

Town of Estes Park, Larimer County, Colorado, February 26, 2008

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 26th day of February 2008. Meeting called to order by Mayor ProTem Pinkham.

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

Also Present: Town Attorney White
Jacquie Halburnt, Town Administrator
Lowell Richardson, Deputy Town Administrator
Jackie Williamson, Town Clerk

Absent: John Baudek, Mayor

Mayor ProTem Pinkham called the meeting to order at 5:35 p.m.

REQUEST TO ENTER EXECUTIVE SESSION:

24-6-402(4)(e), C.R.S. - For the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators – Elkhorn Lodge Redevelopment.

It was **moved and seconded** (Levine/Blackhurst) **the Town Board enter into Executive Session for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators for Elkhorn Lodge Redevelopment, under C.R.S. Section 24-6-402(4)(e)**, and it passed unanimously with Trustee Newsom absent.

Whereupon Mayor ProTem Pinkham adjourned the meeting to Executive Session at 5:32 p.m.

Mayor ProTem Pinkham reconvened the meeting to open session at 6:50 p.m. and called a 10 minute break.

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

SWEARING-IN CEREMONY.

Deputy Town Administrator Richardson stated Police Chief Kufeld began his career with the Town as a Community Services Officer and has been promoted from within the organization. Town Clerk Williamson conducted a Swearing in Ceremony for the promotion of Wes Kufeld to Police Chief.

PUBLIC COMMENT.

Eric Waples/Town resident stated the Town Board room is a unique room not found anywhere else in Estes Park. He requested the room be available for use by the community.

TOWN BOARD COMMENTS.

Trustee Blackhurst reminded the public that the Public Safety Committee would meet Thursday at 8:00 a.m. in the Town Board Room.

Mayor ProTem Pinkham stated the School Board would be hosting a candidate forum in the Board Room on March 10th for the upcoming municipal election. The Town would be addressing a new use policy for the Board Room.

1. CONSENT AGENDA (Approval of):

1. Town Board Minutes dated February 12, 2008 and Joint Study Session Minutes dated January 29, 2008 and Study Session Minutes dated February 8, 2008.
2. Bills.
3. Committee Minutes:
 - A. Public Works, February 14, 2008.
 - B. Utilities, February 21, 2008.
 - a. Purchase LED bulbs for Christmas decorations - \$6,800, Budgeted.
 - b. Primary Wire Trailer - \$15,921, Budgeted.
 - c. 2008 GMC K-3500 4x4 w/utility body and crane - \$39,789, Budgeted.
4. Resolution # 5-08 – Scheduling a Show Cause Liquor Hearing for Agapemou Ltd., dba KELLI's, 110 W. Elkhorn, 2nd Floor, Tavern Liquor License on March 11, 2008.
5. Estes Valley Board of Adjustment, January 8, 2008 (acknowledgement only).
6. Estes Valley Planning Commission, January 15, 2008 (acknowledgement only).
7. MBIA Municipal Investors Service Corp. – Approval of 2008 Engagement Letter for Investment Services.

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

1A. PLANNING COMMISSION AGENDA (Approval of):

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

1. CONSENT ITEMS:

- A. PRELIMINARY PLAT
 1. Elk Run Condominiums, Lot 9, S. St. Vrain Addition, except 1507-875 & 1617-816, Ed Peterson/Applicant.
- B. PRELIMINARY SUBDIVISION
 1. Deer Ridge Subdivision, Amended Plat of Lots 3 & 4, Skoog Subdivision, Paul M. & Katherine M. Kochevar and John A. Skoog/Applicants. Applicant requests continuance to March 25, 2008.

As there were no comments, Mayor ProTem Pinkham closed the public hearing and it was **moved and seconded** (Newsom/Blackhurst) **Consent Agenda be approved with Planning Commission conditions of approval**, and it passed unanimously.

2. **ACTION ITEM:**

Ordinance #02-08, Rezoning Request from R–Residential to RM–Multi-Family Residential, Lot 9, S. St. Vrain, except 1507-875 and 1617-816, Ed Peterson/Applicant – Mayor ProTem Pinkham opened the public hearing. Director Joseph stated the owner would like to condominiumized an older four-plex. The lot conforms to the minimum lot size requirements for the current zoning; however, multi-family use would be a nonconforming use in this zoning district. If rezoned, the property would become nonconforming as to lot size and density. Staff recommends the rezoning to move the property closer to a conforming use. Attorney White read the Ordinance into the record. Mayor ProTem Pinkham closed the public hearing. It was **moved and seconded** (Newsom/Levine) **Ordinance #02-08 be approved with the condition that the Town shall reserve the right to rezone the property if the amended plat is not recorded within the timeframes established in the Estes Valley Development Code**, and it passed unanimously.

2. **ACTION ITEMS:**

1. **RE-APPOINTMENT: ESTES VALLEY BOARD OF ADJUSTMENT.**

It was moved and seconded to approve the reappointment of Al Sager to the Estes Valley Board of Adjustment for a 2-yr. term expiring on February 28, 2010. It was **moved and seconded** (Blackhurst/Homeier) **to approve the reappointment of Al Sager as stated above**, and it passed unanimously.

