

Town of Estes Park, Larimer County, Colorado, June 23, 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 23rd day of June, 2009. 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.

RESOLUTION OF RESPECT – Honoring Wendell Amos.

Mayor Pinkham read a “*Resolutions of Respect*” honoring Wendell Amos for his years of service to the Estes Valley on a number of Boards including the Board of Directors of the Estes Valley Improvement Association, the Estes Valley Land Trust, the Estes Valley Planning Commission, the Larimer County Planning Commission, Habitat for Humanity and the Tree Board.

PROCLAMATION – Rooftop Rodeo Week, July 7th – July 12, 2009.

Mayor Pinkham read and presented a proclamation to the Rodeo Committee and Rodeo Queen designating July 7 – 12, 2009 as Rooftop Rodeo week and acknowledged the efforts of the Rodeo.

PUBLIC COMMENT

David Habecker/Town citizen expressed concern with the lack of cooperation and support between the Town Board and the Local Marketing District (LMD). He cautioned the Town Board to use their authority over the LMD prudently. He stated the business owners in town have great expectations for the LMD and voted for the formation of the LMD in the hopes there would be changes. He also requested the Board stop reciting the “under God” Pledge until congress has the wisdom to change it.

TOWN BOARD COMMENTS.

Trustee Homeier stated it was a privilege to work with Wendell Amos on the Planning Commission. He is a great man of experience, wisdom and knowledge.

1. CONSENT AGENDA:

1. Town Board Meeting Minutes dated June 9, 2009 and Town Board Study Session dated June 9, 2009.
2. Bills.

3. Committee Minutes:
 - A. Community Development and Utilities Committee cancelled in June.
4. Estes Valley Planning Commission Minutes May 19, 2009 (acknowledgement only).
5. Estes Valley Board of Adjustment Minutes April 7, 2009 (acknowledgement only).
6. Estes Park Urban Renewal Authority, May 20, 2009 (acknowledgement only).
7. Appointment of Daniel C. Muffly as independent hearing officer – personnel matter.

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

2. REPORTS AND DISCUSSION ITEMS.

1. **WORKSESSION WITH THE ESTES PARK LOCAL MARKETING DISTRICT.**
Administrator Halburnt stated the LMD had invited the Town Board to the LMD's regular meeting; however, the full Town Board was not able to attend. The LMD has requested a work session with the Town Board on Tuesday, June 30, 2009 after the LMD's meeting. Trustee Blackhurst recused himself from the discussion. After discussion, the Board agreed to the work session and requested the meeting be held separately from the LMD regular meeting.

3. **PLANNING COMMISSION ITEMS.** Items reviewed by Planning Commission or staff for Town Board Final Action.

Mayor Pinkham Open the Public Hearing for all Consent Agenda Items.

1. CONSENT ITEMS:

A. CONDOMINIUM MAP

1. Sundance Supplemental Condominium Map #7, Units 3 and 4 Tract 69B of the 1st Replat of Tract 69, Fall River Addition, 1410 & 1420 Sierra Sage Lane, Brian Murphy, LLC/Applicant.
2. Overlook Condominium Supplemental Map #3, Metes & Bounds, Lot 2, Stanley Historic District, Units 318, 320, 402, 404, Overlook Development at the Historic Stanley, LLC/Applicant.
3. East Riverwalk Center Condominiums Amendment to the Amended Condominium Map, Condominium Units H, I, J, K, L, M, Building 2, 420, 424, 426, 428 E. Elkhorn Ave., Whipp Properties, LLC/Applicant.
4. Mary's Meadow Replat and Preliminary Condominium Map, Lot 4A, Mary's Lake Replat of Mary's Lake Subdivision, 341 Kiowa Drive, CMS Planning & Development/Applicant. **Application withdrawn by applicant.**

Attorney White requested Consent Item #2 be removed from the Consent agenda due to communications received this afternoon. As there were no comments, Mayor Pinkham closed the public hearing and it was **moved and seconded** (Homeier/Miller) **the Consent Agenda Items 1, 3 and 4 be approved with Staff conditions of approval**, and it passed unanimously.

