

Town of Estes Park, Larimer County, Colorado, January 14, 2003

Minutes of a Regular meeting of the Board of Trustees of the Town of Estes Park, Larimer County, Colorado. Meeting held in the Municipal Building in said Town of Estes Park on the 14th day of January, 2003. Meeting called to order by Mayor John Baudek.

Present: John Baudek, Mayor
 Susan L. Doylen, Mayor ProTem
 Trustees Jeff Barker
 Stephen W. Gillette
 David Habecker
 Lori Jeffrey-Clark
 G. Wayne Newsom

Also Present: Rich Widmer, Town Administrator
 Vickie O'Connor, Town Clerk
 Gregory A. White, Town Attorney

Absent: None

Mayor Baudek called the meeting to order at 7:00 p.m.

PUBLIC COMMENT

None.

TOWN BOARD COMMENTS

Mayor Baudek directed Town Administrator Widmer research water conservation measures and forward same to the Public Works Committee.

1. CONSENT AGENDA (Approval of):

1. Town Board Minutes dated December 10, 2002.
2. Bills.
3. Committee Minutes:
 - A. **Light and Power**, December 12, 2002, and January 9, 2003:
 1. Ten-Year Financial Forecast:
 - Balance revenue and expenses by year-end 2005
 - Fund capital expenditures from operating revenues through 2010
 - Establish a target for fund balance (excluding inventory) of 25% of operating revenues. This target should be achieved by year 2012.
 2. Light and Power Policy Manual – Amending Interest Rate on Deposits.

Community Development, January 2, 2003:

Special Events Dept.:

1. Letter of Understanding with Leslie Williams – 2003 Christmas Parade Coordinator.
2. June Rodeo Series Agreement with Powder River Rodeo, LLC, \$48,000.
3. Estes Park Fairgrounds Policy Manual – Amending Section E - Park Use Regulations.

4. Estes Park Housing Authority, November 13, 2002 (acknowledgment only).
5. Estes Valley Planning Commission, December 17, 2002 (acknowledgement only).

6. Resolution #1-03 – Public Place Designation to post notices of meetings.

It was **moved and seconded** (Doysten/Gillette) **the consent agenda be approved**, and it passed unanimously.

1A. PLANNING COMMISSION AGENDA (Approval of):

Mayor Baudek opened the Public Hearing for all Consent Agenda Items:

1. **CONSENT ITEMS:**

1. PRELIMINARY & FINAL CONDOMINIUM MAPS.
 - A. **Coldwater Condominiums**, Lot 1, Stauffer Subdivision, Hillery Parrack/Applicant.
 - B. **Common Point Condominiums**, Portion of Lots 42 and 43, Little Prospect Mountain Addition, Common Point Co./Applicant.
2. FINAL CONDOMINIUM MAPS:
 - A. **Solitude Condominiums IV**, Lot 4, Solitude Subdivision, Crystal Creek Development, Inc./Applicant – Continued from 12/10/02 Town Board Meeting.
 - B. **Cedar Ridge Condominiums III**, Lot 4, Beaver Point Third Addition, Cedar Ridge at Estes Park, LLC/Applicant.

As there was no testimony, Mayor Baudek closed the public hearing and it was **moved and seconded** (Habecker/Newsom) **all four items listed above be approved**, and it passed unanimously.

3. **ACTION ITEMS:**

- A. **REVISED DEVELOPMENT AGREEMENT:** White Meadow View Place Addition, Amended Development Plan #00-05, Lot 32A of the Amended Plat of Lots 32-35, and Portions of Lots 1, 31 and 37, White Meadow View Place Addition, Don E. Darling/Applicant ("**JANCO**" **Properties**). Mayor Baudek opened the Public Hearing, and Community Development Director Joseph presented the staff report. In summary, the Applicant is seeking approval of: (1) a second amendment to the Development Agreement that would allow units to be constructed in the locations specified on the Development Plan, and (2) a waiver of the Improvement Guarantee for required Development Plan improvements. Approval will assist the development of this proposed affordable housing project. The request is to modify placement of the previously six units, with no change in density. Placement of the units can be accomplished in compliance with Code requirements; the commitment to affordable housing remains in place; and the

Applicant desires to replace units over time. A delay in paving some of the parking spaces triggers the waiver of the Letter of Credit. As there is little risk to the Town, staff is supporting both requests.

