



# 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, December 10, 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.

### **CONSENT AGENDA:**

1. Bills.
2. Town Board Minutes dated December 2, 2019 and Town Board Study Session Minutes dated December 2, 2019.
3. Estes Valley Board of Adjustment Minutes dated October 1, 2019 (Acknowledgement Only).
4. Transportation Advisory Board Minutes dated October 16, 2019 (Acknowledgement Only).
5. Parks Advisory Board Minutes dated September 19, 2019 (Acknowledgement Only).
6. Acknowledging receipt of Platte River Power Authority Resolution 07-19 and Revised Board Policy 101, Division of Responsibilities.
7. Estes Park Board of Appeals Reappointment of Amy Plummer for a term expiring December 31, 2024.
8. Estes Valley Planning Commission Appointment of Matthew Comstock for a term expiring December 31, 2022.
9. Local Marketing District Board Reappointment of Todd Jirsa for a term expiring April 28, 2020.

### **REPORTS AND DISCUSSION ITEMS:** (Outside Entities).

1. **100 YEARS: A CELEBRATION OF WOMEN COMMITTEE UPDATE.** Jean McGuire and Kent Smith.

**ACTION ITEMS:**

1. **RESOLUTION 45-19 SUPPLEMENTAL BUDGET APPROPRIATIONS.** Director Hudson.  
Final budget amendment for the 2019 operational budget. Appropriate Power and Communication Fund bond proceeds.
2. **RESOLUTION 46-19 SUPPORTING THE GRANT APPLICATION FOR A LOCAL PARKS AND OUTDOOR RECREATION GRANT FROM THE STATE BOARD OF THE GREAT OUTDOORS COLORADO TRUST FUND AND THE COMPLETION OF THE THUMB OPEN SPACE.** Town Administrator Machalek.
3. **RESOLUTION 47-19 SETTING THE APRIL 7, 2020 MUNICIPAL ELECTION.** Town Clerk Williamson.  
To Elect Mayor and Three Trustee Positions and Determine Type of Election (poll/mail ballot).
4. **ORDINANCE 33-19 AUTHORIZING THE TOWN OF ESTES PARK TO LEASE A PORTION OF STANLEY PARK TO THE ESTES VALLEY RECREATION AND PARK DISTRICT.** Town Administrator Machalek.  
Consideration of new Lease Agreement to extend the lease of a portion of Stanley Park to the Estes Valley Recreation and Park District

**ADJOURN.**

*Town of Estes Park, Larimer County, Colorado, December 2, 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 2<sup>nd</sup> day of December, 2019.

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

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

Absent: None

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** (Cenac/Norris) **to approve the Agenda**, and it passed unanimously.

**PUBLIC COMMENTS.**

Mike Bryson/Town citizen, Jeanne Allen/Town citizen, Larry Allen/Town citizen, Stephen Riedlinger/Town citizen, Ann Wise/Town citizen spoke against the Thumb Open Space regarding concerns provided by the Homeowner's Association, traffic, increased rockslides, width of streets and parking issues, promotion of the open space, budgeting constraints and impacts on the Town, and requested the HOA be involved in the management plan process.

Walter Borneman/Town citizen, Ben Ferree/County citizen, Robin Harding/Town citizen, Zach Zehr/Town citizen, Daniel Chris/Town citizen, Russell Hunter/Town citizen, Amos Patrick/Town citizen, Kenzie Schmitt/County citizen, and Buster Jesik/Town citizen spoke in favor of the Thumb Open Space regarding the ability to address identified concerns, community and neighborhood involvement, stewardship, rock climbing for multiple skill levels, access, partnership with local entities, current lack of management versus future Town management, its value as a resource to the community and town, and conservation.

**TOWN BOARD COMMENTS**

Trustee Blackhurst thanked employees for their snow removal efforts.

Trustee Zornes attended the Tree lighting ceremony, Catch the Glow Parade, the Trustee Talk, and the Larimer County Behavioral Health Policy Council. He stated World War II veteran Frank Riccardi passed away, services would be held December 18, 2019.

Mayor Pro Tem Norris stated the Family Advisory Board was scheduled for December 5, 2019 and thanked Power & Communications for their efforts during the snow storm.

Trustee Bangs thanked citizens for making public comment and stated the Transportation Advisory Board met with CDOT regarding pedestrian crossings along Highway 7 and Highway 34. She also attended the Systematic Design of Informed Consent training in November.

Trustee Cenac congratulated staff on Christmas parade efforts and stated the Rooftop Rodeo was awarded the Best Large Rodeo at the Mountain States Rodeo and the

Rooftop Rodeo would be considered as a medium sized rodeo at the National Final Rodeo.

Trustee Martchink thanked Mayor Jirsa for allowing his daughter to assist in the Tree Lighting Ceremony and urged voters to participate in the December 10, 2019 Special Election.

**TOWN ADMINISTRATOR REPORT.**

Town Administrator Machalek thanked Town Staff for their efforts during the recent snow storm.

**CONSENT AGENDA:**

1. Bills.
2. Town Board Minutes dated November 12, 2019, Town Board Study Session Minutes dated November 12, 2019 and Joint Town Board and County Commissioners Meeting Minutes dated November 14, 2019.
3. Town Board Budget Study Session Minutes dated October 18, 2019 and October 25, 2019.
4. Estes Valley Planning Commission Minutes and Study Session Minutes dated October 15, 2019 (Acknowledgment only).
5. Family Advisory Board Minutes dated September 5, 2019 (Acknowledgement only).
6. Approval to Submit a Grant Application to Colorado Department of Transportation - Transportation Alternative Program Grant Application for Fall River Trail.
7. Town Hall Board Room Audio/Visual Remodel 2019 Contract with VideoLink, Inc., for \$191,800.14, Budgeted.

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

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

Trustee Cenac left the room at 7:34 p.m.

**1. ACTION ITEMS:**

- A. **RESOLUTION 43-19 AMENDED PLAT, RECLAMATION SUBDIVISION, 321 4<sup>TH</sup> STREET AND 340 S SAINT VRAIN AVENUE, PARK FELLOWSHIP CHURCH, STEVEN FERRANTE, APPLICANT.** Mayor Jirsa opened the public hearing and Planner Woeber presented Resolution 43-19 to approve an amended plat at 321 4<sup>th</sup> Street and 340 S. Saint Vrain Avenue. The amended plat would rearrange an internal lot line to better align with a fence and structure already on the property. Mayor Jirsa closed the public hearing and it was **moved and seconded** (Martchink/Zornes) **to approve Resolution 43-19**, and it passed unanimously.

Trustee Cenac returned at 7:43 p.m.

**ACTION ITEMS:**

**1. PUBLIC HEARING – 2020 BUDGET.**

Mayor Jirsa reopened the public hearing from November 12, 2019, and Director Hudson presented the 2020 Budget as ready to adopt. Director Hudson highlighted unused BUILD Grant fund reallocation, property tax assessments, Thumb Open Space fund reserves, and electric vehicle charging stations which could be

reviewed along with other one-time expenses. Trustees discussed fund allocations for the unused BUILD Grant funds, increasing or maintaining the mill levy, timelines for creating a management plan for Thumb Open Space project, electric charging stations, further discussions of the Comprehensive Plan, and potential conflicts of interest in the budget which were determined to not be a conflict following Town Attorney Kramer's advice.

Stephen Reidlinger/Town citizen, Ann Wise/Town citizen spoke against the budgeting for the Thumb Open Space project regarding maintenance funds which should be considered, reallocation of funds should the Town not receive the Great Outdoors Colorado Grant, reallocation of Thumb funds to the Fall River Trail project, incurring yearly expenses without a recurring revenue to support the project, and using public funds for commercial uses.

Amy Plummer/Town citizen, Eric Murdock/County citizen, Russell Hunter/Town citizen, and Tommy Caldwell/Town citizen spoke in favor of budget implications associated with the Thumb Open Space project regarding commercial entity use fees, pursuing educational conservation grants, and in-kind services from commercial and conservation entities.

Curtis Kelly/President of Estes Park Museum Friends & Foundation spoke in support of Museum's funding request. He stated video recording equipment would allow the oral history project to progress.

Naomi Hawf/Executive Director of Estes Park Housing Authority requested the Board consider the funding request of up to \$800,000 for the Peak View Apartments Development project when reviewing one-time expenditures.

Mayor Jirsa closed the public hearing and it was **moved and seconded** (Martchink/Norris) **to approve the Highway User's Trust Fund**, and it passed unanimously.

It was **moved and seconded** (Martchink/Norris) **to approve Resolution 40-19, 41-19, 42-19**, and it passed unanimously.

**2. CAPITAL IMPROVEMENTS PLAN 2020-2024.**

Director Hudson presented the Capital Improvements Plan for 2020-2024 developed using the capital improvement planning process. Trustees discussed seeking grants and it was **moved and seconded** (Norris/Cenac) **to approve the Capital Improvements Plan for 2020-2024** and it passed unanimously.

**3. RESOLUTION 44-19 ESTES PARK LOCAL MARKETING DISTRICT 2020 BUSINESS AND OPERATING PLAN.**

CEO Eric Lund presented Resolution 44-19 to approve the 2020 Business and Operating Plan for Visit Estes Park (VEP). He highlighted the VEP mission and vision, five key goals of the Operating Plan, and changes to the 2020 Budget. Trustees discussed clarity of the report provided to the board for approval.

John Meissner/Town citizen appreciated the legibility of the presentation, and efforts in international tourism but questioned how international tourists would be welcomed considering cultural and language barriers.

It was **moved and seconded** (Martchink/Norris) **to approve Resolution 44-19**, and it passed unanimously.

**4. ORDINANCE 31-19 AMENDING TITLE 18 OF THE ESTES PARK MUNICIPAL CODE RELATING TO FLOODPLAIN REGULATIONS.**

Mayor Jirsa opened the public hearing and Director Muhonen introduced the Board to new Engineer Jennifer Waters and presented Ordinance 31-19 to correct a date error of the Colorado Hazard Mapping Program study within Ordinance 25-19 adopted on September 24, 2019. Trustees discussed the timeline of the ordinance and Mayor

Jirsa closed the public hearing. It was **moved and seconded** (Blackhurst/Cenac) **to approve Ordinance 31-19**, and it passed unanimously.

5. **ORDINANCE 32-19 AMENDING MUNICIPAL CODE SECTION 2.20.010 COMPENSATION OF MAYOR, MAYOR PRO TEM, AND TRUSTEES.** Mayor Jirsa opened the public hearing and Town Clerk Williamson presented Ordinance 32-19 regarding the compensation of the Mayor, Mayor Pro Tem, and Trustees. A review of Board compensation has been completed prior to each Municipal Election year as requested by the Town Board. Adjustments were made in December 2017 which set Mayor compensation at \$11,000 Mayor Pro Tem compensation at \$9,000 and Trustee compensation at \$8,000. The Town's current salaries rank in the midpoint for all positions and based on minimum hours worked for Board members and management pay family adjustments, staff prepared Ordinance 32-19 increasing compensation for all positions by \$1,000. Trustees discussed the amount of hours Board members work and increasing ongoing expenses. Mayor Jirsa closed the public hearing and it was **moved and seconded** (Martchink/Zornes) **to approve Ordinance 32-19**, and it passed with Trustees Blackhurst and Cenac voting "no".

Whereupon Mayor Jirsa adjourned the meeting at 8:54 p.m.

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Todd Jirsa, Mayor

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Kimberly Disney, Recording Secretary

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**RECORD OF PROCEEDINGS**

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*Town of Estes Park, Larimer County, Colorado December 2, 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 Rooms 202/203 in said Town of Estes Park on the 2nd day of December 2019, rescheduled from the 26<sup>th</sup> of November, 2019.

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

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

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

Absent: None

Mayor Jirsa called the meeting to order at 4:45 p.m.

**DOWNTOWN ESTES LOOP QUARTERLY UPDATE.** Director Muhonen stated CDOT was not available to provide the update due to the meeting date change and recommended the update be rescheduled in January 2020. A review of the timeline for the LOOP project was provided. Board members requested a review of the project budget be provided at the January 2020 meeting. The Board discussed a resolution to outline the Town's stance on any additional funding requests for the project.

**THUMB OPEN SPACE PROPOSAL.** The Land Trust presented an opportunity to the Board for trailhead and trail improvements by Access Fund and Rocky Mountain Conservancy for the Thumb Open Space proposal. Staff presented the proposal to allocate local match funds in the 2020 budget to supplement a COGO grant application for the purchase of five land parcels totaling 65 acres situated on the south side of Prospect Mountain, also known as the Thumb. The privately owned land contains three conservation easements with limited public access through a deeded trail on private property. Trespassing on the property commonly occurs by hikers and climbers. The proposed purchase would include revisions to the conservation easements to legalize and expand public access and use. Proposed project partners included the Town, Great Outdoors Colorado, Estes Valley Land Trust, Access Fund and Rocky Mountain Conservancy. Town Administrator Machalek stated neighbor concerns due to increased usage should be a consideration. Staff have received concern related to overflow parking occurring on Peak View which would become a code enforcement issue. The neighborhood landowners must conduct a rockfall study for the area where steep grade exists, which the Town may be responsible for if the project is approved. He stated conversations with CIRSA, the Town's property and liability insurance provider, informed the Town any damage to a neighboring property by a third party would likely not be covered. Major considerations included: access to the property; enforcement of parking and rules and regulations; easements to include topographical changes for trail work; signage and commercial use if determined by the Board; insurance and liability; promotion and advertising; anticipated costs of acquisition, improvements and annual maintenance; the formation of a management plan and future costs. Staff requested feedback from the Board regarding proposed 2020 budget expenditures of \$241,700 for the purchase of parcels for the Thumb Open Space Proposal and asked the Board to consider a Resolution of support for the GOCO grant application at the December 10, 2019 meeting. Board concerns have been summarized: road maintenance costs for Curry Road; whether existing homes have sustained damage due to rock slides; concern was stated regarding the altering of drainage patterns and the lack of a management plan; and the approximate cost for a rock fall study if conducted by the Town. Staff would verify with GOCO whether the awarding of the grant would commit the Town to the project.

**Town Board Study Session – December 2, 2019 – Page 2**

**BROADBAND UPDATE.** Manager Swoboda stated the Broadband pilot/startup project is in its final stage and anticipates full-service launch in January 2020. She reviewed construction highlights including; Raven Circle/Ranch Meadows was activated in September with 33 pilot customers and 17 additional customers scheduled for installation; FullStack LLC has developed automation tools for customer installations, easy to use network monitoring tools and is in development of a second intergovernmental agreement to share call center services and technical staff with Fort Collins and Loveland; FullStaff would also assist staff in the development of a smart-grid network; Carriage Hills construction is on schedule with roll out of three cabinet service areas in phases; and Woodstock Drive would serve as the operations center with architectural plans completed in January 2020 and staff relocation mid-year 2020. She stated revenue bond sales took place on October 29, 2019 totaling \$33,561,812 in bond proceeds which were wire transferred to the Town in November 2019. The Town infrastructure requires 55 cabinets each servicing approximately 200 customers. She added over 200 guests attended the Brand Launch event in September 2019.

**UPDATE ON FISH HATCHERY PROPERTY WORKFORCE HOUSING PROJECT.** In 2017, the Town issued a request for proposal (RFP) for the evaluation, plan and implementation of development of the Fish Hatchery property for workforce housing. Of the three proposals received, AmericaWest Housing Solutions and Prairie Fire Development Group were selected as the preferred developer. The project did not move forward and the agreement expired. Staff stated there has been interest from the two remaining developers and an additional developer in the project. Staff requested feedback from the Board on their interest in pursuing a workforce housing development on the Fish Hatchery property and if so, would the Board re-issue an RFP or revisit the remaining two proposals, and any outstanding questions or concerns the Board would need answered early in the process. The Board was in consensus to continue researching development opportunities for the property. Board comments have been summarized: cost associated with sewer and utility upgrades for 150 units; impacts related to density in the area; making sure the proposals address the limitations of the property; determine alternative ideas on scope for the project, and what housing type the Town would be interested in developing. Staff were directed to reach out to the remaining two applicants and a third party whom have stated interest for feedback on the limitations of the project and provide an update to the Board at a future meeting.

**TRUSTEE & ADMINISTRATOR COMMENTS & QUESTIONS.**

Mayor Pro Tem Norris would attend the Fourth Quarter Regional Elected Officials meeting on December 19, 2019.

Trustee Martchink posed a citizen question on whether the School District can increase taxes on marijuana to offset any increase in teacher wages. Attorney Kramer stated staff would provide the Board with more details after researching the question. Trustee Martchink stated the Parks Advisory Board is researching options to fund public art to include a percentage of capital projects going towards Art in Public Places which would require Board approval. He added more information would be provided to the Board when available.

Trustee Blackhurst questioned why the Board was not awarded the BUILD grant. Feedback on the application would be available in January which staff would forward to the Board.

**FUTURE STUDY SESSION AGENDA ITEMS.**

The Board was in agreement to add the Fish Hatchery Project discussion to Items Approved and Unscheduled. The January 14, 2020 Transit Philosophy discussion was moved to February 11, 2020 and was renamed the 2020 Transit Routes Proposal.

There being no further business, Mayor Jirsa adjourned the meeting at 6:17 p.m.

## RECORD OF PROCEEDINGS

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**Estes Valley Board of Adjustment**  
**October 1, 2019, 9:00 a.m.**  
**Board Room, Estes Park Town Hall**

**Board:** Chair Jeff Moreau, Vice-Chair John Lynch, Rex Poggenpohl, Wayne Newsom, Joe Holtzman

**Attending:** Members Moreau, Lynch, Newsom, Poggenpohl, Holtzman

**Also Attending:** Director Hunt, Planner I Hardin, Recording Secretary Karin Swanlund, Town Attorney Kramer

**Absent:** none

**Chair Moreau called the meeting to order at 9:00 a.m. He introduced the Board Members and staff. New member Joe Holtzman introduced himself. There were 4 people in attendance.**

### **1. AGENDA APPROVAL**

It was requested to amend the consent agenda to add approval of the minutes of the June 14, 2019 regular meeting.

**It was moved and seconded (Moreau/Poggenpohl) to approve the amended agenda. The motion passed 5-0.**

### **2. PUBLIC COMMENT**

Ned Seguire, Griffith Court, expressed concerns about the Alpaca Farm building project and road right-of-ways.

Trudy Ester, Griffith Court, commented on the Alpaca Farm address being wrong and that staff has not returned her calls, among numerous other complaints directed at Seth Hanson and his ongoing projects.

### **3. CONSENT AGENDA**

Approval of minutes dated June 4, 2019

**It was moved and seconded (Moreau/Newsom) to approve the Consent Agenda. The motion passed 4-0 with Holtzman abstaining.**

### **4. VARIANCE REQUEST, 2900 Cedarcliff Drive, owners Sarah Gardner/Jim Bowie**

Planner Hardin reviewed the variance requests. The property is located in the E-1 (Estate) zoning district, which requires 25-foot setbacks on all sides. The applicant is requesting 5-foot setbacks. Also being sought is a 2.21-foot height variance, in lieu of the 30-foot maximum height limit. The property has steep terrain and is a narrow lot. The property owners bought the lot next door, and intend to keep it vacant. Together the two lots are less than half an acre (.2 and .23 acres).

#### **Board Discussion:**

The 2000 rezoning erased the overlay PUD zoning that Windcliff had. The EVDC only allows for PUD's in Commercial Outlying zoning; there is a code amendment in the works to fix this. Until this is approved, Windcliff will have to apply for variances. The house is quite large for the small lot it is being built on. Site plans are usually submitted with the overall footprint to reference the dimensions of the house. This house is not offensive, nor will it affect any neighbor at this

location. The fee was waived for this request due to the confusion involved. Poggenpohl urged overall changes relating to setbacks, increasing the front setbacks.

**Applicant Discussion:**

David Yale, 1521 St. Moritz Trail, speaking for the Windcliff Architectural Control Committee, stated the house has been reviewed and plans approved. The square footage is 3,200 square feet. Windcliff was set up as E-1 zoning in 1974; the PUD was put on top of that with smaller setback requirements.

**It was moved and seconded (Lynch/Holtzman) to approve the requested variances. The motion passed 5-0.**

**5. REPORTS:**

There was a joint meeting on September 30 with the Town Board and County Commissioners and a decision on the future of the IGA will be coming soon. Support for separate codes between Town and County land use is the likely path. It was requested by many participants to retain the Joint Planning Commission and Joint Board of Adjustment. The next meeting on this will be November 14. If requested, a BOA study session could be held prior to that.

**There being no other business before the Board, the meeting adjourned at 9:34 a.m.**

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Jeff Moreau, Chair

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Karin Swanlund, Recording Secretary

## RECORD OF PROCEEDINGS

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*Town of Estes Park, Larimer County, Colorado, October 16<sup>th</sup>, 2019*

Minutes of a regular meeting of the Transportation Advisory Board of the Town of Estes Park, Larimer County, Colorado. Meeting held in the Room 202 of Town Hall on the 16<sup>th</sup> day of October, 2019.

Present: Gordon Slack  
Belle Morris  
Stan Black  
Tom Street  
Ron Wilcocks  
Scott Moulton  
Janice Crow  
Ann Finley  
Linda Hanick

Also Present: Trustee Carlie Bangs, Town Board Liaison  
Vanessa Solesbee, Parking & Transit Manager  
David Hook, Engineering Manager  
Elias Wilson, Public Works Admin. Assistant

Absent: Greg Muhonen, Public Work Director

Chair Morris called the meeting to order at 12:05 p.m.

### **PUBLIC COMMENT:**

#### **APPROVAL OF MINUTES:**

Member Black shared that he felt unclear about the language of “recommendation of D or E” in the September minutes. Black stated that he believed the TAB recommendation was referencing style rather than the amount of money being charged. Co-chair Street stated that the progressive and dynamic pricing model should be clarified in the event the board moves forward with the recommendation. It was moved and seconded (Black/Hanick) to approve the September meeting minutes as amended to include language stating that it is the responsibility of the Town Trustees to set and establish paid parking rates. All were in favor. Members Moulton and Finley recused themselves. Member Wilcocks abstained.

Manager Solesbee will confirm before resubmitting the letter to the Town Board to include the language of the amended TAB recommendation.

#### **PROJECT UPDATES (V. Solesbee – Parking & Transit Manager)**

Prior to project updates from Manager Solesbee, Chair Morris requested that the TAB have a thoughtful and respectful conversation related to paid parking.

Estes Transit: Manager Solesbee shared that there were over 80,000 riders this summer resulting in a 3 percent decrease in ridership from 2018. The Downtown Trolley Route displayed the highest ridership number however this route did experience a decrease in ridership from 2018. The Blue Route boasted the second highest ridership numbers but experienced a drop of 4,000 riders from 2018. The Silver Route recorded the lowest ridership numbers. There is discussion about extending the Brown Route to again serve the YMCA of the Rockies.

Manager Solesbee shared that the complementary para transit will be available starting in 2020. Anyone within  $\frac{3}{4}$  of a mile will have the ability to call in and the shuttle will make a detour to pick up the rider. This will include seniors and persons with disabilities. Member Slack questioned if this means the bus will detour from its intended route to pick up any individual. Manager Solesbee confirmed. This complementary ridership will be added and advertised beginning in 2020.

Manager Solesbee is waiting to hear the final Bustang numbers from CDOT and if the Bustang Route will be declared a success.

The Shuttle Committee and TAB will meet jointly in December to finalize 2020 routes.

Member Finley asked if the Bustang service will be increased or sustained. Solesbee stated Estes Park will likely have one bus per day unlike the two that ran this summer. It will likely be a competitive price next year rather than the \$10 charged per person this summer.

Parking: Manager Solesbee that September ended the parking enforcement season. There was an increase in citations from 2018. This data will be provided to TAB.

Chair Morris questioned where the biggest citation issues occurred. Solesbee replied that the Dairy Queen and Wheel Bar parking lots were the most common and that the most common offenders were employees and repeat offenders. As of September 24, 2019, there were 1,177 citations written. Last year there were around 1,053 citations written.

Manager Solesbee attended the Town Board Study Sessions on September 24 and again on October 8. Solesbee shared parking data collected for the 2019 season. She stated the goal is to be able to properly manage parking at peak times. An extensive public outreach process which reached 450 people was performed. The local and visitor feedback was very different. Visitors thought the parking experience is fair and local businesses shared their concerns about the impacts of paid parking. Solesbee stated that all feedback received will be reported to the Town Board for consideration in their final determination.

Member Finley questioned why the turnover in parking is good for business. Member Slack commented that during the 2005 parking study the point was that customers didn't have to worry about staying too long. Slack stated that TAB should want to have people able to stay longer to eat, shop, etc. Member Solesbee replied that the intent is manage the peak occupancies during the day to help shift the demand. Member Slack commented that encouraging people to park outside the core, if they're going to stay for an extended period, would be ideal. Solesbee replied that paid parking will help effectively shift behavior. This will also make getting to the downtown area a more welcoming experience for visitors and residents.

Member Wilcocks stated that, as a business owner, he speaks to 5,000 to 10,000 people each year and the biggest issue people have with parking in the downtown area are the time limits. Wilcocks shared that some people will bypass downtown because of paid parking and the business community is looking for people to camp out all day and enjoy the amenities Estes Park has to offer. He shared that he has customers sometimes racing to leave because of the 3-hour time limits. Most malls have free parking to have people linger and this leads to sales taxes. Wilcocks shared that he surveyed 300 visitors and 99 percent said they do not want paid parking. He spoke with several business owners downtown in about 6 hours. Wilcocks stated that businesses feel that they are left out of the discussion and some even say that it is futile to share the business opinion with representatives of the Town because they feel they will not be heard. He said there wasn't a single business owner who wanted paid parking. Of the business owners he spoke with there were only about five who knew that paid parking was moving forward. Wilcocks shared an analogy that instead of asking if the businesses like ice cream they are being asked if they want chocolate or vanilla. He then stated that this is his firsthand account.

Chair Morris replied that the statement made by Wilcocks is broad and that the discussions about permit options have not yet occurred. Manager Solesbee commented that downtown parking permits are currently \$30 per year, and if Phase II is implemented a robust permit program would likely be implemented. Member Wilcocks shared that after what happened with the Downtown Estes Loop there is little trust from the business community that the Town will pay attention. Finley stated that Solesbee spoke with the majority of the downtown businesses. Member Slack stated that TAB is moving in the direction of the adopted Downtown Parking Management Plan (DPMP).

Wilcocks said that the parking management component was done separately with little discussion from the master planning team and that it was solely done by a consultant. Manager Solesbee stated that she doesn't believe Wilcock's representation of the process is fair.

Member Slack went to the Town Board Study Session and witnessed the push-back Solesbee received, although the Town Board approved the DPMP in 2018. Slack shared that Mayor Jirsa specifically stated that the Town Board needs more feedback. Slack shared that he doesn't see paid parking happening next year. Slack further stated it is up to the Town Board Trustees to decide about paid parking implementation.

Trustee Bangs stated that feedback is very important to the Town Board and that it is difficult to have a conversation with individuals when they are improperly informed or believe misinformation that has been disseminated. Chair Morris commented that there has been a lot of outreach and business owners must take responsibility to participate in the process.

Wilcocks recommended the 15 unanswered questions be answered prior to Town Board voting and asked about the price for permits. Finley stated that TAB is only discussing the implementation of Phase II of the DPMP. Solesbee stated that parking permits will not be market price, and that the Town Board will be responsible for determining the cost of permits.

Member Black redirected the conversation by mentioning the recent statement made by Mayor Jirsa that the parking structure was a waste of \$4 million dollars. Black stated that Solesbee should have responded by stating that the Phase II implementation would fill the garage. Black stated that if the Mayor isn't on board Phase II isn't going to happen. Member Slack stated that this is not a unitary decision. The TAB has to make it easy for employees who work across town to park in the parking garage and conveniently get to work.

Member Crow shared that her friends from the Front Range have stopped coming up to Estes Park because of the traffic congestion and parking accessibility. Increasing ridership will be dependent on factors such as routes, service and gas prices.

Manager Solesbee is going back to the Town Board next week to further discuss the options and data, answer questions about transit and questions related to paid parking. The three options are to do nothing, implement Phase II or another option that has not yet been discussed or proposed. Member Slack suggested Solesbee remind the Trustees that she is working to implement the Downtown Parking Management Plan which was approved in 2018.

Member Hanick shared that she was a business owner for 25 years and that finding employee parking outside the downtown core is difficult. She suggested that perhaps a shuttle system for employees could be implemented where some type of transportation be made available to get employees to work. This would open up 300 additional spots for paying customers. Creating this solution would increase customers for businesses. Wilcocks stated that if an employee shuttle was implemented it should run until 2:30 a.m.

Hanick stated that not every lot will be paid parking and that almost all other resort towns charge for parking. She believes people won't be spooked because of paid parking and that TAB needs to look for solutions to opening up spaces such as the ones employees use during the day. Chair Morris stated that a bike share program may be a good option. Member Wilcock stated that these are the exact questions that must be answered before there is a vote and that this will go a long way in getting buy-in from the business community. Member Hanick stated that FAQs will help answer the questions people feel are unanswered.

Member Slack suggested that a potential Phase I-A option to gather more data is needed because Phase II jumps into paid parking. Approving the groundwork and implementing a checkpoint before going into Phase II could help the transition.

Chair Morris stated that people are unaware of why paid parking discussion is occurring. A Frequently Asked Questions (FAQ) sheet would help answer their questions.

**PROJECT UPDATES (D. Hook – Engineering Manager)**

US 36 & Community Drive Roundabout:

Ongoing environment clearance is currently being performed by CDOT. There are a couple legal and technical issues being addressed with coordination from the Town Attorney.

US 34 and Macgregor:

Ongoing discussions about executing a full closure of 34 Hwy for construction are occurring. This option would allow the project to be completed much faster, to the community's benefit. There will be several detour routes included in the traffic control plan and is planned to be bid and constructed prior to Memorial Day of 2020. This timeframe contributes to the push for the full closure. Member Moulton asked if Manager Hook of the time impacts from this project. Hook will get additional information and provide an update at the next scheduled meeting. Hook stated that while this will impact many people, a full closure will get the project completed in a reasonable timeframe. The plans for this project are finalized.

Downtown Estes Loop (DEL):

Hook shared that there is design activity, pavement markings and other specifications being actively being completed. A discussion about an Intergovernmental Agreement (IGA) regarding maintenance is taking place. CDOT is not interested in marking cyclist lanes with green backgrounds so there are discussions about the Town taking this on taking place. There is also discussion about the color concrete cross walks.

Utility coordination is ongoing and the Town's Water Division recently started a project in the post office lot in preparation of the DEL. The entrances will be rotated to prevent the entire parking lot from being closed.

Brodie Avenue Improvements:

Brodie Avenue has been paved. There are a few minor repairs happening in the area, the landscaping is being completed, and the trail is complete. The project isn't officially complete but is approaching close out. Chair Morris asked if there were markings on the trail. Hook stated that no markings will be on the trail. Morris mentioned that this could be a project for the future and that trail markings would help educate the youth. Hook replied that as the Town continues adopting the Complete Streets Policy this is an area to consider.

Fourth Street and Elkhorn Avenue:

These projects are nearly complete with the final closeout work being performed. The pavement markings have been completed on both projects.

Fall River Trail: Right of Way clearance, utility clearance and design provisions are taking place for the trail section along Fish Hatchery Road, extending to Rocky Mountain National Park (RMNP). A new grant application is in process which could be used for another section of the trail.

Member Slack asked Hook to further explain why Estes Park did not receive the previously submitted grants. Hook replied that the Federal Lands Access Program (FLAP) application did not identify a clear benefit to RMNP. The Moraine Avenue application had no clear plan for pedestrians and cyclists for when they arrived past the RMNP boundary.

