



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, January 23, 2018
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.

- Policy Governance Compliance Report Policy 3.3

1. CONSENT AGENDA:

1. Town Board Minutes dated January 9, 2018 and Study Session dated January 9, 2018.
2. Bills.
3. Committee Minutes.
 - A. Audit Committee Minutes dated November 17, 2017.
4. Parks Advisory Board Minutes dated December 14, 2017 (acknowledgement only).
5. Transportation Advisory Board Minutes dated December 20, 2017 (acknowledgement only).
6. Estes Valley Planning Commission Minutes dated November 14, 2017 (acknowledgement only).
7. Policy Governance Compliance Report Policy 3.3.
8. Revised Policy 106 - Public Forums and Meetings.

2. REPORTS AND DISCUSSION ITEMS: (Outside Entities).

1. ESTES VALLEY PARTNERS FOR COMMERCE QUARTERLY REPORT.

3. **LIQUOR ITEMS:**

1. **NEW BEER AND WINE LIQUOR LICENSE FILED BY DNC PARKS & RESORT AT TRENDZ, INC., DBA TRENDZ AT THE PARK, 100 E. ELKHORN AVENUE, ESTES PARK, CO 80517.** Town Clerk Williamson.

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

1. **ACTION ITEMS:**

- A. **ORDINANCE #34-17 – AMENDING THE ESTES VALLEY DEVELOPMENT CODE CHAPTER 13 §5.4 & §3-17, REGARDING OUTDOOR MOBILE FOOD VENDORS & VENDING PERMITS.** Planner Becker.

- * B. **ORDINANCE #01-18 – AMENDING THE ESTES PARK MUNICIPAL CODE CHAPTER 17.66 (SIGNS), REPLACING THE EXISTING SIGN CODE.** Director Hunt.

5. **ACTION ITEMS:**

1. **ESTES PARK DOWNTOWN PLAN.** Planner Gonzales.
2. **DOWNTOWN PARKING MANAGEMENT PLAN.** Director Muhonen.
3. **POLICY #206 CELL PHONE.** Assistant Town Administrator Machalek.


6. **ADJOURN.**



MEMORANDUM

DATE: January 23rd, 2018

TO: Board of Trustees

FROM: Frank Lancaster, Town Administrator 

**SUBJECT: INTERNAL MONITORING REPORT - EXECUTIVE LIMITATIONS
(QUARTERLY MONITORING REPORT POLICY 3.3)**

Board Policy 2.3 designates specific reporting requirements for me to provide information to the Board. Policy 3.3, Financial Planning and Budgeting requires quarterly reporting of compliance in April, July, October and January.

Policy 3.3 states: *“With respect for strategic planning for projects, services and activities with a fiscal impact, the Town Administrator may not jeopardize either the operational or fiscal integrity of Town government.”*

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



Frank Lancaster
Town Administrator

3.3.1. The Town Administrator shall not allow budgeting which deviates from statutory requirements.



Interpretation – I interpret this to mean that our budgeting practices and policies comply with all State statutory requirements that are applicable to statutory Colorado towns.

Compliance with the policy will be achieved when:

There are no deviations in our practices and policies in violation of State Statutes. The 2018 Town budget was submitted to the State of Colorado on time as required by statute in December of 2017 following Town Board approval.

Evidence:

1. The annual independent audit
2. The Comprehensive Annual Financial Report
3. All policies are reviewed for compliance with State Statutes by the Town Attorney.
4. State Department of Local Government has not issued any non-compliance notifications to the Town of Estes Park regarding our budgetary obligations under statute.

Report: I report compliance

3.3.2. The Town Administrator shall not allow budgeting which deviates materially from Board-stated priorities in its allocation among competing budgetary needs.



Interpretation – I interpret this to mean that the annual budget, as adopted by the Board of Trustees, is the officially adopted priorities of the Board. This includes any budget amendments approved by the Town Board throughout the year and any specific spending authorizations approved by the Town Board. I interpret “materially deviate” to mean any change in spending priority that results in diverting resources away from any Board objective, goal or outcome substantial enough to contribute to not achieving the objective, goal or outcome. I do not interpret minor deviations resulting from changing circumstances, community demands and unforeseen circumstances outside of the Town’s control, as material deviations.

Compliance with the policy will be achieved when:

Budget spending does not materially deviate from the levels approved in the adopted budget.

Evidence:

1. The adopted budget was prepared based on the Board stated priorities.
2. There have been no substantial budget changes presented to the Board for review

and approval as of this date.

3. HTE Budget reports for each department are available on a regular basis or as requested.

Report: I report compliance

3.3.3. The Town Administrator shall not allow budgeting which contains inadequate information to enable credible projection of revenues and expenses, separation of capital and operational items, cash flow and subsequent audit trails, and disclosure of planning assumptions.



Interpretation – I interpret this to mean the budget, as recommended by the Town Administrator, must be based on credible data and the best available information concerning the local economy and other factors that may impact our revenues and expenses. In addition, the budget is to be structured to separate capital expenditures from operational costs. All revenue projects will be conservative and it is more critical not to overestimate revenues vs underestimating revenues.

Compliance with the policy will be achieved when:

1. Revenue projections are clear and deviations between projected and actual revenues are within a 5-10%, barring any catastrophic events.
2. Actual revenue received and reported to date is not less than projected.
3. The Budget presented to the Board for adoption is in a format that separates revenues, expenses and capital expenditures.
4. Any assumptions used in preparing the budget are clearly articulated to the Board during budget review sessions.

Evidence:

1. Currently our sales tax revenue to date (as reported, collections run about 45 days in arrears due to State collection and reporting) is 5.74% higher than in 2016 and higher than projected for 2017 (3.9%). (through November)
2. Current revenue is not less than projected.
3. The current budget and proposed budget are both presented in the format that separates revenues, expenses and capital.
4. Assumptions leading to the projects were discussed with the Board during budget review sessions.

Report: I report compliance

3.3.4. The Town Administrator shall not allow budgeting which plans the expenditure in any fiscal year of more funds than are conservatively projected to be received in that period, or which are otherwise available.



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

Compliance with the policy will be achieved when:

The proposed budget meets the above criteria and year end expenses do not exceed year end revenues, inclusive of any board approve spending of fund balance or specific reserve funds.

Evidence:

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

Report: I report compliance

3.3.5. The Town Administrator shall not allow budgeting which reduces fund balances or reserves in any fund to a level below that established by the Board of Trustees.



Interpretation – I interpret this to mean that I the audited year end unrestricted fund balance in the General Fund does not drop below 20% unless otherwise authorized by the Board. If the Board approves and adopts a budget that plans for reducing the fund balance below the 20% level, I interpret this as being authorized by the Board. (This interpretation will be modified if the Board adopts a cash reserve minimum policy in the future. Staff will be bringing options for such a policy forward in the near future for Board consideration, as directed in the September study session.)

Compliance with the policy will be achieved when:

1. The final CAFR indicates that a general fund fund balance of 20% or greater, or as otherwise approved by the Town Board.
2. The proposed budget anticipates an end of year fund balance in the General Fund of 20% or greater unless otherwise approved by the Town Board..

Evidence:

1. The 2016 CAFR shows a 31.6% fund balance at the end of 2016
2. The 2017 budget anticipates a 20.4% fund balance at the end of 2017
3. The proposed 2018 budget anticipates a 23.1% fund balance at the end of 2018

Report: I report compliance

3.3.6. The Town Administrator shall not allow budgeting which Fails to maintain a Budget Contingency Plan capable of responding to significant shortfalls within the Town's budget.



Interpretation – I interpret this to mean that I must prepare the budget, maintain a fund balance of 20% or more in the general fund, and adequate fund balances in all enterprise funds, including the required TABOR reserve.

Compliance with the policy will be achieved when:

1. The final CAFR indicates that a general fund balance of 20% or greater.
2. The proposed budget anticipates an end of year fund balance in the General Fund of 20% or greater.
3. The Town Board has adopted and approved a Formal Budget Contingency plan

Evidence:

1. The 2016 CAFR shows a 31.6% fund balance at the end of 2016
2. The 2017 budget anticipates a 20.4% fund balance at the end of 2017
3. The proposed 2018 budget anticipates a 23.1% fund balance at the end of 2018
4. Current cash and investment reserves are reported to the Board on a monthly basis, as required by Board policy 670.

Report: I report compliance

3.3.7. The Town Administrator shall not allow budgeting which fails to provide for an annual audit.



Interpretation – I interpret this to mean that I must ensure that the Town completes an independent audit annually. Further, that audit report should result in an unqualified and unmodified opinion from the Board's auditors.

Compliance with the policy will be achieved when:

The audit is complete and presented to the Town Board.

Evidence:

1. The 2016 Audit has been completed and the CAFR prepared and submitted to the State of Colorado.
2. The 2016 included an unqualified and unmodified opinion from the auditors

Report: I report compliance

3.3.8. The Town Administrator shall not allow budgeting which fails to protect, within his or her ability to do so, the integrity of the current or future bond ratings of the Town.



Interpretation – I interpret this to mean that I cannot take any action that will result any negative impact on the Town’s bond rating. This includes, maintaining adequate fund balances as required in 3.3.5 and maintaining adequate bond coverage ratios for all revenue bonds associated with the Town’s enterprise funds.

Compliance with the policy will be achieved when:

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

Evidence:

1. The general fund year end fund balance is greater than 20%
2. The required Bond coverage ratio for L&P 125% and for Water is 110%. Our current coverage for the L&P Bonds is 485% and for Water is 518%.

Report: I report compliance

3.3.9. The Town Administrator shall not allow budgeting which results in new positions to staffing levels without specific approval of the Board of Town Trustees. The Town Administrator may approve positions funded by grants, which would not impose additional costs to the Town in addition to the grant funds and any temporary positions for which existing budgeted funds are allocated.



Interpretation – I interpret this to mean that I cannot allow any new positions or expansion of any part-time positions to be advertised or filled without prior Board approval. I may allow the reduction in staffing without Board approval and any positions or partial positions funded by grants or any temporary positions for which existing budgeted funds are allocated may be filled without prior approval of the Board.

Compliance with the policy will be achieved when:

No new positions or expansion of positions are approved and hired without approval of the board, with the exceptions noted above.

Evidence:

1. All positions are indicated in the adopted and proposed budgets and no unapproved positions are shown.

Report: I report compliance

Town of Estes Park, Larimer County, Colorado, January 9, 2018

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 9th day of January, 2018.

Present: Todd Jirsa, Mayor
Wendy Koenig, Mayor Pro Tem
Trustees Bob Holcomb
Patrick Martchink
Ward Nelson
Ron Norris
Cody Rex Walker

Also Present: Frank Lancaster, Town Administrator
Travis Machalek, Assistant Town Administrator
Greg White, 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** (Walker/Koenig) **to approve the Agenda**, and it passed unanimously.

PUBLIC COMMENTS.

Garrett Faillaci/Town citizen spoke in support of using the current senior citizen location at 220 4th Street for an infant and toddler childcare center. She has lived in Estes Park for seven years, and commuted to the valley for work. She has struggled locating childcare in Estes Park suitable for infancy and toddler ages, and would appreciate the Town's ability to provide a childcare center.

Maisie Greer/Town citizen understood the Town would be receiving proposals for potential uses of the current senior center at 220 4th Street. She expressed her hope the Board would see this as an opportunity to provide a childcare center. She noted using an existing structure would allow for an easier transition and for families to live and work in the town. She requested the Board remember the minimal options available for childcare in Estes Park.

TOWN BOARD COMMENTS.

Mayor Jirsa recognized January 9, 2018 as Law Enforcement Appreciation Day, and encouraged citizens to show their support for Law Enforcers. He thanked Sergeant Rick Life for his service.

Trustee Norris stated the Estes Valley Planning Commission would meet January 16, 2018. The Family Advisory Board (FAB) met on January 4, 2018, they have completed the Community Resource Guide, available on the Town's website. The next proposed focus area for FAB would be on childcare in Estes Park.

Trustee Martchink requested citizens help Estes Park local Quinn Brett by attending Hand Stands for Quinn on January 13, 2018. Quinn Brett suffered a severe spine injury while climbing in Yosemite National Park in October 2017. The event proceeds would go directly towards Quinn's rehabilitation and the mental and physical barriers she now faces. Mayor Jirsa agreed with Trustee Martchink's sentiments and encouraged those not able to attend the event visit handstandsforquinn.com and participate in the silent auction.

Board of Trustees – January 9, 2018 – Page 2

Mayor Pro Tem Koenig stated the next Sister City meeting would be held January 10, 2018.

Trustee Nelson announced he would be running for a second term as Trustee during the April 3, 2018 Municipal Election.

Trustee Holcomb stated the next Visit Estes Park Board meeting would be January 10, 2018. The Economic Development Corporation (EDC) would hold a housing forum January 10, 2018 to discuss the need for affordable and workforce housing in the town. He also announced his candidacy for re-election as Trustee.

TOWN ADMINISTRATOR REPORT.

Town Administrator Lancaster met with the R-3 School District regarding the recently passed mill levy and their intentions to build a facility for vocational education. In consideration of the limited land for building, the District proposed building on a section of Stanley Park land across from the Estes Park High School. The identified land is deed restricted, held by the defunct and unrepresented Estes Park Development Company (EPDC). In order to proceed, the Town would apply to the court for a quiet title of the property. He requested the Board's opinions on continued discussions with the School District and further staff and attorney efforts to apply for the quiet title.

Attorney White noted a quiet title was previously attempted on the 17 acres owned by the EPDC. This process was not completed due to citizen's fears of the land being sold. With the quiet title the Town would have the option of selling the land to the School District or entering into a long-term lease agreement.

Trustee Nelson voiced his interest in the quiet title; however, he would appreciate an Intergovernmental Agreement (IGA) to control the use of the land. Administrator Lancaster confirmed an IGA would be done if the Town maintained ownership. It was agreed that the Town would proceed in acquiring the quiet title.

1. CONSENT AGENDA:

1. Town Board Minutes dated December 12, 2017 and Town Board Study Session dated December 12, 2017.
2. Bills.
3. Committee Minutes - None.
 - A. Audit Committee Minutes dated December 14, 2017.
4. Family Advisory Board Minutes dated December 7, 2017 (acknowledgment only).
5. Parks Advisory Board Minutes dated November 17, 2017 (acknowledgment only).
6. Transportation Advisory Board Minutes dated November 15, 2017.
7. Resolution #31-17 – Fair Housing (Continued from December 12, 2017 meeting).
8. Resolution #01-18 – Public Posting Area Designation.
9. Resolution #02-18 Setting the Public Hearing date of January 23, 2018 for a New Beer & Wine Liquor License filed by Trendz at the Park, 100 E. Elkhorn Avenue, Estes Park, CO 80517.

It was **moved and seconded** (Koenig/Walker) **to approve the Consent Agenda Items**, and it passed unanimously.

2. **ACTION ITEMS:**

1. **APPROVING AN INTERGOVERNMENTAL AGREEMENT ESTABLISHING THE NORTHERN COLORADO REGIONAL TOURISM AUTHORITY (NCRTA).**

Town Attorney White presented the IGA between the City of Loveland, Town of Windsor, Town of Estes Park, and Larimer County, Colorado to formally establish the NCRTA as a nonprofit entity, a result of “Go NOCO”. The NCRTA would receive and distribute Regional Tourism Authority (RTA) funding to four projects in Northern Colorado, including The Stanley Film Center. The IGA would be governed by 15 board members with Mayor Jirsa and Mike Abbiatti acting as representatives of Estes Park. Mayor Jirsa noted grant funds were beginning to be received. It was **moved and seconded** (Martchink/Holcomb) **to approve the Intergovernmental Agreement Establishing the Northern Colorado Regional Tourism Authority**, and it passed unanimously.

2. **AWARD AUDIT CONTRACT FOR THE YEARS ENDING DECEMBER 31, 2017 THROUGH DECEMBER 31, 2021.**

Director Hudson presented the recommendation to appoint Anton Collins Mitchell LLP (ACM) as the Town Auditor. A previous recommendation of Swanhorst & Company LLC, was presented and approved by the Board on November 28, 2017. Confidence in the Town Auditor, by the Board, would be integral to a successful collaboration. The previous selection of Swanhorst & Company LLC did not display that confidence from all members of the Board, thus the Audit Committee reevaluated its recommendation to the Board. Director Hudson elaborated on the factors that contributed to the recommendation of Swanhorst. These included software capabilities, government auditing experience, and pricing structure. When it was determined ACM had the capability to work with the Town’s software the Audit Committee felt it appropriate to recommend ACM. Background checks showed positive feedback on all potential auditors with ACM having the least detailed experience with government auditing.

Trustee Nelson questioned why ACM was not recommended initially and voiced concern that the audit contract was being revisited based on two negative votes overruling 5 positive votes when awarding the audit contract to Swanhorst. Mayor Jirsa explained that trust from all members of the Board in the Town Auditor is crucial to a productive audit. Trustee Holcomb and Mayor Pro Tem Koenig seconded Trustee Nelsons concerns regarding the previous vote however; Mayor Pro Tem Koenig also acknowledged trust in the auditor as a crucial component.

Trustees Holcomb and Nelson stated they would support the motion though they did not agree with the reasons for revisiting the audit contract. Trustee Norris requested staff alert the Board if any issues with ACM were noticed. It was **moved and seconded** (Koenig/Walker) **to Award the Audit Contract to Anton Collins Mitchell LLP for the years ending in December 31, 2017 through December 31, 3021**, and it passed with Mayor Pro Tem Koenig abstaining.

3. **APPOINTMENTS TO THE COUNTY REGIONAL TRANSPORTATION TASK FORCE.**

Town Administrator Lancaster introduced the County Regional Transportation Task Force for the purposes of coordinating regional transportation issues and funding. The County requested a trustee be appointed to the task force as a representation of the Town, Trustee Holcomb has volunteered for this position. It was **moved and seconded** (Nelson/Norris) **to appoint Trustee Holcomb to the County Regional Transportation Task Force**, and it passed unanimously.

4. **CHANGE TO FAMILY ADVISORY BOARD FOCUS AREA.** Assistant Town Administrator Machalek explained FAB bylaws require a recommended focus area to direct FAB efforts, approved by the Town Board. The current focus area was to define gaps in family support services which were defined in the Community Resource Guide. From the guide, FAB identified childcare as a critical issue for Estes Park families, and selected it as the next focus area. FAB would await the results of the Childcare Needs Assessment currently being conducted.

Jodi Roman/County citizen expressed her belief that the best use of the current senior center at 220 4th Street would be for childcare. This would benefit more citizens in Estes Park than museum storage or a second senior center.

Charley Dickey/Town citizen appreciated the new focus area and inquired about the level of collaboration that would occur with the Childcare Services Committee of the EDC.

It was **moved and seconded** (Norris/Holcomb), **to approve the 2018 Focus Area on Childcare for the Family Advisory Board**, and it passed unanimously.

REQUEST TO ENTER EXECUTIVE SESSION:

It was **moved and seconded** (Holcomb/Martchink) **to enter Executive Session for a conference with the Town Attorney for the purposes of receiving legal advice on specific legal questions per Section 24-6-402(4)(b), C.R.S.**, and it passed unanimously.

Whereupon Mayor Jirsa adjourned the meeting at 7:57 p.m. to enter into Executive Session.

Mayor Jirsa reconvened the meeting to open session at 8:34 p.m. whereupon Mayor Jirsa adjourned the meeting at 8:35 p.m.

Todd Jirsa, Mayor

Kimberly Disney, Recording Secretary

RECORD OF PROCEEDINGS

Town of Estes Park, Larimer County, Colorado January 9, 2018

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 9th day of January 9, 2018.

Board: Mayor Jirsa, Mayor Pro Tem Koenig, Trustees Holcomb, Martchink, Nelson, Norris and Walker

Attending: All

Also Attending: Town Administrator Lancaster, Assistant Town Administrator Machalek, Town Attorney White, Director Muhonen and Town Clerk Williamson

Absent: None

Mayor Jirsa called the meeting to order at 5:10 p.m.

REVIEW OF STRATEGIC OBJECTIVES AND GOAL RANKINGS.

Administrator Lancaster stated the Board ranked the 2018 Board goals and those rankings were presented to the Board. He requested direction from the Board on how and if the rankings should be added to the 2018 Strategic Plan. Discussion followed by the Board and it was noted the ranking should not mandate the items are addressed in a specific order. All items outlined in the Strategic Plan are important to the Board and the rankings should be used as a reference only.

DOWNTOWN PARKING MANAGEMENT PLAN.

Director Muhonen provided an overview of the plan which was developed to explore downtown parking strategies focused on three key elements: seasonal paid parking, an employee/resident parking program, and a downtown parking expansion plan. A steering committee was formed to ensure the Transportation Advisory Board's objectives were heard as the plan was being developed. Public Works hired Kimley Horn in early 2017 to develop a plan to address the concerns. An extensive public outreach was conducted with 19 public outreach meetings and approximately 195 comments were received. Staff requested the Board provide guidance on next steps such as the adoption of the plan at the January 23, 2018 Board meeting; expectations if the plan moves forward, i.e. implementation efforts for 2018; and would the Board support a budget amendment to fund implementation costs.

Vanessa Solesbee/The Solesbee Group provided a review of the key elements the plan reviewed, including existing conditions summary, community conversation, best practices research, comprehensive review of management strategies, exploration of seasonal paid parking, analysis of future parking infrastructure. A comprehensive review of management strategies included time-limited parking, add enforcement, seasonal paid parking, multimodal investment, permit parking options, dedicated/reserved parking, real-time info/guidance, education and marketing. The plan recommended a four phase approach to address the parking issues downtown: Phase I – Data collection and technology investments; Phase II - Initial seasonal paid parking implementation; Phase III - Full implementation of seasonal paid parking; and Phase IV - Investment in additional parking supply.

Phase I would include time limit modifications, real-time parking availability detection, digital messaging signage, consistent enforcement & parking administration, and performance evaluation. The phase would change some parking from 30 minutes to

Town Board Study Session – January 9, 2018 – Page 2

one hour and enforcing the time-limited parking, not aggressively but actively. Parking downtown would remain free during the phase, and real-time parking detection and digital messaging would be visible. The cost to implement the phase has been estimated at approximately \$100,000 in one-time costs and \$100,000 in O&M with no offsetting revenue.

Phase II would implement 562 paid parking spaces with pay stations and mobile payment applications, include active enforcement, and parking performance evaluation/occupancy and turnover study. Phase I changes would be reviewed to ensure the changes were effective. Seasonal paid parking implementation would be essential in addressing how behavior changes with the cost of parking in the downtown area. The cost of the phase has been estimated at \$200,000 in one-time costs and \$200,000 in O&M cost with \$300,000 in annual revenue. The phase would maintain 58% of the downtown spaces as free parking. It was suggested the initial cost be no less than a \$1/hour because anything less would not encourage drivers to change parking behavior.

Phase III would increase paid parking spaces up to 996 spaces, include online parking permits, enhanced trolley service, additional real-time parking availability detection, additional enforcement, additional parking administrator, and parking performance evaluation/occupancy and turnover study. Capital cost for the phase would be approximately \$450,000 to \$500,000 for trolley service and the cost of O&M at \$500,000. The estimated revenues using a conservative estimate would be \$650,000 to \$700,000. The available free parking spaces would decrease to 37%.

Phase IV would ensure the usage of the parking structure, offer a menu of transportation choices, monitor effectiveness of recommended parking management strategies, and identify sites and funding sources for an additional parking structure. Sites reviewed and outlined in the plan included Town Hall, Post Office, Piccadilly Square, Performance Park, Wiest/Moraine, and Cleave/Big Horn. The cost to build an additional parking structure range from \$2 million to \$21 million. Public comments suggested support for funding the structure through seasonal paid parking revenue, sales tax, special taxing district and property tax, in that order of preference.

Trustee comments were heard and have been summarized: Overall the Board was supported of the overview provided and the phased approach, which would provide the Town a chance to gather data to make future phasing decisions; questions were raised on how staff would monitor and enforce the parking limitations; how would the phasing of the Master Plan move forward because the program was not included in the 2018 budget; questioned if the additional funds from the parking garage should be used to implement the new program or should it be used to fund the needed turn lane from Hwy 36 onto Community Drive; and the Town needs the flexibility of a phased approach in order to address the impacts of the Downtown Plan on parking and the use of the new parking garage for a full season.

Staff indicated a park administrator and two parking attendants would be utilized to gather the data and enforce parking. The parking attendants would be civilian positions rather than sworn police officers, such as the CSO positions. Staff stated if the Plan was adopted by the Town Board at the January 23, 2018 meeting, Phase I would begin in 2018 and continue in 2019 to ensure the Town has collected needed data to implement the next phase in 2020.

After further discussion the Board consensus was to move forward with consideration of the Downtown Parking Master Plan at the January 23, 2018 Town Board meeting, implementation of Phase I in May 2018 through 2019, and consideration of a supplemental budget appropriation to fund Phase I in 2018. Mayor Jirsa and Trustee Walker stated concern with adding staff and questioned the need.

TRUSTEE & ADMINISTRATOR COMMENTS & QUESTIONS

Town Board Study Session – January 9, 2018 – Page 3

Administrator Lancaster informed the Board of Municipal Judge Brown's retirement in April. Staff has discussed a timeline and a process for the Board's consideration and input.

