

TOWN OF MINTURN MINUTES – April 7, 2004

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, Darrell Wegert and Ron Spohrer.

Also present were mayor-elect Gordon Flaherty, and council-elect George Brodin and Tom Sullivan.

Staff present were Nicole Magistro, Administrative Assistant; Allen Christensen, Town Attorney; Ann Capela, Town Manager; Wiley Smith, Town Planner; Floyd Duran, Public Works Director and Lorenzo Martinez, Chief of Police.

SWEARING IN OF MAYOR AND COUNCIL MEMBERS

Municipal Judge Terry Quinn gave the oath of office to Mayor Gordon F., and Council members George B., Jerry B and Tom S.

CHOICE OF MAYOR PRO-TEM

Gordon F. recommended the choice of Darrell Wegert. Darrel W. agreed.

Motion by Gordon F., second by Bill B., to appoint Darrel W. to the mayor pro-tem for the period of two years; six voted in favor, Darrel W. abstained.

APPROVAL OF AGENDA

Motion by Bill B., second by George B., to approve the agenda with the following additions; all voted in favor. Add Open Space to information and discussion items.

CITIZENS TO ADDRESS COUNCIL/CITIZEN RECOGNITION

- Liz Campbell – 1.) Cross walk at 500 block of Main Street and 2.) Vegetation allowed in 30-foot setback along river

Liz Campbell expressed concern over the current crosswalk between the bank and the car wash. She believes this is unsafe for teaching children to cross at the crosswalk because there is traffic entering and exiting both parking areas.

Floyd Duran, public works director, explained the history of the cross walks on Highway 24. In 1999, CDOT placed four cross walks on the highway at the request of the town, although the initial request was for many more crossings. The crosswalk in question was placed improperly, due to the requirement that crosswalks need to go from sidewalk to sidewalk at an intersection. He suggested that the current crosswalk should be moved to cross at the Spirit Center. He would have the discussion with CDOT to see if more crosswalks can be placed. He pointed out a map of the town that he believes would be good crossings. The cross walk painted at the Shop-N-Hop was not approved by CDOT.

Darrel W. said he would like to see a crosswalk repainted at the Shop-N-Hop.

Jerry B. said he would like to see more signage for people to stop at the crosswalks. Lorenzo M. confirmed that stopping at the cross walk is State Law.

Ms. Campbell also asked the council to more clearly define what vegetation, structures and alterations can and cannot be placed in the 30-foot setback along the Eagle River. She also expressed concern that pollution is entering into the river in the 1100 block and 1800 block because no enforcement is in place to prevent it. She asked what the enforcement is in place.

Darrel W. explained that the code is modeled after the county's flood plain code, which asks for a 50-foot setback. That measurement is the only differentiation in Minturn's code from the county's code. He also explained that the council required the developers to place fencing at the setback. Ms. Campbell said that the buildings are built right at the setback, so inevitably, construction debris will enter the river.

Gordon F. asked the town planner to review the code and get the council up to speed. Then the council will make additions or changes to that section of the code if necessary.

Alan Holub, 650 Main Street, addressed the council and citizens concerning the recent election, which he believes was conducted in the name of the democratic process. He stated that although he opposed some of the candidates, he believes they will do a good job if they keep in mind tenants of understanding and fairness. He plans to act as a "watchdog" for this new government. He also commended the voters for a high turnout and those who were a part of the political process.

Mr. Holub also addressed his concerns about the way he was treated and the actions that were taken by political opponents, including vandalism and harassment. He encouraged those who have allowed these actions to transpire to use their energy toward changing the future of Minturn.

Finally, he urged the voters to watch the council and their actions closely.

APPROVAL OF MINUTES (7:30)

- March 12, 2004 – Interviews

Motion by Darrel W., second by Jerry B., to approve the minutes for March 12, 2004 with no changes; all voted in favor.

- March 13, 2004 – Interviews

Motion by Bill B., second by Darrel W., to approve the minutes for March 13, 2004 with no changes; all voted in favor.

- March 17, 2004 – Regular Council Meeting

Motion by Jerry B., second by Bill B., to approve the minutes for March 17, 2004 with no changes; all voted in favor.

- March 31, 2004 – Special Council Meeting

Motion by Darrel W., second by Gordon F., to approve the minutes for March 31, 2004 with no changes; all voted in favor.

INFORMATIONAL/DISCUSSION ITEMS, COMMITTEE REPORT

- Introduction of the new Town Planner

Ann C. introduced the town planner. Wiley S. thanked the council, and he expressed his excitement over the job. He explained his background, which includes 20 years of planning experience.

- Council orientation packet review, comment and discussion (under separate cover)

Ann C. presented the packets to the council; she stated that two forms, the conflict of interest and W-4 forms, should be carefully completed and returned to the manager. She suggested setting a date for the members to have an open orientation.

Gordon F. suggested an open house for the public to meet the new council and staff members. He proposed they meet next April 14. Due to a conflict with the P&Z meeting, the meeting should be scheduled on Thursday, April 15 from 4:30 p.m. to 6:30 p.m. and a short council meeting to discuss the orientation packet afterwards.

- Collect Code book, etc. from outgoing council members
- Red Cliff Bridge Closing Signs

Nicole M. explained that the signage is posted and urged the council to consider the signs. Input can be given through a CDOT liason. Allen C. concurred. There were no concerns from the council.

