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.

BOARD OF TRUSTEES - TOWN OF ESTES PARK

Tuesday, April 23, 2024
7:00 p.m.

ACCESSING MEETING TRANSLATIONS

(Accediendo a las Traducciones de la Reunión)

To access written translation during the meeting, please scan the QR Code or click this link for up to 48 other languages (Para acceder a la traducción durante la reunión, por favor escanee el código QR o haga clic en el enlace para hasta 48 idiomas más):

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Choose Language and Click Attend (Seleccione su lenguaje y haga clic en asistir)

Use a headset on your phone for audio or read the transcript can assist those having difficulty hearing (Use un auricular en su teléfono para audio o lea la transcripción puede ayudar a aquellos que tienen dificultades para escuchar).

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 or use the link above to access audio or read the transcript.

ADVANCED PUBLIC COMMENT

By Public Comment Form: Members of the public may provide written public comment on a specific agenda item by completing the form found at https://dms.estes.org/forms/TownBoardPublicComment. The form must be submitted by 12:00 p.m. the day of the meeting in order to be provided to the Town Board prior to the meeting. All comments will be provided to the Board for consideration during the agenda item and added to the final packet.

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

PROCLAMATION – PUBLIC SERVICE RECOGNITION WEEK.

AGENDA APPROVAL.

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

TOWN BOARD COMMENTS / LIAISON REPORTS.

TOWN ADMINISTRATOR REPORT.

1. 2024 TOWN ORGANIZATIONAL PLAN.

2. POLICY GOVERNANCE MONITORING REPORT - POLICIES 3.3 AND 3.7.

Policy 2.3 designates specific reporting requirements for the Town Administrator to provide information on policy compliance to the Board. The above policies are reported on each April.

CONSENT AGENDA:

2. Town Board Minutes and Study Session Minutes dated April 9, 2024.

3. Resolution 34-24 Intergovernmental Agreement for 2024 Fiscal Year Certifications and Assurances as required for Federal Transit Administration Funding for Public Transportation with CDOT.


* 5. Resolution 37-24 Authorizing Town Staff to Administer an Account on the Application Intake System of the United States Department of Agriculture.

**ACTION ITEMS:**

   Consider the expenditure to the YMCA of the Rockies Summer Inclusion Program in the amount of $35,420.

2. **ACKNOWLEDGEMENT OF MAYOR KOENIG AND TRUSTEES MACALPINE AND MARTCHINK.**
   Resolutions of Respect will be read and certificates of appreciation to be presented.

3. **RESOLUTION 36-24 CONTRACT WITH DAVID THROWER FOR MUNICIPAL JUDGE SERVICES**, Town Clerk Williamson.
   To renew the contract for a two-year term expiring April 28, 2026.

**SWEARING-IN CEREMONY FOR NEWLY-ELECTED MAYOR AND TRUSTEES.**

- **Municipal Judge Thrower.**
- **Mayor: Gary Hall**
- **Trustees: Mark Igel, Frank Lancaster, and Cindy Younglund (4 Years) Bill Brown (2 Years)**

**ACTION ITEMS:**

1. **APPOINT MAYOR PRO TEM**, Mayor Hall.
   To nominate and select a Mayor Pro Tem to serve as Mayor as needed from April 2024 to April 2026.

2. **TOWN BOARD POLICY 101 - BOARD ASSIGNMENTS**, Mayor Hall.
   To update appointments to all boards, commissions and liaison positions as outlined in the policy.

3. **STAFF APPOINTMENTS**, Town Clerk Williamson.
   To appoint Town Officers as outlined in the Municipal Code:
   - Town Clerk
   - Town Treasurer/Town Clerk Pro Tem
   - Town Attorney
   - Municipal Judge
   - Town Administrator

4. **RESOLUTION 38-24 CONTRACT WITH DAVID THROWER FOR MUNICIPAL JUDGE SERVICES**, Town Clerk Williamson.
   To renew the contract for a two-year term expiring April 28, 2026.

**ADJOURN.**
Memo

To: Honorable Mayor Koenig
    Board of Trustees

From: Town Administrator Machalek

Date: April 23, 2024

RE: Town Organizational Plan

Board Policy 3.13 requires that the Town Administrator to present a current organizational chart of the Town to the Town Board at the first regular meeting following the certification of the results of each biennial election. The organizational chart must be in graphical format and include detail through the division level.

Policy 3.13 states:

"With respect to internal organizational structure of the Town, the Town Administrator will maintain a current organizational plan (organizational chart) of the Town, in a graphical format including through the division level. The Town Administrator will update the plan annually. The current plan shall be included in the Comprehensive Annual Financial Report each year and presented to the Board of Trustees at the first regular meeting following the certification of the results of each biennial election."

Pursuant to this requirement, the current organizational chart is attached. The chart is the responsibility of the Town Administrator and is presented to the Town Board for information purposes. No action is required by the Town Board.

Travis Machalek
Town Administrator
Memo

To: Honorable Mayor Koenig
Board of Trustees

From: Town Administrator Machalek

Date: April 23, 2024

RE: Policy Governance Monitoring Report – Policy 3.3 and 3.7

(Mark all that apply)
☐ PUBLIC HEARING ☐ ORDINANCE ☐ LAND USE
☐ CONTRACT/AGREEMENT ☐ RESOLUTION ☒ OTHER: Policy

QUASI-JUDICIAL ☐ YES ☒ NO

Board Policy 2.3 designates specific reporting requirements for the Town Administrator to provide information on policy compliance to the Board. In April of each year the Town Administrator is required to report on Policies 3.3 and 3.7.

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.”

Policy 3.7 states:

“The Town Administrator shall have an Emergency Preparedness Process in place for coordination of all emergency management partners – Federal, State, and local governments, voluntary disaster relief organizations, and the private sector to meet basic human needs and restore essential government services following a disaster.”

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

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

3.3.1: Deviates from statutory requirements.

**Status:** Compliance

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

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

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

**Report:** I report compliance.

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

**Status:** Partial Compliance

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

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

**Evidence:**
1. The 2024 adopted budget was prepared based on the Board’s Strategic Plan.
2. Any substantial budget changes have been presented to the Board for review and approval as budget amendments.
3. HTE budget reports for each department are available on request.

Report: I report partial compliance. Staff has uncovered and informed the Board of three (3) budgeting errors that would cause budget spending to materially deviate from the levels approved in the adopted budget if they were not corrected:

2024 Budgeted Salary Projection Error
- This error stemmed from an oversight in reflecting pay grade changes in the backend programming of our budgeting tool. Two pay families were adjusted as part of the market realignment efforts in late 2022, with a new pay code used to identify the new pay families within the payroll system. In July 2023, as then-Director Hudson began to prepare the payroll projections within our separate budget software program (MDSS), he set up the two new codes in the appropriate configuration settings. However, he did not recognize that he also needed to have MDSS personnel change background programing for these two new codes. As a result, the 3% market adjustment for these two pay families was not included in the final payroll calculation reflected within the adopted 2024 budget. The net effect of this error was that the Town was under budgeted by $292,560 across all Town funds for certain wages and wage-based benefits. The General Fund's share of that total shortfall is $137,819.

- Preventative Actions Moving Forward
  - In order to prevent this from happening in the future, we will take a sample of employees from each pay family and review them in detail, including conducting manual recalculations, to verify that our system is set up and calculating personnel costs correctly.

2023/2024 Purchase Power Error
- 2023 Budget Error
  - We made an error when entering the 2023 budget for purchase power and did not sufficiently budget for purchase power costs. We brought the Board an amendment to the 2023 budget in December to add $1.1M to that line item. Ultimately, we spend $843,306 out of the additional $1.1M adjustment (leaving $256,694 unspent). Purchase power costs are offset by power sales.
  - We spent a total of $8,943,306 on purchase power in 2023.

- 2024 Budget Error
  - Since we only caught the budgeting error for purchase power in December, the error was also reflected in our original 2024 budget (which was finalized in November). We noted back in December that we would need to bring an amendment forward to true up the 2024 budget (our estimate at that time was $650,000). It is
important to note that we did not make that amendment in December.

- The original estimate to true up the 2024 purchase power budget was $650,000. That was before we received more information from PRPA about projected demand increases. With the projected demand increases, and the 5% rate increase, we increased the amount of the budget amendment to make sure we have sufficient funds appropriated to pay the purchase power costs. The amendment that we brought forward added $1,200,000 to the purchase power budget. This amendment includes some cushion that may not have to be spent if power deliveries from PRPA stay at or below projections.

- Based on PRPA's projections, we are estimating the cost of purchase power at $9,683,371 for 2024 (demand increases and a 5% rate increase). Staff has added a cushion of $316,629 to ensure that we have sufficient budget to cover purchase power if demand is higher than anticipated.

