



These minutes are formally submitted to the Town of Minturn Town Council for approval as the official written record of the proceedings at the identified Council Meeting. Additionally, all Council meetings are tape recorded and are available to the public for listening at the Town Center Offices from 8:30am – 4:30pm, Monday through Friday, by contacting the Town Staff at 970/824-5645 302 Pine St. Minturn, CO 81645

**REGULAR MEETING OF THE • MINTURN TOWN COUNCIL**  
**Wednesday, December 1, 2004**

**Regular Session: Council Chambers – 6:00 PM**

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

**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

**REGULAR SESSION – 6:00 PM**

**1. Call to Order**

a. Roll Call

Mayor Hawkeye Flaherty called the meeting to order at 6:05 p.m. Those present included Mayor Flaherty, Mayor Pro Tem Darell Wegert, George Brodin, Jerry Bumgarner, Tom Sullivan, Bill Burnett, and Fred Haslee.

Staff present was Town Manager Ann Capela, Town Clerk/Treasurer Jay Brunvand, Town Planner Wiley Smith, Town Economic Development Director Nicole Magistro, Town Attorney Allen Christensen, and Court Clerk/Office Technician Alicia Lynch.

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.
  - The Sullivan Subdivision was pulled from the agenda.
- c. Items to be pulled from the Consent Calendar.
- d. Emergency Items to be added.
- e. Order of the Agenda Items.
  - Moved the Executive Session to 6:30 p.m.
- f. Approval of the agenda.
  - Motion by Bill B., second by George B., to approve the agenda as amended; all voted in favor.

## **3. Approval of the Minutes for November 17, 2004**

Motion by Jerry B., second by Darell W., to approve the minutes for November 17, 2004; all voted in favor.

## **4. Council Member Reports/Announcements**

- George B. reported on the most recent Eco Board meeting.
- Darell W. reported that Open Space Advisory Committee recommended that funding be provided for the purchase of Eaton Ranch with a vote of six to five. He stated that he voted against it and then explained why he voted this way. He stated that \$2.9 million dollars would fund this project, which is the entire amount currently held in the Open Space Fund. He stated that he would leave a book with more information on this issue.

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

Mr. Mike Heaphy, of 821 Main Street, asked if the town was aware or plans on taking a position regarding the Vail Valley Forest Health Plan that is going to affect the forests in the area. The council stated that it was not aware of this; town staff reminded council that this information was in the previous council packet. Mr. Heaphy stated his opinion of opposition towards this project. Bill B. thanked Mr. Heaphy for his comments.

## **6. EXECUTIVE SESSION**

Motion to adjourn into Executive Session by Tom S., second by Bill B, with the following citations opened for discussion; all voted in favor (*NOTE: Executive Session opened at 6:30 p.m.*).

- a. Pursuant to Colorado Statutes Section 24-6-402(4)(b) for purposes of consulting With Town Attorney.
- b. Pursuant to Colorado Statutes Section 25-6-402(4)(f) for purposes of discussing personnel matters.

Returned from session at 7:57 p.m.; no action was taken and action was directed at staff..

## DISCUSSION, HEARINGS AND ACTION ITEMS

### **7. Discussion/Action – Budget related ordinances by Town Treasurer**

#### Ordinance No.15 – Series 2004 – Second Reading

An ordinance amending the 2004 Budget, recognizing additional general fund revenues in the amount of \$236,190.00, and appropriating general fund expenditures of \$61,725.00 and recognizing additional arts fund revenues in the amount \$17,000.00, and appropriating arts fund expenditures of \$17,000.00 and recognizing additional capital fund revenues in the amount of \$110,000.00, and appropriating capital fund expenditures of \$110,000.00

Motion by Bill B., second by Fred H., to approve second reading of Ordinance No.15 – Series 2004; all voted in favor.

#### Ordinance No.16 – Series 2004 – Second Reading

An ordinance levying general property taxes for the year 2005, to help defray the costs of government for the town of Minturn, Colorado for the 2005 budget year.

Motion by Fred H., second by Bill B., to approve second reading of Ordinance No.16 – Series 2004; all voted in favor.

#### Ordinance No.17 – Series 2004 – Second Reading

An ordinance annually setting, amending and approving town fees as set forth in the following attachment to be included in appendix A of the Minturn Municipal Code for the town of Minturn, Colorado fees commencing January 1, 2005.

Motion by Fred H., second by Bill B., to approve second reading of Ordinance No.17 – Series 2004 with the following changes: to have commercial tap fee sizes be calculated based on single family equivalency standards; all voted in favor.

#### Ordinance No.18 – Series 2004 – Second Reading

An ordinance recognizing revenues, appropriating expenditures, approving transfers and adopting the town of Minturn budget for the period beginning on the first day of January, 2005 and ending on the last day of December, 2005.

Motion by George B., second by Jerry B., to approve second reading of Ordinance No.18 – Series 2004; all voted in favor.

