



TOWN OF ESTES PARK

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

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

BOARD OF TRUSTEES - TOWN OF ESTES PARK
Tuesday, May 23, 2017
7:00 p.m.

PLEDGE OF ALLEGIANCE.

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

AGENDA APPROVAL.

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

TOWN BOARD COMMENTS / LIAISON REPORTS.

TOWN ADMINISTRATOR REPORT.

1. CONSENT AGENDA:

1. Town Board Minutes dated May 9, 2017 and Town Board Study Session dated May 9, 2017.
2. Bills.
3. Committee Minutes.
 1. Public Safety, Utilities & Public Works Committee Minutes dated May 11, 2017.
4. Transportation Advisory Board Minutes dated April 19, 2017 (acknowledgement only).
5. Parks Advisory Board Minutes dated April 21, 2017 (acknowledgement only).
6. Estes Valley Planning Commission Minutes dated April 18, 2017 (acknowledgement only).
7. Utility Box Art Approval.

8. Resolution #14-17 Setting the Public Hearing date of June 13, 2017 for a New Hotel & Restaurant Liquor License filed by Mise En Place Consulting LLC dba Seasoned-An American Bistro, 205 Park Lane, Estes Park, CO 80517.
 9. Resolution #15-17 Setting the Public Hearing date of June 13, 2017 for a Change in Location of a Tavern Liquor License filed by The Barrel LLC dba The Barrel, 251 Moraine Ave, Estes Park, CO 80517.
 10. Intent to Annex Resolution #16-17 Raven Rock Addition, Public Hearing date scheduled June 27, 2017.
2. **PLANNING COMMISSION ITEMS.** Items reviewed by Planning Commission or staff for Town Board Final Action.
1. **CONSENT ITEMS:**
 - A. **PRELIMINARY CONDOMINIUM MAP, VIEW @ 242; METES & BOUNDS PARCEL, 242 VIRGINIA DRIVE.** Item withdrawn by applicant.
3. **ACTION ITEMS:**
1. **ORDINANCE #12-17 AMENDMENTS TO THE 2015 INTERNATIONAL RESIDENTIAL CODE LOCAL AMENDMENTS RELATING TO DWELLINGS, VACATION HOMES AND SMALL HOTELS.** Chief Building Official Birchfield.
 2. **VETERANS MONUMENT PARK APPLICATION.** Supervisor Berg.
 3. **ORDINANCE #14-17 AMENDMENTS TO THE ESTES PARK MUNICIPAL CODE TITLE 7 - ANIMALS.** Chief Kufeld.
 4. **ORDINANCE #15-17 AMENDMENTS TO THE ESTES PARK MUNICIPAL CODE §9.08 OFFENSES AGAINST PUBLIC PEACE, ORDER AND SAFETY & §9.12 VENDORS, PEDDLERS AND SOLICITORS.** Attorney White.
 5. **INTENT TO NEGOTIATE A CONTRACT FOR THE SALE OF PARCEL #25302-13-961.** Assistant Town Administrator Machalek.
4. **ADJOURN.**

Town of Estes Park, Larimer County, Colorado, May 9, 2017

Minutes of a Regular meeting of the Board of Trustees of the Town of Estes Park, Larimer County, Colorado. Meeting held in the Town Hall in said Town of Estes Park on the 9th day of May, 2017.

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

Also Present: Frank Lancaster, Town Administrator
Travis Machalek, Assistant Town Administrator
Greg White, Town Attorney
Jackie Williamson, Town Clerk

Absent: None

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

AGENDA APPROVAL.

It was **moved and seconded** (Walker/Norris) **to amend the Agenda and hear Action Item #2 after the Consent Agenda**, and it passed with Trustees Nelson and Holcomb voting "No".

PUBLIC COMMENTS.

Renee Moquin/Estes Valley Indivisible Immigration Committee Chair stated the group's concerns include environmental issues, human rights, immigration, the 2018 election, education, health care, etc. The group has been encouraged by the position taken by the Colorado Association of Chiefs of Police and Chief Kufeld that "Immigration Law is a federal responsibility and that it is not our role to assist with deportation efforts." The immigrant community of Estes Park has been at risk since the election of President Trump, and so to has the local economy which relies on this community as a labor force. The growing population of immigrant school children also impacts the local school district. This community assist the businesses by maintaining a viable economy and a holistic community. He commented the Board and staff should continue to work with the immigrant community to address issues and assure them they are welcome.

Those speaking in support of the comments from Mr. Moquin included Jose Girón, Mario Rodríguez, María Jiménez and Jose Almeida. All thanked the Town for their support and stand on immigration and deportation.

Linda Bensey/Town citizen and member of the local Patriots for Peace requested the Town Board designate the Town as an International City of Peace during the Town's Centennial year and by September 1, 2017.

David Pearsons/Trail Gazette Reporter thanked the Board and staff for their assistance throughout the years in completing the stories he wrote about the Estes Park community. He informed the Board he would be retiring and introduced Zach Clements, his replacement at the Trail Gazette.

TRUSTEE COMMENTS.

The Board thanked the Police personnel and the assisting agencies for their assistance during the past weekend's events, stating appreciation for their professionalism, bravery and call above duty. The Board also thanked David Pearsons for his years of reporting on Town issues in a professional and fair manner.

Trustee Norris stated the Estes Valley Planning Commission would continue discussions on updates to the Comprehensive Plan and review building height proposed code changes at their May 16, 2017 meeting. The Family Advisory Board held their first meeting and discussed the Board's purpose and the role of the Board versus staff and the Town Board. The next meeting would be held on June 1, 2017.

Trustee Martchink corrected a statement made at the April 25, 2017 meeting clarifying the monument discussed at the Parks Advisory Board was a Veteran monument rather than a WWII monument. He reminded the public of the Mountain Music Festival to be held May 13, 2017 at the Event Complex. The next Parks Advisory Board meeting would be held on May 19, 2017.

TOWN ADMINISTRATOR REPORT.

Administrator Lancaster thanked the Police personnel for their efforts in addressing three suicides this past weekend. He also thanked the numerous other local agencies for their assistance during a very difficult event this past weekend.

1. CONSENT AGENDA:

1. Town Board Minutes dated April 25, 2017 and Town Board Study Session dated April 25, 2017.
2. Bills.
3. Committee Minutes.
 - a. Community Development/Community Services Committee Minutes dated, April 27, 2017.
 1. Resolution #13-17 to allow a variance of Ordinance #15-91 and Municipal Code 17.66.170 for "Hot Cars Cool Nights".
4. 4th Amendment to the IGA between the Town of Estes Park and Larimer County for Planning Services.

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

2. REPORT AND DISCUSSION ITEMS (Outside Entities):

1. **DISCUSSION ON HOME RULE.** Sam Mamet/Colorado Municipal League Executive Director presented a presentation on Municipal Home Rule in Colorado. Home Rule provides the citizens with more control on local matters, and allows municipalities to legislate on any and all matters of local concern. Conversely restrictive charters may limit the potential flexibility of Home Rule, and charter amendments can only be changed or repealed by a vote of the people, not the governing body. A charter sets forth the basic: (1) structure and organization of government; (2) procedures to be followed by municipal government in the conduct of its business; and (3) powers of municipal officials and agencies, including any limitations.
2. **ESTES VALLEY PARTNERS FOR COMMERCE QUARTERLY REPORT.** Diane Muno/EVPC provided an update on the activities of the organization, including work on board governance, establishing a membership with Board Source to provide guidance on board governance, provided financial support for the Childcare Needs Assessment, supporting the upcoming workforce housing public forum on May 15, 2017, held membership meeting and heard discussions from the Museum and State Demographers Office, Business After Hours meeting continue and the next meeting would be held on May 18, 2017, and continue with Discover My Store program.

3. **ACTION ITEMS:**

1. **ORDINANCE #13-17 EXTENDING INTERIM FLOODPLAIN REGULATIONS.**

Director Hunt stated Ordinance 23-16 was adopted on November 8, 2016 to continue the interim measure to establish the high-water mark of the 2013 flood as a regulatory floodplain pending revision to the Flood Insurance Rate maps. The Ordinance would expire on May 31, 2017. The proposed Ordinance would allow permanent construction in drainages within Town limits and provides criteria for reviewing floodplain development permit applications for structures on properties located adjacent to drainages. If passed, the Ordinance would take effect immediately upon adoption by the Town Board and continue until amended or terminated by further action of the Board.

Bill Van Horn/County citizen stated the data used for the hydrology study was not accurate. He encouraged the Board to consider a review of the Fall River floodplain map once it has been produced, and to recognize there are still issues with the hydrology study.

Mayor Jirsa and Trustee Walker commented the hydrology study should produce peak flows that are closer than plus or minus 20%. Mayor Jirsa stated physical and photographic evidence should be used to provide a more accurate flow rate.

It was **moved and seconded** (Norris/Holcomb) **to approve Ordinance #13-17**, and it passed with Mayor Jirsa and Trustee Walker voting “No”.

2. **ORDINANCE #12-17 AMENDMENTS TO THE 2015 INTERNATIONAL RESIDENTIAL CODE LOCAL AMENDMENTS RELATING TO DWELLINGS, VACATION HOMES AND SMALL HOTELS.**

Mayor Jirsa opened the public hearing. Chief Building Official (CBO) Birchfield reviewed the proposed amendments to address public concerns and Board concerns relating to vacation homes. The proposed amendments include: 1) vacation homes shall be regulated by the International Residential Code (IRC) for one and two-family dwellings that exist prior to the effective date; 2) large vacation homes shall be regulated by the IRC for one and two-family dwellings for homes that applied for a registration prior to April 1, 2017. The occupant load for large vacation homes shall be determined based on the number of bedrooms approved with the 2017 application; 3) vacation homes constructed under permits applied for on or after the effective date of this provision shall be permitted and regulated under the IRC for one and two-family dwellings, where new large vacation homes are prohibited by land use regulations; 4) vacation homes constructed under permits applied for on or after the effective date of this provision shall be permitted and regulated under the IRC for one and two-family dwellings, where new large vacation homes are allowed, where the home has less than 1800 square feet of enclosed floor area, excluding attached garages; and 5) vacation homes constructed permits applied for on or after the effective date shall be permitted and regulated by the IRC for one and two-family dwellings, where constructed under the development plan approved prior to the effective date and no floor area or additional rooms used for sleeping purposes are added beyond the approved plan. Stakeholders have voiced concerns with sprinkler requirements, handicap accessibility, timing of life safety survey, minimum design criteria, and the emergency escape and rescue openings. Large vacation homes do not require them to be sprinkled and would be grandfathered and regulated under the IRC and occupant load would be limited by the design of the building.

Discussion followed on egress needs for sleeping rooms. CBO Birchfield informed the Board that building code requirements for egress have not changed since 1976; the Town could exempt all older buildings from the egress standard; require buildings to meet the building codes for the year the structure was built; and adopt a requirement that all vacation homes built prior to 1964 meet the egress requirement established in the 1964 building codes. The Board of Appeals stated if a window has an opening of less than 4 feet the windows would have to be replaced. Board discussion followed with Mayor Pro Tem

Koenig and Trustee Martchink stating the primary concern should be the safety of those renting homes, therefore homes should meet the minimum requirement for egress. Trustee Holcomb stated concern with safety and the need for vacation homes to meet the minimum requirements regardless of the cost. Trustee Norris and Walker commented on the cost associated with the upgrade of a number of older structures in Estes Park. Trustee Norris questioned if more time would be needed to review the egress issue to establish the impact to the community.

Lindsay Lamson/EALA President stated consensus with the need to bring unpermitted uses and work into compliance. EALA's concerns with the proposed amendments were related to the cost associated with meeting emergency escape and rescue opening. Homes should be required to meet the codes in place when the home was built and should not be required to upgrade to the new building codes. He stated a double standard would be established if the Town requires vacation homes to meet new standards and not require long term or homeowner occupied housing units to upgrade.

Others speaking against the proposed egress standards included Greg Rosener/Town citizen, Sandy Paul/Wedding Association, Frank Theis/Town citizen, Richard James/Town citizen, Heidi Riedesel/County citizen, and Mary Murphy/County citizen. Comments included the double standard the egress requirements would create for vacation homes; the date the home was built should be used to establish egress requirements; questioned the 200 sq. ft. occupancy load as an average 3-bedroom home is 2,000 sq. ft.; and requested more time to discuss and evaluate the egress issue.

Additional Board comments were heard and summarized: the process has been full of compromise; the Town would be setting a standard for vacation homes because these homes are operating as businesses in residential zoning districts; support for vacation homes to be compliant with codes, including egress in effect when built; vacation homeowners are responsible for the public utilizing their home; and safety should not be compromised.

After further discussion, it was **moved and seconded** (Walker/Norris) **to continue Ordinance #12-17 to direct staff to return with language to address egress compliance for the year the structure was built not using the code prior to 1964 for life safety survey R327.2.6 Emergency Escape and Rescue Openings at a future meeting**, and it passed unanimously.

3. **REQUEST TO INITIATE ACTION ON MASTER LIST OF PROPOSED AMENDMENTS TO THE ESTES VALLEY DEVELOPMENT CODE.** Director Hunt stated the Estes Valley Development Code contains contradictory language and needs to be updated. Staff has prepared a list of amendments and requested the Board's concurrence with the overall goal to extensively revise the EVDC; general concurrence with the outline list of proposed changes; and direction to staff and the Estes Valley Planning Commission to prioritize, elaborate on, and allocate appropriate and available resources to the tasks in the outlined list. Staff expects the listed amendments to stretch well beyond December 31, 2017. The task list would be updated annually, or as events warrant. After further discussion, it was **moved and seconded** (Walker/Koenig) **to approve the request to initiate action on the Master List of Proposed Amendments to the Estes Valley Development Code**, and it passed unanimously.

It was **moved and seconded** (Nelson/Holcomb) **to continue the meeting until the agenda has been completed**, and it passed unanimously. Mayor Jirsa called a 10-minute break at 9:44 p.m. and reconvened the meeting 9:55 p.m.

1. **BYLAWS FOR THE FAMILY ADVISORY BOARD.** Assistant Town Administrator Machalek presented the proposed bylaws for the newly formed Family Advisory Board. The Board held its first meeting on May 3, 2017 and

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reviewed the proposed bylaws and recommended the bylaws to the Town Board. Mayor Pro Tem Koenig stated V.C.7 should be amended to exclude the need for the Chairperson to relinquish the chair if they wish to speak for or against an item and IX.C should be amended to read "...personal or private financial interest...". It was **moved and seconded** (Norris/Martchink) **to approve the bylaws for the Family Advisory Board with the recommended changes**, and it passed unanimously.

Whereupon Mayor Jirsa adjourned the meeting at 10:24 p.m.

Todd Jirsa, Mayor

Jackie Williamson, Town Clerk

DRAFT

RECORD OF PROCEEDINGS

Town of Estes Park, Larimer County, Colorado May 9, 2017

Minutes of a Study Session meeting of the **TOWN BOARD** of the Town of Estes Park, Larimer County, Colorado. Meeting held at Town Hall in the Board Room in said Town of Estes Park on the 9th day of May, 2017.

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

Attending: All

Also Attending: Town Administrator Lancaster, Assistant Town Administrator Machalek, Town Attorney White, Directors Hudson, Hinkle and Muhonen and Recording Secretary Beers

Absent: None

Mayor Jirsa called the meeting to order at 5:02 p.m.