2. **LIQUOR LICENSING: TRANSFER OF OWNERSHIP – PHILLIPS MANAGEMENT SYSTEMS, INC. dba 451 STEAKHOUSE TO DOUBLE PEAK INC. dba PEAK TO PEAK AMERICAN GRILLE, 451 S. ST. VRAIN AVE., HOTEL AND RESTAURANT LIQUOR LICENSE.**

Town Clerk Williamson reviewed the application stating all necessary paperwork had been received. Double Peak Inc. is requesting a transfer of the liquor license currently held by Phillips Management Systems, Inc. dba 451 Steakhouse. Trustee Levine reminded the applicant that the Town requires liquor licensed establishments to check identification and complete TIPs training. Tim Poynter/owner stated the restaurant staff would continually be trained. It was **moved and seconded** (Levine/Homeier) **the Transfer of Ownership Application filed by Double Peak Inc. dba PEAK TO PEAK AMERICAN GRILLE, be approved**, and it passed unanimously.

3. **ESTES PARK HOUSING AUTHORITY – LOAN UPDATE FOR PINES CONDOMINIUMS.**

EPHA Director Kurelja stated several banks and lending institutions are willing to lend the Authority money on the rental portion of the Pines for approximately \$800,000 to \$1 million. The Housing Authority requested an extension of the remaining \$1.6 to \$1.8 million for 24 months or until other lending sources can be established. The bank and the Town would hold first position on the loan.

It was **moved and seconded** (Levine/Newsom) **to approve an extension of the Estes Park Housing Authority loan for the Pines Condominiums up to \$1.8 million for two additional years. EPHA would acquire a loan of up to \$1 million on the rental portion of the Pines to repaying the General Fund**, and it passed with Trustee Blackhurst recusing himself from the vote.

4. **APPROVAL OF FEE WAIVER SCHEDULE AND HABITAT FOR HUMANITY ANNEXATION FEE WAIVER.**

Director Joseph stated at the November 2007 Community Development Committee meeting a fee waiver policy was discussed and recommended to the Board for final approval at the November 27, 2007 Board meeting. He reviewed the approved criteria used to qualify an entity for development and/or building fee waivers. Staff requests an amendment to the policy to provide a capped dollar amount granted at the Committee level of \$2,500 per project or \$2,500 per unit of a multi-unit affordable housing development. If a particular project merits a more substantial subsidy, then it should be considered a part of the annual budget process.

Trustee Blackhurst commented the policy is acceptable; however, he recommended the cap be equal to the highest development review fee of \$3,000.

After further discussion, it was **moved and seconded** (Blackhurst/Eisenlauer) **to approve an amendment to the Community Development Fee Waiver Policy limiting requests approved at the Committee level to \$3,000 per project or \$3,000 per affordable housing unit**, and it passed unanimously.

Town Clerk Williamson stated an annexation petition and application from Habitat for Humanity was received on December 11, 2007 for the Kundtz Addition. Payment of the annexation fee was not included; however, the Clerk's office began processing the request with the knowledge that the applicant would come forward to request a fee waiver.

Matthew Heiser/Habitat for Humanity stated fee waivers have already been granted for the current project; however, this is the first project in which Habitat has requested annexation.

It was **moved and seconded** (Eisenlauer/Blackhurst) **to approve the annexation fee waiver for the Kundtz Addition at \$1,350.00**, and it passed unanimously.

5. **4th QUARTER SALES TAX REPORT.**

Finance Officer McFarland stated 2007 sales tax was \$7.23 million, which was 5% greater than the original budget. This was the largest year-over-year increase in the past 10 years with 3.4% real growth. In the past ten years, sales tax has increased 24% adjusted for CPI. The summer months continue to grow faster than the off season months with lodging increasing by 6%.

In 2008, staff will begin an analysis of how each vendor is categorized and make adjustments within the first quarter. Recategorizing is necessary to allow for changes in the market place and in technology. A high level of accuracy is required to assure a maximum return on investment with advertising dollars.

6. **ORDINANCE # 3-08 AMENDING SECTION 2.56.020 COMPENSATION OF MAYOR AND THE BOARD OF TRUSTEES.**

Administrator Halburnt commented the Mayor and Trustee salaries were last increased in 2000. The Town Board salaries were compared to the regional and resort Towns used during the yearly employee salary survey and includes Avon, Breckenridge, Fort Collins, Frisco, Longmont, Loveland and Steamboat. The average salary for Mayor is \$11,049 and \$6,591 for Trustee. The recommendation is to increase the Mayor salary to \$6,000, Mayor ProTem to \$5,000 and Trustee to \$4,000 per year. The increases in compensation would not be applicable to Trustees currently serving per state statute that indicates a board can not increase or decrease the compensation during the middle of a

Trustee's term in office. An increase in compensation would have a positive effect to expand the pool of individuals that may run for office in the future.

Trustee Blackhurst and Newsom stated the proposed increases are reasonable and justifiable. Trustee Levine could not support the increase during a time of recession.

Milt Garrett/Town citizen supports the increases and stated the salaries could be higher.

Town Attorney White read the Ordinance. It was **moved and seconded** (Eisenlauer/Newsom) **to approve Ordinance 3-08** and it passed with Trustee Levine voting no.

3. **TOWN ADMINISTRATOR REPORT.**

- A study session will be scheduled to discuss the Elkhorn Lodge redevelopment and roadway.
- The barn survey has been completed and will be sent in the next utility bill run.

Whereupon Mayor ProTem Pinkham adjourned the meeting at 8:26 p.m.

Bill Pinkham, ProTem Mayor

Jackie Williamson, Town Clerk