

Town of Estes Park, Larimer County, Colorado, April 22, 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 22nd day of April, 2008. Meeting called to order by Mayor Pinkham.

Present: William C. Pinkham, Mayor
Chuck Levine, Mayor Pro Tem
Trustees Eric Blackhurst
Dorla Eisenlauer
Richard Homeier
John Ericson
Jerry Miller

Also Present: Town Attorney White
Jacquie Halburnt, Town Administrator
Cynthia Deats, Deputy Town Clerk

Absent: Lowell Richardson, Deputy Town Administrator

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

PROCLAMATION – “Earth Day” April 22, 2008.

Mayor Pinkham read a proclamation encouraging the observance of Earth Day and presented the document to Irene Little, a representative of the League of Women Voters Recycling Program.

PROCLAMATION – 20th Annual Estes Park Duck Race – May 3, 2008.

Mayor Pinkham read a proclamation designating May 3, 2008 as the 20th Annual Duck Race Day in Estes Park and acknowledged representatives of the Noon Rotary Club. Nearly 8,000 ducks have been sold this year the proceeds of which will benefit 69 different local charities.

PUBLIC COMMENT.

Fred Day, a county resident of Little Valley Subdivision, voiced his dissatisfaction with the correspondence he received from the Town related to the \$130 subscription fee for fire protection to county residents. He stated that the letter did not contain information about charges for fire department services, therefore, not providing enough information to make a decision about the subscription fee, and stated county residents are not being treated fairly. Mayor Pinkham said that he has heard similar comments from other county residents and requested that Town Administrator Halburnt meet with Mr. Day to discuss his concerns. He also requested that Staff compile a supplemental letter that includes fire services costs so that people can make an informed decision about the subscription fee, and that the Trustees review the letter before it is mailed.

David Habecker, an Estes Park resident, requested the Trustees stop reciting the Pledge of Allegiance at the beginning of their Board meetings. He stated it is wrong, mean-spirited, and constitutes a war against atheists.

Irene Little, representing the League of Women Voters Recycling Committee, and Annie Kidwell, representing Sustainable Mountain Living, wished the Trustees a “Happy Earth Day” and encouraged all to practice recycling and conservation. Mayor Pinkham stated that all the fluorescent lights in the municipal building have recently been replaced with low energy fluorescent lights.

TOWN BOARD COMMENTS.

Trustee Blackhurst thanked Mayor Pinkham for his service to the Estes Park Housing Authority and stated applications for a replacement board member are being accepted. He encouraged the public to attend the Public Works Committee meeting on Thursday, April 24th at 8:00 a.m. in the Town Board room.

Mayor Pro Tem Levine said public interest and input will be solicited when filling board vacancies and encouraged the public to watch for notices related to the application process.

Mayor Pinkham welcomed Trustees Ericson and Miller to the Board. In addition, he stated that Town of Estes Park volunteers were honored at a luncheon on April 22nd, he thanked them for their time and reported that a total of 42,572 volunteer hours were accrued last year at a value of \$830,579.

1. CONSENT AGENDA (Approval of):

1. Town Board Minutes dated April 8, 2008.
2. Bills.
3. Committee Minutes:
 - A. Utilities, April 10, 2008:
 1. 2008 Tree Trimming Contract – Asplundh, \$75,000 – Budgeted.
4. Estes Valley Planning Commission, March 18, 2008 (acknowledgement only.)

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

1A. PLANNING COMMISSION AGENDA (Approval of):

Mayor Pinkham: Open the Public Hearing for all Consent Agenda Items. If the Applicant, Public or Town Board wish to speak to any of these consent items, they will be moved to the “Action Item” Section.

1. CONSENT ITEMS:

- A. SUPPLEMENTAL CONDOMINIUM MAP
 1. The Links of Estes Park Condominiums, Supplemental Condominium Map #1, A Portion of Lot 3, South St. Vrain Addition, Mountain View Vacation, LLC/Applicant.
 2. MLL-2 Condominiums, Supplemental Condominium Map #3, Lots 3A & 3B, Mary’s Lake Replat of Marys Lake Subdivision, Don DeBey/Applicant.

As there were no comments, the Mayor closed the public hearing and it was **moved and seconded** (Homeier/Miller) **the Consent Agenda be approved with Staff conditions of approval**, and it passed unanimously.

2. ACTION ITEM:

Mayor Pinkham: Open the Public Hearing (A). The formal public hearing will be conducted as follows:

- Mayor – Open Public Hearing
- Staff Report
- Public Testimony
- Mayor – Close Public Hearing

- Motion to Approve/Deny.
- a. **KUNDTZ ANNEXATION AND RELATED LAND USE ITEMS:**
 1. **ANNEXATION – RESOLUTION #08-08 & ORDINANCE #04-08.**
 2. **MINOR SUBDIVISION PLAT** - Kundtz Subdivision, Lot 1, Block 1, Ferguson Subdivision, & 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.
 3. **REZONING – ORDINANCE #05-08** - Lot 1, Block 1, Ferguson Subdivision, & a Portion of the SW ¼ of the NE ¼ of S35-T5N-R73W of the 6th P.M from A-1–*Accommodations* to R-1–*Residential* zoning Habitat for Humanity of Estes Valley, Inc./Applicant.

