

RECORD OF PROCEEDINGS

REGULAR MEETING
TOWN OF GRAND LAKE BOARD OF TRUSTEES
MONDAY, OCTOBER 12, 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 Johnson, Lanzi, Lewis, Peterson, and Rhone; Town Manager Hale, Town Clerk Kolinske and Town Planner Wittman.

ABSENT: Trustee Weydert.

APPROVAL OF MINUTES

September 14, 2009: Trustee Peterson moved to approve the minutes of the September 14, 2009 regular meeting as written, seconded by Trustee Johnson. All Trustees voted aye except Trustee Rhone, who abstained.

September 28, 2009: Trustee Rhone moved to approve the minutes of the September 28, 2009 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 then announced that all excavators and contractors in the Grand Lake area are reminded that the deadline for encroachments in the Town rights-of-way is October 15. **NO** road cuts or encroachment permits will be allowed after this date.

PRESENTATIONS: None.

At 7:35 p.m. Trustee Johnson excused himself and left the room.

LIQUOR LICENSING AUTHORITY: CONSIDERATION OF RENEWAL OF THE 3.2 PERCENT BEER RETAIL LIQUOR LICENSE FOR CIRCLE D OF GRAND LAKE, INC., D/B/A CIRCLE D FOODS – Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske reported that Craig Downing, President/Treasurer, and Kim Hart, Vice-President/Secretary, were unable to be present at this evening's meeting and have asked to table this matter until the next regularly scheduled meeting.

Trustee Peterson moved to table consideration of this matter until the next regularly scheduled meeting to be held October 26, 2009. Trustee Rhone seconded the motion and all Trustees voted aye.

LIQUOR LICENSING AUTHORITY: PUBLIC HEARING - CONSIDERATION OF A NEW TAVERN LIQUOR LICENSE FOR J.R.'S GRILL, LLC, D/B/A J.R.'S GRILL –

Mayor Burke asked Town Clerk Kolinske to present this matter to the Board. Kolinske explained that an application for a new Tavern Liquor License has been received, with the appropriate fees, evidence of possession, and floor diagram, from J.R.'s Grill, LLC, d/b/a J.R.'s Grill. The proposed location is at 1007 Lake Avenue. The property is zoned Commercial. The location is more than 500 feet from any educational institution, and no license has been denied for this location in the last two years for the reason that the reasonable requirements of the neighborhood and the desires of the adult inhabitants were satisfied by the existing outlets; therefore, state statute does not prohibit liquor from being sold from this location. On September 28, the Local Liquor Licensing Authority, Board of Trustees, received this application and scheduled a Public Hearing for consideration of this application for 7:30 p.m. October 12, which is more than 30 days from the date of the application. Public notice of the Public Hearing was posted on the premises and attested to by Grand County Sheriff Deputy Bell and Legal Notice No. 4118093 of this Public Hearing was published in the Middle Park Times. The notice provided the type of license applied for, the name and address of the applicant, the date of the application, and the date of the hearing. A petition was received containing 31 signatures. Kolinske said that she was able to verify that 27 of the people that signed are Grand Lake residents. The Grand County Sheriff's Department reviewed their files on Jon and Alyda Parker and found no adverse information that would affect the issuance of the license. Kolinske stated that on October 7, 2009, she discovered that their listed manager, DiAnn Butler, had not been fingerprinted, therefore, the Sheriff's Department could not report on her. At this Public Hearing, the Board must make a specific finding of fact from evidence adduced at this hearing regarding the desires of the adult inhabitants of the Town, and it must deny the application if it finds the sale of liquor at such a location is contrary to those desires. The local licensing authority has authority to refuse to issue this license for good cause, as defined in 12-47-103. The applicant is required to establish the reasonable requirements of the neighborhood or the desires of its adult inhabitants. The hearing is to be conducted as a quasi-judicial proceeding and in a manner which assures all interested parties a fair and reasonable opportunity to present views and information, and such that the applicant's procedural rights of fundamental fairness be protected. The Board must consider the moral character of the applicant; the reasonable requirements of the neighborhood; the desires of the adult inhabitants of the neighborhood; the number, type and availability of liquor outlets located in or near the neighborhood; and other reasonable restrictions which are or may be placed on the neighborhood by the Local Licensing Authority, Board of Trustees. The Board may not consider any information presented after the close of the Public Hearing. It must make a determination either approving or denying the license, and state the reasons for that decision, within 30 days of the close of the Public Hearing. Kolinske concluded by saying if the Board should decide to approve the liquor license, staff would recommend that this matter either be tabled until a report is received by the Grand County Sheriff's Department on DiAnn Butler or approval could be made contingent upon receiving approval from the Sheriff's Department. He noted that Jon and Alyda Parker, applicants were present.