FUTURE STUDY SESSION AGENDA ITEMS

Future sessions scheduled include a discussion on the County Wide Wasteshed Study and Stormwater Master Plan on February 13, 2018, Third Party Building Inspections on February 27, 2018, and quarterly updates from CDOT on the Downtown Loop project to be held on March 13, 2018, June 12, 2018, September 11, 2018 and December 11, 2018.

There being no further business, Mayor Jirsa adjourned the meeting at 6:35 p.m.

Jackie Williamson, Town Clerk

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RECORD OF PROCEEDINGS

Town of Estes Park, Larimer County, Colorado, November 17, 2017

Minutes of a Regular meeting of the **AUDIT COMMITTEE** of the Town of Estes Park, Larimer County, Colorado. Meeting held in the Municipal Building in said Town of Estes Park on the 17th day of November 2017.

Committee: Mayor Jirsa, Mayor Pro Tem Koenig, Trustee Holcomb, Town Administrator Lancaster, Assistant Town Administrator Machalek, Finance Director Hudson, Accounting Manager Garcia, Accountant Johnson

Attending: Mayor Pro Tem Koenig, Trustee Holcomb, Assistant Town Administrator Machalek, Finance Director Hudson, Accounting Manager Garcia, and Accountant Johnson

Absent: Mayor Jirsa, Town Administrator Lancaster

Chair Koenig called the meeting to order at 1:00 p.m. Michael Bodman was also present representing Visit Estes Park in the selection process.

AUDITOR INTERVIEWS

Director Hudson briefly reviewed the auditor selection process to date. The Request for Proposals for Professional Auditing Services was issued September 6, 2017 with a closing date of October 30, 2017. A total of five proposals were received. The proposal review team consisting of Assistant Town Administrator Machalek, Finance Director Hudson, Accounting Manager Garcia, and Accountant Johnson reviewed and ranked the proposals for qualifications, after which the dollar bids were opened. After discussing the relative experience of the firms, the hours proposed, and the amount bid, the review team recommended three firms be interviewed, Haynie & Company, Anton Collins Mitchell LLP, and Swanhorst and Company LLC. Director Hudson stated that the purpose of this meeting of the audit committee is to hold these interviews and for the audit committee to recommend a firm to be appointed as the Town's auditors to the full Town Board.

Haynie & Company: Ms. Christine McLeod and Ms. Lori Morris presented a handout going over the proposal from Haynie & Company. The proposed audit team from Haynie & Company would consist of Ty Holman, Audit Partner; Nich Warnick, Engagement Quality Review Partner; Christine McLeod, Audit Manager; and Shannon Fuller, Senior Auditor. Other staff may be utilized as needed. Haynie & Company has over 50 years of experience with 6 different locations. They currently serve approximately 60 governmental clients.

Anton Collins Mitchell LLP: Mr. Steven Bolz and Ms. Krista Shockley presented a handout going over the proposal from Anton Collins Mitchell LLP. The proposed audit team from Anton Collins Mitchell LLP would consist of Randy Watkins, Engagement Partner; Steven Bolz, Senior Manager; and Krista Shockley, Audit Senior. Other staff may be utilized as needed. Anton Collins Mitchell LLP is based out of Greeley Colorado and has approximately 15-20% of the audit practice devoted to government audits. Krista highlighted the "Beyond the Numbers" report that Anton Collins Mitchell LLP prepares and presents to the governing body in addition to the regular audit report. This additional report includes comparison to peers, various ratios and other statistical data to help the non-financial user understand the financial data presented.

Swanhorst & Company LLC: Ms. Wendy Swanhorst and Mr. Ken LeCrone presented the proposal from Swanhorst & Company LLC. Unlike the other firms, Swanhorst & Company LLC specializes in government audits, generating 85% of firm revenues from auditing services and 80% of audits are governmental clients. The proposed audit team

Audit Committee – November 17, 2017 – Page 2

from Swanhorst & Company LLC would include Wendy Swanhorst, Engagement Partner; Ken LeCrone, Audit Manager; Jacy Hochstetter, Audit Supervisor; Ron Richardson, Senior Auditor; and Linda Frueh, Information Technology Consultant. Swanhorst & Company LLC contracts with Linda Frueh to perform a detailed review of the client's IT functions and controls over financial software programs.

After the presentations were completed, the audit committee and staff discussed the merits of each firm. After discussion of the challenges of extracting electronic data out of the accounting system, it was agreed that Swanhorst & Company LLC seemed most comfortable working with the data in the form available. Swanhorst & Company LLC had performed the Town's audit in the past with satisfactory results and was also the low bidder. After further discussion, the Audit Committee unanimously agreed to recommend appointment of Swanhorst & Company LLC as the Town's auditors for the year ending December 31, 2017 with optional renewals for the next four years through December 31, 2021.

There being no further business, the meeting was adjourned at 4:40 p.m.

Duane Hudson, Finance Director

DRAFT

RECORD OF PROCEEDINGS

Town of Estes Park, Larimer County, Colorado, December 14, 2017

Minutes of a regular meeting of the Parks Advisory Board of the Town of Estes Park, Larimer County, Colorado. Meeting held in the Conference Room of the Estes Park Museum on the 14th day of December, 2017.

Present Carlie Bangs
 Vicki Papineau
 Merle Moore
 Ronna Boles

Also

Present: Megan Van Hoozer, Public Works Administrative Assistant
 Patrick Martchink, Town Board Liaison
 Brian Berg, Parks Division Supervisor
 Greg Muhonen, Public Works Director

Absent: Dewain Lockwood
 Terry Rustin

Acting Chair Merle Moore called the meeting to order at 8:36 a.m.

PUBLIC COMMENT

No public comments

GENERAL BUSINESS

It was moved and seconded (Papineau/Boles) to approve the November meeting minutes with minor corrections and the motion passed unanimously.

PARKS DIVISION UPDATE

The Estes Park In Bloom (EPIB) Steering Committee decided not to have judges come to Estes Park in 2018. One reason for this is to allow more focus on the Business Bright Spot (BBS) program. In 2018 the program will incorporate homeowners to recognize as the "Resident Bright Spot" (RBS) for a determined time period. The Parks Division is looking at allocating funds to these programs.

The Parks Division is working to switch out benches throughout town and Keri Kelly is working on the flower order for next year.

RECORD OF PROCEEDINGS

Parks Advisory Board – December 14, 2017 – Page 2

Wade Johnston, the individual appointed to fulfill the remainder of a term ending December 31, 2019, attended this month's meeting as part of the public. Johnston will begin his term in January. Merle Moore was reappointed, and Geoffrey Elliot was newly appointed to 3-year terms beginning in January and ending December 31, 2020.

AIPP GUIDELINE REVIEW

The PAB reviewed and discussed minor edits to the Arts In Public Places (AIPP) Guidelines. Megan Van Hoozer will make the approved changes and will redistribute the draft to the PAB for final review.

Member Bangs will look into grant opportunities for art in public spaces. Acting Chair Moore expressed the need for the Town to support artwork in a more active manner.

In 2018, it was suggested to have other towns with successful AIPP programs to attend a meeting to share their experiences and lesson's learned (*i.e. Grand Junction, Vail, Salida, etc.*) Per Supervisor Berg, it would be best to have them attend earlier in the year rather than later. Public Works Director, Greg Muhonen stated that the Town Board reviews the strategic plan in June and suggested the meeting take place prior because the strategic plan becomes the basis for the upcoming budget. It is important to have the art community in Estes Park attend the same meeting and join the unified cause.

OTHER BUSINESS

- Discussions took place regarding Light & Power relinquishing management of the utility boxes and appointing Supervisor Berg to assume responsibility moving forward. This will require further discussion between department directors.
- Mountain Heritage Festival – In 2018 the festival takes place at the same time another mountain music festival occurs. The other festival would take over the music portion typically handled by the Mountain Heritage Festival. This will now allow time to concentrate more on the educational portion of the festival.
- Co-Chair Moore will be taking photos of the newly painted utility boxes to add to inventory of public art.
- Larimer County plans to visit ELSA on 1/4/18 at 9:30am at the US Bank building about weed management.
- Mrs. Walsh's Garden Committee to begin committee meetings in January establishing one-year and five-year planning.

RECORD OF PROCEEDINGS

Parks Advisory Board – December 14, 2017 – Page 3

With no further business to discuss, the motion was made and seconded (Bangs/Papineau) to adjourn the meeting at 9:54 am.

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RECORD OF PROCEEDINGS

Town of Estes Park, Larimer County, Colorado, December 20, 2017

Minutes of a regular meeting of the Transportation Advisory Board of the Town of Estes Park, Larimer County, Colorado. Meeting held in the Room 203 of Town Hall on the 20th day of December, 2017.

Present: Kimberly Campbell
Gordon Slack
Ann Finley
Belle Morris
Stan Black
Ken Zornes

Also Present: Bob Holcomb, Town Board Liaison
Greg Muhonen, Public Works Director
David Hook, Engineering Manager
Megan Van Hoozer, Public Works Administrative Assistant
Lochen Wood, RMNP

Absent: Claudine Perrault
Tom Street

Chair Campbell called the meeting to order at 12:03 p.m.

For the record, the Town of Estes Park thanks the dedicated volunteers of the Transportation Advisory Board for all the hard work throughout 2017.

PUBLIC COMMENT:

A motion was made and seconded (Slack/Finley) to approve the November minutes with minor edits and all were in favor.

SHUTTLE UPDATE

No Shuttle Committee representation was in attendance.

PROJECT UPDATES, *David Hook, Public Works Engineering Manager*

US36 / Community Drive Turn Lane:

Manager Hook informed the group that this project will proceed under his direction beginning after the first of the new year. No updates were provided at this time however Hook stated that construction is planned to begin in spring 2018.

RECORD OF PROCEEDINGS

Transportation Advisory Board – December 20, 2017 – Page 2

Fall River Trail:

Grant applications to both Colorado Parks & Wildlife (CPW) and Land and Water Conservation Fund (LWCF) have been submitted and any needed follow-up information has been provided. On January 11, 2018 there will be a presentation for grantors. Manager Hook feels confident a positive outcome will occur.

Public Works continues to look into other grant opportunities for recreational activities including fishing to be incorporated along the new trail.

Rocky Mountain National Park representative Lochen Wood to provide contact information to Manager Hook for future grant support letters.

Digital Message Signs:

Manager Hook will begin work on getting the installation of the digital message signs moving along with a goal to have all signs erected by summer 2018.

Brodie Avenue Improvements:

This is the primary 2018 Street Improvement Project (STIP). A design consultant has been selected and a contract secured with Drexel Barrell for this project. The design process has started and will continue for the next several months. Public Works anticipates soliciting bids for construction in April, 2018. Prior to that two public meetings will take place when the design is 30% complete and again at 90% completion.

MacGregor Avenue Improvements:

Punchlist items will continue to take place this week and will be finalized next week. Completion of MacGregor Avenue Improvements will close out 2017 STIP projects.

CDOT has identified a project for the MacGregor/Wonderview (Hwy34) intersection. The project will be to design and construct intersection improvements including a potential roundabout installation. The project may take place in 2019, but the summer visitor season may require the project be pushed to 2020. Public Works Director Greg Muhonen and Manager Hook will serve as the Town liaisons to the selected CDOT contractor.

Chair Campbell asked about the potential for an underpass to be constructed under Wonderview (Hwy34) along MacGregor to allow safer crossing. Manager Hook will communicate this as a suggestion.

RECORD OF PROCEEDINGS

Transportation Advisory Board – December 20, 2017 – Page 3

Moraine Avenue Improvements: Construction continues and the Town of Estes Park Utilities Department has completed a large portion of their planned work. Shoring is currently taking place at the four corners utilizing soil nails. It is critical to secure these corners due to their close proximity to businesses. All shoring to be complete this week. Once complete, the larger demolition and excavation can proceed.

Town utility work south of the Moraine Bridge is complete for this phase of work and is now open to 2-way traffic (change made today). Public Works has invited comments from the TAB once new detour is used.

The construction contract reflects completion date of May 17, 2018. Public outreach regarding full closure of Elkhorn/Moraine intersection in April 2018 will begin taking place. From Riverside Drive to the water wheel at the west end of downtown, vehicle traffic will be prohibited for approximately 2 weeks. The details on the detour will be released very soon.

Member Morris shared complaints expressed on Facebook stating some businesses feel no one knows their business is open due to lack of signage.

The project team is now sending letters out to businesses as part of the one-on-one outreach. A public open house is scheduled in February, 2018. Chair Campbell suggested for future projects it would be best to send the letters to the affected businesses prior to public outreach efforts.

ROCKY MOUNTAIN NATIONAL PARK UPDATE:

Lochen Wood shared that she is continuing the work previously conducted by Erika Cole. At that time, Cole's team worked on short-term activities to help with transportation issues within RMNP. Wood stated it is now time to focus on more in-depth, long-term solutions which is the role for which she was hired. Not all transportation issues can be solved, but the key initiative is a day use visitor access strategy. Wood has been tasked with creating an adaptable strategy to improve access issues, improve staff safety, and to help the overall visitor experience. Wood has been going through a comprehensive review process to identify critical needs. Short-term solutions will continue to be utilized throughout 2018.

Wood also informed the group that Larry Gamble would be retiring from his position at Rocky Mountain National Park at the end of the month. A card would be circulated for member signatures and notes of appreciation for all the support provided the TAB

Transportation Advisory Board – December 20, 2017 – Page 4

initiatives over the years. Once complete the card would be provided to Wood for delivery to Gamble.

OTHER BUSINESS

Chair Campbell reminded the TAB that Chair / Co-Chair elections take place in January and she will not be continuing as TAB Chairperson so she asked that members be thinking about that.

The Downtown Parking Management Plan (DPMP) Steering Committee is taking a new approach. At the first January Town Board Study Session, Kimley-Horn will be presenting the draft plan with Chair Campbell and Director Muhonen speaking.

- The first step is for the TAB support letter to be provided to the trustees by TAB representative Campbell prior to the first January Study Session
- The second step is to gain Town Board approval of the plan at the January 23rd Town Board meeting. This date may need pushed back if concerns arise.
- The third step is to create and present a new letter of recommendation/support.

The TAB discussed the letter drafted by Chair Campbell per input communicated by the members in the November meeting.

Member Slack expressed concern that the letter is communicating a different plan than what was proposed to the public. Chair Campbell wants all concerns/ideas/philosophies shared in the letter of support to be properly presented in the study session to allow flexibility in the plan.

Slack also expressed that the technology desires need pushed in the letter of support although it's all been defined within the draft plan. Chair Campbell suggested waiting until a Parking Manager has been hired before communicating all preferences but does feel it is critical that the letter focus on the multi-modal aspect of the plan. Director Muhonen concurred that the specific needs can be communicated at a later time.

Muhonen further stated that the overall goal at this time is to gain Town Board approval to move forward with the plan document. Moving forward will allow proper allocation of funds in the future and will allow usage of the parking structure savings to implement phase one in 2018.

RECORD OF PROCEEDINGS

Transportation Advisory Board – December 20, 2017 – Page 5

As the discussion continued, Member Morris stated it is important to incorporate all the historical studies into the letter and Campbell agreed. Member Finley wants the group to focus on the fact that the key is the TAB wants this plan to succeed as parking management is critically needed in Estes Park.

Member Black expressed disappointment that there's no employee protections to paid parking as originally stated. Campbell stated the strategy it is only to modify driver behavior. Employees can park off-site and not have to pay. Muhonen reminded the TAB to revisit pages 63-68 of the plan where shuttle expansion options help address employee needs.

Member Hamrick expressed that due to all member concerns being communicated in the letter, the TAB may be putting up its own road block to getting the plan approved to move forward. Hamrick asked if an option would be to revamp elements of the plan at a later date. Director Muhonen agreed reminding that this plan is not intended to be a regulatory document but a guiding document. As with other guiding documents many items will require change over time.

Town Board Liaison Holcomb suggested that the letter be kept simple and supportive while acknowledging appreciation to the Town Board Trustees for their review of the plan. It is important to set aside funding in each budget year to support realization of the plan.

Chair Campbell requested a vote to draft a new, more focused letter, emailing the letter to the TAB and getting an email vote for approval. All were in favor.

With no other business to discuss, Chair Campbell adjourned the meeting at 1:48 p.m.

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RECORD OF PROCEEDINGS

Estes Valley Planning Commission – Special Meeting

November 14, 2017

Board Room, Estes Park Town Hall

Commission: Chair Russ Schneider, Vice-Chair Bob Leavitt, Commissioners Betty Hull, Steve Murphree, Sharry White, Robert Foster, Doyle Baker

Attending: Chair Russ Schneider, Vice-Chair Leavitt, Commissioners Steve Murphree, Sharry White, Robert Foster

Also Attending: Director Randy Hunt, Senior Planner Jeff Woeber, Planner Audem Gonzales, Planner Carrie McCool, Code Compliance Officer Linda Hardin, Planner Robin Becker, Town Board Liaison Ron Norris, County Staff Liaison Michael Whitley, and Recording Secretary Karen Thompson

Absent: Commissioners Baker and Hull

Chair Schneider called the meeting to order at 1:30 p.m. He explained the purpose of the Planning Commission. There were approximately 50 people in attendance.

1. APPROVAL OF AGENDA

It was moved and seconded (White/Foster) to approve the agenda as presented and the motion passed 5-0 with two absent.

2. PUBLIC COMMENT

Greg Rosener/town resident commented on the two memos presented by Town Attorney White and Director Hunt regarding the responsibilities of the Planning Commission.

Rebecca Urquhart/town resident stated Town Attorney White issues opinions on how “the Code” is interpreted.

3. CONSENT AGENDA

- A. Approval of minutes of October 17, 2017 Planning Commission meeting.
- B. Large Vacation Home Rental; 1020 Otis Lane; Melissa Hawley/Owner

It was moved and seconded (White/Leavitt) to approve the consent agenda as amended and the motion passed 5-0.

4. AMENDMENT TO THE ESTES PARK MUNICIPAL CODE, SECTION 17.66 - SIGNS

Linda Hardin, Code Compliance Officer (CCO) stated this item was continued from the September 19, 2017 Planning Commission meeting. She met with the Estes Valley Board of Realtors and the Estes Park Partners for Commerce regarding the proposed revisions to the sign code to get their feedback. The most recent revisions to the code can be viewed on the Town website.

Staff/Commission Discussion

There was brief discussion regarding political signs.

RECORD OF PROCEEDINGS

Estes Valley Planning Commission – Special Meeting November 14, 2017 Board Room, Estes Park Town Hall

Public Comment

None.

It was moved and seconded (Leavitt/Murphree) to recommend approval to the Town Board of Trustees the amendment to the Estes Park Municipal Code Section 17.66 as presented, including findings as recommended by staff and the motion passed 5-0 with two absent.

5. AMENDMENT TO THE ESTES VALLEY DEVELOPMENT CODE REGARDING OUTDOOR FOOD VENDORS

Planner Becker stated this item was continued from the October 17, 2017 Planning Commission meeting. Revisions were made following feedback from businesses using food trucks, and food truck owners. The proposed amendment would require the applicant to undergo an application process with a staff-level review.

Staff and Commission Discussion

Planner Becker stated there would not be a limit on the number of food trucks allowed. Town Attorney White stated it would be difficult for mobile food vendors to serve liquor due to state regulations.

Public Comment

None.

It was moved and seconded (Leavitt/Foster) to recommend approval to the Town Board of Trustees and Larimer County Board of County Commissioners the text amendment to the Estes Valley Development Code, with findings of fact and as recommended by staff and the motion passed 5-0 with two absent.

6. LOT 20, LITTLE PROSPECT MOUNTAIN ADDITION; REZONE FROM E–*Estate* to RM–*Residential Multi-Family*; 260 STANLEY AVENUE

Planner Gonzales stated the applicant desires to rezone 260 Stanley Avenue to proceed with a proposed workforce or attainable housing development. Staff waived the requirement for a development plan submittal with the rezoning application. A legal notice was published in the local newspaper and notices were mailed to adjacent property owners. No public comment was received. Staff recommends approval of the rezoning.

Staff and Commission Discussion

Commissioner Murphree was supportive of the project. There was brief discussion regarding the process for notifying adjacent property owners.

Public Comment

None.

RECORD OF PROCEEDINGS

Estes Valley Planning Commission – Special Meeting

November 14, 2017

Board Room, Estes Park Town Hall

It was moved and seconded (Foster/Murphree) to recommend to the Estes Park Town Trustees the 260 Stanley Avenue Zoning Map Amendment according to findings of fact with findings recommended by staff and the motion passed 5-0 with two absent.

Chair Schneider read a statement concerning differences of opinion and the goal to be a community. He expects the members of the public in attendance today to be respectful and accepting of the outcome of the Commissioner's decisions. Commissioner Murphree stated Engineers are licensed by the state and their findings should be considered valid and accurate.

7. DEVELOPMENT PLAN AND PRELIMINARY TOWNHOME SUBDIVISION PLAT; RAVEN ROCK TOWNHOMES; TBD PROMONTORY DRIVE

Planner Gonzales stated this application was continued from the October 17, 2017 Planning Commission meeting. The applicant met with the neighbors, and subsequently made some revisions to the plans. Darcy Tiglas/environmental consultant submitted a letter stating the elk migration patterns would not be interrupted by this development. Staff presented research on county zoning of this parcel prior to the adoption of the Estes Valley Development Code. Staff does not make recommendations based on the Estes Valley Comprehensive Plan, but uses it as a development guideline. The comprehensive plan is not a regulatory document. Staff recommends approval of the project.

Staff and Commission Discussion

Planner Gonzales stated the most recent staff report does not include reference to the comprehensive plan in order to avoid confusion with the public and the Commissioners who may think the comprehensive plan is a regulatory document.

Applicant Presentation

Jim Mackey/applicant stated his team applied best practices and principles in the code regarding this development

Joe Coop/project manager reviewed the revisions made to the plans, which were the result of meetings with the neighbors

David Bangs/project engineer briefly discussed the final drainage design, which will be reviewed by the Town Engineer and will be a part of the Final Plat application.

Darcy Tiglas/environmental consultant reviewed her letter regarding elk migration in the area. According to comments from the Colorado Division of Parks and Wildlife Officer Larry Rogstad, there are no set elk migration corridors across the subject property. Mr. Rogstad recommended protecting the riparian area, building clustering, and landscaping that will keep residents safe by not surprising wildlife. Other recommendations can be read in his letter. As a state agency, CPW only becomes involved in local land use review at the request of the local agencies, and their comments are advisory.

RECORD OF PROCEEDINGS

Estes Valley Planning Commission – Special Meeting

November 14, 2017

Board Room, Estes Park Town Hall

Lonnie Sheldon/Van Horn Engineering commented on traffic. Greg Muhonen/Public Works Director reviewed and approved the traffic report. Crosswalks are not warranted for this area, and the parking requirement has been exceeded.

Jim Mackey/applicant reviewed his discussions with the neighbors and explained the changes that were made to the plans. He clarified how square footage of the dwellings is calculated.

Public Comment

Michael Keilty/town resident submitted and read a written comment.

Dawn James/town resident thanked Planner Gonzales for sending the application to the Division of Parks and Wildlife.

Richard James/town resident stated the applicant needs to comply with both the development code and the comprehensive plan.

Marie Gordon/town resident stated the comprehensive plan's overall theme is to protect the Marys Lake corridor. She was opposed to the development.

Claire Ray/town resident stated there have been some positive revisions to the plan that would not have happened if it were not for the continuances.

Jon Nicholas/Economic Development Corp. shared his opinion regarding what might happen if the Planning Commission begins to base their decisions on the contents of the comprehensive plan rather than the development code.

Public comment closed.

Staff and Commission Discussion

Each Commissioner provided a closing statement. There were final comments also made by Mr. Sheldon and Mr. Mackey.

It was moved and seconded (Leavitt/White) to recommend denial of the Raven Rock Preliminary Plat Townhome Subdivision to the Estes Park Town Board and the motion passed 3-2 with Commissioners White, Leavitt and Foster voting for and Commissioners Schneider and Murphree voting against.

It was moved and seconded (Leavitt/Foster) to deny the Raven Rock Development Plan finding it does not meet comprehensive plan standards and it is an unacceptable precedent moving forward and the motion passed 3-2 with Commissioners White, Leavitt, and Foster voting in favor and Commissioners Schneider and Murphree voting against.

RECORD OF PROCEEDINGS

Estes Valley Planning Commission – Special Meeting

November 14, 2017

Board Room, Estes Park Town Hall

Director Hunt stated the appeal process will involve a written request to appeal. The deadline to appeal to the Town Board for the November 28th meeting is tomorrow at 5 p.m.

8. REPORTS

Senior Planner Woeber reminded the Commissioners of the Planning Refresher workshop on November 29, 2017 from 4 to 6:30 p.m. This workshop will be presented by the state Department of Local Affairs.

There being no further business, Chair Schneider adjourned the meeting at 3:35 p.m.

Russ Schneider, Chair

Karen Thompson, Recording Secretary

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Effective Period: until superseded
Review Schedule: Annually - February
Effective Date: April 14th, 2015
References: Policy Governance 1.1



ADMINISTRATION

106

PUBLIC FORUMS AND MEETINGS

1. PURPOSE –

To provide direction for holding public outreach through public meetings and/or forums on public policy issues.