KEY OUTCOME DISCUSSION - INFRASTRUCTURE.

Town Administrator Lancaster reviewed the Infrastructure key outcome area, stating the parking structure would be completed and removed as an objective for 2017 allowing the Board to pursue funding for additional parking and an overall parking strategy plan. Director Muhonen added the Transportation Advisory Board would discuss the paid parking program and would propose ten public discussion settings to engage community conversation and input. Staff would prepare a plan by the end of 2017. Additional items discussed included: implementation of the storm water master plan and formation of storm water utility; facilities needs assessment for equipment and other storage; the Board moved the museum collections storage to a separate objective from facilities storage; and replacement of the mobile stage. Administrator Lancaster stated the addition of 1 FTE for Facilities and sound dampening in the Events Center can be proposed during 2018 budget discussions. Staff would review the master plan for the Events Complex for storage areas, updating stalls and best utilization of the property for future development.

KEY OUTCOME DISCUSSION – TRANSPORTATION.

Town Administrator Lancaster stated the Transportation key outcome area continues to entail managing traffic congestion and street rehabilitation efforts. Staff met with the Estes Valley Recreation and Parks District and established a list of priorities and trail updates. Discussion regarding bicycle trails followed and has been summarized: multipurpose trails may be more beneficial than a bike lane; partial systems and gaps in the system cause hazards for users when forced to use any means necessary for bike travel; and funding available for areas within walking distance to schools, Safe Routes to Schools grant funding. Administrator Lancaster stated the Downtown Plan is a good place to address street and pedestrian improvements. Staff would apply for funding to expand transit services year round in June 2017. Staff continues to pursue a project for the installation of a turn lane on US36 at Community Drive to alleviate congestion. The Board agreed to coordinate transportation planning with the transportation and transit plans of RMNP, as well as with neighboring cities.

FEASIBILITY STUDY OF TOWN OPERATION & MAINTENANCE OF SIGNS, SIGNALS & PAVEMENT MARKINGS ON CDOT HIGHWAYS (US34, US36, CO7) WITHIN ESTES PARK.

Staff explored the feasibility of entering into a contract with CDOT to maintain traffic control devices on state highways within Town limits and

Town Board Study Session – May 9, 2017 – Page 2

discovered signal software is antiquate. CDOT reviews their hardware by fatalities and injury accidents, which does not affect Estes Park on a high scale. Staff added there are costs incurred to take over duties and liability when there are street issues. Recruiting a knowledgeable person for the project may be difficult. Consultant's recommendation would be to press CDOT to upgrade the hardware before the Town takes responsibility.

Board discussion followed and has been summarized: there is a potential benefit with an increase in staff; does state statute require fatalities to be human; can the responsibility be split between CDOT and staff; and shared responsibility can create confusion amongst the public.

TRUSTEE & ADMINISTRATOR COMMENTS & QUESTIONS.

Trustee Nelson recommended appointments and reports presented during Committee meetings be placed on the committee agendas. Administrator Lancaster stated Community Development/Community Services committee has discussed agenda guidelines and Public safety, Utilities and Public Works would be discussed at the May 11, 2017 meeting.

FUTURE STUDY SESSION AGENDA ITEMS.

The Boys and Girls Club of Larimer County would provide a presentation on July 11, 2017 regarding Stanley Park.

Follow up on making Board e-mails available to the public would take place on September 12, 2017.

The Fish Hatchery RFP would be discussed on May 23, 2017.

Housing Coordinator discussion would continue after the 2018 budget has been discussed.

There being no further business, Mayor Jirsa adjourned the meeting at 6:08 p.m.

Bunny Victoria Beers, Recording Secretary

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Town of Estes Park, Larimer County, Colorado, May 11, 2017

Minutes of a Regular meeting of the **PUBLIC SAFETY, UTILITIES & PUBLIC WORKS COMMITTEE** 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 May 2017.

Committee: Chair Koenig, Trustees Martchink and Nelson

Attending: All

Also Attending: Assistant Town Administrator Machalek, Police Chief Kufeld, Director Bergsten, Director Muhonen, Manager Landkamer and Recording Secretary Beers

Absent: Town Administrator Lancaster

Chair Koenig called the meeting to order at 8:00 a.m.

PUBLIC COMMENT

None.

PUBLIC SAFETY

Reports

1. Verbal Updates and Committee Questions: Chief Kufeld stated the department hired a new dispatcher, Becky Weller in April and would hire an additional officer, Chad Edwards on May 23, 2017. An additional officer would be hired late May pending the successful completion of a background investigation. On June 8, 2017, staff and other local agencies would host an International Workers Presentation in the Board room at Town Hall at 5:00 p.m. to discuss local services, bus routes, local and regional activities and attractions, safe interactions with wildlife, bicycle safety, local laws and ordinances, local housing laws and more.

UTILITIES

Reports

1. Proposed Amendments to Address Small Cellular Attachments to the Electrical System: Director Bergsten stated staff requested amendments to the Municipal Code delegating authority to staff to administratively modify existing rules and standards. He added a review of the code revealed a need to clarify the administrative authority to establish operational standards and guidelines. This small change would allow staff to ensure the continued safety and reliability of the electric service when small cellular equipment is installed on Light & Power's facilities.
2. Verbal Updates and Committee Questions: Light & Power has begun collecting additional information on what smart meters are and how they operate. Information sheets and a supplemental fact sheet would be available on the Town's website and in Town offices.
3. Superintendent Lockhart stated tree removal continues to be the number one complaint from the public. Staff has produced a pamphlet to mail to areas needing tree removal near power lines. The pamphlet would include a "golden ticket" for landowners to purchase new trees to replace removed trees. Staff would mail information out this summer.

PUBLIC WORKS

ART IN PUBLIC PLACES: VETERAN'S MONUMENT PARK – INSTALLATION AND NAMING REQUEST. Supervisor Berg introduced Carrie Stevanus with the Estes Park Veterans Monument Committee who proposed the construction of a monument on Town owned property west of the Visitor Center. The committee would raise funds for material/installation and have requested construction/ maintenance support from the Public Works, Parks Division. Joe Calvin and John Bostron with Thorp Associates would complete the design work for the monument at no cost. Donations can be submitted through coloradogives.org. **The Committee recommended the Veterans Monument Park application be included as an Action Item at the May 23, 2017 Town Board meeting.**

MISCELLANEOUS

GUIDELINES FOR COMMITTEE AGENDA ITEMS.

The Leadership Team developed an agenda checklist that staff can use as a guideline for agenda items. Significant changes would include removing report items from the committee meetings and report at the Town Board meeting.

Board discussion followed and has been summarized: items outside budget would need to be presented to the committee; have reports accessible to the public; no restriction on verbal updates; scheduled items presented; and changes to the agenda format.

There being no further business, Chair Koenig adjourned the meeting at 8:46 a.m.

Bunny Victoria Beers, Recording Secretary

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Town of Estes Park, Larimer County, Colorado, April 19, 2017

Minutes of a regular meeting of the Transportation Advisory Board of the Town of Estes Park, Larimer County, Colorado. Meeting held in the Room 203 of Town Hall on the 19th day of April, 2017.

Present: Kimberly Campbell
Tom Street
Gordon Slack
Stan Black
Ann Finley
Ken Zornes
Amy Hamrick

Also Present: Bob Holcomb, Town Board Liaison
Greg Muhonen, Public Works Director
Kevin Ash, Engineering Manager
Megan Van Hoozer, Public Works Admin. Assistant

Absent: Belle Morris
Gregg Rounds

Chair Campbell called the meeting to order at 12:04 p.m.

It was moved and seconded (Slack/Street) to approve the March meeting minutes with corrections and the motion passed unanimously.

SHUTTLE UPDATE, *Sandy Osterman*

For 2017, full shuttle service will run from June 24 through September 10. There will also be fall shuttle service for special events. The Green Route, being introduced in 2017, will provide pick-up from the Park-n-Ride at the Events Center and will drop off at Bond Park. The operating shift for this route will be from noon to 5pm. All other routes will operate from 9am to 8:59pm.

PROJECT UPDATES, *Kevin Ash, Engineering Manager*

Digital Message Signs (DMS): *Adaptive Micro Systems, LLC* has been selected as the vendor to furnish the signs for this project. The selected signs have parking management system capabilities. Both the signs and the associated software lend themselves to future

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Transportation Advisory Board – April 19, 2017 – Page 2

expansion. Installation is anticipated to be complete by the end of June. The Town's next step is to issue a Request for Proposal (RFP) to select a vendor for the pole/mounting bracket installation. The placement of the signs has been reviewed with the Town Board and the project will be kept within the designated budget.

Moraine Bridge Replacement: The Town and Consultant are working through some hydraulic issues via the completed Hydrology Study. Work is taking place with FEMA regarding floodplain permits. Based on recent conversations, it appears this will be a lengthy and difficult process. Per the established criteria, once water goes through a structure the work performed cannot cause any rise in the water level. Manager Ash and Consultant Todd are revisiting the plans and remapping to fall within this criteria. If the plans/mapping cannot show that the new flows will maintain consistency with the current level then it puts the project, along with all funding, in jeopardy.

2017 Street Improvement Program:

MacGregor Avenue Improvements: Mountain Constructors has been selected as the contractor to perform the MacGregor Avenue Improvements. The bids came in more than \$250K over budget. The increased costs were associated with the strict deadlines imposed and factored in overtime to complete on schedule. The Engineering Division will be looking for funding and will present for approval at Town Board.

Fall River Trail: The Town has submitted an application for a \$2M GOCO grant. The State of Colorado will determine, based on the application, whether to grant the entire amount or a lesser amount. The Town, utilizing Larimer County Open Space funds, along with the Estes Valley Recreation and Parks District, will match funds bringing the total funding to \$2.7M.

PROJECT UPDATES, *Greg Muhonen, Director of Public Works*

Traffic Control Devices Study Update - Clarification: Director Muhonen provided clarification on the 2016 CDOT Income Estimate table contained within the draft Traffic Control Devices Study. The rates are comparative to the location. Director Muhonen will present this study to the Town Board at the May 9, 2017 meeting. The contracts for the maintenance of CDOT signals, signs and markings are for a one year term only. These

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term limits allow flexibility in the event the contractual obligations are deemed a poor fit for the Town.

Downtown Parking Strategy Plan: A Downtown Parking Management Plan Task Force has been assembled. This task force will gather community feedback at various events and through multiple outreach meetings and surveys. The TAB will lead the community outreach efforts. Chair Campbell and Member Finley will begin the outreach at the Taste of Estes event. There are plans to have a booth stationed at the Farmer's Market every week. Chair Campbell asked that each member of the TAB sign up for two different outreach times.

Kimley Horn, parking consultant, will have a meeting on April 26 to instruct members on how best to perform community outreach and educate the public. The benefits regarding paid parking are to change behavior; generate funding for an earlier shuttle service; reduce congestion and alleviate unnecessary carbon footprints.

Member Slack stated that he would prefer not to present preliminary ideas to the Rotaries. Slack suggested that rather than presenting the plan, the Rotaries be directed to the online survey for feedback. Chair Campbell will present the Rotaries with the location of the survey and an explanation of the plan.

Transit Facility Parking Structure: Director Muhonen stated that the last girders are being placed next week which is the last of the precast concrete.

OTHER BUSINESS

With no other business to discuss, Chair Campbell adjourned the meeting at 2:00 p.m.

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Town of Estes Park, Larimer County, Colorado, April 21, 2017

Minutes of a regular meeting of the Parks Advisory Board of the Town of Estes Park, Larimer County, Colorado. Meeting held in the Executive Board Room of the Estes Park Events Center on the 21st day of April, 2017.

Present: Dewain Lockwood
Vicki Papineau
Ronna Boles
Merle Moore
Terry Rustin (*via phone*)
Celine Lebeau
Scott Miller, Student Advisor

Also
Present: Patrick Martchink, Trustee Liaison
Greg Muhonen, Director of Public Works
Megan Van Hoozer, Public Works Administrative Assistant
Carey Stevanus, Good Samaritan Society
Craig Soderberg, Estes Arts District
Michael Young, Artist
John Bostron, Thorp & Associates
Joe Calvin, Thorp & Associates

Absent: Carlie Bangs
Brian Berg, Parks Division Supervisor
Kevin McEachern, Operations Manager
Cydney Springer, Estes Arts District

Chair Lebeau called the meeting to order at 11:00 a.m.

PUBLIC COMMENT

No public comment.

GENERAL BUSINESS

It was moved and seconded (Lockwood/Moore) to approve the March meeting minutes with corrections and the motion passed unanimously.

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Parks Advisory Board – April 21, 2017 – Page 2

MOUNTAIN FESTIVAL UPDATE

Chair Lebeau stated that while all the vendors and bands are lined up for the festival, there is still a need for volunteers to man the booths and educate the public. Chair Lebeau passed the volunteer sign-up sheet around to the members.

ARBOR DAY BOOK DONATION

Chair Lebeau brought the books selected to donate to the elementary school for members to view. All books purchased are environmental and/or nature based for the requested reading levels.

AIPP APPLICATION: VETERANS MONUMENT PARK / BRONZE EAGLE

Carey Stevanus, a member of the Veterans Monument Committee, gave a presentation on the history and conceptual design of the proposed Veterans Monument Park representing all branches of the armed services. Stevanus has worked closely with Parks Maintenance Supervisor, Brian Berg, to determine a suitable location for the Monument Park. The selected location would be on the west side of the Visitor Center in place of the existing picnic shelter. Co-chair Moore expressed concern that there would no longer be overhead protection in that area once the picnic shelter is removed. One option is to move the existing picnic shelter to the opposite side of the river; however, the cost of the move must be taken into account by the Town.

In order to assist with the realization of the concept Thorp & Associates created the design and Van Horn Engineering performed the surveying; both without charging any fees.

Member Boles questioned the purpose of the selected location. Supervisor Berg worked closely with the group to find a suitable and honorable place for this Monument Park and this is what was selected. The hope is to have the park in place by Veterans Day.

One of the suggestions as part of the park design incorporates a bronze eagle at the center of the park.

Member Papineau made a motion to approve the bronze eagle sculpture and Member Lockwood seconded the motion. All members were in favor with the exception of

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Parks Advisory Board – April 21, 2017 – Page 3

Member Boles. Member Rustin, who was attending via telephone, abstained from voting due to lack of information available to him.

Member Papineau made a motion to approve the naming of the town property where the park is to be located to 'Veterans Monument Park' and Member Lockwood seconded the motion. All members were in favor with the exception of Member Boles. Member Rustin abstained from voting due to lack of information available to him.

The Veterans Monument Committee would make a presentation to the Town Board for the bronze eagle sculpture on May 23, 2017. This committee would present the park concept to the PUP Committee on May 11, 2017.

DUB: ARTIST PROPOSALS

Member Boles shared that manufacturing has begun on the vinyl wrap for the utility box located just north of the police station. Boles also shared that Kent Smith has provided a quote for priming and graffiti sealing the utility boxes to be painted.

Member Boles has been in touch with Blake Babbit, a Scout that presented his AIPP application to paint a utility box as a proposed Eagle Scout project in October, 2016. Boles and Babbit will go on a site visit next week to select the utility box Babbit wishes to paint. Babbit was asked to complete a new AIPP application to present to the PAB in May.

