

RECORD OF PROCEEDINGS

REGULAR MEETING  
TOWN OF GRAND LAKE BOARD OF TRUSTEES  
MONDAY, AUGUST 24, 2009 7:30 P.M.

CALL TO ORDER: The regular meeting of the Board of Trustees was called to order by Mayor Judy Burke at 7:33 p.m. at the Town Hall, 1026 Park Avenue.

PRESENT: Mayor Burke; Trustees Lanzi, Lewis, Peterson and Rhone; Town Manager Hale, Town Clerk Pro- Tem Dzinski, and Town Planner Wittman.

ABSENT: Trustees Johnson and Weydert and Town Clerk Kolinske.

APPROVAL OF MINUTES

August 10, 2009: Trustee Rhone moved to approve the minutes of the August 10, 2009 regular meeting as written, seconded by Trustee Lanzi. All Trustees voted aye except Trustees Lewis and 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 Lord of the Valley Lutheran Church will hold its annual pie sale on Saturday, September 5 from 9:00 a.m. to 1:00 p.m. at the Town Square Pavilion.

Mayor Burke announced that the Grand Arts Council will hold its 12<sup>th</sup> Annual Tombstone Tales on Sunday, September 6. Tickets are available at Grand Lake Art Gallery. Our own Town Clerk Ronda Kolinske will be portraying our former Town Clerk, Grace Eslick.

Mayor Burke announced that Grand County Center 4 Excellence will hold the 2009 Funkfest in the Town Park on September 6.

Mayor Burke then announced that school opens Wednesday August 26. Please be cautious of school buses and drive carefully.

PRESENTATIONS: None.

REPORTS: SALES TAX  
CASH FLOW REPORT  
FOR AUGUST 2009:

Mayor Burke asked Town Clerk Pro-Tem Dzinski to present the sale tax cash flow report. Dzinski reported that the amount of revenue received in August for the month of June, 2009 is \$98,662. This amount is 12% below what was received in August 2008.

REPORTS: SECOND  
QUARTER SALES TAX  
COLLECTION BY VENDOR

RECORD OF PROCEEDINGS

APRIL-JUNE: 2005-2009: Town Clerk Pro-Tem Dzinski provided a report consisting of the Second Quarter Sales Tax Collection by Vendor report for April-June 2005-2009.

REPORTS: FINANCIAL REPORT:

Mayor Burked asked Financial Trustee Peterson to present the Financial Report for July 2009. Peterson reported that General Fund expenditures through the end of July totaled \$861,126.37 or 34.4% of budget. He said the Water Fund expenditures for the same period totaled \$204,163.63 or 42.9% of budget and the Marina Fund expenditures totaled \$74,133.60 or 26.1% of budget.

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF APPROVAL FOR A SPECIAL EVENTS LIQUOR PERMIT FOR THE GRAND LAKE AREA CHAMBER OF COMMERCE FOR THE 2009 FALL FESTIVAL -

Mayor Burke asked Town Clerk Pro-Tem Dzinski to present this matter to the Board. Dzinski stated that this request was for the "2009 Fall Festival" to be held at Town Square on Saturday, September 19, 2009 from 10:00 a.m. to 8:00 p.m. and Sunday, September 20, 2009 from 10:00 a.m. to 4:00 p.m. She said that the application documents were in order and the appropriate state fee was paid. Public notice was posted on the premises on August 12, 2009 and attested to by Grand County Sheriff Deputy Murphy. 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 or location of the special event, or failure of the applicant to conduct past special events in compliance with applicable laws and regulations; or
- \* the organization fails to show that other existing facilities are not available or are inadequate for the needs of the organization, and that the organization is temporarily occupying premises and that the general public will be served during the special event.

Dzinski then noted that Brad Taylor, Executive Director for the Chamber of Commerce, was present.

Brad Taylor was recognized from the audience and noted that the Chamber has invested in more signage for the event since the last meeting held August 10, 2009.

Trustee Peterson moved to approve the Special Events Liquor Permit for the Grand Lake Area Chamber of Commerce for the "2009 Fall Festival". Trustee Rhone seconded the motion and all Trustees voted aye.

