

Town of Estes Park, Larimer County, Colorado, November 14, 2023

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 14th day of November, 2023.

Present: Wendy Koenig, Mayor
Marie Cenac, Mayor Pro Tem
Trustees Kirby Hazelton
Frank Lancaster
Barbara MacAlpine
Patrick Martchink
Cindy Younglund

Also Present: Travis Machalek, Town Administrator
Jason Damweber, Deputy Town Administrator
Dan Kramer, Town Attorney
Kimberly Disney, Recording Secretary

Absent: None

Mayor Koenig called the meeting to order at 7:00 p.m. and all desiring to do so, recited the Pledge of Allegiance.

AGENDA APPROVAL.

It was **moved and seconded** (Cenac/MacAlpine) **to approve the Agenda**, and it passed unanimously.

PUBLIC COMMENTS.

None.

TRUSTEE COMMENTS.

Board comments were heard and have been summarized: The Estes Valley Watershed Coalition hosted a public meeting on slash burning. The Visit Estes Park met and discussed the upcoming tree lighting ceremony, fall visitor survey, and the 4.1% decrease in lodging tax. The Veteran's Day Ceremony was held with recognition of veterans in the community. The Board discussed options of a temporary Property Tax Credit to mitigate potential increases in property tax due to the failure of Proposition HH. Sister Cities Board met and elected new officers. The Annual Dia de Los Muertos celebration was held with large community participation. The National Philanthropy Day celebration recognized 33 individuals and non-profit organizations in the community. The Estes Park Board of Adjustment approved an occupancy waiver. The Police Auxiliary would hold an ambulance training. The Restorative Justice Annual Fundraising Dinner would be held with meals provided by Mama Rose's. The Estes Park Economic Development Corporation would meet to discuss the corporation's future. The October Trustee Talk focused on workforce housing, land use, Sanitation District, and Bond Park. The November Trustee Talk would focus on the budget process and Downtown Estes Loop construction. Mayor Koenig announced she would not run for reelection in April 2024.

TOWN ADMINISTRATOR REPORT.

Town Administrator Machalek thanked staff for their response to the power outage on October 29, 2023. Staff would continue to work on improvements with the Western Area Power Administration to maintain reliable power to the Estes Valley.

CONSENT AGENDA:

1. Bills.
2. Town Board Minutes dated October 24, 2023 and Town Board Study Session Minutes dated October 24, 2023.
3. Estes Park Board of Adjustment Minutes dated October 3, 2023 (acknowledgment only).

4. Transportation Advisory Board Minutes dated September 20, 2023 (acknowledgment only).
5. Resolution 97-23 Intergovernmental Agreement with the Colorado Department of Transportation for Fiscal Year 2024 Federal Transit Administration 5311 Rural Area Formula Funds to Support Estes Transit - CDOT PO 491003380.
6. Reappointment of Rich Chiappe to the Local Marketing District Board of Directors for a term expiring December 31, 2027.

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

LIQUOR ITEMS:

1. **RESOLUTION 98-23 TRANSFER OF A LODGING & ENTERTAINMENT LIQUOR LICENSE FROM ESTES PARK CATERING LLC DBA JUBILATIONS CATERING TO JOGAN INC, LLC DBA JUBILATIONS CATERING, 215 VIRGINIA DRIVE, ESTES PARK, CO 80517.** Mayor Koenig opened the public hearing and Town Clerk Williamson presented Resolution 98-23. She reviewed the application for the transfer of ownership, stating all paperwork and fees had been submitted and a temporary permit was issued October 13, 2023, which authorizes the Transferee to continue the sale of alcohol while the transfer application was pending. The applicant was aware of the Training for Intervention Procedures (TIPS) requirement. Mayor Koenig closed the public hearing and it was **moved and seconded** (MacAlpine/Younglund) **to approve Resolution 98-23**, and it passed unanimously.