Member Boles then displayed and discussed the art created by the chosen artists. The art submitted by Michael Young, Ben Brown and Nicole Rische were all approved. It was requested that the art provided by Dawn Normali be shown as it will appear on the utility box, combining a few of the favorite individually painted pieces. The art will be presented again to the PAB once it is combined.

PARKS DIVISION UPDATE

Public Works Director, Greg Muhonen, provided updates for the Parks Division.

- All 12 pikas have been installed in the pre-selected locations around downtown Estes Park. Town Administrator, Frank Lancaster, is testing out the scavenger hunt and is hoping to implement this program soon.
- Pots are being filled with plants in the greenhouse.

RECORD OF PROCEEDINGS

Parks Advisory Board – April 21, 2017 – Page 4

- The Beaver Pond (*containing bronze beaver*) at George Hix Plaza has been repaired and the water feature will be turned back on prior to the duck race.
- All turf is getting swept and ready for a busy season.
- Backflows are being installed and irrigation is getting turned on.
- For 20 years Estes Park has been a Tree City. A special Tree Growth Award will be presented for everything the Town has been doing in the past year to enhance its urban forest and arboriculture education.

OTHER BUSINESS

With no other business to discuss, Chair Lebeau adjourned the meeting at 12:11 p.m.

RECORD OF PROCEEDINGS

Estes Valley Planning Commission

April 18, 2017

Board Room, Estes Park Town Hall

Commission: Chair Michael Moon, Vice-Chair Russ Schneider, Commissioners Betty Hull, Doug Klink, Steve Murphree, Sharry White, Bob Leavitt

Attending: Chair Moon, Commissioners Schneider, Hull, Klink, Murphree, White, and Leavitt

Also Attending: Community Development Director Randy Hunt, Planner Audem Gonzales, Planner Carrie McCool, Planner Robin Becker, Town Board Liaison Ron Norris, Larimer County Liaison Michael Whitley, and Recording Secretary Karen Thompson

Absent: None

Chair Moon called the meeting to order at 2:01 p.m. He explained the purposed of the Planning Commission. The meeting began late due to extended discussion during the study session. There were four people in attendance.

There was a brief discussion regarding workforce housing. Comments included but were not limited to: we need to have a process, height measurement is important; height and workforce housing are two separate issues; workforce housing needs to be defined; desire to know what the overall housing strategy is before making a decision.

1. PUBLIC COMMENT

Pat Newsom/town resident was opposed to rezoning single-family residential districts, did not agree with the numbers of housing units determined in the housing study, and was opposed to a height increase.

Jon Nicholas/town resident commented on the workforce housing status in Larimer County, and was supportive of creating additional housing opportunities in the RM zone district.

2. CONSENT AGENDA

Approval of minutes, March 21, 2017 Planning Commission meeting.

It was moved and seconded (White/Hull) to approve the consent agenda as presented and the motion passed 7-0.

3. FALL RIVER VILLAGE II, LOTS 5A OF THE AMENDED PLAT OF LOT 5, SUNNY ACRES ADDITION

A. Development Plan 2017-02

B. Preliminary Planned Unit Development (PUD) 2017-01

C. Rezoning Request for Lot 5A; RM-Multi-Family Residential to CO-Commercial Outlying

D. Preliminary Condominium Map

RECORD OF PROCEEDINGS

Estes Valley Planning Commission

April 18, 2017

Board Room, Estes Park Town Hall

Planner Gonzales stated the revised plans were just recently received. Staff requests the review be continued to the May 16, 2017 Planning Commission meeting to allow affected agencies time to review the revisions.

It was moved and seconded (Schneider/Murphree) to continue the various applications to the May Planning Commission meeting and the motion passed 7-0.

4. REPORTS

- A. Planner Gonzales reported on the Mountain & Resort Town Planners Summit he attended in March. Topics included affordable housing, transportation, economic development, etc. Many other mountain communities have issues with affordable housing. In many communities, parking is the largest detriment to developers when it comes to the development of affordable housing. Other communities standards are below 100% Average Median Income. Winter Park is purchasing downtown properties and providing incentives to developers. Regarding height limits, Winter Park is 55 feet, Steamboat Springs is 40 feet, Pagosa Springs and Telluride are 35 feet, Sun Valley, Idaho is 44 feet without slope adjustment. Jackson Hole has a 55-foot height allowance in multi-family districts. Regarding affordable housing, one community requires ADUs be built with large single-family homes, and requires them to be occupied, which has been successful in creating additional housing. Winter Park has plans to add approximately 700 units in their downtown area, both attainable and market priced.
- B. Director Hunt reported vacation home applications are still coming in, and we are still under the cap of 588. There has been a lot of push back regarding compliance with the dark-sky ordinance.
- C. Director Hunt reported the accessory kitchen amendment will be heard by the County Commissioners on April 24, 2017. The Town Board made revisions that leave accessory kitchens in place, while removing requirements for the affidavit, interior access, and addressing. The section on outdoor kitchens was supported.
- D. Safeway has applied for a variance and a development plan. The development plan submitted will be a staff-level decision (under 10,000 square feet).
- E. Commissioner White reported on her tour of the National Park Village housing project.
- F. Planner Gonzales reported a three-day work session on the Downtown Plan will occur April 25-27 at the Rodeway Inn. Most of the sessions are open to the public. Included will be stakeholder interviews with downtown business owners, property owners, etc. to discuss parking, transportation, urban design, and so forth. Commissioner Hull expressed disappointment that a town department would have to pay for a town event at a town-owned facility.

There being no further business, Chair Moon adjourned the meeting at 2:43 p.m.



Memo

To: Honorable Mayor Jirsa
Board of Trustees

Through: Town Administrator Lancaster

From: Brian Berg, Parks Maintenance Supervisor
Greg Muhonen, Public Works Director

Date: May 23, 2017

RE: Utility Box Art Approval

Objective:

The purpose of the Decorating Utility Boxes (DUB) program is to beautify the Town's utility boxes.

Present Situation:

The Town of Estes Park Light & Power Division and the Parks Advisory Board (PAB) have solicited art proposals from local artist to beautify five utility boxes throughout town. The art being presented is tailored to specific utility boxes as assigned by the Town of Estes Park Light & Power Division.

Proposal:

The Parks Advisory Board and the Town of Estes Park Light & Power Division propose the attached art from 3 artists be approved for painting and public viewing in 2017. A fourth proposal is expected for consideration at a future Town Board meeting.

Advantages:

- Beautification of the plain-colored, utilitarian boxes/cabinets throughout town.
- Local artists will benefit from their personal art displays as well as compensation for their designs and efforts.

Disadvantages:

- Increased maintenance costs for the Town.
- Should significant damage to the utility boxes/cabinets occur, they would be replaced and the Town would lose the corresponding piece of art.

Action Recommended:

Staff and PAB recommend the Town Board approve the presented art.

Budget:

The Light & Power Division has provided \$10,000 from their 2017 budget to kick off the Decorating Utility Boxes (DUB) initiative. The funding is associated to project code UTBOX and is coming from account 502-6301-540.25-33.

Level of Public Interest

A low amount of public interest is expected.

Sample Motion:

I move for the **approval/denial** of the presented art to be applied to designated utility boxes.

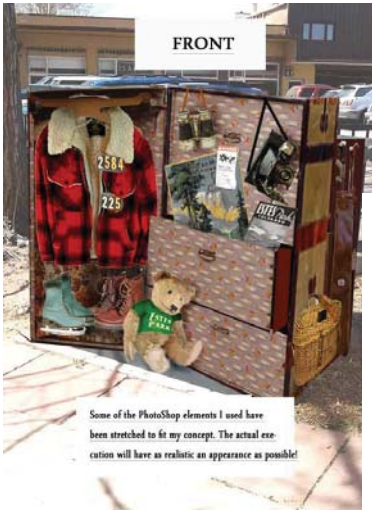
Attachments:

- DUB art location map
- Michael Young: art for utility box location 1
- Ben Brown: art for utility box location 2
- Nicole Rische: art for utility box location 3

DUB Art Location Map

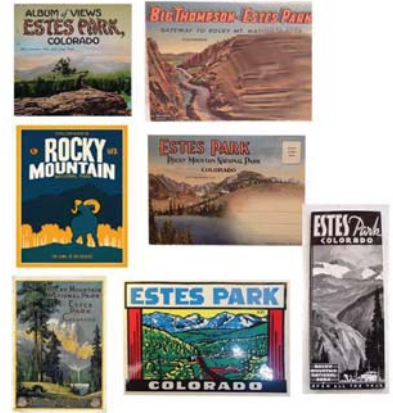


Michael Young DUB Art Proposal – Location #1
 Along Riverwalk behind Caldwell Banker Office



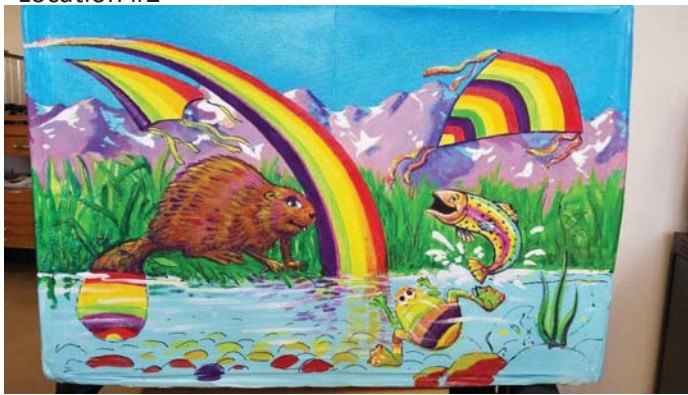
Michael Young DUB Art Proposal (cont'd)
Along Riverwalk behind 30 Below Leather

TOP

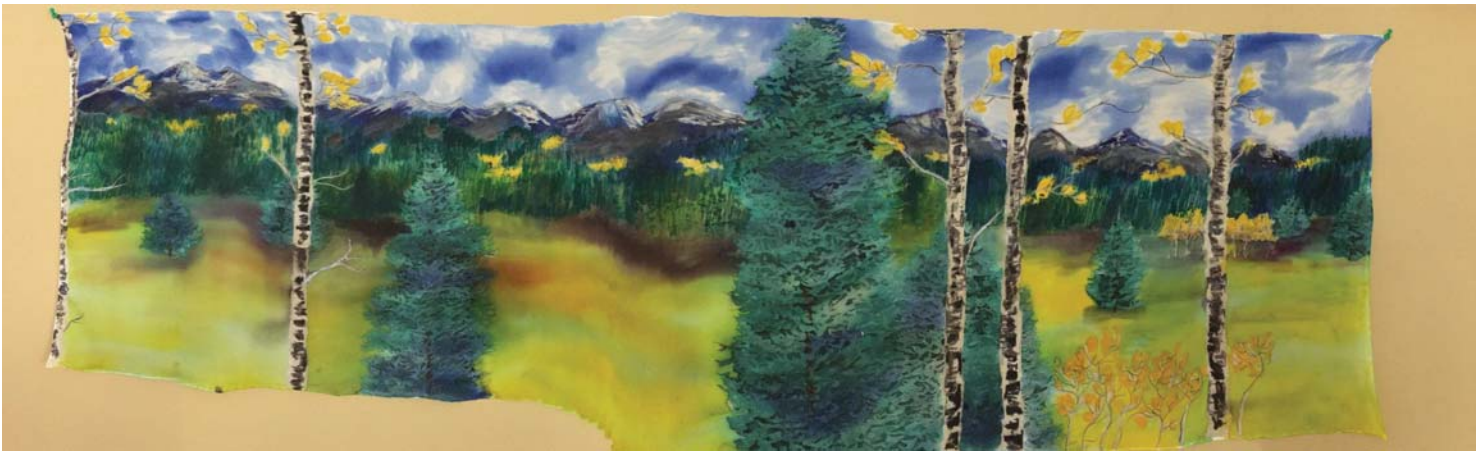


These are the vintage signs, maps, etc.
used throughout. I can certainly add more!

Ben Brown DUB Art Proposal – Location #2
East side of Visitor Center Parking Lot



Nicole Rische DUB Art Proposal – Location #3
Along Riverside behind 30 Below Leather



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RESOLUTION #14-17

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

That the filing date of the application for a New HOTEL & RESTAURANT Liquor License, filed by MISE EN PLACE CONSULTING LLC dba Seasoned – An American Bistro, 205 Park Lane, Estes Park, Colorado, is May 12, 2017.

It is hereby ordered that a public hearing on said application shall be held in the Board Room of the Municipal Building, 170 MacGregor Avenue, on Tuesday, June 13, 2017, at 7:00 P.M., and that the neighborhood boundaries for the purpose of said application and hearing shall be the area included within a radius of 3.15 miles, as measured from the center of the applicant's property.

DATED this _____ day of _____

TOWN OF ESTES PARK

Mayor

ATTEST:

Town Clerk

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RESOLUTION #15-17

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

That the filing date of the application for a Change of Location for a TAVERN Liquor License, filed by THE BARREL LLC dba The Barrel, 251 Moraine Avenue, Estes Park, Colorado, is May 12, 2017.

It is hereby ordered that a public hearing on said application shall be held in the Board Room of the Municipal Building, 170 MacGregor Avenue, on Tuesday, June 13, 2017, at 7:00 P.M., and that the neighborhood boundaries for the purpose of said application and hearing shall be the area included within a radius of 3.15 miles, as measured from the center of the applicant's property.

DATED this _____ day of _____

TOWN OF ESTES PARK

Mayor

ATTEST:

Town Clerk

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Memo

To: Honorable Mayor Jirsa
Board of Trustees

Through: Town Administrator Lancaster

From: Jackie Williamson, Town Clerk

Date: May 23, 2017

RE: Resolution 16-17 Intent to Annex Raven Rock Addition

Objective:

To set the public hearing for the annexation of Raven Rock Addition.

Present Situation:

James and Susan Mackey submitted an annexation application and petition to the Town Clerk on April 28, 2017, for the property located on the east side of the Promontory Drive and Mary's Lake Road intersection. The property is adjacent to Arapaho Meadows which is inside Town limits. The applicant proposes to maintain the property's A-Accommodations zoning, upon annexation. The annexation has been reviewed by Town staff and Attorney White and found substantially complete.

Proposal:

To move the item forward by setting the public hearing for June 27, 2017, with the passage of Resolution 16-17. This will provide sufficient time for the public notices required by state statute.

Advantages:

Approval of the Resolution would set the annexation hearing date and move the project forward.

Disadvantages: None.

Action Recommended: Approve Resolution 16-17.

Budget: None.

Level of Public Interest: Low.

Sample Motion:

I move to approve/deny Resolution 16-17.