Mayor Burke opened the meeting for public comment.

Jon and Alyda Parker, 97 Big Horn Court, were both recognized by the Chair. Alyda noted that DiAnn Butler made two attempts to get fingerprinted, the first time a booking was taking place and they did not have time for her and the second time their machine was not working.

DiAnn Butler, 354 Cramner, Fraser, was then recognized from the audience. She apologized and said that she did not realize that not being fingerprinted would hold up approval.

Mayor Burke then closed the Public Hearing and turned the matter over to the Board of Trustees.

Following brief discussion, Trustee Peterson moved to approve a new Tavern Liquor License for J.R.'s Grill, LLC, d/b/a J.R.'s Grill contingent upon receiving approval from the Sheriff's Department regarding DiAnn Butler. Trustee Rhone seconded the motion and all Trustees voted aye.

At 7:48 Trustee Johnson resumed his seat.

OLD BUSINESS:

CONSIDERATION OF ORDINANCE NO. 34-2009, AN ORDINANCE AMENDING CHAPTER 12, ARTICLE 7: DESIGN REVIEW STANDARDS, OF THE MUNICIPAL CODE OF THE TOWN OF GRAND LAKE – Mayor Burke asked Town Planner Wittman to present this matter to the Board. Wittman explained that at the last regularly scheduled meeting of the Town Board of Trustees, the Board decided to table Ordinance No. 34-2009: *An Ordinance Amending Chapter 12, Article 7: Design Review Standards, of the Municipal Code of the Town of Grand Lake*. The Board chose to do this to further discuss how community trash receptacles should be addressed in the Municipal Code. Since that time, staff took this matter to the Planning Commission for discussion at their last regularly scheduled meeting. Based on the discussion of the Commission, staff is proposing the Board consider the following:

1. *Refuse containers shall, to the greatest extent possible, be accessed from the public alley right of way.*
 - a. *Town staff or the Planning Commission shall assess refuse container placement in relationship to the site plan, the topography of the lot, the alley access and the general applicability and availability of placement in or near an alley right of way.*
2. *Refuse containers shall not be stored on the public street right of way.*
 - a. *Refuse containers, including Dumpsters, shall be permitted to be placed on the public street or alley right of way upon issuance of a Special Use or Special Events Permit.*
 1. *Permit applications shall include the placement of the refuse container and the proposed duration of the placement.*
 - b. *Dumpsters may be permitted to be stored on the public street right of way upon permission of the Town Board of Trustees.*

1. *Dumpsters permitted by the Town Board of Trustees to be stored on the public street right of way shall be screened.*
 - A. *Dumpsters shall be screened on three (3) sides between October 16th to May 14th as to provide for provider access; and*
 - B. *Dumpsters shall be screened on four (4) sides May 15th to October 15th.*
2. *Construction Dumpsters may be allowed to be placed on the public street or alley right of way as per the determination of Town staff in the building permit process or at the time of interior renovations.*
- c. *Refuse containers may be permitted to be stored in the public alley right of way so long as vehicle access is not obstructed by the container.*
3. *The Town shall encourage and promote the following:*
 - a. *Refuse Enclosures for Refuse Containers to be optionally screen from the public street right of way view on a horizontal plane from the public street right of way; and*
 - b. *Fences for Refuse Containers to be optionally screen from the public street right of way view on a horizontal plane down a public alley right of way; and*
 - c. *Multiple business cooperation of Refuse Containers sharing as to reduce the concentration of Refuse Containers in a given geographical area; and*
 - d. *Multiple business cooperation of Refuse Enclosure sharing as to centralize concentrated Refuse Containers in a given geographical area.*

