

Town of Estes Park, Larimer County, Colorado, October 13, 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 13th day of October, 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 presented the Estes Park Rotary Clubs with a Proclamation recognizing the "Purple Pinky Project, End Polio Now." The two Clubs invited the community to the pancake breakfast on October 24, 2009 and the Halloween festivities. Trustee Blackhurst encouraged every community member to donate a \$1 for the cause to help to eradicate the disease.

PUBLIC COMMENT

Sandy Osterman/ARD Vice President presented the Board with a local government guide produced by the organization to educate the public. The guide is available through emailing a request to ARD@dim.com.

David Habecker/Town citizen read a prepared statement regarding the School Board's anti-EPURA decision, the improvements EPURA accomplished after the Lawn Lake flood, the tax base provided the other Special Districts in town by improvements made by EPURA, and the need to continue to improve the Town.

Frank Theis/County resident stated agreement with Mr. Habecker's comments on EPURA and encouraged discussion on the future projects EPURA could complete.

TOWN BOARD COMMENTS.

Mayor Pinkham read an Ode and a Resolution of Respect in honor of former EPURA Director Wil Smith for his 10 years of service to our community.

1. CONSENT AGENDA:

1. Town Board Minutes dated September 22, 2009, Town Board Study Session Minutes dated September 22, 2009, Town Board Budget Study Session Minutes dated October 2, 2009 and Joint Town Board and EPURA Special Meeting Minutes dated October 2, 2009.
2. Bills.

3. Committee Minutes:
 - A. Community Development, October 1, 2009:
 1. 2009-2010 Rooftop Rodeo Committee Appointments.
 2. Powder River Rodeo Productions, Inc. 3-Year Agreement (Stock Contractor for Rooftop Rodeo): \$74,150/2010, \$76,000/2011 & \$79,850/2012 subject to appropriations.
 3. Procurement Policy.
4. Closure of Elkhorn Avenue from Spruce Drive to East Elkhorn Avenue on October 31, 2009 from 5:00 p.m. to 9:00 p.m. for the downtown Halloween program.

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

2. LIQUOR ITEMS:

1. **LIQUOR LICENSING: TRANSFER OF OWNERSHIP – FROM STEVE AND BARB NYTES dba ST. VRAIN LANES TO BOWL FORT COLLINS, LLC dba CHIPPER’S LANES ESTES PARK CENTER, 555 SAINT VRAIN AVENUE, TAVERN LIQUOR LICENSE.**

Town Clerk Williamson stated that the necessary paperwork and fees have been submitted for the transfer. The required T.I.P.S. training has not been completed; however, the new owners anticipate sending the current staff to training as soon as possible and would require training of new staff within 90 days of employment. Matt Hoeven/Bowl Fort Collins, LLC Member stated the organization currently owns three bowling alleys and operates them all as family-friendly facilities. The organization has solid training and procedures in place, including incentive policies, to ensure the staff follows the liquor laws. He stated a liquor violation has not occurred at any of their establishments in the past three years. Mayor Pro Tem Levine reminded the owner of their responsibility to uphold the liquor laws. It was **moved and seconded** (Blackhurst/Ericson) **to approve the Transfer of Ownership Application filed by Bowl Fort Collins, LLC dba CHIPPERS LANES ESTES PARK CENTER**, and it passed unanimously.

3. REPORTS AND DISCUSSION ITEMS:

1. **TOWN ADMINISTRATOR REPORT.**

- The Wind Turbine survey would be completed on October 15, 2009. The results would be reviewed by the Planning Commission on October 20, 2009 with two public meetings to follow on November 12th and November 17th. The intent would be to bring forward a recommendation to the Town Board at the December 8th meeting just prior to the end of the moratorium on December 9th. The Planning Commission may request an extension of the moratorium if a recommendation cannot be reach.
- Estes Park Local Marketing District Chair Ken Larson requested two members from the District and the Town Board meet to discuss stakeholder fees. The item was discussed at the Town Board Study Session. The Board reached consensus stating the LMD has a revenue source of a 2% tax on nightly rentals, the IGA did not contain the stakeholder fees, and the LMD could retain the fees and reimburse the Town an equivalent amount for the LMD staff salaries.

