



# TOWN OF ESTES PARK

***The Mission of the Town of Estes Park is to provide high-quality, reliable services for the benefit of our citizens, guests, and employees, while being good stewards of public resources and our natural setting.***

*The Town of Estes Park will make reasonable accommodations for access to Town services, programs, and activities and special communication arrangements for persons with disabilities. Please call (970) 577-4777. TDD available.*

## BOARD OF TRUSTEES - TOWN OF ESTES PARK

Tuesday, November 12, 2019

7:00 p.m.

### PLEDGE OF ALLEGIANCE.

(Any person desiring to participate, please join the Board in the Pledge of Allegiance).

### AGENDA APPROVAL.

PUBLIC COMMENT. (Please state your name and address).

TOWN BOARD COMMENTS / LIAISON REPORTS.

TOWN ADMINISTRATOR REPORT.

#### **1. POLICY GOVERNANCE MONITORING REPORT - POLICY 3.3.**

Policy 2.3 established reporting requirements for the Town Administrator under Policy Governance. Policy 3.3 is reported on quarterly (April, July, October, January).

### **CONSENT AGENDA:**

1. Bills.
2. Town Board Minutes dated October 22, 2019 and Town Board Study Session Minutes dated October 22, 2019.
3. Revisions to the Intergovernmental Agreement Between Fort Collins, Longmont, Loveland and Platte River Power Authority for Demand Side Management and Distributed Energy Resource Program Partnership.
4. Acceptance of Town Administrator Policy Governance Monitoring Report.

### **ACTION ITEMS:**

1. **PUBLIC HEARING - 2020 BUDGET:** Director Hudson.
  - Proposed Budget including Highway Users Trust Fund Revenues.
  - Continued Public Hearing and Board Action on November 26, 2019.
2. **FEE WAIVER REQUEST, 420 STEAMER DRIVE, BUILDING DIVISION FEES, ALARADO PROPERTIES, LLC.** Director Hunt.
 

Fee waiver request of \$16,819 for building permit and plan review costs associated with the review of the building permit for an employee housing project.
3. **FEE WAIVER REQUEST, 420 STEAMER DRIVE, BUILDING DIVISION FEES, ESTES PARK HEALTH/ ALARADO PROPERTIES, LLC.** Director Hunt.
 

Fee waiver request of \$13,470 for building permit and plan review costs associated with the review of the building permit for an urgent care clinic.

4. **RESOLUTION 36-19 HISTORICAL SIGN APPROVAL, TROUT HAVEN GOLF COURSE, 840 MORAIN AVENUE, LITTLE CURRENT CONSULTING LLC/OWNER.** Planner Hardin.

Repair and restore the historical Tiny Town Mini Golf sign to original condition.

5. **ORDINANCE 29-19 AMENDING CHAPTER 5.20 OF THE ESTES PARK MUNICIPAL CODE RELATING TO BUSINESS LICENSES.** Town Clerk Williamson.

To amend the business license fees for general, building contractor, home, and accommodation licenses, change fee due date to January 31, addition of a penalty fee for fees and amend proration.

6. **ORDINANCE 30-19 AMENDING TITLE 10 OF THE ESTES PARK MUNICIPAL CODE RELATING TO VEHICLES AND TRAFFIC TO PROVIDE FOR PAID PARKING AND RESOLUTION 37-19 ESTABLISHING 2020 PARKING FEES.** Manager Solesbee.

Amending the Municipal Code authorizing seasonal paid parking.

**ADJOURN.**



# Memo

To: Honorable Mayor Jirsa  
 Board of Trustees

From: Town Administrator Machalek

Date: *November 12, 2019*

RE: *Policy Governance Monitoring Report – Policy 3.3*

*(Mark all that apply)*

PUBLIC HEARING       ORDINANCE       LAND USE  
 CONTRACT/AGREEMENT       RESOLUTION       OTHER: Policy

QUASI-JUDICIAL    YES    NO

Board Policy 2.3 designates specific reporting requirements for the Town Administrator to provide information on policy compliance to the Board.

Reporting on Policy 3.3 – Financial Planning is required Quarterly (April, July, October, January).

Policy 3.3 states:

“With respect for strategic planning for projects, services and activities with a fiscal impact, the Town Administrator may not jeopardize either the operational or fiscal integrity of Town government.”

This report constitutes my assurance that, as reasonable interpreted, these conditions have not occurred and further, that the data submitted below are accurate as of this date.

While I am submitting this report on October 28, it will not be considered for acceptance until the November 12 Town Board meeting.

Travis Machalek  
Town Administrator

**Policy 3.3: With respect for strategic planning for projects, services and activities with a fiscal impact, the Town Administrator may not jeopardize either the operational or fiscal integrity of Town government. Accordingly, the Town Administrator shall not allow budgeting which:**

**3.3.1: Deviates from statutory requirements.**

<b>Status:</b>	<b>Compliance</b>
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**Interpretation:** I interpret this to mean that our budgeting practices and policies comply with all requirements contained in the Colorado Revised Statutes that are applicable to statutory towns.

**Compliance with the policy will be achieved when:** There are no deviations in our practices or policies from what is required by State Statute.

**Evidence:**

1. The annual independent audit
2. Comprehensive Annual Financial Report
3. All policies are reviewed for legal compliance by the Town Attorney
4. No State-issued non-compliance notifications to the Town of Estes Park regarding our budgetary obligations under State Statute.

**Report:** I report compliance.

**3.3.2: Deviates materially from Board-stated priorities in its allocation among competing budgetary needs.**

<b>Status:</b>	<b>Compliance</b>
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**Interpretation:** I interpret this to mean that the annual budget adopted by the Board of Trustees represents the officially adopted priorities of the Board. This includes any budget amendments approved by the Town Board throughout the year and any specific spending authorizations approved by the Town Board. I interpret “materially deviate” to mean any change in spending priority that results in a resource diversion away from any Board objective, goal, or outcome that is substantial enough to hinder the achievement of the objective, goal, or outcome. I do not interpret minor deviations resulting from changing circumstances, community demands, and/or unforeseen circumstances outside of the Town’s control as material deviations.

**Compliance with the policy will be achieved when:** Budget spending does not materially deviate from the levels approved in the adopted budget.

**Evidence:**

1. The 2019 adopted budget was prepared based on the Board's Strategic Plan.
2. Any substantial budget changes have been presented to the Board for review and approval as budget amendments.
3. HTE budget reports for each department are available on request.

**Report:** I report compliance

**3.3.3: Contains inadequate information to enable credible projection of revenues and expenses, separation of capital and operational items, cash flow and subsequent audit trails, and disclosure of planning assumptions.**

<b>Status:</b>	<b>Compliance</b>
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**Interpretation:** I interpret this to mean that the Town Administrator's recommended budget must be based on credible data and the best available information concerning the local economy and other factors that may impact the Town's revenues and expenses. In addition, the budget is to be structured to separate capital expenditures from operational costs. All revenue projections will be based on the professional judgement of the Town's Finance Director.

**Compliance with the policy will be achieved when:**

- Revenue projections are clear and projected and actual revenues are within a 5-10% margin of error, barring any catastrophic events.
- Actual revenues are not less than projected.
- The budget presented to the Board for adoption is in a format that separates revenues, expenses, and capital expenditures.
- Critical assumptions used in preparing the budget are clearly articulated to the Board during budget review sessions.

**Evidence:**

1. Currently our sales tax revenue-to-date (through August 2019) is 7.03% higher than in 2018 and 4.77% higher than projected.
2. Current revenue is not less than projected.
3. The 2019 budget and 2020 proposed budget are both presented in a format that separates revenues, expenditures, and capital.
4. Critical assumptions used in preparing the budget were discussed with the Board during budget review sessions.

**Report:** I report compliance.

**3.3.4: Plans the expenditure in any fiscal year of more funds than are conservatively projected to be received in that period, or which are otherwise available.**

<b>Status:</b>	<b>Compliance</b>
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**Interpretation:** I interpret this to mean that the proposed budget must be balanced. This includes expenditures for the year not exceeding the revenues received from all sources. Exceptions are Board approved-use of fund balances, and use of funds that have been accumulated over a period of time, with the approval of the Board, with the intent of saving funds to pay for a specific project or capital expense.

**Compliance with the policy will be achieved when:** The proposed budget meets the above criteria, inclusive of any board approved spending of fund balance or specific reserve funds.

**Evidence:**

1. The adopted budget demonstrates that I have not allowed budgeting which plans the expenditure in any fiscal year of more funds than are conservatively projected to be received in that period, or which are otherwise available.

**Report:** I report compliance. While projected sales tax growth in the proposed 2020 budget is higher than it has been in previous years, it represents the professional judgement of the Finance Director based on his analysis of past and current trends.

**3.3.5: Reduces fund balances or reserves in any fund to a level below that established by the Board of Town Trustees by adopted policy.**

<b>Status:</b>	<b>Compliance</b>
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**Interpretation:** I interpret this to mean that the audited year-end unrestricted fund balance in the General Fund does not drop below 25% unless otherwise authorized by the Board. If the Board approves and adopts a budget that plans for reducing the fund balance below the 25% level, I interpret this as being authorized by the Board.

**Compliance with the policy will be achieved when:**

- The final CAFR shows a General-Fund fund balance of 25% or greater, unless otherwise approved by the Board.
- The proposed budget anticipates an end-of-year fund balance in the General Fund of 25% or greater, unless otherwise approved by the Board.

**Evidence:**

1. The 2018 CAFR shows a 54% General-Fund fund balance at the end of 2018.
2. The 2019 budget, as amended, anticipates a 25.9% General-Fund fund balance at the end of 2019.
3. The proposed 2020 budget anticipates a 25.2% General-Fund fund balance at the end of 2020

**Report:** I report compliance.

**3.3.6: Fails to maintain a Budget Contingency Plan capable of responding to significant shortfalls within the Town’s budget.**

<b>Status:</b>	<b>Compliance</b>
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**Interpretation:** I interpret this to mean that I must prepare a budget that maintains a fund balance of 25% or more in the General Fund and adequate fund balances in all enterprise funds, including the required TABOR reserve and the current cash reserves as defined in Board Policy 670 – Cash and Investment Reserve and Contingency.

**Compliance with the policy will be achieved when:**

- The final CAFR indicates a General-Fund fund balance of 25% or greater, unless otherwise authorized by the Board.
- The proposed budget anticipates an end-of-year fund balance in the General Fund of 25% or greater, unless otherwise authorized by the Board.
- The current cash reserves meet the criteria defined in Board Policy 670 – Cash and Investment Reserve and Contingency.

**Evidence:**

1. The 2018 CAFR shows a 54% General-Fund fund balance at the end of 2018.
2. The 2019 budget, as amended, anticipates a 25.9% General-Fund fund balance at the end of 2019.
3. The proposed 2020 budget anticipates a 25.2% fund balance at the end of 2020.
4. Current cash and investment reserves are reported to the Board on a monthly basis, as required by Board Policy 670.
5. The Town’s budget contingency plan is established in Policy 670 (Section 3.b).

**Report:** I report compliance.

**3.3.7: Fails to provide for an annual audit.**

<b>Status:</b>	<b>Compliance</b>
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**Interpretation:** I interpret this to mean that I must ensure that the Town completes an independent audit annually. Further, that audit report should result in an unqualified and unmodified opinion from the Board’s auditors.

**Compliance with the policy will be achieved when:** The annual audit is complete and presented to the Town Board.

**Evidence:**

1. The 2018 Audit has been completed and the CAFR prepared and submitted to the State of Colorado with an unqualified and unmodified opinion from the Board’s auditors.

**Report:** I report compliance.

**3.3.8: Fails to protect, within his or her ability to do so, the integrity of the current or future bond ratings of the Town.**

<b>Status:</b>	<b>Compliance</b>
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**Interpretation:** I interpret this to mean that I cannot take any action that will negatively impact the Town’s bond rating. This includes maintaining adequate fund balances as required in 3.3.5 and maintaining adequate bond coverage ratios for all revenue bonds associated with the Town’s enterprise funds.

**Compliance with the policy will be achieved when:**

- I am in compliance with 3.3.5.
- Required bond coverage ratios are met.

**Evidence:**

1. The 2018 CAFR shows a 54% General-Fund fund balance at the end of 2018.
2. Our current bond-coverage ratio for Power and Communications (298%) exceeds the required ratio of 125%.
3. Our current bond-coverage ratio for Water (390%) exceeds the required ratio of 110%.

**Report:** I report compliance.

**3.3.9: Results in new positions to staffing levels without specific approval of the Board of Town Trustees. The Town Administrator may approve positions funded by grants, which would not impose additional costs to the Town in**



**addition to the grant funds and any temporary positions for which existing budgeted funds are allocated.**

<b>Status:</b>	<b>Compliance</b>
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**Interpretation:** I interpret this to mean that I cannot allow any new positions or expansion of any part-time positions to be advertised or filled without prior Board approval. I may allow new positions or partial positions funded by grants or temporary positions for which existing budgeted funds are allocated without prior approval of the Board. I may also allow reductions in staffing without Board approval.

**Compliance with the policy will be achieved when:** No new positions or expansion of any part-time positions are approved and/or hired without approval of the Board, with the exceptions noted above.

**Evidence:**

1. All positions are indicated in the adopted and proposed budgets and no unapproved positions have been created.

**Report:** I report compliance.

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*Town of Estes Park, Larimer County, Colorado, October 22, 2019*

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 22<sup>nd</sup> day of October, 2019.

Present: Todd Jirsa, Mayor  
Ron Norris, Mayor Pro Tem  
Trustees Eric Blackhurst  
Marie Cenac  
Patrick Martchink  
Ken Zornes

Also Present: Travis Machalek, Town Administrator  
Dan Kramer, Town Attorney  
Bunny Victoria Beers, Recording Secretary

Absent: Trustee Carlie Bangs

Mayor Jirsa 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** (Martchink/Zornes) **to approve the Agenda**, and it passed unanimously.

**PUBLIC COMMENTS.**

Belle Morris/Transportation Advisory Board Chair encouraged the Board to continue consideration of the Downtown Parking Management Plan Phase II.

Frank Theis/Town Citizen stated the urgency which exists for workforce housing and childcare need in the area.

John Meissner/Town Citizen stated concern regarding comments expressed at the study session over constituents complaints at the October Trustee Talk. He also stated concern for a local business which was vandalized. Town Administrator Machalek stated the vandalization is under investigation is the Police Department are determining whether the situation is civil or criminal.

Nancy Almond/Estes Valley Investment in Childhood Success (EVICS) Director stated Mountain Top Childcare has been purchased by locals who are committed to retaining the business as a childcare facility and potentially expanding care for infant and toddlers. The CCAP freeze in Larimer County continues for the fourth year and is anticipated to continue for an additional year. The freeze has led to an increase in EVICS scholarships. In 2019 EVICS assisted 45 children and projects \$60,000 in scholarships for 2019. The Board was invited to the EVICS Winter Wonderland Art Gala Fundraiser event.

Kurtis Kelly/Estes Park Museum Friends and Foundation Inc President stated the program for recording oral histories went dormant in 2019 due to staffing shortages. He requested Board support for the additional media employee budgeted for 2020.

Johanna Darden/Town Citizen stated she would not support the formation of a Estes Park Regional Tourism Authority and requested information be provided to the public regarding the oversight of the Stanley property.

**TOWN BOARD COMMENTS**

Trustee Blackhurst attended the Estes Valley Planning Commission meeting on October 15, 2019 where the process for "change of use" was reviewed.

**Board of Trustees – October 22, 2019 – Page 2**

Trustee Zornes would attend the Open Lands Advisory meeting to be held on October 24, 2019. An invitation was extended to the Board for a Veteran's Day event on November 11, 2019 to be held at the Veterans Monument near the Visitors Center.

Mayor Pro Tem Norris stated there continues to be bear activity in the area and encouraged citizens to secure their homes and vehicles.

Mayor Jirsa stated Platte River Power Authority would hold a listening session on October 23, 2019 to present their Integrated Resource Plan.

Trustee Cenac encouraged the public to attend the EVICS Winter Wonderland Art Gala Fundraiser event on December 5, 2019.

Trustee Martchink attended the Trustee Talk on October 16, 2019 stating comments during the Trustee Talk are important and welcomes public comment during talks held by the Board. The October 17, 2019 Parks Advisory Board meeting was cancelled. He attended the Estes Park Economic Development Council (EDC) meeting held on October 17, 2019 and was impressed with overall operation of the EDC.

**TOWN ADMINISTRATOR REPORT.**

Administrator Machalek stated the second of two budget Study Sessions would be held on October 25, 2019.

**CONSENT AGENDA:**

1. Bills.
2. Town Board Minutes dated October 8, 2019, Town Board Study Session Minutes dated October 8, 2019 and Special Joint Meeting with Larimer County Commissioners Minutes dated September 30, 2019.
3. Estes Valley Planning Commission Minutes and Study Session Minutes dated September 17, 2019 (acknowledgment only).
4. ~~Parks Advisory Board Minutes dated September 19, 2019 (acknowledgment only).~~
5. Transportation Advisory Board Minutes dated September 18, 2019 (acknowledgment only).

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

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

**1. ACTION ITEMS:**

**A. ORDINANCE 16-19 AMENDMENT TO THE ESTES VALLEY DEVELOPMENT CODE §5.1.B.VACATION HOME TO REVISE DEADLINE FOR ("CAP") NUMBER OF VACATION HOMES IN RESIDENTIAL ZONING DISTRICTS.**

The ordinance was initially brought forward to amend the review date to June 30, of each year for the vacation home cap number in residential zoning districts. At the June 28, 2019 regular meeting it was determined changes to renewal deadlines for business licenses and vacation home registration renewals for 2020 would be brought forward in November 2019 which would no longer require an adjustment to the date the cap is reviewed for vacation homes. Due to the renewal period changes staff recommends Ordinance 16-19 be postponed indefinitely. It was **moved and seconded** (Zornes/Norris) **to table Ordinance 16-19**, and it passed unanimously.

**ACTION ITEMS:**

1. **ESTES VALLEY PLANNING COMMISSION INTERVIEW COMMITTEE.** It was moved and seconded (Norris/Cenac) to appoint Mayor Jirsa and Trustee Blackhurst to the Estes Valley Planning Commission Interview Committee, and it passed with Trustee Blackhurst abstaining.

**REPORT & DISCUSSION ITEMS:**

1. **RESTRICTIVE COVENANT FOR THE PRELIMINARY CONDOMINIUM MAPS, THE DIVIDE CONDOMINIUMS AT WILDFIRE, AND THE MEADOW CONDOMINIUMS AT WILDFIRE, WILDFIRE ROAD, WESTOVER CONSTRUCTION, INC., RDA ASSOCIATES LLC, APPLICANTS.** On October 8, 2019 the Board approved preliminary condominium maps for the Wildfire project, on the condition Attorneys for the Town and the Developer reach a compromise on the covenant language. Attorney Kramer stated covenants have been modified in the following ways: a deed of trust requirement has been omitted; strongly worded warnings have been added to the beginning of the covenant; deeds for the workforce units, contracts for purchase and sale of workforce units would be required to reference the covenants; failure to comply with covenants would result in liquidated damages in the amount of \$25,000 per year; and failure to comply with the covenants can explicitly result in court injunction requiring the sale of the home; and the Town would be able to recoup fees, costs, and damages from the seller's proceeds. The provisions were designed to warn parties of future transactions and make it disadvantageous to allow occupancy by unqualified residents. Trustee Cenac requested clarification on the warning language and how those who do not heed the warnings would be pursued.

**LAND USE INTERGOVERNMENTAL AGREEMENT (IGA) OPTIONS.** Director Hunt provided follow up to the September 30, 2019 joint meeting with the Larimer County Commission requesting direction from the Board in preparation for the November 14, 2019 joint meeting. He provided a matrix which outlined the Estes Valley IGA comparisons. Options which were reviewed during the September 30, 2019 meeting included; Option A to continue the current IGA which did not gain outright support; Option B which would separate most functions for the Town and County; and Option C retaining the structure of Option B, with separation of Town/County jurisdiction and include a joint Comprehensive Plan, joint Planning Commission and Board of Adjustment, and/or joint Development Code. The Board was in agreement to retain the November 14, 2019 date for review of the IGA with the County. The Board requested more information be provided regarding the presented options and how they relate to annexation. Staff requested the current Planning Commission maintain a role in the Comprehensive Planning process which the Board was in agreement. Additionally, staff requested a transition period for the joint Planning Commission to address items which were under review prior to the changes to the IGA which the Board was in agreement. Staff recommended separate Planning Commissions and stated if separate there could be quarterly meetings with the Boards. The Board agreed separate Planning and Development Codes would require separate reviewing commissions. Board consensus was reached to retain a joint Comprehensive Plan between the Town and County. Board comments have been summarized: Whether there is a possibility to maintain different codes which resemble each other, and separate administration of each code by the relevant staff; clarification of the deadlines was requested; the possibility of a single code with a distinguishing section which would apply to Town and County jurisdiction; the need for additional public input related to separate codes; concern was heard related to separate administration and legal review of different codes; and what ownership issues would exist if there is not a firm line that correlates to a direct break in the code area.

Kent Smith/Town citizen was in support of different development codes with different governing bodies.

Craig Ellsworth/County citizen was in support of a single code with Town and County sections.

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Johanna Darden/Town citizen stated the Comprehensive Plan is important and would determine the appearance in the Estes Valley.

The Board requested staff provide input from absent Trustee Bangs to decide whether the Board would hold another discussion on October 29, 2019.

Whereupon Mayor Jirsa adjourned the meeting at 8:25 p.m.

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Todd Jirsa, Mayor

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Bunny Victoria Beers, Recording Secretary

DRAFT

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**RECORD OF PROCEEDINGS**

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*Town of Estes Park, Larimer County, Colorado October 22, 2019*

Minutes of a Study Session meeting of the **TOWN BOARD** of the Town of Estes Park, Larimer County, Colorado. Meeting held at Town Hall in the Board Room in said Town of Estes Park on the 22<sup>nd</sup> day of October, 2019.

Board: Mayor Jirsa, Mayor Pro Tem Norris, Trustees Bangs, Blackhurst, Cenac, Martchink, and Zornes

Attending: Mayor Jirsa, Mayor Pro Tem Norris, Trustees Blackhurst, Cenac, Martchink, and Zornes

Also Attending: Town Administrator Machalek, Town Attorney Kramer and Recording Secretary Disney

Absent: Trustee Bangs

Mayor Jirsa called the meeting to order at 5:00 p.m.

