

RECORD OF PROCEEDINGS

REGULAR MEETING
TOWN OF GRAND LAKE BOARD OF TRUSTEES
MONDAY, JULY 8, 2013 7:30 P.M.

CALL TO ORDER: The regular meeting of the Board of Trustees was called to order by Mayor Judy Burke at 7:31 p.m. at the Town Hall, 1026 Park Avenue.

ROLL CALL
PRESENT:

Mayor Burke; Trustees Gasner, Lanzi, Ludwig, Peterson, and Weydert; Town Manager Hook, Town Attorney Scotty Krob, and Town Planner Biller.

ABSENT:

Mayor Burke announced that Trustee Lewis was absent from both the afternoon workshop and this evening's meeting due to illness. Trustee Peterson moved to excuse Trustee Lewis' absence. Trustee Weydert seconded the motion and all Trustees voted aye.

APPROVAL OF MINUTES

June 10, 2013:

Trustee Weydert moved to approve the minutes of the June 10, 2013 regular meeting as written. Trustee Peterson seconded the motion and all Trustees voted aye.

ANNOUNCEMENTS:

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

Mayor Burke announced that the antique and classic wooden boats will be on display July 13 on Grand Lake at the Town's docks.

Mayor Burke then announced that the 66th Annual Buffalo Barbeque Celebration will include a 5K run and walk, a parade, a barbeque, bingo, used book sale, vendors and kids activities, the weekend of July 20th & 21st.

Mayor Burke announced that the Grand Lake Rotary will host a Pancake Breakfast on Saturday, July 20th beginning at 7 a.m. at the Heckert Pavilion in the Town Square.

Town Manager Hook then congratulated Mayor Burke for completing the Graduate Level, 100 hours or more, of CML's MUNiversity training AND congratulated Mayor Pro-Tem Peterson for completing the Fundamental Level.

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 BURNT BONE, INC., D/B/A SAGEBRUSH BARBECUE & GRILL - Mayor Burke asked Town Manager Hook to present this matter to the Board. Hook reported that the fees have been paid; the renewal documents are in order and indicate no changes. The water, business license, and sales tax accounts are all current. She noted that the Grand County Sheriff's Department found no adverse information that would affect the status of the license. Hook noted that David Freeman was present as a representative of Sagebrush BBQ & Grill.

Trustee Peterson moved to approve the renewal of the Hotel and Restaurant Liquor License for Burnt Bone, Inc., d/b/a Sagebrush Barbecue & Grill. Trustee Gasner seconded the motion and all Trustees voted aye.

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF RENEWAL OF THE HOTEL AND RESTAURANT LIQUOR LICENSE FOR EL PACIFICO, LLC, D/B/A EL PACIFICO RESTAURANT - Mayor Burke asked Town Manager Hook to present this matter to the Board. Hook reported that the fees have been paid; the renewal documents are in order and indicate no changes. The water, business license, and sales tax accounts are all current. She noted that the Grand County Sheriff's Department found no adverse information that would affect the status of the license. Hook noted that Cody Holt was present as a representative of El Pacifico.

Trustee Lanzi moved to approve the renewal of the Hotel and Restaurant Liquor License for El Pacifico, LLC, d/b/a El Pacifico Restaurant. Trustee Peterson seconded the motion and all Trustees voted aye.

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF A SPECIAL EVENTS PERMIT APPLICATION FROM THE GRAND LAKE CHAMBER OF COMMERCE FOR THE CREWS AND BREWS FUNDRAISING EVENT TO BE HELD AUGUST 17, 2013 - Mayor Burke asked Town Manager Hook to present this matter to the Board. Hook explained that this request is from the Grand Lake Area Chamber of Commerce for a fundraising event to be held on August 17, 2013. The proposed location is the Town Square Park. The application documents are in order and complete. The premises are required by statute to be posted for at least 10 days prior to approval of the permit. He suggested action at the July 22nd Board Meeting as a regular item of business or as a Public Hearing. Hook noted that Kacey Beres, Executive Director of the Chamber of Commerce, was present as a representative of the event.