This policy is only applicable to forums sponsored by the Town of Estes Park.

2. POLICY

- a. For the purposes of this policy, a public forum is any meeting, forum, charette or open house that is designed for the purpose of soliciting input and public opinion from citizens on proposed new or revised regulations, ordinance or program of the Town. It does not include regularly scheduled meetings or meetings with citizens associated with existing projects, such as land use applications or approved infrastructure projects, or any meeting designed to disseminate information to the public.
- b. Approval of the Board of Trustees is required prior to the scheduling or promotion of any public meeting or forum as defined above.

3. PROCEDURE

- a. Any staff or appointed Town body desiring to host a public meeting or forum as defined in this policy must first contact the Town Administrator and request that he/she bring the proposal for the meeting before the full Town Board.
- b. The Town Administrator may either bring the proposal for the meeting before the full Town Board at a regular board meeting, or may poll individual board members via e-mail. If no Trustee objects to the public meeting, staff may proceed. If any Trustee individual objects to the public meeting, the Town Administrator shall schedule the issue for discussion at an upcoming regularly scheduled Town Board meeting.
- c. Only after receiving approval from the Town Board shall staff proceed with a public forum on any public policy issue as defined in 2a above.

Approved:

Todd Jirsa, Mayor

Date

**PROCEDURE FOR HEARING ON APPLICATION
NEW LIQUOR LICENSE**

1. MAYOR.

The next order of business will be the public hearing on the application of **DNC Parks & Resorts at Trendz, Inc. dba Trendz at the Park** for a new **Beer & Wine Liquor License** located at 100 E. Elkhorn Avenue, Estes Park, Colorado.

At this hearing, the Board of Trustees shall consider the facts and evidence determined as a result of its investigation, as well as any other facts, the reasonable requirements of the neighborhood for the type of license for which application has been made, the desires of the adult inhabitants, the number, type and availability of liquor outlets located in or near the neighborhood under consideration, and any other pertinent matters affecting the qualifications of the applicant for the conduct of the type of business proposed.

OPEN PUBLIC HEARING

2. TOWN CLERK. Will present the application and confirm the following:

- The application was filed **December 6, 2017**.
- At a meeting of the Board of Trustees on January 9, 2018, the public hearing was set for **7:00 p.m. on Tuesday, January 23, 2018**.
- The neighborhood boundaries for the purpose of this application and hearing were established to be **2.90** miles.
- The Town has received all necessary fees and hearing costs.
- The applicant is filing as a **Corporation**.
- The property is zoned **CD – Commercial Downtown** which allows this type of business as a permitted use.
- The notice of hearing was published on **January 12, 2018**.
- The premises was posted on **Janauary 10, 2018**.



Memo

To: Honorable Mayor Jirsa
Board of Trustees

Through Town Administrator Lancaster

From: Jackie Williamson, Town Clerk

Date: January 23, 2018

RE: Liquor Licensing: New Beer & Wine Liquor License Application for DNC Parks & Resorts at Trendz, Inc. dba Trendz at the Park, 100 E. Elkhorn Avenue, Estes Park, Colorado

Objective:

Approval of a new Beer & Wine liquor license located at 100 E. Elkhorn Avenue, Estes Park, Colorado. Application filed by DNC Parks & Resorts at Trendz, Inc. dba Trendz at the Park.

Present Situation:

An application for a new Beer & Wine liquor license was received by the Town Clerk's office on January 6, 2017. All necessary paperwork and fees were submitted; please see the attached *Procedure for Hearing on Application – New Liquor License* for additional information. The applicant is aware of the Town Board's Training for Intervention Procedures (TIPS) requirement and has not been schedule at the time of this memo.

Proposal:

To present the application for the Town Board's review and consideration for a new Beer & Wine liquor license.

Advantages:

Approval of the license provides the business owner with the opportunity to operate a liquor-licensed establishment in the Town of Estes Park.

Disadvantages:

The owner is denied a business opportunity to serve alcohol to patrons.

Action Recommended:

Approval of the application for a new Beer & Wine liquor license.

Budget:

The fee paid to the Town of Estes Park for a new Beer & Wine liquor license is \$1,112.00. The fee covers the administrative costs related to processing the application, background checks, and business licensing. In addition, the annual

renewal fee payable to the Town of Estes Park for a Beer & Wine Liquor license is \$662.

Level of Public Interest

Low

Sample Motion:

The Board of Trustees finds that the reasonable requirements of the neighborhood **are/are not** met by the present liquor outlets in the neighborhood and that the desires of the adult inhabitants **are/are not** for the granting of this liquor license. Based upon these findings, I move that the application for a new Beer & Wine liquor license filed by DNC Parks & Resorts at Trendz, Inc. dba Trendz at the Park be **approved/denied**.

Attachments:

Procedure for Hearing
Application
Individual History
Police Report

Application Documents Checklist and Worksheet


Instructions: This checklist should be utilized to assist applicants with filing all required documents for licensure. All documents must be properly signed and correspond with the name of the applicant exactly. All documents must be typed or legibly printed. Upon final State approval the license will be mailed to the local licensing authority. Application fees are nonrefundable.

Questions? Visit: www.colorado.gov/enforcement/liquor for more information

Items submitted, please check all appropriate boxes completed or documents submitted	
I.	Applicant information <input checked="" type="checkbox"/> A. Applicant/Licensee identified <input checked="" type="checkbox"/> B. State sales tax license number listed or applied for at time of application <input checked="" type="checkbox"/> C. License type or other transaction identified <input checked="" type="checkbox"/> D. Return originals to local authority <input type="checkbox"/> E. Additional information may be required by the local licensing authority <input checked="" type="checkbox"/> F. All sections of the application need to be completed
II.	Diagram of the premises <input checked="" type="checkbox"/> A. No larger than 8 1/2" X 11" <input checked="" type="checkbox"/> B. Dimensions included (does not have to be to scale). Exterior areas should show type of control (fences, walls, entry/exit points, etc.) <input type="checkbox"/> C. Separate diagram for each floor (if multiple levels) <input type="checkbox"/> D. Kitchen - identified if Hotel and Restaurant <input checked="" type="checkbox"/> E. Bold/Outlined Licensed Premises
III.	Proof of property possession (One Year Needed) <input checked="" type="checkbox"/> A. Deed in name of the applicant (or) (matching question #2) date stamped / filed with County Clerk <input type="checkbox"/> B. Lease in the name of the applicant (or) (matching question #2) <input type="checkbox"/> C. Lease assignment in the name of the applicant with proper consent from the Landlord and acceptance by the Applicant <input type="checkbox"/> D. Other agreement if not deed or lease. (matching question #2) (Attach prior lease to show right to assumption)
IV.	Background information and financial documents <input checked="" type="checkbox"/> A. Individual History Records(s) (Form DR 8404-I) <input checked="" type="checkbox"/> B. Fingerprints taken and submitted to local authority (State Authority for Master File applicants) <input type="checkbox"/> C. Purchase agreement, stock transfer agreement, and/or authorization to transfer license <input type="checkbox"/> D. List of all notes and loans (Copies to also be attached)
V.	Sole proprietor/husband and wife partnership (if applicable) <input type="checkbox"/> A. Form DR 4679 <input type="checkbox"/> B. Copy of State issued Driver's License or Colorado Identification Card for each applicant
VI.	Corporate applicant information (if applicable) <input checked="" type="checkbox"/> A. Certificate of Incorporation date stamped by the Colorado Secretary of State's Office <input checked="" type="checkbox"/> B. Certificate of Good Standing <input checked="" type="checkbox"/> C. Certificate of Authorization if foreign corporation <input checked="" type="checkbox"/> D. List of officers, directors and stockholders of applying corporation (If wholly owned, designate a minimum of one person as principal officer of parent)
VII.	Partnership applicant information (if applicable) <input type="checkbox"/> A. Partnership Agreement (general or limited). Not needed if husband and wife <input type="checkbox"/> B. Certificate of Good Standing (If formed after 2009)
VIII.	Limited Liability Company applicant information (if applicable) <input type="checkbox"/> A. Copy of articles of organization (date stamped by Colorado Secretary of State's Office) <input type="checkbox"/> B. Certificate of Good Standing <input type="checkbox"/> C. Copy of operating agreement <input type="checkbox"/> D. Certificate of Authority if foreign company
IX.	Manager registration for Hotel and Restaurant, Tavern, Lodging & Entertainment, and Campus Liquor Complex licenses when included with this application <input type="checkbox"/> A. \$75.00 fee <input type="checkbox"/> B. Individual History Record (DR 8404-I) <input type="checkbox"/> C. If owner is managing, no fee required

Name	Type of License	Account Number		
DNC Parks & Resorts at Trendz, Inc.	Beer & Wine			
7. Is the applicant (including any of the partners if a partnership; members or managers if a limited liability company; or officers, stockholders or directors if a corporation) or managers under the age of twenty-one years?		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
8. Has the applicant (including any of the partners if a partnership; members or managers if a limited liability company; or officers, stockholders or directors if a corporation) or managers ever (in Colorado or any other state):				
(a) Been denied an alcohol beverage license?		<input type="checkbox"/> <input checked="" type="checkbox"/>		
(b) Had an alcohol beverage license suspended or revoked?		<input type="checkbox"/> <input checked="" type="checkbox"/>		
(c) Had interest in another entity that had an alcohol beverage license suspended or revoked?		<input checked="" type="checkbox"/> <input type="checkbox"/>		
If you answered yes to 8a, b or c, explain in detail on a separate sheet.		See attachment.		
9. Has a liquor license application (same license class), that was located within 500 feet of the proposed premises, been denied within the preceding two years? If "yes", explain in detail.		<input type="checkbox"/> <input checked="" type="checkbox"/>		
10. Are the premises to be licensed within 500 feet, of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary?		<input type="checkbox"/> <input checked="" type="checkbox"/>		
		or		
Waiver by local ordinance?		<input type="checkbox"/> <input type="checkbox"/>		
Other: _____				
11. Is your Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 1500 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of greater than (>) 10,000? NOTE: The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS.		<input type="checkbox"/> <input type="checkbox"/> N/A		
12. Is your Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 3000 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of less than (<) 10,000? NOTE: The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS.		<input type="checkbox"/> <input type="checkbox"/> N/A		
13a. For additional Retail Liquor Store only. Was your Retail Liquor Store License issued on or before January 1, 2016?		N/A <input type="checkbox"/> <input type="checkbox"/>		
13b. Are you a Colorado resident?		<input type="checkbox"/> <input checked="" type="checkbox"/>		
14. Has a liquor or beer license ever been issued to the applicant (including any of the partners, if a partnership; members or manager if a Limited Liability Company; or officers, stockholders or directors if a corporation)? If yes, identify the name of the business and list any <u>current</u> financial interest in said business including any loans to or from a licensee.		<input checked="" type="checkbox"/> <input type="checkbox"/>		
15. Does the applicant, as listed on line 2 of this application, have legal possession of the premises by ownership, lease or other arrangement?		<input checked="" type="checkbox"/> <input type="checkbox"/>		
<input checked="" type="checkbox"/> Ownership <input type="checkbox"/> Lease <input type="checkbox"/> Other (Explain in Detail) _____				
a. If leased, list name of landlord and tenant, and date of expiration, exactly as they appear on the lease:		Deed attached		
Landlord	Tenant	Expires		
N/A	N/A	--		
b. Is a percentage of alcohol sales included as compensation to the landlord? If yes, complete question 16.		N/A <input type="checkbox"/> <input type="checkbox"/>		
c. Attach a diagram designates the area to be licensed in black bold outline (including dimensions) which shows the bars, brewery, walls, partitions, entrances, exits and what each room shall be utilized for in this business. This diagram should be no larger than 8 1/2" X 11". See attachment				
16. Who, besides the owners listed in this application (including persons, firms, partnerships, corporations, limited liability companies) will loan or give money, inventory, furniture or equipment to or for use in this business; or who will receive money from this business? Attach a separate sheet if necessary.				
Last Name	First Name	Date of Birth	FEIN or SSN	Interest/Percentage
N/A				
Last Name	First Name	Date of Birth	FEIN or SSN	Interest/Percentage
Attach copies of all notes and security instruments and any written agreement or details of any oral agreement, by which any person (including partnerships, corporations, limited liability companies, etc.) will share in the profit or gross proceeds of this establishment, and any agreement relating to the business which is contingent or conditional in any way by volume, profit, sales, giving of advice or consultation.				
17. Optional Premises or Hotel and Restaurant Licenses with Optional Premises:		N/A	<input type="checkbox"/> <input type="checkbox"/>	
Has a local ordinance or resolution authorizing optional premises been adopted?				
Number of additional Optional Premise areas requested. (See license fee chart)				
18. Liquor Licensed Drugstore (LLDS) applicants, answer the following:				
(a) Is there a pharmacy, licensed by the Colorado Board of Pharmacy, located within the applicant's LLDS premise?		N/A	<input type="checkbox"/> <input type="checkbox"/>	
If "yes" a copy of license must be attached.				
19. Club Liquor License applicants answer the following: Attach a copy of applicable documentation		NA		
(a) Is the applicant organization operated solely for a national, social, fraternal, patriotic, political or athletic purpose and not for pecuniary gain?			<input type="checkbox"/> <input type="checkbox"/>	
(b) Is the applicant organization a regularly chartered branch, lodge or chapter of a national organization which is operated solely for the object of a patriotic or fraternal organization or society, but not for pecuniary gain?			<input type="checkbox"/> <input type="checkbox"/>	
(c) How long has the club been incorporated?				
(d) Has applicant occupied an establishment for three years (three years required) that was operated solely for the reasons stated above?			<input type="checkbox"/> <input type="checkbox"/>	
20. Brew-Pub, Distillery Pub or Vintner's Restaurant applicants answer the following:				
(a) Has the applicant received or applied for a Federal Permit? (Copy of permit or application must be attached)		N/A	<input type="checkbox"/> <input type="checkbox"/>	

Name DNC Parks & Resorts at Trendz, Inc.	Type of License Beer & Wine	Account Number		
21. Campus Liquor Complex applicants answer the following: (a) Is the applicant an institution of higher education? N/A Yes <input type="checkbox"/> No <input type="checkbox"/> (b) Is the applicant a person who contracts with the institution of higher education to provide food services? If "yes" please provide a copy of the contract with the institution of higher education to provide food services. Yes <input type="checkbox"/> No <input type="checkbox"/>				
22. For all on-premises applicants. a. Hotel and Restaurant, Lodging and Entertainment, Tavern License and Campus Liquor Complex, the Registered Manager must also submit an Individual History Record - DR 8404-I and fingerprints. N/A				
b. For all Liquor Licensed Drugstores (LLDS) the Permitted Manager must also submit an Manager Permit Application - DR 8000 and fingerprints. N/A				
Last Name of Manager Forgey	First Name of Manager Kyle			
23. Does this manager act as the manager of, or have a financial interest in, any other liquor licensed establishment in the State of Colorado? If yes, provide name, type of license and account number. <input checked="" type="checkbox"/> <input type="checkbox"/>				
24. Related Facility - Campus Liquor Complex applicants answer the following: a. Is the related facility located within the boundaries of the Campus Liquor Complex? N/A Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, please provide a map of the geographical location within the Campus Liquor Complex. If no, this license type is not available for issues outside the geographical location of the Campus Liquor Complex. b. Designated Manager for Related Facility- Campus Liquor Complex				
Last Name of Manager N/A	First Name of Manager N/A			
25. Tax Distraint Information. Does the applicant or any other person listed on this application including its partners, officers, directors, stockholders, members (LLC) or managing members (LLC) and any other persons with a 10% or greater financial interest in the applicant currently have an outstanding tax distraint issued to them by the Colorado Department of Revenue? If yes, provide an explanation and include copies of any payment agreements. <input type="checkbox"/> <input checked="" type="checkbox"/>				
26. If applicant is a corporation, partnership, association or limited liability company, applicant must list all Officers, Directors, General Partners, and Managing Members. In addition, applicant must list any stockholders, partners, or members with ownership of 10% or more in the applicant. All persons listed below must also attach form DR 8404-I (Individual History Record), and submit fingerprint cards to the local licensing authority.				
Name Please see the attachment.	Home Address, City & State	DOB	Position	%Owned
Name	Home Address, City & State	DOB	Position	%Owned
Name	Home Address, City & State	DOB	Position	%Owned
Name	Home Address, City & State	DOB	Position	%Owned
Name	Home Address, City & State	DOB	Position	%Owned
** If applicant is owned 100% by a parent company, please list the designated principal officer on above. ** Corporations - the President, Vice-President, Secretary and Treasurer must be accounted for above (Include ownership percentage if applicable) ** If total ownership percentage disclosed here does not total 100%, applicant must check this box: <input checked="" type="checkbox"/> Applicant affirms that no individual other than these disclosed herein owns 10% or more of the applicant and does not have financial interest in a prohibited liquor license pursuant to Title 47 or 48, C.R.S.				

Name DNC Parks & Resorts at Trendz, Inc.		Type of License Beer & Wine	Account Number	
Oath Of Applicant				
I declare under penalty of perjury in the second degree that this application and all attachments are true, correct, and complete to the best of my knowledge. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Colorado Liquor or Beer Code which affect my license.				
Authorized Signature 		Printed Name and Title Scott P. Socha, President		Date 12/5/17
Report and Approval of Local Licensing Authority (City/County)				
Date application filed with local authority 12/6/17		Date of local authority hearing (for new license applicants; cannot be less than 30 days from date of application) 1/23/18		
The Local Licensing Authority Hereby Affirms that each person required to file DR 8404-1 (Individual History Record) or a DR 8000 (Manager Permit) has been:				
<input checked="" type="checkbox"/> Fingerprinted <input checked="" type="checkbox"/> Subject to background investigation, including NCIC/CCIC check for outstanding warrants				
That the local authority has conducted, or intends to conduct, an inspection of the proposed premises to ensure that the applicant is in compliance with and aware of, liquor code provisions affecting their class of license				
(Check One)				
<input type="checkbox"/> Date of inspection or anticipated date _____ <input checked="" type="checkbox"/> Will conduct inspection upon approval of state licensing authority				
<input type="checkbox"/> Is the Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 1,500 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of > 10,0000?				Yes No <input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/> Is the Liquor Licensed Drugstore(LLDS) or Retail Liquor Store (RLS) within 3,000 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of < 10,0000?				<input type="checkbox"/> <input type="checkbox"/>
NOTE: The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS.				
<input type="checkbox"/> Does the Liquor-Licensed Drugstore (LLDS) have at least twenty percent (20%) of the applicant's gross annual income derived from the sale of food, during the prior twelve (12) month period?				<input type="checkbox"/> <input type="checkbox"/>
The foregoing application has been examined; and the premises, business to be conducted, and character of the applicant are satisfactory. We do report that such license, if granted, will meet the reasonable requirements of the neighborhood and the desires of the adult inhabitants, and will comply with the provisions of Title 12, Article 46 or 47, C.R.S., and Liquor Rules. Therefore, this application is approved.				
Local Licensing Authority for		Telephone Number		<input type="checkbox"/> Town, City <input type="checkbox"/> County
Signature	Print	Title	Date	
Signature	Print	Title	Date	

Question #8

Has the applicant (including any of the partners, if a partnership, members or manager if a limited liability company; or officers, stockholders or directors if a corporation) or manager ever (in Colorado or any other state):

- a) Been denied an alcohol beverage license? **No**
- b) Had an alcohol beverage license suspended or revoked? **No**
- c) Had interest in another entity that had an alcohol beverage license suspended or revoked? **Yes. See below for further clarification.**

Affiliates of DNC Parks & Resorts at Trendz, Inc., and their operating subsidiaries, have not had a license to sell or distribute alcoholic beverages denied or revoked. From time to time, subsidiaries received notices of violations of state liquor laws and minor disciplinary action was taken against such subsidiaries. In most cases, such violation results in payment of a fine.

No individual officer, manager, director, or stockholder has been denied a license or has had an alcohol beverage licenses suspended or revoked. However, because these individuals hold various officer/director positions and maintain a non-stockholding, non-financial indirect interest in various subsidiary companies, the instances in which a subsidiary had a license to sell alcoholic beverages subject to temporary suspension are indicated below:

- (a) The Massachusetts Alcoholic Beverage Control Commission subjected Massachusetts Sportservice, Inc., a wholly-owned subsidiary of Delaware North Companies Sportservice, Inc., to a one-day suspension of its alcoholic beverages sales license in connection with the inadvertent sale of alcoholic beverages to a minor at the Boston Garden in October 2012. Licensee served suspension under protest. On administrative appeal, the Alcoholic Beverage Control Commission (ABCC) recommended “no violation”. Massachusetts Superior Court ruled that there is no violation for mere minor in possession and remanded case to ABCC for further proceedings consistent with ruling.
- (b) Due to the inadvertent sale of alcoholic beverages to a minor at Stockton Arena (Stockton, California) in November, 2007, Stockton Sportservice, Inc., a wholly-owned subsidiary of Delaware North Companies Sportservice, Inc., was subjected to a 15-day suspension of its alcoholic beverages sales license in August, 2008.
- (c) Due to the inadvertent sale of alcoholic beverages to a minor at Columbus Nationwide Arena in February 2002, the Ohio Department of Liquor Control subjected a wholly-owned subsidiary of Delaware North Companies Sportservice, Inc.

Attachment to Colorado Liquor Retail License Application – DR 8404
Applicant: DNC Parks & Resorts at Trendz, Inc.

known as Midwest Sportservice, Inc. to a 10-day suspension of its alcoholic beverage sales license in July 2003.

All other incidents in which a subsidiary of Delaware North Companies, Inc. suffered a suspension of its alcoholic beverage sales license occurred more than 20 years ago. All of these other incidents, likewise, involved the inadvertent sale of alcoholic beverages to a minor:

- (a) The New Mexico Alcohol and Gaming Commission subjected Southwest Sportservice, Inc., a subsidiary of Delaware North Companies Sportservice, Inc., to a one-day suspension of its alcoholic beverage sales license and a \$1,000 fine in connection with the inadvertent sale of alcoholic beverages to a minor to Ruidoso Downs in July 1994.
- (b) The Massachusetts Alcoholic Beverage Control Commission and the City of Boston Licensing Board subjected Massachusetts Sportservice, Inc., a subsidiary of Delaware North Companies Sportservice, Inc. to a one-day suspension of its alcoholic beverage sales license in connection with the inadvertent sale of alcoholic beverages to a minor at the Boston Garden in January 1989.
- (c) The City of Boston Licensing Board subjected Massachusetts Sportservice, Inc. to a one-day suspension of its alcoholic beverage sales license in connection with the inadvertent sale of alcoholic beverages to a minor at the Boston Garden in April 1988.
- (d) The Massachusetts Alcoholic Beverage Control Commission subjected Massachusetts Sportservice, Inc. to a two-day suspension of its alcoholic beverages sales license in connection with the inadvertent sale of alcoholic beverages to a minor at the Boston Garden in February 1988.
- (e) The New York State Liquor Authority subjected New York Sportservice, Inc. a subsidiary of Delaware North Companies Sportservice, Inc., to a seven-day suspension of its alcoholic beverage sales license in connection with the inadvertent sale of alcoholic beverages to a minor at the Hamburg Fair in August 1986.
- (f) The Missouri Department of Public Safety, Division of Liquor Control, subjected Sportservice Corporation (the predecessor to Delaware North Companies Sportservice, Inc.) to a two-day suspension of its alcoholic beverage sales license in connection with the inadvertent sale of alcoholic beverages to a minor at the St. Louis Arena in April 1986.

Attachment to Colorado Liquor Retail License Application – DR 8404
Applicant: DNC Parks & Resorts at Trendz, Inc.

Question #14

Has a liquor license ever been issued to the applicant (including any of the partners, if a partnership; members or manager if a Limited Liability Company; or officers, stockholder or directors if a corporation)? If yes, identify the name of the business and list any current financial interest in said business including any loans to or from a licensee.

No, as to the applicant entity, and not personally for any of the applicant's officers and directors.

Officers and directors have a non-stockholding, non-financial, indirect interest by virtue of their various positions as officers/directors of subsidiaries and affiliates of Delaware North Companies, Inc. The applicant's stockholder, Delaware North Companies Parks & Resorts, Inc., and some of its subsidiaries have licenses to sell alcoholic beverages in connection with their food & beverage related operations.

Attached is a list of liquor licenses held by the stockholder and/or its subsidiaries.

Licenses with Unit Names and Addresses Report

Issuance Level	License Type	License No.
<u>Delaware North Companies Parks & Resorts, Inc.</u>		
<i>Niagara Reservation State Park</i>		
Cave of The Winds Building Goat Island Niagara Falls, NY 14303		
State	Alcohol	3011594
<u>DNC Parks & Resorts at 250 Delaware, Inc.</u>		
<i>Westin Hotel</i>		
250 Delaware Avenue Buffalo, NY 14202		
State	Alcohol	3157938
State	Alcohol	3159588
<u>DNC Parks & Resorts at Geneva State Park, LLC</u>		
<i>Geneva State Park</i>		
4888 State Route 534 North Geneva, OH 44043		
State	Alcohol	1886496
<u>DNC Parks & Resorts at Grand Canyon, Inc</u>		
<i>Grand Canyon</i>		
c/o DNPS & Grand Canyon Mather Business Ctr, PO Box 159 Grand Canyon, AZ 86023		
State	Alcohol	09030001
State	Alcohol	06030019
State	Alcohol	10033063

Issuance Level	License Type	License No.
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DNC Parks & Resorts at Gray Wolf and Yellowstone Park, Inc.

