance (Chapter 12-10)	63

**Town of Grand Lake
Local Employee Residency Program (LERP)
General Information**

The purpose of this program is to create and maintain a suitable, year round attainable housing stock for people who work in Grand Lake. The Town of Grand Lake has committed to increase the supply of housing units to those who live and/or work in the Town or Grand Lake and Grand County. In recent years, the cost of housing has increased at a rate much faster than the increases in the earnings of low to moderate-income households. This, in turn, has affected the ability of the community to retain and attract employees.

The Town of Grand Lake Local Employee Residency Program requires new residential development of five (5) or more units to provide at least 10% of the housing that it produces as attainable to households defined herein. The program also seeks to distribute community housing throughout new developments and that these units will be produced in proportion to market rate housing that is constructed in any new development.

The Town of Grand Lake also recognizes that attainable housing is a valuable community resource that needs to remain available for not only current residents and employees, but also for those who may come to the area in the future. For this reason, units that are constructed or provided through this program will be held as permanently attainable. This will require deed restrictions to assure that prices remain attainable over time.

Basic requirements and obligations for ownership of a Local Employee Residence are, as follows. *Please consult the Local Employee Residence Program Requirements and Guidelines for more detailed qualification components.*

1. You must be currently employed or have a bona fide offer of employment within the Town of Grand Lake or Grand County to purchase a unit. You will be required to present proof of employment. Employment includes both retired and disabled persons. Priority is based on a three-tier system:
 - a. Tier I Qualifiers will be those persons who own, are full-time employed, or have retired from employment with, a business within the Town of Grand Lake municipal limits.
 - b. Tier II Qualifiers will be those persons who own, are full-time employed, or have retired from employment with, a business within 10 (ten) miles of the Town of Grand Lake municipal limits.
 - c. Tier III Qualifiers will be all other full-time employees, or have retired from employment with, a business within Grand County.
2. You may not own improved property elsewhere and you must occupy the Local Employee Residence property as your sole, exclusive, and permanent place of residence during the entire time you own.
3. The property may not be used for rental income unless:
 - a. You continue to reside in the residence and choose to bring in roommates;
 - b. You're moving and you have the property up for sale;
 - c. You have been approved for a temporary leave of absence; or
 - d. You have constructed an Accessory Dwelling Unit pursuant to the Town of Grand Lake Land Use Code, and provided you continue to reside in the main residence.
4. The units will be subject to an appreciation cap and specific resale procedures, both intended to make the initial price as low as possible and keep it that way well into the future.
5. You must be pre-qualified with a mortgage lender, and provide the Town of Grand Lake with a letter from the lender to that effect.

If you are interested in participating in the Town of Grand Lake's Local Employee Residence Program, please contact the Town of Grand Lake at 970.627.3435. Staff is available to assist you with this program.

Town of Grand Lake Local Employee Residency Program (LERP) Roles and Responsibilities

For the Local Employee Residence Program to be properly administered and managed, the following roles and responsibilities have been identified for each of the respective parties involved in the program.

Planning Commission

ROLE:

It is the role of the Town of Grand Lake’s Planning Commission to act as the negotiator and facilitator for proposed developments that incorporate the Inclusionary Zoning (IZ) requirements.

RESPONSIBILITIES:

The Planning Commission is responsible to:

- Ensure the proposed development includes Inclusionary Zoning and a Local Employee Residency Plan
- Determine the number of IZ units to be built in the development
- Determine the size and type of IZ units to be built
- Determine the location of the IZ units in the development
- Determine the start and completion time frame for building each IZ unit
- Provide recommendations to the Board of Trustees for the IZ requirements

Board of Trustees

ROLE:

The Town Board of Trustees role is to be the responsible authority in charge of reviewing and granting approval of the subdivision plats that need to incorporate the Inclusionary Zoning requirements.

RESPONSIBILITIES:

It is the responsibility of the Town Board of Trustees to:

- Review plats
- Grant modifications or adjustments to the plat
- Evaluate and decide if off-site locations or other substitutions are appropriate
- Grant or deny leave of absences over three (3) months in duration
- Hear and approve all requests for capital improvement projects to a LERP home
- Review and either approve or deny the Local Employee Residency Plan for a development either prior to or concurrent with the application process for the development
- Approve or deny a request from a developer for a special review for variance from LERP guidelines

- Review and revise the Inclusionary Zoning Code as necessary
- Monitor the Program for achievement of goals

Program Administrator

ROLE:

The Program Administrator will be the central informational gathering and processing point for the LERP.

RESPONSIBILITIES:

The Program Administrator will be responsible for:

- Administering the LERP
- Issuing the certification of eligibility with a priority number to a qualified buyer
- Ensuring that authorized capital improvements (CI) are completed
- Updating all financial requirements and values based on yearly and CI adjustments
- Setting and adjusting the maximum sale price of the home per LERP guidelines
- Maintaining a list of qualified purchasers
- Maintaining a list of current and proposed LERP units
- Contacting applicable agencies and organizations when necessary
- Receiving and reviewing a request from a developer for a special review for variance from LERP guidelines
- Overseeing compliance with any rental of a LERP unit
- Advertising a LERP unit, if necessary
- Reviewing the necessary legal documents for a LERP unit sale

Prospective and Qualified Purchasers

RESPONSIBILITIES:

It is the prospective Purchaser’s responsibility to:

- Submit all forms necessary in a timely manner
- Make sure that all forms are correct and complete
- Obtain a certification of eligibility from the LERP Program Administrator
- Enter into a contract with the developer for the purchase of a LERP unit
- Maintain up to date contact information and forms with the LERP Administrator
- Notify the LERP Administrator of any change in employment status
- Notify the LERP Administrator of any rental of the LERP unit
- Notify the LERP Administrator of a request to sell the LERP unit and any information about a proposed sale of the unit

Town of Grand Lake
Local Employee Residency Program (LERP)
Requirements and Guidelines
(updated 04-26-11)

1. Program Purpose

- a. The purpose of the Local Employee Residency Program for the Town of Grand Lake is to increase the supply of housing that is attainable to those who work in the Town. However, this program does not exclude those who work at other places throughout Grand County. In recent years, the cost of housing has increased at a rate that is faster than the increases in the earnings of low to moderate income households. This, in turn has affected the ability of the community to attract and retain employees.
- b. The Town of Grand Lake Local Employee Residency Program requires new residential developments of five (5) or more dwellings to provide at least 10% of the housing that it produces as attainable to households defined herein. The program also seeks to distribute community housing throughout new developments (no clustering of dwellings) and these units will be produced in proportion to market rate housing that is constructed in any new development.
- c. Lastly, the Town of Grand Lake recognizes that attainable housing is a valuable community resource that needs to remain available for not only current employees, but also those who may come to the area in the future. For this reason, units that are constructed or provided through this program will be held as permanently attainable. This will require deed restrictions or other methods that assure that prices remain attainable over time.

2. Definitions: The terms, phrases, words and clauses in the Local Employee Residency Requirements and Guidelines shall have the meaning assigned below. Any terms, phrases, words or clauses not defined herein shall have the meanings as defined in the Town of Grand Lake Municipal Code.

- a. **Area Median Income:** The Grand County estimates of median family income estimates and program income limits compiled and released annually by the U.S. Department of Housing and Urban Development. These figures are utilized in these guidelines and requirements to assist in the establishment of initial maximum sales prices for Local Employee Residences.
- b. **Bedroom:** A room designed to be used for sleeping purposes that may contain closets, may have access to a bathroom, and which meets applicable code requirements for light, ventilation, sanitation and egress.
- c. **Capital Improvements:** Unless otherwise defined in the Deed Restriction covering the Local Employee Residences, any fixture erected as a permanent improvement to real property excluding repair, replacement and maintenance costs.

- d. **Dependent:** A minor child (21 years or younger) or other relative of the owner of a Local Employee Residence, which child or relative is taken and listed as a dependent for federal income tax purposes by such owner or his or her present or former spouse.
 - e. **Development:** The division of a parcel of land into five (5) or more dwellings; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any excavation, landfill or land disturbance; or any use or extension of use that alters the character of the property.
 - f. **Development Plan:** The entire plan to construct or place one or more dwelling units on a particular parcel or contiguous parcels of land within the Town including, without limitation, a planned unit development, development permit review or subdivision approval.
 - g. **Full-Time Employee:** A person who is employed on the basis of a minimum of 1500 hours worked per calendar year, which averages 35 hours a week, 10 months a year; or 32 hours a week, 11 months of the year; and/or resides in a Local Employee Residence a minimum of nine (9) months out of any twelve (12) months.
 - h. **Household:** All individuals who are occupying the unit regardless of legal status.
 - i. **Joint Tenancy:** Ownership of realty by two (2) or more persons, each having an undivided interest with the right of survivorship. Typically used by related persons.
 - j. **Local Employee Residence:** A separate dwelling unit that is deed restricted in accordance with a deed restriction approved by the Town of Grand Lake Board of Trustees or its delegate, substantially similar to Appendix A, attached hereto and incorporated herein by this reference.
 - k. **Lottery:** A drawing that is held to select a winner from applicants of equal priority seeking to purchase a Local Employee Residence.
 - l. **Maximum Resale Price:** Unless otherwise defined in the Deed Restriction covering the residence, the owner's purchase price multiplied by the allowable appreciation plus the present value of eligible capital improvement costs including labor, if professionally provided, and for which verification of the expenditure is provided.
3. **Development of Local Employee Residences:** An applicant for any annexation, new residential subdivisions, re-subdivisions (which contains residential units) of an existing subdivision, new planned developments containing residential units, and mixed use residential developments within the limits of the Town of Grand Lake is subject to the Inclusionary Residential Requirements for Local Employee Residency. Specifically requiring a minimum of 10% of the total of all new dwelling units of developments of five (5) or more units be constructed and deed restricted for Local Resident Housing with project percentage rounding to the nearest integer. In all cases one-half or .5 shall be rounded to the nearest upper integer. In cases where the result of the calculation is rounded down to an integer, that portion of the calculation which is rounded down shall be due as a cash payment for attainable housing per requirements as set forth in Grand Lake Municipal Code 12-10-3.
- a. **Minimum Square Footage:** Assurance of a minimum square footage is a function of these Guidelines and Requirements. Local Employee Residences will be as livable with regard to habitable space as any market-rate dwelling unit, based upon the

following table of minimum square footage and in accordance with all applicable zoning requirements.

