

Town of Estes Park, Larimer County, Colorado, August 25, 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 25th day of August, 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

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

Judy Aries/Town citizen requested the Board address an industrial coffee roasting operation located adjacent to property she owns at 550 W. Elkhorn Ave. The Town has permitted the accessory use. She stated the roasting operation continues to grow, and therefore, has become the primary use at the location.

Todd Jirsa/Park R-3 School Board President invited the Town Board to their September 21, 2009 meeting at 7:00 p.m. to hear a report by the Director of Business Services on the effects the Estes Park Urban Renewal Authority has on the state funding for the school district.

David Habecker/Town citizen read a prepared statement regarding his protest over the use of the 'under God' Pledge. He requested the Board not reduce the architectural appearance of the proposed grandstands by removing the copulas. He urged the Town to refrain from spending funds or time on further discussions related to annexing county properties. He stated the number of vacation homes is increasing and continues to drive down the sales tax collection by accommodation properties.

Mark Elrod/Town citizen expressed concern with the consent agenda item for a Community Development Organizational Assessment contract with Zucker Systems. He questioned the need for the assessment and whether the Town Board was using funds judiciously.

TOWN BOARD COMMENTS.

Mayor Pro Tem Levine thanked Director Zurn for his efforts in postponing the road construction work on Highway 36 during the upcoming holiday weekend and the Scotsfest weekend.

Trustee Blackhurst supports the efforts of the Town Administration with the proposed evaluations of Town Departments. He recognized the efforts of both the Police Department and the Town Clerk's office for the support provided during the Senate Hearing. In response to a letter to the editor regarding the dictatorial process and evasive inspections for carbon oxide detectors, he stated the Town inspections are conducted to enforce the State law that went into effect July 1st. He reminded the public

that the Public Works Committee meeting to be held on Thursday, August 27th at 8:00 a.m. in the Town Board Room.

Mayor Pinkham stated the Board held a study session to discuss the cost estimates of the proposed Multi Purpose Event Center at the Stanley Fairgrounds and to review the draft 2010 Local Marketing District Operating Plan. He invited the community to a 'Wet Down' party for the new fire engine at the Fire Station on Saturday, August 29, 2009 from 11:30 a.m. to 2:30 p.m.

1. CONSENT AGENDA:

1. Joint Town Board and EPURA Special Meeting Minutes dated August 3, 2009, Town Board Minutes dated August 11, 2009 and Town Board Study Session Minutes dated August 11, 2009.
2. Bills.
3. Committee Minutes:
 - A. Community Development, August 6, 2009.
 1. Community Development Assessment, Zucker Systems - \$20,000.
4. Estes Valley Planning Commission Minutes July 21, 2009 (acknowledgement only).
5. Estes Valley Board of Adjustment Minutes July 7, 2009 (acknowledgement only).
6. Estes Park Urban Renewal Authority, July 15, 2009 (acknowledgement only).
7. Drainage Easement, Lot 17, Block 1, Fall River Estates, First Addition.
8. Appointments to the Estes Valley Public Library District Board.
 - a. Peter Plaut, 4-yr. term, beginning 1/01/10, expires 12/31/13.
 - b. Sharon Poggenpohl to complete 4-yr. term of Kay Kirkman, beginning 8/25/09, expires 12/31/12.

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

2. REPORTS AND DISCUSSION ITEMS:

1. COUNTY WIDE ANNEXATION.

Deputy Town Administrator Richardson stated a local resident, Terry Parenti, suggested the Town consider annexing the entire Estes Valley to alleviate some of the issues that resolve with a small community. The report provides an overview of the processes and costs associated with a valley wide annexation. A discussion followed with the Town Board stating annexation of the county would not be actively pursued; however, the Town would consider an annexation application brought forward by any county property, subdivision or HOA.

2. SECOND QUARTER FINANCIAL REPORT.

Finance Officer McFarland stated the 2009 sales tax receipts trails 2008 by 1.7% after the second quarter. Actual sales tax continues to be down at a current 4.8%; however, sales tax collection has been down by as much as 7.3%. Year end projections for sales tax collection are estimated at \$7.14 million for 2009. Expenditures for all General and Enterprise funds are below 50% for the year. Investment rate of return continues to be low; however, the

Town manages reserves with safety as the first priority and then liquidity and yield.