Yellowstone Park Hotel
 201 Grizzly Avenue
 West Yellowstone, MT 59758

State	Alcohol	06-999-2893-303
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DNC Parks & Resorts at Honey Creek, Inc.

Honey Creek Resort State Park
 12633 Resort Drive
 Moravia, IA 52571

State	Alcohol	LE0002730
State	Alcohol	LC0042569

DNC Parks & Resorts at KSC, Inc.

Kennedy Space Center
 Mail Code DNPS-Admin Bldg
 Kennedy Space Center, FL 32899

State	Alcohol	BEV-1504342 2COP
State	Alcohol	BEV1504667 4COP SFS
State	Alcohol	BEV-1504344 2COP
State	Alcohol	BEV1504256 2COP
State	Alcohol	BEV-1504257 2COP
State	Alcohol	BEV1505075 2COP
State	Alcohol	BEV-1505055 4COP SFS
State	Alcohol	BEV1506599 2COP

Issuance Level	License Type	License No.
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DNC Parks & Resorts at Peaks of Otter, Inc.

Peaks of Otter Lodge

85554 Blue Ridge Parkway
Bedford, VA 24523

State	Alcohol	092117
State	Alcohol	082937

DNC Parks & Resorts at Rocky Mountain Inn, Inc.

Rocky Mountain Park Inn

101 S. Vrain Avenue
Estes Park, CO 80517

State	Alcohol	4707571
Town	Alcohol	4707571

DNC Parks & Resorts at Shenandoah, Inc.

Shenandoah National Park

3655 US Hwy 211 East
Luray, VA 22835

State	Alcohol	99998
State	Alcohol	99997

Issuance Level	License Type	License No.
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DNC Parks & Resorts at Tenaya, Inc.

Tenaya Lodge

Tenaya Lodge
 1122 Hwy. 41
 Fish Camp, CA 93623

State	Alcohol	47-377629
State	Alcohol	58-377629-1
State	Alcohol	66-377629-1
State	Alcohol	68-377629-1
State	Alcohol	68-377629-2
State	Alcohol	47-377629-1

DNC Parks & Resorts of Arizona, Inc.

Grand Canyon

c/o DNPS & Grand Canyon
 Mather Business Ctr, PO Box 159
 Grand Canyon, AZ 86023

State	Alcohol	09030002
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DNC Parks & Resorts of West Yellowstone, Inc.

West Yellowstone Holiday Inn

315 West Yellowstone
 West Yellowstone, MT 59758

State	Alcohol	06-758-2759-002
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Gideon Putnam LLC

Gideon Putnam Hotel & Conference

24 Gideon Putnam Road
 Saratoga, NY 12866

State	Alcohol	2194942
State	Alcohol	2141750

Attachment to Colorado Liquor Retail License Application – DR 8404
 Applicant: DNC Parks & Resorts at Trendz, Inc.

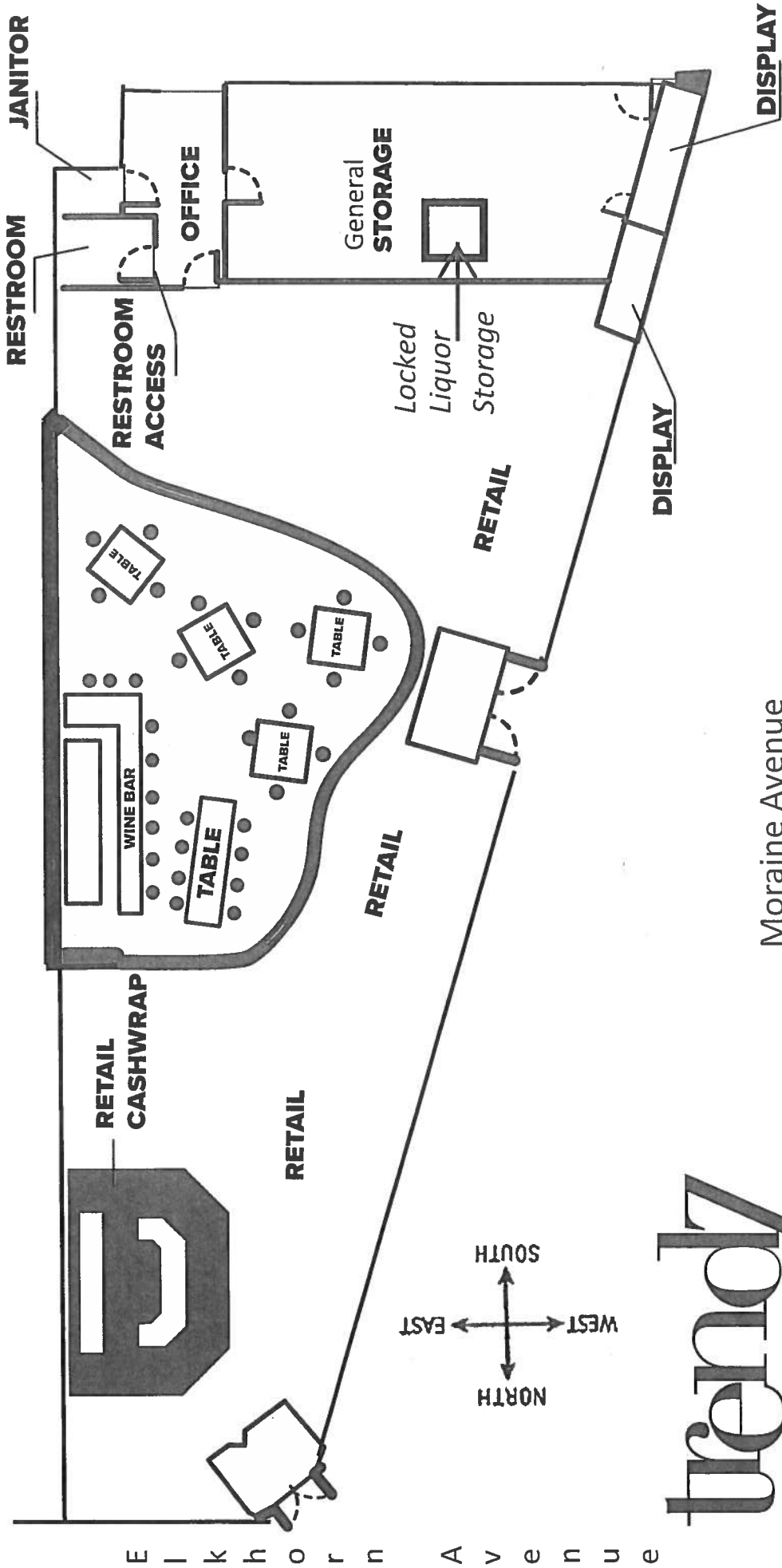
Question #24

If applicant is a corporation, partnership, association or limited liability company, applicant must list all Officers, Directors, General Partners, and Managing Members. In addition, applicant must list any stockholders, partners, or members with ownership of 10% or more in the Applicant. All persons listed below must also attach form DR 8404-1 (Individual History Record), and submit fingerprint cards to the local licensing authority.

<u>Name</u>	<u>Home Address, City & State</u>	<u>DOB</u>	<u>Position</u>	<u>% Owned</u>
Scott P. Socha	871 Knox Road, East Aurora, NY 14052		President	0%
Aaron Short	295 Richmond Ave. #1, Buffalo, NY 14222		Vice President – Finance & Treasurer	0%
Michael A. Phillips	36 Harbour Pointe Common, Buffalo, New York 14202		Chief Operating Officer	0%
Janice R. Trybus	505 Tremont Street, Unit 405, Boston, MA 02116		Secretary	0%
Delaware North Companies Parks & Resorts, Inc.	250 Delaware Ave, Buffalo, New York 14202		Stockholder of Applicant	100%
Scott P. Socha	871 Knox Road, East Aurora, NY 14052		Designated Principal officer of Delaware North Companies Parks & Resorts, Inc.	0%
Jeremy M. Jacobs, Sr.	1300 North Davis Road, East Aurora, NY 14052		*Stockholder of Delaware North Companies, Inc.	97%

*Please refer to the attached flow chart for further clarification.

The separation between the beer & wine area and the retail store area will be a "wall" that is 3.5 ft. tall consisting of posts with rustic timber rails.



Colorado Liquor Retail License Application 10/2017
 DNC Parks & Resorts at Trendz, Inc.
 dba Trendz at the Park
 100 E. Elkhorn Ave., Estes Park, CO 80517

Moraine Avenue

trendz
 AT THE PARK
 ESTES PARK, COLORADO

FLOOR PLAN

Individual History Record

To be completed by the following persons, as applicable: sole proprietors; general partners regardless of percentage ownership, and limited partners owning 10% or more of the partnership; all principal officers of a corporation, all directors of a corporation, and any stockholder of a corporation owning 10% or more of the outstanding stock; managing members or officers of a limited liability company, and members owning 10% or more of the company; and any intended registered manager of Hotel and Restaurant, Tavern and Lodging and Entertainment class of retail license

Notice: This individual history record requires information that is necessary for the licensing investigation or inquiry. All questions must be answered in their entirety or the license application may be delayed or denied. If a question is not applicable, please indicate so by "N/A". **Any deliberate misrepresentation or material omission may jeopardize the license application.** (Please attach a separate sheet if necessary to enable you to answer questions completely)

1. Name of Business DNC Parks & Resorts at Trendz, Inc.		Home Phone Number 0	Cellular Number Alternate: ()	
2. Your Full Name (last, first, middle) Socha, Scott, Patrick		3. List any other names you have used		
4. Mailing address (if different from residence) 250 Delaware Ave, Buffalo, New York 14202		Email Address SSocha@delawarenorth.com		
5. List current residence address. Include any previous addresses within the last five years. (Attach separate sheet if necessary)				
Street and Number		City, State, Zip		From
To				
Current 871 Knox Rd		East Aurora, NY 14052		03/2014
Present				
Previous 2098 Darling Road		South Wales, NY 14139		06/99
02/2014				
6. List all employment within the last five years. Include any self-employment. (Attach separate sheet if necessary)				
Name of Employer or Business		Address (Street, Number, City, State, Zip)		Position Held
From		To		
Delaware North Companies Parks & Resorts, Inc.		250 Delaware Ave, Buffalo, New York 14202		President
04/2017		Present		
Delaware North Companies, Inc.		250 Delaware Ave, Buffalo, New York 14202		Vice President and Treasurer
11/2011		03/2017		
7. List the name(s) of relatives working in or holding a financial interest in the Colorado alcohol beverage industry.				
Name of Relative		Relationship to You		Position Held
Name of Licensee				
None				
8. Have you ever applied for, held, or had an interest in a Colorado Liquor or Beer License, or loaned money, furniture, fixtures, equipment or inventory to any licensee? (If yes, answer in detail.) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
9. Have you ever received a violation notice, suspension, or revocation for a liquor law violation, or have you applied for or been denied a liquor or beer license anywhere in the United States? (If yes, explain in detail.) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				

10. Have you ever been convicted of a crime or received a suspended sentence, deferred sentence, or forfeited bail for any offense in criminal or military court or do you have any charges pending? (If yes, explain in detail.) Yes No

11. Are you currently under probation (supervised or unsupervised), parole, or completing the requirements of a deferred sentence? (If yes, explain in detail.) Yes No

12. Have you ever had any professional license suspended, revoked, or denied? (If yes, explain in detail.) Yes No

Personal and Financial Information

Unless otherwise provided by law, the personal information required in question #13 will be treated as confidential. The personal information required in question #13 is solely for identification purposes.

13a. Date of Birth: _____ b. Social Security Number: _____ c. Place of Birth: Rochester, NY, Monroe County d. U.S. Citizen Yes No

e. If Naturalized, state where: N/A f. When: N/A g. Name of District Court: N/A

h. Naturalization Certificate Number: N/A i. Date of Certification: N/A j. If an Alien, Give Alien's Registration Card Number: N/A k. Permanent Residence Card Number: N/A

l. Height: 5'10" m. Weight: 180 n. Hair Color: Brown o. Eye Color: Blue p. Gender: Male q. Race: Caucasian Yes No # _____ State NY

14. Financial Information.
 a. Total purchase price or investment being made by the applying entity, corporation, partnership, limited liability company, other. \$ \$100,000.00 + LICENSE FEES

b. List the total amount of the **personal** investment, made by the person listed on question #2, in this business including any notes, loans, cash, services or equipment, operating capital, stock purchases or fees paid. \$ 0
 * If corporate investment only please skip to and complete section (d)
 ** Section b should reflect the total of sections c and e

c. Provide details of the personal investment described in 14b. You must account for all of the sources of this investment. (Attach a separate sheet if needed)

Type: Cash, Services or Equipment	Account Type	Bank Name	Amount
0			

d. Provide details of the corporate investment described in 14 (a). You must account for all of the sources of this investment. (Attach a separate sheet if needed)

Type: Cash, Services or Equipment	Loans	Account Type	Bank Name	Amount
Cash (Internal Parent Company Operating Funds)	N/A	Checking	JP Morgan Chase Bank, N.A.	\$100,000.00
Cash	N/A	Checking	JP Morgan Chase Bank, N.A.	*LICENSE FEES*

e. Loan Information (Attach copies of all notes or loans)

Name of Lender	Address	Term	Security	Amount

Oath of Applicant

I declare under penalty of perjury that this application and all attachments are true, correct, and complete to the best of my knowledge.

Authorized Signature:  Print Signature: Scott P. Socha Title: President Date: 12/1/17

Individual History Record

To be completed by the following persons, as applicable: sole proprietors; general partners regardless of percentage ownership, and limited partners owning 10% or more of the partnership; all principal officers of a corporation, all directors of a corporation, and any stockholder of a corporation owning 10% or more of the outstanding stock; managing members or officers of a limited liability company, and members owning 10% or more of the company; and any intended registered manager of Hotel and Restaurant, Tavern and Lodging and Entertainment class of retail license

<p>Notice: This individual history record requires information that is necessary for the licensing investigation or inquiry. All questions must be answered in their entirety or the license application may be delayed or denied. If a question is not applicable, please indicate so by "N/A". Any deliberate misrepresentation or material omission may jeopardize the license application. (Please attach a separate sheet if necessary to enable you to answer questions completely)</p>				
1. Name of Business DNC Parks & Resorts at Trendz, Inc.		Home Phone Number	Cellular Number	
2. Your Full Name (last, first, middle) Trybus, Janice, Rita		3. List any other names you have used Trybuszkiewicz		
4. Mailing address (if different from residence) 250 Delaware Avenue, Buffalo, NY 14202		Email Address JTrybus@tdgarden.com		
5. List current residence address. Include any previous addresses within the last five years. (Attach separate sheet if necessary)				
Street and Number		City, State, Zip		From
To				
Current 505 Tremont Street, Unit 405		Boston, MA 02116		12/2012
Previous				Present
6. List all employment within the last five years. Include any self-employment. (Attach separate sheet if necessary)				
Name of Employer or Business		Address (Street, Number, City, State, Zip)		Position Held
From		To		
Delaware North Companies, Inc.		250 Delaware Avenue, Buffalo, NY 14202		Senior Assistant General Counsel
				03/1987
				Present
7. List the name(s) of relatives working in or holding a financial interest in the Colorado alcohol beverage industry.				
Name of Relative		Relationship to You		Position Held
Name of Licensee				
N/A				
8. Have you ever applied for, held, or had an interest in a Colorado Liquor or Beer License, or loaned money, furniture, fixtures, equipment or inventory to any licensee? (If yes, answer in detail.) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
9. Have you ever received a violation notice, suspension, or revocation for a liquor law violation, or have you applied for or been denied a liquor or beer license anywhere in the United States? (If yes, explain in detail.) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				

10. Have you ever been convicted of a crime or received a suspended sentence, deferred sentence, or forfeited bail for any offense in criminal or military court or do you have any charges pending? (If yes, explain in detail.) Yes No

11. Are you currently under probation (supervised or unsupervised), parole, or completing the requirements of a deferred sentence? (If yes, explain in detail.) Yes No

12. Have you ever had any professional license suspended, revoked, or denied? (If yes, explain in detail.) Yes No

Personal and Financial Information

Unless otherwise provided by law, the personal information required in question #13 will be treated as confidential. The personal information required in question #13 is solely for identification purposes.

13a. Date of Birth _____ b. Social Security Number _____ c. Place of Birth Buffalo, NY d. U.S. Citizen Yes No

e. If Naturalized, state where N/A f. When N/A g. Name of District Court N/A

h. Naturalization Certificate Number N/A i. Date of Certification N/A j. If an Alien, Give Alien's Registration Card Number N/A k. Permanent Residence Card Number N/A

l. Height 5' 4" m. Weight 115 lbs. n. Hair Color Brown o. Eye Color Brown p. Gender Female q. Race Caucasian r. Do you have a current Driver's License/ID? If so, give number and state. Yes No # _____ State MA

14. Financial Information.
 a. Total purchase price or investment being made by the applying entity, corporation, partnership, limited liability company, other. \$ 100,000.00 + LICENSE FEES _____

b. List the total amount of the personal investment, made by the person listed on question #2, in this business including any notes, loans, cash, services or equipment, operating capital, stock purchases or fees paid. \$ N/A
 * If corporate investment only please skip to and complete section (d)
 ** Section b should reflect the total of sections c and e

c. Provide details of the personal investment described in 14b. You must account for all of the sources of this investment. (Attach a separate sheet if needed)

Type: Cash, Services or Equipment	Account Type	Bank Name	Amount
N/A			

d. Provide details of the corporate investment described in 14 (a). You must account for all of the sources of this investment. (Attach a separate sheet if needed)

Type: Cash, Services or Equipment	Loans	Account Type	Bank Name	Amount
Cash (Internal Parent Company Operating Funds)	N/A	Checking	JP Morgan Chase Bank, N.A.	\$100,000.00
Cash	N/A	Checking	JP Morgan Chase Bank, N.A.	*LICENSE FEES*

e. Loan Information (Attach copies of all notes or loans)

Name of Lender	Address	Term	Security	Amount

Oath of Applicant

I declare under penalty of perjury that this application and all attachments are true, correct, and complete to the best of my knowledge.

Authorized Signature *Janice R. Trybus* Print Signature Janice R. Trybus, Secretary Title Senior Assistant General Counsel Date 12/1/17

Janice R. Trybus – Question #8

Attachment to Individual History Record

Applicant: DNC Parks & Resorts at Trendz, Inc.

Have you ever applied for, held, or had an interest in a Colorado Liquor or Beer License, or loaned money, furniture, fixtures, equipment or inventory to any licensee? If yes, answer in detail.

No, I personally have not.

However, Delaware North Companies, Inc. (the ultimate parent company of Applicant) has subsidiary companies whose affiliates and operating subsidiaries have licenses to sell alcoholic beverages in connection with their food and beverage related operations. By virtue of my role as an officer/director of some of those affiliates and operating subsidiaries, I have a non-stockholding, non-financial, indirect interest and have been reported on applications related to Colorado liquor-licensed operations as follows:

DNC Parks & Resorts at Rocky Mountain Park Inn, Inc. owns and operates the Ridgeline Hotel at Estes Park and holds state alcohol license no. 4707571.

CA Concessions of Colorado, Inc. conducts business at Denver Airport and holds state alcohol licenses at the following locations within the airport:

- Bar and Barbeque Level 5 T5-17 – License No. 05-46686-0005
- Location Name: Lefty's Colorado Trail Grille – License No. 41-03692-0000
(a joint venture between CA Concessions of Colorado, Inc. and Big Country Bar B-Q, Inc.)
- Boulder Beer Tap House – License No. 05-46686-0007

Please note that CA Concessions of Colorado, Inc. used to conduct business at Denver Airport and held state alcohol licenses at the following locations:

- Lefty's Mile High Grille B-BC24 – License No. 05-46686-0001 – ceased operations Jan. 2017
- Lefty's Bar & Grill Conc. C CC-14 – License No. 05-46686-00020 – ceased operations Nov. 2016

Individual History Record

To be completed by the following persons, as applicable: sole proprietors; general partners regardless of percentage ownership, and limited partners owning 10% or more of the partnership; all principal officers of a corporation, all directors of a corporation, and any stockholder of a corporation owning 10% or more of the outstanding stock; managing members or officers of a limited liability company, and members owning 10% or more of the company; and any intended registered manager of Hotel and Restaurant, Tavern and Lodging and Entertainment class of retail license

Notice: This individual history record requires information that is necessary for the licensing investigation or inquiry. All questions must be answered in their entirety or the license application may be delayed or denied. If a question is not applicable, please indicate so by "N/A". Any deliberate misrepresentation or material omission may jeopardize the license application. (Please attach a separate sheet if necessary to enable you to answer questions completely)			
1. Name of Business DNC Parks & Resorts at Trendz, Inc.		Home Phone Number	Cellular Number
2. Your Full Name (last, first, middle) Short, Aaron, Jeffrey		3. List any other names you have used N/A	
4. Mailing address (if different from residence) 250 Delaware Avenue, Buffalo, NY 14202		Email Address AShort@delawarenorth.com	
5. List current residence address. Include any previous addresses within the last five years. (Attach separate sheet if necessary)			
Street and Number		City, State, Zip	
Current 295 Richmond Ave #1		Buffalo, NY 14222	From To 09/2017 Present
Previous See attached list			
6. List all employment within the last five years. Include any self-employment. (Attach separate sheet if necessary)			
Name of Employer or Business		Address (Street, Number, City, State, Zip)	
Position Held		From To	
Delaware North Companies Parks & Resorts, Inc.	250 Delaware Avenue, Buffalo, NY 14202	Vice President - Finance & Treasurer	09/2017 Present
Delaware North Companies Parks & Resorts, Inc.	8358 Huffine Lane #2, Bozeman, MT 59718	Director-Finance & IT (Mtn. Region)	06/2010 09/2017
7. List the name(s) of relatives working in or holding a financial interest in the Colorado alcohol beverage industry.			
Name of Relative		Relationship to You	
Position Held		Name of Licensee	
N/A			
8. Have you ever applied for, held, or had an interest in a Colorado Liquor or Beer License, or loaned money, furniture, fixtures, equipment or inventory to any licensee? (If yes, answer in detail.) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
9. Have you ever received a violation notice, suspension, or revocation for a liquor law violation, or have you applied for or been denied a liquor or beer license anywhere in the United States? (If yes, explain in detail.) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			

10. Have you ever been convicted of a crime or received a suspended sentence, deferred sentence, or forfeited bail for any offense in criminal or military court or do you have any charges pending? (If yes, explain in detail.) Yes No

11. Are you currently under probation (supervised or unsupervised), parole, or completing the requirements of a deferred sentence? (If yes, explain in detail.) Yes No

12. Have you ever had any professional license suspended, revoked, or denied? (If yes, explain in detail.) Yes No

Personal and Financial Information

Unless otherwise provided by law, the personal information required in question #13 will be treated as confidential. The personal information required in question #13 is solely for identification purposes.

13a. Date of Birth _____ h. Social Security Number _____ c. Place of Birth
Salt Lake City, UT d. U.S. Citizen Yes No

e. If Naturalized, state where N/A f. When N/A g. Name of District Court N/A

h. Naturalization Certificate Number N/A i. Date of Certification N/A j. If an Alien, Give Alien's Registration Card Number N/A k. Permanent Residence Card Number N/A

l. Height 5' 11" m. Weight 175 lbs. n. Hair Color Blonde o. Eye Color Blue p. Gender Male q. Race Caucasian r. Do you have a current Driver's License/ID? If so, give number and state. Yes No # _____ State Montana

14. Financial Information.
a. Total purchase price or investment being made by the applying entity, corporation, partnership, limited liability company, other. \$ \$100,000.00 + LICENSE FEES

b. List the total amount of the **personal** investment, made by the person listed on question #2, in this business including any notes, loans, cash, services or equipment, operating capital, stock purchases or fees paid. \$ N/A
* If corporate investment only please skip to and complete section (d)
** Section b should reflect the total of sections c and e

c. Provide details of the personal investment described in 14b. You must account for all of the sources of this investment. (Attach a separate sheet if needed)

Type: Cash, Services or Equipment	Account Type	Bank Name	Amount
N/A			

d. Provide details of the corporate investment described in 14 (a). You must account for all of the sources of this investment. (Attach a separate sheet if needed)


Type: Cash, Services or Equipment	Loans	Account Type	Bank Name	Amount
Cash (Internal Parent Company Operating Funds)	N/A	Checking	JP Morgan Chase Bank, N.A.	\$100,000.00
Cash	N/A	Checking	JP Morgan Chase Bank, N.A.	*LICENSE FEES*

e. Loan Information (Attach copies of all notes or loans)

Name of Lender	Address	Term	Security	Amount

Oath of Applicant

I declare under penalty of perjury that this application and all attachments are true, correct, and complete to the best of my knowledge.

