

*Town of Estes Park, Larimer County, Colorado, July 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 22<sup>nd</sup> day of July, 2008. Meeting called to order by Mayor Pinkham.

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

Also Present: Jacquie Halburnt, Town Administrator  
Lowell Richardson, Deputy Town Administrator  
Cynthia Deats, Deputy Town Clerk

Absent: Town Attorney White

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

**PUBLIC COMMENT.**

George Hockman, Town resident, expressed concern about the spread of invasive, noxious weeds in the Estes Park area, and encouraged the Town and other public entities to set a good example of compliance with regulations related to controlling weeds. He urged the Town to inform the public about what is being done to control weeds, who to contact with concerns about noxious weeds on public property, and provide information to residents about how to deal with weed problems on private property.

Staff reported that Code Enforcement Officer Andrew Hart monitors compliance of the Town's noxious weed regulations, and stated that the annual Weed Roundup is scheduled for Saturday, July 26<sup>th</sup>. The educational event is a cooperative effort between Colorado State University and local concerned citizens and will feature literature and demonstrations related to identifying noxious weeds. The Town's air curtain burner will be utilized to dispose of noxious weeds that are brought to the event at 680 Elm Road.

David Habecker, Town resident, requested that, until Congress removes the words "under God" from the Pledge of Allegiance, the Town Board stops the practice of reciting the Pledge at Board meetings.

**TOWN BOARD COMMENTS.**

Trustee Blackhurst announced that the Public Works Committee meeting will be held in the Town Board room on Thursday, July 24, 2008, at 8:00 a.m.

Mayor Pinkham stated that the Town Board and Staff will be participating in a budget work session on Friday, July 25, 2008, at 8:30 a.m., in Rooms 201/202/203, to begin the budgeting process for 2009. He also urged citizens to exercise caution when using any type of fire, including barbecue grills, as fire danger is high due to dry weather conditions.

1. **CONSENT AGENDA (Approval of):**

1. Town Board Minutes dated July 8, 2008 and Town Board Study Session Minutes dated July 8, 2008.
2. Bills.
3. Committee Minutes:
  - A. Community Development, July 3, 2008.
  - B. Utilities, July 10, 2008.
    - a. Water Design Policy Standards Update, RG Engineering, \$9,770.
    - b. YMCA Bulk Water Emergency Tap Agreement.
4. Estes Valley Planning Commission, June 17, 2008 (acknowledgement only).

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

2. **PLANNING COMMISSION AGENDA (Approval of):**

Mayor Pinkham opened the public hearing for the following Consent Agenda items:

1. **CONSENT ITEMS:**

- A. SUPPLEMENTAL CONDOMINIUM MAP
  1. Fall River Village, Amended and Supplemental Condominium Map #1, Fall River Village Condominiums, including Building #3, Lot 8, Fall River Village PUD, Fall River Village Communities/Applicant.
- B. AMENDED PLAT
  1. Fall River Estates, Lots 1, 2, & 4, Replat of Lot 26, Block 1, Fall River Estates, John & Peter Simonson/Applicants.

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

2. **ACTION ITEM:**

- a. **BIG BEAR ESTATES ANNEXATION AND RELATED LAND USE ITEMS:** Four Metes and Bounds parcels (parcel identification numbers 35261-00-001, 35261-05-046, 35261-06-001, and 35252-53-018) and Outlot A, Sallee Resubdivision, Rock Castle Development Company/Applicant.
  1. **ANNEXATION – RESOLUTION #-08 & ORDINANCE #-08.**
  2. **REZONING – ORDINANCE #-08** Rezoning of Parcel #35261-00-001 from RE-Rural Estates to CO-Commercial Outlying. Rezoning of Parcel #35261-05-046 and Outlot A, Sallee Resubdivision from E-Estate to CO-Commercial Outlying.
  3. **PRELIMINARY SUBDIVISION PLAT.**
  4. **PRELIMINARY PLANNED UNIT DEVELOPMENT (P.U.D.) #08-01.**

Rock Castle Development Co./Applicant has requested all items related to the Big Bear Estates development be continued to the September 23, 2008 Town Board meeting.

It was **moved and seconded** (Homeier/Ericson) **to approve the continuance as requested by the applicant**, and it passed unanimously.

3. **REPORT:**

- a. Presentation of Estes Valley Development Code Block 11 Amendments – First Reading: Revisions to the appeal process (Town Board Public Hearing will be held August 26, 2008.)

