

Town of Estes Park, Larimer County, Colorado, December 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 December, 2008. Meeting called to order by Mayor Pro Tem Levine.

Present: 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: William C. Pinkham, Mayor

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

PRESENTATION.

Mayor Pro Tem Levine presented Town Administrator Halburnt with a plaque from the National League of Cities honoring the Town of Estes Park for 30 years of membership and dedicated service in shaping and advocating National Municipal Policy.

PUBLIC COMMENT.

None.

TOWN BOARD COMMENTS.

Trustee Blackhurst reminded the public that the Estes Park Housing Authority would meet Wednesday, December 10, 2008 at 8:30 a.m. in Room 203.

Trustee Ericson stated the newly elected Congresswomen Betsy Markey would be carrying the Wilderness Bill through the House.

Trustee Homeier commented the National League of Cities has advocated over the years for Community Development Block Grants. These grants have helped build the Salud Clinic and most recently the purchase of a safehouse by the Victim Advocates.

Trustee Eisenlauer announced the Rooftop Rodeo was awarded the PRCA Small Rodeo of the year award for 2008.

Mayor Pro Tem Levine reminded the public the second Town Board meeting on December 23, 2008 has been cancelled.

1. Special Town Board Meeting Minutes dated November 17, 2008 and December 2, 2008, Town Board Minutes dated November 25, 2008 and Town Board Study Session dated November 25, 2008.
2. Bills.
3. Committee Minutes:
 - A. Public Safety, November 20, 2008.

- B. Public Works, Special Meeting, November 20, 2008.
 - 1. CVB Arboretum Master Plan - \$15,000.

- 4. Estes Valley Board of Adjustment, October 7, 2008 (acknowledgement only).

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

2. REPORTS AND DISCUSSION ITEMS.

- 1. **AMS Update – Performing Arts Theater.** Arthur Greenburg/AMS Planning and Research completed a pro forma for the increased seating capacity from 356 to 433 seats. The increased seating capacity has a number of groups interested in utilizing the theater during the summer months. The pro forma report indicates that the annual operating loss would be \$215,277 based on 256 event days with rental revenue of \$107,655. However, the facility would be a non-profit eligible to receive donations, fundraise and collect sponsorships. The estimated economic impact to the Town of Estes Park would be approximately \$2.1 million.

Chris Wood/SOPA stated \$1.3 million has been raised to date. SOPA has hired a professional consultant and grant writer to move the fundraising forward.

3. PLANNING COMMISSION AGENDA:

1. **ACTION ITEMS:**

A. VESTING PERIOD EXTENSION

- 1. Streamside on Fall River Development Plan 05-05, Lot 1 of Streamside Amended Plat, Curt Thompson/Applicant. Mayor Pro Tem Levine opened the public hearing. Director Joseph stated the Development Plan was approved by the EVPC on October 18, 2005. The three-year statutory vesting period expired October 2008. The plan proposed construction of 24 accommodation units and parking within 30 feet of Fall River. Planning Commission is currently discussing code changes that would create greater river setbacks and wildlife impact mitigation. These changes if adopted would have a significant impact on any new approval on this site.

Lonnie Sheldon/Van Horn Engineering stated the owner has been reconsidering the approved density on the lot; however, the owner requests the 30-foot river setback remain for the approved Development Plan. The owner has agreed to renew the currently expired Letter of Credit and pay for the recent Fall River trail improvement on the property. The owner requests a 12-month extension of the Development Plan with the intent of applying for a building permit within the 12 months.

Mayor Pro Tem Levine closed the public hearing and it was **moved and seconded** (Homeier/Blackhurst) **to approve a one year extension of the vesting period for Development Plan 05-05**, and it passed unanimously.

B. SPECIAL REVIEW

- 1. Special Review 08-03, Circle of Friends Montessori School, Lot 1, Masonic Subdivision, John Kamprath and Kay Lawson/Applicants. Mayor Pro Tem Levine opened the public hearing. Director Joseph reviewed the staff report. The application requests the operation of

a daycare facility in the Masonic Lodge building zoned R-2 Two Family Residential. A temporary-use permit was approved by staff in September 2008 and the permit expires on December 9, 2008. The permit was issued to allow the school to operate at the new location during the special review process. EVPC recommended a number of code waivers and conditional approval since the Lodge is a temporary location for the Montessori School, including expiration of the approval on March 24, 2010. Additional improvements (life safety issues) would need to be made if the school decides to remain at this location permanently.

Kay Lawson/Director of the Montessori School stated the school has begun preparing a reapplication to remain at the Masonic Lodge if necessary; however, they are actively searching for a permanent location.

Mayor Pro Tem Levine closed the public hearing, it was **moved and seconded** (Eisenlauer/Miller) **to approve Special Review 08-03**, and it passed unanimously.

