

Town of Estes Park, Larimer County, Colorado, May 12, 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 12th day of May, 2009. Meeting called to order by Mayor Pinkham.

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

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

Absent: Jacquie Halburnt, Town Administrator

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

Dave Albee/Town citizen and Association of Responsible Development (ARD) President stated the comments heard during the Planning Commission meetings were overwhelming against Accessory Dwelling Units (ADUs). ARD supports the Planning Commission's recommendations: no detached units, no separate rental, use affidavit, and yearly renewal for existing units as a use by right. A code change should not cause a defacto rezoning of a property and should comply with the goals of the Comprehensive Plan.

David Habecker/Town citizen requested the Town Board refrain from reciting the 'under God' Pledge of Allegiance at Board meetings.

Irene Little/Town Citizen and Co-chair for LWV provided an update on the reusable bag challenge and stated 7,317 bags were saved in April, down from last month.

Pat Newsom/Town citizen stated the Estes Park Memorial Gardens invited the Board and the citizens of Estes Park to join them in the observance of Memorial Day on Monday, May 25th at 11:00 a.m.

TOWN BOARD COMMENTS.

Trustee Blackhurst reminded the public that the Estes Park Housing Authority would meet Wednesday, May 13th at 8:30 a.m. in Room 203, and the Utilities Committee would meet Thursday, May 14th at 8:00 a.m. in the Board Room.

Mayor Pro Tem Levine congratulated the Tree Board on the success of the third annual Tree Symposium in which over 300 people attended. Arbor Day was celebrated on May 8th at the school campus where trees were planted.

Trustee Eisenlauer encouraged citizens to attend the Mayor's coffee chat on the first Wednesday of each month at the Senior Center at 8:00 a.m.

Trustee Homeier reminded the citizens the County Commissioners would be holding a public hearing at the Museum on Monday, May 18th at 6:30 p.m. on the fire services plan.

Mayor Pinkham stated the Police Department held its annual award banquet. He congratulated and thanked the members of the department for their outstanding service and leadership.

1. CONSENT AGENDA:

1. Town Board Meeting Minutes dated April 28, 2009 and Town Board Study Session dated April 28, 2009.
2. Bills.
3. Committee Minutes:
 - A. Public Works, April 23, 2009:
 1. East Riverside Parking Lot Improvements:
 - a. Patch & Crack-fill, Goltz Asphalt - \$3,000.
 - b. Slurry-seal, American Pavement Management - \$7,100.
 - c. Stripe lot, AAA Pavement Markings - \$4,000.
 2. Restripe local roadways, Highway Technologies - \$26,500, Budgeted.
 3. Public Works Policy Manual Update – Weed Management.

It was **moved and seconded** (Levine/Miller) **to approve the consent agenda**, and it passed unanimously.

2. REPORTS AND DISCUSSION ITEMS.

1. **2009 SHUTTLE BUS ROUTES.**

Coordinator Blackhurst reviewed the 2009 shuttle bus routes, including a new route down Fall River Road and the elimination of the downtown exclusive route. All routes will have stops throughout the downtown area. The shuttles would begin running on June 27th through August 31st. The red and blue routes would run during the weekends only in September and the brown route only the first two weekends in September. The printed shuttle map would be available in June; however, an electronic version can be viewed on the CVB website currently. New this year at each shuttle stop would be a map showing the riders where the shuttle could take them. Smaller buses would be utilized this year on the red and blue routes with a slightly larger bus for the brown route.

3. LIQUOR ITEMS.

1. **GAEL, LLC DBA CHELITOS RESTAURANT, 145 E. ELKHORN AVE., HOTEL AND RESTAURANT LIQUOR LICENSE – APPLICATION FOR TRANSFER.**

Town Clerk Williamson stated that the necessary paperwork and fees have been submitted for the transfer. The required T.I.P.S. training has been completed. Mayor Pro Tem Levine reminded the owner of their responsibility to uphold the liquor laws. It was **moved and seconded** (Miller/Eisenlauer) **to approve the Transfer of Ownership Application filed Gael, LLC dba CHIELITOS RESTAURANT**, and it passed unanimously.
2. **PUBLIC HEARING: NEW BEER & WINE LIQUOR LICENSE APPLICATION FILED BY LDSM HOLDINGS, LLC DBA WINGS WEST, 861 MORAIN AVE.**

Mayor Pinkham opened the Public Hearing and reviewed the procedures. Town Clerk Williamson presented the application and confirmed the Town has not received any communications or evidence in support or opposition to the application, and required T.I.P.S. training has been completed. Mayor Pro Tem Levine encouraged the applicant to be vigilant on checking identification prior to selling/serving alcohol and that the Board takes very seriously the operation of liquor licenses and the Liquor Code. There being no further testimony, Mayor Pro Tem Levine closed the Public Hearing. Stating the Board of Trustees finds that the reasonable requirements of the neighborhood are not met by the present liquor outlets in the neighborhood and that the desires of the adult inhabitants are for the granting of this liquor license, it was **moved and seconded** (Levine/Blackhurst) **the Beer & Wine Liquor License application filed by JDSM Holdings, LLC dba WINGS WEST be approved**, and it passed unanimously.

