



# GRAND LAKE BOARD OF TRUSTEES WORKSHOP AND MEETING AGENDA

Monday, April 10, 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*

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

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## **WORK SESSION 4:30 PM**

1. Call to Order
2. Roll Call
3. Conflicts of Interest
4. Items of Discussion
  - A. Headwaters Trail Association Report
  - B. Marijuana Ordinance Discussion

## **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. March 27, 2023
9. Consideration to Approve Accounts Payable
  - A. April 10, 2023
10. Financial Review
11. Items of Discussion
  - A. Consideration of Ordinance 03-2023, Amending Grand Lake Municipal Code Section 10-1-8(C) Regarding Water Usage Charges
  - B. Consideration of Ordinance 04-2023, Amending Grand Lake Municipal Code Section 10-1-6 (B) Regarding Water Service Lines
  - C. **(QUASI JUDICIAL) PUBLIC HEARING** - Resolution 10-2023 Consideration to Approve a Special Use Permit (SUP), to Allow a Food Truck Business in a Temporary Non-Fixed Structure, Known As TruePenny Pitstop, on Property Located at Block 3, Lot 4-6, Town of Grand Lake.
  - D. Consideration of Approval of Resolution 11-2023 in Opposition to SB23-213
12. Future Items for Consideration
13. Mayor's Report
14. Adjourn Meeting

## ARTICLE 5 Regulated Marijuana Businesses

On November 8, 2022 the voters of Grand Lake approved Town of Grand Lake Question 2C, “allow[ing] the operation of marijuana businesses in the town and amending the municipal code by the addition of new sections permitting, subject to regulations to be adopted by ordinances of the town, certain activities relating to marijuana, and by so doing repeal the Article 5 of Chapter 7 and Article 11 of Chapter 7, or other section of the Grand Lake Municipal Code, to the extent they are inconsistent with such authorization[.]” The Town of Grand Lake Board of Trustees hereby finds, determines, and declares that it has the power to adopt this Article 5 of Chapter 6 of the Grand Lake Municipal Code pursuant to Chapter XVIII, section 16 of the Colorado Constitution; Colorado Revised Statutes section 44-10-104(3); Chapter XX of the Colorado Constitution; the Town of Grand Lake Home Rule Charter; and the Local Government Land Use Control Enabling Act, Chapter 20 of title 29, Colorado Revised Statutes. (Ord. 559, Series of 2021).

### Sec. 6-5-1. Definitions.

Unless defined in this Section, or if the context clearly requires otherwise, capitalized terms within this Article shall have the meaning attributed to them in the Code of Colorado Regulations – Colorado Marijuana Rules – 1 CCR 212-3(1-115), adopted by the Colorado Marijuana Enforcement Division, Department of Revenue, as of the effective date hereof.

- (a) *Applicant* means any Person applying to the Town for a License, including without limitation any Entity and/or any Person who qualifies as a Controlling Beneficial Owner.
- (b) *Article* means Article 5 of Chapter 6 of the Grand Lake Municipal Code.
- (c) *Board* means the Town of Grand Lake Board of Trustees.
- (d) *License* means a license issued by the Town to operate a Medical Marijuana Store and a Retail Marijuana Store at one location within the Town.
  - 1. A Licensee shall be required to operate as a Retail Marijuana Store, and shall have the option to also operate as a Medical Marijuana Store.
- (e) *Licensee* means a Person who has been issued a License by the Town.
- (f) *Lottery* means the lottery selection process under Section 6-5-7(i) of this Article.
- (g) *MED* means the Colorado, Department of Revenue, Marijuana Enforcement Division.
- (h) *Regulated Marijuana Business* means Medical Marijuana Businesses and Retail Marijuana Businesses.
- (i) *Colorado Marijuana Code* means Colorado Revised Statutes Title 44, Article 10, Section 101 *et seq.*, and the Colorado Marijuana Rules promulgated pursuant thereto at 1 CCR §212-3.
- (j) *Regulated Marijuana Store* means a Medical Marijuana Store or Retail Marijuana Store.
- (k) *State* means the State of Colorado.
- (l) *Town* means the Town of Grand Lake, Colorado.

(m) *Town Code* means the Grand Lake Municipal Code.

**Sec. 6-5-2. License Types Permitted.**

Regulated Marijuana Stores shall be the only Regulated Marijuana Business license type permitted in the Town. All other Regulated Marijuana Business license types shall remain prohibited. It shall furthermore be unlawful for any Person to own or operate a Regulated Marijuana Store without first obtaining all necessary permits, licenses, and approvals to operate such a business from the Town pursuant to this Article and from the State pursuant to the Colorado Marijuana Code.

**Sec. 6-5-3. Local Licensing Authority.**

- (a) The Board is hereby designated the Local Licensing Authority with all powers granted thereto by the provisions of the Colorado Marijuana Code. Any decision made by the Board to (i) grant or deny a License, (ii) revoke or suspend a License, (iii) renew or not renew a License, (iv) fine a Licensee, or (v) place a License on probationary conditions, shall be a final decision and may be appealed to district court pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure.
- (b) In case of an application resubmitted directly to the Town pursuant to Section 16(5)(h) of Article XVIII of the Colorado Constitution, due to the failure of the state licensing authority to act upon an application within ninety (90) days, the Board shall act as the licensing authority thereunder and all requirements of this Article shall apply to such application. In addition to compliance with this Article, the Applicant shall demonstrate compliance with all applicable requirements of the Colorado Marijuana Code and shall pay to the Town the full amount of the application fee if not forwarded by the State. The Board shall approve or deny such application within ninety (90) days after receipt of the resubmitted application.
- (c) The Town Clerk, or their designee, shall assist the Board by receiving all applications, coordinating with other Town officers and departments when relevant, scheduling required public hearings and providing notice in accordance with this Article, the Town Code, and the Colorado Marijuana Code. The Town Clerk, or their designee, shall also act as the local point-of-contact with the MED on all marijuana regulatory matters.

**Sec. 6-5-4. Limitation on Number of Licenses.**

- (a) The Board shall have the authority to initially grant and issue one (1) License pursuant to this Article and the Colorado Marijuana Code. This one (1) License shall be awarded pursuant to the application and Lottery selection process as set forth in this Article.
  - (1) One (1) year from the date the first Licensee opens for sales to the public, , or upon motion by the Board, the Board shall review (i) the results and impacts of marijuana legalization in the Town, and (ii) the operation and implementation of the provisions and procedures in this Article. If upon such review the Board determines it is in the best interest of the Town, the Board shall have the discretionary authority to grant and issue one (1) additional License. This second License shall be awarded pursuant to a

new application and Lottery selection process as set forth in this Article, or pursuant to an alternative process as the Board shall provide by resolution.

- (b) In the event that a previously granted and issued License is revoked, not renewed, surrendered, or terminated, resulting in the permanent loss of that License by a Licensee, and therefore fewer than two (2) Licenses are issued and active within the Town, the Board may, at the Board's discretion, approve and issue additional License(s) pursuant to a new application and Lottery selection process as set forth in this Article, or pursuant to an alternative process as the Board shall provide by resolution.
- (c) At no time shall there be more than two (2) Licenses issued and active within the Town.

**Sec. 6-5-5. Limitations and Requirements Applicable to Regulated Marijuana Stores.**

- (a) *State requirements.* Regulated Marijuana Stores must at all times comply with the regulations and requirements contained in the Colorado Marijuana Code. The Local Licensing Authority may revoke or otherwise penalize a Licensee pursuant to Section 6-5-15 of this Article.
- (b) *Location.* Regulated Marijuana Stores shall only be located on property within the Commercial Zoning District or a planned development district; but shall not be permitted on any parcel east of Broadway Street. Regulated Marijuana Stores shall not be permitted to operate as "home occupations."
- (c) *Separation requirements.*
  - (1) No License shall be approved if, at the time of the initial application for such License, the proposed location is within three hundred (300) feet of:
    - i. Any established and conspicuously identified elementary or secondary school;
    - ii. Existing licensed child care facility; or
    - iii. Any existing Regulated Marijuana Store.
  - (2) The distances set forth in this Subsection shall be computed by direct measurement in a straight line from the nearest property line of the land used for the purposes stated above, respectively, to the nearest portion of the building in which the Regulated Marijuana Store is located. The locational criteria contained in this Section shall apply to all proposed changes in the location of an existing License.
  - (3) The Board may waive the distance requirements set forth in this Subsection for a specified location if an Applicant demonstrates that granting such a waiver will not negatively impact the health, safety, or welfare of the Town.
- (d) *Co-location & Retail Marijuana Store.* Any License issued by the Town shall allow for both a Medical Marijuana Store and a Retail Marijuana Store to operate on the same Licensed Premises under one License.
  - (1) Each Licensee shall be required to operate as a Retail Marijuana Store, and shall have the option to also operate as a Medical Marijuana Store.
- (e) *Signage & Advertisements.* Advertisements, signs, displays or promotional material depicting marijuana, marijuana plants, or any other pictures or symbols commonly

understood to refer to marijuana, shall not be shown or exhibited on the exterior of a Licensed Premises or in any other location within the Town where visible from a public right-of-way. No signage associated with a Regulated Marijuana Store shall use the word "marijuana," "cannabis," or any other word or phrase commonly understood to refer to marijuana. All exterior signage associated with a Regulated Marijuana Store must comply with the Town Sign Code at Chapter 6 of Article 2 of the Town Code and must receive a sign permit pursuant thereto. Existing exemptions in the Town Sign Code shall not apply to exterior signage associated with the Regulated Marijuana Store.

(1) Notwithstanding the foregoing, and so long as in compliance with all other applicable signage and advertisement requirements, a Licensee’s exterior signage shall be permitted to use:

- i. The words “Recreational” and “Dispensary” one (1) time each, the text of which shall be no larger than [enter maximum size];
- ii. One (1) green cross symbol no larger than [enter maximum size];
- iii. If the Licensee also operates as a Medical Marijuana Store, the word “Medical” one (1) time, the text of which shall be no larger than [enter maximum size].

(f) *Indoor Operation.* All Regulated Marijuana Store operations (except transportation) shall be conducted indoors, and shall not be visible from the exterior of the building.

(g) *Inspection of Licensed Premises.* During all business hours and other times of apparent activity, the Licensed Premises and the property associated with a License shall be subject to inspection by Town personnel, or commissioned police officers of the Town, for the purpose of investigating and determining compliance with the provisions of this Article, the Colorado Marijuana Code, and any other applicable state or local law or regulation. Such inspection may include, without limitation, the inspection of books, records and inventory. Where any part of the Licensed Premises or property consists of a locked area, such area shall be made available for inspection, without unreasonable delay, upon request.

(h) *Additional Requirements.* Regulated Marijuana Stores shall be subject to the following additional requirements:

- (1) A Regulated Marijuana Store may only be open to the public during the hours of 8:00 a.m. to 10:00 p.m. unless the Board authorizes extended hours of operation as a provision of the License, but in no event shall such authorization extend past 12:00 a.m. The Board may only authorize such extension after making a determination that such hours of operation are appropriate for the neighborhood.
- (2) No on-site consumption of marijuana is allowed.
- (3) A Town business license and sales tax license shall be required.
- (4) No mobile structure may be used to operate a Regulated Marijuana Store.
- (5) No alcohol sales or consumption shall be permitted on the Licensed Premises.
- (6) A Licensee shall not permit persons who do not possess a valid identification or other appropriate proof of age to enter or loiter on or about the Licensed Premises.

