

## RECORD OF PROCEEDINGS

---

*Town of Estes Park, Larimer County, Colorado, September 8, 2009*

Minutes of a Study Session meeting of the **TOWN BOARD** of the Town of Estes Park, Larimer County, Colorado. Meeting held at Town Hall in Rooms 202 & 203 in said Town of Estes Park on the 8<sup>th</sup> day of September, 2009.

Board: Mayor Pinkham, Trustees Blackhurst, Eisenlauer, Ericson, Levine, Homeier and Miller

Also Attending: Town Administrator Halburnt, Deputy Town Administrator Richardson, Town Attorney White, Town Clerk Williamson, Director Zurn

Absent: None

Mayor Pinkham called the meeting to order at 5:04 p.m. Trustee Homeier arrived at 5:30 p.m.

### **STREET AND STORM WATER UTILITY.**

Director Zurn stated asphalt roadways are designed to last for approximately 20 years before the binder fails and should have maintenance performed every 10 years. He reviewed the cost of maintaining asphalt roadways: roads with a fair to good rating can be maintained at a cost of \$1.00/sq. yd.; overlay a roadway with a poor rating at a cost of \$8.00/sq. yd.; and if reconstruction is required the cost could exceed \$35/sq. yd. Roadways can be designed to last longer; however, the cost exceeds the benefit. Roadways in Estes Park tend to last longer because of the soil structure. He stated at the current funding rate it would take 2 ½ years to fund the reconstruction of a half mile of roadway and the Town has approximately 2 ½ miles of roadway that would require reconstruction. Town funding for street improvement has remained flat with the cost of asphalt tripling over the past 20 years.

Town staff has been discussing revenue sources (property tax, sales tax, utility fees) to fund the necessary improvements and maintenance for Town roadways. He stated many communities have established a separate utility to fund street and/or storm water improvements. Attorney White commented the Town has the statutory power to establish and maintain roadway and storm water infrastructure, and therefore, by ordinance could form a street utility and/or storm water utility to assess a fee for improvements. This fee would not be a tax as it is based upon the need to raise revenue for a specific purpose.

Discussion followed on a flat fee versus a separate fee for commercial and residential properties; whether or not the fees could be collected through the utility accounts; the need to educate the public on the reasons for the creation of a new utility; and Town citizens should not fund the cost for the entire valley.

Staff stated improvements and maintenance could be funded through the Community Reinvestment Fund; however, the Town cannot continue to grow and/or maintain existing infrastructure without new revenue sources. An Intergovernmental Agreement with the County could be approved to assess the fee to property owners within the Estes valley.

The Board expressed concern with moving forward with an ordinance to develop a new utility at this time; however, the Board would like staff to develop a fee structure, financial statement, project priority for the funds and a comprehensive list of other funding options, i.e. sales tax, property tax, bond, impact fees, etc. The Board suggested the topic be discussed during the first quarter of 2010 at a Board meeting.

Town Board Study Session – September 8, 2009 – Page 2

**LOCAL SALES TAX COLLECTION.**

Attorney White stated a House Bill was passed that allows the Department of Revenue to enter into an Intergovernmental Agreement with any County or Municipality for the purpose of collecting sales tax. He contends that the Town has lost significant tax revenue because of the lack of enforcement by the State. Town Administrator Halburnt stated an employee would need to be added to the Finance department to collect and enforce the collection of local sales tax. **The Board requested staff further investigate the potential of collecting sales tax locally.**

**MISCELLANEOUS**

Town Administrator Halburnt stated a historical mural at the West Park Center has begun to be painted prior to Town Board approval. The Community Development Committee reviewed the request at their June 5, 2008 meeting and requested the item come before the full Board for approval. The Estes Park Urban Renewal Authority (EPURA) approved funding for the mural at their January 21, 2009 meeting. The applicant was under the impression the approval by EPURA was for the design as well as the funding. After further discussion, **the Board requested the item be placed on the September 22, 2009 Town Board agenda, and staff would inform the applicant to stop further painting until the design has been approved by the Town Board.**

Trustee Eisenlauer stated concern with the parking and storing of recreational vehicles and boats on residential lots. She would like the Board to consider regulations to address a growing issue for the Town. Attorney White stated the issue could be addressed through zoning regulations in the Development Code. After discussion, **the Board reached consensus to not address the issue.**

Mayor Pinkham commented on the growing concern with bears in and around town. He stated most western slope communities have adopted ordinance to require bear proof trash cans, and he would like the Board to consider an ordinance to address the growing concern. Board comments were heard related to the need for education of food establishments; bear proof containers have been required for commercial development and are not being constructed; and Waste Management would have to be a partner.

Town Administrator Halburnt stated staff is preparing an assessment of the properties required to have bear proof enclosures/containers. She reminded the Board that any ordinance passed would only be regulated within Town limits and the Town would have to replace approximately 500 trash cans to comply with the ordinance. She stated the Town Board may want to consider limiting the time trash can be left out for pick up as a first step. **The Board requested staff bring forward options for further discussion.**

There being no further business, Mayor Pinkham adjourned the meeting at 6:48 p.m.