Staff Report –

Planner Shirk reviewed the request being made by Habitat for Humanity of Estes Valley to annex a .7 acre parcel to the Town of Estes Park and subsequently subdivide the property into three separate lots to be rezoned from A-1 Accommodations to R-1 Residential to accommodate the construction of three homes. Proposed density is 5.2 owner-occupied, attainable housing residences with deed and income restrictions. The annexation would allow for a dedicated right-of-way along Riverside Drive, the installation of curb, gutter, and sidewalk along the roadway, and provide landscaping in accordance with Estes Valley Development Code standards. The re-zoning and subdividing of the parcel was heard by the Estes Valley Planning Commission earlier this year, and recommended for approval despite opposition from owners of neighboring properties. Staff's recommendation is to approve Habitat for Humanity's request with the conditions set forth by the Estes Valley Planning Commission.

Discussion ensued on the following topics: deed restrictions last for 20 years, driveway will remain private street and owners will retain responsibility for maintenance, plowing, etc.

Applicant's Statement –

Matthew Heiser representing Habitat for Humanity of Estes Valley, stated the three homes planned for the parcel will help to fill a need in the community for affordable housing. He spoke to the plans for the site including the placement of the three homes on the property; the dedication of the road right-of-way; installation of curb, gutter, and sidewalk; architectural compatibility; limitations on parking; plans for extra storage; property values; the selection committee process; and continuing to work with owners as lender after the sale.

Ed Mularz, President of Habitat for Humanity of Estes Valley, stated that building affordable homes for people who work in our community will provide viability for our Town. He stated the organization works with Habitat for Humanity families to assure they are successful homeowners, good neighbors, and that the properties are maintained. He said he has been in communication with neighbors in the area and has invited them to participate in the planning, building, and selection processes.

Public Testimony –

Steven Piper, Larimer County resident, said he would support the development of two residences on the parcel, but had concerns about the higher density development stating it will adversely affect neighboring properties. He also voiced safety concerns related to the proximity of homes to the roadway.

Karen Kavka, Larimer County resident, voiced her opposition to the plan due to density issues, placement of homes so close to the roadway, safety issues, and impact on area property values.

Millie Steketee and Roger Steketee, Larimer County residents, urged the Trustees to visit the property to become familiar with the area and voiced concern related to the placement of the homes, the density of the development not being compatible with the neighboring properties, safety issues related to setbacks, and the need to disperse affordable housing throughout the Estes Valley.

Leon Wiese, Larimer County resident, stated his opposition to the annexation requesting the parcel remain in the County with the existing zoning and setbacks.

Kent Bosch, Larimer County resident and President of Charles Heights, stated that a majority of the Charles Heights property owners oppose the development because of density and safety issues, but support the objectives of Habitat and recognize the need for affordable housing.

Andrea Wildman, Larimer County resident, supported the mission and purpose of Habitat for Humanity and the construction of two homes on the property as allowed by current zoning, but stated that the small lots and density of the proposed development does not fit into the neighborhood and will cause overcrowding, and urged the Trustees to deny the annexation.

Dorothy Dorman, Larimer County resident, and Louise Olson, Town of Estes Park resident, both spoke in favor of the development stating that it is in line with the Town's vision and mission statements and reiterated the need for affordable housing. Ms. Dorman spoke about her experience on Habitat's family selection committee and the need to build three homes to keep the price of the homes affordable.

Mayor Pinkham closed the public hearing at 9:15 p.m.

Discussion among the Trustees followed and is summarized: no variances are being requested by Habitat for Humanity; reason to build three homes is to keep prices affordable; building placement is dictated by water main running through the property; recognize and acknowledge the good work Habitat for Humanity has done; three units may be too many for this parcel; affordable housing means higher density; annex property but limit number of units; proximity of residences to the roadway; difficult site design; and Habitat for Humanity has demonstrated a willingness to work with neighbors and address their concerns.

Attorney White read Ordinance #04-08 into the record. It was **moved and seconded** (Levine/Miller) **to approve Ordinance #04-08 and Resolution #08-08 as presented**, and it passed. Those voting "Yes" – Trustees Blackhurst, Eisenlauer, Ericson, Levine, and Miller. Those voting "No" – Trustee Homeier.

Attorney White read Ordinance #05-08. He stated that if rezoning is approved, the ability to develop three lots becomes a use by right.

It was **moved and seconded** (Levine/Eisenlauer) **to approve Ordinance #05-08 as presented**, and it passed. Those voting "Yes" – Trustees Eisenlauer, Ericson, Levine, and Miller. Those voting "No" – Trustees Blackhurst and Homeier.

It was **moved and seconded** (Levine/Ericson) **to approve the Kundtz Minor Subdivision Plat with Planning Commission conditions of approval**, and it passed. Those voting "Yes" – Trustees Eisenlauer, Ericson, Levine, and Miller. Those voting "No" – Trustees Blackhurst and Homeier.