**Preventative Actions Moving Forward**

- We will double check our budget entries on purchase power moving forward. Additionally, we will be increasing the purchase power budget at a rate of 6% per year for the foreseeable future. This is based on PRPA's rate increases of 5% per year, plus 1% for growth in demand. We will also perform a lookback calculation to analyze our spend in recent years to determine if that 6% remains reasonable or if it needs to increase. We do not get the PRPA report on projected usage and costs until several months after budget season is over, but we will use the previous year's report as part of our lookback calculation.

**Internal Services Director Allocation Error**

- When doing the math for the Internal Services reorganization, I neglected to account for the fact that 40% of the Mobility Services Manager position was funded through the Parking Fund (an amount that would not make sense for the Internal Services Director). Ultimately, this led to a 2024 funding shortfall of $51,111 for the reorganization. The Board approved use of fund balance from Information Technology Fund and the Risk Management Fund to meet the 2024 funding requirements for the Internal Services Director position. Starting in 2025, this position will be fully funded through the Internal Service Funds, which are funded through service charges to Town departments.

**Preventative Actions Moving Forward**

- In the future, we will run all reorganization salary components through Finance to ensure that salary allocation differentials are recognized. Additionally, we have added a reminder to the reorganization template to check salary allocations before finalizing the document.
3.3.3: Contains inadequate information to enable credible projection of revenues and expenses, separation of capital and operational items, cash flow and subsequent audit trails, and disclosure of planning assumptions.

**Status:** Compliance

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

**Compliance with the policy will be achieved when:**
- Operational revenue projections are clear and projected and actual revenues are within a 10% margin of error, barring any catastrophic events.
- The budget presented to the Board for adoption is in a format that separates revenues, expenses, and capital expenditures.
- Critical assumptions used in preparing the budget are clearly articulated to the Board during budget review sessions.

**Evidence:**
1. Operational revenue projections are currently within a 10% margin of error.
2. The 2024 adopted budget is presented in a format that separates revenues, expenditures, and capital.
3. Critical assumptions used in preparing the budget were discussed with the Board during budget review sessions as well as during budget amendment discussions.

**Report:** I report compliance.

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

**Status:** Partial Compliance

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

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

**Evidence:**

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

**Report:** I report partial compliance. As I informed the Town Board in March, we created an imbalance between revenue and expenditure when we began making expenditures for the Multimodal Transportation Plan. While both revenue and expenditures for this project were budgeted, the expenditures were to be offset by grant revenue from a Multimodal Transportation and Mitigation Options Fund (MMOF) grant ($300,000 of expenditures offset by $225,000 in revenues from grant funding). We did not receive the grant, but neglected to remove the budgeted revenue and expenditures. While sufficient fund balance is available to fund this project at the fund level, that does not discount the error. Public Works and Finance staff are working on an amendment to the Town’s Grant Policy that will mitigate the risk of a mistake like this in the future.

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

**Status:** Compliance

**Interpretation:** I interpret this to mean that fund balance reserves must be calculated at every budget amendment, and that the General Fund reserve shall not drop below 25% unless otherwise authorized by the Board. If the Board approves and adopts a budget that plans for reducing the fund balance below the 25% level, I interpret this as being authorized by the Board.

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

- The latest budget amendment shows a General-Fund fund balance of 25% or greater, unless otherwise approved by the Board.

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

**Evidence:**

1. 2024 Budget Amendment #2 anticipates a 36.2% General-Fund fund balance at the end of 2024.

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

**Status:** Compliance

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

**Compliance with the policy will be achieved when:**
- The proposed budget anticipates an end-of-year fund balance in the General Fund of 25% or greater, unless otherwise authorized by the Board.
- The current cash reserves meet the criteria defined in Board Policy 670 – Cash and Investment Reserve and Contingency.

**Evidence:**
1. The 2022 ACFR shows a 57.6% General-Fund fund balance at the end of 2022.
2. 2023 Budget Amendment #6 anticipates a 34.3% General-Fund fund balance at the end of 2024.
3. 2024 Budget Amendment #2 budget anticipates a 36.2% General-Fund fund balance at the end of 2024.
4. Current cash and investment reserves are reported to the Board on a monthly basis, as required by Board Policy 670.
5. The Town’s budget contingency plan is established in Policy 670 (Section 3.b).


3.3.7: Fails to provide for an annual audit.

**Status:** Compliance

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

**Compliance with the policy will be achieved when:** The annual audit is complete and presented to the Town Board.
Evidence:
1. The 2022 Audit has been completed and the ACFR prepared and submitted to the State of Colorado with an unqualified and unmodified opinion from the Board’s auditors.
2. The 2022 Audit has been delivered to the Audit Committee and Town Board.
3. The 2023 Audit is underway.


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

Status: Compliance

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

Compliance with the policy will be achieved when:
- I am in compliance with 3.3.5.
- Required bond coverage ratios are met.

Evidence:
1. The 2022 ACFR shows an 57.6% General-Fund fund balance at the end of 2022.
2. 2023 Budget Amendment #6 anticipates a 34.3% General-Fund fund balance at the end of 2023.
3. 2024 Budget Amendment #2 budget anticipates a 36.2% General-Fund fund balance at the end of 2024.
4. Our current (December 31, 2022) bond-coverage ratio for Power and Communications (512%) exceeds the required ratio of 125%.
5. Our current (December 31, 2022) bond-coverage ratio for Water (619%) exceeds the required ratio of 110%.


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

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

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

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

**Report:** I report compliance.

Policy 3.7: The Town Administrator shall have an Emergency Preparedness Process in place for coordination of all emergency management partners – Federal, State, and local governments, voluntary disaster relief organizations, and the private sector to meet basic human needs and restore essential government services following a disaster.

3.7.1: The Town Administrator shall be responsible for the assigned responsibilities identified in the Town of Estes Park Emergency Operations Plan.

**Status:** Compliance

**Interpretation:** I interpret this to mean that the Town has adopted and kept current an Emergency Operations Plan that covers multiple possible emergency situations and outlines the roles and responsibilities of Town staff during an emergency. These roles are consistent with the standards of the National Incident Management System (NIMS) process. I also interpret this to mean that key staff have had basic NIMS/Incident Command System (ICS) training.

**Compliance with the policy will be achieved when:**
- The Town has an up-to-date Emergency Operations Plan.
- Key staff have completed NIMS/ICS 100 training.

**Evidence:**
1. The Town has an up-to-date Emergency Operations Plan
2. All key staff have completed NIMS/ICS 100 training

**Report:** I report compliance.
3.7.2: The Town Administrator shall not fail to have a business continuity plan for the Town.

**Status:** [Compliance]

**Interpretation:** I interpret this to mean that the Town has adopted and kept current a Continuity of Operations Plan (COOP) for Town operations.

**Compliance with the policy will be achieved when:** The Town has an up-to-date Continuity of Operations Plan (COOP).

**Evidence:**
1. The Town has an up-to-date Continuity of Operations Plan

**Report:** I report compliance.

3.7.3: In the event of an emergency, the Town Administrator shall not fail to take appropriate action immediately to ensure the safety of the public and public and private assets, including authorizing specific actions by Town staff and declaring an emergency on behalf of the Board of Town Trustees.

**Status:** [Compliance]

**Interpretation:** I interpret this to mean that in the event of an emergency I take appropriate steps to respond to the emergency including, but not limited to, actions outlined in the Town Emergency Operation Plan and Chapter 2.28 of the Municipal Code.

**Compliance with the policy will be achieved when:**
- During an emergency, I ensure that we follow the Emergency Operations Plan and standard NIMS procedures (as applicable) in implementing our response.
- Response and recovery efforts are prudent and in compliance with state and federal requirements for aid and reimbursements (when applicable).

**Evidence:**
1. The most recent evidence of compliance can be found in the Town’s response to the East Troublesome Thompson Zone fire and COVID-19, which included declarations of emergency, emergency orders, and implementation of NIMS structure to coordinate Town response.

**Report:** I report compliance.
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 April, 2024.

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

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

Absent: None

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

PROCLAMATIONS – NATIONAL VOLUNTEER APPRECIATION MONTH AND MONTH OF THE TREE, Mayor Koenig proclaimed April 2024 as Volunteer Appreciation Month and Month of the Tree.

AGENDA APPROVAL.
It was moved and seconded (Hazelton/Cenac) to approve the Agenda, and it passed unanimously.

PUBLIC COMMENTS.
Ron Hartzog/Town citizen spoke regarding the vacation home regulation parking limits and citations he has received due to parking violations for a vacation home located at 450 Lakefront Dr. He stated the complaints have been made by one neighbor who does not want the vacation home in the area, and provided scenarios which could cause a parking violation. He requested the Board review the parking requirements for vacation home licenses.

John Meissner/Town citizen encouraged citizens to attend the Downtown Estes Loop Open House for information on the project.