MINIMUM SQUARE FOOTAGES

Unit Type	Min. Sq. Feet
Studio	500
1-Bedroom	750
2-Bedroom	1000
3-Bedroom	1,200
4-Bedroom	1,400

- b. **Unit Quality:** Local Employee Residences are assets that the Town of Grand Lake intends to have available for years to come. Because of this, the quality of the housing is very important. All units will meet local building codes and be built to a standard that will enhance durability over time. If market rate units, either built new or rehabilitated, include features such a dishwashers, disposals, air conditioning and energy efficient windows, it is expected that Local Employee Residences will contain similar features. Conversions of existing units into Local Employee Residences must contain similar features and amenities as the proposed market rate units.
- c. **Preference for Local Employee Residence Location:** It is the clear preference of the Local Employee Residency Program to include Local Employee Residences within the proposed development (on-site housing). These units are to be distributed throughout the proposed development, to the extent possible (no clustering). Off-site housing will be considered only in unique cases and when the Town Board of Trustees determines that it would be in the best interest of the Town. The type of Local Employee Residences shall reflect the type and mix the of market rate dwellings.
- d. **Local Employee Residence Schedule:** Developers are required to construct Local Employee Residences prior to, or concurrently and proportionally with, the production of market rate housing or the sale of market rate lots, as the case may be. Prior to receiving a development approval, the developer must provide the Program Administrator with a proposed production schedule that clearly delineates the expected start and completion dates of the market rate units and/or lots and the Local Employee Residences.
- e. **Local Employee Residency Plan:** In order to receive approval of an applicable land-use project, the Town Board of Trustees must review and approve the developer’s Local Employee Residency Plan. This Local Employee Residency Plan will be considered prior to or concurrent with the application for the free market portion of the project.
 - 1. **Written Requirements:** The Local Employee Residency Plan must include, at a minimum, the following written components:
 - A. Total number of proposed attached and detached residential units by bedroom configuration including:

- (1) Average expected size of finished square footage, excluding garages and unfinished basements, of the proposed Local Employee Residences and average expected size of finished square footage of market rate housing units, excluding unfinished basements and garages; and
 - (2) Average lot size of the proposed market-rate housing units, if applicable; and
- B. Total number of proposed attached and detached Local Employee Residential Housing units by bedroom configuration including:
- (1) Average expected size of finished square footage, excluding garages and unfinished basements, of the proposed Local Employee Residences and average expected size of finished square footage of market rate housing units, excluding unfinished basements and garages; and
 - (2) Average lot size of the proposed Local Employee Residential Housing units, if applicable; and
 - (3) Anticipated initial sales price for each unit
- C. Off-Site development proposal, if applicable. If off-site units are proposed, the applicant must include:
- (1) If off-site existing housing is requested, the minimum documentation and requirements for the off-site housing must be presented to the Planning Commission at the Preliminary Plat stage:
 - i. The legal description of the proposed off-site unit(s).
 - ii. The type, size (square footage of finished, heated living space), construction, age, condition, and bedroom and bathroom count of the off-site unit.
 - iii. A report from a qualified building inspector stating any problems or deficiencies with the proposed unit.
 - iv. The title for the proposed off-site unit must be clear of any liens or encumbrances.
 - v. The proposed date the unit will be available for purchase by a LERP qualified buyer.
 - vi. A committee from the Planning Commission must be allowed to inspect the proposed unit to determine if it satisfies the requirements.
 - vii.
 - (2) If off-site new construction housing is requested, the following documentation and requirements for the off-site housing must be presented to the Planning Commission at the Preliminary Plat stage:
 - i. The legal description of the proposed off-site unit.

- ii. The type, size (square footage of finished, heated living space), building plans, and bedroom and bathroom count of the off-site unit.
- iii. The title for the proposed off-site unit must be clear of any liens or encumbrances.
- iv. The proposed date the unit will be available for purchase by a LERP qualified buyer.
- v. Estimated construction schedule including actual start of construction and estimated completion of the Local Employee Residences in accordance with any proposed phases of the development proposal.
- vi. Concept for marketing to households that may be eligible for the Local Employee Residential units.
- vii. The average cost of the total initial sales prices of the Local Employee Residences computation that clearly delineates how the average cost of the Local Employee Residences was derived to meet the requirement that the average sales price of all Local Employee Residences is attainable to households earning 90% of the Maximum Income Limits as reflected in these Guidelines and Requirements.

2. **Drawing Requirements:** The Local Employee Residency Plan must include the following written components:

- A. Graphic documentation of the location and size of the Local Employee Residences in relation to market-rate housing units.
- f. **Deed Restrictions:** All Local Employee Residences are required to have a deed restriction as described in Municipal Code 12-10-3(E)(5). Such deed restriction shall not be subject to any recorded liens or encumbrances.
- g. **Subdivision Improvement Agreement.** An approved Local Employee Residency Plan will become part of the Subdivision Improvement Agreement, a condition of approval of a Development Permit or a Special Use Permit, or Annexation Agreement executed by the Town of Grand Lake for any approved project. Any amendment to the approved Local Employee Residency Plan will require the approval of the Program Administrator who may require review and approval by the Town Board of Trustees.
- h. **Development Incentives:** To offset costs incurred in the development process, the Town of Grand Lake may waive the Affordable Housing Fee, as set by Municipal Code, applicable to the Local Employee Residence Unit as well as may pay the Town of Grand Lake Water Tap Fee.
 - 1. If the Local Employee Residence Unit ever defaults into a market rate unit, then the above listed fees will be reinstated.

4. Sale, Resale, and Improvements

- a. **Deed Restriction:** In order to assure that there is an on-going supply of housing that is attainable in the Town of Grand Lake, all Local Employee Residences will carry a

deed restriction including a resale restriction that guides the future sales of these homes, substantially similar to Appendix A, attached hereto. The purchaser(s) of a Local Employee Residence must sign a document acknowledging the purchaser's agreement to be bound by the recorded deed restriction. This document must be executed concurrently with the closing of the sale and will be recorded, along with the deed restriction.