3. **TOWN ADMINISTRATOR REPORT.**

- Mayor's monthly coffee chat will be held on Wednesday, September 2nd, 8:00 a.m. at the Senior Center.
- The first of two open houses for the Bond Park Master Plan will be held on Wednesday, September 2nd, 6:00 p.m. to 8:00 p.m. in Town Hall. The design consultant will provide three scenarios to the public for comment.
- Recognized the Police Department and the Town Clerk's office for their services during the recent Senate hearing held in the Town Board room.

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

1. **ACTION ITEMS:**

- A. Vacation Homes and Bed & Breakfast Amendments to the Estes Valley Development Code – **Tabled and Remanded to the Estes Valley Planning Commission.**
- B. Location and Extent/Special Review #09-01, Stanley Park Grandstand, Metes and Bounds Parcel located at 1209 Manford Avenue, Thorp Associates/Applicant. Planner Chilcott reviewed the staff report stating the request is for the redevelopment of the existing 62-year old 2,100 seat grandstands at the Stanley Fairgrounds. The proposed grandstand would seat approximately 2,700 with a footprint of 15,500 square feet that would include new restrooms, concession area and ticket booth space under the structure. The Estes Valley Planning Commission recommended conditional approval at their August 18, 2009 meeting, requesting a parking study, drainage plan and report, and a traffic impact analysis be completed. Discussion followed with the Board requesting a comprehensive report on the parking needs at the Stanley Fairgrounds, and memos for all conditions to be included with the Town Board packet material. It was **moved and seconded** (Homeier/Ericson) **to approve the Special Review 09-01 for the Stanley Fairgrounds grandstand redevelopment**, and it passed unanimously.
- C. Wildlife Amendments to the Estes Valley Development Code – Public Hearing – First Reading. Director Joseph stated the revision to Chapter 7.8 Wildlife Habitat Protection has been revised to simplify the language and remove the Colorado Division of Wildlife (CDOW) from the review process as requested by the agency. The decision-making bodies would be the Estes Valley Planning Commission, Town Board of Trustees and Board of County Commissioners. The need for a Wildlife Conservation Plan has been redefined and shall be submitted for sites containing an endangered or threatened species, big horn sheep or big horn sheep habitat or riparian areas, adjacent to rivers and streams identified on the wildlife habitat map.

Public comment against the proposed code changes were heard from Sandy Lindquist/Town citizen, Sandy Osterman/Town citizen, Evan Lloyd/County citizen, Joan Darden/Town citizen and Dave Albee/Town citizen and ARD President. The code revisions should be rejects as written and modified to include an explicit list of requirements, list of mitigation methods, requirement that mitigation plans be effective and add back the habitats removed. The proposed revisions weaken the code. Development should accommodate wildlife.

David Habecker/Town citizen stated over the years wildlife protection has become the primary use of land and human use as the secondary. He stated additional restrictions are being unfairly placed on the few properties left to be developed in the valley without compensation for the value of the land.

Mark Elrod/Town citizen stated the maps included in the EVDC are outdated, static and not scientifically verified.

Board comments are summarized: The CDOW requested their review of an application for significant adverse impact to wildlife be removed from the EVDC; this revision would address the major issues with additional issues such as mapping to be addressed; and this comprehensive issue should be reviewed thoroughly to address all facets including open space. It was **moved and seconded** (Homeier/Blackhurst) **to continue the public hearing to September 22, 2009**, and it passed unanimously.

4. **ACTION ITEMS:**

1. **ORDINANCE #06-09 SECTION 14.04.020 APPEAL PROCEDURE.**

Director Joseph stated the Town appointed a Board of Appeals to hear administrative appeals under the building code. Municipal Code Section 14.04.020 Appeal Procedures has not been updated to clarify the distinction between appeals under the building code and other codes. The Ordinance would clarify the Municipal Code and would place all fees in the Community Development policy manual. Attorney White read the Ordinance. After discussion, it was **moved and seconded** (Eisenlauer/Homeier) **to approve Ordinance #06-09**, and it passed unanimously.