Staff would like to discuss the proposed Code with the Board as it was the Board that did not seem comfortable with the previously proposed code. Staff believes that the aforementioned section does capture the essence of what the Town would like to begin to regulate in terms of the placement of refuse containers, the visibility of those containers as well as items that we would like to promote and encourage. As discussed with the Commission, it was the thought of staff that staff would notify all property owners that have dumpsters about the new code and encourage those that are not required to come into compliance, with screening, that possibly they think about the placement of their receptacle in relationship to the public view shed. The Commission also discussed their willingness to allow rough-sided plywood, rated for weather exposure, to be an acceptable primary exterior material so long as the plywood is stained or painted and that the joints are not exposed. This has been incorporated into the code upon the Town's receipt of a design review request for plywood board and batten in the community core. The Commission was favorable to the look, noting that there are numerous examples of board and batten, including reserve, style in the Town. The Board should discuss the proposed ordinance to determine whether or not all of the proposed alterations meet the desires of the Town Board. If the Board would like to continue this item for further discussion and to provide staff direction for the alteration of the proposed code, the Board should move to continue consideration of Ordinance No. 34-2009: *An Ordinance Amending Chapter 12, Article 7: Design Review Standards, of the Municipal Code of the Town of Grand Lake.* If the Board is favorable to the proposed Ordinance, the Board should move to approve Ordinance No. 34-2009: *An Ordinance Amending*

Chapter 12, Article 7: Design Review Standards, of the Municipal Code of the Town of Grand Lake.

Trustee Rhone then moved to adopt Ordinance No. 34-2009: *An Ordinance Amending Chapter 12, Article 7: Design Review Standards, of the Municipal Code of the Town of Grand Lake* with the correction of a few minor clerical errors. Trustee Lewis seconded the motion and all Trustees voted aye.

NEW BUSINESS:

PUBLIC HEARING – CONSIDERATION OF ORDINANCE NO. 36-2009, AN ORDINANCE REPEALING ORDINANCE NO. 6-2003 OF THE TOWN OF GRAND LAKE AND AMENDING CHAPTER 9, ARTICLE 1: BUILDING REGULATION AND CHAPTER 12, ARTICLE 2: ZONING REGULATIONS, OF THE CODE OF THE TOWN OF GRAND LAKE FOR THE PURPOSE OF REGULATING THE ERECTION, CONSTRUCTION, ENLARGEMENT, ALTERATION, REPAIR, MOVING, REMOVAL, DEMOLITION, CONVERSION, OCCUPANCY, EQUIPMENT USE, HEIGHT, AREA AND MAINTENANCE OF ALL BUILDINGS OR STRUCTURES AS WELL AS PROVIDING FOR THE ISSUANCE OF, THE COLLECTION OF FEES THEREFOR, AND THE PENALTIES FOR THE VIOLATION THEREOF PERMITS WITHIN THE TOWN OF GRAND LAKE – Mayor Burke asked Town Planner Wittman to present this matter to the Board. Wittman explained that draft Ordinance No. 36-2009 is an ordinance that brings the Town up to date with the new Building Code Regulations that are being proposed by the Grand County Building Department, to amend the code to ensure any municipal policies are implemented into the building process, such as the way the Town measures height and the Town’s regulation of flood plains, as well as incorporates how the building permitting process is administered in the Town, as this has not previously been written into the code. While it is worthy to note that the adoption of new codes is a significant change, the incorporation of the process of applying the Zoning Regulations through the processing of a building permit is important. As indicated, the proposed code books are being proposed by the County Building Department; a full copy of those books have been available at Town Hall for inspection prior to this Public Hearing. Wittman summarized Part 2 by saying that the first part of the section addresses definitions that are being proposed to be created or amended. Most significantly, this section addresses exterior wall coverings and amends the “Setback” definition to include “Projections” to be located in the “Setback” and that the definition for “Projection” is to include “Exterior Wall Coverings”; this is an item that the Commission suggested was a change that needed to be made by the Town. As the Town’s last appeal on denial of a final zoning sign-off, the Town witnessed what minor measurements can mean to an overall intrusion into a setback. The vast majority of the remainder of this part has been developed by the current practices of the permitting process. Staff would like to outline policy discussion items that have been addressed by the Commission and should be addressed by the Board prior to ordinance adoption. There is one document that was discussed by the Commission as to whether or not it was applicable for the Town to ask for Homeowner’s Association approval