Trustee Peterson moved to act on this request as a regular item of business at the July 22, 2013 Board Meeting. Trustee Weydert seconded the motion and all Trustees voted aye.



LIQUOR LICENSING AUTHORITY: CONSIDERATION OF REGISTRATION OF A MANAGER FOR GRUMPY'S SALOON, INC., D/B/A GRUMPY'S SALOON

Mayor Burke asked Town Manager Hook to present this matter to the Board. Hook stated the appropriate form to change a manager was received from Dustin Barnes, President/Secretary of Grumpy's Saloon, Inc., d/b/a Grumpy's Saloon at 913 Grand Avenue. § 12-47-412 (6), C.R.S. states, "When a person ceases to be a registered manager for a tavern license, for whatever reason, the tavern licensee shall notify the licensing authorities within five days and shall designate a new registered manager within thirty days." The manager must be registered with both the state and the local licensing authority. Cody Holt was previously registered as manager but since Cody is no longer working at Grumpy's, Dustin is changing his manager to Patrick Barnes. Staff would recommend the Board make a motion to accept Patrick Barnes as the registered manager for Grumpy's Saloon. Hook noted that Dustin Barnes was present.

Trustee Peterson moved to accept Patrick Barnes as the registered manager for Grumpy's Saloon, Inc., d/b/a Grumpy's Saloon. Trustee Gasner seconded the motion and all Trustees voted aye.

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF APPROVAL OF A SPECIAL EVENTS LIQUOR PERMIT FROM THE TRINITY CHURCH IN THE PINES FOR A FUNDRAISING EVENT TO BENEFIT GRAND ANGELS TO BE HELD SEPTEMBER 6 & 7, 2013

Mayor Burke asked Town Manager Hook to present this matter to the Board. Hook stated an application for a Special Events Liquor Permit was received with the appropriate state fee, permission for possession, certificate of good corporate standing, and floor diagram, from the Trinity Church in the Pines. The request is to sell malt, vinous and spirituous liquor by the drink for consumption on the premises only for a fundraising event to benefit Grand Angels. The requested dates are Friday, September 6th from 12:00 noon to 7:00 p.m. and Saturday, September 7th from 3:00 to 10:00 p.m. The Trinity Church in the Pines qualifies for a Special Events Permit in that it is incorporated with the State of Colorado as a non-profit religious institution, and has not received more than 15 Special Events Permits during 2013 (this is their 1st and 2nd request). The proposed location is the Grand Lake Community House. The Community House is more than 500 feet from any educational institution; therefore, State Statute does not prohibit liquor from being sold from this location. Public notice was posted on the premises on June 27, 2013 and attested to by Grand County Sheriff Deputy Luchs. The Grand County Sheriff's Department reviewed the application and found no adverse information which would affect this permit. The Board must investigate the application and must deny the permit if its issuance would injure the public welfare by reason of the nature or location of the special event, or failure of the applicant to conduct past special events in compliance with applicable laws and regulations. Hook noted that Melanie was present as a representative of the event.

Trustee Lanzi moved to approve a Special Events Liquor Permit from the Trinity Church in the Pines for a fundraising event to benefit Grand Angels to be held



September 6 & 7, 2103. Trustee Peterson seconded the motion and all Trustees voted aye.

At 7:49 p.m. Trustee Ludwig resumed his seat.

