

Town of Estes Park, Larimer County, Colorado, September 9, 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 9th day of September, 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.

PROCLAMATION.

Mayor Pinkham read a proclamation designating September 17-23, 2008, as Constitution Week.

PUBLIC COMMENT.

George Hockman, Estes Park resident, expressed dissatisfaction with the Town's weed management ordinances and pointed out areas of deficiency within the ordinances. He stated that, although the Town is in compliance with Colorado State Statute, the current weed management plan and spraying efforts have not been effective in controlling the spread of noxious weeds throughout the Estes Valley. Trustee Blackhurst reported that noxious weeds and action related to weed management were discussed at the most recent Public Works Committee meeting.

David Habecker, Estes Park resident, requested the Town Board discontinue reciting the Pledge of Allegiance. He mentioned the role religion is playing in the current presidential campaign and stated that having God in the Pledge has broken the trust of our forefathers who wrote the Constitution and proclaimed a separation of church and state should exist.

John Meissner, Estes Park resident, urged institutions that hold early Estes Park newspapers to have them digitized and made accessible to the public.

John Cordsen, Estes Park Trail-Gazette, stated that early issues of the newspaper are in the process of being digitized and that the Trail-Gazette and the library are reviewing their historical archives to document Estes Park history through editions of the newspaper. The digitized information will be given to both the public library and the Estes Park Museum to be made available to the public.

Tom Ewing, Estes Park resident, responded to Mr. Habecker's comments stating that the constitution does not provide for a separation between church and state, but rather is addressed in a letter written by Thomas Jefferson, that Mr. Habecker was out of order in bringing political candidates into his comments, and that a choice can be made to either overlook offensive speech or avoid it.

TOWN BOARD COMMENTS.

Trustee Blackhurst reminded the community of the Estes Park Housing Authority meeting scheduled for 8:30 a.m. on Wednesday, September 10, 2008, in Room 202 of the Municipal Building, and the Utilities Committee Meeting scheduled for Thursday, September 11, 2008, at 8:00 a.m. in the Board Room.

Trustee Eisenlauer stated that two public meetings of the Fire Services Task Force are scheduled to be held in the Board Room at 7:00 p.m. on Thursday, September 11, 2008, and Thursday, September 18, 2008. The proposed Estes Valley Fire Services Plan will be reviewed and public participation is encouraged.

Mayor Pinkham stated that he spent the weekend attending the Longs Peak Scottish/Irish Highland Festival and heard positive comments about the festival and the Estes Park community from many visitors.

1. CONSENT AGENDA:

1. Town Board Minutes dated August 26, 2008 and Town Board Pre-Budget Study Session Minutes dated August 26, 2008.
2. Bills.
3. Committee Minutes:
 - A. Public Safety, August 21, 2008:
 1. Resolution #14-08 L.E.T.A. 2009 Telephone/Wireless Access Charges of \$.45 per month.
 - B. Public Works, August 28, 2008:
 - a. 2009 Ford Ranger 4x4, Burt Arapahoe Ford - \$17,479.90, Budgeted.
 - b. Street Overlay Paving, Connell Resources - \$120,000, Budgeted.
 - c. Wiest & Virginia Parking Lot Overlay, Connell Resources - \$52,000, Budgeted.
 - d. Virginia Dr. and Parking Lot Sidewalk Improvements, Bryson Concrete - \$14,050, Budgeted.
4. Intent to Annex Resolution #15-08 – Fall River Additions 5, 6, 7, 8, 9, 10 and 11. Public Hearing scheduled December 9, 2008.
5. Resolution #16-08 – Scheduling a Show Cause Liquor Hearing for Vega LLC., dba Vega, 205 Virginia Drive, Hotel and Restaurant Liquor License on October 14, 2008.

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

2. ACTION ITEMS:

1. APPOINTMENT OF EPURA COMMISSIONERS.

Mayor Pinkham announced the appointments of Sharry White and Jim Martinsen to the Estes Park Urban Renewal Authority (EPURA) Board. The appointments are based on the recommendation of a selection committee following structured interviews of eight candidates held in June. Both appointees bring broad backgrounds in community service to the Board and will serve five-year terms expiring on September 30, 2013. Ms. White and Mr. Martinsen will replace Commissioner Paula Steige, who has served 12 years on the EPURA Board, and Commissioner Gerald Swank, who has been a member of the EPURA Board for the past 17 years. The Mayor and the Trustees

thanked Commissioner Steige and Commissioner Swank, whose terms expire on September 14, 2008, for their service to EPURA and the Town of Estes Park. It was **moved and seconded** (Eisenlauer/Blackhurst) **to approve the appointments of Sharry White and Jim Martinsen to the EPURA Board for five-year terms expiring September 30, 2013**, and it passed unanimously.

2. **2ND QUARTER SALES TAX REPORT.**

Finance Officer McFarland reviewed the financial report for the first half of 2008 stating that expenditures are under budget at this time, with sales tax 4.7% behind 2007 and 4.8% behind budget. He stated each percentage of budgeted sales tax equates to \$74,000 which translates to an approximate \$350,000 shortfall for 2008, if current trends continue. He reported that the data and trends indicate projected revenues for 2008 will be in the \$7.1 million range, rather than the budgeted \$7.4 million, signaling a “yellow light” approach to expenditures which would include cutting discretionary spending and freezing open positions unless approved. July sales tax figures will be available next month which will provide the information necessary to make a projection for the remainder of the year.

