

RECORD OF PROCEEDINGS

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REGULAR MEETING  
TOWN OF GRAND LAKE BOARD OF TRUSTEES  
MONDAY, JULY 25, 2016 7:30 P.M.

CALL TO ORDER: The regular meeting of the Board of Trustees was called to order by Mayor Jim Peterson at 7:30 p.m. at the Town Hall, 1026 Park Avenue.

PLEDGE OF ALLEGIANCE: Mayor Peterson led everyone in reciting the Pledge of Allegiance.

ROLL CALL PRESENT: Mayor Peterson; Trustees Gasner, Goodfellow, Jenkins, Kudron, Lewis, and Sabo; Town Manager White, Town Clerk Nicholls, Town Attorney Krob, Town Planner Biller and Town Code Administrator Rendon.

ABSENT: None.

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

Mayor Peterson announced that a sign-in sheet is located by the door and to please sign in before leaving.

Mayor Peterson announced that the Grand Lake Yacht Club Regatta will be held July 30th – August 8th.

Mayor Peterson announced that on August 1<sup>st</sup> the Community Church of the Rockies will present a movie and food sales at the Community House to benefit Eagle's Nest Wilderness Ranch.

Mayor Peterson then announced that on August 6<sup>th</sup> and 7<sup>th</sup> an Arts and Craft Fair will be held in the Town Square Park; an Adventure Race will be using the town streets; and a pie sale will be held at the Heckert Pavilion starting at 8AM on August 6<sup>th</sup>.

CONFLICTS OF INTEREST: Mayor Peterson 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 Jenkins announced that she had a conflict with two of the Local Liquor Licensing issues as her family holds an interest in the license for the Gateway Inn.

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Trustee Kudron and Trustee Goodfellow announced that they had a conflict with the Special Event Liquor Permit for the Rotary Club of Grand Lake due to Rotary membership.

UNSCHEDULED  
PUBLIC COMMENTS:

Mayor Peterson announced that this time is reserved for members of the public to make a presentation to the Board on items or issues that are not scheduled on the agenda. The Board will not discuss/debate these items, nor will the Board make any decisions on items presented during this time, rather, the Board will refer the items to staff for follow up. He then asked if there were any unscheduled public comments and noted that comments are limited to 3 minutes.

Stephen Wall, 12692 U.S. Highway 34, was recognized by the Chair. She stated that she felt the developer building on the lots for the old Arts Council Building should be encouraged by the Town to build multi-family affordable housing instead of single family residences.

SCHEDULED  
PRESENTATIONS/  
DELEGATIONS:

None.

CONSENT AGENDA:

Mayor Peterson introduced the Consent Agenda which contained the following: Minutes from the July 11, 2016.

Trustee Gasner moved to approve the Consent Agenda as presented. Trustee Lewis seconded the motion and all Trustees voted aye.

REPORTS: SALES TAX  
CASH FLOW REPORT  
FOR JUNE 2016:

Mayor Peterson asked Financial Trustee Goodfellow to present the sales tax cash flow report. Goodfellow reported that the amount of revenue received in June 2016 for the month of May was \$57,188 or \$218,249 year-to-date. This amount was a 0.03% decrease from what was received through May 2015.

REPORTS: FINANCIAL  
REPORT FOR  
JUNE 2016:

Mayor Peterson asked Financial Trustee Goodfellow to present the Financial Report for June 2016. Goodfellow reported that the General Fund expenditures through the end of June totaled \$711,290.45 or 24.8% of budget. He said the Water Fund expenditures for the same period totaled \$282,565.17 or 34.2% of budget, the Marina Fund expenditures totaled \$65,767.96 or

30.5% of budget and the PAYT Fund expenditures totaled \$8,089.45 or 21% of budget.

Trustee Gasner asked that the Grand Lake Center be added to the Financial Report. After a brief discussion Mayor Peterson directed Town Staff to include the Grand Lake Center in the next Financial Report.