prior to the Town's review of a building permit application. According to the Town's Attorney, it may put the Town in between an individual property owner and an HOA. The Commission discussed this was something that was petitioned by HOA's to the County. The claim was that since the Town did not enforce covenants of an HOA that the Town should, at the very least, ask for documentation that the applicant has consulted with the HOA. Additionally, if applicable, the Town will now ask for an Army Corps 404 Requirement Disclaimer indicating that the property owner, applicant and/or any applicable contractors shall comply with the Army Corps of Engineers requirements. This is an item that will be required to ensure that the Town has covered its bases if someone is illegally constructing in the water, as per the Corps requirements. Town staff currently conducts pre-site, setback and final inspections for most building permit applications. Prior to now, the Town has conducted a pre-site after the issuance of a building permit but before ground disturbance. Town staff will now conduct pre-site inspections prior to the release of a building permit application. This will ensure that these inspections are conducted and noted prior to ground disturbance, so to provide any discussed drainage measurements, as well as permit issuance. It has been the practice that the Town requires surveys for new construction. An outline of how surveys will be collected is as follows:

2. *A survey, done by a surveyor licensed by the State of Colorado, noting the distance from the nearest point of the structure, including projections, to the closest point of the lot line, if applicable.*
 - A. *An Improvement Survey Plat (ISP), shall be required for all new construction.*
 - B. *If any part of the structure, including projections, is within four feet (4') of any required setback line, an Improvement Survey Plat will be required.*
 1. *If the project is a remodel of or addition to an existing structure has an accepted Improvement Survey Plat, that plat, at the Town's discretion, may be utilized in place of obtaining a new survey.*

This item was addressed by the Commission and the Commission agreed that surveys are needed to start documenting the built environment on any given parcel. Lastly, the Commission discussed that appeals to the administration and enforcement of Chapter 12, Article 2: *Zoning Regulations* should be heard by the Commission, as opposed to the Board of Adjustment. Proposed changes to the aforementioned section of the code require the Board of Trustees to conduct a Public Hearing on the matter. Legal Notice Number 4027257 was published in the Middle Park Times on September 17, 2009. No inquiries were made to Town staff regarding the proposed changes and no comments have been received. If the Board is favorable to the proposed Ordinance, the Board should move to approve Ordinance No. 36-2009 or continue consideration of this matter until a recommendation is obtained from the Grand Lake Fire Chief. Wittman noted that Scott Penson, Grand County Building Official, was present.

Mayor Burke then opened the meeting for public comment.

