

RECORD OF PROCEEDINGS

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REGULAR MEETING  
TOWN OF GRAND LAKE BOARD OF TRUSTEES  
MONDAY, SEPTEMBER 12, 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 7:27 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 Jenkins, Kudron, Lewis, and Sabo; Town Manager White, Town Clerk Nicholls, Town Attorney Krob, and Town Planner Biller. Trustee Goodfellow arrived late at 7:55 p.m.

ABSENT: Mayor Peterson noted that Trustee Goodfellow was late due to a Constitution Week event, and Trustee Gasner was absent due to work obligations.

Trustee Jenkins moved to excuse Trustees Goodfellow and Gasner from the workshop and evening meetings. Trustee Kudron seconded the motion and all Trustees voted aye.

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 Grand Lake's 5th Annual Constitution Week will be held September 12th – 17th. This year's celebration will include speakers, trivia, parade and ceremony and fireworks over Grand Lake. The grand opening at the Grand Lake Center will be held in conjunction with this event on Tuesday, September 13<sup>th</sup>.

Mayor Peterson then announced that the "Taking Steps to End All Cancer 5K" to benefit Mountain Family Center Cancer Services will be held Sunday, September 25th beginning at 10 a.m. Register online at [www.mountainfamilycenter.org](http://www.mountainfamilycenter.org).

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.

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Trustee Jenkins announced that she had a conflict with the Local Liquor Licensing issue as well as the Nightly Rental License matter, as her family owns the Gateway Inn.

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.

There were no unscheduled public comments.

SCHEDULED  
PRESENTATIONS/  
DELEGATIONS:

There were no scheduled presentations.

CONSENT AGENDA:

Mayor Peterson introduced the Consent Agenda which contained the following: Minutes from the August 22, 2016 Meeting and Accounts Payable for August 2016.

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

OLD BUSINESS:

None.

NEW BUSINESS:

**CONSIDERATION TO ACKNOWLEDGE SUSPENSION OF FIRE RESTRICTIONS WITHIN TOWN LIMITS BY MAYOR PETERSON EFFECTIVE SEPTEMBER 2, 2016** – Mayor Peterson asked Town Manger White to present the matter to the Board. White stated on July 15, 2016, the Grand County Board of County Commissioners imposed fire restrictions County wide. On Thursday, September 1, 2016, Grand County suspended fire restrictions that had been in place for unincorporated Grand County. Staff reported the change to Mayor Peterson on Friday, September 2, 2016 and asked whether he would want to suspend the previously imposed fire restrictions within the town limits. Mayor Peterson determined he would suspend the restrictions under the authority given to him by the Board of Trustees at the August 22, 2106 Town Board meeting.

Trustee Lewis moved to acknowledge suspension of fire restrictions within Town limits by Mayor Peterson effective

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September 2, 2016. Trustee Jenkins seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION TO SET PUBLIC HEARING ON 2017 BUDGET FOR THE TOWN OF GRAND LAKE** – Mayor Peterson asked Town Manager White to present this matter to the Board. White stated Pursuant to §29-1-105, C.R.S., the proposed 2017 budget was submitted to the Board of Trustees for its consideration on August 29, 2016. Although Staff is aware that further budget discussions are necessary the only budget activity at this time is setting the public hearing. Staff recommends the Board move to set the 2017 Budget for the Town of Grand Lake for public hearing on Monday, October 10, 2016 at 7:30 p.m., with notice of the public hearing to be published in the Middle Park Times on Thursday, September 22, 2016.

Trustee Lewis moved to set public hearing on 2017 budget for the Town of Grand Lake on October 10, 2016 at 7:30 p.m. Trustee Jenkins seconded the motion and all Trustees voted aye.

Town Manger White announced that the next budget meeting would be held on Monday, September 19<sup>th</sup> from 12:00 p.m. to 4:30 p.m. at Town Hall.