4. ACTION ITEMS:

1. **ESTES PARK LOCAL MARKETING DISTRICT (LMD) 2009 BUDGET.**

Town Administrator Halburnt stated the LMD Board approved a 2009 Budget on December 2, 2008. The draft budget was amended and reduced by \$163,000 to a final budget of \$124,115 with estimated revenues of approximately \$1 million. The budget is a component of the Operating Plan.

Trustee Ericson requested the LMD Board keep the Town Board informed on how the contingency funds are spent as the year moves forward.

It was **moved and seconded** (Blackhurst/Eisenlauer) **to approve the Estes Park Local Marketing District 2009 Budget**, and it passed unanimously.

2. **PUBLIC HEARING – FALL RIVER V - XI ANNEXATION – RESOLUTION #24-08 & ORDINANCE #17-08 – PUBLIC HEARING.**

Mayor Pro Tem Levine opened the public hearing. Planner Shirk stated a Development Plan 07-14 was approved by the EVPC on September 2007 for a 12 room Bed and Breakfast/wedding facility. A part of the approval by the EVPC was for the property to be annexed. An annexation agreement was approved in March of 2008, including the payment of half the annexation costs. The additional property annexed with this process is roadway and Town owned property, Fish Hatchery. The total annexation includes 88.56 acres. There would be no additional expenses for the Town with police or snowplowing because the Town owns a large portion of the property.

Attorney White read the Resolution and Ordinance into the record. There being no further testimony, Mayor Pro Tem Levine closed the public hearing, and it was **moved and seconded** (Miller/Blackhurst) **Resolutions 24-08 and Ordinance 17-08 be approved**, and it passed unanimously.

3. **OPEN SPACE STUDY.**

Item removed from the agenda.

4. **2008 BUDGET – SUPPLEMENTAL BUDGET RESOLUTION #25-08.**

Finance Officer McFarland reviewed the 2009 budget process that began in June and was finalized in November. A supplemental appropriation resolution allows a municipality to authorize additional money for a specific fund than was originally adopted. Ten funds are expected to exceed the original budget: the

General Fund by \$128,000, Museum Fund by \$1,200, Senior Center Fund by \$5,400, Open Space Fund by \$82,000, CVB Funds by \$177,000, Fire Fund by \$61,810, Water Fund by \$897,405, Medical Fund by \$1,890, Fire Pension by \$1,100 and Police Pension by \$825. After further discussion, it was **moved and seconded** (Ericson/Homeier) **Resolution #25-08 be approved**, and it passed unanimously.

5. **SUNRISE ROTARY LABOR DAY CRAFT FAIR.**

Deputy Town Administrator Richardson stated Sunrise Rotary approached the Community Development Committee to reinstate the Labor Day Arts and Crafts Fair in Bond Park for 2009 as a fundraising event. Prior to 2008 the Estes Park Volunteer Fire Department held the holiday weekend event for twenty-six years as a fundraiser for the department. In the past this event has garnered negative feedback from the downtown business owners that have reported an impact on their sales. Sunrise Rotary representatives met with business owners to ascertain current opinion and views of business owners and reported to the Committee an overwhelming 85% support of the event. Staff conducted a second survey with 123 responses that confirmed the Sunrise Rotary's informal survey with 84% supporting an arts and crafts fair in Bond Park during the Labor Day weekend.

Jane Schoen and Harriett Woodard/Sunrise Rotary representatives stated the event has a long history in town and would raise approximately \$28,000 to be used within the community. The event generates sales tax and supports the businesses downtown. If the event is reinstated, issues such as traffic and parking would be addressed. Marketing tactics have also been discussed to encourage craft fair attendees to visit downtown shops.

Those speaking against the reinstatement included Maureen Marsh/Downtown Business Owner and Dr. James Durward/Town Resident. Comments included: business owners are not in favor of the event; the Town Board should be concerned with the number of vacant stores and loss of jobs; money from the event leaves Estes Park and is spent down valley; the Town should protect local businesses; and special events should be held at Stanley Fairgrounds to limit the conflict between the special events in Bond Park.

Those speaking in favor of the reinstatement included Sandy Osterman/Town Resident, Bruce Johnston/Town Resident and Rotary Member, Sandy Burns/County Resident and Rotary Member, Connie Dyer/Town Resident, Heather Stone/Town Resident, Greg Dannels/County Resident and Karen Jursa/Downtown Business Owner. Comments included: vendors spend money while in town for the event on lodging, food and entertainment; the Town should be consistent with policy and not allow any craft fairs in Bond Park if the Labor Day fair is not reinstated; the event brings people to town and creates additional sales potential for businesses; events in Bond Park bring more people to the downtown shops and increased sales revenue; would encourage the Town to have more events during the tourist season; sales were less during Labor Day without the craft fair; and the craft fair promoters provide Estes Park with free advertisement.