Scott Penson was recognized from the audience. Penson explained that the Grand County Building Department is moving forward with the adoption of the 2009 International Residential Code with local amendments, the 2009 International Building Code with local amendments, the 2009 International Mechanical Code with local amendments, the 2009 International Plumbing Code with local amendments, the 2009 International Fuel Gas Code with local amendments, the 2006 International Energy Conservation Code, and the 1997 Uniform Code for the Abatement of Dangerous Buildings with local amendments. The codes and amendments were approved by the Grand County Planning Commission on August 12 pending approval by the Grand County Board of County Commissioners. The following are the significant changes between the current code and the proposed changes:

2009 International Residential Code.

1. Exposure classification which pertains to roofing materials, shingles and such, from an exposure B to an exposure C due to the loss of lodge pole pine trees. The change in classification requires additional fasteners on shingles.
2. The deletion of sprinkler requirements on single family dwellings and townhomes.
3. The addition of carbon monoxide detectors which is also mandated by the State.
4. The increase in the R value for insulation due to the adoption of the 2006 International Energy Conservation Code.
5. The approval of LP gas appliances in pits, crawl spaces and below grade basements if certain safety devices are installed along with the appliance. The safety device being a gas detector that is connected to a solenoid valve that shuts off all of the gas to the house and turns on an exhaust system that expels the gas.

2009 International Building Code.

1. The 2006 International Energy Conservation Code.

2009 International Mechanical Code.

1. The approval of LP gas appliances in pits, crawl spaces and below grade basements if certain safety devices are installed along with the appliance. The safety device being a gas detector that is connected to a solenoid valve that shuts off all of the gas to the house and turns on an exhaust system that expels the gas.

2009 International Plumbing Code.

1. None.

2009 International Fuel Gas Code.

1. The approval of LP gas appliances in pits, crawl spaces and below grade basements if certain safety devices are installed along with the appliance. The safety device being a gas detector that is connected to

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a solenoid valve that shuts off all of the gas to the house and turns on an exhaust system that expels the gas.

2006 International Energy Conservation Code.

1. The entire code is new.

1997 Uniform Code for the Abatement of Dangerous Buildings.

1. The Building Department references this code but it has only been used once during Penson's tenure with the department.

Penson then stated that the Grand County Board of County Commissioners held a Public Hearing on October 6, 2009 to consider adoption of these codes and the Public Hearing has been continued until October 27 due to the deletion of sprinkler requirements on single family dwellings and townhomes in the 2009 International Residential Code. He said that the change does not affect commercial buildings or multi-family. Penson said that he will be setting up a workshop with the Fire Departments within Grand County prior to October 27 to discuss the sprinkler requirements on single family dwellings and townhomes.

Having no other comments, Mayor Burke closed the Public Hearing and turned the matter over to the Board of Trustees.

Following discussion, Trustee Johnson moved to continue consideration of Ordinance No. 36-2009 until November 9, 2009 following the workshop between the County and the Fire Departments. Trustee Rhone seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF ORDINANCE NO. 35-2009, AN ORDINANCE AMENDING THE TOWN OF GRAND LAKE MUNICIPAL CODES BY AMENDING CHAPTER 2, ARTICLE 11, SECTION 2, OATH AND BOND, CHAPTER 5, ARTICLE 2, SECTION 1, APPOINTMENT, CHAPTER 5, ARTICLE 2, SECTION 2, OATH, AND CHAPTER 2, ARTICLE 12, SECTION 6, OATH AND BOND – Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that per the Board's direction at their September 28, 2009, staff has prepared Ordinance No. 35-2009 which would eliminate the requirements of a Municipal Court Judge, the Town Attorney, and Police Officers from providing the Town with a surety bond for performance of their duties. The Town has not had these people supply a surety bond in recent years. The Town supplies the necessary surety bonds for Board and staff, but does not cover the above listed surety bonds. The Town Attorney does not know of any requirements in State law mandating the above listed surety bonds, but it does allow for them if the municipality wants them. Also, Municipal Code requires the Municipal Court Judge be appointed by resolution. This is the only position which requires a resolution and all other appointments are just Board approved. Municipal Code 5-2-1 has been changed by removing the requirement of a resolution being adopted. Staff is recommending the Board adopt Ordinance No. 35-2009.