- (7) All Regulated Marijuana Stores, and their owners, officers, employees, and agents must comply at all times with all other applicable provisions of the Town Code.
- (8) Whenever the provisions of the Colorado Marijuana Code require a Licensee to submit licensing, operational, investigative, or incident documentation to the MED or other governmental entities, the Licensee shall provide copies of all such submissions to the Town Clerk.
- (9) All Regulated Marijuana Stores shall post conspicuous signage at each Point of Sale, and at each customer point of egress from the Licensed Premises, printed in red, stating the following:

**WARNING: FEDERAL LANDS  
MARIJUANA USE AND POSSESSION IS  
ILLEGAL ON ALL FEDERAL LANDS  
INCLUDING IN ROCKY MOUNTAIN  
NATIONAL PARK**

- (i) *Proper Ventilation.* All Regulated Marijuana Stores shall be equipped with a proper ventilation system that filters out the odor of marijuana so that the odor is not capable of being detected by a person with a normal sense of smell at the exterior of Licensed Premises or any adjoining business, parcel, or tract of real property. All Applicants for a new License shall submit a ventilation and odor mitigation plan with their Application, which shall be subject to review and approval by the Board prior to issuance of a new License. The lack of an approved ventilation and odor mitigation plan shall be grounds for denial of a new License or renewal of an existing License. Failure to install or maintain the ventilation system required by an approved ventilation and odor mitigation plan shall constitute a violation of this Article and shall be grounds for suspension or revocation of a License pursuant to Section 6-5-15 of this Article.

**Sec. 6-5-6. Retail Marijuana Sales Tax**

- (a) A retail marijuana sales tax is imposed upon all retail sales of retail marijuana and retail marijuana products sold within the Town by Retail Marijuana Stores at the rate of five percent (5%) of the gross price paid by the purchaser, rounded off to the nearest penny. The tax imposed by this Section is in addition to, and not in lieu of, the general sales tax owed to the Town and all taxes owed to the State in connection with the sale of retail marijuana and retail marijuana products. The Board may, by resolution, raise the retail marijuana sales tax under this Section to no higher than fifteen percent (15%). Where possible, retail marijuana sales tax revenues shall be collected pursuant to Section 4-3-8 of the Town Code. The Town Manager may adopt administrative rules and regulations specifying additional or alternative procedures for the collection and enforcement of the retail marijuana sales tax imposed by this Section.
- (b) Medical Marijuana sales shall not be subject to any Town marijuana sales tax, but shall be subject to the general sales tax owed to the Town.

**Sec. 6-5-7. Lottery Phase Application Requirements**

- (a) The Town hereby establishes a two-phase License application process. The Lottery Phase shall consist of application submissions for the purpose of entry into the Lottery to be conducted by the Town pursuant to this Section. The Licensing Phase shall consist of a separate application submitted by the Applicant selected in the Lottery for the purpose of licensing approval and issuance by the Board pursuant to Sections 6-5-8, 6-5-9, and 6-5-10 of this Article.
- (b) Within forty-five (45) days of the effective date of this Article, the Town shall post notice on its website indicating that Lottery Phase applications shall be accepted for a sixty (60) day period.
- (c) *Lottery Phase Applications.* An Applicant shall submit a Lottery Phase application to the Town on forms provided by the Town Clerk and posted on the Town website. As part of the Lottery Phase applications, all Applicants, including all Controlling Beneficial Owners associated therewith, shall submit to the Town Clerk, without limitation:
  - 1. A copy of a form of identification issued by the government of the United States, the government of any state within the United States, or the government of a United States Territory.
    - i. Such identification shall not be expired and shall include name, address, and date of birth.
  - 2. Evidence of lawful presence or residence in the United States.
  - 3. Completion of criminal and moral character disclosure form.
  - 4. Proof of submission to the MED, for all Controlling Beneficial Owners, of an application for Findings of Suitability
    - i. The Applicant must also submit to the Town copies of all such MED applications.
  - 5. Curriculum vitae for the Applicant, each Controlling Beneficial Owner, and any managers associated with the Applicant.
  - 6. If the Applicant is a business entity, information regarding the entity, including without limitation:
    - i. The name and address of the entity;
    - ii. Identification of all Controlling Beneficial Owners of the entity;
    - iii. Certificate of good standing from the Colorado Secretary of State;
    - iv. An organizational chart;
    - v. If a corporation: Articles of Incorporation, Shareholders Agreement, and Bylaws;
    - vi. If a limited liability company: Articles of Organization, and Operating Agreement; and

- vii. Other business entity documentation as may be requested by the Town Clerk.
- 7. Proof of access to adequate funding to cover start-up expenses of not less than \$150,000.
  - i. If the Applicant cannot document proof of access to adequate funding at the time of submission of a Lottery Phase application, the Applicant must submit a written Funding Plan for the purpose of obtaining adequate funding to cover start-up expenses of not less than \$150,000.
- 8. A copy of any deed, lease, letter of intent, or other contract reflecting the right, or the right conditioned on License approval, of the Applicant to possess and operate a Regulated Marijuana Store at a location permitted by this Article.
  - i. If the property of the proposed Regulated Marijuana Store is located within an owners association, or a Planned Development under 12-2-25 of the Town Code, the applicant shall provide proof that the proposed Regulated Marijuana Store use complies with all applicable covenants and required approvals thereunder.
  - ii. If the Applicant cannot provide documentation satisfying this Subsection at the time of submission of a Lottery Phase application, the Applicant must submit a written plan for securing a right to possess and operate a Regulated Marijuana Store at a location permitted by this Article.
- 9. Executive Summaries of Applicant's:
  - i. Business Plan;
  - ii. Operations Plan;
  - iii. Compliance Plan;
  - iv. Security Plan, including without limitation:
    - A. Complying with MED security regulations;
    - B. Theft and diversion prevention; and
    - C. Other locational and community-specific security concerns
  - v. Staffing Plan;
  - vi. Community Engagement Plan, including without limitation, Applicant's history of community service;
  - vii. Odor Mitigation and Ventilation Plan;
  - viii. Personnel Experience, including without limitation:
    - A. Operating a licensed marijuana business in Colorado or another state; or
    - B. Operating a business in a highly regulated industry.

(d) *Bonus Weight Criteria.*

1. An Applicant shall be awarded fifteen percent (15%) bonus weight in the Lottery selection process if the Applicant submits proof that no less than fifty-one percent (51%) of all Controlling Beneficial Owners associated with the Applicant have continuously resided full-time in the Town, or in Grand County, Colorado, for no less than one (1) full year immediately preceding the date of submission of Applicant’s Lottery Phase application.
2. An Applicant shall be awarded ten percent (10%) bonus weight in the Lottery selection process if the Applicant submits proof that the Applicant is a Social Equity Licensee under the Colorado Marijuana Code.
3. Bonus weight under this subsection shall not be cumulative. The maximum bonus weight an Applicant can receive, even if the Applicant qualifies under both bonus criteria, is fifteen percent (15%).

(e) *Lottery Phase Application Fees.* Along with the Lottery Phase application, all Applicants must submit a Lottery Phase application fee to the Town to cover costs associated with processing, investigating and administering the Lottery Phase application process. The Lottery Phase application fee shall be established by the Town by resolution.

(f) *Common Control Prohibition.* No Person or Entity may apply on behalf of another Person or Entity. Multiple Lottery Phase application submissions by the same Person or Entity, or applications by multiple entities with substantially the same ownership or who are Affiliated Entities (as defined below), are prohibited and will be rejected. No Applicant shall provide, rely on, or include in their Funding Plan under Section 6-5-7(C)(7), any funding which is shared, or in any way associated with, another Applicant’s source or plan for funding. All Controlling Beneficial Owners associated with an Applicant shall be required to attest, subject to criminal penalties for perjury, that they are not affiliated with any other Applicant, and that they do not share common control or funding with any other Applicant as set forth in this Subsection. Submission of a Lottery Phase application in violation of this Subsection shall result in the rejection of all Lottery Phase applications associated with such violation.

1. For purposes of this Subsection, “substantially the same ownership” and “Affiliated Entities” are defined as follows:
  - i. “Substantially the same ownership” means that entities share any Controlling Beneficial Owners in common.
  - ii. “Affiliated Entities” means:
    - A. A Person having ownership or any level of control in common with an entity, in whole or in part, including, without limitation, an entity’s parent corporation, franchisor, licensor, and any subsidiaries or affiliates of such parent corporations; or
    - B. A Person who has a direct business or an immediate familial relationship with another person or a person or entity using the same trade name as another person or entity.

2. Applicants may not transfer an Application to a third party at any time during any stage of the Lottery Phase or Licensing Phase of the application process.
  3. To ensure compliance with the prohibitions of this Subsection, during the first two years following the License issuance date, the Licensee shall not transfer its License, alter its ownership or ownership structure as it pertains to Controlling Beneficial Owners, or change its name or trade name.
    - i. The Board may waive this requirement if good cause is shown, and if such waiver will neither undermine the purpose of this Section nor negatively impact the health, safety, or welfare of the Town.
  4. The Board may promulgate rules and regulations as needed to carry out the intent of this Section to ensure and confirm that each Applicant is a wholly separate business owned, operated, funded, and controlled by a wholly separate Person or Entity, with no affiliation to any other Applicant.
- (g) *Completeness Review.* The Town Clerk, or their designee, shall review Lottery Phase applications for completeness as they are received. If a Lottery Phase application is found to be incomplete, the Town Clerk, or their designee, shall notify the Applicant in writing, via email and U.S. mail, of the Application’s deficiencies, and the Applicant shall have fifteen (15) days from the date of the deficiency notice to remedy the deficiency(ies). If the Applicant fails to remedy the deficiency(ies) within the specified period, the Town Clerk, or their designee, shall deny the Application and notify the Applicant of the denial.
1. Denial of an Application at the completeness review stage under this Subsection is appealable to the Town Manager by filing an appeal with the Town within ten (10) days of the date the notification of the denial was mailed. The Town Manager shall schedule a hearing within twenty (20) days of the filing of the appeal. The Town shall provide at least seven (7) days’ notice to the appellant of the hearing. The Town Manager shall make a determination of the appeal within ten (10) days of the hearing and shall notify the appellant of the decision in writing.
- (h) *Board Review.* At the end of the completeness review period under this Section, including the appeals process thereunder, if any, the Town Clerk, or their designee, shall submit to the Board all Lottery Phase applications determined to be complete. At its next regular public meeting, the Board shall review each complete Lottery Phase application to determine qualification, pursuant to this Section, for entry into the Lottery. The Board shall make such determinations and notify each Applicant, in writing, no later than thirty (30) days from such public hearing. Applicants shall qualify for entry into the Lottery by demonstrating, through the Lottery Phase application materials submitted to the Town, that the Applicant possesses sufficient:
1. Knowledge of applicable state and local laws and regulations,

2. Knowledge of the legal marijuana industry and/or competence in operating a business in another highly regulated industry, and
  3. Professionalism in business plans, operational plans, and other submitted materials.
- (i) *Lottery Selection.* Upon final determination by the Board of all Lottery Phase applications that qualify for entry into the Lottery, the Town shall conduct a random Lottery at its next regular public meeting, subject to Subsection (d) of this Section, to select which Applicant shall proceed with the License Application process under Section 6-5-8. Following such selection, and at the same public meeting, the Town shall also conduct a random Lottery to select alternate Applicants by assigning each alternate Applicant an alternate preference number corresponding to the order in which they were selected.
1. The Town may adopt administrative rules and regulations specifying the policies and procedures for conducting the Lottery.

**Sec. 6-5-8. License Phase Application Requirements**

- (a) *License Phase Application.* No later than sixty (60) days from the date of the Lottery, or from the date an alternate Applicant is notified by the Town pursuant to Section 6-5-8(D)(2), the Applicant selected in the Lottery shall submit a License Phase application to the Town on forms provided by the Town Clerk and posted on the Town website.
- (b) As part of the License Phase application, the Applicant shall submit, without limitation:
2. A copy of any deed, lease, or contract reflecting the right, or the right conditioned on License approval, of the Applicant to possess and operate a Regulated Marijuana Store at the location specified in the License Phase application.
  3. Updated and comprehensive business plans, tailored to the location specified in the License Phase application, covering all subject areas set forth in Section 6-5-7(c)(9).
  4. Proof of Findings of Suitability issued by the MED for all Controlling Beneficial Owners of the Applicant.
  5. Proof of submission to MED of a Regulated Marijuana Business License Application.
    - i. The Applicant must also submit to the Town copies of such MED application(s).
  6. Town Sales Tax License.
  7. Town Business License.
  8. Proof of submission to the Town of a Conditional Use Permit Application pursuant to Town Code 12-2-31(B).
  9. If any information about the Applicant has changed since the submission of the Lottery Phase application, the Applicant shall disclose and submit all such updated information with the License Phase application.

