

RECORD OF PROCEEDINGS

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REGULAR MEETING  
TOWN OF GRAND LAKE BOARD OF TRUSTEES  
MONDAY, AUGUST 13, 2012 7:00 P.M.

CALL TO ORDER: The regular meeting of the Board of Trustees was called to order by Mayor Judy Burke at 7:08 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

June 25, 2012: Trustee Peterson moved to approve the minutes of the June 25, 2012 regular meeting as written. Trustee Lewis seconded the motion and all Trustees voted aye.

July 9, 2012: Not available.

July 23, 2012: Not available.

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

Mayor Burke then announced that Brews and Crews and Corvette Club Car Show, sponsored by the Grand Lake Chamber of Commerce will be held on Saturday, August 25<sup>th</sup>. Contact the Chamber for details.

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 7:10 p.m. Trustee Ludwig excused himself and left the room.

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF APPROVAL OF A SPECIAL EVENTS LIQUOR PERMIT FOR THE GRAND ARTS COUNCIL'S COWBOY CABARET – Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske explained that an application for a Special Events Liquor Permit has been received, with the appropriate state fee, proof of possession, certificate of good corporate standing, and floor diagram, from the Grand Arts Council. The request is to sell malt, vinous and spirituous liquor by the drink for consumption on the premises only. The requested date is Saturday, August 18, 2012 from 4:00 to 10:30 p.m. for a "Cowboy Cabaret"

fundraising event. The proposed location is the Grand Arts Center at 913 Park Avenue. Public notice was posted on the premises on July 26, 2012 and attested to by Grand County Sheriff Deputy Manley. The Grand County Sheriff's Department reviewed the application and found no adverse information which would affect this permit. She then noted that Jim Cervenka and Kathleen St. Clair were present on behalf of the Arts Council.

Trustee Peterson moved to approve the Special Events Liquor Permit for the Grand Arts Council's Cowboy Cabaret. Trustee Lewis seconded the motion, and all Trustees voted aye.

At 7:12 p.m. Trustee Ludwig resumed his seat.

OLD BUSINESS:

**WINDY GAP 1041 PERMIT APPLICATION: TOWN OF GRAND LAKE'S WRITTEN COMMENTS** – Mayor Burke asked Town Manager Hook to present this matter to the Board. Hook explained that on August 1 and 2, 2012, the Grand County Board of County Commissioners, as the permitting authority, held a public hearing regarding the 1041 permit application of the Municipal Subdistrict of the Northern Colorado Water Conservancy District for the Windy Gap Firing Project. He said that at the meeting held on July 23, the Board of Trustees authorized him and Mayor Burke to provide comment to the Board of County Commissioners on the Windy Gap Firing Project at that public hearing. He provided the Board with a copy of the comment letter that Mayor Burke read into the record as testimony. Additionally, the hardcopy was submitted as evidence into the record of the proceedings. Additionally, there was a point during the public hearing when questions from interested parties were asked of the applicant and Grand County staff. Hook said that he took the liberty to ask a number of questions related to issues of interest to the Town of Grand Lake. Copies of those questions and his notes of the answers were also provided to the Board. Also provided was a copy of the detailed agenda for the public hearing. It was well attended by municipalities, state agencies, ranchers, members of the public and special interest/advocacy groups. Both days were long and intense. Large amounts of detailed discussion on the issues were held during the course of the proceedings. The BOCC asked lots of questions of Grand County staff, the applicant and those presenting testimony and evidence. Overall, he said that all interested parties got to 'say their peace'. The BOCC closed the public hearing at the end of the day on August 2 and will begin deliberations on August 21. All deliberations will be held in public meetings. Deliberations may be continued to other dates as the BOCC may deem necessary. They have up to 120 days from August 2 to complete deliberations and render a decision on the application. No action by the Board of Trustees is required at this time. Staff will keep the Board posted on deliberations and decisions by the BOCC regarding the application for the Windy Gap Firing Project.

NEW BUSINESS:

**CONSIDERATION TO EXTEND A COMPLIANCE DEADLINE FOR ORDINANCE NO. 18-2011, AN ORDINANCE REPEALING AND**

**REPLACING ORDINANCE NO. 15-2011, AN ORDINANCE GRANTING AN EASEMENT FOR THE ENCROACHMENT INTO THE ELLSWORTH AVENUE PUBLIC RIGHTS OF WAY OF CERTAIN EXISTING ENCROACHMENTS ON THE ELLSWORTH AVENUE RIGHTS OF WAY AND LOTS 1-5, CAIRNS ADDITION TO GRAND LAKE** – Mayor Burke asked Town Planner Biller to present this matter to the Board. Biller explained that a representative for the Heckendorf property located at Cairns Additions Lots 1-5; more commonly referred to as 846 Lake Avenue has requested an extension on the compliancy deadline for Ordinance 18-2011. The most current ordinance is for three (3) encroachments within the Ellsworth Avenue right of way which are as follows: a guest house, a garage, and a stone wall fence which is depicted in Exhibit A of the ordinance. The easement for these encroachments, as outlined in the ordinance part A, B, and C, is contingent on the following items:

1. Demolition of the carport and covered walkway by 11/15/11 and is complete.
2. Repair of the wall by 11/15/11 and appears incomplete.
3. Rehabilitation of the garage by 10/15/12 and appears incomplete.
4. Restoration of the cabin by 10/15/12 and appears complete.
5. Restoration of the log rails of the wall by 10/15/12 and appears incomplete.
6. Removal of all other fencing in the right of way by 10/15/12 and appears incomplete.

The Board had concerns over the stone wall in previous board meetings. In short, the original ordinance, 15-2011, excluded the stone wall but was repealed and replaced by the most current ordinance, 18-2011, to include the stone wall. The easement for the stone wall is non-perpetual and can be revoked at the Board's discretion. The Grand County Building Dept. deemed a boathouse on the property a dangerous building in 2005. The boathouse was declared a nuisance by this Board on 7/23/07 and ordered it to be repaired or removed. The property was issued a summons for debris violations in Grand Lake on 5/21/08. The boathouse demolition permit was closed by the Grand County Building Dept. on 7/1/08. The property owner was contacted by staff on 7/16/12 as to the forthcoming deadline. Staff, along with the Grand County Building Dept. observed unpermitted building improvements on the property residence on 8/2/12. The house on the property has a new deck constructed in recent months without a building permit. It is possible that interior improvements have also been taking place without valid permits. Staff, along with the Grand County Building Dept. observed debris, as well as severely dilapidated boathouse supports still in the waters of Grand Lake on 8/2/12. On 7/17/12 staff received a complaint concerning building debris, specifically insulation and plastic being blown onto surrounding property. In staff's opinion, only two out of the six ordinance requirements have been met thus far. The first is the completed demolition of the carport and covered walkway. The second is the rehabilitation of the cabin, which appears to be complete. The garage is in need of immediate repair. The main concern is the roof,

which contains many holes and appears to be deteriorating rapidly. The Building Department has been consulted concerning the overall integrity of the structure. They suggest at a minimum, the roof be repaired for the time being. Staff has concerns with construction being conducted on the property without permits. The boathouse, which is not a part of this ordinance, is another example of property maintenance issues. In conversations with the building department, the beams left in the lake after demolition, were left there for rebuilding purposes. Since 2008, no work has been done to rebuild the boathouse. Staff recommends if no reasonable time frame for rebuilding the boathouse is expected, then removing the rest of the structure should be done in order to protect the health, safety, and welfare of Grand Lake. Staff has concerns with the overall condition of the property. The Board should discuss what requirements of the ordinance have been met and what requirements, if any, are allowed to be extended. If the Board finds the boathouse, unpermitted work, and complaint pertinent, the Board may want to discuss these issues. The Board has the following options:

- Deny a deadline extension request to Ordinance 18-2011.
- Direct staff to prepare a new ordinance to repeal and replace Ordinance 18-2011.

If a new ordinance is required, the Board should determine the following:

- The new date of completion.

If a new ordinance is required, the Board should consider including the following:

- Penalties for non-compliance
- Addressing the boathouse issues by making it a requirement.

Billier noted that Pat Ryan, the Heckendorf's representative, was present.

Pat Ryan, 581 County Road 4115, was recognized from the audience. He spoke of the need to extend the completion date to rehabilitate the garage due to the expense of rehabilitation or to possibly be allowed to demolish it.

Following discussion, Trustee Peterson moved to amend Ordinance No. 18-2011 to include demolition of the garage as well as rehabilitation. All other conditions remain the same including the October 15, 2012 deadline. Trustee Lanzi seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION OF RESOLUTION NO. XX-2012, A RESOLUTION REPEALING AND REPLACING RESOLUTIONS 14-2012 AND 17-2012 AND RESCINDING SPECIAL FIRE RESTRICTIONS WITHIN THE TOWN OF GRAND LAKE** – Mayor Burke asked Town Manager Hook to present this matter to the Board. Hook explained that the Town of Grand Lake Municipal Code 2-2-9 authorizes the Mayor or Town Manager to implement or rescind a ban on open fires and fireworks. Additionally, the code requires that any fire ban action undertaken by the Mayor or Town Manager be reviewed by the Board of Trustees at the next regularly scheduled meeting for ratification or modification. On July 24, 2012, staff partially rescinded the special

restrictions in place on open fires and the use of fireworks within the Town limits. The relaxing of the Grand Lake fire ban came after consulting with Mayor Burke on similar relaxed special restrictions issued by the Board of County Commissioners on July 24, 2012. On August 8, 2012, staff fully rescinded the special restrictions in place on open fires and the use of fireworks within the Town limits. As a result, only standard, year-round restrictions are now in effect. The elimination of all special restrictions came after consulting with Mayor Burke on a similar action issued by the Board of County Commissioners on August 7, 2012. Staff recommends adoption of the draft resolution.