2. **ACTION ITEM:**

- A. Public Hearing of Estes Valley Development Code Block 13 Amendments – Vacation Homes and Bed & Breakfast. Mayor Pinkham opened the public hearing. Director Joseph stated the code changes approved by the Planning Commission on May 19, 2009 addressed concerns raised over two years ago. Recent joint meetings and discussions with the Town Board and the Planning Commission have resulted in a proposal to develop a problem statement for code revisions in an effort to add clarity to the process and to improve the end result. Therefore, staff suggests the revision for vacation homes and Bed & Breakfast be redirected to the Planning Commission to implement a problem statement.

Public Comment:

Ken Arnold/Town citizen and Estes Area Lodging Association member stated the association supports the amendments so long as the changes do not affect properties zoned Accommodation. The association expressed concern with code changes that cannot be enforced.

It was **moved and seconded** (Blackhurst/Levine) **to table Estes Valley Development Code Block 13 amendments and remand the issue back to the Planning Commission to begin the code changes with a problem statement**, and it passed unanimously.

- B. Consent Item #2 – Attorney White stated the Condominium map dedicates an emergency access easement for the Black Canyon area. The easement has no relevance to the Overlook development; however, it has direct relevance to the Black Canyon development plan reviewed and approved by the Planning Commission on June 16, 2009. A letter was received from David Parwdzik/Overlook condominium owner questioning the developer's authority to dedicate an easement on the condominium map. The developer's attorney established the declarant has the right to dedicate the emergency access under the recorded declaration. In addition, a letter from the declarant's attorney verifying the appropriate parties have signed the plat and have requisite authority for all dedications was submitted to the Town. Neither Town staff nor the Town's attorney verifies the information or ownership. Any question of the declarant's authority would be a private matter and would be addressed through a private lawsuit. It was **moved and seconded** (Homeier/Miller) **to approve Consent Item #2 with Staff conditions of approval**, and it passed unanimously.

4. **ACTION ITEMS:**

1. **AWARD ARCHITECT CONTRACT FOR BOND PARK MASTER PLAN.**

Dir. Zurn reported thirteen firms submitted proposals for the Bond Park Master Plan which were rated by a panel of "Stakeholders" (Town staff, Trustees, Planning Commissioner, Member of Estes Valley Partners for Commerce, Local Marketing District and Bond Park users) and the top four firms were then interviewed. The interview panel recommends hiring Winston Associates, Inc. to complete the plan which includes a sub-consulting group of Van Horn Engineering. After discussion, it was **moved and seconded** (Levine/Ericson) **to contract with Winston Associates, Inc. for \$46,925 with a contingency**

of \$3,075 for a total of \$50,000 from account #211-5900-459-35-61, and it passed unanimously.

2. **ORDINANCE #05-09 AMENDING SECTION 8.04.030 NOXIOUS WEEDS.**

Dir. Zurn stated a revision to Municipal Code Section 8.04.030 was recommended by a Town citizen because the current date in the code requires property owners to remove weeds on or before July 15th of each year. This date is too early for some species that have yet to develop and does not address all weeds. The proposed code language would remove the date and require property owners to address noxious weeds by preventing the plant from establishing, growing, reproducing or dispersing itself. Attorney White read the Ordinance. It was **moved and seconded** (Blackhurst/Eisenlauer) **to approve Ordinance #05-09**, and it passed unanimously.

3. **TOWN ADMINISTRATOR REPORT.**

- The Town has been the topic of a number of media stories including a story on Estes Park during the NBC nightly news, radio interview on KUNC regarding tourism and the economy, and Channel 9 contacted the Town regarding the recent elk born behind the Police Department.
- MacGregor Avenue may be closed this weekend to accommodate the Scandinavian Fest if the new sod in Bond Park needs more time to establish.
- The Fire District Initiatives Committee has received 140 of the 200 signatures needed to move forward with the election in November.

Whereupon Mayor Pinkham adjourned the meeting at 8:04 p.m.

William Pinkham, Mayor

Jackie Williamson, Town Clerk