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, June 25, 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, par favor escanee el código QR o haga clic en el enlace para hasta 48 idiomas más):

https://attend.wordly.ai/join/UOFH-5928

Choose Language and Click Attend (Selezione 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).

AGENDA APPROVAL.

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

TOWN BOARD COMMENTS / LIAISON REPORTS.

TOWN ADMINISTRATOR REPORT.

CONSENT AGENDA:


2. Town Board and Study Session Minutes dated June 11, 2024.

3. Appointment to the Estes Park Housing Authority Board of Commissioners of James Jameson to complete a term expiring April 30, 2028.

4. Resolution 55-24 Contract with Howard Bartlett for Assistant Municipal Judge Services through April 28, 2026.
REPORTS AND DISCUSSION ITEMS: (Outside Entities).

1. **OVERVIEW OF VISIT ESTES PARK 2023 ANNUAL REPORT AND VISITOR INTERCEPT SURVEY.** CEO Franker.

2. **BASE FUNDING REPORT – ESTES VALLEY INVESTMENT IN CHILDHOOD SUCCESS (EVICS) FAMILY RESOURCE CENTER.** EVICS Board Member Reed.

3. **ECONOMIC DEVELOPMENT AND WORKFORCE COUNCIL UPDATE.** President DePasquale and Chair Kraft.

Representatives from the Estes Chamber of Commerce/Economic Development and Workforce Council to provide an update on activities for this quarter.

4. **FALL RIVER VILLAGE FUNDING DISCUSSION.** Estes Park Housing Authority Executive Director Moulton.

Presentation regarding the potential sale of Fall River Village.

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

1. **ACTION ITEMS:**

   A. **ORDINANCE 09-24, ZONING MAP AMENDMENT FOR 540 AND 550 WEST ELKHORN AVENUE, ELKHORN PLAZA ASSOCIATION, OWNER/JOE COOP, VAN HORN ENGINEERING, APPLICANT.** Senior Planner Hornbeck.

   To rezone 540 and 550 West Elkhorn Avenue from RM (Multifamily Residential) to CO (Outlying Commercial).

ACTION ITEMS:

1. **ORDINANCE 10-24 AMENDING MUNICIPAL CODE TITLE 12 RELOCATION UNDERGROUND OF OVERHEAD ELECTRICITY AND COMMUNICATIONS FACILITIES.** Director Bergsten, Attorney Kramer, and Special Counsel Dittman.

   To be good stewards of public resources and our natural setting by requiring overhead utilities to be relocated underground when a Town project includes undergrounding of overhead utilities.

2. **RESOLUTION 56-24 SMALL CELL FACILITIES MASTER LICENSE AGREEMENT WITH CELLCO PARTNERSHIP DBA VERIZON WIRELESS.** Attorney Kramer.

   To consider an agreement for framework to place small cell wireless telecommunications facilities in the Town’s rights of way, as required by federal and state law.

3. **RESOLUTION 57-24 SETTING THE PUBLIC HEARING DATES OF JULY 23, 2024 AND AUGUST 13, 2024 FOR ELECTRIC RATE INCREASES.** Director Bergsten.

   To set the public hearing dates to present the electric rate study results and proposed electric rate increases effective in 2024.

4. **2025 PROVISIONAL STRATEGIC PLAN.** Town Administrator Machalek.

   To consider adoption of the 2025 Provisional Strategic Plan. If adopted, the plan would guide staff in the development of the 2025 budget and departmental work plans.

REPORTS AND DISCUSSION ITEMS:

1. **6E ANNUAL FINANCIAL REPORT.** Manager Bangs.

   Presentation of the Annual Financial Report for the expenditures of 6E funds for workforce housing and childcare.

NOTE: The Town Board reserves the right to consider other appropriate items not available at the time the agenda was prepared.
2. **ESTES VALLEY CHILDCARE NEEDS ASSESSMENT AND STRATEGIC PLAN-FINAL REPORT.** Manager Bangs.

Transmittal and presentation of the final report by Groundswell for Good, LLC.

**ADJOURN.**
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 11th day of June, 2024.

Present: Gary Hall, Mayor  
Marie Cenac, Mayor Pro Tem  
Trustees Bill Brown  
Kirby Hazelton  
Mark Igel  
Cindy Younglund  
Also Present: Travis Machalek, Town Administrator  
Jason Damweber, Deputy Town Administrator  
Dan Kramer, Town Attorney  
Kimberly Disney, Recording Secretary  
Absent: Trustee Frank Lancaster  

Mayor Hall 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 (Hazelton/Younglund) to approve the Agenda, and it passed unanimously.

PUBLIC COMMENTS.  
John Meissner/Town citizen spoke regarding the Study Session Noise Ordinance discussion specifically the long-term hearing damage that can occur from repeated and extended high decibel noise and the subjectivity of the current ordinance.

TRUSTEE COMMENTS.  
Board comments were heard and have been summarized: The Estes Park Housing Authority would meet to discuss the potential acquisition and conversion of Fall River Village into workforce housing; the Board attended trainings on Public Information and Incident Command Systems; Visit Estes Park has begun a construction marketing campaign with maps of parking and shuttle options in downtown, a construction podcast, and a retail rally; the Rooftop Rodeo would be held July 6 through July 10, 2024, encouraged individuals to volunteer and a new parade route would be announced; members of the Board toured the Larimer County Detention Center and Water division facilities; and appreciation for the efforts of Town staff.

TOWN ADMINISTRATOR REPORT.  
Town Administrator Machalek voiced appreciation for the Public Works staff regarding their management of current construction projects.

CONSENT AGENDA:  
1. Bills.  
2. Town Board and Study Session Minutes dated May 28, 2024.  
3. Estes Park Board of Adjustment Minutes dated March 5, 2024 (acknowledgment only).  
4. Resolution 49-24 Revisions to the Transportation Advisory Board Bylaws.  
6. Appointment of Duane Hudson as the Interim Finance Director.

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

REPORTS AND DISCUSSION ITEMS: (Outside Entities).

1. DISTRICT ATTORNEY’S OFFICE ANNUAL REPORT. Attorney McLaughlin provided an Annual Report of the 8th Judicial District’s Data Transparency Project. The 8th Judicial District includes both Larimer and Jackson counties with an estimated population of 370,000. He outlined the mission and vision, case roadmap including summons, arrests, trial, or hearings, and stated the District Attorney’s office reviews approximately 12,000 cases annually. The District’s programs and projects include: Diversion; fentanyl causing deaths; community engagement & accountability; problem solving courts; collaborative task forces; the domestic violence team; warrant clearance; and legislation changes. He overviewed the Estes Park Police Department case filings, the types of crimes filed by year, the type of charges for minor crimes, and violent crimes filed by quarter. The Board discussed the partnerships, behavioral health issues, staffing of the District Attorney’s Office, and the diversion success rates for juveniles.

2. 2023 BASE FUNDING REPORT – ESTES NONPROFIT NETWORK. Executive Director Kraft provided a report on the base and annual funding for the Estes Nonprofit Network. She highlighted the mission, history, core values, key focus areas, philanthropy efforts, and impact on the community. She provided the strategic initiatives for 2024 which included: creating an Estes Valley Nonprofit Industry Economic Valuation and Impact Study; building groundwork for an Estes Valley Nonprofit Industry Strategic Plan; increased visitor and tourism revenues; providing high-quality education to nonprofits in the Estes Valley; and mapping nonprofit services in the Estes Valley. The Board discussed the largest nonprofits in the community based on staff, program offerings, donor-advised funding, and the Collective Leadership Initiative, a leadership development program to enhance health equity.

ACTION ITEMS:

1. RESOLUTION 53-24 SUPPLEMENTAL BUDGET APPROPRIATIONS #4 TO THE 2024 BUDGET. Mayor Pro Tem Cenac recused herself and Trustee Igel stated he would not apply for any construction relief as an impacted business owner. Interim Finance Director Hudson provided an overview of the Schedule of Budgeted Appropriation Changes. The fourth amendment to the 2024 budget included reductions to the General Fund, Community Center Fund, and Wildfire Mitigation Fund to accommodate lower than projected sales tax collections. Additionally, an increase to the General Fund for the business assistance program for businesses impacted by the Downtown Loop construction in the amount of $300,000. The Board discussed the implications of approving a budgetary appropriation prior to approving a contract, the cost of the Downtown Loop project, reasoning for the amount of the construction impact relief, the number of businesses which benefited from the COVID-19 relief, the Workforce Housing Reserve Fund of $882,000, whether to provide higher relief through grants or marketing support, increasing the business assistance program appropriations to $525,000, and the process for appropriating additional funds should the Construction Impact Relief contract be increased above the $300,000. It was moved and seconded (Brown/Igel) to approve Resolution 53-24, and it passed unanimously.

2. RESOLUTION 54-24 CONTRACT WITH THE ESTES CHAMBER OF COMMERCE, INC., CONSTRUCTION IMPACT RELIEF PROJECT SERVICES. Mayor Pro Tem Cenac recused herself and Trustee Igel stated he would not apply for construction relief as an impacted business owner. Town Administrator Machalek presented a resolution to contract with the Estes Chamber of
Commerce, Inc., for construction impact relief project services. In 2014, the Town, Central Federal Lands Highway Division, and the Colorado Department of Transportation entered into agreements to fund, design, and construct roadway and bridge improvements for access to Rocky Mountain National Park. The Project leverages a Town investment of $5.71 million of the $42 million project. The project, currently in the most impactful phase, has caused widespread disruptions to traffic flow downtown. Local businesses have reported financial losses partially attributable to the construction. Additionally, sales tax receipts from January through March decreased 11.36% from corresponding months in 2023. The proposed contract with the Estes Chamber of Commerce would provide two programs: 1) a $250,000 direct-grant program for downtown businesses impacted by the downtown construction, and 2) a $50,000 marketing match program available to businesses within the local marketing district.

Kent Smith/Town citizen spoke regarding the trickle-down impacts of the construction to the Town and the tourist experience as a whole.

The Board discussed the number of businesses in the geographically limited area, the level of interest in the programs, the application process, concerns of creating a precedent for future Town project impacts, Visit Estes Park’s marketing campaign and marketing options for businesses, the application timeline, support for businesses in Town as a whole, providing funding to Visit Estes Park to support further marketing efforts, adjusting the proposed boundaries for the direct-grant program, and the funding breakdown of the two programs. It was moved and seconded (Younglund/Hall) to approve Resolution 54-24, and it failed with Trustees Brown, Hazelton and Igel voting “No” and Mayor Pro Tem Cenac abstaining.

A substitute motion was made (Brown) to approve Resolution 54-24 amending the marketing match boundary to the Town of Estes Park boundary, and the motion died for lack of a second.

It was moved (Brown) to approve Resolution 54-24 amending the marketing match program to $300,000, and the motion died for lack of a second.

It was moved and seconded (Igel/Brown) to approve Resolution 54-24 amending the direct-grant program to $75,000 utilizing the Local Marketing District Boundary, amending the marketing match program to $225,000, and $75,000 match up to $2,500 per business, and adjusting the marketing expenses spending timeframe to May 1, 2024 through July 31, 2024. No vote was cast as a substitute motion passed. The Board discussed the funding breakdown and it was suggested to adjust the direct-grant program to $200,000 and marketing match program to $200,000 with all other moved changes to remain the same. Staff requested a recess to address the suggested changes.

It was moved and seconded (Brown/Younglund) to extend the meeting past 10:00 p.m., and it passed unanimously with Mayor Pro Tem Cenac abstaining.

Mayor Hall called a break at 10:10 p.m. and reconvened the meeting at 10:38 p.m.

Attorney Kramer presented the Board's requested changes. A substitute motion was made (Igel/Brown) to approve Resolution 54-24 amending the contract and exhibit A and B as amended and presented to a total of $400,000 with $200,000 allocated to the direct-grant program and $200,000 allocated to the marketing match program with an adjusted marketing expense timeframe of May 1, 2024 through July 31, 2024 utilizing the Local Marketing District Boundary for both programs, and it passed with Mayor Pro Tem Cenac abstaining.
3. **COMMUNITY WILDFIRE DEFENSE GRANT MATCH FUNDING.** Grant Writer Kuryllo presented a funding match request for a Community Wildfire Defense Grant to the Estes Valley Fire Protection District (EVFPD). The grant, issued by the US Forest Service, provides wildfire planning and mitigation assistance to at-risk communities. The project would be a collaborative effort including the EVFPD, Estes Valley Watershed Coalition, Town of Estes Park, and multiple regional entities to complete hand and mechanical treatments, over a five-year period, on 200 acres of extreme risk land along the south side of Spur 66 and adjacent to Rocky Mountain National Park. The EVFPD was awarded the grant on May 14, 2024 and the match funding request would provide the Fire District with the required 25% match totaling $175,000 from budgeted wildfire mitigation funds. The Board discussed the funding allocation from the General Fund and it was moved and seconded (Igel/Hazelton) to approve the expenditure of $175,000 to the Estes Valley Fire Protection District for match funding for the Community Wildfire Defense Grant, and it passed unanimously.

Whereupon Mayor Hall adjourned the meeting at 10:58 p.m.

Gary Hall, 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 11th day of June, 2024.

**GUIDING POLICY FOR IMPLEMENTATION OF THE ELECTRIC VEHICLE INFRASTRUCTURE AND READINESS PLAN.** Staff presented and requested direction on a guiding policy identified as an objective in the 2024 Strategic Plan regarding Town and private-sector roles in implementing the Electric Vehicle Infrastructure & Readiness Plan. Management Analyst Simpson outlined three options for future expansion of local electric vehicle charging station infrastructure, including Town ownership and maintenance, private provider operation, and no expansion in public parking lots. Staff recommended pursuing private provider operation for expansion with Power and Communications managing electrical infrastructure and Public Works managing parking supply. Current inventory aligns with peer communities interviewed for the data points, including Aspen, Boulder, Breckenridge, Fort Collins, Glenwood Springs, Steamboat Springs and Vail. Staff requested Board direction on proposed options, Town involvement level, and expansion needs. Board comments and questions have been summarized: questioned which locations are used the most frequently; type of chargers and rates; the number of spaces owned by the Town; which season results the highest use; whether staff have data from past seasons to compare to current data; how the electric vehicle market levels are anticipated to grow; does the Town pay capital investment; and whether companies have a standard way to pay municipalities for the use of these parking spots. Board consensus was Option 2 to pursue private provider operation with no expansion in public parking lots. Staff would research Board questions and provide more details when available.

**OCCUPANCY LIMIT CODE CHANGES TO COMPLY WITH NEW STATE LAW.** A new state statute (House Bill 24-1007), concerning residential occupancy limits, was approved on April 15, 2024. The statute prohibits local governments from limiting the number of people who may live together in a single dwelling, unless such occupancy limits are based on demonstrated health and safety standards, such as those established in building and fire codes or water and wastewater environmental quality standards, or if based on affordable housing program guidelines. The restrictions become effective July 1, 2024, and will be applicable to the Town of Estes Park. The Estes Park Development Code (EPDC) limits residential occupancy for household living to no more than eight unrelated individuals in a single dwelling unit. Staff has determined that the occupancy restrictions within the EPDC are inconsistent with the newly enacted state statute. Staff recommended removing all references to specific occupancy limits from the EPDC to comply with state statutes. The Board could adopt occupancy limits identified in the 2021 International Property Maintenance Code (IPMC) Chapter 4, Section 404. However, staff identified concerns regarding enforcement, verification, available staff and personal privacy issues for those living in the dwelling.
Board comments and questions have been summarized: clarification was requested on the current occupancy situation and known issues; whether staff knew the reason behind the state changes; how these proposed changes could impact accessory dwelling units; and timelines for enforcement and potential limitations. The Board requested clarification on timelines and qualifications for approval of an emergency ordinance. Staff advised against a more expedient approval outside the typical process due to the level of intrusiveness required to establish residency including staff time and code enforcement. Staff would bring forward amendments for consideration which include changes to the reference of small and large living spaces.