Discussion followed and is summarized: forecasting with a five-year average provides for less variance and is more conservative; data shows no significant deviation from income stream if using a five-year average; food, mostly groceries, and construction have increased over the last several years; reporting categories were reclassified for 2008; variations are not statistically significant and are better than national economy in general; the variations may not be statistically significant, but require adjustments to spending; \$900,000 from 2007 increased capital reserves to 39% and provides the ability to meet budget, have the capital to move ahead without cutting services, and maintain a 30% reserve; budgeting for 2009 will be more challenging; and good fiscal management in 2007 has provided a financial cushion. Town Administrator Halburnt applauded the Town Board for choosing to operate with a 30% fund balance with 5% leeway for staff.

3. **ORDINANCE #14-08 LEASE AGREEMENT WITH ESTES PARK, LLC FOR OUTDOOR SEATING AREA AT 210 E. ELKHORN AVENUE.**

The Town of Estes Park entered into a lease agreement with the previous owner of the El Centro Complex for an area adjacent to the property that is currently being used for outdoor seating by the Casa Grande Restaurant. As the property has recently been sold, a new lease agreement which has been reviewed by Town Attorney White, between the Town of Estes Park and the new property owner, Estes Park, LLC, is required in order to provide for continued use of the seating area. Ordinance #14-08 was read into the record. Discussion ensued and is summarized: do other restaurants with outdoor seating have lease agreements to use the sidewalk; Riverwalk easements granted for use of the sidewalk; lease renews on an annual basis unless notified; question the economics of a \$1/year lease; approve and research history of arrangement. It was **moved and seconded** (Ericson/Miller) **to approve Ordinance #14-08 authorizing a lease agreement with Estes Park, LLC for consecutive one-year terms as outlined**, and it passed unanimously.

4. **FALL RIVER TRAIL PHASE 4.**

The 2007 & 2008 budgets contain \$350,000 in the Larimer County Open Space Fund for the construction of Fall River Trail Phase 4 which proceeds along West Elkhorn Avenue from Valley Road to Castle Mountain Lodge. The project lies within the Colorado Department of Transportation (CDOT) right-of-way and requires a License Contract with the State, which has been obtained. The project is scheduled to begin mid-September with completion in mid-December 2008. Bid packages were mailed to twelve northern Colorado contractors on August 15, 2008, with the following results:

1	Cornerstone Concrete Company	Estes Park	\$ 303,202.00
2	L & M Enterprises	Berthoud	\$ 310,923.03
3	Mountain Constructors	Platteville	\$ 319,036.00
4	DeFalco Construction	Longmont	\$ 328,382.86
5	Cornerstone Construction Concepts	Estes Park	\$ 337,948.30
6	Northstar Concrete, Inc.	Loveland	\$ 338,088.00
7	Naranjo Civil Constructors	Greeley	\$ 346,465.00
8	Connell Resources	Fort Collins	\$ 355,106.40
9	Mountain Concrete	Estes Park	\$ 408,731.00
10	Noraa Concrete	Keenesburg	\$ 437,104.65

Staff is requesting approval to accept the low bid from Cornerstone Concrete Company of Estes Park in the amount of \$303,202. Dir. Zurn stated the impact to traffic will be minimal during the project with some minor delays and detouring at times and that the contractor's schedule may allow for completion of the project in November, ahead of schedule. It was **moved and seconded** (Blackhurst/Miller) **to approve the contract with Cornerstone Concrete Company in the amount of \$303,202 from account #220-4600-462-35-60 budgeted, for the construction of Fall River Trail Phase 4**, and it passed unanimously. Dir. Zurn stated that work on Fish Creek Trail was delayed due to the contractor's schedule, but will begin in a few weeks.

5. **TOWN ADMINISTRATOR REPORT.**

- Town staff issued a Request for Proposal (RFP) for an Estes Valley Open Space Plan in preparation for an inventory analysis of a 32-square mile area which will be used to prioritize open space based on scenic characteristics and wildlife habitat.
- Thanks to the Estes Valley Recreation and Parks District (EVRPD) for the use of golf carts during the Longs Peak Scottish/Irish Highland Festival.
- Rocky Mountain National Park (RMNP) is planning a prescribed burn for early next week in the area of south Trail Ridge Road which may result in visible smoke within the Town.
- The Colorado Department of Transportation (CDOT) is preparing to begin work on the intersection at Moraine Avenue and Craggs Drive, near the Donut Haus. The intersection will be reconfigured and re-stripped to create continuous traffic flow areas and increase driver safety.
- Rock Castle Development has requested their development plan for Elkhorn Lodge be permanently removed from the Town agenda, as they will not be proceeding with development of the parcel.

Whereupon Mayor Pinkham adjourned the meeting at 8:15 p.m.

William C. Pinkham, Mayor

Cynthia Deats, Deputy Town Clerk