4. ACTION ITEMS:

1. RE-APPOINTMENT – ESTES PARK HOUSING AUTHORITY.

Mayor Pinkham stated the EPHA posted the position and no applications were received, and therefore, the Board of Directors voted unanimously to approve the re-appointment of Karla Porter. It was **moved and seconded** (Blackhurst/Levine) **to approve the re-appointment of Karla Porter to the Estes Park Housing Authority for a 5-year term expiring on May 12, 2014**, and it passed unanimously.

2. STANLEY PARK FAIRGROUNDS DESIGN GUIDELINES.

Director Zurn stated with the redevelopment of the Stanley Park Fairgrounds, the Town Board had expressed a need for the development of design guidelines in an effort to provide a complimentary design and consistent appearance for all structures on the property. Thorp Associates, Inc. was hired to develop the design criteria. Mr. Thorp reviewed the criterion that includes building materials, colors and general design issues, i.e. roof type, eaves, screening mechanical and utility equipment, varied facades, and masonry wainscoting material. The colors used in the guidelines include greens and browns that reflect the mountain character of the community.

Trustee Homeier commented the general requirements on page 3 of the design criteria are too specific and do not allow for creativity. He stated this page should be eliminated and that many of the issues outlined are required by the building code. All uses of the word “shall” on page 3 of the document should be removed. He also questioned the meaning of an architectural character that imbues a timeless, natural Rocky Mountain character. Mr. Thorp stated the requirements provide the architect with a beginning point for the design of the building and removing “shall” from the document would not change the intent.

Trustee Miller agreed with Trustee Homeier with regard to the use of the word “shall” and also requested the removal of the statement “refined Rocky Mountain rustic” because it is too limiting. He questioned the need to limit the pitch of the roof and the inclusion of the pictures used to categorize Colorado character.

After further discussion, it was **moved and seconded** (Blackhurst/Levine) **to approve the design guidelines as presented for the Stanley Park Fairgrounds with 1) the removal of the word shall from Item 6 on page 3, and 2) clarification of “Rocky Mountain character” at the discretion of Mr. Thorp and Director Zurn**, and it passed with Trustees Homier and Miller voting “No”.

3. **RESOLUTION #12-09 – APPROVAL OF CDOT ENHANCEMENT CONTRACT – FALL RIVER TRAIL PHASE 4B.**

Director Zurn stated the Town has preliminary approval to receive \$140,000 in enhancement money from the Federal Stimulus Bill. These funds would be used for the construction of Fall River Trail Phase 4B. The Resolution would approve the contract with CDOT and authorize the expenditure of 2009 budgeted Town funds of \$150,000 from the Larimer County Open Space fund (#220-4600-462-35-60) for the construction. The project would complete an additional 1,400 feet of trail. It was **moved and seconded** (Levine/Miller) **to approve Resolution 12-09**, and it passed unanimously.

4. **RESOLUTION #13-09 – APPROVAL OF ALTERNATIVE TRANSPORTATION IN THE PARK AND PUBLIC LANDS GRANT – ASSESSMENT AND NEEDS STUDY FOR MASS TRANSIT/PARKING SYSTEM.**

Director Zurn stated the Town applied for a grant through Rocky Mountain National Park for an assessment and needs study on a mass transit/parking system. The Park was awarded a \$200,000 grant that would be matched with \$10,000 from the Park and \$40,000 from the Town. Resolution 13-09 authorizes the Town's acceptance of the ATPPL grant and matching Town contribution. The RFP process to select a vendor would follow federal guidelines and the study would take 12 to 18 months to complete. It was **moved and seconded** (Miller/Ericson) **to approve Resolution 13-09 with the addition of the designated recipient language to Item 1 of the Resolution**, and it passed unanimously.

5. **TOWN ADMINISTRATOR REPORT.**

None.

Whereupon Mayor Pinkham adjourned the meeting at 8:35 p.m.

William Pinkham, Mayor

Jackie Williamson, Town Clerk