**NOISE ORDINANCE.**

At the request of the Board, staff reviewed the Town’s current noise ordinance and options for amendments. Over the past year, the Town has received a significant amount of feedback from members of the public expressing concerns with the current noise ordinance. Specific concerns include the lack of a quantitative decibel standard, the ability of the Town Engineer to issue permits for overnight construction work, and the lack of enforcement of the unreasonable noise standard. The most recent change to the Town’s noise regulations took place in July of 2022 with the adoption of Ordinance 14-22. This ordinance clarified that amplified outdoor sound was subject to the provisions set forth in Section 8.06.020, and created a permitting process that allows the Town Engineer to approve exceptions to the prohibitions set forth in Section 8.06.020 for nighttime construction noise in the right-of-way. At the January 9, 2024 Study Session, the Town Board indicated an interest in exploring a hybrid approach to noise enforcement which included both a decibel-based and unreasonable noise standard. A number of other changes have been suggested, including: moving the authority to grant exceptions for nighttime construction noise from the Town Engineer to the Town Board, and replacing the blanket exception for Town authorized or sponsored events, including but not limited to, parades, fireworks displays, concerts, and events at Stanley Park, Bond Park, or Performance Park. Staff stated the goal would be voluntary compliance with the dual based standard acknowledging there may be a need to identify compliance for multiple violations. Staff requested Board direction on the proposed change and discussion has been summarized: stated a need for an additional method to measure noise; whether staff would undergo training on reasonable noise taking into consideration the location; proximity to residential properties, traffic and other variables; how staff handle subjective measurement; concerns were stated for the variables which exist for the Police Department responding to noise violations; what data staff have on the type of noise complaints received and resolution; the need to focus on education and escalation when there are numerous violations; whether local events have received noise complaints; and the Board acknowledged challenges for enforcement as it related to neighbor disputes and event venues near residential properties. Attorney Kramer stated the language was designed to be broad allowing staff to present evidence which can be compiled and presented in court to demonstrate the violations of noise limitations.

Discussion ensued regarding night construction for the Downtown Estes Loop project and concerns were heard regarding annual Town Board approval of events due to additional workload for staff and other timing variables. Staff would conduct an analysis of repeat complaints and reoccurring violations which would be provided to the Board. Board consensus was to direct staff to bring forward code amendments to add decibel-based limits and move the authority for considering night-work permits to the Town Board. Staff would bring more information back to the Board regarding event noise considerations to a future meeting.

**TRUSTEE & ADMINISTRATOR COMMENTS & QUESTIONS.**

None.
FUTURE STUDY SESSION AGENDA ITEMS.
It was requested and determined an update on new locations for the Police Department would be scheduled for June 25, 2024, Planned Unit Development code changes and use of town property for vendors to the approved/unscheduled list.

There being no further business, Mayor Hall adjourned the meeting at 6:33 p.m.

Bunny Victoria Beers, Deputy Town Clerk
Memo

To: Honorable Mayor Hall
   Board of Trustees

Through: Town Administrator Machalek

From: Jackie Williamson, Town Clerk

Date: June 25, 2024

RE: Appointment to the Estes Park Housing Authority Board of Commissioners of James Jameson to complete a term expiring April 30, 2028

(Mark all that apply)

[ ] PUBLIC HEARING  [ ] ORDINANCE  [ ] LAND USE
[ ] CONTRACT/AGREEMENT  [ ] RESOLUTION  [x] OTHER Appointment

QUASI-JUDICIAL  [ ] YES  [x] NO

Objective:
To consider the recommended appointment of James Jameson to the Estes Park Housing Authority (EPHA) Board of Commissioners.

Present Situation:
Bill Brown was elected by the citizens during the April 2024 Municipal Election, and therefore resigned from the EPHA Board after his swearing in on April 23, 2024. The Town Clerk’s Office advertised for the vacant position on the EPHA Board. Four applications were received and the interview committee, consisting of Mayor Pro Tem Cenac and Trustee Brown, conducted interviews on June 13, 2024.

Proposal:
The interview committee recommends the appointment of James Jameson to complete the term of Bill Brown expiring April 30, 2028.

Advantages:
Filling the position would complete the seven-member Board.

Disadvantages:
If the appointment is not made, the position would remain vacant until additional applications are received, and interviews conducted.

Action Recommended:
Appoint James Jameson to a term expiring April 30, 2028.

Finance/Resource Impact:
None.
Level of Public Interest
Low.

Sample Motion:
I move to approve/deny the appointment of James Jameson to the Estes Park Housing Authority Board of Commissioners for a term expiring April 30, 2028

Attachments:
None.
Memo

To: Honorable Mayor Hall  
    Board of Trustees

Through: Town Administrator Machalek

From: Jackie Williamson, Town Clerk

Date: June 25, 2024

RE: Resolution 55-24 - Contract with Howard Bartlett for Assistant Municipal Judge Services

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Objective:
To consider a contract for the Assistant Municipal Judge to provide municipal court services to the Town of Estes Park.

Present Situation:
After the biennial election in April 2024, the Town Board reappointed David Thrower as the Municipal Judge and approved a contract ending April 28, 2026. At that time the previous Assistant Municipal Judge Courtenay Patterson stated she would not seek a new contract. The Town did not have a replacement identified at the time, and therefore, has been operating without an Assistant Municipal Judge.

The Board requested Judge Thrower assist in identifying interested judges and bring forward their information for the Board’s review. Judge Thrower has noted there are fewer judges available or interested in assistant judge appointments.

Howard Bartlett contacted the Town directly with interest in serving the Town in this capacity. Mr. Bartlett has worked in Colorado as a magistrate, a deputy county attorney, and a contract attorney. He has met with Judge Thrower and attended court in June and continues to express an interest in the position.

Proposal:
Judge Thrower has confirmed his support of Mr. Bartlett as the Assistant Municipal Judge, therefore, an agreement has been created for the Board’s consideration. The contract will begin on January 25, 2024 and terminate on April 28, 2026. All other conditions remain the same as those previously approved for Judge Thrower in April 2024.

Advantages:
To maintain municipal services for the Town of Estes Park.
**Disadvantages:**
The Town would not have a presiding Municipal Court Judge at times in which Judge Thrower is not available.

**Action Recommended:**
To approve the contract with Howard Bartlett as the Assistant Municipal Court Judge.

**Budget:**
Funds have been allocated in the 2024 budget for the position.

**Level of Public Interest.**
Low.

**Sample Motion:**
I move to approve Resolution 55-24.

**Attachment**
1. Resolution 55-24
2. Agreement
3. Resume Howard Bartlett
RESOLUTION 55-24

APPROVING AN AGREEMENT WITH HOWARD BARTLETT FOR ASSISTANT MUNICIPAL JUDGE SERVICES

WHEREAS, the Town Board wishes to enter the agreement referenced in the title of this resolution for the purpose of filling the Assistant Municipal Judge role for the Town of Estes Park for a twenty-two-month term.

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 ____________, 2024 is by and between the Town of Estes Park, Colorado, a municipal corporation (the “Town”) and Howard Bartlett (“Bartlett”), both parties agreeing as follows:

WHEREAS, on June 25, 2024 the Board of Trustees of the Town appointed Bartlett to a 22 month term as the Town’s Assistant Municipal Court Judge; and

WHEREAS, the parties desire to set forth in this Agreement the terms and conditions of Bartlett’s term as Assistant Municipal Court Judge.

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

Section 1. Duties and Responsibilities

Bartlett, as the Assistant 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, when the Municipal Court Judge is unable to preside in case of temporary absence, sickness, recusal, or other inability of the Municipal Court Judge to preside over a session of the Municipal Court. The duties of the Assistant Municipal Court Judge, when presiding in absence of the Municipal Court Judge, shall include the following:

- The Assistant 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.

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

- Bartlett 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.

Section 2. Term

The term of this Agreement shall be from June 25, 2024 to April 28, 2026 unless sooner terminated.
Section 3. Compensation

The Town agrees to pay Bartlett compensation of $500.00 for each Municipal Court session he presides as Assistant Municipal Court Judge.

Section 4. Removal

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

Section 5. Resignation

Bartlett may resign by giving a minimum of 30 days' written notice to the Town.

Section 6. Independent Contract

The parties agree that Bartlett is an independent contractor and is not an employee of the Town. Bartlett 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: Howard Bartlett
           PO Box 52
           Glen Haven, CO 80532

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. Employee shall notify the Town in writing of any change in address.

Section 9. 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                             Howard Bartlett

ATTEST:

______________________________________________
    Town Clerk

3
Howard Vincent Bartlett
P.O. Box 52, Glen Haven, CO 80532
howardbartlettpc@gmail.com

EDUCATION
Juris Doctorate - University of Denver College of Law, Denver, Colorado
Degree received December 2001, admitted to Colorado Bar May 2002
Bachelor of Science – Metropolitan State College of Denver, Political Science, 1993

EXPERIENCE
Weld County, CO
• Best interest representation of children involved in dependency and neglect and delinquency proceedings
• Litigate every type of proceeding in dependency and neglect cases including jury trials
• Frequently attend mediation and other alternative dispute resolution to facilitate case management
• Meet with family members, case workers, therapists, teachers and other team members to ensure that the Court has the most complete information available in order to formulate appropriate orders
• Solo practitioner who successfully manages every aspect of a private practice while maintaining a high level of performance in the court room

Juvenile District Court Magistrate – Denver District Court, 2010-2019
Denver, CO
• Manage a heavy juvenile docket covering delinquency, truancy, paternity, adoptions, child support and dependency and neglect cases
• Responsible for hearing every type of case, in every stage of the proceedings (except jury trials) before the Juvenile Court whether criminal or civil
• Presided over the Denver Juvenile Drug Court 2010-2019
• Guest speaker at University of Colorado (Denver) and Metropolitan State College of Denver on issues pertaining to dependency and neglect law, juvenile substance abuse and treatment within the criminal justice system and juvenile justice system (various dates)
• Recognized as CASA’s “Judicial Partner of the Year” for Colorado (2018)

Larimer, Weld and other counties, CO
• Best interest representation of children involved in dependency and neglect and delinquency proceedings
• Litigated every type of proceeding in dependency and neglect cases including jury trials
• Frequently attended mediation and other alternative dispute resolution to facilitate case management
Met with family members, case workers, therapists, teachers and other team members to ensure that the Court had the most complete information available in order to formulate appropriate orders

- Member of Family Treatment Court committee which established the first treatment court in Weld County
- Was solo practitioner who successfully managed every aspect of a private practice while maintaining a high level of performance in the court room
- Recognized as CASA’s “Guardian ad Litem of the Year” for Colorado (2007)

Deputy District Attorney – 17th Judicial District Attorney’s Office, 2001-2004
Adams County, CO

- Researched and drafted forfeiture pleadings
- Maintained a heavy county court docket
- Completed more than 40 jury trials pertaining to DUI, Domestic Violence and misdemeanor Sexual Assault
- Prepared and prosecuted preliminary hearings and other evidentiary hearings
- In court advocacy for victims of criminal activities through restitution hearings and by working in conjunction with the Victim’s Assistance Office

MEMBERSHIPS/COURT IMPROVEMENT

- Co-chair of the “Creative Options” committee which identifies, implements and manages court and shareholder practice to ensure best practices are adopted, maintained and improved upon to improve outcomes for truant youth (Denver Juvenile Court 2010-2019)
- Co-chair of the problem-solving court committee that is for responsible for identification of and fidelity to best practices for the Juvenile Court’s problem-solving courts (Denver Juvenile Court 2010-2019)
- Member of the “Juvenile Rules Committee” commissioned by Chief Justice Rice to evaluate the Juvenile Rules of Procedure and to draft and propose amendments to the existing rules (Colorado Supreme Court 2014-2018)
- Member of the Family Treatment Court committee responsible for creating the first dependency and neglect family treatment court in Weld County, Colorado (Weld County 2005-2010)
- National Association of Drug Court Professionals
- National Council of Juvenile and Family Court Judges
- Various recognitions within Denver District Court
- Colorado Bar Association (2007-2014)
- Denver Bar Association (2010-2012)
- Weld County Best Practice Court Team (2024-Current)

LINK VEP Annual Report
LINK Intercept Study Summary Report
LINK Attachment 1 – March/April Report
LINK Attachment 2 - July Report
LINK Attachment 3 - September Report
LINK Attachment 4 – November/December Report

No Packet Material Provided.
Report & Discussion Item #3 Economic Development and Workforce Council Update.

No Packet Material Provided.
Report & Discussion Item #4 Fall River Village Funding Discussion.

No Packet Material Provided.
Memo

To: Honorable Mayor Hall
   Board of Trustees

Through: Town Administrator Machalek

From: Paul Hornbeck, Senior Planner

Date: June 25, 2024

RE: Ordinance 09-24, Zoning Map Amendment of 540 and 550 West Elkhorn Avenue, Elkhorn Plaza Association, Owner/ Joe Coop, Van Horn Engineering, Applicant.

(Mark all that apply)

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

QUASI-JUDICIAL ☒ YES ☐ NO

Objective:
Conduct a public hearing to consider an application for a proposed Zoning Map Amendment (rezoning) from RM (Multi-Family Residential) to CO (Outlying Commercial), review the application for compliance with the Estes Park Development Code (EPDC), and approve, deny, or continue the item.

Present Situation:
540 and 550 West Elkhorn Avenue is a 0.84 acre site that is currently zoned RM (Multi-Family Residential), and contains fifteen residential condominium units in two buildings. An application has been submitted by the owner’s association on behalf of the individual owners to rezone the property.

According to County Assessor records, the buildings were constructed as condominiums in 1968 and 1970. As of April 1, 2024, four of the units are licensed by the Town of Estes Park as Vacation Rentals. Historically, the property was commercially zoned, with zoning maps from 1974 depicting the property as C-2 Restricted Commercial and 1989 as C-O Outlying Commercial. In 2000 the property was rezoned from C-O to R-M as a part of the larger valley-wide update to land use regulations and the zoning map. At that time, the Town of Estes Park Board of Trustees and Larimer County Board of County Commissioners approved a new Official Zoning Map and Estes Valley Development Code which replaced and amended the existing Code and Map. There is no record as to why this particular property was rezoned at that time, but one possible explanation is that commercial zoning did not match the residential use of the property. The zoning of a property should be consistent with the existing uses onsite whenever a zoning change is considered.
Table 1: Zoning and Land Use Summary

<table>
<thead>
<tr>
<th>SUBJECT PARCEL</th>
<th>COMPREHENSIVE PLAN</th>
<th>ZONING</th>
<th>USES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Downtown</td>
<td>RM (Multi-Family Residential)</td>
<td>Residential</td>
<td></td>
</tr>
<tr>
<td>NORTH</td>
<td>Downtown</td>
<td>A (Accommodations)</td>
<td>Accommodations/Undeveloped</td>
</tr>
<tr>
<td>SOUTH</td>
<td>Downtown</td>
<td>A (Accommodations)</td>
<td>Accessory Use to Accommodations</td>
</tr>
<tr>
<td>EAST</td>
<td>Downtown</td>
<td>A (Accommodations)</td>
<td>Undeveloped</td>
</tr>
<tr>
<td>WEST</td>
<td>Downtown</td>
<td>A (Accommodations)</td>
<td>Accommodations</td>
</tr>
</tbody>
</table>

Proposal:
The applicant has requested to rezone 540 and 550 West Elkhorn Avenue from RM (Multi-Family Residential) to CO (Outlying Commercial). The statement of intent (Attachment #3) indicates the rezoning is being driven by a desire to combine the subject parcels and the parcel to the north into a single parcel to be consistent with the property’s condominium declarations. All three parcels are owned by the Elkhorn Plaza Owner’s Association but have different zoning, with the northern parcel zoned CO and the southern parcels zoned RM. Combining the three parcels without some form of rezoning would result in split zoning (i.e. a parcel with more than one zone district). The Estes Park Development Code (EPDC) discourages, but does not prohibit, split zoning, and best practice is to avoid split zoning due to the complications it can cause.

The statement of intent indicates other rationale for the rezoning, including:

- Making future redevelopment more viable (no redevelopment is planned at this time)
- Lack of awareness of the owners of the 2000 rezoning and a desire to return to the previous zoning
- Consistency with neighboring lots
- Ability to rent the units as vacation rentals without regard to the residential cap and waitlist

All applications for text or Official Zoning Map Amendments shall be reviewed by the Planning Commission and Town Board for compliance with the relevant standards and criteria set forth below and with other applicable provisions of the EPDC. That the parcel was previously zoned differently does not change the analysis required under the EPDC to rezone it again at this time. In accordance with Section 3.3D “Standards for Review” of the EPDC, all applications for rezoning shall demonstrate compliance with the standards and criteria below and other applicable provisions of the EPDC:
1. The amendment is necessary to address changes in conditions in the areas affected.