10. Any additional information or documentation that the Board determines to be reasonably related to investigating the Applicant's plans, qualifications, and fitness for operating a Regulated Marijuana Store at the location specified in the License Phase application.
- (c) *License Phase Application Fees.* Along with the License Phase application, the Applicant must submit a License Phase application fee to the Town to cover costs associated with processing, investigating and administering the License Phase application process. The Licensing Phase application fee shall be established by the Town by resolution.
- (d) *Completeness Review.* Within fifteen (15) days of receiving a timely submitted License Phase application, the Town Clerk, or their designee, shall review such application for completeness. If a License Phase application is deemed incomplete, the Town Clerk, or their designee, shall notify the Applicant in writing, via email and U.S. mail, of the application's deficiencies, and the Applicant shall have forty-five (45) days from the date of the deficiency notice to remedy the deficiency(ies). If the Applicant fails to remedy the deficiency(ies) within the specified period, the Town Clerk shall deny the application and notify the Applicant of the denial.
1. Denial of an Application at the completeness review stage under this Subsection is appealable to the Town Manager by filing an appeal with the Town within ten (10) days of the date the notification of the denial was mailed. The Town Manager shall schedule a hearing within twenty (20) days of the filing of the appeal. The Town shall provide at least seven (7) days' notice to the appellant of the hearing. The Town Manager shall make a determination of the appeal within ten (10) days of the hearing and shall notify the appellant of the decision in writing.
  2. If a License Phase application is denied under this Section, the Town shall, within forty-five (45) days of such denial, notify the next alternate Applicant as selected under Section 6-5-7(i) to proceed with the License Application process under this Section 6-5-8.
- (e) *Staff Review.* Upon receipt of a completed License Phase application, the Town Clerk, or their designee, shall transmit copies of the application to all Town agencies and staff who the Board determines should participate in the review and investigation of the application.
1. Town staff, or other governmental agencies authorized by the Town, may visit and inspect the property and Licensed Premises of the proposed Regulated Marijuana Store.
  2. In investigating the fitness of the Applicant, the Town may obtain criminal history record information furnished by a criminal justice agency subject to any restrictions imposed by such agency. In the event the Town takes into consideration information concerning the Applicant's criminal history record, the Town shall also consider any information provided by the Applicant regarding such criminal history record, including without limitation, evidence of rehabilitation, community service, character references and educational achievements, especially those items

pertaining to the period of time between the Applicant's last criminal conviction and the consideration of the License Phase Application.

- 3. Not more than thirty (30) days from the date the Town Clerk has deemed a License Phase application to be complete, and not less than fourteen (14) days prior to a public hearing held pursuant to Section 6-5-9, the Town Clerk shall report to the Board and the Applicant any findings or recommendations made on the License Phase application as a result of the investigation and review conducted pursuant to this Section.

**Sec. 6-5-9. Public Hearing**

- (a) The Town Clerk shall schedule a public hearing before the Board on the License Phase application.
  - 1. The public hearing shall be held not less than fourteen (14) days from the date the Town Clerk reported the findings under Section 6-5-8(e)(3).
  - 2. The public hearing shall only be held after the Town Planning Commission has reported its recommendations to the Board, pursuant to Town Code 12-2-31(B)(3)(a)(3), on the Applicant's Conditional Use Permit application.
- (b) The Town shall post and publish public notice of the hearing not less than fourteen (14) days prior to the hearing. The Town shall give public notice by the posting of a sign in a conspicuous place at the property of the proposed Regulated Marijuana Store, and by publication in a newspaper of general circulation in the Town.

**Sec. 6-5-10. Issuance or Denial of License.**

- (a) For the purpose of voting to approve or deny a License, the Board may consider the facts and evidence adduced as a result of:
  - 1. The review and investigation under Section 6-5-8(e).
  - 2. Review and investigation of the License Phase application by the Board.
  - 3. The recommendations of the Planning Commission.
  - 4. The testimony and evidence presented by the Applicant at the public hearing under Section 6-5-9, including any written or oral public comments submitted in conjunction therewith.
  - 5. Any other facts pertinent to the qualifications of the Applicant.
- (b) The Board has the authority to refuse to approve a License for good cause, including without limitation, if the Board has made the following findings:
  - 1. The Applicant has violated, does not meet, or has failed to comply with any of the terms, requirements, conditions, or provisions of the License, the Town Code, the Colorado Marijuana Code, or any applicable state or local law, rule, or regulation.
  - 2. The Board has determined that the Applicant's character, record, or reputation is not satisfactory after consideration of factors, which include without limitation:

- i. The Applicant has knowingly submitted false information, made willful misrepresentations, knowingly committed fraudulent acts, or omitted material facts;
    - ii. The Applicant has a criminal history of crimes of moral turpitude, which may include without limitation murder, burglary, robbery, arson, kidnapping, or sexual assaults;
    - iii. The Applicant has had a professional license, including without limitation a government-issued marijuana license, denied or revoked as a result of violations of law, rule, or regulation, or a finding of bad moral character by a government entity;
    - iv. The Applicant has been found to be currently delinquent in the payment of any state or local taxes, and has shown a pattern of failing to correct such delinquency;
  - 3. Specific evidence that approving the License will adversely affects the public health, safety, or welfare.
- (c) No later than thirty (30) days from the date of the public hearing under Section 6-5-9, the Board shall issue its decision approving or denying the License. The decision shall be in writing and shall state the reasons for the decision. The Board shall send a copy of the decision, by email and U.S. mail, to the Applicant at the address shown in the application.
- (d) The Board may impose reasonable conditions upon a License.
- (e) After approval of a License, the Board shall not issue the License until:
  - 1. The Licensee has obtained all other required licenses and permits related to the operation of the Regulated Marijuana Store,
  - 2. The Regulated Marijuana Store building and site is approved for occupancy with such furniture, fixtures and equipment in place as are necessary to comply with the applicable provisions of all state and local laws and regulations, and any License conditions imposed by the Board.
- (f) After approval of a License, the Board, or its designee, shall notify the MED of such approval.

**Sec. 6-5-11. License Renewal**

- (a) A License issued pursuant to this Article shall be valid for a period of one (1) year from the date of issuance and shall be renewed pursuant to this Section. An application for renewal shall be made to the Town Clerk not less than thirty (30) days prior to the date of expiration. The renewal application shall be accompanied by the annual operating fees for the renewal term.
- (b) A public hearing shall be conducted by the Board on the first renewal application of the License.
  - 1. The Board has the authority to refuse to renew a License for good cause, including without limitation, making findings as set forth in Section 6-5-10(b), or as follows:

- i. A continuing pattern of disorderly conduct or drug-related criminal conduct upon or in the immediate vicinity of the Licensed Premises;
  - ii. A continuing pattern of criminal conduct directly related to or arising from the operation of the Regulated Marijuana Store;
  - iii. An ongoing nuisance condition emanating from or caused by the Regulated Marijuana Store; or
  - iv. The Applicant has failed to comply with any special terms or conditions of the License.
- (c) For all subsequent renewal applications timely filed, the License may be administratively renewed by the Town Clerk; *provided, however*, the Board shall have the discretionary authority to require a renewal hearing.

**Sec. 6-5-12. Contents and Display of License.**

The Licensee shall post the License in a conspicuous location at the Regulated Marijuana Store. A License shall contain at minimum the following information:

- (a) The name and any tradename of the Licensee;
- (b) The date of issuance of the License;
- (c) The street address of the Regulated Marijuana Store;
- (b) Any conditions of approval imposed upon the License by the Board;
- (c) The date of expiration of the License; and
- (d) The signatures of the Licensee and Town Clerk.

**Sec. 6-5-13. Change in Ownership Structure.**

- (a) In determining whether to permit a change in ownership structure, the Board shall require any proposed new Controlling Beneficial Owner(s) to submit to the Town:
  - 1. A copy of a form of identification issued by the government of the United States, the government of any state within the United States, or the government of a United States Territory.
    - i. Such identification shall not be expired and shall include name, address, and date of birth.
  - 2. Evidence of lawful presence or residence in the United States.
  - 3. Completion of criminal and moral character disclosure form.
  - 4. Proof of Findings of Suitability issued by the MED.
  - 5. Proof of approval by the MED of a Marijuana Business License – Change of Controlling Beneficial Owner Application.
    - i. The applicant must also submit to the Town copies of such MED application(s).

6. Curriculum vitae.
7. Any additional information or documentation that the Board determines to be reasonably related to investigating the proposed new Controlling Beneficial Owner’s plans, qualifications, and fitness for operating, or holding controlling beneficial ownership in, a Regulated Marijuana Store.

**Sec. 6-5-14. Transfer of Ownership**

- (a) For a Licensee to transfer fifty-one percent (51%) or more of its ownership to a third party transferee (including all Controlling Beneficial Owners associated therewith, the “Transferee”), the Transferee shall submit a Transfer of Ownership Application to the Town Clerk, including without limitation:
  1. A copy of a form of identification issued by the government of the United States, the government of any state within the United States, or the government of a United States Territory.
    - i. Such identification shall not be expired and shall include name, address, and date of birth.
  2. Evidence of lawful presence or residence in the United States.
  3. Completion of criminal and moral character disclosure form.
  4. Proof of Findings of Suitability issued by the MED for all Controlling Beneficial Owners of the Transferee.
    - i. The Transferee must also submit to the Town copies of all associated MED applications.
  5. Curriculum vitae for the Transferee, each Controlling Beneficial Owner, and any managers associated with the Transferee.
  6. If the Transferee is a business entity, information regarding the entity, including without limitation:
    - i. The name and address of the entity;
    - ii. Identification of all Controlling Beneficial Owners of the entity;
    - iii. Certificate of good standing from the Colorado Secretary of State;
    - iv. An organizational chart;
    - v. If a corporation: Articles of Incorporation, Shareholders Agreement, and Bylaws;
    - vi. If a limited liability company: Articles of Organization, and Operating Agreement; and
    - vii. Other business entity documentation as may be requested by the Town Clerk.

7. A copy of any deed, lease, letter of intent, or other contract reflecting the right, or the right conditioned on License approval, of the Transferee to possess and operate a Regulated Marijuana Store at a location permitted by this Article.
    - i. If the property of the proposed Regulated Marijuana Store is located within an owners association, or a Planned Development under 12-2-25 of the Town Code, the Transferee shall provide proof that the proposed Regulated Marijuana Store use complies with all applicable covenants and required approvals thereunder.
  8. Comprehensive business plans, tailored to the location of the Regulated Marijuana Store, covering all subject areas set forth in Section 6-5-7©(9).
  9. Proof of submission to MED of a Marijuana Business License – Change of Controlling Beneficial Owner Application.
    - i. The Transferee must also submit to the Town copies of such MED application(s).
  10. Town Sales Tax License.
  11. Town Business License.
  12. Any additional information or documentation that the Board determines to be reasonably related to investigating the proposed new Transferee’s plans, qualifications, and fitness for operating, or holding controlling beneficial ownership in, the Regulated Marijuana Store.
- (b) *Staff Review.* Upon receipt of a completed Transfer of Ownership Application, the Town Clerk, or their designee, shall transmit copies of the application to all Town agencies and staff who the Board determines should participate in the review and investigation of the application.
1. Town staff, or other governmental agencies authorized by the Town, may visit and inspect the property and Licensed Premises of the Regulated Marijuana Store.
  2. In investigating the fitness of the Transferee, the Town may obtain criminal history record information furnished by a criminal justice agency subject to any restrictions imposed by such agency. In the event the Town takes into consideration information concerning the Transferee’s criminal history record, the Town shall also consider any information provided by the Transferee regarding such criminal history record, including without limitation, evidence of rehabilitation, community service, character references and educational achievements, especially those items pertaining to the period of time between the last criminal conviction and the consideration of the Transfer of Ownership Application.
  3. Not more than thirty (30) days from the date the Town Clerk has deemed a Transfer of Ownership Application to be complete, and not less than fourteen (14) days prior to a public hearing held pursuant to Section 6-5-14(c), the Town Clerk shall report to the Board and the Transferee any findings or recommendations made on the

Transfer of Ownership Application as a result of the investigation and review conducted pursuant to this Section.