**RESULTS OF SAFEbuILT REPORT/BUILDING DIVISION/BUILDING ADVISORY COMMITTEE.** Director Hunt presented the results of the SAFEbuILT Process Improvement Analysis, the Building Division, and the Building Advisory Committee. The Process Improvement Analysis emphasized areas for improvement, including workflow improvements, attention to automation and software, improved and timely communication, focus on customer service, and establishing and maintaining quality assurance. Director Hunt detailed the advantages and disadvantages of in-house staffing versus contract staffing to assist meeting the areas of improvement outlined in the analysis. Staff recommended a contract with SAFEbuILT for 2020 Building Division staffing except the Permit Technician which would remain a Town employee. The Board discussed staff perception of analysis recommendations, tracking of improved processes and determined to have the contract with SAFEbuILT as a budget amendment for 2020 brought to a future Town Board meeting.

**DOWNTOWN PARKING MANAGEMENT PLAN PHASE II.** Manager Solesbee presented Phase II of the Downtown Parking Management Plan. Following discussion of Phase I results, Manager Solesbee provided information on the implementation of seasonal paid parking emphasizing five pricing scenarios, revenue projections and cost estimates, a drafted ordinance authorizing seasonal parking, and drafted resolution to set 2020 parking rates. Staff requested direction on whether Phase II should be implemented or delayed. The Board discussed funding of transit options, payment options, public input, parking permit system, tracking use once paid parking has been implemented, providing transit services, and timed free parking spots. The Board determined to have the drafted ordinance and resolution brought forward to the November 12, 2019 regular meeting.

**TRUSTEE & ADMINSTRATOR COMMENTS & QUESTIONS.** Mayor Pro Tem Norris stated the Stanley Historic Home would be submitting an outside entity funding request to the Town for the 2020 Budget.

Trustees Martchink and Blackhurst sought direction from the Town Board regarding monitoring discussions during the regularly scheduled Trustee Talk. Trustee Cenac stated she would provide general guidelines for Trustee Talk discussions.

Mayor Jirsa provided an update on the Northern Colorado Regional Tourism Authority (RTA) stating The Stanley has requested a mountain division of the organization be created to allow local control over the Film Center project. The request would be reviewed by RTA. Mayor Jirsa requested the Board submit a letter in support of local

**Town Board Study Session – October 22, 2019 – Page 2**

management of project funds should a mountain division of RTA be created. The Board consensus was to prepare a letter.

**FUTURE STUDY SESSION AGENDA ITEMS.**

Town Administrator Machalek requested, and it was determined, a Broadband update be scheduled November 26, 2019 and a Facilities Master Plan update be scheduled January 14, 2019.

Mayor Jirsa requested, and it was determined, a brief update be scheduled November 26, 2019 for the Fish Hatchery Workforce project.

There being no further business, Mayor Jirsa adjourned the meeting at 6:42 p.m.

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Kimberly Disney, Recording Secretary

DRAFT





# Memo

To: Honorable Mayor Jirsa  
Board of Trustees

Through: Town Administrator Machalek

From: Utilities Director Bergsten

Date: November 12, 2019

RE: Revisions to the Intergovernmental Agreement between Fort Collins, Longmont, Loveland and Platte River Power Authority for Demand Side Management and Distributed Energy Resource Program Partnership

- PUBLIC HEARING                       ORDINANCE     LAND USE  
 CONTRACT/AGREEMENT     RESOLUTION     OTHER IGA \_\_\_\_\_

QUASI-JUDICIAL    YES     NO

**Objective:**

To support good stewardship of electric customer revenues by consolidating four separate municipal energy efficiency programs into one program managed by Platte River Power Authority.

**Present Situation:**

In September of 2014, the PRPA owner Municipalities agreed to consolidate four separate energy efficiency programs under PRPA. Since that time the Town has enjoyed expanded efficiency program offerings with no additional workload to staff. The programs can be found on our website at [www.Estes.org/energy-efficiency](http://www.Estes.org/energy-efficiency) or on Platte River’s web site at <https://efficiencyworks.org/>

The success of this merger has led to expansion into water efficiency programs. The existing IGA has been revised to include reimbursements from Municipalities to PRPA for these optional programs.

**Proposal:**

Staff proposes approval of the revised IGA.

**Advantages:**

- The programs are optional
- Our utility customers can access efficiency programs
- Without expanding staff, the Utilities Department can offer efficiency programs

**Disadvantages:**

None

**Action Recommended:**

Staff recommends approving the updated IGA.

**Finance/Resource Impact:**

None. Staff will review the new water efficiency program offerings when they are fully developed and make a decision at that time.

**Level of Public Interest**

Low

**Sample Motion:**

This will be on the consent agenda.

Should it be removed the following sample motion could be used.

I move to approve/deny the IGA.

**Attachments:**

Intergovernmental Agreement for Demand Side Management and Distributed Energy Resource Program Partnership

**INTERGOVERNMENTAL AGREEMENT FOR DEMAND SIDE MANAGEMENT AND  
DISTRIBUTED ENERGY RESOURCE PROGRAM PARTNERSHIP**

**This Intergovernmental Agreement (“ Agreement”)** is made this \_\_\_\_\_ day of \_\_\_\_\_ by and between the TOWN OF ESTES PARK, a Colorado municipal corporation (“Estes Park”), the CITY OF FORT COLLINS, a Colorado municipal corporation (“Fort Collins”), the CITY OF LONGMONT, a Colorado municipal corporation (“Longmont”), the CITY OF LOVELAND, a Colorado municipal corporation (“Loveland”), and PLATTE RIVER POWER AUTHORITY, a political subdivision of the State of Colorado (“Platte River”), collectively referred to herein as the “Parties.” When specificity is not required, the municipal corporations which are Parties will hereinafter be individually referred to as “Municipality,” and collectively as “Municipalities.”

WHEREAS, the Municipalities contracted with one another to establish Platte River as a separate legal entity and multi-purpose intergovernmental authority to provide the electric power and energy requirements of the Municipalities and to engage in related business activities including demand side management (“DSM”) and renewable energy resources; and

WHEREAS, periodically Platte River develops Integrated Resource Plans that detail Platte River’s plans and programs in the areas of generation and transmission, renewable energy, and energy efficiency, including DSM; and

WHEREAS, Platte River provides distributed energy resources (“DER”) to the Municipalities as an additional related business activity which includes, but is not limited to, renewable energy resources; and

WHEREAS, Platte River’s combined DSM and DER programs include those offered to the utility customers of the Municipalities, which programs are contracted for and funded by Platte River; and

WHEREAS, Platte River maintains an equitable distribution of DSM and DER funds among the Municipalities; and

WHEREAS, Platte River also provides DSM and DER programs that are funded by the Municipalities through supplemental or directive funding; and

WHEREAS, the Parties intend to define certain terms and conditions related to DSM and DER program management as set forth in this Agreement; and

WHEREAS, the Parties intend to expand the scope of Platte River’s programs to include non-electric sustainability services to be funded by the Municipalities and desire to define certain terms and conditions related to non-electric sustainability services as set forth in this Agreement; and

WHEREAS, the Parties are authorized, pursuant to C.R.S. § 29-1-203, to cooperate or contract with one another to provide any function, service, or facility lawfully authorized to each.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. **Definitions.**

“Common Programs” shall mean DSM and DER programs and related services which are developed by, contracted for, and funded by Platte River.

“Common Program Funding” shall mean funding that is provided by Platte River to procure Common Programs offered by Platte River to the utility customers of the Municipalities, up to an amount equal to each Municipality’s Load-Ratio Share of Platte River’s DSM and DER budgets.

“Demand Side Management” shall mean energy efficiency, conservation, load management, and demand response programs or any combination of these programs.

“Directive Funding” shall mean funding that is provided by a Municipality to Platte River to procure Directive Programs.

“Directive Programs” shall mean those programs proposed by a Municipality and accepted by Platte River that fall outside of the Common Programs. Directive Programs may include additional DSM or DER services. They may also include Non-electric Sustainability Services proposed by a Municipality and accepted by Platte River.

“Distributed Energy Resource” shall mean an energy resource located within or adjacent to a Municipality’s electric system and interconnected on the Municipality’s side of the wholesale utility meter. Energy resources may include renewable generation from sources such as wind and solar; non-renewable generation from sources such as reciprocating internal combustion engines, micro-turbines, fuel cells, cogeneration and combined heat and power facilities; energy storage systems such as batteries, pumped hydro-storage, flywheels, and compressed air energy storage facilities; or any combination of these energy resources.

“Fiscal Year” shall mean with reference to any Municipality, the applicable fiscal year for such Municipality, in accordance with its individual budget and accounting practices.

“Load-Ratio Share” shall mean the ratio of each Municipality’s wholesale energy purchases from Platte River over the most recent six-calendar-year period to the sum of the four Municipalities’ wholesale energy purchases over this same period.

“Non-electric Sustainability Services” shall mean services that are intended to help customers improve the environmental sustainability of their homes or businesses. This may include services aimed at reducing natural gas energy use, water consumption or waste. Non-electric Sustainability Services shall be provided by Platte River in its sole discretion and only through Directive Funding.

“Supplemental Funding” shall mean funding that is provided by a Municipality to procure Common Programs services in excess of those provided by Platte River based upon the Municipality’s Load-Ratio Share.

2. **Supplemental Funding.** During any calendar year demand for Common Program services within a Municipality may result in the full commitment of its Load-Ratio Share of Platte River’s Common Program Funding. Upon the request of a Municipality whose Load-Ratio Share of the Common Program Funding has been fully committed, Platte

River shall continue to offer Common Programs within that Municipality; provided, however, that before Platte River commits such additional funding, the Municipality must issue a purchase order authorizing Supplemental Funding in the necessary amount. Supplemental Funding shall be from funds that have been appropriated and are available in the Municipality's budget. Platte River shall invoice the Municipality under such purchase order when expenditures have exceeded its Load-Ratio Share of Platte River's Common Program Funding. The Municipality shall pay Platte River within thirty days of invoice.

3. **Directive Programs and Funding.** Platte River or a Municipality may identify additional desired Directive Programs. Platte River and the interested Municipality may decide to collaborate in offering a Directive Program when they determine that such collaboration would result in the effective delivery of the Directive Program to the Municipality's utility customers. In these cases, Platte River will work closely with the Municipality's designated staff to establish a scope of work for the Directive Program as well as a budget to complete the scope of work; provided, however, that the decision to implement any Directive Program shall be made by Platte River in its sole discretion. Prior to Platte River undertaking any Directive Program, the Municipality must issue a purchase order authorizing an amount of expenditure from funds that have been appropriated and are available in the Municipality's budget. Platte River shall invoice the Municipality on a monthly basis, or at another agreed upon interval. The Municipality shall pay Platte River within thirty days of invoice.
4. **Scope of Agreement.** This Agreement shall apply only to Common Programs and Directive Programs that are procured by Platte River for the benefit of the Municipalities in accordance with the terms and conditions of this Agreement. This Agreement does not preclude other pilot DSM or DER programs that have different management and funding arrangements, which may be developed under other agreements between Platte River and one or more Municipalities.
5. **Project Team.** Designated representatives of Platte River and the Municipalities (as initially set forth below) will meet on an annual basis, and more often if necessary, to discuss and resolve any issues associated with implementation of this Agreement and to manage any programs undertaken through this Agreement. The nucleus of the Project Team will include a senior manager from the customer service or energy service departments of each Party who has DSM and DER within his or her area of responsibility. Subject matter experts from each of the Parties' organizations will also attend as appropriate. The Project Team shall also provide recommendations as approved by the Project Team nucleus to Platte River relating to the scope of Directive Programs that Platte River should consider offering, including but not limited to Non-electric Sustainability Services. The Project Team nucleus may review and provide input to Platte River on methods Platte River uses for cost accounting, allocation and recovery of Directive Programs; provided, however, that Platte River shall make all final determinations with respect to decisions to provide Directive Programs and the cost recovery methods to be implemented for such activities.

6. **Term.** This Agreement will be effective upon execution by the Parties and will remain in effect until terminated.
7. **Termination.** A Municipality or Platte River may terminate its participation in this Agreement upon sixty (60) days written notice to the other Parties; provided, however, that any work commenced by Platte River under a purchase order issued by a Municipality prior to receipt of the written notice of termination will be completed by Platte River and reimbursed by the Municipality.
8. **Appropriation Required.** The financial obligations of the Municipalities and Platte River under this Agreement are from year to year only and shall not constitute a multiple-fiscal year debt or other financial obligation or fiscal obligation of any kind payable in any Fiscal Year beyond the Fiscal Year for which funds are so appropriated for the payment of current expenditures.
9. **Designated Representatives.** The designated representatives for each of the Parties are as follows:

Platte River:	Paul Davis, Energy Solutions Manager Platte River Power Authority 2000 East Horsetooth Road Fort Collins, CO 80525 970-229-5370 Davisp@prpa.org
Estes Park:	Reuben Bergsten, Utility Director Estes Park Light & Power Estes Park Municipal Building P.O. Box 1200 170 MacGregor Ave Estes Park, Colorado 80517
Fort Collins:	John Phelan, Energy Services Senior Manager Fort Collins Utilities 700 Wood St Fort Collins, CO 80522
Longmont:	Anne Lutz, Energy Services Manager Longmont Power & Communications 1100 S. Sherman St. Longmont, CO 80501 303-651-8727 Anne.Lutz@longmontcolorado.gov
Loveland:	Tracey Hewson, Customer Relations Manager Loveland Water & Power 200 North Wilson Avenue Loveland, CO 80537 970-962-3550 Tracey.Hewson@cityofloveland.org

A Municipality or Platte River must notify the other Parties in writing of any subsequent changes in designated representative.

10. **Notices.** Any notice, demand, request, consent, approval, or communication that a Municipality or Platte River is required to give shall be in writing and either served personally or sent by first class mail, postage prepaid, or by fax or email, to the designated representative of the recipient at the address designated as set forth above, or as subsequently provided in writing.
11. **Confidential Customer Information.** To the extent required by Platte River (as an agent of the Municipalities) to perform the work required under this Agreement, a Municipality may provide Platte River with confidential utility customer information. Use of confidential customer information shall be limited to that necessary for implementation of Common or Directive Programs. Platte River agrees to keep such information confidential and shall not disclose such information, including to the other Municipalities, except as required by law. Platte River shall notify the Municipality prior to any such disclosure so that the Municipality may have an opportunity to take such legal action as it deems necessary to prevent the disclosure.
12. **Third Party Agreements.** Platte River and designated Municipality staff may determine that Common or Directive Programs may in some cases benefit from the use of vendors or contractors tasked with implementing portions of the programs. When this is the case, Platte River shall be responsible for engaging with vendors and contractors and ensuring agreements are fulfilled. The Parties hereto agree that non-public customer information specific to one or more of the utility customers of any Municipality (“Confidential Customer Data”) may be shared with the vendor or contractors provided that (a) the third party enters into a formal agreement with Platte River to maintain the confidentiality of the Confidential Customer Data that is disclosed, and (b) the Municipalities’ designated representative referenced above approves in writing the release of Confidential Customer Data and conditions associated therewith, and (c) use of Confidential Customer Data shall be limited to that necessary for the vendor’s or contractor’s scope of work associated with the Common or Directive Program.
13. **Liability.** Each of the Parties hereto agrees to assume responsibility and liability associated with its own acts and the acts of its employees in the performance of this Agreement in accordance with Colorado law. By agreeing to this provision, neither Platte River nor any Municipality waives or intends to waive the limitations on liability which are provided to them under the Colorado Governmental Immunity Act, § 24-10- 101 et seq., C.R.S., as amended.
14. **Entire Agreement.** This Agreement contains the entire agreement of the Parties relating to the subject matter hereof and, except as provided herein, may not be modified or amended except by written agreement of the Parties.
15. **No Third Party Beneficiaries.** The Parties acknowledge and agree that this Agreement is intended to only document the relative rights and obligations between the Parties to one another, and that no third party beneficiaries are intended.
16. **Governing Law and Venue.** This Agreement shall be governed by the laws of the State of Colorado, and venue shall be in the County of Larimer, State of Colorado.

17. **Authority.** The Parties recognize the legal constraints imposed upon them by the constitutions, statutes, and regulations of the State of Colorado and of the United States, and imposed upon a Municipality by its Charter or Municipal Code, and, subject to such constraints, the Parties intend to carry out the terms and conditions of this Agreement. Notwithstanding any other provision in this Agreement to the contrary, in no event shall the Parties exercise any power or take any action which shall be prohibited by applicable law. This Agreement may be executed in separate counterparts, and the counterparts taken together shall constitute the whole of this Agreement.
18. **Superseded Agreements.** This Agreement supersedes and replaces the following agreements which are hereby terminated:

“Intergovernmental Agreement for Demand Side Management and Distributed Energy Resource Program Partnership” between the Town of Estes Park, the City of Fort Collins, the City of Longmont, the City of Loveland, and Platte River Power Authority, dated September 13, 2016.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date first above written.



**PLATTE RIVER POWER AUTHORITY**

By: \_\_\_\_\_  
General Manager/CEO  
Date: \_\_\_\_\_

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Deputy General Counsel

ATTEST:

By: \_\_\_\_\_  
Secretary

**TOWN OF ESTES PARK, COLORADO**

By: \_\_\_\_\_  
Mayor

ATTEST:

By: \_\_\_\_\_  
Town Clerk

**CITY OF FORT COLLINS, COLORADO**

By: \_\_\_\_\_  
Darin Atteberry, City Manager

ATTEST:

By: \_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Assistant City Attorney

**CITY OF LOVELAND, COLORADO**

By: \_\_\_\_\_  
City Manager

ATTEST:

By: \_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Assistant City Attorney

**CITY OF LONGMONT, COLORADO**

ATTEST:

By: \_\_\_\_\_  
Mayor

By: \_\_\_\_\_  
City Clerk

APPROVED AS TO FORM AND SUBSTANCE:

\_\_\_\_\_  
Executive Director of Electric Services

APPROVED AS TO FORM:

\_\_\_\_\_  
Assistant City Attorney

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## PROCEDURE FOR PUBLIC HEARING

Applicable items include: Rate Hearings, Code Adoption, Budget Adoption

### 1. **MAYOR.**

The next order of business will be the public hearing on **ACTION ITEM 1. PUBLIC HEARING – 2020 BUDGET.**

- Proposed Budget including Highway Users Trust Fund Revenues.
- Continued Public Hearing and Board Action on November 26, 2019.
  
- At this hearing, the Board of Trustees shall consider the information presented during the public hearing, from the Town staff, public comment, and written comments received on the budget.
  
- Has any Trustee had any ex-parte communications concerning this budget which are not part of the Board packet.
  
- Any member of the Board may ask questions at any stage of the public hearing which may be responded to at that time.
  
- Mayor declares the Public Hearing open.

### 2. **STAFF REPORT.**

- Review the staff report.

### 3. **PUBLIC COMMENT.**

- Any person will be given an opportunity to address the Board concerning the budget. All individuals must state their name and address for the record. Comments from the public are requested to be limited to three minutes per person.

### 4. **MAYOR.**

- Ask the Town Clerk whether any communications have been received in regard to the budget which are not in the Board packet.
  
- Ask the Board of Trustees if there are any further questions concerning the budget.
  
- Indicate that all reports, statements, exhibits, and written communications presented will be accepted as part of the record.
  
- Request Board consider a motion.

7. **SUGGESTED MOTION.**

- Suggested motion(s) are set forth in the staff report.

8. **DISCUSSION ON THE MOTION.**

Discussion by the Board on the motion.

9. **VOTE ON THE MOTION.**

Vote on the motion or consideration of another action.

**\*NOTE:** Resolutions are read into record at the discretion of the Mayor as it is not required to do so by State Statute.





# Memo

To: Honorable Mayor Jirsa  
 Board of Trustees

Through: Town Administrator Machalek

From: Duane Hudson, Finance Director

Date: *November 12, 2019*

RE: *Public Hearing – 2020 Proposed Budget*

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*(Mark all that apply)*

PUBLIC HEARING       ORDINANCE       LAND USE  
 CONTRACT/AGREEMENT       RESOLUTION       OTHER \_\_\_\_\_

QUASI-JUDICIAL     YES     NO

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**Objective:**

To present the proposed 2020 budget for the Town of Estes Park, including intended use of the Highway User Trust Fund (HUTF) revenues received from the State of Colorado, and to seek public input regarding the proposed budget.

**Present Situation:**

After months of work, staff have compiled the proposed budget for 2020, reflecting changes discussed during the Oct 18 & 25 Board of Trustee work sessions. As always, the need for budgetary funding far exceeds the amounts available so some tough prioritization decisions were necessary. The budget includes all Town departments and operations, including the dedicated sales tax funds and utility operations.

Of primary focus this year was the need to balance ongoing expenses with ongoing revenues for the General Fund. With the operational changes over the last few years, including additional staffing, programs, and pay increases, it became apparent that the General Fund expenses had grown faster than the increases in sales taxes. The General Fund budget is currently at a breakeven point, limiting operational changes. Due to this, many of the strategic plan objectives requested were not able to be funded. These were highlighted during the department presentations in the budget worksessions in Oct.

State statutes dictate that the Town hold a public hearing on the proposed budget, including the use of the HUTF revenues. This hearing is intended to meet that purpose.

The proposed budget is available for inspection online (see link below) and in person at the Finance Department.

**Proposal:**

The following summarizes the more significant changes made after the initial budget work sessions.

*Several Funds - Sales Tax Estimates* – When the latest projections for 2020 sales tax revenues were updated, the revised 2019 sales tax revenue estimates were not changed to reflect the new projection. These have now been updated in the current proposed budget within the sales tax funds, including the General Fund, Emergency Response Communication Fund, the Community Center Fund, Trails Expansion Fund and the Street Improvement Fund. This revision also included increasing the estimated payment to the Fire District as well.

This change effectively increased the estimated 2020 ending General Fund balance by \$326,000 to 26.7%. With five months of estimates built into that number, staff proposes we look at this later in the first quarter 2020 once more actual sales tax numbers are known. It is anticipated that staff may propose some additional one time projects be considered, using the prioritized CIP & Service Proposal Change list previously presented.

*General Fund - Planning Division Estimates* - During review and preliminary discussions about possible changes to the Community Development operations, it was noted that the Open Space Comprehensive Plan project had not be included in 2019 estimates. The 2019 estimates have now been updated to include this \$89,000 grant funded project coordinated with the Estes Valley Land Trust. Any future Building Safety Division changes will be handled by a separate budget amendment once the final decisions and fiscal impact analysis is completed.

