

Town of Estes Park, Larimer County, Colorado, October 28, 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 28th day of October, 2008. Meeting called to order by Mayor Pinkham.

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

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

Absent: None

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.

Tom Ewing/Town Citizen stated that many would consider this a time of crisis: financial, cultural, moral and political. He stated it is right and proper to remember our American heritage which includes religion.

David Habecker/Town Citizen questioned whether the Board has held a goal setting retreat to prioritize goals to guide the Board on setting the 2009 budget. He stated this information should be readily available on the Town's website. He voiced concern the Mayor has not received official approval from the Town Board for a recent presentation on the future vision of Estes Park, or the endorsement of particular projects or idea. He again requested the Town Board refrain from reciting the Pledge of Allegiance because the "God" mentioned in the Pledge is a Christian God; and therefore, the Pledge is religion specific and unconstitutional.

TOWN BOARD COMMENTS.

Mayor ProTem Levine reminded the public to vote and that early voting was available in Town Hall through Friday, October 31, 2008. Trustee Ericson stated it is every registered voter's duty to vote.

Mayor Pinkham stated the Town Board held a retreat to set goals in June and minutes from the meeting are available in the Clerk's office. He commented the vision presented to ARD was previously presented to the Town Board at a pre-budget meeting and was adopted by the Town Board in 2006.

1. CONSENT AGENDA:

1. Town Board Minutes dated October 14, 2008, Town Board Budget Study Session dated October 3, 2008 and October 10, 2008 and Town Board Study Session dated October 14, 2008.
2. Bills.

3. Committee Minutes:
 - A. Utilities, Public Safety and Public Works October meetings cancelled.
4. Estes Valley Board of Adjustment, August 5, 2008 (acknowledgement only).
5. Estes Valley Planning Commission, September 16, 2008 (acknowledgement only).
6. Estes Park Urban Renewal Authority, September 17, 2008 (acknowledgement only).

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

2. REPORTS AND DISCUSSION ITEMS.

1. **3rd Quarter Financial Report.** Finance Officer McFarland stated sales tax revenue trails the adjusted 2008 budget by .4%. Other revenues are up with the repayment of the EPHA \$860,000 loan for the purchase of the Pines Apartment. Expenses in the General Fund are within limits and transfers are up because funds have been transferred to the Fire Department special revenue fund and EPURA. The Enterprise Funds (Water and Light & Power) are at 58% of budget. The Water loan would not be reported in the budget because actual funds would not be received by the Town; however, the loan would be noted in the CAFR. Investments are down 18-21% because the Town's exposure to equities is limited to the pension funds. Interest income for 2009 would be considerably less than projected in the proposed budget. The Town's holdings with ColoTrust, with whom 90% of the Town's investments lie, have been guaranteed by both MBIA (Town advisor) and by the Treasury Department. The Town Board has completed the fourth and final budget study session and will hold a public hearing on November 11th and final consideration of the 2009 budget on November 25th. Trustee Blackhurst expressed concern with the capitalization of expenditures for the improvements to the Mary's Lake Water Treatment Facility.
2. **Fire District Task Force Presentation.** Don Widrig/Task Force Co-Chair stated in February 2008, a Task Force was formed to develop a fair and equitable plan for a comprehensive fire and emergency service system to unify the entire Estes Valley under one Fire District. The proposed district would cover all areas within the Estes Valley not currently served by a fire protection agency. The newly established district would be operated by five Directors elected at large as required by state statute. The independent district would have the capability of bonding large pieces of equipment in the future. The plan contains a draft Service Plan and IGAs describing the operation of the district and arrangements with the other political entities, including contracting for human resource services, financial services, fleet and maintenance services, dispatch, transfer of Town-owned apparatus and equipment and leasing of the fire department building. The budget for the new district would range from \$992,000 to \$1.1 million for the first five years. The Task Force proposes funding for the district should come from 7% of the sales tax collected by the Town for the protection of life and from a new 1.95 mill levy for the protection of property. The new property tax would equate to \$15.52/\$100,000 value. The proposed plan establishes a viable future for fire protection services for all property within the Estes Valley.