- (c) The Town Clerk shall schedule a public hearing before the Board on the Transfer of Ownership Application.
  - 1. The public hearing shall be held not less than fourteen (14) days from the date the Town Clerk reported the findings under Section 6-5-14(c)(3).
  - 2. The Town shall post and publish public notice of the hearing not less than fourteen (14) days prior to the hearing. The Town shall give public notice by the posting of a sign in a conspicuous place at the property of the Regulated Marijuana Store, and by publication in a newspaper of general circulation in the Town.
  - 3. An application fee shall accompany each Transfer of Ownership Application, in such amount as is established from time to time by resolution of the Board.
  
- (f) For the purpose of voting to approve or deny a Transfer of Ownership, the Board may consider the facts and evidence adduced as a result of:
  - 1. The review and investigation under Section 6-5-14(b).
  - 2. Review and investigation of the Transfer of Ownership Application by the Board.
  - 3. The testimony and evidence presented by the Transferee at the public hearing, including any written or oral public comments submitted in conjunction therewith.
  - 4. Any other facts pertinent to the qualifications of the Transferee.
  
- (g) The Board has the authority to refuse to approve a Transfer of Ownership for good cause, including without limitation, if the Board has made the following findings:
  - 1. The Transferee has violated, does not meet, or has failed to comply with any of the terms, requirements, conditions, or provisions of this Article, the Town Code, the Colorado Marijuana Code, or any applicable state or local law, rule, or regulation.
  - 2. The Board has determined that the Transferee's character, record, or reputation is not satisfactory after consideration of factors, which include without limitation:
    - i. The Transferee has knowingly submitted false information, made willful misrepresentations, knowingly committed fraudulent acts, or omitted material facts;
    - ii. The Transferee has a criminal history of crimes of moral turpitude, which may include without limitation murder, burglary, robbery, arson, kidnapping, or sexual assaults;
    - iii. The Transferee has had a professional license, including without limitation a government-issued marijuana license, denied or revoked as a result of violations of law, rule, or regulation, or a finding of bad moral character by a government entity;
    - iv. The Transferee has been found to be currently delinquent in the payment of any state or local taxes, and has shown a pattern of failing to correct such delinquency;

- 3. Specific evidence that approving the License will adversely affects the public health, safety, or welfare.
- (h) No later than thirty (30) days from the date of the public hearing under this Section, the Board shall issue its decision approving or denying the Transfer of Ownership. The decision shall be in writing and shall state the reasons for the decision. The Board shall send a copy of the decision, by email and U.S. mail, to the transferring Licensee and the Transferee at the addresses on record.
- (i) The Board may impose new reasonable conditions upon a transferred License.
- (j) After approval of a Transfer of Ownership, the Board shall not issue the transferred License until:
  - 1. The Transferee has obtained all other required state and local licenses and permits related to the transfer and the operation of the Regulated Marijuana Store,
- (k) After approval of a transferred License, the Board, or its designee, shall notify the MED of such approval.

**Sec. 6-5-15. Suspension or revocation.**

- (a) The Board may revoke or elect not to renew any License if it determines that the Licensed Premises has been inactive, without good cause, for at least one (1) year.
- (b) The Board has the authority to impose reasonable sanctions on a License and/or Licensee for violation by the Licensee, or any of its owners, agents, operators, employees, or contractor's, of the provisions of this Article, the Town Code, the Colorado Marijuana Code, or of any of the terms, conditions or provisions of the License.
  - 1. Sanctions may include, without limitation:
    - a. Suspension,
    - b. Fine,
    - c. Revocation, and/or
    - d. Probation.
  - 2. Prior to imposing any sanction under this Subsection, the Board shall conduct an investigation into the alleged violation and hold a public hearing at which the Licensee shall be afforded an opportunity to be heard.
  - 3. The Board has the power to administer oaths and issue subpoenas to require the presence of persons and the production of papers, books and records necessary to conduct a public hearing pursuant to this Subsection.
  - 4. Any License may be summarily suspended by the Board without notice pending a prosecution, investigation or public hearing pursuant to the Summary Suspension provisions of the Colorado Marijuana Code, 1 CCR §212-3(8-210(A)).
- (c) Whenever a decision of the Board suspending a license for fourteen (14) days or less becomes final, the Licensee may, before the operative date of the suspension, petition for

permission to pay a fine in lieu of suspension for all or part of the suspension period. Upon the receipt of the petition, the Board may, in its sole discretion, stay the proposed suspension and cause any investigation to be made which it deems desirable and may, in its sole discretion, grant the petition if the Board is satisfied that such a grant will not negatively impact the health, safety, or welfare of the Town, and that the payment of the fine will achieve the desired disciplinary purpose(s).

**Sec. 6-5-16. Penalty.**

Failure to comply with the provisions of this Article shall constitute a violation of the Town Code, and, in addition to being grounds for denial, suspension, revocation, fine, probation, or other License sanction pursuant to Section 6-5-14, such violation may be punished by a civil penalty in an amount not exceeding the maximum fine provided in Section 1-4-10 of the Town Code. Proceedings for the determination of such civil liability and imposition of such civil penalty shall be conducted in the Town Municipal Court in the same manner as proceedings relating to noncriminal traffic infractions, in accordance with the provisions of Article 1 of Chapter 8 of the Town Code. In no case shall any defendant found guilty of any violation of this Article be punished by imprisonment for such violation.

**Sec. 6-5-17. Incorporation of state law.**

The provisions of the Colorado Marijuana Code, and any rules and regulations promulgated thereunder, are incorporated herein by reference, except to the extent that more restrictive or additional regulations are set forth in this Article.

**Sec. 6-5-18. Licensee Acknowledgements.**

Before issuing a License, the Board shall obtain written confirmation from the Licensee that the Licensee acknowledges, understands, and agrees to the following:

- (a) As of the date of the adoption of this Article, the cultivation, sale, possession, distribution and use of marijuana remains a violation of federal law, and this Article does not provide Licensee, or Licensee’s owners, agents, operators, employees, customers or clients, with any protection from criminal prosecution or civil liability under such federal law. Licensees and their owners, operators, employees, customers and clients assume any and all risk and liability under federal law arising or resulting from the operation of the Regulated Marijuana Store.
- (b) The Town has no liability to a Licensee or any other Person for injuries, damages or liabilities of any kind, under any legal theory, arising out of the enforcement or application of any federal laws.
- (c) To the greatest extent permitted by law, any action taken under the provisions of this Article by any public officers, elected or appointed officials, employees, attorneys and agents of the Town, is not a personal liability of such person or of the Town.
- (d) Any documents and records submitted to the Town in regards to an application or License under this Article may be subject to disclosure pursuant to the Colorado Open Records Act.



**GRAND LAKE BOARD OF TRUSTEES WORKSHOP AND MEETING MINUTES**

**Monday, March 27, 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 6:37 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 Bjorkman (via Zoom), Trustees Packer, Strachan, and Sobon were present. Town Clerk Pro-Tem Hearsom and Town Manager Crone.

Trustee Sobon made a motion to excuse Trustee Bergquist and Arntson’s absence from the regular evening meeting. Trustee Packer seconded the motion. Town Clerk Pro-Tem Hearsom called the vote:

|                               |               |
|-------------------------------|---------------|
| <b>Mayor Kudron</b>           | <b>Aye</b>    |
| <b>Mayor Pro-Tem Bjorkman</b> | <b>Aye</b>    |
| <b>Trustee Bergquist</b>      | <b>Absent</b> |
| <b>Trustee Arntson</b>        | <b>Absent</b> |
| <b>Trustee Strachan</b>       | <b>Aye</b>    |
| <b>Trustee Packer</b>         | <b>Aye</b>    |
| <b>Trustee Sobon</b>          | <b>Aye</b>    |

**E. Conflicts of Interest**

None.

**F. Manager's Report**

Wildlife Issues

We still have some winter left, so that means that there are still moose wandering around Town. Please make sure to give our wildlife a wide berth and keep your dogs away. Every year, moose kill people, we dont need that to happen to our people.

We will see bears coming out pretty soon. Remember, trash kills bears. Keep your trash secured. The Town will be ticketing those people and businesses that don’t properly secure trash.

Snow Plowing

March and April can still be big snow months. Please be careful when driving around our workers and please keep an eye out for pedestrians. We are also entering our true melt/freeze cycles.

This means that roads can be very slick in the mornings and evenings.

MuniRev

Our STR platform is up and running. We are still working out a few bugs, but we plan on presenting a report to the Board at one of the April meetings.

Rocky Mountain National Park Reservations

RMNP will be continuing their reservation program this summer. Beginning on May 26 and ending on October 22, people will need a reservation if they plan on accessing the Park between 9:00 am and 2:00 pm. They are also holding 40% of the reservations to be released the day prior to a desired arrival date.

Upcoming Events

It truly is off season in Grand Lake. We do not have any BIG events coming up in the next month or so. However, the library and many of our local businesses will continue to host events. Please support our local businesses during the offseason. Various staff members will be taking vacation time over the next couple of months.

Audit

The audit of our 2022 finances has been (mostly) completed. There were no issues that stood out. Our auditor will be putting together a report to present to the Board in our second meeting in May.

We also had an IT security audit conducted at the same time. We are still waiting on the final report, but the Auditor did not identify any serious problem areas. They did identify a few smaller issues (like email retention) that staff will address through new policies.

Ride the Rockies

The Town has begun planning for Ride the Rockies which will be coming into town on Tuesday, June 13. This year’s route will bring the riders over Trail Ridge Road from Estes Park into Grand Lake. After spending the night here, the riders will continue to Winter Park. We will be organizing community meetings about the event over the next couple of months.

Hwy 40

A number of managers from Grand County and the towns met with representatives from CDOT to discuss the state of disrepair of Hwy 40. It seemed to be a productive discussion and we hope that CDOT now understands the need for more lasting solutions to Hwy 40 maintenance.

Possible Countywide Ballot Issues

The BOCC is considering putting two ballot issues on the November ballot: the OLRT tax and the Tourism tax. We will address both of these proposed issues at our next workshop. Neither issue has been solidified and the BOCC has not made any decisions regarding putting the issues on the ballot.

Next Meeting

The next scheduled meeting will be held in two weeks. It is scheduled on April 10, 2023.

**G. Public Comments (Limited to 3 Minutes)**

None.

**H. Consideration to Approve Meeting Minutes**

**3. March 13, 2023**

Trustee Strachan made a motion to approve the meeting minutes for March 13, 2023. Trustee Sobon seconded the motion. Town Clerk Pro-Tem Hearsom called the vote:

|                               |               |
|-------------------------------|---------------|
| <b>Mayor Kudron</b>           | <b>Aye</b>    |
| <b>Mayor Pro-Tem Bjorkman</b> | <b>Aye</b>    |
| <b>Trustee Bergquist</b>      | <b>Absent</b> |
| <b>Trustee Arntson</b>        | <b>Absent</b> |
| <b>Trustee Strachan</b>       | <b>Aye</b>    |
| <b>Trustee Packer</b>         | <b>Aye</b>    |
| <b>Trustee Sobon</b>          | <b>Aye</b>    |

**I. Consideration to Approve Accounts Payable**

**4. March 27, 2023**

Presented by Town Treasurer Wilson.