TRUSTEE COMMENTS.
Board comments were heard and have been summarized: Visit Estes Park (VEP) would host the Estes Park Tourism Summit; VEP received accreditation with distinction from Destinations International; citizens were encouraged to attend the Earth Week festivities; the Board encouraged the continuation of Trustee Talks following the swearing-in of new Board members; the Rooftop Rodeo would be held July 5 – July 10, 2024; Trustee MacAlpine stated she has begun, and would continue to spearhead after her term, the formation of a research exploration committee for the purpose of creating a mountain college in Town; the Regional Opioid Abatement Council met and heard presentations for grant requests; citizens were encouraged to participate in the upcoming Duck Race and tree sapling giveaway; the Regular Municipal Election was held and remarks were made on the passage of Ballot Issue 1A and the low voter turnout; all candidates were thanked for running in the election and the Mayor Elect and Trustees Elect were congratulated; and Mayor Koenig thanked the town for allowing her to serve for the last four years.

TOWN ADMINISTRATOR REPORT.
Town Administrator Machalek reiterated the thanks to candidates, and provided a timeline for the implementation of 1A. He stated a number of power outages were caused by the
recent wind event and the Power & Communication Division continues to work to restore power in various areas.

CONSENT AGENDA:

1. Bills.
2. Town Board Minutes dated March 26, 2024.
4. Estes Park Housing Authority Board of Directors Reappointment of Phil Frank to a Term expiring April 30, 2029 and Appointment of Tariq Bhatti to complete the Term of William Pinkham expiring April 30, 2027.

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

REPORTS AND DISCUSSION ITEMS: (Outside Entities)

1. 2023 BASE FUNDING REPORT FOR ESTES VALLEY CRISIS ADVOCATES (EVCA). Program Director Fanucchi provided a report on the base and annual funding for the EVCA. She highlighted their mission and history, the services they provide, their area of coverage, funding, the new bicultural/bilingual advocate and law enforcement liaison, and 2023 data including the demographics of served clients, shelter nights, and volunteer hours. The Board discussed capacity limitations, increases in needs, and the average length of stay in the safe house.

2. ESTES PARK HOUSING AUTHORITY (EPHA) EXPENDITURE OF 6E FUNDS TO HABITAT FOR HUMANITY WORKFORCE HOUSING. Executive Director Moulton presented the potential expenditure of 6E funds to purchase a deed restriction for a home owned by Habitat of Humanity of the St. Vrain at 213 Big Horn Drive. EPHA intends to roll out a deed restriction purchase program, but in the interim, the expenditure of 6E funds for this deed restriction purchase must be reviewed by the Town Board. He highlighted history of the property, components of the deed restriction, and financial impacts. The Board discussed the size of the property, cost of housing, restriction qualifications, review of qualifications at the point of sale or change of hands of the property, retirement criteria, the appreciation cap, a future deed restriction purchase program, the success of such programs in other municipalities, and future rehabilitations of properties. The Board stated support of the expenditure for the identified purchase by Habitat for Humanity and reiterated Director Moulton’s statement that the program needs refining before rolling out the program to the community.

LIQUOR ITEMS:

1. RESOLUTION 31-24 NEW TAVERN LIQUOR LICENSE FILED BY 3634 HIKE LLC DBA BOGEY’S, 281 W. RIVERSIDE DRIVE, ESTES PARK, CO 80517. Mayor Koenig opened the public hearing and Town Clerk Williamson presented Resolution 31-24 for a new Tavern Liquor License. She stated the license would be for a new building, reviewed the application for the license, stating all paperwork and fees had been submitted, and the application has undergone concurrent review. The applicants were aware of the Training for Intervention Procedures (TIPS) requirement. The applicants provided an overview of the property, the neighborhood which consists of a number of business and liquor establishments as the surrounding area is zoned CD Commercial Downtown, construction plan and timeline, the business operations, and scheduled TIPS training.

Mark Newman/Boulder resident and Town property owner/short term rental near the proposed business spoke against the resolution stating neighborhood impacts. He presented the Authority with a petition signed by 26 neighborhood residents.
within the immediate area, outlined impacts to neighborhood businesses and public parking, and request the Board review the reasonable requirements of the neighborhood. He requested if approved the Board consider restrictions to limit the operating hours and strict noise ordinance standards.

John Meissner/Town citizen spoke regarding the number of liquor establishments currently located on Moraine Avenue and stated concerns for parking impacts and the location of food trucks as it relates to pedestrians accessing the location along the highway.

Carolyn Newberry/Licensee responded to the petition and Board questions stating conversations were had with the neighboring property owners and local businesses in which support was heard. The business would contain approximately 640 square feet of internal space and a maximum occupancy of 96. The business anticipates patrons being pedestrians walking to the establishment.

The Board discussed residential and commercial neighborhood outreach, operating hours, parking requirements, location for food trucks, outdoor noise, the circulated petition, the increase of liquor establishments in Town, what the Board can consider as the Liquor Licensing Authority, reasonable requirements of the neighborhood, the permitted use in the zoning district, and the revocation and suspension processes for a liquor license. Mayor Koenig closed the public hearing and it was moved and seconded (Cenac/Martchink) to approve Resolution 31-24, and it passed with Mayor Koenig and Trustees Lancaster and MacAlpine voting “No”.

**ACTION ITEMS:**

1. **RESOLUTION 32-24 SUPPLEMENTAL BUDGET APPROPRIATIONS #2 TO THE 2024 BUDGET.** Director Cramean provided an overview of the second amendment to the 2024 budget which included the re-appropriation of uncompleted 2023 purchase orders and projects already underway. At the end of each year, the Town has purchases, contracts, or projects which were not completed within the fiscal year and as part of a standard accounting process, remaining funds are rolled over to the new fiscal year. It was moved and seconded (Lancaster/MacAlpine) to approve Resolution 32-24, and it passed unanimously.

2. **ORDINANCE 06-24 AMENDING SECTION 5.3 OF THE ESTES PARK DEVELOPMENT CODE REGARDING VEHICLE BASED ACCOMMODATIONS FOR SEASONAL EMPLOYEES.** Mayor Koenig opened the public hearing and Planner Hornbeck presented Ordinance 06-24 to allow vehicle-based accommodations (VBASE) for seasonal employees which was previously discussed with the Town Board at study sessions held in May 2023 and February 2024. The pilot program would allow the permitted use of vehicle-based accommodations on an employer’s property or another site owned by the employer and zoned non-residential for employees working from May 1 – October 31 at a minimum of 30+ hours per week. The VBASE housing on commercial sites may temporarily alleviate the workforce housing shortage, and assist with recruitment and retention of workers during the summer season. He further highlighted previous Board discussions, the cost of living in Estes Park, meetings with Town departments and external entities, and components of the program. The program would be evaluated after the 2024 season and discontinued if unsuccessful or underutilized. The Board discussed the removal of enforcement procedures, how authorities would gain access for complaint-based inspections, and future use of Town owned property for Town seasonal employees.

Kent Smith/Town citizen spoke in favor of the ordinance and requested tiny homes be included as an option.
Mayor Koenig closed the public hearing and it was moved and seconded (Younglund/Lancaster) to approve Ordinance 06-24, and it passed unanimously.

3. RESOLUTION 33-24 MEMORANDUM OF UNDERSTANDING WITH THE ESTES PARK HOUSING AUTHORITY (EPHA) FOR THE DEVELOPMENT OF HOUSING AT THE FISH HATCHERY PROPERTY. Manager Bangs presented Resolution 33-24 for a Memorandum of Understanding (MOU) with EPHA to lead the first stage of predevelopment for the Fish Hatchery property to build additional workforce housing. She provided background on the $2 million in ARPA funding approved on March 12, 2024 to be used to reimburse EPHA for the predevelopment work, previous discussions on EPHAs role in the Fish Hatchery Workforce Housing Development project, components of the MOU, and distribution of funds. The Board discussed public accessibility of the reports and studies, and clarification on the level community outreach goals. It was moved and seconded (Hazelton/MacAlpine) to approve Resolution 33-24, and it passed unanimously.

4. ORDINANCE 07-24 AMENDING CHAPTER 14.12 OF THE ESTES PARK MUNICIPAL CODE TO ADOPT THE 2021 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, WITH AMENDMENTS. Mayor Koenig opened the public hearing and Town Administrator Machalek presented Ordinance 07-24 to adopt and apply elements of the 2021 International Property Maintenance Code, previously adopted by the Town Board to regulate nonresidential structures, for all existing residential structures used for long-term rentals. He stated staff would enforce the standards through a complaint-based process. He highlighted concerns regarding the poor conditions of some rental properties, previous Board discussions, enforcement procedures, financial and staffing impacts, and a potential future program for unincorporated Larimer County. More specifically, the Town’s Code Enforcement Officer would conduct long-term rental housing inspections and elevate complaints to the Building division as needed.

John Meissner/Town citizen and Kent Smith/Town citizen spoke in favor of the Ordinance and requested the Town provide outreach to J-1 Visa seasonal employees and an option for cease and desist.

Further discussion on potential outreach efforts was discussed by the Board. Mayor Koenig closed the public hearing and it was moved and seconded (MacAlpine/Marchink) to approve Ordinance 07-24, and it passed unanimously.