4. ACTION ITEMS:

1. **PROPERTY TAX MIL LEVY REDUCTION.**

Removed from the agenda at the beginning of the meeting.

2. **SKILLS & KNOWLEDGE BASED QUALIFICATIONS FOR CONTRACTOR LICENSING.**

Director Joseph stated the Community Development Committee has reviewed the licensing requirements and recommended the item be reviewed by the Board. The Town requires business licenses be purchased by all contractors working within Estes Park. These licenses are not issued based on qualifications or testing. The County has enacted a new qualification based contractor licensing programs, which is common in Colorado, and requested the Town require the same. Staff would recommend testing and licensing of contractors and all commercial building permit applicants within the Town. Exemptions to the licensing would include contractors required to hold State licenses (architects, engineering, electrical, plumbing, sprinklers, elevators/conveyances and manufactured home installers, etc.) and/or approved pre-engineered/proprietary certification, projects where the scope of work is limited to such contractors, or owners of structures regulated by the International Residential Code working on their own home and accessory structures. These exemptions from testing would not include exemptions from any other requirements, including but not limited to permits or Town business licensing. Staff recommends the licensing requirements be consistent with the requirements enacted by Larimer County for the different types of contractor licenses, and to accept test results and qualifications from other municipalities for licensing locally.

Comments and questions are summarized: how has the Contractor's Association responded; consistent licensing requirements are needed throughout the valley; the current language would prevent a commercial property owner from applying for a building permit for a project that a contractor has not been selected; a permit should only be issued to the licensed contractor; how will the licensing be monitored; why would commercial property owner be prevented from working on their own property; if licensing is approved, the requirements must be consistent with the County requirements; additional information on the licensing classes should be reviewed by the Board; and there should be a transition period to provide contractors the time to take the appropriate tests.

Director Joseph stated the contractors have expressed some opposition but are in large part agreeable to the change. Chief Building Official (CBO) Birchfield commented that more than half the jurisdictions require qualification testing. Commercial property owners could complete work on their property if they hold the proper licensing. Buildings that are open to the public are held at a higher standard.

Frank Theis/CMS Planning and Development stated the contractors in the valley are not happy with the proposed licensing requirements. The additional licensing and requirements would be financially burdensome for the contractors that are struggling in the current economic climate. He would like to have the County exempt the Estes valley from their new licensing requirements. He also stated the Town Building officials should administer inspections for the entire valley to simplify the process.

David Habecker/Town citizen questioned if a contractor does a poor job would he lose his license? Licensing may take care of some of the issues related to the quality of work performed in town; however, it will not make them scrupulous.

CBO Birchfield stated the licensing would regulate the quality of work and require all violations to be addressed prior to renewing a license.

After further discussion, **it was moved and seconded** (Levine/Miller), **to direct staff to prepare an Ordinance for the implementation of qualifications based business licensing for building contractors and make such requirement consistent with the Larimer County requirements**, and it passed unanimously.

3. **REVISED 2009 ORGANIZATIONAL CHART.**

Administrator Halburnt stated with four of the CVB staff becoming LMD staff, the Town has the opportunity to reorganize operations to increase effectiveness and efficiency by bringing together the division which provide more community based services to our residents and visitors under one department. The new Community Services department would be formed and include the Museum, Senior Center, Visitor's Center, Fairgrounds/Events and Conference Center. This reorganization would not result in any new positions, only reorganization of current supervisory responsibilities. Betty Kilsdonk/Museum & Senior Center Director would become the new director for the Community Services department. After further discussion, **it was moved and seconded** (Blackhurst/Miller), **to approve the revised 2009 Organizational Chart creating the Community Services Department to include Museum, Senior Center, Visitor's Center, Fairgrounds/Events and Conference Center**, and it passed unanimously.

Whereupon Mayor Pinkham adjourned the meeting at 8:30 p.m.

William Pinkham, Mayor

Jackie Williamson, Town Clerk