

*Town of Estes Park, Larimer County, Colorado, July 14, 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 14<sup>th</sup> day of July, 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  
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.

**PROCLAMATION**

Mayor Pinkham proclaimed July 27 – August 1, 2009 as “Estes Park Relay for Life Days” and encouraged all citizens to wear purple to promote awareness of cancer.

**PUBLIC COMMENT**

Irene Little/League of Women Voters Recycling Committee informed the Board that over 10,000 bags were saved in the month of June during the recycle bag challenge. She reminded the Board of the Leagues interest in a joint meeting with the Town Board, County Commissioners and Waste Management to discuss recycling options in Estes Park, including a safer location and additional locations.

David Habecker/Town citizen requested the Town provide the registered electorate with the proper numbers as it relates to the upcoming elections on the Fire District and possibly EPURA to facilitate analysis and discussion on the issues. He questions the fairness of increasing his property tax by \$1,200 a year as an in town property owner versus the optional \$130 subscription fee currently paid by county residents. He stated there are out of town properties within the LMD district that are advertising the tax difference between in town and out of town properties; i.e. 4% Town sales tax. He requested the CVB contact these businesses to stop the practice. He also requested the Town Board refrain from reciting the ‘under God’ Pledge of Allegiance at Board meetings.

Jim Tawney/Town citizen questioned the hiring of the new Public Information Officer position and the need to improve the grandstands during the current economic times. He stated the LMD marketing report from Hannah Marketing used very little data for the assessment completed and questioned some of the report. He commented those collecting the LMD tax do not want to see the same individuals conducting the same advertising and marketing plan.

**TOWN BOARD COMMENTS.**

Mayor Pinkham commended the Rodeo Committee on their efforts during this year's rodeo. He also stated the event was well attended and has received positive feedback.

**1. CONSENT AGENDA:**

1. Town Board Meeting Minutes dated June 23, 2009, Special Town Board Meeting Minutes dated June 15, 2009, Town Board Study Session dated June 23, 2009 and June 30, 2009.
2. Bills.
3. Committee Minutes:
  - A. Public Safety, June 18, 2009.
  - B. Community Development, July 2, 2009:
    1. Habitat for Humanity sidewalk improvement waiver for Kundtz Subdivision. Cash in-lieu of constructed improvements for curb and gutter.

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

**2. ACTION ITEMS:**

**1. AWARD ARCHITECT AND ENGINEERING SERVICES CONTRACT FOR MULTI-PURPOSE EVENT CENTER AND INDOOR ARENA.**

Dir. Zurn stated Public Works solicited proposals for architectural and engineering services for the design of the Multi-Purpose Event Center (MPEC) and indoor arena and ten proposals were received. The "Stakeholder" group rated the proposals on responsiveness, responsibility, team members, costs, the overall proposal and timeline for completion. The top five were invited to present their proposal to the group on July 10, 2009:

<u>Firm Name</u>	<u>Bid Amount</u>
Leo A. Daly, Denver	\$493,516*
TW Beck Architects, PC, Estes Park	\$235,749*
Kenney Associates, Inc., Loveland	\$255,400*
McMenamin Design Assoc. Architecture and Planning, Louisville	\$298,280*
Estes Architects Collaborative Joint Venture, Estes Park	\$435,622*

\*excludes some services, final fee to be negotiated

The "Stakeholders" group unanimously recommended Kenney Associates, Inc. Trustee Eisenlauer, a member of the group, stated the rationale for the decision included Kenney Associates experience, education, equestrian knowledge, multi-use event center experience (The Ranch in Loveland) and suggested cost saving measures not considered by others. The group took into consideration the local preference and stated the local contractors would have the opportunity to bid on the construction of the building. Trustee Ericson concurred and reiterated the qualifications of Kenney Associates and their enthusiasm for the project.

Director Zurn stated the cost estimate from Kenney Associates does not include civil site work. Kenney Associates has added Van Horn Engineering as a consultant to complete the work at an estimated cost of \$15,500. The timeframe for the project is dependent on finalizing programming, budget allocation and/or financing if required. The project could begin as early as this fall with buildings under construction this winter.

Trustee Blackhurst expressed his disappointment with the selection of a non-local firm. He stated the project could be completed by the local community and that a vast number of dollars would leave the community on this project.

After further discussion, **it was moved and seconded (Miller/Eisenlauer) to award the architect and engineering service contract for the Multi-Purpose Event Center (MPEC) and indoor arena at the Stanley Fairgrounds to Kenney Associates, Inc. at a cost of \$270,900 with a 10% contingency from #204-5400-544-22-02,** and it passed with Trustee Blackhurst voting “No.

