

Town of Estes Park, Larimer County, Colorado, November 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 November, 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.

PRESENTATION.

Mayor Pinkham recognized the members of the Fire District Task Force for their efforts in developing an approach for the formation of a valley wide Fire District. The following members were presented with a Certificate of Appreciation: Don Widrig, Jim Austin, Bob Dekker, Sue Doylen, Will Finch, Bruce Johnson, Frank Theis, Bill Van Horn, Scott Dorman, Lowell Richardson and Dorla Eisenlauer.

PUBLIC COMMENT.

David Habecker/Town citizen thanked the members of the Board for their service and dedication to the Town. He also thanked the fellow Americans, both past and present, for establishing and defending our country in order to allow one of its citizens to stand and criticize the recitation of the Pledge of Allegiance. He requested the Board refrain from stating the Pledge before Town Board meetings.

TOWN BOARD COMMENTS.

Mayor ProTem Levine announced the cancellation of the December 23, 2008 Town Board meeting.

1. CONSENT AGENDA (Approval of):

1. Town Board Minutes dated November 11, 2008 and Town Board Study Session dated November 11, 2008.
2. Bills.
3. Committee Minutes:
 - A. Community Development, November 6, 2008:

CVB

1. 2008-2009 Rooftop Rodeo Committee Appointments.

Senior Center

1. Catering for All Occasions 2009 Food Services Contract.
 - B. Utilities, November 13, 2008.
4. Estes Valley Planning Commission, October 21, 2008 (acknowledgement only).
5. Estes Park Urban Renewal Authority, October 22, 2008 and October 28, 2008 (acknowledgement only).

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

2. REPORTS AND DISCUSSION ITEMS.

1. **3rd Quarter Sales Tax Report.** Finance Officer McFarland stated third quarter sales tax is up 1.47% from 2007 and just ahead of the revised budget of \$7.23 million. He stated despite the encouraging news, there is significant room for caution. Sales tax collections are significantly ahead of the three year average; however, the growth rate of -1.03% over the past 12 months is the first time negative growth has been demonstrated since 2005. Forecasting methods for sales tax through 2008 have established sales tax should come in at \$7.15 - \$7.26 million. The Town Board and staff have adopted a conservative stance during the budget process and reserves continue to be maintained to either weather an economic downturn or take advantage of an economic opportunity.

3. LIQUOR ITEMS:

1. **LIQUOR LICENSING: TRANSFER OF OWNERSHIP – FROM GREAT DIVIDE RESTAURANT CORP. dba HUNTERS CHOPHOUSE TO HESS ENTERPRISES INC. dba HUNTERS CHOPHOUSE, 1690 BIG THOMPSON AVE., HOTEL AND RESTAURANT LIQUOR LICENSE.**

Town Clerk Williamson reviewed the application stating all necessary paperwork had been received. Mr. Hess purchased the restaurant from the previous owner in October 2008 and has been operating the business with a temporary liquor license. Trustee Homeier informed the applicant the Town takes liquor licenses seriously and has a zero tolerance. It was **moved and seconded** (Homeier/Levine) **the Transfer of Ownership Application filed by Hess Enterprises Inc. dba HUNTERS CHOPHOUSE, be approved**, and it passed unanimously.

4. 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. **DEVELOPMENT AGREEMENT**
 1. Lots 2 and 3, Stone Bridge Estates Subdivision, located in Section 2, Township 4 North, Range 73 West of the 6th P.M., Town of Estes Park, Colorado, Rock Castle Development Co./Applicant.

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

2. **ACTION ITEMS:**

- A. VESTING PERIOD EXTENSION

1. Streamside on Fall River Development Plan 05-05, Lot 1 of Streamside Amended Plat, Curt Thompson/Applicant. **Continued to the December 9, 2008 meeting.**

Mayor Pinkham opened a Public Hearing and hearing none he closed the public hearing. It was **moved and seconded** (Levine/Ericson) **to continue the Vesting Period Extension for Development Plan 05-05 to the December 9, 2008 meeting** and it passed unanimously.

5. ACTION ITEMS:

1. BIG BEAR ESTATES ANNEXATION.

Director Joseph stated the property owner has requested the property not be annexed at this time. Attorney White stated the annexation of the property was in conjunction with a larger development project that included the Big Bear Estates Addition and the Elkhorn Lodge that has been withdrawn by the developer. The Mayor opened the public hearing and hearing no comment closed the public hearing. It was **moved and seconded** (Blackhurst/Homeier) **to deny the Big Bear Estates Annexation**, and it passed unanimously.

2. PUBLIC HEARING – 2009 BUDGET – ADOPTION.

Mayor Pinkham opened the public hearing, and Finance Officer McFarland reviewed the budget process. He discussed how the revenues are proposed to be expended in the ensuing fiscal year for the Highway User's Trust Fund. The following Resolutions were also presented:

- A. Resolution #21-08 - Setting the Mill Levy (1.715 mills for 2009) – A temporary reduction in the mill levy from 1.822 mills to 1.715 mills is required for 2009 due to property tax increase spending limits of 5.5% per C.R.S. 29-1-301.
- B. Resolution #22-08 - Adopting the 2009 Budget.
- C. Resolution #23-08 - Appropriating Sums of Money.

Trustee Homeier commented the Intergovernmental Agreement (IGA) between the Town and EPURA expires December 31, 2008, and therefore, funds budgeted to support EPURA should not be expended until the Board approves a new IGA. He expressed concern that the budget process was not conservative enough, and the merit increase should be eliminated for the employees. Funds are being spent on operations rather than capital projects. He stated the Town should not be spending down fund balances during uncertain economic times.