*General Fund - Police Canine Unit Donations* - The fund raising campaign for the police canine unit was successful and the estimated donation revenue was increased accordingly. These funds are donor restricted so the estimated fund balance reserves were increased to reflect carryover of additional restricted funds.

*Water Fund - Sale of Water Shop to Fleet* – The initial draft had included the appropriation of the purchase of the water shop by the Fleet Maintenance Fund but the Water Fund revenue was missing. The Water Fund now shows an additional \$400,000 in revenue for the sales proceeds.

*Water Fund – USDA Loan Proceeds* – The proposed capital project for the replacement of the water main between Hwy 34 to Vista will be partially funded by a USDA loan in the amount of \$458,000. It was discovered during final Capital Improvement Plan coordination efforts that the project had been included at the net amount in the original budget. The revenues and capital expenditures have been grossed up to properly reflect the loan proceeds and the total capital outlay expected.

Highway Users Trust Fund (HUTF) revenues – C.R.S. 43-4-204 provides that all HUTF moneys received are appropriated for the construction, improvement, repair, maintenance and administration of the Town’s street systems and other public roads and highways. In short, Street Department operations are generally eligible costs. The Town proposes to use the HUTF funding for the following costs within the Street Department in compliance with state statute.

Estimated Highway Users Trust Fund revenues	<u>\$ 280,894</u>
Estimated Street Department General Fund Expenditures	
Street lights	\$ 90,000
Fuel and oil	52,800
Traffic signs	12,000
Vehicle and equipment maintenance	140,090
Street maintenance	76,000
Other street department operations	338,168
Street department personnel costs	<u>581,979</u>
 Total qualifying street expenditures	 <u>\$1,291,037</u>

**Advantages:**

The proposed 2020 budget:

- Is structurally balanced (ongoing revenues exceed ongoing expenditures)
- Complies with statutory requirements
- Meets the 25% General Fund ending fund balance policy
- Includes ability to award 2% merit as warranted
- Includes the new Town Attorney department
- Includes base funding for startup of new paid parking function

**Disadvantages:**

The proposed 2020 budget:

- Did not include funding for some strategic plan objectives, goals and outcomes
- Did not include funding for several new positions requested by staff

**Action Recommended:**

Continue the public hearing to the Nov 26<sup>th</sup> Town Board meeting

**Finance/Resource Impact:**

Provides funding for all operations upon adoption.

**Level of Public Interest**

Public interest is expected to be moderate. The Finance Department has not received any inquiries regarding the proposed budget from the general public.

**Sample Motion:**

I move to continue the public hearing to the November 26, 2019 Town Board meeting.

**Attachments:**

Recommended 2020 Budget (October 18, 2019 worksession)

CIP & Service Proposal Changes (October 18, 2019 worksession)



November 7, 2019

To: Town Clerk, Town of Estes Park Mayor and Board of Trustees

From: Estes Land Stewardship Association (ELSA)

Subject: 2020 Community Initiative Funding from the Town of Estes Park

Thank you for recommending funds for the ELSA Monitored Weed Drop-offs (3), Weed Roundup and printing of the Weed Booklet in 2020. In addition to \$5,600 of volunteer labor, we traditionally budget \$6,100 in cash outlay a year for these activities. Your financial support is key to our environmental efforts in the Estes Valley.

The Estes Land Stewardship Association (ELSA) along with the Town of Estes Park (TOEP) hosted four very successful Weed Drop-off events this past season in June, July, August and September. 2,135 tall yard bags of weeds were collected with 696 folks in attendance which is more bags of weeds and folks in attendance than last year's record of 1,726 bags with 579 folks in attendance. The good news is that several individuals indicated they were identifying and digging immature weeds earlier to avoid bagging, and they were seeing improvement in their property after a couple of years of persistence. Volunteers served over 100 hours on-site for these four events. Awareness and educational materials from ELSA are showing positive results in the Estes Valley. Last year ELSA distributed 1,500 **Fourteen Very Unwanted Weeds in the Estes Valley** weed booklets and this year we have distributed almost 1,500. The weed booklet and other articles are also available at the TOEP website [estes.org/weeds](http://estes.org/weeds)

Thanks to **EP News** for publishing the weekly ELSA Weed Alert articles from May thru September, and other featured articles for these weed drop-off events. ELSA hosted a display of noxious weeds at the Estes Valley Library during the month of July. There has been an increased interest in being good stewards of one's property! Noxious Weed Violations and Code Compliance are now being handled by the EP Police Dept at: [estes.org/codecompliance](http://estes.org/codecompliance) or 970-586-4000.

Weed booklets are available year around at the Estes Valley Library, TOEP Public Works Office, and TOEP Police Department. We encourage all HOAs and POAs to make booklets available to their members, and encourage weed management in their neighborhoods. Estes Land Stewardship Association ([elsa.weeds@gmail.com](mailto:elsa.weeds@gmail.com)) meets the first Thursday of the month (January through November) at 9:30 AM in the George Hix Room at US Bank.

Again, we thank you for your support!

*Estes Land Stewardship Association, Estes Park, Colorado, [elsa.weeds@gmail.com](mailto:elsa.weeds@gmail.com)*

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# Memo

To: Honorable Mayor Jirsa  
Board of Trustees

Through: Town Administrator Machalek

From: Randy Hunt, Community Development Director

Date: November 12, 2019

RE: *Fee Waiver Request, 420 Steamer Dr, Building Division fees, Alarado Properties, LLC*

PUBLIC HEARING       ORDINANCE       LAND USE  
 CONTRACT/AGREEMENT       RESOLUTION       OTHER Fee Waiver

QUASI-JUDICIAL     YES     NO

**Objective:**

The objective is to evaluate a request by Alarado Properties, LLC to waive Building division fees on the employee housing component of the Alarado Business Park development. The fee waiver is requested on the merit of the project providing employee housing, which is in high demand in the Estes Park community. The total permit and plan review fees for the employee housing component of the project are in excess of \$16,819 (see attachment 1) and staff suggests refunding the fees in this sum, while allowing for increasing the waiver amount by up to 10% to incorporate future plan review fees.

**Present Situation:**

The workforce housing shortage in Estes Park is a high concern of the community. The Alarado Business Park development will add nine employee housing (rental) units in an location close to the downtown area. The Alarado Business Park project is valued at \$4.91 million and the applicant estimates that the construction and interior finish of the workforce housing cost approximately \$2.77 million (56.4% of the total construction value).

The owner has paid a total of \$29,820.37 for the building permit and plan review for the entire project (permit B-11110), and requests \$16,818.69 (56.4%) to be refunded for the workforce housing component. There may be future corrections to the final waiver.

**Proposal:**

Staff is reluctant to waive fees unless a clear need is present. In this case, however, the project is aimed at providing attainable housing for Estes Valley employees and their families. Developing a strategy for addressing workforce housing demands is a goal of the Estes Park Strategic Plan. The request complies with specific language in Policy 402 (attached) which provides for fee waivers for workforce housing projects, if there is a deed-restriction or covenant agreement in place. In November 2018, Alarado

Properties, LLC and the Town signed a covenant agreement that requires the rental units to be rented to “Qualified Employee Households” (meaning that one or more resident works in the Estes Valley for an average of at least thirty hours per week on an annual basis).

The request would allow for waiver of the plan review and building permit fees. If approved by Town Board on November 12, any cost already paid by the contractor/owner in connection with Building division fees would be reimbursed (except the county tax which cannot be waived by the Town). Any future cost would not be charged if the waiver is approved, up to the amount of the waiver. Staff supports this fee waiver as proposed.

It is important to note that the fee waiver request is an order of magnitude greater than other fee waivers that have been granted by the Community Development Department or Town Administrator in recent years. Per Policy 402, any fee waiver request greater than \$3,000 must be approved by the Town Board of Trustees. It will be important to keep an eye on revenue/expenditure ratios in the Community Development Department budget and make any adjustments needed. Community Development revenues and expenditures are administered through the General Fund.

**Advantages:**

- Fits criteria for fee waiver in adopted Policy 402.
- Provides a critical service to the community.
- Supports Estes Valley residents who struggle to attain affordable housing.

**Disadvantages:**

- The building permit and plan review fee is a large revenue source for the Town on such a large project.
- The project will be a valuable asset to the community; however, caution is appropriate when removing a revenue source from the Town budget.

**Action Recommended:**

Staff supports refunding \$16,818.69 (+ up to 10%), the fees associated with the employee housing component, as presented by the applicant.

**Finance/Resource Impact:**

*Budget 101-2300-322.10-00 (Revenue: Licenses and Permits – Building)  
Waiver/ Refund = \$16,818.69 (+ up to 10%).*

**Level of Public Interest**

Low on this specific request; medium-to-high on the topic of attainable housing overall.

**Sample Motion:**

I move for the **approval/denial** of the Alarado Properties, LLC fee waiver request.

**Attachments:**

1. Fee waiver request letter from Glenn Malpiede, JD on behalf of Alarado Properties, LLC
2. Policy 402 – Fee Waiver (Community Development).



# Estes Legal Services, LLC

212 Virginia Drive, Estes Park, CO 80517 Tel: 970-586-2874

October 26, 2019

Randy Hunt  
Community Development Dept.  
Town of Estes Park

Re: Fee Waiver Request for Alarado Properties, LLC

Dear Mr. Hunt,

Please consider this a formal request from Alarado Properties, LLC for a waiver of applicable development fees associated with the Alarado employee workforce housing project, included as part of the commercial development project located on Lot 1 of the Stanley Hills Subdivision.

Pursuant to Town Board Revised Policy 402, Community Development Fee Waiver, paragraph 2, “It is the policy of the Town Board of Trustees to support essential community needs such as ... workforce housing ... through consideration of waiving in-house fees assessed by the Community Development Department.”

In paragraph 3, subparagraph a, it states that, “The following ... may be exempted from some or all Community Development Department fees, e.g. building permit fees, development review fees....: 2) Organizations providing ... workforce housing....”

And in 3, b, “Fee Waiver Criteria,” it states that, “The following criteria will be used to qualify ... attainable workforce housing projects: 1) A critical service is being provided; 2) The permitted project or building will serve or support a currently underserved ... segment of the community; 3) The population being served is the general public and is not subject to any pre-qualification other than ... local employment (workforce) qualification; 4) ... workforce housing is deed restricted; ....”

The Town of Estes Park is experiencing an extreme shortage of workforce housing, making projects providing workforce housing essential in relation to community needs. Workforce housing is the major component of the Alarado project in terms of actual square footage, providing a critical service supporting a much underserved segment of the community and, of course, occupancy does not require any other pre-qualification except that occupants be locally employed. Deed restrictions for this workforce housing have been submitted, reviewed and approved by the Town and are now of public record on file with the Community Development office.

Fees that have been paid with respect to the project are as follows:

Permit B-11110	Commercial Building Permit	\$174,670.31
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The workforce housing portion of the construction, including workforce housing interior finish, was included in the valuation for permit application B-1110, as opposed to the interior finish being separated out as it was for the interior finish permits for the urgent care center and the restaurant.

Relevant fees paid (Community Development Fees) for that application are as follows:

Permit B-11110	Plan Review	\$ 9,940.12
Permit B-11110	Building Permit	\$ 19,880.25
		=====
	Total	\$ 29,820.37

The Total valuation for the entire building permit, including workforce housing and its interior finish was \$4,910,000 and, of that, the portion corresponding to construction and interior finish of workforce housing was \$2,769,000, or **56.4%** of the total valuation. Therefore, the relevant portion of the fees paid in relation to workforce housing was **\$16,818.69**.

Unfortunately, no separate fee waiver request was submitted *prior* to the submission of that permit application. An oversight, to be sure, but given that the policy's goal is to encourage the construction of workforce housing by offering a waiver of corresponding Community Development Fees, and having succeeded in that goal with respect to this project, it would certainly be in keeping with that policy not to penalize the developer for a minor oversight, but rather, to provide a refund of the fees in the same fee amount that, had there been no oversight and in keeping with the policy, would have been waived if this request had been submitted prior to the corresponding permit application.

To that end, Alarado Properties, LLC requests that it receive the intended benefit of this policy and that the development and permit fees in relation to the workforce housing portion of this project be refunded in the amount of \$16,818.69.

In addition, and going forward, there will be ongoing plan reviews for various aspects of the project, such as the \$300.00 plan review resubmittal fee and other anticipated plan review and development fees. And, given the size of the project, it has been suggested that we request a waiver of **56.4%** of this \$300.00 and other anticipated fees, up to a cap of 10% of the amount indicated above, rounded up, for additional waivers of up to \$1,700.

Thank you for your consideration.

Kind regards,

**Glenn D. Malpiede, Esq.**  
**Estes Legal Services, LLC**  
**Legal Counsel For Alarado Properties, LLC**



Effective Period: Until Superseded  
Review Schedule: Biennially - Summer  
Effective Date: 4/26/2018  
References: N/A

## COMMUNITY DEVELOPMENT 402

### Fee Waiver

**1. PURPOSE**

To establish a uniform policy for waiver of Community Development fees in support of essential community needs.

**2. POLICY**

It is the policy of the Town Board of Trustees to support essential community needs such as attainable and workforce housing, assisted living, and health care services through consideration of waiving in-house fees assessed by the Community Development Department. The Estes Valley Comprehensive Plan is used as a guide in identifying these community needs.

**3. PROCEDURE**

**a. Eligible Entities**

The following entities may be exempted from some or all Community Development Department fees, e.g., building permit fees, development review fees, and sign code fees (except for direct expenses incurred in outsourcing):

- 1) Public funded government construction (federal, state, county, local); including tax districts/special districts (e.g., hospital, library, parks and recreation); or
- 2) Organizations providing low-income health and human services or attainable or workforce housing.

**b. Fee Waiver Criteria**

The Following criteria will be used to qualify low-income health and human services or attainable or workforce housing projects:

- 1) A critical service is being provided;
- 2) The permitted project or building will serve or support a currently underserved and needy segment of the community;
- 3) The population being served is the general public and is not subject to any pre- qualification other than a needs-based (attainability) qualification, or (in the case of housing) a local employment (workforce) qualification;

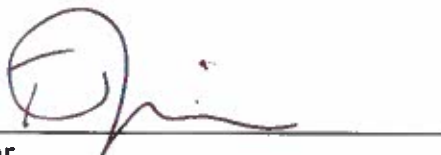
- 4) Attainable or workforce housing is deed-restricted; or
- 5) In the case of housing, a project is eligible for the attainable or workforce incentive criteria in Sec 11.4 of the Estes Valley Development Code.

**c. Fee Waiver Request**

It is not the policy of the Town of Estes Park to routinely waive fees for projects meeting the above criteria. These projects may request exemption by submittal of a written request to the Community Development Department. The decision-making body will hear the request and may choose to waive some or all fees based on the merits of request.

Waiver Request	Decision-Making Body
≤\$500 per project; or ≤\$500 per attainable or workforce housing unit	Community Development Director
>\$500 and ≤\$3,000 per project; or >\$500 and ≤\$3,000 per attainable or workforce housing unit	Community Development Director, following review by Town Administrator
>\$3,000 per project; or >\$3,000 per attainable or workforce housing unit	Town Board

Approved:



\_\_\_\_\_  
Mayor

3/21/2019  
Date

Revised by Town Administrator 3/29/2018 per Ordinance 04-2018



# Memo

To: Honorable Mayor Jirsa  
Board of Trustees

Through: Town Administrator Machalek

From: Randy Hunt, Community Development Director

Date: *November 12, 2019*

RE: *Fee Waiver Request, 420 Steamer Dr, Building Division fees, Estes Park Health/ Alarado Properties, LLC*

PUBLIC HEARING       ORDINANCE       LAND USE  
 CONTRACT/AGREEMENT       RESOLUTION       OTHER Fee Waiver

QUASI-JUDICIAL     YES     NO

**Objective:**

Evaluate a request by Estes Park Health (EPH) to waive Building division fees on the Alarado Business Park Urgent Care Clinic, in order to facilitate attainable health and human services for low-income residents. The total permit and plan review fees amount are preliminarily estimated at \$12,245 (see attachment 1). Staff suggests a target fee waiver amount at \$13,470 (the above-referenced amount plus 10%), to cover potential overages from permit resubmittal fees or other unknowns.

**Present Situation:**

The high cost of living in Estes Park puts strain on many families who provide the critical workforce to keep the Town running. Access to affordable healthcare is limited in the Town, especially for uninsured and underinsured residents. An Urgent Care Clinic is an important healthcare offering that will complement the services provided by the Salud Foundation. Urgent care clinics play an important role in the healthcare sector because they reduce unnecessary emergency room visits for people who do not have a primary care physician.

The contractor has applied for a building permit on behalf of Estes Park Health (submitted on October 16, 2019), to complete the Urgent Care Clinic. The completion of the clinic has an estimated project valuation of \$1.7 million.

**Proposal:**

Staff is reluctant to waive fees unless a clear need is present. In this case, however, the project is aimed at convenient and affordable health services to underserved Estes Valley residents. Supporting the workforce through outstanding community services is a key outcome area of the Town’s Strategic Plan. The request also complies with specific language in Policy 402 (attached) which provides for fee waivers for health and human services projects that support low-income residents.

The request would allow for waiver of the plan review and building permit fees. If approved by Town Board on November 12, any cost already paid by the contractor/owner in connection with Building division fees would be reimbursed (except the county tax which cannot be waived by the Town). Any future cost would not be charged if the waiver is approved, up to the amount of the waiver. Staff supports this fee waiver as proposed.

It is important to note that the fee waiver request is an order of magnitude greater than other fee waivers that have been granted by the Community Development Department or Town Administrator in recent years. Per Policy 402, any fee waiver request greater than \$3,000 must be approved by the Town Board of Trustees. It will be important to keep an eye on revenue/expenditure ratios in the Community Development Department budget and make any adjustments needed. Community Development revenues and expenditures are administered through the General Fund.

**Advantages:**

- Fits criteria for fee waiver in adopted Policy 402.
- Provides a critical service to the community.
- Supports uninsured and underinsured residents by providing affordable healthcare options.

**Disadvantages:**

- The building permit and plan review fee is a large revenue source for the Town on such a large project.
- The project will be a valuable asset to the community; however, caution is appropriate when removing a revenue source from the Town budget.

**Action Recommended:**

Staff supports the request as presented. At the time of this meeting, the project is under plan review by the Building division and affected agencies, with expected building permit issuance before the end of 2019. The next step is to approve the fee waiver request preferably in advance of permit issuance, so that a refund will not be necessary.

**Finance/Resource Impact:**

*Budget 101-2300-322.10-00 (Revenue: Licenses and Permits – Building)  
Waiver/ Refund = \$13,470 [exact amount TBD upon future permit review].*

**Level of Public Interest**

Low on this specific request; medium-to-high on the topic of affordable healthcare overall.

**Sample Motion:**

I move for the **approval/denial** of the Estes Park Health fee waiver request.

**Attachments:**

1. Estes Park Health request letter from Tim Cashman, Chief Financial Officer
2. Policy 402 – Fee Waiver (Community Development).



555 Prospect Ave.  
Estes Park, CO 80517  
p: 970-586-2317  
[eph.org](http://eph.org)

October 21, 2019

Mr. Randy Hunt  
Community Development Director  
Town of Estes Park

Re: Fee Waiver Request for Alarado EPH UCC Project

Dear Mr. Hunt,

Please consider this letter as a formal request from Park Hospital District dba Estes Park Health for a waiver of applicable development fees associated with the Alarado, Estes Park Health, Urgent Care Clinic project located at 420 Steamer Dr.

We appreciate consideration of waiving all relevant fees per the Town of Estes Park, Community Development 402, Fee Waiver letter dated 4/26/2018, "Section 3. Procedure, a. Eligible Entities. The following entities may be exempted from some or all Community Development fees, e.g., building permit fees, development review fees, and sign code fees (except for direct expenses incurred in outsourcing):

- 1) Public funded government construction (federal, state, county, local); including tax districts/special districts (e.g., **hospital**, library, parks and recreation); or
- 2) Organizations providing low-income health and human services or attainable or workforce housing."

The fee amounts, as calculated, are as follows:

Building Dept.	\$8,163.75
Plan Review	\$4,081.88
Tax	\$6,800.00
Fire	TBD
Water	TBD based on final fixture count
Sanitation	TBD based on final fixture count

If approved, the request you are considering will enable critical funding for the project to be redirected toward construction, where it is sorely needed. Please let us know if you need more information or have any questions. and

Thank you for your generous consideration.

Sincerely,

Tim Cashman  
Chief Financial Officer



Effective Period: Until Superseded  
Review Schedule: Biennially - Summer  
Effective Date: 4/26/2018  
References: N/A

## COMMUNITY DEVELOPMENT 402

### Fee Waiver

#### 1. PURPOSE

To establish a uniform policy for waiver of Community Development fees in support of essential community needs.

#### 2. POLICY

It is the policy of the Town Board of Trustees to support essential community needs such as attainable and workforce housing, assisted living, and health care services through consideration of waiving in-house fees assessed by the Community Development Department. The Estes Valley Comprehensive Plan is used as a guide in identifying these community needs.

#### 3. PROCEDURE

##### a. Eligible Entities

The following entities may be exempted from some or all Community Development Department fees, e.g., building permit fees, development review fees, and sign code fees (except for direct expenses incurred in outsourcing):

- 1) Public funded government construction (federal, state, county, local); including tax districts/special districts (e.g., hospital, library, parks and recreation); or
- 2) Organizations providing low-income health and human services or attainable or workforce housing.

##### b. Fee Waiver Criteria

The Following criteria will be used to qualify low-income health and human services or attainable or workforce housing projects:

- 1) A critical service is being provided;
- 2) The permitted project or building will serve or support a currently underserved and needy segment of the community;
- 3) The population being served is the general public and is not subject to any pre-qualification other than a needs-based (attainability) qualification, or (in the case of housing) a local employment (workforce) qualification;




- 4) Attainable or workforce housing is deed-restricted; or
- 5) In the case of housing, a project is eligible for the attainable or workforce incentive criteria in Sec 11.4 of the Estes Valley Development Code.

**c. Fee Waiver Request**

It is not the policy of the Town of Estes Park to routinely waive fees for projects meeting the above criteria. These projects may request exemption by submittal of a written request to the Community Development Department. The decision-making body will hear the request and may choose to waive some or all fees based on the merits of request.

