



**REGULAR MEETING OF THE • MINTURN TOWN COUNCIL
Wednesday, May 19, 2004**

REGULAR MEETING, Council Chambers – 7:00PM

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

MAYOR - Gordon “Hawkeye” Flaherty,
MAYOR PRO TEM - Darell Wegert

TOWN MANAGER - Ann K. Capela
TOWN CLERK/TREAS - Jay Brunvand

COUNCIL MEMBERS:

George Brodin
Jerry Bumgarner
Bill Burnett
Fred Haslee
Tom Sullivan

When addressing the Council, please 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 documents are available for public review in the Town Offices – located at 302 Pine Street, Minturn CO 81645 – during regular business hours between 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding holidays.

WORK SESSION

- NONE SCHEDULED

REGULAR MEETING AGENDA

1. Call to Order
 - a. Roll Call

Mayor Flaherty called the meeting to order at 7:00 p.m. Present were Mayor Hawkeye Flaherty, Darell Wegert, Tom Sullivan, Jerry Bumgarner and George Brodin. Bill Burnett and Fred Haslee were absent with excused absences.

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
- b. Items to be pulled from the Discussion Calendar

Open Space Advisory meeting to be added to Council Reports.

- c. Items to be pulled from the Consent Calendar

Employment contract item moved to the action calendar.

- d. Emergency Items to be added.
- e. Order of the Agenda Items.
- f. Approval of the agenda.

Motion by George B., second by Darell W., to approve the agenda as amended; all voted in favor. *Note: Bill B. and Fred H. were absent.*

3. Approval of the Consent Calendar.

4. Approval of the Minutes • May 5, 2004.

Motion by Jerry B., second by George B., to approve the minutes from May 5, 2004 as presented; four voted in favor; Darell W. abstained. *Note: Bill B. and Fred H. were absent.*

5. Council Member Reports/Announcements

Hawkeye F. announced the CPR Class offered by the Forest Service on June 2, 2004 at the Minturn Town Center. The cost is \$25 and reservations can be made by calling Kara at (970) 827-5171.

Hawkeye F. also announced that a controlled burn would be conducted at King Ranch between May 15 and May 25. He advised the public that the town and fire departments are aware of the situation.

Darell W. announced that the open space advisory board has approved an investment of \$2 million to the board of county commissioners for the purchase of development rights at Bair Ranch. However, the county commissioners tabled the issue due to absence of one of its members. He noted that of the 14 members on the OSAB, 13 were in favor of the Bair Ranch investment. They believe this is an overwhelming vote of support. However, they are concerned that the commissioners will deny that the money should be spent. If the money is denied, the board and the county is risking its participation in future open space grants. He also clarified that the county would not be buying the land; rather it is purchasing the development rights for the county in order to make the open space permanent. He asked that the Town of Minturn could draft a letter of support for spending the \$2 million.

Jerry B. asked about the taxing authority that was issued in recent years and whether the money would come from the fund created from that tax. Darell W. indicated that the funds were coming from the open space fund and that only the county commissioners have the authority to decide how the money will be spent. Hawkeye F. asked about the definition of “open space” and whether development rights were significant enough to qualify as the purchase of open space. Darell W. indicated that they were.

After discussing generalities of the land, as well as Eagle County's outer boundaries that encompass approximately two-thirds of the area in question, Darell W. further explained the property, its uses and the access to it.

Motion by Tom S., second by George B., to draft a letter of support for the purchase of open space at Bair Ranch; all voted in favor. *Note: Bill B. and Fred H. were absent.*

Jerry B. updated the council on fellow councilman Bill Burnett's status. He is improving and hopes to go home very soon.

Hawkeye reminded the public that the county Haz-Mat day is May 29. Reservations should be made at the Eagle County Landfill. He also thanked the town's citizens for participating in the Minturn Clean-Up Day.

Darell W. announced that the BMHS girls' track team has qualified for the State Championship, to be held in Fountain, Colorado this weekend.