Authorized Signature  Print Signature Aaron J. Short Title Vice President-Finance & Treasurer Date _____

Attachment to Individual History Record – Aaron J. Short
Licensee: DNC Parks & Resorts at Trendz, Inc.

Question 5. List current residence address. Include any previous addresses within the last five years.

Street and Number	City, State, Zip	From	To
295 Richmond Ave. #1	Buffalo, NY 14222	09/2017	Present
121 North 3 rd Avenue	Bozeman, MT 59715	03/2016	09/2017
621 S. Grand Ave. #1	Bozeman, MT 59715	2014	03/2016
17 E. Story Street	Bozeman, MT 59715	2013	2014
301 S. Bozeman Ave	Bozeman, MT 59715	2012	2013

Individual History Record

To be completed by the following persons, as applicable: sole proprietors; general partners regardless of percentage ownership, and limited partners owning 10% or more of the partnership; all principal officers of a corporation, all directors of a corporation, and any stockholder of a corporation owning 10% or more of the outstanding stock; managing members or officers of a limited liability company, and members owning 10% or more of the company; and any intended registered manager of Hotel and Restaurant, Tavern and Lodging and Entertainment class of retail license

Notice: This individual history record requires information that is necessary for the licensing investigation or inquiry. All questions must be answered in their entirety or the license application may be delayed or denied. If a question is not applicable, please indicate so by "N/A". Any deliberate misrepresentation or material omission may jeopardize the license application. (Please attach a separate sheet if necessary to enable you to answer questions completely)				
1. Name of Business DNC Parks & Resorts at Trendz, Inc.		Home Phone Number	Cellular Number	
2. Your Full Name (last, first, middle) Jacobs, Jeremy, Maurice		3. List any other names you have used		
4. Mailing address (if different from residence) 250 Delaware Ave, Buffalo, New York 14202		Email Address JJacobs@delawarenorth.com		
5. List current residence address. Include any previous addresses within the last five years. (Attach separate sheet if necessary)				
Street and Number		City, State, Zip		From
To				
Current 1300 North Davis Road		East Aurora, New York 14052		01/1975
Previous				Present
6. List all employment within the last five years. Include any self-employment. (Attach separate sheet if necessary)				
Name of Employer or Business		Address (Street, Number, City, State, Zip)		Position Held
From		To		
Delaware North Companies, Inc.		250 Delaware Ave, Buffalo, New York 14202		Chairman, Director
03/2016		Present		
Delaware North Companies, Inc.		250 Delaware Ave, Buffalo, New York 14202		Chief Executive Officer and Chairman
02/1980		03/2015		
7. List the name(s) of relatives working in or holding a financial interest in the Colorado alcohol beverage industry.				
Name of Relative		Relationship to You		Position Held
Name of Licensee				
N/A				
8. Have you ever applied for, held, or had an interest in a Colorado Liquor or Beer License, or loaned money, furniture, fixtures, equipment or inventory to any licensee? (If yes, answer in detail.) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> *No				
*Please see attachment.				
9. Have you ever received a violation notice, suspension, or revocation for a liquor law violation, or have you applied for or been denied a liquor or beer license anywhere in the United States? (If yes, explain in detail.) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				

10. Have you ever been convicted of a crime or received a suspended sentence, deferred sentence, or forfeited bail for any offense in criminal or military court or do you have any charges pending? (If yes, explain in detail.) Yes No

11. Are you currently under probation (supervised or unsupervised), parole, or completing the requirements of a deferred sentence? (If yes, explain in detail.) Yes No

12. Have you ever had any professional license suspended, revoked, or denied? (If yes, explain in detail.) Yes No

Personal and Financial Information

Unless otherwise provided by law, the personal information required in question #13 will be treated as confidential. The personal information required in question #13 is solely for identification purposes.

13a. Date of Birth _____ b. Social Security Number _____ c. Place of Birth Buffalo, New York, USA d. U.S. Citizen Yes No

e. If Naturalized, state where _____ f. When _____ g. Name of District Court _____

h. Naturalization Certificate Number _____ i. Date of Certification _____ j. If an Alien, Give Alien's Registration Card Number _____ k. Permanent Residence Card Number _____

l. Height 6'4" m. Weight 200 n. Hair Color Gray o. Eye Color Brown p. Gender Male q. Race Caucasian r. Do you have a current Driver's License/ID? If so, give number and state. Yes No # _____ State New York

14. Financial Information.
 a. Total purchase price or investment being made by the applying entity, corporation, partnership, limited liability company, other. \$ \$100,000 + license fees
 b. List the total amount of the **personal** investment, made by the person listed on question #2, in this business including any notes, loans, cash, services or equipment, operating capital, stock purchases or fees paid. \$ -0-
 * If corporate investment only please skip to and complete section (d)
 ** Section b should reflect the total of sections c and e

c. Provide details of the personal investment described in 14b. You must account for all of the sources of this investment. N/A
 (Attach a separate sheet if needed)

Type: Cash, Services or Equipment	Account Type	Bank Name	Amount
-0-			

d. Provide details of the corporate investment described in 14 (a). You must account for all of the sources of this investment. (Attach a separate sheet if needed)

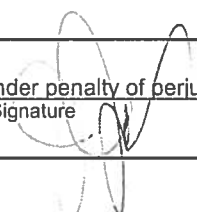
Type: Cash, Services or Equipment	Loans	Account Type	Bank Name	Amount
Cash (Internal Parent Company Operating Funds)	N/A	Checking	JP Morgan Chase Bank, N.A.	\$100,000.00
Cash	N/A	Checking	JP Morgan Chase Bank, N.A.	License Fees

e. Loan Information (Attach copies of all notes or loans)

Name of Lender	Address	Term	Security	Amount
N/A				

Oath of Applicant

I declare under penalty of perjury that this application and all attachments are true, correct, and complete to the best of my knowledge.

Authorized Signature  Print Signature Jeremy M. Jacobs Title Stockholder of ultimate parent company Date 12/5/2007

Jeremy M. Jacobs – Question #8

Attachment to Individual History Record

Applicant: DNC Parks & Resorts at Trendz, Inc.

Have you ever applied for, held, or had an interest in a Colorado Liquor or Beer License, or loaned money, furniture, fixtures, equipment or inventory to any licensee? If yes, answer in detail.

No, I personally have not.

However, I am Chairman of the Board, Director and Stockholder of Delaware North Companies, Inc., the ultimate parent company of the applicant. Delaware North Companies, Inc. has subsidiary companies whose affiliates and operating subsidiaries have licenses to sell alcoholic beverages in connection with their food and beverage related operations.

In Colorado, DNC Parks & Resorts at Rocky Mountain Park Inn, Inc. owns and operates the Ridgeline Hotel at Estes Park and holds state alcohol license no. 4707571.

Also in Colorado, CA Concessions of Colorado, Inc. conducts business at Denver Airport and holds state alcohol licenses at the following locations within the airport:

- Bar and Barbeque Level 5 T5-17 – License No. 05-46686-0005
- Location Name: Lefty's Colorado Trail Grille – License No. 41-03692-0000
- (a joint venture between CA Concessions of Colorado, Inc. and Big Country Bar B-Q, Inc.)
- Boulder Beer Tap House – License No. 05-46686-0007

Please note that CA Concessions of Colorado, Inc. used to conduct business at Denver Airport and held state alcohol licenses at the following locations:

- Lefty's Mile High Grille B-BC24 – License No. 05-46686-0001 – ceased operations Jan. 2017
- Lefty's Bar & Grill Conc. C CC-14 – License No. 05-46686-00020 – ceased operations Nov. 2016

Individual History Record

To be completed by the following persons, as applicable: sole proprietors; general partners regardless of percentage ownership, and limited partners owning 10% or more of the partnership; all principal officers of a corporation, all directors of a corporation, and any stockholder of a corporation owning 10% or more of the outstanding stock; managing members or officers of a limited liability company, and members owning 10% or more of the company; and any intended registered manager of Hotel and Restaurant, Tavern and Lodging and Entertainment class of retail license

Notice: This individual history record requires information that is necessary for the licensing investigation or inquiry. All questions must be answered in their entirety or the license application may be delayed or denied. If a question is not applicable, please indicate so by "N/A". Any deliberate misrepresentation or material omission may jeopardize the license application. (Please attach a separate sheet if necessary to enable you to answer questions completely)

1. Name of Business DNC Parks & Resorts at Trendz, Inc.		Home Phone Number	Cellular Number 2			
2. Your Full Name (last, first, middle) Phillips, Michael, Anthony		3. List any other names you have used N/A				
4. Mailing address (if different from residence) 250 Delaware Ave, Buffalo, New York 14202		Email Address Mphillips@delawarenorth.com				
5. List current residence address. Include any previous addresses within the last five years. (Attach separate sheet if necessary)						
Street and Number		City, State, Zip		From	To	
Current 36 Harbour Pointe Common		Buffalo, New York, 14202		04/2015	Present	
Previous 2917 Main Street, Unit 413		Buffalo, New York, 14202		12/2013	04/2015	
6. List all employment within the last five years. Include any self-employment. (Attach separate sheet if necessary)						
Name of Employer or Business		Address (Street, Number, City, State, Zip)		Position Held	From	To
Delaware North Companies Parks & Resorts Inc		250 Delaware Ave, Buffalo, New York 14202		COO	11/2015	Present
Delaware North Companies Sportservice, Inc		250 Delaware Ave, Buffalo, New York 14202		COO	12/2013	11/2015
Legends Hospitality Management		400 Broadacres Drive, Suite 260, Bloomfield, NJ 07003		COO/SVP	02/2008	11/2013
7. List the name(s) of relatives working in or holding a financial interest in the Colorado alcohol beverage industry.						
Name of Relative		Relationship to You		Position Held	Name of Licensee	
N/A						
8. Have you ever applied for, held, or had an interest in a Colorado Liquor or Beer License, or loaned money, furniture, fixtures, equipment or inventory to any licensee? (If yes, answer in detail.) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No						
9. Have you ever received a violation notice, suspension, or revocation for a liquor law violation, or have you applied for or been denied a liquor or beer license anywhere in the United States? (If yes, explain in detail.) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No						

10. Have you ever been convicted of a crime or received a suspended sentence, deferred sentence, or forfeited bail for any offense in criminal or military court or do you have any charges pending? (If yes, explain in detail.) Yes No

In 1983, I was convicted of a misdemeanor in Austin, Texas. Please see the attached incident report.

11. Are you currently under probation (supervised or unsupervised), parole, or completing the requirements of a deferred sentence? (If yes, explain in detail.) Yes No

12. Have you ever had any professional license suspended, revoked, or denied? (If yes, explain in detail.) Yes No

Personal and Financial Information

Unless otherwise provided by law, the personal information required in question #13 will be treated as confidential. The personal information required in question #13 is solely for identification purposes.

13a. Date of Birth _____ b. Social Security Number _____ c. Place of Birth
 Scranton, PA, USA d. U.S. Citizen Yes No

e. If Naturalized, state where _____ f. When _____ g. Name of District Court _____

h. Naturalization Certificate Number _____ i. Date of Certification _____ j. If an Alien, Give Alien's Registration Card Number _____ k. Permanent Residence Card Number _____

l. Height 5'10" m. Weight 175 n. Hair Color Brown o. Eye Color Hazel p. Gender Male q. Race Caucasian Yes No # _____ r. Do you have a current Driver's License/ID? If so, give number and state. _____ ate New Jersey

14. Financial Information.
 a. Total purchase price or investment being made by the applying entity, corporation, partnership, limited liability company, other.
 \$ 100,000.00 + \$3,181.50 (licensing fees)

b. List the total amount of the personal investment, made by the person listed on question #2, in this business including any notes, loans, cash, services or equipment, operating capital, stock purchases or fees paid. \$ 0
 * If corporate investment only please skip to and complete section (d)
 ** Section b should reflect the total of sections c and e

c. Provide details of the personal investment described in 14b. You must account for all of the sources of this investment. (Attach a separate sheet if needed)

Type: Cash, Services or Equipment	Account Type	Bank Name	Amount
N/A			

d. Provide details of the corporate investment described in 14 (a). You must account for all of the sources of this investment. (Attach a separate sheet if needed)

Type: Cash, Services or Equipment	Loans	Account Type	Bank Name	Amount
Cash (Internal Parent Company Operating Funds)	N/A	Checking	JP Morgan Chase Bank, N.A.	\$100,000.00
Cash	N/A	Checking	JP Morgan Chase Bank, N.A.	\$3,181.50

e. Loan Information (Attach copies of all notes or loans)

Name of Lender	Address	Term	Security	Amount
N/A				

Oath of Applicant

I declare under penalty of perjury that this application and all attachments are true, correct, and complete to the best of my knowledge.

Authorized Signature  Print Signature Michael A. Phillips Title COO Date 1/16/2019



Memo

To: Jackie Williamson, Town Clerk
From: Robin Becker, Planner I
Date: January 15, 2018
RE: Statement of Zoning – Trendz at the Park 100 E. Elkhorn Avenue

1. The above referenced property is zoned CD (Commercial Downtown).
2. The CD zone district allows for a variety of commercial and retail uses along major corridor entryways into Estes Park and the Estes Valley. The proposed liquor license adheres to Code provisions for allowed uses.



TOWN OF ESTES PARK

January 16, 2018

Jackie Williamson, Town Clerk
Town of Estes Park
Estes Park, CO 80517

RE: Trendz at the Park

Phillips, Michael A
Socha, Scott P
Trybus, Janice Rita
Short, Aaron
Forgey, Kyle Z
Jacobs, Jeremy M

Dear Ms. Williamson:

A check of the Estes Park Police Department local records on the above-named individuals was conducted. Information obtained in the records system dates back to October, 2004. There are no reports on the business or the individuals listed.

Sincerely,

Wes Kufeld
Chief of Police, Estes Park Police Department

Administration
Town Administrator
Public Information

Administrative Services
Town Clerk
Human Resources

Community Development
Building Safety
Code Enforcement
Planning/Zoning

Community Services
Fairgrounds & Events
Museum
Senior Center
Visitor Services

Finance
P.O. Box 1747
Utility Billing

Police
P.O.Box 1287

Public Works
Engineering
Facilities
Fleet
Parks
Streets

Utilities
IT
Light and Power
Water

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Memo

To: Honorable Mayor Jirsa
Board of Trustees

Through: Town Administrator Lancaster

From: Robin Becker Planner I

Date: *January 23, 2018*

RE: **Ordinance # 34-17 Proposed Text Amendment to Estes Valley Development Code: EVDC §5.4 Temporary Uses and Structures: Outdoor Mobile Food Vending Permit, §3-17 Outdoor Mobile Food Vending Permit Review Procedures and Standards, §4.4 Nonresidential Zoning Districts, Chapter 13 Definitions, and Appendix B Submittal Requirements**

Objective:

Review and Recommendation on proposed text amendments to the Estes Valley Development Code (EVDC) regarding the inclusion of an Outdoor Mobile Food Vending Permit.

The objective of this proposed code amendment is to revise the EVDC to do the following:

- Provide an opportunity for a current unsatisfied need in the Estes Valley for Outdoor Mobile Food vendors to operate with a permit specific to the use.
- Provide a clear interpretation of how and where this operation is allowed in specific zoning districts in the Estes Valley Zoning Code.
- Update our plan to accommodate current mobile food vendor needs that are economically beneficial to the Town and local business owners.

Present Situation:

Currently the process to regulate these outdoor mobile food vendors is through a temporary use permit. It is common planning practice around the United States to provide a more streamlined and activity specific permit.

This lack of applicable code and or permit specific to this use due to the fact that outdoor mobile food vendors were limited in existence and they have evolved in the past ten to fifteen years. It is our time to adapt to meet the changing food requests and needs of the population.

Proposal:

An outdoor mobile food vending permit would allow local and new entrepreneurs to become invested and involved in the Estes Valley. These businesses would also serve a need for alternative food options for businesses that find it cost prohibitive to have a kitchen on site, i.e. distilleries, breweries and beer gardens. The one year permit would

allow for flexibility with both the businesses being served and the outdoor mobile food vendor. Furthermore by providing this permit to local businesses and outdoor mobile food vendors we are allowing our community to both have their cake and eat it too.

It is staff's recommendation that including this outdoor mobile food vending permit in the EVDC would meet a growing need for both new and local businesses and locals and visitors alike. This is shown through our outreach with many current mobile food vendors and local businesses. These include feedback and code amendment contributions from Elkins Distilling Co, Lumpy Ridge Brewing Co, Rock Cut Brewing Co, and Snowy Peaks Winery. Further feedback was provided from Rations LLC, and Ladybug BBQ (food trucks operating in Town). We appreciate their time and energy in the public outreach process and hope to provide them the best with this Code Amendment.

Amend EVDC section §5.4, §3-17, §4.4, Chapter 13 Definitions, and Appendix B Submittal Requirements, as stated in Exhibit A ["TB Draft"], dated January 23, 2017, attached.

Advantages:

- Provides a specific permit for outdoor mobile food vendors instead of attempting to add them to permits not applicable to their use; e.g., Temporary Use Permits.
- Provides more food variety and options to locals, business owners and visitors.
- More organized structure and health and safety regulation for Outdoor Mobile Food Vendors.

Disadvantages:

- Local restaurants may perceive a strain or more competition.

Action Recommended:

Review the amendment for compliance with Estes Valley Development Code (EVDC) §3.3.D *Code Amendments, Standards for Review* for a decision to approve, deny, or approve with conditions.

Finance/Resource Impact:

N/A

Level of Public Interest

High: This issue has attracted the interest of local business and restaurant owners.

Low: This particular Code Amendment

Sample Motion:

APPROVAL

I move that the Town Board of Trustees **approve** Ordinance No. 34-17, amending the Estes Valley Development Code as stated in Exhibit A, finding that the amendment is in accord with the Comprehensive Plan and with Section 3.3 of the Development Code.

Attachments:

Ordinance #34-17 (OUTDOOR MOBILE FOOD VENDING PERMIT)
Exhibit A- (January 23rd, 2018)

ORDINANCE NO. 34-17

AN ORDINANCE AMENDING THE ESTES VALLEY DEVELOPMENT CODE REGARDING OUTDOOR MOBILE FOOD VENDING PERMIT

WHEREAS, on November 14, 2017, the Estes Valley Planning Commission conducted public hearings on proposed text amendments to the Estes Valley Development Code, Sections §5.4 Temporary Uses and Structures: Outdoor Mobile Food Vending Permit, §3-17 Outdoor Mobile Food Vending Permit Review Procedures and Standards, §4.4 Nonresidential Zoning Districts, Chapter 13 Definitions, and Appendix B Submittal Requirements; and

WHEREAS, on November 14, 2017, the Estes Valley Planning Commission voted to recommend approval of the text amendment; and

WHEREAS, the Board of Trustees of the Town of Estes Park finds the text amendment complies with Estes Valley Development Code §3.3.D *Code Amendments, Standards for Review* and has determined that it is in the best interest of the Town that the amendment to the Estes Valley Development Code, as set forth on Exhibit A, be approved; and

WHEREAS, said amendment to the Estes Valley Development Code is set forth on Exhibit A, attached hereto and incorporated herein by this reference:

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

Section 1: The Estes Valley Development Code shall be amended as more fully set forth on Exhibit A.

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 _____, 2018.

TOWN OF ESTES PARK, COLORADO

By: _____
Mayor

ATTEST:

Town Clerk

I hereby certify that the above Ordinance was introduced and read at a regular meeting of the Board of Trustees on the _____ day of _____, 2018 and published in a newspaper of general circulation in the Town of Estes Park, Colorado, on the _____ day of _____, 2018, all as required by the Statutes of the State of Colorado.

Town Clerk

EXHIBIT A

Estes Park Town Board of Trustees

[January 23, 2018]

Chapter 3. Review Procedures and Standards

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§ 3.17 Outdoor Mobile Food Vending Permit

- A. **Applicability.** All outdoor mobile food vendor uses and structures shall obtain an Outdoor Mobile Food Vending Permit pursuant to the procedures set forth in this Section, prior to commencing operation and continuing throughout the entire period (s) of operation.
- B. **Procedures for Approval of Outdoor Mobile Food Vending Permit.** The procedure for processing or approving an application for an outdoor mobile food vending Permit shall be as follows:
1. Step 1: Pre-application Conference. A pre-application conference shall be voluntary for outdoor mobile food vending permit.
 2. Step 2: Staff Review and Action. Within (10) days from the date a complete application is submitted, the Staff shall review the application according to the standards set forth in this code, and make a final decision to approve, approve with conditions or deny the application.
- C. **Conditions of Approval.** In approving an outdoor mobile food vending permit, the Staff may impose conditions, regarding control of nuisance factors (e.g., glare, noise, smoke, dust), provision of security and safety measures, and limitations on hours of operation, storage and parking, provided that staff determines such conditions are necessary to:
1. Achieve the general purposes of this Section and not interfere with specific purposes of the zoning district in which the outdoor mobile food vending use will be located, or to be consistent with the Code;
 2. Protect the public health, safety and general welfare; or
 3. Ensure operation and maintenance of the outdoor mobile food vending use in a manner compatible with existing uses on adjoining properties and in the surrounding area.
- D. **Time Limits on Permit.** Outdoor mobile food vending permits shall be valid for a specified period of time, not to exceed one year (365) days.

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§ 5.4 – Outdoor Mobile Food Vending Permit Uses

A. Permit Required.

All outdoor mobile food vending shall obtain an outdoor mobile food vending permit pursuant to the procedures set forth in §3.17 of this Code prior to commencing operation and continuing throughout the entire period (s) of operation.

B. Permit.

An outdoor mobile food vending permit authorizing an outdoor mobile food vending use shall be reviewed in accordance with the provisions of §3.17, and shall be reviewed, approved or revoked only in accordance with the regulations of this Section and §3.17.

C. General Standards for Review.

All outdoor mobile food vendors shall meet the following requirements:

1. Outdoor mobile food vending uses shall not violate any applicable conditions of approval that apply to the principal use on the site.
2. Outdoor mobile food vendors shall be classified as accessory uses in the zone districts in which they are permitted provided they are on lots that contain a principal building wherein active operations are being conducted. Outdoor vendors that qualify as accessory uses shall not be subject to change-of-use regulations which would otherwise require the properties upon which they are located be brought into compliance with the standards of this Code.
3. The proposed outdoor mobile food vending use shall be located, operated and maintained in a manner consistent with the policies and the provisions of this Code.
4. The outdoor mobile food vending use shall not be detrimental to property or improvements in the surrounding area or to the public health, safety or general welfare.
5. Outdoor mobile food vendors shall be prohibited on undeveloped lots.
6. The proposed outdoor mobile food vending shall comply with all applicable general and specific regulations of this Section and §3.17.
7. Permanent signs shall be prohibited. All approved temporary signs associated with the temporary use shall be removed when the activity ends.
8. The following additional requirements shall apply to outdoor mobile food vendor permits, as specified:
 - a) Vend only on lots in zone districts (CD, CO, I1, A, and CH);
 - b) Permanently affixed or paint any signage only on the mobile food facility, with no signs/banners in or alongside street right-of-way or across roadways.
 - c) No permit applicant shall use, for the purpose of onsite storage, display, or sale, any vehicle, cart, kiosk, table, chair, stand, box, container or other structure or display device not described on the permit.

9. The vehicles, structures, devices and other similar items described by the permit for any outdoor mobile food vendor shall not be located by the vendor in any of the following manners or places:
 - a) Within the extended boundaries of a crosswalk
 - b) Within ten (10) feet of the extension of any building entranceway, and or doorway;
 - c) In an location in which the vehicle, structure or device may impede or interfere with or visually obstruct;
 - 1) the safe movement of vehicular and pedestrian traffic;
 - 2) parking lot circulation; or
 - 3) access to any public street, alley or sidewalk;
10. Each permittee shall pick up and dispose of any paper, cardboard, wood or plastic containers, wrappers or any litter which is deposited within twenty- five (25) feet of the center point of the designated location or within twenty-five (25) feet of the point of any sale or transaction made by the permittee if any transect of the designated location exceeds twenty-five (25) feet. The permittee shall have available a suitable container for the placement of such litter by customers or other persons.
11. Each permittee shall not leave the outdoor mobile food facility unattended for more than fifteen (15) minutes at any one time while engaged in business operations described in the permit.
12. Each permittee shall prominently display the permit issued hereunder in a location readily visible to the public on each vehicle, structure, device and any other item described in the permit.
13. Each permittee shall comply with the provisions of all applicable rules regulations and ordinances of the Town and County as well as requirements of all state and federal laws, including, but not limited to noise restrictions, sign regulations, limitations on discharge of liquid waste, sales tax requirements, food safety, wildlife protection and other related requirements.
14. No permittee shall operate from a location that is not authorized in the permit.
15. All lighting on vehicles must be compliant with applicable regulations.
16. The outdoor mobile food vending regulations of this Section shall not exempt the Applicant from any other required permits, such as health department permits or business licenses.

CHAPTER 13. DEFINITIONS

§ 13.3 - DEFINITIONS OF WORDS, TERMS AND PHRASES

Outdoor Mobile Food Vendor; shall mean any person, whether as owner, agent, consignee or employee, who sells or attempts to sell, or who offers to the public free of charge, any services, goods, wares or merchandise, including, but not limited to, food or beverage, from any outdoor location.