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

5. ORDINANCE 08-24 TEMPORARY MORATORIUM ON NEW BED AND BREAKFAST INN BUSINESS LICENSES. Mayor Koenig opened the public hearing and Town Attorney Kramer presented Ordinance 08-24 for an additional three-month moratorium on new bed & breakfast (B&B) licenses to allow the Town Board time to review options for updating the definition and regulations for bed & breakfast licenses. He highlighted previous discussions on B&B code updates. The Board discussed the timeline of the Ordinance going into effect and timelines for any future code changes, which would need to be approved by ordinance.

Mayor Koenig closed the public hearing and it was moved and seconded (MacAlpine/Younglund) to approve Ordinance 08-24, and it passed unanimously.

REPORTS AND DISCUSSION ITEMS:

1. BED & BREAKFAST CODE UPDATE. Town Clerk Williamson presented a summary of the March 26, 2024 Town Board discussion, provided four options for the grandfathering of currently licensed B&Bs, and requested Board direction on requirements for renting to multiple parties.
Option 1 would have no changes to the regulations, Option 2 would adopt all proposed regulations with a grace period for current licenses to come into compliance, Option 3 would partially grandfather current licenses until the property is transferred and require a drawing and life safety inspection, and Option 4 would grandfather current licenses until the property is transferred or no longer used as a B&B. The Board discussed the options, the original intentions to regulate short term rentals, creating a cap which includes vacation homes and B&Bs, the current limitations on hosted vacation home rentals, transferability of short-term rentals, fairness to waitlist vacation home applications, the ability to obtain a new B&B license, the difference between the two license types, the impact of all short-term rentals on workforce housing, and length of the grace period. The Board directed staff to bring forward Option 2 for consideration after the new Town Board has been seated.

Whereupon Mayor Koenig adjourned the meeting at 10:40 p.m.

Wendy Koenig, Mayor

Kimberly Disney, Recording Secretary
Minutes of a Study Session meeting of the **TOWN BOARD** of the Town of Estes Park, Larimer County, Colorado. Meeting held at Town Hall in the Board Room in said Town of Estes Park on the 9th day of April, 2024.

**Board:** Mayor Koenig, Mayor Pro Tem Cenac, Trustees Hazelton, Lancaster, MacAlpine, Martchink, and Younglund

**Attending:** Mayor Koenig, Mayor Pro Tem Cenac, Trustees Hazelton, Lancaster, MacAlpine, Martchink and Younglund

**Also Attending:** Town Administrator Machalek, Deputy Town Administrator Damweber, Town Attorney Kramer, and Deputy Town Clerk Beers

**Absent:** None

Mayor Koenig called the meeting to order at 5:35 p.m.

**ENCORE ARTS AND FAIRGROUNDS FACILITY RELOCATION COSTS.**

The Stanley Park Master Plan update included design concepts for the possible construction of a performing arts center on the Stanley Park Fairgrounds. At the December 12, 2024 study session, the Fine Arts Guild stated interest in locating the center on the Stanley Park Fairgrounds property. The Board directed staff to review relocation of existing facilities and financial impacts and risks for the proposed project. The proposal would bring a new attraction and asset to the arts community and general public. Staff stated the main risk of constructing the project at the fairgrounds revolves around the operationally sustainability of the center to meet assumptions and projections outlined in the plan. Additionally, staff highlighted the opportunity cost of the land currently used for larger horse and dog shows, festivals, rodeos and other events. Relocation costs were estimated at $7.1 million comprised of start-up, demolition, erosion control, site-work, utilities, barns, and roundabout expansion. Staff requested Board direction on relocating facilities for the proposed project. Board discussion has been summarized: whether existing pavilion stalls would be adequate to meet existing needs; construction impacts; grant opportunities to offset costs; minimum costs directly related to the proposal versus needed costs; whether staff identified community financial impact to businesses and potential use of other fairgrounds areas including parking to minimize impacts; more information was requested related to Fine Art Guild contributions; the need for existing events outweighing the costs for relocating existing facilities; considering a multi-level parking lot or sub-ground parking to maximize space; the level of public outreach; and the importance of soliciting feedback from the public.

Town Administrator Machalek stated there would be no guarantee the master plan would incorporate a performing arts center and staff would continue to evaluate options. Board consensus was to direct staff to continue the Stanley Park Master Plan to include performing arts center alternatives for consideration. Tim Phillips, Fine Arts Guild representative stated the Guild would be available to discuss expenses, answer questions, and proposed the Elm Road Town owned property as another option for a performing arts center.

**POWER OUTAGE OVERVIEW.**

At the request of the Board, staff were directed to provide an overview of power outages and response. Power & Communication staff operate 24/7 and prioritize response for power outages. Advanced metering infrastructure (AMI) plays a vital role in response to outages which also acts as an online, in-house, customer call tracking system used to instantly share information, including an automated online power outage map. AMI has reduced calls into the 911 emergency dispatch center and expedited repairs. Line Superintendent Lockhart reviewed a presentation and highlighted the definition of an 'outage', scheduled versus unscheduled outages, tracking improvements, data trends
and use, reliability indicators, and metrics. In 2023, the Town received the Public Power Association Certificate of Excellence in Reliability by exceeding the 5-year average for all US electric utilities for reliable electric service. Board discussion has been summarized: whether the new tree cable has minimized wind related impacts in Allenspark; if downed lines have created spark concerns, and whether the Town has considered proactive power terminations during red flag warnings. Staff stated concerns for a total shut off during red flag warnings primarily due to safety should downed lines be across a home or in public right of ways and delays to service repairs. Staff reiterated the value of the AMI and the ability it provides to identify impacted area which has improved monitoring and response.

TRUSTEE & ADMINISTRATOR COMMENTS & QUESTIONS.
None.

FUTURE STUDY SESSION AGENDA ITEMS.
Town Administrator Machalek requested and it was determined to add the Governance Orientation to Approved/Unscheduled anticipated for May 14, 2024 and the Big Horn Parking Structure Design Considerations for 3rd and 4th levels to May 14, 2024.

There being no further business, Mayor Koenig adjourned the meeting at 6:43 p.m.

Bunny Victoria Beers, Deputy Town Clerk
Memo

To: Honorable Mayor Koenig
   Board of Trustees

Through: Town Administrator Machalek

From: Dana Klein, Parking & Transit Manager
       Greg Muhonen, PE, Public Works Director

Date: April 23, 2024

RE: Resolution 34-24 Intergovernmental Agreement for 2024 Fiscal Year Certifications and Assurances as required for Federal Transit Administration Funding for Public Transportation with CDOT

(Mark all that apply)
☐ PUBLIC HEARING    ☐ ORDINANCE    ☐ LAND USE
☐ CONTRACT/AGREEMENT ☐ RESOLUTION    ☐ OTHER

QUASI-JUDICIAL ☐ YES    ☐ NO

Objective:
Adoption of Resolution 34-24, which approves an Intergovernmental Agreement (IGA) with the Colorado Department of Transportation (CDOT) for Fiscal Year (FY) 2024 Certifications and Assurances required by the Federal Transit Administration (FTA) for recipients of FTA funding for public transportation.

Present Situation:
Before the FTA may award federal assistance for public transportation in the form of a federal grant, cooperative agreement, loan, line of credit, or loan guarantee, certain pre-award agency (Town) Certifications and Assurances are required. CDOT has requested that each agency (Town) review the Certification and Assurance overview and select those categories that will apply to any application for which the agency (Town) might seek or receive federal assistance from FTA during the fiscal year listed (FY 2024).

Because the FTA’s annual Certification and Assurance overview contains various agreements and commitments, it requires Town Board approval as an IGA under Town Policy 1101.

Proposal:
Public Works staff propose that the Town Board authorize the Parking & Transit Manager to complete and submit the FY 2024 Certifications and Assurances, as required by the FTA, using CDOT’s online document management portal COTRAMS.
**Advantages:**
- By completing the requested FY 2024 Certifications and Assurances, the Town will ensure that it remains in compliance with State and Federal requirements for agencies that receive grant funding for public transportation projects.
- Completing the requested FY 2024 Certifications and Assurances secures Town eligibility to receive FTA grant funding for reimbursement for several existing projects (e.g., trolley barn facility) and allows the Town to receive the FY 2024 FTA 5311 (in the amount of $100,000), which has already been awarded.

**Disadvantages:**
- Accepting and processing Federal grants adds administrative workload to several departments, including Public Works, Finance, and Administrative Services; however, these staff teams are well-versed at managing FTA grant funding of this type.

