



REGULAR MEETING OF THE • MINTURN TOWN COUNCIL
Thursday, April 15, 2004

Minturn Town Center
302 Pine Street • Minturn, CO 81645 • (970) 827-5645

OPEN HOUSE 4:30-6:30 P.M.
OPEN SESSION 6:30 P.M.

MAYOR - Gordon "Hawkeye" Flaherty, **TOWN MANAGER** - Ann K. Capela
MAYOR PRO TEM - Darell Wegert **TOWN CLERK/TREAS** - Jay Brunvand

COUNCIL MEMBERS:

George Brodin
Jerry Bumgarner
Bill Burnett
Fred Haslee
Tom Sullivan

When addressing the Council, state your name and your address for the record prior to providing your comments. Please address the Council as a whole through the Mayor.
All supporting documentation is available for public review in the Town Offices, located at 302 Pine Street, Minturn, CO 81645 during regular business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday, excluding holidays.

WORK SESSION

1. River Restoration with Ecological Resource Consultants founder Troy Thompson
 - a. Status Report
 - b. Ordinance 5 Contract
 - c. Signage
 - d. Remaining NRDS funding

AGENDA

1. Call to Order
 - a. Roll Call

Present were Mayor Hawkeye Flaherty, Darell Wegert, Bill Burnett, Tom Sullivan, Fred Haslee, Jerry Bumgarner and George Brodin.

Staff present were Nicole Magistro, Administrative Assistant; Jay Brunvand, Town Treasurer/Clerk; Allen Christensen, Town Attorney; Ann Capela, Town Manager; Wiley Smith, Town Planner and Lorenzo Martinez, Chief of Police.

b. Pledge of Allegiance

2. Discussion of the Agenda

a. Items to be pulled from Action Calendar

Item “b” under the Executive Session should be tabled until the May 5, 2004 meeting.

b. Items to be pulled from the Discussion Calendar.

Discussion of 30’ setback will be addressed in the Planner’s staff report.

c. Items to be pulled from the Consent Calendar.

d. Emergency Items to be added.

e. Order of the Agenda Items.

f. Approval of the agenda.

Motion by Fred H., second by Darell W., to approve the agenda as presented; all voted in favor.

3. Approval of the Consent Calendar

Motion by George B., second by Fred H., to approve the consent calendar; all voted in favor.

4. Approval of the Minutes for April 15, 2004.

Motion by Bill B., second by George B., to approve the minutes for April 15, 2004; all voted in favor.

5. Council Member Reports/Announcements.

Hawkeye F. announced the community pride highway cleanup project on May 1, 2004. The group is looking for volunteers and can be reached at the Eagle River Watershed Council. George B. announced that he is a team leader for the road that goes through Minturn.

6. Special Presentations/Citizen Recognition

7. Public comments on items, which are **NOT** on the agenda.

a. Planning and Zoning Commissioner Update

Alan Holub, a planning commissioner who lives at 650 Main Street, spoke on behalf of the zoning board. He relayed the discussion of items that the planning commissioners would like the council to address. Ideas of strategic planning include improved customer service, review of current projects, and long range goals such as better design review guidelines, inventory of town, code, nuisance and tap enforcement. He requested a work session with the council to foster communication on current projects with the council and

SCHEDULED HEARINGS and ACTION ITEMS

the commission. The group would also like to get input from the council on upcoming items, issues and direction.

Hawkeye F. directed staff to gather the appropriate materials and set up a time for a work session where the P&Z could be on the agenda. He also noted that a copy of the settlement agreement should be provide to Mr. Holub.

Mr. Holub also commended the staff for their work during the transition and also Wiley S. for his conscientiousness in working with Johnie's Gardens.

8. Liquor Licensing Authority

The board convened as the liquor licensing authority.

a. Liquor License Renewal at Minturn Country Club

Ann C. relayed a letter from the Chief of Police regarding the renewal. Lorenzo M. noted in the letter that the applicant is very cooperative and recommende approval.

