

TOWN OF MINTURN MINUTES – February 18, 2004

WORK SESSION 5:45 (Town Center)

- ❑ **Chuck Lanci on the Old Town Hall**
- ❑ **ERC River Restoration update – 100 block**
- ❑ **RV Park approval process discussion (public process)**

REGULAR MEETING 7:00 (Town Center)

CALL TO ORDER/ROLL CALL

Mayor Pro Tem Darell Wegert called the meeting to order at 7:07 p.m.

Council members present: Bill Burnett, Jim Kleckner, Jerry Bumgarner, Fred Haslee, Ron Spohrer and Darrel Wegert. Mayor Earle Bidez was absent with an excused absence.

Also present: Nicole Magistro, Administrative Assistant; Russ Martin, Town Planner; Jay Brunvand, Town Treasurer; Allen Christensen, Town Attorney; and Lorenzo Martinez, Chief of Police.

APPROVAL OF AGENDA

Motion by Jim K., second by Ron S., to approve the agenda with the following additions; all voted in favor. Add RV Park Discussion to Informational Items. Add executive session for the purpose of contract negotiations and personnel matters.

LIQUOR LICENSE AUTHORITY

CITIZENS TO ADDRESS COUNCIL/CITIZEN RECOGNITION

Michael Boyd, owner of 455 Main Street and 502 ½ Main Street, addressed the emergency water line leak on Wednesday, February 18, 2004. He notified that the council that no one called him regarding this issue, especially considering he owns a car wash and that there is potential damage to his machinery. Alan L. and Russ M. shared the public process for notifying the citizens and business owners in such an emergency. They also indicated that the phone system rang through all day and the small staff tried their best to address all of the calls and make calls as well.

Mr. Boyd also addressed the council concerning his water pressure at 455 Main St. He indicated that he has discussed the issue with Public Works Director, Floyd Duran, when the Car Wash was installed. He still does not have the pressure he feels is necessary for the commercial car wash. Mr. Boyd indicated that Floyd D. has not been able to dig up the valve due to vehicles and ice on the road. In the meantime, he claims his water lines are freezing due to low flow. Darell W. explained the priorities for the staff in the situation. Darell W. also explained to Mr. Boyd that the council will review the correspondence sent between him by and the town manager and will fully address the issue by the next meeting, Wednesday, March 3, 2004.

Peter Vance asked whether the staff could make a blanket dispatch call or reverse 911 call to notify residents when something like this happens.

APPROVAL OF MINUTES

- February 4, 2004 – Regular Council Meeting

Motion by Jerry B., second by Fred H., to approve the minutes for February 4, 2004 with no changes; all voted in favor. *Note: Earle B. was absent.*

INFORMATIONAL/DISCUSSION ITEMS, COMMITTEE REPORT (7:15)

- Old Town Hall

Darell W. indicated that the building inspector, Chuck Lanci, has addressed the council concerning the Old Town Hall use for the Centennial and in the long term. However, there are several structural issues that need to be addressed before the building can be put to public use. He outlined the following steps:

1. Decide the exact uses of the building
2. Hire an engineer to evaluate the building
3. Evaluate the asbestos in the building
4. Evaluate ADA requirements
5. Decide what to do with the building

Jim K. asked whether the town can even afford the engineering evaluation. Alan L. indicated that the town would get the quote for such a project.

Tom Sullivan, of 440 Eagle Street, suggested that the cost of bringing the building up to code is too expensive to make useful.

Mr. Boyd suggested that the entire project might be too expensive to consider and that tearing the existing building down and building a new one might be more cost effective.

- RV Park Update

Darell W. explained the public process for RV Park approval.

Russ M. explained the conditional use process, which requires one public hearing at Planning and Zoning Commission and one hearing before the Town Council. Any hearings beyond that are at the council's discretion. If any contracts are involved, those also need to be adopted by ordinance and would require two separate readings.

Stan Cole, at 785 Main Street, asked whether the public process would have to precede contract signatures. Russ M. explained again the conditional use process and explained that the land is already zoned for this type of use. Mr. Cole then asked whether there would be a public meeting before any decisions will be made. Darell W. said yes, there will be public input.

Tom Sullivan indicated that the council was being subversive in its attempt to pass an RV Park without the public's vote.

Allen C. again explained the public process indicated that the conditional use process requires two public hearings. Contract negotiations also require approval by Ordinance, which requires two readings.

Michael Boyd reinterpreted Mr. Cole's question. He indicated that the public process as it stands might be too late for the citizens to have their voices heard. Darell W. indicated that the town will hear the opinions of the public.

Bill B. noted that the council has decided that they were elected to make such decisions at a previous meeting.

Fred H. asked the public if the town could come up with a proposal with enough amenities to make the project worth it.

Laura Wolf, 688 Main Street, stated that she has invested in the town and she wants what is best for the town. She asked the council to state one positive point regarding the RV park.

Fred H. indicated that the council had no details to share.

Mr. Cole indicated that he was not opposed to the RV Park provided it had certain precautions, including prevention of noise and visual pollution. He urged the council to provide information to the public that is detailed.

Jerry B. addressed Mr. Cole, noting the large file that has been generated with regard to the project. He believes that once the council has the details from a developer, he promises that if the deal is not positive, he will fight it. If it is good, then he will support it. He also indicated that the plan will never please all the citizens, but that each needs to look at the big picture and the benefits of such a project.