Administrator Halburnt stated staff budgeted for 2009 with a 30% General Fund balance and Special Review Funds with a balance of 5% or less as a framework.

David Habecker/Town citizen stated the original property mill levy was passed by the electorate to pay for snow plowing and not for any other services such as the funding of the Fire Department. He commented he was not scared of the current economic downturn and encouraged the Town Board to move forward with proposed projects. He stated if everyone holds back the country may face a depression.

There being no further testimony, Mayor Pinkham closed the public hearing, and it was **moved and seconded** (Levine/Miller) **the Highway Users Trust Fund and Resolutions 21-08, 22-08 and 23-08 be approved**, and it passed unanimously. Mayor Pinkham and the Board of Trustees thanked staff for their efforts during the budget process.

3. **ESTES PARK LOCAL MARKETING DISTRICT 2009 OPERATING PLAN.**

Town Administrator Halburnt stated voters approved the formation of a Local Marketing District (LMD) and a 2% lodging tax at the General Election in November. The Town and the Larimer Board of County Commissioner must approve the Operating Plan of the LMD as required by the IGA in order to levy the new tax and begin collections in January of 2009.

After further discussion, it was **moved and seconded** (Eisenlauer/Blackhurst) **to approve the 2009 Operating Plan for the Estes Park Local Marketing District**, and it passed unanimously.

4. **OPEN SPACE STUDY.**

Director Joseph stated the Estes Valley Planning Commission, Larimer County Board of County Commissioners and the Town Board held a joint meeting earlier this year to discuss many growth related issues and set in motion action items, including most notably a wildlife study that has been completed. The wildlife plan laid the foundation for the creation of an open space plan. Therefore, staff prepared an RFP for an Estes Valley Open Space Plan and received 15 proposals. An interview panel consisting of two Planning Commissioners, two Trustees, the Open Lands Manager for Larimer County and Director Joseph interviewed the top five proposals. The estimated cost for services ranged from \$39,339 to \$42,465. The interview team considered the value of services (scope), public engagement process, background and qualifications of key personnel and recent related experience with projects of similar scope and context. Conservation Partners has been recommended by the selection panel at a cost of \$39,339.

Discussion followed amongst the Board and has been summarized: the Town needs an inventory of open space and study the issue prior to developing a plan; the process appears to leave out the key players, the Town, County and the Planning Commission; the project should be split into two parts with a study completed and presented to all parties and if all agree, move forward with a plan; public input should be gathered prior to developing a plan; a sub-committee would be appropriate to aid in the development of the plan; the scope of work provides information instead of seeking information; the assumption from the scope of work is a plan adopted by the Town Board with protection techniques and procurement methods for open space; a study should be completed prior to a plan; would a prioritizing method be developed to evaluate property; and how would the property be purchased, i.e. mill levy.

Director Joseph stated the core of the project would be to engage the public to determine their values as it relates to open space. The plan would develop defensible criteria to prioritize open space in private ownership and how to best spend Town resources. The proposal limits public input and presentations due to the budget constraints; however, additional meeting could be added at an increased cost. A plan would aid the Planning Commission that is faced with public opposition to development and neighborhoods that place high value on open space. He stated the community has a notion that open space can be governed through regulatory method, which is not constitutional.

Ron Norris/Town citizen views the proposal as a study and suggested the Town add check points to determine whether or not to move forward with the next phase.

David Habecker/Town citizen stated the study could be enlightening; however, property owners may unfairly have their property lock up as open space.

Mark Elrod/Town citizen questioned the consultants sole and exclusive right to ownership and use of the plans prepared. He stated the Town should have ownership of the plan that it has paid for.

After further discussion, it was **moved and seconded** (Homeier/Ericson) **to continue the item to the December 9, 2008 meeting and bring forward a contract for a study of open space with Conservation Partners, Inc.**, and it passed unanimously.

5. **TOWN ADMINISTRATOR REPORT.**

Rocky Mountain National Park has a cardboard baler they have offered to the Town for residential cardboard recycling. The baler would be made available once a month to citizens. RMNP would staff the site and Town would agree to pay for half the cost of hauling the material. A formal agreement would be presented to the Town during the first quarter of 2009.

6. **REQUEST TO ENTER EXECUTIVE SESSION:**

It was **moved and seconded** (Eisenlauer/Blackhurst) **the Town Board enter into Executive Session for the purpose of discussing a personnel matter; not involving any specific employees who have requested discussion of the matter in open session; any member of the Town Board (or body); the appointment of any person to fill an office of the Town Board (or body); or personnel policies that do not require discussion of matters personal to particular employees, under C.R.S. 24-6-402(4)(f), and it passed unanimously.**

Whereupon Mayor Pinkham adjourned the meeting to Executive Session at 9:25 p.m.

Mayor Pinkham reconvened the meeting to open session at 10:45 p.m.

7. **TOWN ADMINSTRATOR CONTRACT.**

It was **moved and seconded** (Blackhurst/Miller) **authorized Mayor Pinkham and Trustee Eisenlauer to enter into negotiations with Town Administrator Halburnt for a three year contract, and it passed unanimously.**

8. **ADJOURN.**

Whereupon Mayor Pinkham adjourned the meeting at 10:45 p.m.

William C. Pinkham, Mayor

Jackie Williamson, Town Clerk