Discussion ensued that if the applicant is not present should they table the issue until a later date when the manager could attend. Allen C. noted that the applicant is not legally required to appear before the commission, however, it has been the previous practice.

Motion by Tom S., second by Bill B., to approve the renewal of the liquor license for Minturn Country Club at 131 Main Street, asking that they appear at the next meeting on May 5, 2004; all voted in favor.

The board asked whether sting operations are allowed in Minturn. Allen C. explained that the town complies with these stings and issues letters of warning before the stings are conducted. This is also the case for cigarettes and vending machines. Both operations are conducted by the federal government.

The board reconvened as the Town Council; all members were present.

9. Discussion/action on setting dates for the Depot Clean-Up and Minturn Clean-Up at the request of the Mayor

Hawkeye F. explained the options for cleaning out the depot: 1) Staff and council volunteer, or 2) hired laborers.

Bill B. suggested hiring people to bring the materials to the Old Town Hall and sort through the items.

Ann C. addressed several concerns. She felt that many items aren't worth relocating and some items are environmentally sensitive items. There are also some historical documents that need to be sorted through. She asked for an opportunity to go through the items at the depot before hiring people to move the items. Hawkeye F. suggested going through this process before our lease is up in September.

Motion by Bill B., second by Hawkeye F., to hire laborers to clean out the Depot after determinations are made as for saving items by September of this year; all voted in favor.

The board also discussed the town clean-up date. Floyd D. said that the town wide clean up date will be May 15. The town will be getting four twenty-yard dumpsters that the citizens can dump in for free. The hazardous materials will not be allowed. The county hazmat day will be announced at the next meeting. Tom S. suggested being proactive and reserving more dumpsters. Floyd D. said that the town already collects tires and refrigerators for the citizens in addition to the dumpsters. Floyd D. will get a price and availability on additional dumpsters.

10. Discussion/action on Approval of 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

The Mayor read the ordinance by title.

Bill B. said that he worries that the second phase of the river project has too many problems. Darell W. asked about which section of the river this would apply to and exactly who the application would be to.

Jay B. explained that this ordinance would allow ERC to write the grant proposal. He then explained the financial ramifications of allowing ERC to write the proposal.

Tom S. stated that he believes the stretch of the river needs improvement.

Ann C. stated that this ordinance would allow the town to begin a new conceptual plan for a new grant proposal. It does not lock the town into a specific stretch of river.

Fred H. said that based on the input from the state representative at the work session, he is in favor of the Ordinance.

Motion by Jerry B., second by Fred H., to approve 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; five voted in favor, Bill B. and Hawkeye F. no.

For the record, Fred H. stated that the State of Colorado is utterly pleased with the first phase of the river restoration. He added that the project came in under budget and under time. Allen C. noted that the representative stated the project “exceeded expectations.”

11. Fire Station Retention Wall - This project must be undertaken immediately due to weather and geological conditions that exist on the building site. Life and property safety is the driving factor in this project. Town of Minturn owns the

property and the Fire District owns the building. The building was financed through a State grant and both building and the site must meet engineering requirements for appropriate approvals of code enforcements

- a. The Town will retain Alpine Eng. (Jim McNeil) as an Engineer to develop appropriate plans, specifications and seek at least 3 quotes from qualified contractors.
- b. Required funding to finish this project may take coordinated effort between the Fire District, Town of Minturn and *possibly* the grantor. If these identified sources of funding will not come to fruition, The Town will have to pay for the project from existing funds that were retained for the project and perhaps from the proceeds of sale of Town property that has been finalized.
- c. Council will receive a final status report once the project is completed

Ann C. urged that Council must pass this work to build the retaining wall, as it is a factor of safety for those working in the building and nearby residents. She assured the council that the town is going forward with insuring the project. Retention (Carry Forward) funds will have to be used. She is investigating whether the project can be paid for by the surety company. The project will not have to go out to bid, but Ann C. requested that the engineer get several quotes for each style of wall. Drainage has also been discussed. It is her hope to start the project as soon as possible. Ann C. estimates that the project will cost \$45,000-\$50,000.