Trustee comments are summarized: The Rotary club intends to use the proceeds to support the community; the Town should be concerned with the economic sustainability of Estes Park and should ensure dollars spent in Estes stay in Estes; viability of the retail sector should be the overriding concern; special events encourage Estes Park citizens to come downtown when they would otherwise avoid the traffic; and the Bond Park Master Plan needs to address the uses of the park and the issues derived from those uses, i.e. parking, competition and traffic.

After further discussion, it was **moved and seconded** (Blackhurst/Homeier) to **approve the Labor Day Arts and Crafts Fair to be operated by the Sunrise Rotary Club**, and it passed with Trustee Ericson voting “No”.

Mayor Pro Tem Levine called a ten minute break at 9:53 p.m. and reconvened the meeting at 10:03 p.m.

6. **ORDINANCE #18-08, AMENDMENT TO THE MODEL TRAFFIC CODE, PARKING ALONG CRABAPPLE LANE.**

Director Zurn stated the Public Works Department has had difficulties maintaining access for snowplowing and emergency vehicle access through Crabapple Lane because of vehicles parked on the street. Crabapple Lane is a 22-foot wide roadway that was not designed nor intended to have on-street parking. The issue was discussed at the Public Works Committee meeting on November 20, 2008 in which staff requested no parking on the street at all times. The Committee requested staff review alternatives other than no parking as the affordable housing development does not have ample parking for guests. Staff reviewed options including parking on one side of the roadway and restricting traffic to a one-way street. Each alternative presents further issues including an increase potential for accidents, inadequate area for snow storage windrows, snow removal equipment, and emergency equipment access. He also stated a further connection to the roadway would impact the roadway further and the issue should be addressed prior to this connection. Therefore, staff recommends amending the Model Traffic Code to restrict the parking on Crabapple Lane.

Director Joseph stated the Development Plan was designed to maximize the number of affordable units as possible; however, the number of parking spaces met the code requirements at that time. He stated the roadway was not designed to accommodate on-street parking.

Art Messal/HOA President stated without the street parking there would be no where for guests to park. The HOA has worked and will continue to work with residents to enforce the subdivision’s covenants. He suggested parking be allowed on one side of the roadway in those areas that would be safest.

Corrine Dyer/HOA Board member would be in favor of no parking on the roadway for safety and esthetics. However, her husband stated parking should be allowed on the roadway adjacent to the sidewalk and the entire roadway marked as a snow route. She stated a one-way roadway would not be an inconvenience to the residents of the subdivision.

Rich Dixson/Town and HOA Resident reiterated there is no parking for guests of the subdivision. He would encourage the Town to create a one-way street with parking on one side of the roadway.

Carla Van Drie/Town and HOA Resident stated low income housing tends to have more cars because of roommates.

Trustee comments are summarized: questioned if staff had considered options such as time limits, snow routes or other parking alternatives for the subdivision; closing the street would not serve a purpose and would not serve the subdivision or the community; and accommodations need to be made for guest parking that does not impede emergency access.

Town Attorney read the Ordinance into the record. After further discussion, it was **moved and seconded** (Miller/Homeier) to **deny Ordinance 18-08**, and it passed unanimously. Trustee Miller requested staff prepare an Ordinance to be considered at the next Town Board meeting to designate parking on

Crabapple Lane adjacent to the sidewalk, mark the opposite side as no parking and designate the roadway as a snow route.

7. **THIRD AMENDED INTERGOVERNMENTAL AGREEMENT (IGA) FOR THE ESTABLISHMENT OF THE LARIMER COUNTY EMERGENCY TELEPHONE AUTHORITY (LETA).**

Town Administrator Halburnt stated the Authority was created nearly eighteen years ago, and since that time there have been a number of amendments. The Third Amended IGA requests substantial changes to the original Agreement including the annual surcharge to be set by the LETA Board of Directors, abolishment of term limits for the LETA Board and a vote of three-quarters of the parties on future amendments. The current surcharge is 45 cents per month per landline or wireless access and would be capped at 70 cents per month. After further discussion, It was **moved and seconded** (Homeier/Eisenlauer) **to approve the Third Amended Intergovernmental Agreement with LETA**, and it passed unanimously.

8. **TOWN ADMINSTRATOR CONTRACT.**

Mayor Pro Tem Levine stated Mayor Pinkham and Trustee Eisenlauer finalized negotiations with Administrator Halburnt for a three year contract. Trustee Homeier commented he would not vote in favor of the contract because of the principle assumptions, process and precedent of the contract. It was **moved and seconded** (Eisenlauer/Miller) **to approve a three year Town Administrator Contract with Jacqueline Halburnt**, and it passed with Trustee Homeier voting "No".

9. **TOWN ADMINISTRATOR REPORT.**

None.

10. **ADJOURN.**

Whereupon Mayor Pro Tem Levine adjourned the meeting at 11:15 p.m.

Chuck Levine, Mayor Pro Tem

Jackie Williamson, Town Clerk