Trustee Strachan made a motion to approve accounts payable for March 27, 2023. Trustee Packer seconded the motion. Town Clerk Pro-Tem Hearsom called the vote:

|                        |        |
|------------------------|--------|
| Mayor Kudron           | Aye    |
| Mayor Pro-Tem Bjorkman | Aye    |
| Trustee Bergquist      | Absent |
| Trustee Arntson        | Absent |
| Trustee Strachan       | Aye    |
| Trustee Packer         | Aye    |
| Trustee Sobon          | Aye    |

**J. Items of Discussion**

**1. Consideration of Ordinance 02-2023, Amending Grand Lake Municipal Code 12-2-6, Definition of Accessory Dwelling Unit**

Presented by Town Community Developer White.

Trustee Packer made a motion to approve Ordinance 02-2023, amending Grand Lake Municipal Code 12-2-6, definition of accessory dwelling unit. Trustee Strachan seconded the motion. Town Clerk Pro-Tem Hearsom called the vote:

|                        |        |
|------------------------|--------|
| Mayor Kudron           | Aye    |
| Mayor Pro-Tem Bjorkman | Aye    |
| Trustee Bergquist      | Absent |
| Trustee Arntson        | Absent |
| Trustee Strachan       | Aye    |
| Trustee Packer         | Aye    |
| Trustee Sobon          | Aye    |

**2. Consideration of Approval of Bid for Mini Skid Steer & Accessories**

Presented by Public Works Director Reed-Tolonen.

Trustee Strachan made a motion to accept the bid from Hardline Equipment for an 2023 ASV RT40 and accessories for a total cost of \$76,649.00. Trustee Packer seconded the motion. Town Clerk Pro-Tem Hearsom called the vote:

|                        |        |
|------------------------|--------|
| Mayor Kudron           | Aye    |
| Mayor Pro-Tem Bjorkman | Aye    |
| Trustee Bergquist      | Absent |
| Trustee Arntson        | Absent |
| Trustee Strachan       | Aye    |
| Trustee Packer         | Aye    |
| Trustee Sobon          | Aye    |

**3. Consideration of Approval of MOU with Aerolab for Civic Rec Use**

Presented by Town Manager Crone.

Trustee Strachan made a motion to approve Town Manager Crone to sign the MOU with Aerolab for Civic Rec use. Trustee Sobon seconded the motion. Town Clerk Pro-Tem Hearsom called the vote:

|                               |               |
|-------------------------------|---------------|
| <b>Mayor Kudron</b>           | <b>Aye</b>    |
| <b>Mayor Pro-Tem Bjorkman</b> | <b>Aye</b>    |
| <b>Trustee Bergquist</b>      | <b>Absent</b> |
| <b>Trustee Arntson</b>        | <b>Absent</b> |
| <b>Trustee Strachan</b>       | <b>Aye</b>    |
| <b>Trustee Packer</b>         | <b>Aye</b>    |
| <b>Trustee Sobon</b>          | <b>Aye</b>    |

**4. Consideration of Waiver of Opioid Settlement Funds**

Presented by Town Manager Crone.

Trustee Strachan made a motion for Town Manager Crone to sign the opioid settlement funds participation forms. Trustee Sobon seconded the motion. Town Clerk Pro-Tem Hearsom called the vote:

|                               |               |
|-------------------------------|---------------|
| <b>Mayor Kudron</b>           | <b>Aye</b>    |
| <b>Mayor Pro-Tem Bjorkman</b> | <b>Aye</b>    |
| <b>Trustee Bergquist</b>      | <b>Absent</b> |
| <b>Trustee Arntson</b>        | <b>Absent</b> |
| <b>Trustee Strachan</b>       | <b>Aye</b>    |
| <b>Trustee Packer</b>         | <b>Aye</b>    |
| <b>Trustee Sobon</b>          | <b>Aye</b>    |

**K. Future Items for Consideration**

- Marijuana (staff recommendation on signage, fee schedules)
- Water Tap fees
- Contracts to be finalized
- Proposed language for ballot questions
- Nightly Rental Licenses
- Creative District clarification
- Marque update

**L. Mayor's Report**

Mayor Kudron applauded the staff for all their hard work moving the town forward. Purchasing new, efficient equipment to maintain our Town was needed, the Public Works Director has done an amazing job making sure this all happens.

Thanked all members of the community that come and actively participate in meetings, as everyone's input has a roll in the Board's decision making, each voice helps shape this town. We are focusing on big issues that need to be addressed such as affordable housing, and really moving forward to make things happen so more people move to our wonderful town and experience everything Grand Lake has to offer.

**M. Adjourn Meeting**

Trustee Strachan made a motion to adjourn the meeting. Trustee Packer seconded the motion.  
Town Clerk Pro-Tem Hearsum called the vote:

|                               |               |
|-------------------------------|---------------|
| <b>Mayor Kudron</b>           | <b>Aye</b>    |
| <b>Mayor Pro-Tem Bjorkman</b> | <b>Aye</b>    |
| <b>Trustee Bergquist</b>      | <b>Absent</b> |
| <b>Trustee Arntson</b>        | <b>Absent</b> |
| <b>Trustee Strachan</b>       | <b>Aye</b>    |
| <b>Trustee Packer</b>         | <b>Aye</b>    |
| <b>Trustee Sobon</b>          | <b>Aye</b>    |

This meeting of the Board of Trustees was adjourned at 7:42 PM.

**(Attest)**

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**Kathryn Hearsum, Town Clerk Pro-Tem**

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**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](mailto: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 2<sup>nd</sup> and 4<sup>th</sup> Monday of each month by request



**To: Town of Grand Lake Mayor and Trustees**  
**From: Heike Wilson, Town Treasurer**  
**Re: AN ORDINANCE AMENDING GRAND LAKE MUNICIPAL CODE SECTION 10-1-8 (C)**  
**REGARDING WATER USAGE CHARGES**

**Date: 04/10/23**

**Background:** In reviewing water fees, rates, charges, and penalties, the staff discovered a discrepancy created by Resolution No. 20-2014 and the existing Town of Grand Lake Municipal Code and Section 10-1-8(C)

Section 10-1-8(C) currently requires water use charges to begin “when the structure has been issued a certificate of occupancy or equivalent document from when actual water usage or occupancy begins, whichever occurs first; and Resolution No. 20-2014 requires the quarterly minimum water usage fees begin for the quarter (1) during which a service line is” tapped into a water distribution system line; or (2) for plant investment fees paid after the effective date of this resolution within one year after the plant investment fee is paid, whichever comes first”

Resolution No. 20-2014 appears to create a conflict with Section 10-1-8(C) regarding timing of payment for water usage fees; and the staff feels that it is in the interest of the Town to amend the Code to require payment of minimum water usage fees in accordance with the timing set forth in Resolution No. 20-2014.

Resolution No. 20-2014 is attached for your review.

The suggested amendments to Section 10-1-8 (C) of the Municipal Code of the Town of Grand Lake with the removal of the strikethrough language and the addition of the bold underlined language to read in its entirety as follows:

- (C) *Water Usage Charges.* Water Usage Charges shall be billed quarterly. Each water using unit connected to the water system shall be billed the minimum charge. Overage above the minimum amount allowed shall also be billed. Water using units not having a meter shall be billed one (1) SFE for each water using unit. All charges for the use of water shall be established by resolution adopted by the Board of Trustees.
  1. In cases of new construction, **quarterly** water usage charges shall begin **(1) the quarter a service line is tapped into a water distribution system line, or (2) one year after a plant investment fee is paid** ~~when the structure has been issued a~~



~~certificate of occupancy or equivalent document from the building department, or when actual water usage or occupancy begins, whichever occurs first. In all cases, the full minimum charge for the quarter shall be charged, plus such overage as may have been used.~~

**Motion**

If the Board of Trustees desires to approve AN ORDINANCE AMENDING GRAND LAKE MUNICIPAL CODE SECTION 10-1-8 (C) REGARDING WATER USAGE CHARGES, it may do so by approving the following motions:

I Move to approve Ordinance 03-2023 AN ORDINANCE AMENDING GRAND LAKE MUNICIPAL CODE SECTION 10-1-8 (C) REGARDING WATER USAGE CHARGES

-Or-

I Move to approve Ordinance 03-2023 AN ORDINANCE AMENDING GRAND LAKE MUNICIPAL CODE SECTION 10-1-8 (C) REGARDING WATER USAGE CHARGES with Following Changes \_\_\_\_\_):

**TOWN OF GRAND LAKE  
BOARD OF TRUSTEES  
ORDINANCE NO. 03-2023**

**AN ORDINANCE AMENDING GRAND LAKE MUNICIPAL CODE SECTION 10-1-8 (C)  
REGARDING WATER USAGE CHARGES**

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

**WHEREAS**, the Town Staff, in reviewing water fees, rates, charges, and penalties, discovered a discrepancy created by Resolution No. 20-2014 and the existing Town of Grand Lake Municipal Code (the “Code”) regarding the same, specifically Section 10-1-8(C); and,

**WHEREAS**, Section 10-1-8(C) currently requires water use charges to begin “when the structure has been issued a certificate of occupancy or equivalent document from when actual water usage or occupancy begins, whichever occurs first; and

**WHEREAS**, Resolution No. 20-2014 requires the quarterly minimum water usage fees begin for the quarter (1) during which a service line is” tapped into a water distribution system line; or (2) for plant investment fees paid after the effective date of this resolution within one year after the plant investment fee is paid, whichever comes first”, in order to prevent unnecessarily encumbering capacity of the Town’s water system without use or speculation in the same; and

**WHEREAS**, Resolution No. 20-2014 appears to create a conflict with Section 10-1-8(C) regarding timing of payment for water usage fees; and

**WHEREAS**, the Board has determined that it is in the interest of the Town to amend the Code to require payment of minimum water usage fees in accordance with the timing set forth in Resolution No. 20-2014.

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

1. The Board of Trustees hereby amends Section 10-1-8 (C) of the Municipal Code of the Town of Grand Lake with the removal of the ~~striketrough language~~ and the addition of the **bold underlined language** to read in its entirety as follows:
 

(C) *Water Usage Charges.* Water Usage Charges shall be billed quarterly. Each water using unit connected to the water system shall be billed the minimum charge. Overage above the minimum amount allowed shall also be billed. Water using units not having a meter shall be billed one (1) SFE for each water using unit. All charges for the use of water shall be established by resolution adopted by the Board of Trustees.

1. In cases of new construction, **quarterly** water usage charges shall begin **(1) the quarter a service line is tapped into a water distribution system line, or (2) one year after a plant investment fee is paid** when the structure has been issued a certificate of occupancy or equivalent document from the building department, or when actual water usage or occupancy begins, whichever occurs first. In all cases, the full minimum charge for the quarter shall be charged, plus such overage as may have been used.
2. Buildings while under construction are allowed the use of water on a temporary basis for purposes of providing needed water on the construction site or to provide sufficient water to test the plumbing system of the building being constructed without regard to the number of water using units being constructed. The Town shall supply temporary water from an approved connection to the water main and shall charge the normal turn-on and turn-off fee. No minimum fee shall be charged for temporary water; instead, the water usage charge shall be based on the number of gallons actually used.
3. Persons desiring a one-time bulk purchase of water (e.g., to fill a tank truck): shall first apply at Town Hall; shall pay the appropriate fill-up charge application fee and gallonage fee; and shall perform the fill-up in the presence of Water Department personnel and in accordance with Town regulations.
4. Water using units connected to mains that were originally installed at depths which do not now meet Town specifications, or that dead-end, may be authorized by the Town to use bleeders during certain periods of the year in order to prevent the service line from freezing. Water using units meeting these circumstances and using bleeders may be granted a credit against the water bill for the amount of water allowed to be bled. Water using units not meeting these circumstances may also use a bleeder, but the Town shall not allow a credit. All bleeders shall comply with Town regulations. In the event a water main is subsequently installed at the depth required by Town specification, all such water using units shall be required to connect to the new water main and the credit for bleeding water shall terminate immediately upon installation of the new main.
5. Water using units with service lines connected to summer lines shall be required to pay the minimum usage charge for two (2) quarters of the year, plus such overage as may have been used. In the event use of summer line is discontinued because a new water main has been installed at the depth required by Town specification, all such water using units connected to the summer line shall immediately connect to the new water main at the customer's cost and shall thereafter be charged the minimum usage charge for four (4) quarters a year, plus such overage as may have been used.