**LIQUOR LICENSING AUTHORITY: CONSIDERATION OF A SPECIAL EVENT LIQUOR PERMIT APPLICATION FROM THE GRAND ARTS COUNCIL FOR A "NIGHT IN MOROCCO SHOW" EVENT**

– Mayor Peterson asked Town Clerk Nicholls to present this matter to the Board. Nicholls reported that an application for a Special Events Liquor Permit has been received, with the appropriate state fee, 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 for their Night in Morocco Show to be held Saturday, September 10, 2016 from 4:00 p.m. to 11:00 p.m. The proposed location is the Community House at 1025 Grand Avenue. Public notice was posted on the premises on July 12, 2016 and attested to by Grand Lake's Code Administrator, Tony Rendon. The Grand County Sheriff's Department reviewed the application and found no adverse information which would affect this permit. She stated that the Board must investigate the application and must deny the permit if its issuance would injure the public welfare by reason of the nature of location of the special event, or failure of the applicant to conduct past special events in compliance with applicable laws and regulations. Nicholls then noted that Cathy Walton-Smith, Vice President, was present.

Trustee Lewis moved to approve the Special Events Liquor Permit Application from the Grand Arts Council for a Night in Morocco Show to be held Saturday, September 10, 2016 from 4:00 p.m. to 11:00 p.m. Trustee Jenkins seconded the motion and all Trustees voted aye.

At 7:38 p.m. Trustees Jenkins excused herself and sat in the audience.

**LIQUOR LICENSING AUTHORITY: CONSIDERATION OF A TRANSFER OF OWNERSHIP APPLICATION FOR THE HOTEL & RESTAURANT LIQUOR LICENSE FROM LEGS, INC., D/B/A EG'S TO TRIFECTA MK&K, D/B/A PINE RESTAURANT & BAR**

– Mayor Peterson asked Town Clerk Nicholls to present this matter to the Board. Nicholls reported that the Town has received a Transfer of Ownership Application for the Hotel & Restaurant Liquor License from LEGS, Inc., d/b/a EG's at

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1000 Grand Avenue to Trifecta MK&K, d/b/a Pine Restaurant and Bar. Pine Restaurant and Bar has been operating under a Temporary Transfer Permit issued by the Town Clerk. The fees have been paid and all the proper application documents have been completed. A letter has been received from the Grand County Sheriff's Department which states that they have found no adverse information that would affect the transfer of the license. Town Attorney Krob has reviewed the application documents and is satisfied. The Grand Lake Water Department reports the account is paid by its landlord T & S Lorens LLC and is paid in full thru the second quarter of 2016 and is considered current. Pine Restaurant and Bar has a current Town Business License. Pine Restaurant and Bar opened its doors in May 2016, and therefore the Town will not have access to their sales tax filings until mid-July. For a liquor license transfer, the Board may chose to hold a public hearing, or it may approve the transfer without a public hearing. If the Board chooses to hold a public hearing, notice of the hearing must be posted at least 10 days before the hearing. In that case, the Board's action this evening could be to set a public hearing for August 8, 2016. No publication of the notice of the public hearing is required by statute. In the most recent liquor license transfers the Board has chosen to approve the transfers without conducting public hearings. She noted that Kristen L. Norberg, Konstantin O. Bereczki and Morgan L. Colin, owners, were in the audience.

Trustee Lewis moved to approve the transfer of ownership for the Hotel & Restaurant Liquor License from LEGS, Inc., d/b/a EG's to Trifecta MK&K, LLC, d/b/a Pine Restaurant and Bar. Trustee Gasner seconded the motion and all Trustees voted aye.

**LIQUOR LICENSING AUTHORITY: CONSIDERATION TO SET A SHOW CAUSE HEARING REGARDING THE TAVERN LIQUOR LICENSE ISSUED TO GRUMPY'S SALOON, INC. D/B/A GRUMPY'S SALOON** – Mayor Peterson asked Town Clerk Nicholls to present this matter to the Board. Nicholls stated that Grumpy's Saloon, Inc. d/b/a Grumpy's Saloon completed an unauthorized modification to premise at 913 Grand Avenue. The Colorado Department of Revenue Liquor Licensing Authority requires approval of any modifications by both the Local and State Liquor Licensing Authorities prior to any modification. Inspection of the premise and a discussion with Dustin Barnes, President and Registered Manager, confirmed premise modifications to the bar area. Colorado Liquor Rules Regulation 47-302 Changing, Altering or Modifying Licensed Premises requires that no modifications of the licensed premise shall be made without application and approval of the local and state licensing authorities. Proposed changes to a premise are required to be in compliance with local building and zoning laws. Discussions with