Chair Morris asked Hook to provide an update on the upcoming Graves Avenue Project. Co-chair Street asked if a multimodal path would be included. Hook replied that the Graves design will have multimodal facilities and align with the Complete Streets policy.

**Transportation Advisory Board – October 16<sup>th</sup>, 2019 – Page 5**

Member Moulton asked Hook to provide an update on Downtown Wayfinding. Hook replied that the plan must be developed and sent to Town Board in order to draw up plans. There is funding in 2019 available which will roll over and a 2020 proposal will be presented.

**OTHER BUSINESS**

Trustee Bangs shared information from the recent Trustee Talk that was held on September 26<sup>th</sup>, 2019. She also stated that on or around November 1 there would be communication about 3<sup>rd</sup> Street traffic calming devices. Town Administrator Machalek would follow up with Director Muhonen.

Bangs also shared that parking conversations have brought up discussions about cultural shifts among younger generations. The parking turnover rates are an example of this changing culture. The participants in the conversations expressed that generationally the cultural experience is changing and people of the younger generations are looking for experiences. This results in visitors not spending 6 hours downtown. Bangs shared that there were participants in the conversation who had not participated in prior conversations.

Chair Morris shared a list of questions to be provided to CDOT Region 4 Traffic Engineer, Larry Haas. Haas will be attending the November TAB meeting and Director Muhonen suggested the TAB provide Haas with a list of questions in advance of the meeting. The TAB members engaged in discussion and Morris requested members submit their ideas for questions to her no later than October 21, 2019.

With no other business to discuss, Chair Morris adjourned the meeting at 2:02 p.m.

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Recording Secretary  
Elias Wilson, Public Works Department

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## RECORD OF PROCEEDINGS

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*Town of Estes Park, Larimer County, Colorado, September 19, 2019*

Minutes of a regular meeting of the Parks Advisory Board of the Town of Estes Park, Larimer County, Colorado. Meeting held in the Museum Conference Room of the Estes Park Museum on the 19<sup>th</sup> day of September, 2019.

Present     Merle Moore  
               Vicki Papineau  
               Ron Wilcocks  
               Rex Poggenpohl  
               Wade Johnston

Also             Megan Van Hoozer, Public Works Administrative Assistant  
Present:        Elias Wilson, Public Works Administrative Assistant  
                     Patrick Martchink, Town Board Liaison  
                     Brian Berg, Parks Supervisor  
                     Kevin McEachern, Operations Manager  
                     Greg Muhonen, Public Works Director

Absent:         Dewain Lockwood  
                     Geoffrey Elliot

Chair Merle Moore called the meeting to order at 8:34 a.m.

### **PUBLIC COMMENT**

Estes Arts District (EAD) – Member Wade Johnston stated that planning is taking place for next year with the potential of a band camp on an ongoing basis.

League of Women Voters (LWV) President Liz Zornes, Treasurer Cherie Martin, and Member Judy Schaffer were in attendance. LWV extends their thanks for the efforts and contributions of the Town's Art In Public Places (AIPP) program.

2020 is the 100<sup>th</sup> anniversary of the 19<sup>th</sup> Amendment to the Constitution of the United States. With there being no existing pieces of significant artwork in town paying tribute to any of the founding women of Estes Park, the LWV proposes that a committee be established to identify an appropriate piece of artwork to pay tribute. It was expressed that neither Rocky Mountain National Park (RMNP) nor Estes Park would exist without these pioneering women.

The LWV would love to collaborate with this committee on the artwork and The Estes Park Woman's Club (EPWC) would also be interested in participating in the artwork collaboration, with the hopes of offering financial support for the project.

Supervisor Berg confirmed his support of the idea and stated the PAB could explore designating such a committee.

### **GENERAL BUSINESS**

A motion was made and seconded (Papineau/Wilcocks) to approve the August meeting minutes and all were in favor.

**Parks Advisory Board – September 19, 2019 – Page 2**

**ESTES PARK NOXIOUS WEED ORDINANCE - UPDATE**

Lt. Rick Life and Code Enforcement Officer Michael Madachy were in attendance to discuss the Noxious Weed Ordinance and associated enforcement.

Life said that it has been an adventure learning about the challenges of noxious weeds and described the difficulty of positive identification due to the close relation and similarity to native plants. Life stated the importance of educating the community on identification and proper treatment. While some educational efforts are in motion, the efforts need increased.

Member Wilcocks asked Lt. Life if the current enforcement aligns with state-mandated enforcement. Life specified that in order to develop the most effective plan several considerations are being made to ensure alignment with the State and to ensure the best outcomes for the Town. Life further stated that Estes Park can't enforce anything more than is currently being done due to lack of the needed resources to maintain the entire town.

Code Enforcement Officer Madachy has been educating residents about the importance of dealing with noxious weeds. It was suggested to, during the next update of the Estes Land Stewardship Association's (ELSA) "14 Very Unwanted Weeds" booklet, ensure the descriptions and photos of the noxious weeds are more detailed to aid in better identification.

**2020 AIPP FUNDING – WOMEN OF ESTES**

Member Wilcocks asked the PAB to vote on a resolution supporting the creation of a monument for the historic women of Estes Park to present to the Town Board. The resolution only asks for the support of the Town Board and does not ask for funding. Member Poggenpohl suggested that the resolution include language requesting Town Board approval of the PAB acting as the selection committee for the artwork.

Chair Moore questioned why a sculpture would be the only acceptable artwork. Wilcocks responded that there are several bronze sculptures around town and this would ensure the piece is long-lasting and significant. Member Poggenpohl suggested that before the PAB works to narrow it down it would be beneficial to have more involvement from the community. Member Wilcocks suggested that the word "bronze" be stricken from the resolution. Trustee Liaison Martchink suggested the PAB request Town Board approval of proceeding with this concept, with selection and discussion of the designs at a later date.

Member Wilcocks stated that, regarding forming a PAB subcommittee for the artwork determination, the PAB isn't required to obtain Town Board approval. Wilcocks further stated that he wants the Town Board support of the artwork, with Bond Park being the location due to its prominent location. Budgets, fundraising, RFPs, and timeframes will need to be created, but without the support of the Town this will not be possible. Supervisor Berg stated that PAB should ask the Town Board for the specific land location of where they'd like to see this artwork.

Wilcocks strongly believes that Bond Park is the best location to pay tribute to the pioneering women. The LWV prefers the selected piece be in Bond Park because the area has been heavily influenced by women.

**Parks Advisory Board – September 19, 2019 – Page 3**

Member Poggenpohl suggested the PAB organize a committee to come up with a proposal, then approach the Town Board for approval.

Director Muhonen stated he believes the Town Board has already shown report as evidenced at the Town Board Meeting wherein the Decorating Utility Box (DUB) selections were approved. Muhonen stated that Member Poggenpohl's suggestion for a subcommittee would get the process moving but reminded the group that there are other areas already designated for artwork in Estes Park if the Town Board is interested.

Chair Moore indicated that a resolution is not necessary at this time.

Wilcocks removed the previous resolution and made a motion to form a subcommittee that will reach out to stakeholders to create the monument. Member Poggenpohl seconded the motion and all were in favor. Wilcocks will lead the subcommittee and bring recommendations for stakeholder involvement.

**MRS WALSH'S GARDEN COMMITTEE UPDATE**

At the last regularly scheduled meeting it was discussed there is a need for a professional Master Plan for Mrs. Walsh's Garden ("Garden"). Supervisor Berg stated that the Parks Division staff will repair the waterfall and reposition the rock as these were heavily damaged in the 2013 Flood.

The Mrs. Walsh's Garden Advisory Committee (MWGAC) recommended requesting the Parks Division issue an RFP to locate a vendor with the needed expertise to create the Master Plan. Supervisor Berg stated that before this type of determination can be made, all need to be aware the design cannot be something the Parks Division isn't able to maintain. If the plan includes too various of plants types and soil types it would be very difficult to maintain.

Member Poggenpohl suggested Berg be involved with the RFP process to ensure this is addressed. Poggenpohl also suggested an employee specifically designated to the Garden would be beneficial for the Parks Division. Berg stated that, without buy-in from the staff it would be difficult to ensure that the Garden is properly maintained. The design needs to be practical.

Chair Moore stated that the Garden is a native plant garden so, in some cases, it could be redesigned to better care for the plants within. He also commented that a Parks Division staff member would have to be dedicated to the Garden to ensure consistency of care. Moore stated there should be \$41,000 in the Trust and that an additional amount will be added at the end of this year. Supervisor Berg said that, depending on hiring a dedicated staff member to the Garden, the budget may have \$60,000 - \$70,000 available for next year.

Trustee Liaison Martchink asked if there any allowable funds for a Master Plan design for the Garden. Director Muhonen stated there are designated funds already in place through the trust. The Parks Division is responsible for those funds. This motion is to help guide staff on how to spend the money from the trust.

Berg stated that the waterfall needs repaired this summer regardless of a Master Plan.

**Parks Advisory Board – September 19, 2019 – Page 4**

Moore stated that without a Master Plan the Garden could end up in a situation where individuals are adding their own personal projects which may not align with the purpose of the Garden. Poggenpohl asked why the PAB can't have a Master Plan completed this Fall with construction beginning in the Spring for the waterfall and the rest of the Garden. Poggenpohl offered to help supervise the process to ensure the designers and architects are moving along. Berg stated that getting a contractor to come install a waterfall will be a difficult task.

MWGAC requests that the Parks Division issue an RFP to identify a contractor who is qualified, has the appropriate expertise, and who has demonstrated an ability to develop an overall garden master plan that incorporates planting areas designed specifically for site-appropriate native plant materials. The RFP is also to include a specific site development plan for the pond and waterfall areas and a construction bid for that portion.

The recommendation was adapted to allow the Parks Division to publish the RFP and all were in favor.

**AIPP FUNDING RESEARCH**

Member Poggenpohl stated the two things needed for AIPP. The first is funding and the second is an Arts Advisory Committee to aid PAB in making decisions regarding maintenance of art. A project would need budgeted and a reserve account would be established for the determined percentage. Chair Moore asked if the changes to the guidelines will impact the ordinance. Poggenpohl suggested PAB design a new ordinance that requires funding. The \$5,000 shown on the handout is open for discussion if the Town Board would like to adjust the amount. Establishing a fund would ensure the possibility of future art projects in Estes Park. Moore suggested the handout be taken home and studied.

Wilcocks asked if the language of this handout would supersede what is stated in the AIPP Guidelines related to the Maintenance Fund. Director Muhonen stated the document language needs adjusted.

Discussions continued about the desired amount to be requested. Moore asked for data from different towns reflecting the percentage of the programs having similar funding programs. Poggenpohl responded that 11 out of 27 had a system like this, ranging from .5% to 1.5%. This is fairly comprehensive. A cap may need set on the amount, if applying to a \$27 million project, for example.

A Master Plan will need to be in place prior to requesting funding for this program. At the next regularly scheduled meeting, there should be discussion on completion of an Art Master Plan. Muhonen stated that if the ordinance moves forward, it may make sense to wait and use the funding for the Master Plan.

Wilcocks stated that the EAD is very open to working with the PAB and would be interested in contributing to an Art Master Plan. Wilcocks will reach out to the Arts Center of Estes Park and the Fine Arts Guild to gauge their level of desire to become involved. Muhonen suggested that once an art committee is formed their first project should be for the historic women of Estes Park.

**Parks Advisory Board – September 19, 2019 – Page 5**

Chair Moore requested that Administrative Assistant Van Hoozer send out the notes taken during the review of the AIPP Guidelines.

**OTHER BUSINESS**

Supervisor Berg shared that Keri Kelly has submitted her resignation and that the Parks Division is in the midst of the hiring process which includes several excellent candidates.

With no other business to discuss, a motion was made and seconded (Moore/Johnston) to adjourn the meeting at 10:16 a.m. and all were in favor.

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Recording Secretary  
Elias Wilson, Public Works

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# Memo

To: Honorable Mayor Jirsa  
Board of Trustees

Through: Town Administrator Machalek

From: Utilities Director Bergsten

Date: *December 10, 2019*

RE: *Acknowledging receipt of Platte River Power Authority Resolution 07-19 and Revised Board Policy 101, Division of Responsibilities*

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

QUASI-JUDICIAL    YES     NO

**Objective:**

To promote ongoing stability and consistency in operations of Platte River Power Authority by revising Town Policy 101 to reflect PRPA’s recommendations for the municipal appointment of the PRPA Board members.

**Present Situation:**

The PRPA board has traditionally balanced political influence with industry subject matter experts by having each Municipalities' Mayor and Electric Utility Director serve on their board. PRPA unanimously adopted resolution 07-19 at their September 26th board meeting. Their resolution encourages the traditional balance by providing guidance for the appointment of representatives to serve on Platte River's board of directors.

**Proposal:**

Staff proposes revising Town Policy 101, “Board of Trustees Division of Responsibilities” to reference PRPA’s resolution as follows:

- 9. Special Consideration for Platte River Power Authority (PRPA) Board - The Mayor or the Mayor's designee serves on the PRPA Board ex officio. The second PRPA Board appointment shall be approved by the Town Board, with a preference for the Utility Director per PRPA Resolution 07-19.

**Advantages:**

- Provides diversity on the PRPA board of directors
- Provides guidance for the preferred qualifications to achieve the diversity

**Disadvantages:**

None

**Action Recommended:**

Staff recommends approving the revised policy.

**Finance/Resource Impact:**

None.

**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 proposed revisions to Policy 101.

**Attachments:**

PRPA Board Resolution 07-19

Policy 101



Estes Park • Fort Collins • Longmont • Loveland

October 15, 2019

Mr. Travis Machalek  
Town Administrator  
Town of Estes Park  
P.O. Box 1200  
Estes Park, CO 80517

**RE: Transmittal of Platte River Power Authority Board Resolution 07-19 for  
Distribution to Estes Park Board of Trustees**

Dear Mr. Machalek:

As you may know, at its September 26, 2019 meeting, the board of directors for Platte River Power Authority (Platte River) unanimously adopted Resolution 07-19. Resolution 07-19 provides (nonbinding) guidance to the governing bodies of Platte River's owner communities to consider when exercising their rights, under the Organic Contract that formed Platte River, to appoint representatives to serve on Platte River's board of directors.

Based on consultation with Town Attorney Dan Kramer, we have enclosed with this transmittal a true copy of Resolution 07-19. We request that you present Resolution 07-19 as an informational item at the next meeting of the Estes Park board of trustees.

If you have questions or need any further information, you are welcome to contact me or either of the current Platte River board members who serve on behalf of the Town of Estes Park: Mayor Todd Jirsa or Director of Utilities Reuben Bergsten.

Thank you,

A handwritten signature in black ink that reads "Jason Frisbie".

Jason Frisbie  
General Manager/CEO

enclosure

cc (by e-mail): Hon. Todd Jirsa, Mayor of Estes Park  
Mr. Reuben Bergsten, Directors of Utilities  
Mr. Dan Kramer, Town Attorney  
Ms. Jackie Williamson, Town Clerk, Human Resources Director

## RESOLUTION NO. 07-19

WHEREAS, pursuant to the Organic Contract, Platte River Power Authority (the “Authority”) is governed by a board of directors (“Board”) consisting of representatives from its four owner communities; and

WHEREAS, the original Organic Contract, dated June 17, 1975, provided for a four-member board of directors appointed by the owner communities, but did not specify any qualifications for the directors; however, the initial Board consisted primarily of the utility directors of the owner communities; and

WHEREAS, in November 1976, the Organic Contract was amended to expand the Board to eight members, including the mayors of each of the owner communities serving “ex officio” and four additional members appointed by the governing bodies of the owner communities, who “shall be selected for judgment, experience and expertise which makes them particularly qualified to serve as the Director of an electric utility,” which evidenced an intent to have a balance of political representation (reflecting the intent of the owner communities and their ratepayers) and technical expertise in utilities matters on the Board; and

WHEREAS, in 2019, the Organic Contract was further amended to provide that the appointed directors “shall be selected for judgment, experience, and expertise which makes them qualified to serve on the Board of Directors of the Authority”; and

WHEREAS, although the 2019 amendment removed the requirement that an appointed Board member be qualified to serve as “the Director of an electric utility,” it did not vitiate the long-standing policy that there should be a balance of political representation and technical expertise on the Board; and

WHEREAS, although the function of the Board is primarily establishing strategic policy for the Authority rather than technical direction, in establishing policy the Board will confront a myriad of issues for which technical and business expertise will be required, including integration of renewable and carbon-free generation resources, integration of electric systems, financing of major capital projects and participation in organized energy markets; and

WHEREAS, the Board has determined that, in order to enhance the quality of decision making, it is beneficial to have representation on the Board that not only reflects the diverse

**RESOLUTION NO. 07-19**

interests of the Authority's owner communities, but also has experience and expertise in relevant fields; and

WHEREAS, it is vital that those entrusted to serve as Board members be committed to maintaining the Authority's three pillars of providing reliable, environmentally responsible and financially sustainable electricity and services and adhere to policies previously adopted by the Board, including those pertaining to Board governance;

NOW, THEREFORE, BE IT RESOLVED by the board of directors of Platte River Power Authority that the following should be communicated to the governing bodies of the Authority's owner communities:

In appointing a member to the Board of the Authority (other than the mayor, who sits on the Board ex officio), preference should be given to utility directors of the owner communities or other municipal employees with similar duties and responsibilities. If the governing body elects to consider other candidates, the governing bodies should consider the following qualifications:

- 1) The candidate's experience in and knowledge of the industry in which the Authority operates;
- 2) Any previous experience the candidate has as a director or in management of an organization similar to the Authority or with a municipal entity;
- 3) The extent to which the candidate shares the mission, vision and values of the Authority; and
- 4) Any technical or professional skills and knowledge possessed by the candidate to assist with ongoing aspects of the Board's role.

AS WITNESS, I have executed my name as Secretary and have affixed the corporate seal of the Platte River Power Authority this 26 day of September

  
\_\_\_\_\_  
Secretary



Adopted: September 26, 2019  
Vote: 7-0

**Effective Period:** Until Superseded

**Review Schedule:** After each municipal election

**Revised:** 9/24/19

**Effective Date:** 9/24/19

**References:** Governing Policies Manual; Governance Policy Manual 1.6 Board Appointed Committee Principles



**TOWN BOARD POLICY GOVERNANCE  
BOARD OF TRUSTEES DIVISION OF RESPONSIBILITIES  
101**

1. **Purpose** The Board of Trustees has many varied responsibilities. In order to effectively use their time, the Board finds it necessary to divide duties and responsibilities among the Board members.
2. **Assignments To Ongoing Committees:** At the first regular meeting following the certification of the results of each biennial election, the Board of Trustees determines each Board and Commission Primary Liaison assignments and responsibilities for the remainder of the term of the current standing Town Board.
  - a. **Interim Assignments:** Should the Board deem it necessary to create a new liaison assignment or to modify assignments at some time other than as described in 101.2, the Board may do so at any regular meeting of the Board.
3. **Assignment To Committees Of The Board Of Trustees** (committees comprised solely of members of the Board of Trustees)
  - a) **Assignments to Audit Committee:**

At the first regular meeting following the certification of the results of each biennial election, the Mayor shall appoint two (2) Trustees to the Audit committee with the Mayor serving as the third member.

(Ord. 26-88 §1(part), 1988; Ord. 7-03 §1, 2003; Ord. 10-10 §1, 2010; Ord. 10-14 §1, 2014; Ord. [13-15](#), § 1, 9-22-2015)
  - b) **Assignment to Special Committees:**

Special committees may be established by the Board of Trustees. The Mayor shall appoint all members of any special committee subject to the approval of the Board of Trustees. (Estes Park Municipal Code 2.08.020)
4. **Appointment of Mayor Pro- Tem:** “At its first meeting following the certification of the results of each biennial election, the Board of Trustees shall choose one (1) of the Trustees as Mayor Pro Tem who, in the absence of the Mayor from any meeting of the Board of Trustees, or during the Mayor's absence from the Town or his or her inability to act, shall perform his or her duties.” (Estes Park Municipal Code 2.16.010)

**Effective Period:** Until Superseded

**Review Schedule:** After each municipal election

**Revised:** 9/24/19

**Effective Date:** 9/24/19

**References:** Governing Policies Manual; Governance Policy Manual 1.6 Board Appointed Committee Principles



**TOWN BOARD POLICY GOVERNANCE  
BOARD OF TRUSTEES DIVISION OF RESPONSIBILITIES  
101**

5. **Special Assignments to Ad-Hoc and Temporary Committees:** The Mayor may nominate trustees to serve on committees, community groups, or in some other capacities as a representative of the Town, except in cases where a Board Liaison has been approved by the Board of Trustees (Policy 1.7.) The Mayor shall present the nomination of any such appointments to the Board for approval at a regular town board meeting. The Mayor will make every effort to distribute special assignments equitably among the members of the Board.
6. **Interview panels for Town Committees** – In accordance with Section IV A 6 of Policy 102, Town Committees, “Applicants for all committees will be interviewed by the Town Board, or its designees. Any designees will be appointed by the full Town Board.”
7. **Outside Committees** – Outside committees are committees or boards where the Town is represented by a member of the Board of Trustees and/or staff. These are not committees of the Town of Estes Park and therefore the rules and guidelines for membership are those of the outside entity not the Town. At times, they may request that the Trustees assign an individual(s) to represent the Town, however they may also request a specific individual or position as the Town’s representative to the committee.
8. **Liaison Assignments** - The Mayor may nominate trustees to serve as a Board Liaison. The Mayor shall present the nomination of any such appointments to the Board for approval at a regular town board meeting. The Mayor will make every effort to distribute special assignments equitably among the members of the Board.
9. **Special Consideration for Platte River Power Authority (PRPA) Board** - The Mayor or the Mayor's designee serves on the PRPA Board ex officio. The second PRPA Board appointment shall be approved by the Town Board, with preference for the Utility Director per PRPA Resolution 07-19.

**Effective Period:** Until Superseded

**Review Schedule:** After each municipal election

**Revised:** 9/24/19

**Effective Date:** 9/24/19

**References:** Governing Policies Manual; Governance Policy Manual 1.6 Board  
Appointed Committee Principles



**TOWN BOARD POLICY GOVERNANCE  
BOARD OF TRUSTEES DIVISION OF RESPONSIBILITIES  
101**

**Board Assignments**

**Mayor Pro-Tem - Trustee Norris**

***Board and Commission and Community Representation***

<b>Board, Commission or Task Force</b>	<b>Liaison</b>	<b>Staff Liaison</b>	<b>Type of Committee</b>
Estes Valley Planning Commission	Trustee Blackhurst	Randy Hunt	Advisory/ Decision Making
Estes Valley Board of Adjustment		Randy Hunt	Decision Making
Western Heritage Inc	Trustee Cenac	n/a	Outside
Estes Park Museum Friends and Foundation Inc.		Derek Fortini	Outside
Ambassadors		Teri Salerno	Outside
Police Auxiliary		Wes Kufeld	Working Group
Parks Advisory Board	Trustee Martchink	Brian Berg	Advisory
Transportation Advisory Board	Trustee Bangs	Greg Muhonen	Advisory
Estes Valley Restorative Justice		Denise Lord	Working Group
Estes Park Board of Appeals		Randy Hunt	Advisory/Decision Making
Sister Cities	Trustee Bangs	n/a	Working Group
Family Advisory Board	Trustee Norris	Travis Machalek	Advisory

**Effective Period:** Until Superseded

**Review Schedule:** After each municipal election

**Revised:** 9/24/19

**Effective Date:** 9/24/19

**References:** Governing Policies Manual; Governance Policy Manual 1.6 Board  
Appointed Committee Principles



**TOWN BOARD POLICY GOVERNANCE  
BOARD OF TRUSTEES DIVISION OF RESPONSIBILITIES  
101**

<b>Committee or Board</b>	<b>Appointed Member(s)</b>	<b>Staff Liaison</b>	<b>Type of Committee</b>
Audit Committee	Mayor Jirsa Trustee Blackhurst & Cenac	Travis Machalek Duane Hudson	Advisory
Colorado Association of Ski Towns (CAST)	Voting Designee – Mayor Jirsa Alt Designee TA Machalek	n/a	Outside
Platte River Power Authority Board of Directors	Mayor Jirsa	Reuben Bergsten	Outside
Larimer County Open Lands Board	Trustee Zornes	n/a	Outside
Estes Park Economic Development Corporation Board of Directors	Trustee Martchink & TA Machalek	n/a	Outside
Larimer County Solid Waste Policy Council	Trustee Zornes		Outside
Local Marketing District (Visit Estes Park)	Mayor Jirsa, Trustee Cenac	n/a	Outside
Regional Transportation Infrastructure Funding Task Force	Trustee Martchink		Outside
Larimer County Behavioral Health Policy Council	Trustee Zornes	n/a	Outside

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Todd Jirsa  
Mayor

**Revisions 9/24/2019**

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# Memo

To: Honorable Mayor Jirsa  
Board of Trustees

Through: Town Administrator Machalek

From: Town Clerk Williamson

Date: *December 10, 2019*

RE: *Estes Park Board of Appeals Reappointment of Amy Plummer for a term expiring December 31, 2024*

---

*(Mark all that apply)*

- PUBLIC HEARING       ORDINANCE       LAND USE  
 CONTRACT/AGREEMENT       RESOLUTION       OTHER Appointment

QUASI-JUDICIAL    YES    NO

**Objective:**

To consider the reappointment of Amy Plummer to the Estes Park Board of Appeals.

**Present Situation:**

The Board of Appeals is composed of five members with technical qualifications, required by various International Building Codes, with the purpose of hearing appeals of the Building Official’s decisions and to advise staff and elected officials on matters pertaining to code amendments and code interpretations. Amy Plummer was appointed to a two-year term in December 2017 expiring December 31, 2019.

**Proposal:**

Staff recommends the Board accept Amy Plummer’s application and forego additional advertisement for this technical position. Amy Plummer is a retired professional engineer in Estes Park. She has extensive experience and is qualified to represent engineering specialties on the Board of Appeals.

**Advantages:**

Provides continuity on the Board of Appeals and provides representation on the Board of the Civil Engineering profession.

**Disadvantages:**

If the appointment is not made, the position would remain vacant until it could be advertised and interviews conducted.

**Action Recommended:**

Reappoint Amy Plummer to the Estes Park Board of Appeals for a five-year term expiring December 31, 2024.

**Finance/Resource Impact:**

*None.*

**Level of Public Interest**

Low.

**Sample Motion:**

I move to **approve/deny** the reappointment of Amy Plummer to the Estes Park Board of Appeals for a five-year term expiring December 31, 2024.

**Attachments:**

None.



# Memo

To: Honorable Mayor Jirsa  
Board of Trustees

Through: Town Administrator Machalek

From: Town Clerk Williamson

Date: *December 10, 2019*

RE: *Estes Valley Planning Commission Appointment of Matthew Comstock for a term expiring December 31, 2022*

*(Mark all that apply)*

- PUBLIC HEARING       ORDINANCE       LAND USE  
 CONTRACT/AGREEMENT       RESOLUTION       OTHER Appointment

QUASI-JUDICIAL    YES    NO

**Objective:**

To consider the appointment recommended by the interview committee for the Estes Valley Planning Commission.

**Present Situation:**

The Town Clerk’s Office advertised for a position on the Board to fill a vacancy which expired December 31, 2018. One application was received and the interview committee consisting of Mayor Jirsa and Trustee Blackhurst conducted an interview November 22, 2019.

**Proposal:**

The interview committee recommends the appointment of Matthew Comstock to a three-year term expiring December 31, 2022.

Matthew Comstock has lived in Estes Park for over a year and has become engaged in various clubs and councils since his move. He has worked in advertising and marketing with multiple companies.

**Advantages:**

Filling the position would complete the seven-member board.

**Disadvantages:**

If the appointment is not made, the position would remain vacant until it could be re-advertised and interviews conducted.

**Action Recommended:**

Appoint Matthew Comstock to the Estes Valley Planning Commission for a three-year term expiring December 31, 2022.

**Finance/Resource Impact:**

*None.*

**Level of Public Interest**

Low.

**Sample Motion:**

I move to **approve/deny** the appointment of Matthew Comstock to the Estes Valley Planning Commission for a three-year term expiring December 31, 2022.

**Attachments:**

None.



# Memo

To: Honorable Mayor Jirsa  
Board of Trustees

Through: Town Administrator Machalek

From: Town Clerk Williamson

Date: *December 10, 2019*

RE: *Local Marketing District Board Reappointment of Todd Jirsa for a term expiring April 28, 2020*

*(Mark all that apply)*

- PUBLIC HEARING       ORDINANCE       LAND USE  
 CONTRACT/AGREEMENT       RESOLUTION       OTHER Appointment

QUASI-JUDICIAL    YES    NO

**Objective:**

To consider the reappointment of Mayor Todd Jirsa to the Local Marketing District.

**Present Situation:**

Mayor Jirsa was appointed to Local Marketing District Board for a term expiring December 31, 2019. The Intergovernmental Agreement for the Estes Park Local Marketing District between the Town and County dated January 1, 2019 states “one or two Town appointees may be members of the Town Board. Said appointed Town Board members shall serve as Directors of the District only during their term as members of the Town Board.”

**Proposal:**

Staff recommends the Board reappoint of Mayor Jirsa to the Local Marketing District Board for a term which corresponds to his term as Mayor.

**Advantages:**

Provides continuity on the Local Marketing District Board.

**Disadvantages:**

If the appointment is not made, the position would remain vacant until it could be advertised and interviews conducted.

**Action Recommended:**

Reappoint Todd Jirsa to the Local Marketing District for a term expiring April 28, 2020.

**Finance/Resource Impact:**

*None.*

**Level of Public Interest**

Low.

**Sample Motion:**

I move to **approve/deny** the reappointment of Todd Jirsa to the Local Marketing District for a term expiring April 28, 2020.

**Attachments:**

None.

# 100 Years: A Celebration of Women

## The 19<sup>th</sup> Amendment and the Extraordinary Women of the Estes Valley

1

- August 26, 2020 marks 100 years since the ratification of the 19<sup>th</sup> Amendment guaranteeing women the right to vote
- It's Time to Celebrate!

2

- The contributions of the Women of the Estes Valley who have helped build and strengthen this community have often been under appreciated and overlooked
- It is time to correct that!
- It is time to celebrate!

3

## Who is Involved?

- Women's Club
- Estes Valley Library
- Estes Park Schools
- Estes Park Museum
- Estes Valley Nonprofit Resource Center
- League of Women Voters of EP
- Quota Club
- Estes Arts District
- EP Parks Department
- Visit Estes Park
- EP News
- Estes Park Trail Gazette
- Estes Valley Crisis Advocates
- Estes Valley Community Center
- PEO
- Community Leaders
- **YOU?**

4

## Events Planned So Far

- 1917 Book Club at Estes Park Museum
- Women's History Month – Estes Valley Library
- High Tea – Estes Valley Community Center
- “Celebrating Women” Conference – Women's Club
- Rooftop Rodeo Parade
- Young Chautauqua Performances
- Proclamation on August 26<sup>th</sup>

5

## In the Works

- Potential Arts Project
- Banners and Signage throughout town
- Yellow Flower Displays
- Communications – Facebook, Newspapers
- 100 Years: 100 Women Project
  - Please email essay submissions to:  
[chomanwendell@estesvalleylibrary.org](mailto:chomanwendell@estesvalleylibrary.org)

6

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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. RESOLUTION 45-19 SUPPLEMENTAL BUDGET APPROPRIATIONS.**

- 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: Finance Director Hudson

Date: Dec 10, 2019

RE: Resolution 45-19 Supplemental Budget Appropriations

(Mark all that apply)

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

QUASI-JUDICIAL    YES    NO

**Objective:**

Amend the 2019 budget for additional projects and activities that were not known or included in the original annual budget. This amendment includes appropriating for the 2019 Power and Communication Fund Revenue Bonds (broadband financing) and other final year end amendments as detailed below.