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XI. Outdoor Mobile Food Vending Permit- Submittal Requirements

A. Outdoor Mobile Food Vending Permit application requirements

The Application shall contain the following information:

1. An address or legal description for each location for which the application is made;
2. Written consent of the property owner(s) or lessee (s) of location(s) for which the application is made;
3. A sketch plan of each location for which the application is made, showing the location and approximate dimensions of existing and proposed structures, access, equipment and parking;
4. Statement of Intent: A written Statement of Intent explaining:
 - a) The type or types of mobile food vendor operation the permittee will conduct;
 - b) The period of time within which the applicant proposed to operate;
 - c) The hours and days of proposed operation;
5. A brief description of any vehicle, cart, kiosk, table, chair, stand, box, container or other structure or display device to be utilized by the permittee;
6. Any special terms and conditions of issuance;
7. A statement that the permit is personal and not transferable in any manner;
8. A statement that the permit is valid only when used at the location or locations designated on the permit; a statement that the permit is subject to the provisions of this Article.
9. Any other information the Applicant believes illustrates the proposed activity.
10. Documentation of a sales tax license in good standing issued by the Colorado Department of Revenue, the County and or the Town;
11. Documentation of regulatory approval as a retail food establishment by the County.
12. Fee. All applicable fees as set forth by the Community Development Department.

13. Any proposed grease trap disposal within the boundary of the Estes Valley Development Area shall require written prior approval by the appropriate sanitation district.

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Memo

To: Honorable Mayor Jirsa
Board of Trustees

Through: Town Administrator Lancaster

From: Linda Hardin, Code Compliance Officer

Date: *January 23, 2018*

RE: *Ordinance No. 01-18 – Amendment to the Estes Park Municipal Code Chapter 17.66 regarding Signs*

Objective:

Adopt Ordinance 01-18 which amends the Estes Park Municipal Code (EPMC) to: 1) update the Sign Code to a standard consistent with the vision of the Estes Park community and; 2) bring the Sign Code into compliance with the recent Supreme Court decision of Reed v. Town of Gilbert, AZ.

Present Situation:

The Estes Park Municipal Code chapter 17.66 regulating signage within Town boundaries is severely outdated. The current sign code is difficult to review and understand. Regulations for compliance and options, such as appeals, are confusing and in some instances vague.

Technology has evolved in signage, specifically with electronic message boards (EMB's). The current sign code is outdated in its regulation of this new technology, and the terminology used to define EMB's.

The existing Sign Code is not compliant with the Supreme Court decision on signs regarding constitutional rights and freedom of speech. It is unlawful for any jurisdiction to allow or deny a sign based on the content of the sign. Size, location and other physical factors can be regulated, but we can no longer regulate a sign based on its content or message.

Proposal:

Ordinance 01-18 adopts the new Sign Code as set forth on Exhibit A.

Advantages:

- The proposed new Sign Code is better presented and easier to follow and understand.
- Complies with the Supreme Court ruling of Reed v. Town of Gilbert, AZ.
- Incorporates current trends in signs and technology.

Disadvantages:

None.

Action Recommended:

Staff: Adopt Ordinance No. 01-18

Planning Commission: Adopt Ordinance No. 01 -18

Budget:

There are no budget implications for the adoption and enforcement of this Ordinance.

Level of Public Interest:

Moderate: There is interest in allowing a certain historic sign in the Downtown area that has been previously denied. There have also been inquiries both with the Town's Public Works department and the private sector on EMD's, and their uses.

Code Compliance has presented the proposed changes to various groups and individuals in the community for input and suggestions to create a document that meets the needs of the community while preserving the intent of the regulations.

No negative comments have been received.

Sample Motion:

APPROVAL

I move that the Town Board of Trustees **approve** Ordinance No. 01-18, amending the Estes Park Municipal Code as presented in Exhibit A as recommended by Staff and the Planning Commission.

Attachments:

1. Ordinance No. 01-18
2. Exhibit A [Amendment to the Estes Park Municipal Code Chapter 17.66 regarding Signs]

ORDINANCE NO. 01-18
AN ORDINANCE AMENDING THE ESTES PARK MUNICIPAL CODE
REGARDING CHAPTER 17.66 SIGNS

WHEREAS, on November 21, 2017, the Estes Valley Planning Commission conducted public hearings on proposed text amendments to the Estes Park Municipal Code, Chapter 17.66 Signs; and

WHEREAS, on November 21, 2017, the Estes Valley Planning Commission voted to recommend approval of the text amendment; and

WHEREAS, the Board of Trustees of the Town of Estes Park finds the text amendment complies with requirements of Colorado Revised Statutes, and has determined that it is in the best interest of the Town that the amendment to the Estes Park Municipal Code, as set forth on Exhibit A, be approved; and

WHEREAS, said amendment to the Estes Park Municipal Code is set forth on Exhibit A, attached hereto and incorporated herein by this reference:

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

Section 1: The Estes Park Municipal Code shall be amended as more fully set forth on Exhibit A.

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 _____, 2018.

TOWN OF ESTES PARK

By: _____
Mayor

ATTEST:

Town Clerk

I hereby certify that the above Ordinance was introduced and read at a regular meeting of the Board of Trustees on the _____ day of _____, 2018 and published in a newspaper of general circulation in the Town of Estes Park, Colorado, on the _____ day of _____, 2018, all as required by the Statutes of the State of Colorado.

Town Clerk

EXHIBIT A

Estes Park Town Board of Trustees

[January 23, 2018]

Chapter 17.66 Signs

Chapter 17.66.010 Title.

This Chapter shall be known and cited as the “Town of Estes Park Sign Code.”

17. 66.020 Intent and Purpose

The purpose of this Chapter is to protect the health, safety and welfare of the citizens by providing for uniform control of signs. It is the intent of the regulations set forth in this Chapter to:

- (1) Encourage the effective use of signs as a means of communication in the Town;
- (2) Enhance economic development opportunities for the community;
- (3) Provide for a safe and efficient transportation network;
- (4) Ensure that pedestrians, motorists, travelers, and other citizens are protected from damage or injury caused or attributable to the distractions and obstructions which are caused by improperly situated signs;
- (5) Minimize the adverse effect of signs on nearby public and private property;
- (6) Preserve Estes Park area’s natural scenic beauty;
- (7) Improve the aesthetic appearance of Estes Park.

The Town intends to provide a reasonable balance between the right of an individual to convey a message, and the right of the public to be protected from the visual discord that results from unrestricted proliferation and uncoordinated placement of signs.

This Chapter is not intended to and shall not regulate: (a) building design, exclusive of sign regulatory elements; or (b) the content and message of signs.

17.66.040 Definitions

For the purposes of this Chapter, the following words and terms shall have the meanings set forth in this Definitions subsection. Other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise.

“Abandoned sign” means a sign that no longer identifies or advertises a bona fide business, service, or product. An abandoned sign is not defined as a nonconforming sign.

“Animated sign” means any sign that uses movement or change of lighting to depict action or create a special effect. An animated sign is not defined as a changeable copy sign for purposes of this Section.

“Area, sign” See “Sign display area”

“Banner” means any wall sign made of fabric, plastic, or other non-rigid material with no

enclosing framework. A banner is deemed to be a type of temporary sign.

“Beacon” means any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with one or more beams that rotate or move.

“Billboard” means an off-premise sign on a permanent structure on which the copy may be periodically changed, typically designed for viewing from interstate or primary arterial corridors. An off-premise sign on a permanent structure with sign display area of two hundred (200) square feet or more is deemed to be a billboard for purposes of this Chapter.

“Building marker” means any sign indicating the name of a building and date and incidental information about its construction, which sign is an integral part of a masonry surface or made of bronze or other permanent material.

“Building frontage, street” means the width of a building parallel to the street frontage. In a shopping center or mall where buildings do not have direct access or frontage on a street, the building frontage is defined as the width of the building parallel to the public parking lot frontage.

“Canopy sign” means any sign that is a part of or attached to an awning, canopy, marquee or other fabric, plastic, or structural protective cover over a door, entrance, window, sidewalk or outdoor service area.



Canopy Sign

“Changeable copy sign” means a sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign, either manually through the use of attachable letters or panels, or electronically using incandescent bulbs, liquid crystal displays (LCDs), light emitting diodes (LEDs), or similar technologies. An off-premise sign on which the message changes more than seventy-two (72) times in any given twenty-four (24) hour day is defined as an animated sign and not a changeable copy sign for purposes of this Chapter.

“Commercial message” means any sign wording, logo, or other representation that names, advertises, or calls attention to a business, product, service, or other commercial activity.

“Commemorative sign” means a sign, tablet, cornerstone or plaque less than ten (10) square feet memorializing a person, event, structure or landmark.

“Construction sign” means a temporary sign placed in advance of occupancy of a building or structure indicating the name of the building or structure, the architects, the contractors, and other information regarding the building or structure.

“Directional sign” See “Off-premise directional sign” or “On-premise directional sign”

“Electronic message center (EMC)” means a sign which meets the definition herein of either an “On-premise Electronic Message Center (EMC)” or an “Off-premise Electronic Message Center (EMC)”.



Electronic message center – EMC

“Electronic message center (EMC), monochrome” means a sign

which meets the definition herein of either an “On-premise Electronic Message Center (EMC)” or an “Off-premise Electronic Message Center (EMC) and displays only one color within any given eight (8) second period of time, excluding black and white.

“Electronic message center (EMC), multicolor” means a sign which meets the definition herein of either an “On-premise Electronic Message Center (EMC)” or an “Off-premise Electronic Message Center (EMC) and displays more than one color at any given time, excluding black and white.

“Festoon” means a string of ribbons, tinsel, pennants, or pinwheels.

“Flag” means any fabric or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity, or displaying a noncommercial message.

“Freestanding sign” means any sign supported by structures or supports that are placed in, or anchored in, the ground and that are independent from any building or other structure. Freestanding signs as defined herein are deemed to include monument signs and pole signs.

“Fuel price sign” means an on-premise sign, located on property whose primary use is retail dispensing of fuel and fuel products, and that displays any or all of the following elements: (a) the name or logo of the business on which premises the fuel dispensing activity occurs; (b) the per-unit price(s) of fuel(s) to be dispensed on the premises.

“Governmental sign” means a sign installed by a unit of federal, state or local government whose purpose and function is control of traffic or other regulatory purposes, including government facility identification signs, street signs, detour signs, danger signs, railroad crossing signs, and temporary or permanent signs erected by or on the order of a public officer in the performance of his public duty. This term is deemed to include signs of public service entities whose purpose and function is control of traffic or other regulatory purposes, including hazard or danger warning signs and similar aids to service safety.

“Holiday decorations” means noncommercial signs, graphics, or other materials that are temporarily displayed during civic, patriotic, cultural, and/or religious holidays.

“Home occupation” means a business, profession, occupation or trade that is conducted for gain as an accessory use within a dwelling unit, or an accessory building by a resident of the dwelling unit.

“Incidental sign” means a sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as “no parking,” “loading only,” “telephone,” and other similar directives. No sign with a commercial message legible from a position beyond the boundary of the lot on which the sign is located is deemed to be incidental. A sign that meets the definition of an on-premise directional sign is not defined as an incidental sign.

“Monument sign (low profile sign)” means a freestanding sign that is composed of a solid base structure between finished grade and the topmost point of the sign structure, such that the base length at grade equals seventy percent (70%) or more of the maximum sign length, measured parallel to the widest horizontal dimension of the sign face(s).



Monument sign

“Multi-tenant complex” means a lot or parcel that contains multiple business entities contiguous to a common parking lot.

“Neon-style sign” means a sign that utilizes electrically charged neon or other inert gas contained within a vacuum tube to generate light. “Neon-style sign” may also mean a sign that uses other technology to mimic or reproduce the visual appearance of gas-containing tubes, such as LED light source(s) within flexible light-diffusing tubes. The sign message is created by bending and forming the tubes into lettering and/or iconic graphical shapes.



Multi-tenant sign

“Nonconforming sign” means any sign that was lawfully established prior to the effective date of this Chapter or a subsequent amendment thereto, but does not conform to the requirements of this Chapter.

“Off-premise sign” means a stationary sign that advertises or displays commercial information about a commercial or business establishment, good, facility, service or product that is not sold, conducted or offered on the lot, property or premises on which the sign is located.



Off-premise sign

“Off-premise electronic message center (EMC)” means a changeable copy or animated sign that utilizes a computer or other electronic controlled means to change and control the message displayed, and that advertises or displays commercial information about any commercial or business establishment, good, facility, service or product that is not sold, conducted or offered on the lot, property or premises on which the sign is located. An off-premise EMC may use incandescent lamp, LCD, LED or other illuminated display technologies. An off-premise EMC whose copy changes more than seventy-two (72) times in any given twenty-four (24) hour day is defined as a type of animated sign; any other EMC is defined as a type of changeable copy sign. An off-premise EMC that also meets the definition of a billboard as defined herein is deemed to be a type of billboard for purposes of this Chapter.

“On-premise sign” means a sign that is located upon the lot, property, or premises of the activity to which it refers. To be classified as an on-premise directional sign, the subject sign shall display only a business name or logo and directional information.

“On-premise directional sign” means a sign located upon the lot, property, or premises of the activity to which it refers that directs the movement or placement of pedestrian or vehicular traffic.

“On-premise electronic message center (EMC) ” means a changeable copy or animated sign that utilizes a computer or other electronic controlled means to change and control the message displayed, and that is located on the same lot, property or premises to which all sign messages refer. An on-premise EMC may use incandescent lamp, LCD, LED or other illuminated display technologies. An on-premise EMC whose copy changes more than seven and one-half (7.5) times in any given minute is defined as a type of animated sign; any other on-premise EMC is defined as a type of changeable copy sign.

“Pennant” means any lightweight plastic, fabric, or other material, whether or not

containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

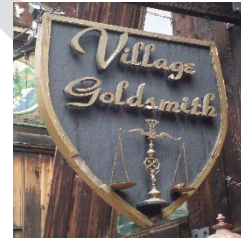
“Pole (pole-style) sign” means a freestanding sign that is supported by one (1) or more columns, uprights, poles or braces extended from the ground or from an object on the ground.

“Portable sign” means any sign not permanently attached to the ground or other permanent structure and designed to be transported, including, but not limited to, signs designed to be transported by means of wheels or signs converted to A- or T-frames. For purposes of this Chapter, a portable sign shall be classified as either: (a) a temporary sign; or (b) a vehicle sign, as applicable.

“Principal building” means the building in which is conducted the principal use of the lot, on which it is located. Lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other clearly accessory uses are not deemed to be principal buildings.

“Principal street frontage” for properties with frontage on more than one public street, the property owner at his discretion shall designate the principal street frontage to be either: (a) the street with the longest frontage, or (b) the street with the highest functional use.

“Projecting sign” means any sign affixed to a building or wall in such a manner that its leading edge extends more than twelve (12) inches beyond the surface of such building or wall.



Projecting sign

“Revolving sign” means a sign that has the ability to turn at least 180 degrees. All or a portion of the revolving sign shall be capable of revolving under external or internal control.

“Roof sign” means any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof, or any sign painted on the roof of a building.

“Sandwich board sign” means a portable self-supporting sign with one or more faces, typically designed with an A-frame (i.e., upside-down “V”) or similar shape.

“Setback” means the distance from the property line to the nearest part of the sign, measured perpendicularly to the property line or right-of-way.

“Sign, signage” means any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public. The term “signage” is deemed to be identical to the term “sign”, whether singular, plural, or collective. A graphic display whose purpose and function is purely decorative or artistic in character, that is recognizable as such to a typical observer, and that is not intended to convey a particular message, is not deemed to be a sign for purposes of this Chapter.

“Sign display area (individual) ” means the area of a sign face (which is also the sign display area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall

when such fence or wall otherwise meets zoning regulations and is clearly incidental to the display itself.

“Sign display area (multi-faced)” means the sign display area for a sign with more than one face shall be computed by adding together all individual sign display areas visible from any one point. When two identical sign faces are placed parallel (back-to-back), so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than twelve (12) inches apart, the sign display area shall be computed by the measurement of the individual sign display area on one face.

“Sign height” means the height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign structure. Normal grade shall be construed to be the lower of: (1) existing grade prior to construction; or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.

“Suspended sign” means a sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

“Temporary sign” means any sign that is used only temporarily and is classified as either: (a) Special-Event Temporary Signs, (b) Supplemental Temporary Signs.

“Temporary sign (special-event temporary sign)” means any temporary sign that is displayed in association with a town approved event of limited duration that is of special importance to the greater Estes Park community. For purposes of this Chapter, temporary signage for a special event whose duration is two (2) consecutive weeks or longer shall not be classified as special-event temporary signage.

“Temporary sign (supplemental temporary sign)” means any temporary sign that is not classified as a special-event temporary sign.

“Time-temperature sign” means a sign that displays only an electronic or mechanical indication of time, temperature, or both. A time-temperature sign is exempt for purposes of this Chapter, without respect to frequency or duration of the changeable copy message.

“Total sign display area” means the total aggregate sign display area permitted to an individual or business, including all on-premise and off-premise signs.

“Vehicle sign” means any sign which is painted on, affixed to or otherwise mounted on any vehicle or on any object which is placed on, in or attached to a vehicle that is parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of a business. For the purposes of this definition, the term “vehicle” is deemed to include trucks, buses, vans, railroad cars, automobiles, tractors, trailers, motor homes, and semi-tractors.

“Wall sign” means any sign attached parallel to, and within twelve (12) inches of, a wall, painted on the wall surface, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.



Wall sign

“Wayfinding sign” means an off-premise directional sign, located within a right-of-way or on public property that guides the traveling public to key noncommercial civic, cultural, visitor, or recreational

destinations within Estes Park. A wayfinding sign is deemed to include an off-premise directional sign guiding the traveling public to a specific neighborhood or district within the Town of Estes Park.

“Window sign” means any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is permanently affixed inside or upon a window and is visible from the exterior of the window.



Window sign

“Wind sign” means a sign consisting on one (1) or more pennants, ribbons, spinners, streamers or captive balloons, or other objects or materials fastened in such a manner as to move upon being subjected to pressure by wind or breeze, but does not include flags, supplemental or special event temporary signs.

17.66.041 General Requirements

(a) Sign Permit Requirements

- (1) Unless otherwise provided by this chapter, all signs shall require a permit.
- (2) If a sign requiring a permit under the provision of this chapter is to be placed, constructed, erected, or modified on a lot, property or premise, the owner or designee of the lot, property or premise shall secure a sign permit prior to the construction, placement, erection, or modification of such a sign.
- (3) A permit shall not be required for a modification to an existing sign that changes only the message content thereof and does not alter or affect the sign structure in any other way. Examples of such changes that do not require a permit include, but are not limited to: Repainting faded lettering or graphics; replacing visibly worn materials in the sign display area, such as plastic lettering; or changing the sign copy to reflect a change in message.
- (4) A permit shall not be required for changing the message content of an Electronic Message Center (EMC), provided that all requirements of Section 17.66.110(h) Electronic Message Center [EMC] Signs) are met.

(b) Installation, Maintenance

All signs shall comply with all applicable code provisions as adopted by the Town, in addition to the requirements of this Chapter. The Community Development Department shall have the right to order the repair or removal of any sign which is defective, damaged, or substantially deteriorated.

(c) Illumination (Except Electronic Message Center signs)

Illumination of a sign (except Electronic Message Center signs) shall be regulated as specified in this Section 17.66.110(h). Illumination of signage shall be allowed, with the following provisions:

- (1) No flashing lights, or rotating or revolving beams shall be used;
- (2) All direct light shall be directed toward the sign and away from any residential areas and public rights-of-way;
- (3) All lamps or luminance-generating fixtures for external, reflected illumination of signs shall be shielded such that the lamp or luminance-generating fixture is not directly visible from any residential property, from any public right-of-way, or from any point higher than the uppermost point of the subject sign;

- (4) Sign illumination shall generally be designed and directed such that the illuminated area lies at or below the horizontal plane corresponding to the topmost point of the sign structure, and any illumination of the area above the sign's topmost point shall be minimal and incidental;
- (5) Any illumination that is provided by artificial light shall be constant in direction, intensity, and color;
- (6) Signs shall not have exposed incandescent lamps exceeding fifteen (15) watts per bulb. Signs shall not have exposed neon or fluorescent lamps exceeding four hundred (400) lumens per foot.

(d) On-Premise Directional Signs

An on-premise directional sign shall contain no message(s) other than business name or logo and directional information.

(e) Noncommercial Signage

Signs containing noncommercial speech or messages shall be permitted anywhere that commercial, business or advertising signs are permitted under this Chapter, subject to the same regulations applicable to such signs.

17.66.050 Exempt Signs

The following signs may be erected without a sign permit. These exempt signs shall not be included in the determination of the total allowable number of signs or total allowable sign area for a business. All signs shall meet all applicable setback, construction, illumination and safety standards. Any signs larger in size or with any different standards than stated in this Section shall be required to obtain a sign permit.

- (1) Barber poles (whether revolving or stationary);
- (2) Building markers, plaques, or cornerstones;
- (3) Time-temperature signs that do not exceed thirty-two (32) square feet in sign display area;
- (4) Commemorative signs;
- (5) Construction signs that do not exceed thirty-two (32) square feet in sign display area and seven (7) feet in sign height;
- (6) Display of street addresses or numbers;
- (7) Flags of any governmental unit (nation, state, etc.), or flags with a noncommercial message;
- (8) Fuel price signs, provided the copy area devoted to displaying fuel pricing is 32 square feet or less per each price displayed, and provided that any fuel price sign that also meets the definition of an on-premise electronic message center (EMC) conforms to this Chapter's regulations governing same;
- (9) Governmental signs for control of traffic and other regulatory purposes, including street signs, detour signs, danger signs, and railroad crossing signs;
- (10) Signs of public service companies indicating danger or aids to service safety, erected by or on the order of a public officer in the performance of his public duty;
- (11) Holiday decorations;

- (12) Neon-style signs that do not display a commercial message (e.g. "Open");
- (13) Neon-style signs displaying a commercial message, provided that such sign:
 - a. is eight (8) square feet or less,
 - b. is located and displayed interior to a building, such as behind window glass, and
 - c. Shall comply with the frequency, duration, and operational standards for on-premise EMCs (Section 17.66110(h));
- (14) Incidental signs;
- (15) Gravestones or grave markers;
- (16) Nameplates in residential districts;
- (17) Pennants and festoons;
- (18) ~~Political~~ Yard signs that do not exceed thirty-two (32) square feet in sign display area and seven feet (7) in sign height, provided they are not located in any public right-of-way,
- (19) Product dispensers and point of purchase displays;
- (20) Signs on property being offered for sale or lease, provided that the sign:
 - a. is an on-premise sign;
 - b. does not exceed the following sign display area measurements: nine (9) square feet for residentially zoned property, or thirty two (32) square feet for non-residentially zoned property; and
 - c. is not artificially illuminated;
- (21) Traffic control signs, whether on public or private property (e.g., parking-lot stop signs), provided they conform to the standards of the Manual of Uniform Traffic Control Devices (MUTCD), and provided they do not contain any commercial message or logo;
- (22) Vehicle signs on properly licensed vehicles used to transport persons or property;
- (23) Sign not legible from a public right-of-way, with "not legible" defined as: Less than one inch (1") height for the largest letter or graphic element on the sign, measured vertically, for every twenty-five feet (25') of distance from the nearest point in the right-of-way to the nearest letter or graphic element in the sign;
- (24) Temporary window signs;
- (25) Messages and graphics transmitted and displayed that are primarily intended for interior view within a building, and only incidentally visible from outside;
- (26) Window signs that cumulatively constitute less than twenty five percent (25%) of the window area;
- (27) Signs that are held or carried by person(s) at all times when visible from a public right-of-way.

17.66.060 Prohibited Signs

The following signs shall not be permitted, erected or maintained in the Town:

- (1) Beacon signs and displays;

- (2) Revolving signs;
- (3) Off-premise signs in public right-of-way;
- (4) Roof signs;
- (5) Signs located in or partially in or above the public right-of-way, whether temporary or permanent, except governmental, wayfinding signs and projecting and suspended signs pursuant to Section 17.66.110(e);
- (6) Portable signs except vehicle signs as defined in Section 17.66.050;
- (7) Billboard signs;
- (8) Wind signs

17.66.070 Temporary Signs

Temporary signs shall be allowed under the provisions of this Section. Such signs shall be classified as either:

- (1) Special-Event Temporary Signs; or
- (2) Supplemental Temporary Signs.

The following regulations shall apply to each temporary sign so classified:

a. Special-Event Temporary Signs

Special-Event Temporary Signs shall not require sign permits when a Town of Estes Park Special-event permit is issued. A Special-Event Sign Plan must be submitted with the special-event permit application. Special-Event Temporary Signage shall be installed no earlier than one hundred and twenty (120) hours [i.e., five (5) days] before the commencement of the special event, and shall be removed no later than forty eight (48) hours after the special event's cessation.

b. Temporary Off-Premise Signs

Temporary signs associated with entities, not included in the special event sign plan, shall require sign permits. Any off-premise temporary sign shall require permission from the property owner. Temporary off-premise signs will be included in the overall total sign area for the property the sign is located on. Temporary off-premise signs shall not be erected more than 7 days prior to the event and shall be removed within 48 hours following the event. No more than one off-premise sign shall be allowed on each private property. No more than five off-premise signs shall be allowed per entity. Temporary off-premise signs shall adhere to all applicable sign code regulations.

c. Supplemental Temporary Signs

Supplemental Temporary Signs shall require sign permits. Any Supplemental Temporary Sign shall remain in place for a period not to exceed thirty (30) consecutive days. A maximum of four (4) Supplemental Temporary Sign permits shall be allowed per applicant, per calendar year.

