

Town of Estes Park, Larimer County, Colorado, February 10, 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 10th day of February, 2009. Meeting called to order by Mayor Pinkham.

Present: William C. Pinkham, Mayor
Chuck Levine, Mayor ProTem
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.

Ken Larson/Local Marketing District (LMD) Chair provided an update on the activities of the district since formation including: a website www.marketestes.org, opened a bank account, created four subcommittees (Communication, Visitor Guide, local Association Communication and Facilitation/Assessment), discussions on branding and marketing, an overview of the CVB and the development of the 2010 Operating Plan by June 1st.

David Habecker/Town Resident requested the Town Board refrain from reciting the 'under God' Pledge of Allegiance at Board meetings. He implored the Board to spend some of the \$25 million in reserves on projects that would stimulate the economy.

Mark Elrod/Town Resident requested draft copies of the Town's minutes be provided to the citizens prior to meetings for public review.

TOWN BOARD COMMENTS.

Trustee Blackhurst responded to Mr. Habecker stating the Board continues to honor the cash and carry policy of previous boards and remains fiscally responsible by maintaining a 30% reserve in the General Fund. The Board has set aside approximately \$2.2 million for improvements at the Stanley fairgrounds to stimulate and enhance the sales tax base.

Trustee Homeier requested staff provide documentation on the \$25 million that Mr. Habecker asserts the Town has in reserve.

Mayor Pinkham informed the Board and the community the Wilderness Bill should pass this week; and therefore, the Board may be contacted by the media.

1. CONSENT AGENDA:

1. Town Board Minutes dated January 27, 2009 and Study Session Minutes dated January 27, 2009.

2. Bills.
3. Committee Minutes:
 - A. Public Works, January 22, 2009:
 1. Lots 16-19, Lake View Tracts (Lady of the Mountain Catholic Church) - Drainage and Electrical Easements.
 2. Lot 3, Stone Bridge Estates – Drainage Easement.

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

2. ACTION ITEMS:

1. RESOLUTION #03-09 RE-APPROPRIATION OF 2008 ENCUMBERED FUNDS TO 2009 BUDGET & RESOLUTION #04-09 - 2009 SUPPLEMENTAL BUDGET RESOLUTION.

Certain Town departments have entered into contracts for goods and/or services that were not fulfilled by year-end December 31, 2008. In order to keep only one budget year open, 2008 encumbered funds are re-appropriated into the current budget year. Finance Officer McFarland requested that Resolution #03-09 be approved, re-appropriating approximately \$5.8 million to be carried forward into the current budget year, and explained that the re-appropriation would have no net effect on the fund balances. The bulk of the rollovers for 2008 are due to the following projects/purchases: engineering for the new water treatment plant, fire truck to be delivered in 2009, water treatment plant construction and substation upgrades.

A supplemental budget appropriation for 2009 would encumber funds to complete the reconstruction of Prospect Avenue and the remodel of Administration for the new Public Information Officer. Specific vendors were not chosen because of time constraints; therefore, Resolution #04-09 would appropriate \$123,000 from the unappropriated General Fund surplus from 2008, more specifically \$94,000 from Streets and \$48,000 from Buildings.

It was **moved and seconded** (Levine/Ericson) **that Resolution #03-09 be adopted**, and it passed unanimously.

It was **moved and seconded** (Miller/Eisenlauer) **that Resolution #04-09 be adopted**, and it passed unanimously.

2. 4th QUARTER FINANCIAL REPORT.

Finance Officer McFarland reviewed the fourth quarter report. The General Fund indicates revenues at 97.2% of the revised budget with December numbers not included; therefore, the estimated revenues would total 110.5% of budget. Expenditures finished 95% of budget with a nearly \$500,000 returned to the General Fund as unrealized expenditures. The Enterprise Fund revenues are at 74.6% of budget, while the utility sales are up 103.4%. The water loan will not be reported/realized in the budget; however, the loan would be called out in the CAFR. The Town's investments (90%) are held with ColoTrust and have been guaranteed by both MBIA and by the Federal Treasury Department.