**Present Situation:**

The following summarizes the proposed changes by Fund.

*General Fund: Increase \$31,982*

Town Administrator training costs were increased by \$13,326 for a SDIC training class (Systematic Development of Informed Consent) held on site in November. The classes were made available to other government agencies (Hospital, Library and Larimer County) and this additional cost was offset by revenues from these other agencies. In addition, the Town Administrator land improvement budget was increased \$12,156 to cover the Willow Knolls Legacy Project funded by a state grant and funds raised from the centennial logo item sales.

The appropriation for the transfer to the Estes Valley Fire Protection District was increased \$24,000 as a result of increased sales tax revenue estimates.

Finally, salary and benefit appropriations were reduced \$17,500 in the Code Enforcement Division of the Police Department due to the employee starting later in the year than originally budgeted.

*Emergency Response Fund: Increase \$4,000*

The communication equipment appropriation was increased \$4,000 to cover unanticipated equipment needs.

*Community Center Fund: Increase \$25,000*

This increase to the Estes Valley Recreation and Park District transfer is due to increased sales tax revenue estimates at the end of the year.

*Power and Communication Fund: Increase \$26,231,340*

This increase is to appropriate the 2019 revenue bonds, including \$3,039,784 to refund the remaining balance of the 2007 Light and Power Revenue Bonds, \$300,971 for bond issue costs, and \$22,890,585 of project funds. The Town had previously budgeted a total of \$3,109,415 from the seed money and other reclassified appropriations, which together with this amendment, total \$26,000,000 in project appropriations. A detailed schedule is included in the attachment for additional clarity.

*Fleet Maintenance Fund: Increase \$16,000*

Appropriates an additional \$16,000 for fleet maintenance wages and benefits to cover estimated costs at year end.

**Proposal:**

To complete these items, the moneys must be appropriated within the proper funds. The attached budget resolution provides for the required appropriations.

**Advantages:**

As the final year end budget amendment, it is important that total actual expenditures do not exceed total appropriations by fund so this amendment is intended to help cover that. The primary risk of this happening is the Community Center Fund which accounts for sales tax revenues and remittances to the Estes Valley Recreation and Park District as mentioned above.

This amendment also appropriates the Power and Communication Revenue Bonds to allow the project to move forward.

**Disadvantages:**

This will appropriate Town funds for these purposes, reducing funding available for other purposes.

**Action Recommended:**

Staff recommends approval of the supplemental budget resolution as presented.

**Finance/Resource Impact:**

After reflecting these changes, the General Fund is projected to end 2019 with a 25.6% fund balance. Each fund is expected to end 2019 with a positive fund balance as well.

**Level of Public Interest**

The amount of public interest in these amendments is expected to be minimal. No communication from the public has been received regarding these amendments.

**Sample Motion:**

I move for the **approval/denial** of Resolution 45-19 Supplemental Budget Appropriations to the 2019 Budget.

**Attachments:**

Attachment A – Resolution 45-19 Supplemental Budget Appropriations to the 2019 Budget

Attachment B – Recap of proposed Budget Amendments and supporting schedules

## RESOLUTION 45-19

### SUPPLEMENTAL BUDGET APPROPRIATIONS TO THE 2019 BUDGET

**WHEREAS**, the Board of Trustees of the Town of Estes Park has adopted the 2019 annual budget in accordance with the Local Government Budget Law on November 27<sup>th</sup>, 2018; and

**WHEREAS**, additional projects and activities have been identified that were not known or included in the original annual budget; and

**WHEREAS**, it is not only required by law, but also necessary to appropriate the revenues provided in the budget to and for the purposes described below, so as not to impair the operations of the Town of Estes Park.

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

That the appropriations be increased by \$26,308,322 for the funds specified below and these amounts are hereby appropriated from additional revenue or available fund balance of each fund.

Fund #	Fund Name	Existing Appropriations	Amendment	Amended Appropriations
101	General Fund	24,321,108	31,982	24,353,090
204	Community Reinvestment Fund	6,024,527	0	6,024,527
211	Conservation Trust Fund	40,446	0	40,446
220	Larimer County Open Space Fund	1,707,087	0	1,707,087
236	Emergency Response System Fund	400,580	4,000	404,580
238	Community Center Fund	768,392	25,000	793,392
244	Trails Fund	1,011,073	0	1,011,073
260	Street Fund	4,902,452	0	4,902,452
502	Power and Communications Fund	23,717,017	26,231,340	49,948,357
503	Water Fund	9,882,357	0	9,882,357
606	Medical Insurance Fund	2,352,416	0	2,352,416
612	Fleet Maintenance Fund	486,672	16,000	502,672
625	Information Technology Fund	904,374	0	904,374
635	Vehicle Replacement Fund	629,465	0	629,465
645	Risk Management Fund	283,947	0	283,947
	<b>Total All Funds</b>	<b>77,431,913</b>	<b>26,308,322</b>	<b>103,740,235</b>

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

TOWN OF ESTES PARK

\_\_\_\_\_  
Mayor

ATTEST:

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

**TOWN OF ESTES PARK  
 RECAP OF PROPOSED BUDGET ADJUSTMENTS  
 FOR YEAR ENDED 12-31-2019  
 AS OF Dec 10, 2019**

	<b>101 GENERAL FUND</b>	<b>204 COMMUNITY REINVESTMENT</b>	<b>211 CONSERVATION TRUST</b>	<b>220 LARIMER COUNTY OPEN SPACE</b>	<b>236 EMERGENCY RESPONSE</b>	<b>238 COMMUNITY CENTER</b>	<b>244 TRAILS</b>	<b>260 STREET</b>
Revenues, As Amended	\$22,069,845	\$4,665,494	\$32,300	\$1,167,000	\$402,089	\$793,392	\$1,022,196	\$1,859,142
Expenses, As Amended	24,353,090	6,024,527	40,446	1,707,087	404,580	793,392	1,011,073	4,902,452
Net	(2,283,245)	(1,359,033)	(8,146)	(540,087)	(2,491)	0	11,123	(3,043,310)
Estimated Beginning Fund Balance, 1/1/19	8,652,961	1,359,099	70,605	553,476	79,363	0	612,721	3,557,952
Estimated Ending Fund Balance, 12/31/19	<u>\$6,369,716</u>	<u>\$66</u>	<u>\$62,459</u>	<u>\$13,389</u>	<u>\$76,872</u>	<u>\$0</u>	<u>\$623,844</u>	<u>\$514,642</u>
Budget Reserves								
Nonspendable Prepaid Fund Bal & Restr Donations	125,000							
Total Restricted Fund Balance	<u>125,000</u>							
	<u>25.6%</u>							

	<b>502 POWER AND COMMUNICATIONS</b>	<b>503 WATER</b>	<b>606 MEDICAL INSURANCE</b>	<b>612 FLEET</b>	<b>625 INFORMATION TECHNOLOGY</b>	<b>635 VEHICLE REPLACEMENT</b>	<b>645 RISK MANAGEMENT</b>	<b>TOTAL</b>
Revenues, As Amended	\$50,971,441	\$5,767,964	\$2,512,443	\$503,053	\$848,231	\$480,898	\$283,947	\$93,379,435
Expenses, As Amended	49,948,357	9,882,357	2,352,416	502,672	904,374	629,465	283,947	103,740,235
Net	1,023,084	(4,114,393)	160,027	381	(56,143)	(148,567)	0	(10,360,800)
Estimated Beginning Fund Balance, 1/1/19	8,969,681	6,820,619	1,228,803	477,135	276,297	311,372	0	32,970,084
Estimated Ending Fund Balance, 12/31/19	<u>\$9,992,765</u>	<u>\$2,706,226</u>	<u>\$1,388,830</u>	<u>\$477,516</u>	<u>\$220,154</u>	<u>\$162,805</u>	<u>\$0</u>	<u>\$22,609,284</u>

**TOWN OF ESTES PARK  
SUMMARY OF ANTICIPATED REVENUE ADJUSTMENTS  
FOR YEAR ENDED 12-31-2019  
AS OF Dec 10, 2019**

<b>Fund/Dept</b>	<b>Fund Name</b>	<b>Current Budget</b>	<b>Amendment</b>	<b>Budget As Amended</b>
101	GENERAL FUND	22,031,844	38,001	22,069,845
204	COMMUNITY REINVESTMENT	4,665,494	-	4,665,494
211	CONSERVATION TRUST	32,300	-	32,300
220	LARIMER COUNTY OPEN SPACE	1,167,000	-	1,167,000
236	EMERGENCY RESPONSE	402,089	-	402,089
238	COMMUNITY CENTER	768,392	25,000	793,392
244	TRAILS	1,022,196	-	1,022,196
260	STREET	1,859,142	-	1,859,142
502	POWER AND COMMUNICATIONS	17,409,629	33,561,812	50,971,441
503	WATER	5,767,964	-	5,767,964
606	MEDICAL INSURANCE	2,512,443	-	2,512,443
612	FLEET	503,053	-	503,053
625	INFORMATION TECHNOLOGY	848,231	-	848,231
635	VEHICLE REPLACEMENT	480,898	-	480,898
645	RISK MANAGEMENT	283,947	-	283,947
	<b>TOTAL</b>	<b>59,754,622</b>	<b>33,624,813</b>	<b>93,379,435</b>

**TOWN OF ESTES PARK  
SUMMARY OF SUPPLEMENTAL APPROPRIATIONS  
FOR YEAR ENDED 12-31-2019  
AS OF Dec 10, 2019**

<b>Fund/Dept</b>	<b>Fund Name</b>	<b>Current Budget</b>	<b>Amendment</b>	<b>Budget As Amended</b>
101	GENERAL FUND			
101-1100	Legislative	308,081	-	308,081
101-1190	Town Attorney	232,541	-	232,541
101-1200	Judicial	80,760	-	80,760
101-1300	Town Administrator's Office	392,647	25,482	418,129
101-1400	Town Clerk's Office	537,713	-	537,713
101-1500	Finance	542,839	-	542,839
101-1600	Com Dev ( Planning)	1,263,083	-	1,263,083
101-1700	Facilities	1,518,203	-	1,518,203
101-1800	Employee Benefits	194,180	-	194,180
101-1900	Community Service Grants	1,183,935	24,000	1,207,935
101-2100	Police - Patrol	3,777,591	-	3,777,591
101-2155	Police - Communications	988,816	-	988,816
101-2175	Police - Comm Svcs	371,551	-	371,551
101-2185	Police - Code Enforcement	126,555	(17,500)	109,055
101-2300	Building Safety Divison	673,276	-	673,276
101-2400	Engineering	364,284	-	364,284
101-2600	Visitor Center	604,454	-	604,454
101-3100	Streets	1,312,027	-	1,312,027
101-5200	Parks	1,250,539	-	1,250,539
101-5304	Senior Center	224	-	224
101-5500	Special Events	2,167,063	-	2,167,063
101-5600	Transportation	1,481,610	-	1,481,610
101-5690	Parking Services	260,779	-	260,779
101-5700	Museum	415,363	-	415,363
101-9000	Transfers	4,272,994	-	4,272,994

**TOWN OF ESTES PARK  
SUMMARY OF SUPPLEMENTAL APPROPRIATIONS  
FOR YEAR ENDED 12-31-2019  
AS OF Dec 10, 2019**

<b>Fund/Dept</b>	<b>Fund Name</b>	<b>Current Budget</b>	<b>Amendment</b>	<b>Budget As Amended</b>
101	GENERAL FUND	24,321,108	31,982	24,353,090
204	COMMUNITY REINVESTMENT	6,024,527	-	6,024,527
211	CONSERVATION TRUST	40,446	-	40,446
220	LARIMER COUNTY OPEN SPACE	1,707,087	-	1,707,087
236	EMERGENCY RESPONSE	400,580	4,000	404,580
238	COMMUNITY CENTER	768,392	25,000	793,392
244	TRAILS	1,011,073	-	1,011,073
260	STREET	4,902,452	-	4,902,452
502	POWER AND COMMUNICATIONS	23,717,017	26,231,340	49,948,357
503	WATER	9,882,357	-	9,882,357
606	MEDICAL INSURANCE	2,352,416	-	2,352,416
612	FLEET	486,672	16,000	502,672
625	INFORMATION TECHNOLOGY	904,374	-	904,374
635	VEHICLE REPLACEMENT	629,465	-	629,465
645	RISK MANAGEMENT	283,947	-	283,947
	<b>TOTAL ALL FUNDS</b>	<b>77,431,913</b>	<b>26,308,322</b>	<b>103,740,235</b>

**TOWN OF ESTES PARK  
SUMMARY OF P&C BOND SALE  
FOR YEAR ENDED 12-31-2019  
AS OF Dec 10, 2019**

	Previously Budgeted	Amendment	Final Budget		
<b>Bond Sale Proceeds</b>					
502-0000-388.40-00	REVENUE BOND PROCEEDS	-	30,030,000	30,030,000	
502-0000-388.80-00	BOND PREMIUMS (DISCOUNT)	-	3,531,812	3,531,812	
<b>Total Bond Proceeds</b>		<b>-</b>	<b>33,561,812</b>	<b>33,561,812</b>	
<b>Appropriations</b>					
502-6700-470.29-67	BOND ISSUE COST	-	300,971	300,971	
502-6700-470.41-01	PRINCIPAL ON BONDS	-	3,030,000	3,030,000	Retire 2007 Issue
502-6700-470.41-02	INTEREST ON BONDS	-	9,784	9,784	Retire 2007 Issue
502-7001-580.32-21	NEW BUILDINGS	1,250,000	-	1,250,000	
502-7001-580.35-66	FIBER OPTIC INSTALL	1,859,415	22,890,585	24,750,000	
<b>Total Appropriations</b>		<b>3,109,415</b>	<b>26,231,340</b>	<b>29,340,755</b>	
NA	WORKING CAPITAL			1,400,000	
NA	CAPITALIZED INTEREST			2,821,057	
<b>Total Bond Proceeds</b>				<b>33,561,812</b>	



# Memo

To: Honorable Mayor Jirsa  
Board of Trustees

From: Travis Machalek, Town Administrator  
Greg Muhonen, PE, Public Works Director  
Brian Berg, Parks Maintenance Supervisor

Date: December 10, 2019

RE: Resolution 46-19 Supporting the Grant Application for a Local Parks and Outdoor Recreation Grant from the State Board of the Great Outdoors Colorado Trust Fund and the Completion of the Thumb Open Space

(Mark all that apply)

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

QUASI-JUDICIAL     YES     NO

**Objective:**

Board consideration of resolution of support for the Great Outdoors Colorado (GOCO) grant application for the Thumb Open Space.

**Present Situation:**

The proposed Thumb Open Space consists of five parcels totaling roughly 65 acres on the south side of Prospect Mountain. The property is undeveloped and four existing conservation easements limit development to one residence and associated structures. Limited public access is currently available via a ½-mile platted trail on the westernmost parcel. Hiking and climbing have occurred on the property since at least the 1940s. Public access to the Thumb and the Needle has been allowed in the past, but is currently prohibited.

**Proposal:**

The proposed open space is envisioned as a primitive day-use park owned by the Town of Estes Park. Existing easements on the property would be amended and consolidated to remove the remaining development right and allow for the implementation of the proposal. If the project moves forward, a management plan will need to be established through a community-wide process to guide use of the property.

More specific details about the project are contained in the attached proposal and presentation.

The Town has submitted a GOCO grant application for \$350,000 to support the Thumb Open Space land acquisition. GOCO requires a resolution of support along with this

grant application. As the grant deadline did not line up with the Town's budget deadline, GOCO agreed to allow submittal prior to final budget adoption. If the Town Board does not wish to proceed with the project, staff will contact GOCO to withdraw the application prior to the start of their review process.

**Advantages:**

- Establishes a unique open space amenity in the center of Estes Park and creates and ensures public access to the Thumb and the Needle.
- Active management and enforcement by the Town as guided by a Management Plan developed with the community.
- Town ownership elevates Town sensitivity and response to parking operations and safety associated with this property.
- Town ownership of the land and renegotiation of the Conservation Easement could allow removal of existing building rights to better preserve the undisturbed natural state of the property.
- Town ownership and renegotiated terms of the Conservation Easement could allow addition of properly designed public trails to the Thumb and Needle to enhance the recreation experience and improve access to a public amenity from adjacent private properties.
- Town management of the trails would facilitate improvements to the current trail to enhance erosion control and discourage off-trail use.
- A collaboratively assembled Management Plan presents an opportunity to strengthen the trust and communication between public and private stakeholders and they work together to protect and enjoy a community asset.

**Disadvantages:**

- Expanded use of the site has the potential to increase traffic volumes and parking violations on nearby neighborhood streets.
- Increase in off-trail usage could create rockfall danger for homes below the property.
- Expanded use of the site could increase the risk of trespass onto neighboring private properties.
- Public ownership increases taxpayer burden for enforcement of rules and regulations as well as for maintenance of the trails, parking area, and noxious weeds on this property. It is difficult to predict the amount of ongoing expenditures that will be required to maintain the property.
- Expanded public access/use/exposure may increase the use of the property significantly, compounding concerns about rockfall from off-trail use, trespassing, wildlife impacts, and overuse.
- The Management Plan could identify necessary project components that would require unanticipated expenditures.

**Action Recommended:**

Staff recommends approval of the Resolution.

**Finance/Resource Impact:**

The anticipated costs of this acquisition and ongoing ownership are summarized in the attached Proposal. The Town contribution to the land acquisition is proposed to be paid

with Larimer County Open Lands funds (\$171,700.00) and state lottery Conservation Trust Funds (\$70,000).

Additionally, existing General Fund resources (approximately \$6,900 from Streets and Parks Division operations) would be used for initial trailhead improvements.

Costs for a consultant-led management plan, parking lot enhancements, bathroom, signage, and other items that may be identified in a future management plan are not included and would need to be identified and budgeted in the future.

Initial ongoing maintenance expenses for the property are estimated at \$9,800 annually (based on current assumptions). There will be unanticipated costs associated with the operation of this open space, and they will need to be addressed in the annual budgeting process. The terms of a future management plan may require additional funding from the Town.

### **Level of Public Interest**

The level of interest from the neighboring property owners is **high** while the known public interest from the broader community is **moderate**.

### **Sample Motion:**

I move for the **approval/denial** of this Resolution.

### **Attachments:**

- Resolution of Support
- [Link to Thumb Open Space Proposal](#)
- [Link to presentation slides from December 3, 2019 Community Meeting](#)
- [Link to full Public Comment Record \(including notes from November 13, 2019 Neighborhood Meeting\)](#)
- [Video recordings of Neighborhood Meeting and Community Meeting available at estes.org/videos](#)

## RESOLUTION 46-19

### **A RESOLUTION SUPPORTING THE GRANT APPLICATION FOR A LOCAL PARKS AND OUTDOOR RECREATION GRANT FROM THE STATE BOARD OF THE GREAT OUTDOORS COLORADO TRUST FUND AND THE COMPLETION OF THE THUMB OPEN SPACE**

WHEREAS the Town Board of the Town of Estes Park, Colorado supports the Great Outdoors Colorado grant application for the Thumb Open Space. And if the grant is awarded, the Town Board supports the completion of the project; and

WHEREAS the Town of Estes Park has requested \$350,000 from Great Outdoors Colorado to acquire the Thumb Open Space.

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

1. The Town Board of the Town of Estes Park strongly supports the application and has reserved matching funds in the 2020 budget for a grant with Great Outdoors Colorado. These matching funds will be appropriated for expenditure if the grant is awarded.
2. If the grant is awarded, the Town Board of the Town of Estes Park strongly supports the completion of the project.
3. The Town Board of the Town of Estes Park will authorize the expenditure of funds necessary to meet the terms and obligations of any Grant awarded.
4. The Estes Valley Land Trust has negotiated a sale from the current owner to the Town of Estes Park and the site will be owned by the Town of Estes Park.
5. The Town Board of the Town of Estes Park recognizes that as the recipient of a Great Outdoors Colorado Local Government grant the project site must provide reasonable public access.
6. The Town Board of the Town of Estes Park will ensure the maintenance of the Thumb Open Space in a high-quality condition and will appropriate funds for maintenance in its annual budget.
7. If the grant is awarded, the Town Board will authorize the Mayor to sign the grant agreement with Great Outdoors Colorado.
8. This resolution is in full force and effect from and after its passage and approval.
9. All the Town's financial obligations under any grant awarded are contingent upon appropriation, budgeting, and availability of specific funds to discharge

those obligations. Nothing in this resolution or any grant awarded constitutes a debt, a direct or indirect multiple fiscal year financial obligation, a pledge of the Town's credit, or a payment guarantee by the Town. The Town Administrator or designee is authorized to execute all documents necessary to submit said grant application.

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

TOWN OF ESTES PARK

\_\_\_\_\_  
Mayor

ATTEST:

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



# Thumb Open Space Proposal

November 6, 2019

Town of Estes Park

Estes Valley Land Trust

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## 1 Purpose

The Town of Estes Park is considering the purchase of parcels to ensure public access to “The Thumb and Needle,” two prominent rock spires on Prospect Mountain that have been used by climbers for half a century. Access to the Thumb and Needle currently occurs at the discretion of the current landowner. This access could be lost with the sale of the property to a new owner. If it proceeds, the Town’s purchase would include an amended conservation easement by the Estes Valley Land Trust.

The Thumb Open Space Proposal is designed to provide a framework for a future management plan that balances natural resource protection, quality of life, and outdoor recreation. This proposal identifies the vision and management concepts that have been discussed to date, and are subject to revision based on the public process. All contents of this proposal are meant to serve as a starting point for discussions with neighbors, elected officials and community stakeholders.

This proposal is not a management plan. If the property is acquired, a community-wide steering committee of subject experts related to recreation and natural resource protection, and other stakeholders, will be formed to lead the management planning process. The management plan process will include many opportunities for public input. This process will likely take 12-18 months to complete and typically occurs after land acquisition.

## 2 Recreation History and Current Use

The historical use of the property is based on conversations with climbers and hikers that have accessed the property for decades. Tom Hornbein, a world-renowned Mountaineer and local resident, began climbing the Thumb as early as the 1940s.

Tommy Caldwell, a professional climber and local resident, climbed the Thumb as a child many times, under the impression the area was public land.

Today, steel bolts and chains, used to protect climbers ascending the rock and for rappelling down the rock, can be seen on the Thumb and Needle. Rock climbing guides published in the early 2000s highlight more than a dozen climbing routes on the Thumb and Needle and online guides list more than 30 routes on these features.

Based on neighbor feedback and observed parking along Peak View Drive, hiking currently occurs at the Thumb Open Space on a daily basis.

Local climbing guides have used the rocks to introduce families, youth and veterans to climbing. Neighbors have confirmed that the Thumb and Needle are still used today and climbers can be seen on the summit.

The history of hiking the Thumb Open Space is more difficult to document. The trail from Peak View Drive is well established, but since there are no built features, it is difficult to date. As the

trail continues near the northern boundary, it appears to be “built” with small rocks forming short retaining walls.

Based on feedback from locals, hiking the Thumb Open Space has occurred at least since the 1980s, but may go back even earlier. If locals were climbing in the area in the 1940s, it is likely they were also hiking the area around the same time.

Today, neighbors access the property on foot, and may hike the trail or Curry Drive, the public road along the eastern boundary. Neighbors also see cars parked along Peak View Drive on a daily basis, where the trail commences. Since there are no trail counters installed on the trail or a trailhead monitoring program, there is no estimate for current trail use.

### **3 Thumb Open Space Vision**

A town-owned 65-acre open space, much like Centennial Open Space at Knoll-Willows, that continues to support hiking, climbing, bouldering, environmental education and wildlife watching. The Thumb Open Space will be a primitive, day-use park.

The vision for the Thumb Open Space is a primitive, day-use park, much like the Town of Estes Park’s Centennial Open Space at Knoll Willows.

### **4 Hiking**

Hiking is likely the most popular outdoor recreation activity in Estes Park and the most popular activity at the Thumb Open Space. The Thumb Open Space will permit hiking on designated trails.

#### **4.1 Existing Trails**

There are currently two trails on the property. A 0.5-mile platted trail starts at Peak View Drive at the proposed trailhead, on a property owned by the Town of Estes Park. The platted trail crosses through a private lot and enters the proposed property. From there it gains approximately 500 feet in elevation to the property boundary.

The trail continues past the proposed property for another approximately 0.35 miles to the top of Prospect Mountain. The trail is not platted north of the Thumb Open Space.

Two hiking trails currently exist on the proposed Thumb Open Space. The 0.5-mile trail from Peak View Drive is platted and receives the most use.

Hikers also use Curry Drive as a hiking trail. The lower 0.6- miles of this road leads to the proposed Thumb Open Space northern boundary, and approximately 0.25 miles is paved. A gate located at the northern property boundary restricts vehicular access to the neighboring property.

From Curry Drive, a steep hiking trail leads to the Thumb and Needles and trails around the Thumb and Needle provide climbing access.

Existing trails need to be evaluated for long-term sustainability. Sections that have, or are likely to be washed out, eroded or entrenched should be redesigned, repaired or relocated. The management plan should identify the location of trails that will be retained, improved, relocated or closed and restored.

## 4.2 Future Trails

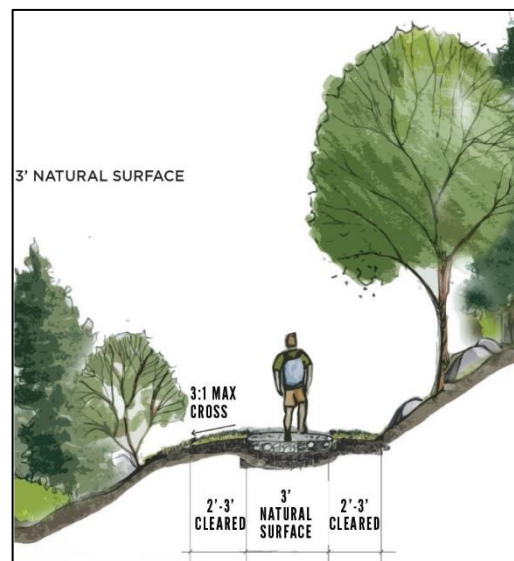
Social trails, or trails that are not part of a managed trail system, should be closed to allow for restoration and to improve habitat.

Additional trails will be considered to improve the visitor experience, better access the Thumb and Needle, to replace trails that were poorly designed and damage the environment, or to avoid sensitive areas.

Any new trails will be designed to meet hiking trail standards, will be limited to three feet in width and composed of natural surfaces.

Critical wildlife habitat, including any raptor nesting areas, will be identified and trails will be built or closed to avoid these areas. Any new trails will also be set back from neighboring property boundaries, to avoid trespass and other conflicts.

Any new trails will be designed to meet hiking trail standards, will be limited to three feet in width and composed of natural surfaces.



## 5 Climbing

Climbing is a popular activity at the proposed Thumb Open Space. Thumb Open Space will permit bouldering and roped climbing, on designated crags. The Town will neither install nor maintain climbing routes and climbers will be participating at their own risk.

### 5.1 Existing Climbing

Bouldering, or climbing on large boulders, without ropes or other gear attached to rock to prevent injury or assist with the climb, occurs on the property. Bouldering often involves a crash pad, or dense pad, almost like a mattress, that the climber places under the route, in case of a fall. Crash pads are lightweight, designed with backpack straps, and are carried to and from the site by the climber.

There are currently 18 bouldering “problems”, or routes, at the proposed Thumb Open Space, based upon Mountain Project, an online climbing guide.

Free climbing, or climbing larger rocks, without using equipment to aid in the upward movement, also occurs at the proposed Thumb Open Space. Free climbing can be divided into sport climbing, which involves attaching quickdraws (carabiners and webbing) to a bolt on the rock and then through the rope and traditional climbing, which involves placing small pieces of removable steel or removable camming devices into the rock cracks and attaching a quickdraw and rope.

Based on Mountain Project, there are over 30 free climbing routes on the proposed Thumb Open Space. Some of these routes are designed for beginner climbers and others are designed for advanced climbers.

## **5.2 Staging Areas**

Staging areas are generally improved flat rocky or bare ground areas beneath free climbing routes or boulder problems. Staging areas provide a safe surface while belaying or watching climbers and limit impacts from people standing or sitting while others climb.

Staging areas could be improved at the base of the most popular climbing and bouldering routes to improve the visitor experience and protect natural resources.

## **5.3 Future Climbing**

Existing climbing routes that are not safe, are poorly laid out, do not provide a good climbing experience, or harm natural resources may be closed and all fixed hardware removed.

Future climbing routes, fixed gear (such as rappel anchors) and bouldering areas will be considered to improve the visitor experience, to replace routes or gear that was poorly designed or in need of replacement, or to avoid sensitive areas. The Town will neither install nor maintain any climbing routes, so a framework for climbing-route establishment and maintenance will need to be established.

Critical wildlife habitat, including any raptor nesting areas, will be identified and routes will be established to avoid these areas. Any new free climbing or bouldering areas will be set back from neighboring property boundaries, to avoid trespass and other conflicts.

An evaluation and mapping of all existing bouldering and free climbing areas should be conducted as part of the management planning process. Any new climbing areas should also be evaluated before the management plan is completed.

## **6 Youth Programming and Use**

Research shows that spending time in nature is essential for brain development, creativity and imagination. It also confirms that kids that interact regularly in the out-of-doors are more

mentally acute, physically healthy, socially adept, and more likely to maintain a positive disposition toward the environment and natural resources later in life.

Youth programming such as guided hikes and climbs could be scheduled through the Estes Valley School District, local after school programs, the Estes Valley Recreation and Park District, or other partners.

Research shows that kids that spend time in nature are more physically, mentally and emotionally healthy.

Teachers, parents and kids should participate in the management planning process to ensure the Thumb Open Space can serve the youth of our community.

## 7 Other Human-Powered Uses

Motorized uses, such as ATVs, will be prohibited, because of the small size steep topography of the proposed Thumb Open Space, the noise and land disturbance that motorized uses create and the limits on trailhead for trailer parking.

Motorized uses, such as ATVs, will be prohibited.

Overnight camping will be prohibited, because of the risk from fire, impacts to the land and potential for trash. Administering a camping permit system is also infeasible for the Town of Estes Park.

Horseback riding will likely be prohibited, due to the short trail system and lack of trailer parking. Hunting will be prohibited for safety.

Human-Powered uses such as cross-country skiing, mountain biking, dog walking and trail running will be considered during the management planning process. Criteria such as compatibility with hiking and climbing uses, impacts to the land and consistency with the vision of the Thumb Open Space will help determine if additional non-motorized uses will be permitted.

## 8 Access

Access through the proposed Thumb Open Space will be limited to designated trails, bouldering areas and climbing routes. Focusing access onto improved trails protects natural resources and sensitive environmental areas and improves the visitor experience by providing trails that are safer and more enjoyable.

### 8.1 Pedestrian and Bicycle Access

Bicycle access is provided via public roads and pedestrian access may be available via rights-of-way and through neighboring Bureau of Reclamation properties.

During the development of the management plan, a limited number of neighborhood access points may be considered to ensure neighbors can easily access the property. Neighborhood access points will be restricted to protect natural resources and sensitive areas, prevent trespass and reduce annual operation costs with maintaining neighborhood access points.

## **8.2 Motorized Access and Trailheads**

Motorized access to the proposed Thumb Open Space currently occurs at two locations.