Staff Discussion: There have been changes in conditions since the current zoning was established in 2000. Changes include development of Fall River Village to the northeast, impacts of the 2013 Flood, redevelopment of the Elkhorn Lodge, and conversion of the property to the north to an accommodations use (Maxwell Inn). More broadly, changes in conditions include decreasing housing affordability in the area and adoption of a new Comprehensive Plan (2022).

Staff Finding: While there have been changes in conditions in the area, they are not substantial enough or of a nature that makes rezoning necessary to address the changes. The property has historically been used for residential purposes and will likely continue to be used as such in the future.

2. The Development Plan, which the proposed amendment to this Code would allow, is compatible and consistent with the policies and intent of the Comprehensive Plan and with existing growth and development patterns in the Estes Valley.

Staff Discussion: Since no new development is currently proposed, staff has waived the development plan requirement per Section 3.3.B.1 of the Estes Park Development Code:

“All applications seeking to amend this Code to allow a change from one (1) zone district to a different zone district or seeking to amend this Code by changing the permitted uses in any zone district shall be accompanied by a development plan. This requirement may be waived by Staff if it finds that the projected size, complexity, anticipated impacts or other factors associated with the proposed development or subdivision clearly justify such waiver.”

While no new development is planned, the rezoning can still be reviewed for compatibility and consistency with the policies and intent of the Comprehensive Plan and with existing growth and development patterns in the Estes Valley.

The Comprehensive Plan has nine Guiding Principles for the Estes Valley, including “Housing opportunities sufficient to support a multigenerational, year-round community.” (p. 7) The Plan goes on to state:

To achieve the multigenerational, year-round community envisioned in Estes Valley, the workforce needs stable, affordable housing options and a housing market that will allow diverse young families to grow into the community. Demand for housing in Estes Valley has outpaced supply for years leading to decreasing affordability, overcrowding of the few housing options that are available, increasing reliance on commuters to fill jobs, and jobs going unfilled. This Housing element establishes goals and policies to create housing opportunities. By investing in housing to meet
the needs of the workforce and families there will be more housing choices for the entire community including seasonal workers and those seeking to age in Estes.

Furthermore, the Plan recommends the following action:

**H 1.F: Continue limit to short-term rental of residential units, within the limits of the Town’s authority, and consider reducing the number of short-term rentals to encourage more long-term rental units for housing.**

In addition to housing policies, the Comprehensive Plan encourages implementation of the Downtown Plan, as stated in the following action:

**BE 3.D: Continue implementation of the Estes Park Downtown Plan by integrating the recommendations for each Character Area into land use policy and the Development Code.**

The rezoning could indirectly support the following components of the Downtown Plan:

- Character Area 1 Key Objective of promoting redevelopment along river edges and Elkhorn Avenue.
- Community Character Principle of using land efficiently by promoting a moderate increase in density and intensity of development

**Staff Finding:** The proposed rezoning is not fully compatible and consistent with the policies and intent of the Estes Forward Comprehensive Plan. In particular, the proposal is not consistent with the housing policies and intent.

Municipal Code Section 5.20.110(b) caps the number of vacation rentals allowed in residential zones to 322 licenses in effect at any given time. Rezoning the subject property from RM to CO would allow the owners of the eleven dwelling units not currently licensed as vacation rentals to apply for licenses to be converted to vacation rentals. Additionally, the four existing licenses would no longer count against the cap of 322, meaning four other dwelling units in town would become eligible to be converted to vacation rentals.

The Vacation Home Rental Fee Study prepared by Root Policy Research and presented to the Board of Trustees on 2022 attempted to quantify the impact of vacation rentals on the local housing market. It found that the continued operation of vacation rentals has a detrimental impact on the availability of workforce housing within the Town:

*Every 100 STRs in Estes Park leads to a loss of 3-9 rental units and 4-9 ownership units that would otherwise be occupied by local residents (total resident housing loss of 7-18 units). In addition, every 100 STRs in Estes*
Park result in an $11 increase in monthly rent of resident units and a $6,500 increase in home prices.

Not every vacation rental is a lost opportunity for workforce housing but the study shows there’s an overall negative impact by vacation rentals on housing affordability.

While not compatible and consistent with the Comprehensive Plan housing policies, the rezoning is consistent with the Comprehensive Plan intent of implementing the Downtown Plan, particularly the Downtown Plan objective of promoting redevelopment along river edges and Elkhorn Avenue and the principle of using land efficiently by promoting a moderate increase in density and intensity of development. No redevelopment is proposed at this time but conversion of units to vacation rentals could be considered an increase in intensity.

Similarly, the rezoning would be compatible and consistent with existing growth and development patterns in the Estes Valley and surrounding neighborhood. The corridor is largely accommodations uses which, should the subject units be converted to vacation rentals, would be a compatible and consistent use.

3. The Town, County or other relevant service providers shall have the ability to provide adequate services and facilities that might be required if the application were approved.

**Staff Finding:** The property is developed with existing residential and vacation home uses and is currently served by utilities. No comments in opposition to the rezoning were received and no comments indicated an inability to provide adequate services and facilities from service or utility providers.

**Other applicable provisions of the EPDC**

- EPDC § 4.4.B addresses permitted uses in Table 4-4. Multi-family dwellings are not permitted in the requested CO zone district, meaning the dwellings would be a non-conforming use. As such, additions or alterations to the structures may become impossible as EPDC § 6.4 prohibits expansion of non-conforming uses.

**Advantages:**

- Avoids creating a split zoned property if the subject parcels are combined.
- If dwelling units are converted to vacation rentals, such a use is compatible and consistent with existing growth and development patterns in the surrounding neighborhood.
- Consistent with the Comprehensive Plan intent of implementing the Estes Park Downtown Plan.
Disadvantages:
- Does not meet EPDC § 3.3.D.1 review criteria regarding changes in conditions in the area.
- Does not meet EPDC § 3.3.D.2 review criteria regarding compatibility and consistency with the housing policies and intent in the Estes Forward Comprehensive Plan.
- Does not meet EPDC § 3.3.D.2 review criteria regarding compatibility and constituency with the housing policies and intent in the Estes Forward Comprehensive Plan.
- Does not comply with EPDC § 4.4.B - Table 4-4 - Permitted Uses: Nonresidential Zoning Districts and would create a non-conforming use.

Action Recommended:
At their May 21, 2024 meeting Planning Commission forwarded to Town Board a recommendation of denial consistent with staff’s recommendation of denial of the proposed Zoning Map Amendment, including the following findings of fact:

1. The Planning Commission is the Recommending Body for the Zoning Map Amendment.
2. The Town of Estes Park Board of Trustees is the Decision-Making Body for the Zoning Map Amendment.
3. The application does not comply with EPDC § 3.3.D.1. There have been changes in conditions in the area, but they are not substantial enough or of a nature that makes rezoning necessary to address the changes.
4. The application does not comply with EPDC § 3.3.D.2. The proposed rezoning is not compatible and consistent with the housing policies and intent in the Estes Forward Comprehensive Plan.
5. The application complies with EPDC § 3.3.D.3. The application has been submitted to all applicable reviewing agency staff for consideration and comment. No comments indicated an inability to provide adequate services and facilities.
6. The application does not comply with EPDC § 4.4.B - Table 4-4 - Permitted Uses: Nonresidential Zoning Districts and would create a non-conforming use.

Level of Public Interest
Public interest in this item appears to be low.

A neighborhood and community meeting regarding the rezoning project was held in the at US Bank on April 12, 2024. Two owners attended but no neighbors or anyone else with concerns/questions attended. No public comments have been received about the rezoning.

In accordance with the notice requirements in the EPDC, notice of the Town Board meeting was published in the Estes Park Trail-Gazette, on June 7, 2024. Notice was mailed to all required adjacent property owners on June 5, 2024.

Any public comments received will be posted to:
Sample Motion:
1. I move that the Town Board of Trustees approve Ordinance 09-24.

2. I move that the Town Board of Trustees deny Ordinance 09-24 based on the findings of fact recommended by staff and Planning Commission.

3. I move to continue the application to the next regularly scheduled meeting, finding that … [state reasons for continuing].

Attachments:
1. Ordinance 09-24
2. Application
3. Statement of Intent
ORDINANCE 09-24

AN ORDINANCE REZONING 540 and 550 WEST ELKHORN AVENUE FROM RM (MULTIFAMILY RESIDENTIAL) TO CO (OUTLYING COMMERCIAL)

WHEREAS, the properties addressed 540 and 550 West Elkhorn Avenue, legally described on Exhibit A, are currently zoned RM (Multifamily Residential); and

WHEREAS, the property owner’s association (Elkhorn Plaza Association) has requested the property be rezoned to CO (Outlying Commercial); and

WHEREAS, the Estes Park Planning Commission has recommended denial of the rezoning as proposed; and

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

Section 1: The Board finds this Official Zoning Map amendment meets all review criteria in the Development Code.

Section 2: The application for rezoning is hereby approved.

Section 3: This Ordinance shall take effect and be enforced thirty (30) days after its adoption and publication by title.

PASSED AND ADOPTED by the Board of Trustees of the Town of Estes Park, Colorado this __________ day of ______________, 2024.

TOWN OF ESTES PARK

___________________________________________
Mayor

ATTEST:

___________________________________________
Town Clerk

I hereby certify that the above Ordinance was introduced at a regular meeting of the Board of Trustees on the _____ day of ___________, 2024 and published by title in a newspaper of general circulation in the Town of Estes Park, Colorado, on the ___ day of ___________, 2024, all as required by the Statutes of the State of Colorado.

___________________________________________
Town Clerk

APPROVED AS TO FORM:

___________________________________________
Town Attorney
Submittal Date: 1/26/2024

Type of Application

- [ ] Pre-App
- [ ] Development Plan
- [ ] Special Review
- [ ] Preliminary Subdivision Plat
- [ ] Final Subdivision Plat
- [ ] Minor Subdivision Plat
- [ ] Amended Plat

Please check only one box:
- [ ] Boundary Line Adjustment
- [ ] ROW or Easement Vacation
- [ ] Street Name Change Time
- [ ] Rezoning Petition
- [ ] Annexation Request
- [ ] Extension
- [ ] Other: Please specify

General Information

- Project Name: Elkhorn Plaza Lodges Condominium Rezone
- Project Description: Rezone two of the three lots owned by the Elkhorn Plaza Assoc to CO. One lot is already CO
- Project Address: 540 and 550 West Elkhorn Avenue
- Legal Description: Elkhorn Plaza Lodges Condominiums Units A1-7 and B1-8
- Parcel ID #: 3525254001-016

Site Information

- Lot Size: 35,018 sq ft, 0.804 acres
- Area of Disturbance in Acres
- Minimal new disturbance proposed
- Existing Land Use: Residential Mult-Family
- Proposed Land Use: Residential Mult-Family
- Existing Water Service: [ ] Town [ ] Well [ ] None [ ] Other (specify)
- Proposed Water Service: [ ] Town [ ] Well [ ] None [ ] Other (specify)
- Existing Sanitary Sewer Service: [ ] EPSD [ ] UTSD [ ] Septic [ ] None
- Proposed Sanitary Sewer Service: [ ] EPSD [ ] UTSD [ ] Septic
- Is a sewer lift station required? [ ] Yes [ ] No
- Existing Gas Service: [ ] Xcel [ ] Other [ ] None
- Proposed Zoning: CO
- Site Access (if not on public street): 540 and 550 Elkhorn Avenue
- Are there wetlands on the site? [ ] Yes [ ] No
- Site staking must be completed as required/requested by Planner.

Primary Contact Information

- Name of Primary Contact Person: Joe Coop for Van Horn Engineering
- Complete Mailing Address: 1043 Fish Creek Rd, Estes Park, CO 80517
- Primary Contact Person is: [ ] Owner [ ] Applicant [ ] Consultant/Engineer

Attachments

- [ ] Application fee
- [ ] Statement of intent
- [ ] 2 copies (folded) of plat or plan
- [ ] 11" X 17" reduced copy of plat or plan
- [ ] Digital Copies of plats/plans in TIFF or PDF format emailed to planning@estes.org
- [ ] Sign Purchase ($10)

Please review the Estes Park Development Code Appendix B for additional submittal requirements, which may include ISO calculations, drainage report, traffic impact analysis, geologic hazard mitigation report, wildfire hazard mitigation report, wetlands report, and/or other additional information.
**Contact Information**

**Record Owner(s)**  Elkhorn Plaza Association, Eric Mankin, Contact

Mailing Address  550 W Elkhorn Ave, A2

Phone  

Cell Phone  970-815-1466

Fax  

Email  ElkhornCondosHOA@gmail.com

**Applicant**  Same as Owner

Mailing Address  

Phone  

Cell Phone  

Fax  

Email  

**Consultant/Engineer**  Van Horn Engineering, Joe Coop, Contact

Mailing Address  1043 Fish Creek Rd, Estes Park, CO 80517

Phone  970-586-9388

Cell Phone  970-443-8210

Fax  

Email  joe@vanhornengineering.com

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**APPLICATION FEES**

*For development within the Estes Park Town limits* See the fee schedule included in your application packet or view the fee schedule online at www.estes.org/planningforms

All requests for refunds must be made in writing. **All fees are due at the time of submittal.**

---

**MINERAL RIGHT CERTIFICATION**

Article 65.5 of Title 24 of the Colorado Revised Statutes requires applicants for Development Plans, Special Reviews, Rezoning, Preliminary and Final Subdivision Plats, Minor Subdivision Plats if creating a new lot, and Preliminary and Final Condominium Maps to provide notice of the application and initial public hearing to all mineral estate owners where the surface estate and the mineral estate have been severed. This notice must be given 30 days prior to the first hearing on an application for development and meet the statutory requirements.

I hereby certify that the provisions of Section 24-65.5-103 CRS have been met.

**Names:**

**Record Owner**  PLEASE PRINT:  Eric H Mankin

**Applicant**  PLEASE PRINT:  Eric H Mankin

**Signatures:**

**Record Owner**  

**Applicant**  

Date  1-24-2024

Date  1-24-2024
APPLICATION CERTIFICATION

► I hereby certify that the information and exhibits herewith submitted are true and correct to the best of my knowledge and that in filing the application I am acting with the knowledge and consent of the owners of the property.

► In submitting the application materials and signing this application agreement, I acknowledge and agree that the application is subject to the applicable processing and public hearing requirements set forth in the Estes Park Development Code (EPDC).

► I acknowledge that I have obtained or have access to the EPDC, and that, prior to filing this application, I have had the opportunity to consult the relevant provisions governing the processing of and decision on the application. The Estes Park Development Code is available online at:

http://www.estes.org/DevCode

► I understand that acceptance of this application by the Town of Estes Park for filing and receipt of the application fee by the Town does not necessarily mean that the application is complete under the applicable requirements of the EPDC.

► I understand that this proposal may be delayed in processing by a month or more if the information provided is incomplete, inaccurate, or submitted after the deadline date.

► I understand that a resubmittal fee will be charged if my application is incomplete.

► The Community Development Department will notify the applicant in writing of the date on which the application is determined to be complete.

► I grant permission for Town of Estes Park Employees and Planning Commissioners with proper identification access to my property during the review of this application.

► I acknowledge that I have received the Estes Park Development Review Application Schedule and that failure to meet the deadlines shown on said schedule may result in my application or the approval of my application becoming null and void. I understand that full fees will be charged for the resubmittal of an application that has become null and void.