1. Generally, the deed restriction will describe the procedures for listing a home for-sale. It will include an appreciation cap that allows a home to increase in value by three percent (3%) for the first two (2) years of ownership, and thereafter by the lesser of the Denver-Boulder-Greeley CPI or 1½% annually, plus permitted capital improvements. A monthly prorating can be applied for fractions of a year. The appreciation is calculated on the previous sales price of the home (simple interest) plus permitted capital improvements. The deed restriction also restricts the occupancy and rental of local employee residences.

b. **Sales Prices:** The following table sets forth the maximum sales price for each newly deed-restricted Local Employee Residence available to the initial purchaser.

INITIAL SALES PRICE RANGE

12/2021	Category 1 80%	Category 2 110%
Studio	\$171,278	\$280,460
1-Bedroom	\$192,112	\$309,107
2-Bedroom	\$254,615	\$395,049
3-Bedroom	\$312,635	\$474,826
4-Bedroom	\$362,892	\$543,724

Assumptions:

Down payment: 5%

Length of mortgage: 30 years

Interest rate: 3.3%

Percent dedication of gross income: 33%

Other Costs: Uses \$500.00 for HOA and other household related expenses

1. Initial sales prices will be reviewed at least quarterly by the Program Administrator to reflect changes in any of the above assumptions. Sales prices for Local Employee Residences will be finalized as described above at the discretion and convenience of the developer/builder. It is the responsibility of the developer to obtain a sales price confirmation from the Program Administrator based upon the published Maximum Initial Sales Price Caps.
2. It will be the responsibility of the developer to obtain a sales price confirmation from the Program Administrator based upon the published

Maximum Initial Sales Price Caps at least thirty (30) days prior to submitting an application to the Town for a building permit for construction of a Local Employee Residence. If the published maximum price caps have changed after the sales price confirmation has been issued, the Developer may request the Program Administrator to issue a new sales price confirmation. The right to refuse any such request is hereby reserved by the Town.

- 3. Once a sales price confirmation has been obtained from the Program Administrator by the developer it is valid for 120 days from the date of confirmation. If Local Employee Residences are not sold at initial sales prices within the 120 day period, prices may be re-evaluated and adjusted so that they are more marketable to moderate income households. Adjustments to sale price will only be made if variables, such as median income, interest rates, or other similar conditions change to merit an adjustment.

c. **Initial Sales of Local Employee Residences:** The developer is required to provide the Program Administrator with a schedule that indicates the proposed date for when the Local Resident Housing units will become available for sale at least thirty (30) days prior to initiating the marketing program. The schedule must indicate when pre-marketing activities will begin and when a model may be available, if applicable. The initial marketing schedule should also include the unit type(s), bedroom configuration(s), square footages, address, and sales price for these units. The developer shall also provide evidence that a deed restriction approved by the Town Attorney has been recorded against the property. The developer shall conduct a good faith marketing effort to attract certified buyers who are currently employed in the Town of Grand Lake or Grand County. Upon obtaining potential qualified buyer(s) for a Local Employee Residence, the names of such persons and any appropriate information concerning such persons shall be submitted to the Program Administrator for review. The developer shall only enter into a contract for sale of a Local Employee Residence after certification of the potential qualified buyer(s) by the Program Administrator and a determination of the priority of potential qualified buyer(s).

- 1. The developer must assure that units are sold only to persons who are in possession of certification that they are eligible to purchase a unit and what their priority rating is. This certification should be presented to the developer, or their representative, prior to finalizing a purchase contract.

d. **Advertising the sale; bid procedures:** After the Local Employee Residence is registered for sale with the Town and in the event the owner elects to have the Town market the residence, the Town will arrange to advertise the unit for sale in two (2) consecutive weekly editions of the local newspaper of general circulation. When a unit is first registered, there is an initial two-week bid period during which the unit will be advertised with two open house dates when the unit may be viewed by interested parties. The initial two-week bid period ends on the Friday after the second

week of advertising. If no bids are received during the initial bid period, there will follow consecutive one-week bid periods, ending on Friday, until the unit is sold.

1. After the Local Employee Residence is registered for sale with the Town, the owner may elect to list the property for sale with a local licensed real estate broker. In such an event, the owner shall execute a standard listing contract on forms approved by the Colorado Real State Commission with a local licensed real estate broker providing for a thirty (30) day listing period. The local licensed real estate broker shall then promptly advertise the Local Employee Residence for sale to qualified buyers. Any offers to purchase may be received by the real estate broker during the thirty (30) day listing period, but no contract for sale shall be entered into between the owner and a potential purchaser during such period. At the conclusion of the thirty (30) day listing period, the Program Administrator shall determine if the persons making offers to purchase the Local Employee Residence are qualified buyers, and shall determine the priority of offers received from qualified buyers in accordance with these Local Employee Residence Requirements. The owner may then proceed to enter into a contract for sale of the Residence with the qualified buyer of the highest priority.
2. In the event the owner desires to sell the Local Employee Residence, but is not required to sell the Residence by these Local Employee Residency Requirements or the deed restriction attached hereto as Appendix A, the owner may elect to market the property for sale himself or herself, after the Local Employee Residence is registered for sale with the Town. In such an event, the owner shall advertise the Local Employee Residence for sale in four (4) consecutive weekly editions of the local newspaper of general circulation. During such advertising period, the Owner shall schedule at least two (2) open house dates when the unit may be viewed by interested parties. During this advertising period, offers to purchase the Local Employee Residence shall be received by the owner, but no contract for sale of the unit shall be entered into between the owner and a potential purchaser. At the conclusion of the thirty (30) day advertising period, the Program Administrator shall determine if the persons making offers to purchase the Local Employee Residence are qualified buyers, and shall determine the priority of offers received from qualified buyers in accordance with these Local Employee Residence Requirements and Guidelines. The owner may then proceed to enter into a contract for sale of the Local Employee Residence with the qualified buyer of the highest priority submitting the highest offered price, not to exceed the maximum permitted sales price as established by these Local Employee Residence Requirements and the deed restriction attached hereto as Appendix A.
3. If more than one (1) bid is in top priority, a lottery will be held and the winner will be notified. If the winner of the lottery does not proceed to contract within five (5) business days after notification, the next in line will be notified and so on, until the unit is under contract for purchase. Backup contracts in the priority order set forth in the lottery will be accepted.