Trailhead Area 1:

Area consists of property owned by the Town of Estes Park and the Bureau of Reclamation. The Town's Water Division recently acquired a 0.25-acre parcel as part of its acquisition of the Prospect Mountain Water Company. This parcel is currently used for parking for the platted trail that goes through the proposed Thumb Open Space. In addition to the gravel parking area, the property contains trees, boulders and a small wooden structure that serves the former Prospect Mountain Water Company. The Town's Water Division is investigating changing the existing building.

There is potential to park approximately 6 to 8 cars on Town property only. The parcel will need added material and grading to enhance the parking area and 6-10 trees will also have to be removed. Additional trees and other landscaping elements could be installed to improve the parking area.

The Bureau of Reclamation owns the land adjacent and west of the Town property. The Bureau of Reclamation property is also currently being used for parking. Based on the evidence of parking, about 8-12 cars have historically parked on the Town and Bureau of Reclamation properties. If these additional spots are desired, an agreement would be required with the Bureau of Reclamation.

As part of the future management plan, the parking layout and driveway access geometry will be detailed on a proposed site plan for Trailhead Area 1.

A kiosk with trail rules, a site map, leave no trace principles, and a monument sign to identify the trailhead from Peak View Drive, could be installed to formalize this trailhead and better serve the public.

The proposed Thumb Open Space could be a leave no trace open space and no trash cans would be provided. If dog walking is permitted, a dog bag dispenser and a trash can could be provided.

Motorized access could be limited to Trailhead Area 1.

Trailhead Area 2:

The area that is being used to access the northeastern portion of the property is within the proposed Thumb Open Space. This area is popular with the climbing community as it provides the most direct access to the Thumb and Needle.

An underground water tank located in this area has been decommissioned and based on input from the Town of Estes Park's Water Division, there are no plans to repurpose the tank.

About 2-3 cars can park in this location now, without blocking the road and gate to the towers on top of Prospect Mountain. The abandoned tank could be removed and the site could accommodate approximately 15 cars. The gravel portion of Curry Drive would need to be graded with approximately \$5,000 to \$10,000 in added materials. The cost of tank removal is unknown at this time.

Due to the additional construction and maintenance costs and based on concerns from some neighbors about traffic on Curry Drive, the motorized access could be limited to Area 1.

### **8.3 Gates**

A single gate across Curry Drive, near Trailhead Area 2, prevents motorized access to the top of Prospect Mountain. If motorized access to the proposed Thumb Open Space is limited to Trailhead Area 1, another gate can be added where the Curry Drive pavement ends, thus preventing motorized access to Trailhead Area 2.

Alternatively, the current gate could be relocated to where the Curry Drive pavement ends. This will prevent undesired travel up the unmaintained road, end the illegal dumping that has plagued the area over the years and potentially stop the illegal camping and fires. Access agreements and maintenance responsibilities of Curry Drive need to be confirmed to better understand the consequences of installing or moving any gates.

### **8.4 Enforcement**

The proposed Thumb Open Space is within Town limits and is patrolled by the Town's Police Department. Peak View Drive is owned and maintained by the Town east of the Water Division's pump house parcel. Larimer County owns and maintains the remainder of Peak View Drive westward to Mary's Lake Road. The Town also owns and maintains Curry Drive from Peak View Drive to the end of the pavement. Curry Drive and Peak View Drive are both too narrow to accommodate parking along the roads without blocking the traffic lanes. The Estes Park Municipal Code prohibits parking on paved roadways except where sufficient width and

markings are provided. If necessary, “No Parking” signs could be installed to discourage parking and assist law enforcement with traffic control.

The management plan will establish rules and regulations for the permitted uses within the Thumb Open Space. Enforcement of these rules can be accomplished with a multi-phase approach of education and patrols. The Town of Estes Park Police Department is committed to ensuring proper use of any Town property through education and enforcement.

## **9 Insurance and Liability**

The Town maintains property and casualty insurance that covers all Town premises and operations through the Colorado Intergovernmental Risk Sharing Agency (CIRSA). The Town has reviewed with CIRSA the potential addition of the Thumb Open Space, including the trails and climbing features, and there are no concerns with coverage. Town casualty insurance would cover any losses on the site for which the Town is found to be legally liable.

## **10 Commercial Uses**

The Estes Valley Land Trust’s conservation easements currently prohibit commercial uses on properties that compose the proposed Thumb Open Space. Commercial uses that harm the land, interfere with the public recreation or educational use of the property, or are inconsistent with the vision for this property will be prohibited.

Commercial uses that harm the land, interfere with public recreation or educational use of the property, or are inconsistent with the vision for this property will be prohibited.

Commercial uses related to hiking, climbing or other permitted non-motorized uses of the proposed Thumb Open Space could be considered. These uses may include climbing instruction or guiding. The Thumb has been used for teaching kids climbing techniques or providing climbing opportunities for visitors and locals, who do not have proper equipment or technique needed to climb safely.

During the management planning process, a concessionaire agreement may be considered that limits the number of vehicles and paid climbers that can access the proposed Thumb Open Space.

## **11 Promotion and Advertising**

The Thumb Open Space would be a great addition to the portfolio of parks and open spaces offered by the Town of Estes Park. However, with its limited size, the visitor experience and natural resources could be spoiled by over use.

A simple principle that could guide the promotion of the Thumb Open Space, is that it primarily serves as a local park.

A simple principle that could guide the promotion of the Thumb Open Space, is that it primarily serves as a local park. Therefore, the Thumb Open Space will be listed on the Town's website among other town-maintained parks, and local promotion will be limited. This would prevent the Thumb Open Space from being actively promoted by the Estes Park Visitor Center or

Visit Estes Park.

Out-of-town hiking and climbing guidebooks and websites may continue to promote the Thumb Open Space as a climbing destination, but based on the size of the area, it is unlikely it will be a regional or statewide destination.

Similarly, the Thumb Open Space is not likely to be a regional or statewide hiking destination because of its small size, compared to other well-known and longer trails in the region.

The management plan could include guidelines related to how the property will be publicized so that the Estes Park community is aware of this hiking and climbing destination, but the primitive visitor experience is limited and natural resources are protected.

## **12 Anticipated Costs**

The cost to the Estes community for the Thumb Open Space project can be divided into two general categories: one-time acquisition costs and ongoing operational costs. The Estes Valley Land Trust has negotiated a bargain sale from the owner who has discounted the property from \$820,000 to \$600,000. This is \$220,000 below fair market value.

The total upfront project cost is \$699,186 which includes land acquisition, amending the conservation easement to prohibit residential development and allow trail improvements, and improving the trailhead and trails.

The Estes Valley Land Trust and Access Fund have committed \$65,000 in cash towards this project. The land trust, Access Fund and Rocky Mountain Conservancy have committed \$35,586 in in-kind services towards this project.

The Land Trust is asking the Town to contribute \$241,700 cash and \$6,900 in in-kind services toward to startup of this project. The remainder of the funds would be secured through a GOCO grant, authored by the Estes Valley Land Trust and submitted by the Town.

**Simple Financial Breakdown**

GOCO	\$350,000
<b>Town of Estes Park</b>	<b>\$241,700</b>
Access Fund (Committed)	\$50,000
<u>Estes Valley Land Trust (Committed)</u>	<u>\$15,000</u>
Total Cash	\$656,700

Access Fund In-kind (Committed)	\$7,500
Rocky Mountain Conservancy In-kind (Committed)	\$27,636
Estes Valley Land Trust (Committed)	\$450
<b><u>Town of Estes Park In-kind (Trailhead Improvements)</u></b>	<b><u>\$6,900</u></b>

Total In-kind	\$42,486
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Project Total	\$699,186*
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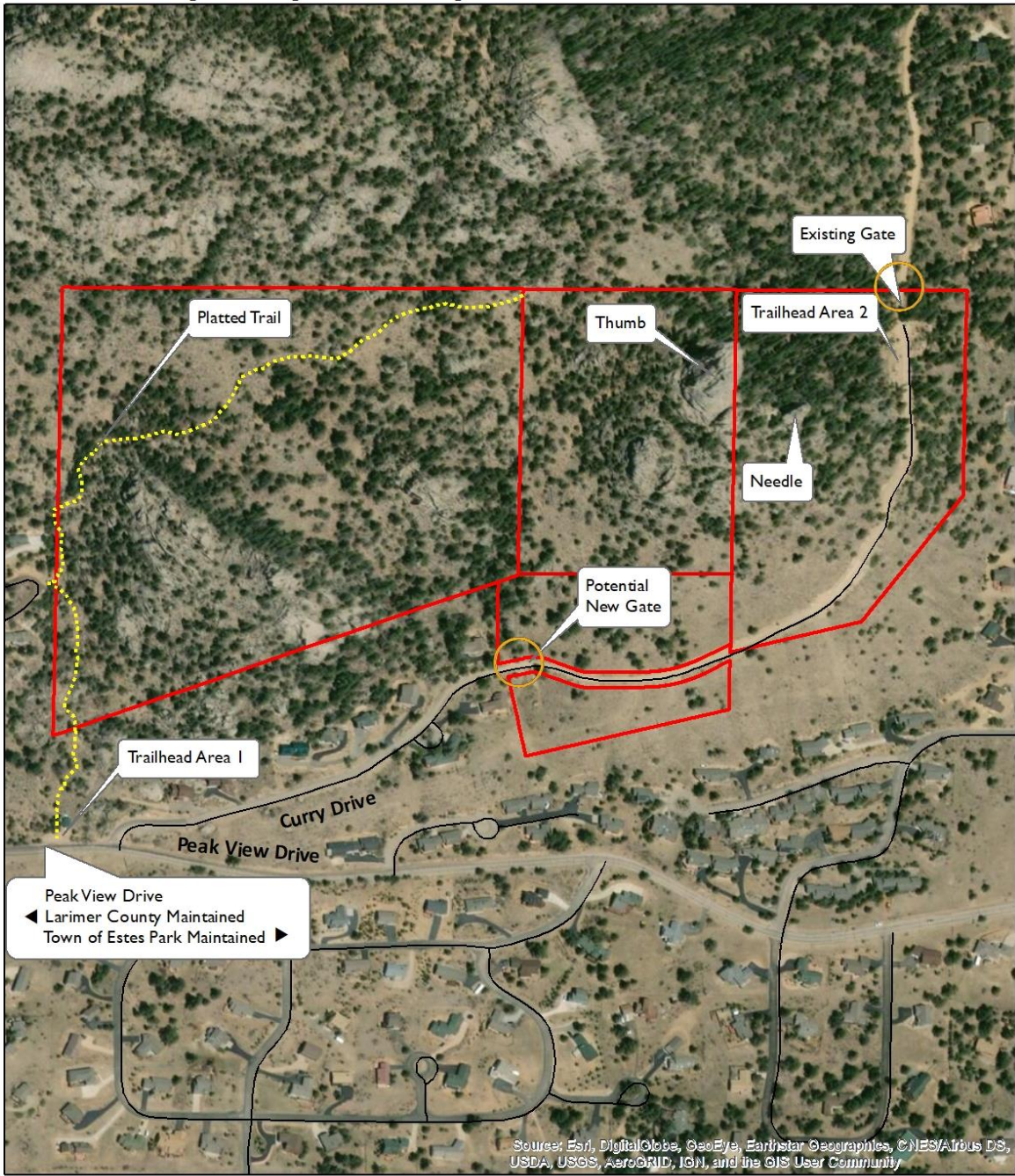
\*The development of a management plan by a consultant could cost up to an additional \$30,000 if this work is not done in house.

After the initial purchase and improvement to the project site, ongoing operation and maintenance effort is required. The Town’s Public Works Parks Division will absorb the yearly maintenance costs estimated to range from \$3,300.00 to \$5,300.00 depending on usage and weather impacts. This includes two weekly trash walks during the summer seasons and trail/parking lot maintenance when needed.

The Town’s noxious weed contractor anticipates an annual cost of about \$4,500.00 in each of the first three years to get the weeds under control. In the following years, an average annual cost of \$1,000.00 to \$2,000.00 is estimated to maintain compliance with the Town’s noxious weed standards. The rugged terrain and natural trail design elevate the weed control costs, as manual application with backpack sprayers is expected, as opposed to UTV or ATV mounted sprayers.

APPENDIX I – SITE MAP

# Thumb Open Space Proposal



	All Parcels Compose 65 Acres	<p>This map is produced from geospatial information gathered and/or prepared by Estes Valley Land Trust (EVL). GIS data and map accuracies might vary due to accuracy differences in the data sources or at certain scales. EVLT maps are created to serve as approximate visual displays of the properties being mapped; using these maps for purposes other than those for which they were created may yield inaccurate or misleading results. For more information, contact EVLT at 970-577-6837.</p>
	<p>0 250 500 1,000 Feet</p>	

**APPENDIX II – PHOTOS**



Kids climbing at the Thumb.



A family enjoying a day at the Thumb.



Views of the Continental Divide from the proposed Thumb Open Space.



Trailhead Area 1, off Peak View Drive.



1

## Project Site – Current State

- 65 Total Acres
- Property is open and undeveloped
- 5 Parcels
- Existing ½-mile of trail
- Two trailheads
- Four existing conservation easements limiting development to one residence and associated structures

### Thumb Open Space Proposal

2

## Purpose and Vision

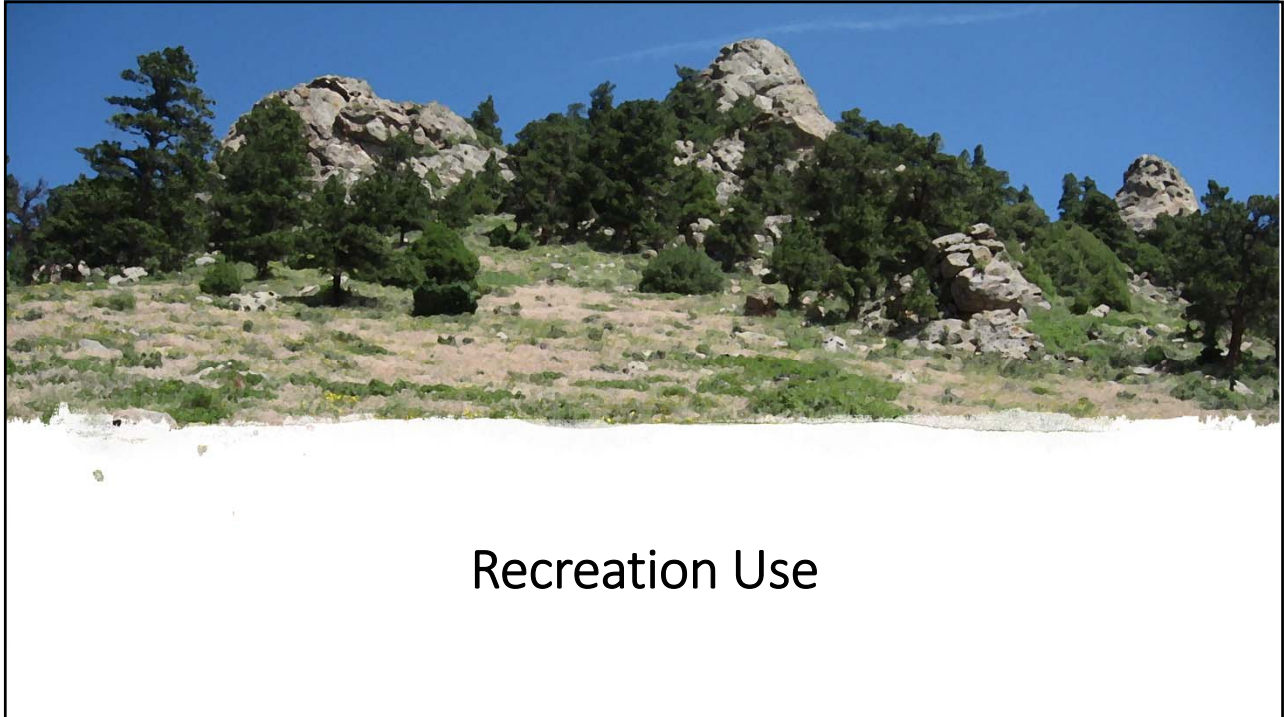
- **Purpose:** Enhance conservation by protecting historic trails and climbing, repairing trails and climbing areas to improve the visitor experience and reduce off-trail use, and prohibit the development of a residential structure.
- **Vision:** A primitive day-use park, much like the Town's Centennial Open Space at Knoll-Willows.
- **Proposal:** Public purchase of 65 acres by the Town of Estes Park, amendment of the conservation easements by the Estes Valley Land Trust, trailhead improvements by the Town of Estes Park, and trail improvements by the Access Fund and Rocky Mountain Conservancy

3

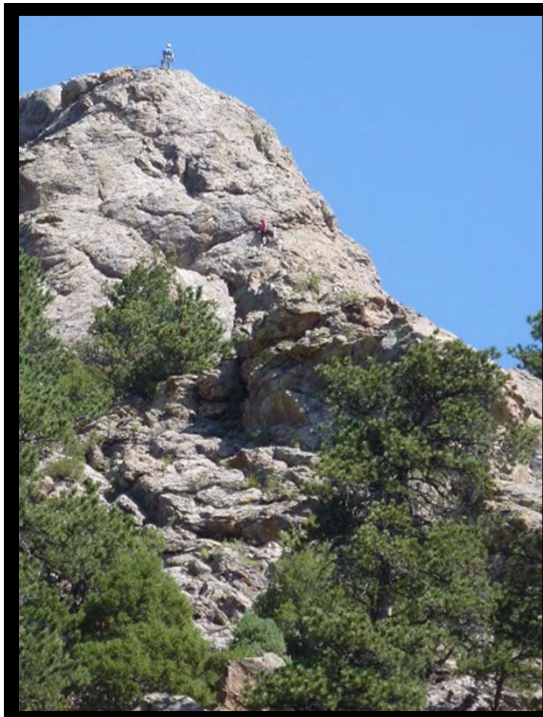
## Proposed Project Partners

- Great Outdoors Colorado
- Town of Estes Park
- Estes Valley Land Trust
- Access Fund
- Rocky Mountain Conservancy

4



5



## History

- Known use of area for hiking/climbing goes back to 1940s
- Access to Thumb and Needle has occurred in the past, prohibited at the moment

6

## Hiking/Wildlife Watching



### Existing Trail:

- 0.5 miles of platted trail
- Estimated mile of social trail

### Future Trail Considerations:

- Off-trail use prohibited
- Potential loop trail
- Any new trails would meet standards, be 3-feet in width and natural surface
- Any new trails would be wildlife friendly

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## Climbing

### Existing:

- Bouldering – 18 routes
- Free climbing – over 30 routes

### Future Climbing:

- Stabilizing areas below routes to improve safety and prevent erosion
- Any new routes would be wildlife friendly
- The Town would neither set nor maintain routes

8



## Youth Programming

### Historic:

- Previous use for climbing instruction

### Existing:

- None, to our knowledge

### Future Trails:

- Potential to partner with School or Recreation and Park Districts
- Climbing, outdoor education and ethics

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## Other Uses

### Prohibited:

- Motorized uses, such as ATVs
- Hunting/shooting
- Overnight camping
- Horseback riding
- Others

### Considered in Management Plan:

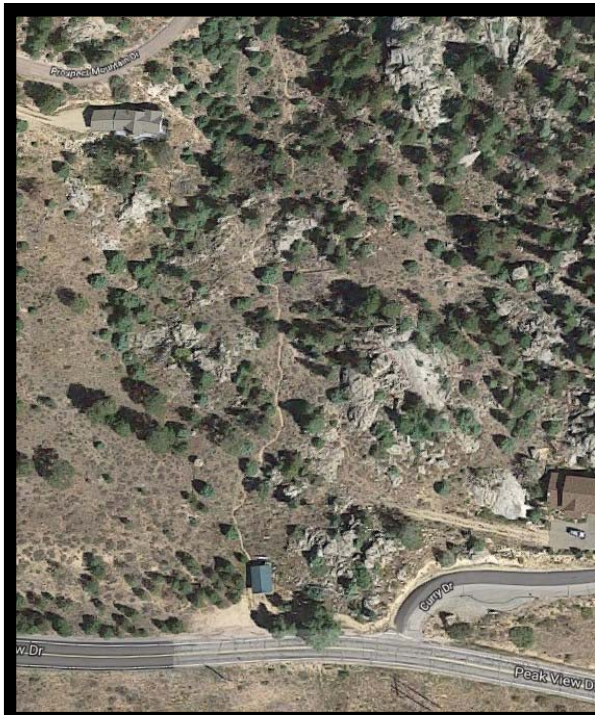
- Dog walking
- Cross-country skiing
- Trail running
- Mountain biking

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## Neighbor Concerns

11



## Neighbor Concerns

### - Increased Usage

- Concern that public ownership of property and marketing of site will dramatically increase use
- Increased use could magnify the existing issues on the property
  - Rockfall
  - Trespassing
  - Wildlife impacts
  - Overuse

12

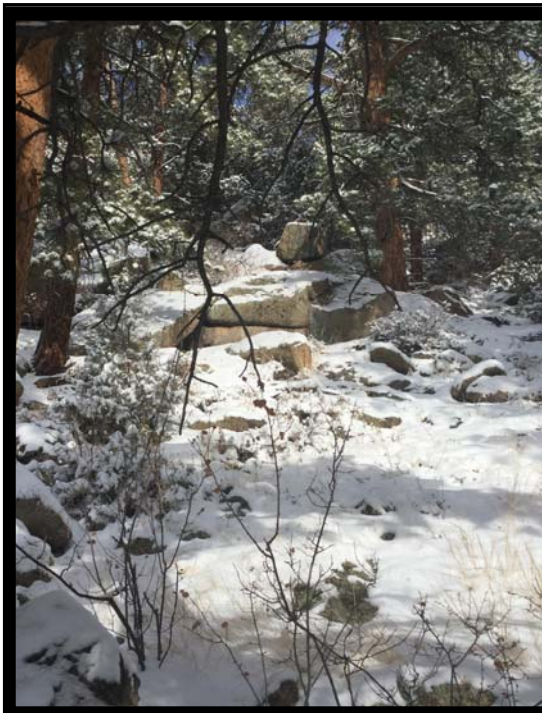


## Neighbor Concerns

### - Parking and Traffic

- Limited Parking off of Peak View
- Concern that if parking fills up, people will park along Peak View and/or Curry
- Concern about traffic impact of any trailhead at end of Curry

13

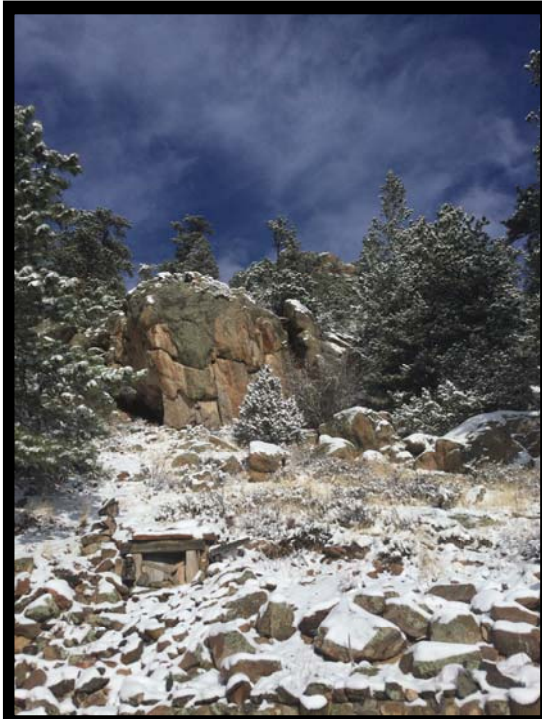


## Neighbor Concerns

### - Rockfall

- Steep grade behind Curry homes
- Many rock formations and boulders
- Concern that off-trail use could dislodge boulders and damage downhill homes

14



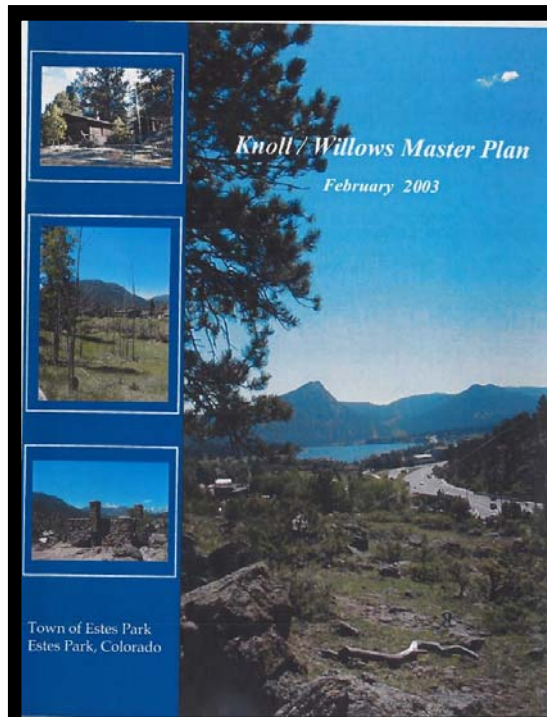
## Neighbor Concerns

-

### Trespassing

- Have been instances of trespassing in Curry backyards
- Concerns that increased use will increase trespassing
- Illegal camping is also a concern

15



## Neighbor Concerns

-

### Lack of Management Plan

- Concerns about Town purchasing land before having Management Plan in place
- Lack of Management Plan details means that full costs/impacts cannot be known

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## Management Plan

- Proposal is conceptual
- Details traditionally addressed through a Management Plan
- Management Plan created through a community-wide process
- Ambiguity and unknowns do exist when purchasing open space

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## Access to Proposed Thumb Open Space

### Considerations:

- Bicycle and pedestrian access via public roads and rights-of-way.
- Could consider two trailheads or limit to one trailhead (Peak View).
- Enforcement of parking rules and regulations.

### Why:

- Encourage people to access without driving.
- Combined trailheads at Peak View Drive location reduces costs and traffic volume on Curry Drive.

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## Gates

### Considerations:

- Single gate at northern end of property boundary and Curry Drive.
- Could move gate down Curry Drive, to end of pavement with agreement of gate owner.

### Why:

- Limits access to towers on top of neighboring parcel.
- Prevent public motorized access via Curry Drive.

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## Enforcement

### Considerations:

- Management plan will establish rules and regulations, enforcement will include multi-phase approach of education and patrols.
- The Police Department is committed to ensuring proper use of any Town property.

### Why:

- Clearly listing rules at the trailhead reduces unlawful activity.
- Town of Estes Park Police Department has enforcement authority and uses a variety of approaches to enforce laws.

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## Easements

### Considerations:

- Amendment and restatement of easements would need to allow:
  - Topographical changes for trail work
  - Signage (if desired)
  - Commercial use (if desired)

### Why:

- Enable extension of existing trail to Thumb and Needle
- Sign the Open Space (if desired)
- Permit managed commercial use (if desired)

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## Insurance and Liability

### Considerations:

- Colorado Intergovernmental Risk Sharing Agency (CIRSA) provides liability and casualty coverage for Town premises and operations.
- State law provides protection for the Town from liability claims related to injuries from the recreational use of land open to the public.
- Damage to a neighboring property by a third-party would likely **not** be covered by CIRSA.

### Why:

- Coverage for Town premises and operations is important in mitigating risk to the taxpayer of large property and/or casualty claims.
- The Town actively manages its property to mitigate risks to neighboring property owners.

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## Commercial Uses

### Considerations:

- Conservation easements currently prohibit commercial uses.
- Historically, guiding companies have used the Thumb to allow the public to climb.
- Conservation easements could be amended to allow commercial uses that do not harm the conservation values.

### Why:

- Avoids activities that harm land.
- The Thumb is easily accessed, provides a summit experience and a fun place to learn to climb.
- Limited access by climbing guides, such as number of vehicles or climbers, may provide safe access without harming conservation values.

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## Promotion and Advertising

### Considerations:

- Make the community aware of the hiking and climbing opportunities at the Thumb Open Space.
- Limit access by size of parking lot and enforcement.
- Management Plan will identify the appropriate level and types of promotion.

### Why:

- The property is small, without limits on access, there is a risk that promotion could lead to overuse and damage the environment.
- Strategic promotion, or lack thereof, can be detailed in a Management Plan.

25

## Anticipated Costs Acquisition and Improvements

### Acquisition

GOCO	\$350,000
Town of Estes Park	\$241,700
Access Fund	\$50,000
Estes Valley Land Trust	\$15,000
Total Cash	\$656,700

### Improvements

Town of Estes Park <sup>1</sup>	\$6,900
Access Fund	\$7,500
Rocky Mountain Cons.	\$27,636
Estes Valley Land Trust	\$450
Total In-Kind	\$42,486

<sup>1</sup> Trailhead improvements

26

## Anticipated Costs Annual Maintenance and Management Plan

### Annual Maintenance

Weed Control <sup>1</sup>	\$4,500
Maintenance Costs <sup>2</sup>	\$5,300
<b>Total Cost</b>	<b>\$9,800</b>

### Management Plan

A Management Plan, if completed by a consultant and not in-house, could cost up to \$30,000.

<sup>1</sup> Parks Division estimates annual costs of \$4,500 per year for weed control for the first three years, dropping to \$2,000 in subsequent years.

<sup>2</sup>Includes hours for twice-weekly trash walks during summer season and trail/parking lot maintenance when needed.

27

## Potential Future Costs

Bathroom at Rebuilt Pump House	\$40,000
Potential Road Maintenance (Curry)	\$TBD
Bear-Resistant Trash Can	\$800
Dog-Waste Bag Dispenser	\$200
<b>Total Cost</b>	<b>\$41,000</b>

28

## Summary - Benefits

- Creates and ensures public access to Thumb and Needle
- Establishes a unique open space amenity in the center of Estes Park
- Provides for active management of property

29

## Summary - Risks

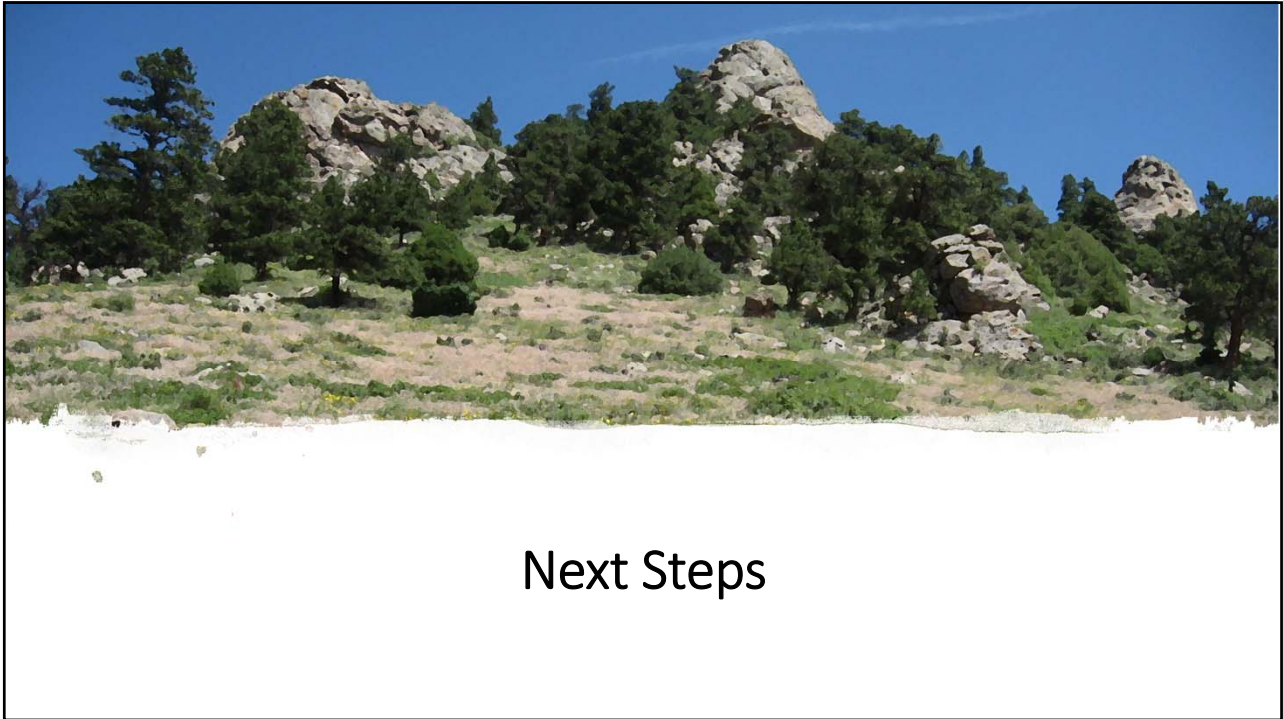
- Uncertain usage profile
- Unanticipated costs could arise from outcome of Management Plan
- Unanticipated impacts
- Will be a change for neighbors

30



Public Comment

31



Next Steps

32

Prospect Highlands Homeowners Association  
201 Curry Drive  
Estes Park, Colorado 80517

April 29, 2019

Estes Valley Land Trust  
Estes Valley Recreation and Park District  
Town of Estes Park  
Family of Jerry Solomon

The homeowners on Curry Drive in Estes Park, Colorado, recently became aware that the Estes Valley Land Trust is working with the Solomon family to sell the approximately 65 acres that are in three conservation easements located adjacent to and directly behind the residents on Curry Drive.