OLD BUSINESS:

**CONSIDERATION OF A RESOLUTION GRANTING A LICENSE FOR THE ENCROACHMENT INTO THE PUBLIC RIGHT-OF-WAY OF CERTAIN IMPROVEMENTS LOCATED ADJACENT TO THE SOUTHERLY PART OF LOTS 1 AND 2, BLOCK 5, TOWN OF GRAND LAKE FOR THE RUSTIC URN -** Mayor Burke asked Town

Manager Shane Hale Code. Hale reported that Gina Knochenmus, applicant, has pulled her request for an Encroachment License at 405 Pitkin Street, a/k/a the south portion of Lots 1 & 2, Block 5, Town of Grand Lake. She will place her sign entirely on the property she rents on the south side of the building. She will submit a sign permit and comply with all regulations pertaining to the Sign Code.

**CONSIDERATION TO AWARD THE TRIANGLE PARK SIGN BID TO CREATIVE ARTISAN** – Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that the Town advertised for bids to replace the existing sign at Triangle Park and received the two bids as follows:

Bid No. 1 Creative Artisan \$12,260  
Bid No. 2. Lunsford Signs \$14,940

At your last meeting, based upon the fact that Sean Rodgers, owner of Creative Artisan, did not show up to either the afternoon or evening meeting, the Board moved to not award the sign bid to either contractor and directed staff to bring this item back for consideration at budget time. Hale said that when he checked his voicemail following the evening meeting, he discovered that Rodgers had hit a rock coming down Berthoud Pass that afternoon, and was not able to make it into the meeting. Prior to making this determination, the Board seemed in general agreement that Creative Artisan had the skills to build this monument and only questioned the sign itself. A+ Signs had given a price for an inferior design, a wooden sign with mounted pvc lettering. The current sign is a three dimensional wood alternative. Given the extenuating circumstances, it does seem appropriate to give Rodgers one more opportunity to present his research. Sean Rodgers was present at this afternoon's workshop to discuss his plan. Rodgers said that he's received bids from four sign makers and will go with Lunsford Signs. If the Board is comfortable with his plan, the staff recommendation is for the Board to make a motion to award the Triangle Park bid to the Creative Artisan for \$12,260.

Trustee Rhone moved to award the Triangle Park Sign Bid to Creative Artisan for \$12,260 and to authorize the Town Manager to enter into an Agreement for Services. Trustee Lewis seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION OF RESOLUTION NO. 21-2009, A RESOLUTION UPHOLDING A PLANNING COMMISSION RECOMMENDATION TO ACCEPT AN AS-BUILT SURVEY FOR DETERMINATION OF A CERTIFICATE OF OCCUPANCY FOR THE FINCH BOATHOUSE AND DOCK** – Mayor Burke asked Town Planner Wittman to present this matter to the Board. Wittman explained that on August 19, 2009, the Planning Commission considered a written request from Greg and Sharron Finch for the approval of an As-Built Survey, for the purpose of obtaining a Certificate of Occupancy (C.O.) on their boathouse and dock structure located at Lot 71,

Block 3, Sunnyside Addition to the Town of Grand Lake a/k/a 2032 Grand Avenue. This had come to the Town after receipt of an As-Built Survey indicating an encroachment into the side yard setback and a structure that was built larger than what was approved by the Town of Grand Lake in the boathouse approval review process. The Planning Commission opted to make recommendation to the Town Board of Trustees to accept the 12/8/08 Catlett As-Built Survey for the length and width of the boathouse provided the applicant correct the side setback violation as well as for the Board of Trustees to accept the 12/8/08 Catlett As-Built Survey for the overall width of the structure to be accepted with the provision of a monetary penalty be paid by the applicant. She further explained that on May 2, 2007, the Planning Commission held a Public Hearing to review a request for the Finch's to build a boathouse at the aforementioned property. At that time, the applicant was requesting to build a boathouse that would be 16' wide, 28' long and intrude into the lake approximately 34' 7". The structure was proposed to be located 10' from the side property line and the height of the structure would be 16'. With the attached docks, the structure would be 36' wide by 35' long and be constructed on poured concrete piers. Also at that time, it was determined by the Commission that due to the topography of the lot, a 'pointed' shoreline, that the boathouse would extend into the lake greater than any other existing boathouses. It was the recommendation of Chairman Fischer that the applicant reconfigure their request to eliminate the rear deck which would bring the boathouse back towards the shoreline by 6'. The item was continued by the Commission. On May 16, the Commission was presented with a new request for a 16' wide by 26' long boathouse; the total structure would not protrude into the lake greater than 26'. With the attached docks, the proposed structure was 32' wide by 32' long. At that meeting, the Commission made the recommendation to the Town Board of Trustees to approve the boathouse as altered to the aforementioned dimensions and specifications, conditional upon Army Corps of Engineers approval. On June 11, 2007, the Board of Trustees received the request and Planning Commission's recommendation. The item was approved by the Board, as per the recommendation of the Planning Commission. The applicant submitted for a building permit on August 23, 2007. Town staff reviewed the building permit and approved it on August 29. Since that time, staff has been made aware that the permit applied for was for a 16' wide by 26' long boathouse with a total width of the structure to be 35'. Staff would like to note that the approved permit was not in compliance with the Board's approval of a 32' wide total structure, boathouse and attached docks. On July 30, 2008, Wittman said that she and Code Enforcement Officer Korkowski performed a pre-site inspection at the request of the applicant's contractor. At that time, the structure had been completely built. The lot lines were not staked and there was no string line in place. Staff determined that no inspection could be performed and staff would have to wait until an As-Built was received to determine if the structure was complaint with the Zoning Regulations and the guidelines established. Although the Town received an As-Built of the structure in September, 2008, the As-Built did not indicate the distance from the western edge of the structure's dock to the side property line.