6. Special Presentations/Citizen Recognition

- a. Ms. Wendy Swanhorst – Swanhorst & Cutler LLC: Town of Minturn, FY 2003 General Purpose Financial Statements

Jay B. gave the background for the audit in 2003. He introduced Wendy Swanhorst, who conducted the audit. Ms. Swanhorst outlined the audit process, noting there were no major problems with the audit. However, she pointed out that the reserve fund required should be looked out more closely. In the general fund, an increase of \$132,000 was noted. However, the money that was borrowed from the general fund to build the new town center, in the amount of \$188,332, needs to be paid back to debt service. This money needs to be paid off before the final payment is due. She also noted that there is a deficit of \$67,000 from the fire station and public works facility that also needs to be paid back to the appropriate funds. Lastly, she pointed out that the water fund is stable on an operating basis, but gave nearly all of its cash (\$142,000) to build the new town center in 2001. In essence, the town borrowed money from itself; still, the appropriate "repayment" should be recorded on the books. These items must be factored into the bottom line.

Darell W. asked about the sale of the railroad property and where the revenues from that sale would appear. Jay B. noted that it would appear under "other revenues in the budget." The figures won't appear in the audit until the money is received. The entire closing amount is available for the public and he will prepare a report for the next council meeting.

Hawkeye F. asked about refinancing some of the debt service for water mains and buildings. Ms. Swanhorst explained that would be hard to tell without going to the bond underwriters and finding out specific rates and crunching the numbers. Jay B. explained that paying down the debt early would probably be better for the town than refinancing.

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

Aggie Martinez, of 962 Main Street, asked the council to consider moving the RV Park to the location at Dowd Junction where the forest service is currently located, especially if the land is up for exchange as reports state.

SCHEDULED HEARINGS AND ACTION ITEMS

8. Discussion/action of Emergency Items, if necessary.
9. Discussion/action of items pulled from Consent Calendar for discussion.
 - Approval of Employment Contract between the Town of Minturn and Ann K. Capela, for the position of Town Manager; Authorization of the Mayor of Minturn to sign the contract on behalf of Town Council

Allen C. summarized the changes, which make the contract in accordance with the town charter. Ann C. noted that the changes requested by the council were made.

Motion by Jerry B., second by George B., to approve the employment contract of the town manager as reviewed; all voted in favor. *Note: Bill B. and Fred H. were absent.*

The town board sat as the Liquor Licensing Authority.

Tom S. declared a conflict of interest, as he was the applicant.

10. Liquor Licensing Authority – Liquor License Renewal Application – The Minturn Inn Bed and Breakfast; 442 Main St., Tom Sullivan, Owner; Bed and Breakfast License

Jay B. summarized the application for liquor license renewal. No problems have been reported at this time. Lorenzo M. thanked the applicant for his cooperation and support of the community.

Motion by George B., second by Jerry B., to approve the liquor license renewal application for The Minturn Inn Bed and Breakfast at 442 Main Street; all voted in favor. *Note: Bill B., Fred H. and Tom S. were absent.*

The Liquor Licensing Authority adjourned and the town board resumed. Tom S. also resumed his position on the board.

11. Discussion/Action and consideration of \$200.00 funding request for the Minturn Business Association radio advertising

Ann C. summarized the expenditure, noting that the advertisement is well executed and informative.

12. Discussion/Action Energy Impact Grant – 100 Block existing schematic or Developing of Alternative Plan

Ann C. summarized some ideas for spending the remaining \$113,000 of the Energy and Mineral Impact Grant. She introduced Troy Thompson of Ecological Resource Consultants, who is in attendance to help answer questions regarding the grant. Ann C. noted that the grant expenditures must be tied to the river. Two options have been presented in the past: both plans for a riverwalk project along the 100 and 200 blocks of

Eagle Street. Ann C. met with Cathy Shipley, who administers the grant through the Department of Local Affairs. Ms. Shipley was amenable to changing the current plans in order to stretch the dollars even further. In addition, she noted that these dollars may be available to do a small project on the town's south end, as well as build a visitors center with river access and signage. Part of the idea would also be to combine the Scenic Byways grant with the EMI grant to provide public restrooms.