**Names:**

**Record Owner**  
PLEASE PRINT:  
Eric H Markin

**Applicant**  
PLEASE PRINT:  
Eric H Markin

**Signatures:**

**Record Owner**  

Date 1-24-2024

**Applicant**  

Date 1-24-2024

Revised 2020.04.23 ks
STATEMENT OF INTENT
REZONING REQUEST
THE ELKHORN PLAZA ASSOCIATION
Being a portion of the Northeast Quarter of Section 26, and the Northwest Quarter of Section 25, Township 5 North, Range 73 West of the 6th P.M., Town of Estes Park, Larimer County, Colorado.
January 26, 2024
Revised May 13, 2024

PROJECT LOCATION:
540 and 550 West Elkhorn Avenue

OWNER:
Elkhorn Plaza Association

PROJECT DESCRIPTION FOR THE ELKHORN PLAZA ASSOCIATION:
This rezoning request came about from a series of revelations that occurred when the Elkhorn Plaza Association decided it was time to rebuild their decks. The decks are over 50 years old now and in need of replacement. The condominiums were built in 1968 and 1970. The decks are a little small by current standards, so the owners would like to rebuild the decks a little bigger, ten feet wide, as opposed to replacing them at 5’-4” – 6’ as they are now. Unfortunately the current decks are already in violation of the 10’ rear yard setback and the 30’ Fall River setback. Any expansion will require a variance to both setbacks. The variance application is in process simultaneously with this rezoning application.

In order to enlarge the decks, an amended condominium map will need to be prepared to accommodate for the increase in the Limited Common Elements for each unit. The initial condominium property was one of the first ones in the Estes Park area, condominiumized in 1968 and 1970, and it was set up a little differently than they typically are now. Each building was condominiumized on its own lot, each with different names, however the condominium declarations were prepared as one association, which isn’t standard. The owners would like to update the condominium maps by combining the lots into one lot to be consistent with the declarations. This would include the separate vacant lot the association acquired in 1971. That separate lot is triangular shaped, mostly in floodplain and is located to the north of the buildings along the Fall River. The advantage they see is that if the buildings are redeveloped in the future, the property will be more conforming to modern approaches as to size and can accommodate a larger development without the constraints of the current property lines. The lot consolidation will also eliminate the need for setback variances to the rear lot lines in the variance request. This lot consolidation process would be done through the amended condominium map process if the rezoning is approved and once they are built. Ironically, the setbacks will increase from 10’ to 15’ if this rezoning request is approved, so the lot consolidation would be even more appropriate since they would need a larger variance in the CO zone.

The final revelation was made when it was noted that the vacant lot is zoned CO and the two condominium lots are zoned RM. The lot consolidation would thus create a split zoned property. This isn’t illegal, but it isn’t appropriate. This is why we are requesting the rezone. The vacant lot has been owned by the association since 1971, but the rezoning process in 2000 did not take into account common ownership and rezoned the condominium properties from CO to RM, but did not rezone the vacant lot. They basically spot zoned only the
condominiums lots in 2000. Several of the current owners were owners in 2000 and do not recall the change in zoning. They feel this was not right since they were essentially downzoned without their notification. The HOA as a group would like their zone to go back to what it was prior to the 2000 rezoning effort. The CO zone would be more consistent with the neighboring lots which are all CO as well. It would make the property more amenable to redevelopment. It would also enable the properties to more easily be rented nightly since this is in an accommodations corridor and they are within walking distance of town and provide their own parking. Five of the units are already nightly rentals and this would make the nightly rental conforming as to zone. One concern with the rezone to CO is that it would make the residential units a non-conforming use. It essentially would make them legal non-conforming. However the five units that are already vacation rentals would be legal since it is a permitted use in the CO zone.

Standards for Review:

1. The amendment is necessary to address changes in conditions in the areas affected; This rezoning request is appropriate in order to combine the lots to avoid a split zoned lot. The lots were all zoned C-O in 1999 but the town changed it, as mentioned earlier, with the 2000 Rezoning and Code effort. As stated above the owners would like their old zone back that was changed without their knowledge. It also reflects the use of the property since several of the owners rent them as nightly rentals and several would also like to rent nightly. This property is ideal for nightly rental because it is close to town and nightly rentals would subsequently be a legal use in the C-O zone. The Maxwell Inn and the Elkhorn Lodge are their immediate neighbors and they are zoned for nightly rentals, so this use fits in the neighborhood.

2. The development plan, which the proposed amendment to this Code would allow, is compatible and consistent with the policies and intent of the Comprehensive Plan and with existing growth and development patterns in the Estes Valley; This is consistent with the Comprehensive plan to have high density close to town and walkability for tourists. Otherwise, nothing is really changing with this rezoning request.

3. The Town, County or other relevant service providers shall have the ability to provide adequate services and facilities that might be required if the application were approved. All utilities are currently serving the property.

Thank you for your consideration of this proposal.

Sincerely,
Joseph W Coop,
Van Horn Engineering
Memorandum

To: Honorable Mayor Hall
    Board of Trustees

Through: Town Administrator Machalek

From: Reuben Bergsten, Utilities Director

Date: June 25, 2024


(Mark all that apply)

☑ PUBLIC HEARING   ☑ ORDINANCE   ☐ LAND USE
☐ CONTRACT/AGREEMENT ☐ RESOLUTION ☐ OTHER____________

QUASI-JUDICIAL ☐ YES ☐ NO

Objective:
To be good stewards of public resources and our natural setting by requiring overhead utilities to be relocated underground when a Town project includes undergrounding of overhead utilities.

Present Situation:
The town does not have an ordinance that mandates the undergrounding of overhead utilities during redevelopment projects. While the investor-owned utilities have cooperated with us to relocate overhead utilities underground, their sense of urgency and timelines often lead to delays in project schedules. The town lacks an ordinance that requires the undergrounding of overhead utilities during redevelopment projects. The investor-owned utilities have eventually worked with us to relocate overhead utilities underground; however, their urgency and timelines often result in delays to project schedules.

Proposal:
Staff proposes leveraging the Colorado Revised Statutes § 31-15-103 and common law of the State of Colorado which grants the Town the authority to pass an ordinance requiring relocation of overhead Facilities when the Town relocates the Electric Utility.

Advantages:
- The ordinance will encourage investor-owned utilities to actively participate in construction projects by providing their attention and timely involvement.
- Relocating overhead utilities underground offers significant advantages that enhance both the aesthetics and functionality of our community.
• The underground relocation of utilities enhances the visual appeal of our community, contributing to a more attractive and orderly environment.

• Moving utilities underground provides better protection from damage caused by high winds, heavy snow, fires, and vehicle collisions with poles or overhead lines. This relocation leads to increased reliability and fewer service interruptions.

• Utility owners or operators can potentially save costs by using a common trench when relocating utilities underground, allowing for shared infrastructure and reduced individual expenses.

• Placing overhead facilities underground in a common trench optimizes the use of public rights-of-way. It minimizes the need for multiple street cuts, thereby reducing degradation to public roadways.

• This ordinance supports the Estes Forward Comprehensive Plan, specifically the objectives to maintain, reconstruct, and bury overhead power lines to mitigate wildfire risks.

Disadvantages:
• The cost of undergrounding is passed on to utility customers through higher rates; however, municipal utility customers are protected because those costs are covered by other funding sources and the investor-owned utilities costs are passed on to a much larger customer base, reducing the overall rate impact to our local community.

• The duration of construction is a little longer; however, if we use a common trench, the overall construction duration is reduced.

Action Recommended:
Staff recommends approval of the attached ordinance.

Finance/Resource Impact:
None. There is no proposed change in how the town pays for our undergrounding scope of work. There is no change in how investor-owned utilities fund their undergrounding scope.

Level of Public Interest
Low – the undergrounding of overhead utilities has become an expectation.

Sample Motion:
I move for the approval/denial of Ordinance 10-24.

Attachments:
2. Exhibit A, RELOCATION UNDERGROUND OF OVERHEAD ELECTRICITY AND COMMUNICATIONS FACILITIES
ORDINANCE NO. 10-24

AN ORDINANCE ADDING CHAPTER 12.40 TO THE ESTES PARK MUNICIPAL CODE REGARDING RELOCATION UNDERGROUND OF OVERHEAD ELECTRICITY AND COMMUNICATIONS FACILITIES

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

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

Section 1: Chapter 12.40 is hereby added to the Estes Park Municipal Code as 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 _____________, 2024.

TOWN OF ESTES PARK, COLORADO

By: ________________________________
   Mayor

ATTEST:

__________________________________

Town Clerk

I hereby certify that the above Ordinance was introduced at a regular meeting of the Board of Trustees on the _____ day of ____________, 2024 and published by title in a newspaper of general circulation in the Town of Estes Park, Colorado, on the ____ day of __________, 2024, all as required by the Statutes of the State of Colorado.

__________________________________

Town Clerk

APPROVED AS TO FORM:

____________________________

Town Attorney
III.  RELOCATION UNDERGROUND OF OVERHEAD ELECTRICITY AND COMMUNICATIONS FACILITIES

12.40.010. - Findings.

The Board of Trustees of the Town of Estes Park finds:

A. That relocation underground of overhead facilities used for distribution of electricity and transmission or distribution of communications, hereinafter referred to as “overhead facilities,” improves the aesthetics of a community by keeping unsightly poles, lines and related above-ground appurtenances out of the view of the public; and

B. That relocation underground of overhead facilities generally provides better protection from damage due to accidents with vehicles, inclement weather, fires, and other causes; this includes cars and trucks hitting poles or pedestals, snagging of overhead Facilities by high-profile vehicles, knocking down of overhead Facilities due to high winds or heavy snows, forest and grass fires caused by downed above ground Electrical Utility Lines, and reduction of service outages; and

C. That relocation underground of overhead Facilities better protects the health, safety, and public welfare of the citizenry of Estes Park because of less likelihood of involvement of overhead Facilities in vehicular mishaps, and improvement of visibility along public rights-of-way, which improves the operational safety of roads; and

D. That relocation underground of overhead Facilities better protects the safety, health, and public welfare of the citizenry by making them less vulnerable to damage from adjacent property maintenance by the citizenry; and

E. That Owners or Operators of overhead Facilities may realize a savings by using a common trench when relocating them underground; and

F. That relocation of overhead Facilities underground into a common trench will prevent degradation to the public right-of-way that would otherwise be caused by multiple street cuts; and

G. That relocation underground of overhead facilities will facilitate implementation of the following goals of the Estes Forward Comprehensive Plan:

1. Goal NE1: Maintain Estes Valley’s scenic character and viewsheds into and within the Valley and Rocky Mountain National Park;
2. Goal BE2: Promote protection of the environment by ensuring that development is in harmony with its setting and provides equal and meaningful opportunity to participate in the decision-making process to achieve a healthy environment;

3. Recommended Action I.1.C: Continue maintenance, reconstruction, and burial of overhead power lines to reduce wildfire risk; and

H. Pursuant to the Town's mission to provide high-quality, reliable services while being good stewards of our resources and natural setting, the Power and Communications Division will relocate underground existing overhead facilities to increase operational efficiency, public safety or as funded by outside entities to improve the natural setting; and

I. Colorado Revised Statutes § 31-15-103 and the common law of the State of Colorado grant the Town the power to require relocation of overhead Facilities when the Town relocates an Electric Utility Line; and

J. That after the date given by the Town in a notice to relocate underground, unless acting pursuant to a specific exception or a written grant of variance in accordance with this Chapter, it shall constitute a Nuisance for an Owner or Operator to attach, affix, place, install, use, operate or maintain a Facility within the Street area identified in the notice; and

K. That this Chapter is reasonably necessary to protect, enhance and preserve the public health, safety, and welfare of the people of the Town.

12.40.020. - Definitions.

Whenever the following words or terms are used in this chapter, they shall have the meanings herein ascribed to them:

*Board of Trustees* means the Board of Trustees of the Town of Estes Park or its designee.


*Electric Utility Line* means electric distribution utility wires, cables and other equipment for the distribution of electrical current impulses below 69 kV, which are owned by the Town.

*Facility* means all wires, cables, poles or other equipment for the transmission or distribution of electrical current impulses, advanced services, cable television, broadband, or other telecommunications services, other than an Electric Utility Line, within a Street.

*Nuisance* means any state of things prohibited by the provisions of this Code or by state statute as a nuisance, or anything offensive or obnoxious to the health and welfare of the
inhabitants of the city, or any act or thing repugnant to, or creating a hazard to, or having a
detrimental effect to a neighborhood or to the community.

Operator means the person who is in charge of any operation, business or profession.

Owner means any person, firm, corporation, association, partnership, or any other form of
association or organization, which has an ownership or leasehold interest in a Facility.

Street means the surface of and the space above any alley, avenue, boulevard, circle,
court, drive, lane, place, road, street, way, sidewalk, easement or right-of-way in the Town for
public travel or the location of wires, cables, poles or other equipment for the transmission or
distribution of electrical current impulses, advanced services, cable television, broadband, or
other telecommunications services.

Town means the Town of Estes Park.

12.40.030. - Facility relocation.

On expiration of the date given in a notice under Section 12.40.050 to relocate
underground, it shall be unlawful for any Owner or Operator to attach, affix, place, install, use,
operate or maintain a Facility within the Street area identified in the notice, unless pursuant to
a specific exception under Section 12.40.050 below, or a written grant of variance in
accordance with Section 12.40.070. Each day a violation continues shall constitute a separate
offense.

12.40.040. - Exceptions to relocation requirements.

If otherwise in conformance with the intent of this chapter and all applicable provisions
of the zoning, development procedures, subdivision regulations, Power and Communications
rules and regulations, and other provisions of the Code, the following shall constitute
exceptions to the requirements of the foregoing section:

A. A Facility designed for transmission or distribution of electric energy at voltages equal
to or in excess of 69kV.

B. Transformers, pull boxes, service terminals, meters, pedestal terminals, ducts, splice
closures, apparatus cabinets, substations, conduit, and other similar equipment
necessary for the transmission or distribution of electrical current impulses, advanced
services, cable television, broadband, or other telecommunications services, which are
not attached to an overhead pole.

C. Temporary wires and cables or other equipment for the transmission or distribution of
electrical current impulses, advanced services, cable television, broadband, or other
telecommunications services required for construction purposes.
D. A Facility for which the Owner or Operator has given a binding, written commitment, approved by the Utilities Director in consultation with the Town Attorney, Public Works Director and Community Development Director, to relocate underground, remove or reroute, in conformance with the intent of this Chapter and all applicable provisions of the zoning, development procedures, subdivision regulations, Power and Communication rules and regulations, and other provisions of the Code, within two years from the date given in the notice under Section 12.40.50.

12.40.050. - Notice to Owner or Operator.

Where the Town decides to relocate underground an Electric Utility Line within a Street, the Town shall give a minimum of 120 days’ advance notice of the Street area and date by which each Owner or Operator of a Facility must relocate its Facility underground.

12.40.060. - Cooperation with other Owner or Operator.

After giving notice under Section 12.40.050, the Town shall attempt to work with the Owners and Operators of Facilities located on the above-ground poles so that all may relocate underground in a common trench. The Town will pay for excavation and backfill of the common trench if, within 60 days of mailing of the notice under Section 12.40.050, the Owner or Operator makes a written commitment, approved by the Utilities Director in consultation with the Town Attorney, to relocate its Facility in a common trench in a manner that will not delay the relocation of the Town’s Electric Utility Line.


A. An Owner or Operator may request a variance from the strict application of this Chapter and have a hearing before the Town Administrator or the Administrator’s designee. All requests must be in writing and filed with the Town Administrator within 60 days of mailing by the Town of the notice required under Section 12.40.050. The request must contain the name and address of the Owner or Operator, and specify the nature of and reasons for the request. The Town Administrator or designee shall then hold a hearing within 14 days of receipt of the written request, at which the Owner or Operator and the Town may present testimony and evidence. A record of the hearing shall be made by either an audio recording, video, or written transcript.

B. The Town Administrator or designee shall have authority to grant a variance from the strict application of this Chapter on terms and conditions the Town Administrator deems sufficient to preserve its intent, but only upon making the following affirmative findings:

1. The request will not negatively impact the health, safety or welfare of the residents of the Town; and
2. One of the following:

   a. Technological infeasibility or unreasonable technical difficulty in relocation underground of the requester’s Facility; or

   b. Potential for significant land development adjacent to the subject Street area justifies not relocating underground the Facility until development occurs.

C. The Town Administrator or designee shall notify the Owner or Operator of their decision, in writing, within ten days of the hearing. Review of the decision of the Town Administrator or designee shall be pursuant to Rule 106(a)(4), Colorado Rules of Civil Procedure. Any party aggrieved by the decision may initiate review pursuant to Rule 106(a)(4).