Staff informed the applicant, and their surveyor, that in order to consider a C.O., the Town would need to see the distance from the side yard to the dock. Staff received an As-Built in December, 2008. The As-Built indicated that there was only a distance of 4.89' from the edge of the dock to the side property line. At that time, staff indicated that the applicant either had the option of removing the offending portion of the dock or to request a variance from the Town's Board of Adjustment. Staff was allowing the applicant to wait until the ice cleared to determine the best action for the matter. The Town then received a variance request application from the Finch's on June 11, 2009. A Board of Adjustment Hearing was scheduled for July 30, 2009. In development of the staff report for the hearing, staff noticed that in addition to the encroachment of .11' of the side dock, the boathouse, approved to be 16' wide and 26' long, was depicted on the As-Built as having been built greater than what was approved. As the 12/8/08 As-Built indicates, the structure is 16.74' wide and 26.75' long. It was at this time that the Town's attorney indicated that the Town must give the applicant the opportunity to make a case against the newly-discovered discrepancies. The matter was continued before the BOA. Since the item was continued, the applicant has indicated that they will come into compliance with the approved plans, if required, but, at the very least, with the side setback requirement. In further discussions with the Town Attorney, it was discovered that the matter of the length and width of the boathouse was not an item that should be heard before the Board of Adjustment but rather a matter that should be brought for consideration before the Planning Commission and the Board since in the review process for approval is when the size of the boathouse was approved. There are three items that are being requested by the applicant:

- 1) That the PC and BOT consider acceptance of the Catlett As-Built for the length of the boathouse (at 26.75') to be deemed acceptable to the 26' requirement set by the BOT in 2007; and
- 2) That the PC and BOT consider acceptance of the Catlett As-Built for the width of the boathouse (at 16.74') to be deemed acceptable to the 16' requirement set forth by the BOT in 2007; and
- 3) That the PC and BOT consider acceptance to the removal of .11' of the west side dock to bring the dock into compliance with the Town's Zoning Regulations as opposed to removal of 2.49' to make the overall structure complaint with the requirement set forth by the BOT in 2007.

As indicated, the Planning Commission made conditional recommendations to the Board of Trustees for the acceptance of the 12/8/08 Catlett As-Built Survey for the Finch Boathouse and dock structure. In this, Town staff has consulted with the Town Attorney and as per his advice, if the Board was to uphold the recommendation of the Commission, the Town will need to cite the Finch's on the violation of the Municipal Building Code and issue a summons. In that, the Town would present to the Municipal Court a plea bargain indicating that the

defendants do plead guilty and the Town recommends a six-month deferred judgment, so that if there were no building code violations in the next six months that the item be dropped, as well as a monetary penalty plus court costs to be donated to a charity of their choice, if this is desirable to the Board. This item has been discussed with Mr. Greg Finch. Mr. Finch has indicated a willingness to donate \$2500 to Rocky Mountain Repertory Theatre and staff feels that this is an acceptable amount. The Board should discuss this matter with the applicant and amongst themselves. Once the Board has determined an opinion of the matter, the Board should make a motion. Staff has prepared Resolution No. 21-2009, *A Resolution Upholding a Planning Commission Recommendation to Accept an As-Built Survey for Determination of a Certificate of Occupancy for the Finch Boathouse and Dock* as per the recommendation of the Planning Commission. The Board may move to:

- a) uphold the Planning Commission recommendation by approving Resolution No. 21-2009, *A Resolution Upholding a Planning Commission Recommendation to Accept an As-Built Survey for Determination of a Certificate of Occupancy for the Finch Boathouse and Dock*; or
- b) uphold the Planning Commission recommendation by approving Resolution No. 21-2009, *A Resolution Upholding a Planning Commission Recommendation to Accept an As-Built Survey for Determination of a Certificate of Occupancy for the Finch Boathouse and Dock* with the following conditions (stating specific conditions that should be incorporated into the Resolution); or
- c) not uphold the Planning Commission recommendation, and then indicate exactly how the Finch's are to rectify the Zoning Regulations and Building Code violations.

Wittman noted that Greg Finch was present.

Greg Finch, 2032 Grand Avenue, was then recognized from the audience. He stated that this seems to be the result of a series of mistakes and interpretations made by them, their architect, their contractor and the Town. During his presentation he said that his contractor took it on himself to build a structure with a total width of 37'. The contractor's explanation for what he had done was that he thought he would take it as far as he could within the zoning to give the Finch's as much dock as he could. Finch said that he and his wife Sharron did not know that there was a problem until they received a call from Town Planner Wittman. He noted that the Town is well within its rights to tell them to reconstruct their dock but was present to ask for forgiveness to part of the width and agreed to remove the offending portion of the dock and come into compliance with the west side setback violation of .11'.

Mayor Burke then asked for comments from the audience.

Gay Shaffer, 842 Lake Avenue, was recognized from the audience and noted as a point of information that Finch's contractor, Bill Zick, is the same contractor that received a Summons in July 2008 for a violation that occurred while working as contractor for the Heckendorf's.

Following a lengthy discussion, Trustee Peterson moved to adopt Resolution No. 21-2009, a Resolution Upholding a Planning Commission Recommendation to Accept an As-Built Survey for Determination of a Certificate of Occupancy for the Finch Boathouse and Dock. Trustee Lewis seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION TO SET A PUBLIC HEARING FOR PROPOSED CHANGES – MUNICIPAL CODE CHAPTER 12-2: ZONING REGULATIONS** – Mayor Burke asked Town Planner Wittman to present this matter to the Board. Wittman explained that the Zoning Regulations have been updated over the past year and it appears that the proposed changes to the Code reflect policy-based discussions that the Commission, as well as the Town Board, has brought up. On August 19, 2009, the Planning Commission moved to forward a favorable recommendation of approval to the Town Board for Ordinance No. XX-2009 to be approved. The Board must hold a Public Hearing on this matter prior to adoption. Those sections of the Zoning Regulations that address Uses-by-Right as well as Conditional Uses have some new items that are being addressed. If approved, the Town's Code would permit Historic Structures as a Use-by-Right in every Zoning District in Town, with the exception of the Mobile Home District as this district is very specific to Mobile Home structures. The Commission and staff also discussed density and the allowance of Accessory Dwelling Units (ADUs) in Single Family Residential (SFR) neighborhoods. If approved, one (1) ADU would be permitted in any SFR District provided that there was a primary residence, that the minimum/maximum square footages were met (500 sq. ft. minimum for all with the maximum being the minimum for the primary residence) and so that the ADU was not rented as a Nightly Rental (NR). Staff has kept the provisions that a SFR could be rented as a NR. If adopted as proposed, Code would also allow for public, private and commercial marinas as a Conditional Use in the Resort District. As a reminder, this was due to the 2008 rezoning proceedings where the Commission was petitioned by the public to allow for commercial marinas in the Resort District but to have a review process for them. The 2009 rezoning proceedings led to the Town changing the new Conditional Use to include public and private marinas to bring all marinas location in Resort Districts to be in compliance with the Town's Zoning Regulations. The Commission and staff also discussed the allowance of Bed and Breakfasts in Single Family Residential (SFR) areas (Residential Estate, Single Family Residential – Low, Medium and High Density Districts). The Commission was favorable to allowing them in Single Family Residential neighborhoods but to have a process to manage them similar to that of the Nightly Rental (NR) program. Staff has included them as a Conditional Use and altered the submission materials for Conditional Use Permit review as Bed

