

Town of Estes Park, Larimer County, Colorado, March 25, 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 25th day of March 2008. 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: Town Attorney White
 Jacquie Halburnt, Town Administrator
 Lowell Richardson, Deputy Town Administrator
 Jackie Williamson, Town Clerk

Absent: None

Mayor Baudek called the meeting to order at 7:00 p.m. and invited any person desiring to participate to stand and recite the Pledge of Allegiance.

PROCLAMATION.

Mayor Baudek proclaimed March 25th Student in Government Day. Many of the seniors from the Estes Park High School participated in the days events including a mock Town Board meeting.

PUBLIC COMMENT.

Tom Ewing/Estes Park citizen expressed appreciation to the Mayor and the Trustees for their service to the community.

Mike Wallace/Estes Park citizen questioned if the proposed performing art theater would be able to support itself in the future or would the taxpayers support the theater indefinitely. The community needs to support and maintain the local service rather than spending funds on a performing art theater. He also stated a concern with the relocation of dispatch services to the valley.

TOWN BOARD COMMENTS.

Mayor ProTem Pinkham urged the community to get out and vote on Tuesday, April 1, 2008.

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

Town Clerk Williamson reviewed the deadlines for the upcoming election: March 28th would be the last day to apply for an absentee ballot application; absentee ballots must be requested and are not sent to those who receive permanent mail ballots from the County; and voting would take place in Rooms 202 and 203 on Tuesday, April 1st from 7:00 a.m. to 7:00 p.m.

1. CONSENT AGENDA (Approval of):

1. Town Board Minutes dated March 11, 2008 and Study Session Minutes dated March 7, 2008.

2. Bills.
3. Committee Minutes:
 - A. Public Works, March 13, 2008:
 - a. 1-Ton 4x4 with snowplow & sander \$72,960.87 – Budgeted.
 - b. Grand Estates Right-of-Way dedication.
 - B. Utilities, March 20, 2008:
 - a. Light & Power Garage Doors – \$18,230.
 - b. Contract HDR for Construction Management for Mary's Lake Water Facility Improvements, \$363,446 – Budgeted.
4. Estes Valley Planning Commission, February 19, 2008 (acknowledgement only).

It was **moved and seconded** (Newsom/Pinkham) **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. PRELIMINARY SUBDIVISION

1. Deer Ridge Subdivision, Amended Plat of Lots 3 & 4, Skoog Subdivision, Paul M. & Katherine M. Kochevar & John A. Skoog/Applicants.

B. FINAL CONDOMINIUM MAP

1. Elk Run Condominiums, Lot 9, S. St. Vrain Addition, except 1507-875 & 1617-816, Ed Peterson/Applicant.

C. SUPPLEMENTAL CONDOMINIUM MAP

1. Solitude II Condominiums, Supplemental Condominium Map #7, Lot 2, Solitude Subdivision, Crystal Creek Development, LLC/Applicant.

D. REZONING REQUEST

1. Rezone from A-1 – Accommodations to R-1 – Residential, Lot 1, Block 1, Ferguson Subdivision, and a Portion of the SW ¼ of the NE ¼ of S35-T5N-R73W of the 6th P.M., Habitat for Humanity of Estes Valley, Inc./Applicant - Continued to April 22, 2008.

E. MINOR SUBDIVISION PLAT

1. Kundtz Subdivision, Lot 1, Block 1, Ferguson Subdivision, and a Portion of the SW ¼ of the NE ¼ of S35-T5N-R73W of the 6th P.M., Habitat for Humanity of Estes Valley, Inc./Applicant – Continued to April 22, 2008.

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

2. **ACTION ITEMS:**

1. **LIQUOR LICENSING: TRANSFER OF OWNERSHIP PETER HAN K. NGOV AND LIM ENG DBA GOOD FORTUNE CHINESE RESTAURANT TO PURA VIDA INC. DBA PURA VIDA, 160 FIRST STREET, BEER & WINE LIQUOR LICENSE.**

Town Clerk Williamson reviewed the application stating all necessary paperwork had been received. Pura Vida Inc. is requesting a transfer of the liquor license currently held by Peter Han K. Ngov and Lim Eng dba Good Fortune Chinese Restaurant. Trustee Levine reminded the applicant that the Town requires liquor licensed establishments to check identification and complete TIPs training. Susa Gray/President of Pura Vida stated the manager has already received T.I.P.S. training. She invited everyone to come and experience Costa Rican cuisine. It was **moved and seconded** (Eisenlauer/Blackhurst) **the Transfer of Ownership Application filed by Pura Vida Inc. dba PURA VIDA, be approved**, and it passed unanimously.