2. **AMENDMENT TO THE ARCHITECT AND ENGINEERING SERVICES CONTRACT FOR THE MULTI-PURPOSE EVENT CENTER (MPEC) AND INDOOR ARENA.**

Director Zurn stated contract negotiations have been completed with Kenney Associates Inc. for the engineering and architectural services for the Multi-Purpose Event Center, Indoor Arena and site work at the fairgrounds. The Town Board approved a total cost of \$270,900 with a 10% contingency at their July 14, 2009 meeting. After further negotiations with Kenney Associates Inc., staff requests approval of a revised contract for \$267,974.00 with a \$25,000 contingency for the MPEC and Indoor Arena. The contract also contains an optional fee for Phase II of the MPEC for \$135,000 that could be approved at a later date. After further discussion, it was **moved and seconded** (Levine/Eisenlauer) **to approve the revised contract with Kenney Associates Inc. for \$292,974 as stated above from account #204-5900-459-35-61**, and it passed unanimously.

3. **INITIATED ORDINANCE PETITION – ABOLISH ESTES PARK URBAN RENEWAL AUTHORITY.**

Town Clerk Williamson reviewed the Initiated Ordinance stating the petitions were received on July 8, 2009. When the Initiated Ordinance was submitted to the Clerk for approval of the form on April 28, 2009, Larimer County advised the Town's total registered electors was 4,522. State statute 31-11-104 requires a petition to be signed by a least 5% of the registered electors; the total number of signatures required was 226. A Statement of Sufficiency was delivered to the petitioners on August 6, 2009 with 229 verified signatures.

Town Clerk Williamson reviewed the Town Board's options stating that within 20 days from the Statement of Sufficiency, the Trustees must either: (1) adopt, without alteration, the Initiated Ordinance as proposed, Ordinance 07-09, or (2) refer the Initiated Ordinance to the registered electors of the municipality at a

regular or special election, held not less than 60 days and not more than 150 days after the Statement of Sufficiency by adopting Resolution 16-09.

Bill Van Horn/petitioner requested the Town Board adopt the Initiated Ordinance and stated EPURA has done its work for the town. He commented the local government needs to focus on essential services.

Board comments are summarized: Estes Park has benefited from the past 25 years of EPURA; the passage of the Ordinance would not be in the best interest of the Town; EPURA can complete projects that the Town cannot; the Town may fail to keep up without the funding for projects that EPURA can provide; EPURA has increased sales tax revenue which in turn has kept property taxes low for Estes Park; and EPURA offers the Town flexibility to react to unknown needs.

Trustee Homeier spoke in favor of the petition. He stated EPURA has done great work and benefited the Town; however, past performance is no assurance of future results. The renewal of EPURA in 2008 did not have the support of the community or the other taxing entities within the Estes Valley. He asserted there are other means for accomplishing the results of an Urban Renewal Authority.

It was **moved and seconded** (Blackhurst/Eisenlauer) **to not adopt the Initiated Ordinance 07-09**, and it passed with Trustee Homeier voting “No”.

It was **moved and seconded** (Blackhurst/Homeier) **to approve Resolution #16-09 for the Coordinated Election on November 3, 2009**, and the motion failed with Blackhurst and Homeier voting “Yes”.

Trustee Eisenlauer and Miller stated the Fire District ballot questions and the Initiated Ordinance should not be on the same ballot, and therefore, the Ordinance should be considered at a special election. Trustee Miller stated the estimated cost difference of a Coordinated Election and Special Election is insignificant. After further discussion, it was **moved and seconded** (Levine/Eisenlauer) **to approve Resolution #16-09 for a Special Election on January 12, 2010**, and the motion passed with Trustee Blackhurst voting “No”.

4. **INTERGOVERNMENTAL AGREEMENT (IGA) BETWEEN THE TOWN OF ESTES PARK AND LARIMER COUNTY ELECTIONS OFFICE FOR THE 2009 COORDINATED ELECTION – INITIATED ORDINANCE.**

Not required because the EPURA election was set for a special election on January 12, 2010.

Whereupon Mayor Pinkham adjourned the meeting at 9:25 p.m.

William Pinkham, Mayor

Jackie Williamson, Town Clerk