Town Planner Joe Biller and Grand County Community Development Director Bill Gray revealed that no Building Permit was issued for the modification completed, and several open building permits with both Grand County and the Town of Grand Lake prevent any new permit issuance until the open permits are closed out. Any alteration of a premise requires a building permit application per Town of Grand Lake Municipal Code: Chapter 9: Article 1: General Provisions, therefore the premise is not within compliance as is required per Colorado Liquor Rules Regulation 47-302 (B). Under the advisement of Town Attorney Scott Krob the matter is being brought to the Board of Trustees, acting as the Local Liquor Licensing Authority, to decide whether to set this matter for a hearing to determine whether Grumpy's Saloon's Tavern Liquor License should be suspended or revoked. The Board can take one of two actions: set this matter for a Show Cause Hearing to be held on August 22, 2016 or September 12, 2016, to determine whether the license should be suspended or revoked or decide to not have a Show Cause Hearing. She concluded by stating this is a quasi-judicial matter. Therefore, other than to decide whether the nature of the alleged violations are sufficient to warrant a Show Cause Hearing, the Board should refrain from discussing the validity or merits of the allegations, any of the facts that may or may not be involved in the matter, or any possible penalties the Board may impose if it concludes the violations have occurred.

Town Attorney Krob stated that if the Board decides to set a show cause hearing the two issues to be addressed would be if they violated the code and if they did what penalties to impose.

Trustee Gasner moved to set a Show Cause Hearing for September 12, 2016 regarding the Tavern Liquor License issued to Grumpy's Saloon, Inc. d/b/a Grumpy's Saloon. Trustee Lewis seconded the motion and all Trustees voted aye.

At 7:46 p.m. Trustees Goodfellow and Kudron sat in the audience and Trustee Jenkins returned to her seat.

LIQUOR LICENSING AUTHORITY

SPECIAL EVENT PERMITS: **CONSIDERATION OF A SPECIAL EVENT LIQUOR PERMIT APPLICATION AND SPECIAL EVENT PERMIT FOR ROTARY CLUB OF GRAND LAKE FOR THEIR "GRAND LAKE CENTER FUNDRAISER PIG ROAST" EVENT** – Mayor Peterson asked Town Clerk Nicholls to present this matter to the Board. Nicholls reported that an application for a Special Events Liquor Permit has been received, with the appropriate state fee, certificate of good corporate standing, and floor diagram, from the Rotary Club of Grand Lake. The request is

to sell malt, vinous and spirituous liquor by the drink for consumption on the premises only for their "Grand Lake Center Fundraiser Pig Roast" to be held Sunday, August 14, 2016 from 3:00 p.m. to 8:00 p.m. The proposed location is the Grand Lake Center at 301 Marina Drive. Public notice was posted on the premises on July 14, 2016 and attested to by Grand Lake's Code Administrator, Tony Rendon. The Grand County Sheriff's Department reviewed the application and found no adverse information which would affect this permit. She stated that the Board must investigate the application and must deny the permit if its issuance would injure the public welfare by reason of the nature of location of the special event, or failure of the applicant to conduct past special events in compliance with applicable laws and regulations. Nicholls then noted that Code Administrator Rendon, would be presenting the Special Event Permit Application.

Town Code Administrator Rendon stated that on July 14, 2016, the Town of Grand Lake received a Special Event Permit Application from the Grand Lake Rotary to conduct a Pig Roast Fundraiser to benefit the Grand Lake Center to be held at the Grand Lake Center on Sunday, August 14th, 2016, from 2:00 p.m. until 8:00 p.m. Clean up will take place on Monday, August 15th, 2016, from 8:00 a.m. until 10:00 a.m. The Grand Lake Rotary is a non-profit organization and the proceeds from the Event will benefit the Town of Grand Lake Grand Lake Center. Staff believes that this event is not in conflict with the consideration factors listed in Town of Grand Lake Municipal Code, Chapter 11, Article 6, Section 3.A.3 - Special Event Permit Application Review and Approval and should be a successful event for the Town of Grand Lake and the Applicant. He concluded by stating Michael Long was present.

Michael Long, 255 Tonahutu Drive was recognized by the Chair. He stated that a group of citizens purchased a pig roast and live music at a previous event. They asked the Rotary to help them pay it forward to benefit the Grand Lake Center. The event will help bring more exposure to the Grand Lake Center. He stated that all the money from the pig roast and liquor will go towards the benefit of the Grand Lake Center and requested that the Board consider waiving the liquor licensing permit fee.