4. Prospective purchasers must be pre-qualified by a lender prior to submitting a bid for a Local Employee Residence.
 5. Sales and Other Fees:
 - A. Administration Fee: Unless otherwise set forth in the deed restriction covering the unit, at the closing of the sale the seller will pay the Town of Grand Lake an administration fee equal to one and one-half percent (1.5%) of the sales price if the owner selected the Town to market the Local Employee Residence for sale. The Town may instruct the title company to pay said fees to the Town out of funds held for the seller at the closing. Unless otherwise specified in the deed restriction, every seller shall pay a one-half percent (.5%) fee at the time of registration of the unit for sale with the Program Administrator. In the event the seller fails to perform under the listing contract, rejects all offers at maximum price in cash or cash-equivalent terms, or should withdraw the registration after advertising by the Town has commenced, that portion of the fee will not be refunded. In the event the seller withdraws for failure of any bids to be received at maximum price or with acceptable terms, the advertising and administrative costs incurred by the Town will be deducted from the fee, with the balance credited to the owner's sales fee when the property is sold.
 - B. Rental During Period of Registration for Sale: If a Local Employee Residence is listed for sale and the owner must relocate to another area prior to completing the sale, the unit may, upon approval of the Program Administrator or the Town of Grand Lake, be rented to a qualified individual at the owner's cost as described in Section 5(e) Leave of Absence. A written request must be sent to the Program Administrator seeking permission to rent the unit until it is sold. A month to month written lease must be provided to the tenant with a thirty (30) day move out clause upon notification that the unit is sold. All tenants must be qualified as described in Section 5(E). The lease must stipulate that the Local Employee Residence is listed for sale and that the tenant will be required to allow for showings of the property, with sufficient notice. The lease must also stipulate that the agreement may be terminated by either party with a thirty (30) day written notice.
- e. **Re-sale of a Local Resident Housing Unit:** An owner of a Local Employee Residence who intends to sell their unit should contact the Program Administrator to review the deed restriction covering the unit in order to determine the maximum sales price permitted and other applicable provisions concerning a sale. Unless otherwise provided in the deed restriction, the unit must be registered for sale with the Program Administrator or designated agent. Following registration, the owner may elect to have the Town of Grand Lake market the unit for sale, or the owner may elect to list the unit for sale with a local licensed real estate broker, as further described in the deed restriction. If the owner has voluntarily elected to sell the unit, the owner may also choose to market the unit himself. At the discretion of the Program Administrator or the Town of Grand Lake, a lottery may be held if there are a number of qualified

households of the same priority who would purchase the unit. The Program Administrator will oversee the sale in accordance with these Local Employee Residence Requirements and Guidelines that are in effect at the time of the registration. Any termination of the sale may require the payment of administrative and advertising costs.

1. These requirements are intended to assure that all purchasers and all sellers will be treated fairly, equitably, and impartially. Questions will be answered and help provided to any potential purchasers or sellers equally in accordance with the current guidelines and requirements. Listings, sales contracts, extensions to contracts, and closing documents will be prepared and all actions necessary to consummate the sale will be undertaken. The Program Administrator will be acting on the behalf of the Town of Grand Lake. It should be clearly understood by and between all parties to a sales transaction that staff members are not acting as licensed brokers to the transaction, but as representatives of the Town of Grand Lake and its interests. The Town shall nevertheless attempt to help both parties consummate a fair and equitable sale in accordance with the adopted Guidelines and Requirements.
2. All purchasers and sellers are advised to consult legal counsel regarding examination of title and all contracts, agreements, and title documents. The retention of such counsel, licensed real estate brokers, or such related services, will be at purchaser's or seller's own expense. Certain fees paid to the Town are to be paid regardless of any actions or services that the purchaser or seller may undertake or acquire.

f. **Improvements:** The Town of Grand Lake encourages maintenance of a Local Employee Residence in good condition, while also balancing the need to assure there will be an ongoing supply of attainable housing for future residents. To that end, the selling owner may add the cost of certain capital improvements to the selling price of a Local Employee Residence during the time that the selling owner held title to the unit. The cost of such permitted capital improvement shall not exceed 1% of the prior purchase price for each year period (or fraction thereof) of the selling owner's ownership of the unit.

