

Town of Estes Park, Larimer County, Colorado, January 9, 2007

Minutes of a Regular meeting of the Board of Trustees of the Town of Estes Park, Larimer County, Colorado. Meeting held in the Town Hall in said Town of Estes Park on the 9th day of January, 2007. Meeting called to order by Mayor Baudek.

Present: John Baudek, Mayor
 Bill Pinkham, Mayor ProTem
 Trustees Eric Blackhurst
 Dorla Eisenlauer
 Richard Homeier
 Chuck Levine
 Wayne Newsom

Also Present: Randy Repola, Town Administrator
 Town Attorney White
 Jackie Williamson, Town Clerk

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.

PRESENTATION: Mayor Baudek and Bee Ross/Ambassador presented a **Plaque** and **Certificate** to the winners of the 2006 Yuletide Lighting contest sponsored by the Ambassadors, the Estes Park News and the Town of Estes Park. Mayor Baudek thanked Tracy Feagans/Administrative Assistant for her efforts on this project. Winners are as follows: Residence: Greg Walker – 1st Place, Gloria & James Rademacher – 2nd Place and Brian & Nancy Thibodeaux – 3rd Place; Business: Swiftcurrent Lodge – 1st Place, Solitude Cabins – 2nd Place and Antique Hospital – 3rd Place; Storefront: The Ore Cart and MacDonald Book Shop.

PUBLIC COMMENT

Paul Paget/Estes Park Chamber of Commerce read a prepared statement regarding discussions between the Chamber and the Town to reach an out-of-court settlement for the on going lawsuit by the Chamber, Baldpate Inn and Norm and Dee Pritchard. The Town's final agreement presented to the Chamber contained unacceptable conditions; therefore, the Chamber offers the following proposal: 1) The Chamber shall not be required to obtain a release of the lawsuit from co-plaintiffs and the Town should pursue agreements directly with each plaintiff; 2) Plaintiffs will consider a revised, out-of-court agreement that contains reasonable funding for restoration, housing and personnel necessary to re-establish a fully functioning Chamber of Commerce; 3) Both parties pursue a synergistic partnership through a non-biased third party to set goals, strategy, objectives and tactics to maximize limited resources.

TOWN BOARD COMMENTS

Trustee Blackhurst reminded the public that the Public Works Committee would meet Thursday at 8:00 a.m. in the Town Board Room. He thanked Town staff for their efforts in removing the snow during the last few weeks. The entire Board commended staff for their efforts and positive attitude.

Mayor Baudek stated this year is the Town's 90th anniversary on April 16, 1917.

The Board has received a number of letters regarding a proposed development; therefore the Mayor requested Attorney White review the land use process as it relates to the Town Board as a quasi-judicial body. Attorney White stated the Board is

forbidden to engage in exparte communications prior to a public hearing and suggested letters be returned.

1. CONSENT AGENDA (Approval of):

1. Town Board Minutes dated December 12, 2006.
2. Bills.
3. Committee Minutes:
 - A. Public Works, December 14, 2006:
 1. Intergovernmental Agreement with Estes Park Medical Center – Signing In Public Right-of-Way.
 - B. Community Development, January 4, 2007:
 1. Approval of livestock contract with Powder River Rodeo, LLC, \$60,000 for 2007.
 2. Approval of 5-year contract with Hunter/Jumper Organization.
 3. Approval of name change for Advertising Committee to the Estes Park Convention & Visitors Bureau Marketing Advisory Committee.
 4. Approval of the purchase of an HP Designjet 800 Series Large Format Printer in an amount not to exceed \$8,000.
 5. Approval to hire The Bonham Group to conduct naming rights analysis for Stanley Park Theatre for a contract amount of \$15,300.
4. Resolution #1-07 - Public Posting Area Designation.

It was **moved and seconded** (Pinkham/Levine) **the Consent Agenda be approved**, and it passed unanimously.

1A. PLANNING COMMISSION AGENDA (Approval of):

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

1. CONSENT ITEMS:

A. FINAL CONDOMINIUM MAP

1. Stonebrook Resort Condominiums, Lot 1 and Outlot A, Barker Subdivision, Jeff and Kristin Barker/Applicants.

B. SUPPLEMENTAL CONDOMINIUM MAP

1. The Lodges at Black Canyon Inn Condominiums, Supplemental Condominium Map #1; A portion of Meyer's Addition, located in the East ½ of Section 24, Township 5 North, Range 73 West of the 6th P.M., Sloan Investments, LLC/Applicant.
2. Mary's Lake Lodge Condominiums, Supplemental Condominium Map #5, Lot 3, Mary's Lake Subdivision, Ram's Horn Development Co./Applicant.
3. Solitude II Condominiums, Supplemental Condominium Map #5, Lot 2, Solitude Subdivision, Crystal Creek Development, Inc./Applicant.
4. Vista Ridge Condominiums, Phase VIII, Lot 3, Vista Ridge Subdivision, Estes Investors, LLC/Applicant.

Mayor ProTem Pinkham and Trustee Blackhurst recused themselves from item 1.B.4. Mayor Baudek closed the public hearing. It was **moved and seconded** (Homeier/Newsom) **Consent Agenda items 1.A.1, 1.B.1, 1.B.2 and 1.B.3 be**

approved with Planning Commission conditions of approval, and it passed unanimously.