Attachments:

- Resolution 16-17

RESOLUTION NO. 16-17

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

That the Board of Trustees of the Town of Estes Park, Colorado, in accordance with Section 31-12-107, C.R.S., hereby states its **intention to annex** the area described herein. The Board of Trustees finds and determines that the Petition filed with the Town Clerk requesting annexation of the area described herein is in substantial compliance with Section 31-12-107(1)(g), C.R.S. The Board of Trustees further finds and determines that the Petition is signed by persons comprising one hundred percent (100%) of the landowners in the area proposed to be annexed and owning one hundred percent (100%) of the area, excluding public streets and alleys, and any land owned by the annexing municipality. Such area, if annexed, will be known as "**RAVEN ROCK ADDITION**" to the Town of Estes Park, Colorado. Such area is described as follows:

Containing Acres: 10.90

A PORTION OF LOT 7, SECTION 2, TOWNSHIP 4 NORTH, RANGE 73 WEST OF THE SIXTH PRINCIPAL MERIDIAN BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE CE 1/16TH OF SAID SECTION 2 MONUMENTED BY A 3 1/4" USBLM BRASS CAP ON A 2 1/4" PIPE AND CONSIDERING THE SOUTH LINE OF THE WEST HALF OF SAID LOT 7 TO BEAR S86°06'01"E, MONUMENTED ON THE EAST SIDE BY THE SAID CE 1/16TH AND ON THE WEST SIDE BY THE C 1/4 OF SAID SECTION 2 MONUMENTED BY A 3 1/4" USBLM BRASS CAP ON A 2 1/4" PIPE, WITH ALL BEARINGS HEREIN RELATIVE THERETO; THENCE N86°06'01"W 307.68' TO THE EAST BOUNDARY OF MARY'S LAKE SUBDIVISION; THENCE N30°25'38"W 616.51'; THENCE N35°59'44"W 474.60' TO THE NORTH CORNER OF MARY'S LAKE SUBDIVISION; THENCE DEPARTING THE EAST BOUNDARY OF MARY'S LAKE SUBDIVISION N24°56'22"E 5.81' ALONG THE EAST BOUNDARY OF LOT 1, MARY'S LAKE ESTATES; THENCE N22°55'03"E 29.20' TO THE NORTH EAST CORNER OF LOT 1, MARY'S LAKE ESTATES; THENCE DEPARTING THE EAST BOUNDARY OF LOT 1, MARY'S LAKE ESTATES S36°01'01"E 39.70' ALONG THE SOUTHERLY BOUNDARY OF LAND OWNED BY THE U.S. BUREAU OF RECLAMATION; THENCE S80°14'21"E 866.75' TO THE WEST BOUNDARY OF ARAPAHO MEADOWS SUBDIVISION; THENCE S00°29'26"E 789.65' TO THE POINT OF BEGINNING.
COUNTY OF LARIMER, STATE OF COLORADO, CONTAINING 10.90 ACRES.

IT IS FURTHER RESOLVED, that in accordance with Section 31-12-108, C.R.S., the **Town Board Public Hearing** shall be held **Tuesday, June 27, 2017 at 7:00 p.m.**, in the Municipal Building, located at 170 MacGregor Ave., Estes Park, Colorado, for the purpose of determining if the proposed annexation complies with the applicable provisions of Sections 31-12-104 and 31-12-105, C.R.S.

IT IS FURTHER RESOLVED, that the Town Clerk shall give the notice of the hearing as provided in Section 31-12-108(2), C.R.S.

DATED this _____ day of _____, 2017.

TOWN OF ESTES PARK

Mayor

ATTEST:

Town Clerk

Publish: May 26, 2017, June 2, 2017, June 9, 2017, & June 16, 2017

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Memo

To: Honorable Mayor Jirsa
Board of Trustees

Through: Town Administrator Lancaster

From: Audem Gonzales, Planner II

Date: *May 23, 2017*

RE: *Preliminary Condominium Map, View @242; Metes & Bounds Parcel, 242 Virginia Drive*

Objective:

Approve a Withdrawal request for Preliminary Condo Map application for compliance with the Estes Valley Development Code (EVDC) and Estes Valley Comprehensive Plan.

Present Situation:

The property is approximately 0.76 acres in size and is zoned RM-Multifamily Residential. The address is 242 Virginia Drive, located within the Town Limits. The project involves three applications; a Development Plan, an Amended Plat, and a Preliminary Condo Map. Both the DP and AP are staff level approvals.

Planning Commission recommended conditional approval of the Preliminary Condo Map application on March 21, 2017. The application was scheduled to appear before the Town Board on April 25, 2017 but was continued to the May 23, 2017 Public Hearing date at the applicant's request.

The applicant has now requested from staff that this application, as well as the Development Plan and Amended Plat applications not move forward at this time. The applicant stated there are internal issues to work out.

Proposal:

The project proposes condominiumizing ten (10) units, six market rate and four proposed as attainable units.

Advantages:

- Re-develops an underutilized property within the Estes Valley.
- Provides four attainable housing units within the Estes Valley.

Disadvantages:

- None.

Action Recommended:

Planning Staff is recommending Town Board vote to withdraw this application per the request of the applicant. This application may be refiled in the future, provided the internal issues and any future concerns are worked out.

Budget:

None.

Level of Public Interest:

Medium: There have been a few public comments received as of May 17, 2017 from adjacent neighbors. Their concerns were in regards to the height and parking for the project. Any comments received after this date shall be placed on the applications page of the Town website at www.estes.org/currentapplications

Sample Motions:

Below are the Town Board's options related to the Preliminary Condo Map application:

1. I move to accept the request and allow **WITHDRAWAL** of the View@242 Preliminary Condominium Map application.

Attachments:

Application www.estes.org/currentapplications



Memo

To: Honorable Mayor Jirsa
Board of Trustees

Through: Town Administrator Lancaster

From: Will Birchfield, Chief Building Official

Date: May 23, 2017

RE: Ordinance 12-17 Amendments to the 2015 International Residential Code relating to Dwellings, Vacation Homes, and Small Hotels

Objective: Continue the public hearing, from May 09, 2017, regarding amending the 2015 International Residential Code relating to dwellings, vacation homes and small hotels.

Present Situation:

Since the last Town Board meeting, staff has continued to facilitate informed consent among stake holders which have recently expressed concerns/opposition to the proposed amendments. Staff reached out, offering individual dialogue with some of those stakeholders. Revisions to the proposed amendments have been made, based on feedback received during the discussions/collaboration.

Proposal:

The administration of the proposed amendments will create additional work for Building Division staff. Staff will be requesting one full time temporary position, to assist with records management.

Advantages:

The proposed amendments will:

- Address some local concerns relating to vacation homes – The goal was not consensus, but informed consent through collaboration.
- Resolve some of the conflicts between the International Residential Code and the International Building Code.
- As much as possible, create consistency and fairness throughout the Estes Valley, relating to building code regulations for vacation homes.

Disadvantages:

- Increase in staff workloads; however, temporary staffing will be requested and provisions are in place for contract plan review services and inspections, if needed.
- Staff will need to prepare proposed amendments to the International Building Code, the International Existing Building Code and the International Property Maintenance Code. However, preparing those amendments will be much less

work, as they will be consistent with amendments to the International Residential Code.

Action Recommended:

Continue the public hearing, from May 09, 2017, regarding amending the 2015 International Residential Code relating to dwellings, vacation homes and small hotels. Staff recommends approval of the proposed amendments specified in “Exhibit A.”

Budget:

Staff will be requesting one full time temporary contract staff person to assist with records management.

Level of Public Interest

Extremely high

Sample Motion:

I move for the **approval/denial** of *Ordinance 12-17 – Amendments to the 2015 International Residential Code relating to Dwellings, Vacation Homes, and Small Hotels*

Attachments:

- Revisions to “Exhibit A” presented at Town Board Meeting 2017-05-09
- Ordinance 12-17
- Exhibit A

REVISIONS TO "EXHIBIT A" PRESENTED AT THE TOWN BOARD MEETING 2017-05-09

AMENDMENTS TO THE 2015 INTERNATIONAL RESIDENTIAL CODE RELATING TO SINGLE FAMILY DWELLINGS, VACATION HOMES AND HOTELS

Add the following exceptions to Section R101.2 Scope:

3. *Vacation homes* shall be permitted to be regulated in accordance with the International Residential Code for one-and two-family dwellings, where the dwellings legally existed prior to the effective date of this provision and where compliant with Section R327.
4. *Large vacation homes* shall be permitted to be regulated in accordance with the International Residential Code for one-and two-family dwellings, where a 2017 *vacation home* or *large vacation home* ~~license~~ registration was applied for prior to April 01, 2017 and where compliant with Section R327. The occupant load for large vacation homes regulated by the International Residential Code shall be determined based on the number of bedrooms approved in conjunction with the 2017 ~~license~~ registration application received prior to April 01, 2017.
5. *Vacation homes* constructed under permits applied for on or after the effective date of this provision shall be permitted to be regulated in accordance with the International Residential Code for one-and two-family dwellings, where new large vacation homes are prohibited by land use regulations and where compliant with Section R327.
6. *Vacation homes* constructed under permits applied for on or after the effective date of this provision shall be permitted to be regulated in accordance with the International Residential Code for one-and two-family dwellings; where new large vacation homes are allowed; where they have less than ~~4800~~ 2200 square feet of enclosed floor area, excluding attached garages, an occupant load of less than nine and do not have more than three bedrooms; and where compliant with Section R327.
7. *Vacation homes* constructed under permits applied for on or after the effective date of this provision shall be permitted to be regulated in accordance with the International Residential Code for one-and two-family dwellings, where constructed under a Development Plan approved prior to the effective date of this provision and no floor area or additional rooms used

for sleeping purposes are added beyond the approved Development plan and where compliant with Section R327.

Add the following definitions to Section R202 Definitions.

Accessory Dwelling Unit (ADU). A dwelling unit, either attached or detached, which is on the same lot and under the same ownership as the primary dwelling. When accessory dwelling units and primary dwelling units are attached, they shall be regulated as two attached single family dwellings.

Approved Development Plan. Approved Development Plans are those projects which have been formally submitted, reviewed and approved pursuant to the residential and accommodations provisions of Table 3-3 of the Estes Valley Development Code.

Hotel. A building or a portion of a building which contains dwelling units and/or sleeping units where accommodations are provided for nine or more occupants transient in nature and where units may be individually rented.

Large Vacation Home. A one-family dwelling constructed in compliance with the scoping provisions of the International Residential Code, where accommodations are provided for a single group of nine or more occupants transient in nature and where rooms may not be individually rented to guests which are not part of the group.

Large Vacation Home Occupant Load. For the purposes of using a dwelling as a large vacation home, the approved maximum number of occupants shall be determined by allowing 2 occupants per approved bedroom plus 2 additional occupants. In large vacation homes, all occupants shall sleep only in rooms designated and approved for sleeping purposes. Large vacation homes regulated by the International Building Code shall comply with minimum design occupant load requirements of the International Building Code.

Small Hotel. A building or a portion of a building which contains dwelling units and/or sleeping units where accommodations are provided for less than nine occupants, transient in nature and where units may be individually rented.

Transient. Occupancy of a dwelling unit or sleeping unit for not more than 30 Days.

Vacation Home. A one-family dwelling constructed in compliance with the scoping provisions of the International Residential Code, where accommodations are provided for a single group of less than nine occupants transient in nature and where rooms may not be individually rented to guests which are not part of the group.

Vacation Home Occupant Load. For the purposes of using a dwelling as a vacation home, the approved maximum number of occupants shall be determined by allowing 2 occupants per approved bedroom plus 2 additional occupants. In vacation homes, all occupants shall sleep only in rooms designated and approved for sleeping purposes.

Revise Sections R313.1.1 through R313.2.1 as follows:

R313.1.1 Design and installation. Automatic residential fire sprinkler systems for *townhouses* shall be designed and installed in accordance with NFPA standards.

R313.2 One- and two-family dwellings automatic fire sprinkler systems. An automatic residential fire sprinkler system shall not be required in detached one- and two- family dwellings.

R313.2.1 Design and installation. If installed, automatic residential fire sprinkler systems shall be designed and installed in accordance with NFPA standards.

Add Section R327 as follows:

SECTION R327
VACATION HOME AND LARGE VACATION HOME
LIFE SAFETY SURVEY

R327.1 General. *Vacation homes* and *large vacation homes* shall comply with Section R327. Prior to occupancy as a vacation home or a large vacation home ~~in 2019~~ after March 31, 2020, the dwelling shall have been issued a Certificate of Occupancy in accordance with R327.3.

R327.2 Life safety survey. After ~~December 31, 2018~~ March 31, 2019, a *vacation home* or a *large vacation home* shall not be approved for occupancy until the Building Official performs ~~and approves~~ a life safety survey. At minimum, vacation home and large vacation home life safety surveys shall include the provisions of R327.2.1 through R327.2. ~~18~~ 20. Subsequent life safety surveys, if provided, shall use the same compliance criteria as the initial survey, unless this code is otherwise amended.

R327.2.1 Address identification. *Vacation homes* and *large vacation homes* shall have approved address identification, in compliance with the ~~requirements of the International Building~~ code in effect at the time of the initial survey.

R327.2.2 Unapproved uses. Uses of all rooms/spaces shall comply with approved uses per Building Division records. Change of use permits, inspections and approvals shall be required for all rooms with uses different from Building Division records.

R327.2.3 Unpermitted work. All unpermitted work shall be permitted, compliant and approved.

R327.2.4 Unapproved work. All unapproved work authorized by permits which have expired shall be re-permitted, compliant and approved.

R327.2.5 Structural concerns. Obvious structural concerns shall be mitigated.

R327.2.6 Emergency escape and rescue openings. Compliant emergency escape and rescue openings shall be provided for all spaces used for sleeping purposes. For dwellings constructed after December 31, 1968, said openings shall comply with the code in effect at the time the opening was required. For dwellings constructed prior to January 01, 1969, the minimum requirements for said openings shall be at the discretion of the Building Official until determined by amendment based on documentation of existing conditions.

R327.2.7 Window wells. ~~When~~ Where required, compliant window wells shall be properly installed at emergency escape and rescue openings. For dwellings constructed after December 31, 1968, said window wells shall comply with the code in effect at the time the well was required. For dwellings constructed prior to January 01, 1969, the minimum requirements for said window wells shall be at the discretion of the Building Official until determined by amendment based on documentation of existing conditions.

R327.2.8 Smoke alarms. Approved smoke alarms shall be properly installed at all locations ~~required for new construction~~ in compliance with the code in effect at the time of the initial survey.

R327.2.9 Carbon monoxide alarms. Approved carbon monoxide alarms shall be properly installed at all locations ~~required for new construction~~ in compliance with the code in effect at the time of the initial survey.

R327.2.10 Fuel gas appliances.

- a. Fuel gas appliances shall be in approved locations.
- b. Fuel gas appliances shall be in dedicated spaces, where applicable.
- c. Fuel gas appliances shall comply with required clearances.
- d. Fuel gas appliances shall be provided with required combustion air.
- e. Fuel gas appliances shall be connected to approved venting systems.
- f. Fuel gas appliances shall have required temperature and pressure relief valves.
- g. Fuel gas appliances shall have proper condensate disposal.
- h. Rooms/spaces containing fuel gas appliances shall be properly fire-blocked.
- i. Other than existing cook tops, no ventless fuel gas appliances are allowed in Estes Park.

R327.2.11 Dwelling/garage separation. Dwellings shall be separated from garages with materials on the garage side ~~as required for new construction~~ in compliance with the code in effect at the time of the initial survey.

R327.2.12 Environmental duct terminations. Dryer ducts and exhaust fans shall terminate at approved locations.

R327.2.13 Handrails. Approved handrails shall be properly installed at locations ~~as required for new construction~~ in compliance with the code in effect at the time of the initial survey.

