

RECORD OF PROCEEDINGS

REGULAR MEETING  
TOWN OF GRAND LAKE BOARD OF TRUSTEES  
MONDAY, MARCH 10, 2014 7:30 P.M.

CALL TO ORDER: The regular meeting of the Board of Trustees was called to order by Mayor Judy Burke at 7:32 p.m. at the Town Hall, 1026 Park Avenue.

ROLL CALL  
PRESENT:

Mayor Burke; Trustees Gasner, Lanzi, Lewis, Ludwig, Peterson, and Weydert; Town Manager Hook, Town Clerk Kolinske, and Town Planner Biller.

ABSENT: None.

APPROVAL OF MINUTES

January 27, 2014: Trustee Lewis moved to approve the minutes of the January 27, 2014 regular meeting as written, seconded by Trustee Weydert. All Trustees voted aye except Trustee Peterson, who abstained.

ANNOUNCEMENTS:

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

Mayor Burke announced that the Kauffman House Museum will be open Saturday, March 15<sup>th</sup> and Sunday, March 16<sup>th</sup> from 1 – 4 p.m.

Mayor Burke announced that a “Giant Spaghetti Feast” to benefit the Grand Lake Fireworks will be held on Monday, March 17<sup>th</sup> at the Sagebrush BBQ and Grill beginning at 5 p.m. There will be live music, auction and a costume contest. Cost for the dinner is \$10.00 for adults and \$5.00 for children.

Mayor Burke then announced that the first day for walk in absentee voting at Town Hall for the April 1<sup>st</sup> Regular Municipal Election will be Friday, March 21<sup>st</sup>.

CONFLICTS OF  
INTEREST:

Mayor Burke stated that if there are any Trustees wishing to announce a conflict of interest with any items on this evening’s agenda, they should do so at this time.

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

At 7:34 p.m. Trustee Ludwig excused himself and left the room.

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF RENEWAL OF THE HOTEL

**AND RESTAURANT LIQUOR LICENSE FOR PANCHO & LEFTY'S, INC., D/B/A PANCHO AND LEFTY'S** – Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske reported that the fees have been paid and the renewal documents are in order. The water, business license, and sales tax accounts are all current. She noted that the Grand County Sheriff's Department reviewed their files and found no adverse information that would affect the status of the license. She then concluded by saying that Bob King, President/Treasurer, was present.

Trustee Peterson moved to approve the renewal of the Hotel and Restaurant Liquor License for Pancho & Lefty's, Inc., d/b/a Pancho and Lefty's. Trustee Lewis seconded the motion and all Trustees voted aye.

At 7:36 p.m. Trustee Ludwig resumed his seat.

OLD BUSINESS:

None.

NEW BUSINESS:

**CONSIDERATION TO ADOPT RESOLUTION NO. XX-2014; A RESOLUTION APPROVING THE FINAL PLAT FOR LEMMON LODGE, A REDEVELOPMENT OF THE LEMMON LODGE SUBDIVISION EXEMPTION AMENDING AND REPLATTING IN ITS ENTIRETY** – Mayor Burke asked Town Planner Biller to present this matter to the Board. Biller explained that the Town has received a Final Plat submittal for Lemmon Lodge which requires Board review. The Planning Commission has approved Final Plat by Resolution 02-2014. At a regular scheduled meeting held December 10, 2012, the Board may recall reviewing and approving the Preliminary Plat by Resolution No. 27-2012. Staff has reviewed the Final Plat and believes the redevelopment plat is now ready for Board approval and recording. The following outstanding items have been addressed by the applicant:

1. The Subdivision Improvements Agreement (SIA) outlines \$2760 in costs to construct the parking improvements. An executable SIA was a Planning Commission resolution requirement and is now ready for signature.
2. Cabin numbers required to meet fire department standards have been installed. The cabin numbers are included in the SIA.
3. The Town has received a deposit covering Town incurred costs to date. This was a condition of the Planning Commission resolution.
4. Four (4) cabins have outstanding water bills. The bills were due on Feb. 17<sup>th</sup> and the owners have been notified. Staff believes the bills will get paid, however it is a Municipal Code requirement to have all Town obligations paid.

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Staff feels comfortable with recommending approval of the Final Plat by adopting the resolution as presented. He noted that Bruce Howell was present.

Bruce Howell, 2 Windover Road, Greenwood Village, CO, President of the Homeowners Association and Ron Stern, 62510 US Highway 40, Granby, CO, Attorney representing Lemmon Lodge, were both recognized from the audience. Stern said that Bruce Howell expects 100% approval by the owners but it has been his experience that you cannot count on 100% approval for anything. He explained that he and Town Attorney Krob discussed this matter in the beginning of this process and what he and Krob agreed to in writing was, if there are any owners that do not approve, their lot must stay exactly the same as was originally platted and they get no changes or additional land. Stern said that if that were to happen they would have to come back before the Board.

Following discussion, Trustee Lewis moved to adopt Resolution No. 5-2014, a Resolution Approving the Final Plat for Lemmon Lodge, a Redevelopment of the Lemmon Lodge Subdivision Exemption Amending and Replatting in its Entirety, as presented. Trustee Weydert seconded the motion and all Trustees voted aye.