1. Examples of Permitted Capital Improvements are:
 - A. The addition of a habitable room or a storage space;
 - B. The finishing of uninhabitable space if it is converted into a habitable room;
 - C. The conversion of a carport into a completely enclosed garage;
 - D. The conversion of surface parking into a carport or garage (if allowed under the development/subdivision agreement);
 - E. Modifications or improvements to accommodate a person with a disability as defined in the Americans with Disabilities Act of 1990;
 - F. Improvements that reduce the consumption of energy;
 - G. Kitchen and bathroom renovations;
 - H. Replacement of the roof;
 - I. Replacement of the furnace;

- J. Replacement of worn carpet with a similar grade and quality.
- 2. No other categories or types of expenditures may qualify as eligible capital improvements unless approved by the Town of Grand Lake Board of Trustees. In order to receive credit for the capital improvements, a request must be submitted in writing prior to initiating the work. Plans for each capital improvement must be submitted at least twenty-one (21) days prior to initiating the work. Notification will be given to the owner within fourteen (14) days as to whether or not the proposal is conditionally approved. Upon completion of the work, copies of receipts must be submitted to the Program Administrator. A ten percent (10%) “sweat equity” credit may be added to the cost of the permitted capital improvements so long as no labor costs are included in the submitted receipts.
- 3. The value of the improvements will be added to the unit in the year in which the improvements were completed. The year(s) in which eligible improvements are made will adjust the base value of the home from which a future home price will be established. Nothing in the deed restriction prohibits other improvements to the Local Employee Residence, however, credit will only be provided for **approved** capital improvements.

5. Eligibility and Occupancy

- a. **Eligibility:** In order to be eligible to purchase a home under the Local Employee Residency Program, an interested person must be a full-time employee, as defined, working in the Town of Grand Lake or Grand County or for a business with its principal office located in Grand Lake or Grand County, a retired person who has been a full-time employee in the area for a minimum of four (4) years immediately prior to retirement, a disabled person who has been a full-time employee in the area a minimum of two (2) years immediately prior to their disability, or a person with a bona fide offer of employment in the Town of Grand Lake or Grand County; or the spouse or dependent of any such qualified employee, retired person, or disabled person. It is the responsibility of the individual or household to demonstrate eligibility. All persons working in unincorporated Grand County or other municipalities within Grand County are not excluded from this program. It is the clear preference of this program to first provide attainable units to those persons that are full-time employees in the Town of Grand Lake.
 - 1. A person will not be considered eligible if he owns any improved property.
 - 2. Eligibility for Local Employee Residences will be made without regard to race, color, creed, religion, sex, disability, national origin, familial status or marital status.
- b. **Application and Certification:** A person seeking to purchase a Local Employee Residence must apply to the Town of Grand Lake Program Administrator to receive a certification that they are eligible to purchase a unit. Since eligibility is based primarily on an applicant’s location of employment, reasonable proof of employment

will be required. An applicant will not be required to meet any maximum income requirements.

1. Upon determination of place of employment, the applicant will receive a letter stating; (1) that they are eligible to purchase a Local Employee Residence; and (2) a Tier priority number. The purpose of this is to assure the developer/realtor that the applicant is qualified for the program and what the priority number is. This letter will also serve as notification to the buyer that they are eligible to participate in a lottery that may be held for any of the Local Employee Residences to be sold under this program, if such lottery is deemed necessary. It is the responsibility of the applicant to enter into a contract to purchase a Local Employee Residence.
2. A waiting list for Local Employee Residences will be maintained. The Program Administrator or the Town of Grand Lake will maintain a list of qualified applicants which contains the priority number they were assigned. The waiting list will be based on a first come-first served basis only.
3. Priority numbering is established as follows:
 - A. Tier I Qualifiers will be those persons who own or are full-time employees of, have retired from employment with, or a person with a bona fide offer of employment from a business within the Town of Grand Lake municipal limits.
 - B. Tier II Qualifiers will be those persons who own or are full-time employees of, have retired from employment with, or a person with a bona fide offer of employment from a business within 10 (ten) miles of the Town of Grand Lake municipal limits.
 - C. Tier III Qualifiers will be all other full-time employees, have retired from employment with, or a person with a bona fide offer of employment from a business within Grand County, but more than ten (10) miles from the Town of Grand Lake.

c. **Income Guidelines:** A household seeking to purchase a Local Employee Residence need not meet any minimum or maximum income guidelines. The income standards are established herein only for the purpose of establishing Maximum Initial Purchase Prices of Local Employee Residences. Housing that is provided through this program will be priced to persons and families of moderate income. These ranges have been established based upon an Area Median Income published by the U.S. Department of Housing and Urban Development. The Program Administrator will annually adjust Income ranges upon the publication of new Area Median Income figures, Census data or any other information deemed to be relevant.

12/2021
updated

**TARGETED HOUSEHOLDS
BY INCOME CATEGORY**

Household Size	Category 1 ≥ 80%	Category 2 ≤ 110%
1-Person	\$44,160	\$60,720
2-Person	\$50,480	\$69,410
3-Person	\$56,800	\$78,100

4-Person	\$63,040	\$86,680
5-Person	\$68,160	\$93,720
6+ Persons	\$73,200	\$100,650

- d. **Occupancy:** The purchaser of a Local Employee Residence must occupy the unit as his or her primary residence. The owner shall be deemed to have ceased to use the unit as his or her primary residence by accepting permanent employment outside of the Grand County area, or by residing in the unit for fewer greater than nine (9) months out of any twelve (12) months unless permitted pursuant to Section e, Leave of Absence.