R327.2.14 Guards. Approved guards shall be properly installed at locations ~~as required for new construction~~ in compliance with the code in effect at the time of the initial survey.

R327.2.15 Cook stove. Anti-tip devices shall be installed for all cook stoves.

R327.2.16 Wildfire hazard. Wildfire defensible spaces shall be maintained as required for new construction, as it relates to vegetation, not to building construction.

R327.2.17 Fire pits. Exterior fire pits shall comply with Fire Department requirements.

R327.2.18 Lighting at exterior stairs. Lighting at exterior stairs shall be properly installed ~~as required for new construction~~ in compliance with the code in effect at the time of the initial survey.

R327.2.19 Ground-Fault Circuit-Interrupter Protection. Ground-fault circuit-interrupter protection for personnel shall be provided in locations in compliance with the code in effect at the time of the initial survey.

R327.2.18 Private Septic Systems. Dwellings with private septic systems require approval from the Larimer County Health Department prior to the addition of any bedroom.

R327.3 Certificate of Occupancy. After a life safety survey has been performed and ~~approved~~ no violations of the survey are existing, the Building Official shall issue a Certificate of Occupancy for use as a *vacation home* or a *large vacation home*. In addition to other requirements for Certificates of Occupancy in this code, Certificates of Occupancy for *vacation homes* and *large vacation homes* shall specify the number of rooms approved for sleeping purposes and the maximum approved occupant load for use as a *vacation home* or *large vacation home*.

ORDINANCE NO. 12-17

**AN ORDINANCE AMENDING CHAPTER 14 OF THE
MUNICIPAL CODE OF THE TOWN OF ESTES PARK,
COLORADO, THE SAME PERTAINING TO
BUILDINGS AND CONSTRUCTION, AMENDING THE
INTERNATIONAL RESIDENTIAL CODE, 2015 EDITION**

WHEREAS, on the 9th day of May, 2017, this Ordinance was introduced to the Board of Trustees of the Town of Estes Park which set a public hearing on the consideration of this Ordinance for May 23, 2017; and

WHEREAS, notice of said hearing was published as provided in Section 31-16-203, C.R.S.; and

WHEREAS, as stated in the published notice, certified copies of the International Residential Code, 2015 Edition, amendments thereto, were on file in the office of the Town Clerk and available for public inspection.

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

Section 1: Chapter 14.12 of the Municipal Code shall be amended to read as follows:

International Residential Code

14.12.020 International Residential Code, 2015—Amended. The International Residential Code, 2015 Edition, issued by the International Code Council, 4051 W. Flossmoor Rd., Country Club Hills, IL 60478-5795, the sections or parts of sections thereof which are amended as set forth on Exhibit “A” attached hereto and incorporated herein by this reference, referred to in this title as the International Residential Code is enacted and adopted by reference.

Section 2: These amendments to the Estes Park Municipal Code shall be effective July 1, 2017.

PASSED AND ADOPTED by the Board of Trustees of the Town of Estes Park, Colorado this ____ day of _____, 2017.

TOWN OF ESTES PARK, COLORADO

By: _____
Mayor

ATTEST:

Town Clerk

I hereby certify that the above ordinance was introduced and read at a meeting of the Board of Trustees on the _____ day of _____, 2017, and published in a newspaper of general publication in the Town of Estes Park, Colorado on the _____ day of _____, 2017.

Town Clerk

EXHIBIT A

AMENDMENTS TO THE 2015 INTERNATIONAL RESIDENTIAL CODE RELATING TO SINGLE FAMILY DWELLINGS, VACATION HOMES AND HOTELS

Add the following exceptions to Section R101.2 Scope:

3. *Vacation homes* shall be permitted to be regulated in accordance with the International Residential Code for one-and two-family dwellings, where the dwellings legally existed prior to the effective date of this provision and where compliant with Section R327.
4. *Large vacation homes* shall be permitted to be regulated in accordance with the International Residential Code for one-and two-family dwellings, where a 2017 *vacation home* or *large vacation home* registration was applied for prior to April 01, 2017 and where compliant with Section R327. The occupant load for large vacation homes regulated by the International Residential Code shall be determined based on the number of bedrooms approved in conjunction with the 2017 registration application received prior to April 01, 2017.
5. *Vacation homes* constructed under permits applied for on or after the effective date of this provision shall be permitted to be regulated in accordance with the International Residential Code for one-and two-family dwellings, where new large vacation homes are prohibited by land use regulations and where compliant with Section R327.
6. *Vacation homes* constructed under permits applied for on or after the effective date of this provision shall be permitted to be regulated in accordance with the International Residential Code for one-and two-family dwellings; where new large vacation homes are allowed; where they have less than 2200 square feet of enclosed floor area, excluding attached garages, an occupant load of less than nine and do not have more than three bedrooms; and where compliant with Section R327.
7. *Vacation homes* constructed under permits applied for on or after the effective date of this provision shall be permitted to be regulated in accordance with the International Residential Code for one-and two-family dwellings, where constructed under a Development Plan approved prior to the effective date of this provision and no floor area or additional rooms used

for sleeping purposes are added beyond the approved Development plan and where compliant with Section R327.

Add the following definitions to Section R202 Definitions.

Accessory Dwelling Unit (ADU). A dwelling unit, either attached or detached, which is on the same lot and under the same ownership as the primary dwelling. When accessory dwelling units and primary dwelling units are attached, they shall be regulated as two attached single family dwellings.

Approved Development Plan. Approved Development Plans are those projects which have been formally submitted, reviewed and approved pursuant to the residential and accommodations provisions of Table 3-3 of the Estes Valley Development Code.

Hotel. A building or a portion of a building which contains dwelling units and/or sleeping units where accommodations are provided for nine or more occupants transient in nature and where units may be individually rented.

Large Vacation Home. A one-family dwelling constructed in compliance with the scoping provisions of the International Residential Code, where accommodations are provided for a single group of nine or more occupants transient in nature and where rooms may not be individually rented to guests which are not part of the group.

Large Vacation Home Occupant Load. For the purposes of using a dwelling as a large vacation home, the approved maximum number of occupants shall be determined by allowing 2 occupants per approved bedroom plus 2 additional occupants. In large vacation homes, all occupants shall sleep only in rooms designated and approved for sleeping purposes. Large vacation homes regulated by the International Building Code shall comply with minimum design occupant load requirements of the International Building Code.

Small Hotel. A building or a portion of a building which contains dwelling units and/or sleeping units where accommodations are provided for less than nine occupants, transient in nature and where units may be individually rented.

Transient. Occupancy of a dwelling unit or sleeping unit for not more than 30 Days.

Vacation Home. A one-family dwelling constructed in compliance with the scoping provisions of the International Residential Code, where accommodations are provided for a single group of less than nine occupants transient in nature and where rooms may not be individually rented to guests which are not part of the group.

Vacation Home Occupant Load. For the purposes of using a dwelling as a vacation home, the approved maximum number of occupants shall be determined by allowing 2 occupants per approved bedroom plus 2 additional occupants. In vacation homes, all occupants shall sleep only in rooms designated and approved for sleeping purposes.

Revise Sections R313.1.1 through R313.2.1 as follows:

R313.1.1 Design and installation. Automatic residential fire sprinkler systems for *townhouses* shall be designed and installed in accordance with NFPA standards.

R313.2 One- and two-family dwellings automatic fire sprinkler systems. An automatic residential fire sprinkler system shall not be required in detached one- and two- family dwellings.

R313.2.1 Design and installation. If installed, automatic residential fire sprinkler systems shall be designed and installed in accordance with NFPA standards.

Add Section R327 as follows:

SECTION R327
VACATION HOME AND LARGE VACATION HOME
LIFE SAFETY SURVEY

R327.1 General. *Vacation homes and large vacation homes* shall comply with Section R327. Prior to occupancy as a vacation home or a large vacation home after March 31, 2020, the dwelling shall have been issued a Certificate of Occupancy in accordance with R327.3.

R327.2 Life safety survey. After March 31, 2019, a *vacation home* or a *large vacation home* shall not be approved for occupancy until the Building Official performs a life safety survey. At minimum, vacation home and large vacation home life safety surveys shall include the provisions of R327.2.1 through R327.2.20. Subsequent life safety surveys, if provided, shall use the same compliance criteria as the initial survey, unless this code is otherwise amended.

R327.2.1 Address identification. *Vacation homes and large vacation homes* shall have approved address identification, in compliance with the code in effect at the time of the initial survey.

R327.2.2 Unapproved uses. Uses of all rooms/spaces shall comply with approved uses per Building Division records. Change of use permits, inspections and approvals shall be required for all rooms with uses different from Building Division records.

R327.2.3 Unpermitted work. All unpermitted work shall be permitted, compliant and approved.

R327.2.4 Unapproved work. All unapproved work authorized by permits which have expired shall be re-permitted, compliant and approved.

R327.2.5 Structural concerns. Obvious structural concerns shall be mitigated.

R327.2.6 Emergency escape and rescue openings. Compliant emergency escape and rescue openings shall be provided for all spaces used for sleeping purposes. For dwellings constructed after December 31, 1968, said openings shall comply with the code in effect at the time the opening was required. For dwellings constructed prior to January 01, 1969, the minimum requirements for said openings shall be at the discretion of the Building Official until determined by amendment based on documentation of existing conditions.

R327.2.7 Window wells. Where required, compliant window wells shall be properly installed at emergency escape and rescue openings. For dwellings constructed after December 31, 1968, said window wells shall comply with the code in effect at the time the well was required. For dwellings constructed prior to January 01, 1969, the minimum requirements for said window wells shall be at the discretion of the Building Official until determined by amendment based on documentation of existing conditions.

R327.2.8 Smoke alarms. Approved smoke alarms shall be properly installed at all locations in compliance with the code in effect at the time of the initial survey.

R327.2.9 Carbon monoxide alarms. Approved carbon monoxide alarms shall be properly installed at all locations in compliance with the code in effect at the time of the initial survey.

R327.2.10 Fuel gas appliances.

- a. Fuel gas appliances shall be in approved locations.
- b. Fuel gas appliances shall be in dedicated spaces, where applicable.
- c. Fuel gas appliances shall comply with required clearances.
- d. Fuel gas appliances shall be provided with required combustion air.
- e. Fuel gas appliances shall be connected to approved venting systems.
- f. Fuel gas appliances shall have required temperature and pressure relief valves.
- g. Fuel gas appliances shall have proper condensate disposal.
- h. Rooms/spaces containing fuel gas appliances shall be properly fire-blocked.
- i. Other than existing cook tops, no ventless fuel gas appliances are allowed in Estes Park.

R327.2.11 Dwelling/garage separation. Dwellings shall be separated from garages with materials on the garage side in compliance with the code in effect at the time of the initial survey.

R327.2.12 Environmental duct terminations. Dryer ducts and exhaust fans shall terminate at approved locations.

R327.2.13 Handrails. Approved handrails shall be properly installed at locations in compliance with the code in effect at the time of the initial survey.

R327.2.14 Guards. Approved guards shall be properly installed at locations in compliance with the code in effect at the time of the initial survey.

R327.2.15 Cook stove. Anti-tip devices shall be installed for all cook stoves.

R327.2.16 Wildfire hazard. Wildfire defensible spaces shall be maintained as required for new construction, as it relates to vegetation, not to building construction.

R327.2.17 Fire pits. Exterior fire pits shall comply with Fire Department requirements.

R327.2.18 Lighting at exterior stairs. Lighting at exterior stairs shall be properly installed in compliance with the code in effect at the time of the initial survey.

R327.2.19 Ground-Fault Circuit-Interrupter Protection. Ground-fault circuit-interrupter protection for personnel shall be provided in locations in compliance with the code in effect at the time of the initial survey.

R327.2.18 Private Septic Systems. Dwellings with private septic systems require approval from the Larimer County Health Department prior to the addition of any bedroom.

R327.3 Certificate of Occupancy. After a life safety survey has been performed and no violations of the survey are existing, the Building Official shall issue a Certificate of Occupancy for use as a *vacation home* or a *large vacation home*. In addition to other requirements for Certificates of Occupancy in this code, Certificates of Occupancy for *vacation homes* and *large vacation homes* shall specify the number of rooms approved for sleeping purposes and the maximum approved occupant load for use as a *vacation home* or *large vacation home*.



Memo

To: Honorable Mayor Jirsa
Board of Trustees

Through: Town Administrator Lancaster

From: Brian Berg, Parks Maintenance Supervisor
Greg Muhonen, Public Works Director

Date: May 23, 2017

RE: Veterans Monument Park Application

Objective:

The purpose of this project is to build a pocket-park that honors veterans from all branches of the United States armed services.

Present Situation:

The Town currently has no veteran's memorial. The location of the proposed park has an existing picnic pavilion that needs a new roof.

Proposal:

The Estes Park Veterans Monument Committee is proposing to construct a Veterans Monument Park on Town-owned property. The location is west of the Visitor Center where the existing picnic pavilion is located. The pavilion will be removed and replaced with two stone picnic tables, stone paths, bronze plaques, and an eagle sculpture as shown in the attached concept design. The committee is proposing to raise all funds for the material and installation of the park. They have asked for construction/maintenance support from the Public Works Parks Division.

The committee also requests the new pocket-park be named "Veterans Monument Park". This piece of Town land is currently not named. This proposal was present to, and approved by, the citizen Parks Advisory Board on April 21, 2017.

Advantages:

- The monument will be a place for all branches of the armed services to be recognized while providing beautiful views and riverside seating for years to come.
- The project will provide a second picnic table at this popular guest gathering area.

Disadvantages:

- Increased maintenance costs for the Town.

- Loss of a covered picnic shelter along the north side of the Big Thompson River.

Action Recommended:

Staff, PAB and PUP recommend the Town Board accept ownership of the new sculpture and the proposed pocket-park improvements; and, approve naming this area “Veterans Monument Park”. If approved, the Veterans Monument Committee anticipates the pocket-park to be complete by Veteran’s Day, 2017.

Budget:

The Parks Division will incur a nominal increase to their annual bronze cleaning budget to care for the new eagle statue. This cost is estimated to be \$150 annually and will be taken from account #101-5200-452-26-36.

Level of Public Interest

A modest amount of public interest is expected.

Sample Motion:

I move for the **approval/denial** of the construction of the pocket-park honoring Armed Services veterans and the naming of said park “Veterans Monument Park”.

Attachments:

- Completed Artwork Donation Form
- Eagle Sculptor Resume
- Thorp & Associates rendering of the park design
- Picture of the bronze eagle

**TOWN OF ESTES PARK PARKS ADVISORY BOARD
ARTWORK DONATION FORM**

Thank you for your interest in donating a work of art to the Town of Estes Park. Art in public places is a vital component to the beauty and quality of life in our community. Please complete the information below to facilitate a thorough review of the proposed donation. In order to assure the highest standards, aesthetic consistency, and proper maintenance, the decision to accept the donation rests with the Parks Advisory Board, and the PAB reserves the right to move or remove the piece from the permanent collection if that becomes necessary in the future. Please attach a photograph or detailed drawing of the sculpture to this form, plus documentation authenticating the purchase price or appraised value.