On March 6, 2019, several of the residents on Curry Drive met with the executive director and two representatives of the Land Trust who gave their overview of why they believe changing the existing restrictions to the conservation easements would preserve the area more effectively than it is currently. The rationale given by the Land Trust was that a single family residence on a 32.9-acre parcel (Lot 13, Prospect Highlands Subdivision, a portion of Tract A) would disturb the wildlife and surrounding area. It appears the idea of selling the 65 acres was to prevent construction of a home currently allowed on Lot 13 and to open it up to the public for hiking and climbing. This contradicts the true mission of the Land Trust and conservation easement. Numerous questions were asked by Curry Drive residents (i.e., increased traffic, trash removal, parking, policing, trespassing on private property, bathroom facilities, road maintenance) that went unanswered.

The Deeds of Conservation Easements on the parcels and the covenants for the homes on Curry Drive were reviewed by several of the residents on Curry Drive. After reading the various legal documents with these parcels, we have observed (some do not apply to the one building allowed on the one parcel):

- No topographical changes; no excavation. That would include no trails built.
- No commercial signs, only no trespassing signs. That would include no trail signs, parking signs, or restroom signs.
- The property owner is responsible for liability insurance. With public access, where does the liability lie?
- No right of access by the general public with the exception of the Historic Trail that crosses Lot 13.
- No retail or commercial use. This infers no paid hikes or climbs are allowed.
- No motorized vehicles.

While it is unclear who the actual future owner might be of all the parcels, the implication from the Land Trust is the conservation easements would somehow be improved by allowing public access. Based upon the documents we reviewed, there are no improvements allowed except for the one home and outbuildings on two designated acres on Lot 13.

As taxpayers to the Estes Valley Recreation and Park District and the Town of Estes Park, we don't believe the District or Town should be investing the asking price of approximately \$800,000 or maintaining additional properties which generate no income with minimal usage. These parcels are already in the Land Trust. We believe Land Trusts are perpetual and generally not changeable. Changing the easements, including the parcel with the thumb and needle, to allow public access does not seem to preserve and enhance the original intent of conservation.

Respectfully,

Alan Fraundorf, President  
Rick Brisbin, Vice-President  
Teri Babcock, Secretary



Eli Wilson &lt;eliwilson@estes.org&gt;

---

**Fwd: Thumb Open Space**

1 message

---

**Travis Machalek** <tmachalek@estes.org>  
To: Eli Wilson <eliwilson@estes.org>

Thu, Nov 14, 2019 at 2:31 PM

Travis Machalek  
Town Administrator  
Town of Estes Park, CO  
970-577-3705

----- Forwarded message -----

From: **Town Clerk** <[TownClerk@estes.org](mailto:TownClerk@estes.org)>  
Date: Thu, Nov 14, 2019 at 9:25 AM  
Subject: Fwd: Thumb Open Space  
To: Trustees <[trustees@estes.org](mailto:trustees@estes.org)>, Travis Machalek <[TMACHALEK@estes.org](mailto:TMACHALEK@estes.org)>

Hello All,

Please see the forwarded public comment received by the Clerk's Office.

Thank you,  
Kimberly

Town Clerk's Office  
[170 MacGregor Avenue](#)  
PO Box 1200  
Estes Park, CO 80517  
970-577-4777 (p)  
970-577-4770 (f)  
[townclerk@estes.org](mailto:townclerk@estes.org)

----- Forwarded message -----

From: **Todd Plummer** < >  
Date: Fri, Nov 8, 2019 at 8:16 AM  
Subject: Thumb Open Space  
To: <[townclerk@estes.org](mailto:townclerk@estes.org)>

RE: Thumb Open Space acquisition

Dear Mayor and Trustees:

I am writing on behalf of the Estes Park Cycling Coalition.

For a number of months, the Estes Park Cycling Coalition has been aware of and involved in the discussions about the possible public acquisition of the Thumb and Needles area of Prospect Mountain.

Although the cycling opportunities on the south side of Prospect Mountain are limited due to the steep slopes, the Cycling Coalition Board is **strongly in favor of the Public Acquisition** of this property for future public recreation use.

Prospect Mountain is a key scenic feature of Estes Park and currently provides convenient recreational opportunities to many Town Residents. The Public Acquisition of the Thumb Open Space area on Prospect Mountain is a important first step in securing this important part of Estes Park for future generations.

11/14/2019

Town of Estes Park Mail - Fwd: Thumb Open Space

Todd Plummer, Treasurer  
Estes Park Cycling Coalition



Eli Wilson &lt;eliwilson@estes.org&gt;

## Comments on Proposed Thumb Open Space Proposal

3 messages

David Burbidge < >  
To: "publicworks@estes.org" <publicworks@estes.org>

Sun, Nov 10, 2019 at 7:39 AM

Hello,

With my spouse, I am co-owner of the residence at

I support the Thumb Open Space Proposal in its entirety. It would be my plan to provide financial and in-kind support of it.

Will there be a plan to allow access on the trail outside of the property that leads to the summit of Prospect Mountain? Otherwise, requiring the trail to end at the edge of the open space would be difficult to enforce, as most hikers would proceed to the summit.

Finally, if it matters to the plan, in September of 2018, I saw a brown bear on Prospect Mountain while on the eastern part of the trail.

Thank you for your work.

Dave Burbidge

Eli Wilson <eliwilson@estes.org>  
To: David Burbidge < >  
Cc: Travis Machalek <tmachalek@estes.org>, Greg Muhonen <gmuhonen@estes.org>

Mon, Nov 11, 2019 at 12:41 PM

Hello David,

Thank you for contacting the Public Works Department. I wanted to make sure that I gathered the most up to date information before replying to your email. A conversation about access to the summit of Prospect Mountain has not happened though there are many people who have asked the same question. This will likely be part of the conversation which will take place during upcoming public meetings (TBD). I encourage you to participate in this meeting and I will contact you once a meeting date, time, and location have been determined. Second, your offer of financial and in-kind support is very generous. I would like to ensure that the right parties are aware of your willingness to contribute financially.

Thank you for being an active citizen,

Eli Wilson

[Quoted text hidden]

--

Eli Wilson

Administrative Assistant I  
Public Works  
Town of Estes Park

Eli Wilson <eliwilson@estes.org>  
To: Jackie Williamson <jwilliamson@estes.org>

Tue, Nov 12, 2019 at 10:37 AM

[Quoted text hidden]



Eli Wilson &lt;eliwilson@estes.org&gt;

## Thumb Open Space

3 messages

**'Geoff Noyes' via Public Works** <publicworks@estes.org>

Mon, Nov 11, 2019 at 5:14 PM

Reply-To: Geoff Noyes &lt;

To: "publicworks@estes.org" &lt;publicworks@estes.org&gt;

I am a rock climber who lives right below the Thumb, Thimble and Needle. I have a view of them every day.

I have been climbing both formations since the early 1990's, most recently last Aug. and Sept. with my current climbing partner.

The number of climbers I see up there, and accompanying autos parked there, has diminished regularly for several years now.

The reason I believe for this decrease is that we climbers sense that the Thumb has become "off-limits" these days, maybe because there is a new landowner there that discourages use of the Thumb-Needle.

In earlier days, I assumed that the Thumb was public property and climbers were welcome.

My constant partner in earlier days of climbing was the well-known climbing Ranger, Jim Detterline.

I feel sure he would join me in support of the plan to purchase assured access to these rocks. We did a lot of routes here.

As for management, I have always observed climbers and hikers up there keeping everything cleaned up, toting all gear out, not leaving gear in the rock, etc. In other words, a user-managed & maintained site. I think actual management could be minimal, so not to be a burden on the town.

Some more parking may have to be carved out of the uphill side of Curry Drive, once climbers hear that the Thumb is "open" again. We seldom ran into lack of parking space in the past....could be different if this goes through.

The climbers' path up to the Needle works but is not optimal...a bit slidey when wet. A volunteer force would probably be happy to carve out some better steps/pathway.

Above all, I would avoid signage and any other marks of commercial presence...lets' keep it as natural as possible.

OK enough...this is a wonderful advance for climbers AND hikers.

Geoff Noyes

## Questions and Comments from Jon Davis and Lora Knippers-Davis Re; Upcoming Thumb Open Space Project Proposal – Neighborhood Meeting, November 13th, 2019

1 message

**JON DAVIS** Mon, Nov 11, 2019 at 7:27 PM

To: "tjirsa@estes.org" <tjirsa@estes.org>, "rnormis@estes.org" <rnormis@estes.org>, "kzornes@estes.org" <kzornes@estes.org>, "pmartchink@estes.org" <pmartchink@estes.org>, "mcenac@estes.org" <mcenac@estes.org>, "eblackhurst@estes.org" <eblackhurst@estes.org>, "cbangs@estes.org" <cbangs@estes.org>  
Cc: "tmachalek@estes.org" <tmachalek@estes.org>, Lora Knippers-Davis

Date: November 11<sup>th</sup>, 2019

To: Estes Park Town Council Members;  
Estes Park Town Administrator, Travis Machalek

From: Jon Davis and Lora Knippers-Davis

[151 Curry Dr.](#)

also referenced as: Lot 1, Prospect Highlands

Estes Park, CO 80517

Re: Upcoming Thumb Open Space Project Proposal – Neighborhood Meeting, November 13<sup>th</sup>, 2019

Lora and I received the notice of the planned "Proposed Thumb Open Space Neighborhood Meeting", scheduled for November 13<sup>th</sup>, 2019 at 5:30 PM at the Town Hall. Unfortunately, we are out of town until the evening of Thursday, November 21<sup>st</sup>.

We will be planning to view the Wednesday meeting assuming it would be streamed on the Town's youtube channel, as the meeting is planned to be held in room 202/203: <https://www.colorado.gov/pacific/townofestespark/meetingvideos>

Lora and I are requesting an individual meeting with the Town Administrator, Travis Machalek before the Proposed November 26<sup>th</sup> Town Board Study Session. We would like to meet Friday November 22<sup>nd</sup> 2019, or Monday the 25<sup>th</sup> or Tuesday the 26<sup>th</sup>, prior to the scheduled Town Board Study Session meeting which we do plan to attend.

As one of the twelve homeowners in Prospect Highlands, we have heard the concerns and read the questions raised by our neighbors regarding the Town's participation in the proposal to the Great Outdoors Colorado for the Thumb Open Space Project Proposal.

Further, as the Owners of "Lot 1, Prospect Highlands", we have specific concerns. These include the Implementation Plan, the Ongoing Impact of the Plan, and Unintended Consequences that may arise if the Town were to proceed with this proposal to participate.

For the record, Jon is a former rock climber, and we support area rock climbing activities in general. We purchased Lot 1 knowing of its uses, [at the current foot traffic level](#). We do see climbers and their dogs using the trail on our private property "Lot 1" as access to rock climbing in the Lot 13 and the Needle/Thumb area.

A current list of concerns as Owners of the Property designated as Lot 1:

1. Implementation Questions Raised by the "Thumb Open Space Proposal". (See attachment "11.06.2019 - Thumb Open Space Proposal FINAL.pdf" ("TOSP 11.06.2019"), sent to various homeowners in Prospect Highlands by Travis Machalek, Town Administrator on Wednesday, November 6, 2019 5:10 PM.)

a. Section 4.1 "Existing Trails" of the attached TOSP 11.06.2019 states:

"A 0.5-mile platted trail starts at Peak View Drive at the proposed trailhead, on a property owned by the Town of Estes Park. The platted trail crosses through a private lot and enters the proposed property."

As Lot 1 owners, we request the Town provide as public record, the easement rights directly related to the "Historic Prospect Mountain Trail Access Easement" specifically associated with Lot 1, the referenced "private lot" directly adjacent to the Proposed Trailhead 1.

b. Section 4.2 "Future Trails" of the attached TOSP 11.06.2019 states:

"Any new trails will be designed to meet hiking trail standards, will be limited to three feet in width and composed of natural surfaces."

Please provide the legal standing and justification for any proposed easement and/or trail changes including any proposed improvements to the Historic Prospect Mountain Trail specifically regarding our property Lot 1.

c. Section 8.2 "Motorized Access and Trailheads" of the attached TOSP 11.06.2019 states:

Trailhead Area 1:

Area consists of property owned by the Town of Estes Park and the Bureau of Reclamation. The Town's Water Division recently acquired a 0.25-acre parcel as part of its acquisition of the Prospect Mountain Water Company. This parcel is currently used for parking for the platted trail that goes through the proposed Thumb Open Space. In addition to the gravel parking area, the property contains trees, boulders and a small wooden structure that serves the former Prospect Mountain Water Company. The Town's Water Division is investigating changing the existing building.

There is potential to park approximately 6 to 8 cars on Town property only. The parcel will need added material and grading to enhance the parking area and 6-10 trees will also have to be removed. Additional trees and other landscaping elements could be installed to improve the parking area.

Please provide detail on the proposed parking area changes. Is the Town proposing to turn the current single layer parking area (which currently requires backing out directly on to directly off of Peak View Drive, a semi-major road), into a parking lot that includes a proper driveway with ingress/egress which meets current Town codes?

How does the Town plan to gain Bureau of Land Management approval to expand the currently available limited parking area?

d. Additionally, please address if the "changes" (being investigated by the Town's Water Division) to the existing building would include addition of a bathroom to address the need for a restroom facility for the Town-owned and maintained recreation area?

A project of this size would certainly seem to require restroom facilities. Otherwise hikers and climbers might come onto our property and to our door asking for help with a "bathroom emergency". Who will be cleaning up the raw sewage and associated debris potentially left on our property? The Town Public Works Department?

For the record, the former Prospect Mountain Water Company building is not a wooden structure, this structure is constructed utilizing concrete cinder block materials with a metal roof.

2. Potential Ongoing Impact Raised by the "Thumb Open Space Proposal". ("TOSP 11.06.2019"),

a. Section 2 "Recreation History and Current Use" of the attached TOSP 11.06.2019 states: "Based on neighbor feedback and observed parking along Peak View Drive, hiking currently occurs at the Thumb Open Space on a daily basis." The Town has stated it is considering "The vision for the Thumb Open Space <of> a primitive, day-use park, much like the Town of Estes Park's Centennial Open Space at Knoll Willows."

We, as the owners of Lot 1, believe this would potentially significantly increase the foot traffic through our property. This could fundamentally impact our use of, and rights associated with our private property.

i. Has the Town considered potential impact to our private property which the Historic Prospect Mountain Trail run through?

ii. Has the Town done any studies to determine the potential environmental impact to our private property as a result of proposed changes to the Historic Prospect Mountain Trail?

b. Section 8.4 "Enforcement" of the attached TOSP 11.06.2019 states: "The proposed Thumb Open Space is within Town limits and is patrolled by the Town's Police Department."

i. This section does not address actual process and mechanisms the Town police would utilize to accomplish this "policing" along the length of the Historic Prospect Mountain Trail including the increase in activity across our Lot 1 property beginning at the Trailhead 1 location.

c. Dumping of trash

i. The Trailhead 1 location behind the seems to attract those who bring trash that includes mattress, chairs and bags of trash. Increased traffic will only add to this situation. Please address the Town plan to maintain this location, our property Lot 1, and as well as the length of the proposed trail.

3. Potential Unintended Consequences Raised by the "Thumb Open Space Proposal". ("TOSP 11.06.2019"),

a. Re: Section 4.2 "Future Trails" of the attached TOSP 11.06.2019:

i. Has the Town considered the potential impact of this Future Trail redesign of the Historic Prospect Mountain Trail including any required location change, Trail movement over time, existing natural waterflow and drainage changes, and the impact its implementation could have on the value of our property Lot 1?

b. Section 9 "Insurance and Liability" of the attached TOSP 11.06.2019 states: "...The Town has reviewed with CIRSA the potential addition of the Thumb Open Space, including the trails and climbing features, and there are no concerns with coverage. Town casualty insurance would cover any losses on the site for which the Town is found to be legally liable."

We, as the owners of Lot 1, believe this would potentially significantly increase our Liability Risk associated with the section of the Prospect Mountain Trail passing through our property. This could fundamentally impact our personal financial security as a result of this increased Risk associated with our private property ownership.

i. Has the Town considered the potential impact of this increased Liability associated our private property directly associated with, and adjacent to, the Historic Prospect Mountain Trail?

ii. Does the Town believe it is fair to require Us as owners of Lot 1 to assume a significant increase in a potential risk of Liability claims associated with assertion of injury or other circumstance related to the Town decision to significantly increase foot traffic on the Prospect Mountain Trial?

iii. Will the Town accept all Insurance and Liability Risk and obligations associated with the expanded requirements for a proposed use change being imposed upon Us as the owners of Lot1 if the Proposed Thumb Open Space Project proceeds?

We believe these are issues that need to be addressed. What does the Town plan to do to address these questions and concerns as a part of this Project proposal if the Town plans to move forward?

Jon Davis and Lora Knippers-Davis

[151 Curry Drive](#)

also referenced as Lot 1, Prospect Highlands

Estes Park, CO 80517


Word doc version attached

Referenced Attachment "11.06.2019 - Thumb Open Space Proposal FINAL.pdf" ("TOSP 11.06.2019") included

Sent from [Mail](#) for Windows 10

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**2 attachments**

 **11.06.2019 - Thumb Open Space Proposal FINAL.pdf**  
1668K



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**Re: Thumb Open Space Neighborhood Meeting**

1 message

**RICH TERI BABCOCK**

Tue, Nov 12, 2019 at 6:59 AM

To: Travis Machalek &lt;tmachalek@estes.org&gt;

Thank you for including us in this notice of the meeting tomorrow. We are in Florida visiting our daughter this week so will be unable to attend. We hope to stream it and observe what is said.

Below are a few things we have been hearing:

The recent newspaper articles have been supportive of the Land Trust's proposal, but they have also raised questions that we are hearing from Estes Valley residents. They, like us, thought that when people put land in a Land Trust conservation easement that it was permanent and couldn't be changed. Because it isn't either of those things, apparently, there are big questions being raised.

Residents also don't understand why this project has become more important than other Town open space projects that are hardly mentioned anymore.

They are concerned about the congested parking planned at the trailhead for the historic trail and also who would be providing safety and protection for people while on this trail.

If the Land Trust is concerned that the historic trail can be made inaccessible if someone buys the 65 acres and chooses to put a house on it as is in the easement now and refuses to allow access to the historic trail running through that easement, is it also possible that the owners of lot 1 that also contains a portion of that trail can refuse to allow access on their land?

We hope you and the town officials will reconsider your support of this project and use Town and GOCO funds to complete other projects, like completing the bike trail up Fall River.

Thank you.

Rich and Teri Babcock

201 Curry Drive

Estes Park, CO 80517

On Nov 6, 2019, at 7:11 PM, Travis Machalek <tmachalek@estes.org> wrote:

Good evening,

You are receiving this email as a member of the Prospect Highlands Homeowners Association.

As you may be aware, the Town is considering the purchase of roughly 65 acres of property on Prospect Mountain for use as an open space area for hiking and climbing.

We are hosting a neighborhood meeting next **Wednesday, November 13th at 5:30 in Rooms 202/203 of Town Hall (170 MacGregor Avenue)** to get feedback on the project from neighboring property owners. A conceptual proposal for the property is attached for your review.

I have also attached a letter that has been mailed to property owners within a 600 ft radius of the boundaries of the proposed project. This letter details next steps in the consideration process, including meetings at which the project will be discussed, and includes a link to project information and a feedback email.

If you have comments and cannot make any of the meetings, you may always send them to the Town Board, myself, or [publicworks@estes.org](mailto:publicworks@estes.org).

Please let me know if you have any additional questions or comments.

Best,

TM

Travis Machalek  
Town Administrator  
Town of Estes Park, CO  
970-577-3705  
<11.06.2019 - Thumb Open Space Proposal FINAL.pdf>  
<Neighbors of the Thumb Letter Final.pdf>



# TOWN OF ESTES PARK

## Proposed Thumb Open Space

Neighborhood meeting

Nov. 13, 2019 at 5:30 p.m.

### Agenda:

- 5 minutes:** Meeting introduction (Estes Valley Restorative Justice Partnership facilitators)
- 10 minutes:** Overview presentation (staff from the Town of Estes Park and Estes Valley Land Trust)
- 40 minutes:** Join one of two breakout groups to discuss the proposal with facilitators and staff.
- 10 minutes:** Closing remarks and next steps in proposal process (facilitators and staff)

Please complete this feedback form for the record:

Return to a staff member, to Town Hall - Room 100, or email [publicworks@estes.org](mailto:publicworks@estes.org).

Name: **DUNCAN & SHERRY RARITY** Estes Park physical address:

Email: Phone:

What should be the Town's and Land Trust's primary considerations as this proposal is considered?

1. PLAN THEN BUY, NOT THE OTHER WAY.
2. MGMT PLAN SHOULD HAVE DETAILS THAT ANSWER THE DESIGN & OPERATIONAL CONSIDERATIONS ABOUT MANAGING THIS NEW PARK BEFORE BUYING THE LAND.

If this project moves forward, what high-level issues are most important to you? (circle any that apply)

- Neighbors' quality of life
- Preservation of open space
- Recreation opportunities
- Neighborhood access control
- Management of parking
- Management of uses

Other: **wildlife protection**

Any general comments or outstanding questions? (staff will respond to your questions)



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Please complete this feedback form for the record:

Return to a staff member, to Town Hall - Room 100, or email [publicworks@estes.org](mailto:publicworks@estes.org).

Name: \_\_\_\_\_ Estes Park physical address: \_\_\_\_\_

WALT BORNEMAN

What should be the Town's and Land Trust's primary considerations as this proposal is considered?

PRESERVING NATURAL LAND, but limiting numbers of use  
MANAGEMENT ENFORCEMENT of USE + RULES

If this project moves forward, what high-level issues are most important to you? (circle any that apply)

Neighbors' quality of life

Neighborhood access control

Preservation of open space

Management of parking

Recreation opportunities

Management of uses

Other:

SORRY, but ALL S ARE VERY IMPORTANT -  
IT'S A PACKAGE

Any general comments or outstanding questions? (staff will respond to your questions)

I support this project, and a managed open space  
But there are lots of details to be resolved.



# TOWN OF ESTES PARK

## Proposed Thumb Open Space

Neighborhood meeting

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Please complete this feedback form for the record:

Return to a staff member, to Town Hall - Room 100, or email [publicworks@estes.org](mailto:publicworks@estes.org).

Name: Marlene Bonnenen Estes Park physical address:

What should be the Town's and Land Trust's primary considerations as this proposal is considered?

\* Maintenance & Enforcement of Regulations, Parking of Park

If this project moves forward, what high-level issues are most important to you? (circle any that apply)

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Neighbors' quality of life | <input type="checkbox"/> Neighborhood access control |
| <input checked="" type="checkbox"/> Preservation of open space | <input type="checkbox"/> Management of parking       |
| <input type="checkbox"/> Recreation opportunities              | <input type="checkbox"/> Management of uses          |

Other:

Any general comments or outstanding questions? (staff will respond to your questions)

one Trailhead at Peak View  
Commercial vendors?



# TOWN OF ESTES PARK

## Proposed Thumb Open Space

**Neighborhood meeting**

**Nov. 13, 2019 at 5:30 p.m.**

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Please complete this feedback form for the record:

*Return to a staff member, to Town Hall - Room 100, or email [publicworks@estes.org](mailto:publicworks@estes.org).*

**Name:** MAURZEN POWELL **Estes Park physical address:**

**What should be the Town's and Land Trust's primary considerations as this proposal is considered?**

**If this project moves forward, what high-level issues are most important to you? (circle any that apply)**

Neighbors' quality of life

Neighborhood access control

Preservation of open space

Management of parking

Recreation opportunities

Management of uses

Other:

**Any general comments or outstanding questions? (staff will respond to your questions)**



Proposed Thumb Open Space  
Neighborhood meeting  
Nov. 13, 2019 at 5:30 p.m.

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Please complete this feedback form for the record:

Return to a staff member, to Town Hall -  
Room 100, or email [publicworks@estes.org](mailto:publicworks@estes.org).

Name: *DANA FRITZ*

Estes Park physical address:

What should be the Town's and Land Trust's primary considerations as this proposal is considered?

If this project moves forward, what high-level issues are most important to you? (circle any that apply)

*Neighbors' quality of life*

*Neighborhood access control*

Preservation of open space

*Management of parking*

Recreation opportunities

*Management of uses*

Other:

Any general comments or outstanding questions? (staff will respond to your questions)





# TOWN OF ESTES PARK

## Proposed Thumb Open Space

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Please complete this feedback form for the record:

Return to a staff member, to Town Hall - Room 100, or email [publicworks@estes.org](mailto:publicworks@estes.org).

Name: *Larry Allen*

Estes Park physical address:

**What should be the Town's and Land Trust's primary considerations as this proposal is considered?**

- scope of management required
- potential liability / unforeseen expenses and issues
- who will manage
- how to amend consideration easement?
- too open/active on future use?

**If this project moves forward, what high-level issues are most important to you? (circle any that apply)**

Neighbors' quality of life

Neighborhood access control

Preservation of open space

Management of parking

Recreation opportunities

Management of uses

Other:

**Any general comments or outstanding questions? (staff will respond to your questions)**



# TOWN OF ESTES PARK

## Proposed Thumb Open Space

**Neighborhood meeting**

**Nov. 13, 2019 at 5:30 p.m.**

### Agenda:

- 5 minutes:** Meeting introduction (Estes Valley Restorative Justice Partnership facilitators)
- 10 minutes:** Overview presentation (staff from the Town of Estes Park and Estes Valley Land Trust)
- 40 minutes:** Join one of two breakout groups to discuss the proposal with facilitators and staff.
- 10 minutes:** Closing remarks and next steps in proposal process (facilitators and staff)

Please complete this feedback form for the record:

Return to a staff member, to Town Hall - Room 100, or email [publicworks@estes.org](mailto:publicworks@estes.org).

Name: *Jim Paddock*

Estes Park physical address:

What should be the Town's and Land Trust's primary considerations as this proposal is considered?

- *Protecting the open space.*
- *Protecting neighboring private property*
- *Managing & controlling access/parking*

If this project moves forward, what high-level issues are most important to you? (circle any that apply)

Neighbors' quality of life

Neighborhood access control

Preservation of open space

Management of parking

Recreation opportunities

Management of uses

Other:

Any general comments or outstanding questions? (staff will respond to your questions)



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Return to a staff member, to Town Hall -  
Room 100, or email [publicworks@estes.org](mailto:publicworks@estes.org).

Name: *PAGE WATSON* Estes Park physical address:

What should be the Town's and Land Trust's primary considerations as this proposal is considered?

*The town should vote*

If this project moves forward, what high-level issues are most important to you? (circle any that apply)

Neighbors' quality of life

Neighborhood access control

Preservation of open space

Management of parking

Recreation opportunities

Management of uses

Other:

Any general comments or outstanding questions? (staff will respond to your questions)



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Name: *Mike Bryson*

Estes Park physical address:

What should be the Town's and Land Trust's primary considerations as this proposal is considered?

*Access? is this going to be shown as a Rock Climbing place, ~~or~~ trail, or both? Road maintenance for water flow.*

If this project moves forward, what high-level issues are most important to you? (circle any that apply)

Neighbors' quality of life

*Neighborhood access control*

Preservation of open space

*Management of parking*

Recreation opportunities

*Management of uses*

Other:

Any general comments or outstanding questions? (staff will respond to your questions)

*You should get the details finalized before the town purchases the property? including the ENVIA Agreement amendments.*



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Return to a staff member, to Town Hall - Room 100, or email [publicworks@estes.org](mailto:publicworks@estes.org).

Name: *Norma McKern*

Estes Park physical address:

What should be the Town's and Land Trust's primary considerations as this proposal is considered?

If this project moves forward, what high-level issues are most important to you? (circle any that apply)

- Neighbors' quality of life
- Preservation of open space
- Recreation opportunities
- Neighborhood access control
- Management of parking
- Management of uses

Other:

*Estes Park Police respond to Larimer County  
Property owner issues*

Any general comments or outstanding questions? (staff will respond to your questions)

*1 - Trailhead  
No Dirt Bikes*



# TOWN OF ESTES PARK

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*Return to a staff member, to Town Hall - Room 100, or email [publicworks@estes.org](mailto:publicworks@estes.org).*

Name: Tim McKern Estes Park physical address:

What should be the Town's and Land Trust's primary considerations as this proposal is considered?

*Keeping it as natural as possible.*

If this project moves forward, what high-level issues are most important to you? (circle any that apply)

- |                                   |                                    |
|-----------------------------------|------------------------------------|
| <u>Neighbors' quality of life</u> | <u>Neighborhood access control</u> |
| <u>Preservation of open space</u> | <u>Management of parking</u>       |
| Recreation opportunities          | <u>Management of uses</u>          |

Other:

Any general comments or outstanding questions? (staff will respond to your questions)

*How will it be monitored and enforced?*



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Return to a staff member, to Town Hall - Room 100, or email [publicworks@estes.org](mailto:publicworks@estes.org).

Name: *Betsy Fayer*

Estes Park physical address:

What should be the Town's and Land Trust's primary considerations as this proposal is considered?