- e. **Leave of Absence:** If an owner must leave the Town of Grand Lake for a limited period of time and desires to rent the unit during the absence, a leave of absence may be granted by the Town Board of Trustees for up to one year. The owner must submit a request, to the Program Administrator, to rent the unit at least thirty (30) days prior to when the owner plans to leave the area. The request shall include the reason(s) for the leave of absence, expected duration, and the intent of the owner to rent the unit. A leave of absence for more than one (1) year may be approved based upon a unique situation; however, such leave of absence may not extend longer than two (2) years.
 - 1. The rent that may be charged shall not exceed the owner’s monthly mortgage, homeowner’s association dues, utilities remaining in the owner’s name, taxes and property insurance not included in the monthly mortgage amount, land lease costs (if any), plus an additional twenty dollars (\$20.00). The owner may impose a security deposit and damage deposit at the time a lease is executed, however, the combination of the security and damage deposits may not exceed 1.5 times the monthly rent.
 - 2. The owner shall rent to an employee of a business in the Town of Grand Lake or Grand County who meets the eligibility provisions of the Local Resident Housing guidelines and requirements (Sub-Sections a and b). The tenant must complete an application form to certify eligibility and agree to abide by the homeowner’s association covenants, rules and restrictions for the unit. Both the owner and tenant must sign a statement indicating that the covenants have been provided to the tenant and the tenant has received these covenants for his review. In addition, a copy of the lease agreement executed between the owner and tenant shall be provided to the Program Administrator.

6. Grievances – Alternative Dispute Resolution

- a. **Agreement to Avoid Litigation:** All persons subject to Grand Lake Municipal Code 12-10-3, including developers, purchasers of Local Employee Residences, the Town of Grand Lake, Colorado, and any duly designated housing authority (collectively, “Bound Parties”), agree to encourage the amicable resolution of disputes involving such Ordinance, and these Requirements and Guidelines, without emotional and financial costs of litigation. Accordingly, each Bound Party covenants and agrees that those claims, grievances or disputes described herein (“Claims”) shall be resolved using the mediation and arbitration procedures set forth below.

b. **Claims:** Unless specifically exempted below, all claims, grievances or disputes arising out of or relating to the interpretation, application or enforcement of Grand Lake Municipal Code 12-10-3, and these Requirements and Guidelines, or the rights, obligations and duties of any Bound Party under such Ordinance and these Requirements and Guidelines shall be subject to the provisions of this Section. The Town of Grand Lake is not required to follow the alternative dispute resolution process set forth in this Section when seeking equitable relief to enforce the terms of the Ordinance, these Requirements and Guidelines, or a master deed restriction, including but not limited to, an action for specific performance or injunctive relief. The alternative dispute resolution process also does not apply to the Town’s criminal enforcement of Grand Lake Municipal Code 12-10-3.

c. **Mandatory Procedures:**

1. Notice. Any Bound Party having a Claim (“Claimant”) against any other Bound Party (“Respondent”) (collectively, the “Parties”) shall notify each Respondent in writing (the “Notice”), stating plainly and concisely:
 - A. The nature of the Claim, including the persons involved and Respondent’s role in the Claim;
 - B. The legal basis of the Claim (i.e., the specific authority out of which the Claim arises);
 - C. Claimant’s proposed remedy; and
 - D. That Claimant will meet with Respondent to discuss in good faith ways to resolve the Claim.
2. Negotiation and Mediation
 - A. The Parties shall make every reasonable effort to meet in person and confer for the purpose of resolving the Claim by good faith negotiation.
 - B. If the Parties do not resolve the Claim within thirty (30) days of the date of the Notice (or within such other period as may be agreed upon by the Parties) (“Termination of Negotiations”), Claimant shall have thirty (30) additional days to submit the Claim to mediation under the auspices of a reputable and knowledgeable mediation group providing such services in Grand County, or, if the Parties otherwise agree, to an independent agency providing dispute resolution services in the Grand County, Colorado area.
 - C. If Claimant does not submit a Claim to mediation within thirty (30) days after Termination of Negotiations, or does not appear for the mediation, Claimant shall be deemed to have waived the Claim, and Respondent shall be released and discharged from any and all liability to Claimant on account of such Claim; provided, nothing herein shall release or discharge Respondent from any liability to any person other than the Claimant.
 - D. Any settlement of the Claim through mediation shall be documented in writing by the mediator. If the Parties do not settle the Claim within thirty (30) days after submission of the matter to the mediation process, or within such time as determined by the mediator, the mediator shall issue a notice of termination of the mediation

proceedings (“Termination of Mediation”). The Termination of Mediation notice shall set forth that the Parties are at an impasse. Upon issuance of a Termination of Mediation, the Parties shall proceed with binding arbitration as set forth below.