and Breakfasts would not be able to be managed under the NR program without an Ordinance being drafted that would significantly alter the NR program. Additionally, as a Conditional Use a request of this nature would allow for the Town to have a review process and place specific conditions on the use, such as validity period, determination of parking, snow storage, trash, sales tax licensing, etc., whereas the NR program would not allow this if complaints were not drawn across the property, then the NR becomes a Use-by-Right and staff did not believe that it was the desired intention of the Commission to allow for this. Staff believes that this is how Bed and Breakfasts should be initially treated throughout the community and if appears that there are problems with them as a Conditional Use; staff will bring this matter before the Commission for discussion of the drafting of a more thorough ordinance. Lastly and most recently, staff brought up to the Commission the Town's willingness to address Sexually Orientated Businesses (SOBs) somewhere in the Municipal Code. We have placed them in our General Industrial District which would require a petition for a zone change by a property owner. In discussions with the Town Attorney it has been brought up that the Town may want to adopt a more thorough ordinance to address this matter but that this action would cover the Town at this time. Staff has put this item on the list of ordinances that should be addressed but the Commission and the Board will not see this matter before them for quite some time as other priority ordinances have been discussed and placing SOBs as a Conditional Use addresses them at this time. Based on the discussions of density, Accessory Dwelling Unit (ADU) has been defined to distinguish the difference between a traditional single family residence and a smaller unit that may be permitted on the same parcel of land. Additionally, the Commission's discussion of the allowance of Bed and Breakfasts has led to the creation of definitions for Bed and Breakfast as well as Transient Guest. As staff has indicated, it was brought up to the Commission to place SOBs into the Municipal Code so that the Town was in a better position to be able to review a request for a business of this nature, as opposed to having not identified them anywhere in the Municipal Code if and when a business of this nature was created in town. As the Board can imagine, there are numerous factors that come into play with these types of businesses. With the guidance of the Town's attorney, the following definitions needed to be created: Adult Arcade, Adult Cabaret, Adult Motel, Adult Motion Picture Theatre, Adult Theatre, Nudity of State of Nudity, Seminude, Sexually Orientated Business (SOB), Specified Anatomical Areas, and Specified Sexual Activities. Based on discussions between the Commission and the Town Board, as well as Commission and staff discussions at the last meeting, the Parking Regulations for the Town have been completely altered to reflect policy changes in the community in regards to parking. Based on public testimony that development and redevelopment in the community can be cost prohibitive due to parking, staff has proposed numerous changes to requirements and standards, as well as incorporated a variance procedure for parking requirements and standards. This is a complete overall of the parking regulations and staff encourages all members of the Board to thoroughly review this section. As a reminder, if

adopted, the new regulations would put a clean slate on the requirements of all structures and businesses so that a change of use and/or structure would only require the amount that would be needed as a result of the action taking place, as opposed to having to meet the requirement that our current code would require. Staff is working on finalizing the documents for each structure to note how many parking spaces the structure/business would be required to have under the old regulations, where the location of the provided parking spaces are, as well as building code capacity. This will enable staff to adequately inform each applicant of the new requirements when a new building permit is applied for. This will be finalized prior to enactment of the new policies. One item that was discussed between the Commission and the Board was for the allowance of parking credits on a 50' X 100' parking lot. The major policy discussion was for the allowance of snow storage on the lot and whether or not the Town would allow for credits on the entire lot, knowing that 1/3 of the lot would be covered with snow for several months out of the year. In discussions, it seemed that the Town was favorable to allowing for full credit of the entire lot with the allowance of snow storage directly on the lot. Staff has hammered through this section of the code and determined that this is directly in conflict with other sections of the code. The Town should discuss this matter prior to adoption of the Code or remove this provision and bring back to discuss as a policy-based item in regards to winter parking and snow storage. At the July 13<sup>th</sup> Board meeting, Mayor Burke addressed the Board and staff in regards to updating the requirements for Special Use Permits. Staff has incorporated the Board's consideration of the affect of the proposed event on the community, and the Town's anticipated cost in staff time and equipment use, and duplication of services or sales items, as well as the specific benefit to the Town, including collection of sales tax, promotion and marketing of the event, etc. Additionally, provisions have been made for the submission requirements to be 30 days prior, 90 days if a special events liquor license is requested, to the date of the event as well as a \$200 damage deposit to the Town. Staff will also be developing an application for Special Use Permits prior to the adoption of these code changes. In regards to the Conditional Use, staff has incorporated that review of Conditional Use Permits, if either the PC or the BOT opts for a Public Hearing, that submission requirements should include, but not be limited to, narrative description of operational hours and functions, management responsibilities, assessed neighborhood compatibility and impact. Additionally, staff is requesting that a site plan depicting the layout of the structure with the proposed use, ingress and egress point, parking and vehicular ingress and egress points, snow storage, trash receptacles, and any other item that may be pertinent to the site plan of the property and proposed use. Lastly, staff is requesting landowner or Homeowners Association approval. Staff is proposing these items as there are no requirements for submission of Conditional Use Permit requests and the establishment of requirements is a priority for staff to be able to better assist applicants. There have been two items that have been brought to the attention of staff that the Board may want to consider incorporating, the ability to allow staff to set Public Hearings, which has been discussed by both the Board and