**Action Recommended:**
Public Works staff recommend approval of Resolution 34-24.

**Finance/Resource Impact:**
This item does not require funding or resources from the Town.

**Level of Public Interest**
Public interest in this item is low.

**Sample Motion:**
I move to approve/deny Resolution 34-24.

**Attachments:**
1. Resolution 34-24
2. [FY 2024 FTA Certification & Assurances Form & Checklist - Link]
RESOLUTION 34-24

APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE COLORADO DEPARTMENT OF TRANSPORTATION FOR FISCAL YEAR 2024 CERTIFICATIONS AND ASSURANCES AS REQUIRED BY THE FEDERAL TRANSIT ADMINISTRATION (FTA) FOR RECEPIENTS OF FTA FUNDING FOR PUBLIC TRANSPORTATION

WHEREAS, the Town Board desires to enter into the intergovernmental agreement referenced in the title of this resolution for the purpose of receiving FY 2024 grant funding for public transportation in Estes Park from the Federal Transit Administration.

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

The Board approves, and authorizes the Mayor to sign, the intergovernmental agreement referenced in the title of this resolution in substantially the form now before the Board.

DATED this _____ day of ______________, 2024.

TOWN OF ESTES PARK

__________________________________________
Mayor

ATTEST:

__________________________________________
Town Clerk

APPROVED AS TO FORM:

__________________________________________
Town Attorney
Memo

To: Honorable Mayor Koenig or Mayor Hall
     Board of Trustees

Through: Town Administrator Machalek

From: Reuben Bergsten, Utilities Director; Jamie Kuryllo, Grant Writer

Date: April 24, 2024

RE: Resolution 37-24 Authorizing Town Staff To Administer an Account on the Application Intake System of the United States Department of Agriculture

- PUBLIC HEARING
- CONTRACT/AGREEMENT
- RESOLUTION
- OTHER Letter of Support

QUASI-JUDICIAL YES NO

Objective:
Power and Communications Division aims to be good stewards of customer resources by applying for USDA grants which requires Town Board to authorize the creation of a United State Department of Agriculture (USDA) account for the Application Intake System for Telecommunication Programs and assign the Representative-Signature-Certifier and Administrator roles.

Present Situation:
The USDA Rural Utilities Service Agency recently opened the application period for the FY2024 Rural eConnectivity (ReConnect) grant program. Under this program, grant funds are awarded to qualified applicants to fund the costs of construction, improvement, or acquisition of facilities and equipment needed to provide broadband service.
The Town’s Power and Communications Division is interested in applying for broadband grant funds under the ReConnect program, however, staff does not have access to the USDA’s Application Intake System.
The USDA requires Town Board to pass a resolution assigning a Representative-Signature-Certifier and Administrator(s) roles in order to access the USDA’s Application Intake System. The people assigned must have Level 2 USDA eAuthentication credentials and obtaining these credentials can be a lengthy process. Reuben Bergsten, Utilities Director and Jamie Kuryllo, Grant Writer both have Level 2 USDA eAuthentication credentials.
**Proposal:**
Power and Communications Division staff recommends the Town Board pass the attached resolution to authorize the Town to create a USDA account in order to gain access to the online grant application system.

**Advantages:**
- This request will allow the Town to pursue various funding streams offered by the USDA for the costs needed to provide broadband service in eligible rural areas.
- This request supports the Town Board’s 2024 Strategic Plan policy statement “to ensure access to high-speed, high-quality, reliable Trailblazer Broadband service.”

**Disadvantages:**
- Managing grants adds additional work to staff; however, we have a lot of positive experience working with the USDA.
- The assignment of these roles will likely change; however, time is of the essence to meet a mid-May deadline and the roles can be re-assigned.

**Action Recommended:**
Staff recommends approval of the resolution.

**Finance/Resource Impact:**
There is no financial impact at this time. This will allow the Town’s Power and Communications Division to apply for rural broadband grants offered by the USDA.

**Level of Public Interest:**
High for those living in areas of the P&C service area who do not yet have access to Trailblazer’s modern broadband service.

**Sample Motion:**
I move for the approval/denial of Resolution 37-24.

**Attachments:**
1. Resolution 37-24
RESOLUTION 37-24

AUTHORIZING TOWN STAFF TO ADMINISTER AN ACCOUNT ON THE APPLICATION INTAKE SYSTEM OF THE UNITED STATES DEPARTMENT OF AGRICULTURE

WHEREAS, the Town of Estes Park acting by and through its Power and Communications Enterprise owns and operates Trailblazer Broadband; and

WHEREAS, the Town desires to expand Trailblazer Broadband’s fiber optic infrastructure to the most rural areas of Power and Communications’ service area; and

WHEREAS, the cost of construction combined with the cost of operations, maintenance, and future capital infrastructure replacement costs creates an unsustainable business model; and

WHEREAS, the United States Department of Agriculture (USDA) Rural Development has grant and financing programs to offset construction costs in order to create a sustainable business model; and

WHEREAS, in order to apply for USDA Rural Development grants and financing Programs the Town Board must assign one Representative-Signature-Certifier security role on behalf of the Town of Estes Park, who shall be responsible for providing signatures, authorizing certifications, entering/updating applications, submitting applications for consideration, and assigning access to new users in USDA’s Online Application Intake System for Telecommunications Programs; and

WHEREAS, if USDA application(s) are awarded under these Programs, the Representative-Signature-Certifier security role on behalf of the Town of Estes Park shall also be responsible for authorizing certifications, entering/updating compliance reports, submitting compliance reports, and assigning access to new users in USDA’s Online Financial Reporting and Compliance System; and

WHEREAS, the USDA requires the Town Board to assign one or more Administrator security role(s) on behalf of the Town of Estes Park, who shall be responsible for assigning access to new users and entering/updating application(s) in USDA’s Online Application Intake System for Telecommunications Programs; and

WHEREAS, if applications are awarded under these Programs, the Administrator’s security role on behalf of the Town of Estes Park shall also be responsible for assigning access to new users and entering/updating compliance reports in USDA's Online Financial Reporting and Compliance System; and

WHEREAS, the Representative-Signature-Certifier and Administrator for the Town of Estes Park shall comply fully with all security procedures and policies of the Online Application Intake System for Telecommunications Programs and USDA's Online Financial Reporting and Compliance System; and

WHEREAS, the Town’s Representative-Signature-Certifier and Administrator must have eAuthentication Level 2 credentials; and

WHEREAS, obtaining eAuthentication Level 2 credentials can be a lengthy process taking up to a month; and

WHEREAS, the Town’s Utilities Director, Reuben Bergsten already has eAuthentication Level 2 credentials for the assignment of the Representative-Signature-Certifier security role on behalf of the Town of Estes Park; and

WHEREAS, the Town’s Grant Writer, Jamie Kuryllo already has eAuthentication Level 2 credentials for the assignment of the Administrator security role on behalf of the Town of Estes Park; and
WHEREAS, time is of the essence to meet a mid-May application deadline.

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

The Board authorizes Town staff to create a USDA account for the Application Intake System for Telecommunication Programs and assigns the Representative-Signature-Certifier and Administrator roles as described in this Resolution.

DATED this _____ day of ________________, 2024.

TOWN OF ESTES PARK

________________________________________
Mayor

ATTEST:

________________________________________
Town Clerk

APPROVED AS TO FORM:

________________________________________
Town Attorney
Memo

To: Honorable Mayor Koenig
   Board of Trustees
Through: Town Administrator Machalek
From: Carlie Bangs, Housing & Childcare Manager
Date: April 23, 2024
RE: Resolution 35-24 6E Funding Expenditure for a Childcare Funding Agreement with the YMCA of the Rockies

(Mark all that apply)

☐ PUBLIC HEARING ☐ ORDINANCE ☐ LAND USE
☒ CONTRACT/AGREEMENT ☒ RESOLUTION ☐ OTHER______________

QUASI-JUDICIAL ☐ YES ☒ NO

Objective:
Consider the approval of Resolution 35-24 for the 6E funding expenditure to the YMCA of the Rockies Summer Inclusion Program of $35,420.00.

Present Situation:
The 2024 6E Funding Plan outlined the use of 6E funds to support out-of-school programming, defined as after and/or before school care, out-of-school days (like Teacher Professional Development days), and summertime programs.

The YMCA of the Rockies serves on average 200 local children, one to 18 years old, each summer through their Summer Day Camp program. In addition to traditional day camp programming, the YMCA has an inclusion program that serves children with special needs by providing individual accommodations for each child to ensure success throughout the day. The YMCA is requesting funds to help support the cost of staffing and scholarships that are used to provide these services directly to the local community of Estes Park.

Proposal:
Funding for out-of-school programming is essential to supporting our workforce in the Estes Valley. Programs such as the YMCA of the Rockies are even more important to serving working families during our busiest summer tourism months. Families that have children with various physical and cognitive special needs have little to no support or childcare options throughout the Estes Valley when out of school during the summer.

The YMCA has served families with children who have special needs and received feedback from parents for increased staff support. These staff positions are very difficult...
to recruit with professionals who have the experience and specialized skills to serve these children who require additional support throughout the day.