17.66.071 Historical or Culturally Significant Signs

Signs that have historical or cultural significance to the Town but do not conform to the provisions of this Chapter may be permitted by the Estes Park Board of Trustees, provided that the following regulations and procedures are followed:

- (1) Application for Historical or Culturally Significant Sign is completed and submitted.
- (2) The Board of Trustees holds a public hearing on the application.
- (3) The Town Board of Trustees may approve the request, adopting findings supporting historical or cultural significance of the sign, and directs the Community Development Department to issue a Historical or Culturally Significant Sign Permit.

Criteria to determine a finding of historical or cultural significance include, but are not limited to: nostalgic significance; character, design, or materials that represent a particular historical period; landmark recognition; and character or design that are recognizably important to one or more cultures. Signs that are hand-painted directly on the surface of a



Historical sign

building and include artistic work, in addition to a commercial message, may be eligible for a finding of cultural significance. Historic or cultural nature of the signage may be significant to society generally or in the context of the Estes Park community particularly.

Re-created historical or cultural signs shall be an identical replication of the original sign.

17.66.110 Sign regulations in non-residential zoning districts (A, CD, CO, CH, O I-1)

(a) Total Sign Display Area per Lot or Business: Frontage on a Single Street

- (1) Total sign display area for each lot, or for an individual business in the case of multi-tenant lots, with frontage on only one (1) public street;
 - a. Shall not exceed one and one-half (1.5) square feet per lineal foot of building frontage at ground level, and three-quarters (0.75) square foot per lineal foot of second story building frontage.
 - b. Shall not exceed two hundred fifty (250) square feet total sign display area per lot or individual business, except in the CD district where the maximum shall be one hundred fifty (150) square feet total sign display area.
 - c. Total sign display area shall include sign display area of all signs for which a permit is required under this Section, including any legally nonconforming signs, and including any off-premise directional signs on other properties that refer to the subject property or business.

(b) Total Sign Display Area per Lot or Business: Frontage on Two or More Streets

- (1) Shall not exceed one and one-half (1.5) square feet per lineal foot of building frontage at ground level, and three-quarters (0.75) square foot per lineal foot of second story building frontage.
- (2) The principal street frontage as defined herein shall be allocated two hundred fifty (250) square feet of total sign display area,
- (3) Each additional street frontage shall be allocated one hundred twenty five (125) square feet of sign display area.
- (4) Signage shall be oriented to and primarily visible from the respective street to which the sign display area is allocated.
- (5) Total sign display area shall include sign display area of all signs for which a permit is required under this Section, including any legally nonconforming signs.

(c) Freestanding Signs

- (1) One freestanding sign shall be permitted per property, irrespective of the number of individual businesses or tenants on said property. For purposes of this subsection, the term "property" shall refer to a single functional developmental site with common circulation and parking, irrespective of the number of recorded lots, parcels, deeds, or similar instruments comprising said property.
- (2) Freestanding signs shall not exceed one hundred and twenty (120) square feet in sign display area,
- (3) Freestanding signs shall have a minimum setback of five (5) feet.
- (4) Freestanding signs shall have a maximum sign height of twenty five (25) feet.
- (5) Exception: Freestanding Signs on Lots with Two or More Street Frontages
 - a. For properties with more than one (1) public street frontage, the principal street frontage as defined herein shall be allocated one (1) freestanding sign with size, height and setback standards as specified in the preceding subsection. In addition;
 1. One (1) freestanding sign per each additional street frontage shall be allowed;
 2. Each such additional freestanding sign shall not exceed forty five (45) square feet in sign display area;
 3. Shall have a minimum setback of five (5) feet;
 4. Maximum sign height of twelve (12) feet.
- (6) Exception: Freestanding Signs on Corner Lots
 - a. A property with a corner location (i.e., with frontage at the point of intersection of two (2) public streets) may elect to combine its front and side street sign allocation into a single corner sign with a total of one hundred and eighty (180) square feet of sign display area, measured in accordance with the "sign display area (multi-faced)" definition herein, provided:
 1. The sign is a two-faced sign, oriented diagonally so as to be equally visible from both streets;
 2. The sign is set back at least five (5) feet from the nearest right-of-way; and
 3. The sign does not obstruct the vision of traffic from any direction

(d) Projecting and Suspended Signs

- (1) One (1) projecting or suspended sign per business or building tenant shall be permitted.
- (2) Projecting or suspended signs shall not exceed eight (8) square feet in sign display area.
- (3) Projecting or suspended signs shall not extend more than four (4) feet from the building.
- (4) Projecting or suspended signs shall provide a minimum clearance from grade of eight (8) vertical feet.

(e) Right-of-Way Encroachment

Any projecting or suspended sign shall be allowed within any public right-of-way, only when a right of way permit or encroachment agreement is issued by the Town.

(f) On-premise Directional Signs

- (1) The total number of on-premise direction signs per lot or business shall not be limited, and shall not be counted toward the total sign display area allocation.
- (2) Any individual on-premise directional sign shall not exceed six (6) square feet of sign display area
- (3) Any individual on-premise directional sign shall not exceed seven (7) feet in sign height.

(g) Off-premise Signs

- (1) Number: One (1) off-premise signs shall be permitted per lot (or per business, in the case of multi-tenant lots) to which the off-premise sign refers, provided that consent of the property owner on which the sign(s) are located is obtained. **Off-premise signs shall be included in the overall sign total for the property on which it is located.**
- (2) Size and Type: Each off-premise sign shall not exceed twenty-four (24) square feet in sign display area and shall not exceed sixteen (16) feet in sign height.

(h) On-Premise Electronic Message Centers (EMCs): Number and Type of Signs Permitted

- (1) Notwithstanding any other provision of this Chapter, the following limitations shall apply to on-premise EMCs:
- (2) No more than one (1) on-premise EMC sign shall be allowed per lot or parcel on which the sign is located. This limitation shall apply without regard to the number of businesses or tenants occupying the property or the property's number of street frontages. This limitation shall not prevent the installation of both an EMC and fuel price digits on the same property or frontage for service stations.
- (3) No on-premise EMC shall be installed or used as:
 1. A temporary sign;
 2. A portable sign;
 3. A projecting sign;
 4. A suspended sign.
- (4) An on-premise EMC sign shall have a frame hold time of no less than eight (8) seconds per static graphic display, and the total number of transitions from one frame to another shall not exceed seven and one half (7.5) in any given one-minute period.
- (5) The following illumination standards shall apply to all EMCs:
 - a. No Electronic Message Center sign installed after [effective date of Ordinance] shall be permitted to operate unless it is equipped with:
 1. A default mechanism that will freeze the sign display in one position as a static message if a malfunction occurs; and
 2. A mechanism that will automatically adjust the illuminative brightness of the display according to ambient light conditions by means of a light detector/photocell.
 3. Electronic Message Center sign installed after [effective date of Ordinance] shall not exceed four thousand (4,000) nits when measured from the sign's face at its maximum brightness during daylight hours and four hundred (400) nits when measured from the sign's face at its maximum brightness between dusk and dawn. The Town shall have the right to view the programmed

specifications of the sign to determine compliance. Conformity with these illumination levels may be established by submittal of a manufacturer's certification that the sign is incapable of exceeding the stated limits, subject to approval of the Department.

(6) The following operational standards shall apply to all EMCs:

- a. Entrance and exit effects may be used to transition from one static display to another, provided said entrance effects result in all of the text within the frame appearing at once.
- b. Fading and dissolve transition effects may be used, provided the fade or dissolve effect results in all of the text within the frame appearing at once. Entrance and exit effects where all of the text within the frame does not appear at once are prohibited (including, but not limited to, scrolling from left to right, scrolling from top to bottom, and entrance effects referred to as slot machine, slots, splice, mesh, radar, kaleidoscope and spin).
- c. Except for the transition effects permitted herein, each frame shall remain static with no additional frame or hold effects applied to text within the frame (including, but not limited to, the fading or flashing on any part of the message and hold effects referred to as flash, spin, twinkle, wavy and rumble).
- d. The use of background animation shall be prohibited.
- e. The use of streaming video or full-motion video on any EMC sign shall be prohibited

17.66.120 Sign regulations in multi-family residential zones (RM, R-2, and A-1)

(a) For properties used for multi-family residential buildings or townhouse structures

- (1) One (1) monument or wall sign per street frontage shall be permitted.
- (2) Each sign shall not exceed twenty-four (24) square feet in sign display area.
- (3) Monument signs shall not exceed five (5) feet in sign height.
- (4) Monument signs shall be set back at least five (5) feet from both the front and side property lines.

(b) For properties used for multi-family residential buildings or townhouse structures that have more than one street frontage

- (1) A two-faced monument sign oriented so as to be visible from either right-of-way (such as a diagonal sign on a corner lot) shall be allowed in accordance with the standards in the preceding subsection and other requirements of this Chapter,
- (2) Provided it meets the "sign display area (multi-faced)" definition herein.

(c) For residential subdivisions consisting of more than four (4) residential units

- (1) One (1) monument subdivision sign per development entrance shall be permitted.
- (2) Each sign shall not exceed twenty-four (24) square feet in sign display area
- (3) Each sign shall not exceed five (5) feet in sign height
- (4) Each sign shall be set back at least five (5) feet from any property line, unless designed and constructed as part of an entranceway architectural feature, such as a gate, decorative wall, archway, or similar element.

17.66.130 Sign regulations in all single-family residential zones (R-1, R, E-1, E, RE, RE-1)

(a) Total allowable sign area

- (1) The maximum allowable total display area for any one (1) single-family residential lot shall not exceed nine (9) square feet.
- (2) Home occupation signs shall not exceed four (4) square feet in cumulative area.
- (3) Freestanding signs
 - a. One (1) freestanding sign per lot shall be permitted.
 - b. Each sign shall not exceed a height of five (5) feet.
 - c. Each sign shall be set back at least five (5) feet from any property line.

(b) For properties used for any use other than residential uses, no signs shall be permitted except those reviewed and approved through the Temporary Use or Special Review process.

(c) Sign Illumination

- (1) Non-single-family use residential identification signs, if illuminated, shall be illuminated only from the exterior.
- (2) Single-family use home-occupation signs shall not be illuminated, except for such illumination as may result from general-purpose household exterior lighting (e.g., porch lights).

(d) Animated signs and Electronic Message Centers shall not be permitted in these zoning districts, except:

- (1) Electronic Message Center signage may be reviewed and approved as specifically provided through Temporary Use or Special Review process; provided:
- (2) Signage complies with Section 17.66.110(h) of this Title,
- (3) Signage shall not exceed sixteen (16) square feet in aggregate sign area.

17.66.160 Application for Permits

- (a)** Application for a sign permit shall be made to the Community Development Department upon a form provided by the Department, and shall provide all information.
- (b)** All applications for permits filed with the Department shall be accompanied by a payment of the sign permit fee, in the amount specified.
- (c)** The Department shall approve and issue a permit for the erection, structural alteration, or relocation of a sign within fourteen (14) days of receipt of a valid application, provided the sign complies with the provisions of this Chapter and with all applicable laws and regulations of the Town.
- (d)** All required building permits, including electrical permits, shall be duly applied for and obtained prior to installation of the subject sign, per Town and other code requirements. Issuance of a sign permit is not intended to and shall not serve as a substitute for any other required permit.
- (e)** Issuance and Denial and Revocation

- (1) In all applications, where a matter of interpretation arises, the more specific definition or higher standard shall prevail.
- (2) When a permit is denied, the Department shall within seven (7) days of the denial, provide a written notice to the applicant along with a brief statement of findings and reasons for the denial, citing code sections and interpretation of applicable nonconformity.
- (3) The Department may suspend or revoke an issued permit for any false statement or misrepresentation of fact in the application.
- (4) The Department's decision on any sign permit may be appealed to the Town's Board of Adjustment, as provided by the Estes Park Municipal Code.

17.66.220 Appeals, variances, and minor modifications

- (a) **Appeals.** The owner of any sign who believes a decision, ruling or order of the Building Inspector is factually or legally contrary to the provisions of this Chapter may appeal the same to the Estes Park Board of Trustees. The appeal shall be in writing and filed with the Community Development Department. The appeal shall be filed within ten (10) days from the date of the decision, ruling or order of the Code Compliance Officer. The written appeal shall specify the decision, ruling or order of the Code Compliance Officer being appealed. The Estes Park Board of Trustees shall have no jurisdiction or hear any appeal not filed within ten (10) days from the date of the decision, ruling or order.
- (b) **Variances.** The owner of any sign may request a variance from the requirements of this Chapter. The request for variance shall be in writing and filed with the Community Development Department. The variance request shall specify the provisions of this Chapter to which the variance is being requested. There shall be no variance for maximum sign area on a lot or building. In granting any variance, the Estes Park Board of Trustees shall find that all of the following conditions exist:
 - (1) There are special circumstances or conditions, such as the existence of buildings, topography, vegetation, sign structures or other matters on adjacent lots or within the adjacent public right-of-way, which would substantially restrict the effectiveness of the sign in question; provided, however, that such special circumstances or conditions must be particular to the particular business or enterprise to which the applicant desires to draw attention and do not apply generally to all businesses or enterprises.
 - (2) The variance is in general harmony with the purposes of this Chapter and specifically is not injurious to the neighborhood in which the business or enterprise is located.
 - (3) The variance is the minimum one necessary to permit the applicant to reasonably draw attention to the business or enterprise.
- (c) **Conditions.** The Estes Park Board of Trustees may grant an appeal or variance subject to any condition it deems necessary to make the granted appeal or variance compatible with the purpose of this Chapter.
- (d) **Procedure.** The Estes Park Board of Trustees shall adopt procedures for the review of appeals and variances pursuant to this Section.
- (e) **Staff authority to grant minor modifications.**

Staff may grant minor modifications up to a maximum of ten percent (10%) from the following general sign standards, provided that the staff finds that such modification

advances the goals and purposes of this Code and results in reduction of visual clutter results in more effective signage, or relieves practical difficulties on the site:

- (1) Setback requirements;
- (2) Specific sign size restrictions, provided that the total sign display area remains in compliance; or
- (3) Other dimensional and temporal standards contained herein.

17.66.230 Administration and Enforcement

- (a) The Community Development Department is authorized to process and approve or disapprove application for permits, and to enforce and carry out all provisions of this Chapter. The Community Development Department is authorized to promulgate regulations and procedures consistent with this function.
- (b) The Community Development Department is empowered, upon presentation of proper credentials, to enter or inspect any building, structure, or premises in the Town of the purpose of inspection of a sign and its structural and electrical connections to ensure compliance with all applicable codes and ordinances. Such inspections shall be carried out during business hours unless the Community Development Department in its discretions finds that an emergency exists.

(c) Removal of Signs

- (1) The Department may cause the removal and impoundment of any sign not permitted under the provisions of this Chapter in cases of emergency, or for failure to comply with written orders of removal or repair. After removal or demolition of the sign, a notice shall be mailed to the sign owner stating the nature of the work, and the date on which it was performed and demanding payment of the costs as certified by the Department. The debt may be collected in accordance with the established debt collection procedures of the Town. The owner of the property upon which the sign is located shall be presumed to be the owner of all signs thereon unless facts to the contrary are brought to the attention of the Department, as in the case of a leased sign.
- (2) For purposes of removal, the definition of sign shall include all sign embellishments and structures designed specifically to support the sign.

(d) Other Enforcement, Remedies and Penalties

In addition to the foregoing section providing for removal of signs, all applicable provisions as specified in Section 1.20.010, Required conformance to Code and Section 1.20.020, Fines and Penalties, of this Title, shall pertain to in the case of signage compliance and violations.



Report

To: Honorable Mayor Jirsa
Board of Trustees

Through: Town Administrator Lancaster

From: Audem Gonzales, Planner II

Date: *January 23, 2018*

RE: *Estes Park Downtown Plan*

Objective:

Review the Estes Park Downtown Plan and approve/adopt the document as a Town of Estes Park plan.

Present Situation:

In 2015 the Colorado Department of Local Affairs (DOLA) awarded a planning grant from the State Energy and Mineral Impact Fund to prepare a Downtown Plan. The Downtown Plan process was intended to result in documentation of a community-driven vision for Downtown over the next 20 years.

The planning process was undertaken over the course of 2016 and 2017, and explored a range of Downtown topics with the community, including the character of development, multi-modal circulation, flood mitigation, parking strategies and more. Winter and Company was the lead consultant team dedicated to creating and managing the Plan and process.

The Downtown Plan Steering Committee (DPSC) was established by the Board of Trustees on October 13, 2015 to help guide the Plan process. It consisted of ten volunteer members appointed by the Board. The DPSC's primary roles were as follows:

1. Provide guidance to the process and ensure ample public participation.
2. Review and provide feedback on process, content and Plan
3. Serve as a link to the community by spreading news about the project.
4. Provide a venue for public input at their meetings.

DPSC met monthly to review and discuss Plan and process-related topics. All DPSC meetings were noticed and open to the public.

A Technical Advisory Committee (TAC) composed of Town staff and outside agencies provided technical assistance during the Downtown Plan process. The Town departments joined representatives from outside agencies, such as Estes Valley Fire Protection District. TAC meetings were open to DPSC members.

An array of outreach methods were utilized to raise community awareness of the project and encourage participation, including:

- Mailings
- Press releases
- Flyers
- Property notifications
- Project website staff promotion/interactions
- Surveys

The key public participation opportunities were organized by Staff during various phases of the project. Below were the main open house/public meetings that were held:

1. February 2017 – Initial community workshop at the Estes Park Event Center. Over 45 community members attended. A project overview was provided, followed by a short question and answer period. Participants engaged in a series of group exercises to identify key assets and critical issues in the Downtown. At the end of the workshop, citizen groups shared the highlights of their work.
2. April 2017 – The Town held a multi-day workshop to review preliminary Downtown policies and concepts generated by Town staff and the consultant team. This three day workshop took place at the Rodeway Inn. Around 50 community members attended. This workshop included a public open house which provided an overview of the project and offered an opportunity to review and comment on initial plan concepts. Winter and Company along with Town staff held learn and share sessions which included expert presentations and community discussion about technical design, parking, urban design and implementation/financing. Lastly, the workshop included stakeholder interviews. These focus group meetings were with key stakeholders, including property owners, Downtown business owners and various community organizations and groups.
3. September 2017 – The third and final workshop was held in the Town Board Room with over 70 community members in attendance. The workshop began with a brief presentation of the Downtown Plan and then participants reviewed

summary posters and shared their feedback with Town staff and the consultant team.

The proposed Plan was presented to, and discussed by, The Town Board at a study session on December 12, 2017.

Proposal:

The purpose of this request is to adopt/approve the Downtown Plan as a Town document, which would set the vision for the Downtown area. This document is not a regulatory document but instead would serve as a set of guiding policies and goals for Estes Park. Future Estes Valley Development Code regulations would be reviewed according to Comprehensive Plan and any adopted/approved Town document such as the Downtown Plan.

Advantages:

- Provides a very clear vision on future development of Downtown Estes Park
- Offers flexibility for future projects by giving several options for development
- Creates a database of current situations (infrastructure, buildings, open space, etc.)
- Provides a framework for implementation

Disadvantages:

- Not an overwhelming number of public input comments
- Planning Commission chose not to participate throughout the entire project, despite regular updates and invitations.

Action Recommended:

Staff is recommending the Town Board adopt/approve this document as a Town of Estes Park plan.

Budget:

N/A

Level of Public Interest:

High. This plan has been vetted through the public with multiple public meetings, including over 20 Downtown Plan Steering Committee meetings.

Sample Motion:

I move to **APPROVE** the Estes Park Downtown Plan;

I move to **NOT APPROVE** the Estes Park Downtown Plan;

Attachments:

1. Estes Park Downtown Plan refer to www.estesdowntownplan.com for document

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Memo

To: Honorable Mayor Jirsa
Board of Trustees

Through: Town Administrator Lancaster

From: Greg Muhonen, PE, Public Works Director

Date: *January 23, 2018*

RE: Downtown Parking Management Plan (DPMP)

Objective:

Public Works staff seeks adoption of the DPMP to guide strategic management of the Town's public parking resources for the enhancement of the Town's economic vitality and downtown visitor experience.

Present Situation:

There is an apparent shortage of available parking in Estes Park's downtown core from approximately late May through mid-October. Visitors circle around downtown seeking spaces while the new parking structure and Events Complex lots operate at less than full capacity. With no incentive to look elsewhere, visitors compete for the same prime spaces causing congestion in the main downtown corridors. This frustrates our guests and diminishes our status as a preferred tourist destination.

Since 2014 the Town Board's Strategic Plan included the following goal:

- We will continue to address parking options throughout the Town.

In 2017 the Town Board identified the following infrastructure objectives:

- Pursue funding for additional parking.
- Develop on overall parking strategy plan.
- Define and consider implementation of a paid parking program.

This was expanded in 2018 to include the following two objectives:

- Develop an overall parking strategy plan with input from residents, businesses and guests.
- Implementation of Parking Plan recommendations, including funding options.

In early 2017 the Public Works Department contracted with Kimley Horn to develop the proposed DPMP. A steering committee, consisting of representatives from the citizen Transportation Advisory Board, citizen Downtown Plan Steering Committee, Community Services Department (shuttles), Police Department, Public Works Department, and Community Development Department, was formed to oversee the development of the

DPMP and ensure that it is consistent with the objectives of the represented boards/committees and the service delivery capabilities of the impacted Town departments.

An extensive public outreach effort was implemented during the development of the DPMP.

- 19 public outreach meetings were conducted in 2017.
- Approximately 195 comments were received from the public.

The proposed DPMP was presented to, and discussed by, the Town Board at a study session on January 9, 2018. Staff was directed to bring the plan back for adoption and bring a 2018 budget supplement in the approximate amount of \$200k to initiate Phase 1 work in 2018.

Proposal:

The Public Works Department proposes adoption of the DPMP and authorization to purchase equipment and hire a manager to lead a new Parking Services Division to implement the Phase 1 recommendations presented in the proposed DPMP.

Advantages:

- The DPMP respects and responds to extensive public comments were collected during this study, including requests and recommendations from the citizen Transportation Advisory Board.
- Adoption of this plan is an essential step in achieving specific Board goals and objectives pertaining to parking dating back to 2014.
- Implementation of the recommended strategies will enhance economic vitality when the customer experience is improved by mitigating downtown congestion, encouraging parking space availability/turnover in the downtown core, and encouraging parking on the perimeter of the downtown core.
- The DPMP provides the Town flexibility in its implementation and focuses first on managing the Town's existing assets before recommending costly improvements.
- Paid parking, if implemented in the future, would allow the parking program to self-fund implementation of the recommended strategies.

Disadvantages:

- The Town is not currently staffed, equipped or funded to deliver this additional service to the community. Additional personnel and equipment will be needed.
- Allocation of Town funds will be required to implement Phase 1 and potentially capitalize startup of future phases.
- Resistance can be anticipated from some community members who do not support paid parking or expansion of new governmental services.

Action Recommended:

Public Works staff and the citizen Transportation Advisory Board recommend adoption of the proposed Downtown Parking Management Plan and future approval of a 2018 budget supplement to implement the Phase 1 recommendations.

Finance/Resource Impact:

Phase 1 implementation costs in 2018 could be funded by reallocating approximately \$200,000 in unspent contingency funds previously allocated to the parking structure project. These savings are separate from the \$400,000 identified in the Community Reinvestment Fund by the Finance Director. Work space and equipment storage space options are under evaluation.

The costs of implementing future phases in future years will need to be budgeted annually from future paid parking revenue.

Level of Public Interest

Public interest on this proposed plan is high. This effort was initiated by, and is supported by, the citizen Transportation Advisory Board. Letters of support have been received from citizen members of the Downtown Plan Steering Committee.

Sample Motion:

I move for the **approval/denial** of the Downtown Parking Management Plan.

Attachments:

Electronic [link](#) to the proposed Downtown Parking Management Plan, Appendices, and related documents

Executive Summary

Letter of support from the Transportation Advisory Board

INTRODUCTION

In November 2016, the Transportation Advisory Board (TAB) of the Town of Estes Park (Town), Colorado recommended the development of a Downtown Parking Strategy to explore three key elements:

- Seasonal paid parking
- An employee parking program
- A downtown parking expansion plan

The purpose of this Parking Management Plans is to:

- Provide a summary of past evaluation and findings related to this initiative
- Outline key considerations and high-level costs and revenues associated with available options
- Give an overview of methods and strategies for successful implementation of recommendations

The recommendations from the Parking Management Plan have been developed to achieve the following goals:

- Enhance the ease of visitor access to Downtown Estes Park by encouraging turnover of the most centrally-located and convenient parking spaces.
- Encourage individuals in need of long-term parking (more than three hours) to utilize parking lots outside or on the edge of Downtown in order to prioritize the most centrally-located parking for short-term parking demands.
- Improve multimodal transportation options to provide convenient alternatives to parking within the Downtown Core.
- Identify cost-effective options for expanding the parking supply within Downtown as needed to support economic vitality.