the Commission, as well as the Town's ability to withhold a permit, or the review of a permit, if the applicant is in arrears to the Town. As indicated, the Board has to hold a Public Hearing on this matter. If the Board would like to discuss this matter, they should do so at this time. After all discussion, the Board should move to hold a Public Hearing on the proposed ordinance affecting the Zoning Regulations of the Town of Grand Lake with, if applicable, staff incorporating all of the items that are not addressed but have been discussed in this meeting.

The items discussed were parking credits and requirements and Special Use application process and review procedures.

Following a lengthy discussion, Trustee Lewis moved to set a Public Hearing for September 28, 2009 to consider proposed changes to Municipal Code Chapter 12-2: Zoning Regulations with the proposed changes discussed this evening. Trustee Rhone seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION OF THE COMPUTER SUPPORT SERVICES BID AWARD** – Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that a Request for Proposal (RFP) for Computer Support Services for the Town was sent out on May 20, 2009 and again on July 20, 2009. Legal Notice #3455555 was published in the Middle Park Times on May 21st and 29th. Also, letters were sent to all computer service/repair providers in the yellow pages of the local phone book. The Town received 3 responses to the RFP with Mobile Computer Solutions being the low bidder at a yearly cost of \$3,250.00 for maintenance and \$65.00 per hour for any unscheduled service calls with no charge for travel time to or from the Town. The next closest bidder was almost \$5,700.00 higher for maintenance and \$35.00 per hour higher for unscheduled service with no travel charges, or a straight \$125.00 per hour for any service rendered with no set maintenance schedule on the computers. Mobile Computer Solutions is also a local business. I contacted several of her listed references and they all spoke highly of her professionalism, knowledge, and very prompt response to calls. The Town's computers are getting older and more problems are being encountered by staff, some of which we do not have the time, knowledge, or expertise to handle. Staff has also found ways to "avoid" minor inconveniences on individual computers such as slow printing, warning messages which we have no idea how to stop but don't seem to affect performance, restarts due to "freeze up", and very lengthy start up times. Many of these issues should be resolved by routine maintenance of the computers and the network. The Town spent \$1,282.50 in 2008 for computer support services, specific problems only, with nothing set aside for general maintenance. The Town has spent \$715.00 in 2009 so far, again for specific problems and not maintenance. These amounts do not account for other specific software contracts we have to have for financial and recording type software which we would still need to have. While the yearly maintenance costs would be a new budget item and an increase in the overall budget, staff believes this would actually result in less

down time for staff and increased performance due to not having to deal with the problems listed above. Additionally, since many of the issues have come from BOT computers, staff believes that a regular maintenance program would actually result in less down time for the Board as well. If the Board determines the computer maintenance program is necessary and the bid from Mobile Computer Solutions is appropriate for the services listed, then they should direct the Town Manager to enter into a contract with Mobile Computer Solutions for computer support services for the Town of Grand Lake.