Waiver Request	Decision-Making Body
≤\$500 per project; or ≤\$500 per attainable or workforce housing unit	Community Development Director
>\$500 and ≤\$3,000 per project; or >\$500 and ≤\$3,000 per attainable or workforce housing unit	Community Development Director, following review by Town Administrator
>\$3,000 per project; or >\$3,000 per attainable or workforce housing unit	Town Board

Approved:

  
 \_\_\_\_\_  
 Mayor

3/21/2019  
 Date

Revised by Town Administrator 3/29/2018 per Ordinance 04-2018

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## PROCEDURE FOR PUBLIC HEARING

Applicable items include: Rate Hearings, Code Adoption, Budget Adoption

### 1. **MAYOR.**

The next order of business will be the public hearing on **ACTION ITEM 4. RESOLUTION 36-19 SIGN APPROVAL, TROUT HAVEN GOLF COURSE, 840 MORaine AVENUE, LITTLE CURRENT CONSULTING LLC/OWNER.**

- At this hearing, the Board of Trustees shall consider the information presented during the public hearing, from the Town staff, public comment, and written comments received on the application.
- Any member of the Board may ask questions at any stage of the public hearing which may be responded to at that time.
- Mayor declares the Public Hearing open.

### 2. **STAFF REPORT.**

- Review the staff report.

### 3. **PUBLIC COMMENT.**

- Any person will be given an opportunity to address the Board concerning the Ordinance. All individuals must state their name and address for the record. Comments from the public are requested to be limited to three minutes per person.

### 4. **MAYOR.**

- Ask the Town Clerk whether any communications have been received in regard to the Ordinance which are not in the Board packet.
- Ask the Board of Trustees if there are any further questions concerning the Ordinance.
- Indicate that all reports, statements, exhibits, and written communications presented will be accepted as part of the record.
- Declare the public hearing closed.
- Request Board consider a motion.

7. **SUGGESTED MOTION.**

- Suggested motion(s) are set forth in the staff report.

8. **DISCUSSION ON THE MOTION.**

Discussion by the Board on the motion.

9. **VOTE ON THE MOTION.**

Vote on the motion or consideration of another action.



# Memo

To: Honorable Mayor Jirsa  
Board of Trustees

Through: Town Administrator Machalek

From: Linda Hardin, Planner I

Date: November 12, 2019

RE: *Historical Sign Approval – Applicant / Trout Haven Golf Course; 840 Moraine Ave.; Little Current Consulting LLC, owner*

---

(Mark all that apply)

PUBLIC HEARING       ORDINANCE       LAND USE  
 CONTRACT/AGREEMENT       RESOLUTION       OTHER \_\_\_\_\_

QUASI-JUDICIAL    YES    NO

**Objective:**

Approve or deny the restoration of the sign at 840 Moraine Avenue to its original working order, in accordance with the Estes Park Municipal Code, §17.66.071 Historical or Culturally Significant Signs.

**Present Situation:**

The freestanding sign in front of the mini-golf course at 840 Moraine Ave. has been in place for over 50 years. It was originally installed by Bob Mitchell, and the golf course was operated by Bob until his passing a few years ago. The family of Mr. Mitchell sold the golf course to Trout Haven Resorts, and they are committed to restoring and maintaining the mini-golf course as the family attraction it has been for many years.

The sign is in disrepair and not in working order. It was hit by a truck and badly damaged. Trout Haven would like to have the sign restored to what it was originally, with neon lettering and a border of marquee style incandescent bulbs.

The sign will meet the current sign code with respect to size, neon and structure. The size and height of the sign are within allowable limits. The structure will meet all applicable building codes for wind and snow loads. The approval will allow the use of the bulbs surrounding the sign. The sign code does not allow for exposed bulbs. The exposed marquee style bulbs will be energy efficient LED bulbs (instead of incandescent bulbs), and will remain static, not rotating as they did originally.

**Proposal:**

To allow the sign to be restored and operated as it was originally constructed and in accordance with EPMC Title 17.66.071 which allows the Town Board of Trustees to approve signs that can demonstrate the historical significance.

**Advantages:**

- This sign is considered iconic to the community and visitors.
- The sign poses no threat to the health and wellbeing to the public.
- This sign represents the intent of the adopted sign code with respect to historical signs.

**Disadvantages:**

- None.

**Action Recommended:**

Staff: Approve the application of this historical sign.

**Finance/Resource Impact:**

There are no budget implications with a decision to approve or deny.

**Level of Public Interest**

Low: The Town has not received any comments in regard to this application.

**Sample Motion:**

*APPROVAL*

I move that the Town Board of Trustees **approve** Resolution 36-19.

**Attachments:**

1. Resolution 36-19
2. Application
3. Statement of Intent
4. Site Plan
5. Proposed Sign Design

**RESOLUTION 36-19**

A RESOLUTION AUTHORIZING THE TOWN OF ESTES PARK BOARD OF TRUSTEES TO APPROVE RESTORATION OF A HISTORICAL SIGN AT TROUT HAVEN GOLF COURSE, 840 MORaine AVENUE.

**WHEREAS**, the Estes Park Municipal Code §17.66.071 provides for the restoration and operation of historical or culturally significant signs; and

**WHEREAS**, the intent of the Code is to return iconic signs to their original form and function; and

**WHEREAS**, on October 8, 2019, Little Current Consulting LLC dba Trout Haven Golf Course, submitted a complete application requesting approval a historical sign; and

**WHEREAS**, pictorial and written testimony evidence were included with the application; and

**WHEREAS**, evidence provided verified the age of the original sign depicting it has been in place for approximately fifty (50) years,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF ESTES PARK, COLORADO:**

The Town of Estes Park Board of Trustees hereby approves the above referenced application for restoration of a historical sign at Trout Haven Golf Course.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

TOWN OF ESTES PARK

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Town Clerk

Received Date: 2019-10-08

# Town of Estes Park

Permit Number: S-032-19

Received By: [Signature]

## Sign Application / Permit

Permit Expires: \_\_\_\_\_

Community Development Department - 170 MacGregor Avenue - P.O. Box 1200 - Estes Park, CO 80517  
General Sign Information (970) 577-3723 • FAX (970) 586-0249 • lhardin@estes.org

Job Address: 840 Moriane Ave. Parcel #: \_\_\_\_\_

Business Name: Trout Haven Golf Course Town License: \_\_\_\_\_ Phone: 970-819-5602

Business Owner: Brandon McGowen Phone: 970-819-5602

Business Owner Email Address: brandon.mcgowen@trouthavenresorts.com

Property-Owner Name: Little Current Consulting LLC Phone: 970-274-8877 Owner's Permission Slip:  Yes  No

Complete Address: PO BOX 1379 Longmont CO 80502

Property Owner Email Address: \_\_\_\_\_

Sign Company: Ad Light & Sign Town License: \_\_\_\_\_ Phone: 303-399-3334

Complete Address: 4150 Elati St. Denver CO

Who will install sign?  Sign Company  Owner  Other: \_\_\_\_\_ Town License # \_\_\_\_\_

New  Addition  Alteration  Temporary  Signs to be removed: Refurbish existing sign

Provide linear feet of building frontage of business: +/- 252' ft. # of frontages: 1 # of stories:  One  Two

Note: Max total sign area is 1.5 sq. ft. of linear feet of building frontage of business. .75 sq. ft. for 2<sup>nd</sup> floor.  
Note: Max 250 sq. ft. of sign area per business/Max 150 sq. ft. in CD zoning district.

Provide total square feet of all existing signs for business: 49 ft<sup>2</sup> (to be refurbished)

Provide square feet area of proposed sign: 49 ft<sup>2</sup>

Provide new total square feet of signs for business: 49 ft<sup>2</sup>

Sign Type:  Wall  Free-Standing  Window  Awning / Canopy  Other: \_\_\_\_\_

Plot Plans Required except for Wall and Window Signs. Note: Plot plans to include property lines, location and setbacks of sign.

For Wall and Window Signs provide graphic that shows location of proposed signs on building.

Provide graphic representation with dimensions and height of proposed sign.

Note: Height is measured from original grade. Height restrictions vary by zoning & sign type. Max 25'

Note: Utility Locates are property owners responsibility, call 1-800-922-1987

Electrical Involved:  No  Yes - State & Town License Required. State Permit and Inspection Required.

Sign Illuminated:  No  Yes -  Indirectly  Internally (Comply with EPMC 17.66.041 & EVDC 7.9. Provide cut sheets for lights.)

Total Valuation (Labor & Materials) \$ 14,196.67

I certify this application is true and correct and agree to perform the work described according to plans/specifications submitted, reviewed and approved, and comply with local ordinances, state and federal laws as well as building codes. I certify that I have the property owner's authority and permission to apply for this permit. Additionally, I UNDERSTAND THAT I AM RESPONSIBLE FOR ANY FEES OR EXPENSES INCURRED FOR PLAN REVIEW, PERMITS, INSPECTIONS AND OTHER FEES ASSOCIATED WITH THIS APPLICATION.

Contractor  Owner  Tenant

Signature Kizzy Sena Date 10.08.19 Print Name Kizzy Sena

\*\*\* Office Use Only \*\*\*

Jurisdiction: JOEP Applicable Code: EPMC Zoning: CO Overlay Zoning: — (e.g. FPDP, geo-hazard, historic district)

Total allowable sign area for business: 250 ft<sup>2</sup> this frontage (max. 250 per business) Sign Type: F/S

Special Requirements:  Engineering / Building Review Required  Sanitation Required  Life Safety

Minimum Setback F 5' S 5' R 5' Maximum Height 25 ft

Conforming  Legally Non-Conforming  Ill-legally Non-Conforming

Prohibited  Exempt  Denied  Permitted

Comments: \_\_\_\_\_

Sign Permit Fee	\$ 75.00
Building Permit Fee	—
Planning Review Fee	—
County Tax	<u>56.79</u>
<b>Total</b>	<b><u>131.79</u></b>

Planning/Building Official \_\_\_\_\_ Date \_\_\_\_\_



## Historical Variance-Letter of Intent

On behalf of Trout Haven Resorts we would like to request an historical sign variance for the free-standing sign located at 840 Moriane Ave.

Our intent is to restore the sign to its original form with modern modification to maximize energy efficiency and structural integrity to achieve this we will replace the existing damaged steel mounting pipes with a new single 6" steel pipe. The existing top aluminum sign cabinets will be replaced and painted with a satin finish; the incandescent marquee bulbs will be replaced with waterproof LED bulbs the new marquee bulbs will not flash, blink, fluctuate or chase. The existing neon will be updated with 13-15 mm neon with glass P-K housings. The bottom double faced internally illuminated changeable copy cabinet will be replaced with a new 1 ½" aluminum retainer painted with a satin finish. The cabinet face will be updated with 3/16" white polycarbonate with zip-track and changeable copy. The internal illumination will be 7100k white LED.

Below is a brief history of the sign and reference photos:



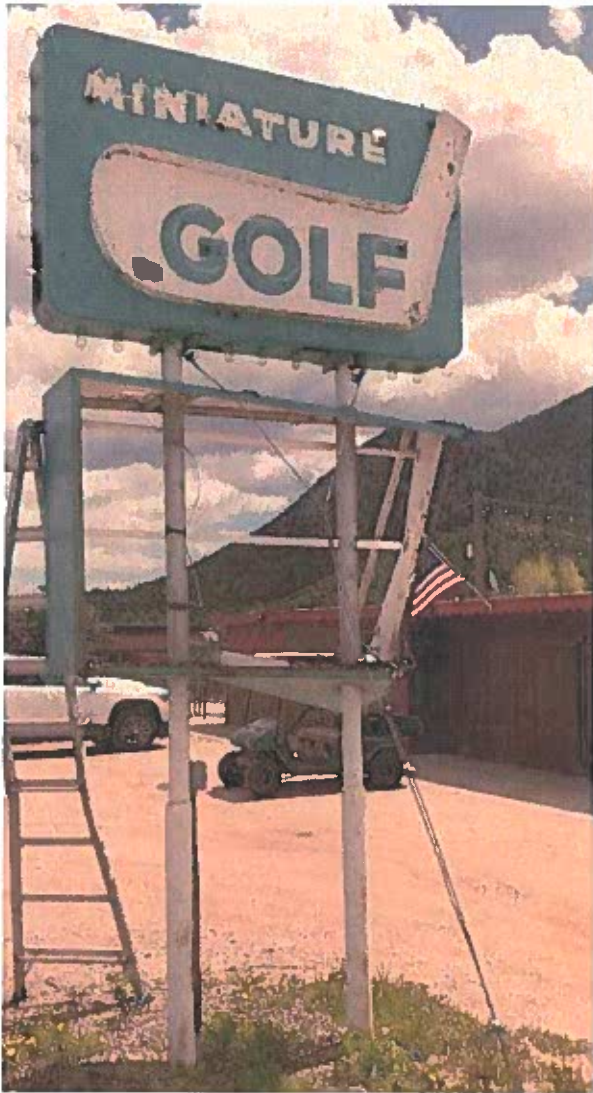
The above photo is from 1971; when the sign was red. The upper part of the sign was installed in the late 1960's and the bottom sign cabinet was added a year or so later.

The original sign had neon for the face of the red area. There were small white lights all around the exterior of the sign than would light up and make it look like it was rotating around the sign. There was also a golf club sticking up out of the top of the sign (not pictured), to go hand and hand with the putter face of the sign.



The above photo is circa 1974-76. The sign and illumination can be seen in the background.

Below is a picture of the signs existing state and plans reflecting our design intent.



We believe by refurbishing the sign back to its original form it will give a fresh start to a familiar face in the Estes Park community.

---

**Photo's for Mini Golf Sign --- 840 Moraine Ave**

2 messages

---

**Damien Boynton** <damien.boynton@trouthavenresorts.com>  
To: lhardin@estes.org  
Cc: Karin Swanlund <kswanlund@estes.org>

Tue, Sep 24, 2019 at 2:03 PM

Hi Linda,

I was able to get a couple of photos from Bill Mitchell ( Bob Mitchell's son who owned the mini golf for 50 plus years ), Bill also mentions what the old sign looked like and time frame .

Do you think this will suffice ?

Hi Damien,

Here is one picture from 1971. When the sign was red. The pic is a bit blurry but you can see a ladder on the sign. My father was working on it. He first added the upper part of the sign in the late 1960's. He added the sign board a year or so later. (But certainly by 1971).

The original sign had neon for the face of the red area. There were small white lights all around the exterior of the sign than would light up and make it look like it was rotating around the sign. There was also a golf club sticking up out of the top of the sign (not pictured), to go hand and hand with the putter face of the sign.

Hope this helps? As you know I care very much about the golf course and it breaks my heart to see the name change and limited hours. I guess that is better than the alternative.

Let me know if I can help in any way? I would like to stay connected to the golf course in some way.

Thanks,

Bill Mitchell



Here is another sign pic at night. Probably from around circa 1974-76.





Thanks,

**Damien Boynton**

**General Manager**

**Trout Haven Resorts**

**O : 970-577-5320**

**M : 970-646-5201**

[damien.boynton@trouthavenresorts.com](mailto:damien.boynton@trouthavenresorts.com)

[www.trouthavenresorts.com](http://www.trouthavenresorts.com)

**Read the link below to see what Trout Haven Resorts has to offer,**

<https://www.eptrail.com/2019/07/19/world-of-estes-trout-haven-resorts/>

Our Mission is to provide a peaceful and comfortable environment where each and every guest can enjoy a cozy "Mom & Pop" experience, within a professional setting.

---

Linda Hardin <lhardin@estes.org>  
To: Damien Boynton <damien.boynton@trouthavenresorts.com>  
Cc: Karin Swanlund <kswanlund@estes.org>

Tue, Sep 24, 2019 at 2:24 PM

Hey Damien,

Yes, I think these photos along with Bill's narrative are perfect! You (or your sign company) will need to submit the sign permit application along with the new sign design and a statement of intent. The statement doesn't have to be anything formal, just outline what the sign was and how the restoration will return it to its original glory.

Let me know if you have any questions.

Thanks,  
Linda  
[Quoted text hidden]

--  
Linda Hardin, CCEO  
Planner I  
Town of Estes Park  
970-577-3723



4150 Elati St.  
 Denver, CO 80216  
 ph: 303-399-3334  
 fx: 303-399-3395

www.adlightgroup.com

**CLIENT**

**Trout Haven**

**PROJECT**

**New Pole Sign**

**LOCATION**

**Meadow Mini Golf**

**ACCOUNT MANAGER**

**Anthony Cistone**

**DRAWN BY**

**Ryan Burkhardt**

AD LIGHT WILL ENDEAVOR TO CLOSELY MATCH COLORS, INCLUDING PMS, WHERE SPECIFIED. WE CANNOT GUARANTEE MATCHES DUE TO VARYING COMPATIBILITY OF SURFACE MATERIALS AND PAINTS USED. ALL ILLUMINATED DISPLAYS BUILT 120 VOLT UNLESS OTHERWISE SPECIFIED. 120 VAC PRIMARY POWER TO AND FINAL HOOKUP BY OTHERS. SIGN CIRCUIT(S) REQUIRE DEDICATED HOT, NEUTRAL, AND GROUND TERMINATING AT PANEL.

**APPROVED**

**APPROVAL SIGNATURE**

**DATE**

**07/03/2019**

**REVISED**

**07/22/2019**

**SCALE**

**NTS**

**PAGE**

**SP** of **2**



**TROUT HAVEN**  
 840 MORAIN AV  
 ESTES PARK, CO 80517



VICINITY MAP



THIS DESIGN IS THE PROPERTY OF AD LIGHT GROUP AND IS SUBMITTED FOR YOUR USE IN CONJUNCTION WITH A PROJECT BEING PLANNED FOR YOU BY AD LIGHT. IT CANNOT BE REPRODUCED EITHER IN WHOLE OR IN PART WITHOUT WRITTEN CONSENT.



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New Pole Sign

**LOCATION**

Meadow Mini Golf

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**APPROVED**

APPROVAL SIGNATURE

**DATE**

07/03/2019

**REVISED**

07/22/2019

**SCALE**

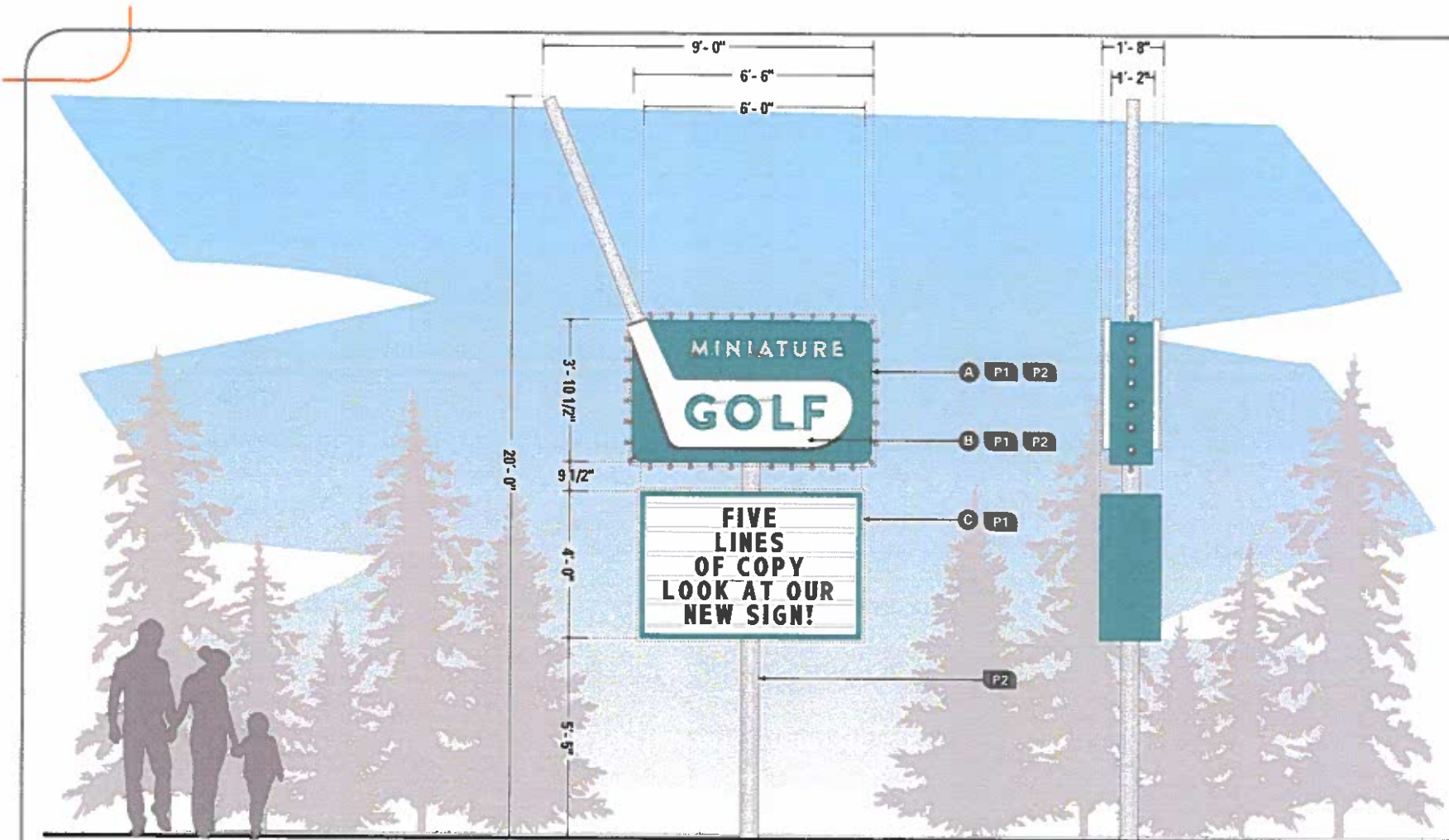
3/8" = 1'-0"

**PAGE**

1

of

2



- A** POLE SIGN BODY REFURBISHMENT
  - .090" ALUMINUM FACES & RETURNS; PAINTED W/ SATIN FINISH
  - 13MM NEON W/ GLASS P-K HOUSINGS (NO DOUBLE BACK BENDS)
  - S14 0.8W E26 WATERPROOF LED BULBS
  - 4" ALUMINUM PIPE "PUTTER" (MOUNTED WITHIN EXISTING FITTING)
  - MOUNTED W/ NEW 6" POLE & CONCRETE FOOTING

