

*Town of Estes Park, Larimer County, Colorado, September 8, 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 8<sup>th</sup> day of September, 2009. Meeting called to order by Mayor Pinkham.

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

Also Present: Jacquie Halburnt, Town Administrator  
Lowell Richardson, Deputy Town Administrator  
Town Attorney White  
Cynthia Deats, Deputy 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 – “CONSTITUTION WEEK”.**

Mayor Pinkham read a proclamation declaring September 17 through September 23, 2009 as Constitution Week, in celebration of the 222<sup>nd</sup> anniversary of the framing of the constitution.

**PUBLIC COMMENT.**

George Hockman, Town resident, stated he has been attending Town Board meetings in Estes Park for 15 years and noted the mayors and trustees have been willing to listen to citizen's concerns. He expressed concern about the use of pre-meeting study sessions utilized by the current Board to get information and discuss complex issues, noting that public comment is not allowed during study sessions and should not be the place for Town Board decisions to occur. He said the Town Board has expressed a desire for transparency in government, and encourages public attendance and participation in Town meetings. He said in order to achieve this citizens must have the opportunity for public comment prior to accepting motions from Board members and reaching consensus on issues.

Mayor Pinkham thanked Mr. Hockman for his observations and said that he had been taken to task for his use of the word consensus at a previous meeting

Vaughn Baker, Superintendent of Rocky Mountain National Park (RMNP), gave a brief update on a small fire burning near Glen Haven, prescribed burning in the Park, and the increases in visitation numbers and shuttle ridership in the Park over 2008 figures. Supt. Baker presented the Mayor and Trustees with a signed poster commemorating the RMNP wilderness dedication which took place in March 2009.

Bob Ayres, Town resident, expressed dissatisfaction with the location of the Kind Coffee roaster at 552 West Elkhorn Avenue. He challenged the classification of the roasting operation as an accessory use to the coffee shop and office at that location, calling it a manufacturing facility which belongs in an industrial zone. He stated that when in use the roaster emits strong odors and noxious gases, gassing residents out of their homes.

He stated that according to Larimer County, Kind Coffee is in the process of acquiring a permit to roast 45,000 lbs. of coffee and asked the Town Board to re-consider the appropriateness of the site of the Kind Coffee roasting operations.

Trustee Homeier requested an update on the Kind Coffee roasting operations. Town Administrator Halburnt stated that the use had previously been allowed by the Town Board and that the owner of Kind Coffee provided activity reports of time spent roasting, packing, and shipping coffee which qualified the roasting operation as an accessory use. She stated that Larimer County staff visited the site, tested the air quality and found it to be within acceptable limits. Trustee Homeier requested that a report of this year's activity be acquired to determine if there has been a change in operations. Trustee Miller said that if roasting operations have increased substantially it may cross the line between accessory and primary use. Trustee Eisenlauer commented that the owner of Kind Coffee used exhaust equipment to address emission concerns and asked if there were any additional measures that could be taken to alleviate emissions. Town Administrator Halburnt stated she would request more information related to current and proposed roasting activity, and other equipment that may be available to mitigate emissions. Mayor Pinkham said this is an appropriate topic for an upcoming Town Board meeting and that all components of additional information related to code compliance will be reviewed by the Board and Town Atty. White.

**TOWN BOARD COMMENTS.**

Trustee Blackhurst reminded the public of the regular meeting of the Estes Park Housing Authority on Wednesday, September 9, 2009, at 8:30 a.m. in Room 203 of the Town Hall; and the Utilities Committee meeting to be held on Thursday, September 10, 2009, at 8:00 a.m. in the Town Board room.

Trustee Miller voiced his hope that residents would fly their flags and observe a moment of silence in remembrance of those who lost their lives on September 11, 2001.