Following discussion, Trustee Rhone moved to award the Computer Support Services Bid to Mobile Computer Solutions and to authorize the Town Manager to enter into an Agreement for Services. Trustee Lewis seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION OF THE BOAT DOCK STAIRS IMPROVEMENT BID AWARD** - Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that the Town received two bids for the removal of the existing two sets of steps that used to access the former "I" docks, as well as for the construction of new concrete steps with railings at the current location of the west set of steps, approximately at the corner of Garfield Street and Lake Avenue. Per the Town's purchasing policy, Legal Notice #3767288 ran in the Middle Park Times on July 23, August 6 and 13. The bidders were:

MW Golden Constructors: Bid: \$5,996 (+\$60 for payment and performance bond)  
Lodgepole Construction Bid: \$6,100

Since our engineer had given us ballpark of \$7,500 for this work, staff is very happy with the bids. Also, it is worth noting that Lodgepole Construction was very key to getting us to bid in the first place. Hale said that he started the conversation with Clifford Woody, owner of Lodgepole Construction, in 2007 on this project and received cost estimates back then. Hale said that he and Woody met on site recently and Woody gave him some very good information regarding constructability of this project, and followed up by meeting with the engineer to make sure that the plans Woody drew up reflected the most pragmatic approach to construction. Hale stated that he thinks that it would be a hard pill for Woody to swallow to lose this bid by \$44 when he's donated so much time getting the Town there in the first place, although there were never any representations made that his help would result in the job. That being said, Section 4-2-5, Bidding Procedure, of the Purchasing Policy states "(h) The Contract shall be awarded to the low responsible bidder with reasonable promptness by written notice." Furthermore, Section 4-2-1, Definitions, states "Responsible Bidder—means any person who has bid in compliance with the invitation to bid and within the requirements of the plan and specifications for a public contract, whose bid has been evaluated as acceptable per the guidelines in Municipal Code 4-2-5, and has furnished bonds or their

equivalent if required by law.” With that as the background, since MW Golden’s bid met the requirements of 4-2-5 and has submitted a bid in compliance with the Town’s invitation, they are in fact the low responsible bidder. As an added incentive, Hale said that when he walked the site with Colton Carlton, Project Estimator for MW Golden, he and Carlton talked about the possibility of adding a 2x4 railing at the center set of steps to visually and physically block off this area, as a temporary measure until the viewing platform is built. Hale said that he asked Carlton for an estimate for this work, and was advised that MW Golden would be happy to include it with this project at no extra charge. Carlton has advised that they would be available to start work after Labor Day, and expect this project to take four days; three consecutive, and then one after the concrete has cured. There will also be the stormwater project happening at the lakefront as well so coordination will need to take place between the Town and the contractors once everyone is on board. As a part of the stair improvement bid, contractors were given the option of proposing a different solution to connection to the floating docks, versus the design of a floating platform and gangway which would be made by Wahoo Docks and installed by Island Lake Marine, and because Hale said that he didn’t know if someone would be able to compete with current design and costs, he said that he has not ordered anything from Island Lake Marine. Since neither contractor touched that part of the project, it has been taken out to bid, and since Island Lake did the original dock project, it does make sense to move forward with them, although he said that he has been working with Rick Heaton at Island Lake on a platform design change. Specifically, while Heaton’s original bid was for a 12x12 platform, Heaton is now working on a 10x12 and an 8x12 platform as well to see what that does to the Town’s costs. Marina Manager Hassoldt thinks that an 8x12 platform will work, it would give 1.5’ on each side for dock movement, so it just comes down to what value the Board places on the cost difference since a wider dock will be more convenient. The costs have increased slightly from the original bid. The original bid did state that the bid was good for 30 days, so costs for shipping, etc., have gone up in that time. The cost difference between the largest dock (12x12) is \$14,551, compared to the smallest dock (8x12) at \$13,281, or a difference of a little less than \$1,300. So, there are two motions for the Board’s your consideration:

First, staff recommends that the Board award the Boat Dock Stair Improvement bid to MW Golden Constructors for \$6,056 and authorize the Town Manager to enter into an Agreement for Services with MW Golden for this project.

Secondly, staff recommends that the Board authorize the Town Manager to enter into an Agreement for Services with Island Lake Marine and Sports for the installation of a 12x12 Wahoo floating dock and 5x12 aluminum gangway, not to exceed \$14,551.69.