Bill B. said that when the new firehouse was planned, large boulders were to be placed to shore up the retaining wall. However, when the foundation was poured, there was no room to put the boulders into the wall. Contracts have been discovered that show the firehouse with the wall included in the price and without it.

Tom S. suggested getting bids from contractors in town. Ann C. said she will leave that professional decision to the engineer. Fred H. noted that the contractors will have to be pre-approved to do this type of work.

Motion by Bill B., second by George B., to contract with Alpine Engineering for the construction of a retaining wall at the Fire Station; all voted in favor.

12. Discussion/action of Emergency Items, if necessary.

- a. Discussion/action of items pulled from Consent Calendar for discussion.

DISCUSSION CALENDAR

13. RV Park: An Historical Perspective, presented by Ann Capela

Ann C. asked the council to allow the staff to present the sequence of chronological events at a future meeting so that the council can make a further determination about this project. She noted that Steve Isom does not have a proposal on the table at this time. The council felt this research was important and asked for it in a timely fashion.

Hawkeye F. asked the staff to produce a map that will assist the council with property lines, zoning codes and any related covenants associated with this project and its relationship to adjoining parcels.

Darell W. noted that a legal challenge was given to the town regarding this property and that we have to be careful about how we are using that land.

14. Public Restrooms Update

Nicole M. noted the staff report in the packet regarding the grant from the scenic byways.

Ann C. stated that after a meeting with Marka Brenner, who owns the property where the restrooms are proposed, she feels that construction of this building would be risking a serious investment. There are other locations that might be possible, but the current proposal as it exists is not feasible. She also believes that having a temporary structure would not fit with the character of the town.

Nicole M. asked the council for a drop dead date for the project, leaving time to develop another project if the restroom plans fall through.

Tom S. said that there is cooperation from local contractors to make this project more affordable. He also felt that if the project could get a land lease for a long period, perhaps 20 years, then he would feel comfortable building a more expensive facility.

Hawkeye F. suggested a drop dead date of May 19 for the restroom project.

Ann C. suggested meeting with Tom S. and the landowner, getting donations and commitments for the project in writing.

15. Reports/Correspondence/Announcements of Staff

a. Town Manager

Ann C. announced that the town is developing an email list for those who are interested in being on the list for receiving the council agenda. People may contact the staff to get on that list.

b. Town Attorney

c. Town Planner

Wiley S. noted his staff report regarding the April 7 meeting. He briefly reviewed the points, including the 30-foot river setback section of the code. He has also compared the county and state regulations with the town's code. Wiley S. said he would like to contact NWCOCG, the county and state for input on making our code more specific in the setback

and nuisance sections of the code. He hopes to make this section more understandable for the public and future developers.

- d. Treasurer/Clerk
- e. Police
- f. Public Works
- g. Events/Admin.

CONSENT CALENDAR

16. Committee Assignments

- a. Colorado City/County Managers Assoc (CCMA): Ann Capela
- b. Colorado Association of Ski Towns (CAST): Hawkeye Flaherty
- c. Colorado Municipal League – Policy Committee: Ann Capela
- d. Eagle Country Regional Transit Authority: George Brodin and alternate
- e. Northwest Council of Colorado Governments – Water QQ: Ann Capela

FUTURE AGENDA ITEMS

17. Items include:

- a. Chapter 16 Zoning Code
- b. Comprehensive parking
- c. Neighborhood Watch Program
- d. Old Town Hall
- e. Highway 24 Corridor Study
- f. Stop light at Harrison and Main

EXECUTIVE SESSION

18. CRS Section 24-6-402(4)

a. (b) for the purpose of discussing legal matters with our attorney
Motion by Hawkeye F., second by Bill B., pursuant to the laws for the State of Colorado CRS Section 24-6-402(4)(b), for the purpose of discussing legal matters; those to be present include the council present, Town Manager and Town Attorney; all voted in favor.

19. The council reconvened and no action was taken.

20. The next meeting is scheduled for May 5, 2004.

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