The Plan has been delivered to the Town Board for their consideration, and if accepted, an Initiative Committee would be formed to address the numerous legal steps leading up to a November 2009 ballot. If approved by the voters,

the district would be formed in late 2009 and the district would be fully funded in 2011.

Discussion was heard amongst the Board and summarized: The Task Force has done an excellent job developing an impressive plan that makes sense; convincing commercial property owners that the plan is equitable may be difficult; what would be the role of the Task Force moving forward; the Task Force was developed from public input and the process should be commended; and the timeline for moving forward should be identified for the November 2009 election.

Mr. Widrig stated the Task Force would provide consultation to the Board as the issue moves forward. Administrator Halburnt would encourage members of the Task Force to accept positions on the Initiative Committee. The Board agreed and reiterated the importance of the member's invaluable work completed to date and their ability to work through the tough issues.

Staff would develop a timeline for the issue moving forward. A link on the Town's website to the plan on the Fire District Task Force website would be created.

3. PLANNING COMMISSION AGENDA:

Mayor Pinkham opened a Public Hearing for all Consent Agenda Items and hearing none he closed the public hearing.

1. CONSENT ITEMS:

a. SUPPLEMENTAL CONDOMINIUM MAP

1. Wonderview Village Condominiums, Supplemental Condominium Map #1, Longs Peak Development, LLC/Applicant.
2. Park River West Condominiums, Supplemental Condominium Map, Phase XXIV, Lot 2, Park River West Subdivision, Richard H. Wille Trust/Applicant.

It was **moved and seconded** (Homeier/Miller) **to approve the Planning Consent Agenda**, and it passed unanimously.

2. ACTION ITEMS:

a. PRELIMINARY SUBDIVISION

1. Solomon Resubdivision of Outlots A & B, Prospect Highlands Subdivision, Van Horn Engineering/Applicant. Planner Shirk stated this is a request to subdivide two existing outlots into four single-family residential lots. The proposal does not meet the following Estes Valley Development Code requirements: Limits of Disturbance, Geologic Hazard Mitigation, Cul-de-sac Standards (number of units, length, turn-around design) and Curb/Gutter/Sidewalk requirements. The applicant has requested modifications and/or waivers to the standards. In addition, the proposed drainage plan has not been approved by the Town Engineer and existing stormwater issues exist in the area. The original subdivision in 1996 was limited to twelve units on a dead-end street and a maximum length of 1,000 feet. These standards are still in effect with the current code. The proposed lots are on a cul-de-sac with 30-35% slopes. The CGS has suggested additional studies be conducted to determine the extent of geologic hazards. The applicant proposes a hammerhead design for the cul-de-sac instead of a bulb and a drainage ditch in lieu of

curb and gutter. The applicant has proposed a secondary emergency access that would cross two locked gates to alleviate the 12 unit limit on a cul-de-sac. Staff has not seen a written agreement for the use of this access and questions the length and ability to use the roadway in the winter months. Several neighborhood comments were received expressing concern with limits of disturbance, development on steep slopes, groundwater, geologic mitigation and impact to wildlife. At the August 19th Planning Commission meeting the Commissioners recommended denial of the preliminary plat 5-2.

Lonnie Sheldon/Van Horn Engineering stated the property owner Jerry Solomon and property owners John Heron and the Bureau of Reclamation have agreed to a secondary emergency access to alleviate the cul-de-sac requirements. The road would not be available year-round. He stated the outlots were platted to allow for future development because full development potential was not realized in 1996. The proposed hammerhead cul-de-sac design would create less site disturbance and still allow ample room for a fire truck to maneuver. The applicant has discussed the curb and gutter requirement with the Public Works Department and has agreed to a minimum curb and gutter on the mountain side. He stated there are no other sidewalks in the area, and therefore, a sidewalk in this area would lead to nowhere. He demonstrated how homes could be built on the lots and meets the limits of disturbance requirements of the code. The proposed lots would have homes built up against the protected rock formations to limit exposure to potential rock falls. The proposed lots would be distributed with two above the roadway and two below to distribute the density. Storm drainage ponds were proposed and not recommended by the Public Works Department. Mr. Sheldon stated this proposal would be infill development with lot sizes inline with the surrounding neighborhood. Three of the seven variances are related to the cul-de-sac, and therefore, can be eliminated with the addition of a secondary access.