A funding application received from the YMCA of the Rockies requests $20,498 for additional staffing, including an “off grounds” position at $23/hour, and an additional Inclusion Counselor for children under 5. The YMCA of the Rockies provides affordable dorm-style housing for its day camp staff, which is ideal for the seasonal staff they typically recruit for these positions. The proposed “off grounds” position would allow the YMCA to recruit an employee who lives in the Estes Valley, or prefers to live off property.

In addition to increasing staffing to serve children, the YMCA also provides tuition assistance to 18 local families with children with special needs. In 2024, they expect to provide approximately $30,000 in assistance and request that the Town subsidize that expenditure to cover the assistance provided for the local children in the Inclusion Program. In addition to supporting the staffing, the YMCA requests $14,922 to keep tuition affordable for families with children in the Inclusion Program. Daily rates for day camp are $50/day.

The YMCA of the Rockies has requested $35,420.00 for support for the Inclusion Program that serves Estes Valley kids with special needs.

**Advantages:**
- Distribution of 6E funds to support out-of-school programming efforts as directed by the voters when passing the 6E Ballot Initiative.
- Supporting critical services to local children

**Disadvantages:**
None.

**Action Recommended:**
Approval of the 6E Expenditure to support the YMCA of the Rockies Summer Inclusion Program.

**Finance/Resource Impact:**
$35,420 expended from the Childcare Lodging Tax Fund, account 101-1900-419.37-97

**Level of Public Interest**
None.

**Sample Motion:**
I move for the **approval/denial** of Resolution 35-24.

**Attachments:**
1. Resolution 35-24
2. Childcare Funding Agreement
3. [YMCA of the Rockies Application - Link](#)
RESOLUTION 35-24

APPROVE 6E FUNDING EXPENDITURE FOR A CHILDCARE FUNDING AGREEMENT WITH THE YMCA OF THE ROCKIES

WHEREAS, the Town of Estes Park prioritized the funding of out-of-school funding for the use of Workforce Housing and Childcare (6E) Tax revenue in the 2024 Funding Plan; and

WHEREAS, the YMCA of the Rockies provides summer childcare for children in the Estes Valley; and

WHEREAS, the YMCA of the Rockies seeks funding through the Policy 225 Childcare Funding application to support operations and staffing of their Inclusion Programming; and

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

The Board approves, and authorizes the Mayor to sign, the childcare funding agreement referenced in the title of this resolution in substantially the form now before the Board.

DATED this ______ day of _________________, 2024.

TOWN OF ESTES PARK

________________________________________
Mayor

ATTEST:

________________________________________
Town Clerk

APPROVED AS TO FORM:

________________________________________
Town Attorney
CHILDCARE FUNDING AGREEMENT
Between the Town of Estes Park and the YMCA of the Rockies

The Town of Estes Park, Colorado (Town), a Colorado municipal corporation, and the YMCA of the Rockies (YMCA), a nonprofit organization, hereby agree to the following on this _______ day of ______________, 2024, for good and valuable consideration the receipt of which is hereby acknowledged:

1. The Town will grant $35,420 to the YMCA of the Rockies to provide financial support and to address workforce challenges as described in the 2024 Funding Plan.

2. Funds received as this one-time subsidy must be used to contribute to the mission of the YMCA of the Rockies and their summer Day Camp mission to inspire kids ages 3-17 with countless opportunities to laugh, lead, and make lasting friendships.

3. Of the $35,420 funds received by the YMCA of the Rockies, $25,000 must be used to support the wages of staff in the YMCA’s Summer Inclusion Program (“Program”) as described in the YMCA’s application for this subsidy and the remaining $10,420 will go toward the scholarship fund for children served in that program.

4. The hourly wage for the lead staff who carry out the Program must be a minimum of $20/hour and $16/hour for aides, not including benefits or any recruitment and retention bonuses.

5. At least one parent or guardian of each of the children served by the Program must work full-time (at least 30 hours per week) within the boundaries of the Estes Park R-3 School District.

6. The YMCA agrees to use these funds only for the purposes described above. The YMCA shall keep full records of the use of these funds and compliance with the above requirements and shall deliver them to the Town promptly upon request. YMCA acknowledges that, in addition to all other remedies the Town may pursue for YMCA’s breach of this agreement, YMCA may become ineligible for future funds from the Town.

7. The YMCA shall provide a final report of expenditures to the Town by December 1, 2024.

8. The YMCA must spend all funds provided under this Agreement within twelve (12) months of its effective date or must return the funds to the Town.
9. The YMCA must provide childcare service and staffing levels, as described in its application for this subsidy and supporting documents, for a minimum of 24 months from the effective date of this Agreement or the funds must be returned to the Town.

10. The YMCA warrants that all of the information included in its application for this subsidy, its attachments, its supplemental documents, and all other information communicated to the Town to solicit its approval of this grant is true and correct.

11. This Agreement does not preclude the YMCA from being eligible for additional funding from the Town for the purposes of childcare. Such funding may be provided on an application basis or through a direct subsidy program.

12. The Town finds that the use of these funds is for the public purpose of protecting the economic and social vitality of the Town by supporting employment for residents of the Town by expanding childcare options for working parents and guardians, thereby allowing employees to continue to live and work locally, and ultimately to continue to contribute to the Town’s tax base. The Town finds that this Agreement’s public purposes are both significant and substantial, and justify the expenditure of the public funds. The Town finds that the support of childcare operations both inside and in the immediate vicinity of the Town and the boundaries of the Estes Park Local Marketing District contributes to the public purposes described above, that the economy and society of the entire Estes Valley is inextricably interconnected, and that supporting the families of the Estes Valley is integral to supporting the economic and social vitality of the Town. The Town also finds that the Town will receive adequate consideration for its financial contribution to the Program in the form of the significant and substantial public benefits described above. Finally, the Town finds that the activities funded by this Agreement constitute development and operation of a program to support affordable workforce childcare services.

13. This Agreement does not establish a partnership or joint venture between the Town and the YMCA. The YMCA shall perform all activities under this agreement as an independent entity, and not as an agent or employee of Town. No employee or official of Town shall supervise the YMCA or its agents or employees. The YMCA shall exercise no supervision over any employee or official of Town. The YMCA and its agents and employees shall not represent that they are an employee or agent of the Town in any capacity. The YMCA’s officers, employees and agents are not entitled to Workers’ Compensation benefits from the Town, and the YMCA and its officers, employees and agents are obligated to pay any applicable federal and state income tax on money paid under this Agreement. Except as this Agreement expressly states, the YMCA shall, at its sole expense, supply all buildings, equipment and materials, machinery, tools, superintendence, personnel, insurance and other accessories and services necessary. This Agreement is not exclusive; subject the terms of this Agreement, Town and the YMCA may each contract with other parties.

14. To the extent permitted by law, the YMCA and its agents, principals, officers, partners, employees, and subcontractors shall and do agree to indemnify, protect, and hold
harmless the Town, its officers, employees, and agents from all claims, damages, losses, liens, causes of actions, suits, judgments, and expenses (including attorneys’ fees and the value of the time of in-house counsel), of any nature, kind, or description by any third party arising out of, caused by, or resulting from any activities under this Agreement.

15. The YMCA will perform activities under this Agreement in strict compliance with applicable federal, state, and municipal laws, rules, statutes, charter provisions, ordinances, and regulations (including sections of the Occupational Safety and Health Administration [OSHA] regulations, latest revised edition, providing for job safety and health protection for workers) and all orders and decrees of bodies or tribunals applicable to work under this Agreement. The YMCA shall protect and indemnify Town against any claim or liability arising from or based on the violations of any such law, ordinance, regulation, order, or decrees by itself or by its subcontractors, agents, or employees. Town assumes no duty to ensure that the YMCA follows the safety regulations issued by OSHA. The EVRPD shall secure all permits and licenses, pay all charges, files, and taxes and give all notices necessary and incidental to the lawful prosecution of its activities under this Agreement.

16. The YMCA shall maintain such insurance as necessary to cover such liability as may arise from its activities under this Agreement, and shall provide evidence of such coverage to the Town upon request.

17. This instrument forms a contract only when executed in writing by duly authorized representatives of Town and the YMCA. By their signatures on this document, the signatories represent that they have actual authority to enter this Agreement for the respective parties.

18. There are no other agreements on the same subject than expressly stated or incorporated in this Agreement.

19. The laws of the State of Colorado shall govern enforcement and interpretation of this Agreement. Venue and jurisdiction for any court action filed regarding this Agreement shall be only in Larimer County, Colorado.

20. This Agreement does not create a multiple fiscal year direct or indirect debt or other financial obligation. All financial obligations of the Town under this Agreement are contingent upon appropriation, budgeting, and availability of specific funds to discharge such obligations.

21. Only the Town and the YMCA, as parties to this Agreement, shall have the right to bring an action to enforce the respective rights and obligations under this Agreement. No other third party shall have the right or standing to enforce the terms of this Agreement, directly or by derivative action on behalf of either Party.