It was moved and seconded (Levine/Eisenlauser) **Consent Agenda items 1.B.4 be approved with Planning Commission conditions of approval**, and it passed with Mayor ProTem Pinkham and Trustee Blackhurst abstaining.

2. ACTION ITEMS:

1. POST OFFICE PARKING LOT AND FALL RIVER TRAIL PHASE 4 – APPROVAL OF ENGINEERING FIRM FOR DESIGN & CONSTRUCTION MANAGEMENT.

Mgr. Sievers reviewed both projects and stated a Request for Proposal (RFP) was sent to 5 consulting engineers and received the following bids:

Felsburg, Holt & Ullevig	Prior Town services for school zone traffic master plan, Centennial, CO	Too busy, declined
Nolte Eng.	Small local outfit, Fort Collins, CO	No response
Landmark Eng.	Provides material testing and design to Town & other local engineers, Loveland, CO	No response
PBS&J Eng.	Prior traffic engineering to CDOT, Greenwood Village, CO	No response
Van Horn Eng.	Prior Engineering Service to PW, Estes Park, CO	\$64,777.00

The consulting engineer would begin immediately to design and also manage the construction of the parking lot for completion by Memorial Day. The Trail project will not begin until the fall of 2007 and carry over into 2008. Staff recommends the low bid of \$64,777 from Van Horn Engineering (VHE) for the combined design & construction management of these 2 projects. **It was moved and seconded (Newsom//Homeier) to accept the low bid from Van Horn Engineering for the Design and Construction Management of the Post Office Parking Lot (\$20,000 - 101-2400-424-22-02) and Fall River Trail Phase 4 (\$70,000 - 220-4600-462-22-02) for \$64,777 as budgeted**, and it passed unanimously.

2. 2006 WATERLINE PROJECT CONSTRUCTION BID APPROVAL.

Dir. Goehring stated the water line replacement project budgeted for 2006 and encumbered in December 2006 is coming forward directly to the Town Board due to the cancellation of the December Utilities Committee. The project would replace an old existing 4 inch line that has several leaks and goes at an angle through properties, next to buildings and underneath one garage. The area includes Aspen Avenue, Birch Avenue and Landers Street. Van Horn Engineering and Surveying was awarded the Design and Construction Management for this project and received the following bids:

Brannan Construction	\$181,934.40
Kitchen and Company	\$149,927.14
EZ Construction	\$122,811.00

Staff recommends contracting with EZ Construction with a 20% contingency due to an unknown number of sewer service line crossings and rock blasting. **It was moved and seconded (Pinkham/Homeier) to accept the low bid from EZ Construction for \$122,811 and a 20% contingency**, and it passed unanimously.

3. HERMIT PARK FINAL APPROVAL OF FUNDS.

The Town Board approved contributions of \$400,000 at the October 10, 2006 meeting including terms and conditions that provided for continued operation of

Hermit Park by the Town if at sometime the County cease to operate it and a dividend payment to the Town's Open Space Fund. The County agreed to the first condition and declined the second.

K-Lynn Cameron/Open Lands Manager for Larimer County stated a package has been developed that is agreeable to Agilent for a purchase price of \$6,500,000 in lieu of the appraised value of \$8,700,000. She stated the County has increased its funding dollars from \$1,000,000 to \$4,700,000. The money raised from the rental of the property is needed for upgrades to the property, the restroom facilities, maintenance of 9 miles of existing trail/roadways, restoration of some wetlands, development of an internal trail system, secondary emergency access and the acquisition of equipment originally included in the purchase price. Therefore, a dividend payment to the Town would not be possible. A contract has been signed with Agilent for the purchase, a draft conservation easement has been delivered to Agilent and the Town for review, and the closing date is set for February 15, 2007. Once the purchase is complete a management plan will be developed and public meeting will be held prior to the adoption of the plan in September. The current goal is to have tours of the property this summer, soft openings of the property in the fall of 2007 and have the property open to the public in 2008.

Trustee Blackhurst questioned if restrictions would be placed on further development of campground sites on the property. He stated that local campgrounds in Town have expressed concern with an increase in the number of sites and any upgrades to the water and electric services. Ms. Cameron stated the conservation easement allows for the addition of 5 cabins and 20 campsites with upgraded facilities. Trustee Blackhurst supports the purchase; however, he objects to the amount of funding.

Discussion followed regarding the specific wording in the conservation easement that would or would not permit hunting. Attorney White will review the easement to ensure hunting is permitted.

After further discussion, **it was moved and seconded (Levine/Eisenlauer) to approve \$400,000 from the Open Space Fund for the acquisition of Hermit Park with the following terms and conditions 1) The Town of Estes Park has first right of refusal to continue operations of Hermit Park should the County cease to operate it in the future; 2) Subject to the review of the conservation easement by Attorney White, including appropriate wording that allows hunting on the property.** The motion passed with Trustee Blackhurst voting "No".

3. **TOWN ADMINISTRATOR REPORT.**

- The Utilities Committee will hear from HDR on a water treatment facilities evaluation and financial plan for the Water Department at the January 18th meeting. All Board members are encouraged to attend the meeting as a study session will be held in February to review the final report. This document will be used to establish future rates.

Whereupon Mayor Baudek adjourned the meeting at 8:30 p.m.

John Baudek, Mayor

Jackie Williamson, Town Clerk