Trustee Peterson moved to adopt Resolution No. 18-2012, a Resolution Repealing and Replacing Resolutions 14-2012 and 17-2012 and Rescinding Special Fire Restrictions Within the Town of Grand Lake. Trustee Lewis seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION TO RATIFY THE STAFF APPROVAL OF A SPECIAL EVENT PERMIT REQUEST FOR THE LOADING OF FIREWORKS ONTO ONE BARGE AT THE EAST INLET** - Mayor Burke asked Town Manager Hook to present this matter to the Board. Hook explained that the Town is in possession of a Special Event Permit (SEP) Application submitted by the Grand Lake Fireworks Organization, Inc. related to the small, approx. 5 minutes, fireworks display planned by the Grand Lake Yacht Club for August 11 in conjunction with the Commodore's Ball and the 100<sup>th</sup> anniversary of their clubhouse. This SEP Application addresses only the loading of the fireworks onto one barge from the East Inlet boat ramp area. As a reminder, the Town of Grand Lake does not exercise jurisdiction over activities on the lake. Doris Braun, a representative of the Grand Lake Fireworks Organization, Inc. approached staff a number of weeks ago regarding the interest of the Grand Lake Yacht Club in conducting a fireworks display. Given the fact that a fire ban was in effect and the Grand Lake 4<sup>th</sup> of July fireworks display had been canceled, there seemed no way that the necessary approvals would be obtained. Once the Grand County and Grand Lake fire bans were lifted earlier this week, a window of opportunity emerged so that the necessary approvals could be obtained. Staff coordinated with Mayor Burke, Sheriff Johnson and Chief Long regarding the application. No permit from Grand County is required now that the Governor's fire ban and the Grand County fire ban have been lifted. Sheriff Johnson and Chief Long had no objections to the event. Chief Long committed to making his staff and the fire boat available during the loading and shooting process. Staff used prior permits for the 4<sup>th</sup> of July fireworks event as a model to follow for developing this permit, incorporating new requirements as appropriate. The permit was issued on August 10, 2012. The Grand Lake Municipal Code allows the Mayor or her designee to approve an SEP in most situations. There are some circumstances in which an SEP must be referred to the Board of Trustees for approval. Staff would normally take a conservative approach and bring even

border line situations to the Board for consideration. Staff elected to not do so with this SEP because:

- the permit is limited to the loading of the fireworks on Town controlled property; this is not the first time that loading fireworks on Town controlled property has happened; it is the first time that fireworks have been loaded on Town controlled property in conjunction with a Yacht Club event
- there was no Board of Trustees meeting schedule between the time the application was submitted and the event date
- staff did not want to be bureaucratic about time constraints and give the appearance of obstructing the occurrence of a special event

As a courtesy, staff did seek informal feedback from individual Board members about their concerns or objections to the application. All concerns expressed had already been addressed by the applicant. There were no objections to allowing the fireworks loading to occur as proposed in the application. This Special Event Permit Application is being referred to the Board of Trustees for ratification to fulfill the usual practice of bringing border line cases to your attention on the record. Staff recommends ratification.

Trustee Weydert moved to ratify the permit approval issued by staff for the loading of fireworks onto one barge at the East Inlet boat ramp area in conjunction with the Yacht Club event on August 11, 2012. Trustee Peterson seconded the motion and all Trustees voted aye.

**ACCOUNTS PAYABLE**

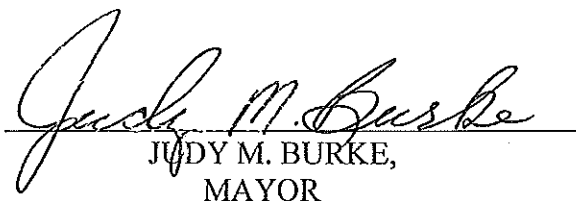
July, 2012:

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

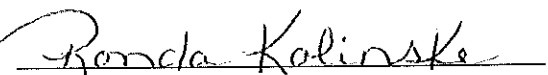
CITIZEN PARTICIPATION: None.

ADJOURNMENT:

Trustee Peterson moved to adjourn, seconded by Trustee Weydert. All Trustees voted aye, and the meeting was adjourned at 7:28 p.m., August 13, 2012.

  
JUDY M. BURKE,  
MAYOR

ATTEST:

  
RONDA KOLINSKE, CMC,  
TOWN CLERK