Mayor Pinkham thanked the American Legion for hosting a celebration to honor Sgt. Michael Bachelor who is returning home from a second tour of duty in Iraq, and announced that the Scottish Irish Highland Festival will take place over the weekend. In addition, he said he took issue with an editorial that appeared in the Trail-Gazette related to the Board's decision to schedule the EPURA election in January 2010. He stated that documents received from the Town Clerk stipulated the Board could pass the ordinance or hold a special election, with the last possible date for the election being January 19, 2010. He stated there had been no behind the scene discussions and that each board member made their own decision about how to vote and voted their conscience. He said he takes pride in being a part of a Board that does not spurn public input, but in fact encourages public participation.

**1. CONSENT AGENDA:**

1. Town Board Minutes dated August 25, 2009 and Town Board Study Session Minutes dated August 25, 2009.
2. Bills.
3. Committee Minutes:
  - A. Public Safety, August 20, 2009.
    - a. Northern Colorado Regional Communication Network Intergovernmental Agreement.
  - B. Public Work, August 27, 2009:
    - a. Temporary Easement, Undergrounding of Overhead Utility Services:
      - i. Portion of Lot 19, Little Prospect Mountain Addition, 631 Prospect Avenue.

- ii. Lot 2, Pettit Resubdivision of a Portion of Lot 19, Little Prospect Mountain Addition, 675 Prospect Avenue.
- iii. Lot 1, Murphy Subdivision of Amended Plat of a Portion of Lot 20, Little Prospect Mountain Addition, 707 Prospect Avenue.
- b. Temporary Construction Easement:
  - i. Portion of Lot 1, Block 5, Country Club Manor Addition, 400 Birch Avenue.
  - ii. Portion of Lot 7, Block 2, Country Club Manor Addition, 403 Driftwood Avenue.
  - iii. Portion of Lot 1, Block 2, Country Club Manor Addition, 640 Prospect Avenue.
- c. Permanent Access, Utility & Drainage Easement:
  - i. Lot 1, Block 2, Country Club Manor Addition, 640 Prospect Avenue.
  - ii. Lot 1, Block 5, Country Club Manor Addition, 400 Birch Avenue.
- d. Colorado Department of Transportation Intergovernmental Agreement for Highway 34 Bridge Trusses.
- e. Mobile Column Vehicle Lift, \$40,425 – Budgeted.

It was **moved and seconded** (Levine/Miller) **the Consent Agenda be approved**, and it passed unanimously.

Trustee Blackhurst stated that the temporary easements have a two-year term and are for the purpose of undergrounding utilities and reconstruction. Trustee Miller pointed out that there is no cost involved with the acquisition of the historic bridge trusses which will be used in a future pedestrian trail project.

## **2. REPORTS AND DISCUSSION ITEMS.**

### **1. BOND PARK MASTER PLAN UPDATE.**

Public Works Dir. Zurn and Paul Kuhn of Winston Associates, provided an update on the Bond Park Master Plan. Public input has been gathered in a variety of ways including one-on-one conversations with community members, an on-line survey, and focus group meetings resulting in the development of three alternative concepts for consideration. Each concept possesses key characteristics identified through the public outreach process which include sustainability, creation of a community centerpiece, support for the downtown business district, and incorporation of a tie to the natural setting of Estes Park. In addition, the plan must be flexible, adaptable, and able to accommodate special events. Some of the features included in the conceptual plans are green space, picnic areas, special event plaza, covered stage, fire pit, ice skating facility, and water features. Mr. Kuhn reported that the three alternative concepts were displayed at an open house on September 2<sup>nd</sup>, at the Labor Day Crafts Fair, as well as on the internet, providing another opportunity for additional input on the project. Based on the input a single design will be developed and presented at a Community Open House scheduled for October 2, 2009.

Joanna Darden, Town resident, was concerned that the opinions of nonresidents were being considered in the formation of the Bond Park Master Plan. She said she liked certain aspects of each plan and would like to have information related to the cost of each of the conceptual plans before voting on an individual plan.