- B** OPEN FACED CHANNEL LETTERS W/ EXPOSED NEON
  - .063" ALUMINUM RETURNS; PAINTED W/ SATIN FINISH; 2" DEEP
  - .090" ALUMINUM BACKS; PAINTED W/ SATIN FINISH
  - 15MM NEON W/ GLASS P-K HOUSINGS

- C** D/F CABINET W/ CHANGEABLE COPY
  - 1 1/2" ALUMINUM RETAINER; PAINTED W/ SATIN FINISH
  - 3/16" "WHITE" POLYCARBONATE FACE W/ ZIP-TRACK & CHANGEABLE COPY
  - .090" ALUMINUM RETURNS; PAINTED W/ SATIN FINISH; DEPTH 20"
  - 7100K "WHITE" LED ILLUMINATION

**A** D/F Pole Sign  
 3/8" = 1'-0"  
 49 SO FT Qty: 1

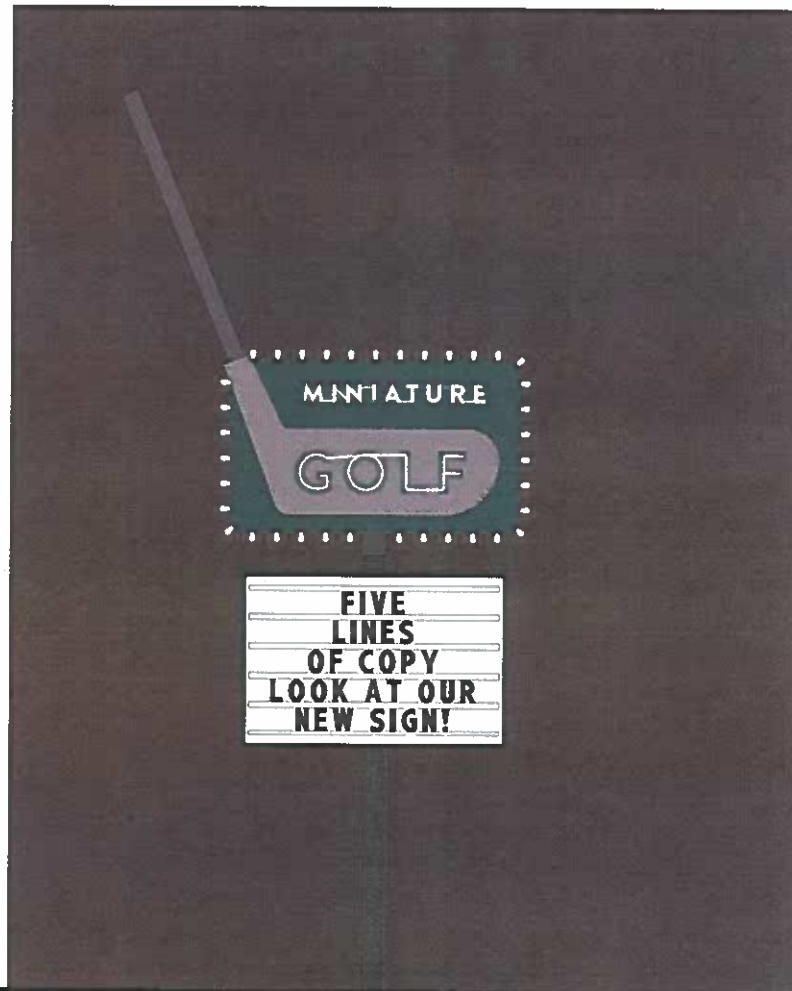
Side View

**COLOR KEY**

- P1** MP12613 "MEDITERRANEAN GREEN"
- P2** AN "WHITE"

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**CLIENT**

**Trout Haven**

**PROJECT**

**New Pole Sign**

**LOCATION**

**Meadow Mini Golf**

**ACCOUNT MANAGER**

**Anthony Cistone**

**DRAWN BY**

**Ryan Burkhardt**

AD LIGHT WILL ENDEAVOR TO CLOSELY MATCH COLORS, INCLUDING PMS, WHERE SPECIFIED. WE CANNOT GUARANTEE MATCHES DUE TO VARYING COMPATIBILITY OF SURFACE MATERIALS AND PAINTS USED. ALL ILLUMINATED DISPLAYS BUILT 120 VOLT UNLESS OTHERWISE SPECIFIED. 120 VAC. PRIMARY POWER TO AND FINAL HOOKUP BY OTHERS. SIGN CIRCUITS REQUIRE DEDICATED HOT, NEUTRAL, AND GROUND TERMINATING AT PANEL.

**APPROVED**

**APPROVAL SIGNATURE**

**DATE**

**07/03/2019**

**REVISED**

**07/22/2019**

**SCALE**

**3/8" = 1'-0"**

**PAGE**

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of

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## PROCEDURE FOR PUBLIC HEARING

Applicable items include: Rate Hearings, Code Adoption, Budget Adoption

### 1. **MAYOR.**

The next order of business will be the public hearing on **ACTION ITEM 5. ORDINANCE 29-19 AMENDING CHAPTER 5.20 OF THE ESTES PARK MUNICIPAL CODE RELATING TO BUSINESS LICENSES.**

- At this hearing, the Board of Trustees shall consider the information presented during the public hearing, from the Town staff, public comment, and written comments received on the application.
- Any member of the Board may ask questions at any stage of the public hearing which may be responded to at that time.
- Mayor declares the Public Hearing open.

### 2. **STAFF REPORT.**

- Review the staff report.

### 3. **PUBLIC COMMENT.**

- Any person will be given an opportunity to address the Board concerning the Ordinance. All individuals must state their name and address for the record. Comments from the public are requested to be limited to three minutes per person.

### 4. **MAYOR.**

- Ask the Town Clerk whether any communications have been received in regard to the Ordinance which are not in the Board packet.
- Ask the Board of Trustees if there are any further questions concerning the Ordinance.
- Indicate that all reports, statements, exhibits, and written communications presented will be accepted as part of the record.
- Declare the public hearing closed.
- Request Board consider a motion.

7. **SUGGESTED MOTION.**

- Suggested motion(s) are set forth in the staff report.

8. **DISCUSSION ON THE MOTION.**

Discussion by the Board on the motion.

9. **VOTE ON THE MOTION.**

Vote on the motion or consideration of another action.



# Memo

To: Honorable Mayor Jirsa  
Board of Trustees

Through: Town Administrator Machalek

From: Jackie Williamson, Town Clerk

Date: *November 12, 2019*

RE: Ordinance No. 29-19 Amending Chapter 5.20 of Estes Park Municipal Code Relating to Business Licenses

PUBLIC HEARING     
  ORDINANCE     
  LAND USE  
 CONTRACT/AGREEMENT     
  RESOLUTION     
  OTHER

QUASI-JUDICIAL    YES    NO

**Objective:**

Review, and if appropriate, adopt Ordinance No. 29-19 which amends Chapter 5.20 Business Licenses of the Municipal Code Section 5.20.030 and Section 5.20.060.

**Present Situation:**

In April 2018, the Town Board requested staff research the revenue impact and bring forward a reduction of the business license fee to \$50 per license during the 2019 budget process. Staff prepared a service proposal to reduce the fee for general, building contractor, home and accommodations to \$100 in 2019. The proposal was later modified by Administrator Lancaster in his proposed 2019 Town budget, reducing the \$200 business license fee by \$25 for 2019. The Board took action at their October 23, 2018 meeting to include a 33% reduction in business license fees in the 2019 budget, a slower reduction of the fee, and at the November 27, 2019 meeting Ordinance 07-18 was passed to formally reducing the fee for 2019. It was understood by staff the Board would like to consider the full reduction of the business license fee to \$50 for 2020.

**Proposal:**

Staff prepared a service proposal to reduce the business license fees for 2020 to \$50 for all business licenses with the exception of accommodations, vacation homes and bed and breakfast. The proposal would further reduce the Town's revenues collected from business licensing by approximately \$79,500 in 2020. With the reduction of the fee from \$200 to \$50, staff would propose additional changes as outlined in the ordinance as follows:

- Section 5.20.060 (1) would amend the due date for the business license fee from March 31 to January 31 annually.

- Section 5.20.060 (1) would add a penalty fee for all business license fees not paid by January 31 of \$200 in addition to the licensing fee.
- Section 5.20.060 (2) would modify the proration of business license fees for businesses receiving their first license with the Town. Currently the Town has two proration periods (1) an applications for an initial license received after July 1 is prorated by 50%, and (2) an application received after October 1 is prorated by 75%. Staff has recommended one proration after July 1 of 50% for the initial license, i.e. \$25 for the remainder of the first year.

**Advantages:**

- Amends business license fees to align with other communities the Town compares itself to for compensation.
- Provides the collection of business licenses fees in a timely manner.
- The proposed penalty fee would encourage business owners to pay their license fee on time, and therefore, eliminate additional Town Clerk and Police staff time in collecting delinquent fees.
- Delinquent business licenses can be addressed by staff and the Municipal Court prior to the Town's busy season.
- Allow Planning Commission to address the vacation home cap in April with adequate data provided by the Town Clerk's office.

**Disadvantages:**

- The reduction in business license revenue impacts the General fund.

**Action Recommended:**

Adoption of Ordinance 29-19 as presented.

**Budget:**

The reduction in business license fee collection of approximately \$79,500 in 2020.

**Level of Public Interest:**

Medium.

**Sample Motion:**

I move to adopt/not adopt Ordinance 29-19.

**Attachments:**

Ordinance No. 29-19 and Exhibit A

2020 Service Proposal

Study Session Memo dated June 26, 2018

**ORDINANCE NO. 29-19**

**AN ORDINANCE AMENDING CHAPTER 5.20 BUSINESS LICENSES  
OF THE MUNICIPAL CODE**

**WHEREAS**, Chapter 5.20 of the Municipal Code sets forth the requirements for each business, profession or occupation within the Town to obtain and maintain a business license; and

**WHEREAS**, it is necessary to amend Chapter 5.20 Business License Section 5.20.030 Amount of license fee and Section 5.20.060 Payment of license fee amending the business license fees for General, Building Contractor, Home, and Accommodations, revise payment due date, proration and late payment fee; and

**WHEREAS**, the Board of Trustees has reviewed the amendments to Chapter 5.20 and determined that it is in the best interest of the Town to approve the amendment of Chapter 5.20 of the Municipal Code.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF ESTES PARK, COLORADO AS FOLLOWS:**

Section 1: Sections 5.20.030 and 5.20.060 of the Municipal Code are amended, as more fully set forth on Exhibit A attached hereto and incorporated herein by reference.

Section 2: This Ordinance shall take effect and be enforced thirty (30) days after its adoption and publication.

**PASSED AND ADOPTED** by the Board of Trustees of the Town of Estes Park, Colorado this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

TOWN OF ESTES PARK

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Town Clerk

I hereby certify that the above Ordinance was introduced at a regular meeting of the Board of Trustees on the \_\_\_\_\_ day of \_\_\_\_\_, 2019 and published in a newspaper of general circulation in the Town of Estes Park, Colorado, on the \_\_\_\_ day of \_\_\_\_\_, 2019, all as required by the Statutes of the State of Colorado.

---

Town

Clerk



## EXHIBIT A

### Chapter 5.20 - Business Licenses

#### 5.20.030 - Amount of license fee.

The business license fee is set forth as follows:

- (1) General business license: ~~one hundred & thirty-four dollars (\$134.00)~~ fifty dollars (\$50.00) per year.
- (2) Accommodations license as follows: each individual accommodation site shall pay a business license fee based upon the number of units on the individual accommodation site. five (5) units or less, ~~one hundred dollars (\$100.00)~~ fifty dollars (\$50.00) per year; six (6) to twenty (20) units, ~~one hundred seventy-five dollars (\$175.00)~~ one hundred dollars (\$100.00) per year; twenty-one (21) units or more, ~~two hundred fifty dollars (\$250.00)~~ one hundred fifty dollars (\$150.00) per year.
- (3) Building contractor's license: ~~one hundred & thirty-four dollars (\$134.00)~~ fifty dollars (\$50.00) per year.
- (4) Home ~~business~~ license: ~~sixty-seven dollars (\$67.00)~~ fifty dollars (\$50.00) per year.
- (5) Individual accommodation unit: ~~shall pay a business license fee of two hundred dollars (\$200.00) per year, plus fifty dollars (\$50.00) for each bedroom~~ as stated in the Larimer County Assessor records.
- (6) Vacation home: two hundred dollars (\$200.00) base fee per year; plus fifty dollars (\$50.00) for each bedroom as stated in the Larimer County Assessor records.
- (7) Bed and Breakfast Inn License: two hundred dollars (\$200.00) base fee per year; plus fifty dollars (\$50.00) for each guest bedroom.
- (8) Outdoor Mobile Food Vendor License: twenty-five dollars (\$25.00) per year.

#### 5.20.060 - Payment of license fee.

The owner of each business, profession, occupation or accommodation subject to the provisions of this Chapter shall pay the business license fee for each calendar year in which the owner engages in any business, profession, occupation or accommodation within the Town as follows:

- (1) Full payment is required on or before ~~March~~ January 31 of each calendar year. Payments received after January 31 of each calendar year will be assessed a penalty of \$200 in addition to the licensing fee.
- (2) Any new business, profession, occupation or accommodation which begins its business on or after January 1 and on or before June 30 shall pay the full

amount of the business license fee. Any new business, profession, occupation or accommodation which begins its business on or after July 1 and on or before ~~September 30~~December 31 shall pay one-half ( $\frac{1}{2}$ ) of the business license fee. ~~Any new business, profession, occupation or accommodation which begins its business on or after October 1 and on or before December 31 shall pay one-fourth ( $\frac{1}{4}$ ) of the business license fee.~~ All business license fees subject to this Subsection (2) shall be due and payable upon submittal of an application to the Town Clerk's office.

- (3) In the event any existing business license is not renewed in the subsequent calendar year on or before ~~March~~January 31, the business license shall be deemed to have lapsed. A new business license fee in full must be paid by the owner. There shall be no proration of this business license fee.
- (4) In the event that a nonsufficient funds (NSF) check is received, a twenty-dollar (\$20.00) fee will be added to the account.



Service Proposal Change Form

Budget Year  2019  2020

Proposal Title

Proposal Total Cost

Department Name

Division (if applicable)

Submitted By

Department Priority – Rank of this request among all of the Department’s Service Proposal Changes (1 is highest, must be prioritized)

Type of Proposal

- Capacity Expansions – Maintaining Existing Service Levels with Increased Service Demands – a currently existing program/revenue/expense
- Service Expansions – Offering New Services or Levels of Services
- Service Reductions – Reductions / Discontinuance of Existing Service Levels
- Strategic Plan Initiatives – Implemented Board Adopted Goals and Objectives

FTE Impact - Total # FTEs Increased or (Reduced)

Explanation of Proposal - Narrative explanation of the proposal, why needed, impact, etc.

**Operating Impact** - Impact of proposal on future operations: (Explain estimated impact to ongoing operating costs and identify funding sources for those costs.)

**Service Category**

Specify the key outcome areas as identified by the 2020 Strategic Plan that this change will address.

- Robust Economy
- Infrastructure
- Exceptional Guest Services
- Public Safety, Health and Environment
- Outstanding Community Services
- Governmental Services and Internal Support
- Transportation
- Town Financial Health

**Accounting** - Account Number(s) Impacted by Proposal and Amount Changes

Account Number	\$ Increase	\$ Decrease
____ - ____ - ____ . ____ - ____	_____	( _____ )
____ - ____ - ____ . ____ - ____	_____	( _____ )
____ - ____ - ____ . ____ - ____	_____	( _____ )
____ - ____ - ____ . ____ - ____	_____	( _____ )
____ - ____ - ____ . ____ - ____	_____	( _____ )
____ - ____ - ____ . ____ - ____	_____	( _____ )

(Attach additional sheets if necessary)

Please return completed form to: Finance Director, Finance Dept or email to [DHudson@Estes.org](mailto:DHudson@Estes.org). Finance will then route to Fleet, IT, HR, or Facilities for relevant review and comment.

***Fleet Review and Comments on Vehicles/Rolling Stock Proposals***

- NA – No rolling stock included in proposal
- Green Lighted
- Yellow Lighted – See cautionary concerns in comments below
- Red Lighted – See more serious concerns in comments below

Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_

***IT Review and Comments on Technology Proposals***

- NA – No technology changes included in proposal
- Green Lighted
- Yellow Lighted – See cautionary concerns in comments below
- Red Lighted – See more serious concerns in comments below

Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_

**HR Review and Comments on Personnel Proposals**

- NA – No personnel changes included in proposal
- Green Lighted
- Yellow Lighted – See cautionary concerns in comments below
- Red Lighted – See more serious concerns in comments below

Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_

**Facilities Review and Comments on Facility Proposals (including additional staffing office space and furnishings)**

- NA – No facility related changes included in proposal
- Green Lighted
- Yellow Lighted – See cautionary concerns in comments below
- Red Lighted – See more serious concerns in comments below

Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_



# Report

**To:** Honorable Mayor Jirsa  
Board of Trustees

**Through:** Town Administrator Lancaster

**From:** Jackie Williamson, Administrative Services Director/Town Clerk

**Date:** *June 26, 2018*

**RE:** *Business License Fee*

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**Objective:**

To review the business license fee structure and proposed changes to the Municipal Code related to business licensing and receive direction from the Town Board.

**Present Situation:**

At the April 10, 2018 meeting, the Town Board was presented with Ordinance #07-18 amending Municipal Code Chapter 5.20 Business Licenses to address a number of issues including types of businesses required to obtain a business license, adding mobile food vending licensing and individual service contractor, add a fee for mobile food vending and restructuring the fee for Bed & Breakfasts to be in line with vacation homes, etc. Attached for your reference is Town Attorney White's memo, see Exhibit A. During the Board discussion it was determined a study session should be conducted to review the business license fee structure to determine if the fees should be adjusted prior to addressing other code amendments.

At the November 28, 2017 Town Board meeting, Ordinance #31-17 was passed revising the Estes Valley Development Code to permit Bed & Breakfasts with 8 or less guests as a use by right in all residential zoning districts and 9 or more guests through a Special Review application. The permitting/licensing requires the same level of processing, including an inspection, as a vacation home; therefore, staff recommends a similar fee structure, \$200 base fee and \$50 per bedroom. The current fee is \$150 per Bed & Breakfast registration.

At February 13, 2018 Town Board meeting, Ordinance #37-17 was passed revising the Estes Valley Development Code to add mobile food vending as an allowed use in most commercial zoning district. The Municipal Code has not been updated to address the new business type or the fee to conduct business within town limits. Therefore, the Clerk's office has licensed mobile food vending businesses through the General Business category and collecting a \$200 business license fee.

**Proposal:**

The Clerk's office has compiled data for review by the Board, including a history of business license fees from 1917 – 2001, Exhibit B, licensing fees collected by other jurisdictions, licensing fee scenarios, revenue projections for the proposed licensing scenarios, and cost estimate of staff time to complete the licensing process per license type, i.e. General, Contractor, Home, Accommodation, Mobile Food Vending, Bed & Breakfast and Vacation Home registrations.

The Town Clerk's office has been collecting data on business licensing fees utilizing the annual compensation study comparison communities. Exhibit C contains a summary of the data collected. A high-level review of the data finds the highest business license fee charged in Aspen of \$750 and the lowest fee of \$10 in Windsor. The average fee is approximately \$75 utilizing the lowest fee reported per community. Four communities have no business licensing fee. Late fees are collected from half of the communities surveyed.

The Clerk's office has developed a number of licensing fee scenarios and revenue projections, see Exhibit D, for the Board to review, including maintaining the current fee for new licenses and reducing the fee if renewed on time over a 3 year period; restructuring the fee schedule to have one fee for all business license types excluding vacation homes and B&Bs and reducing the fee over 3 years if renewed annually; reduce the fee by half the current rate and add a late fee equivalent to the license fee or half the cost of the license fee; and a reduced fee for accommodations with a base fee and per room fee structure similar to vacation homes. The Clerk's office has not proposed scenarios for vacation homes at this time because the fee structure has only been in place for a year and half. More time is needed to determine the level of staff time needed to address code enforcement issues moving forward.

The Clerk's office used the 2017 business license database to provide revenue projections for each of the scenarios listed above. The Town collected approximately \$268,000 in business licensing fees for all business types with the exception of vacation homes in 2017. All proposed scenarios demonstrate a decrease in revenues from the smallest decrease of approximately \$20,000 with a \$25 reduction in the fee to a high of approximately \$200,000 with a reduction of the fee from \$200 to \$50. Reduction in the revenues varies depending on the scenario.

Scenarios in which the fee is reduced over a 3-year period with timely renewals seems to have merit when you review the staff time needed to complete business license renewals versus the initial licensing, see Exhibit E. These scenarios would also reduce revenues over a period of time and allow the Town time to adjust to the decrease in revenues. Staff would recommend these fee structures include non-resident businesses as well. Currently if a non-resident business does not renew during a calendar year there is no penalty. The non-resident business must pay the full \$200 fee before conducting business in Town no matter when during the calendar year the work is conducted. If the non-resident business maintains their license they would pay the reduced fee. This could increase revenues over those projected.

Staff also finds merit in adding a penalty fee for not obtaining a business license and for not renewing the license on time. Each year the Clerk's office and the Police



department spend unnecessary hours tracking down and collecting payments from business owners because the only penalty is a \$20 late fee unless a summons is issued. On average the Town Clerk's office has 60 to 100 licenses that do not pay the renewal fee by March 31<sup>st</sup> and require extra staff time to address. A significant penalty would decrease the number of late payments the Clerk's office would have to address.

**Advantages:**

- To align Town business license fees with the communities the Town uses to complete its annual compensation study.

**Disadvantages:**

- The Town would realize a decrease in revenues which would need to be offset by expenditures.

**Action Recommended:**

If the Board consensus is to reduce the business licensing fees, staff would recommend a scenario which reduces the fees over a period of time for all business license with the exception of vacation homes and bed and breakfasts license and include a penalty fee to encourage timely renewals in order to reduce the staff time spent on these renewals. Staff requests direction from the Town Board on the fee schedule in order to bring forward a revised Ordinance to address the items outlined in Attorney White's memo of April 10, 2018 and if appropriate update the fees outlined in the Municipal Code.