*DO NOT PROMOTE THIS*

If this project moves forward, what high-level issues are most important to you? (circle any that apply)

- |                                   |                             |
|-----------------------------------|-----------------------------|
| <i>Neighbors' quality of life</i> | Neighborhood access control |
| <i>Preservation of open space</i> | Management of parking       |
| <i>Recreation opportunities</i>   | Management of uses          |

Other: *close Curry Rd where pavement ends.*

Any general comments or outstanding questions? (staff will respond to your questions)

*The preservation of the space is the most important aspect of the whole proposal. I applaud Land Trust for caring!*



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*Return to a staff member, to Town Hall - Room 100, or email [publicworks@estes.org](mailto:publicworks@estes.org).*

Name: *Roger Toy*

Estes Park physical address:

**What should be the Town's and Land Trust's primary considerations as this proposal is considered?**

**If this project moves forward, what high-level issues are most important to you? (circle any that apply)**

- |                                   |                                    |
|-----------------------------------|------------------------------------|
| <i>Neighbors' quality of life</i> | <i>Neighborhood access control</i> |
| <i>Preservation of open space</i> | <i>Management of parking</i>       |
| <i>Recreation opportunities</i>   | <i>Management of uses</i>          |

Other:

**Any general comments or outstanding questions? (staff will respond to your questions)**



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*Return to a staff member, to Town Hall - Room 100, or email [publicworks@estes.org](mailto:publicworks@estes.org).*

Name: *Anita & Chris Shotts*

Estes Park physical address: /

**What should be the Town's and Land Trust's primary considerations as this proposal is considered?**

*Concerned with the management of the proposal use & the safety of the residents & their property.*

**If this project moves forward, what high-level issues are most important to you? (circle any that apply)**

- Neighbors' quality of life
- Neighborhood access control
- Preservation of open space
- Management of parking
- Recreation opportunities
- Management of uses

Other:

**Any general comments or outstanding questions? (staff will respond to your questions)**



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Please complete this feedback form for the record:

Return to a staff member, to Town Hall - Room 100, or email publicworks@estes.org.

Name: NOMA WATSON

Estes Park physical address:

Email:

Phone:

What should be the Town's and Land Trust's primary considerations as this proposal is considered?

If this project moves forward, what high-level issues are most important to you? (circle any that apply)

- Neighbors' quality of life
Preservation of open space
Recreation opportunities
Neighborhood access control
Management of parking
Management of uses

Other:

Any general comments or outstanding questions? (staff will respond to your questions)



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Return to a staff member, to Town Hall - Room 100, or email [publicworks@estes.org](mailto:publicworks@estes.org).

Name:

*FERRI MILLER*

Estes Park physical address:

Email:

Phone:

What should be the Town's and Land Trust's primary considerations as this proposal is considered?

*Like the idea to move the gate.  
Do It! The land would be better controlled.*

If this project moves forward, what high-level issues are most important to you? (circle any that apply)

Neighbors' quality of life

Neighborhood access control

Preservation of open space

Management of parking

Recreation opportunities

Management of uses

Other:

Any general comments or outstanding questions? (staff will respond to your questions)

*People in Breakout discussion kept trying to bring up alot of people coming to the Thumb. It's impossible to predict how many people will come. but look at the Stampede Horse Trail.*

It's advertised on the Larimer Co.  
website + every CO dog friendly  
hiking book - it is not overrun.

People come to EP to go to RMDP,  
not to go rock climbing on the  
Thumb.

I think the town taking over the  
area will make it safer + better for  
the people that use it.

Please allow dogs.



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Name: Susan Hughes Taylor Estes Park physical address:

What should be the Town's and Land Trust's primary considerations as this proposal is considered?

Safety management of property

If this project moves forward, what high-level issues are most important to you? (circle any that apply)

- Neighbors' quality of life
- Neighborhood access control
- Preservation of open space
- Management of parking
- Recreation opportunities
- Management of uses

Other:

Any general comments or outstanding questions? (staff will respond to your questions)

I would like to see all of us come together, as a community to preserve this 65 acres. We might be facing a new owner with no regard to the needs of homeowners.



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Name: *Jonathan Haugen* Estes Park physical address:

What should be the Town's and Land Trust's primary considerations as this proposal is considered?

*LOCAL WORDS OF MOUTH ONLY - DO NOT ADVERTISE  
 ONLY 1 TRAILHEAD PARKING OFF OF PEAK VIEW  
 DAYTIME USE ONLY - NO MOUNTAIN BIKING*

If this project moves forward, what high-level issues are most important to you? (circle any that apply)

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Neighbors' quality of life | <input checked="" type="checkbox"/> Neighborhood access control |
| <input checked="" type="checkbox"/> Preservation of open space | <input checked="" type="checkbox"/> Management of parking       |
| <input type="checkbox"/> Recreation opportunities              | <input checked="" type="checkbox"/> Management of uses          |

Other:

Any general comments or outstanding questions? (staff will respond to your questions)



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Room 100, or email [publicworks@estes.org](mailto:publicworks@estes.org).

Name: *Ann Wise*

Estes Park physical address:

Email:

Phone:

What should be the Town's and Land Trust's primary considerations as this proposal is considered?

*DO NOT FUND THIS PROPOSAL.*

If this project moves forward, what high-level issues are most important to you? (circle any that apply)

- |                            |  |
|----------------------------|--|
| Neighbors' quality of life | Neighborhood access control <i>all</i> |
| Preservation of open space | Management of parking                  |
| Recreation opportunities   | Management of uses                     |

Other:

Any general comments or outstanding questions? (staff will respond to your questions)

*I have already presented my questions to the Trustees.*



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Room 100, or email [publicworks@estes.org](mailto:publicworks@estes.org).

Name: *Dan Centurione*

Estes Park physical address:

What should be the Town's and Land Trust's primary considerations as this proposal is considered?

*• MAKE NO RULE/LAW YOU CAN'T/WON'T ENFORCE*  
*• CONTROL ACCESS*

If this project moves forward, what high-level issues are most important to you? (circle any that apply)

Neighbors' quality of life

Neighborhood access control

Preservation of open space

Management of parking

Recreation opportunities

Management of uses

Other:

Any general comments or outstanding questions? (staff will respond to your questions)

Thumb Open Space Neighborhood Meeting

Roundtable Discussion Notes

**West Table (notes taken by Public Works Director Muhonen)**

1. The represented HOA's have not established any formal pro/con position yet. One trailhead is preferred. If there is a second trailhead it should be limited to use by guide services and not open to a daily uncontrolled flow of public use. The impacted HOA's should consider teaming up with the Town to jointly develop the management plan.
2. Neighbors enjoy hiking in this Open space. Youth learning is supported. One access preferred. 2<sup>nd</sup> access might be ok for limited access.
3. Adjacent property owner wants freedom to access the Open Space directly their private parcel without a requirement to only use the established trail. Keep the area natural and rustic. Consider 2 gates. One at end of Curry to regulate use of upper trailhead and minimize existing abuses that occur on dirt road (camping, fires, trash, human waste, etc). Existing gate needs to remain to control trespass on private property above the Thumb parcels.
4. One trailhead preferred. Limit promotion and activity. Parking control is essential.
5. Concern about parking on Curry. No backing onto Peak View should be allowed from the existing parking area. Trespassing onto private land. Rock fall survey and necessary mitigation should be performed annually to keep the public safe.
6. Protect wildlife. Do not allow dogs and their impact on waste and wildlife. Trespassing off trail onto private land needs to be addressed.
7. Trespassing from Curry downhill onto private property needs to be controlled to protect safety of children and personal property. Signage could be placed on property line, but is admittedly minimally effective.
8. Parking. Peak View Traffic is heavy. New car door noise is objectionable. Rubbish, trespassing, human waste need to be managed. Install toilets?
9. Freedom of access from private property is important.
10. Town should not sell this land to a developer. How does a conservation easement protect against this?
11. Public use of this property is growing even under the private ownership, and is currently greater than 5 years ago. One trailhead preferred. No bikes. Open Space Management Plan is essential. Partner with HOAs to develop and monitor. Status quo not likely to improve existing condition. Improved management is needed.
12. Users bring trash, mattresses, and fire. Enforcement is essential. Getting worse. Care needed to construct effective management plan.
13. Gate placement is sensitive. Will increase turnaround traffic on Curry if installed at end of pavement.
14. Add sign on Devon, Marcus, and Curry that say no Open Space Access. Enforce strongly.
15. Quiet town local park preferred over a marketed, heavily traffic park.

16. Signs don't work. Google maps error has been identifying Curry Dr as part of the Peak to Peak highway.
17. Formalizing the 2<sup>nd</sup> (upper) access will encourage drinking, parking, etc. Need strong Police presence for enforcement. Existing Mutual Aid Agreement between Town and Larimer County sheriff office allows Town police to respond to situations in county if needed. The Thumb parcels are already annexed into the Town limits and are under the jurisdictional authority of Town (including Town Police Dept).
18. Loop trail could better support access from adjacent private property.
19. Address trail extensions to West and North summit. Would the owner (John Heron) grant a public easement to the summit of Prospect Mountain?
20. Use speed smart trailer on Peak View to remind motorists of speed limit.
21. Concern about paid concessions. Prohibit? Limit?

#### **East Table (notes taken by Town Administrator Machalek)**

1. Is any maintenance or alteration allowed on the historic trail easement through private property that links the Peak View parking area to the proposed Thumb parcels?
2. Difficult to know what the full costs are with all of the tentative/unknown aspects.
3. Feelings about proposal rely on the details and how they settle out.
4. Would like to see a gate lower on Curry with access for utility workers, etc. Road is in very bad condition.
5. Concerned that "the cart is before the horse", that a management plan should be completed prior to considering purchase.
6. Concerned about the upper parking lot, would not be in favor of retaining this.
7. There is a GPS error that is sending people onto Curry Drive to route them to the Peak to Peak Highway.
  - a. Dangerous situation as people are not prepared for the road condition and often try to back down the road.
8. Concerned about parking along road and need for no parking signage
9. Concerned about rocks abutting homes on Curry. Will Town participate in rock fall study?
  - a. Would like Town staff and Board to look at the area
10. Details of proposal and proposed management are critical. Concerned about potential for overwhelming increase in visitors and crowds to site. Would rather just see residents of the community as users.
11. Limited parking is a concern.
12. Have observed other high-use recreational areas where adjacent property owners have had to move to protective mode and put up fences and no trespassing signs. Concerned about impact on neighbors.

13. Would like to see the word by word proposed amendments to the conservation easements. These should be written before considering acquisition and the public should have a chance to comment on them. Amendments to the conservation easements are a critical piece of information for this project.
14. Do not believe more cars should be allowed up Curry
  - a. Existing trail from existing upper lot to climbing features is eroding
15. Allowable hours for use need to be established.
16. Concerns about fire, dangerous natural conditions, and illegal camping
17. Should consider studying the load factor including what the potential for future use is
18. A visitor use study should be completed
19. Concerned about mountain biking as an allowable use.



Eli Wilson &lt;eliwilson@estes.org&gt;

---

**Fwd: Proposed Thumb Open Space**

1 message

---

**Travis Machalek** <tmachalek@estes.org>  
To: Eli Wilson <eliwilson@estes.org>

Thu, Nov 14, 2019 at 2:43 PM

Travis Machalek  
Town Administrator  
Town of Estes Park, CO  
970-577-3705

----- Forwarded message -----

From: **Donna Pierce** <>  
Date: Wed, Nov 13, 2019 at 5:00 PM  
Subject: Proposed Thumb Open Space  
To: Todd Jirsa <tjirsa@estes.org>, Rnorris <rnorris@estes.org>, Carlie Bangs <cbangs@estes.org>, <ebackhurst@estes.org>, Marie Cenac <mcenac@estes.org>, <pmartchink@estes.org>, <kzornes@estes.org>, Town Clerk <townclerk@estes.org>  
Cc: Travis Machalek <tmachalek@estes.org>

Mayor and Trustees,

Please take great care when considering the proposal to open up Prospect Mountain to climbing operations. This type of commercial encroachment is *exactly* what property owners feared when the definition of private parks and recreation was re-written to include hiking, climbing and fishing on residentially-zoned land.

Of course we want people to enjoy nature, hiking, climbing, and fishing. Sure locals would like to be able to continue to hike this trail. But not at the expense of existing private property rights and boundaries that are now threatened. Also this is a very sensitive area where elk and deer mate and raise their young. It is an area where many property owners have invested all they have in their home and land.

The trail that meanders from Peakview to the top of Prospect Mountain goes within feet of people's homes, including on the street above my own home. While some property owners may not mind, there are others where having it open to commercial activity comes too close for comfort. One of my hiking friends is in exactly that predicament. I am home sick this week and not able to come speak in support of that property owner or my own property.

Thank you,  
Donna Pierce



Eli Wilson &lt;eliwilson@estes.org&gt;

---

**Fwd: Thumb Meeting Recap-Private**

1 message

**Travis Machalek** <tmachalek@estes.org>

Thu, Nov 14, 2019 at 4:22 PM

To: Greg Muhonen &lt;gmuhonen@estes.org&gt;, Eli Wilson &lt;eliwilson@estes.org&gt;

Travis Machalek  
Town Administrator  
Town of Estes Park  
970-577-3707

Sent from my iPad

Begin forwarded message:

**From:** penny <>  
**Date:** November 14, 2019 at 7:08:29 AM MST  
**To:** Travis Machalek <tmachalek@estes.org>  
**Subject:** Thumb Meeting Recap-Private

When asked the Executive Director of the Land Trust said they do not manage the land that are in conservation easements it was the owner's responsibility. That is correct but according to the easements there are enforcement and cost enforcement segments they could have been enforcing but have not.

Several questions were ask about the management plan and cost of the project. There needs to be many more details before the city should invest in a project with so many unknowns

Question was asked about the amendments the Land Trust plans to do. The Executive Director said they have not been done. It would be nice to have a list of what they are planning on amending. In reading the easements it appears there would have to be numerous amendments. Does the city want to purchase a piece of property before they know how the easements are going to read. Is this something the Town Attorney would need to study?

Rick and Penny Brisbin

Sent from my iPad



Eli Wilson &lt;eliwilson@estes.org&gt;

## Fwd: Questions after Thumb Open Space Meeting

1 message

**Greg Muhonen** <gmuhonen@estes.org>

Thu, Nov 14, 2019 at 8:45 AM

To: Kate Rusch <krusch@estes.org>, Eli Wilson <eliwilson@estes.org>

Gregory P Muhonen, PE

Public Works Director

Town of Estes Park, CO

Public Works Department

E-mail: [gmuhonen@estes.org](mailto:gmuhonen@estes.org)

Mobile: 970 402 7400

Office: 970 577 3581

----- Forwarded message -----

From: **Greg Muhonen** <gmuhonen@estes.org>

Date: Thu, Nov 14, 2019 at 8:27 AM

Subject: Re: Questions after Thumb Open Space Meeting

To: Jeanne/Larry Allen < >

Cc: Travis Machalek <tmachalek@estes.org>, Brian Berg <bberg@estes.org>, Jeffrey Boring <jeffrey.boring@evlandtrust.org>

Mr and Mrs Allen,

Thank you for these insightful questions. We will include them in the project information provided to the Town Board for the Nov 26 study session.

Gregory P Muhonen, PE

Public Works Director

Town of Estes Park, CO

Public Works Department

E-mail: [gmuhonen@estes.org](mailto:gmuhonen@estes.org)

Mobile: 970 402 7400

Office: 970 577 3581

On Thu, Nov 14, 2019 at 8:03 AM Jeanne/Larry Allen < >

> wrote:

Thank you for hosting the meeting last night which confirmed to us that there are many unanswered questions about this proposed purchase and management of the Thumb Open Space.

Specifically, who will manage and maintain this property? What will the level of this management consist of? Does the police force have enough budget to add this to their duties?

How will parking in the area be impacted and who will enforce potential issues?

How will conservation of the natural habitat be improved by encouraging additional foot traffic and trash left by careless hikers? Will restroom facilities be available or will visitors need to fend for themselves?

How will trespassing onto adjoining homeowners properties be controlled and by whom?

There needs to be a decision about where the trailhead/heads will be.

Why was the GOCO grant request submitted without the letters of concern from Curry Drive residents?

What will the changes to the conservation easement consist of?

How can you proceed with such a large expenditure of money without knowing more of the specifics of what is needed to make this project viable? The proposed budgetary costs are only estimates and may be unrealistic.

More certainty about many details are needed before this should proceed.

These are only a few of our unanswered question.

Jeanne and Larry Allen



Eli Wilson &lt;eliwilson@estes.org&gt;

## Notes from Thumb Open Space Meeting

1 message

Susan Hughes Toy <[redacted]>  
To: publicworks@estes.org

Thu, Nov 14, 2019 at 8:22 AM

Good Morning,

Here are a few notes I took during the small discussion group, my husband and I were part of. [Roger Toy and Susan Hughes Toy]

### Issues/Concerns

management of property

parking

rocks falling on homes, city insurance not covering this

restroom facilities

trash

desire to preserve this space for future generations - very important, one lady shared that her granddaughter lost her first tooth on the top of Prospect Mountain - a family memory

details are important

trespassing signs for homeowners, if wanted by homeowners

Curry Road needs lower gate

Curry Road is "dangerous," single lane-no room to turn around, "not a good road"

upper parking lot on Curry Road - needs to be closed

erosion from over use and from water

signage on Curry road "resident parking only"

opposition stated - no mountain biking

"the 'Town' changes things after" - not trusting of Town - to do as they say

Curry Road residents shared that they sometimes see lights at night, they believe them to be climbers

discussion by Ann (?) regarding amendments, and her need to see them in written form; please note: Jeffrey/EVLT, responded

one trailhead vs. two trailheads

"load factor" - perhaps a study for the amount of current use of trailheads

voiced concern that "homeless will up there"

Police representative comments:

no deaths  
juvenile parties happen sometimes  
trash

**Positive comments by homeowner living next to trail, on Prospect Mountain Drive**

no trash  
no trespassing  
friendly, wave to us on our deck  
families hiking together, all generations  
people with dogs  
offered water to hikers and phone use



Eli Wilson &lt;eliwilson@estes.org&gt;

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**Fwd: Proposed Thumb Open Space**

1 message

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**Travis Machalek** <tmachalek@estes.org>  
To: Eli Wilson <eliwilson@estes.org>

Thu, Nov 14, 2019 at 1:55 PM

Travis Machalek  
Town Administrator  
Town of Estes Park, CO  
970-577-3705

----- Forwarded message -----

From: < >  
Date: Thu, Nov 14, 2019 at 12:27 PM  
Subject: Proposed Thumb Open Space  
To: <TMACHALEK@estes.org>

Dear Travis,

Thank you for the opportunity you provided to gather input from the neighborhood. Though we do not live adjacent to the property in question, we are close and can understand the concerns of the neighbors.

Our thoughts are that the property should be purchased by the Town so that there is control, maintenance and a known future for the space. We also agree with many of the participants last night that a lot more planning and details should be in place before the property is purchased. Planning does cost money up front and it is a good use of money so that a proper decision can be made. Better to waste \$30,000 in planning instead of \$600,000 in a bad land purchase (costs recalled from the presentation). In no way should residents physically and immediately below this property be placed in financial or physical jeopardy from accidents and misuse within the "park". If the decision is made not to purchase the property as a result of the planning, it is still money well spent. There should also be a very careful consideration of the existing conservation easements and whether \$600,000 plus future upgrade and maintenance costs really returns the value put into it.

Maggie Neumann/Steve Sheldahl

**Fwd: Prospect Mountain**

1 message

Travis Machalek <tmachalek@estes.org>  
To: Eli Wilson <eliwilson@estes.org>

Thu, Nov 14, 2019 at 2:36 PM

Travis Machalek  
Town Administrator  
Town of Estes Park, CO  
970-577-3705

----- Forwarded message -----

From: **Timothy McKern** <>  
Date: Thu, Nov 14, 2019 at 9:16 AM  
Subject: Prospect Mountain  
To: <tmachalek@estes.org>, <rnorris@estes.org>

Hello Ron and Travis,

Thank you and all the staff who were at the meeting last night. It was a good format for getting this under way.

One of the concerns that my wife and I have is that the town might promote this natural resource which will bring more people to it and that more people will just increase the wear and tear and traffic to this quiet little area. And it is already happening. We woke up this morning to this: <https://kdvr.com/2019/11/13/estes-park-considers-purchasing-private-land-to-save-popular-climbing-spires/>

More importantly, we have concerns that enforcement and fire protection will be inadequate. It sounded like the police lack resources in the summer months and that quick response would be difficult. Also regarding fire protection, there are no fire hydrants that I know of near the residential areas on county land around Prospect Mountain. This should be troubling to Town of Estes which is so close in proximity. We look forward to future meetings to address these issues.

Sincerely,

Tim and Norma McKern



Prospect Mountain Townhome Association  
570 Darcy Drive  
Estes Park, CO 80517

November 15, 2019

Mr. Travis Machalek  
170 MacGregor Ave.  
Town of Estes Park, CO 80517

Dear Travis:

The board of the Prospect Mountain Townhome Association (PMTAI) has met and decided on our concerns and recommendations to the city on the proposed Thumb and Needle project on Prospect Mountain. Our HOA consists of 37 properties located on the streets Devon, Marcus and Darcy. All are within the town city limits. We are also located directly below the Thumb and Needle.

We are in agreement on the following items concerning town purchase of the Thumb and Needle properties.

1. We would like the town to purchase the properties
2. We are OK with amendments to the current conservation easements on the four properties if they are limited to the elimination of the one home construction currently allowed and some language change on the commercial use to allow a very limited commercial use for rock climbing. We would not like to see any other changes to the current easement language.
3. Install a gate at or slightly past the end of Curry Drive (end of pavement). We are opposed to the upper parking lot Curry Drive. We request that street signs be installed on Curry, Devon, Marcus, and Darcy stating that there is no access to trail heads and that these streets are for neighborhood access only.
4. We would like to see the parking lot on Peak View limited to 12 spaces or less, and "NO PARKING" signs installed on Peak View east and west of the parking lot. We also want to see the Police Department enforce the parking restrictions.
5. At the trail head there needs to be a map or other form of communication to indicate the available trails and which rock formations rock climbing is allowed. There are some that are too close to homeowner properties that should not be available for climbing.
6. We are opposed to any new trails that come too far down the mountain that would encourage people to use the road or take short cuts through private property. We have also seen people that went up the tram and hike down the road so they can be picked up at Curry and Peak View.
7. We don't think mountain biking should be allowed. Trails are too short, narrow, and bikes damage trails.
8. We would like see dogs allowed, but on leash only with the same city requirements to pick up dog refuse.
9. We support the collection of concessionaire fees by the town to help offset the expenses necessary to maintain the property.

Respectfully,



PMTAI Board of Directors  
Jim Paddock  
Mike Bryson  
Carol Peterson  
Laura Rustin  
Duncan Rarity



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## Thumb Open Space Neighborhood Meeting

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**Lisa Skokan, Trustee** < > Fri, Nov 15, 2019 at 10:54 AM  
To: "tmachalek@estes.org" <tmachalek@estes.org>, "gmuhonen@estes.org" <gmuhonen@estes.org>

I have put together our questions/comments for your review and consideration.

### Project Map

- Where is the current ½ mile trail on the map?
- Where are the current 2 trailheads referenced?
- Please provide a copy of the current easements as they pertain to these parcels.

### Purpose and Vision

- You indicate in the purpose that you will “reduce off trail use”. Given the rugged nature of this area how do you anticipate being able to do this?
- How do you enhance conservation by building additional trails, and allowing commercial use for climbing purposes in the area?
- The Vision stated compares this to the Knoll-Willows area. Given the vast topography differences and location is this realistic?
- You indicate that Amendment of the Conservation Easement will be necessary. Please give specifics on the changes that would be made. How will these changes be approved – by what authority?

### Use and History

- You indicate the new trails will be 3 feet wide – where will these be? Given the rugged terrain has there been consideration to rockslides and habitat disruption caused to this area and neighboring areas. Will a study be done to review this before undertaking any changes to the existing landscape?
- Define Loop trail as it applies to this property.
- When was area last authorized for climbing activities?
- Allowing a Commercial Company to profit from land owned by the Town and paid for by the taxpayers seems to be contradictive. Conservation implies preservation and not over-use.
- How will new climbing routes be designed or installed. And at what cost?

### Access to Area

- Indicates potential of 2 trail heads – please define where these are. How and who will make the decision on 1 versus 2?
- How much parking will be available? Where?
- Who will enforce parking outside of the lot on road shoulders, etc.?
- Has this been budgeted by EPPD for additional enforcement?

### Gates and Enforcement

- A Management Plan is mentioned – is there more detail available on this? How can all costs associated with this project be identified if the scope of the project is not defined?
- Is it reasonable to assume EPPD will venture up trails to stop illegal activity?
- What will be frequency of patrols?
- Who will do the patrols?
- Has this been budgeted for separately by EPPD if is their responsibility?
- Would any lighting be installed by gates or trailhead to illuminate rules/regulations?

### Insurance and Liability

- How does the Town currently actively manage properties to mitigate risk to neighboring homes?
- You indicate damage to neighboring properties is not covered – and yet the building of trails and the additional foot traffic could cause erosion and<sup>137</sup>

increased potential for rockslides. Will a study be done to mitigate this for neighboring properties?

## Commercial Uses

- If a partnership is made with local climbing companies how will the appropriate number of guides and vehicles be determined and by whom?
- How often will a review be done to ensure the habitat is not being destroyed and land over-used.
- When was last time commercial use was done on this land?
- It is common for Conservation Easements to Exclude Commercial Use. Why change the Easements for this use if we are trying to keep it small and private?
- What are the Conservation Values as currently defined?

## Promotion and Advertising

- Will the parking lot size really limit the number of hikers? Or will they park on shoulders, neighboring streets, etc. like they do in many hiking areas with small parking areas.
- Management plan is mentioned. Has this been defined to ensure all costs have been planned for? How can you move forward and assure the Taxpayers that the costs will not be significantly higher?
- How often will this be reviewed to ensure overuse is not a problem?

## Anticipated costs

- Please provide a detailed breakdown of what you have included in the amount stated of \$42,486
- The road off Curry is currently heavily eroded and would be expensive to bring into shape, let alone maintain.
- Has a restroom been budgeted for?
- Trash containers? And maintenance of such.
- Based on the scope of things discussed this budgeted amount does not seem to be realistic.

## General Questions

- This area is not ADAA compliant due to the topography. Are there better projects that would appeal to broader population since you are using Taxpayer funds for this?
- Has there been any consideration of purchasing some but not all the parcels?
- Have any wildlife studies been done or planned to see the impact on the bears/mountain lions currently living in this area? We encroach on their land and they are put down because of it.
- Area referenced for parking is currently the site of a water shed which I was under the impression is being reviewed for upgrading and expansion to meet the water needs in the area.

Lisa & Todd Skokan



Eli Wilson &lt;eliwilson@estes.org&gt;

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**Fwd: Thumb open space project**

1 message

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**Town Clerk** <TownClerk@estes.org>  
To: Public Works <publicworks@estes.org>

Fri, Nov 15, 2019 at 1:00 PM

Please see the below public comment related to the Thumb Open Space.

Town Clerk's Office  
[170 MacGregor Avenue](#)  
PO Box 1200  
Estes Park, CO 80517  
970-577-4777 (p)  
970-577-4770 (f)  
[townclerk@estes.org](mailto:townclerk@estes.org)

----- Forwarded message -----

From: **Vaughn Baker** < >  
Date: Fri, Nov 15, 2019 at 12:32 PM  
Subject: Thumb open space project  
To: <[townclerk@estes.org](mailto:townclerk@estes.org)>

Mayor and Trustees,

Opportunities to create publicly accessible open space in the Estes Valley are becoming increasingly rare.

The proposed acquisition of the Thumb property by the Town would compliment the Town's Knoll-Willows open space and Performance Park climbing area.

The Town has demonstrated that it can responsibly manage these areas for the benefit of all residents and would indeed do so if the Thumb property is acquired.

By acquiring the Thumb property, the Board would be giving a gift to present and future generations.

Vaughn Baker  
Estes Park



Eli Wilson &lt;eliwilson@estes.org&gt;

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## Thumb Open Space

2 messages

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**Anita Prinzmetal** < >  
To: publicworks@estes.org

Tue, Nov 19, 2019 at 1:48 PM

I was the monitor of Prospect Mtn., including the Thumb, for many years. I am a definite proponent of the Town's purchasing this property for public use. The property needs year-round management that the Land Trust can not provide. However, one caveat, parking needs to be available; otherwise, hikers and climbers will block the road at the gate. There is plenty of open space in the meadow for a lot.

This is a great opportunity for the Town and the community.

Anita Prinzmetal

EP

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**Eli Wilson** <eliwilson@estes.org>  
To: Anita Prinzmetal < >

Tue, Nov 19, 2019 at 3:11 PM

Good Afternoon Anita,

Thank you for contacting the Public Works Department. I will ensure that your support for the proposal is recognized and that your suggestions are heard.

Thank you for being an active citizen,

Eli Wilson

[Quoted text hidden]

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Eli Wilson

Administrative Assistant I  
Public Works  
Town of Estes Park



Eli Wilson &lt;eliwilson@estes.org&gt;

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## The Thumb Open Space Proposal

3 messages

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**Cindy Yeast** < >  
To: publicworks@estes.org

Wed, Nov 20, 2019 at 6:21 PM

I strongly oppose the following in the proposal:

“Commercial uses related to hiking, climbing or other permitted non-motorized uses of the proposed Thumb Open Space could be considered. These uses may include climbing instruction or guiding.”

Unlike locals hiking or rock climbing, the potential for noise would most assuredly be elevated if the space is opened to large groups and non-motorized bicycles or other commercially organized activities. Furthermore, there would be an elevated impact to the natural environment, as well as wildlife - both elk and deer mate and raise their young in the trees northwest of the trail.

There should be no commercial aspects to the use of this open space, and it is too small to accommodate mountain bikes.

Cynthia Yeast

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**Megan Van Hoozer** <mvanhoozer@estes.org>  
To: Cindy Yeast < >  
Cc: Eli Wilson <eliwilson@estes.org>

Thu, Nov 21, 2019 at 9:56 AM

Thank you, Cindy, for your input. I'll be certain to get your feedback to all appropriate parties.

Have a wonderful day,

Megan Van Hoozer  
Public Works Department  
Town of Estes Park  
[170 Macgregor Ave.](#)  
[Estes Park, CO 80517](#)  
(970) 577-3587

[Quoted text hidden]

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**Cindy Yeast** < >

Thu, Nov 21, 2019 at 10:57 AM

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## Proposed action for prospect mountain

1 message

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**Angela Koehlar**  
To: tmachalek@estes.org

Thu, Nov 21, 2019 at 10:45 AM

Good morning,

My name is Angela Koehlar and I live in Venner Ranch estates. I am emailing in regards to proposal for trail on prospect mountain. I have a few concerns and thoughts to share. First it's important I express my love and regard for the quiet trail. My husband, dog, and I have enjoyed it and appreciated the peace and sanctity the trail provides in our own backyard. It is respected by other hikers and kept quiet and clean. We do hope that continues.

My concerns are for the heavier amount of marketed traffic for the trail along with what may not be sustainable for the trail and my neighbors. My hope is it doesn't allow biking and large pay base groups to erode at the loveliness and peace the trail has given us all over the years. In my experience trails shared between bikers and hikers is dangerous and respect often doesn't go both ways. It is clearly two different experiences that don't fit together. Note there are trails in Colorado that keep the two entities apart for safety concerns and maintain enjoyment for the outdoor enthusiast.

Another big concern are drones. Drones on prospect mountain are becoming an issue and needs to stop. Vacationers in nearby rentals are flying them more and more. Recently a drone from close by flew around my property and hovered over my husband and I watching us in our hot tub. While the HOA needs to work with it's residents to help put in place safe guards, we need safe guards put in place about drones for us residents on the mountain by the influx of folks that will descend on to a newly marketed trail. Our privacy is at stake. As well as our sanctity.

Another concern, I understand there will be monitoring of trail and its usage. More often we are seeing in the Roosevelt forest campers whom are not just camping but hiding out. That brings forth a concerning element of people up to no good close to our neighborhood. We are hearing from our colleagues and friends from little valley about home invasion from folks hiding out in the forest. My question is, how well will the trail be managed? We already see people from time to time camping out. Not that often, but with more visitors and marketing for the trail illegal camping will be more prevalent. I know it's not possible for constant monitoring and incidents being reported will be essential. With that it's concerning about the stress our neighbors will go through to do what's right for our HOA. And that is unacceptable.