Trustee Peterson moved to adopt Ordinance No. 35-2009, and Ordinance Amending the Town of Grand Lake Municipal Codes by Amending Chapter 2, Article 11, Section 2, Oath and Bond, Chapter 5, Article 2, Section 1, Appointment, Chapter 5, Article 2, Section 2, Oath, and Chapter 2, Article 12, Section 6, Oath and Bond. Trustee Rhone seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION OF ORDINANCE NO. 37-2009, AN EMERGENCY ORDINANCE OF THE TOWN OF GRAND LAKE, COLORADO, AUTHORIZING THE ISSUANCE OF SALES AND USE TAX REVENUE REFUNDING BONDS, SERIES 2009, IN THE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$500,000, FOR THE PURPOSE OF GENERATING SAVINGS TO THE TOWN THROUGH THE REFUNDING OF OUTSTANDING SALES TAX REVENUE BONDS, SERIES 1997; CONTINUING THE PLEDGE OF CERTAIN SALES AND USE TAX REVENUES OF THE TOWN FOR THE PAYMENT OF THE TOWN'S FINANCIAL OBLIGATION REPRESENTED BY THE BONDS; AND PROVIDING DETAILS AND APPROVING DOCUMENTS IN CONNECTION WITH THE BONDS - Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that Town staff has continued to work with Troy Bernberg, Vice-President of Stifel Nicolaus and Mario Trimble, Bond Council with Kutak Rock, on the reissuance of the Town's 1997 Sales Tax Bonds. To this point, the largest drag has been the credit check, no one should be surprised that it takes time to go through all of the checks in this economy, and the Town's experience as a municipality has been no different. At this point, we're looking to be able to close on these bonds the week of October 26th probably on the 27th. Bernberg believes that we'll be able to do better than 3.85%; you'll recall that our current interest rate is 5.9%. Hale said that the meat of the agreement is in Section 4, Delegation and Parameters, because it lays out that either he or Mayor Burke can be the Sale Delegate, as defined, and that the Sale Delegate will be charged with the final determination of whether or not to make the sale based upon the parameters outlined in subsection (c). So, the Board is basically outlining this evening the minimum that should be accepted in order to move forward with this deal, and then the Sale Delegate, weighing heavily upon the Finance Banker, will make the final call when these bonds are brought to market. Practically speaking, there shouldn't be any surprises. Bernberg is currently calling investors and negotiating possible rates, and will know our rate before it becomes official, and will certainly know if we're saving at least 3%, per the GCFOA standard that was discussed previously. Quite frankly, a significant amount of this ordinance is simply language to make investors happy, so there is quite a bit of language that restricts the Town from taking on additional debt without meeting revenue requirements, or places this debt ahead of other indebtedness that the Town may take on, penalties for defaulting on our bonds, etc. There is nothing different from the existing bonds if not taken out of context. In earlier discussions, it had been contemplated lowering the Town's payments by a few thousand dollars per year, each year the town would realize a savings compared to the previous rate schedule. Since the Town will be looking at cash

flow pretty hard over the next couple of years, Hale said that he thinks that it would be wise to consider passing the majority of the savings to the Town in the first couple of years. In other words, the payments would be quite a bit lower in 2010 and 2011, and then starting in 2012 the Town would be paying approximately what it pays today. Hale said that he doesn't have hard numbers for the Board to consider, but he did mention it to Bernberg as a possibility that the Town would like to explore, so he said that he will get the Board you numbers to consider by the 26th if the Board would like to pursue the idea. This is being proposed as an emergency ordinance because there won't be time to adopt and publish this ordinance through regular means since the interest rate is variable and requires fast action. Hale said that he thinks that the case is made in the ordinance and it's a common way to adopt bond ordinances, but wanted to point it out in case there were any questions. If the Board still supports the idea of moving forward with the reissuance of debt, staff would recommend the Board adopt Ordinance No. 37-2009. He presented the Board with a table setting and referred to Page 5 which was the payment schedule.