NEW BUSINESS:

**CONSIDERATION OF BOAT SLIP CURRENTLY LEASED TO TOM LUDWIG FOR THE 2017 SEASON** – Mayor Peterson asked Town Manger White to present this matter to the Board. White stated Staff has acknowledged that a boat slip was sold to Mr. Ludwig who was not next in line for the next available opening. When Staff notified Mr. Ludwig of the circumstances, it was agreed to meet face to face and discuss it. In the course of that discussion, Staff indicated that it seemed unfair to have allowed him to “jump the line.” When Mr. Ludwig argued that he had a contract, Staff agreed to honor the contract for the remainder of the 2016 season. Staff further indicated that they planned to offer the slip to the person at the top of the waiting list for the 2017 season. Subsequently, Mr. Ludwig asked to be placed on the agenda to discuss this issue with the Town Board. Mr. Ludwig obviously was in disagreement with the decision Staff reached when they met with him. Staff is providing the list that had been started by the previous Treasurer. Staff has called all parties on the list and verified each person’s continued interest, one way or the other. Staff still supports the decision to honor Mr. Ludwig’s contract for the 2016 season and then place him on the list to await another turn in the future. He concluded by stating Tom Ludwig was present.

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Tom Ludwig, 1411 County Road 49, was recognized by the chair. Mr. Ludwig passed out a letter to the Board. He stated that he saw an open slip at the Marina in April 2015 and upon inquiry with the Marina Manager was sent to Town Hall where he paid \$2,000 to rent the slip. May 15, 2016 he received a renewal letter from the Town. He paid the \$250 and then paid the balance of \$1,750, but the latter check was not cashed. He was informed that due to the list he would not get the slip in 2016. After discussion with Staff it was agreed to let him have the slip in 2016, but he would not get it in 2017. He questioned the dates on the list, how it was constructed and maintained. He also questioned the relation of the dates on the list to the letter which he received, as handed out to the Board.

Town Manager White stated that mistakes were made by the Staff, which was explained to Mr. Ludwig. The person at the top of the list was calling inquiring about the boat slips. He further explained the sequence of events and that it was unfair to the person at the top of the list.

Mr. Ludwig stated that it is not his fault that the mistake was made and he is a victim of the circumstances. He continued that he does not accept the mistake and is asking the Board of Trustees to overturn the decision.

At 7:55 Trustee Goodfellow arrived and took his seat.

Discussions ensued regarding the contract, sequence of events, morality, the existence and quality of the list, the procedures associated with the list, and if there was an alternative available slip location.

Trustee Sabo moved to award first option for the contract to Mr. Ludwig as stated in the contract for the 2017 season and beyond. Trustee Lewis seconded the motion and all Trustees voted aye, except Trustees Jenkins and Kudron who voted nay.

NEW BUSINESS:

**QUASI-JUDICIAL – CONSIDERATION TO ADOPT RESOLUTION 17-2016; A RESOLUTION APPROVING A BUILDING PERMIT FOR A BOATHOUSE LOCATED AT LOT 8 & 9, CAIRNS ADDITION TO GRAND LAKE; MORE COMMONLY REFERRED TO AS 838 LAKE AVENUE –** Mayor Peterson asked Town Planner Biller to present this matter to the Board. Biller stated the Town has received a building permit application for replacement of an existing boathouse which requires Board review. The applicant is Barclay Davis who is represented by Grand Environmental Services. The Planning Commission has forwarded a favorable recommendation with

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conditions. Staff has reviewed the building permit application and a few minor outstanding items remain before Staff will be able to approve the permit. The Commission recommended approval of the building permit application with the condition that the existing boat dock encroaching the side yard setback be removed. The Board should first determine if a Public Hearing is necessary. If the Board determines a Public Hearing is not necessary the Board should discuss the building permit application and the recommendation of the Commission. He concluded by stating Geoff Elliott, Grand Environmental Services was present representing the applicant.

Geoff Elliott, Owner, Grand Environmental Services was recognized by the Chair. Mr. Elliott stated they are replacing the existing boathouse with the same design with one foot increase in both directions; it would not encroach on any setbacks. A neighbor requested a five foot setback which was agreed to by Davis'.