GENERAL INFORMATION

Donor name (Individual/Organization/Business): Estes Park Veterans Monument Committee

Contact person (If different from above): Carey Stevanus

Mailing Address: 1901 Ptarmigan Trail, Estes Park

Phone number & e-mail address: 970-443-8918 cstevanu@good-sam.com

INFORMATION ABOUT THE ARTWORK

Title of the artwork: Estes Park Veterans Monument

Name of the artist: Thorp Associates - design work Daniel Glanz - Sculptor

Mailing address of artist: Thorp - PO Box 129, Estes Park 5040 Brandywine Dr. Loveland CO 80538

Media or materials used in artwork: Sandstone, Granite, Flagstone, Bronze

Year completed: 2017 Purchase price: \$ 21,000 for the eagle sculpture Current value: estimated \$75,000

Dimensions: _____ Weight: entire project

Long-term maintenance required: _____

Does donation include site preparation, installation costs, concrete pad or pedestal (if necessary, or does it include monies for these items? Please describe: entire site is part of the design work the EPVM Committee will be raising funds for.

The undersigned is the owner of the artwork, free of all liens and encumbrances, and has the right to make this agreement.

The undersigned hereby agrees to donate the above described art work, with the following additional conditions (if any):

Estes Park Veterans Monument Committee
Donor Signature & Date (Please print name after signature)  4.21.17

Return to: Town of Estes Park, Attn: Parks Advisory Board, 170 MacGregor Ave., P.O. Box 1200, Estes Park, CO 80517

DANIEL GLANZ STUDIOS

Daniel B. Glanz

5040 Brandywine Dr.
Loveland, CO 80538

Professional Profile

I began my career in illustration and fine art photography with the Smithsonian Tropical Research Institute after attending Colorado State University and Minneapolis College of Art and Design. My art is known for its energy, movement and technical mastery with a powerful yet elegant quality, drawn from my classical approach to sculpture. I travel extensively to destinations such as Africa, Central and South America, the Galapagos Islands, and the Antarctic, and draw on these experiences in creating my art. My work, which is created in my Loveland studio, ranges in size from table-top to monumental. The editions and commissions grace many private collections, both nationally and internationally, and public art programs. I am an Elected Member of the National Sculpture Society (NSS), National Sculptors' Guild Member, and a Signature Member of the Society of Animal Artists (SAA).

Art Education

- Colorado State University, Fort Collins, Colorado
- Minneapolis College of Art and Design, Minneapolis, Minnesota

Juried Shows/Exhibits

- 8/2017 Sculpture in the Park, Loveland, CO
- 4/2017 Colorado Governor's Show, Loveland Museum, Loveland, CO
- 11/2016 Squash Blossom Gallery Featured Artist, Colorado Springs, CO
- 9/16-1/17 56th Annual Society of Animal Artists Exhibition, Houston Museum of Natural History, Houston, TX
- 8/2016 Sculpture in the Park, Loveland, CO
- 4/2016 Colorado Governor's Show, Loveland Museum, Loveland, CO
- 2015 Sculpture in the Park, Loveland, CO
- 2015 "All Creatures Great and Small", National Sculpture Society, Naples, FL
- 2013-2015 "Performance in Sculpture", National Sculpture Society, Tampa, FL
- 9/2014 "Casting Artwork in Bronze", American Foundry Association Conference, Coeur d' Alene, ID
- 5/2014 American Art Invitational, Saks Galleries, Denver, CO
- 4/2014 Colorado Governor's Show, Loveland Museum, Loveland, CO
- 4/2014 Art Show at the Dog Show, Wichita, KS
- 2/2014 Two Person Show, Terzian Galleries, Park City, UT
- 9/2013 53rd Annual Exhibition of SAA, Bennington, VT



5040 Brandywine Dr.
Loveland, CO 80538
and
2347 W 8th St.
Loveland, CO 80537

PHONE 970-690-8425
EMAIL glanz@lpbroadband.net
WEB SITE glanzsculptures.com

DANIEL GLANZ

- 9/2013 International Birds in Art Exhibition, Woodson Art Museum, Wausau, WI
- 8/2013 Featured Artist, Saks Galleries, Denver, CO
- 8/2013 Sculpture in the Park, Loveland, CO
- 4/2013 Colorado Governor's Show, Loveland, CO
- 12/2012 America Art Invitational Exhibition, Saks Galleries, Denver, CO
- 9/2012 International Birds in Art Exhibition, Woodson Art Museum, Wausau, WI
- 9/2012 52nd Annual Society of Animal Artists Exhibition, Hiram Blauvelt Art Museum, Oradell, New Jersey
- 4/-6/2012 Colorado Governor's Invitational Art Show and Sale, Loveland Museum, Loveland, CO
- 3/-4/2012 25th Annual International Exhibition on Animals in Art, LSU School of Veterinary Medicine, Baton Rouge, LA
- 3/-4/2012 26th Annual Art Show at the Dog Show, Wichita, KS
- 12/2011 Small Gems Exhibition, Saks Galleries, Denver, CO
- 9/-12/2011 51st Annual Exhibition of the Society of Animals Artists, Dennon Museum Center, Traverse City, MI
- 9/2011 International Birds in Art Exhibition, Wausau, WI
- 9/2011 "Representing the West", Sangre de Cristo Art Center, Pueblo, CO
- 8/2011 2011 Sculpture in the Park, Loveland, CO

Awards

- Art Show at the Dog Show 2012 and 2014, 2nd Place Sculpture, Wichita, KS
- Sculpture in the River Market 2010, Little Rock, AR – Honorable Mention
- "Representing the West" Exhibition 2010, Sangre de Cristo Art Center, Pueblo, Colorado – Best in Show Sculpture
- Art Show at the Dog Show 2010, Wichita, KS – Best German Shorthair Pointer

Public Art and Collections

- University of Houston, "*Shasta*", TDECU Stadium, Houston, TX Spring 2017
- South Hampton Animal Shelter, *To be named*, New York, NY Spring 2017
- The Stanley Hotel, "*The Visionary (F.O. Stanley)*" Estes Park, CO Fall 2016
- Benson Sculpture Park, "*Treetop Stretch (Mountain Lion)*", Loveland, CO Summer 2016
- City of Thornton Veteran's Memorial, "*American Treasure*", Summer 2016
- Boulder Community Hospital, "*The Visit*", Boulder, CO Fall 2015
- San Diego Natural History Museum, "*Tropicbird*", San Diego, CA Summer 2015
- Craig Hospital, "*Winter's Paws*", Denver, CO 2015
- Lee Yawkey Woodson Museum, "*Shoebill*", Wausau, WI Summer 2013
- Liberty National Bank, "*Fly Fishing*", Dakota Dunes, SD Spring 2011
- Longmont Humane Society, "*On the Go*", Longmont, CO, installation Summer 2009
- Art in Public Places Program, Sheridan, Wyoming
- Witt Stevens Central Arkansas Nature Center, "*Catfish Study*", Little Rock, AR
- Benson Sculpture Park, "*Bullheaded*", Loveland, CO
- The Wildlife Experience, "*Green Heron*", Parker, CO

Galleries

- Terzian Galleries, 625 Main St., Park City, UT 84060
- A Hint of Asia, 223 Gore Creek Dr., Vail, CO 81657

DANIEL GLANZ

- Saks Galleries, 3019 E. 2nd St., Denver, CO 80206
- Squash Blossom Gallery, 2531 W. Colorado Ave., Colorado Springs, CO 80904
- RS Hanna Gallery, 208 S. Llano St, Fredericksburg, TX 78624
- Total Arts Gallery, 122 Kit Carson Road, Taos, NM 87571
- Columbine Gallery, Loveland, CO 80538

References:

Jan Fincher
Program Coordinator (Volunteer)
Boulder Community Health Canine Corps
4089 Spy Glass Lane
Longmont, CO 80503
303-444-5834
Janfincher@centurylink.net

Lauren Greenfield
City of Longmont
Lauren.Greenfield@ci.longmont.co.us
303-651-8924

Polly Juneau
Show Business Chairman
Loveland High Plains Arts Council
PO Box 7006
Loveland, CO 80537
(970) 663-2940
polly@sculptureinthepark.org

Publications:

Southwest Art
July 2013 and April 2012

Best of America: Sculpture Artists
Volume 2

Sculpture of the Rockies
Southwest Art, publisher

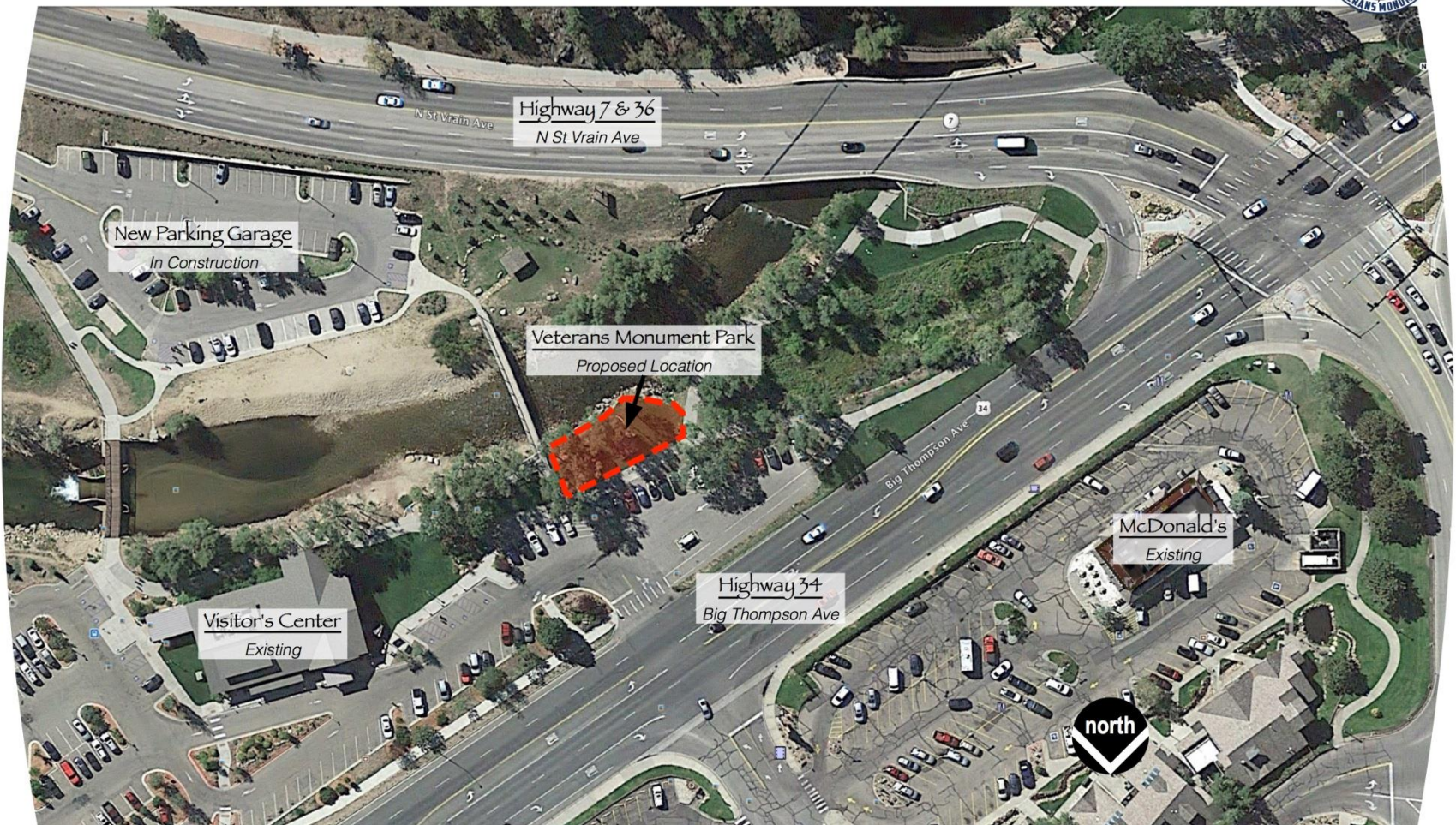
Veterans Monument Park

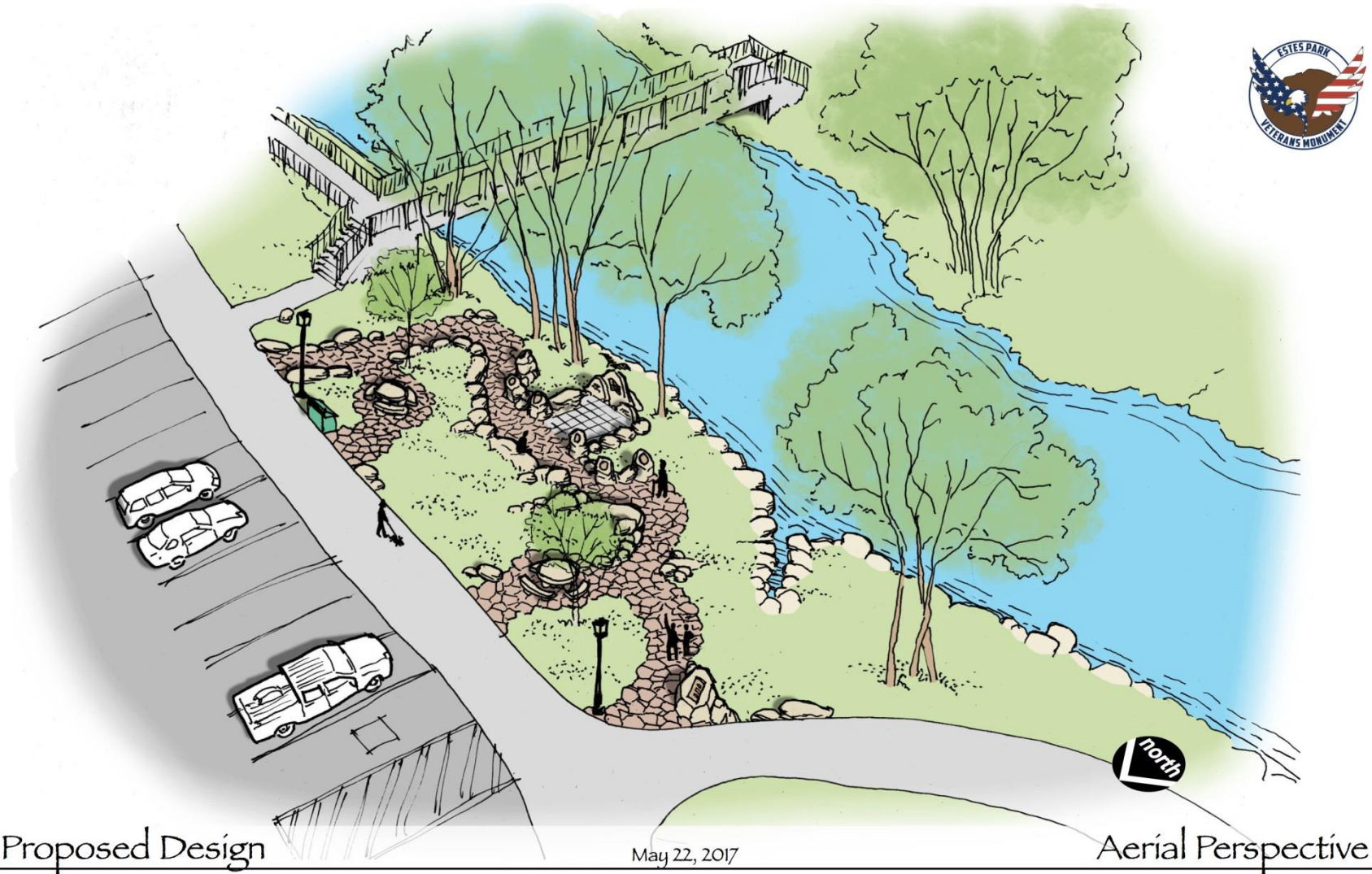


Daniel Glanz
Sculptor

TA Thorp Associates P.C.
ARCHITECTS and PLANNERS

May 22, 2017





Proposed Design

May 22, 2017

Aerial Perspective

- Vertical sandstone slab centerpiece with bronze flag on face and bronze eagle with large wing span atop
- Flanking vertical sandstone slabs with engraved lettering
- Centerpiece is offset from path with adjacent sandstone bench and surrounding landscaping
- Six large boulder stations with Military Branch bronze emblems arranged along a meandering path with the view from each emblem being orientated towards the centerpiece beyond
- Horizontal sandstone slab benches tiered at 16-inch and 20-inch heights