2. **ANNEXATION AGREEMENT FOR DELLA TERRA**

Attorney White stated in September of 2007 the Estes Valley Planning Commission unanimously approved Development Plan 07-14 for Della Terra Mountain Chateau, a twelve-room bed and breakfast/wedding facility located within the unincorporated Larimer County. This site is currently operated as a campground. EVPC approval included the property owner to petition the Town for annexation of the property pursuant to the IGA between Larimer County and the Town. The agreement includes provision for the annexation of the hydro-plant property owned by the Town and connection to the Town's water system if the property owner's well fails or the property is developed further. The applicant agrees to pay for half of the annexation costs. The property has water storage facilities for fire services and meets the ISO requirements. It was **moved and seconded** (Levine/Homeier) **the annexation agreement, be approved**, and it passed unanimously.

3. **SALE OF MARY'S LAKE TRANSFORMERS.**

Platte River Power Authority has scheduled the construction of the Mary's Lake Substation improvements for May 1, 2008. Addison Construction has been selected as the general contractor for the project. The first step of this project would be the removal of the transformers at a cost of approximately \$50,000. Several offers have been received including Belyea Co. Inc - \$66,700, T & R Electric Supply Co. Inc. - \$70,000 and the City of Loveland - \$70,000. Staff recommends entering into an Intergovernmental Agreement with the City of Loveland, a PRPA partner, for the sale of the two transformers.

Discussion followed on how the Town's electrical needs would be handled during the upcoming construction. Dir. Goehring stated through an IGA with Loveland electrical modeling has occurred to allow the town to operate with one substation during the construction.

After further discussion, it was **moved and seconded** (Newsom/Homeier) **to enter into an Intergovernmental Agreement with the City of Loveland for the sale of the two Mary's Lake Substation transformers for \$70,000**, and it passed unanimously.

4. **ESTES PARK URBAN RENEWAL AUTHORITY CONDITIONS ANALYSIS (BLIGHT STUDY) AND PLAN.**

Mayor Baudek opened the Public Hearing. Dir. Smith reviewed the process that led to the public hearing including a Conditions Analysis (Blight Study), new EPURA Plan and the preparation of a County Impact Analysis.

Lee Samons/Dutton Associates reviewed the new EPURA Plan. He stated the new boundaries were selected to be narrow and only include those

areas for which the proposed projects exist. The plan contains 13 proposed projects that have not been prioritized and other projects unforeseen may develop in the next 25 years. All property owners were notified by mail; notice and an impact report was provided to the County; notification was sent to the School District and notice was provided to the Estes Valley Planning Commission to ensure the new plan was consistent with the Comprehensive Plan. He stated the EVPC found the new plan complies with some portions of the Comprehensive Plan; however, they found it reduces the tax revenue of other districts and EPURA's ability to issue bonds reduces the citizen's level of involvement in local government decisions. The EVPC also expressed the proposed list of projects was not detailed enough.

EPURA Attorney Paul Benedetti commented the proposed EPURA plan is a general plan that must conform to the Comprehensive Plan and is a working framework. The vehicle for funding EPURA is Tax Increment Financing (TIF) that is generated by the taxable construction created by EPURA. The money created by the increased assessed value does not belong to the other taxing entities. The taxing entities subject to Tabor would have to reduce their mill levy as the assessed value increases if the tax increment was included; thereby maintaining the same tax revenue. He also stated that it is unwise to not include the previous area in order to be flexible and to complete any work from the previous EPURA. Property tax dollars not spent by the end of the current term of EPURA would be returned to the taxing entities and the sales tax dollars would go to the Town's General Fund. Changes can be made to the proposed boundaries prior to the approval; however, future changes would require a public hearing and a sound reason including blight within the area. The Board can approve the Resolution to continue EPURA or reconsider the renewal within 120 days. If EPURA is not renewed within 120 days, a new EPURA could not be considered for a two year period.