After a brief discussion Trustee Jenkins moved to approve Resolution 17-2016, a Resolution approving a building permit for a boathouse located at lots 8 & 9, Cairns Addition to Grand Lake; more commonly referred to as 838 Lake Avenue with the correction of a typo and the addition of the five foot setback for the boat dock. Trustee Lewis seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**QUASI-JUDICIAL – CONSIDERATION TO GRANT A LOT LINE ADJUSTMENT FOR LOT 10 & 11, BLOCK 4, GRAND LAKE ESTATES 1ST FILING; MORE COMMONLY REFERRED TO AS 822 SHADOW MOUNTAIN DRIVE –** Mayor Peterson asked Town Planner Biller to present this matter to the Board. Biller stated that the applicant was not present at the meeting and recommended that the item be continued to the next meeting.

Trustee Lewis moved to table the item until the next meeting. Trustee Jenkins seconded the motion and all Trustees voted aye.

At 8:15 p.m. Trustees Jenkins and Goodfellow excused themselves and left the room.

NEW BUSINESS:

**QUASI-JUDICIAL – CONSIDERATION TO GRANT A NIGHTLY RENTAL LICENSE IN A RESIDENTIAL NEIGHBORHOOD LOCATED AT LOTS 35-36, CAIRNS ADDITION TO GRAND LAKE; MORE COMMONLY REFERRED TO AS 530 CAIRNS AVENUE –** Mayor Peterson asked Town Planner Biller to present this matter to the Board. Biller stated The Town received a Nightly Rental License

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Application from Karen Howsam. During the application process the Town received two written letters of objection which require Board Review. The Planning Commission has forwarded a favorable recommendation. The property was issued a Nightly Rental License beginning in 2008 thru 2011. No written complaints have been received by the Town during that licensure. In general, the written objections from the surrounding property owners cite the following concerns: noise; garbage; disruptions; and parking Concerns. The Board should first determine if a Public Hearing is necessary, if the Board determines a Public Hearing is not necessary, they should discuss the Nightly Rental License Application. He concluded by stating Megan Lutterman was present.

Megan Lutterman, General Manager, Vacasa Vacation Rentals was recognized by the Chair. Ms. Lutterman reviewed the local profile of Vacasa Vacation Rentals, including three homes within Grand Lake. She stated that the homes within Grand Lake have not had a complaint against them. Guests and homeowners are notified of policies regarding noise disturbance, garbage storage and disposal, and the protection of the residential quality of the neighborhood. Guests are strictly screened and there is no outside gathering area on side of the property where the complaint was issued.

Trustee Kudron moved to grant a Nightly Rental License at Lots 35 & 36, Cairns Addition to Grand Lake; more commonly referred to as 530 Cairns Avenue. Trustee Sabo seconded the motion and all Trustees voted aye, except Trustee Lewis who voted nay.

Trustees Jenkins and Goodfellow resumed their seats at 8:21 p.m.

NEW BUSINESS:

**CONSIDERATION TO ADOPT ORDINANCE 13-2016, AN ORDINANCE AMENDING CERTAIN PARTS OF THE TOWN OF GRAND LAKE MUNICIPAL CODE 6-2-7 [SIGN CODE] PERMIT APPLICATION PROCEDURE; 6-3-2 [REGULATIONS, ANIMAL DRAWN VEHICLES] UPON APPLICATION; 9-1-5 [BUILDING REGULATIONS] FEES; 12-2-29(A)2 [ZONING REGULATIONS] STREAM AND SHORELINE SETBACK; 12-2-29(B)5 [ZONING REGULATIONS] BOATHOUSE AND COVERED BOAT DOCKS SUBMISSION; 12-2-31(A)2(E) [ZONING REGULATIONS] GENERAL SPECIAL USE PERMIT; 12-2-31(B)3(C) CONDITIONAL USE PERMITS; 12-2-33 [ZONING REGULATIONS] ADMINISTRATION; 12-2-34 [ZONING REGULATIONS] AMENDMENTS; 12-9-9 [ZONING REGULATIONS] LAND USE DEVELOPMENT VARIANCES** – Mayor Peterson asked Town Planner Biller to