**Finance/Resource Impact:**

A reduced fee structure for business licensing would have an impact on the revenues collected and would have to be offset by a reduction in expenditures. See Exhibit E for more details.

**Level of Public Interest**

Moderate – the fee structure would directly impact the local businesses.

**Attachments**

Exhibit A – April 10, 2018 Memo from Greg White

Exhibit B – Business Licensing Fee History

Exhibit C – Benchmark Communities Business Licensing Comparison

Exhibit D – Licensing Fee Scenarios and Revenue Projections

Exhibit E – Staff Costs to Process Business Licenses



# Memo

**To:** Honorable Mayor Jirsa  
Board of Trustees  
Town Administrator Lancaster

**From:** Gregory A. White, Town Attorney

**Date:** April 2, 2018

**RE:** Ordinance No. 07-18 Amending Chapter 5.20 of Estes Park Municipal Code Relating to Business Licenses

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**Objective:**

Review, and if appropriate, adopt Ordinance No. XX-18 which amends Chapter 5.20 Business Licenses of the Municipal Code.

**Present Situation:**

The Town's Business License Ordinance, Chapter 5.20 of the Municipal Code, needs to be amended to address and clarify issues with regard to the types of businesses, occupations, and professions which are required to obtain and maintain a business license, differentiate between certain types of business licenses, adjust the fees for business licenses, and address administration of business licenses. The amendments to Chapter 5.20 of the Municipal Code set forth in Ordinance XX-18 address the following:

- Updates the definitions to clarify the definitions of individual accommodation units, vacation homes, bed and breakfast inns, mobile food vending, and individual service contracting.
- Clarify that individual accommodation units, i.e. condos, which are individually owned and operated as vacation homes, are required to obtain an individual business license.
- Establish the fee for all businesses which provide accommodations including vacation homes, bed and breakfast inns, individual accommodation units at \$200 plus \$50 per each bedroom.
- Establishes the fee of \$25 for an outdoor mobile food vendor license and individual service contractor license.
- Clarifies that all businesses required to have a sales tax license in Colorado shall provide a copy of the current sales tax license at the time of obtaining a business license.
- Provides exceptions to certain categories to obtain and maintain a business license including businesses, professions, or occupations, operating solely in property owned by the Town, the Estes Valley Recreation and Park District, the Park School District; professional performing artists; and any organization/entity having tax exempt status.

EXHIBIT A

The Town Staff is recommending approval of Ordinance XX-18 which amends Chapter 5.20 of the Municipal Code.

**Advantages:**

Updates and clarifies the requirements for business, professions, and occupations to obtain and maintain a business license, adds and amends business license fees, and provides exemptions for certain categories of businesses.

**Disadvantages:**

None.

**Action Recommended:**

Adoption of Ordinance XX-18.

**Budget:**

It is anticipated that revenues from business licenses will increase if Ordinance XX-18 is adopted.

**Level of Public Interest**

Medium.

**Sample Motion:**

I move to adopt/not adopt Ordinance XX-18 Amending Chapter 5.20 to Estes Park Municipal Code relating to Business Licenses.

**Attachments:**

Ordinance No. XX-18.

## Exhibit B

### History of Business License Fee from 1917 - 2018

#### **Ordinance #8 – June 11, 1917**

- Shows & Exhibitions License - \$2/day, \$2.50, week, \$5/month, and \$15/ four months
- Peddlers License - \$2/day, \$10/week and \$25/month (Violation Fee - \$5 not more than \$25)
- Automobile/Motor Carry Licenses - \$25/year
- Popcorn Stand and Gaming Tables - \$10/stand or table per year, \$2.50/per add'l table

#### **Ordinance #17 – June 22, 1920**

- Shows & Exhibitions License - \$2/day, \$2.50, week, \$5/month, and \$15/four months
- Peddlers License - \$2/day, \$10/week and \$25/month (Violation of not having a license - \$5 not more than \$25)
- Automobile/Motor Carry Licenses - \$50/year
- Popcorn Stand and Gaming Tables - \$10/stand or table per year, \$2.50/per add'l table

#### **Ordinance #79 - April 5, 1938**

- \$25/year to carry on business
- \$300 penalty for not maintaining a license

#### **Ordinance #167 – January 28, 1957**

- \$35/year to carry on business

#### **Ordinance #13-89 – December 12, 1989**

- \$75/year to carry on business

#### **Ordinance #01-91 –February 12, 1991**

- \$150(5 or less), \$260 (6 – 20), \$375 (21 or more)/year Accommodations
- \$200/year including all other occupations including, but not limited to home occupation, non-resident occupations, and community special events

#### **Ordinance #19-91 –November 26, 1991**

- \$150(5 or less), \$260 (6 – 20), \$375 (21 or more)/year Accommodations
- \$200/year including all other occupations including, but not limited to home occupation, non-resident occupations, and community special events
- \$100/year Building Contractor

#### **Ordinance #11-94 – November 8, 1994**

- \$150(5 or less), \$260 (6 – 20), \$375 (21 or more)/year
- \$200/year including all other occupations including, but not limited to non-resident occupations, and community special events
- \$200/year Building Contractor

- \$100/year Home Occupation

**Ordinance #20-98 – October 27, 1998**

- \$50/year Short Term Rental

**Ordinance #21-98 – November 10, 1998**

- \$150/year Short Term Rental

**Ordinance #20-01 – December 11, 2001**

- \$150(5 or less), \$260 (6 – 20), \$375 (21 or more)/year Accommodations
- \$200/year including all other occupations including, but not limited to non-resident occupations, and community special events
- \$200/year Building Contractor
- \$100/year Home Occupation
- \$150/year Short Term Rental

Exhibit C - Benchmark Communities Business License Comparison												
CITY	POPULATION	IN TOWN BL FEE	BLDG. CONTR.	SHORT TERM VENDOR FEE	ACCOM.	HOME BL	SHORT TERM RENTAL	MOBILE FOOD	OUT OF TOWN BL	LATE FEE	PRO-RATION	COMMENTS
ASPEN, CITY	6,500	\$150, 200, 400, 750	\$150+	n/a	n/a	\$150+	\$150+	n/a	\$150+	0	N	Fee based on # of employees 0-5 = \$150, 50+ = \$750
AVON, TOWN	6,700	\$200	n/a	\$25	n/a	\$50	\$75	n/a	\$25	\$25(30 days after expiration)	N	\$15 fee for paper filling
BLACK HAWK, CITY	118	\$50	n/a	n/a	\$30-110	\$15	\$30-110	n/a	n/a	0	N	BL fee + Occupational Tax \$15-1,500(movie theater)
BOULDER, CITY	100,000	\$25	n/a	n/a	\$25	\$25	n/a	n/a	n/a	n/a	N	Non refundable/ non transferable (sales & use tax 1-time fee)
BRECKENRIDGE, TOWN	4,500	\$200+10/employee	n/a	\$50 (<4 MO)	\$200+ \$10/EMPLOYEE+ \$50/ BDM	\$50 (+\$60 1x Class D permit)	\$75+ \$25/BDM to \$175	n/a	\$100	10%	Y	Fee based on # of employees +\$10/employee or bdrm #
BRIGHTON, CITY	30,000	\$40	n/a	n/a	n/a	\$40	n/a	\$50	n/a	0	N	Refundable, \$15 Renewal fee
BROOMFIELD, CITY	69,648	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	0	N	Require a sales tax license only
CENTRAL CITY, CITY	515	\$25	n/a	n/a	n/a	n/a	n/a	n/a	n/a	5% of last tax	N	Non transferable, \$10 renew fee
CRIPPLE CREEK, TOWN	1,189	\$150	\$150	n/a	n/a	\$150	n/a	n/a	n/a	\$300	Y	fee decreases each year to \$75 then \$25 for all remaining yrs of operation. Non transferable
DACONO, TOWN	5,000	\$25-150	\$10/day \$50/wk \$100/mo	\$100/MO	n/a	\$25	\$20/ day \$100/yr	n/a	n/a	\$5	Y	Based on premises size
DILLON, TOWN	904	\$60	n/a	n/a	n/a	\$80	\$60	n/a	n/a	1%/MO	N	

DURANGO, CITY	15,254	\$30+	n/a	\$750	\$55	\$50	\$25	n/a	n/a	\$30	N	Plus Based on # of Employees \$50-\$122. Non-transferable
ERIE, TOWN	2,500	\$50	n/a	n/a	n/a	\$25	n/a	n/a	n/a	0	N	Transferable
ESTES PARK, TOWN	6,017	\$200	\$200	\$200	150-375	\$100	200+50/bdm	\$200	\$200	0	Y	
EVANS, CITY	21,000	\$25		\$25 - 1 day, \$50 - 1 wk, \$75 - 1 mo, \$100/quarter	\$6	\$25	n/a	n/a	n/a	increase to 50	N	Includes sales tax license. Non refundable
FIRESTONE, TOWN	12,096	\$50	n/a	n/a	n/a	\$50	n/a	n/a	n/a	10%+5%/mo	Y	
FORT COLLINS, CITY	167,500	\$0	\$0	\$0	\$0	25 (biennial)	\$0	\$0	\$0	0	N	Sales tax License
FREDERICK, TOWN	11,000	\$25-150	n/a	\$10/day \$100/mo	n/a	\$25	n/a	n/a	n/a	Yes	N	BL fee based on location size.
FRISCO, TOWN	2,800	\$75	n/a	\$25/day	n/a	n/a	\$75	n/a	25/day	not determined	Y	Non refundable/non transferable
GLENWOOD SPRINGS, CITY	9,250	\$50 (biennial)	n/a	n/a	n/a	n/a	110/permit	n/a	n/a	0	Y	Non refundable
GREELEY, CITY	95,288	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	0	n/a	
JOHNSTOWN, TOWN	15,389	\$50	n/a	n/a	n/a	n/a	\$50	n/a	n/a	0	Y	
LAFAYETTE, CITY	28,278	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	Business License is not required
LONGMONT, CITY	92,852	\$25	n/a	n/a	n/a	n/a	n/a	n/a	n/a	0	N	One time processing fee Includes Sales Tax lic
LOUISVILLE, CITY	18,376	\$25		n/a		\$25		\$25		0	N	Sales & Use Tax License. Non transferable
LOVELAND, CITY	75,019	\$0	n/a	n/a	n/a	n/a	n/a	\$25	n/a	n/a	N	Non refundable
LYONS, TOWN	2,033	\$50	n/a	n/a	n/a	\$50	n/a	n/a	n/a	10%+5%/mo	N	Refundable
MEAD, TOWN		\$30	n/a	n/a	n/a	n/a	n/a	n/a	n/a	30/mo	Y	Refundable, Non transferable \$5 Change fee
PALISADE, TOWN	3,031	\$50	n/a	\$10/day	n/a	\$50	n/a	n/a	n/a	0.5	N	
PLATTEVILLE, TOWN	2,750	\$25	\$25	n/a	n/a	n/a	n/a	75 TUP	n/a	10%+5%/mo	N	Refundable, Non transferable \$5 Change fee
SILVERTHORNE, TOWN	4,031	\$75	n/a	n/a	n/a	\$75	\$75	n/a	n/a	\$10/mo	N	Refundable, Non transferable, License print fee \$25

SNOWMASS VILLAGE, TOWN	2,826	85?	n/a	\$15	n/a	n/a	n/a	n/a	n/a	\$50	N	
STEAMBOAT SPRINGS, CITY	12,088	n/a	n/a	n/a	n/a	n/a	\$500 Initial \$75 Renewal	n/a	n/a	0	N	Sales tax License only
SUPERIOR, TOWN	12,000	\$50	n/a	n/a	n/a	n/a	n/a	n/a	n/a	0	N	Only required if collecting sales tax. Nontransferable
TELLURIDE, TOWN	2,400	110+ upto \$2875 (100 Emp.)	n/a	n/a	\$165+ \$22/brm or \$66/brm (lodging)	n/a	165+22/bdrm	n/a	n/a	\$15 or 5%/mo upto 25% of amount due	N	License fees depend upon employee # 110-2875(100 employees)
VAIL, TOWN	5,000	243.75-325	243.75- 325	n/a	n/a	112.50-150	\$150	n/a	n/a	10%of fee	Y	Additional fees for BL type, employee #, location size. Nonrefundable, transferable
WESTMINSTER, CITY	113,130	\$0	n/a	n/a	n/a	\$0	n/a	n/a	\$0	0	N	Home BL non tranferable
WINDSOR, TOWN	25,000	\$10	n/a	n/a	n/a	n/a	n/a	\$10	n/a	0	N	Includes Sales tax
WINTER PARK, TOWN	964	\$60	n/a	n/a	n/a	n/a	\$60	n/a	n/a	n/a	N	Nonrefundable, Nontransferable



## Exhibit D Licensing Fee Scenarios

**Scenario 1:** Initial business license fee of \$200/\$100 which decreases each year by \$50 and becomes static at \$100/\$50. A late fee equivalent to the initial fee would be accessed in addition to the current fee.

Initial year \$200/\$100	Year 2: \$150/\$50	Year 3: \$100/\$50
--------------------------	--------------------	--------------------

**Scenario 2:** Initial business license fee of \$200/\$100 which decreases each year by half and becomes static at \$50/\$25. A late fee equivalent to the initial fee would be accessed in addition to the current fee.

Initial year \$200/\$100	Year 2: \$100/\$50	Year 3: \$50/\$25
--------------------------	--------------------	-------------------

**Scenario 3:** Each business license would have the same fee schedule without differentiation between General, Contractor, Accommodations or Home. The fee schedule would follow Scenario 1 or 2, with a late fee equivalent to the initial fee in addition to the current fee.

Initial year \$200	Year 2: \$150	Year 3: \$100
or		
Initial year \$200	Year 2: \$100	Year 3: \$50

**Scenario 4:** Licensing fee of \$100 for General and Contractor; \$50 for Home. A late fee equivalent to the licensing fee would be accessed in addition to the current fee.

License fee \$100/\$50	Late fee \$100/\$50
------------------------	---------------------

**Scenario 5:** Licensing fee of \$100 for General and Contractor; \$50 for Home. A late fee of 50% of the base fee would be accessed in addition to the current fee.

License fee \$100/\$50	Late fee \$50/\$25
------------------------	--------------------

**Scenario 6:** Each business license would have the same base fee without differentiation between General, Contractor or Home. A late fee of 50% of the base fee would be accessed in addition to the current fee.

**Accommodations Scenario:** An accommodations business license would have a base fee of \$50 with a \$10 fee per unit. A late fee would be accessed following the stipulations in scenarios 1-6.

\*Accommodations holding a liquor license, the business license is included with the liquor license.

<b>Exhibit D - Business License Cost Estimates</b>								
<b>*Assumes all BL are new</b>								
	General BL \$200	Bldg. Contr. BL \$200	Home BL \$100	Mobile Food BL \$200	Accommodations BL			Total
					\$150	\$260	\$375	
BL in 2017	575 with 30 prorated	543 with 89 Prorated	139 with 23 Prorated		6	30	31	
Revenue of 2017	\$117,550	\$115,850	\$14,850		\$900	\$7,800	\$11,625	\$268,575
BL in 2017	605	632	162		6	30	31	
Reduced fee by \$25	\$105,875	\$110,600	\$12,150		\$750	\$7,050	\$10,850	\$247,275
Reduced fee by - \$50	\$90,750	\$94,800	\$8,100		\$600	\$6,300	\$10,075	\$210,625
Reduced fee by \$75	\$75,625	\$79,000	\$4,050		\$450	\$5,550	\$9,300	\$173,975
Reduced fee by 1/2	\$60,500	\$63,200	\$8,100		\$450	\$3,900	\$5,813	\$141,963
Reduced fee by 3/4	\$30,250	\$31,600	\$4,050		\$300	\$1,950	\$2,914	\$71,064
<b>Scenario 1 w/ Accom.</b>								
	605* BL starting at \$200	632* BL starting at \$200	162* BL starting at \$100		68* BL starting at \$50+10/unit			
Year 1	\$121,000	\$126,400	\$16,200		\$20,680			\$284,280
Year 2	\$90,750	\$94,800	\$8,100		\$20,680			\$214,330
Year 3	\$60,500	\$63,200	\$8,100		\$20,680			\$152,480
Late fee est. based on 2017	34 Late BL	12 Late BL	17 Late BL		2 Late BL (fee depends on unit #)			
	\$6,800	\$2,400	\$1,700		\$730			\$11,630
<b>Scenario 2 w/ Accom.</b>								
	605* BL starting at \$200	632* BL starting at \$200	162* BL starting at \$100		68* BL starting at \$50+10/unit			
Year 1	\$121,000	\$126,400	\$16,200		\$20,680			\$284,280
Year 2	\$60,500	\$63,200	\$8,100		\$19,005			\$150,805
Year 3	\$30,250	\$31,600	\$4,050		\$19,005			\$84,905
Late fee est. based on 2017	34 Late BL	12 Late BL	17 Late BL		2 Late BL (fee depends on unit #)			
	\$6,800	\$2,400	\$1,700		\$730			\$11,630

<b>Scenario 3 w/ Scenario 1</b>							
	1467* BL starting at \$200						
Year 1	\$293,400						\$293,400
Year 2	\$220,050						\$220,050
Year 3	\$146,700						\$146,700
<b>Scenario 3 w/ Scenario 2</b>							
	1467* BL starting at \$200						
Year 1	\$293,400						\$293,400
Year 2	\$146,700						\$146,700
Year 3	73350						\$73,350
Late fee est. based on 2017	65 Late BL						
	\$13,000						\$13,000
<b>Scenario 4 w/ Accomm.</b>							
	605 BL starting at \$100	632 BL starting at \$100	162 BL starting at \$50		68 BL starting at \$50+10/unit		
	\$60,500	\$63,200	\$8,100		\$19,005		\$150,805
Late fee est. based on 2017	34 Late BL	12 Late BL	17 Late BL		2 Late BL (fee depends on unit #)		
	\$3,400	\$1,200	\$850		\$730		\$6,180
<b>Scenario 5 w/ Accomm.</b>							
	605 BL starting at \$100	632 BL starting at \$100	162 BL starting at \$50		68 BL starting at \$50+10/unit		
	\$60,500	\$63,200	\$8,100		\$19,005		\$150,805
Late fee est. based on 2017	34 Late BL	12 Late BL	17 Late BL		2 Late BL (fee depends on unit #)		
	\$1,700	\$600	\$425		\$365		\$3,090

<b>Scenario 6</b>					
	1467 BL starting at \$200		68 BL starting at		
	\$293,400		\$20,680		\$314,080
Late fee est. based on 2017	63 Late BL		2 Late BL (fee depends on unit #)		
	\$6,500		\$365		\$6,865
	1467 BL starting at \$150		68 BL starting at		
	\$220,050		\$20,680		\$240,730
Late fee est. based on 2017	63 Late BL		2 Late BL (fee depends on unit #)		
	\$4,875		\$365		\$5,240
	1467 BL starting at \$100		68 BL starting at		
	\$146,700		\$20,680		\$167,380
Late fee est. based on 2017	63 Late BL		2 Late BL (fee depends on unit #)		
	\$3,250		\$365		\$3,615
	1467 BL starting at \$50		68 BL starting at		
	\$73,350		\$20,680		\$94,030
Late fee est. based on 2017	63 Late BL		2 Late BL (fee depends on unit #)		
	\$1,625		\$365		\$1,990

## **Exhibit E**

### **Staff Costs for Licensing**

All Staff costs are based on \$30/hour to be consistent with Open Records Policy

\*Material costs have not been included in this estimate.

### **Business Licensing Procedures by License Type**

#### “Out of Town” & Mobile Food Vendor Business Licenses:

- Initial conversation with business owner or representative about licensing process, appropriate license type, and requirements
- Application and payment intake
- Data entry and payment processing
- Issuing the Business License and mailing
- Filing application electronically and physically

An average processing time of 36 minutes or .60 hours per license.

An approximate cost of \$18.

For the 2017 calendar year, 236 new “Out of Town” Business Licenses were received. It took an average of 141.6 hours for staff to process those Business License in 2017.

#### “In Town” Business Licenses:

- Initial conversation with business owner or representative about licensing process, appropriate license, and requirements
- Application and payment intake
- Data entry and payment processing
- Routing application to Community Development for approval
  - Approval process consists of researching the address of the business
- Issuing the Business License and mailing
- Filing application electronically and physically

An average processing time of 64 minutes or 1.07 hours per license.

An approximate cost of \$32.10.

For the 2017 calendar year, 79 new “In Town” Business Licenses were received. It took an average of 84.53 hours for staff to process those Business License in 2017.

#### Additional Services for all Business Licensing:

- Sales Tax License verification
- Licensing updates (i.e. Information update, relocation)
- Renewal processing

### Business Licensing Renewals:

- Preparing/creating the renewal form
- Preparing the list of businesses eligible for renewal
- Printing, stuffing, and mailing of renewal forms
- Renewal and payment intake
- Data entry and payment processing
- Issuing the business license and mailing
- Filing renewal form

An average processing time of 32 minutes or .53 hours per renewal.

An approximate cost of \$15.90.

For the 2018 calendar year, 1478 business licenses renewals were mailed. It took an average of 783 hours for staff to process those business license renewals for 2018.

### Additional Services for all Business Licensing Renewals:

- Sales Tax License verification
- Licensing updates

### Vacation Home (VHR) & Bed & Breakfast (BNB) Registrations:

- Initial conversation with VHR/BNB owner about licensing process and requirements
- Explanation of waitlist processing
- Application and payment intake
- Verification of zoning
- Data entry and payment processing
- Sales Tax License verification
- Routing to Community Development for inspection
- Community Development researches the property, creates inspection packet, receives Neighbor Notification Affidavit, schedules and performs inspection of the property.
- Routing to Clerk's Office for data entry
- Routing to Utility Billing for utility conversion
- Issuing the registration and mailing
- Filing application electronically and physically

An average processing time of 180 minutes or 3 hours per registration.

An approximate cost of \$90.

984 VHR & BNB applications have been received since January 2017. Town Staff has spent an average of 2,952 hours processing VHR & BNB applications since January 2017.

### Additional Services for all VHR & BNB Registrations:

- Reinspection
- Change of Information (i.e. Property Manager change, name change, contact information)
- Waitlist entry
- Registration withdrawal (affect Clerk's Office, Community Development, and Utility Billing)
- Violation
- Renewal processing

VHR & BNB Renewals:

- Preparing/creating the renewal form
- Preparing the list of registrations eligible for renewal
- Printing, stuffing, and mailing of renewal forms
- Renewal and payment intake
- Data entry and payment processing
- Sales Tax License verification
- Routing to Community Development for advertising verification
- Issuing the registration and mailing
- Filing renewal electronically and physically

An average processing time of 70 minutes or 1.17 hours per renewal.

