

TOWN OF MINTURN MINUTES – March 17, 2004

WORK SESSION 5:45 (Town Center)

- **TRANSITION ISSUES UPDATE**
- **OTHER BUSINESS**

REGULAR MEETING 7:00 (Town Center)

CALL TO ORDER/ROLL CALL

Mayor Earle Bidez called the meeting to order at 7:00 p.m.

Council members present: Mayor Earle Bidez, Bill Burnett, Jim Kleckner, Jerry Bumgarner, Fred Haslee, Ron Spohrer and Darrel Wegert.

Also present: Nicole Magistro, Administrative Assistant; Jay Brunvand, Town Treasurer; Allen Christensen, Town Attorney; Alan Lanning, Town Manger; and Lorenzo Martinez, Chief of Police.

APPROVAL OF AGENDA

Motion by Bill B., second by Jim K., to approve the agenda with the following additions; all voted in favor. Add Ordinance No. 5 Series 2004 to action items; add legal opinion response to informational items; change executive session to a discussion of legal issues and personnel with the town attorney.

LIQUOR LICENSE AUTHORITY

CITIZENS TO ADDRESS COUNCIL/CITIZEN RECOGNITION

Michael Boyd, of 455 Main Street, explained the misinformation of townspeople concerning the RV Park and proposed amenities that would be provided with such a development. Earle B. explained that at the last meeting the council said that amenities such as a pool or rec center were desired amenities with an expanded (larger acreage) RV Park. Mr. Boyd said he appreciated the clarification of the issues on the negotiating table. Darell W. also explained that the rumor mill is working quickly right now and that there are many rumors spreading. Earle B. summarized the needs of the town to require more amenities from a larger RV development, including a park, pool and recreation center that would benefit the community.

APPROVAL OF MINUTES

- March 3, 2004 – Regular Council Meeting

Motion by Jim K., second by Ron S., to approve the minutes for March 3, 2004 with no changes; all voted in favor.

INFORMATIONAL/DISCUSSION ITEMS, COMMITTEE REPORT

- Candidate Forum Information

Jay B. explained the candidate forum, scheduled for Tuesday, March 30, 2004 from 7-9 p.m. Channel 5 will tape and broadcast the forum. Earle B. indicated that the staff needs to make sure that the press covers this forum so that we have plenty of public participation. Tom Sullivan asked about how the questions will be determined. Jay B. explained that some questions will be predetermined while others will be submitted to the moderator and asked through him. He also explained that candidates should be 30 minutes early to the forum.

- Town Planner Recruitment

Earle B. summarized the recruitment, noting three candidates were interviewed this week and a response to an offer is pending. Jerry B. asked about the council's input in hiring a new planner once the new town manager comes on board. Darell W. explained that the continuity for the office is very important and to have the new planner in place will assure that he or she will know the current issues. Jerry B. again asked why the planner shouldn't be hired by the new manager. Earle B. indicated that what we are doing is hiring the most professional person we can hire that will interpret the code and help citizens through the process.

This is not a political appointment. The other reason to hire a planner right away is that we don't have a town manager right now and might not until June 1. The sheer work inside the office is a huge stress on the remaining staff and waiting until after the new town manager is hired could cripple the everyday operations of the town.

Tom Sullivan asked whether the salary offered to the new town planner is an increase. Alan L. explained that the advertised range was between \$40,000 and \$50,000 and that this offer is within that range, however, it is at a higher rate than what the previous planner was earning.

Darrel W. explained that this offer is within our existing budget parameters. Earle B. indicated that this recruitment process set out to find a professional and that the costs associated with that were taken into consideration. He also pointed out that the more qualified a person is for the job, the more revenues that will bring into the town and would be, in essence, paying for their own salary.

- Legal Opinion Response

Earle B. explained the background of the issue. He summarized that the town attorney will litigate the issue in court if needed. However, he gave an interpretation of the letter. Earle B. explained that the property was used only briefly as a park and has been used for industrial and commercial purposes for many years. The town council has gone over this section of the code with the town attorney several times and they believe that this use is permitted as long as it is approved by Vail Resorts. It is not "disposing of" the park as the legal challenge states.

Woody Woodruff indicated that the town charter requires a vote for "disposing of" a park and that he believes a long-term lease would be "disposing of" this land.