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present this matter to the Board. Biller stated Staff has reviewed the current fee and deposit schedule as part of preparing the 2017 budget. In order to allow the Board to change fees and deposits the Municipal Code must be revised accordingly. In December 2015 the Board adopted Ordinance 13-2015 establishing the 2016 Fee and Deposit Schedule and repeal and replaced any previous fee schedules. In August 2016 the Board adopted Resolution 16-2016 establishing the Boardwalk Fee in Lieu. Ordinance 13-2015 did the following: changed the parking fee in lieu from \$1,000 to \$10,000; created conflicts with the Municipal Code; and did not include all fees and deposits as stated in the Municipal Code. The proposed revisions are required to allow the Board to establish fees and/or deposits by resolution. When the fee schedule is changed by Ordinance, it creates conflict within our Municipal Code. The ordinance, if adopted, will take it will take effect thirty (30) days after publication (tentative effective date October 22).

After a discussion Trustee Kudron moved to adopt Ordinance 13-2016; an ordinance amending certain parts of the Town of Grand Lake Municipal Code as presented. Trustee Jenkins seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION OF MOUNTAIN FAMILY CENTER SPECIAL EVENT PERMIT REVISION** – Mayor Peterson asked Town Manger White to present this matter to the Board. White stated Gladys Howard, contact person for the Mountain Family Center’s Cancer Run/Walk Event, called on September 8, 2016 to request consideration of adding another day of collections at the 4 way stop signs which previously only involved Saturday, September 24, 2016 from 10am till 4pm. She is now indicating that the Gentlemen’s Club, which is assisting, is willing to collect on Friday September 23, 2016 from 12:00 p.m. until 6:00 p.m. Since this is a change in the Special Event Permit, Staff is bringing this to the Town Board for its consideration. The previous authorization for the Mountain Family Center to use town streets for a 5K Run/Walk on Sunday, September 25, 2016 from 8am to 1pm. In addition, collection was previously approved for Saturday, September 24, 2016 from 10am to 4pm. He concluded by stating Gladys Howard was present.

Gladys Howard, 292 County Road 445, was recognized by the Chair. Ms. Howard stated that the added day would bring in more funds for the event.

Carrie Barnes, 604 Marina Drive, was recognized by the Chair. Ms. Barnes stated that almost every weekend someone is on the street asking for money and she feels it is a bad image for the Town. She asked that the Board consider putting a cap on it.

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Trustee Lewis moved to support the additional day of collections from the Mountain Family Center Fundraiser to Fight All Cancers to include Friday, September 23, 2016 from 12:00 p.m. until 6:00 p.m. Trustee Jenkins seconded the motion and all Trustees voted aye.

At 8:36 p.m. Trustee Lewis excused herself and left the room.

NEW BUSINESS:

**CONSIDERATION OF A \$50.00 PER YEAR BONUS FOR DAVID JOHNSON AND RANDY LEWIS IN RECOGNITION OF 20 YEARS OF SERVICE TO THE TOWN OF GRAND LAKE** – Mayor Peterson explained that David Johnson and Randy Lewis hit their 20 year marks with the Town of Grand Lake. The Town would like to give them each \$50.00 per year of employment.

Trustee Jenkins moved to approve payment to David Johnson and Randy Lewis each for \$50.00 per year of service. Trustee Sabo seconded and all Trustees voted aye.

At 8:37 p.m. Trustee Lewis resumed her seat and Trustee Jenkins excused herself and left the room.

LIQUOR LICENSING AUTHORITY: SHOW CAUSE HEARING – TAVERN LIQUOR LICENSE ISSUED TO GRUMPY'S SALOON, INC. D/B/A GRUMPY'S SALOON – Mayor Peterson stated that Staff will present first, followed by Grumpy's Saloon, and then the issue will go to the Board. He then asked Town Clerk Nicholls to present to the Chair.