Board discussion is summarized: the previous development did not realize the full density potential due to the 12 units on a cul-de-sac restriction; concern was expressed with a secondary roadway that passes through two locked gates; it appears the intent of the outlots was to reserve development rights until such time Curry Drive was fully extended and serviceable; and all issues related to the development are dependent on the secondary access.

Fire Chief Dorman stated the secondary road would be acceptable for emergency service; however, the road would need to meet ingress and egress standards, as well as maintained and plowed for winter access. The responsibility for maintaining the roadway would fall to the property owners.

Director Joseph stated the previous development code did not address development on steep slopes; however, the current code does discuss such development and contemplates limiting disturbance on steep slopes. He would argue that existing homes in the area have created cut and fill slopes in the area that will never be stabilized.

Alan Fraundorf/Prospect Highland Homeowners Association stated the Association does not have significant issue with the development. The secondary access would be an additional benefit to HOA. Trustee Miller questioned if the HOA was willing to assume responsibility for maintaining the secondary access, including snow removal. Mr. Fraundorf commented the HOA would be willing to assume a modest fee to have a secondary roadway.

Director Zurn commented that the preliminary drainage study results have indicated 40 areas of concern. Homes were built within the historic drainage along Curry Drive and have caused significant problems. He stated the current development proposal does not comply with drainage standards.

It was **moved and seconded** (Homeier/Eisenlauer) **to deny the preliminary plat for the Solomon Resubdivision of Outlots A & B, Prospect Highlands Subdivision due to the lack of an adequate year-around secondary roadway**, and it passed unanimously.

b. VESTING PERIOD EXTENSION

1. Streamside on Fall River Development Plan 05-05, Lot 1 of Streamside Amended Plat, Curt Thompson/Applicant, **Continue to the November 25, 2008 meeting.**

It was **moved and seconded** (Homeier/Levine) **to continue the Vesting Period Extension for Development Plan 05-05** and it passed unanimously.

4. **ACTION ITEMS:**

1. **BIG BEAR ESTATES ANNEXATION.**

Administrator Halburnt stated the applicant has requested a continuance of the annexation application to November 25, 2008. The Mayor opened the public hearing and hearing no comment closed the public hearing. It was **moved and seconded** (Ericson/Miller) **to continue the Big Bear Estates Annexation**, and it passed unanimously.

Mayor Pinkham called a break at 9:25 p.m. and reconvened the meeting at 9:35 p.m.

2. **AIR CURTAIN BURNER FENCING CONTRACT.**

Director Zurn stated the lower portion of the Town's storage yard has been opened to the public for the disposal of bark beetle material and weeds; and therefore, a fence is needed to prevent unauthorized entry into the storage area for the Light & Power/Public Works. The fence would separate the air curtain burner and Town storage to increase security at the site. The cost of the fence would be shared by the two departments. Bids were received from the following:

Arrow Fencing & Automated Gates Inc. – Laporte CO.
Yard Fencing w/Gate\$13,875.45
(Includes all materials – posts, gate, fence, labor)

Custom Fence & Supply Inc. – Longmont, CO.
Yard Fencing w/Gate\$21,089.00
(Includes all materials – posts, gate, fence, labor)

It was **moved and seconded** (Levine/Miller) **to approve the purchase and installation of a fence at the Town's storage yard by Arrow Fencing &**

Automatic Gates Inc. at a cost of \$13,875.45 to be shared by Streets - \$6,938 (#101-3100-431-26-23) and Light & Power - \$6,937 (#502-7001-580-32-22), and it passed unanimously.

3. 2009 DOWNTOWN FLOWER CONTRACT.

Director Zurn stated the 2009 plant order consisting of 40,000+ plants must be completed by December 15, 2008 to ensure delivery of mature plants by May 2009. This would be the main flower order; however, other smaller and special plants would be ordered in January and February 2009. Bids were received from the following:

Duran’s Hobby Acres Greenhouse, Longmont CO.

Perennials / Annuals	estimate	\$22,242
Flower Pots (17)	estimate	<u>\$ 1,911</u>
	Estimate Bid Price	\$ 24,153

Gulley’s Greenhouse, Ft. Collins, CO

Perennials / Annuals	estimate	\$26,097
Flower Pots (17)	estimate	<u>\$ 2,530</u>
	Estimate Bid Price	\$ 28,627

Center Greenhouse, Denver, CO.