Following discussion, Trustee Rhone moved to award the Boat Dock Stair Improvement bid to MW Golden Constructors for \$6,056 and authorize the Town Manager to enter into an Agreement for Services with MW Golden for this project and to authorize the Town Manager to enter into an Agreement for Services with Island Lake Marine and Sports for the installation of a 12x12 Wahoo floating dock and 5x12 aluminum gangway, not to exceed \$14,551.69. Trustee Lewis seconded the motion and all Trustees voted aye.

NEW BUSINESS:

**CONSIDERATION OF THE STORMWATER QUALITY AND TREATMENT PROJECT BID AWARD** - Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that the Town received two bids for the installation of the Aquafilter Filtration System which will bypass the current storm drain and ensure that the stormwater is properly filtered prior to entering Grand Lake. The Invitation to Bid, No. 3826861, was published in the Middle Park Times on August 6, 13 and 20, per the Town's purchasing policy. The bid summaries are:

Mountain Diggers Corporation:	\$45,416
Maximum Services, Inc.:	\$64,344

After reviewing these bids with the Town's engineer on this project, Kevin Vecchiarelli, JVA, it was agreed that Mountain Diggers Corporation fits the requirement of the low qualified bidder. This company is out of Silverthorne, there were no Grand County bidders, and carries a very good reputation; Kirk Klanke advised that the entire infrastructure that they installed for him passed the first test each time and that he was very happy with their work. Butch Green, District Manager of Frisco Sanitation District, advised that they are very easy to work with and are judicious with any change orders. Furthermore, the President of the company, Jim Neville, has been very responsive to staff questions thus far, and seems to have a very good grasp of how he wants to coordinate this project, believing that start to finish will take him 10 days. Neville did ask me if it would be a possibility to stage a construction trailer and a tool trailer at the volleyball area during this project; he intends to sleep at the construction trailer in order to keep an eye on all of his equipment. Hale said that he told him that this would need to be discussed with the Board. As one additional item, staff was under the impression that all of the permitting was in order. I have spoken to the point source and non-point source people, and also confirmed that no stormwater permit would be needed. It turns out that the Town may need a construction dewatering permit. After making some calls to the State, our original quote of 30 days to process this permit shrunk down to 24-48 hours, and Neville is already in the process of submitting the required permit. So, if the Board doesn't have any challenges, the staff recommendation is for the Board to award the Stormwater Quality and Treatment Project to Mountain Diggers Corporation for \$45,416 and to authorize the Town Manger to enter into an Agreement for Services with Mountain Diggers Corporation.

RECORD OF PROCEEDINGS

During discussion, the Board was agreeable to allowing Neville to sleep at the construction trailer in order to keep an eye on all of his equipment. Following discussion, Trustee Rhone moved to award the Stormwater Quality and Treatment Project to Mountain Diggers Corporation for \$45,416 and to authorize the Town Manger to enter into an Agreement for Services with Mountain Diggers Corporation. Trustee Peterson seconded the motion and all Trustees voted aye.

NEW BUSINESS:

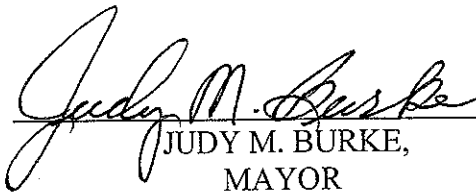
**CONSIDERATION OF TO REAPPOINT TOWN MANAGER SHANE HALE AS THE TOWN REPRESENTATIVE TO THE CML POLICY COMMITTEE FOR THE 2009/2010 LEGISLATIVE SESSION** - Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that it's time once again to appoint the CML Policy Committee Town representative. I am the current representative, and am happy to continue in this capacity if no one on the Board has a challenge with that direction. Assuming that will be ok, the staff recommendation is for the Board to reappoint Town Manager Hale as the CML Policy Committee representative for the 2009/2010 legislative session.


Trustee Rhone moved to reappoint Town Manager Shane Hale as the Town Representative to the CML Policy Committee for the 2009/2010 legislative session. Trustee Lewis seconded the motion and all Trustees voted aye.

CITIZEN PARTICIPATION: None.

ADJOURNMENT:

Trustee Rhone moved to adjourn, seconded by Trustee Lewis. All Trustees voted aye, and the meeting was adjourned at 9:27 p.m., August 24, 2009.

  
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JUDY M. BURKE,  
MAYOR

ATTEST:   
\_\_\_\_\_  
GAY DZINSKI  
TOWN CLERK PRO-TEM