IMPLEMENTATION PLAN

Based on a review of parking management best practices, a detailed review of potential technology options, outreach to peer communities, input from the TAB, as well as an extensive outreach effort during the summer and fall of 2017, the following four-phase Implementation Plan was developed.


Phase 1 – Data Collection and Technology Investments													
Timing	2018												
Key Recommendations	<ul style="list-style-type: none"> • Time Limit Modifications (1-Hour Zones; Additional 3-Hour Zones) • Real-Time Parking Availability Detection (5 Lots) • DMS Parking Availability Integration • Additional Enforcement • Parking Administrator • Parking Performance Evaluation / Occupancy and Turnover Study 												
Downtown Parking Management Strategy (1,763 Spaces)	<table border="1"> <caption>Downtown Parking Management Strategy Data</caption> <thead> <tr> <th>Time Limit</th> <th>Percentage</th> <th>Locations</th> </tr> </thead> <tbody> <tr> <td>Free (No Time Limit)</td> <td>69%</td> <td>Visitor Center, Town Hall (Part), Davis, Wiest/Moraine, Big Horn, Tregent, Spruce, Performance Park</td> </tr> <tr> <td>Free (3-Hour Limit)</td> <td>25%</td> <td>Town Hall (Part), East Riverside, Virginia, Riverside, Post Office, West Riverside</td> </tr> <tr> <td>Free (1-Hour Limit)</td> <td>6%</td> <td>(No specific locations listed)</td> </tr> </tbody> </table>	Time Limit	Percentage	Locations	Free (No Time Limit)	69%	Visitor Center, Town Hall (Part), Davis, Wiest/Moraine, Big Horn, Tregent, Spruce, Performance Park	Free (3-Hour Limit)	25%	Town Hall (Part), East Riverside, Virginia, Riverside, Post Office, West Riverside	Free (1-Hour Limit)	6%	(No specific locations listed)
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Free (3-Hour Limit)	25%	Town Hall (Part), East Riverside, Virginia, Riverside, Post Office, West Riverside											
Free (1-Hour Limit)	6%	(No specific locations listed)											
Capital Costs (One Time)	≈ \$100,000 - \$150,000												
Operations & Maintenance Costs	≈ \$100,000 / year												
Annual Paid Parking Revenue	-												

Phase 2 – Initial Paid Parking Implementation																			
Timing	After Phase 1																		
Key Recommendations	<ul style="list-style-type: none"> • Paid Parking Implementation (Up to 562 Spaces) • Additional Enforcement • Parking Performance Evaluation / Occupancy and Turnover Study 																		
Downtown Parking Management Strategy (1,763 Spaces)	<table border="1"> <caption>Downtown Parking Management Strategy (1,763 Spaces)</caption> <thead> <tr> <th>Category</th> <th>Percentage</th> <th>Locations</th> </tr> </thead> <tbody> <tr> <td>Free (No Time Limit)</td> <td>58%</td> <td>Visitor Center, Davis, Wiest/Moraine (Part), Big Horn, Tregent, Spruce, Performance Park</td> </tr> <tr> <td>Pay-to-Park (No Time Limit)</td> <td>22%</td> <td>Town Hall (Part), East Riverside, Riverside, Post Office, Wiest/Moraine (Part)</td> </tr> <tr> <td>Pay-to-Park (3-Hour Limit)</td> <td>10%</td> <td>Town Hall (Part), Virginia</td> </tr> <tr> <td>Free (1-Hour Limit)</td> <td>6%</td> <td></td> </tr> <tr> <td>Free (3-Hour Limit)</td> <td>4%</td> <td></td> </tr> </tbody> </table>	Category	Percentage	Locations	Free (No Time Limit)	58%	Visitor Center, Davis, Wiest/Moraine (Part), Big Horn, Tregent, Spruce, Performance Park	Pay-to-Park (No Time Limit)	22%	Town Hall (Part), East Riverside, Riverside, Post Office, Wiest/Moraine (Part)	Pay-to-Park (3-Hour Limit)	10%	Town Hall (Part), Virginia	Free (1-Hour Limit)	6%		Free (3-Hour Limit)	4%	
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Free (1-Hour Limit)	6%																		
Free (3-Hour Limit)	4%																		
Capital Costs (One Time)	≈ \$150,000 - \$200,000																		
Annual Operations & Maintenance Costs	≈ \$150,000 / year																		
Annual Paid Parking Revenue	≈ \$350,000 - \$400,000 / year*																		

*Paid Parking Season: May 15 – October 15

Phase 3 – Full Paid Parking Implementation																
Timing	After Phase 2															
Key Recommendations	<ul style="list-style-type: none"> • Paid Parking Expansion (Up to 996 Total Spaces) • Online Parking Permits • Enhanced Trolley Service • Additional Real-Time Parking Availability Detection • Additional Enforcement • Additional Parking Administrator • Parking Performance Evaluation / Occupancy and Turnover Study 															
Downtown Parking Management Strategy (1,763 Spaces)	<table border="1"> <caption>Downtown Parking Management Strategy Data</caption> <thead> <tr> <th>Category</th> <th>Percentage</th> <th>Locations</th> </tr> </thead> <tbody> <tr> <td>Free (No Time Limit)</td> <td>37%</td> <td>Visitor Center, Performance Park</td> </tr> <tr> <td>Pay-to-Park (No Time Limit)</td> <td>44%</td> <td>Town Hall (Part), East Riverside, Riverside, Post Office, Wiest/Moraine, Big Horn, Davis, Tregent, Spruce</td> </tr> <tr> <td>Free (1-Hour Limit)</td> <td>7%</td> <td></td> </tr> <tr> <td>Pay-to-Park (3-Hour Limit)</td> <td>12%</td> <td>Town Hall (Part), Virginia</td> </tr> </tbody> </table>	Category	Percentage	Locations	Free (No Time Limit)	37%	Visitor Center, Performance Park	Pay-to-Park (No Time Limit)	44%	Town Hall (Part), East Riverside, Riverside, Post Office, Wiest/Moraine, Big Horn, Davis, Tregent, Spruce	Free (1-Hour Limit)	7%		Pay-to-Park (3-Hour Limit)	12%	Town Hall (Part), Virginia
Category	Percentage	Locations														
Free (No Time Limit)	37%	Visitor Center, Performance Park														
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Free (1-Hour Limit)	7%															
Pay-to-Park (3-Hour Limit)	12%	Town Hall (Part), Virginia														
Capital Costs (One Time)	≈ \$450,000 - \$500,000															
Annual Operations & Maintenance Costs	≈ \$500,000 / year															
Annual Paid Parking Revenue	≈ \$650,000 - \$700,000 / year*															

*Paid Parking Season: May 15 – October 15

Phase 4 – Future Parking Infrastructure Investment	
Timing	After Phase 3 (If Needed)
Path to Future Investment	 <ul style="list-style-type: none"> • Ensure usage of existing parking infrastructure • Offer a menu of choices (other transportation modes) • Monitor effectiveness of recommended parking management strategies • Site identification and analysis • Identify funding sources • Land acquisition, site prep, construction, traffic analysis, etc.
Potential Locations	<ul style="list-style-type: none"> • Town Hall • Post Office • Piccadilly Square • Performance Park • Wiest/Moraine • Big Horn
Capital Costs (One Time)	≈ \$2,000,000 - \$21,000,000 (\$23k - \$32k per parking space)
Annual Operations & Maintenance Costs	≈ \$50 - \$75 / space / year

Estes Park Downtown Parking Expansion Options

Criteria	Town Hall / Library		Post Office		Piccadilly Square		Performance Park		Moraine/ Weist		Big Horn
Increase in Parking Supply											
Net increase in number of parking stalls	1 ●		2 ○		1 ●		2 ○		3 ○		3 ○
Existing parking stalls	268		93		75		81		50		41
Potential parking capacity (3 levels 4 levels)	525	700	300	400	450	600	225	300	150	200	(2 levels only) 80
Total potential parking capacity minus existing stalls (3 levels 4 levels)	257	432	207	307	375	525	144	219	100	150	(2 levels only) 39
Proposed footprint (Square Feet)	60,000 ft ²		35,000 ft ²		55,000 ft ²		24,000 ft ²		18,000 ft ²		12,000 ft ²
Costs											
Estimated Costs (Excluding Land Acquisition)	1 ●		2 ○		2 ○		1 ●		2 ○		1 ●
Estimated Cost per parking stall (3 levels 4 levels) <small>*See footnote for Visitor Center Garage Costs.</small>	\$28.7k	\$30.0k	\$29.3k	\$30.6k	\$30.7k	\$32.1k	\$26.8k	\$28.0k	\$30.1k	\$31.5k	(2 levels only) \$22.8k
Estimated Structure Cost (3 levels 4 levels)	\$15.0M	\$21.0M	\$8.8M	\$12.2M	\$13.8M	\$19.2M	\$6.0M	\$8.4M	\$4.5M	\$6.3M	(2 levels only) \$1.8M
Land Acquisition Considerations	2 ○		2 ○		3 ○		1 ●		1 ●		1 ●
Existing ownership of land (Town vs. private owner) and timing and ease of acquisition	Public with Redevelopment		Public/Private with Redevelopment		Private with Redevelopment		Public		Public		Public
Site Acquisition, Development, and Staging											
Anticipated Construction and Environmental Considerations	1 ●		1 ●		3 ○		2 ○		1 ●		1 ●
Does the site require extensive site preparation (i.e., slopes, access, and reconfiguration of site)?	-		-		Close Businesses		Business Impacts		-		-
Operational Considerations	3 ○		2 ○		2 ○		2 ○		1 ●		1 ●
Will buildout remove significant parking capacity during construction?	Significant		Medium		Medium		Medium		Minor		Minor
Location and Transportation Impacts											
Site Aesthetic Considerations	2 ○		3 ○		2 ○		3 ○		2 ○		1 ●
Sight lines, disruption of views, impact to natural environment, etc.	Some Disruption		Adjacent to River		Some Disruption		Impacts to Park		Some Disruption		Limited Impacts
Location Service Area	1 ●		1 ●		3 ○		2 ○		1 ●		1 ●
Does the site location serve the Downtown as well as special events in the area?	Core		Core		Fringe		Fringe / Events		Core		Core
Location Visibility	1 ●		1 ●		1 ●		2 ○		1 ●		2 ○
Is the location easy for visitors to find (following completion of the Loop)	Very Prominent		Very Prominent		Very Prominent		Off Main Corridor		Very Prominent		Off Main Corridor
Shuttle Service	1 ●		1 ●		1 ●		1 ●		3 ○		3 ○
Will a shuttle stop serve the location once the Loop is constructed?	Yes		Yes		Yes		Yes		No		No
Bicycle Access	2 ○		2 ○		1 ●		1 ●		2 ○		2 ○
Does a recreational trail serve the site?	On-Street Only		On-Street Only		Yes		Yes		On-Street Only		On-Street Only
Traffic Impact	2 ○		3 ○		1 ●		2 ○		3 ○		3 ○
Does the site's access points (ingress/egress) impact traffic flow, queuing, and circulation?	Edge of Core		Requires Travel Through Core		Potential Traffic Capture		Some Travel Through Core		Requires Travel Through Core		Requires Travel Through Core
Multipurpose Potential											
Mixed Use / Multi-purpose	1 ●		1 ●		1 ●		2 ○		3 ○		3 ○
Does the location offer street level activation? Retail on ground floor? Mixed-use development or opportunity to incorporate existing nearby land uses?	Street-Level Retail Potential		Street-Level Retail Potential		Mixed-Use Concept		Some New Street Frontage		Limited New Street Frontage		Limited New Street Frontage
Flood Risk	2 ○		2 ○		2 ○		2 ○		1 ●		1 ●
Has the location flooded in the past?	Flood History		Flood History		Flood History		Flood History				
Community Support											
Community Response	1 ●		2 ○		2 ○		3 ○		3 ○		3 ○
Level of support expressed by residents, employees, business owners, and visitors	1 st		2 nd		2 nd		3 rd		3 rd		3 rd
Average Score	1.5		1.8		1.8		1.9		1.9		1.9
Rank	1		2		2		3		3		5

*Visitor Center Garage: \$9.7M, 33,400 ft², 361 stalls (313 net new stalls): \$26.9k per stall (\$31.0k per net new stall)

LEGEND: 1 ● = Best Performer in Category; 2 ○ = Tolerable/Neutral; 3 ○ = Lowest Performer in Category



Memo

To: Honorable Mayor Jirsa
Board of Trustees
Town Administrator Lancaster

From: Kimberly Campbell, Chair, Transportation Advisory Board

Date: January 7, 2018

RE: TAB supports the adoption of the Downtown Parking Management Plan

You have recently been presented with a draft of the Downtown Parking Management Plan for your consideration. The Transportation Advisory Board encourages you to adopt this plan.

Background:

In November 2016, the Transportation Advisory Board (TAB) presented to the Trustees a memo requesting that the Town of Estes Park develop a downtown parking program, consisting of a seasonal paid parking program, an employee parking program, and a parking expansion plan. In early 2017, the Town hired Kimley Horn to prepare a downtown parking management plan. The Transportation Advisory Board would like to thank the Town for acting on our proposal and pursuing a solution to a challenging downtown parking environment. We are excited to be moving forward with an actionable plan.

TAB participation in the development of Downtown Parking Management Plan:

The Transportation Advisory Board monitored the Downtown Parking Program throughout its development. The Town created the Downtown Parking Management Plan Task Force to manage this initiative. At each TAB meeting, updates from the Task Force were presented by members Greg Muhonen (Director of Public Works) and/or Kimberly Campbell (Chair, Transportation Advisory Board).

TAB actively participated in the public process to gather data that contributed to the development of the Downtown Parking Management Plan. At the recommendation of Kimley Horn, a comprehensive community outreach program was developed to gather the necessary data to customize this program to the needs and wants of the Estes Park community. TAB members hosted and facilitated community outreach events (small group conversations, both private and public), as well as actively solicited community input at a booth at farmer's market in June 2017. Input from these events was shared with Kimley Horn and incorporated into the plan. TAB members also participated in the community outreach events hosted by the Town and facilitated by Kimley Horn, listening to the community's perspectives on the developing plan and to provide input on the preliminary recommendations.

TAB has now reviewed the proposed Plan and ask that the Trustees adopt the Downtown Parking Management Plan.

Plan benefits:

TAB finds the proposed Downtown Parking Management Plan to be:

- Well-organized
- Inclusive of past studies conducted by the Town
- Shaped by the input received from the community and our community's unique characteristics
- Objective in its performance targets
- Focused first on managing the Town's existing assets before recommending costly improvements, and
- Flexible in its implementation.

TAB looks forward to the opportunity to work with a dedicated parking manager to fine tune the implementation of this plan and shape its rollout to the community.

Summary:

The Transportation Advisory Board shares a vision of downtown that is focused on people and creating positive experiences during their visit downtown; a vision that values pedestrians, bicycles and shuttles, and is not defined by vehicles, traffic and congestion. Achieving this goal requires action on many fronts, one of which is a strong parking strategy. Pedestrian facilities need to be enhanced (more parks, trails and wider sidewalks). A comprehensive bike strategy needs to be developed (east/west & north/south bike corridors to allow unfettered access through downtown, sufficient bike racks, a bike-share program, and bike racks on Town and RMNP shuttle systems). The proposed Downtown Parking Management Plan is a vital first step in achieving this vision.

This plan is a huge step forward for the Town's management of its parking operations, which has been an area of dissatisfaction for residents and visitors alike, as reflected in previous surveys of both audiences. This plan, coupled with constructed parking structure at the Visitor Center, should have a significant impact on the experience of residents and visitors enjoying our downtown during the busy summer season for years to come.

We ask the Trustees to adopt the Downtown Parking Management Plan.

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Memo

To: Honorable Mayor Jirsa
Board of Trustees

Through: Town Administrator Lancaster

From: Travis Machalek, Assistant Town Administrator

Date: January 23, 2018

RE: Policy #206 Cell Phone

Objective:

Present an updated cell phone policy to the Town Board for consideration.

Present Situation:

The Town currently uses one of two options to provide a cell phone to employees that require one for business reasons: (1) a Town-provided cell phone or (2) a cell phone allowance.

Town-Provided Cell Phone

Current policy permits the Town to purchase cell phones for employees who use that Town-provided cell phone predominantly (90%) for Town business. While some organizations use this as the only option for employees who need a cell phone for business, the Town has discovered that this option is cumbersome for both the employee and the organization. For the employee, this option often necessitates that they carry two cell phones, one for personal use and one for business.

This option is also cumbersome for the Information Technology (IT) staff managing the phones. The use of this option has scaled down over the past six years because of the burden it placed on the IT division. Back in 2011-2012, staff completed an analysis that showed about 20% of the IT group's time was spent managing Town-provided phones. This was equivalent to roughly \$30,000 per year in management expenses (not to mention the materials expenses from replacing phones and chargers). Managing the phones also drew IT time away from other pressing technology issues.

Cell Phone Allowance

The current cell phone policy (approved in 2012) provides for 12 different levels of allowance ranging from \$15 to \$110. These levels were developed using usage criteria along with a distinction between voice only, voice/text, and voice/text/data use (see table below).

Plan Type	Minimal Usage (example, 200 Min or Less)	Low Usage (example, 450- 650 Min)	Moderate Usage (example, 650- 750 Min)	High Usage (example, over 750 Min)
Voice Only	\$15	\$38	\$52	\$68
Voice/Text Msg	\$25	\$52	\$71	\$84
Voice/Text/Data	\$35	\$74	\$94	\$110

The allowance amounts contained in the table above are reflective of cell phone use patterns in 2012, as well as the plan pricing structures in place at that time. With the growth of unlimited plans, the widespread increase in data use, and the changes in plan pricing, changes need to be made in order to bring our allowance levels in-line with newer cell phone use patterns and plan pricing.

Proposal:

The proposed Policy 206 (Cell Phones) eliminates the Town-provided cell phone option, simplifies the allowance levels, and removes a significant amount of unnecessary paperwork by eliminating the annual reauthorization process.

Town-Provided Cell Phone

Staff made the decision to recommend eliminating the Town-provided cell phone option after consultation with IT. The cost in terms of staff time and hard dollars far outweighs any benefits gained by this option. As mentioned previously, the use of this option has been phased out starting in 2012 (there are only a few Town-provided phones left).

Simplifying Allowance Levels

The proposed cell phone policy has only two allowance levels: (1) Job Critical and (2) Availability/Efficiency. These levels and their associated qualification criteria more accurately reflect usage patterns by Town employees than the 12 that are contained in the existing policy. Additionally, by providing an annual process to recalculate the allowance amount, the Town would ensure that cell phone allowance levels keep pace with changes in pricing plan structure as they occur. The inclusion of the allowance calculation in the policy also enhances transparency.

For 2018, the Job Critical Allowance under the new policy would be \$80 and the Availability/Efficiency Allowance would be \$30.

Eliminated Paperwork

Under the existing cell phone policy, every employee must submit an annual allowance reauthorization that includes a cell phone bill. By moving to a system with only two allowance amounts with qualification criteria that are predicated on the responsibilities of the position, this annual reauthorization can be eliminated. Eligible positions will receive the allowance that has been assigned to that position without having to submit paperwork and bills every year.

Advantages:

- Eliminates cumbersome Town-provided cell phone option.
- Dramatically simplifies the Town's cell phone allowance structure and process.
- Transparent with calculation of allowance amounts.
- Self-adjusting allowance amounts keep track with market.

Disadvantages:

- This system is based on average usage and does not reflect the exact amount of time each employee uses their phone for business. Accordingly, some employees will likely receive a disproportionately high or low allowance relative to their actual use of cell phones for Town business. However, calculating the exact amount of each employee's cell-phone usage that is business-related is not realistic.

Action Recommended:

Staff recommends approval of Policy #206.

Finance/Resource Impact:

There is a projected net total annual cost reduction of \$74 across all Town Departments from these changes.

Level of Public Interest

Medium.

Sample Motion:

I move for the **approval/denial** of Policy 206.

Attachments:

- Policy 206



Effective Period: Until superseded
Review Schedule: Annually in June
Effective Date: 03/01/2018
References: Governing Policies Manual 3.12, Policy 303

ADMINISTRATION 206

Cell Phone Policy

1. PURPOSE

To establish a policy and procedure regarding the use of, and allowance for, wireless communication devices for Town business that is consistent with Internal Revenue Service regulations and meets Town standards.

2. POLICY

The Town of Estes Park provides a means of wireless communication to employees meeting necessary criteria for the purpose of conducting Town business.

3. PROCEDURE

a. Definition

Under this policy, the term “cell phone” refers to mobile phones, tablets, and similar telecommunication devices that are used to make or receive wireless telephone calls and/or transmit data on public cellular telephone networks.

b. General Requirements

i. Internal Revenue Service Regulations

The Town abides by the relevant Internal Revenue Service Regulations pertaining to Town-provided cell phone allowances.

ii. Cell Phone Usage by Non-Exempt Employees

Non-exempt employees receiving a cell phone allowance may not use said phone for Town business outside of their normal working schedule (unless they are working overtime in compliance with Policy 303.3.d).

iii. Use of Cell Phone Number

All employees receiving a cell phone allowance must sign up for emergency and closure notifications from the Town. The employee must agree to give their personal cell phone number to the Town and must agree that their personal number will be known and used by Town staff for Town business.

iv. Device Ownership

Under this policy, a cell phone is a personal device owned and operated by the employee. This device may be used for both business and personal use. The employee is responsible for purchasing and maintaining a cell phone and service plan which meets the requirements of their department and their personal needs. Departments may specify a particular service provider and/or type of equipment for the employee to qualify for the allowance. The cell phone cannot be obtained through IT or any other department of the Town. Any device which connects to Town data services must conform to Town

standards. IT will configure cell phones which must communicate with the Town network and/or for email integration. The Town will **NOT** be responsible for paying any charges associated with the purchase of any future new device/accessories, or for the repair of existing devices/accessories.

v. Termination of Allowance

If the supervisor determines the allowance is no longer needed due to business requirements or other reasons, the cell phone remains the property of the employee. The allowance may be discontinued at any time.

vi. Allowance for Temporary, Seasonal, and Contract Employees

The allowance does not need to be based on an entire year. Stipends can be used for temporary and/or seasonal employees for project work. All stipend requests must be included in the initial Personnel Action Notice Form.

c. Qualification Criteria

The Town has two levels of cell phone allowances: a job-critical allowance and an availability/efficiency allowance.

i. Job-Critical Allowance Criteria

Qualification for the Job-Critical allowance requires meeting one or more of the following criteria:

- 1) Job requires frequent use of a cell phone for voice/text along with significant data use (workflow management, applications, etc.);
- 2) Significant amount of working time spent away from office landline/personal computer/tablet/radio and the employees needs to be in regular communication with others; and/or
- 3) Personal safety concerns for individuals while traveling, working evening or weekend hours, or working in isolated areas.

ii. Availability/Efficiency Allowance Criteria

The criteria for the "Availability/Efficiency Allowance" are as follows (note: all of the criteria must be met to receive the availability/efficiency allowance):

- 1) Employee is frequently away from office/landline/personal computer or tablet; and
- 2) Use of cell phone communication during workday increases efficiency but is not critical to completing assigned work; and
- 3) Work efficiency benefits from light voice/text use, with minor data use.

d. Allowance Amounts

- 1) Job-Critical Allowance: 65% of monthly cost of average single line as calculated in Section e (rounded to nearest multiple of five)
- 2) Availability/Efficiency Allowance: 25% of monthly cost of average single line as calculated in Section e (rounded to nearest multiple of five)
- 3) Part-time employees may receive a pro-rated cell phone allowance from either category above (pro-ration will be the same as the pro-ration for benefits).

e. Annual Calculation of Monthly Cost of Average Single Line

Each allowance amount will be calculated annually in June. The allowances will be calculated by averaging the cost of a single line with AT&T, T-Mobile, and Verizon. The plan that is priced shall include unlimited text and talk, at least 4 GB of data, a \$10 added monthly charge to cover taxes and fees, and the monthly charge to finance the most current iPhone available. The new allowance will be implemented for the first pay period of the following year (for example, a June 2018 change will be reflected in the first payroll of 2019).

f. Allowance Process

- 1) Initial enrollment to implement this policy will be completed by Human Resources.
- 2) Future enrollment of new employees, or changes in allowance levels, will be completed using the Town's Personnel Action Notice Form.
- 3) Employees will receive the appropriate monthly allowance in the first paycheck of each month and the amount will be included in the employee's taxable income.

g. Other Considerations

i. Exceptions

The Town Administrator may approve an allowance different than the options provided in section 206.3.d upon written request from the Department Director with full documentation of the need for the exception.

ii. Prepaid Phone Cards/Phones

Employees may utilize a cell phone allowance to purchase prepaid cards/phones as long as the resulting service meets the needs and requirements of their department.

Approved:

Todd Jirsa, Mayor

Date