

Town of Estes Park, Larimer County, Colorado, January 13, 2009

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 13th day of January, 2009. Meeting called to order by Mayor Pinkham.

Present: William C. Pinkham, Mayor
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: Mayor Pro Tem Chuck Levine

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

YULETIME LIGHTING CONTEST – PRESENTATION OF AWARDS.

Mayor Pinkham stated the contest was sponsored by the Town of Estes Park, the Ambassadors and the Estes Park News. The categories for both commercial/business and residential include best use of color, lighting and decoration, most original and best adaptation of theme. A Mayor's trophy was also awarded. Each winner received a certificate and a \$50 dinner gift card.

Best Use of Color, Lighting & Decoration

Business - Swiftcurrent Lodge
Residential – Gloria Rademacher

Mayor's Trophy

Gary & Beverly Briggs

Most Original

Business – Antique Hospital
Residential – Charles & Ruby Walters

Best Adaptation of Theme

Business – McGregor Mountain Lodge
Residential – Steven & Pat Jungbauer

ROOFTOP RODEO – SMALL RODEO OF THE YEAR AWARD.

Mayor Pinkham recognized the Rooftop Rodeo for their recent award and presented the group with a Proclamation. Special Events Manager Winslow presented the 2008 Gold Belt Buckle and flag awarded to the rodeo by the PRCA. PRCA has stated the Estes Park Rooftop Rodeo has put family back into rodeo.

PUBLIC COMMENT.

Milton Garrett/Town Resident and member of the Book Buddies Brown Bag Study Group presented each Trustee, Mayor, Town Administrator and Deputy Town Administrator with a copy of Thomas Friedman's book titled The Hot, Flat and Crowded. The group recently completed the examination and discussion of the book that provides exciting new public policy ideas for the present and future, for the environment, prosperity, and ways of creating and saving tax dollars.

Irene Little/League of Women Voters Co-Chair for Recycling Committee stated the mountain towns of Telluride and Aspen have issued a challenge to other mountain towns to be greener through the reduction of the number of plastic bags used. The challenge would run from March 1 through the end of December. She stated efforts have already been made to contact local businesses urging them to keep track of the

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number of plastic bags. Some businesses have agreed to provide a donation to a local charity for every reusable bag used in lieu of a plastic page. Milton Garrett presented the Board with a proposed Ordinance to charge a fee for the use of plastic bags.

John Guffy/Eagle Rock teacher thanked the Town for its support of the upcoming 2nd annual Earthfest to be held on January 17, 2009 at the YMCA.

David Albee/Town Resident introduced himself as the newly elected President for the Association of Responsible Development (ARD). The other officers elected include Sandy Osterman/Vice President, Buddy Mitchell/Treasurer and Don Seller/Secretary. He stated ARD would continue to work as in the past for responsible development to protect the beauty of the valley. ARD would request a joint meeting be held with Town officials and the Board of County Commissioners in the near future to discuss growth issues.

David Habecker/Town Resident requested in the name of tolerance and freedom that the Town Board refrain from reciting the 'under God' Pledge of Allegiance at Board meetings.

TOWN BOARD COMMENTS.

Trustee Blackhurst reminded the public that the Estes Park Housing Authority would meet Wednesday, January 14th at 8:30 a.m. in Room 203.

Trustee Miller thanked the Book Buddies Brown Bag study group for the book and for caring enough to provide the Board with a resource.

Mayor Pinkham stated 2009 presents economic challenges; however, the Town has a strong fund balance because of the decisions made by former Boards. The Town will move forward cautiously and be sensitive toward businesses and the citizens. The Wilderness designation for RMNP has passed through committee with the full Senate to take action in the immediate future. He also stated the recent Boulder County fire demonstrates the importance of establishing defensible space around structures and how necessary it is to have a well trained fire department.

Administrator Halburnt invited anyone interested in serving on the Initiative Committee for the proposed Fire District to a meeting at the Museum on Wednesday, January 14th at 6:30 p.m.

1. CONSENT AGENDA:

1. Town Board Minutes dated December 9, 2008.
2. Bills.
3. Committee Minutes:
 - A. Community Development, December 4, 2008:
 - Special Events:
 1. Frost Giant Road Closure – MacGregor Ave. between Elkhorn Ave. and Park Ln., January 25, 2009.
 - CVB:
 1. Travel Spike Contract - \$10,000, Budgeted.
 - Community Development
 1. Policy - Waiver of Variance Fees for Small Wind Generation.
 - B. Utilities, December 11, 2008.

- C. Public Safety, December 18, 2008:
 - 1. School Resource Officer Agreement.
- 4. Estes Valley Planning Commission, November 18, 2008 (acknowledgement only).
- 5. Estes Valley Board of Adjustment, December 2, 2008 (acknowledgement only).
- 6. MBIA Municipal Investors Service Corp. – Approval of 2009 Engagement Letter for Investment Services.
- 7. Resolution #1-09 - Public Posting Area Designation.
- 8. Resolution #2-09 – Schedule public hearing date of January 27, 2009 for a New Tavern Liquor License Application filed by Della Terra LLC dba DELLA TERRA MOUNTAIN CHATEAU, 3501 Fall River Road.