3. FIRE SERVICES FEE STRUCTURE.

Town Administrator Halburnt stated a structure fire occurred at a North End Property Association (NEPOA) member's property in 2008. The member did not pay the optional fire subscription fee in 2008; and therefore, a bill of \$12,563 was sent for fire personnel response and equipment used at the incident. A meeting was held with the NEPOA representatives that assert a

flaw exists in the Town's calculation and charge for personnel hours. In 2008, the Board approved the optional fire subscription fee for county property owners and the associated fee structure that would be charged for an incident if the subscription fee was not paid. Personnel charges are calculated by dividing the personnel costs divided by the number of incident hours from the previous year; therefore, the 2008 personnel costs are \$96/hr and \$113/hr in 2009.

Don Widrig/NEPOA member stated the bill detailed the cost for equipment based on the Colorado State Forest Service fee schedule and personnel cost as outlined by Administrator Halburnt. The Association perceives an inherent flaw with the calculation; i.e. the more incidents the lower the personnel costs. He stated this calculation questions the fairness and equality of the fee structure.

Bill Van Horn/NEPOA member stated there are fundamental issues with the current fire fee structure and subscription fee. He questioned whether the funds collected by the Town were worth damaging the relationship between the Town and county residents and the possible passage of the upcoming fire district. He stated the NEPOA member whose barn burned chose to pay the \$40 Association fee instead of the subscription fee. The Association self-insurance was developed after the Town approved the subscription fee.

Suzanne Miller/NEPOA member stated the Association's fund is an assistance fund and not a self-insurance fund to aid members in the event of an incident, up to \$2,000. The cap was determined by information provided by Chief Dorman on the cost of a structure fire.

Chief Dorman stated the estimates he discussed with the NEPOA for a structure fire was \$10,000 and a room/content fire \$2,000. These figures were estimates based on the Colorado State Forest Service schedule for apparatus cost and using the wildland firefighter hourly rate. The estimates would have been higher if the current Town's fee schedule had been in place.

Discussion followed amongst the Board: the formula is difficult to discern; questioned why the subscription fee was not paid; the subscription fee is a fair price to protect your property; the fire services fees should be reviewed after the next fire district election; and if the fee structure is flawed then the Board should address it immediately.

Mayor Pro Tem Levine and Trustee Miller agreed with the subscription fee; however, the personnel fee appears to be flawed and should be addressed to establish a fair and equitable fee. Trustee Miller suggested the Board consider a fixed hourly rate or a fixed fee per type of event. Mayor Pinkham suggested the Board consider the perception of the current fee structure. A fixed rate would be more appropriate.

It was **moved and seconded** (Homeier/Blackhurst) **the 2010 fire fee schedule would be reviewed later in 2009 with CIRSA to provide input on the fee structure, and the current fee structure would remain in effect as well as all current bills for service**, and it passed with Trustees Levine and Miller voting "No". Staff would bring a proposed fee structure to the Public Safety Committee for review.

4. **TOWN LOGO USE POLICY.**

The Local Marketing District (LMD) has requested the use of the Town tree logo for future marketing and advertising in 2010 and for their business stationary. Using the same logo would reinforce the branding of the town started by the CVB. It was **moved and seconded** (Miller/Levine) **to approve the use of the Town's tree logo with strict guidelines regarding color,**

size, etc. by the Local Marketing District as outlined above, and it passed unanimously.

5. **ADOPTION OF 2009 ORGANIZATIONAL CHART.**

Administrator Halburnt presented the Board with three options: 1) Deputy Town Administrator (DTA) under Town Administrator with color coding to illustrate department supervisory responsibility; 2) DTA off to the right with responsible departments underneath; and 3) Same as option two with the addition of a box separate from the organization that includes affiliations with the Volunteer Fire Dept., Urban Renewal Authority, Housing Authority and the Local Marketing District.

Trustee Ericson stated Option 3 displays the organization and reporting roles of the Town departments without relying on a color chart to discern responsibility.

After further discussion, it was **moved and seconded** (Blackhurst/Levine) **to approve Option #1 with the inclusion of the affiliation box, the addition of the Volunteers to the Fire Department box with an asterisk and add the Public Information Officer**, and it passed with Trustee Ericson voting “No”.

6. **TOWN ADMINISTRATOR REPORT.**

- The Town’s General Fund would have a fund balance of \$3.4 million at the end of 2009.
- Mary’s Lake Road bridge replacement has been delayed because the County has had difficulty procuring materials. It is anticipated the bridge would be close next week.

Whereupon Mayor Pinkham adjourned the meeting at 8:55 p.m.

William C. Pinkham, Mayor

Jackie Williamson, Town Clerk