Dir. Joseph read proposed amendments to the Estes Valley Development Code. The changes address timeframes related to the appeal process and allow a party-in-interest thirty days to register an appeal upon a decision. The appeal must then be heard within 60 days of receipt of the written request for appeal. A formal recommendation to adopt the changes to the Estes Valley Development Code will be presented to the Town Board next month.

4. **ACTION ITEMS:**

1. **PLATTE RIVER POWER AUTHORITY ORGANIC CONTRACT & POWER SUPPLY CONTRACT – ORDINANCE #10-08.**

In the mid-1960s the municipalities of Estes Park, Loveland, Longmont and Fort Collins created a non-profit corporation for the purpose of purchasing blocks of energy from the Bureau of Reclamation for resale to the individual Member Municipalities. The corporation faced limitations, however, in that it was unable to issue tax-exempt bonds to finance capital projects. Subsequent to a 1974 amendment to the Colorado Constitution, the Platte River Power Authority (PRPA) was established through an Organic Contract in June of 1975 as a “separate governmental entity” with the power to own energy generation and transmission facilities with investor-owned and cooperative utilities, replacing the non-profit corporation. A stipulation of the Organic Contract is the establishment of the “Power Supply Contract” guaranteeing all power required by the Member Municipalities is purchased from PRPA. Due to the long-term nature of many PRPA actions, it has been a practice to re-extend the Organic Contract every 10 years so the contract term never falls below 30 years. Staff recommends extending the Organic Contract through 2050.

Brian Moeck, PRPA General Manager, explained the relationship between the Authority and Member Municipalities and stated that having long term contracts allows PRPA to receive the best possible credit ratings and lowest interest rates. He stated that only minor changes were made to the Organic Contract, updating the language of the contract and reflecting no changes to the governance model of PRPA. The Power Supply Agreement insures that PRPA will provide power to meet the needs of the Town and that the Town of Estes Park agrees to purchase power from PRPA. In addition, a de minimus clause was included in the Power Supply Agreement which will give the Town of Estes Park the option to generate up to 1 megawatt of power, or 1% of peak demand, from a new power source in the future. Mr. Moeck stated that PRPA monitors legislation and regulations for their impact on the Authority and to stay ahead of mandated standards related to renewable energy resources.

Town Administrator Halburnt read Ordinance #10-08 concerning Platte River Power Authority and the Town’s electric facilities; authorizing the execution and delivery of an amended and restated organic contract establishing Platte River Power Authority as a separate governmental entity and an amended contract for

the supply of electric power and energy into the record. It was **moved and seconded** (Homeier/Miller) **to adopt Ordinance #10-08 as read**, and it passed unanimously.

2. **MARY'S LAKE TREATMENT PLANT EXPANSION.**

A General Contractor/Construction Bid Opening was held on June 26, 2008 for the Mary's Lake Water Treatment Plant Expansion Project. The project design engineers, HDR Engineering, pre-qualified eight construction companies to bid on the project, with six companies submitting bids. The total project cost is \$5,995,766.50 which includes the lowest bid and an additional \$2,518,348 for the Membrane Contract with GE Zenon Corporation. Staff recommends awarding the contract in the amount of \$3,477,418.50 to low bidder Moltz Construction. Funding will come from the State Revolving Fund (SRF) in the amount of \$5,465,000 (Bond) and \$876,000 from the Water Enterprise Fund for a total of \$6,341,000 to cover project expenses and a 10% contingency fund. Utilization of monies from the Enterprise fund will not affect bonding requirements.

Sarah Clark, Project Manager, presented the Trustees with an overview of the project that will increase the treatment volume of the plant, improve plant reliability, and meet future standards of efficiency. Ms. Clark reviewed the timing of the project, stating that final completion is scheduled for June 2009. Trustee Blackhurst pointed out that Staff has been working on this project over the past two years to get to this point. It was **moved and seconded** (Levine/Miller) **to approve the contract with Moltz Construction in the amount of \$3,477,418.50 for the Mary's Lake Water Treatment Plant Expansion Project**, and it passed unanimously.

3. **2<sup>ND</sup> QUARTER FINANCIAL REPORT.**

Finance Officer McFarland reviewed the 2<sup>nd</sup> quarter financial reports. He stated that the Enterprise Funds reflect revenues over 50% and expenses under 50% at the end of the 2<sup>nd</sup> quarter. He reported that the Investment Fund contains a large deposit from the bonding authority related to Light and Power bonds that will earn interest until depleted by scheduled projects. Expenses in the General Fund have been kept under 50% through the first half of the year with sales tax revenues coming in approximately 6% lower than last year and 6% under projections through May equating to approximately \$100,000. Finance Officer McFarland stated that this is the first down quarter in the past nine, and that he advises moving cautiously when considering new or discretionary spending.