The Town will pay for the relocation of Electric Utility Lines and other Facilities which it owns. Except as otherwise provided, this Chapter shall not require the Town to pay for relocation underground of a Facility of an Owner or Operator.


A. Any owner found in violation of this section shall be subject to an administrative fine of up to $2,650.00 per day, as assessed by and in the reasonable discretion of the Utilities Director, for each day in which the overhead electric distribution lines or overhead telecommunications lines or telecommunications facilities remain in place.

B. Violation of any provision of this chapter is also subject to the general penalty of the Town, under chapter 1.20.

C. After the date given in a notice under Section 12.40.050 to relocate underground, it is a Nuisance for an Owner or Operator to attach, affix, place, install, use, operate or maintain a Facility within the Street area identified in the notice, unless acting under a specific exception in Section 12.40.040, or a written grant of variance under Section 12.40.070. Any court of competent jurisdiction shall, upon complaint of the Town, enjoin or abate the Nuisance.

D. In addition to the penalties in this Section, the Town may seek any appropriate remedy for damages or equitable relief to secure compliance with this Chapter and to preserve the Town’s interest in public property.

E. The remedies in this section, whether civil or criminal, shall be cumulative and in addition to any other remedy provided by law, and may be exercised in any order.
Memo

To: Honorable Mayor Hall
Board of Trustees

From: Dan Kramer, Town Attorney

Date: June 25, 2024

RE: Resolution 56-24 Small Cell Facilities Master License Agreement with Cellco Partnership d/b/a Verizon Wireless

(Mark all that apply)

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

QUASI-JUDICIAL ☐ YES  ☑ NO

Objective:
Establish an agreed-upon framework for Verizon Wireless to place small cell wireless telecommunications facilities in the Town’s rights of way, as required by federal and state law.

Present Situation:
Various state and federal laws and regulations require the Town to allow wireless communication providers to place “small cell” telecommunication facilities in Town rights of way. These are not large towers, which are regulated in a more traditional way, but smaller antennas and equipment that can be incorporated, for example, as part of streetlight poles in existing streetlight locations. Attached to this memo is an explainer from the City of Denver describing small cell facilities in more detail, with examples, illustrations, and photographs. The document is from 2019, but the relevant laws, concepts, and technology still apply today.

Municipalities across the country have been revising codes and entering agreements with providers in order to comply with these requirements since the laws began to change around 2015. In 2021, the Town adopted Chapter 14 of the Development Code to incorporate the new requirements. That chapter will still apply in full, and it requires that the relationship with each individual provider additionally be governed by a license agreement for the facilities. Verizon is the first provider to request such an agreement. Similar in some ways to a franchise agreement, these agreements are very carefully negotiated to provide the municipality as much control as possible over the development of these facilities while still complying with legal restrictions, and municipalities keep abreast of what each other are able to include in their agreements. To this end, the Town relied on Special Counsel Brandon Dittman of Wilson Williams Fellman Dittman to negotiate with Verizon and draft this contract. He and his office have negotiated many of these agreements with various providers, for many
municipalities across the state. Special Counsel Dittman will be available at the Board meeting to further introduce this item and answer questions.

Proposal:
Approve the Master License Agreement with Verizon. Staff would intend to follow up the agreement with staff adoption of further technical design criteria, which can be amended in the future as needed. This is a process authorized by the agreement.

Advantages:
The Agreement ensures that Verizon will fully comply with the existing provisions of the Development Code, and includes additional protections that benefit the Town. It results in Verizon being responsible to the Town not only under the code but under contract. It establishes a number of duties of Verizon, such as a duty to pay reasonable fees that are acceptable under federal law, duties to relocate under certain circumstances, a duty to repair damaged property, a duty to coordinate in the event of an emergency, and duties to insure and indemnify.

Disadvantages:
Unfortunately, state and federal law have severely constrained the Town’s discretion when it comes to these small-cell facilities in the right of way. This agreement is a reflection of those constraints, and allows Verizon to move forward with installations as required by law. As already captured in the code, those constraints result in administrative approval for facilities that meet the state and federal criteria.

Action Recommended:
Approve Resolution 56-24.

Finance/Resource Impact:
No direct impact. While staff time will be required to implement this agreement, further legal assistance and related fees may become necessary if the agreement is not approved.

Level of Public Interest
None known to date. The public has expressed interest in specific, large wireless towers that would not qualify as small cells.

Sample Motion:
I move for the approval/denial of Resolution 56-24.

Attachments:
1. Resolution 56-24
2. LINK Small Cell Facilities Master License Agreement with Cellco Partnership d/b/a Verizon Wireless (including Exhibits A and B)
3. LINK Exhibit C: Pole Attachment Agreement
4. LINK Operational and Design Criteria
5. LINK Small Cell Infrastructure in Denver
RESOLUTION 56-24

A RESOLUTION APPROVING A SMALL CELL FACILITIES MASTER LICENSE AGREEMENT WITH CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS

WHEREAS, the Town Board wishes to enter an agreement referenced in the title of this resolution for the purpose of establishing a framework for Verizon Wireless to place small cell wireless telecommunications facilities in the Town’s rights of way, as required by federal and state law.

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
Memo

To: Honorable Mayor
   Board of Trustees

Through: Town Administrator Machalek

From: Director Bergsten
      Superintendent Lockhart
      NewGen Strategies & Solutions, Meghan Helper

Date: June 25, 2024

RE: Resolution 57-24 Setting the Public Hearing Dates of July 23rd and August 13th, 2024 for Electric Rate Increases

Objective:
To maintain high-quality and reliable electric service by increasing electric rates to keep up with the increasing cost of operations and capital improvements by requesting the Town Board consider electric rate increases at the July 23rd and August 13th, 2024 Town Board Meeting in the Town Board Room at 170 MacGregor Avenue.

Present Situation:
Every three years the Town performs a financial rate study to ensure our revenues and expenditure balance out. Power and Communications has seen unprecedented cost increases over the past few years. For example, some of our bucket trucks have doubled in cost and transformer costs have tripled.

The Town’s public electric utility is a cost-based entity that relies solely on user fees to operate. Costs and revenues must be balanced in order to maintain operations and ensure reliable operations. We are proposing an overall rate increase of 5.0% starting in October 2024.

At the March 12th 2024 study session, staff presented financial rate study results. Three late spring weather events delayed our ability to complete a full cost-of-service analysis. We will bring the Town Board proposed electric rates for 2025 and 2026 when the full cost-of-service analysis has been completed.

Hard copies of the study and proposed rate sheet are located at the Municipal building and library for the public to review. The rate study is also on our website.

Proposal:
Staff proposes the Town Board set public hearing dates for July 23rd and continued to August 13th, 2024 to review the results and collect public input.
Advantages:
- Maintain adequate financial strength required to operate the enterprise
- Meet our bond covenants obligations
- Fund projects required to improve reliability, quality and safety of our system

Disadvantages:
Higher cost of electricity; however, our customers deserve reliable and safe electricity.

Action Recommended:
Staff recommends the Board consider the attached resolution.

Finance/Resource Impact:
Beginning October electric rates would increase by 5%.

Level of Public Interest:
High, increases to utility rates will touch every Power and Communications customer

Sample Motion:
I move for the approval/denial of Resolution 57-24.

Attachments:
1. Resolution 57-24
2. Financial Forecast and Rate Study
RESOLUTION 57-24

A RESOLUTION SETTING THE PUBLIC HEARING DATES FOR PROPOSED ELECTRIC RATE INCREASES

It is hereby ordered that a public hearing on a proposed electric rate increase shall be held in the Board Room of the Municipal Building, 170 MacGregor Avenue, on Tuesday, July 23, 2024, at 7:00 P.M., and on Tuesday, August 13, 2024, at 7:00 P.M., for the proposed electric rate increases to be reviewed by the Town Board. Customers are encouraged to provide feedback in person, through counsel, or provided in writing to the Town Clerk before noon, August 13th.

DATED this _____ day of __________________________ 2024

TOWN OF ESTES PARK

______________________________
Mayor

ATTEST:

______________________________
Town Clerk

APPROVED AS TO FORM:

______________________________
Town Attorney
INTRODUCTION

Estes Park Power and Communications Rate Study
Introduction and Financial Forecast Results

MARCH 12TH, 2024

AGENDA

1. Introductions
2. Rate Study Process
3. Financial Forecast Results
4. Recommendations
5. Next Steps

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PROJECT TEAM

Meghan Helper
Project Manager and Lead Analyst
- Senior Consultant
- Cost of Service, Rate Design, Litigation Support
- MS in Engineering and Technology Management and BS in Geophysical Engineering, Colorado School of Mines

Joe Mancinelli
Technical Advisor
- Principal and President Emeritus
- Project Management, Cost of Service, Rate Design, Fees and Policies, Litigation
- MBA, University of Colorado, and BS in Geophysical Engineering, Colorado School of Mines

Grant Rabon
Technical Advisor
- Partner
- Project Management, Utility Appraisal and Valuation, COS and Rate Design, Customer Advocacy and Engagement, Litigation
- MBA, University of Texas, and BS in Chemical Engineering, Texas A&M University

RATE STUDY PROCESS:
OVERVIEW

STEP 1
Determine the revenue requirements of the utility during the study period

STEP 2
Unbundle costs by functions and services (source of supply, distribution, customer)

STEP 3
Classify costs (demand, energy, customer costs, etc.)

STEP 4
Allocate costs among customer classes

STEP 5
Design rates

Financial Forecast
Cost Allocation
Rate Design
Financial Forecasting Model

- 5-year forward look
- Electric only
- Projects utility’s financial performance:
  - Revenues
  - Revenue Requirement:
    - Expenses
    - CIP
    - Debt Service
    - Cash reserve requirements
    - Reduced by other/misc. revenues
- Enables EPPC to perform scenario analyses and understand impact on retail rates
RATE STUDY PROCESS: COST OF SERVICE

Typical Electric Utility System Configuration

© 2024 NEWGEN STRATEGIES AND SOLUTIONS, LLC
Platte River Power Authority (PRPA): Generation and Transmission

Estes Park Power & Communications (EPPC): Distribution & Customer Service

RATE STUDY PROCESS
GENERATION FUNCTION – PRPA

• The generation function is responsible for serving demand and producing energy.
  – The power plant portfolio is sized to meet the maximum demand requirements of the system (PRPA).
  – PRPA goal to transitioning to 100% noncarbon energy mix by 2030.
RATE STUDY PROCESS
TRANSMISSION FUNCTION – PRPA

• The transmission function is responsible for transmitting electricity from generation to the distribution system.
• The utility must size transmission substations, transformers, and lines to serve the maximum demand requirements of the system.

RATE STUDY PROCESS
DISTRIBUTION FUNCTION – EPPC

• The distribution function is responsible for distributing electricity from the transmission line to customers.
• The utility must size distribution substations, transformers, lines, and services to serve the maximum local demand requirements of their customers.
RATE STUDY PROCESS
CUSTOMER FUNCTION – EPPC

• The customer function is responsible for utility billing and customer service.
• EPPC future customer function:
  – DER Programs development and execution.
  – Communication and information.

RATE STUDY PROCESS
FIXED VS. VARIABLE COSTS AND REVENUES

<table>
<thead>
<tr>
<th>Typical Cost Functions</th>
<th>Typical Cost Classifications</th>
</tr>
</thead>
<tbody>
<tr>
<td>Source of Power</td>
<td>Demand Related</td>
</tr>
<tr>
<td></td>
<td>Energy Related</td>
</tr>
<tr>
<td>Distribution</td>
<td>Demand Related</td>
</tr>
<tr>
<td></td>
<td>Customer Related</td>
</tr>
<tr>
<td>Customer</td>
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</tbody>
</table>

Graphs are for illustrative purposes only.
RATE STUDY PROCESS
COST OF SERVICE TO RATE DESIGN

<table>
<thead>
<tr>
<th>Cost of Service</th>
<th>Rate Making</th>
<th>Rates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenue Requirement</td>
<td>Policy Decisions</td>
<td>Collect sufficient revenue</td>
</tr>
<tr>
<td>Functionalize</td>
<td>Incentivize behavior to create win-win scenario between the Utility and its Customers</td>
<td>Support Utility’s goals</td>
</tr>
<tr>
<td>Classify</td>
<td>Industry practice is to move towards or align with COS</td>
<td>Use resources in cost-effective manner</td>
</tr>
<tr>
<td>Guide for cost-based rates</td>
<td></td>
<td>Price signal to Customer:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Convey information</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Change behavior</td>
</tr>
</tbody>
</table>

RATE STUDY PROCESS
EPPC RATE CLASSES

- Residential
- Residential Demand
- Residential Energy TOD
- Residential Energy Basic TOD
- Small Commercial
- Small Commercial Energy TOD
- Large Commercial
- Large Commercial TOD
- Outdoor Area Lighting
- Renewable Energy Charge
- Municipal Rate
- RMNP

Rate Classes are grouped by similar size, consumption, requirements, and characteristics.
RATE STUDY PROCESS
POTENTIAL OBJECTIVES FOR RATE DESIGN

• Revenue stability
• Simplicity
• Alignment with cost of service
• Legislative and regulatory compliance
• Modernization, Distributed Generation, Virtual Power Plant, Electric Vehicles ...
• New Service Offerings
• Conservation/DSM (Behavior Modification)

RATE STUDY PROCESS
BEST PRACTICES

• Align a utility’s revenue collection with its cost causation (e.g., demand, energy, customer).
• Costs categorized as fixed and variable:
  – The seasonal nature of EPPC sales further exacerbates fixed cost recovery issues.
• Rates should reflect the COS, but policy and incentives should be considered (the “art”).
• If rates are not well designed or aligned with COS:
  – Potential for cost recovery not matching costs incurred.
  – Potential to over- or under-recover costs.
  – Does not ensure revenue adequacy.
FINANCIAL FORECAST RESULTS
FORECAST ENERGY CONSUMPTION

Forecasted Energy at Generation

FINANCIAL FORECAST RESULTS
2024 REVENUE REQUIREMENT

• Source of Supply makes up a large portion of total expenses.
• Other Operating Expenses:
  – Distribution
  – Customer Accounts
  – A&G
• General Fund transfer:
  – Budgeted at 7% of total Revenues for 2024
• Capital Improvement Plan
• Debt Service
FINANCIAL FORECAST RESULTS
EXPENSES AND REVENUES

• Assumptions:
  – Capital Plan:
    • $2 million average annual capital plan 2024 through 2029.
    • Assumes no grant or bond money will be used to fund capital.
  – Energy Consumption Forecast – 1.5% average annual Energy consumption growth:
    • Provided by PRPA.
  – Source of Supply Costs – PRPA rates assumed to increase 5% annually from 2025–2029.

FINANCIAL FORECAST RESULTS
RESERVE FUND

• If no action is taken, the reserve fund levels will be drawn down annually.
• Reserve fund drops below 90-day target in 2026.
• Debt service coverage ratio drops below 1.25 target in 2027.
• Rate increases need to maintain financial stability.
## Status Quo Key Financial Metrics

<table>
<thead>
<tr>
<th>Financial Metric</th>
<th>2024</th>
<th>2025</th>
<th>2026</th>
<th>2027</th>
<th>2028</th>
<th>2029</th>
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<tbody>
<tr>
<td>Debt Service Coverage Ratio</td>
<td>6.85</td>
<td>3.84</td>
<td>1.78</td>
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<td>Days Cash on Hand</td>
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## Rate Increase Options

### Rate Increase Option 1 and Resulting Key Financial Metrics

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### Rate Increase Option 2 and Resulting Key Financial Metrics

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<tr>
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</tr>
<tr>
<td>Debt Service Coverage Ratio</td>
<td>7.72</td>
<td>6.53</td>
<td>6.42</td>
<td>6.38</td>
<td>21.49</td>
<td>22.21</td>
</tr>
<tr>
<td>Debt Service Coverage Ratio Target</td>
<td>1.25</td>
<td>1.25</td>
<td>1.25</td>
<td>1.25</td>
<td>1.25</td>
<td>1.25</td>
</tr>
<tr>
<td>Days Cash on Hand</td>
<td>145</td>
<td>129</td>
<td>120</td>
<td>113</td>
<td>115</td>
<td>116</td>
</tr>
<tr>
<td>Days Cash on Hand Target</td>
<td>90</td>
<td>90</td>
<td>90</td>
<td>90</td>
<td>90</td>
<td>90</td>
</tr>
</tbody>
</table>
RECOMMENDATIONS

• Implement frequent, small, predictable rate increases:
  – Avoid rate shock.
  – Customer acceptance.
  – Customers become accustomed to rates changes.