Again, we love the trail and hope for it's preservation, but at to what cost? I understand this project will take a lot of resources and will need to replenish such resources on an ongoing basis. How together can we make this a win win for all involved? For the trail, the neighbors, the enthusiast and beloved wild life.

Thank you for your time.

Angela Koehlar  
Prospect Mountain  
Venner Ranch resident

Sent from my iPad

**Eli Wilson** <eliwilson@estes.org>

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## Thumb Open Space

2 messages

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**Jane Bush** < >  
To: publicworks@estes.org

Thu, Nov 21, 2019 at 11:16 AM

I just wanted to voice my support for the proposed Thumb Open Space. I think it is a great proposal to preserve this area and to continue to allow climbing on these features. It's exciting to see the town work to protect this resource. -Jane Bush

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**Eli Wilson** <eliwilson@estes.org>  
To: Jane Bush < >  
Cc: publicworks@estes.org, Megan Van Hoozer <mvanhoozer@estes.org>

Thu, Nov 21, 2019 at 12:40 PM

Good Afternoon Jane,

Thank you for contacting the Public Works Department. I will be certain to get your feedback to all appropriate parties.

Thank you for being an active citizen,

Eli Wilson  
[Quoted text hidden]  
--  
Eli Wilson

Administrative Assistant I  
Public Works  
Town of Estes Park



Megan Van Hoozer &lt;mvanhoozer@estes.org&gt;

## Thumb Project Questions

'Alan Fraundorf' via Public Works <publicworks@estes.org>

Thu, Nov 21, 2019 at 6:10 PM

Reply-To: Alan Fraundorf

To: publicworks@estes.org, Travis Machalek <tmachalek@estes.org>, gmuhonen@estes.org

[This email is being from my private email account as a private citizen]

Below are questions that I, and others who live on Curry Drive and the surrounding area, would like to know the answers.

Comment: It is unclear what the details of the Thumb proposal contains. We have seen and heard various proposals. I believe the Town Board should not endorse taking ownership of anything, until they understand all the costs and implications. Many of the below items may not apply, depending on the proposed conservation easement changes and management plan (neither which exist to our knowledge).

These items are in no particular order.

Insurance - If CIRSA agreed to cover these parcels, will there be an additional expense to the Town? If so, what is that annual amount?

Dogs - Will dogs be allowed at all? If so, under what conditions. If so, who in the Town or Land Trust will manage the waste/bags/trash? Public Works?

Gate at end of Curry Drive - There has been discussion of moving the gate. I believe the gate is owned by Mr. Heron. What are the costs of moving the gate, if Mr. Heron agrees? Who would manage the many locks and vendors on that gate? Where will people park, if the gate is moved to the end of the pavement? Where will the Town snow plows push snow, if there is a dead stop at the end of the pavement?

Plat Changes - The official plat of the area will need to be changed, if certain items are changed in the parcels. Who will pay for that change? Most plat changes require Planning commission approval. If so, when would that happen?

Use Change - This would be a land use change from a protective conservation easement, entitled Open Space on the official plat, to a public park with many less restrictions. If so, it would appear the Planning Commission needs to discuss the merits. Will they?

Rock Fall survey/mitigation - The lots on Curry Drive are required to have routine rock fall surveys performed. Will the Town require routine rock fall survey's and mitigation on the property above Curry Drive lots? What will be the cost of that effort?

Restrooms - Will there be restrooms of any type there? Having field trips and/or kids working there would seem to require that. If so, who will pay for that?

Other projects - What are the other projects the Town has been asked to help fund, which would qualify for the funds from which the Thumb project would be used? Has the Board of Trustees seen the list and prioritize that list? Is the Thumb project the most important? Has the Board seen a list from the Rec District/Trails Board hopes and desires?

Changing Easements - Changing a conservation easement, when nothing has changed to the property, raises a legal question. This action could put the Town in litigation as well as remove the EV Land Trust as a valid legal entity. This action also will send a strong message to anyone who has a conservation easement or thinking about one, in that future owners and the Land Trust can change them, even though the conversation easement would say perpetual (as the current easements do) and there are no changes to the property (like a flood). Is the Town Board ok being a part of that public message?

Patrols - The GoCo application says this area will have patrols which will stop illegal behavior on the lower and upper elevations. Who has been doing these patrols or when will they start? If these are Town staff, is that included in the Town

budget? Does the Town Board expect the Estes Park Police to go up the trails and patrol that area?

Parking - Where exactly will that occur? On Peakview - 3-6 places, head-end will create a situation that requires backing out onto Peakview. Community Development nor the Planning Commission would generally not allow that on any development. At the top of Curry Drive (at the Gate), blasting into the side of the mountain would be the only method to make parking space. Is blasting in the budget?

Noxious Weeds - If the Town purchases the property, will they be required to remove and contain all noxious weeds, forever? In some Town document, \$3-4k/yr has been mentioned. How much do you think it would cost to remove cheat-grass and thistle on all 65 acres? OR was the \$3-4K for the proposed trail only, and not the rest of the property? Would this be done by pulling these weeds, or spraying poison/herbicide on the area?

GoCo Application - Why was the application submitted without any endorsement of the Town Board (an application requirement), when virtually all grant applications are discussed prior to submission with the Board? Why were the letters of opposition not submitted with the grant (an application requirement)? Does the Town Board agree that making the area almost ADA compliant (as implied in the GoCo grant) is feasible? Does the Board agree there are no other area places for people to go to hike or climb (other than the National Park), as implied in the application? It seems Twin Sisters and Lily Lake are 15 minutes from downtown. Why were poor Hispanics singled out in the GoCo application? That was inappropriate at best. One residence - Does the Town Board agree that having one home on 65 acres will destroy the character of the entire area?

Lot 1 Historic trail - does the Town Board believe they can force improvements to the first 250' of trail which runs thru lot 1, on the private owner?

Will commercial activities be allowed? Who will manage permits if required? Public Works? Town Clerk?

Signs - Who will provide, install, and maintain signs for the public? Is that in the Public Works budget?

Is Visit Estes Park going to advertise a new "Park" to the public?

Recreation District involvement - Why did they pull out of the arrangement?

Thank you

Alan Fraundorf



Eli Wilson &lt;eliwilson@estes.org&gt;

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**Thumb and Needle**

2 messages

**Barry Hannigan** <

&gt;

Sun, Nov 24, 2019 at 4:22 PM

To: publicworks@estes.org

Hello. I am writing to STRONGLY support the acquisition of the property. It is a irreplaceable local treasure and should be a available to Estes Park residents.

Thank you,

Barry Hannigan

Sent from my iPhone

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**Eli Wilson** <eliwilson@estes.org>

Mon, Nov 25, 2019 at 8:28 AM

To: Barry Hannigan &lt;

&gt;

Cc: Megan Van Hoozer &lt;mvanhoozer@estes.org&gt;

Hello Barry,

Thank you for contacting the Public Works Department. I will ensure that your support is noted and passed on to the appropriate parties.

Thank you for being an active citizen,

Eli Wilson

[Quoted text hidden]

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Eli Wilson

Administrative Assistant I

Public Works

Town of Estes Park



Eli Wilson &lt;eliwilson@estes.org&gt;

## Fwd: Proposed "Thumb Open Space" on Prospect Mountain

Town Clerk &lt;TownClerk@estes.org&gt;

Mon, Nov 25, 2019 at 10:03 AM

To: Trustees &lt;trustees@estes.org&gt;, Travis Machalek &lt;TMACHALEK@estes.org&gt;, Public Works &lt;publicworks@estes.org&gt;

Hello All,

Please see the forwarded public comment received by the Clerk's Office.

Thank you,  
Kimberly

Town Clerk's Office  
 170 MacGregor Avenue  
 PO Box 1200  
 Estes Park, CO 80517  
 970-577-4777 (p)  
 970-577-4770 (f)  
[townclerk@estes.org](mailto:townclerk@estes.org)

----- Forwarded message -----

From: **Mike & Christine Kellam** <>  
 Date: Fri, Nov 22, 2019 at 4:10 PM  
 Subject: Proposed "Thumb Open Space" on Prospect Mountain  
 To: <[tmachalek@estes.org](mailto:tmachalek@estes.org)>, <[townclerk@estes.org](mailto:townclerk@estes.org)>, <[Jeffrey.boring@evlandtrust.org](mailto:Jeffrey.boring@evlandtrust.org)>  
 Cc: <>

I have today received an e-mail from Donna Pierce, including copies of

- a.. Letter from new Town Administrator Travis Machalek
- b.. Letter from Town of Estes Park to Neighbors of Proposed "Thumb Open Space" on Prospect Mountain
- c.. "Thumb Open Space" Proposal - a collaboration of the Town of Estes Park and Estes Valley Land Trust (EVLTL)

together with Donna Pierce's comments regarding her understanding of the project and expressing some concerns as a nearby property owner and occasional user of the trails in the proposed project area.

Although I am not located immediately adjacent to the proposed project, I have lived in the shadow of Prospect Mountain for nearly three decades on property with which I have had a connection since the mid-1960's. Change is filled with unknowns, and I am sympathetic and understanding of Ms. Pierce's concerns for possible negative impact of the project. While change may bring positives as well as negatives, often the only way to assess which occurs, is in hindsight.

After four decades in Real Estate, I have seen positives and negatives, but have remained steadfastly against "paving over the whole world". Of all the places I have lived, I have been in the Estes Valley the longest and intend it to be my final destination.

Having worked with the Estes Valley Land Trust in connection with several conservation easements, and with the Town of Estes Park in connection with the Knoll-Willows project, I believe that the open spaces thereby preserved have produced an overwhelmingly positive result in preserving the character

11/25/2019

Town of Estes Park Mail - Fwd: Proposed "Thumb Open Space" on Prospect Mountain

of the Estes Valley and the overall quality of life for our residents and visitors.

From the plans I have seen in Ms. Pierce's communication, it appears that this project will be positive overall to the Estes Valley and I favor it. I believe that adjacent property owners will adjust to it, and, in hindsight, will consider it a positive development.

Michael Kellam

Prospect Highlands Homeowners Association  
Teri Babcock, Secretary  
201 Curry Drive  
Estes Park, CO 80517  
(970) 586-7799

November 26, 2019

Madison Brannigan  
Great Outdoors Colorado  
1900 Grant Street, Suite 725  
Denver, CO 80203

Re: Thumb Open Space Project Received from Town of Estes Park

Dear Ms. Brannigan:

Attached are opposition letters from several of the 12 landowners on Curry Drive who will be directly affected by the proposed changes to the four conservation easements adjoining our properties. These letters were sent to the Estes Park Board of Trustees, the Mayor, and Town Administrator but were not attached to the original GOCO Thumb Open Space application.

Additional comments:

“In 2019, we have an opportunity to amend these conservation easements, dissolve all development right and permit public access.”—page 66 of the application  
Is there a possible legal question whether the Land Trust and owners can change the approved, perpetual, existing Land Trust Conservation Easement on these properties when nothing has changed. In reading the easements, there would need to be numerous amendments.

“Property will be sold for residential development”—page 68 of the application  
The easement which allows for one house within a two-acre building site on 32 acres is not a residential development.

“ADA accessibility is also a priority for the Thumb Open Space”—page 69 of the application.  
This is desirable for any park but not feasible on this piece of property because of the topography of the land.

“Public ownership, frequent patrolling, fencing and signage will prevent these destructive activities from occurring.”—page 67 of the application  
Specifically, who will manage and maintain this property? What will the level of this management consist of? Does the police force have enough budget to add this to their duties?

Additional unanswered questions:

- How will conservation of the natural habitat be improved by encouraging additional foot traffic and trash left by careless hikers?
- Will restroom facilities be available or will visitors need to fend for themselves?
- How will parking in the area be impacted and who will enforce potential issues?
- The lots on Curry Drive are required to have routine rock fall surveys performed. Will the Town be required to do routine rock fall surveys on the property above Curry Drive lots?
- How will trespassing onto adjoining homeowners properties be controlled and by whom? This also includes a concern about climbers or hikers disturbing loose rocks not in designated climbing areas and hurting themselves or damaging the property below.

More certainty about many details is needed before this should proceed. Because of the complexity of the scope of this proposal, we request an onsite inspection by the GOCO Grant committee.

Sincerely,  
The home/lot owners on Curry Drive

Jon and Lora Davis  
Greg and Marie Cross  
Kim Zare  
Rich and Teri Babcock  
Jerry and Connie Kennedy  
Ron and Sharol Little  
Bob and Tracy Stoddard  
Larry and Jeanne Allen  
Alan Fraundorf  
Rick and Penny Brisbin  
Ann Wise  
Stephen Riedlinger  
Todd and Lisa Skokan

October 16, 2019

**PRIVATE To the Estes Park Board of Trustees**

**RE: Opposition to town's purchase of land on Prospect Mtn.**

**We are strongly opposed to the use of taxpayer dollars to purchase what has been called The Thumb Open Space. Please do not include monies for this purchase in the budget, and vote against the creation of this new town park.**

**As we understand it, years ago, Curry and Solomon LLC, Central Administrators and Neil Solomon agreed to place conservation easements on 65.2 acres of land on the south side of Prospect Mountain. This land was placed into trust and for management by the Estes Valley Land Trust (EVLTL). Now, EVLTL seemingly acting as a real estate broker for the private landowners, wants the town to spend additional taxpayer money to purchase this already-protected land, and already-publicly accessible trail, and also change the conservation easements.**

**This purchase would have many negative public impacts:**

- This purchase is an unnecessary waste of hundreds of thousands of tax dollars to purchase already-conserved and protected land that is currently used for public recreation without added cost to the town.**
- This purchase would not be a one-time expense, but a significant new, recurring town expense for upkeep, improvements, sanitation, garbage clean up and regular, on-going policing.**
- This purchase would unnecessarily shift to the town, the management effort and the recurring expenses for property that is already managed by the EVLTL, the designated conservation easement management organization.**
- This purchase would not remove private property at risk of development in order to preserve it for recreation; the property is already preserved for recreation and open space.**
- The existing easements allow for the construction of one house, and we have always known about this. That's OK! We have no objection to this low-impact use. This use would be far, far less disruptive to wildlife while also continuing the preservation and conservation of the area.**
- Changing this protected land into a large town park will harm the abundant wildlife on Prospect Mountain we see most every day here. That's just logical, and if that conclusion is in doubt, the town should do a wildlife impact study of the area before committing to this project. The suggestion that building a town park with near-certain**

increased human usage, will somehow improve wildlife habitat is counterintuitive. In addition to the humans, the presence of more dogs--many not on a leash as is currently occurring--will disturb the diverse wildlife.

- There is a high likelihood of illegal parking and auto accidents with the greatly increased traffic and visitors in the summer.

A new town park would be signed, and locatable on the internet by tourists. This would result in higher usage, particularly in high-visitation months. Assuming the new park would be accessible without paying a fee, tourists looking for places to hike and avoid paying \$30-\$70 to enter RMNP would fill the small parking lot, as now occurs with the much larger lots at Lily Lake. It is misleading to suggest that the parking area could be easily expanded, as this would require, as we understand it, a very long approval process, with environmental impact statements and such, involving federal agencies.

The EVLT is misrepresenting many aspects of this proposed project. Their "update" letter dated October 3, 2019, to the HOA states that the town needs to purchase these acres to "prohibit the construction of any structures" and that the neighbors "would hate to see any development of the property." This is wildly misleading, because the existing easements specifically allow only ONE home to be constructed, and no one we know objects to the construction of this one home.

Though a representative of the EVLT did meet with some HOA members, he could answer very few of the questions asked, and there are a great many unanswered questions about this proposal that merit serious study and consideration by the town. This is a large project, a major acquisition that should not be rushed. Our tax dollars should not be committed, while there are numerous outstanding questions:

If the town purchases this property and creates the first town park of this type and scale, what will be the short and long-term impacts to the town budget?

Has the town estimated how much it will cost to build the trail, parking, signage and other improvements? If so, what is the amount and how was it estimated? How will it be funded?

Has the town projected all recurring costs, with inflation, each year, and for the next 10 years, for policing, trash pick up, sanitation, and trail maintenance, etc.? How much is that additional cost to taxpayers and is there an identified, recurring revenue source for this?

Will the town require dogs to be leashed by owners who use the trails, as at other town parks? How will the town enforce this? What will be this recurring cost of enforcement?

With no toilet facility, people will very likely use the rear of the green building at the parking area as an outdoor toilet area, and leave human waste and used tissues lying around, as occurs in other hiking areas. How will this public health hazard be handled? Are funds for regular sanitation clean up being budgeted?

Will the town allow commercial uses of the proposed park? If so, will permits be required and fees charged? How will this be enforced?

EVL states that the proposal includes allowing rock climbing, which they say already occurs, and may be occurring now as a commercial business, too. Will commercial rock climbing businesses be allowed to take paying customers climbing on the Thumb, Needle and other rocks? If so, will the town require permits and fees? Who will be responsible for issuing permits and collecting fees?

Rock climbing is a high-risk activity. What about insurance? If the park owner or manager promotes or permits rock climbing--whether commercial or non-commercial--will climbers and/or climbing schools and instructors be required to have medical and liability insurance? Will the town be liable if someone falls?

Increased hiking and climbing activity will increase the risk of rocks being loosened which could fall and damage persons, houses or other private property, on Curry Drive, Peak View or Prospect Mountain Drive homes. Will the town pay for any injuries or damages?

What will the town do to decrease or prevent these risks? There should be a plan and a projected cost for this to be implemented.

Will the town obtain a rock fall survey before opening the proposed park for public or commercial use, and periodically thereafter? Has that cost been considered? What will be the public cost of ongoing rock fall prevention? Is that budgeted? Is there a revenue source for all these expenses?

The small amount of parking currently at the public trail head on Peak View Drive will not be sufficient to handle the demand if it is opened as a public park. First, since there is no place to turn around, how will the inherent danger of cars regularly backing out onto Peak View, on a curve, be mitigated? What will this cost?

It can be anticipated that drivers will find no parking at the trail head on Peak View and instead of leaving, will park at the entrance of Curry Drive, possibly impeding that road. How will this be prevented and handled?

Only about 4-5 spaces of the current dirt parking area on Peak View Drive are on city-owned property, within the small plot for the water pump house, alongside which the historic mountain trail begins. The rest of the dirt parking area, the left half, is U.S. Government (not Reclamation District) property, according to maps and the property line stakes located there. ELVT does not mention this complication. Will the town have

to also purchase the rest of the current lot, just to use the referenced 8-10 spaces for city parking purposes?

EVLТ suggests that the parking can be expanded, but applying to federal agencies for use of federal property for a town park, will very likely be a long and expensive process, involving environmental impact statements and consuming staff time. We see deer regularly grazing in that area. What will be the cost of this and is that budgeted?

EVLТ's letter states that "public ownership and a management plan, to ensure the property is conserved" is needed to protect the property. Isn't management, conservation and protection of the property what the EVLT is supposed to already be doing, as the manager of the property? Isn't that why the property was placed in trust, and the conservation easements created? Why should the town take over the responsibility of the EVLT to do this, and also incur a large up-front costs and recurring annual expenses?

As part of its due diligence, and to avoid what previously occurred with the highly divisive mountain coaster project, will the Board determine—and timely inform the public—whether any person or entity associated with the town or the EVLT, including any person or entity that would be involved in creating, constructing, operating or maintaining the proposed park, stands to benefit financially if the project is approved?

In sum, this project will have great negative impacts to the Prospect Mountain area wildlife, land conservation and protection, while costing the town a large up-front expenditure of taxpayer money, plus recurring annual expenditures of unknown amounts. It will likely create traffic, garbage, and sanitation problems that do not exist now, or which would be made worse. Funding for this project should not be included in the town's budget, and the Board should not vote to purchase this property.

Ann Wise

Stephen Riedlinger

350 Curry Drive property owners

We have been full time residents at 351 Curry Drive since 2005. You have received numerous letters from our neighbors on Curry Drive and we agree with the assessments, observations and conclusions that the city should not use tax payer dollars to purchase the 65 acres on Prospect Mountain which would generate no income only yearly expenses. It is already in a conservation easement that protects the land and the historic trail. The suggested changes by the Estes Valley Land Trust to the 3 parcels of land on the south side of Prospect Mountain lack common sense. The idea that opening an area to more public access would better preserve an area that is already in a land trust defies logic.

Numerous questions were raised at the meeting that the homeowners had with the representatives of the Land Trust which have not been fully answered. We strongly disagree with their concern that building one single family home located on 2 acres within the 32 acre parcel would disrupt the wildlife.

Other concerns we have are parking, trash, hikers and dogs on our private property, just to name a few. This area has been a place where people that live in Estes can hike the historic trail which is preserved in the easement without too much congestion. Let's keep it that way.

We appreciate your consideration in this matter. We ask you not to include the proposed purchase of this ground in the town budget

Rick and Penny Brisbin  
586-3289

## Board of Trustees

In the near future, I believe the Town Board will be presented with a proposal to contribute to a purchase of 65 acres of land on the south side of Prospect Mountain. This area includes the "Thumb and Needle". The proposal involves several parcels, which are primarily above Curry Drive.

The current owners of the parcels are Curry and Solomon LLC, Central Administrators, and Neil Solomon (all the same entity).

The parcels are all covered today by a conservation easement, managed by the Estes Valley Land Trust.

The public uses the area freely now.

There is a "historic trail", which is on the recorded plat, which transverses some of the parcels (including private property along Curry Drive – Lot 1). This rough trail itself must be open to the public (as it is today).

The Land Trust is requesting the Town contribute to purchasing several parcels, then making many changes the conservation easement to allow improvements (which are currently prohibited). The current conservation easement language indicates numerous times the current allowed uses are permanent, but does allow the owner and the Land Trust to make changes (under certain conditions).

One parcel, the left/west most parcel, allows 1 single family home to be built. On the recorded plat, this is called Lot 13, 32.98 acres and states: "Reserved for future development of one single family residence". This language is also in the current conservation easement.

It appears the rationale the Land Trust is using, is that IF someone bought that left/west most parcel, and built a home, it would ruin the entire mountainside. This rationale has no merit in my view. The entire mountain side is filled with wildlife. One home would not destroy that.

For the Town to invest our tax dollars, to purchase property, on a bet that someday in the future someone else may purchase the left/west most parcel and build a home, and that home would destroy the character of the mountainside, makes no sense. For the Town to participate in taking parcels which are already in a protective conservation easement and turn them into a public park (with potential injury liabilities, parking and maintenance responsibilities), does not seem appropriate to me. It would seem the Town's investments and ongoing expense should be in other areas where many residents of all ages and abilities could use the land.

My advice is to not endorse this proposal.

Thank you

Alan Fraundorf

335 Curry Drive

We are homeowners living on Curry Drive for 10 years. We have heard that the Town Board will be asked to contribute to the purchase of 65 acres of land on the south side of Prospect Mountain. We do not feel this would be a wise purchase or use of our tax dollars.

One reason given for the City purchasing this land is to protect the wildlife here by making it impossible for a future house to be built on the NW edge of the 65 acres. The wildlife we see each day are not affected by the houses here and one more house (if built) would not deter the deer, bobcats, herds of elk, marmots, coyotes, and the occasional bear from being in the area.

However, encouraging more climbers, and hikers, some with their dogs could scare the wildlife.

Of more concern to us is the very rutted unmaintained dirt "service road" extension of Curry Drive. From our dining room vantage point, almost daily we see vehicles driving slowly up the road and we know they do not mean to be there. Some keep on driving and turn around near the locked gate at the Private Property sign. Others slowly turn around doing a multiple point turn. The most concerning to watch are those who slowly back down, some with help from passengers who have gotten out of the car. Yesterday in a short time, we saw 3 vehicles mistakenly go up the road and the one who backed down took 10 minutes even with a spotter helping.

A sign at our cluster mailboxes a quarter mile away saying "No Outlet" deters no one. At the very least, a sign where the road turns to dirt saying "No houses beyond this point" or better yet, a gate would help keep people out of these dangerous driving situations.

We believe the historic trail as accessed from Peak View is sufficient and does not need to be expanded. It allows access to climbers and hikers without further taxpayer expense. Please do not approve this proposal.

Jeanne and Larry Allen  
303 Curry Drive  
Estes Park  
970-586-4209

Date: November 2, 2019  
To: City Council Members  
From: Ron and Sharol Little  
253 Curry Drive  
Estes Park, CO 80517  
Re: Proposal – Thumb Park, Upcoming Prospect Mountain Proposal

As one of the twelve homeowners in Prospect Highlands, we ask that you deny approval for the Thumb Park proposal. We have read the letters from other homeowners telling you many reasons for this stance; however, we would like to add several others that speak to the safety and security of our residents and the town of Estes Park.

#### 1. Geological Hazards

The Prospect Highlands subdivision consists of 12 developed lots covering about 12 acres along the lower portion of the south of slopes of Prospect Mountain where the slopes begin to lessen. Homes have been built on nine of the lots (3, 4, 6, 7, 8, 9, 10, 11 & 12), leaving lots 1, 2, and 5 still vacant. The homeowners association has been in existence for over 10 years.

One of the issues that the HOA has wrestled with has been the rock and slope review of our land. We live on a slope with an abundance of huge boulders, broken rocks and angles of outcropping of rocks with sharpness and angles that could displace, degrade, or move. The HOA finances a geologic survey that has given periodic assessment updates of the slope stability of the acreage. The reports have stated that these features have potential for developing into a serious rock fall situation. We have closely monitored our acreage, however, the reports have stated that overhanging rocks are probable rock fall features of concern and should be monitored. Even though the reports have not shown danger to the houses, "there is no way to predict when these rocks will fall but the weathering process will eventually bring them down." With increased usage and traffic this could change everything.

#### 2. Dumping of trash

The Curry Drive road is a dead end street with signage that states "no outlet." It seems to attract those who bring truckloads of large trash that include refrigerators, mattress, couches, a stove and many bags of trash. We frequently remove these items at the entrance to gate to the old road. Increased traffic will only add to this situation.

#### 3. Hikers and climbers on private land

All homeowners have reported frequent hikers on their land. They climb rocks, have picnics, and even camp overnight. Just last month I walked out my back door and found hikers climbing our rocks within 50' of our house with mattresses below. What will an open door policy bring to our mountain? Do we need to build a wall?

We believe that this historical trail should remain as it is. Please do not approve this proposal.

Ron and Sharol Little  
253 Curry Dr  
Estes Park, Co 80517  
Littlers24@yahoo.com  
970-586-4792 - land  
970-370-3448 - Ron Cell  
970-370-3449 - Sharol Cell

To our town officials:

We are homeowners living on Curry Drive since 2006. We understand the Town Board will be presented with a proposal to contribute to a purchase of 65 acres of land on the south side of Prospect Mountain and wish you to understand our position on that.

The Land Trust indicates they are concerned that one home on the northwest edge of the 65 acres will negatively affect the wildlife on a Prospect Mountain. We have significant wildlife near our home all the time and know that they are not affected by the homes on our street. Bobcats, chipmunks, marmots, deer and elk with their young ones, ermine, bears, and even a mountain lion traverse our property unconcerned with us being here. We are totally convinced that one house near the edge of 65 acres would have absolutely no negative affect on the wildlife on Prospect Mountain.

We have seen what happens, though, when dogs are around—they very much affect the wildlife. The historic trail and the Thumb area are open and available for use by hikers, and many bring their dogs as they aren't allowed on RMNP trails. Promoting more access to the area behind our homes to hikers with their dogs would be a very poor decision if the purpose in doing so is to protect the wildlife. In addition to disturbing the wildlife, those human visitors as well as their pets would litter the area with waste and trash as we also understand there will be no public restrooms available to hikers.

We live toward the west end of Curry Drive and currently have trespassers on our property every year who drift off the existing historic trail and choose to climb the rocks on our property. We have private property signs at the north edge of our property, but they are ignored. Those trespassing are usually courteous when we ask them to leave, but we shouldn't have to do that. We don't want the liability for anyone who would trespass and, if there are more people encouraged to use the existing trail or more trails are added, it will increase the chances that they will.

We don't understand why the Town would want to be a part of an endeavor that would cost hundreds of thousands of our dollars, bring in no income, is not needed as there is already a great and often used historic trail in place, and would negatively impact the wildlife on Prospect Mountain far, far more than a solitary home on one end of the property.

We are asking that you do not approve of this proposal. Thank you.

Rich and Teri Babcock  
201 Curry Drive  
Estes Park, CO 80517  
(970) 586-7799



Eli Wilson &lt;eliwilson@estes.org&gt;

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## Proposed Thumb Open Space

1 message

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**'Raftcolorado' via Public Works** <publicworks@estes.org>

Tue, Nov 26, 2019 at 6:27 AM

Reply-To: Raftcolorado &lt;

&gt;

To: publicworks@estes.org

I am surprised the town wants to spend this much money for such a small benefit for a few. It seems like such a large expense to open such a small area. There are already so many hiking and climbing areas - why open up this small area so close to private citizens?

We live on Prospect Mountain Drive above the last tight switchback. We already have hikers/campers parking on that switchback when they hike this area. We have posted no parking signs which has reduced the illegal parking. But when they do park there, emergency vehicles do not have access to the homes above because it is a tight switchback. Will this be monitored by the town and vehicles removed?

We also already have campers camping on private property. Opening up this adjacent area to public/commercial use will only increase awareness of our properties and increase unauthorized camping. We have been lucky so far that campfires haven't started wildfires as has happened in other areas. It's just a matter of time.

How will these issues be managed by the town? Or do we as property owners bear the burden of increased security and safety measures?

So much expense to benefit a very small segment of the community. Seems there would be many other areas where that expense would benefit a larger group of citizens.

Deb Carpenter



Eli Wilson &lt;eliwilson@estes.org&gt;

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## Thumb Open Space

1 message

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**Grant Delbecq** < >  
To: "publicworks@estes.org" <publicworks@estes.org>  
Cc: Carol < >

Sun, Dec 1, 2019 at 9:47 AM

I live at , this location is just below the gate to the tram property on Curry lane. We will not be able to attend upcoming meetings.

I have few concerns/questions regarding the plan for the open space:

Where will the parking go?

What will the hours of operation be? Sound travels and night visitors are heard currently.

How will visitors be restricted to the space when not open?

How will boundaries for the property be marked? People have come onto our property.

What will trash service be, (i.e. locations and pick up frequency)? People illegally dump trash at and below gate currently.

I appreciate the Estes desire to provide access and opportunity to enjoy unique mountain experience.

Best  
Grant & Carol Delbecq



# TOWN OF ESTES PARK

## Proposed Thumb Open Space

**Community meeting**

**Dec. 3, 2019 at 4:30 p.m.**

### Agenda:

1. Meeting introduction (Estes Valley Restorative Justice Partnership facilitators)
2. Overview presentation (staff from the Town of Estes Park and Estes Valley Land Trust)
3. Facilitated conversation
4. Closing remarks and next steps in proposal process (facilitators and staff)

Please complete this feedback form for the record:

Return to a staff member, to Town Hall -  
Room 100, or email [publicworks@estes.org](mailto:publicworks@estes.org).

Name: *Roger Truesdale*      Physical address: *252 Solomon Dr*

Email: *Rotrue@tsp@gmail.com*      Phone: *970-744-0918*

**What should be the Town's and Land Trust's primary considerations as this proposal is considered?**

**Any general comments or outstanding questions? (staff will respond to your questions)**

*Move the gate to the end of the  
blacktop on Curry will prevent all the  
teaching dumping.*

*Signs like no access to the climbing on  
this road, no parking signs. etc.*



# TOWN OF ESTES PARK

## Proposed Thumb Open Space

**Community meeting  
Dec. 3, 2019 at 4:30 p.m.**

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Please complete this feedback form for the record:

Return to a staff member, to Town Hall -  
Room 100, or email [publicworks@estes.org](mailto:publicworks@estes.org).