Trustee comments pertained to holding all applicants to the same standard, support of the request based on affordable housing, an existing Agreement with JANCO whereby the Town makes yearly subsidy payments; and improvement to the intersection and public safety with development of the site.

It was **moved and seconded** (Newsom/Gillette) **that in support of affordable housing, Items 1 and 2 listed above be approved, including the Second Amendment to the Development Agreement**, and it passed by the following votes: Those voting “Yes” Trustees Doylen, Gillette, Habecker, Jeffrey-Clark and Newsom. Those voting “No”, Trustee Barker.

- B. **BLOCK 5 TEXT AMENDMENTS** to the Estes Valley Development Code (**Highway Corridor Design Standards**). These amendments were presented December 10, 2002 and the public hearing was continued to this meeting for formal action.

Community Development Dir. Joseph confirmed that, as previously requested, staff notified affected landowners by mailing 375 notices. Approximately 50 inquiries were made. Attorney White read Ordinance 1-03.

Public testimony in opposition to the Ordinance was heard from: Corey Blackman/Best Western Silver Saddle Motel, Frank Williams/Rocky Mountain Traders, Odd Lynholm, Eric Blackhurst, 1431 Juniper Dr., Gary Coleman, 2250 Big Thompson Ave., Deeva Boleman, Dir./CRA, Mike Wallace/Blackhawk Lodges, Fran Grooters/Alpine Trail Ridge Inn, Jim Tawney/Ponderosa Lodge, and Steve Lang/Estes Valley Contractors Assn. Comments pertained to the standards affecting only commercial properties, not residential; placing a burden on new business owners; previous Town Boards have promoted slow, steady growth; negative impact on the sale of commercial property; these regulations are an example of taking of property rights (setback requirement) without compensation; the standards will not improve business opportunities; the Planning Commission and consultants, not Estes Park residents, are promoting these standards to control what occurs on property they don't own; these requirements will stifle the engine that drives the Estes Park economy; the Town should demonstrate leadership by under-grounding existing overhead power lines, particularly on Mall Rd., prior to implementing highway corridor design standards for all affected commercial property owners; approval of the regulations would pose a threat to the character of Estes Park; adoption of the standards would create a hardship for the business community; construction for the new Fall River Trail has not improved the appearance of this highway corridor due to rock blasting and removal of trees; the standards would negatively affect the driving force of entrepreneurs; and the standards are an example of coercive power of government.

Testimony in favor of the standards was heard from Judy Haggard, President/League of Women Voters. Structures built

in the Estes Valley should be in harmony with the mountain setting (setbacks, building materials, color alternatives, long uniform roof lines, maintaining the entrance to Estes Park).

Staff noted that the proposed standards do not apply to commercial downtown properties, and standards could be specifically written for downtown properties if so desired by the Town Board; and regarding the color chart, industry technical standards are based on the “chroma”—intensity of hue.

There being no further public testimony, Mayor Baudek closed the public hearing. A summary of Trustee questions/comments were: these standards were promulgated by the Comprehensive Plan, and the Town agreed to explore the desirability of looking into the corridors that lead into RMNP; the regulations place too high a burden on too few people; the negative impact on redevelopment of a second floor relative to the setback/ maximum building height; and treating all property owners in a like manner.

Following completion of all discussion, it was **moved and seconded** (Barker/Habecker) **proposed Ordinance 1-03 not be approved**, and it passed unanimously.

2. ACTION ITEMS

1. **PUBLIC HEARING: 2003/2004 ELECTRIC RATE INCREASE**. Mayor Baudek opened the Public Hearing, and Light and Power Director Matzke introduced Max Kiburz, Rate Consultant, who presented a summation of the Electric Rate Study, and the associated electric rate changes proposed by the study. The study recommends changes affecting all rate classes, and eliminates one rate and establishing two new rates. The study was presented to the Light and Power Committee December 12, 2002 and, to maintain an adequate fund balance and provide funding for responsive system operation, the Committee forwarded a favorable recommendation to the Town Board. **The overall impact of these proposed changes result in a 6.25% revenue increase in 2003, and additional 6.26% revenue increase in 2004.**

Town Attorney White read Ordinance 2-03. There being no public testimony, Mayor Baudek closed the public hearing. The previous electric rate increase (adjustments) occurred in 1987, and the meeting packet included correspondence in opposition to the proposed rate increase from Franklin R. Crone, 6782 Co. Rd. 43, Glen Haven, and Steve & Barbara Klett, 1776 F Olympian Ln., Estes Park.