Town Clerk Nicholls stated 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



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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). On July 25, 2016 the Board of Trustees, acting as Local Liquor Licensing Authority, set a Show Cause Hearing for September 12, 2016. Notification was sent to the Licensee on July 28, 2016 via certified return receipt mail. The return receipt was never received back in the office; however Dustin Barnes did call the office the following week and had a lengthy discussion with the Town Clerk regarding the Show Cause Hearing. Grumpy's Saloon, Inc. d/b/a Grumpy's Saloon holds a Tavern Liquor License originally issued November 9, 2011, which followed a Temporary Transfer Permit issued by the Town Clerk on April 4, 2011. The licensee has received one previous 30 day suspension issued on July 11, 2011 for disorderly conduct which is a violation of Regulation 47-900 Conduct of Establishment. She further stated that the licensee has provided the necessary paperwork and fee for the modification of premises. She concluded by stating that she spoke with the State regarding the matter and was informed that the modification of changes notification can be done after the fact; however it is not the preferred method. She then explained the floor plan and change made to the bar.

Dustin Barnes, 1127 Grand Avenue, was recognized by the Chair. Mr. Barnes stated since the matter was brought to his attention he has had employees of the Grand County Building Department out to do a full inspection of the building. He has been diligently working with the building department and his architect, Scotty Munn, to close out the old building permits in hopes he can start on a deck for the property next summer. He is trying to comply with all building codes. He then referenced a forty page packet from Munn Architecture summarizing a code review of the property. He stated that 90% of the items listed were done; they were just never closed out properly. He has found it difficult to get them closed out. He further stated he called the State, and was informed there was no real issue on their end.

Town Manager White requested a copy of the packet be added to the record.

Questions arose as to what considerations were made when Mr. Barnes decided to add in the food service window, and if the modifications even required authorization.

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Mr. Barnes stated that he was told by the State, after describing the changes to the building, the changes were fine with the liquor board as long as no liquor goes out the window.

Nicholls clarified that the matter was being brought to the Board only on the basis that the bar was modified decreasing the total size capacity of the licensed premise, Colorado Liquor Rules Regulation 47-302(A)1.

A discussion ensued regarding building permit processes, the decision by the County and Town to not issue any further permits on the property, and Grumpy's current status with Grand County and the Town.

Town Attorney Krob stated the options available to the Board are to continue the matter, impose a fine, suspension or revocation.

Carrie Barnes, 604 Marina Drive, was recognized by the Chair. Ms. Barnes questioned if the change to the bar even required a building permit.

A lengthy discussion ensued if a building permit is required for the work completed, and if the bar work could be separated from the window.

Trustee Sabo moved that the box in question asks if the proposed change is in compliance with local building and zoning laws. The Local Liquor Licensing Authority could make a finding that the work that was done to the bar did not require a building permit, and therefore is in compliance with the building laws. Trustee Lewis seconded the motion and all Trustees voted aye.

Trustee Jenkins resumed her seat at 9:22 p.m.

MAYOR'S REPORT  
AND COMMENT:

Mayor Peterson encouraged everyone to attend the Constitution Week events. He also asked the public to give the Board some time, they are new and will be able to accomplish more in the off seasons and try to streamline more things.

Trustee Goodfellow announced that the AmeriChicks KLZ News Radio would be broadcasting their show from the Grand Lake Center on Thursday and will M.C. the Saturday event. Sheriff David Clark could possibly be interviewed by Fox Business Network with national broadcasting.

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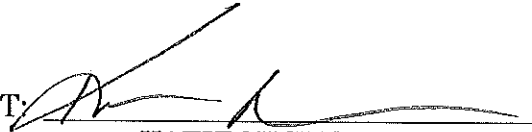
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ADJOURNMENT:

Trustee Kudron moved to adjourn, seconded by Trustee Lewis. All Trustees voted aye, and the meeting was adjourned at 9:28 p.m., September 12, 2016.

  
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JAMES C. PETERSON,  
MAYOR

ATTEST:

  
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KATIE NICHOLLS,  
TOWN CLERK