After a brief discussion Trustee Lewis moved to approve the Special Event Permit and the Liquor License Application for the Grand Lake Rotary Pig Roast Fundraiser, and authorize Mayor Peterson to sign the Special Event Permit upon confirmation from Staff that all other application requirements have been met and the Special Event Permit is ready for signature and waive the

\$75.00 Liquor Licensing Fee. Trustee Gasner seconded the motion and all Trustees voted aye.

Trustees Goodfellow and Kudron resumed their seats at 7:53 p.m.

OLD BUSINESS:

None.

NEW BUSINESS:

**QUASI-JUDICIAL – CONSIDERATION to grant variance to Municipal Code 12-2-29(A) Stream and Lake Setbacks for a structure located at Block 14, Grand Lake Estates 2nd Filing; more commonly referred to as 700 Lake Avenue #9** – Mayor Peterson asked Town Planner Biller to present this matter to the Board. Biller stated The Town has received a variance request to the 30' shoreline setback of Shadow Mountain Lake. The request is to keep an existing deck (≈215 s.f.) that was torn down and rebuilt in the setback without an approved building permit. The applicant is Brian and Kathleen Moran, owners of Unit #9. The Planning Commission has forwarded a favorable recommendation by Resolution 10-2016 with conditions. In 2007, the Planning Commission reviewed a planned development application for Block 14, GLE 2nd which was called the Shadow Mountain Recreation Park. The Commission recommended the planned development proceed with preliminary plat. The planned development has not moved forward since 2007. The Board of Trustees granted an Encroachment License for Unit #6 by Resolution 1-2016. The Planning Commission granted a change to a non-conforming structure by Resolution 23-2015 (Unit #6). The Board of Adjustment denied a variance application to expand the existing mobile home square footage (Unit #10) in 2006. The Board of Adjustment granted a variance application to expand the existing mobile home square footage (Unit #15) in 2005. The Board of Adjustment granted a variance application to expand an existing mobile home square footage (Unit #13) in 2002. The Contractor, prior to construction, discussed with Town Staff the requirement of a building permit for replacement of the deck boards for an existing at grade deck. Staff told the contractor a building permit was not required for maintenance repairs for an at grade structure. The Grand County Building Department issued the contractor a building permit to replace the surface decking. Town Staff conducted a site visit on May 23, 2016, determining the contractor had conducted work outside of what was discussed with Town Staff and outside of the approved county permit. Subsequently, the contractor has submitted a building permit application for the improvements already conducted. Staff has reviewed the building permit application and has concern about the work being conducted is located on the Grand Lake Estates Homeowners Association property. Staff recommends the Board adopt the draft resolution as presented, which grants variance to

the 30' shoreline setback with the following conditions: the Applicant obtains an approved Building Permit for the Property; obtains approval from the Shadow Mountain Lake Recreation Park Board of Directors; obtain approval from the Grand Lake Estates Homeowners Association; the Applicant has one year to comply with all the conditions and requirements above or this authorization shall become null and void; and, complies with all other federal, state, and local regulations. The Board should first determine if a Public Hearing is required, if the Board determines a Public hearing is not necessary the Board should take action as appropriate. He concluded by stating Brian and Kathleen Moran were present.

Brian and Kathleen Moran, 700 Lakefront Avenue #9, were recognized by the Chair. Mr. Moran stated that the deck has been there since 1997 and one prior to that. During a repair of the deck it was noted that the deck was dry rotted, so he instructed the contractor to replace it. Once he realized that the permit did not cover the replacement he went into Town Hall and discussed the matter with Town Planner Biller and Town Code Administrator Rendon and began the process of remedying the situation. He concluded that they believe they have addressed all the Staff recommendations.

Trustee Jenkins moved to approve Resolution 13-2016, a Resolution recommending to grant a variance to the thirty foot setback for a structure located at Block 14, Grand Lake Estates 2nd Filing; more commonly referred to as 700 Lake Avenue #9. Trustee Lewis seconded the motion and all Trustees voted aye except Mayor Peterson who abstained.