Mayor Pinkham said that it is important for the Town to gather input from a wide range of people in order to create a venue to be proud of that will be useful to citizens and visitors; adding that the three concept plans can be viewed on the internet for those desiring to give input or make comments.

Rex Poggenpohl, County resident, congratulated Public Works staff on the public design process, describing it as well-managed, organized, and well presented. He said he sees a need to define the elements that are most appropriate to be included in the final plan, and that when prioritizing these elements the cost and maintenance of each must be considered before the designer proceeds with additional design work.

2. **STANLEY FAIRGROUNDS PARKING REPORT.**

Dir. Zurn summarized parking requirements for future developments at Stanley Park as follows:

Performing Arts Center	600 Spaces
Grandstands	897 Spaces
Multi-Purpose Event Center and Indoor Arena	200 Spaces

Dir. Zurn presented a plan for a proposed parking lot containing 408 spaces for possible use as a transit hub. Estimated cost of the lot is \$1.2 million. The design is 90% complete and currently unfunded, but is included on a waiting list for stimulus funds in the 13<sup>th</sup> position; however, there is no timeline as to when and if State or Federal funds may become available. Dir. Zurn said that if funds do become available the project can be ready for bid within 30 days. He reported that the 408-space lot and the proposed 600-space lot serving the Performing Arts Center may be sufficient for most activities and events. He stated that if formal parking facilities are to be available in 2010, the Town would need to look at funding the construction of the parking lot. Town Administrator Halburnt added that the Performing Arts Center parking lot costs have increased from the original estimate of \$700,000 which is stated in the Memorandum of Understanding between the Town of Estes Park and the Supporters of the Performing Arts (SOPA) to \$1.5 million.

3. **TOWN ADMINISTRATOR REPORT.**

1. The fire that started in Dunraven Glade near Glen Haven is 25% contained. Due to the arrival of cooler weather, crews have been called off for the night, but remain on standby.
2. A 911 remembrance ceremony will be held on Friday, September 11, 2009 at 5:30 p.m. Fire Chief Dorman and Police Chief Kufeld will both speak at the ceremony.

3. **ACTION ITEMS.**

1. **RESOLUTION #17-09 ESTES PARK LOCAL MARKETING DISTRICT BUSINESS & OPERATING PLAN.**

Trustee Blackhurst recused himself from the discussion related to the Local Marketing District (LMD) and took a seat in the audience. Ken Larson, LMD Chair, described the process leading up to the formation of the LMD which began with the passing of the ballot question at the November 2008 election; the appointment of seven LMD board members – two Larimer County appointees and five Town appointees; and the development of organizational structure, mission, vision, and core values for the organization. The LMD Board developed an Operating Plan which includes a strategic marketing plan, the budget for 2010, and projections for the remainder of 2009. The Operating Plan requires the approval of the Town Board as well as the Larimer County Commissioners. The Trustees expressed appreciation to the LMD Board for their efforts, and the energy and enthusiasm being invested in the LMD. It was **moved and seconded (Eisenlauer/Miller) to pass Resolution #17-09 approving the Local Marketing District Business and Operating Plan as presented**, and it passed unanimously, with Trustee Blackhurst recusing himself.

Trustee Blackhurst returned to the dais at 8:44 p.m.

2. **REQUEST TO ENTER EXECUTIVE SESSION:**

It was **moved and seconded** (Eisenlauer/Levine) **the Town Board enter into Executive Session for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators regarding the Estes Park Urban Renewal Authority Intergovernmental Agreement under C.R.S. 24-6-402(4)(e), and it passed unanimously.**

Mayor Pinkham called a five-minute break at 8:45 p.m. prior to entering into Executive Session.

Mayor Pinkham reconvened the meeting at 9:31 p.m. from Executive Session whereupon he adjourned the meeting at 9:31 p.m.

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William C. Pinkham, Mayor

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Cynthia Deats, Deputy Town Clerk