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

1. **ACTION ITEMS:**

- A. **ORDINANCE 09-23 REZONING, RAVEN SUBDIVISION ZONING MAP AMENDMENT, RAVEN AVENUE TBD, HABITAT FOR HUMANITY OF THE ST. VRAIN VALLEY, INC., OWNER/APPLICANT.** Mayor Koenig opened the public hearing and Planner Washam presented Ordinance 09-23 to rezone 0.82 undeveloped acres of Lot 2A Ward Minor Subdivision from RM - Multi-Family Residential to R-1 - Single-Family Residential. A minor subdivision of the property was approved in January 2021 in anticipation of further subdivisions and to enable Habitat for Humanity to develop single-family residences on five proposed lots with a minimum lot size of 5,000 feet. She highlighted the Estes Park Planning Commission's review and recommendation of the rezoning application, criteria for rezoning, characteristics of the subdivision and lots, and staff findings. Dave Emerson, Executive Director of St Vrain Habitat for Humanity, provided background on the organization, their eligibility requirements for housing, and the property. The Board discussed the difference between detached and attached single-family homes, the minimum lot size for attached single-family homes, variance options and limitations, and maintaining natural landscaping of the area.

John Guffey/Town citizen spoke regarding the natural grass and maintenance of the open space area included in the rezoning. Scott Moulton/Estes Park Housing Authority Director spoke in support of the rezoning citing the Housing Needs Assessment.

Mayor Koenig closed the public hearing and it was **moved and seconded** (Younglund/MacAlpine) **to approve Ordinance 09-23**, and it passed unanimously.

ACTION ITEMS:

1. **PUBLIC HEARING – 2024 BUDGET.** Mayor Koenig reopened the public hearing from October 24, 2023. Manager Hudson presented the 2024 budget of \$87.9 million. The budget outlines the Highway User Trust Fund revenues received from

the State of Colorado estimated at \$285,504 would offset the operational costs of the Streets division of Public Works. Resolution 99-23 would set the mill levy for 2024 at 1.822 mills for a total of approximately \$445,000 in property tax revenues. Resolution 100-23 would adopt the 2024 budget as presented. Resolution 101-23 would appropriate sums of money to be expended as outlined in the proposed budget. The 2024-2028 Capital Improvement Plan would provide guidance to the Board, staff, and citizens on upcoming projects and funding needs.

Bill Brown/Town citizen spoke regarding Resolution 99-23 and the components of property tax. He requested a reduction to the mill levy to support the needed funding from property tax of approximately \$445,000.

The Board discussed reassessing the \$65,000 earmarked for economic development funding following discussions on base funding entities. They directed staff to provide more information on the mill levy adjustment depending the results of the State Legislature review of property tax. Mayor Koenig closed the public hearing and it was **moved and seconded** (Hazelton/Younglund) **to approve the Highway User's Trust Fund for expenditures for striping, snow plowing, traffic signs, street lights, and other related road and street costs as proposed for 2024**, and it passed unanimously.

It was **moved and seconded** (Lancaster/MacAlpine) **to table Resolution 99-23 to December 12, 2023**, and it passed unanimously.

It was **moved and seconded** (Lancaster/Cenac) **to approve Resolutions 100-23 and 101-23**, and it passed unanimously.

It was **moved and seconded** (Cenac/Younglund) **to approve the Capital Improvements Plan for 2024-2028**, and it passed unanimously.

- 2. 2024 STRATEGIC PLAN ADOPTION.** Town Administrator Machalek presented the 2024 Strategic Plan and highlighted the Strategic Planning Sessions held March 8, 2023 and April 5, 2023, adoption of the 2024 Provisional Strategic Plan on May 23, 2023, and suggested edits since the provisional plan was adopted. Edits included: Amending Infrastructure Objective 4.D.1, Public Safety, Health, and Environment Goal 2.D and Objectives 1.A.1, and 7.A.1. Adding Outstanding Community Services Objective 2.A.1, Public Safety, Health, and Environment Objectives 1.F.1, and 6.A.1., and eliminating Transportation Objective 4.A.1 and 7.A.1. The Board discussed the removal of an Environmental Sustainability Manager position as a part of Public Safety, Health, and Environment Objective 1.A.1, budgetary needs or amendments to support the position, collaboration with other entities including Visit Estes Park's Sustainability Manager, the Environmental Sustainability Task Force recommendations, staff's current efforts to implement the recommendations, and maintaining the current trajectory.