3. Arbitration

- A. Any Claim not resolved by mediation shall be decided by arbitration in accordance with the simplified rules of the American Arbitration Association currently in effect and the Uniform Arbitration Act, Sections 13-22-201 *et. seq.*, C.R.S., unless the Parties mutually agree otherwise.
- B. A Demand for Arbitration shall be filed in writing by the Claimant with each Respondent. A Demand for Arbitration may be made concurrently with the Notice set forth in subsection c.1. above, or may be made within twenty (20) days after issuance of the Termination of Mediation. The Demand for Arbitration shall contain the same information as set forth in subsection C.1. a through c above. In no event shall the Demand for Arbitration be made after the date when institution of legal or equitable proceedings based upon such Claim would be barred by the applicable statute of limitations.
- C. Within twenty (20) days following submission of a Demand for Arbitration or the issuance of a Termination of Mediation, which ever shall last occur, Claimant, shall appoint, by written notice to Respondent, an arbitrator. Within twenty (20) days after receipt of such notice from the Claimant, Respondent shall appoint a second arbitrator, and in default of such second appointment the first arbitrator shall be deemed the sole arbitrator.
- D. Within twenty (20) days after appointment of the two (2) arbitrators as provided for above, the arbitrators shall, if possible, agree on a third arbitrator and shall appoint him or her by written notice signed by both of them with a copy mailed to each Party within twenty (20) days after such appointment.
- E. In the event twenty (20) days shall elapse after the appointment of the second arbitrator without notice of appointment of the third arbitrator as provided for above, then either Party, or both, may in writing, within twenty (20) additional days, request the Grand County District Court to appoint the third arbitrator in accordance with the Uniform Arbitration Act.
- F. Upon appointment of the arbitrators as provided for above, such arbitrators shall hold an arbitration hearing at a location designated within Grand County, within ninety (90) days after such appointments. At the hearing, the simplified rules of the American Arbitration Association and the Uniform Arbitration Act, Sections 13-22-201 *et. seq.*, C.R.S., shall apply. The arbitrators shall allow each Party to present that Party’s case, evidence and witnesses, if any, and shall render their award, including a provision for payment of the costs and expenses of arbitration, to be paid by one or both of the parties as the

arbitrators deem just. A written decision by the arbitrators shall be issued within thirty (30) days after the close of the submission of evidence.

- G. The decision of the majority of the arbitrators shall be binding on the Bound Parties, and may only be appealed as set forth in the Uniform Arbitration Act, Sections 13-22-201 *et. seq.*, C.R.S. Upon application of either Party, the Grand County District Court shall confirm an award of the arbitrators and such order may be enforced as any other court judgment or decree, as further set forth in the Uniform Arbitration Act.

ORDINANCE NO. 10-2023

AN ORDINANCE AMENDING THE GRAND LAKE MUNICIPAL LOCAL EMPLOYEE RESIDENCE PROGRAM MANUAL

WHEREAS, the Board of Trustees of the Town of Grand Lake, Colorado (the “Board”), pursuant to Colorado statute, is vested with the authority of administering the affairs of the Town of Grand Lake (“Town”); and

WHEREAS, Section 12-10-3 of the Grand Lake Municipal Code (the “Town Code”) establishes certain requirements regarding development and employee housing; and

WHEREAS, in July of 2008, the Board established the Local Employee Residence Program (“LERP”) by passing Resolution 5-2008 and setting forth the Local Employee Residency Requirements and Guidelines (the “LERP Manual”); and

WHEREAS, the Town Board amended certain portions of the LERP Manual in December of 2021; and

WHEREAS, the Town Board finds it necessary to further revise the LERP Manual to permit the sale of LERP units to local Grand Lake businesses for the sole purpose of renting the same to their qualifying local employees pursuant to the LERP Manual under certain circumstances; and

WHEREAS, the Town Board has determined that it is in the best interest of the health, safety, and welfare of the Town and its citizens to revise the LERP Manual to ensure adequate and sufficient local employee housing exists within the Town.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF GRAND LAKE, COLORADO AS FOLLOWS:

1. The LERP Manual referenced in Section 12-10-3 of the Grand Lake Town Code is hereby amended by with the addition of Section 5(a)(3) which shall read in its entirety as follows:

3. Notwithstanding any provision the LERP Manual to the contrary, a Grand Lake business that utilizes employees in Grand Lake to operate their business may apply to the Board of Trustees for permission to purchase a LERP unit. Approval of the application by the Board of Trustees shall be expressly conditioned upon the Grand Lake business renting the LERP unit only to its qualifying employees. For purposes of this section, a qualifying employee shall be a person employed full time in Grand Lake with the Grand Lake business who owns the LERP unit and otherwise conforming to the LERP requirements of eligibility set forth in Section 5. The Grand Lake business shall be prohibited from charging monthly rent in an amount greater than the monthly mortgage of the LERP unit.

2. The LERP Manual referenced in Section 12-10-3 of the Grand Lake Town Code is hereby amended by with the addition of Section 5(b)(3)(D) which shall read in its entirety as follows:

D. Tier IV qualifier will be any bona fide Grand Lake business that, due to the nature of the business, requires additional housing for qualified employees of the Grand Lake business, as the term

qualified employee is used in Section 5(a)(3). Such LERP unit may only be utilized as a rental by the Grand Lake business to its employee at a rate reasonable rate to its employee whose main source of income is the Grand Lake business applying for a LERP unit. The LERP unit may only be rented to a qualified employee who meets all the requirements of the LERP Manual as if that employee was applying as an individual.

3. The Town Manager or his designee is hereby authorized and directed to amend the published LERP Manual consistent with this Ordinance.

4. Repeal. Existing ordinances or parts of ordinances covering the same matters embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this ordinance.

5. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Town Board of Trustees hereby declares that it would have passed this ordinance and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

INTRODUCED, APPROVED AND ADOPTED AT A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF GRAND LAKE THIS 9TH DAY OF OCTOBER 2023.

Votes Approving: _____
Votes Opposed: _____
Absent: _____
Abstained: _____

ATTEST:

**BOARD OF TRUSTEES OF THE
TOWN OF GRAND LAKE,
COLORADO**

Alayna Carrell
Town Clerk

By: _____
Stephan Kudron
Mayor