



**REGULAR MEETING OF THE • MINTURN TOWN COUNCIL**  
**Wednesday, June 2, 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**

1. Call to Order
  - a. Roll Call

Mayor Flaherty called the meeting to order at 7:00 p.m. Present were Mayor Hawkeye Flaherty, Tom Sullivan, Jerry Bumgarner, and George Brodin. Fred Haslee and Bill Burnett were absent with excused absences. Jerry B. was excused early at 8:00 p.m.

Staff present were Nicole Magistro, Administrative Assistant; Jay Brunvand, Town Treasurer/Clerk; Allen Christensen, Town Attorney; 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

Pull Ordinance 4, Series 2004 from the Action Calendar and put it in the treasurer’s report for action.

- b. Items to be pulled from the Discussion Calendar.
- 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 George B., second by Jerry B., to approve the agenda as amended; all voted in favor. *Note: Bill B. and Fred H. were absent.*

### 3. Approval of the Consent Calendar

There were no items on the consent calendar.

### 4. Approval of the Minutes

- May 19, 2004.

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

### 5. Council Member Reports/Announcements.

George B. updated the board on the recent ECO Board meeting. Free fares will not be offered at this time due to budget restrictions. However, Minturn Market buses will be free this summer. The ECO buses will also be available to charter for private groups at the rate of \$90 per hour. Hawkeye F. suggested getting published schedules for the town offices and businesses.

Darell W. reported on his service for the county's capital improvement committee. He noted that paving the county road in Minturn is always a request that he makes and will make again this year. Floyd D. reported that the old bridge is in need of major patching. Darell W. stated he will try to get funding for that project as well.

Hawkeye F. announced that the Vail Daily Home and Garden Show will be held in downtown Minturn on June 12. The Minturn Market will begin on June 19 with free ECO shuttles from the Meadow Mountain lot.

### 6. Special Presentations/Citizen Recognition

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

## SCHEDULED HEARINGS AND ACTION ITEMS

### 8. Discussion/action of Emergency Items, if necessary.

### 9. Discussion/action of items pulled from Consent Calendar for discussion.

### 10. Liquor Licensing Authority – Special Events Liquor License for Town of Minturn Independence Day Celebration on July 2, 2004 by Treasurer/Town Clerk

The council convened as the Liquor Licensing Authority.

Jay B. explained the license. The proposed license is for 3.2 beer in a cordoned off area from 6:00 to 10:00 p.m. on Friday, July 2, 2004. All requirements have been met. There are no complications with the application.

The hearing was opened to the public.

Lorenzo M. indicated that his review is satisfactory in planning. He stated that the event always needs more staffing. Nicole M. stated that the on-site security will be provided by Lone Star Security. We rely on volunteers for traffic and parking duty.

The hearing was closed for public comment.

Darell W. asked about the parameters of the site. Nicole M. explained that the parking area is included for classic car parking. Hawkeye F. asked the group about hiring outside help if the budget allows. He also urged the community to volunteer their time for the event's success.

Motion by Darell W., second by Tom S., to approve the application for special event liquor license for the Minturn Independence Day Celebration at Nelson Avenue from 6:00 to 10:00 p.m. with the attached conditions; all voted in favor. *Note: Bill B. and Fred H. were absent.*

The Liquor License Authority adjourned and the town council reconvened.

11. Discussion/action to extend invitation for proposal to Rocky Mountain RV Resorts by Hawkeye Flaherty

Hawkeye F. stated that this is an item which came out of the retreat. The majority of the council felt it was beneficial to listen to a proposal. The staff recommends an invitation for a letter of intent from the developer.

Darell W. explained that this is an invitation to the developer to present an idea to the public, not a decision to go forward with an RV Park.

George B. stated that this is an opportunity to examine this project outside the heat of an election. He also stated he felt the issue should go to a public election. Darell W. concurred.

Tom S. disagreed, stating that the proposal has already come forward and was presented secretly. He feels this was already decided in the election. He feels that rehashing the issue is not necessary. He also stated that the council should come up with another idea that is less divisive.

Darell W. emphatically stated that as a member of the previous council, the RV Park was not presented in secret.

Hawkeye F. concurred with Tom S., but noted that the majority of the council felt at least listening was a good idea.