2. 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 of the remaining portions of this Ordinance. The Board of Trustees 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.

3. Repeal: Existing Ordinances or parts of Ordinances covering the same matters as 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 taking effect of this Ordinance.

**INTRODUCED, PASSED AND ADOPTED AT A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF GRAND LAKE, COLORADO, THIS 10TH DAY OF APRIL, 2023.**

Votes Approving: \_\_\_\_\_  
Votes Opposed: \_\_\_\_\_  
Absent: \_\_\_\_\_  
Abstained: \_\_\_\_\_

**ATTEST:**

**TOWN OF GRAND LAKE**

\_\_\_\_\_  
Alayna Carrell  
Town Clerk

By: \_\_\_\_\_  
Steve Kudron  
Mayor

TOWN OF GRAND LAKE  
BOARD OF TRUSTEES  
RESOLUTION NO. 20-2014

A RESOLUTION AMENDING RESOLUTION NO. 8-2008  
REGARDING COMMENCEMENT OF WATER USAGE FEES

WHEREAS, it has come to the attention of the Board of Trustees of the Town of Grand Lake that certain language regarding commencement of the obligation to pay Water Usage Fees contained in Resolution No. 9-2002 and implied in Resolution No. 8-2008 may have inadvertently been omitted; and

WHEREAS, the Board of Trustees in order to clarify Water Usage Fees for the Town of Grand Lake wishes to amend Resolution No. 8-2008 to clarify the language regarding the commencement of the obligation to pay water usage fees contained in Resolution No. 9-2002.

NOW THEREFORE, BE IT RESOLVED by the Board of Trustees of the Town of Grand Lake, Colorado that Resolution No. 8-2008, Section 2 is hereby amended by adding the underlined language to read in its entirety as follows:

2. Water Usage Fees

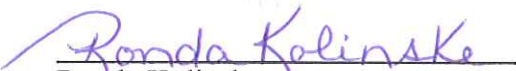
Rates charged shall be based on the quantity of water used per quarter. A minimum water usage fee shall be charged for use of zero through 27,000 gallons per quarter per water using unit. The rate for all classes of water service shall be increased six percent (6%) per year, rounded to the nearest dollar, for the next ten years commencing April 1, 2009 and continuing through April 1, 2018. Quarterly minimum water usage fees begin for the quarter: 1) during which a service line is tapped into a water distribution system line; or 2) for plant investment fees paid after the effective date of this Resolution, one year after the plant investment fee is paid, whichever comes first.


The charges for temporary and bulk purchases of water, established by Resolution 5-2007, enacted April 9, 2007, shall remain in effect, and unchanged by this resolution.

MOVED, SECONDED, AND ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF GRAND LAKE THIS 28<sup>TH</sup> DAY OF JULY, 2014.

Votes Approving: 6  
Votes Opposed: 0  
Absent: 1  
Abstained: 0

TOWN OF GRAND LAKE, COLORADO

  
Ronda Kolinske  
Town Clerk

  
Judy M. Burke  
Mayor



**To: Town of Grand Lake Mayor and Trustees**  
**From: Heike Wilson, Town Treasurer**  
**Re: AN ORDINANCE AMENDING GRAND LAKE MUNICIPAL CODE SECTION 10-1-6 (B) REGARDING WATER SERVICE LINES**

**Date: 04/10/23**

**Background:** The Grand Lake Board of Trustees voted to amend Grand Lake Municipal Code 12-2-6, Definition of Accessory Dwelling Unit at the last board meeting on March 27, 2023. Now that this has been done and in reviewing the Municipal Code Section 10-1-6(B) the staff is requesting this section be updated to permit the extension of a water service line to an ADU upon proper application and payment of a Plant investment fee for the ADU to help promote long-term housing in Grand Lake.

The Board could also discount the current plant investment fees of \$6,500 for ¾” line to promote adding additional long term unit housing with ADU’s.

A reduction of the fee would like:

- 25% would be \$4,875.00
- 50% would be \$3,240.00
- 75% would be \$1,625.00

If the Board decided to discount the plant investment fee for ADU’s to promote long term housing which is only zoned for long term housing it could not control an owner from moving into the ADU unit and renting out the Main house for nightly or short-term rentals.

If the Board desires to reduce the fee it may do so by directing the staff to submit a resolution to amend the fee schedule during the next board meeting.

The suggested amendments to Section 10-1-6 (B) of the Municipal Code of the Town of Grand Lake are the removal of the strikethrough language and the addition of the bold underlined language to read in its entirety as follows:

(B) *Separate Service Lines Required.* Each water using unit shall have a separate three-quarter (¾) inch (minimum) service line to the water system, a meter and a curb stop. No connection with the water system shall be made by extending the service line from one (1) water using unit to another. **An Accessory Dwelling Unit (ADU), as defined in Section 12-2-6, may connect to an existing water system by extending the service line from one**



water using unit to another upon application, review, and approval pursuant to this Article and (2) payment of a separate and additional (3/4) inch Plant Investment Fee in accordance with the Town Fee Schedule, as amended from time to time. ~~When two (2) or more water using units are contiguous and owned by the same person, the Town may authorize an exception.~~

**Motion**

If the Board of Trustees desires to approve AN ORDINANCE AMENDING GRAND LAKE MUNICIPAL CODE SECTION 10-1-6 (B) REGARDING WATER SERVICE LINES, it may do so by approving the following motions:

I Move to approve Ordinance 04-2023 AN ORDINANCE AMENDING GRAND LAKE MUNICIPAL CODE SECTION 10-1-6 (B) REGARDING WATER SERVICE LINES.

-Or-

I Move to approve Ordinance 04-2023 AN ORDINANCE AMENDING GRAND LAKE MUNICIPAL CODE SECTION 10-1-6 (B) REGARDING WATER SERVICE LINES with Following Changes \_\_\_\_\_):

**TOWN OF GRAND LAKE  
BOARD OF TRUSTEES  
ORDINANCE NO. 04-2023**

**AN ORDINANCE AMENDING GRAND LAKE MUNICIPAL CODE SECTION 10-1-6 (B)  
REGARDING WATER SERVICE LINES**

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

**WHEREAS**, the Town of Grand Lake has recently been faced with a shortage of housing, including long term housing; and

**WHEREAS**, Section 10-1-6(B) currently requires separate water service lines to each unit, but prohibits the extension of a water service line from one unit to another; and

**WHEREAS**, the Board believes Accessory Dwelling Units, as defined by Section 12-2-6 may serve as a possible option to increase housing availability in Town; and

**WHEREAS**, the Board encourages the promotion of long term housing within Grand Lake; and

**WHEREAS**, the Board desires to permit the extension of a water service line to an ADU upon proper application and payment of a Plant investment fee for the ADU; and

**WHEREAS**, the Board has determined that it is in the interest of the Town to amend Section 10-1-6(B) of the Code regarding extension of a water service line under certain conditions for an ADU.

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

1. The Board of Trustees hereby amends Section 10-1-6 (B) of the Municipal Code of the Town of Grand Lake with the removal of the ~~striketrough language~~ and the addition of the **bold underlined language** to read in its entirety as follows:

(B) *Separate Service Lines Required.* Each water using unit shall have a separate three-quarter (¾) inch (minimum) service line to the water system, a meter and a curb stop. No connection with the water system shall be made by extending the service line from one (1) water using unit to another. **An Accessory Dwelling Unit (ADU), as defined in Section 12-2-6, may connect to an existing water system by extending the service line from one water using unit to another upon (1) application, review, and approval pursuant to this Article and (2) payment of a separate and additional (3/4) inch Plant Investment Fee in accordance with the Town Fee Schedule, as amended from time to time.** ~~When two (2) or more water using units are contiguous and owned by the same person, the Town may authorize an exception.~~

2. 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 of the remaining portions of this Ordinance. The Board of Trustees 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.

3. Repeal: Existing Ordinances or parts of Ordinances covering the same matters as 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 taking effect of this Ordinance.

**INTRODUCED, PASSED AND ADOPTED AT A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF GRAND LAKE, COLORADO, THIS 10TH DAY OF April, 2023.**

Votes Approving: \_\_\_\_\_  
Votes Opposed: \_\_\_\_\_  
Absent: \_\_\_\_\_  
Abstained: \_\_\_\_\_

**ATTEST:**

**TOWN OF GRAND LAKE**

\_\_\_\_\_  
Alayna Carrell  
Town Clerk

By: \_\_\_\_\_  
Steve Kudron  
Mayor



April 10<sup>th</sup>, 2022

To: Mayor Kudron and Board of Trustees  
From: Caitrin Irish, Planning Technician

RE: **PUBLIC HEARING** Resolution 10-2023: Consideration of Approval for a Special Use Permit to Allow a Food Truck Business in a Temporary, Non-Fixed Structure on Property Located at Block 5, Lot 4-6, Subdivision Town of Grand Lake, also known as 1016 Grand Ave.



**Purpose**

The Town has received a special use permit (SUP) application from TruePenny Pitstop, LTD. to operate a food truck on occupied commercial lots 4-6 Block 3, Town of Grand Lake, more commonly known as 1016 Grand Avenue. This will be the second year in a row for this request and requires Board of Trustees review upon recommendation from



the Planning Commission. The primary landowner is Buck Blessing and has given his permission for the use.

**Background**

Blake Barbiche of TruePenny Pitstop LTD. has submitted a special use application to run a seasonal stationary food truck business at the 1016 Grand Ave. lot for the summer of 2023. The business received a Special Use Permit for the summer of 2022 without any complaints received by the Town. The applicant is requesting to renew the Special use permit for the 2023 season and extend it for a total of 3 seasons thereafter (2025)

**The parcel is zoned Commercial and, while the business is a use by right (*eating and drinking places; frozen food locker- M.C. 12-2-18 (A) 2*), because the business is being run at the same location as another business and is a non-fixed/ temporary structure, a Special Use Permit is required per Municipal Code 12-2-31. A Special Use permit will allow this use of a temporary structure for a maximum of six months with the option to have it annually reoccurring for up to three years.**

The Applicant’s proposed Special Use is a seasonal commercial business offering “nutritious, whole-food smoothies and smoothie bowls” known as TruePenny Pitstop LTD. The business would operate summer months only. The proposed days and hours of operation are Thursday-Sunday 10am-5pm, June through September. The truck will stay in the same location for the summer and not move each evening and will have a small sitting area and not run off a generator to limit noise.

The Applicant’s submission includes all required materials and supporting documentation:

- Application Main Form
- Cover letter detailing the business operation
- Narrative description of the nature of the Special Use
- Copy of Grand Lake Sales Tax License
- Letter from Owner stating a lease agreement is in place.
- Images of the proposed site and plan of the site
- Will obtain a current Town Business License.

Certified letters were sent to property owners within 200 feet of the site and Legal Notice was posted in the Sky-Hi News for the Board of Trustees public hearing on April 10<sup>th</sup>, 2023, no comments were received. 12 of 16 certified letters were delivered to the neighbors.

At the April 5<sup>th</sup>, 2023 Planning Commission hearing, the commissioners voted 5:0 with 1 abstention, to recommend the approval of the SpecialUse Permit for TruePenny Pitstop, LLC at 1016 Grand Ave. for one year. If the Board wishes to allow the permit for three years, the Commission has recommended that the applicant provide a letter from the landlord permitting the use for the same three years.