NEW BUSINESS:

**CONSIDERATION TO ADOPT ORDINANCE 09-2016; AN ORDINANCE AMENDING CHAPTER 12 ARTICLE 1 OF THE GRAND LAKE MUNICIPAL CODE REGARDING MEMBERSHIP OF THE PLANNING COMMISSION –** Mayor Peterson asked Town Attorney Krob to present this matter to the Board. Krob stated the ordinance would amend the Planning Commission structure so that it is no longer comprised in part by members of the Board of Trustees. Members of the Board of Trustees would be prohibited from serving on the Planning Commission. There would still be one crossover remaining between the Planning Commission and the Board of Adjustment, but it is authorized by statute.

After discussion Trustee Lewis moved to adopt Ordinance 09-2016, an ordinance amending Chapter 12 Article 1 of the Grand Lake Municipal Code regarding membership of the Planning



Commission. Trustee Jenkins seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION OF A SPECIAL EVENT PERMIT FOR GRAND LAKE FIRE PROTECTION DISTRICT FOR THEIR "FILL THE BOOT" EVENT** – Mayor Peterson asked Town Code Administrator Rendon to present this matter to the Board. Rendon stated Staff is in possession of a Special Event Permit Application submitted by the Grand Lake Fire Protection District to conduct a "Fill the Boot" Event. All proceeds collected from the Event will be donated to the Muscular Dystrophy Association. The Event is proposed to be held at the intersection of Grand Avenue and Garfield Street in the Town of Grand Lake starting on September 2, 2016, through September 5, 2016, from 11:00 a.m. until 7:00 p.m. Because this is a first time event, action by the Town of Grand Lake Board of Trustees is required. Staff believes that this event is not in conflict with the consideration factors in of Grand Lake Municipal Code, Chapter 11, Article 6, Section 3.A.3 - Special Event Permit Application Review and Approval and should be a successful event for the Town of Grand Lake and the Applicant. Town Staff recommends approval and execution of the Special Event Permit with the condition that the Applicant check with the Grand County Sheriff's Office to ensure that all state traffic regulations are being adhered to during the event. This condition has been added to the Special Event Permit to be signed by the Mayor if the Event is approved by the Board of Trustees. He concluded by stating Mike Arnston was present.

Mike Arnston, Lieutenant, Grand Lake Fire Protection District, was recognized by the Chair. He stated the event would be similar to what the Fireworks Committee does with all the money going to the Muscular Dystrophy Association.

Trustee Lewis moved to authorize Mayor Peterson to sign the Special Event Permit for the Fill the Boot Event to be conducted by the Grand Lake Fire Protection District as described in the attached application, and upon confirmation from Staff that all other application requirements have been met and the Special Event Permit is ready for signature. Trustee Kudron seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION OF A STAFF DIRECTIVE TO HIRE CONSULTANTS FOR ASSISTANCE WITH THE SALES TAX REVENUE BOND BALLOT ISSUE NOVEMBER 2016 ELECTION** – Mayor Peterson stated that the Staff needs directive to hire outside consultants for the sales tax bond issue. The Board of Trustees directed Staff to hire Alan Matlosz,

Investment Banker with George K. Baum and Dee Wiser, Bond Attorney, with Butler Snow, LLC.

NEW BUSINESS:

**CONSIDERATION TO AUTHORIZE THE MAYOR TO SIGN A FIRE RESTRICTION LETTER** – Mayor Peterson explained that they would be following Grand County’s fire restrictions. Trustee Lewis moved that in the event fire restrictions or a ban are imposed by Grand County that the Mayor be authorized to enter an order imposing the same or similar restrictions or ban within the Town of Grand Lake, to be brought before the Board of Trustees at the next meeting. Trustee Kudron seconded the motion and all Trustees voted aye.

MAYOR’S REPORT AND COMMENT:

Mayor Peterson stated that fire risk was high and that if you see someone being reckless with fire to contact the Grand County Sheriff’s Department or speak with the person directly. A discussion ensued about the fire restrictions imposed and the life jacket loaner program. Mayor Peterson concluded by stating that it was the halfway point through the summer and to keep smiling.

ADJOURNMENT:

Trustee Gasner moved to adjourn, seconded by Trustee Lewis. All Trustees voted aye, and the meeting was adjourned at 8:23 p.m., July 25, 2016.

  
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JAMES C. PETERSON,  
MAYOR

ATTEST   
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KATIE NICHOLLS,  
TOWN CLERK

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