Motion by George B., second by Darell W., to invite Rocky Mountain RV Resorts or its representative to submit a letter of intent with a detailed outline of a proposal to develop an RV Park in the Town of Minturn, CO; Tom, No; George, Aye; Jerry, Aye; Darell, Aye; Hawkeye, No. *Note: Bill B. and Fred H. were absent.*

Alan Holub of 653 Main Street asked how the public will be notified so that everyone is aware of the meeting when it comes time to meet. Hawkeye F. said the meeting would be emailed. He would also look at hand-delivering the notices. He assured that the council will make an extra effort to notify the public. Mr. Holub also requested that TV8 be in attendance. Hawkeye F. said all media, including newspaper, television and radio would be used to notify the public.

12. Discussion/action on acceptance of short term goals for the Town Manager by Hawkeye Flaherty

Hawkeye F. summarized the goals established at the retreat. Hawkeye F. suggested tabling the item until they could speak with the manager. The council added that they would like to see the town manager address comp time accrual and a citizen survey.

Motion by Hawkeye F., second by George B., to table the short term goals for the Town Manager; all voted in favor. *Note: Bill B. and Fred H. were absent.*

13. Discussion/action on declaration of June as Colorado Bike Month and June 23 as National Bike to Work Day by Hawkeye Flaherty

Hawkeye F. summarized the goal of Colorado Bike Month.

Motion by Darell W., second by Jerry B., designating June as Colorado Bike Month and June 23 as National Bike to Work Day, to be presented by a forthcoming resolution to be signed by the mayor; all voted in favor. *Note: Bill B. and Fred H were absent*

14. Discussion/action for appointment of council member to the Minturn Community Fund Board of Directors by Hawkeye Flaherty

Hawkeye F. suggested that a member who can commit the time to the board be appointed.

Motion by Hawkeye F., second by Darell W., to appoint Tom S. as the primary, Jerry B. as alternate, to the Minturn Community Fund board of directors and serve for the remainder of his term in office; all voted in favor. *Note: Bill B. and Fred H. were absent*

DISCUSSION CALENDAR

15. Report on Minturn Town Council Retreat by Hawkeye Flaherty

Hawkeye F. summarized the retreat on May 23, noting that several citizens and business owners attended. Issues discussed include economic development, RV Park and town manager goal-setting. Long term goals recognized were water issues at Bolt's Lake, the renovation of the Old Town Hall, completion of La Playuella Park, renovation of the Water Tank, developing a marketing plan for the town, updating street lights and establishing a volunteer corps. Key points of economic development included a balance between business and citizens, maintenance of financial health, improving community pride, parking requirements, partnerships with other organizations, and hiring additional staff. The RV Park discussion was well-attended and pros and cons were developed. Notes from the meeting are available for public review at the town offices.

16. Town of Minturn website proposals by Susan Mitchell

Susan Mitchell, owner of Mitchell and Associates, introduced the Town of Minturn's new website. She presented a flow chart and timeline for the project, noting the project should take between 4 and 6 weeks to complete.

Darell W. asked about finding new homeowners through the website. Mrs. Mitchell explained the use of bulletin boards, which would allow residents to post information on their own and would help build a database for the town. She also noted that there are mailing lists that the town could purchase to correspond with residents. She explained that the Phase I project was designed for easy maintenance and usability. A staff person will be trained to maintain the web site. The council discussed financial feasibility, training, and long-term maintenance. Staff and council gave input and recommendations. The council thanked Ms. Mitchell for the proposal.

17. Minturn Market Volunteer Sign Up by Event Coordinator

Nicole M. explained the Minturn Market volunteer duties and asked the council and citizens to sign up as soon as possible. She also announced there would be two hired positions available to help with the Minturn Market.

18. Planning and Zoning Commission Update by Chairman Rob Davis

Rob Davis presented the upcoming issues that will be addressed with the Planning and Zoning Commission this summer. He explained that updating the Three Mile Plan is a priority. He noted that certain properties will be addressed on certain dates, including: Bolt's Lake and Gilman June 23, Martin Creek on July 14, Two Elk Area on July 28, Dowd Junction on August 11, Maloit Park on August 25, Oran Palmateer property on September 8, and the Burnett property on September 22. He welcomed public input on these issues, as well as any other priority issues they would like to bring up. He hopes to have the Three-Mile Plan update ready for the council in October.