2. **FIRE SERVICES FEE SCHEDULE.**

Chief Dorman stated the Public Safety Committee reviewed the new fee structure for fire service at their June meeting. The recommendation was based on a cost per hour for the apparatus using the Colorado State Forest Service Fee Schedule and includes the personnel cost associated with the apparatus. The personnel costs are based on the actual costs the Town pays per volunteer for works compensation, training and pension contributions. The Committee recommended a minimum charge (\$300 - \$500) be assessed for any billable incident in order to create an incentive to pay the optional \$130 subscription fee. The Committee also discussed applying the new fee schedule retroactive to bills already assessed. The information was presented to the Volunteer Fire Department at a recent meeting for their input. The Volunteers agreed with the proposed charges, the minimum charge and the need to apply the fee schedule retroactively, excluding the one incident that has been paid and would be higher under the new fee schedule. They expressed concern on the proposed minimum amount and suggested a \$250 minimum.

Discussion was heard from the Board: the proposed schedule is simple and fair; the \$38/hr for volunteer time should not be adjusted each year; the refunded charges were not budgeted revenues and would not affect the Fire Department budget.

After further discussion, **it was moved and seconded (Eisenlauer/Levine) to 1) adopt the new fire services fee schedule as presented; 2) service time to be charged on a two tenths of an hour; 3) \$250 minimum charge for service with the one acceptance as mentioned above; and 4) all previous billings to be recalculated with the new fee schedule,** and it passed unanimously.

3. **AGREEMENT BETWEEN THE TOWN OF ESTES PARK AND ESTES PARK URBAN RENEWAL AUTHORITY FOR THE GRANDSTAND CONSTRUCTION.**

Attorney White stated he prepared the agreement to address the cooperation between the Town and EPURA and to approve any EPURA project over \$100,000. The agreement was reviewed by EPURA attorney and EPURA prior to recent discussions between the Grandstand Committee, and therefore, the agreement presented is not in final form and could be amended to include the scope of the project as an exhibit.

The Town Board and staff toured the current grandstands to assess the scope and to determine if upgrades could be completed in lieu of building a new facility. After review it was determine a new facility was needed. A small committee was formed including two EPURA Commissioners and two Trustees to work with staff and Thorp Associates on developing a functional yet cost effective grandstand design.

Committee members Miller and Eisenlauer requested the Board provide them with the authority to bring forward a design and cost estimate for the full Board to consider in August. Trustee Miller stated the grandstands have been revised including the concession stand and the number of seats and restrooms. He stated the committee is working on a list of add alternates for the project.

After discussion, the Board provided the committee members the authority to work with the EPURA committee members to reach consensus. Trustee Blackhurst expressed concern on where the extra funding may come from. Administrator Halburnt stated the funding would come from the Community Reinvestment fund.

4. **CONVENTION AND VISITORS BUREAU PERSONNEL TRANSITION TO LOCAL MARKETING DISTRICT.**

Trustee Blackhurst recused himself from the discussion and took a seat in the audience. Administrator Halburnt stated the Town Board and the LMD held a joint meeting on June 30, 2009 to discuss the transition of select Convention and Visitors Bureau (CVB) personnel to the LMD. Staff requests direction from the Board at a policy level on how the CVB staff would transfer as it relates to management. An IGA could be approved to allow the CVB staff to remain Town employees with their current benefits while the LMD oversees the positions as it relates to management.

Trustee Homeier stated the CVB group has been successful and should not be separated. The LMD should hire the CVB staff to implement their advertising and marketing plan. Management of staff should remain with the Town for the first year of transition and discuss options next year.

The consensus of the Board was to allow the four members of the CVB staff (advertisement, public relations, group sales and stakeholder services) to be managed by the LMD through an IGA with the Town to ensure current benefits. The Town would also request a guarantee of one year employment with the LMD unless a Town policy was violated. The Board expressed concern with the one year guarantee.

Attorney White stated the state statute requires the Town Board and the County Commissioners approve an operating plan yearly; therefore, an IGA could also be renewed annually. The same protection in the Town's employee manual would follow the current CVB employees and the management of the employees would be outlined in the IGA.

After further discussion, **it was moved and seconded (Levine/Eisenlauer) to allow the four CVB employees performing advertising, public relations, group sales and stakeholder services to be managed by the LMD through an Intergovernmental Agreement that would include the Town employee manual as an exhibit and a guarantee of one year employment, and it passed with Trustee Homeier voting "No" and Trustee Blackhurst recusing himself.**

5. **TOWN ADMINISTRATOR REPORT.**

- The Fire Services Initiative Committee has a website at [www.evfireservice.org](http://www.evfireservice.org) for those that would like to find out more information on the proposed fire district.

Whereupon Mayor Pinkham adjourned the meeting at 8:58 p.m.

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William Pinkham, Mayor

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Jackie Williamson, Town Clerk