OLD BUSINESS:

CONTINUATION OF A PUBLIC HEARING - CONSIDERATION OF ORDINANCE NO. XX-2013, AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE GRAND LAKE TOWN CODE BY ADDING REQUIREMENTS FOR THE ISSUANCE OF PERMITS INCLUDING BOATHOUSES AND BOAT DOCKS - Mayor Burke asked Town Planner Biller to present this matter to the Board. Biller explained that staff has drafted an ordinance amending Municipal Code Chapter 9 Building Regulations and Municipal Code 12-2-29 Shoreline and Surface Water Regulations. The amendments to the Town Code effect building permit applications and the indemnification for the issuance of boathouse and boat dock permits. On August 13, 2012 the Town held a Public Hearing with the shoreline owners of Grand Lake to publicly identify the issues regarding Grand Lake. At that meeting, the Town Attorney suggested a moratorium be placed for new construction permits. On September 4, 2012 the Grand County BOCC held a Public Hearing considering and took “no action” as it pertains to boat houses on Grand Lake. On October 8, 2012 the Town held a Public Hearing to consider an ordinance establishing a moratorium on the issuance of permits for boathouse and boat docks. The Board continued the Public Hearing and directed staff to revise the ordinance with the moratorium language and focus on a process similar to Grand County when issuing permits. On November 26, 2012 the Town continued the matter at a Public Hearing to consider an ordinance revising the Town Code 12-2-29 Shoreline Regulations by adding requirements for property owner indemnification for the issuance of boathouse and boat dock permits. The Board continued the Public Hearing and directed staff to seek surveyor input regarding shoreline boundary information. On January 14, 2013 staff held a meeting with several local surveyors, the Grand County Planning Department, and the Town Attorney. From this meeting, staff believes that surveyors will demonstrate shoreline property ownership to the water’s edge. On June 13, 2013, staff informed all surrounding properties owners of Grand Lake and persons who provided contact information at the initial shoreline owners meeting of this Public Hearing via mail. As mentioned, staff has met with several surveyors and believes that the “strip” of land depicted on surveys already submitted to the town are not entirely accurate. As discussed, these licensed surveyors explained to staff for parcels surrounding Grand Lake, the platted property line adjacent to the shoreline should be shown as “meander line” thus showing property ownership to the water’s edge. The depiction of property ownership to the water on new surveys should eliminate any interpretation on property ownership. However, staff received two (2) surveys for properties on Grand Lake since the meeting in January. One (1) survey did graphically depict ownership to the water’s edge and one (1) survey did NOT graphically depict ownership to the water’s edge. Staff was directed by the Board to review the Grand County building

permit as it pertains to boathouses and boat docks. At the November Public Hearing, staff explained the Grand County Planning Department requires the applicant to sign a pre-application form that specifically states the applicant is responsible for building on their property within setbacks or building envelope. This form is required for zoning review and approval. If the Board wishes to more closely follow the process of Grand County, amendment to the Municipal Code is required to revise the Town building permit application. As discussed with Town Attorney Krob at the November Public Hearing, the Board was informed of the reasons to amend the Town Code to include language regarding property owner indemnification to the Town for the issuance of a boathouse or boat dock permit. Specifically, to protect the Town if the Town were to be sued because the property owner did not in fact own the property on which they built. If the Board wishes to require property owner indemnification, amendment to the Municipal Code is required to revise the town shoreline permit application. Since August 2012, staff has issued two (2) building permits for structures located on Grand Lake. The Municipal Code did NOT require indemnification but staff processed the building permits administratively if the property owner was willing to indemnify the Town. Staff has nothing new to report regarding the ownership of the lakebed of Grand Lake. The Town Attorney will be available for questions at the Board meeting. Staff recommends the Board revise the building permit application to include language stating the property owner is responsible for building on their own property and within the setbacks. This language would apply to ALL building permit applications including those not located on the shoreline of Grand Lake. Staff recommends the Board revise the shoreline regulations to require property owner indemnification for the issuance of a boathouse and boat dock. This requirement would limit the Town liability by issuing a permit in the event of a lawsuit. The draft ordinance attached herein was posted on the Town website for public view and comment. This document shows staff recommendations by handwritten modifications. The ordinance for Board consideration includes those modifications. The Board should discuss the ordinance and if the modifications meet the Boards expectations. The Board may choose which sections, if any, of the Municipal Code should be revised. The Board has many options including:

1. Not adopt the ordinance, thus making no changes to Town Code or permitting process; or
2. Adopt the ordinance, thus amending the Town Municipal Code regarding building permits and boathouse/boat dock permits; or
3. Adopt the ordinance with Board revisions; or
4. Direct staff at its discretion

Town Attorney Krob then added a couple of comments. He said that he and Town staff began with three issues. 1.) The Sunnyside pathway, 2.) the ownership of the bed of Grand Lake, and 3.) permits for boathouses. The first two issues have either been resolved or don't require any further attention by the Town. The pathway along Sunnyside has been resolved because the

surveyors have now said that they will show on their surveys private land ownership extending clear to the lakeshore. Regarding the ownership of the bed of Grand Lake, the Town notified the State saying that it appears that it may be their property and the State agreed that it may be their property and neither the Town nor Attorney Krob has heard from them since. This Board has done everything that it is required to do. It is now up to the State to do something they don't. That now leaves just the issue of the boathouse regulations and there are two parts to it. The first is to track what the County does and simply have the owner represent that they own the property or they have the right to build on the property. The second part of it is the indemnification clause that the Town Board had asked about. In the original draft ordinance, it said that the owner of the property would indemnify the Town if the Town got sued for issuing a permit. A member of the public said that it seems kind of broad because what if the Town got sued in connection with issuing the permit and it didn't have anything to do with anything the land owner did wrong, it was something the Town did wrong and that made sense. So the indemnification provision in the draft ordinance has been narrowed to just say, "To the extent that the Town gets sued for issuing this building permit and it relates to the owner's representation that he owned the property or he had the right to build on it, then the owner would have to indemnify the Town but not for anything else."

Mayor Burke then opened the meeting for public comment. Having none, she closed the Public Hearing and turned the matter over to the Board of Trustees.

Trustee Peterson made the comment that this has been a very contentious situation and said that staff and the Town Attorney have done a great job in drafting an ordinance that addresses everyone's concerns.

Trustee Weydert moved to adopt Ordinance No. 4-2013, an Ordinance Amending Certain Sections of the Grand Lake Town Code by Adding Requirements for the Issuance of Permits, as presented. Trustee Peterson seconded the motion and all Trustees voted aye.

NEW BUSINESS:

PUBLIC HEARING – CONSIDERATION OF RESOLUTION NO. XX-2013, A RESOLUTION RELOCATING AND VACATING AN ALLEY EASEMENT LOCATED IN BLOCK 25 ADJACENT TO LOT 1 & LOTS 13-16, BLOCK 25, TOWN OF GRAND LAKE; MORE COMMONLY REFERRED TO AS 530 PARK AVENUE – Mayor Burke asked Town Planner Biller to present this matter to the Board. Biller explained that the applicants have requested a continuance of this Public Hearing. He said that it would be in the best interest of the applicants and the Town to continue.

Trustee Peterson moved to continue consideration of this Public Hearing to consider Resolution No. xx-2013, a Resolution Relocating and Vacating an Alley Easement Located in Block 25 Adjacent to Lot 1 & Lots 13-16, Block