• Rate Plan Recommendation:
  – 5% rate revenue increase in 2024–2026.
  – Review and update 2027.

• Update study models annually.
• Complete new study for 2027 budget.

NEXT STEPS

• Functionalize, classify, and allocate costs to customer classes.
• Design rates for 2024-2026:
  – interclass subsidies.
  – fixed cost recovery issues.
  – desired structural changes.
• Present recommended rate plan for approval.
Memo

To: Honorable Mayor Hall
   Board of Trustees

From: Town Administrator Machalek

Date: June 25, 2024

RE: 2025 Provisional Strategic Plan

(Mark all that apply)

☐ PUBLIC HEARING  ☐ ORDINANCE  ☐ LAND USE
☐ CONTRACT/AGREEMENT  ☐ RESOLUTION  ☑ OTHER: Strategic Plan

QUASI-JUDICIAL ☑ YES  ☒ NO

Objective:
Town Board adoption of the 2025 Provisional Strategic Plan.

Present Situation:
The Town Board adopts an annual Strategic Plan to guide staff in the development of both the proposed budget as well as each department’s work plan for the coming year.

Adopting a “Provisional Strategic Plan” is intended to achieve two primary aims:

1) Provide departments with a formally-adopted document that they will use to inform and guide development of the Town Administrator's Proposed Budget; and

2) Better track and report on changes to the Strategic Plan that come from the budgeting process.

Proposal:
The proposed 2025 Provisional Strategic Plan is the result of two Town Board Strategic Planning Study Sessions on May 31 and June 18. Changes to this Plan necessitated by the budget process will be highlighted when staff returns with a final 2025 Strategic Plan, to be adopted concurrently with the 2025 Budget. This will ensure that no unfunded objectives are included in the final adopted Strategic Plan, and will help members of the public identify what has changed between initial strategic discussions and the final budget.

Edits in red reflect areas where the Board requested staff draft language for a goal/objective or where clarifying edits were necessary.
Advantages:
• Allows greater insight/transparency into how Strategic Plan items are impacted by the Town’s budget discussions and decisions.
• Provides clear direction to the Town Administrator and departments for the preparation of the 2025 budget.

Disadvantages:
• The adoption of a Provisional Strategic Plan creates another step in the Town’s strategic planning process that requires additional Board and staff time to complete. Staff believes that the benefits of this additional step outweigh the small costs in time.

Action Recommended:
Staff recommends approval of the 2025 Provisional Strategic Plan.

Finance/Resource Impact:
No direct financial impact, though Strategic Plan items typically do require financial resources.

Level of Public Interest
Medium

Sample Motion:
I move for the approval/denial of the 2025 Provisional Strategic Plan as adopted.

Attachments:
1. 2025 Provisional Strategic Plan
Town of Estes Park 2025 Strategic Plan  
PROVISIONAL (06/25/2024)

Vision: The Town of Estes Park will be an ever more vibrant and welcoming mountain community.

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

THERE IS NO RANK-ORDERING OR PRIORITIZATION IN THIS PLAN. ALL NUMERICAL DESIGNATIONS ARE FOR REFERENCE PURPOSES ONLY.

For the purposes of Strategic Policy Statements, “We” refers to the Town organization, led by the Town Board of Trustees.

<table>
<thead>
<tr>
<th>KEY OUTCOME AREA (Alphabetical order)</th>
<th>STRATEGIC POLICY STATEMENTS</th>
<th>GOALS (MULTI-YEAR)</th>
<th>OBJECTIVES (ONE-YEAR)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exceptional Community Services - Estes Park is an exceptionally vibrant, diverse, inclusive, and active mountain community in which to live, work, and play, with housing available for all segments in our community.</td>
<td>1. We support a wide range of housing opportunities with a particular focus on workforce and attainable housing.</td>
<td>1.A. Plan for and utilize 6E funds to achieve Workforce and Attainable Housing goals in partnership with the Estes Park Housing Authority and other strategic partners.</td>
<td>1.A.1 - Increase utilization of &quot;Access Granted&quot; program for senior community that will allow participants to share home access codes and emergency contract information so that first responders will not have to damage anything if they need to do an emergency welfare check.</td>
</tr>
<tr>
<td></td>
<td>1.B. Incentivize private development of workforce and attainable housing.</td>
<td>2.A. Develop a needs assessment and strategic plan to meet the needs of the senior community in Estes Park.</td>
<td>4.A.1 - Track progress towards metrics of success established for childcare in 2024.</td>
</tr>
<tr>
<td></td>
<td>2. We support the needs of our senior community.</td>
<td>4.A. Plan for and utilize 6E funds to address childcare issues consistent with the Childcare Needs Assessment and Strategic Plan.</td>
<td>5.A.1 - Develop a master plan for Town Parks and Open Space, in cooperation with the Recreation District and Estes Valley Land Trust. Include chapters on water-conscious landscaping and pocket parks.</td>
</tr>
<tr>
<td></td>
<td>3. We support the needs of families in our community.</td>
<td>5.A. Implement the recommendations of the 2025 Parks &amp; Open Space Master Plan.</td>
<td>6.1 - Formalize an annexation policy with Larimer County. (2024 CARRYOVER)</td>
</tr>
<tr>
<td></td>
<td>4. We support a wide range of childcare opportunities with a particular focus on infants and toddlers.</td>
<td>5.B. Overhaul outdated and aging landscaping in Children's Park, Riverwalk, and West Park by 2026.</td>
<td>6.A.1 - Continue rewriting the Estes Park Development Code with participation from elected/appointed officials, stakeholders, and residents. (multi-year objective)</td>
</tr>
<tr>
<td></td>
<td>5. We expand and improve the durability, functionality, and efficiency of open space and public park infrastructure.</td>
<td>5.C. Implement the 2019 Stanley Park Complex Master Plan projects at the Events Complex.</td>
<td>7.A.1 - Replace ADA non-compliant signs in Town buildings that are open to the general public.</td>
</tr>
<tr>
<td></td>
<td>6. We have an up-to-date Comprehensive Plan and Development Code that reflect the will of the community.</td>
<td>5.D. Maintain a high level of arena footing for horse shows and rodeos at the Events Complex.</td>
<td>7.B.1 - Develop a digital accessibility transition plan as required by state law.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>6.B. Collaborate with community stakeholders to update our adopted transportation, drainage, and parking design standards and construction policies in the Development Code by 2026.</td>
<td>9.A.1 - Complete Museum Annex addition.</td>
</tr>
<tr>
<td></td>
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</tr>
</tbody>
</table>
7. We are committed to improving community accessibility for residents and guests from diverse cultures, and residents and guests with disabilities.

8. We enact policies that support all demographic segments of the community.

9. We value the Estes Park Museum’s work to preserve, share, and respect the unique history of Estes Park, and incorporate that history into our decision-making processes.

10. We support public art and creative endeavors.

<table>
<thead>
<tr>
<th>Governmental Services and Internal Support - We provide high-quality support for all municipal services.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. We maintain a well-trained and educated Town Staff.</td>
</tr>
<tr>
<td>2. We attract and retain high-quality staff by being an employer of choice, including offering highly competitive benefits and wages, and encouraging work-life balance.</td>
</tr>
<tr>
<td>3. We match service levels with the resources available to deliver them.</td>
</tr>
<tr>
<td>4. We strive to ensure that the membership of our Boards and Commissions reflects the diversity of the community.</td>
</tr>
<tr>
<td>5. We strive to gain meaningful input and participation from all community members.</td>
</tr>
<tr>
<td>7.B. Continuously implement organizational processes and services to improve the accessibility of public information in all formats, with a particular focus on the needs of individuals with disabilities and those with limited English proficiency.</td>
</tr>
<tr>
<td>7.B.2 - Add process improvement goals to the Employee Success and Development program to reinforce the value.</td>
</tr>
<tr>
<td>7.B.3 - File all new employee records electronically starting in 2025.</td>
</tr>
<tr>
<td>7.B.4 - Evaluate the development of a searchable public GIS portal to enhance access to available property records.</td>
</tr>
<tr>
<td>7.C.1 - Digitize Community Development Planning and Zoning records.</td>
</tr>
</tbody>
</table>
6. We prioritize and support a culture of customer service throughout the organization.

7. We support a culture of continuous improvement in our internal processes and service delivery.

8. We operate with transparency, maintaining open communication with all community members and proactively making Town information available to the public.

9. We monitor for, and protect against, cybersecurity threats.

10. We maintain a robust, transparent, accessible, and user-friendly public-facing website.

11. We ensure that our facilities are well-maintained and meet the needs of Town Departments and the community.

Outstanding Guest Services - We are a preferred Colorado mountain destination providing an exceptional guest experience.

1. We value broad collaboration in providing outstanding guest services.

2. We provide and support high-quality events that attract guests to the Town.

3. Digitize Town records within Laserfiche.

4. Minimize risk of becoming a victim of cybersecurity threats.

5. Continually evaluate the functionality of our website to ensure it serves the needs of our customers.

6. Evaluate the service condition, safety, functionality, accessibility, and land-use restrictions of our 32 public buildings using a data-driven approach and document the outcomes in our LUCITY asset management system.

7. Upgrade the quality, function, and safety of the Town’s public restrooms.

8. Pursue energy conservation projects that improve the efficiency of our buildings.

9. Establish a timeline and funding strategy to implement the Facilities Master Plan recommendations.

10. Start with the relocation of the Police Department out of Town Hall.

11. Work with the Fire District to investigate and evaluate strategies to use Town-owned buildings and Town projects to demonstrate wildfire mitigation techniques for facilities.

12. Plan to meet the space needs of the Facilities Division.

13. Replace florescent lighting with LED lights in the Street Shop.

14. Start design efforts and pursue land acquisition necessary to relocate the Police Department out of Town Hall. (2024 CARRYOVER)

15. Develop events that attract guests to Town in the winter and shoulder seasons as well as mid-week events.

16. Continue to develop and attract diverse events and audiences.

17. Continue to support events through creativity, innovation, and technology.

18. Develop a guiding philosophy for events that includes consideration of impact on businesses and the community.

19. Add Breakaway Roping as a women’s competitive event at the Rooftop Rodeo.

20. Offer a better guest experience in the Event Center by upgrading the audio/visual equipment.
3. We strive to balance the impacts of visitation with the needs and quality of life of our residents and our key outcome areas.

3.A. Work with public- and private-sector entities to encourage additional town destination opportunities for guests, including the Museum, particularly in case visitation limits in the National Park or elsewhere remain a factor.

3.B. Implement the Visitor Services Strategic Plan.
3.B.1. Visitor Services will work with Visit Estes Park and the Rocky Mountain Conservancy on developing and implementing ways to help educate and entertain guests at the Visitor Center.
3.B.2. Implement a Guest Services (Service Elevated) annual training for volunteers in the Visitor Center.

4. We balance data-driven decisions with community values when serving our guests and residents using up-to-date and relevant data.

4.A. Continue to monitor and adjust marketing focus to events that are branded to and successful in Estes Park.

5. We contribute to an exceptional guest experience through a high-quality Visitor Services Division.

5.A. Implement the Visitor Services Strategic Plan.
5.A.1. Visitor Services will work with Visit Estes Park and the Rocky Mountain Conservancy on developing and implementing ways to help educate and entertain guests at the Visitor Center.
5.A.2. Continue to implement a Guest Services (Service Elevated) annual training for volunteers in the Visitor Center.

6. We work to ensure that Estes Park is a sustainable tourism destination.

6.A. Evaluate and meet the sworn officer, dispatch, and support services staffing needs of the Police Department.
6.B. Integrate security camera systems in Town Hall, Visitor Center, Events Complex, and Museum.
6.D. Modify codes and regulations to support alternative and distributed energy.
6.E. Encourage solar energy options for new and established homes and businesses, including Town Buildings.

---

**Public Safety, Health, and Environment - Estes Park is a safe place to live, work, and visit within our extraordinary natural environment.**

1. We are committed to safeguarding the lives and property of the people we serve.

1.A. Evaluate and meet the sworn officer, dispatch, and support services staffing needs of the Police Department.
1.B. Integrate security camera systems in Town Hall, Visitor Center, Events Complex, and Museum.
1.C. Evaluate pandemic response plan.
1.D. Modify codes and regulations to support alternative and distributed energy.
1.E. Encourage solar energy options for new and established homes and businesses, including Town Buildings.
1.F. Support beneficial electrification of buildings by encouraging the replacement of fossil-fuel appliances with cleaner electric alternatives.

2. We support environmental stewardship and sustainability through our policies and actions.

2.A. Continue to incorporate the Environmental Sustainability Task Force recommendations into Town operations.
2.B. Modify codes and regulations to support alternative and distributed energy.
2.C. Encourage solar energy options for new and established homes and businesses, including Town Buildings.
2.D. Support beneficial electrification of buildings by encouraging the replacement of fossil-fuel appliances with cleaner electric alternatives.

3. We are committed to fairness and support for victims of crime and disasters.

3.B. Evaluate the creation of a Climate Action Plan specific to Estes Park.

4. We value the importance of maintaining a local emergency communication center to serve the Estes Valley.

4.B.1. Implement arborist licensing program based on direction from Town Board.
4.B.2. Replace hedge trimmers, leaf blowers, and line trimmers powered with internal combustion engines with battery operated tools to comply with state standards for municipal governments.
4.B.3. Evaluate the creation of a Climate Action Plan specific to Estes Park.
5.1. Increase interagency operability by collaborating with public safety partners on radio channel sharing authorizations.
5. We strive to enhance the safety of emergency responders.

6. We believe in and support restorative practices as a way to build and repair relationships, as well as increase understanding about the impact of crime in the Estes Park Community.

7. We train and prepare to fully and immediately respond to community emergencies.

8. We are proactive in our approach to wildfire planning and mitigation in response to elevated fire risks in the Estes Valley and the surrounding area.

9. We recognize the importance of behavioral health in our community and work with local and regional partners to improve mental health safety, treatment, and awareness.

### Robust Economy - We have a diverse, healthy, year-round economy.

<table>
<thead>
<tr>
<th>1. We foster an inclusive, robust, and sustainable economy based on a triple-bottom-line model, considering economic, social, and environmental impacts and benefits.</th>
<th>2.A. Improve and streamline the Development Review process.</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. We create and sustain a favorable business climate.</td>
<td>4.A. Implement the Downtown Plan.</td>
</tr>
<tr>
<td>3. We support a diverse economy, attracting and serving a broad range of current and potential stakeholders.</td>
<td>5.A. Conduct corridor studies for the corridors called out in the Comprehensive Plan.</td>
</tr>
<tr>
<td>4. A. Work with the Economic Development and Workforce Council to build capacity for small business owners to address employee housing needs.</td>
<td>6.A. Work with the Economic Development and Workforce Council to build capacity for small business owners to address employee housing needs.</td>
</tr>
<tr>
<td>2.E. The Events and Visitor Services Department will reduce the environmental impacts of Town events.</td>
<td>2.A.1 - Implement a new software module from SAFEbuilt to allow electronic submittal of development applications and automated workflow processing.</td>
</tr>
<tr>
<td>2.F. Support the County-wide Wasteshed Plan and will remain active partners with Larimer County in its implementation.</td>
<td>2.H. Continue work with Larimer County on Climate Smart Future Ready initiative.</td>
</tr>
<tr>
<td>2.G. Establish the Town’s role in environmental stewardship and sustainable practices.</td>
<td>7.A.1 - Acquire dual-band radios for Police Department supervisors to assure emergency communications during critical incidents and disasters.</td>
</tr>
<tr>
<td>2.E. The Events and Visitor Services Department will reduce the environmental impacts of Town events.</td>
<td>7.A.1 - Acquire dual-band radios for Police Department supervisors to assure emergency communications during critical incidents and disasters.</td>
</tr>
</tbody>
</table>
4. We recognize the importance of a vibrant, attractive, and economically viable downtown.