Hawkeye F. noted that the location could be near the Bellm Bridge. A partial riverwalk would be incorporated behind the businesses that back up to Eagle Street and then resume the riverwalk near the basketball court. A fence at that location might also be needed. A sidewalk at the south end of town should also be incorporated so that it can be maintained for walkers and possibly even bike riders.

Mr. Thompson corrected the amount that is still available and noted that it is approximately \$60,000, not \$113,000.

Darell W. asked about specific location. Ann C. stated that a wrap-around at the Two Elk Gallery would be the approximate location. The entrance would face Main Street. Darell W. stated he foresaw an issue with parking if the visitor's center consumes any of the business parking on Eagle Street. He also questioned whether the neighbors in the 100 block would want increased traffic from the visitor's center. Lastly, he felt that the south-end sidewalk is much needed, and he would rather see an extended sidewalk than fencing at the basketball court. Tom S. concurred.

Hawkeye F. suggesting modifying the current plans for the restroom project. Tom S. stated that the current plans could probably not be modified.

Hawkeye F. suggested that the sidewalk be planned for 4 and 6 feet so it could be plowed with the Bobcat. Tom S. felt stretching the sidewalk as far south as possible is a priority.

Mr. Martinez asked whether there was any money to restore the river further south into Minturn. Hawkeye F. stated that the current grant is already expended, but that the town is looking at new projects and new grants. South Minturn can be considered. Mr. Thompson said going south is possible, but noted that the State of Colorado has requirements about removing material from the river that is on private property.

Ty Gillespie of 850 Main Street said he was concerned that the previous riverwalk project would go by the wayside. He felt that bathrooms are not as high a priority as a riverwalk, which would connect to the Main Street and create a loop for walkers. He also feels that if the riverwalk is in place, more businesses would have frontage should the private homes in the commercial zone turn into businesses.

Darell W. said the riverwalk idea is an old one, going back to 1982. He believes that the original plan was a good one and made to be adaptable for future development.

Ann C. stated that the town would start to work with all related parties to go forward with this project and present renderings as soon as possible.

13. Town of Minturn FY 2003 Financial General Purpose Financial Statements
Motion by Hawkeye F., second by Jerry B., to accept the FY2003 Audit as presented; all voted in favor. *Note: Bill B. and Fred H. were absent.*

14. Discussion/Action – “Fiesta/Flower Fund”
Hawkeye F. summarized the need to have a private fund to take the stress off the general fund for sending correspondence and flowers. Ann C. stated that an initial fund would be established and then be replenished when needed. This would be a private fund, not one generated by taxpayer dollars. The donations would most likely be from staff and councilmen.

Motion by Jerry B., second by Tom S., to establish a flower fund and have the town manager administer it; all voted in favor. *Note: Bill B. and Fred H. were absent.*

DISCUSSION CALENDAR

15. Re-cap - Minturn Town clean up – Saturday May 15, 2004

Lorenzo M. recognized several citizens who were especially helpful to the community clean up. He also thanked The Turntable Staff for supporting the event. Ann C. also thanked the town citizens for their support. Hawkeye F. thanked the Public Works and Police departments.

16. Project Proposals for Phase II. of NRDS funding

Troy Thompson of ERC presented the update for finalizing Phase I of the River Restoration Project. He then outlined opportunities for a Phase II project in Minturn, noting that approximately \$2.2 million will be available from the NRDS state agency this winter. The recommended project would extend north of municipal parking lot 1.5 miles. Other projects can still be considered. If the town wishes to continue forward with Phase II, a few items would need to be demonstrated by the town, including continued protection of the river and riparian areas, community buy-in for the project, community support during meetings and selection process, matching funds, project partners and volunteer involvement. The preliminary estimate for the project is approximately \$1.1 million. Matching money in the amount of \$200,000 might be available from the DOW’s Fishing is Fun program, Trout Unlimited Embrace a Stream grant, and contributions from ERC and the Town of Minturn.

Other ideas, including a project in the southern part of town, can be considered if needed.

Mayor Flaherty suggested this be taken into consideration for Saturday’s retreat.