An approximate cost of \$35.10.

For the 2018 calendar year, 690 VHR applications were mailed. Town Staff has spent an average of 807 hours processing VHR renewals since for 2018.

Additional Services for all VHR & BNB Renewals:

- Violations
- Registration withdrawal (updated in Clerk's Office, Community Development, and Utility Billing)

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## PROCEDURE FOR PUBLIC HEARING

Applicable items include: Rate Hearings, Code Adoption, Budget Adoption

### 1. **MAYOR.**

The next order of business will be the public hearing on **ACTION ITEM 6. ORDINANCE 30-19 AMENDING TITLE 10 OF THE ESTES PARK MUNICIPAL CODE RELATING TO VEHICLES AND TRAFFIC TO PROVIDE FOR PAID PARKING AND RESOLUTION 37-19 ESTABLISHING 2020 PARKING FEES.**

- At this hearing, the Board of Trustees shall consider the information presented during the public hearing, from the Town staff, public comment, and written comments received on the application.
- Any member of the Board may ask questions at any stage of the public hearing which may be responded to at that time.
- Mayor declares the Public Hearing open.

### 2. **STAFF REPORT.**

- Review the staff report.

### 3. **PUBLIC COMMENT.**

- Any person will be given an opportunity to address the Board concerning the Ordinance. All individuals must state their name and address for the record. Comments from the public are requested to be limited to three minutes per person.

### 4. **MAYOR.**

- Ask the Town Clerk whether any communications have been received in regard to the Ordinance which are not in the Board packet.
- Ask the Board of Trustees if there are any further questions concerning the Ordinance.
- Indicate that all reports, statements, exhibits, and written communications presented will be accepted as part of the record.
- Declare the public hearing closed.
- Request Board consider a motion.

7. **SUGGESTED MOTION.**

- Suggested motion(s) are set forth in the staff report.

8. **DISCUSSION ON THE MOTION.**

Discussion by the Board on the motion.

9. **VOTE ON THE MOTION.**

Vote on the motion or consideration of another action.



# Memo

To: Honorable Mayor Jirsa  
Board of Trustees

Through: Town Administrator Machalek

From: Vanessa Solesbee, CAPP, Parking & Transit Manager  
Greg Muhonen, PE, Public Works Director

Date: November 12, 2019

RE: Ordinance 30-19 Authorizing Seasonal Paid Parking and Resolution 37-19 Establishing 2020 Parking Fees

PUBLIC HEARING       ORDINANCE       LAND USE  
 CONTRACT/AGREEMENT       RESOLUTION       OTHER \_\_\_\_\_

QUASI-JUDICIAL     YES     NO

**Objective:**

Ordinance 30-19 amends Title 10 of the Municipal Code of the Town of Estes Park to provide for paid parking. Resolution 37-19 establishes 2020 parking fees.

**Present Situation:**

- The Town Board adopted the Downtown Parking Management Plan (DPMP) in Jan. 2018, which identified a phased approach to parking management.
- DPMP Phase I is complete, and implementation results were shared with the Town Board in a series of Study Sessions (Sept. 24, Oct. 8 and Oct. 22).
- On Oct. 22, Public Works presented implementation options for DPMP Phase II, Seasonal Paid Parking, including pricing scenarios, revenue projections and cost estimates. At that meeting, the Board directed staff to bring a specific recommendation for implementing seasonal paid parking in 2020 to Public Hearing at a Regular Town Board Meeting in November.

**Proposal:**

The attached ordinance amends Title 10 of the Municipal Code of the Town of Estes Park pertaining to vehicles and traffic to provide for paid parking. The ordinance provides the Town Board with authority to establish locations, amounts, hours and enforcement dates for seasonal paid parking which are detailed in the attached resolution. Implementation of seasonal paid parking is intended to produce a target measured occupancy of 85 percent or less during peak visitation periods within the designated parking lots.

### **Advantages:**

- Implementation of paid parking and new parking permits continues the Town's data-driven approach to management of a limited public resource as recommended in the Board-adopted Downtown Parking Management Plan.
- Implementation is designed to accommodate diverse user groups (locals, visitors and employees), is phased/incremental, and is in line with other Colorado communities that are supported by tourism-driven economies.
- Implementation of paid parking is a key action to support the Board's stated desire to increase use of the parking structure.
- Paid parking fees are a new source of revenue that could reduce future reliance on the General Fund for parking management and the heavily subsidized Town's free shuttle service (Estes Transit).

### **Disadvantages:**

- Implementation of paid parking will require investment of funds not currently budgeted in 2020; however, staff will work to minimize the upfront cost to the Town through exploration of leasing and/or financing options (as allowed by TABOR).
- There is a risk that the implementation will not go as planned (e.g., revenues will fall short of expectation, costs will exceed estimates, technology issues, etc.); however, staff has gone through a rigorous process to vet the assumptions included in the current proposal and have experience successfully managing implementation of paid parking technologies.

### **Action Recommended:**

PW staff recommends the Town Board adopt Ordinance 30-19 Authorizing Seasonal Paid Parking and Resolution 37-19 Establishing 2020 Parking Fees.

### **Finance/Resource Impact:**

The proposed 2020 budget includes \$214,000 in one-time funds to continue operation of the Parking & Transit Division. Approval of the proposed ordinance would require a budget supplement for 2020 to cover both a one-time capital investment of \$231,000 and \$215,948 of additional operating funds for an in-house management option or \$232,422 for an outsourced option, totaling \$458,948-\$475,422 in new program-related costs. These extra costs are projected to be fully offset/covered by new parking revenue, and a 4% revenue surplus is forecast.

The following chart was calculated based 2019 data using the assumptions outlined above. Both revenue estimates and cost projections have been independently vetted by a third-party consultant for completeness and accuracy of assumptions.

	2020	2021	2022*	2023
<b>General Fund</b>	\$214,000	\$0	\$0	\$0
<b>Parking Revenue</b>	\$528,000	\$528,000	\$1,006,000	\$1,006,000
<i>Gross Revenue</i>	<b>\$742,000</b>	<b>\$528,000</b>	<b>\$1,006,000</b>	<b>\$1,006,000</b>
<b>One-Time Capital Expense</b>	\$231,000	\$0	\$170,000	\$0
<b>In-House Management</b>	\$215,948	\$215,948	\$290,948	\$290,948
<b>Parking Division Base Budget</b>	\$214,000	\$224,700	\$235,935	\$247,732
<i>Expenses</i>	<b>\$660,948</b>	<b>\$440,648</b>	<b>\$696,883</b>	<b>\$538,680</b>
<i>Net Revenue</i>	<b>\$81,052</b>	<b>\$87,352</b>	<b>\$309,117</b>	<b>\$467,320</b>
<i>Cost of 30-Min Free for Locals**</i>	<b>\$49,000</b>	<b>\$49,000</b>	<b>\$93,000</b>	<b>\$93,000</b>
<i>Net Revenue w/ 30-Mins Free</i>	<b>\$32,052</b>	<b>\$38,352</b>	<b>\$216,117</b>	<b>\$374,320</b>

\*2022: Anticipates implementation of DPMP Phase III (547 additional stalls converted to paid parking).

\*\*Assumes 350 total daily local parkers in 2020/21 and 665 total daily local parkers in 2022/23.

By 2021, it is anticipated that the parking division would become fully self-supporting, no longer requiring General Fund support (reducing the current liability by \$215,948). By 2023, anticipated net revenue could fund expansion of Estes Transit service to match the Rocky Mountain National Park Hiker Shuttle Service season (May – Oct.), extend daily service hours (8 AM – 10 PM) and fund the Green “Express” Route connecting the Events Complex Park-n-Ride, Parking Structure and Bond Park.

### **Level of Public Interest**

Public interest is very high. The extensive public engagement and communication effort undertaken by Public Works staff and Transportation Advisory Board members has been detailed in the two previous Town Board Study Session packets (10/8 and 10/22).

### **Sample Motion:**

I move for the **approval/denial** of Ordinance 30-19.

I move for the **approval/denial** of Fee Resolution 37-19.

### **Attachments:**

Ordinance 30-19

Fee Resolution 37-19

Map of Proposed Seasonal Paid Parking areas

Seasonal Paid Parking Presentation

Letter of Support from the Transportation Advisory Board (New)

Public Comment

**ORDINANCE NO. 30-19**

**AN ORDINANCE AMENDING TITLE 10 OF THE MUNICIPAL CODE OF THE TOWN OF ESTES PARK ON VEHICLES AND TRAFFIC TO PROVIDE FOR PAID PARKING**

**WHEREAS**, the Board of Trustees of the Town of Estes Park, Colorado has determined that it is in the best interest of the Town to amend certain sections of the Municipal Code of the Town of Estes Park, Colorado.; and

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF ESTES PARK, COLORADO AS FOLLOWS:**

Section 1: Title 10 of the Municipal Code is amended by the addition of Chapter 10.06, as more fully set forth on Exhibit A attached hereto and incorporated herein by reference.

Section 2: This Ordinance shall take effect and be enforced thirty (30) days after its adoption and publication.

**PASSED AND ADOPTED** by the Board of Trustees of the Town of Estes Park, Colorado this \_\_\_\_ day of \_\_\_\_\_, 2019.

TOWN OF ESTES PARK, COLORADO

By: \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Town Clerk

I hereby certify that the above Ordinance was introduced at a regular meeting of the Board of Trustees on the \_\_\_\_ day of \_\_\_\_\_, 2019 and published in a newspaper of general circulation in the Town of Estes Park, Colorado, on the \_\_\_\_ day of \_\_\_\_\_, 2019, all as required by the Statutes of the State of Colorado.

\_\_\_\_\_  
Town Clerk

## EXHIBIT A

### Chapter 10.06 - Paid Parking

#### 10.06.010 - Paid Parking Authorization and Rates

(a) Authorization. The Town Board of Trustees may by resolution establish locations for which parking must be paid, the amounts and schedules required to be paid, applicable hours, and seasonal enforcement dates. All required fees shall be paid by any method approved by the parking & transit manager ("Manager", for the purposes of this chapter), and these may include, without limitation, paper bills, coins, credit cards, cellphone or internet payments, and validation. The Town Board may identify a number of stalls within a lot for paid parking, and delegate to the Manager the responsibility of designating the specific stalls.

(b) Rate Intent. The Manager shall propose parking rates for the following season to the Town Board by December 15 of each year. The seasonal parking rates in Town-controlled parking areas shall be intended to produce a target measured occupancy of 85 percent or less during peak visitation periods within the designated parking lots in order to:

1. Support the Town's business districts by making parking available and by encouraging economic development;
2. Maintain adequate turnover of Town-controlled parking spaces;
3. Encourage an adequate amount of parking availability for a variety of parking users, efficient use of Town-controlled perimeter parking locations (parking structure and Events Complex Park-N-Ride), and enhanced use of the Town's free shuttle system and other transportation alternatives; and
4. Reduce congestion in travel lanes caused by drivers seeking available parking.

#### 10.06.020 - Restriction on Parking in Paid Parking Areas

No person may park a vehicle in any parking space designated by the Town as a paid parking space without first paying the required fees for the amount of time the

vehicle will be parked. Payment of fees must be made in the manner designated by the Manager.

#### 10.06.030 - Management of Paid Parking Areas

- (a) The Public Works Director, or designee ("Director", for the purposes of this chapter), may enter into parking management partnerships with owners of private parking lots for the purpose of uniform management of the community parking resources.
- (b) The Director may prepare specifications and execute contracts for third-party operation of the Town-controlled parking areas.
- (c) The Director may prepare specifications and execute contracts for the provision of services to allow persons to make valid payments by mobile devices for parking areas regulated by parking payment devices. The Director may negotiate and set forth in each contract a convenience fee in a reasonable amount to compensate the contractor for such service, which shall be added to the payment due.

#### 10.06.040 - Permits In Lieu of Fees for Paid Parking

- (a) The Manager shall issue permits, upon request by proposed permittees and payment of fees, exempting vehicles from paying hourly fees for use of paid parking.
- (b) Eligibility for such permits shall be limited to those who live, work, or conduct business in the downtown core, as determined and delineated by the Manager.
- (c) The fee for these permits shall be set by the Town Board by resolution. Permits shall not be available until the fees for that calendar year have been set.
- (d) These permits may be limited in effect to specified parking locations.
- (e) The term of a permit shall be limited to the calendar year.
- (f) Permits are not transferable and may be assigned to a specific vehicle license plate number or a specific business owner.



- (g) The Manager may promulgate rules and regulations to govern permits issued under this section, which would become effective upon approval by the Town Board. The Manager shall distribute adopted rules to permittees upon their receipt of a permit.
  
- (h) Permits issued under this section are distinct from permits issued for other purposes under this title. They do not, for example, allow parking in time-limited parking spaces for longer than the time allowed, or parking overnight where that would not otherwise be allowed.

#### 10.06.050– Resident 30-Minute Exemption

Parking by residents for brief errands downtown is essential to the Town's livability and economy, such parking has only a de minimis impact on the Town, and charging fees for such parking would be counterproductive to the purposes of this chapter. Accordingly, notwithstanding the other provisions of this chapter, residents within the boundaries of the Estes Park R-3 School District are eligible to park in paid parking areas, free of charge, for up to 30 minutes of cumulative use daily. To activate this exemption, these eligible residents must register their vehicle license plate numbers with the Manager annually. The exemption will then remain in effect for the duration of the seasonal enforcement period established by resolution. This exemption is non-transferrable. However, the exemption shall be automatically suspended for any residents with an unpaid parking citation aged 60 days or more until the Manager confirms that all fines have been paid.

#### 10.06.060 - Paid Parking Revenue Fund

Revenue received from parking permits, parking fees, and parking citations derived from this chapter shall be deposited into a special revenue fund designated by the Finance Director. This revenue may be expended only on the administration, operation, and enhancement of parking management and complementary transit and alternative transportation services.

## RESOLUTION 37-19

### 2020 Parking Fees

**WHEREAS**, the Board of Trustees of the Town of Estes Park has adopted Ordinance 30-19 authorizing the implementation of seasonal daily parking fees on November 12, 2019; and

**WHEREAS**, the Board of Trustees intends to review the rates and seasonal applicability of parking fees on an annual basis for consistency with its parking management objectives; and

**WHEREAS**, it is necessary to determine parking fees for planning and budgeting purposes so as not to impair the continuity of operations for the Town's Public Works Department Parking and Transit Division.

### **NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF ESTES PARK, COLORADO:**

1. The parking fees in Estes Park shall be implemented and enforced for the 140-day (20 week) visitation season commencing on Monday June 1, 2020 and terminating on Sunday October 18, 2020.
2. Daily parking fees shall be \$2.00 per hour between the hours of 10am and 6pm, seven days per week.
3. Daily parking fees shall be collected for 605 parking stalls (28% of 2,174 total stalls available system-wide and 59% of the 1,022 stalls located in the downtown core) in the seven public parking lots as follows: the Town Hall parking lot (201 of the 281 stalls), East Riverside parking lot (41 of 44 stalls), Riverside parking lot (91 of 94 stalls), Weist parking lot (92 of 141 stalls), Post Office parking lot (91 of 99 stalls), Tregent parking lot (16 of 17 stalls) and Bond Park parking lots (73 of 76 stalls). The Parking & Transit Manager shall determine which specific stalls within these lots shall be designated as paid parking stalls, consistent with these totals, and shall ensure that they are conspicuously so designated.
4. Daily parking fees shall not apply to the 27 stalls marked for disabled persons in these parking lots: Town Hall (10 stalls), Post Office (4 stalls), Bond Park (3 stalls), Tregent (1 stall), Weist (4 stalls), Riverside (2 stalls), and E. Riverside (3 stalls).

5. Daily parking fees shall not apply to the spaces currently reserved for access to civil services in these parking areas: Town Hall (3), Post Office (4) and the Library (7).
6. Daily parking fees shall not apply to spaces reserved for use by marked vehicles on official business in the Town Hall parking area. Current reserved space counts for 2020 are: Police Reserved (22) and Town/Library Staff Reserved (9). The Parking & Transit Manager may adjust these counts as necessary for operational purposes, by adjusting the counts described in paragraph 3 above.
7. Daily parking fees shall not be charged to visiting public officials traveling on official business in marked vehicles and parking in the Town Hall parking lot.
8. The two spaces marked as designated for electric vehicles in the Town Hall parking area shall continue to be governed in accordance with adopted Town policies.
9. The Town Board intends at a later date to set fees for permits exempting payment of hourly parking fees for use of paid parking. No such permits may be granted until such time as the permit fees are established.
10. The resolution to be in full force and effect from and after its passage and approval.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

TOWN OF ESTES PARK

\_\_\_\_\_  
Mayor

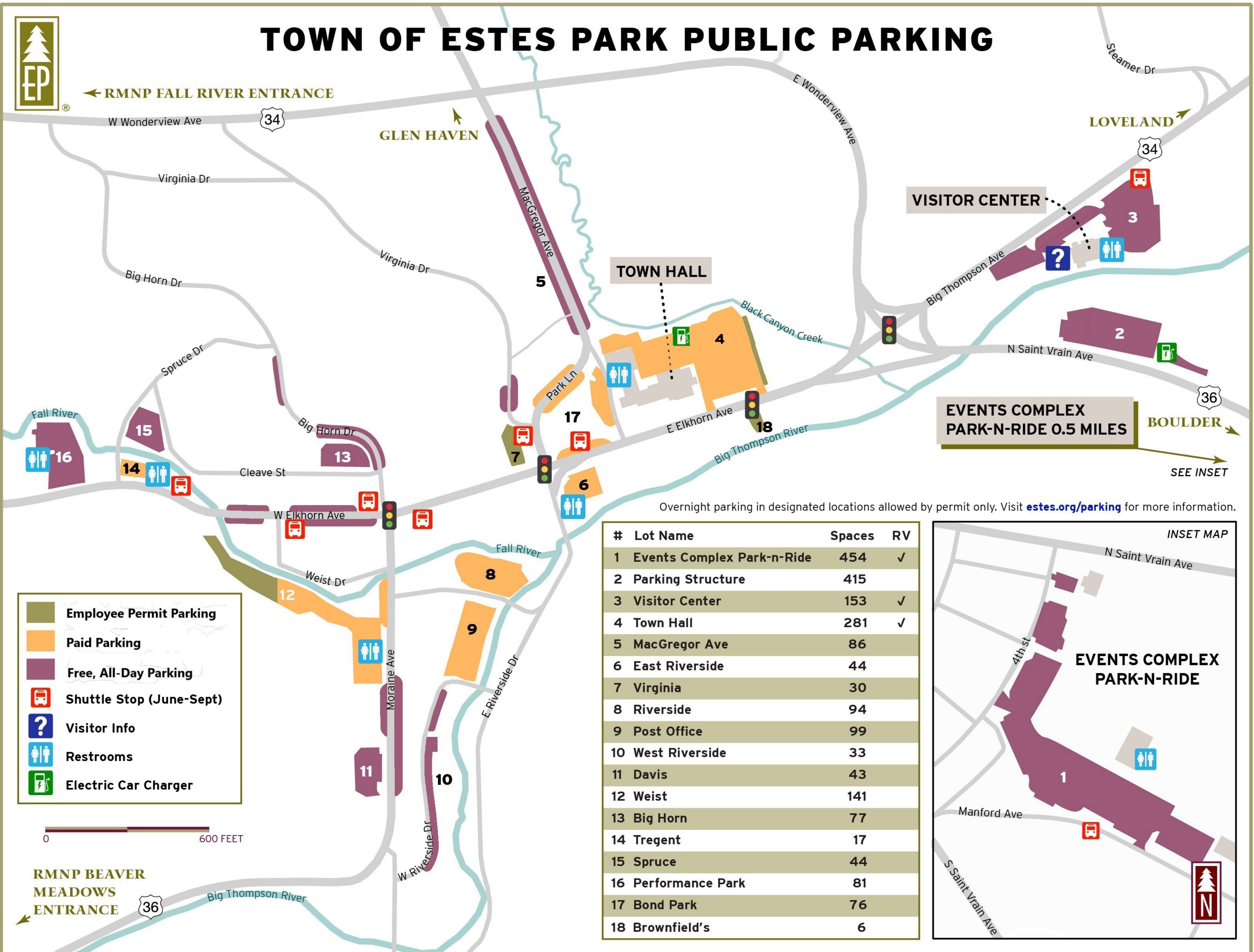
ATTEST:

\_\_\_\_\_  
Town Clerk

# TOWN OF ESTES PARK PUBLIC PARKING



← RMNP FALL RIVER ENTRANCE



VISITOR CENTER

TOWN HALL

EVENTS COMPLEX  
PARK-N-RIDE 0.5 MILES

BOULDER

SEE INSET

Overnight parking in designated locations allowed by permit only. Visit [estes.org/parking](http://estes.org/parking) for more information.