4. **FIRE TRUCK PURCHASE.**

The 2008 Fire Department budget includes \$270,000 to purchase a Fire Truck Apparatus from account 101-2200-422-34-42 transferred to special revenue fund 229-2200-422-34-42. Staff is recommending replacement of Fire Engine #2, a 1976 Mack Fire truck, which has exceeded its useful life as a primary response vehicle. Chief Dorman stated that the new fire truck apparatus will have greater pumping capacity, comply with occupational safety and health standards, hold four firefighters instead of two resulting in the ability to get more people on the scene faster, and will produce a positive effect on insurance ratings and premiums.

Specification requirements for the truck were compiled by Staff to meet the identified needs of the fire department and residents within the Fire Department response area. Bids were solicited from six manufacturers with five companies responding. Low bidder Mile-Hi Fire Apparatus' vehicle met or exceeded a majority of the requirement specifications at a cost of \$357,918; \$87,918 over budget. Contributing factors to the cost overrun include a 68% increase in steel prices, a 3% increase in labor costs, purchasing a four-passenger unit vs. a two-passenger unit, and the initial costs for the fire truck were researched and

acquired in 2006. It should be noted that, once delivered, there are additional equipment expenses for this vehicle. Costs for fire hose, nozzles, adaptors, and clamps are estimated at \$70,000 and will be requested in the 2009 budget.

The Public Safety Committee requested specific information related to methods of addressing the cost overrun, and staff responded with the following options related to acquiring the vehicle:

1. Use 2008 budgeted dollars (\$270,000) and offset overruns (\$87,918) with fire subscription fees collected for 2008.
2. Use 2008 budgeted dollars (\$270,000), offset a portion of overruns (\$41,041) from the fire subscription fees collected and initiate line item cuts from the department budget in the amount of \$46,877.
3. Lease purchase.
4. Purchase a used fire truck.
5. Do not purchase the truck at this time which would result in a price increase of approximately 15%-20% according to Mile High Fire Apparatus staff.

Discussion followed and is summarized: Engine #2 has little value as a trade-in but can be utilized as a back-up engine; don't cut budget for necessary equipment and training; personnel savings of \$27,377 realized because Fire Department Training Officer was not hired until April 2008; lease payments would be approximately \$80,000 per year with approximately \$45,000 paid in interest over a five year period; it is difficult to locate a used vehicle that would meet Fire Department requirements, and agreement that this is appropriate use of fire subscription fees.

It was **moved and seconded** (Miller/Blackhurst) **to approve the purchase of the Fire Truck apparatus at a cost of \$357,918, to be funded in the following manner: \$270,000 from 2008 budget, \$27,377 from personnel savings, and the balance from subscription fees paid in 2008**, and it passed unanimously.

**5. PUBLIC INFORMATION OFFICER.**

Based on discussions held at the April 25, 2008 Town Board retreat, Town Administrator Halburnt researched the addition of a Public Information Officer (PIO) position and performed a salary survey, gathering data from Frisco, Steamboat Springs, Avon, Fort Collins, Loveland and Longmont which indicated a competitive salary range for the position of \$52,785-\$72,735 that, with benefits, would increase to \$68,600-\$94,550. This salary information along with an outline of job duties was presented at the June 10, 2008 Town Board meeting. At that time, the Board requested to review a comprehensive job description and questioned the need for the full-time position.

Town Administrator Halburnt stated that although the optimal decision would be to add the position, considering the current decline in sales tax revenue, she is hesitant to do so at this time. Currently PIO duties are included within the Deputy Town Administrator job description and she recommends Deputy Town Administrator Richardson retain these duties, working with an assigned Public Information representative from each department. The Public Information Team will meet regularly as a group and pool resources to increase communication, both internally and externally. The Trustees concurred with this approach and suggested the position be revisited during 2009 budget study sessions.

**6. TOWN ADMINISTRATOR REPORT.**

Town Administrator Halburnt reported that, due to budget cuts, CDOT has delayed the replacement of two bridges on Highway 34 east of Town for at least one year. Repairs to the bridge on Mary's Lake Road in the vicinity of Spruce RV Park will take place this fall and winter.

Whereupon Mayor Pinkham adjourned the meeting 9:18 p.m.

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William C. Pinkham, Mayor

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Cynthia Deats, Deputy Town Clerk