Should financing be awarded, construction could begin in the fall of 2006.

George B. asked whether extending the project to the south end of town might be more competitive as it is closer to the mine. Mr. Thompson indicated that proximity to the mine has not been designated as a scoring criteria. However, the town has the ability to press for this criteria to be considered.

Ann C. noted that the Union Pacific Railroad is amenable to provide access to the river and possibly provide a partnership in this type of project. While no decision has been made, she is encouraged by their input. She also stated that the council will be revisiting this topic on Saturday's retreat.

Mr. Martinez felt that restoring the river through the south end of the town should be a priority because it helps the citizens more than the northern end does.

Darell W. indicated that the north end of the river would help to make Minturn's stretch of the river a Gold Medal fishing area. He also stated that due to property owner conflicts in Phase I, the town decided going north would be easier to negotiate.

Hawkeye F. said the project would be looked at fairly.

George B. asked how the in-kind contributions were figured. Mr. Thompson stated that contributions of everything from volunteer labor to construction materials. He also felt that the more community support that is committed to the project in advance, the better.

Jerry B. suggested giving more direction to Mr. Thompson so that he could research the south end of the river and the possibility of doing a project in that area. Mr. Martinez said he would work with Mr. Thompson to walk the section of the stream.

Tom S. summarized some of the residents' concerns regarding the first phase. Mr. Martinez felt the council should at least ask the south town residents whether they would like to see the changes.

17. Overview of Town of Minturn Council Retreat: Retreat to be held at the Town Council Chambers Saturday May 22, 2004

Hawkeye F. asked for additions or changes to the agenda for the Council Retreat. Ann C. briefly provided an overview of the retreat, which will be facilitated by Liz Finn. She stated that the discussion will start with broad issues and will funnel into more specific projects and objectives. She outlined the topics to be covered. Finally, she hopes to have goals set for the town manager over the course of the next year.

Hawkeye F. suggested getting a financial picture of the town at this meeting. Jay B. will prepare a report for the meeting and can answer questions at a future council meeting.

OTHER ITEMS/STAFF REPORTS

18. Reports/Correspondence/Announcements of Staff

a. Events/Admin – Nicole Magistro

Nicole M. briefed the council on the economic impact of the Minturn Market. The council asked that the staff report be shared with Lou Meskiman, who was the individual who asked specifically about these numbers.

b. Public Works – Floyd Duran

Ann C. summarized the water quality report and the improvements that should be made with regard to record keeping. She would follow-up with the drainage issues and speak to the Public Works director about these improvements.

c. Police – Chief Martinez

Lorenzo M. noted that Floyd D. does have an operating laptop for use in water quality reporting. He also stated that a new officer is being tested and if all goes well, we should have a third officer in the department within the month.

d. Planning & Zoning – Wiley Smith

Wiley S. asked the council again for planning priorities from the town council by the next council meeting. He also shared the Planning Commission's tour of Three-Mile Plan properties on Sunday, May 23, 2004.

e. Treasurer/Clerk – Jay Brunvand

Jay B. recommended the council studying the budget and ask as many questions as possible. He also urged the council to come up with new funding ideas for projects.

f. Town Attorney – Allen Christensen

Allen C. thanked Wiley S. for putting together the land use plans for the Planning Commission. He also reminded the mayor of the water board meeting on Thursday. He stated that potential developers of the Gilman property want to meet again. He will coordinate the meeting.

g. Town Manager – Ann K. Capela

Ann C. pointed out the state legislature's end-of-season actions that are in the council's packet.

Hawkeye F. asked for an update on the Main Street lighting issue. Ann C. stated she would follow-up with the public works director, CDOT and all other relevant parties.

Hawkeye F. asked for an update on the email list. Nicole M. indicated it is in operational order.

Ann C. will also follow-up with Floyd D. about a community compost pile.

EXECUTIVE SESSION

20. None Scheduled.

21. Set next meeting date – June 2, 2004. Special meeting is set for May 24, 2004.

22. Adjournment.

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

ATTEST:

Mayor, Hawkeye Flaherty

Town Clerk, Jay Brunvand