-  Employee Permit Parking
-  Paid Parking
-  Free, All-Day Parking
-  Shuttle Stop (June-Sept)
-  Visitor Info
-  Restrooms
-  Electric Car Charger

0 600 FEET

#	Lot Name	Spaces	RV
1	Events Complex Park-n-Ride	454	✓
2	Parking Structure	415	
3	Visitor Center	153	✓
4	Town Hall	281	✓
5	MacGregor Ave	86	
6	East Riverside	44	
7	Virginia	30	
8	Riverside	94	
9	Post Office	99	
10	West Riverside	33	
11	Davis	43	
12	Weist	141	
13	Big Horn	77	
14	Tregent	17	
15	Spruce	44	
16	Performance Park	81	
17	Bond Park	76	
18	Brownfield's	6	



INSET MAP

EVENTS COMPLEX  
PARK-N-RIDE

RMNP BEAVER  
MEADOWS  
ENTRANCE

36

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# Ordinance Authorizing Seasonal Paid Parking & Resolution Establishing 2020 Fees

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**Town Board Meeting  
November 12, 2019**



## In A Perfect World

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DPMP Phase III  
Dynamic Pricing



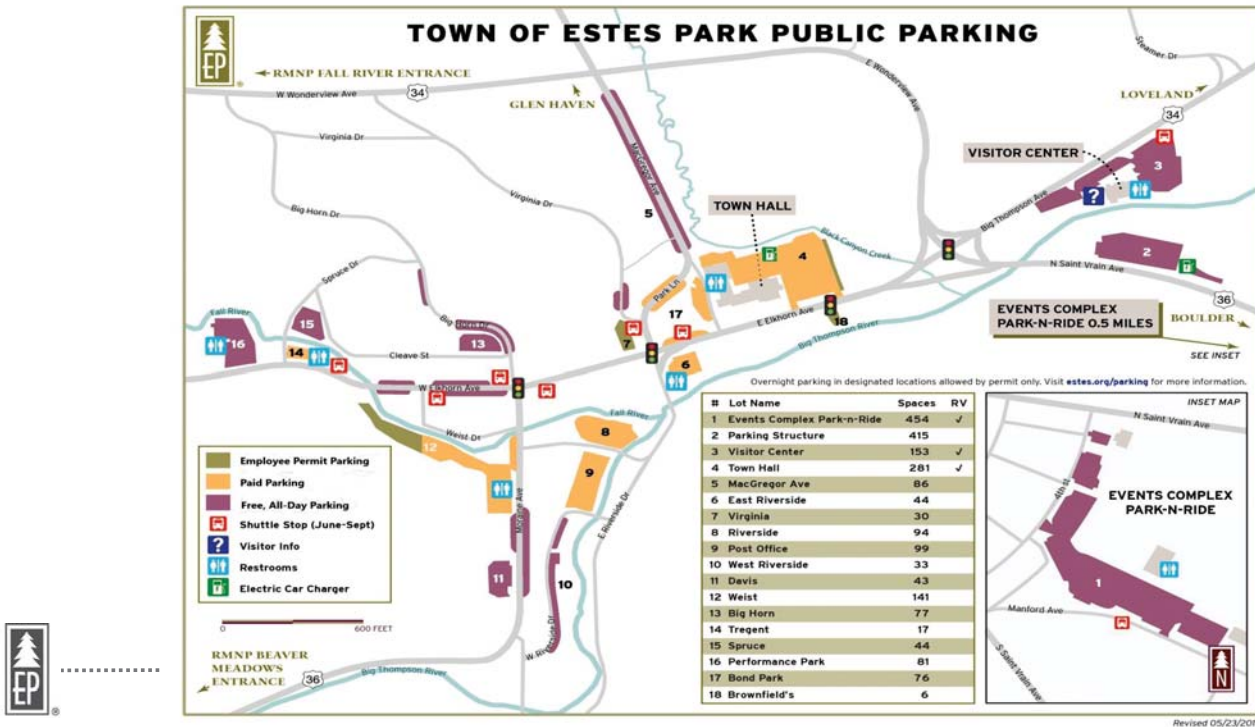
Extended Service Season  
Extended Hours  
Express Route(s)



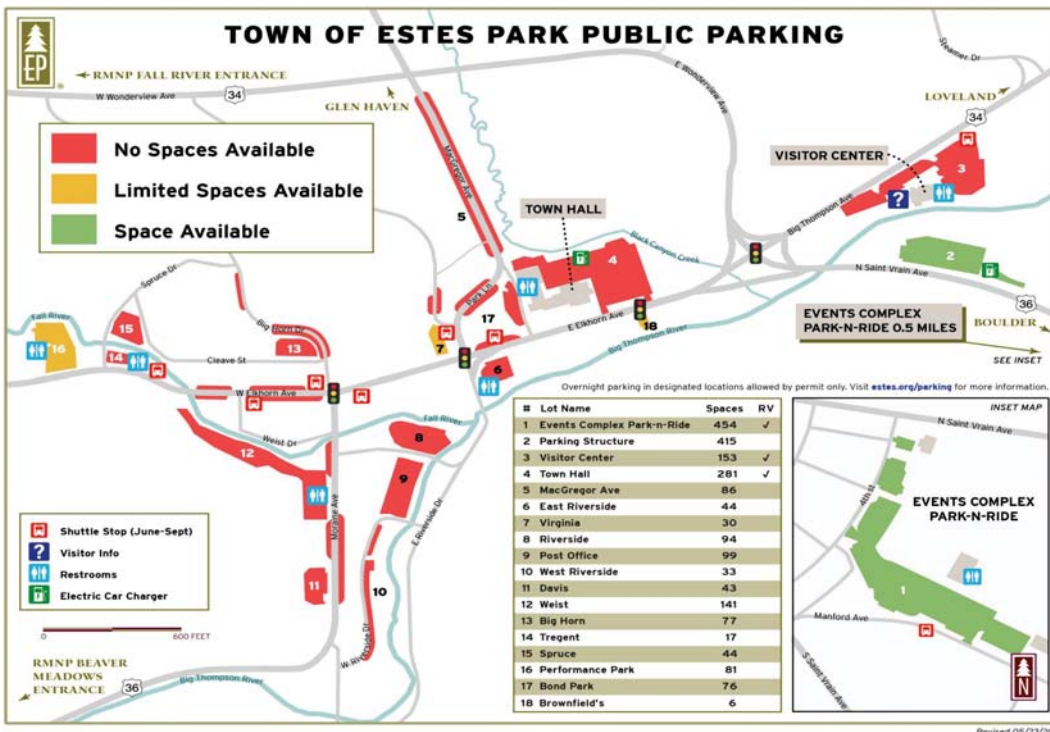
Space Sensors  
Dynamic Lot Signage



# A Thoughtful & Incremental Approach

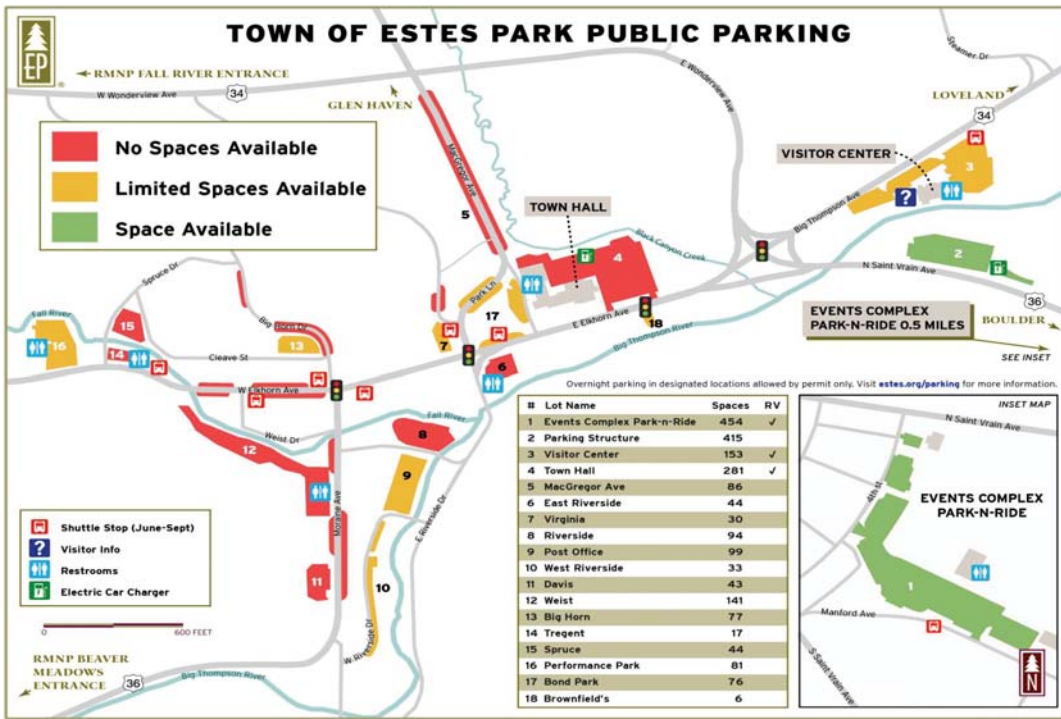


# Parking Utilization (Peak)



**July 2019  
Parking Space  
Availability**

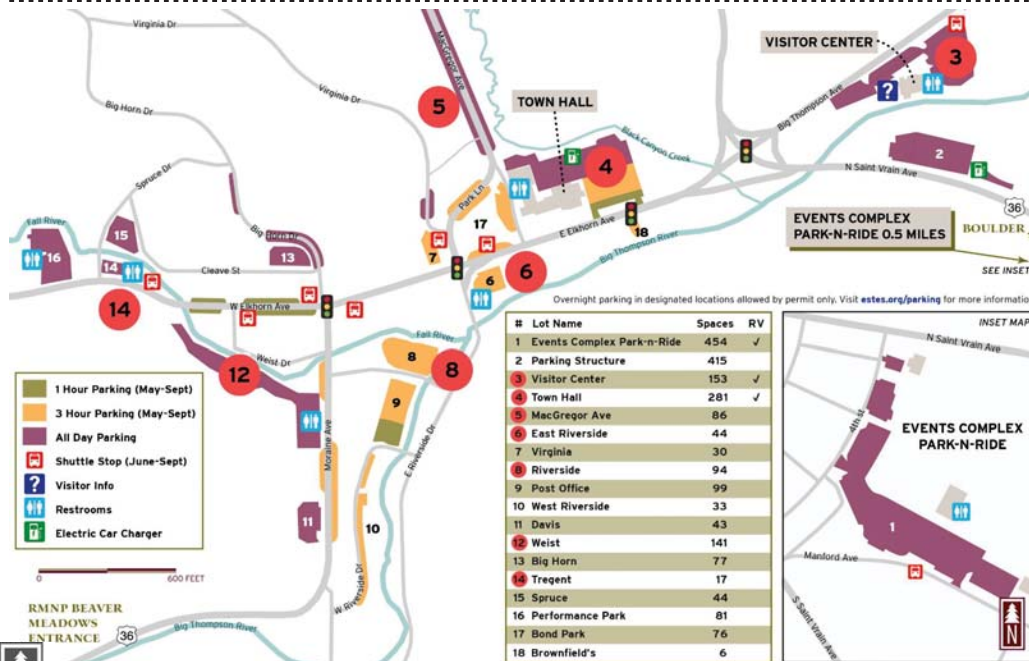
# Parking Utilization (Peak)



## June & Aug 2019 Parking Space Availability

apexdesign 5

# PARKING UTILIZATION – STUDY AREA (FIELD)



- East Riverside
- MacGregor Avenue
- Riverside
- Town Hall
- Tregent
- Visitor Center
- Weist



apexdesign 6

# Letter of Support

To: Honorable Mayor Jirsa  
Board of Trustees

Through: Town Administrator Machalek

From: Belle Morris, Chair, Transportation Advisory Board

Date: *November 12, 2019*

RE: *TAB Support of Public Works Recommendation for Seasonal Paid Parking*

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Mayor Jirsa, Administrator Machalek and Trustees:

In accordance with the 2018 Downtown Parking Management Plan (DPMP), the Transportation Advisory Board (TAB) asks the Town to approve the Seasonal Paid Parking Ordinance, and in summer of 2020 begin the \$2 per hour flat fee pricing resolution. The DPMP provided a phase approach to implementing a data driven seasonal paid parking program for the Downtown. Its intention was to modify driver behavior, reduce congestion & pollution by making it easier to find parking and increase alternative multi-modal transportation. Implementing a modified Phase 2, TAB supports Public Works findings and considerations for fewer parking fee stalls, charge a flat fee, allow resident's eligibility for up to 30 minutes of free parking daily, as well as identify parking lots for Employee Parking thru a permit program.

The TAB recognizes the importance of implementing change through stages. With each phase, participants are allowed the opportunity to adapt and modify their behaviors. The program will build in effectiveness, which will enhance a successful paid parking program.

We thank Mayor Jirsa, Administrator Machalek, Trustees and Public Works for allowing TAB the opportunity to provide feedback to support decision-making.



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## Paid Parking

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**Amanda Walton-Lopez** <awaltonlopez@gmail.com>  
To: townclerk@estes.org

Wed, Oct 30, 2019 at 8:27 AM

Jackie- please forward to all the trustees.  
Thanks, Amanda

Dear Estes Park Trustees;

As a resident of Estes Valley, I firmly believe that charging visitors for parking will improve our Town of Estes Park. Visitors who come up to Estes and RMNP generally plan to stop here anyway, to enjoy the shops and ambiance of EP, and a parking fee will not dissuade them. When I visit other small towns, I expect to pay for parking. I have often thought that it was an added bonus for the tourists that we do not charge, to our own detriment. We miss out on the opportunity for more funds to go to EP improvements, and also if tourists use the free parking garage as an alternative to finding a paid spot, it frees up a few spots for the convenience of the locals.

Thank you for your consideration.

Sincerely,

Amanda Walton-Lopez

[1005 Rambling Dr](#)  
[Estes Park, CO 80517](#)

(720) 839-5034

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## Support for Paid Parking

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**KIND Coffee** <kindcoffee@gmail.com>  
To: townclerk@estes.org

Fri, Nov 1, 2019 at 11:45 AM

To the Board of Trustees:

As a resident of Estes Park for more than 20 years and a business owner since 2002 in the downtown corridor, I am writing to you today to express my support of you moving forward with implementation of seasonal paid parking. I sat on TAB for a handful of years and also participated in some of the early programs and information gathering regarding the steps to implementation; listened to public comment; and have witnessed first hand the traffic congestion in the downtown area on many days throughout our high season. As a local resident, I have AVOIDED spending my money and time in Estes Park because it feels nearly impossible to do so some days.

I believe that each piece of our transportation system needs another piece to work even better. Our shuttle system will improve when our roads are less crowded with cars sitting still, and I am hopeful the completion of the Loop will have that affect. Our parking structure, which is an incredible asset, could primarily serve as a downtown employee and business parking structure (since it will always be a FREE lot) and an employee shuttle route could be implemented to assist in locals getting to work from that structure (if they choose not to walk or ride their bike from there.) By moving day-long employee parking out of the core downtown lots, we could free up space for locals and visitors to come and enjoy our wonderful business center and downtown environment.

We can argue cart before the horse, chicken or egg all we want, and no one piece will complete the puzzle, but each step helps. Wouldn't it be wonderful if our local community would actually come downtown, even on busy days, because our infrastructure and parking plan was working SO WELL that it was an enjoyable experience? If we don't take these steps, one at a time, and sometimes

seemingly out of order, we will never make necessary changes to deal with not only the 4+ million visitors to RMNP, but also the explosion of growth on the Front Range (which we are a part of) and to take care of our year round local community.

Please fund the initial phases of the Paid Parking Plan now, so we don't let yet another season slip by without taking a step forward.

Sincerely-

Amy Hamrick  
Owner  
Kind Coffee LLC  
PO Box 1990  
Estes Park, CO 80517  
970-586-5206  
[amy@kindcoffee.com](mailto:amy@kindcoffee.com)  
[www.kindcoffee.com](http://www.kindcoffee.com)

KIND is what coffee should be.

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## Seasonal Paid Parking

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**Donna Pierce** <maetreehuggergirl@gmail.com>  
To: Town Clerk <townclerk@estes.org>

Fri, Nov 1, 2019 at 2:46 PM

Dear Mayor and Trustees,

Paid parking in all those lots proposed is a surefire way to discourage shopping and folks frequenting restaurants in Town.

Also, my husband and I walk our dogs twice weekly in Town year-round, often stopping for ice cream or candy. 30 minutes is not enough time to do that. At the very least, would you please allow locals 45 minutes free parking daily?

With millions of people coming through Town, there must be a pretty good cash flow. And with the addition of the new parking garage, it comes across as greedy and unnecessary to ask locals and visitors alike to pay for parking. Elkhorn is extremely walkable, and for those who cannot walk, there is the Downtown trolley.

Does it make any sense to create a paid parking system, so that there are funds to administer a paid parking system? No.

Donna Pierce

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## Paid Parking

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Tom Street <tstreet5026@gmail.com>

Mon, Nov 11, 2019 at 11:49 AM

To: Town Clerk <townclerk@estes.org>, Carlie Bangs <cbangs@estes.org>, Eric Blackhurst <ebblackhurst@estes.org>, Ken Zornes <kzornes@estes.org>, Marie Cenac <mcenac@estes.org>, Patrick Martchink <pmartchink@estes.org>, Ron Norris <rnorris@estes.org>, Todd Jirsa <tjirsa@estes.org>

### Paid Parking Presentation to Town Board

The TAB supports paid parking and the recommendations made by the Town's Parking and Transit Manager. I personally support the recommendations but have a further recommendation which I think would enhance implementation.

The Parking and Transit Manager has thoroughly documented that the vast majority of the downtown parking areas are full or virtually full during peak times throughout the peak season, which, by the way, has expanded well into October and possibly all the way to November. This parking demand problem has been going on for too many years. But the demand is for free parking in the core area and not correctly priced paid parking. There is plenty of parking at the Visitors Center, the Parking Structure and the Events Center. So, the problem is not the total supply of parking but where people choose to park when it's free. If everything is free, the vast majority choose to park as near as possible to the core area resulting in negative consequences.

These negative consequences include chronic traffic congestion, traffic circling for parking spaces, air pollution, noise, greenhouse gasses, impeded shuttles, and stress for visitors. People trying to park downtown are competing with people trying to drive through town. Paid parking would reduce this conflict by providing an incentive to park at the Parking Structure and Visitor's Center, providing an intercept for cars that would otherwise head downtown looking for parking. Getting people out of their cars at the periphery will reduce the negative impacts we see with free downtown parking. They could then walk or bike a short distance of .2 miles or take the shuttle. Walking takes less than five minutes to the first business on the East side of Elkhorn, Kind Coffee. I highly recommend this walk. It is a beautiful walk along the river and a great way to start one's day in Estes Park.

The parking experience will be significantly improved if we achieve an occupancy rate of 85% or less per downtown lot by charging appropriately. The Parking and Transit manager is recommending \$2 per hour for 2020. Our actual observed daily experience with paid parking demand will tell us if this is the right rate. The ordinance provides for a possible change in rates by the Town Board on a yearly basis after receiving a recommendation from the Parking and Transit Manager. It says that the Manager shall propose rates on a yearly basis. The ordinance provides that rate changes will be done by Town Board resolution. Adjustments in rates may be required to meet the 85% occupancy goal as well as other objectives like perimeter parking utilization. Cities such as Seattle and San Francisco delegate rate changes to their transportation staff and provide for what is called dynamic, demand or Goldilocks pricing. These rates are adjusted as needed to alter the actual occupancy rate response to established parking rates. The Parking Manager could adjust rates within a specified range of \$1 to \$4, for example. Higher or lower rates than this range could only be done if approved by the town board. Just speaking for myself, I think the board should establish the initial rate but delegate to the Parking and Transit Manager the ability to change rates more frequently, at least once a month within a range set by the board. Waiting for a year to adjust rates would be a mistake if it were determined they needed an adjustment.

In conclusion, I support the proposed paid parking plan but I personally think it would be implemented more effectively if the Town took a demand based approach to achieving its 85% occupancy objectives. This could be done by a simple change to the ordinance and the resolution. Flexibility in rate implementation is the key to making paid parking successful and downtown a better place for everyone.

Suggested revision to Chapter 10.06.010 (b)

(b) Rate Intent. The Manager shall propose initial parking rates for 2020 for Town Board approval. The manager may revise rates within a \$1 to \$4 range on a monthly basis for 2020 and thereafter.

Suggested revision to paragraph 2 of the resolution:

2. Initial daily parking fees shall be \$2.00 per hour between the hours of 10am and 6pm, seven days per week. Subsequent daily parking fees may be adjusted by the Manager at the beginning of each month commencing on July 1, 2020 within the range of \$1 to \$4.

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## Paid parking

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wildlands <wildlands3@gmail.com>

Fri, Nov 8, 2019 at 3:35 PM

Reply-To: wildlands3@gmail.com

To: Carlie Bangs <cbangs@estes.org>, Ken Zornes <kzornes@estes.org>, Marie Cenac <mcenac@estes.org>, Patrick Martchink <pmartchink@estes.org>, Ron Norris <rnorris@estes.org>, Todd Jirsa <tjirsa@estes.org>, "eblackhurst@estes.org" <eblackhurst@estes.org>, townclerk@estes.org

I support paid parking and highly recommend the proposal by the Town's Parking and Transit Manager for the following reasons:

- **Paid parking has been shown to enhance the visitor and shopping experience.**

*Instead of people driving around and around looking for parking, visitors can be assured of a parking space near their destination if that is their preference. It will increase turnover of parking spaces thereby increasing business sales rather than have the same vehicle sitting in the space for many hours. Some people park downtown for free and then go to free events in Bond Park keeping their parking space all day.*

- **Paid parking may result in more people using the parking garage.**

*Under the proposal, there will only be a small percentage of paid parking. I would like to see a greater percentage of paid parking like other mountain towns. It is my hope that this will provide incentives for the majority of people to use the parking garage rather than drive downtown and drive in circles waiting for someone to leave their space. We need to decrease the congestion and terrible pollution along Elkhorn that does not contribute to a premier mountain experience. These pollutants are NOT healthy and contribute to the detrimental effects of climate change.*

- **Food trucks by the parking garage would contribute to more people wanting to walk along the beautiful river walk into town rather than sitting in Elkhorn traffic.**

*Grants are being sought to expand and landscape the picnic shelter by the parking garage. Food trucks near there would be an asset.*

- **Estes Park wanted to be known as a premier wellness center.**

*Lot 4 was voted by the majority of the public to be a wellness center. The hospital was not able to raise funds, and Estes was not able to get the desired wellness center. So if we want to promote Estes as a wellness center, surely having people walk 5 minutes from the parking garage along the river walk to downtown is not too much. Perhaps it is perceived as too much because we don't have the stimulation of shops and food courts along the way. Food trucks might be the answer.*

- **Free parking is NOT free.**

*Real estate devoted to parking is NOT free. Spaces have to be maintained, paved, cleaned and managed at great expense. Taxpayers and the town are paying for this. Perhaps parking spaces could be used for workforce housing development in the urban core rather than increasing urbanization on the outskirts of the town or in single family residential neighborhoods.*

- **Employees should be encouraged to park on the perimeter rather than take up customer parking downtown.**

*Paid parking could fund more shuttles and shuttles from the Event Center into downtown.*

- **Bicycling should be encouraged to reduce congestion and vehicle pollution.**

*Ridge Hotel encourages bicycling by providing free bicycles BUT there is no connectivity of safe bicycle paths and one has to get off the bicycle at Elkhorn as bicycling is prohibited on the river walk.*

Thank you for consideration of my comments.

Susan Wolf

[1637 Black Squirrel Drive, Estes Park](#)