- Open Space Committee Update

Darrel W. is Minturn's representative to the Open Space Advisory Committee, which is an organization that prepares information for the county commissioners concerning open space. He explained that the committee has met many times to discuss ideas, processes and procedures. He ensured the council that the process is a strict one. Its first presentation will be by Bair Ranch and will be held at the Eagle County Building on April 12 at 5:30 p.m.

Fred H. asked whether the staff has ever presented a "State of the Town" address. He thought it would be in the best interest of the town to present the information to the citizens. Ann C. said she is interested in setting up a work session for a similar address. Fred H. said if we could do the address during the regular meeting, it would be more useful for the citizens.

ACTION ITEMS

- Ordinance 5 – Series 2004 (Second Hearing): An Ordinance Authorizing the Mayor of Minturn to Sign an agreement with Ecological Resource Consultants for Landscape Architect Plans for Preparation of the Phase 2 NRD Grant Application for the Town of Minturn

Allen C. explained that the treasurer has done a fiscal impact report for this Ordinance.

Darrel W. stated that the contract handles the end of the river restoration project.

Gordon F. suggested the council table the ordinance so the council has time to consider the impact.

Motion by Gordon F., second by George B., to table Ordinance 5 – Series 2004 An Ordinance Authorizing the Mayor of Minturn to Sign an agreement with Ecological Resource Consultants for Landscape Architect Plans for Preparation of the Phase 2 NRD Grant Application for the Town of Minturn on second reading; all voted in favor.

- Resolution 6 – Series 2004: Appointment of check signers

Ann C. explained that traditionally, the manager, treasurer, mayor and pro-tem are the usual signers.

Bill B. read the resolution.

Motion by Bill B., second by George B., to approve Resolution 6 – Series 2004: Appointment of check signers; all voted in favor.

- Committee Assignments by motion

Darrel W. explained that the committee assignments might be tabled until the next regular meeting. He explained that traditionally appointments for the organizations are as follows: CCMA is the manager, CAST is the mayor, CML-Policy Committee is the manager, ECO board is a council member with alternate, NWCOG – QQ is the manager.

Jim Kleckner, the former ECO representative, suggested that George Brodin attend the ECO retreat with him to see if he wants to commit to the organization as Minturn's representative.

The board discussed involvement with the watershed council.

Motion by Fred H., second by Darrel W., to table all appointments until April 21, 2004; all voted in favor.

- Colorado City/County Managers Assoc (CCMA)
- Colorado Association of Ski Towns (CAST)
- Colorado Municipal League – Policy Committee
- Eagle Country Regional Transit Authority
- Northwest Council of Colorado Governments – Water QQ Board

MANAGER & STAFF QUESTIONS

- Admin./Events

Nicole M. updated the council on business license renewals and asked for their direction on those that have not been renewed on time. Allen C. explained that in the past we have done a phone call, letter, and given businesses 30 days to respond before any action is taken. The council concurred.

Nicole M. also gave a report on the Minturn Market applicants and sponsorship. Finally, she summarized the grant request to the State Historical Fund for the publication of the memoirs of Bill Burnett.

Jerry B., who is also a vendor at the market, commended Nicole for her work with the market. He also offered \$100 for a signed copy of the finished book.

Bill B. thanked Jerry for his support and explained that all the money raised from the book will go back to the town for historic preservation projects.

- Police

Lorenzo M. explained Project Child Safe, which is funded by the Department of Justice to promote firearm safety. The town has 800 gun locks that are free to the public, which the department plans to distribute at the Minturn Market and a variety of other venues. The locks, which are usable for a variety of firearms, are also available at the Town Offices.

- Manager

Ann C. updated the council on a variety of projects, including the fire station retaining wall, which will be addressed on April 21. She also noted that the planner has been hired, the river restoration is in its final phase, the public restrooms are in the works, school district property will be surveyed by Alpine Engineering, necessary appointments will take place and unnecessary ones will be taken care of. She also informed the council that Congressman Mark Udall will be at the Minturn Town Center on April 8 from 2-3 p.m. He will address economic development and education issues. If council is unable to attend, they are encouraged to bring issues for Mr. Udall to Ann C. Finally, she will start to put together the “state of the town” meeting.

- Public Works

Floyd D. reminded the public that a free Roto-Mill pile is available to the citizens to keep the dust down in the town. He also said that the public works facility also has gun locks available.

Bill B. asked when the Depot will be cleaned out. Floyd D. said the staff would like to work on it this summer. Gordon F. suggested bringing suggested dates for the Depot Clean-Up to the next council meeting.

Darrel W. thanked the public works director for refilling the jumping pits for Battle Mountain High School Track Team.

George B. suggested a town email list and coffee with the council for an informal community gathering, specifically for the seniors.

- Town Attorney

Allen C. informed the council that when water outages occur, reverse 911 calls will be made. He also updated the council regarding the interest of a private party in the Gilman property; they have made inquiries to the town’s water attorney regarding water rights

and land use. He said a conference call between the parties will take place to discuss “opportunities” only. No date has been set. No action will be taken.

Pete B. suggested banning dogs at the Minturn Market. Allen C. said the town has already tightened the requirement for leashes. Gordon F. suggested that Nicole M. look at the issue again with the Visioning Committee.

Ann C. also urged the council to make themselves available for one-on-one meetings with her as soon as possible.

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

ADJOURNMENT OF REGULAR COUNCIL MEETING

As there was no further discussion, there was a motion by Fred H., second by Darrel W., to adjourn the meeting.

Mayor, Gordon Hawkeye Flaherty

ATTEST:

Jay Brunvand, Town Clerk