Darrel W. explained his background on the town board in 1979 when the park was designated. He explained that the property was to be used for snowmobiles and camping. However, there wasn't enough snow to retain a park. The property was never designated as a children's playground.

Mr. Woodruff again reiterated that the property was designated as a park in the original plat and therefore requires a vote should it be disposed of. Determining the meaning of "disposed of" will be up to the attorneys. He indicated the main issue is following the procedure laid out by the town charter.

Earle B. indicated that the town board does not believe the park is being "disposed of" and is interpreting the charter in the same way that town boards have for the past 30 years. Current uses other than recreational ones tie up that land already.

Mr. Woodruff again summarized the town's view that the land as a park is not being "disposed of." Earle B. concurred.

Earle B. clarified the 4-year long process of open meetings for public discussion. He has talked with many citizens who are for this project because of the possibilities it presents.

Mr. Boyd asked whether the land is designated for public use right now, since "No Trespassing" signs are currently posted at the trailhead that goes up to the radio tower. Alan L. explained that in 1991, two acres were sold to the cemetery district and that is now private property. Earle B. said he was not aware of restrictions to access the hiking trail near the public works facility. Alan L. indicated that a fair amount of vandalism was occurring on the property and so "no trespassing" signs were posted.

Bill B. asked the town attorney for his opinion in this matter. Allen C. said that the town charter does not require a vote on this issue.

Mr. Sullivan addressed the discussion at previous meetings in which information was shielded from the public by the council. Mr. Woodruff explained that he had already received information from the mayor before these meetings and that at the meetings no information was divulged. Earle B. apologized to Mr. Woodruff and the board for divulging that information before it should have been.

Mr. Sullivan also asked about impact to the town, noting more than 100 RV sites and 20 cabins that could add up to more than 500 additional people in town. Earle B. indicated that the impact would be the kind of impact that the town wants, including increased retail and restaurant business.

Jim K. asked Mr. Sullivan to define “ a lot” of people, because it is so ambiguous. Mr. Sullivan indicated that 300-500 additional people is “a lot.”

Earle B. indicated that bringing additional people into town would help eliminate raising taxes. Mr. Sullivan said we would cut parts of the budget as well. Earle B. explained that that option is really not possible.

Tony Aeillo expressed his concern over keeping this community small and close-knit. He believes that Minturn should grow more slowly, and the people should vote on “disposing of” the park in question.

Ty Gillespie of 811 Main Street explained that the Visioning Committee has worked hard to create exactly the type of traffic in Minturn that the RV Park would bring. The Minturn Market has created a spike in sales tax in the summer months and the RV Park would do a similar thing. He explained that the Visioning Committee has a variety of ideas that only lack funding. Revenues from the RV Park could supply the funds needed to do projects like Main Street Revitalization. He also contested hiring a town planner at a lower salary, noting it is not the answer for helping Minturn in the long term.

Jim K. concurred, noting that the RV Park and additional people in town is exactly the point.

Earle B. also explained that changing and increasing traffic in town is a difficult task, but it is the salvation of this town and the only way to create an increase in the town’s coffers for paying off long term debts and infrastructure.

Cindy Marquez concurred with Mr. Gillespie’s comments.

Karl Krueger also agreed.

RIVER RESTORATION UPDATE/PUBLIC INPUT

ACTION ITEMS

- 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 with A-Peak Asphalt. (Second Reading)

Allen C. explained he added a sentence to the agreement.

Bruce Yanke, owner of A-Peak Asphalt, addressed the council and thanked them for being good neighbors. He hopes he can be as good of a neighbor with a low impact business. Earle B. noted the council’s appreciation of his business.

Motion by Ron S., second by Fred H., 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 Second Reading; all voted in favor.

- Resolution No. 4 – Series 2004: A Resolution Appointing Election Judges For The April 6, 2004 Municipal Election

Earle B. read the resolution.

Jay B. explained that these election judges have been assets to the town in the past and that he recommends them again with accolades.

Motion by Fred H., second by Jim K., to approve Resolution No. 4 – Series 2004: A Resolution Appointing Election Judges For The April 6, 2004 Municipal Election with the notation that a typographical error should be changed; all voted in favor.

The council recessed at 7:52 p.m. and reconvened at 7:54 p.m.