22. This Agreement shall not be construed more strictly against one party than against the other merely by virtue of the fact that it may have been prepared by counsel for one of the
Parties, it being recognized that both the Town and the YMCA have contributed substantially and materially to the preparation of this Agreement.

23. The Parties warrant that they have taken all actions necessary or required by their own procedures, bylaws, or applicable law, to authorize their respective signatories to sign this Agreement for them and to bind them to its terms.

(Signature pages to follow.)
Town of Estes Park

By: ________________________________ Date: _______________

Title: ________________________________

State of ________________________) ss
County of ________________________) ss

The foregoing instrument was acknowledged before me by ________________________, as ________________________) of the Town of Estes Park, a Colorado municipal corporation, on behalf of the corporation, this ____ day of ________________, 2024.

Witness my hand and official Seal.

My Commission expires ____________________

______________________________
Notary Public

APPROVED AS TO FORM:

______________________________
Town Attorney
YMCA of the Rockies

By: _______________________________ Date: __________________

Title: _______________________________

State of ___________________________
) ss
County of ___________________________

The foregoing instrument was acknowledged before me this ____ day of ________________, 2024, by _______________________________, as _______ of _______________________________. (If by natural person or persons, insert name or names; if by person acting in representative or official capacity or as attorney-in-fact, insert name of person as an executor, attorney-in-fact, or other capacity or description; if by officer of corporation, insert name of such officer or officers as the President or other officers of such corporation, naming it.)

Witness my hand and official Seal.

My Commission expires ____________________________.

________________________________________

Notary Public
Action Item #1 Appoint Mayor Pro Tem.

No packet material will be provided for this item.
1. **Purpose:** The Board of Trustees has many varied responsibilities. In order to effectively use their time, the Board finds it necessary to divide duties and responsibilities among the Board members.

2. **Assignments To Ongoing Committees:** At the first regular meeting following the certification of the results of each biennial election, the Board of Trustees determines each Board and Commission Primary Liaison assignments and responsibilities for the remainder of the term of the current standing Town Board.

   a) **Interim Assignments:** Should the Board deem it necessary to create a new liaison assignment or to modify assignments at some time other than as described in 101.2, the Board may do so at any regular meeting of the Board.

3. **Assignment To Committees of The Board of Trustees** (committees comprised solely of members of the Board of Trustees)

   a) **Assignments to Audit Committee:**
      At the first regular meeting following the certification of the results of each biennial election, the Mayor shall appoint two (2) Trustees to the Audit committee with the Mayor serving as the third member.
      (Ord. 26-88 §1(part), 1988; Ord. 7-03 §1, 2003; Ord. 10-10 §1, 2010; Ord. 10-14 §1, 2014; Ord. **13-15**, § 1, 9-22-2015)

   b) **Assignment to Special Committees:**
      Special committees may be established by the Board of Trustees. The Mayor shall appoint all members of any special committee subject to the approval of the Board of Trustees. (Estes Park Municipal Code 2.08.020)

4. **Appointment of Mayor Pro- Tem:** “At its first meeting following the certification of the results of each biennial election, the Board of Trustees shall choose one (1) of the Trustees as Mayor Pro Tem who, in the absence of the Mayor from any meeting of the Board of Trustees, or during the Mayor’s absence from the Town or his or her inability to act, shall perform his or her duties.” (Estes Park Municipal Code 2.16.010)

5. **Special Assignments to Ad-Hoc and Temporary Committees:** The Mayor may nominate trustees to serve on committees, community groups, or in some other capacities as a representative of the Town, except in cases where a Board Liaison has
been approved by the Board of Trustees (Policy 1.7.) The Mayor shall present the nomination of any such appointments to the Board for approval at a regular town board meeting. The Mayor will make every effort to distribute special assignments equitably among the members of the Board.

6. **Interview panels for Town Committees** – In accordance with Section IV A 6 of Policy 102, Town Committees, “Applicants for all committees will be interviewed by the Town Board, or its designees. Any designees will be appointed by the full Town Board”.

7. **Outside Committees** – Outside committees are committees or boards where the Town is represented by a member of the Board of Trustees and/or staff. These are not committees of the Town of Estes Park and therefore the rules and guidelines for membership are those of the outside entity not the Town. At times, they may request that the Trustees assign an individual(s) to represent the Town, however they may also request a specific individual or position as the Town’s representative to the committee.

8. **Liaison Assignments** - The Mayor may nominate trustees to serve as a Board Liaison. The Mayor shall present the nomination of any such appointments to the Board for approval at a regular town board meeting. The Mayor will make every effort to distribute special assignments equitably among the members of the Board.

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

**Mayor Pro-Tem** - ________________

**Board and Commission and Community Representation**

<table>
<thead>
<tr>
<th>Board, Commission or Task Force</th>
<th>Liaison</th>
<th>Staff Liaison</th>
<th>Type of Committee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Estes Park Planning Commission</td>
<td>Trustee MacAlpine</td>
<td>Steve Careccia</td>
<td>Advisory/Decision Making</td>
</tr>
<tr>
<td>Estes Park Board of Adjustment</td>
<td>Trustee MacAlpine</td>
<td>Steve Careccia</td>
<td>Decision Making</td>
</tr>
<tr>
<td>Rooftop Rodeo Committee</td>
<td>Trustee Cenac</td>
<td>n/a</td>
<td>Outside</td>
</tr>
<tr>
<td>Estes Park Museum Friends and Foundation Inc.</td>
<td>n/a</td>
<td>Derek Fortini</td>
<td>Outside</td>
</tr>
<tr>
<td>Police Auxiliary</td>
<td>Trustee Younglund, Igel</td>
<td>Ian Stewart (Interim)</td>
<td>Working Group</td>
</tr>
<tr>
<td>Transportation Advisory Board</td>
<td>Trustee Martchink</td>
<td>Greg Muhonen</td>
<td>Advisory</td>
</tr>
<tr>
<td>Estes Valley Restorative Justice</td>
<td>Trustee Hazelton, Younglund (Interim)</td>
<td>Becky Weller (Interim)</td>
<td>Working Group</td>
</tr>
<tr>
<td>Estes Park Board of Appeals</td>
<td>Trustee Hazelton, Younglund</td>
<td>Steve Careccia</td>
<td>Advisory/Decision Making</td>
</tr>
<tr>
<td>Sister Cities</td>
<td>Trustee MacAlpine, Younglund</td>
<td>n/a</td>
<td>Working Group</td>
</tr>
<tr>
<td>Estes Park Housing Authority Board of Commissioners</td>
<td>Trustee Lancaster, Brown</td>
<td>n/a</td>
<td>Outside</td>
</tr>
<tr>
<td>Committee or Board</td>
<td>Appointed Member(s)</td>
<td>Staff Liaison</td>
<td>Type of Committee</td>
</tr>
<tr>
<td>-----------------------------------------------------------------------------------</td>
<td>------------------------------------------------------------------------------------</td>
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</tr>
</tbody>
</table>
| Audit Committee                                                                   | Mayor Koenig-Hall  
Mayor Pro Tem Trustee Cenac  
Trustee HazeltonBrown                  | Travis Machalek | Advisory          |
| Colorado Association of Ski Towns (CAST)                                          | Voting Designee – Trustee Cenac  
Alt Designee TA Machalek  
Trustee Hazelton                      | n/a              | Outside           |
| Platte River Power Authority Board of Directors                                   | Mayor KoenigHall                                                              | Reuben Bergsten | Outside           |
| Estes Chamber of Commerce Economic Development and Workforce Council               | Trustee Hazelton & TA Machalek or Designee                                      | n/a              | Outside           |
| Larimer County Regional Opioid Abatement Council                                 | Trustee Younglund expires 02/14/2025                                            | n/a              | Outside           |
| Larimer County Solid Waste Policy Council                                         | Mayor Koenig Trustee Lancaster expires 11/30/2024                               | n/a              | Outside           |
| Local Marketing District (Visit Estes Park)                                       | Trustee Lancaster Brown  
Alt Designee Mayor Pro Tem Cenac Trustee Lancaster     | n/a              | Outside           |
| Regional Transportation Infrastructure Funding Task Force                          | Trustee Marchinkigel                                                          | n/a              | Outside           |
| Larimer County Behavioral Health Policy Council                                  | Mayor KoenigHall                                                             | n/a              | Outside           |

Wendy KoenigGary Hall, Mayor

Date
Memo

To: Honorable Mayor Hall
   Board of Trustees

Through: Town Administrator Machalek

From: Jackie Williamson, Town Clerk

Date: April 23, 2024

RE: Staff Appointments

(Mark all that apply)

☐ PUBLIC HEARING  ☐ ORDINANCE  ☐ LAND USE
☐ CONTRACT/AGREEMENT  ☐ RESOLUTION  ☑ OTHER Appointments

QUASI-JUDICIAL ☑ YES  ☒ NO

Objective:
To appoint Town Officers per Municipal Code 2.24 & 2.28.

