

Town of Estes Park, Larimer County, Colorado, January 28, 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 28th 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
 Rebecca van Deutekom, Deputy 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

Trustee Habecker commented on a recent newspaper article pertaining to Larimer County and guns in the workplace. Town Administrator Widmer reported that the County have adopted a policy addressing workplace violence, where guns in the workplace are not allowed. Additionally, other questions/comments could be addressed at a joint meeting with the County Commissioners scheduled February 25, 2003.

Mayor Baudek commented on a recent CML Newsletter pertaining to the Federal Juvenile Justice and Delinquency Prevention Act, where Estes Park was cited among 39 cities that were 100% compliant with the core requirements.

Mayor Baudek commented on the Highway Corridor Design Standards issue, requesting the Town Board reconsider their decision of January 14, 2003 whereby said standards were not approved. Discussion followed with a suggestion that perhaps a committee, comprised of property owners, submit alternatives for addressing adopting such an ordinance.

1. CONSENT AGENDA (Approval of):

1. Town Board Minutes dated January 14, 2003.
2. Bills.
3. Committee Minutes:
 - A. Public Works, January 16, 2003:
 1. Water Dept. Financial Plan & Rate Study, Black & Veatch Scope of Services, \$25,000.

2. Fish Creek Pedestrian Trail, Cornerstone Engineering Scope of Services, \$37,200
 3. Fall River Trail Design & Construction Management, Cornerstone Engineering Scope of Services, \$16,234.
 4. Federal Storm Water Discharge Permit Regulations Report, Cornerstone Engineering Scope of Services, \$11,900.
 5. 2002 Water Looping Project Change Order, \$6,191.58.
- B. Public Safety, January 22, 2003:
1. Estes Valley Victim Advocates Contract for Services, \$5,000.
 2. Animal Medical Center Contract for Services (Impound), \$7,200.

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

2. ACTION ITEMS:

1. PUBLIC WORKS COMMITTEE ACTION ITEMS:

(A) **ORDINANCE #3-03 WATER TAP FEE INCREASE.** Public Works Director Linnane introduced John Gallagher/Black & Veatch (Town water consultant) who briefed the Trustees on the 2003 Water Rights Fee Study as prepared by Black & Veatch and presented to the Public Works Committee 1/16/03. The tap fee portion of the water rights fee schedule has not been changed in more than 15 years, when the CBT market value was approximately \$2,000. The current CBT market value is \$12,500. In particular, the Public Works Committee recommended adjusting the water rights portion of the tap fee from \$2,000 to \$5,400 for a single-family residence, thus, the current total tap fee would be increased from \$3,840 to \$7,240/single-family residence.

Town Attorney White read the Ordinance, and, following discussion, it was **moved and seconded** (Newsom/Barker) **Ordinance #3-03 be approved**, and it passed unanimously.

(B) **RESOLUTION #2-03 URBAN AREA BOUNDARY MAP.** Director Linnane reported that CDOT requires that municipalities revise, if necessary, their Urban Area Boundary (UAB) map and, if revised, that a resolution be adopted adjusting the UAB. Town Attorney White read the Resolution, and it was **moved and seconded** (Barker/Doylen) **Resolution #2-03 be approved**, and it passed unanimously.

2. PUBLIC SAFETY COMMITTEE ACTION ITEM:

(A) **ORDINANCE 4-03 AMENDING THE MODEL TRAFFIC CODE.** Police Chief Richardson addressed this proposed ordinance that amends Section 225 of the Model Traffic Code by adding language requiring all commercial vehicles that are equipped with engine compression brake devices (jake-brakes) to have mufflers. The Public Safety Committee recommended approval during their meeting January 22, 2003. Town Attorney White read the Ordinance, and, following discussion, it was **moved and seconded** (Gillette/Habecker) **Ordinance #4-03 be approved**, and it passed unanimously.

3. **LIQUOR LICENSING – TRANSFERS OF OWNERSHIP:**

- (A) **HUNAN RESTAURANT – FROM GEORGE LEE TO LEE DO ENTERPRISES, INC. (Lee Wu-Hsiun), HOTEL & RESTAURANT LIQUOR LICENSE, 460 W. RIVERSIDE DR.** Deputy Clerk van Deutekom presented the application, confirming that the required T.I.P.S. Training is as yet unscheduled and introduced Mr. Wu-Hsiun. Trustee Barker commented on the Town Board's strict adherence to the Liquor Code, particularly as it relates to the prohibition of liquor sales to minors. It was **moved and seconded** (Newsom/Doylen) **the Transfer of Ownership Application filed by Lee Do Enterprises, Inc., be approved**, and it passed unanimously.
- (B) **BISTRO – FROM BISTRO'S OF ESTES PARK, INC. TO JON & MARSHA SYPHER, HOTEL & RESTAURANT LIQUOR LICENSE, 401 S. ST. VRAIN AVE.** Deputy Clerk van Deutekom presented the application, confirming that the Applicants obtained T.I.P.S. Training in 2002, and introduced Mr. Sypher. It was **moved and seconded** (Doylen/Gillette) **the Transfer of Ownership Application filed by Jon and Marsha Sypher be approved**, and it passed unanimously.