**Municipal Code**

**Municipal Code section 12-2-18 (A) Uses Permitted by Right Commercial District:**

*2. Amusement and/or recreational businesses other than those provided for in 12-2-18(A)8; automobile parking lot; ...; eating and drinking places; frozen food locker; offices...; said businesses being of a retail or service nature, and limited as set forth.*

**Municipal Code section 12-2-31 [Special and Conditional Use Regulations]**

*General SUP- A permit for the temporary use (six months or less) of private property.*

*(b) For Commercial/Mixed Use, the permit shall be utilized for the approval of proposed accessory uses, not incidental to the primary use of the property, or when there are two or more businesses present, with at least one business that is proposed to be located in a non-fixed structure, or a temporary facility; or when the total square footage of the unit/structure does not meet the minimum floor area for the zoning district where it is located.*

**2. Recommendation of Commission Approval or Conditional Approval:**

*(i) Upon adoption and transmittal of the Commission's Resolution, Town Staff shall set a date for a Public Hearing on the application before the Board of Trustees. At least fifteen (15) days prior to the scheduled date, Town Staff shall cause a legal notice to run in a local newspaper of general circulation advertising the time, date, and location of the SUP Public Hearing and certified letters to be mailed to all property owners within two hundred (200') feet of any portion of the property proposed for the SUP indicating the time, date, and location of the SUP Public Hearing.*

*(ii) Final action on the Special Use Permit is to be taken by the Board of Trustees at the Public Hearing; except that the Board may continue the Public Hearing to another time before taking final action.*

**Staff Comments**

Staff has the following comments regarding the applicant’s Special Use Permit request:

In making determination of a recommendation of approval or denial of the SUP application, the Commission considered the following factors:

- (i) Relationship of the proposed Special Use to the economic development objectives of the Town and the anticipated impact of the SUP on existing businesses.
- (ii) Effect upon traffic, with particular reference to congestion, automotive and pedestrian safety and convenience, traffic flow and control, access, maneuverability, and (if applicable) snow removal from the streets and parking areas.



(iii) Effect upon the character of the area in which the proposed Special Use is to be located, including the scale and bulk of the proposed Special Use in relation to surrounding uses and neighborhood.

(iv) Such other factors and criteria as the Commission deems applicable to the proposed Special Use including but not limited to: proposed length of use; specific businesses, land owners or other interested parties to be notified; or proposed conditions of SUP issuance.

***1. In the case of reoccurring applications, the Planning Commission may make a recommendation to the Town Board of Trustees for the Board’s approval of an annually reoccurring Special Use Permit not to exceed three years.***

**Public Hearing Process**

The public hearing should be conducted as follows:

1. Open the Public Hearing.
2. Allow staff to present the matter.
3. Allow the applicant to address the commission.
4. Take all public comment.
5. Close the Public Hearing.
6. Have Trustees discuss amongst themselves.
7. Trustees makes a motion.

**Recommended Motions:**

**I move to adopt Resolution 10-2023 as written**

**Or**

**I move to adopt Resolution 10-2023 with the following conditions:**

**- to allow this Special Use Permit as written for up to 3 more seasons (through 2025).**

**- \_\_\_\_\_.**

**Or**

**I move to deny Resolution 10-2023**



# Town of Grand Lake

## Planning Department

• P.O. Box 99 • 1026 Park Avenue • Grand Lake, CO 80447  
• Phone: 970-627-3435 • Fax: 970-627-9290  
• Email: [glplanning@townofgrandlake.com](mailto:glplanning@townofgrandlake.com) • Website: [townofgrandlake.com](http://townofgrandlake.com)

### SPECIAL USE PERMIT APPLICATION FORM

APPLICATION DEADLINE IS 90 DAYS PRIOR TO THE PROPOSED USE

#### PROPERTY LOCATION OF SPECIAL USE:

Street Address (or general location if not addressed): 10110 GRAND AVENUE  
Legal Description: Lot 4 Block 5 Subdivision TOWN OF GRAND LAKE  
Lot Area (in square feet or acres): 100 SQ FT STREETSIDE OF LOT 4  
Existing Use of Property: NONE / TRUEPENNY SET UP FROM LAST YEAR

#### APPLICANT INFORMATION:

TRUEPENNY PITSTOP LTD.  
Name: BLAKE BARBICHE Email: blake.barbiche@gmail.com  
Address: PO 2523 Phone: 908.500.1241  
City: GRANBY State: CO Zip: 80446 Fax: \_\_\_\_\_  
Contact Person (if not applicant): \_\_\_\_\_ Email: \_\_\_\_\_  
Address: \_\_\_\_\_ Phone: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ Fax: \_\_\_\_\_

#### PROPERTY OWNER INFORMATION: Is the applicant the property owner? YES NO

• Name: RIVER MOUNTAIN LLC Email: buck@gb85.com  
• Address: 260 N. JOSEPHINE ST. SUITE 200 Phone: 719.499.1234  
• City: DENVER State: CO Zip: 80206 Fax: \_\_\_\_\_  
• Address: \_\_\_\_\_ Phone: \_\_\_\_\_

#### REQUIRED INFORMATION CHECKLIST:

- Description of Proposed Use (including hours of operation, operating characteristics, anticipated impacts, and measures to make the use compatible with the surrounding properties)
- Site Plan (showing dimensions to existing and proposed features, locations of specific activities, proposed and existing signage, parking, ingress and egress points, traffic circulation, utilities, drainage features, and property lines)
- Copy of current Colorado Sales Tax License
- Copy of current Grand Lake Sales Tax License
- Copy of current Grand Lake Business License
- Agreement for Services
- \$250 application deposit
- Additional Information (other helpful information for review or if required by Town Staff)

#### AFFIDAVIT:

BY MY SIGNATURE, I attest that the information contained or attached to this Special Use Permit application is true and correct to the best of my knowledge. I further understand that submission of false or misleading information shall be sufficient cause for the Special Use Permit to be revoked immediately without notice or hearing.

Print Name: BLAKE BARBICHE  
Signed: [Signature] Date: 2/20/23

#### STAFF USE ONLY

Application Received By: \_\_\_\_\_ Date / Time: \_\_\_\_\_  
File Name: \_\_\_\_\_  
Fee Paid: \_\_\_\_\_ Amount: \_\_\_\_\_ Reimbursement Form Signed: \_\_\_\_\_

Section 11, Item C.

TRUEPENNY PITSTOP LTD

10000A 100V  
GRANDV. CO 90446

PAY TO THE

TRU PENNY PITSTOP LTD

CHECK NO.

100 Hundred Fifty 100



FOR

10000A 100V

⑈00 1044⑈ ⑆ 10 20000 2 1⑆ 103686 1864 1

## Description of Proposed Use

### Hours of operation:

Intent to operate June through September.  
 (Memorial Day weekend if weather permits)  
 Standard hours will be Thursday - Sunday 10am - 5pm.  
 Will open for holidays and events that fall outside of these days/hours.

### Operating characteristics:

Truepenny Pitstop serves nutritious, whole food smoothies and smoothie bowls. We do not use fruit concentrates or water our smoothies down with ice so that they may be a satisfying, balanced snack or light meal. We bake our own granola, and provide a unique and healthy assortment of toppings for smoothie bowls. Our menu is gluten free, with an abundance of options for nut-free, dairy-free, vegan and other dietary restrictions and preferences.

Another notable quality of the Pitstop is its prioritising of environmentally sustainable business practices. Smoothies, bowls and other treats are served in reusable containers, encouraging visitors to keep and reuse or return their vessels.

Being an 8' x 12' trailer, Truepenny provides "take away" window service, but this location will allow for a small seating area to be created so that visitors may enjoy their smoothies and snacks on site if they wish.

Logistically, electricity, water and other necessary utilities will be provided by Gifts Unlimited, just next door to the site.

### Anticipated impacts:

One of the most positive impacts of Truepenny Pitstop utilising this site for the summer of 2023 is that it will continue to invigorate the space which would otherwise be left unused.

Blake Barbiche will remain responsible for tending to and up-keeping the property as part of the lease agreement for the summer season.

The Pitstop was very well received last summer by locals and visitors. Most comments mentioned how nice it was to have at least a portion of the property be cleaned up and given a purpose. Many were also grateful to have a healthier drink/snack option available in town.

Dietary restrictions are abundant, and can cause travellers distress in trying to find restaurants that can accommodate. This gap in Grand County food and beverage is one that Truepenny strives to help fill. Our menu is unlike any other current businesses in town, and therefore will not conflict or detract, but rather contribute to the greater collective of what Grand Lake can offer its visitors.

As stated above, Truepenny is mindful of its waste and environmental impact. Since its switch to reusables for the 2021 season, the Pitstop has saved over 8,000 single use plastic cups and straws from landfill.

### Measures to make the use compatible with the surrounding properties:

As previously mentioned, Truepenny's menu and manner of operation does not impinge on any existing permanent businesses in Grand Lake. Visitors may enjoy a flow of energised spaces along the boardwalk, rather than skipping past a large vacant lot.

Because of the Pitstop's relationship with Gifts Unlimited, the trailer is able to go generator free, and thus, noise free, causing no disruption to surrounding businesses.



Truepenny had a successful first season at 1016 Grand Avenue, and was well received by visitors and locals alike. Most of the feedback was regarding the reinvigoration and use of the space itself. Folks were happy to see that the property had been given some love, and many with dietary restrictions and preferences were pleased to have a nourishing snack/light meal option in town. Having been at this location for a season now, we will be able to improve upon and refine what is already established on site in order to make it even more accommodating and enjoyable to guests of the business. Since summer, Truepenny's homemade granola has gained popularity and can now be found on menus and retail shelves across the county. So thank you for granting this permission last year. This location gave our little business a boost, and we had a great deal of fun too.



SITE -->  
BEFORE



Our power pup cups were a hit with the doggos!

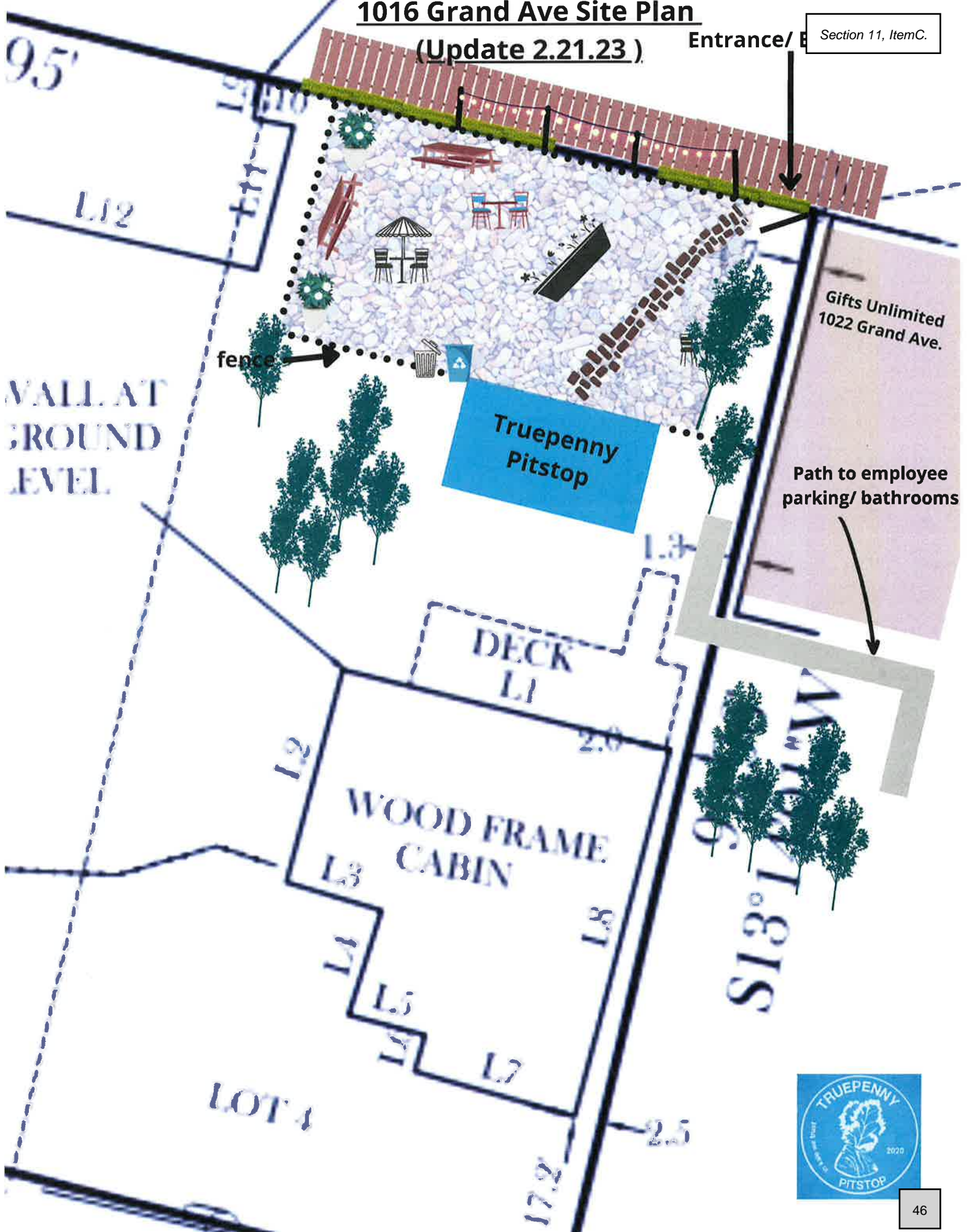
Many weekend mornings we hosted our pal Sierah the Daring to serenade the Pitstop on ukulele