Present Situation:
The Town held the regular Municipal Election on April 2, 2024. Per the Municipal Code Section 2.24.010, at the first regular meeting following certification of the results of each biennial election, the Board of Trustees shall appoint a qualified person as Town Clerk, Town Treasurer, Town Attorney, Municipal Judge, Assistant Municipal Judge, and any other officers the Board of Trustees deems necessary for the good governance of the Town.

Municipal Code section 2.28.10 Town Administrator; appointment states at the first regular meeting following certification of the results of each biennial election, the Board of Trustees shall appoint a qualified person as Town Administrator.

Proposal:
To appoint the following officers:

- Jackie Williamson – Town Clerk
- Jeremy Creamean – Town Treasurer/Town Clerk Pro Tem
- Dan Kramer – Town Attorney
- David Thrower – Municipal Judge
- TBD - Assistant Municipal Judge
- Travis Machalek – Town Administrator

Assistant Municipal Judge Courtenay Patterson has stated her interest in stepping down from the position with the Town of Estes Park due in part to her other judicial commitments. The Town will consider a process for filling this position at a later date.
Advantages:
To comply with the Municipal Code and State Statute requirements.

Disadvantages:
None.

Action Recommended:
Approve the appointments as outlined above.

Finance/Resource Impact:
None.

Level of Public Interest
Low

Sample Motion:
I move to approve/deny the appointment of Jackie Williamson as Town Clerk. Jermey Creamean as Town Treasurer/Town Clerk Pro Tem. Dan Kramer as Town Attorney, David Thrower as Municipal Judge, and Travis Machalek as Town Administrator.

Attachments:
None.
Memo

To: Honorable Mayor Hall
   Board of Trustees
Through: Town Administrator Machalek
From: Jackie Williamson, Town Clerk
Date: April 23, 2024
RE: Resolution 36-24 Contract with David Thrower for Municipal Judge Services

(Mark all that apply)
☐ PUBLIC HEARING ☐ ORDINANCE ☐ LAND USE
☒ CONTRACT/AGREEMENT ☒ RESOLUTION ☐ OTHER____________
QUASI-JUDICIAL ☐ YES ☒ NO

Objective:
Consider a new contract for the Municipal Court Judge to provide municipal court services to the Town of Estes Park.

Present Situation:
The Town Board is required after each biennial election to appoint a Municipal Judge and Assistant Municipal Judge. With the appointment of the Municipal Judge a new contract is required to continue court services past April 23, 2024. Assistant Municipal Judge Courtenay Patterson has stated her interest in stepping down from the position with the Town of Estes Park due in part to her other judicial commitments. The Town will consider a process for filling this position at a later date.

Proposal:
To approve a new two (2) year contract for Municipal Judge services with Judge David Thrower. The contract will begin on April 24, 2024 and terminate on April 28, 2024. All other conditions remain the same from the previous contract approved by the Town Board in April 2022, including Judge Thrower as the Liquor License Authority for show cause and other liquor matters forwarded by the Town Clerk. No increase to the monthly rate has been requested by Judge Thrower.

Advantages:
To maintain municipal services for the Town of Estes Park.

Disadvantages:
The Town would not have a presiding Municipal Court Judge after April 23, 2024.
**Action Recommended:**
None.

**Finance/Resource Impact:**
Funds have been allocated in the 2024 budget for the position.

**Level of Public Interest**
Low.

**Sample Motion:**
I move to approve Resolution 36-24

**Attachments:**
1. Resolution 36-24
2. Agreement with Judge Thrower
RESOLUTION 36-24

APPROVING AN AGREEMENT WITH DAVID J. THROWER FOR MUNICIPAL JUDGE SERVICES

WHEREAS, the Town Board wishes to enter into an agreement referenced in the title of this resolution with David J. Thrower as the Municipal Judge and Liquor Licensing Authority.

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

The Board approves, and authorizes the Mayor to sign, the agreement referenced in the title of this resolution in substantially the form now before the Board.

DATED this _____ day of ______________, 2024.

TOWN OF ESTES PARK

______________________________
Mayor

ATTEST:

______________________________
Town Clerk

APPROVED AS TO FORM:

______________________________
Town Attorney
AGREEMENT

THIS AGREEMENT (the “Agreement”) effective April 24, 2024, is by and between the Town of Estes Park, Colorado, a municipal corporation (the “Town”) and David J. Thrower (“Thrower”), both parties agreeing as follows:

WHEREAS, on April 24, 2024, the Board of Trustees of the Town appointed Thrower to a two-year term as the Town’s Municipal Court Judge and as a division of the Liquor Licensing Authority; and

WHEREAS, the parties desire to set forth in this Agreement the terms and conditions of Thrower’s term as Municipal Court Judge and Liquor Licensing Authority.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties agree as follows:

Section 1. Duties and Responsibilities

Thrower, as the Municipal Judge of the Town’s Municipal Court, shall perform the functions and duties of the position in accordance with all the applicable provisions of the Town's Municipal Code, sections 13-10-101 et. seq., C.R.S., and the Colorado Municipal Court Rules of Procedure as they may be amended from time to time, including the following:

- The Municipal Court Judge is authorized to exercise contempt powers, and enforce subpoenas issued by any board, commission, hearing officer, or other body or officer of the Town authorized by law or ordinance to issue subpoenas, and all other powers inherent with the office.

- The Municipal Court convenes for one (1) regular session of the Municipal Court each month and more or less often as needed. It is understood that most months include one (1) Municipal Court session. The session of the Court will be held during normal business hours starting at 9:00 am, dependent upon the availability of Town Board Room and, at the discretion of the Municipal Court Judge.

- Thrower shall maintain an active license to practice law in Colorado.

- Thrower shall keep abreast of current legislation and obtain ongoing education and training, and remain current on all matters relating to municipal courts and municipal judges. Costs associated with these efforts may be shared with the Town with prior approval and as budgeted.

Thrower, as a division of the Liquor Licensing Authority, shall perform the
functions and duties as the Authority for show cause orders and hearings on suspensions and revocations and other disciplinary actions, and any other matters assigned under Title 5 of the Municipal Code.

**Section 2. Term**

The term of this Agreement shall be from April 24, 2024 to April 28, 2026 unless sooner terminated.

**Section 3. Compensation**

The Town agrees to pay Thrower for his services an annual compensation of $24,000 payable in monthly installments. In the event of termination of this Agreement, Thrower’ compensation shall be pro-rated to the date of termination.

**Section 4. Removal**

This Agreement shall automatically terminate in the event of removal of Thrower as Municipal Court Judge pursuant to section 13-10-105, C.R.S.

**Section 5. Resignation**

Thrower may resign by giving a minimum of 30 days’ written notice to the Town. Thrower shall be entitled to compensation to the effective date of his resignation.

**Section 6. Independent Contract**

The parties agree that Thrower is an independent contractor and is not an employee of the Town. **Thrower is not entitled to workers’ compensation benefits from the Town and is obligated to pay federal and state income tax on any compensation earned pursuant to this Agreement.**

**Section 7. Notices**

Notices pursuant to this Agreement shall be given by personal service or deposit in the custody of the United States Postal Service, postage prepaid, addressed as follows:

**TOWN:**

Town of Estes Park  
Attn: Mayor  
P O Box 1200  
Estes Park, CO 80517

**EMPLOYEE:**

David J. Thrower  
1532 E Riverbend St  
Superior, CO 80027-8048  
judge.thrower@gmail.com
Notice shall be deemed given as of the date of personal service or as of the date of deposit of such written notice in the course of transmission in the United States Postal Service. Thrower shall notify the Town in writing of any change in address.

Section 8. General Provisions

a. This Agreement constitutes the entire Agreement between the parties, and it shall be binding upon and inure to the benefit of the heirs, executors, successors, and assigns of the parties. This Agreement may only be amended by written instrument executed by both parties, and each provision hereof shall be construed under the laws of the State of Colorado. Neither party may assign its rights or delegate its duties under this Agreement without the express written approval of the other.

b. In the event of conflict between the terms of policy provisions, regulations, codes and ordinances of the Town and terms of this Agreement, this Agreement shall take precedence and govern.

c. To the extent this Agreement constitutes a multiple fiscal year debt or financial obligation of the Town, it shall be subject to annual appropriation pursuant to the Town’s annual budgeting process and Article X, Section 20 of the Colorado Constitution. The Town shall have no obligation to continue this Agreement in any fiscal year in which no such appropriation is made.

Section 9. Severability

To the extent any provision herein is prohibited by applicable Federal, State, or local law, or is impossible to perform, such provision will be deemed deleted from this Agreement and the remainder of the Agreement will survive.

IN WITNESS WHEREOF, this Agreement is executed on this ____ day of _______, 2024.

TOWN OF ESTES PARK

By ___________________________ ________________
   Gary Hall, Mayor                        David J. Thrower

ATTEST:

____________________________
Jackie Williamson, Town Clerk
APPROVED AS TO FORM:

[Signature]

____________________________
Town Attorney