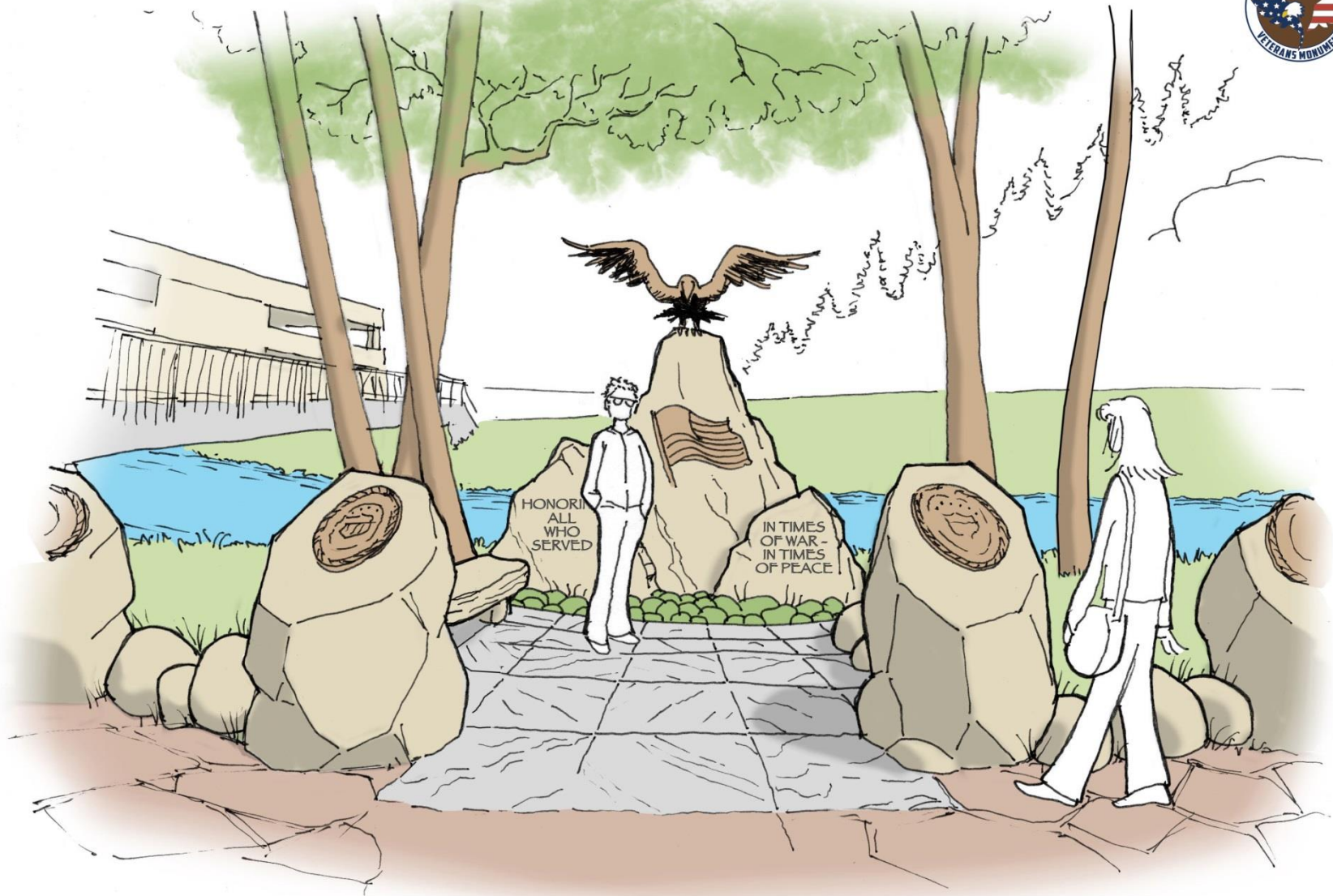
- Meandering path through park is recessed relative to bermed-up picnic grounds it surrounds
- Path is demarcated with larger river-rounded boulders and sandstone slab benches that double as a low retaining wall
- Numerous river-rounded boulders demarcating path and flowering landscaping
- Random flagstone pavers through park with cut square sandstone pavers at center
- Concrete or sandstone picnic tables
- Donors plaque and boulder near west entrance
- Waste receptacle near the north entrance
- Relatively low-intensity directional/up-lighting on flag and statue with photocell control



Proposed Design

May 22, 2017

Walking Perspectives #1



Proposed Design

May 22, 2017

Walking Perspective #2





Memo

To: Honorable Mayor Jirsa
Board of Trustees

Through: Town Administrator Lancaster

From: Chief Wes Kufeld, Captain Eric Rose

Date: *May 23, 2017*

RE: *Ordinance 14-17 Amendment to Estes Park Municipal Code Title 7-
Animals*

Objective:

Amend the current Municipal Code Title 7 – Animals

Present Situation:

During the enforcement period of 2016, sections of the Animal code pertaining to the Wildlife Protection Ordinance, were identified as needing additional clarity for enforcement purposes. Moreover, upon its original adoption in 2016, Town Board had requested a review take place after a full season, in order to fine tune the ordinance and make any needed changes. The Police Department Administrative staff, Municipal Court Judge, Attorney Greg White and community members contributed to the recommended amendments.

In conjunction with the effort of amending the Wildlife Protection Ordinance, a review of the Animal Code (Title 7) in its entirety was performed to delete outdated, unclear and no longer needed verbiage and sections.

Proposal:

To provide community members/visitors, as well as commercial establishments with clarification of sections of the Animal Ordinance in its entirety as presented and recommended.

Advantages:

A more precise definition of terminology utilized in all sections of the Ordinance. Equine sections amended to address current animal regulation practices, last revision was performed in 1962, 1972 and 1990. Clarification of this ordinance will provide an improved level of guidance to people and enhance protection of area Animals as a whole.

Disadvantages:

None

Action Recommended:

Consideration of Board approval of Ordinance No. 14-17 which amends Chapter 7 of the Municipal Code.

Budget:

None

Level of Public Interest

This Ordinance is of high interest in our community for animal owners and wildlife preservationists. It holds great importance to the local wildlife habitat, particularly for area bears. Ordinance enforcement discussions included local business owners, residents and members of the Bear Education Task Force. Outcomes of the discussions lead to the proposed revisions within the ordinance. Additionally, allows for consistent practices in enforcement of all animals within the town limits.

Sample Motion:

I move for the **approval/denial** of Ordinance No. 14-17.

Attachments:

Ordinance No. 14-17

ORDINANCE NO. 14-17

**AN ORDINANCE AMENDING TITLE 7 OF THE
TOWN OF ESTES PARK MUNICIPAL CODE THE SAME PERTAINING TO ANIMALS**

WHEREAS, Title 7 of the Town of Estes Park Municipal Code contains rules and regulations relating to animals; and

WHEREAS, certain sections of Title 7 were identified by Town Staff as needing improvement in order to simplify, clarify, and change certain sections of Title 7; and

WHEREAS, attached hereto as Exhibit A and incorporated herein by this reference, are the amendments to Title 7 of the Town of Estes Park Municipal Code; and

WHEREAS, the Board of Trustees has reviewed the proposed amendments to Title 7 of the Municipal Code and determined that the amendments are appropriate and beneficial to the Town of Estes Park.

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

Section 1: Title 7 of the Town of Estes Park Municipal Code is hereby amended as more fully set forth on Exhibit A attached hereto and incorporated herein by this reference.

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

PASSED AND ADOPTED by the Board of Trustees of the Town of Estes Park, Colorado this ____ day of _____, 2017.

TOWN OF ESTES PARK, COLORADO

By: _____
Mayor

ATTEST:

Town Clerk

I hereby certify that the above ordinance was introduced and read at a meeting of the Board of Trustees on the _____ day of _____, 2017, and published in a newspaper of general publication in the Town of Estes Park, Colorado on the _____ day of _____, 2017.

Town Clerk

EXHIBIT A

7.06.030 Poisoning animals prohibited.

It is unlawful for any person to poison any animal, or to distribute poison in any manner with the intent to, or for the purpose of poisoning any animal. For the purpose of this Section, the word animal shall not include: mice, rats, bats, or other rodents. The provisions of this Section shall not apply to person(s) in the business of fumigation, pest control or pest extermination.

7.08.010 Premises kept clean.

Any person who owns or controls any lot, barn, stable, shed, building or other place where animals are kept shall keep the building and premises in a clean and sanitary condition and shall remove or place in an appropriate location on the property, all manure from the premises at least every two weeks. Commercial stable operations shall be exempt from this Section.

7.08.020 Equines running at large.

It is unlawful for any person who is the owner, possessor or custodian of any equines (horses, mules, donkeys, or asses) to suffer or permit the same to run at large within the Town limits. Any such animals found running at large may be taken up, impounded and disposed of by the Police Department in the manner provided by State law. Equines used for commercial use, unintentionally released during the normal course of business shall not be considered running at large. The owner, possessor or custodian of such equines shall be required to actively initiate retrieval and containment.

7.08.040 Hogs, sheep, goats, and cattle prohibited.

It is unlawful for any person to keep or harbor within the Town limits any hogs, sheep, goats or cattle.

7.08.050 Cattle restricted. – Delete in its Entirety

7.08.060 Permit required for horses. – Delete in its Entirety

7.08.070 Equine property requirements

Private resident owners or resident occupants of real property may keep or harbor equines for their personal use provided that the minimum lot size is 2.5 acres or more, that the number of horses shall not exceed four (4), adequate fencing encloses the portion of the property occupied by equines, and the premises are kept in a sanitary condition. The premises shall at all reasonable hours be subject to inspection by representatives of the Town.

7.08.080 Exception regarding horses. – Delete in its Entirety

7.08.090 Revocation or denial of horse permit. – Delete in its Entirety

7.08.100 Premises requirements for horses. – Delete in its Entirety

7.12.020 License Fee.

Every person desiring to keep a dog within the Town shall make application to the Town for a license; and shall pay a fee of fifteen dollars (\$15.00) per year for each neutered or sterilized dog; and thirty dollars (\$30.00) per year for each dog which has not been neutered or sterilized.

7.12.110 Animal waste removal.

- (a) The owner, custodian or possessor of any animal, except for equines, shall be responsible for removal of any feces deposited by said animal on public sidewalks, rights-of-way, streets, parks or recreation areas. Said person shall immediately remove and sanitarly dispose of the feces. Also, the owner, custodian or possessor shall be responsible for the removal of any feces deposited by his or her animal on any private property not owned, controlled or possessed by said person. Said person shall immediately remove and sanitarly dispose of the feces. Persons in control of equines shall remove all feces from sidewalks, streets and public grassy areas except on dirt trails.
- (b) Any person who owns, possesses or controls any lot, building or other place where an animal or animals are kept shall keep the building and premises in a clean and sanitary condition and shall remove all feces from the premises at least once a week, except for equines.

7.12.130 Special sanctions.

The animal control officer may recommend that one (1) or more special sanctions be levied against any animal owner or custodian convicted of any violation of this Chapter. This recommendation may be presented to the Municipal Court as a proposed condition of sentencing upon conviction and may be in lieu of or in addition to the penalties or fines as imposed by the Municipal Court. The Municipal Court may take into consideration the severity of the incident, the prior history of the owner or custodian and the recommendation of the animal control officer or Town Attorney. Special sanctions include, but are not limited to the following:

- (1) Construction of a secure animal enclosure (built to the specifications of Animal Control) and in compliance with the zoning ordinance;
- (2) Spaying or neutering of the animals;
- (3) Obedience training/behavior modification;
- (4) Responsible pet ownership class;
- (5) Community service work;
- (6) Euthanasia of the animals;
- (7) Prohibition from owning animals for a specified period;
- (8) Use of humane training devices for behavior modification;
- (9) Inspections of premises where animals are kept;
- (10) Restitution for costs of care rendered or shelter given at the Town's designated animal shelter, costs of veterinary care and costs of medical treatment;
- (11) Treatment or counseling programs; and
- (12) Placement of a permanent microchip identification device under the skin of an animal.

Chapter 7.17 Enclosures – **Delete Chapter in its Entirety**

Chapter 7.20 Wildlife Protection

7.20.010 Definitions.

In this Chapter, the following words and phrases have the following meanings:

- (a) Wildlife means any undomesticated animal, including, but not limited to, birds, elk, deer, bighorn sheep, lynx, skunks, magpies, crows, bears, raccoons, coyotes, beavers, porcupines, mountain lions, bobcats and foxes.
- (b) Refuse means any waste that could reasonably attract wildlife including, but not limited to, kitchen organic waste, food, food packaging, toothpaste, deodorant, cosmetics, spices, seasonings, oil and grease. Refuse shall not include food packaging not containing any food, glass products, glass, paper, cardboard, metal, plastic, aluminum, textiles, electronics, non-edible yard maintenance waste, construction materials and household items when not commingled with food waste attractants.
- (c) Wildlife resistant container means a fully enclosed container constructed of pliable materials and reinforced to deter access by wildlife.
- (d) Wildlife resistant enclosure means an enclosed structure consisting of four (4) sides, a roof, and a secure door or cover, which shall have a latching device of sufficient design and strength to prevent access by wildlife.
- (e) Hard-sided container means a container constructed using materials such as polycarbonate, ABS plastic, carbon fiber, wood or aluminum with a lid preventing wildlife from accessing the interior of the container.
- (f) Enclosed structure means a residential building, commercial building, accessory dwelling unit, garage or shed. Enclosed structure shall not include a patio, deck, driveway, or other area located outside of the walls of a residential building, commercial building, shed, garage or accessory dwelling unit.
- (g) Grease bin means a fully enclosed container designed to store used food service grease and oil.

7.20.020 Standards for wildlife resistant containers, hard-sided containers, and grease bins.

- (a) Wildlife resistant containers shall meet the following standards:
 - (1) Containers shall be of a design that is impervious to wildlife, with drain holes no greater than one (1) inch in diameter.
 - (2) Container lids shall have a closure mechanism such as cables, bars, chains, and/or pull handles and/or a latching device of design and sufficient strength to prevent opening by wildlife. All lids shall also:
 - (i) Fully enclose (cover) the container opening.
 - (ii) Have edges that fit flush.
 - (iii) Shall not be turned up or bent.
 - (iv) Shall remain closed when on their side or upside down.
 - (v) Latching devices shall lock into place with a pin or other mechanism.