Town Board questions and comments are summarized: questioned the current boundaries and how they may be modified over time; were other taxing entities in Town notified; some of the proposed projects cross the line between private and public improvements and may destroy the quaintness and charm of the town; questioned the number of proposed projects in the downtown area; questioned the need for EPURA to focus on trails; there may be a benefit to include other areas in the new plan such as improvements to the Stanley Park; the plan should meet the Town's goals and priority; the new Town Board should make the decision on approving EPURA.

Those speaking in favor of the renewal: Milt Garrett/Town Citizen and Paul Steige/Downtown Property and Business Owner. Comments included the areas once improved by EPURA have begun to fall into decay; the Town could complete some of these projects but not with the same intensity of EPURA; EPURA provides an avenue for private/public improvements that benefit the community.

Those speaking in opposition of the renewal: Alice Schwartz/Estes Valley Citizen, Terry Schindle/Downtown Property Owner, George Hockman/Estes Citizen, Bill Van Horn/Estes Valley Citizen and Bryon Hall/Town Citizen. Comments included the project list should be available to the public; questioned why the façade program was not completed with the original streetscape project; it appears that EPURA is looking for a reason to be; requested EPURA provide additional communication on the proposed plan and project list prior to

consideration by the Town Board; opposition to the renewal of the TIF and to the funneling of tax money into the Town's General Fund.

Pat Lang/Town Citizen would encourage improvements around the schools.

Linda Farrell/Town Citizen spoke to the protection of property rights for developed land and the need to buffer those properties from future development and to preserve open space.

Dave Shirk/Town Citizen stated it would be beneficial to have an IGA between the other taxing entities and EPURA to minimize the tax implications.

Mayor Baudek closed the public hearing.

Town Administrator Halburnt stated there are two funding sources for EPURA including the property tax TIF that does not go through the General Fund and the sales tax TIF that does go into the General Fund. Through IGA's and other agreements the Town provides the Library District with \$27,000/year, since 2004 over \$1 million has been provided to the School District, the Ambulance District receives free dispatching services at a cost of \$15,000/year and the Town leases the golf course to EVPRD for \$1/year.

Trustee Blackhurst stated the improvements completed by EPURA are maintained by the Town and paid for with the sales tax TIF. He supports EPURA and stated the sole purpose for the existence of the authority is to provide infrastructure to stimulate private sector development and increase the economic viability of the Town.

Trustee Eisenlauer supports the renewal of EPURA. The plan provides for future progress and without it intentions would be good but nothing would be accomplished.

Trustee Homeier stated the renewal of EPURA should have the full support from the Board, the community and the other taxing entities. The plan is not complete and the boundaries of the new area should be addressed prior to considering the renewal of EPURA.

Trustee Levine supports EPURA; however, the funding of a new EPURA needs to be examined and perhaps remove the property tax portion of the TIF to eliminate the perception that other taxing entities are losing money. He would support delaying the decision.

Mayor ProTem Pinkham stated a joint study session with the Town Board and EPURA would be beneficial to set priorities and determine the benefits to the community prior to renewing EPURA.

Trustee Newsom supports the renewal of EPURA and the continued improvements for the residence and the tourist.

Mayor Baudek stated the reauthorization of EPURA has been a goal of the Town Board. He would encourage EPURA to gain Larimer County approval of the plan prior to approval by the Town Board. He encouraged the Town Board to review the funding sources to remove the perception of funds being removed from other taxing entities.

After further discussion, **it was moved and seconded** (Homeier/Pinkham) **to continue the issue of renewing EPURA and the motioned passed with Trustees Eisenlauer and Newsom voting "No"**.

5. TOWN ADMINISTRATOR REPORT.
No Report.

6. ADJOURN.

Whereupon Mayor Baudek adjourned the meeting at 9:38 p.m.

John Baudek Mayor

Jackie Williamson, Town Clerk