John Guffey/Town citizen spoke regarding the importance of environmental restoration stating sustainability was no longer sufficient. He elaborated that Estes Park should be a leader in the restoration of the environment considering the proximity of Rocky Mountain National Park. Nick Thomas/County citizen stated the League of Women Voter's would be hosting a meeting on Estes Sustainability at the Legion.

It was **moved and seconded** (Cenac/Younglund) **to approve the 2024 Strategic Plan with the addition of an objective to explore collaboration on sustainability management with partner entities and evaluate sustainability actions the Town Board wants to accomplish**, and it passed with Trustee MacAlpine voting "No".

- 3. ORDINANCE 10-23 TEMPORARILY SUSPENDING TIME LIMITATIONS AND WAIVING APPLICATION FEES FOR SUPPLEMENTAL TEMPORARY SIGNS FOR PROPERTIES DIRECTLY IMPACTED BY CONSTRUCTION OF THE DOWNTOWN ESTES LOOP.** Mayor Koenig opened the public hearing and Planner Hornbeck presented Ordinance 10-23 to waive application fees for

temporary signs for businesses impacted by the construction. He provided background on the Downtown Estes Loop, supplemental temporary signs, limits on these types of signs as noted in the Estes Park Development Code, and the affected businesses.

John Guffey/Town citizen requested clarification on the temporary suspension timeframe.

The Board discussed the number of temporary signs a business can have during the temporary suspension and supporting businesses affected by the construction. Mayor Koenig closed the public hearing and it was **moved and seconded** (Martchink/Cenac) **to approve Ordinance 10-23**, and it passed unanimously.

4. **RESOLUTION 102-23 6E FUNDING EXPENDITURE FOR A CHILDCARE FUNDING AGREEMENT WITH THE BOYS AND GIRLS CLUB OF LARIMER COUNTY.** Manager Bangs presented Resolution 102-23 for a 6E Funding expenditure and agreement with the Boys and Girls Club of Larimer County to support out-of-school programming as outlined in the 2023 Childcare Funding Plan. She highlighted the club's current operations, strategic plan, intended uses of the funds, and the expenditure's financial impacts. The Board discussed the Behavioral Health position with the Boys and Girls Club, increased participants and staffing during the summer, collaboration with the School District, funding Estes Park specific staff, eligibility for future funds, increased capacity, demographics of participants, and expansion of the program. It was **moved and seconded** (Younglund/MacAlpine) **to approve Resolution 102-23**, and it passed unanimously.

5. **ORDINANCE 11-23 AMENDING CHAPTER 5.20 OF THE ESTES PARK MUNICIPAL CODE REGARDING BED AND BREAKFAST INN PROPERTIES.** Mayor Koenig opened the public hearing and Town Clerk Williamson presented Ordinance 11-23 to amend the Municipal Code regarding Bed and Breakfast (B&B) Inns. She highlighted the previous study session discussions and the Board's direction on the need to clarify the use for staff, owners, and neighbors on key components including meal service, kitchen facilities, and innkeeper residency, and clearly outlining the operation to differentiate the use from vacation homes. The proposed amendments would provide current operations a year to come into compliance. She noted public comment was received related to the incorporation of the innkeeper within the dwelling, the requirement of a meal, and grandfathering.

Jim Docter/Town citizen, South Cox/Town citizen, Jeff Robbins/Town citizen, Nathan Welton/County citizen, Dan Ludlum/County citizen, Matt Lovas/Town citizen, Mike Kingswood/Town citizen, Nick Thomas/County citizen, Elizabeth Coffin/Town citizen spoke against the Ordinance citing oversight of local government, the need to reduce regulations, the financial impacts of operating a B&B, amenities provided by B&Bs, the requirement to provide a meal, need for a third short-term rental classification, alignment with Larimer County's requirements, the proposed regulation to allow guest access to the kitchen, circumvention of the vacation home cap, home values in Estes Park, providing a mechanism for working families to afford to live in Estes Park, transferability of short-term rental licenses, and the inability to continue operation should the regulations change.