25, Town of Grand Lake; More Commonly Referred to as 530 Park Avenue. Trustee Weydert seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF RESOLUTION NO. XX-2013, A RESOLUTION IMPOSING IMMEDIATE FIRE RESTRICTIONS WITHIN THE TOWN OF GRAND LAKE - Mayor Burke asked Town Manager Hook to present this matter to the Board. Hook explained that in accordance with Town of Grand Lake Municipal Code 2-2-9, the Board of Trustees needs to ratify or modify the fire restrictions imposed on June 28, 2013. Municipal Code 2-2-9 authorizes the Mayor and Town Manager to implement bans on open fires and fireworks. Additionally, the Code requires that any such action undertaken by the Mayor and Town Manager be presented to the Board at the Board's next meeting for review to ratify or rescind the action. On June 28, 2013, staff issued restrictions on open fires and the use of fireworks within the Town limits, with certain exceptions. The issuance of the Town's restrictions came after consulting with Mayor Burke on similar restrictions issued by the Board of County Commissioners on June 28, 2013. Rocky Mountain National Park (RMNP) and Arapaho-Roosevelt National Forest (ARNF) are also operating under similar fire restrictions. This level of restrictions is sometimes referred to as "Stage 1". Staff believes that it is important for the Town to be at the same level of fire restrictions as Grand County, Rocky Mountain National Park and Arapaho-Roosevelt National Forest. The Town's notice has been distributed and posted at several dozen locations within and near Town to assist residents and guests in understanding our local fire restrictions. Additionally, staff has posted the notice on the Town's website and on both marquees. There is a roadside sign on southbound US 34 just as you are leaving RMNP that notifies drivers that fire restrictions are in effect. The Board should discuss the information provided and the merits of the fire restrictions currently in place. If the current fire restrictions are not satisfactory, the Board should discuss rescinding the fire restrictions currently in place and providing direction to staff on appropriate fire restrictions. Staff recommends that the Board adopt Resolution xx-2013 as presented. The Board should adopt Resolution xx-2013, as presented or adopt a modified version of Resolution xx-2013.

Trustee Peterson moved to adopt Resolution No. 8-2013, a Resolution Imposing Immediate Fire Restrictions Within the Town of Grand Lake. Trustee Weydert seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF RESOLUTION NO. XX-2013, A RESOLUTION DESIGNATING THE EXISTING ADVERTISING DEVICE LOCATED IN LOTS 1-2, BLOCK 1, SHADOW PARK WEST; MORE COMMONLY REFERRED TO AS THOMASSON PARK AS AN OFFICIAL ADVERTISING DEVISE - Mayor Burke asked Town Planner Biller to present this matter to the Board. Biller stated that staff has been working on a CDOT sign permit for the existing billboard sign located on the east side of Hwy 34 north of W. Portal and just south of Golf Course Road. To meet

RECORD OF PROCEEDINGS

requirements of a CDOT permit, Board action is required to officially designate the sign as an advertising device for public purpose. On August 14, 2006, the Board awarded a bid to replace the billboard sign message.

Municipal Code 6-2-4 Signs Exempted from Obtaining a Permit states:

(A) Any sign required or specifically authorized for a public purpose by a governmental agency.

The CDOT permit is a Town staff initiated endeavor. The Design Committee has expressed interest in signage along Hwy 34 and staff believes that obtaining a permit for existing signage is appropriate. Staff anticipates approval of the existing sign and the roadside sign permit application is free. One item of concern is the permit application does request an actual survey. Staff has conducted field measurements and is confident the sign does not encroach into the right of way of US Hwy 34. Staff recommends the Board adopt the resolution as presented, thus designating the existing sign for advertisement of public purposes. The Board should discuss the billboard sign and the resolution naming the sign as official advertising device. The Board has many options including:

1. Adopt the resolution, thus naming the billboard as an official sign; or
2. Not adopt the resolution.

Trustee Weydert moved to adopt Resolution No. 9-2013; a Resolution Designating the Existing Advertising Device Located in Lots 1-2, Block 1, Shadow Park West; More Commonly Referred to as Thomasson Park as an Official Advertising Device. Trustee Peterson seconded the motion and all Trustees voted aye.

ACCOUNTS PAYABLE

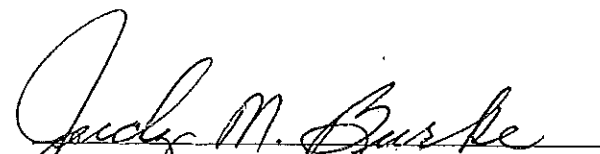
June, 2013:

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 8:13 p.m., July 8, 2013.


JUDY M. BURKE,
MAYOR

ATTEST: 
RONDA KOLINSKE, CMC,
TOWN CLERK

9