5. We support investment and revitalization in all of the Town’s commercial areas.

6. We support economic and workforce development efforts led by other organizations.

7. We recognize the benefits of shopping locally and will actively support our local businesses and the local economy.

**Town Financial Health** - We will maintain a strong and sustainable financial condition, balancing expenditures with available revenues, including adequate cash reserves for future needs and unanticipated emergencies.

<table>
<thead>
<tr>
<th>1. We maintain up-to-date financial policies, tools, and controls that reflect the financial philosophy of the Board.</th>
<th>1.A. Replace the current accounting system with a modern Enterprise Resource Planning (ERP) system by 2025.</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. We make data-driven financial decisions.</td>
<td>1.B. Develop a set of general budget policies to help guide budget development in the future. This should include consideration of reserve policies, use of one-time funding, budgeting approach to vacancies, etc.</td>
</tr>
<tr>
<td>3. We will consider the most effective financing strategy for large capital projects on a case-by-case basis, ensuring that each financing package is appropriately tailored to the project under consideration.</td>
<td>1.B.1 - Finalize a set of general budget policies to help guide budget development in the future.</td>
</tr>
</tbody>
</table>

**Transportation** - We have safe, efficient, and well-maintained multimodal transportation systems for pedestrians, cyclists, motorists, and transit riders.

<table>
<thead>
<tr>
<th>1. We value the development and maintenance of a sustainable, accessible, and efficient multimodal transportation network.</th>
<th>1.A. Upgrade and maintain our public trail network to comply with adopted safety and disability standards, utilizing directed sales tax funding approved through 2034.</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. We will maintain a high-quality network of streets for our community.</td>
<td>1.B. Evaluate the possibility of adopting impact fees and fee-in-lieu mechanisms to assist in funding multimodal transportation improvements.</td>
</tr>
<tr>
<td></td>
<td>1.C. Implement the Wayfinding Signage Program.</td>
</tr>
<tr>
<td></td>
<td>2.A. Street rehabilitation efforts will result in an average Pavement Condition Index of 80 or greater for the Town street network by 2034.</td>
</tr>
<tr>
<td></td>
<td>1.A.1 - Complete Phase 1 (design) of the US34 and SH7 trail reconstruction projects.</td>
</tr>
<tr>
<td></td>
<td>1.C.1 - Construct/Install Downtown Wayfinding Signage Phase 2.</td>
</tr>
<tr>
<td></td>
<td>2.A.1 - Complete the rehabilitation of West Elkhorn Avenue from Moraine Avenue to Far View Drive. (2024 CARRYOVER)</td>
</tr>
<tr>
<td></td>
<td>2.A.2 - Complete the reconstruction of Matthew Circle.</td>
</tr>
<tr>
<td>3.</td>
<td>We will address traffic congestion and improve traffic and pedestrian safety throughout the Town.</td>
</tr>
<tr>
<td>---</td>
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</tr>
<tr>
<td>4.</td>
<td>We effectively communicate with residents and guests about the Town’s parking and transportation options.</td>
</tr>
<tr>
<td>5.</td>
<td>We consider strategic, data-driven investments in technology that promote the financial and environmental sustainability of the Town’s parking and transportation assets.</td>
</tr>
<tr>
<td>6.</td>
<td>We identify and leverage local, regional, and national partnerships that strengthen and extend the Town’s parking and transportation system.</td>
</tr>
<tr>
<td>7.</td>
<td>We consider the potential impacts of technology changes, including electric and autonomous vehicles and repurposing of parking structures, in all transportation planning.</td>
</tr>
<tr>
<td>8.</td>
<td>We will develop and maintain sidewalk and trail connectivity in the Estes Valley in partnership with other entities.</td>
</tr>
</tbody>
</table>

Utility Infrastructure - We have reliable, efficient, and up-to-date utility infrastructure serving our community and customers.
<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. We ensure high-quality, reliable, and redundant water service.</td>
<td>1.A. Ensure at least one water treatment plant can reliably operate year-round.</td>
</tr>
<tr>
<td></td>
<td>1.B. Improve water accountability by decreasing per capita treated water demand through loss reduction.</td>
</tr>
<tr>
<td></td>
<td>1.C. Increase the resiliency of the water distribution system.</td>
</tr>
<tr>
<td></td>
<td>2.C. Use funding from the 1% Sales Tax to help reduce the risk of high-voltage power lines igniting a wildfire.</td>
</tr>
<tr>
<td>2. We ensure high-quality, reliable, and sustainable electric distribution service.</td>
<td>3.A. Increase/renewable energy sources and storage by collaborating with PRPA and the other Owner Communities to support its Connect with PRPA’s transition plan to minimize carbon-producing energy and advocate for achieving the 2030 noncarbon energy goal on schedule.</td>
</tr>
<tr>
<td>3. We encourage and support renewable energy sources and storage.</td>
<td>3.B. Establish planning and policy guidance to direct Town investment in zero emission fleet vehicles, equipment, and infrastructure.</td>
</tr>
<tr>
<td>4. We are proactive in our approach to mitigating flood risks.</td>
<td>4.A. Continue implementing the Stormwater Master Plan.</td>
</tr>
<tr>
<td></td>
<td>4.B. Upgrade and maintain our stormwater collection system to reduce the risk of flooding and damage to public and private property.</td>
</tr>
<tr>
<td></td>
<td>4.C. Pursue flood mitigation initiatives to reduce flood risk and increase public safety.</td>
</tr>
<tr>
<td></td>
<td>4.D. Pursue grant funding for private and/or public flood mitigation and stormwater projects.</td>
</tr>
<tr>
<td></td>
<td>4.E. Implement a Stormwater Program for Estes Park that funds the administration, operation, maintenance, and capital expansion of stormwater infrastructure over a 30 year or greater time period.</td>
</tr>
<tr>
<td></td>
<td>4.F. Explore the Community Rating System (CRS) program as a way to minimize flood insurance costs to the community.</td>
</tr>
<tr>
<td></td>
<td>5.A. Accumulate net positive revenues and apply for grants to fund capital expansion of the fiber-optic infrastructure.</td>
</tr>
<tr>
<td></td>
<td>5.B. Build an affordable internet connection program.</td>
</tr>
<tr>
<td>5. We ensure access to high-speed, high-quality, reliable Trailblazer Broadband service.</td>
<td>4.B.2 - Complete at least one stormwater CIP project from the list included in the Stormwater Drainage System Maintenance Policy. (2024 CARRYOVER)</td>
</tr>
<tr>
<td>6. We partner with the three other owner communities to advance Platte River Power Authority towards our goal of a 100% noncarbon energy mix.</td>
<td>5.B.1 - Establish a process to verify applicant-provided information that would determine these applicants as eligible for participation in a low-cost Trailblazer program</td>
</tr>
</tbody>
</table>
6.A. Advocate for collaboration and consolidation of common modernization platforms between the three owner communities and PRPA to support financial sustainability of PRPA’s carbon-to-renewable transition plan.
Memo

To: Honorable Mayor Hall
    Board of Trustees

Through: Town Administrator Machalek

From: Carlie Bangs, Housing & Childcare Manager

Date: June 25, 2024

RE: 6E Annual Financial Report for 2023

Objective:
Presentation of the Annual Financial Report for the expenditures of 6E funds for workforce housing and childcare.

Present Situation:
In November 2022, constituents of the Local Marketing District voted in favor of extending the local lodging tax and designating those funds to address the community’s need for more childcare and workforce housing. In 2023, the tax extension brought in $5,309,126 in revenue.


Proposal:
Town staff proposes that the Town Board hear the presentation and receive the 6E Annual Financial Report from Housing and Childcare Manager Bangs and Estes Park Housing Authority Executive Director Moulton.

Advantages:
- Understanding how funds have been spent will inform decision making moving forward.

Disadvantages:
None

Action Recommended:
Staff recommends that the Town Board receive the 6E Annual Financial Report for 2023.

Finance/Resource Impact:
N/A

Level of Public Interest
Medium

Attachments:
1. 2023 6E Annual Financial Report
Purpose
The purpose of this document is to provide a detailed financial report on the revenue and expenditures from the previous year’s distribution of Workforce and Childcare Lodging Tax (6E) funds.¹

Funding decisions are made based on the evaluation of needs in the community and consideration of maximizing the impact of Workforce Housing and Childcare Lodging Tax (6E) funds. All funding decisions were made in accordance with the Intergovernmental Agreement between Larimer County and the Town of Estes Park and the adopted 2023 Annual Workforce and Childcare Funding Plan for Lodging Tax (6E) Funds.

Overview
In November 2022, residents living in the Visit Estes Park Local Marketing District voted to approve Ballot Initiative 6E to increase the lodging tax rate from 2% to 5.5%. This tax increase is expected to bring in approximately $5 million in annual revenue to address workforce housing and childcare needs in the Estes Valley. The Town, in coordination with Larimer County, is charged with deciding how best to administer the revenue. At the Town, the Housing and Childcare Manager is responsible for coordination and oversight of the funding, partnerships, programs, and processes needed to ensure 6E funds are spent appropriately and as intended.

During its first full year receiving 6E revenue, $5,309,126 of the projected $5,375,000 from the 6E Lodging Tax Extension was passed through Visit Estes Park Local Marketing District to the Town of Estes Park. Consistent with the 2023 Funding Plan, 88% or $4,711,821 of the revenue received by the Town was distributed to the Estes Park Housing Authority in 2023. The remaining 12% or $597,305 was retained by the Town to be used to address childcare challenges. See Appendix B for Town 6E Fund Transfer information.

In 2023, Estes Park Housing Authority received a lump sum of the 88% of 6E revenue from January through July on August 10, 2023. At that time, funds were retained by the town to fund the Housing and Childcare Manager position before the distribution to EPHA. During the months of September through December 2023, 12% of 6E revenue was retained by the Town for childcare and 88% was transferred to EPHA.

¹ Due to remittance lags, annual financial reporting cannot be conducted alongside the Annual Funding Plan. Revenue for the last months of 2023 was not received by the Town of Estes Park until March of 2024. Therefore, reporting will occur annually in the first or second quarter of the following year. See the annual timeline in Appendix A.
Beginning in 2024, the Town retained all Housing and Childcare Manager funds for personnel costs and operations in January. For the rest of the year, the Town retains 12% each month, while 88% of 6E funds are distributed to EPHA.

**Annual Financial Statement**

2023 was the first full year 6E revenue was received by the Town. As a building year, funds were accumulated throughout most of the year leading up to the MOU and transfer of 6E funds to EPHA in July and the hiring of the Housing and Childcare Manager in August 2023. Most of the distribution of funds occurred between July and December 2023.

<table>
<thead>
<tr>
<th></th>
<th>Projected</th>
<th>Actual</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>REVENUE</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>88% Workforce</td>
<td>$4,750,000</td>
<td>$4,711,821</td>
</tr>
<tr>
<td>12% Childcare</td>
<td>$625,000</td>
<td>$597,305</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$5,375,000</td>
<td>$5,309,126</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Projected</th>
<th>Actual</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>EXPENSES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Workforce Housing (Estes Park Housing Authority)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land and Property Acquisition</td>
<td>$3,042,485</td>
<td>$900,461</td>
</tr>
<tr>
<td>Predevelopment</td>
<td>$647,079</td>
<td>$3,250</td>
</tr>
<tr>
<td>Rental Assistance</td>
<td>$200,000</td>
<td>-</td>
</tr>
<tr>
<td>Deed Restriction and DPA</td>
<td>$300,000</td>
<td>-</td>
</tr>
<tr>
<td>Staffing and Administrative</td>
<td>$364,402</td>
<td>$39,039</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$4,750,000</td>
<td>$942,750</td>
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<tr>
<td>Fund Balance</td>
<td>$3,214,695</td>
<td></td>
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<tr>
<td>Forward Commitments (Through August 2024)</td>
<td>$5,090,796</td>
<td></td>
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</table>

<table>
<thead>
<tr>
<th></th>
<th>Projected</th>
<th>Actual</th>
</tr>
</thead>
<tbody>
<tr>
<td>Childcare (Town of Estes Park)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Addressing Workforce Challenges</td>
<td>$250,000</td>
<td>$98,913</td>
</tr>
<tr>
<td>Facilities and Capital</td>
<td>$200,000</td>
<td>-</td>
</tr>
<tr>
<td>Tuition Assistance</td>
<td>$100,000</td>
<td>$100,000</td>
</tr>
<tr>
<td>Out-of-School Programming</td>
<td>$75,000</td>
<td>$92,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$625,000</td>
<td>$290,913</td>
</tr>
<tr>
<td>Fund Balance</td>
<td>$306,392</td>
<td></td>
</tr>
</tbody>
</table>

**Childcare Funding Distribution**

In February 2023, Policy 225: Childcare Funding Guidelines and Funding Application was updated to include the distribution of 6E funds for childcare. This application process was the primary way of distributing 6E funds in 2023. The Policy states that Town may enter into agreements with partners, where funds may be transferred for particular purposes, including administrative costs associated with program management. This funding application was open throughout the year on a rolling application period. Nonprofit organizations, for-profit and nonprofit childcare providers, and local districts applied for Childcare Funding in 2023. Per Policy 225, all requests over $10,000 are required to be reviewed and approved by the Town Board of Trustees.
The priorities presented in the 2023 Annual Funding Plan were consistent with what was presented in the ballot framework to include addressing workforce challenges, facilities and capital grants, tuition assistance, and supporting out-of-school programming. These priorities were based on the evaluation of needs in the community and maximizing the impact of Workforce Housing and Childcare Lodging Tax (6E) funds.

Future Annual Funding Plans will be informed by the upcoming Childcare Needs Assessment and Strategic Plan. Specific metrics of success will be developed using this plan. The Housing and Childcare Manager creates and administers structured programs to ensure that funds retained by the Town of Estes Park are distributed equitably and transparently to meet the strategic goals outlined in the plan.

6E funds for childcare were distributed to the following organizations:

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Distribution</th>
</tr>
</thead>
<tbody>
<tr>
<td>Workforce Subsidy - YMCA of the Rockies</td>
<td>$25,000</td>
</tr>
<tr>
<td>Workforce Subsidy - EPSD</td>
<td>$34,000</td>
</tr>
<tr>
<td>Workforce Subsidy - Mountaintop</td>
<td>$25,000</td>
</tr>
<tr>
<td>Mountaintop Workforce Grant</td>
<td>$9,913</td>
</tr>
<tr>
<td>YMCA of the Rockies Recruitment and Retention Grant</td>
<td>$5,000</td>
</tr>
<tr>
<td>EVICS Tuition Assistance</td>
<td>$50,000</td>
</tr>
<tr>
<td>EVICS Tuition Assistance Administration</td>
<td>$50,000</td>
</tr>
<tr>
<td>EVRPD Li’ Bobcat Cubs Den</td>
<td>$17,000</td>
</tr>
<tr>
<td>Boys and Girls Club of Larimer County</td>
<td>$75,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$290,913</strong></td>
</tr>
</tbody>
</table>

This total, $290,913, is broken down into three priority areas – 1) Addressing Workforce Challenges, 2) Tuition Assistance, and 3) Out-of-School Programming, as follows:

1) **Addressing Workforce Challenges**
   Goal: Develop programs to bridge the gap between what providers can afford to pay staff and what is considered to be a reasonable living wage.

<table>
<thead>
<tr>
<th>Program</th>
<th>Distribution</th>
</tr>
</thead>
<tbody>
<tr>
<td>2023 EC Workforce Subsidy</td>
<td>$84,000</td>
</tr>
<tr>
<td>Mountaintop Workforce Grant</td>
<td>$9,913</td>
</tr>
<tr>
<td>YMCA Recruitment and Retention Grant</td>
<td>$5,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$98,913</strong></td>
</tr>
</tbody>
</table>

A pilot subsidy program, the Early Childhood Workforce Subsidy, was introduced to the Town Board in October 2023 to proactively distribute funds to childcare providers and provide stability during the winter months when providers generally experience more inconsistent enrollment and staffing. The pilot program was established to support Family Home providers and Childcare Centers. While Childcare Centers were the only providers eligible at the time of the application process due to their ratings, Family Home providers are eagerly working to become Quality Shines rated at a Level 2 so they can be eligible for future years.
This subsidy is intended to be open annually so that childcare providers can rely on these funds until more systematic structures are in place to provide sustainability in the childcare field. The 2023 Early Childhood Workforce Subsidy required that providers be on the Quality Improvement Plan with the state childcare agency and introduced a required minimum wage of $20/hour for Teachers and $16/hour for Aides and Paras. Of the three childcare centers that received the subsidy, early reports show that funds were used in the following ways:

- Mountaintop Childcare received $25,000 and supplemented free childcare for their staff as a benefit. Three teachers received free childcare for their five children in total.
- YMCA of the Rockies, Beverly K. Booe Early Childhood Center received $25,000, of which $16,432.00 went toward increasing their seasonal teacher aide wages from $14.42 to $16.00, as well as subsidizing the salary of the Toddler Teacher.
- Park Place Preschool received $34,000 to provide retention bonuses to teachers in Early Childhood.