4. **APPOINTMENTS/RE-APPOINTMENTS:**

- (A) **ESTES VALLEY PLANNING COMMISSION APPOINTMENT.** Mayor Baudek submitted George Hix for appointment to the Estes Valley Planning Commission, and it was **moved and seconded** (Doylen/Barker) Mr. Hix be so appointed to a 4-yr. term, expiring 12/31/06. The motion passed unanimously.
- (B) **ESTES VALLEY BOARD OF ADJUSTMENT REAPPOINTMENT.** Mayor Baudek requested Jeff Barker and Wayne Newsom be reappointed to serve on said Board of Adjustment, and it was **moved and seconded** (Doylen/Gillette) **both re-appointments be approved, with the 3-yr. terms expiring 2/28/06**, and it passed with Trustees Barker and Newsom Abstaining.

5. **TREE BOARD – ANNUAL REPORT.** Street/Park Supt. Speedlin acknowledged Tree Board members Jeff Barker, Wendell Amos, Alice Gray, Bob Seifert and staff members Tim Rische, Russ Franklin, and he presented an overview of the Tree Board's 2002 activities. Supt. Speedlin confirmed that information will be published addressing how to care for trees during winter months and drought conditions. Mayor Baudek commented on the Tree Board's positive contributions to the community, acknowledging receipt of the Annual Report.
6. **POLICY DIRECTIVE #1-03 – ESTABLISHMENT AND APPOINTMENT OF AUDIT COMMITTEE.** Town Administrator Widmer reported on the importance of audit committees in both the private and public sector, adding that an audit committee serves as a subcommittee of the governing board that reviews the yearly audit and other financial matters. Following their review, an annual written report describing the means by which the Committee discharged its duties and met its responsibilities would be presented to the Board of Trustees. Administrator Widmer read the Directive, and following discussion, it was **moved and seconded** (Barker/Doylen) **Policy Directive #1-03 be approved**, and it passed unanimously. **Mayor Baudek appointed the following to serve on this Committee:** Town Administrator Widmer, Assistant Town Administrator Repola, Finance Officer Brandjord, and Trustee Gillette, Chairman, and Mayor Baudek.

7. **POLICY DIRECTIVE #2-03 – ESTABLISHMENT AND APPOINTMENT OF ADVERTISING POLICY COMMITTEE.** Town Administrator Widmer reported that the Town created the existing Advertising Policy Committee in early 1991. However, following appointment by the Mayor, policy documentation specifying the purpose, framework, terms, or responsibilities was not established. The proposed policy directive identifies the purpose of this committee, which is to provide oversight for the advertising and marketing efforts of the Town by reviewing, directing, and modifying the quality and results of the advertising and marketing program. The Mayor will appoint members for one-year terms, and the chairperson, and members may include representatives from Town staff, the Board of Trustees, Chamber Resort Assn. Board and Exec. Dir., RMNP, and other community representatives as appropriate. Mayor Baudek requested approval of the Policy Directive at this time, delaying Committee appointment until February 11 or 25, 2003. It was **moved and seconded** (Newsom/Gillette) **Policy Directive #2-03 be approved** and it passed unanimously.

8. **TOWN ADMINISTRATOR’S REPORT.**
 - A. Fall River Trail, Phase I. This phase is nearing completion and Phase II will extend the Trail to Performance Park.

9. **REQUEST TO ENTER EXECUTIVE SESSION:**
 - A. Mayor Baudek requested an Executive Session, announcing the topic of discussion under Section 24-6-402(4)(f), C.R.S. – Personnel Matters.

 - B. It was **moved and seconded** (Gillette/Newsom) **the Town Board enter Executive Session for discussion on personnel matters, Section 24-6-402(4)(f), C.R.S.,** with said Executive Session not involving: any specific employees who have requested discussion of the matter in open session; any member of the Town Board; the appointment of any person to fill an office of the Town Board; or personnel policies that do not require discussion of matters personal to particular employees. The motion passed unanimously, whereupon Mayor Baudek adjourned the meeting to Executive Session at 8:15 p.m.

Mayor Baudek **reconvened the Open Session** at 9:55 p.m., and there being no further business, adjourned the meeting at 9:55 p.m.

John Baudek, Mayor

Rebecca van Deutekom, Deputy Town Clerk