2. ACTION ITEMS:

1. 1ST QUARTER FINANCIAL REPORT.

Finance Officer McFarland reviewed the financial report and stated that revenues and expenses are on target for the 1st quarter of 2008. He reported

that sales tax revenues are at 11.3% of budget and expenses are generally under 25%. He stated that with investment rates low a conservative approach is being taken in regard to investments.

2. **SYSTEM DEVELOPMENT FEE – ORDINANCE #06-08.**

As a way for the water utility to recover a portion of the cost of constructed system capacity and water rights, new water service customers are required to pay a one-time connection charge or tap fee. Currently, the two components of the Town's connection charge are a System Development Charge (SDC) of \$1840 and a Water Rights fee of \$5400. The water rights portion of the fee was reviewed and increased in 2003, with the last increase to the SDC being instituted in 1995. Subsequent to a study completed in 2007 by HDR Engineering (HDR), staff is recommending the SDC increase to \$4940 and the Water Rights fee increase to \$5450. Data supporting the increases include planning and engineering design criteria of Estes Park's water system and future capital improvements related to growth. Dir. Goehring provided the Trustees with two methods to implement the SDC increase: one being to implement the increase at one time, and the other to spread the increase out over a three year period. Discussion followed related to tap fees in neighboring communities; the purchase of water rights; the size of the increase; when to implement the new fees; and how customers are notified of the fee increases.

Attorney White read Ordinance #06-08 into the record. It was **moved and seconded** (Homeier/Blackhurst) **to approve Ordinance #06-08 authorizing an increase to the connection charges for new water customers to be implemented over a three year period beginning in June of 2008 as outlined, with an additional annual increase of approximately 3.6% each January to reflect the cost of inflation**, and it passed. Those voting "Yes" – Trustees Blackhurst, Eisenlauer, Homeier, Levine, and Miller. Those voting "No" – Trustee Ericson.

3. **BONDING FOR THE MARY'S LAKE WATER TREATMENT PLANT IMPROVEMENTS – ORDINANCE #07-08.**

Ordinance #07-08 authorizes the Town to execute a loan agreement, which includes the issuance of a Governmental Agency Bond, with the Colorado Water Resources and Power Development Authority to borrow funds for upgrades to the Mary's Lake Water Treatment Plant. The principal amount of the loan is \$5,500,000 for a term of 20 years at an approximate interest rate of 3.8%, and an estimated maximum annual debt service payment of approximately \$440,000. The determination of the actual amount of the loan, interest rate, maturity date, and debt service payment will depend on conditions at the time of the marketing of the Water and Power Authority's overall bond. The obligation of the Loan Agreement and the Governmental Agency Bond is payable from revenues of the Town's water department, is not a general obligation of the Town, and does not pledge or encumber other revenues or properties of the Town.

Attorney White read Ordinance #07-08 into the record. It was **moved and seconded** (Blackhurst/Miller) **to adopt Ordinance #07-08 authorizing bonding for the Mary's Lake Water Treatment Plant improvements**, and it passed unanimously.

4. **AIR CURTAIN BURNER.**

In light of the bark beetle infestation in the Estes Valley, staff has researched the purchase of an air curtain burner to facilitate in the disposal of infested trees and slash. Also, the Light and Power department generates a large number of fallen trees and a large amount of tree slash in their trimming program to protect power lines. The current process being utilized for disposal of this material is to grind and haul the slash to the dump which is becoming cost prohibitive. In

addition, people throughout the Estes Valley are being trained to inspect and identify at-risk trees in an effort to take an aggressive approach to managing the infestation. It is the intention of the Town to offer use of the air curtain burner to Estes Valley residents for the disposal of trees and slash to help prevent the spread of the infestation. Therefore, Staff recommends the Light and Power Department the Public Works department share in the purchase of the air curtain burner to be located on Town property on Elm Road.

Discussion ensued on the following topics: the availability of the equipment; operational costs of the machine related to fuel and manpower; smoke emitted from the burner; and the possible use of ash produced by the burner by the streets department. It was **moved and seconded** (Ericson/Eisenlauer) **to purchase the S-217 Air Curtain Burner from Air Burners, LLC, at the Federal GSA bid pricing cost of \$82,807, as a joint department purchase as follows: \$12,000 from account #101-5200-452-24-01; \$5,000 from account #101-5200-452-25-01; and \$65,807 from account #502-7001-520-35-57 budgeted**, and it passed unanimously.

5. **TOWN ADMINSTRATOR REPORT.**

Administrator Halburnt reported that the application for a Community Development Block Grant on behalf of the Estes Valley Victim Advocates (EVVA) has been approved. EVVA will receive a grant in the amount of \$210,000 to be applied towards the purchase of a safe house.

Whereupon Mayor Pinkham adjourned the regular meeting at 10:59 p.m.

William C. Pinkham, Mayor

Cynthia Deats, Deputy Town Clerk