It was **moved and seconded** (Newsom/Jeffrey-Clark) **Ordinance #2-03 amending the Light and Power Rate Schedules be approved, with said schedules taking effect February 1, 2003**. Trustee Barker commented that rate increases are not pleasant actions, however, it is obvious such action must be taken; in the future, it would be more appropriate to look at said rates every year with potential increases to occur in smaller increments. Improved attention to this fund must be given in the future. Mayor Baudek added that the Electric Fund is an Enterprise Fund and rates must pay for themselves. Trustee Doyle commented that as good managers, the Town must have reserves to assist with catastrophic loss. Trustee Gillette stated he is the newest Light and Power Committee member, and he appreciates the fact that staff and the Rate Consultant and now looking ahead; it behooves the Town Board to re-examine the rates on a yearly basis, passing incremental increases. Steve Klett, 1776 Olympian Ln. stated he has signed up for wind power made available by the Town, and that he is in favor of increasing wind

power availability and incremental increases. Mayor Baudek advised that the Town Board is in favor of wind power and that the Municipal Building has been placed under the Wind Power rate. The motion passed unanimously.

2. **PUBLIC HEARING: NEW HOTEL & RESTAURANT LIQUOR LICENSE APPLICATION FILED BY JOSHUA B. HENDERSON, dba THE REDSTONE RESTAURANT, 225 W. RIVERSIDE DRIVE.** Mayor Baudek opened the public hearing and Mr. Henderson provided background information, including his culinary career. A family dining environment is planned, and he is limiting liquor service to beer and wine at this time. Mr. Henderson is aware of and supports the Town's diligent monitoring to help prevent the sale or service of liquor to minors. Trustee Jeffrey-Clark requested and received detailed information concerning the Applicant's previous DWI charge. Trustee Barker encouraged the Applicant to be vigilant and that the Board takes very seriously the operation of liquor licenses and the Liquor Code. There were no comments in opposition to the license application. Clerk O'Connor presented the application noting that the required T.I.P.S. Training Class will most likely be scheduled this Spring, 2003, and that a Petition containing 19 signatures in favor of the license was submitted.

There being no further testimony, Mayor Baudek closed the public hearing. Stating that the Board of Trustees finds that the reasonable requirements of the neighborhood are not met by the present liquor outlets in the neighborhood and that the desires of the adult inhabitants are for the granting of this liquor license, it was **moved and seconded** (Doyle/Gillette) **the Hotel and Restaurant Liquor License Application filed by Joshua B. Henderson for The Redstone Restaurant be approved**, and it passed unanimously.

3. **RE-APPOINTMENT – ESTES PARK BUILDING AUTHORITY.** Mayor Baudek requested approval of the re-appointment of Rich Widmer and Pete Brandjord to the Estes Park Building Authority. It was **moved and seconded** (Gillette/Doyle) **the re-appointment of Messrs. Widmer and Brandjord be approved, with the 3-yr. terms expiring 1/01/06**, and it passed unanimously.
4. **TOWN ADMINISTRATOR'S REPORT.**
 - A. Sales Tax Update. The November Sales Tax Report indicates revenues are down 17.97% from November, 2001, and year-to-date figures confirm revenues are down 2.35%. A report entitled Economic Indicators was presented listing the percentage change between 2001 and 2002. Traffic counts verify the steady decrease in revenues for 2002, and Dept. Heads are delaying any capital purchases until further advised by Administrator Widmer.
 - B. Fall River Trail. This Trail is nearing completion and staff anticipates obtaining an easement through adjacent property that would facilitate connection of the path to Performance Park.

Following conclusion of all agenda items, Mayor Baudek adjourned the meeting at 9:08 p.m.

John Baudek, Mayor

Vickie O'Connor, Town Clerk