- Conditional Use – Lot 2, Nelson Ave Minor Subdivision – applicant would like to build a single family residence on a commercial lot

Karl Krueger, architect for the Marquez family, explained the project at Nelson Avenue on Lot 2, which is 7720 square-feet. Based on the commercial zoning requirements, the property meets all setback standards. He summarized his presentation to the Planning and Zoning Commission last week. The main concern with this property is whether the Marquez family wants to manage commercial property and tenants. In addition, the current road is not in the condition to handle commercial traffic. Therefore, a single family home is proposed on this commercially zoned lot.

Mr. Krueger explained the design of the building, although the applicant is not currently seeking design review. However, he showed how the current design allows for transformation to a commercial use for future owners.

Earle B. asked about the applicant's expectations concerning the impacts on a single family residence by the Minturn Market. Ms. Marquez said they are expecting those impacts and indicated that there is an alternate exit to Toledo Avenue during the Minturn Market.

Jim K. asked about the exterior of the building. Mr. Krueger indicated that the exterior would be a mix of stucco and wood.

Earle B. opened the issue to the public for further comment.

Rob Davis, a planning and zoning commissioner, explained that his board believed this use was a good solution for such an awkwardly shaped lot and that it would fit with the overall downtown area.

Ron S. asked about the Sullivan property adjacent to this project. Mr. Davis indicated that will also be a residential use in the commercial zone.

The public hearing was closed.

Motion by Fred H., second by Jim K., to approve the Conditional Use for Lot 2, Nelson Ave Minor Subdivision to build a single-family residence on a commercial lot; all voted in favor.

- Ordinance No. 5 Series 2004 – An Ordinance authorizing the mayor of the town of Minturn to sign an agreement with Ecological Resource Consultants, Inc. for landscape architect plans for preparation of the Phase Two NRD Grant application for the Town of Minturn (First Reading)

Earle B. explained this work will be done on the river between Dowd Junction and the Bellm Bridge should the grant money be awarded.

Motion by Fred H., second by Jerry B., to approve Ordinance No. 5 Series 2004 – An Ordinance authorizing the mayor of the town of Minturn to sign an agreement with Ecological Resource Consultants, Inc. for landscape architect plans for preparation of the Phase Two NRD Grant application for the Town of Minturn on First Reading; all voted in favor.

MANAGER & STAFF QUESTIONS

- Town Manager

Alan L. explained that during his time in Minturn he and his family have been harassed on many occasions. However, his six years as the manager has been positive despite that. He thanked the council for their support.

- Event Coordinator/Admin. Asst.

Nicole M. summarized business license renewals, the Minturn Market and the Centennial Celebration. A grant proposal to publish Bill Burnett's memoirs of Minturn will be sent in for the April 1 deadline. Bill B. indicated that the proceeds from the book will go back to the town for historic preservation projects.

- Police

Lorenzo M. explained that in the last several months there have been many acts of "criminal cowardice" in the town. He feels that these acts reflect very poorly on the citizens of the town and looks to them for a stop to this type of criminal act. Earle B. indicated that the town should go forward with a neighborhood watch program to get citizens involved in protecting the town.

Fred H. indicated that under future agenda items, the asphalt pan in south Minturn is a CDOT issue and that he will take care of the debris removal in the river at Aggie Martinez's property.

FUTURE AGENDA ITEMS

- River Setbacks
- Chapter 16
- Comprehensive parking
- Neighborhood Watch Program
- Old Town Hall
- Highway 24 Corridor Study
- The Depot
- Stop light at Harrison and Main
- Red Cliff Bridge Closing Signs

Jim K., addressed the council and staff concerning his decision to not run for re-election due to family commitments and travel plans. He thanked the staff for their ongoing dedication to the town. Finally, he explained that the council should keep an attitude of teamwork in its new election cycle and portray a team-oriented outlook to the public. He wished the Alan L. good luck in the future and hopes to continue volunteer work with the town.

EXECUTIVE SESSION

- Legal issues
- Personnel issues

Motion by Fred H., second by Jerry B., to go into executive session pursuant to CRS Section 24-6-402(4)(b) for the purpose of discussing legal matters with our attorney and CRS Section 24-6-402(4)(f) for the purpose of discussing personnel issues. 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.

ADJOURNMENT OF REGULAR COUNCIL MEETING

As there was no further discussion, the meeting was adjourned.

Mayor,

ATTEST:

Jay Brunvand, Town Clerk