

Town of Estes Park, Larimer County, Colorado, January 25, 2005

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 25th day of January, 2005. Meeting called to order by Mayor John Baudek.

Present: John Baudek, Mayor
Susan L. Doylen, Mayor ProTem
Trustees David Habecker
Lori Jeffrey-Clark
Chuck Levine
Wayne Newsom
Bill Pinkham

Also Present: Randy Repola, Town Administrator
Jackie Williamson, Deputy Town Clerk
Gregory A. White, Town Attorney

Absent: None

Mayor Baudek called the meeting to order at 7:00 p.m. and all desiring to do so, recited the Pledge of Allegiance.

PUBLIC COMMENT

None.

TOWN BOARD COMMENTS

Trustee Habecker stated the Pledge of Allegiance should not be a part of Town Board meetings. The Supreme Court has ruled the Pledge is not mandatory and those refusing to recite it cannot be punished. Town Trustees are obligated to provide equal representation to all citizens including individuals who have differing views or opinions. Reciting the Pledge should not be administered as a test of ones loyalty, and, Trustee Habecker requested the Pledge be removed from the official portion of the Town Board agenda. Mayor Baudek stated the Board will take the request under consideration.

Mayor Baudek encouraged residents to check their current house numbers to ensure they are visible from the street by emergency responders. He stated the Senior Center has house numbers for sale.

1. CONSENT AGENDA (Approval of):

1. Town Board Minutes dated January 11, 2005.
2. Bills.
3. Committee Minutes:
 - A. Utilities, January 13, 2005:
 1. Extend Current Short-term Contract to a 10-yr. Contract - Participate in the Clipper Wind Turbine with the Platte River Power Authority.
 2. Copy Machine/Finance Dept., Xerox Work Centre Pro 45 \$13,474.80 / 60 month lease.

- B. Public Works, January 20, 2005:
 - 1. CVB Building Construction, Part I – Preliminary Guaranteed Maximum Price – Proceed to Part II, Final Design – **SEE ACTION ITEM #1 BELOW.**
 - 2. Flashing Pedestrian Signs, Crosswalk at MacGregor and Elkhorn Avenues, \$10,000.
- 4. Estes Valley Board of Adjustment, December 7, 2004 and January 4, 2005 (acknowledgement only).
- 5. Estes Valley Planning Commission, December 21, 2004 (acknowledgement only).
- 6. Intent to Annex Resolution #3-05 – Beaver Point Heights Addition. Public Hearing scheduled March 8, 2005.

Trustee Habecker requested Item 3.B.2 (Flashing Pedestrian Signs) be removed from Consent for discussion.

It was **moved and seconded** (Doysten/Pinkham) **the Consent Items 1, 2, 3.A.1, 3.A.2, 3.B.1, 4, 5 and 6 be approved**, and it passed unanimously.

Item 3.B.2. Flashing Pedestrian Signs, Crosswalk at MacGregor and Elkhorn Avenues. Trustee Habecker expressed serious reservations and is concerned pedestrians will have a false sense of security. Trustee Levine stated safety of pedestrians is a concern at this location; therefore the signs should be placed at the crosswalk or the mid-block crossing should be removed. Public Works Director Linnane stated CDOT discourages the use of mid-block crossings due to the inherent danger. Staff concluded the flashing signs would be an attempt to make the crossing safer.

It was **moved and seconded** (Levine/Newsom) **the flashing pedestrian signs at MacGregor and Elkhorn Avenues be purchased for \$10,000**, and it passed with Trustees Doysten and Habecker voting “No”.

1A. PLANNING COMMISSION AGENDA (Approval of):

Mayor Baudek opened the Public Hearing for the following Consent Agenda Item. If the Applicant, Public or Town Board wish to speak to this item, they will be moved to the “Action Item” Section.

1. CONSENT ITEMS:

1. PRELIMINARY CONDOMINIUM MAPS.

A. Henry Development Plan #04-13, Lot 51A, Second Amended Plat of Lot 3, Canaiy Subdivision, and a Portion of Lot 51, Grand Estates Subdivision, PT Properties, Inc./Applicant.

B. Bugle Point, Lots 3 and 4, Block 4, Fall River Estates, Jim Randy Co., Inc./Applicant.

2. SUPPLEMENTAL CONDOMINIUM MAPS:

A. Stanley Avenue Condominiums, Phase II, Units 506, 508, 517 and 519, Lot 32B of the Amended Plat of Lots 32A and 33A of the Amended Plat of Lots 32, 33, 34 and 35, and Portions of Lots 1, 31 and 37, White Meadow View Place Addition, Stanley Avenue Condominiums, LLC/Applicant.

- B. Thunder Canyon Condominiums, Supplemental Map #2, Lot 22, Stanley Hills Subdivision P.U.D., Roy & Michelle Johnson/Applicant.

There being no public testimony, Mayor Baudek closed the public hearing, and it was moved and seconded (Doylen/Habecker) **Items 1.A. and B. and 2.A. and B. be approved**, and it passed unanimously.