Two small grants were distributed in early 2023 to address workforce challenges to Mountaintop Childcare and the YMCA of the Rockies.

Mountaintop was awarded $9,913 in April 2023 to support the stability of their staff during the low-enrollment winter months. This funding agreement provided temporary payroll assistance to help maintain teachers and preserve licensed childcare spaces.

The second award was distributed to the YMCA of the Rockies in April 2023, as well. To recruit and retain staff for the emerging infant and toddler classrooms at the YMCA of the Rockies, the Town of Estes Park approved the distribution of $20,000 in bonuses for infant and toddler teachers. $10,000 was awarded for two $5,000 recruitment bonuses for teachers with the stipulation that another $10,000 may be awarded if the staff are there after twelve months.

Outcome: Through small grants and a pilot subsidy program, 6E funds have provided stability, recruitment, and retention of employees in the childcare field. Recipients of grants and the subsidy are required to provide a minimum wage of $20/hour for teachers (a livable wage in Larimer County in 2023)

2) Tuition Assistance

Goal: Provide financial assistance for childcare to low- and middle-income families with children under 13 years old in the Estes Valley.

<table>
<thead>
<tr>
<th>Program</th>
<th>Distribution</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tuition Assistance Awards</td>
<td>$50,000</td>
</tr>
<tr>
<td>Tuition Assistance Administration through EVICS</td>
<td>$50,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$100,000</strong></td>
</tr>
</tbody>
</table>

In July 2023, the Town of Estes Park granted EVICS Family Resource Center $100,000 to support tuition assistance in the Estes Valley. This agreement outlined the use of funds to dedicate $50,000 to tuition assistance awards, and $50,000 to the organization for the
administration of the program. EVICS Family Resource Center utilized the $50,000 to fund the position of Tuition Assistance Navigator.

The $50,000 awarded by the Town of Estes Park to EVICS Family Resource Center supported the overall distribution of $111,000 in assistance. Throughout the year, 36 children living and attending childcare in the Estes Park R3 School District received discounted tuition scaled based on the family’s income.

Outcome: $50,000 in tuition assistance awards was distributed to support discounted childcare tuition in August through December 2023.

3) Out-of-school Programming

Goal: Subsidize entities that provide out-of-school care during the summer months, before-and-after-school, school breaks, and teacher professional development days.

<table>
<thead>
<tr>
<th>Program</th>
<th>Actual Distribution</th>
</tr>
</thead>
<tbody>
<tr>
<td>EVRPD Lil’ Bobcat Cubs Den</td>
<td>$17,000</td>
</tr>
<tr>
<td>Larimer County Boys and Girls Club</td>
<td>$75,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$92,000</strong></td>
</tr>
</tbody>
</table>

Awards were distributed to support Out-of-School Programming to the Estes Valley Park and Recreation District and the Boys and Girls Club of Larimer County in 2023. Both of these funding awards increased the capacity for programming for after-school options for school-age children.

The Estes Valley Recreation and Park District was awarded $17,000 for the expansion of the Lil’ Bobcat Cubs Den program. The expansion included offering the program every day of the week for six 6-week sessions for 2024. This program offers an essential service for families with children 4-6 years old, as the Boys and Girls Club does not allow children under the age of 6 and children in Preschool cannot ride the bus. These funds supported families by providing free after-school care for 12 children per session. There were three 6-week sessions offered in the spring semester of 2024 and all were full.

*As a full-time working family in the Estes Valley, we love Cubs Den! The after-school program relieves the stress of cobbled together after-school care for our preschoolers. Remi loves to play with his friends and enjoys the crafts planned by instructors*

*Katie*

The Boys and Girls Club of Larimer County was awarded $75,000 to stabilize its existing workforce and expand its programming to serve the waitlist and provide summer programming.

Outcome: Awards to two existing organizations provided funding for the expansion of programming to serve an additional 36 children under the age of 6 and increase wages for staff.

**2023 Childcare Summary**

Key priorities were identified in the framework for the initial ballot language and carried over into
the inaugural year of planning with specific funding amounts for each priority. While the priorities remain, the implementation of programs, specific details of programs, and measuring the success of those programs will continue to evolve and become more strategic. While programs were developed in 2023, many lessons were learned and more will come through the Childcare Needs Assessment and Strategic Plan. A healthy fund balance of $306,392 allows for saving for larger facility and capital expenditures in the future.

**Workforce Housing Funding Distribution**

In July 2023, the Town of Estes Park and Estes Park Housing Authority entered into an MOU identifying EPHA as the pass-through organization to receive 6E funds to address workforce housing challenges. The Estes Park Housing Authority received 88% of the 6E funds to govern funds under the Annual Funding Plan and clarifies the roles and responsibilities of transferring 6E funds to the Housing Authority.

The priorities presented in the 2023 Annual Funding Plan were consistent with what was presented in the ballot framework in 2022 to include land and property acquisition, predevelopment of property owned by the Town and Estes Park Housing Authority, the development of housing assistance programs, and increasing staffing to support these priorities. These priorities were based on the evaluation of needs in the community, the recently completed Housing Needs Assessment and Strategic Plan, and maximizing the impact of Workforce Housing and Childcare Lodging Tax (6E) funds.

The Estes Park Housing Authority’s focus in the deployment of 6E funding focused on three main areas in 2023:

1) Executing an agreement for the use of 6E funds for the creation and preservation of housing solutions.
2) Increasing capacity to deliver on the operating plan.
3) Take advantage of opportunities to landbank and/or purchase land for future development of housing.

<table>
<thead>
<tr>
<th>Priority</th>
<th>Projected Allocation</th>
<th>Committed</th>
<th>Actual Distribution</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land/Property Acquisition</td>
<td>$3,042,485</td>
<td>$2,706,833</td>
<td>$900,461</td>
</tr>
<tr>
<td>Predevelopment</td>
<td>$647,079</td>
<td>$194,689</td>
<td>$3,250</td>
</tr>
<tr>
<td>Rental Assistance</td>
<td>$200,000</td>
<td>$75,000</td>
<td>-</td>
</tr>
<tr>
<td>Deed Restriction/DPA</td>
<td>$300,000</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Staffing/Administrative</td>
<td>$364,402</td>
<td>-</td>
<td>$39,039</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$4,553,966</strong></td>
<td><strong>$4,026,266</strong></td>
<td><strong>$942,750</strong></td>
</tr>
</tbody>
</table>

While actualized financial expenses compared to planned expenses related to workforce housing were minimal, the Housing Authority had fully committed $4,026,266 in funds in 2023.

2023 was a foundation-forming year in the workforce housing space. In 2023, the Estes Park Housing Authority in coordination with the Town of Estes Park created a solid foundation...
exponentially expanding our joint capabilities to deliver housing solutions. Below is a highlight of the foundational accomplishments either executed or largely committed to in 2023:

**Land Banking/Property Acquisition**

- Grand Estates: 16 workforce apartments, approximately $2,200,00

**Predevelopment**

- Castle Ridge
  - Payoff: $506,833
  - Predevelopment: $194,689

**Rental Assistance**

- Program: $75,000

**Land Banking/Property Acquisition**

The 2023 Housing Needs Assessment and Strategic Plan informed the Annual Funding Plan on land and property acquisition, stating “Site control of developable land is one of the most critical strategies for addressing the housing challenge in the long term.”

The Estes Park Housing Authority (EPHA) was able to take advantage of several opportunities to successfully create or preserve existing workforce housing units.

The Housing Authority committed $2.384 million to the purchase of Grand Estates Apartments. This transaction provided three main benefits:

- Added eight apartments to the workforce restricted inventory
- Ensured continued restriction on the existing eight restricted housing units
- Protected the long-term affordability of 16 workforce restricted housing units

Additionally, EPHA successfully completed the acquisition of 2.72 acres on Riverside Drive which EPHA anticipates developing 10-14 homeownership opportunities. EPHA also acquired vacant land on Mary’s Lake Rd. The parcel is 11.35 acres, and EPHA anticipates developing the site as mixed residential and anticipates a minimum of 22 additional housing units on the site.

The conversion of existing housing stock or similarly positioned assets to restricted housing units is another key strategy. As such, EPHA is under contract to purchase an existing lodging development, “Beaver Brook,” anticipating completing the acquisition in the second quarter of 2024 allowing for the conversion of these 20 lodging units to workforce housing. The property is set up as a mix of one, two, three, and one four-bedroom condo units.
Predevelopment
The Housing Authority projects the creation of approximately 281 workforce housing units through the development of Town and Housing Authority-owned property. In 2023, 6E funds were used for the pre-development of the Castle Ridge Property. With the creation of the Real Estate Development Director position in 2024, many Town and Housing Authority-owned properties will be developed under the oversight of this role, including Fish Hatchery Housing Development, 179 Stanley Circle Drive, and recently purchased vacant properties such as Mary’s Lake and Riverside.

Rental Assistance
In October 2023, the Housing Authority hired a Housing Program Manager to oversee the development and verification of workforce housing assistance programs. The development of a Workforce Rental Assistance program began in 2023 and committed $75,000 to the program in 2024.

Deed Restriction Purchase and Down Payment Assistance Programs
The Housing Program Manager continues to evaluate and explore the development of a Deed Restriction Purchase Program and expands upon the existing Down Payment Assistance program offered through the Housing Authority.

Staffing and Administrative Support
In 2023, the Housing Authority hired a Housing Program Manager and posted the job opening for the Real Estate Development Manager.

The Housing Authority also hired a Director of Real Estate Development in 2023, who joined the team in January 2024.

Workforce Housing Summary
While 2023 was expected to be a foundation-forming year, EPHA was able to take advantage of several opportunities to successfully create or preserve existing workforce dedicated housing units. The foundation laid in 2023 fostered our ability for accelerated growth and ability to execute our mission of providing housing solutions for our community. EPHA and our Board are excited as we move into 2024 both as we acknowledge our accomplishments in 2023 and look forward to solidifying new solutions in early 2024. Much work exists for our community to create housing solutions, but we look forward with optimistic eyes and a commitment to deliver the

<table>
<thead>
<tr>
<th>Property</th>
<th>Expended Dollars</th>
<th>Committed</th>
<th># Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grand Estates</td>
<td>$164,000</td>
<td>$2,384,047</td>
<td>16</td>
</tr>
<tr>
<td>Beaver Brook</td>
<td></td>
<td>$1,781,500</td>
<td>20</td>
</tr>
<tr>
<td>Mary’s Lake (Acquisition only + carrying cost 2023)</td>
<td>$492,818</td>
<td>22-64</td>
<td></td>
</tr>
<tr>
<td>Riverside (Acquisition only + carrying cost 2023)</td>
<td>$243,642</td>
<td>10-12</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$900,460</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* 8 preserved, 28 new restricted to the workforce, 32-76 new workforce restricted development potential
solutions our community requires and requests us to provide by the passage of the Lodging Tax Extension.

Appendix A: Process for Development of the Annual Workforce and Childcare Funding Plan for Lodging Tax (6E) Funds

The graphic below outlines the high-level steps in the process for development of the 2024 Funding Plan and for future years. The process will be revisited annually in coordination with Larimer County. Changes to the process can be made at any time based on mutual agreement of the Town and County.

Appendix B: 2023 Town 6E Fund Transfer

<table>
<thead>
<tr>
<th>Month</th>
<th>Total Lodging Tax Collections</th>
<th>Workforce Housing Component</th>
<th>H&amp;C Manager Wages &amp; Personnel Costs</th>
<th>Operations (Office Supplies / Equip / Etc.)</th>
<th>Housing Authority Contract</th>
<th>Amount Remitted</th>
<th>Date Remitted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jan</td>
<td>112,084.81</td>
<td>98,634.63</td>
<td>56,265.49</td>
<td>8,800.00</td>
<td>33,569.14</td>
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</tr>
<tr>
<td>Feb</td>
<td>177,102.16</td>
<td>155,849.90</td>
<td>-</td>
<td>-</td>
<td>155,849.90</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mar</td>
<td>248,368.34</td>
<td>218,564.14</td>
<td>-</td>
<td>-</td>
<td>218,564.14</td>
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<td></td>
</tr>
<tr>
<td>Apr</td>
<td>197,602.80</td>
<td>173,890.46</td>
<td>-</td>
<td>-</td>
<td>173,890.46</td>
<td></td>
<td></td>
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<tr>
<td>May</td>
<td>328,199.39</td>
<td>288,815.46</td>
<td>-</td>
<td>-</td>
<td>288,815.46</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jun</td>
<td>854,853.48</td>
<td>752,271.06</td>
<td>-</td>
<td>-</td>
<td>752,271.06</td>
<td>1,622,960.16</td>
<td>8/25/2023</td>
</tr>
<tr>
<td>Jul</td>
<td>857,480.66</td>
<td>754,582.98</td>
<td>-</td>
<td>-</td>
<td>754,582.98</td>
<td>754,582.98</td>
<td>9/20/2023</td>
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<tr>
<td>Aug</td>
<td>624,490.76</td>
<td>549,551.87</td>
<td>-</td>
<td>-</td>
<td>549,551.87</td>
<td>549,551.87</td>
<td>10/17/2023</td>
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<tr>
<td>Sep</td>
<td>982,465.85</td>
<td>864,569.95</td>
<td>-</td>
<td>-</td>
<td>864,569.95</td>
<td>864,569.95</td>
<td>11/16/2023</td>
</tr>
<tr>
<td>Oct</td>
<td>415,562.98</td>
<td>365,695.42</td>
<td>-</td>
<td>-</td>
<td>365,695.42</td>
<td>365,695.42</td>
<td>12/15/2023</td>
</tr>
<tr>
<td>Nov</td>
<td>217,160.10</td>
<td>191,100.89</td>
<td>-</td>
<td>-</td>
<td>191,100.89</td>
<td>191,100.89</td>
<td>1/18/2024</td>
</tr>
<tr>
<td>Dec</td>
<td>293,754.83</td>
<td>258,504.25</td>
<td>-</td>
<td>-</td>
<td>258,504.25</td>
<td>258,504.25</td>
<td>2/20/2024</td>
</tr>
</tbody>
</table>

TOTAL | 5,309,126.16                  | 4,672,031.01                | 56,265.49                            | 8,800.00                                   | 4,606,965.52               |                |              |
Memo

To: Honorable Mayor Hall
   Board of Trustees

Through: Town Administrator Machalek

From: Carlie Bangs, Housing & Childcare Manager

Date: June 25, 2024

RE: Estes Valley Childcare Needs Assessment and Strategic Plan

Objective:
Presentation of the Estes Valley Childcare Needs Assessment and Strategic Plan Final Report presented by Groundswell for Good, LLC.

Present Situation:
Groundswell for Good, LLC was selected through a competitive process in 2023 to conduct a new childcare needs assessment and develop a childcare strategic plan for the Town. After several months of research, community engagement, and report drafting, they are prepared to deliver the Final Report.

Proposal:
Town staff propose that the Town Board hear the presentation and receive the Estes Valley Childcare Needs Assessment and Strategic Plan Final Report from Groundswell for Good, LLC.

Advantages:
• New data and information regarding the Estes Valley’s childcare-related needs and proposed strategies for addressing them will help inform decision making moving forward.

Disadvantages:
None

Action Recommended:
Staff recommends that the Town Board receive the Estes Valley Childcare Needs Assessment and Strategic Plan Final Report from Groundswell for Good, LLC.

Finance/Resource Impact:
N/A

Level of Public Interest
High.

Attachments:
1. LINK Estes Valley Childcare Needs Assessment and Strategic Plan Final Report