It was **moved and seconded** (MacAlpine/Hazelton) **to extend the meeting past 10:00 p.m.**, and it passed unanimously.

The Board discussion was heard and summarized: questioned if Larimer County health and safety requirements would be required for food storage and preparation; clarification on the requirement to have an innkeeper on premises at all times; commented on the operation of a commercial business in a residential zoning district and expanding that use; questioned the need for the proposed regulation to require guest access to the kitchen facilities within the B&B; stated current licensees could provide long-term rentals to the community; the need to

discuss the creation of a third short-term rental classification; circumvention of the vacation home cap, the need to amend the meal requirement for properties operating as a B&B; the possibility of grandfathering current operations; and the need to bring forward a second moratorium on new B&B applications to allow for further discussion on B&B regulations. Mayor Koenig closed the public hearing and it was **moved and seconded** (Younglund/Cenac) **to table Ordinance 11-23 and extend the current moratorium**. No vote occurred on the motion as a substitute motion was passed.

A substitute motion was **moved and seconded** (Cenac/Koenig) **to table Ordinance 11-23 to allow further conversation at a future Study Session pending the ordinance and thereby suspending the submittal of new Bed & Breakfast applications, and bring forward an Ordinance for a 6-month temporary moratorium to the November 28, 2023 Town Board Meeting**, and it passed unanimously.

Mayor Koenig called a 10-minute break at 10:45 p.m. and reconvened at 10:53 p.m.

6. **RESOLUTION 103-23 LEASE AGREEMENT WITH LTD PROPERTIES LLC FOR TRANSITIONAL EMPLOYEE HOUSING** Town Administrator Machalek and Director Williamson presented Resolution 103-23 for a lease agreement with LTD Properties LLC to lease a two-bedroom apartment for two years for housing new employees on a transitional basis. It was **moved and seconded** (Cenac/MacAlpine) **to approve Resolution 103-23**, and it passed unanimously.
7. **RESOLUTION 104-23 AMENDED INTERGOVERNMENTAL AGREEMENT (IGA) FOR SOLID WASTE PROGRAMMING AND INFRASTRUCTURE IMPROVEMENTS**. Town Administrator Machalek presented Resolution 104-23 to amend the IGA for Solid Waste Programming and Infrastructure Improvements. The amendment would put the IGA into abeyance. He highlighted issues the County has faced with the program and the potential of a future IGA for Solid Waste. It was **moved and seconded** (Martchink/Younglund) **to approve Resolution 104-23**, and it passed unanimously.

REPORTS AND DISCUSSION ITEMS:

1. **1% SALES TAX RENEWAL PACKAGE**. Town Administrator Machalek provided a review of the updated 1% Sales Tax Renewal package consisting of 46% toward Steet Maintenance, 28% for Stormwater Infrastructure Expansion, 12.5% Trail Expansion and Reconstruction, 9% Wildfire Mitigation, and 4.5% Powerline Wildfire Mitigation. At the request of the Board, staff met with the Estes Valley Fire Protection District (EVFPD) and the Executive Leadership Team to evaluate needs. Staff requested Board direction on the proposed package and allowing the 9% Wildfire Mitigation allocation to be a pass-through to the EVFPD. EVFPD Division Chief Landkamer provided further information on the District's intended use of Sales Tax Renewal funds including staffing, equipment, and projects. The Board discussed the main locations the EVFPD intends to focus on and their funding plans after the 10-year Sales Tax Renewal period. The Board directed staff to continue work on the proposed 1% Sales Tax Renewal package and for the Wildfire Mitigation allocation to be a pass-through.

Whereupon Mayor Koenig adjourned the meeting at 11:15 p.m.


Wendy Koenig, Mayor


Kimberly Disney, Recording Secretary