Name: Steve Johnson Physical address: 2831 Wildwood Dr

Email: SLFCAS@gmail.com Phone: 720-272-2561

**What should be the Town's and Land Trust's primary considerations as this proposal is considered?**

The opportunity to preserve natural habitat from development and to open the land to recreation and education opportunities

**Any general comments or outstanding questions? (staff will respond to your questions)**

Middle School Outdoor Adventure Clubs  
Outdoor Education possibilities  
Habitat preservation  
Personal interest in keeping accessibility to area



# TOWN OF ESTES PARK

## Proposed Thumb Open Space

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Please complete this feedback form for the record:

Return to a staff member, to Town Hall -  
Room 100, or email [publicworks@estes.org](mailto:publicworks@estes.org).

Name: *Steve Johnson* #2      Physical address:

Email:      Phone:

What should be the Town's and Land Trust's primary considerations as this proposal is considered?

Any general comments or outstanding questions? (staff will respond to your questions)

*The students of E.P. Middle School have expressed an interest in helping establish some of the potential for outdoor education in the area*



# TOWN OF ESTES PARK

## Proposed Thumb Open Space

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Please complete this feedback form for the record:

Return to a staff member, to Town Hall -  
Room 100, or email [publicworks@estes.org](mailto:publicworks@estes.org).

Name: *Jeane Allen*

Physical address:  
*303 Curry Dr.*

Email:  
*jandallen@gmail.com*

Phone: *970-586-4209*

What should be the Town's and Land Trust's primary considerations as this proposal is considered?

*Parking issues on Curry, Peak View*

*trail heads - one or two? Rugged road to get to gate*

*Too many unanswered questions to proceed with a purchase*

*Public park inserted between residential private home and cell tower  
space at top is not appropriate - too hard to keep hikers and climbers*

Any general comments or outstanding questions? (staff will respond to your questions) *off private property.*

*Will there be budgeted funds for rockfall surveys  
done by the town as the Curry Drive HOA is  
required by the town to have?*



# TOWN OF ESTES PARK

## Proposed Thumb Open Space

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Please complete this feedback form for the record:

Return to a staff member, to Town Hall -  
Room 100, or email [publicworks@estes.org](mailto:publicworks@estes.org).

Name: *Larry Allen*      Physical address: *303 Curry Drive*

Email: *jandallen@gmail.com*      Phone: *586-4209*

**What should be the Town's and Land Trust's primary considerations as this proposal is considered?**

*Develop a detailed management plan to handle increased use to determine future costs when funds are limited to monitor or enforce regulations*

**Any general comments or outstanding questions? (staff will respond to your questions)**

*Is it possible to only purchase the area of the Thumb and needle?*



# TOWN OF ESTES PARK

## Proposed Thumb Open Space

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Dec. 3, 2019 at 4:30 p.m.

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Please complete this feedback form for the record:

Return to a staff member, to Town Hall -  
Room 100, or email [publicworks@estes.org](mailto:publicworks@estes.org).

Name:

Teri Babcock

Physical address:

201 Curry Dr.

Email:

coloradogramm@gmail.com

Phone:

586-7799

What should be the Town's and Land Trust's primary considerations as this proposal is considered?

The liability existing homeowners will have due to rockfall damage, injuries, fire, etc.

Any general comments or outstanding questions? (staff will respond to your questions)

Parking is a concern. Has anyone considered a parking lot north of Darcy + Devon with access off those streets to the existing road going up to the thumb + nestle? Those homeowners are in favor of the Thumb Open Space proposal per a letter they submitted to the town.



# TOWN OF ESTES PARK

## Proposed Thumb Open Space

### Community meeting

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Return to a staff member, to Town Hall -  
Room 100, or email [publicworks@estes.org](mailto:publicworks@estes.org).

Name: *A. Wise*

Physical address: *350 CURRENCY*

Email:

Phone:

#### What should be the Town's and Land Trust's primary considerations as this proposal is considered?

*Much higher recurring expense than the \$5000 estimated. Town is buying a non- or low-income producing property with high Annual, recurring expenses. Numerous expense items are not listed on the proposal.*

#### Any general comments or outstanding questions? (staff will respond to your questions)

*Staff says that commercial use will be "limited". How? Will the town charge high enough amount so that costs are recouped? Will each applicant only get a permit for a CERTAIN DAY? If not how will it be limited? The issuance of permits & management would require personnel and time. Who will do this? How will town monitor that all commercial users have permit? The town is planning to spend a lot of money and has no management plan which should be in place first. Town should purchase insurance to indemnify the surrounding landowners for damages caused by users of the park.*



## TOWN OF ESTES PARK

### Proposed Thumb Open Space

#### Community meeting

Dec. 3, 2019 at 4:30 p.m.

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Please complete this feedback form for the record:

Return to a staff member, to Town Hall -  
Room 100, or email [publicworks@estes.org](mailto:publicworks@estes.org).

Name: *Stephen Riedinger* Physical address: *350 Curry Dr*

Email: *SRied@cox.net* Phone: *(970) 931-3208*

What should be the Town's and Land Trust's primary considerations as this proposal is considered?

*Wildlife will be negatively impacted by increased human as well as animal (pet) access.*

Any general comments or outstanding questions? (staff will respond to your questions)

*The Town should obtain insurance to protect the neighboring property owners from damage caused by park users, who would effectively be invited by the Town to climb on rocks/boulders. It seems unfair to require neighboring homeowners to discover who caused the damage and try to recover from that person.*



# TOWN OF ESTES PARK

## Proposed Thumb Open Space

Community meeting

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Please complete this feedback form for the record:

Return to a staff member, to Town Hall -  
Room 100, or email [publicworks@estes.org](mailto:publicworks@estes.org).

Name: ED ELLINGSON Physical address: 926 VILLAGE GREEN LANE

Email: EDELLINGSON@ELLINGSONEP.COM Phone: 474-559-8521

What should be the Town's and Land Trust's primary considerations as this proposal is considered?

SAFETY: I'M CONCERNED ABOUT SAFETY WITH HIKING & BIKING COMBINED. THE TWO ACTIVITIES SHOULD BE SEPARATE

Any general comments or outstanding questions? (staff will respond to your questions)

I'M REALLY CONCERNED ABOUT ALLOWING COMMERCIAL USAGE, IT SEEMS THAT THIS COULD BRING TOO MUCH TRAFFIC



# TOWN OF ESTES PARK

## Proposed Thumb Open Space

**Community meeting**

**Dec. 3, 2019 at 4:30 p.m.**

### Agenda:

1. Meeting introduction (Estes Valley Restorative Justice Partnership facilitators)
2. Overview presentation (staff from the Town of Estes Park and Estes Valley Land Trust)
3. Facilitated conversation
4. Closing remarks and next steps in proposal process (facilitators and staff)

Please complete this feedback form for the record:

*Return to a staff member, to Town Hall - Room 100, or email [publicworks@estes.org](mailto:publicworks@estes.org).*

**Name:** Rich Kilgore

**Physical address:**

465 Marcus

**Email:** rkilgore@maryville.edu

**Phone:**

314 785-3552

**What should be the Town's and Land Trust's primary considerations as this proposal is considered?**

**Any general comments or outstanding questions? (staff will respond to your questions)**

① Why is the current prohibitive and when.

②

Jeffrey 170pp-

Owner "Bargain"

1. How eroding

certainty / predictability

- Positive use of land
- low nature / # options that

**"Thumb/Needle" on south side Prospect Mtn**

1 message

Wed, Dec 4, 2019 at 1:06 AM

To: townclerk@estes.org, tmachalek@estes.org, Jeffrey.boring@evlandtrust.org, publicworks@estes.org

Dec 4, 2019

**PRIVATE** for specific contact info, please.

TO: Estes Park Town Officials (Jackie, please/thanks distribute)  
Travis Machalek  
Estes Public Works (please/thanks distribute if appropriate)  
Estes Valley Land Trust (Jeffrey Boring)

FROM: Sandy Lindquist (also a member of Estes Valley Land Trust)  
Estes Park south side home owner and full-time resident  
1980 Cherokee Drive

**RE: Thumb/Needle area on south side of Prospect Mtn.**

Thank you for the Town Hall info meeting on Dec 3. And thanks if you can mask my specific contact information from public record. I've used the Peak View trail entry to ascend/descend Prospect Mtn some years ago but have not been directly around the Thumb/Needle.

Initial thoughts follow.

1. The Estes Valley "bowl" **south of Prospect Mtn** and west/north of Highway 7 (S. St. Vrain) comprises **quiet residential neighborhoods** except **ONLY** for the commercial Marys Lake properties/campground, the Taharaa Lodge, and a few churches along Hwy 7.
2. There is a **MAJOR** difference between locals occasionally using an unpromoted outdoor natural area in limited doses and groups of visitors swarming over a marketed locale with easy access. Human use of this proposed open space has been fairly light and sparse (thus, pleasant), like Lily Lake and Gem Lake **USED** to be. Thumb/Needle **ought not become an overused public climbing Mecca** in this residential area when there are numerous excellent climbing locales **NOT** adjacent to residences.
3. I've lived 12+ years on a north-facing hillside south of Prospect Mtn; south across the Marys Lake NE drainage swale; and north of Hwy 7 -- approximately **3/4 miles directly SSW of the Thumb** across open-air space.
4. **Sound carries** in this sub-valley. In addition to hearing gathered people conversing outdoors in normal speaking volumes over much of this visible area, I've also **heard people** (perhaps even just two, and at normal speaking volumes) **climbing Thumb** in the past from this 3/4 mile distance. This Prospect Mtn south-side area is best for foot traffic only, **IMO**. Obviously no motors. Leave no trace rules. Even mountain biking (with necessarily loud conversations) and larger-group activities definitely would **add a negative noise overprint** to residential homes here -- over a much larger area than normally considered because of these acoustics.

5. **I DON'T support ANY COMMERCIAL** activity -- or promotion thereof -- added into this residential area and onto the **south** side of Prospect Mtn. There is plenty of space for such active-use recreation in the surrounding National Park and National Forest -- and within the already so-developed Valley areas. Quiet, private, on-trail-only hiking could be relatively non-intrusive to Prospect Mtn human/animal residents and not overly dangerous to adjacent homes, particularly if posted(?) for no-smoking, no rock-rolling, and vegetation protection/restoration.
6. **I DON'T support encouragement for TOURIST usage of this open space** within this E- to RE-zoned region. Thus, I have qualms about visible "improved parking and restroom addition." If this open area were to be "improved," it also would be necessary to prevent on-street parking on Peak View and on the east/west adjacent neighborhood roads.
7. Perhaps **time/day limitations** on climbing usage (**formal permitting use only?**) could prevent overuse.
8. **Posting** "no public access" or "residents only" onto the Curry Drive entry, **gating** Curry Drive at its eastern pavement end, and **posting** Curry north-side private property boundaries would be good ideas even with no Town purchase/improvements.



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# Town of Estes Park

## SIGN-IN SHEET FOR PUBLIC COMMENT

The Town of Estes Park Council encourages residents of the community to attend Town Board meetings. Individuals wishing to be heard during Public Comment proceedings are encouraged to be prepared and will generally be limited to **three (3) minutes** in order to allow everyone the opportunity to be heard. Public Comments are expected to be constructive.

Written comments are welcome and should be given to the Town Clerk prior to the start of the meeting.

### Town Board Meeting December 10, 2019

**ACTION ITEM #2 - RESOLUTION 46-19 SUPPORTING THE GRANT APPLICATION FOR A LOCAL PARKS AND OUTDOOR RECREATION GRANT FROM THE STATE BOARD OF THE GREAT OUTDOORS COLORADO TRUST FUND AND THE COMPLETION OF THE THUMB OPEN SPACE.**

	NAME (PLEASE PRINT)	STREET ADDRESS	F - FOR A - AGAINST
1	Jeanne Allen	303 Curry	A
2	Larry Allen	303 Curry	A
3	MARK PURDY	145 CHEROKEE CT	F
4	Mike Caldwell Benferree	789 Turquoise Tr	F
5	Angie Kochlar	1460 Prospect mt dr	F
6	Steve Johnson	2831 Wildwood Ln	F
7	Nathan Welton / <sup>Harvey</sup> <sub>Amundson</sub>	410 Vener Ranch Rd	F
8	JAMES H. PICKERILL	104 BLUE VALLEY DRIVE	F
9	DUSTIN DYER	960 Comanche St	F
10	Branson MacDonald	3495 St. Francis Way	F
11	Zachary / Cassyn	940 Acacia Dr	F + F
12	David Crist	410 Vener Ranch Rd	F
13	Josh Wharton	2740 Aspen Lane	F
14	JESSE SWAN	150 55th Avenue	F



# Memo

To: Honorable Mayor Jirsa  
Board of Trustees

Through: Town Administrator Machalek

From: Jackie Williamson, Town Clerk

Date: *December 10, 2019*

RE: *Resolution 47-19 – Officially Scheduling Regular Municipal Election – April 7, 2020*

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**Objective:**

To officially set the next regular Municipal Election on April 7, 2020 per State Statute, determine election method (poll vs. mail ballot) and identify the Town Clerk as the Designated Election Official.

**Present Situation:**

The Municipal Election Code provides that all regular elections in statutory towns shall be held on the first Tuesday of April in each even-numbered year. As a statutory town, Estes Park must comply with the statues outlined in Title 31 Article 10.

In the past few elections the Town has held mail ballot elections due the number of permanent mail ballot voters and the higher turnout experienced (20-30% for poll vs 50-60% for mail).

**Proposal:**

The Resolution would set the election for April 7, 2020 as a mail ballot election and designate the Town Clerk as the Designated Election Official for the Town of Estes Park, thereby giving authority to complete all aspects of the Municipal Election, including the appointment of election judges. Electronic equipment would be rented from Dominion Voting to count the ballots. Dominion would also be used to set up the ballot layout for the printer.

**Advantages:**

Provides the Town Clerk the authority to perform all aspects of the election.

**Disadvantages:**

None.

**Action Recommended:**

Approval of Resolution 47-19 setting the regular Municipal Election for April 7, 2020.

**Finance/Resource Impact:**

The cost is estimated at \$20,000 in fixed costs budgeted for the election in the Town Clerk fund. This does not include staff time.

**Level of Public Interest:**

Low.

**Sample Motion:**

I move to approve/deny Resolution 47-19.

**Attachments:**

Resolution 47-19

## RESOLUTION 47-19

### **A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF ESTES PARK, COLORADO, DIRECTING THE TOWN CLERK TO CONDUCT THE REGULAR MUNICIPAL ELECTION, SCHEDULED FOR APRIL 7, 2020, AS A MAIL BALLOT ELECTION AND AUTHORIZING THE TOWN CLERK TO APPOINT ELECTION JUDGES**

**WHEREAS**, by the Statutes of the State of Colorado, the 7th day of April, 2020 is fixed as the time for a regular municipal election to elect the Mayor and three Trustees.

**WHEREAS**, it is the duty of the Board of Trustees to provide for the holding of such an election; and

**WHEREAS**, it is the decision of the Town Board by the adoption of this Resolution to hold the Regular Municipal election of April 7, 2020 by mail ballot pursuant to the provisions of Section 31-10-907 – 31-10-913 C.R.S.; and

**WHEREAS**, Section 31-10-401, C.R.S., 1973, allows the Board of Trustees to delegate to the Town Clerk, by Resolution, the authority and responsibility to appoint the Judges of Election.

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

1. That pursuant to the provisions of Sections 31-10-907 – 31-10-913 C.R.S. the Municipal Election of April 7, 2020 shall be a mail ballot election.
2. That Jackie Williamson, Town Clerk be and is hereby appointed as the Designated Election Official for the Town of Estes Park for the conduct of this mail ballot election.
3. There shall be one (1) precinct for this mail ballot election. The mail ballot location for said precinct shall be the Estes Park Town Hall, 170 MacGregor Avenue, Estes Park, Colorado 80517.
4. To be eligible to vote in this regular mail ballot election, a person must be at least eighteen (18) years of age, a resident of the town, and has resided in the State of Colorado for twenty-two (22) days immediately preceding the election pursuant to C.R.S. §31-10-2019(1)(b).
5. An electronic voting system shall be used in the Special Election and the Town Clerk is hereby authorized and directed to perform all acts and functions necessary for the use of such electronic voting system as required by the laws of the State of Colorado pertaining thereto.

6. Pursuant to C.R.S. §31-10-401, the Designated Election Official is hereby delegated the authority and responsibility to appoint judges of the election at least fifteen (15) days before the Election Day.
7. The Judges of Election shall receive for their services the sum of \$14 per hour.
8. The Designated Election Official shall establish the form of the regular mail election ballot.
9. The Town Clerk shall, at the expense of the Town, arrange for such materials and supplies for such election as may be necessary.

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

TOWN OF ESTES PARK

\_\_\_\_\_  
Mayor

ATTEST:

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



## 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. ORDINANCE 33-19 AUTHORIZING THE TOWN OF ESTES PARK TO LEASE A PORTION OF STANLEY PARK TO THE ESTES VALLEY RECREATION AND PARK DISTRICT.**

- 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

From: Town Administrator Machalek and Town Attorney Kramer

Date: December 10, 2019

RE: Ordinance 33-19 Authorizing the Town of Estes Park to Lease a Portion of Stanley Park to the Estes Valley Recreation and Park District

(Mark all that apply)

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

QUASI-JUDICIAL     YES     NO

**Objective:**

Town Board consideration of a Lease Agreement between the Estes Valley Recreation and Park District (EVRPD) and the Town of Estes Park (Town).

**Present Situation:**

The Town currently leases approximately 27 acres of Stanley Park to the Estes Valley Recreation and Park District for the construction, maintenance, and operation of recreation facilities. The current Lease is expiring and must be renewed if this arrangement is to continue.

**Proposal:**

The proposed Lease Agreement is substantially similar to the existing agreement between the Town and EVRPD. Key provisions include:

- Use of the property may not violate the terms and conditions of the Deed from F.O. Stanley (Section 2);
- The term of the Lease Agreement is 10 years, expiring at the end of 2029 (Section 3); and
- No rent is payable for the leasing of the premises (Section 4).

**Advantages:**

- Continues the current relationship between the Town and EVRPD for provision of public recreation opportunities at Stanley Park.

**Disadvantages:**

- None

**Action Recommended:**

Staff recommends approval of the ordinance.

**Finance/Resource Impact:**

N/A

**Level of Public Interest**

Low

**Sample Motion:**

I move for the **approval/denial** of Ordinance 33-19.

**Attachments:**

- Ordinance Approving Lease Agreement
- Lease Agreement

**ORDINANCE NO. 33-19**

**AN ORDINANCE AUTHORIZING THE TOWN OF ESTES PARK  
TO LEASE A PORTION OF THE REAL PROPERTY KNOWN AS  
STANLEY PARK (THE PREMISES)  
TO THE ESTES VALLEY RECREATION AND PARK DISTRICT (TENANT)**

**WHEREAS**, Colorado Revised Statutes, § 31-15-713, requires that all leases of municipal property for more than one year be in the public interest and approved by ordinance; and

**WHEREAS**, the Tenant described above desires to lease the Premises described above, from the Town, for recreation purposes; and

**WHEREAS**, the Town Board finds that leasing the Premises for the stated purposes is in the public interest.

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

Section 1: The Town Board authorizes the Mayor to sign a lease in a form substantially as that now before the Board, for the Premises, to the Tenant.

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

## LEASE AGREEMENT

THIS LEASE AGREEMENT (this "Lease" or "Lease Agreement") is effective this \_\_\_\_\_ day of \_\_\_\_\_, 2019, between the TOWN OF ESTES PARK, COLORADO (Lessor) and the ESTES VALLEY RECREATION AND PARK DISTRICT (Lessee).

**WHEREAS**, the Lessor and Lessee previously entered a lease agreement on March 30, 2010, and that lease agreement was amended on February 9, 2016 (collectively, "Prior Lease"), and

**WHEREAS**, the parties desire to continue that lease relationship beyond the expiration of the Prior Lease,

**NOW, THEREFORE**, for good and valuable consideration, the sufficiency of which is hereby acknowledged, the parties agree as follows:

### 1. LEASE OF PREMISES

The Lessor does hereby lease to the Lessee, approximately twenty-seven (27) acres of property in the Stanley Park Fairground recreation area, located in the Town of Estes Park, Colorado (the "premises") more fully described as follows:

A part of Stanley Park in the Southeast quarter (SE $\frac{1}{4}$ ) of the Northeast quarter (NE $\frac{1}{4}$ ) and the Northeast quarter (NE $\frac{1}{4}$ ) of the Southeast quarter (SE $\frac{1}{4}$ ) of Section Thirty (30), Township Five (5) North, Range Seventy-two (72) West of the Sixth Principal Meridian, described as follows: beginning at the East quarter corner of Section Thirty (30); thence South 0°24' East a distance of 572 feet; thence North 89°11' West a distance of 947 feet; thence North 7°52' West a distance of 1454.8 feet to the South right-of-way line of State Highway #66; thence South 80°18' East a distance of 278 feet to Southwest traverse line of Lake Estes angle point 116 ; thence South 52°50' East a distance of 570 feet; thence South 77°10' East a distance of 373 feet to the East line of Section Thirty (30); thence South 1°24' West a distance of 332.4 feet to the point of beginning, containing 27.24 acres, more or less.

### 2. USE

The Lessee shall, during the term of the Lease and any renewal or extension thereof, construct, maintain, and operate recreation facilities upon the premises. The Lessee shall not construct any structures nor undergo any significant excavation work on the premises without the specific written permission of the Town which will not be unreasonably withheld. All structures currently on the premises as of the effective date of this Lease shall be deemed to have been approved by the Town.

Lessee understands and agrees that in the use of the premises, Lessee shall not violate the terms and conditions of the Deed from F.O. Stanley to Lessor dated August 14, 1936, as follows:

"The above described land is hereby conveyed to the said Town of Estes Park for use by said Town solely as a public park and recreation grounds. The Town shall have full control and use of the said premises for such

purposes and may improve and beautify said lands to carry out such purposes. The Town may construct such improvements thereon as said Town may deem necessary and proper for the carrying out of the purposes herein specified. The Town may permit such lands be used for public entertainment upon such terms and conditions and for such rental as it may deem proper.”

Lessee shall have the right to rent, sub-lease, or grant concessions to any third party for all or a portion of the premises so long as the use complies with the above stated deed restriction and Town approval process, and is subject to Section 13 herein. All renters, sublessees, or concession grantees shall be required to maintain liability insurance set forth in Section 5 of this Lease Agreement, including naming Lessor as an additional insured on the policy or policies.

Lessee shall commit no act of waste and shall take good care of the premises and shall, in the use and occupancy of the premises conform to all federal, state, and Town laws, orders, and regulations.

### **3. TERM**

The term of this lease shall be for a ten- (10-) year period commencing on the first day of January 2020 and ending on the 31<sup>st</sup> day of December 2029.

### **4. RENT**

There shall be no rent payable for leasing of the premises.

### **5. LIABILITY INSURANCE**

The Lessee shall maintain in full force and effect, at Lessee’s sole expense, a policy or policies of general liability and auto liability insurance in the amount of no less than Five Million Dollars (\$5,000,000) per claim/occurrence covering the premises, all structures thereon, and all uses therein. Lessee shall have Lessor included as an “Additional Insured” on said policy. Within thirty days after execution of this Lease Agreement and annually thereafter, within thirty days of the renewal of said policy or policies, Lessee shall cause to be provided to Lessor a Certificate of Insurance evidencing such coverage and such “Additional Insured” status. Lessee shall also require any sublessee of the premises, or of any structures thereon of any portion thereof, to meet the requirements of this paragraph.

Lessee shall carry Property Coverage for all structures and contents within the premises. Lessee shall include Lessor as a loss payee on such coverage as the respective interests of Lessor and Lessee may appear. Within thirty days after execution of this Lease Agreement and annually thereafter, within thirty days of the renewal of said policy or policies, Lessee shall cause to be provided to Lessor a Certificate of Insurance evidencing such coverage and such loss payee status.

Lessee shall maintain workers’ compensation insurance coverage during the term of this Lease Agreement in compliance with the Colorado Workers’ Compensation Law. Lessee shall also require that all independent contractors providing any labor or services with respect to the premises and structures thereon

maintain workers' compensation insurance coverage in accordance with the Colorado Workers' Compensation Law.

## **6. GOVERNMENTAL IMMUNITY**

The parties understand and agree that the parties are relying on, and do not waive or intend to waive by any provision of this Lease Agreement, the monetary limitations (presently \$387,000 per person and \$1,093,000 per occurrence) or any rights, immunities, and protections provided by the Colorado Governmental Immunity Act, Section 24-10-101, et seq. C.R.S., as from time to time amended or otherwise available to the parties or any of their officers, agents, or employees.

## **7. INDEMNITY**

To the extent permitted by law, each Party agrees to indemnify, hold harmless, and defend the other Party, its officers, agents, and employees, from and against all liability for any and all claims, liens, suits, demands, or action for damages, injuries to persons, including death, property damage, including loss of use, and expenses, including court costs and reasonable attorneys' fees arising out of or resulting from the first Party's intentional or negligent actions and/or omissions with respect to the premises and structures thereon and/or uses thereof under the terms and conditions of this Lease Agreement. Lessee shall include in any sublease of any portion of the premises or structures thereof or portions thereof an indemnification requirement reflecting the requirements of this paragraph.

## **8. CONDITION OF SITE**

During the term of this lease and any renewal term, the Lessee shall be responsible for any and all damages to the premises caused by, or attributed to, any actions by the Lessee or its users.

## **9. TERMINATION**

Lessee for whatever reason it determines in its sole and absolute discretion, may terminate this Lease by giving Lessor notice in writing of its intent to terminate on or before September 1 of any calendar year with the termination effective December 31 of that calendar year.

Upon termination of this Lease Agreement, Lessee shall be entitled to remove all of its personal property including all structures erected on the premises if the same can be removed without damaging Lessor's underlying property. In the event that any structure erected on the premises cannot be removed by Lessee without damage to Lessor's underlying property, said structure shall remain on the premises upon termination of this Lease.

## **10. NOTICES**

All notices required or permitted hereunder shall be in writing and shall be deemed given if personally delivered or mailed, certified or registered mail, return receipt requested, or sent by overnight carrier to the following addresses:

If to Lessor, to:

Town of Estes Park  
Attn: Town Administrator  
P.O. Box 1200  
Estes Park, CO 80517

If to Lessee, to:

Estes Valley Recreation and Park District  
Attn: Executive Director  
P.O. Box 1379  
Estes Park, CO 80517

#### **11. WAIVER**

Failure or delay on the part of the Lessors to exercise any right, power, or privilege hereunder shall not operate as a waiver thereof.

#### **12. DEFAULT**

If either party is in default of any of its obligations hereunder and such default shall continue for a period of more than thirty (30) days after written notice thereof, either party may terminate this Lease Agreement for said default.

#### **13. ASSIGNMENT**

The Lessee shall not assign its rights under this Lease Agreement or any interest herein, or convey the whole or any portion of the leased area, without the prior written consent of the Lessor.

#### **14. ENTIRE AGREEMENT**

The Lease Agreement constitutes the entire agreement of the parties hereto with respect to the subject matter hereof and supersedes all prior offers, negotiations, and agreements, whether written or oral, between the parties hereto with respect to the subject matter hereof.

#### **15. UTILITIES**

The Lessee will be responsible for payment of all utilities used on the premises.

#### **16. INSPECTION AND MAINTENANCE**

- a. The Lessor, by its officers, employees, representatives, contractors, Lessees, and their employees, shall have the right for the benefit of the Lessor or Lessee or for the benefit of others to maintain existing and future service facilities, including, but not restricted to, water, gas, electricity, sewage, drainage, and communications systems and other such service systems and their tubes, pipes, lines, mains, wires, conduits, and equipment on or about the premises and to enter upon the premises at all reasonable times to make such repairs, replacement and alterations as may, in the opinion of the Lessor, be deemed

necessary or advisable and from time to time, to construct or install over, on, in or under the premises new tubes, pipes, lines, mains, wires, conduits and equipment, provided, however, that the same shall be done so as to interfere as little as reasonably possible with Lessee's operation.

- b. The Lessor, by its officers and employees, may at all reasonable times have access to the premises for the purpose of inspection to ensure compliance by Lessee with the terms of this Lease Agreement.

## **17. NO IMPLIED REPRESENTATIONS**

No representations, agreements, covenants, warranties, or certifications, express or implied, shall exist as between the parties, except as specifically set forth in this Lease Agreement.

## **18. NO THIRD-PARTY BENEFICIARIES**

This Lease Agreement is for the sole benefit of and binds the parties, their successors and assigns. This Lease Agreement affords no claim, benefit, or right of action to any third party. Any party besides Lessor or the Lessee receiving services or benefits under this Lease Agreement is only an incidental beneficiary.

## **19. STATUS OF LESSEE**

The Lessee shall perform all services under this Lease Agreement as an independent contractor, and not as an agent or employee of the Lessor. No Lessor official or employee shall supervise the Lessee. The Lessee will exercise no supervision over any employee or official of the Lessor. The Lessee shall not represent that Lessee is an employee or agent of the Lessor in any capacity. **The Lessee has no right to Worker's Compensation benefits from the Lessor or its insurance carriers or funds. Lessee shall pay any federal and state income tax on money earned under this Lease.**

## **20. TERMINATION OF PRIOR LEASE**

The Prior Lease is hereby terminated. Only the terms of the Prior Lease which by their nature survive the expiration of the Prior Lease shall be deemed to continue in effect.

## **21. ALTERNATIVE DISPUTE RESOLUTION**

In the event of any dispute or claim arising under or related to this Lease Agreement, the parties shall use their best efforts to settle such dispute or claim through good faith negotiations with each other. If such dispute or claim is not settled through negotiations within 30 days after the earliest date on which one party notifies the other party in writing of its desire to attempt to resolve such dispute or claim through negotiations, then the parties agree to attempt in good faith to settle such dispute or claim by mediation conducted under the auspices of the Judicial Arbiter Group (JAG) of Denver, Colorado or, if JAG is no longer in existence, or if the parties agree otherwise, then under the auspices of a recognized established mediation service within the State of Colorado. Such mediation shall be conducted within 60 days

following either party's written request therefore. If such dispute or claim is not settled through mediation, then either party may initiate a civil action in the local District Court of Larimer County.

**22. ATTORNEYS' FEES**

For any dispute or claim arising under or related to this Lease, the prevailing party shall be entitled to an award of its reasonable attorneys' fees and costs.

**23. FINANCIAL OBLIGATIONS**

To the extent that this Lease provides for any financial obligations of either party beyond its current fiscal year, such financial obligations are made expressly contingent upon annual appropriation, budgeting, and availability of funds to discharge such financial obligations.

LESSOR:

TOWN OF ESTES PARK

\_\_\_\_\_  
By: Mayor Todd A. Jirsa

ATTEST:

\_\_\_\_\_  
Town Clerk, Jackie Williamson

STATE OF COLORADO     )  
  )ss.  
COUNTY OF LARIMER     )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by Todd A. Jirsa, Mayor of the Town of Estes Park.

WITNESS my hand and official seal.

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

LESSEE:

ESTES VALLEY RECREATION  
AND PARK DISTRICT

\_\_\_\_\_

By: President Ronald I. Duell

STATE OF COLORADO    )  
                                  )ss.  
COUNTY OF LARIMER    )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by Ronald I. Duell, President of the Board of Directors of the Estes Valley Recreation and Park District.

WITNESS my hand and official seal.

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

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