Following discussion, Trustee Peterson moved to adopt Ordinance No. 37-2009, an Emergency Ordinance of The Town of Grand Lake, Colorado, Authorizing the Issuance of Sales and Use Tax Revenue Refunding Bonds, Series 2009, in the Aggregate Principal Amount Not to Exceed \$500,000, For the Purpose of Generating Savings to the Town Through the Refunding of Outstanding Sales Tax Revenue Bonds, Series 1997; Continuing the Pledge of Certain Sales and Use Tax Revenues of the Town For the Payment of the Town's Financial Obligation Represented By the Bonds; and Providing Details and Approving Documents in Connection With the Bonds. Trustee Johnson seconded the motion and all Trustees voted aye.

Trustee Peterson then moved to approve Town staff looking into the restructuring of the debt service as to incur less debt service during the first two years of the bond. Trustee Rhone seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION TO SET THE 2010 BUDGET FOR THE TOWN OF GRAND LAKE FOR PUBLIC HEARING ON MONDAY, NOVEMBER 9, 2009 - Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that pursuant to §29-1-105, C.R.S., the proposed budget is hereby submitted to the Board of Trustees for consideration. Staff recommends that the Board set the 2010 Budget for Public Hearing (§29-1-106(1), C.R.S.) on Monday, November 9, 2009, with notice of the Public Hearing to be published in the Middle Park Times on Thursday, October 22, 2009. The draft budget dated October 8, 2009 reflects changes based on discussion at the Board Budget Workshop on September 21, 2009. The majority of revisions are in the General Fund, with a couple of changes to the Water Fund. No changes were made to the other two funds, Debt Service and Marina. The following are for the Board's information and consideration that have been received since the Budget Workshop:

Request dated September 22, 2009, from Katherine Morris, Grand County Water Quality Specialist, for a contribution of \$1,333 to continue the toxin monitoring program for another year. This specific request is not included in the draft budget; however, there is a "Water Quality Issues" line item currently budgeted for \$1,000.

Request dated September 23, 2009 from the Grand Lake Elementary Parent Advisory Committee for a contribution in the amount of \$1,000 for general program support. The current donation amount budgeted is \$0.

Trustee Lewis moved to set a Public Hearing for November 9, 2009 to consider the 2010 Budget for the Town of Grand Lake. Trustee Peterson seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION TO AUTHORIZE THE TOWN MANAGER TO ENTER INTO A SERVICE AGREEMENT WITH WESTERN STATES RECLAMATION FOR THE VISITOR'S CENTER AND FIREHOUSE SWALE PROJECT - Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that the Town received four bids for the Visitor's Center and Firehouse Swale project, which came in as follows:

MW Golden:	\$247,560.00
Stanley Excavating:	\$153,580.00*
Spur:	\$179,176.00
Western States:	\$153,014.25

The engineer's opinion of probable costs was \$155,747.00, so both Western States and Stanley came in right on target, although Stanley added items to the bid sheet that were not included, that he believed the Town missed, which added a considerable sum to his overall bid. Regardless though, Western States Reclamation was the low apparent bidder, they met the DBE goal of 4%, they have been determined to have all of the prerequisite qualifications and they submitted all of the paperwork that was required with the bid, as well as subsequently have submitted the follow up paperwork to CDOT. Hale referred to correspondence received from Mr. Richard E. Ott, the CDOT Award Officer, which concurs with the Town that Western States Reclamation is the low apparent bidder and that the Town is approved to award the bid to this company. Since federal monies are being administered through CDOT, the Town doesn't really have any discretion in this matter other than awarding the bid to Western States Reclamation. Following the Town's purchasing policy would result in exactly the same outcome. Hale outlined some of the financial consideration for the Board that has been excerpted from the financial statement drafted for CDOT:

100% Federal ARRA Funding	\$169,000.00
80% Federal Funding (Enhancement)	\$ 23,060.20
20% Local Agency Funding (Enhancement)	<u>\$ 5,765.05</u>
Total Allotted Budget	\$197,825.25