- (3) Wildlife resistant containers shall meet the standards of testing by the Living with Wildlife Foundation and a "passing" rating by the Interagency Grizzly Bear Committee (IGBC) as bear resistant for sixty (60) minutes.
- (b) Hard-sided containers shall meet the following standards:
 - (1) Container lids shall prevent access by wildlife.
- (c) Grease bins shall meet the following standards:
 - (1) All grease bins shall be designed and constructed with sufficient supports to prevent tipping of the grease bin by animals.
 - (2) Food service establishments shall deposit all oil and grease from their operations within grease bins, and the grease bins shall be located within wildlife resistant containers or wildlife resistant enclosures.

7.20.060 Commercial refuse disposal.

All refuse located outside an enclosed structure from commercial establishments and vacation rentals shall be deposited in wildlife resistant containers or wildlife resistant enclosures. This requirement shall not apply to hard-sided containers ninety-five (95) gallons or less which are emptied by 10 p.m. each day or are under contract for removal overnight.

7.20.080 Bird feeders.

Bird feeders are allowed. However, between April 1 and December 1 of each year, all bird feeders must be suspended on a cable or other device at a height above the ground or structure so they are inaccessible to bears.



Memo

To: Honorable Mayor Jirsa
Board of Trustees

Through: Town Administrator Lancaster

From: Gregory A. White, Town Attorney

Date: *May 23, 2017*

RE: *Ordinance No. 15-17 Amendment to Chapters 9.08 and 9.12 of the Estes Park Municipal Code*

Objective:

Amend Chapters 9.08 and 9.12 of the Estes Park Municipal Code the same relating to Public Peace, Order and Safety, and Vendors, Peddlers and Solicitors.

Present Situation:

In the last few years, the United States Supreme Court and District Court decisions have addressed the ability of governmental entities, including the Town, to restrict the ability of individuals to solicit donations. These decisions have limited the scope of the Town's ability to regulate solicitation and panhandling within the Town. In reviewing these Court decisions, Town Staff and the Town Attorney also reviewed Chapter 9.08 of the Estes Park Municipal Code relating to disturbing the peace, disorderly conduct, obstructing of public streets, sidewalks, places and buildings in order to update the Municipal Code regarding the regulation of conduct in these areas.

Proposal:

The adoption of the proposed changes to Chapters 9.08 and 9.12 of the Municipal Code will update the Town's regulations to current legal standards and provide for more effective regulation of the prohibited conduct by the Estes Park Police Department and Town Staff.

Advantages:

Updating these chapters of the Municipal Code to meet current legal standards and clarifies for both the Town and individual citizens what conduct is prohibited in the amended sections of the Municipal Code.

Disadvantages:

None.

Action Recommended:

Board approval of Ordinance No. 15-17 which amends Chapters 9.08 and 9.12 of the Municipal Code.

Budget:

None

Level of Public Interest

There is little public interest in these sections of the Municipal Code.

Sample Motion:

I move for the **approval/denial** of Ordinance No. 15-17.

Attachments:

Ordinance No. 15-17

ORDINANCE NO. 15-17

AN ORDINANCE AMENDING CHAPTERS 9.08 AND 9.12 THE TOWN OF ESTES PARK MUNICIPAL CODE THE SAME PERTAINING TO PUBLIC PEACE, ORDER AND SAFETY, AND VENDORS, PEDDLERS AND SOLICITORS

WHEREAS, Chapter 9.08 of the Town of Estes Park Municipal Code defines and regulates disturbing the peace, disorderly conduct, obstruction of public streets, sidewalks, places and buildings, and panhandling activities; and

WHEREAS, Chapter 9.12 of the Town of Estes Park Municipal Code regulates vendors, peddlers and solicitors; and

WHEREAS, sections of Chapters 9.08 and 9.12 of the Town of Estes Park Municipal Code need to be amended in order to reflect current legal standards and court decisions and simplify regulation of the conduct prohibited by the amended sections; and

WHEREAS, attached hereto as Exhibit A and incorporated herein by this reference, are the amendments to Chapters 9.08 and 9.12 of the Town of Estes Park Municipal Code; and

WHEREAS, the Board of Trustees has reviewed the proposed amendments to Chapters 9.08 and 9.12 of the Municipal Code and determined that the amendments are appropriate and beneficial to the Town of Estes Park.

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

Section 1: Chapters 9.08 and 9.12 of the Town of Estes Park Municipal Code are hereby amended as more fully set forth on Exhibit A attached hereto and incorporated herein by this reference.

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

PASSED AND ADOPTED by the Board of Trustees of the Town of Estes Park, Colorado this ____ day of _____, 2017.

TOWN OF ESTES PARK, COLORADO

By: _____
Mayor

ATTEST:

Town Clerk

I hereby certify that the above ordinance was introduced and read at a meeting of the Board of Trustees on the _____ day of _____, 2017, and published in a newspaper of general publication in the Town of Estes Park, Colorado on the _____ day of _____, 2017.

Town Clerk

EXHIBIT A

9.08.010 – Disturbing the peace.

It is unlawful for any person to voluntarily by violent, tumultuous, offensive or obstreperous conduct, or loud or unusual noises, which by causing consternation and alarm, disturb the peace of other person(s); or to repeatedly insult, taunt or challenge another person in a manner which is inherently likely to provoke a violent or disorderly response and such language or gesture is directed to any person or group of persons.

(Ord. 2-84 §2(part), 1984; Ord. 15-97, 1997)

9.08.020 – Disorderly conduct.

It is unlawful to commit disorderly conduct. A person commits disorderly conduct if he or she intentionally, knowingly or recklessly:

- (a) Openly urinates or defecates in or upon any street, alley or public place other than in or upon a toilet facility provided for such purpose;
- (b) Fights with another in a public place except in an amateur or professional contest of athletic skill;
- (c) Not being a peace officer, discharges a firearm in a public place except when engaged in lawful target practice or hunting;
- (d) Not being a peace officer, displays a deadly weapon in a public place in a manner calculated to alarm a member of the public; or
- (e) Makes a coarse and obviously offensive utterance, gesture or display in a public place when such utterance, gesture or display tends to incite an immediate breach of the peace.

9.08.030 – Obstructing public streets, sidewalks, places and buildings.

- (a) It shall be unlawful for any person, whether alone or with others, without legal privilege to do so, to obstruct vehicular, pedestrian, and/or bicycle movement on any street, alley, sidewalk, bike path, way, place or doorway or entrance into or out of any building which is open to the public.
- (b) Obstruction means the interference with or prevention of, convenient or reasonable passage or use of the public street, alley, sidewalk, way, place or building or entrance or doorway into or out of any building which is open to the public by any individual or group.
- (c) For purposes of this Section, the following acts will constitute a violation:

- (1) When a person, whether alone or with others, intentionally causes or creates an obstruction; or
- (2) When a person, whether alone or with others, causes, creates or contributes to causing or creating an obstruction where a reasonable person in the same circumstances would be aware that he or she was causing, creating or contributing to causing or creating an obstruction; or
- (3) Disobeys a reasonable request or order to move issued by a peace officer, a fireman or a person with authority to control the use of the premises, to prevent obstruction of a highway or passageway or to maintain public safety by dispersing those gathered in dangerous proximity to a fire, riot or other hazard.

9.08.090 - Prohibited panhandling activities.

- (a) For the purposes of this section, panhandling shall be defined as soliciting people in public for money, food or other goods.
- (b) It shall be unlawful for any person to panhandle if such panhandling involves the following prohibited conduct:
 - (1) If the person panhandling engages in conduct toward the person solicited that is aggressive, intimidating, threatening, or coercive and causes the person solicited to reasonably fear for his or her safety.
 - (2) If the person panhandling directs fighting words to the person solicited that are likely to create an imminent breach of the peace.
 - (3) If the person panhandling touches or grabs any person being solicited.
 - (4) If the person panhandles in such a manner to intentionally obstruct or block a street, sidewalk, doorway, entryway or other passage way in a public place used by vehicles or pedestrians or obstructs the passage of a person solicited or requires the person solicited to take evasive action to avoid physical contact with the person panhandling or with any other person.
 - (5) If the person panhandles on a public transportation vehicle.

Chapter 9.12 – Vendors, Peddlers and Solicitors

9.12.010 – Soliciting on private property.

- (a) It shall be unlawful for any person to enter or remain upon any private premises in the Town, not having been requested or invited by the occupant or owner thereof, for the purpose of soliciting the immediate or future purchase or sale of goods, services or any other thing of value, or for soliciting for funds or donations.

- (b) Nothing in this section shall be deemed to apply to any person engaged in the business of selling and delivering goods or services directly to residents of the Town, who regularly delivers on a schedule or usually employs a vehicle for such deliveries over a regularly defined route and ordinarily sells from orders previously placed by such residents.

9.12.020 – Soliciting business on streets – CD-District.

- (a) It shall be unlawful for any person in any manner to solicit or try to obtain any business of any kind while upon the public streets, alleys, sidewalks, parks, parking lots or other public places within the boundaries of the Town's CD-Downtown Commercial Zoning District.
- (b) *Soliciting* means trying to obtain tenants or patronage for cottages, hotels, dwellings, restaurants or other places of business of any kind or nature, and also attempting to sell any article, or service or obtain customers for any business of any kind.
- (c) Prohibition of soliciting for business in this Section shall not apply to the following:
 - (1) To the use of licensed vehicles with the name written or printed thereon of any business or to signs attached to buildings where the signs may project into the streets or sidewalks and said signs are authorized by other sections of this Code.
 - (2) To solicitations which are noncommercial in nature, including, but not limited to, solicitations for political causes, religious organizations or causes, charitable contributions, and panhandling.
- (d) The Community Development Director shall designate locations within the CD-District where newspaper stands may be allowed to be placed for the purpose of allowing newspapers to be distributed to the general public. *Newspapers* shall mean publications containing news, comments and articles of general interest so long as the publication is not solely devoted to commercial advertising or content.

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Memo

To: Honorable Mayor Jirsa
Board of Trustees

Through: Town Administrator Lancaster

From: Travis Machalek, Assistant Town Administrator

Date: *May 23, 2017*

RE: *Intent to Negotiate a Contract for the Sale of Parcel #25302-13-961*

Objective:

To request authorization to negotiate for the sale of a Town-owned property.

Present Situation:

The Town currently owns parcel #25302-13-961. This property is a 0.05 acre (~2,000 square feet) lot that was originally part of the 179 Stanley Circle Drive property (current Town-owned employee housing). At some point after 1938, the Federal Government acquired a rectangular piece of property that divided this lot and resulted in the small parcel #25302-13-961 (see attached map). The Town has no current use for this property and does not foresee any future use.

Kingswood Homes has expressed interest in purchasing this parcel to aid in the construction of a workforce housing project on an adjoining property.

The parcel has been valued at \$1,000 based on sales of similarly sized and located vacant land in the last 12 months.

Proposal:

Kingswood Homes has offered to purchase the parcel for \$1,000. If the Town Board votes to approve moving forward with negotiations, a real estate contract and ordinance will be brought to Town Board for final approval.

Staff requests authorization to enter into contract negotiations for the sale of this property to Kingswood Homes.

Advantages:

- Facilitates the development of a workforce housing project.
- Enables productive use of small parcel (parcel is ~2,000 square feet).

Disadvantages:

- Limiting the sale of this property to Kingswood Homes might be perceived as bias. However, due to the size and location of the parcel, staff believes that the parcel would be put to the highest and best use through sale to Kingswood.

Action Recommended:

Staff recommends granting authorization to engage in negotiations..

Budget:

N/A

Level of Public Interest

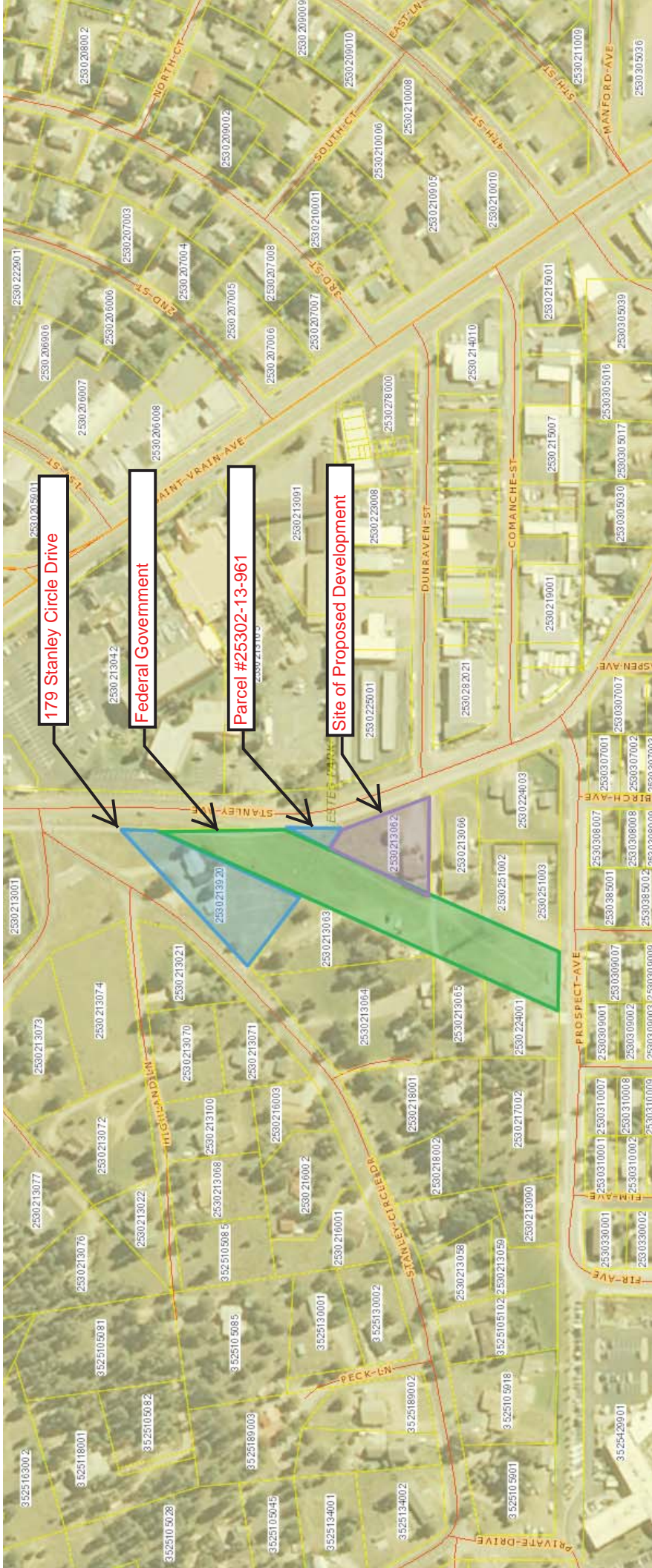
Low.

Sample Motion:

I move to **authorize/not authorize** staff to negotiate the sale of parcel #25302-13-961 to Kingswood Homes.

Attachments:

- Parcel Map



179 Stanley Circle Drive

Federal Government

Parcel #25302-13-961

Site of Proposed Development