Stern thanked the Board for its approval and noted that now they have approval they will go to the owners and ask for their signatures. There are also other miscellaneous things that they need to do so he said that it is their understanding that the Town will withhold recordation of the plat until these matters are complete. Staff and Board Members all agreed.

NEW BUSINESS:

**CONSIDERATION TO AUTHORIZE THE TOWN PLANNER TO SUBMIT COMMENTS ON BEHALF OF THE TOWN OF GRAND LAKE TO THE GRAND COUNTY PLANNING DEPARTMENT REGARDING THE APPLEMAN OUTRIGHT EXEMPTION** – Mayor Burke asked Town Planner Biller to present this matter to the Board. Biller explained that the Town has been notified of an upcoming Grand County Board of Adjustment (BOA) variance request regarding the Appleman Outright Exemption Lot B; more commonly referred to as 2210 Grand Avenue. The variance request is to allow an existing boat house to remain on property that does not contain a single family dwelling. Considering the property abuts Town limits, staff believes the variance has an impact on the Town and has prepared comments for Board review. Staff would normally take this matter before the Planning Commission, however the Planning Commission does not meet until March 18 and the Grand County BOA will take action on March 12. Lot B is approximately 2 acres and composed of two (2) lots, Parcel A and Parcel B. The current owner is working with Grand County Planning Department to rectify a zoning violation. Several things have occurred

including the boathouse being built on the wrong parcel, but the County issued permits for both the boathouse (1999) and boat dock (2009). Additionally, Lot B has an old private covenant that limits the Lot to one-single family residence. However, the County has stated this covenant is not enforceable by Grand County. Grand County staff's recommendation is to legalize the Parcel B by granting a variance to allow a boathouse to remain without a single family dwelling. Staff believes if this was brought before the Town, the Town would require the applicant to create a lot line agreement for Parcel A and Parcel B, thus preventing the selling of Parcel B with only a boathouse and detached garage (accessory units) constructed on the parcel. Town staff has consulted with Grand County staff and they have indicated this would be creating another zoning violation by allowing one boathouse and a boat dock on one (1) parcel. Staff believes the intent of Town regulations is to prohibit only accessory uses on lots and encourage dwelling units as primary uses and accessory units as secondary uses. Staff believes a lot line agreement or a lot line vacation should be required in order to tie the accessory uses (boathouse and garage on Parcel B) to the primary use (single family residence on Parcel A). Staff recommends the Board authorize the Town Planner to submit written comment on behalf of the Town. The Board should discuss the Grand County variance request and the effects on the Town. The Board has the following options:

1. Authorize the Town Planner to submit written comment as presented; or
2. Authorize other comments to be submitted; or
3. Not authorize comments be submitted, thus not commenting on the Grand County variance request; or
4. Direct staff to hold a Planning Commission special meeting regarding the matter.

During discussion, Trustee Gasner acknowledged that the County is in error by not following up on a zoning violation but does not understand why the Town should send them a letter of support.

It was explained to Trustee Gasner that because of its location and the proximity to the Town, the Town has been given the opportunity to comment since the current owner is working with the Grand County Planning Department to rectify the violation so that the owner can sell the property.

Mayor Burke further explained that this is the Town's opportunity to let the Grand County Planning Department know what the Town would require if the property were located within the Grand Lake Town limits.

Following discussion, Trustee Lewis moved to authorize the Town Planner to submit written comment regarding the Appleman Outright

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Exemption request as presented. Trustee Weydert seconded the motion and all Trustees voted aye except Trustee Gasner, who voted nay.

ACCOUNTS PAYABLE

February, 2014:

Trustee Peterson moved to examine the Accounts Payable and Prepaid for all Funds for the Town of Grand Lake. Trustee Weydert seconded the motion and all Trustees voted aye. Trustee Peterson then moved to approve the Accounts Payable and Prepaid for all Funds for the Town of Grand Lake. Trustee Weydert seconded the motion and all Trustees voted aye.

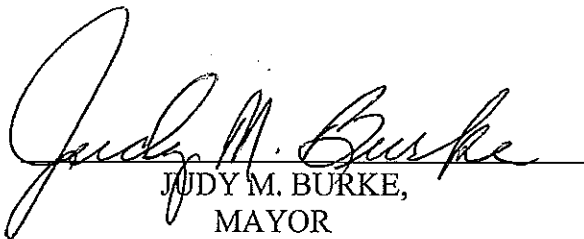
Prior to moving on to the next agenda item, Mayor Burke noted that this was Trustee Ludwig's last meeting since he will be on vacation for the remainder of his term so she thanked him for his service and presented him with a Gift Certificate to the business or businesses of his choice and a Certificate of Appreciation that read as follows:

IN APPRECIATION  
Tom Ludwig  
In recognition of 3+ years of devoted service  
to the  
TOWN OF GRAND LAKE  
as  
Trustee  
September 2010 to April 2014  
With gratitude and respect

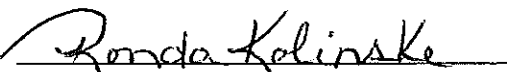
CITIZEN PARTICIPATION: None.

ADJOURNMENT:

Trustee Weydert moved to adjourn, seconded by Trustee Peterson. All Trustees voted aye, and the meeting was adjourned at 8:00 p.m., March 10, 2014.

  
JUDY M. BURKE,  
MAYOR

ATTEST:

  
RONDA KOLINSKE, CMC,  
TOWN CLERK