Perennials / Annuals	estimate	\$22,147
Flower Pots (17)	Can’t Provide Flower Pots	
	Estimate Bid Price - <u>Doesn’t Meet Requirements</u>	

Director Zurn stated the plant order would secure the purchase of seeds and a deposit for the plants would be made in 2009.

It was **moved and seconded** (Blackhurst/Ericson) **to approve the bid from Duran’s Hobby Acres Greenhouse as outlined above at a cost of \$24,153 from account #101-5200-452-26-36 contingent upon approval of the 2009 budget.**

4. SIDEWALK TRENCH GRATE REPLACEMENT CONTRACT.

Director Zurn stated Public Works requests approval to replace concrete tree grates that are cracking and breaking off and creating trip hazards. The new cast iron grates would be easier to maintain and create fewer hazards. Bids were received from the following:

M. Atkins Inc. – Estes Park, CO.

Remove and Install new grate	8@\$1000 ea	\$ 8,000.00
Grate and Framework estimate	<u>8@\$586.44 ea</u>	<u>\$ 4,691.52</u>
	Bid Price	\$12,691.52

Mountain Concrete Construction, Inc., - Estes Park, CO.

Remove and Install new grate	8 @\$1400 ea	\$11,200.00
Grate and Framework estimate	<u>8@\$586.44 ea</u>	<u>\$ 4,691.52</u>
	Bid Price	\$15,891.52

Cornerstone Concrete Inc. – Estes Park, CO. NO RESPONSE

Johnson Concrete – Estes Park CO. NO RESPONSE

Staff recommends approval to replace eight (8) grates in the downtown area (Library, Bank, Davis Lot, Qwest corner, Rockwell) with the Town providing the grates at a cost of \$4,691.52 and M. Atkins Inc. installing the grates at a cost of \$8,000.00 for the combined cost of \$12,691.52.

It was **moved and seconded** (Blackhurst/Eisenlauer) to approve the replacement of grates purchased by the Public Works Department and contracting with M. Atkins Inc. to install the new grates as outlined above from account #101-5200-452-26-22 at a total cost of \$12,691.52, and it passed unanimously.

5. **ELKHORN AVENUE & RIVERSIDE DRIVE INTERSECTION IMPROVEMENT CONTRACT.**

Director Zurn stated this joint project between the Town and CDOT would reduce downtown congestion by increasing the turning radius of the right-hand turn from Riverside Dr. onto Elkhorn Ave. The new concrete surface and signal improvement would allow truck traffic the proper turning radius to complete this movement without running over the sidewalk or crossing over lanes, it would also greatly improve pedestrian safety. The new turn lane would have a nearly constant green light that would improve flow. CDOT would replace two signal-poles and their mast-arms. A new sidewalk would be constructed with the Park's Department redesigning the landscaping and irrigation. Bid packages were provided to four local contractors:

Contractor Name	Price
Bryson Concrete	No bid
Cornerstone Construction Concepts	\$ 110,066.00
Cornerstone Concrete	\$ 133,903.75
Mountain Concrete	\$103,178.64

The low bid by Mountain Concrete was withdrawn; therefore, staff recommends accepting the next low bid from Cornerstone Construction Concepts with a 10% contingency for a total cost of \$121,442.00. Following the successful completion of contractual issues and CDOT approval, staff would start construction as soon as November 3rd.

It was **moved and seconded** (Levine/Blackhurst) to contract with **Cornerstone Construction Concepts for the roadway improvements at Riverside Dr. and Elkhorn Ave. with a 10% contingency and a total cost not to exceed \$122,442.00 from account #101-5400-544-33-31 and #101-5200-452-35-61**, and it passed unanimously.