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Western States Reclamation	<u>\$153,014.25</u>
Sub-Total	\$153,014.25
Geotechnical Testing/Inspection	\$ 5,490.00
Construction Surveying	\$ 9,680.00
Construction Engineering	\$ 14,340.00
Contingency 10%	<u>\$ 15,301.00</u>
Total Estimated Construction Costs	\$197,825.25

Hale said that after the engineering, surveying and contingency are factored in, this project ends up just below \$200,000.00, but only with \$5,765.00 of possible Town funds, which is a very good trade on the Town's part. Over the next couple of weeks staff will continue to plug away at the myriad of paperwork that is required to get Western under contract. The staff recommendation is for the Board of Trustees to award Project No. ES3 M560-002 to Western States Reclamation and to authorize the Town Manager to enter into a Service Agreement with Western States.

Trustee Rhone moved to award Project No. ES3 M560-002 to Western States Reclamation and to authorize the Town Manager to enter into a Service Agreement with Western States Reclamation. Trustee Johnson seconded the motion and all Trustees voted aye.

NEW BUSINESS:

CONSIDERATION TO AUTHORIZE THE TOWN MANAGER TO SIGN A LETTER ADDRESSED TO GRAND LAKE METROPOLITAN RECREATION REGARDING A TV TRANSLATOR STATION - Mayor Burke asked Town Manager Hale to present this matter to the Board. Hale explained that earlier this summer, the Board received a presentation from Allen Brown, Superintendent for Grand Lake Metropolitan Recreation District (GLMRD) regarding the TV Tower that is located approximately 3 miles out of Town. Best that can be determined, at some point the Town did claim some ownership or at least management authority over the tower, having paid a couple of electric bills back in the 1950s and then transferring the control over to GLMRD in 1993 through a resolution. Hale said that he spoke to the former Town Manager, Jim Cervenka, and to former Mayor Gene Stover on this subject; neither remembers the Town ever having anything to do with this tower. Stover did recall that one of the main reasons that people voted for the taxing district GLMRD in the first place was because they intended to ensure television distribution in the Three Lakes Area, which would explain why this was turned over to them in the first place. Town Public Works Director McGinn seems to recall that the Town used to do checks on the tower, but it was fairly early in his tenure so there isn't much detail. In short, Hale said that he thinks that it's fair to say that at some point, the Town was involved with the TV Translator, but that the Town washed its hands of any responsibilities associated with it at least 15 years ago. At this point, the GLMRD just wants it to be taken down because it no longer serves any function, but does stand as a big liability since it could blow down. Hale said that he and Brown spoke about this subject, and now all they

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seem to desire from the Town is a letter that states that the Town doesn't claim any ownership of the tower and doesn't object to its removal. There has been no further request/discussion on their earlier request that the Town help cover some of the costs of removal. Hale said that he has drafted a letter for the Board's consideration. If the Board supports this direction, the staff recommendation is for the Board to authorize the Town Manager to sign and send a letter addressed to the GLMRD regarding the TV translator station.

Trustee Lewis moved to authorize the Town Manager to sign a letter addressed to Grand Lake Metropolitan Recreation District regarding a TV translator station. Trustee Peterson seconded the motion and all Trustees voted aye.

ACCOUNTS PAYABLE

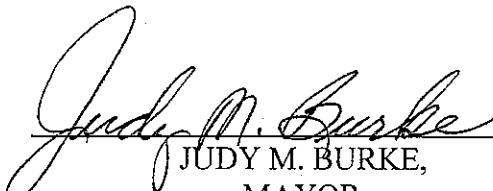
September, 2009:

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

CITIZEN PARTICIPATION: None.

ADJOURNMENT:

Trustee Rhone moved to adjourn, seconded by Trustee Peterson. All Trustees voted aye, and the meeting was adjourned at 8:48 p.m., October 12, 2009.



JUDY M. BURKE,
MAYOR

ATTEST: 

RONDA KOLINSKE, CMC,
TOWN CLERK