2. PLANNING COMMISSION ACTION ITEMS:

1. Preliminary Subdivision Plat Lots 2, 4, 5, and Outlot A, Mary's Lake Subdivision and Rezoning Proposed Lots 5, 7, and 8, Mary's Lake Subdivision from A-1 Accommodations/Low-Intensity to E-Estate; and Outlot 3A from A-1 Accommodations/Low-Intensity to A-Accommodations/Highway Corridor, Rock Castle Development Co./Applicant. Mayor Baudek opened the Public Hearing. Planner Chilcott presented the Staff Report noting the preliminary subdivision plat will subdivide four of the undeveloped lots in the Mary's Lake Subdivision into nine lots, vacate a section of the Kiowa Drive right-of-way platted with the original subdivision, and dedicate new road right-of-way for an extension of Kiowa Trail. Adopted Code standards require interconnected street networks and limit the length of cul-de-sacs. Extension of Kiowa Trail is opposed by lot owners of Kiowa Ridge subdivision. CDOT standards require construction of a northbound turn lane and a southbound right turn lane on Highway 7 at the Highway 7/Mary's Lake Road intersection. Staff recommends construction of the northbound lane as a condition of this preliminary plat approval with the southbound lane to be constructed upon development of the two undeveloped parcels on the northwest side of the Highway 7/Mary's Lake Road intersection. A variance to Appendix D was granted by Public Works to allow Promontory Drive, a private drive, to serve 8 homes eliminating the need for an additional driveway.

Trustees Habecker and Pinkham questioned a potential "conflict of interest" and Attorney White clarified there was no personal financial gain and therefore no conflict.

Comments in opposition to the Kiowa Trail extension were heard from Tom & Carol Gresslin, 2024 Kiowa Trail Road; Joe Ford, 2800 Kiowa Trail; William Howell, 3025 Sioux Court; and Bill Webber, 2845 Kiowa Trail. Concerns were raised regarding increased traffic through the neighborhood, headlights shining into homes, and traffic cutting through the neighborhood to access the lodge, the church or Hwy 7.

Trustee Newsom questioned whether or not Kiowa could be a gated community. Mr. Ford stated it could be an alternative to prevent traffic in the neighborhood, although it would not prevent headlights from shining into their homes.

Frank Theis, previous owner of Mary's Lake Lodge, stated that 5 years ago, the surrounding land owners Bob Koehler and James Tawney worked together with the town to develop the original Development Plan that included Kiowa Drive, a loop road around Mary's Lake Lodge. At this time, Mr. Tawney would like to develop his property with 35 co-housing units and condominiums that would require a roadway in the current location of the proposed Kiowa Trail extension and eliminate the need for the loop roadway (Kiowa Drive).

Don DeBey, owner of Mary's Lake Lodge, commented that Kiowa Trail extension would create a buffer between the Lodge and the future development.

Trustee comments were heard and summarized as follows: could the Town require the church to direct traffic; Kiowa Subdivision property owners have a valid issue that should be addressed; and the need for the road. Staff responded that the church has an approved development plan and they cannot be required to direct traffic. The code limits cul-de-sacs to 1000 feet; and therefore, creating the Kiowa Trail extension establishes a cross street shortening the length of the cul-de-sac. Limiting cul-de-sacs also encourages interconnected street systems which are desirable. The planning staff also looked at the future maintenance cost of the previously approved loop road and the advantages of clustering development moving it off the steep slopes and wildfire hazard areas.

Mayor Baudek questioned the impact of creating Kiowa Trail extension as a one way street. Director Joseph advised the issue was raised with Public Works Director Linnane and dismissed as an alternative. Trustee Habecker stated traffic volumes on Kiowa Trail would not be appreciably different with the approved loop road versus the proposed Kiowa Trail extension.

Based on the necessity for additional discussion, it was moved and seconded (Newsom/Jeffrey-Clark) the **Preliminary Subdivision Plat** Lots 2, 4, 5, and Outlot A, Mary's Lake Subdivision and **Rezoning** Proposed Lots 5, 7, and 8, Mary's Lake Subdivision **be continued to February 22nd to allow further review and/or alternatives to the Kiowa Trail extension**, and it passed with Trustee Doylen voting "No".

2. **ACTION ITEMS:**

1. **PRESENTATION – CVB BUILDING CONSTRUCTION, PART I – PRELIMINARY GUARANTEED MAXIMUM PRICE – PROCEED TO PART II, FINAL DESIGN.** Administrator Repola stated this item was tabled and it will be returned to the Community Development committee for further review.
2. **REAPPOINTMENT OF AL SAGER – ESTES VALLEY BOARD OF ADJUSTMENT, 1-YR. TERM, EXPIRING 02/12/06.** Mayor Baudek requested reappointment of Al Sager to the Estes Valley Board of Adjustment for a 1-yr. term, expiring 02/12/06. **It was moved and seconded** (Doylen/Jeffrey-Clark) **Member Sager be reappointed**, and it passed unanimously.
3. **TOWN ADMINISTRATOR'S REPORT.** Administrator Repola will provide the Board with aggregated quarterly sales tax data in February.

There being no further business, Mayor Baudek adjourned the meeting at 9:10 p.m.

John Baudek, Mayor

Jackie Williamson, Deputy Town Clerk