It was **moved and seconded** (Blackhurst/Miller) **the Consent Agenda Items 1, 2, 3, 4, 5, 7 and 8 be approved**, and it passed unanimously.

Consent Item 6: MBIA Municipal Investors Service Corp. – Approval of 2009 Engagement Letter for Investment Services. Finance Officer McFarland stated the Town has had an investment advisory agreement with MBIA since 2002. MBIA recommends and executes purchases and sales of U.S. Treasuries and Instrumentalities in accordance with state statutes and the Town's investment policy. The Town pays MBIA a monthly fee of 1/12 of .17 of 1% of adjusted cost value of the Town's asset base or approximately \$12,000 to \$15,000 per year. This percentage has remained unchanged since inception of the agreement. Failure to renew the agreement would enter the Town into a month-to-month agreement with MBIA and the potential to increased fees. It was **moved and seconded** (Ericson/Homeier) **to approve the engagement letter with MBIA for Investment Services for 2009**, and it passed unanimously.

2. REPORTS AND DISCUSSION ITEMS:

- 1. Community Development Block Grant Awarded to Victim Advocates - Director Mary Mesropian stated in 2007 the group applied for and received a \$210,000 CDBG for the purchase of a safehouse. In December, 80% of the funds were received and the group closed on the house. She thanked the Board for its support and for staff's efforts in completing the grant application.

3. PLANNING COMMISSION AGENDA:

Mayor Pinkham opened a Public Hearing for the Consent Agenda Item.

1. CONSENT ITEMS:

A. SUPPLEMENTAL CONDOMINIUM MAP

- 1. The Promontory at Kiowa Ridge Condominiums, Supplemental Condominium Map #5, Lot 6, Mary's Lake Replat, The Promontory, LLC/Applicant.

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

4. ACTION ITEMS:

1. APPOINTMENT OF EPURA COMMISSIONER.

Mayor Pinkham reviewed the application and interview process to fill the vacancy created by Jim Cope's resignation. It was **moved and seconded**

(Eisenlauer/Ericson) to appoint Arthur Blume to the Estes Park Urban Renewal Authority to complete Jim Cope's term ending September 2009, and it passed unanimously.

2. **APPOINTMENT OF ESTES VALLEY PLANNING COMMISSIONERS.**

Mayor Pinkham stated the following individuals are being recommended from the interview team:

- Alan Fraundorf, 4-year term, expiring 12/31/12.
- John Tucker, 4-year term, expiring 12/31/12.
- Ron Norris, complete Bruce Grant's term, expiring 12/31/10.

It was moved and seconded (Miller/Blackhurst) to appoint Alan Fraundorf, John Tucker and Ron Norris to the Estes Park Planning Commission as outlined above, and it passed unanimously.

3. **ORDINANCE #01-09, AMENDMENT TO THE MODEL TRAFFIC CODE, PARKING ALONG CRABAPPLE LANE.**

Director Zurn stated staff proposes allowing parking on Crabapple Lane on the straight portions along the sidewalk to accommodate up to 18 parking spaces. The entire roadway would be signed as a snow route and would be properly signed for clarity. A letter and a meeting would be held to notifying the residents of the change.

Corrine and Rick Dyer/Town and HOA Residents requested the proposed Ordinance be amended to restrict parking in front of their home as it directly affects their quality of life by limiting the natural light in their ground level unit. The requested would only eliminate 2 to 3 parking spaces.

Sandy Osterman/Town Resident questioned how the snow route would be enforced. Deputy Town Administrator Richardson stated the residents would be notified of the snow route and the need to remove all vehicles during a snow event.

Town Attorney White read the Ordinance #01-09 into record and it was moved and seconded (Blackhurst/Miller) to approve Ordinance #01-09 with parking along the south limited to 5 or 6 spaces with a total of 15 spaces long the roadway at designated areas, and it passed unanimously.

4. **TOWN ADMINISTRATOR REPORT.**

The Town would have a booth at the Earthfest to discuss the new grant programs available for solar and wind energy.

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

It was moved and seconded (Eisenlauer/Blackhurst) the Town Board enter into Executive Session for the purpose of a conference with Town Attorney White to receive legal advice under C. R. S. Section 24-6-402(4)(b) with regard to EPURA, and it passed unanimously.

Mayor Pinkham called a 10-minute break at 8:30 p.m. prior to entering into Executive Session.

Mayor Pinkham reconvened the meeting at 9:29 p.m. from Executive Session whereupon he adjourned the meeting at 9:30 p.m.

William Pinkham, Mayor

Jackie Williamson, Town Clerk