# 1016 Grand Ave Site Plan

(Update 2.21.23)

Section 11, Item C.

Entrance/





DO NOT WRITE IN THESE SPACES. ANY INFORMATION ENTERED HERE WILL BE USED TO DETERMINE YOUR TAX LIABILITY. YOU MUST SIGN AND DATE THIS LICENSE IN THE PRESENCE OF A NOTARY PUBLIC.

DR 0140 (02/16/11)  
DEPARTMENT OF REVENUE  
DENVER CO 80261-0013

STATE COLORADO COUNTY GRAND

Must collect taxes for:

# SALES TAX LICENSE

|                                       |                       |      |               |                |                  |
|---------------------------------------|-----------------------|------|---------------|----------------|------------------|
| USE ACCOUNT NUMBER for all references | LIABILITY INFORMATION |      | ISSUE DATE    |                | LICENSE VALID TO |
| 94489133-0000                         | county                | city | industry type | liability date | DECEMBER 31      |
|                                       | 53-0206-010           | L    | 010121        | Dec 03 21      | 2023             |

THIS LICENSE MUST BE POSTED AT THE FOLLOWING LOCATION  
IN A CONSPICUOUS PLACE: 89 COUNTY ROAD 4056 GRANBY CO 80446

**THIS LICENSE IS NOT TRANSFERABLE**

TRUEPENNY PITSTOP LTD.  
89 COUNTY ROAD 4056  
GRANBY CO 80446



Executive Director  
Department of Revenue



Town of Grand Lake  
State of Colorado – County of Grand

License # NE100

Section 11, Item C.

2022 – 2023 Business License

LICENSE PERIOD: JULY 1, 2022, THROUGH JUNE 30, 2023

LICENSE TYPE – NON-FIXED \$82.50



PERMISSION IS HEREBY GRANTED TO:

**Truepenny Pitstop**  
**Smoothie Trailer**

To conduct business in the Town of Grand Lake, for the period of July 1, 2022, through June 30, 2023. The holder of this license is subject to all laws of the State of Colorado, and to all the Ordinances of the Town of Grand Lake, which are now, or may hereafter, be in force.



TOWN CLERK



DATE ISSUED

TOWN OF GRAND LAKE – P.O. BOX 99 – GRAND LAKE, CO 80447 – 970-627-3435



Town of Grand Lake

Sales Tax License # 10

2023 Sales Tax License

LICENSE PERIOD: JANUARY 1, 2023, THROUGH DECEMBER 31, 2023

PERMISSION IS HEREBY GRANTED TO:

**Truepenny Pitstop**



The holder, having complied with Ordinance No. 67, is duly authorized to conduct business in the Town of Grand Lake.



Grand Lake Town Clerk



Date Issued

**\*THIS LICENSE IS NOT TRANSFERABLE\***

*This License Must Be Posted in a Conspicuous Place*

TOWN OF GRAND LAKE – P.O. BOX 99 – GRAND LAKE, CO 80447 – 970-627-3435

**TOWN OF GRAND LAKE  
BOARD OF TRUSTEES  
RESOLUTION NO. 10-2023**

**A RESOLUTION APPROVING WITH CONDITIONS A SPECIAL USE PERMIT (SUP) TO ALLOW A COMMERCIAL USE ON PROPERTY LOCATED AT BLOCK 5, LOT 4-6, TOWN OF GRAND LAKE; MORE COMMONLY REFERRED TO AS 1016 GRAND AVENUE**

**WHEREAS**, the Town of Grand Lake (the “Town”) received a Special Use Permit (SUP) Application (the “Application”) from Blake Barbiche of TruePenny Pitstop LTD; (the “Applicant”); and

**WHEREAS**, Lots 4-6, Block 5, Town of Grand Lake (the “Property”) is zoned commercial; and

**WHEREAS**, the Property is owned by River Mountain LLC & Partners; and

**WHEREAS**, Municipal Code 12-2-31(A) General SUP states:

- 2. A [SUP] permit [is required] for the temporary use (six months or less) of private property.
- (b) For Commercial/Mixed Use, the permit shall be utilized for the approval of proposed accessory uses, not incidental to the primary use of the property, or when there are two or more business present, with at least one business that is proposed to be located in a non-fixed structure, or a temporary facility.....
- 3. At a Public Hearing, after receiving comment and testimony, the Commission shall make recommendation to the Board of Trustees in the form of a resolution.; and

**WHEREAS**, Municipal Code 12-2-18 (A) Uses Permitted by Right in a Commercial District states: eating and drinking places; frozen food locker; and

**WHEREAS**, the Applicant is requesting a temporary, non-fixed food/drink facility (the “Use”) on the Property; and

**WHEREAS**, the Commission reviewed the Application at a Public Hearing on April 5<sup>th</sup>, 2023; and

**WHEREAS**, the Commission considered the following factors when reviewing the Application:

- (i) Relationship of the proposed Special Use to the economic development objectives of the Town and the anticipated impact of the SUP on existing businesses.
  - (ii) Effect upon traffic, with particular reference to congestion, automotive and pedestrian safety and convenience, traffic flow and control, access, maneuverability, and (if applicable) snow removal from the streets and parking areas.
  - (iii) Effect upon the character of the area in which the proposed Special Use is to be located, including the scale and bulk of the proposed Special Use in relation to surrounding uses and neighborhood.
  - (iv) Such other factors and criteria as the Commission deems applicable to the proposed Special Use including but not limited to: proposed length of use; specific businesses; land owners or other interested parties to be notified; or proposed conditions of SUP issuance.
- and;

**WHEREAS**, the Planning Commission recommended approval of the Application for the Use on the Property, and;

**WHEREAS**, The Planning Commission has recommended approval of an annually reoccurring Special Use Permit not to exceed three (3) years,

**NOW THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF GRAND LAKE AS FOLLOWS:**

1. The proposed location of the Use is in accord with the purposes of this Chapter and the purposes of the Commercial District; and
2. The proposed location of the Use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, nor will the proposed use be materially injurious to nearby land uses, properties, or improvements.
3. The proposed Use will comply with all of the applicable provisions of the Code of Ordinances.
4. The Applicant shall comply with such terms and conditions as the Board of Trustees determines are necessary to carry out the letter and intent of the Special Use Permit process.
5. The Board of Trustees hereby grants the Special Use Permit for a temporary "Use" located on the Property subject to the following conditions:
  1. The hours of operation are 10 am to 5pm, four to five (4-5) days a week with the ability to increase hours upon request of staff.
  2. The SUP is valid beginning May 1<sup>st</sup> and shall expire on October 31st, 2023.
  3. The Applicant shall provide signage for TruePenny, such signage to be approved by the Town of Grand Lake.
  4. Any changes to this Special Use Permit shall be reviewed and approved by the Planning Commission and Board of Trustees.
  5. Review of this Special Use Permit may be warranted by the Commission and Board of Trustees, if two (2) or more written complaints are received by the Town in any six (6) month period.
  6. This SUP has a penalty clause included specifying a Fifty Dollar (\$50.00) per day fine for each and every day the business is out of compliance with the Date of this permit.
  7. The Applicant complies with all other federal, state, and local regulations.
  8. Failure to adhere to these conditions shall be cause for Town Staff to either suspend or revoke the SUP without notice or hearing.

**INTRODUCED, PASSED AND ADOPTED AT A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF GRAND LAKE AND SIGNED THIS 10<sup>TH</sup> DAY OF APRIL, 2023.**

( S E A L )

Votes Approving:  
Votes Opposed:  
Absent:  
Abstained:

**ATTEST:**

**BOARD OF TRUSTEES OF THE**

**TOWN OF GRAND LAKE, COLORADO**

\_\_\_\_\_  
Alayna Carrell, Town Clerk

By: \_\_\_\_\_  
Steve Kudron, Mayor

**TOWN OF GRAND LAKE, COLORADO**

**RESOLUTION NO. 11-2023**

**A RESOLUTION OF THE TOWN OF GRAND LAKE IN OPPOSITION TO STATEWIDE LAND USE AND ZONING PREEMPTIONS IN SENATE BILL 23-213**

**WHEREAS**, for a century, the State of Colorado has committed both in statute and in the state constitution to the local control of land use planning and zoning because local governments are closest to the land and to the people that occupy it;

**WHEREAS**, zoning and land use cannot be viewed separately from the impacts of proposed uses of land on surrounding properties and a community as a whole, including the ability to ensure adequate water and utilities; to provide enough public safety services, schools, and recreational services; to make sure that sufficient and safe infrastructure is available to handle increased population or more intense uses; to align development with the community’s economic goals; to prevent displacement of existing people; to preserve important historical sites; and to protect open space and the environment in general;

**WHEREAS**, Senate Bill 23-213 would place statewide mandates on local land use matters and substitute the judgment of local legislators with state regulators who lack the understanding needed to make the right decisions for our community;

**WHEREAS**, Senate Bill 23-213 will undermine long-range planning efforts and will severely limit our ability to maintain reasonable zoning regulations to ensure a high quality of life and sound economic environment for our current and future residents, workers, and business owners;

**WHEREAS**, Senate Bill 23-213 silences the voices of our residents by taking away the right to be heard at public hearings on zoning matters or to use their constitutional rights of initiative or referendum to address zoning and land use matters;

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

1. It is the position of the Town of Grand Lake that municipalities are best suited to determine appropriate zoning laws for their communities and that collaboration and cooperation – not top down statewide mandates and giveaways to special interests – are the solution to Colorado’s affordable housing problem;
2. The Town of Grand Lake opposes Senate Bill 23-213 and strongly urges its legislators to vote NO on this unprecedented and irresponsible preemption.

**INTRODUCED AND PASSED AT A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF GRAND LAKE ON THIS 10<sup>th</sup> DAY OF APRIL 2023.**

**ATTEST:**

**TOWN OF GRAND LAKE, COLORADO**

By: \_\_\_\_\_  
Alayna Carrell, Clerk

By: \_\_\_\_\_  
Steve Kudron, Mayor