Mr. Boyd acknowledged the responsibility of the council to represent the people, and that they need to do that faithfully. He noted that the people are distrustful because the council is tentative about having an election regarding the issue.

Jill Koelhoeffer, 1010 Main Street, asked the council to address the fact that the Vail Daily wrote an article announcing the groundbreaking of the RV park six months ago. The council indicated that there was misinformation in that article.

Alan L. told the public that he is available to discuss the evolution of the RV Park with any citizen who is interested.

Mr. Cole asked whether the town had any details concerning noise and visual impact. Alan L. indicated that there have been initial impact studies conducted and that he has those results should people want to look at them.

Mr. Sullivan asked whether there is a timeline for this process. Darell W. indicated that at this time there is not.

Mr. Sullivan asked whether the town will get its deposit back from KOA should we leave the standing agreement with them. Fred H. explained that the town would get \$10,000 of the \$15,000 investment returned.

Mr. Vance urged the council to actively invite public input in this process.

RIVER RESTORATION UPDATE/PUBLIC INPUT

Ron S. reiterated the public comment stated in the work session, which indicated that they would prefer an open space rather than a walkway and railing. He also asked the how deep the water gets during spring run-off and how that might affect safety.

Troy Thompson of Environmental Resource Consultants indicated that on average, the depth of the river was not changed. However, in certain pools, the river is deeper due to flow and habitat needs. The project, however, did not change any elevations of the banks of the river.

Fred H. noted that the whole point of the river restoration was to restore fish habitat, not to make it easier for people to walk across the river or otherwise access this habitat. He suggested that members of the public are continuing to look for excuses for not approving of the restoration project.

Jim K. indicated that the railing seems very necessary for safety reasons.

ACTION ITEMS

- Ordinance No. 2 – Series 2004: An Ordinance Contracting With Alpine Building Consultants, Inc. For Town Wide Builder Inspections Service and Authorizing The Mayor To Sign The Contract.

Jay B. summarized the changes from the existing contract to the revised contract; the most significant changes benefit the town, including a name change of the business and the division of the benefit to the town to 80:20 instead of 90:10. Darell W. asked for clarification on the length of the contract; Jay B. explained the town hopes to extend its relationship with the building inspector as he has increased his commitment to the town.

Darell W. opened the hearing for public comment.

As there was no public in attendance, Darell W. closed the hearing.

Motion by Ron S., second by Fred H., to approve Ordinance No. 2 – Series 2004: An Ordinance Contracting With Alpine Building Consultants, Inc. For Town Wide Builder Inspections Service and Authorizing The Mayor To Sign The Contract on first reading; all voted in favor. *Note: Earle B. was absent*

- Ordinance No. 3 – Series 2004: An Ordinance Authorizing The Mayor Of The Town Of Minturn To enter Into A Lease For Real Property Owned By The Town Of Minturn.

Jay B explained the background for renewing the contract with A-Peak Asphalt. He summarized the benefit to the town to continue with this contract. The major change to this contract from the existing contract is that it has increased from a two-year contract to a five year contract with a five year renewal. Alan L. indicated that the final boundaries for a permanent location can be attached once they are determined.

Darell W. opened the hearing for public comment.

As there was no public in attendance, Darell W. closed the hearing.

Motion by Fred H., second by Ron S., to approve Ordinance No. 3 – Series 2004: An Ordinance Authorizing The Mayor Of The Town Of Minturn To enter Into A Lease For Real Property Owned By The Town Of Minturn on first reading; all voted in favor. *Note: Earle B. was absent*

Fred H. commended Clare Bidez, a 16-year-old Minturn resident, who took ninth in the Snowboarding World Championships this month.

MANAGER & STAFF QUESTIONS

- Treasurer

Jay B. explained his meeting with Xcel Energy and their upcoming renewal of the franchise agreement. It is a lengthy ordinance reading that will take several readings and several months. He also reminded the public of the election on Tuesday, April 6, 2004. Campaign packets are available at the town offices and are due back by March 5, 2004.

- Town Planner

Russ M. thanked the council for their confidence and bid farewell to the citizens of Minturn. He will be heading to Hayden, Colorado for a new position as Town Manager. His last day will be Wednesday, February 25.

- Event Coordinator/Admin. Asst.

Nicole M. updated the council concerning the Minturn Market and the Centennial Projects.

EXECUTIVE SESSION

Motion by Fred H., second by Jerry B., to go into executive session pursuant to CRS Section 24-6-402(4)(e) for the purpose of discussing contract negotiations and Section 24-6-402(4)(f) for the purpose of discussing personnel matters. Those to be included in the Executive Session are the Council present, Town Manager Alan Lanning, and Town Attorney Allen Christensen; all voted in favor.

No decision was made.

FUTURE AGENDA ITEMS

- River Setbacks
- Chapter 16
- Asphalt pan in south Minturn

- Debris removal in the river
- Comprehensive parking

ADJOURNMENT OF REGULAR COUNCIL MEETING

As there was no further discussion, the meeting was adjourned at 9:30 p.m.

Darell Wegert, Mayor Pro Tem

ATTEST:

Jay Brunvand, Town Clerk