

Town of Estes Park, Larimer County, Colorado, July 28, 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 28th day of July, 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: Jacquie Halburnt, Town Administrator
Lowell Richardson, Deputy Town Administrator
Jackie Williamson, Town Clerk

Absent: Greg White, Town Attorney

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

Betty Nickel/County resident/builder voiced concern with the length of time it has taken for the Town to address the issue of accessory dwelling units. She stated a client requested the conversion of a garage into a separate dwelling unit over three years ago and no progress has been made to resolve the issue. She requested the Board review the issue in a timely fashion.

David Habecker/Town citizen requested the Board stop reciting the "under God" Pledge. He expressed concerns with the cost of the proposed fire district for in town residents and in town commercial businesses. He stated his property taxes would increase while the town government and out of town homeowners would pay less.

Jim McCormick/County resident encouraged the Board to place a moratorium on wind turbine installations until a consensus can be reached on the devices in our community.

TOWN BOARD COMMENTS.

Mayor Pinkham encouraged the community to get involved and support the Relay for Life event on Friday and Saturday. The Town of Estes Park has been chosen as a finalist for the 2009 Awards for Municipal Excellence for the Estes Valley Restorative Justice Partnership. The annual weed round-up would take place on Saturday at the Town's yard on Elm Road. Information and application for the proposed Fire District Board are available at the Fire Station.

1. CONSENT AGENDA:

1. Town Board Meeting Minutes dated July 14, 2009 and Town Board Study Session dated July 14, 2009.
2. Bills.
3. Committee Minutes:

Board of Trustees – July 28, 2009– Page 2

- A. Utilities, July 9, 2009.
 - 1. 2009 Christmas Decoration Installation & Maintenance – M. Atkins, \$40,892, budgeted and 2010 for \$42,937 pending 2010 budget approval.
- B. Public Safety, July 16, 2009:
 - 1. Northern Colorado Drug Task Force IGA.
 - 2. Longs Peak Scottish/Irish Highland Festival Fireworks Permit for September 10-12, 2009.
- 4. Dedication of Utility Easement to Baja Broadband.
- 5. Estes Valley Planning Commission Minutes June 16, 2009 (acknowledgement only).
- 6. Estes Valley Board of Adjustment Minutes June 2, 2009 (acknowledgement only).
- 7. Estes Park Urban Renewal Authority, June 24, 2009 (acknowledgement only).

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

- 2. **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. Stone Bridge Estates Condominiums, Preliminary and Final Condominium Map, Lot 3, Stone Bridge Estates Subdivision, 1175 & 1177 Fish Creek Road, Rock Castle Development Company/Applicant.
 - 2. The Meadow Condominiums, Preliminary and Final Condominium Map, Lot 4A, Mary's Meadow Replat, CMS Planning & Development/Applicant.
 - 3. Wonderview Village Condominiums, Supplemental Condominium Map #2, 131 Willowstone Drive, Unit #13, Crystal Creek Development, Inc./Applicant.
 - B. PRELIMINARY SUBDIVISION PLAT
 - 1. Preliminary Subdivision Plat/Amended Plat, Lots 15, 16, and 17, Block 2, The Neighborhood, Pawnee Meadows, LLC/Applicant.

It was **moved and seconded** (Homeier/Blackhurst) **the Consent agenda items A.1, A.2, and A.3 be approved with Staff conditions of approval**, and it passed unanimously.

Planning Commission Item B.1 – Keith Berndtson commented on the development issues at Deer Ridge Subdivision and requested the developer complete all open issues at Deer Ridge prior to receiving approval for a new subdivision.

Dir. Joseph questioned the appropriateness of linking the two subdivisions. The developer has contacted Community Development and stated the site issues at Deer Ridge would be completed in the near future.

It was **moved and seconded** (Homeier/Levine) **the Consent agenda item B.1 be approved with Staff conditions of approval**, and it passed unanimously.

3. ACTION ITEMS:

1. RESOLUTION #14-09 ADOPTING RED FLAG POLICY.

Finance Officer McFarland stated the US Government through the Federal Trade Commission (FTC) has attempted to address the national issue of identity theft by mandating the creation and adoption of the “Red Flag” policies/rules. Staff and Attorney White have determined the Town falls under the guidelines as set forth by the FTC as a creditor and must comply through the creation of an identity theft program. After discussion, it was **moved and seconded** (Ericson/Blackhurst) **to approve Resolution #14-09**, and it passed unanimously.

2. 2008 COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR).

Finance Officer McFarland presented an overview of the annual financial reporting process. The auditing firm of Swanhorst & Company, LLC conducted an independent audit of the Town of Estes Park’s financial statements as of December 31, 2008 and have expressed an unqualified opinion (clean opinion) that the financial statements presented fairly, in all material respects, the financial position of the funds and activities of the Town of Estes Park in conformity with Generally Accepted Accounting Principals (GAAP). Kyle Logan, Swanhorst & Company, LLC, discussed the CAFR highlighting the single audit (compliance audit), adoption of new accounting standards related to postemployment healthcare benefits, and the need for a procedure to track grants and file them in a centralized location. The Town has received government grants in excess of \$500,000, and therefore, was required to complete a single audit. The audit identified a significant adjustment for property (Bob’s Amoco) that was sold in 2007 and not removed from the Town’s accounting records. The Finance Department has supplied the auditors with a Corrective Action Plan to address the tracking of grants. He also noted the postemployment healthcare benefit liability would increase over time if it is not funded by the Town; however, funding the liability is not required. The audit also identified the Fire Services Fund receivables of over \$31,000 and noted there appears to be charges that are uncollectible that should be closely monitored. He stated no difficulties were encountered in performing the audit. It was **moved and seconded** (Ericson/Miller) **to approve the December 31, 2008 CAFR as presented**, and it passed unanimously.

3. TOWN ADMINISTRATOR REPORT.

- The Town Board and EPURA Commission would hold a special joint regular meeting on Monday, August 3, 2009 at 5:00 p.m. in the Board Room.

4. REQUEST TO ENTER EXECUTIVE SESSION:

24-6-402(4)(f), C.R.S. – For discussion of a personnel matter; not involving any specific employees who have requested discussion of the matter in open session; any member of the Town Board (or body); the appointment of any person to fill an office of the Town Board (or body); or personnel policies that do not require discussion of matters personal to particular employees.

It was **moved and seconded** (Eisenlauer/Levine) **the Town Board enter into Executive Session for the discussion of a personnel matter; not involving any specific employees who have requested discussion of the matter in open session; any member of the Town Board (or body); the appointment of any person to fill an office of the Town Board (or body); or personnel policies that do not require discussion of matters personal to particular employees, under C.R.S. 24-6-402(4)(f)**, and it passed unanimously.

Whereupon Mayor Pinkham adjourned the meeting to Executive Session at 8:12 p.m.

Mayor Pinkham reconvened the meeting to open session at 8:59 p.m. and adjourned the meeting at 9:00 p.m.

William Pinkham, Mayor

Jackie Williamson, Town Clerk