6. **ORIENTATION FILM.**

Director Kilsdonk stated an orientation film of Estes Park was presented to the Community Development Committee on October 2, 2008. At that time, a formal RFP process had not been conducted, and therefore, the Committee recommended the item be brought forward to the Town Board with a bid process. An RFP was issued on October 3, 2008 for any and all components (script, filming and editing, voice-over and DVD production) and the following bids were received:

LC Marketing & Design Co., Grand Junction, CO.	Entire Project	\$19,100.00
Nick Molle Productions, Estes Park, CO	Stock Transmittal/Filming/Editing (Flat Fee)	\$ 3,000.00
Steve Mitchell, Estes Park, CO	Script (Not to Exceed)	\$ 1,050.00
J. Halburnt, Estes Park, CO	Voice-Over Talent (Flat Fee)	\$ 500.00

Staff recommends accepting the local bids at a cost of \$4,550 from Nick Molle Production, Steve Mitchell and J. Halburnt. Staff also requests the latitude to select a DVD reproduction service for a not-to-exceed cost of \$1,450 and a total project cost of \$6,000.

It was **moved and seconded** (Miller/Blackhurst) **to approve the production of an Orientation Film as outlined above at a cost not-to-exceed \$6,000 from #101-1100-411-27-04**, and it passed unanimously.

7. **TOWN PROPERTY INSURANCE.**

Deputy Town Administrator Richardson stated the Town of Estes Park has maintained insurance for liability, property, and casualty through Colorado Intergovernmental Risk Sharing Agency (CIRSA) for the past twenty years. The Town of Estes Park has remained a client of CIRSA for its value added services, competitive pricing and their ability to provide services relevant to Colorado municipalities. For 2008, an RFP was sent to various insurance providers and included two local insurance companies. The Town staff required bidders to focus on affordable rates and value added services. Four bids were received from: Sisk and Associates, LBN and Associates, CIRSA and Insurance Associates of Estes. The Town's Safety Committee reviewed presentations by each company and rated each on eleven criteria. Bids were received as follows:

Sisk Insurance Company	\$150,429
LBN Insurance	\$185,907
Insurance Associates	\$190,562
CIRSA (Includes Loss Control Incentives of \$5,012)	\$182,840

Staff recommends the bid from CIRSA because they tailor insurance for Colorado municipalities and specialize in governmental immunity issues, government personnel practices, public safety liability, board liability and other specialized services. CIRSA also provides value added services above and beyond the other companies including legal advice. The RFP process confirmed CIRSA's fees are competitive with the market.

After further discussion, it was **moved and seconded** (Homeier/Blackhurst) **to accept the bid from CIRSA for property insurance for the Town of Estes Park for \$186,840 plus Loss Control Incentives of \$5,012**, and it passed unanimously.

CONSERVATION EASEMENT LOTS 5, 6 & 8, STANLEY HISTORIC DISTRICT.

Town Administrator Halburnt stated the Association of Responsible Development (ARD) approached the Town and requested Lots 5, 6 and 8, Stanley Historic District be created permanent open space. The Estes Valley Land Trust has agreed to accept a conservation easement on the properties. The easement has been reviewed by Attorney White. The Town would remain responsible for the upkeep and maintenance of the property.

Trustee Homeier expressed concern with placing the property in a permanent conservation easement and limiting the use of the property in the future, including a potential trail. He stated apprehension with an additional layer of oversight on the property. Attorney White stated the property was purchased through a development agreement as open space and the conservation easement would set limits on the use of the property.

Mayor Pinkham, Trustee Miller and Trustee Blackhurst commented on the need to remove the perception that the properties could be built on in the future. An additional layer may not be need but it removes any controversy.

After further discussion, it was **moved and seconded** (Miller/Levine) to **approve a conservation easement for Lots 5, 6 and 8, Stanley Historic District with the Estes Valley Land Trust and thereby creating permanent open space**, and it passed with Trustee Homeier voting “No”. Trustee Miller requested an open space designation be added to the zoning map and rezone all permanent open space properties.

8. **TOWN ADMINISTRATOR REPORT.**

- Director Zurn has joined other Front Range managers to discuss beetle management. The group has been impressed by the Town’s Beetle Buster program and expressed interest in visiting Estes Park to see the Busters in action.
- Reminded the community that Elkhorn Ave. would be shut down to traffic for the traditional Halloween festival starting at 5:30 p.m. on October 31st.

9. **ADJOURN.**

Whereupon Mayor Pinkham adjourned the meeting at 10:25 p.m.

William C. Pinkham, Mayor

Jackie Williamson, Town Clerk