Mr. Davis also stated that the council and the commission will be looking at Chapter 16 at a joint work session on June 9 at 5:00 p.m. Wiley S. asked for submissions for the agenda by Friday. Hawkeye F. asked for a list of ordinances passed in the past two years with regard to Chapter 16. Chuck Lanci, the building inspector, will also be in attendance. Tom S. asked that section 16.22 and the Conditional Use section be addressed.

## OTHER ITEMS/STAFF REPORTS

### 19. Reports/Correspondence/Announcements of Staff

- a. Events/Admin.
- b. Public Works

Floyd D. stated that the public works department will be grading Minturn Road and rolling the Municipal lot within the town limits this week.

- c. Police
- d. Treasurer/Clerk

Discussion/action on Ordinance 4, Series 2004 An Ordinance to Renew the Electric and Gaseous Fuel Franchise Granted By the Town of Minturn , Colorado to Xcel Energy of Colorado, its successors and assigns for a period of twenty years on first reading; all voted in favor. by Treasurer/Town Clerk

Jay B. explained why the twenty-year period is necessary, noting it is standard and that the current ordinance allows for amendments if necessary. The town will earn portions of the revenue for the next 20 years.

Wade Haerle explained the background of the franchise agreement, and noted that it is under the supervision under the Public Utility Commission. This agreement has been accepted by the cities of Rifle, Centennial and many others. The advantage to the town is that 3 percent of the revenues are given to the town, plus 1 percent is held in escrow for placing utilities underground. He outlined other portions of the ordinance, including utility placement, future development and private easements.

Darell W. asked whether the franchise fee was the same as in years past. Jay B. stated that the 3 percent fees have remained the same. Tom S. asked about poles on private land in town. Mr. Haerle stated that in the future poles will be less and less on private lands. George B. asked about project coordination so that the town knows about projects under construction. Mr. Haerle stated that coordination can be complicated but that the town will be notified when lines go underground. Hawkeye F. asked if the twenty-year limit is negotiable. Mr. Haerle stated, yes. Hawkeye F. asked what it meant for franchise fees to be accepted in lieu of taxes. Mr. Haerle stated that in section 3.6, additional taxes are not charged as the utility would be paying doubly. Hawkeye F. asked about the town's use of the poles for US flags. Jay B. stated that the flags can be put up and taken down as long as Xcel is notified of the dates. Tom S. asked how much the town earns from these fees. Jay B. also stated that the town earns about \$29,000 per year from the 3 percent tax and about \$10,000 per year from the 1 percent tax. Hawkeye F. asked for clarification on section 10.2. Mr. Haerle explained that if Xcel sold the territory to Holy Cross, then the transfer formula would apply and the town would earn that benefit. Tom S. asked about utility poles on the side streets and whether Xcel would pay to move poles when the town wanted to make more parking on those streets. Mr. Haerle said that yes, it would be a town project and would be paid for by Xcel.

The Ordinance was read in full by Wade Haerle, a representative of Xcel Energy.

Mr. Haerle clarified Section 4.3, noting that the town would achieve the value of moving and undergrounding a line when requested, whether it is undergrounded only.

Hawkeye F. said that he would like to see if the town has any negotiating room for the twenty year contract before the second reading. Mr. Haerle stated that the ordinance is amendable at any time and will be taken care of before the second reading.

The public hearing was opened.

As there was no citizen comment, the public hearing was closed.

Motion by Darell W., second by Hawkeye F., to approve Ordinance 4, Series 2004, An Ordinance to Renew the Electrical and Gaseous Fuel Franchise Granted By the Town of Minturn , Colorado to Xcel Energy of Colorado, its successors and assigns for a period of twenty years on first reading; all voted in favor. *Note: Bill B., Fred H and Jerry B. were absent.*

**e. Town Planner**

Wiley S. announced the Planning and Zoning Priority Objectives, as prioritized by the council. He also gave them a written report of these results, and noted that he welcomes additional input.

**f. Town Attorney**

**g. Town Manger**

20. There is no executive session scheduled at this time.

21. Set next meeting date – June 16, 2004

22. Adjournment

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

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Mayor, Hawkeye Flaherty

ATTEST:

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Town Clerk, Jay Brunvand