**8. Discussion/Action on Town Bridge Improvement Report by Floyd Duran**  
**Public Works.**

Floyd D. summarized the Town Bridge Improvement Report: that minor repairs are necessary on all bridges and that the prices are based on CDOT estimates. He outlined the improvements that were needed on Cemetery Bridge, Bellm Bridge, and the North Bridge. Mr. Duran noted that completed feathering was needed on cement bridges. There was some discussion between Floyd D., the council, and staff about the ownership of the North Bridge. The Town Attorney stated that he would conduct research to find out the ownership of the bridge. Hawkeye F. stated that there was some money in the town fund for bridge improvement. Floyd D. stated that safety factors should be considered priorities to the town. (*NOTE: A written summary is included in the report*). The council asked Floyd D. about water plant operations and snow plowing. Floyd D. indicated that he has been working with property owners and the Public Works staff on making sure plowing is efficient and routes are in good standing. The council commended the Public Works staff on its accomplishments.

**9. Community Survey by Town Manager.**

Ann C. summarized what the community survey was and what the intentions were for the survey. She stated this survey would include all citizens because of the small size of the town. She stated that this survey would be designed around the functions, wants and needs, and so forth of the town and would cost \$10,000.00. Nicole M. stated that this survey would involve a significant amount of community participation. There was some discussion as to how this survey would be paid for. Jay B. stated that \$7,500 was allotted for expenses incurred with the Economic Development office and a portion of that money would be used for this. Ann C. also stated that a grant had been applied for and may be given from NWCOG to help pay for a portion of the survey and we would apply for \$1,000 service credit from NWCOG for the balance. Some council members were displeased with the fact that this survey would not be free. Hawkeye F. stated that the staff had the option to spend its budget how it chooses and he recommended that the council go along with what the staff wanted. Nicole M. stated that staff needed to have clear direction from the council to proceed in the Economic Development Office.

In an informal straw poll, those who voted in favor of the survey were Hawkeye F., Bill B., George B., and Darell W. Fred H. and Jerry B. were not against the survey, but had concerns pertaining to the amount of participants. Tom S. stated that he opposed the survey. Hawkeye F. told staff to go forward with the survey and to keep the council updated.

## **10. Response to Citizen Complaint.**

There was some discussion between the council and the staff about the parking complaint received at the last council meeting (11/17/04). Allen C. stated that there have been numerous complaints about parking, and that people have too many vehicles and park these vehicles all over town. Ann C. stated that there was an additional report in the packet explaining new conditions for home occupation business licenses and that these changes would affect the parking situation. She stated that violations could result in the loss of the business license. Jerry B. stated that he did not want to pinpoint this problem on anyone and that someone could take a change in the business license process as a personal attack. Chief Lorenzo Martinez stated that he had been asking for improvements in the business license process for the last six years and that lack of requirements for home occupation businesses had caused him a lot of problems. He stated that it was a community issue. Staff emphasized that the new business license applications were much more complete. Staff continued by stating that the new business license process would go into effect in April of 2005.

## OTHER ITEMS/STAFF REPORTS

## **11. Reports/Correspondence/Announcements/New Business**

- a. Economic Development Director
  - Reminder of the Winter Market starting this Saturday (December 4, 2004). Historic walking tours will be at noon every Saturday during the market.
  - Announcement of marketing projects.
  - Essay Contest ends December 15, 2004; no essays have been turned in as of yet.
- b. Public Works
- c. Police
  - Reminder of Salvation Army food drive. (*NOTE: Deposit boxes are located at the Town Hall and Shop N Hop*)
- d. Treasurer/Clerk
  - Mid-February will be time for an audit.
- e. Town Planner
  - Summarized his report regarding the Annexation process. He stated that in the packet on pages (pp) 47–51 the annexation application is shown, on pp 52-55 ordinances are shown, and on pp 57 an example of another towns codes are shown.
  - Council discussed fees and costs regarding annexation involved with planning and zoning.
  - Council discussed whether the town was ready to take on such a large project.
  - Wiley S. stated that a monthly report would help the council stay informed as to what was happening at the sites.
- f. Town Attorney
- g. Town Manager
  - Decorative lights update
  - Flags update

h. Town Council

- Discussion of when regular and work sessions should start.
- Hawkeye F. asked for staff to come up with a recommendation pertaining to the format and schedule of the council meetings.
- Hawkeye F. stated that he and George B. would like to plan a site visit with Floyd D. and Ann C. to obtain an update on the junk clean up.

FUTURE AGENDA ITEMS

**12. Items to be added to future agendas**

- Survey update.
- Council Meeting time/schedule and format recommendation.
- Council goals for FY2005.
- Ordinance 14-2004

EXECUTIVE SESSION

**13. Set next meeting date – December 15, 2004 at 6:00 p.m.**

**14. Adjournment**

- As there was no further discussion, the meeting was adjourned at 9:35 p.m.

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Hawkeye Flaherty, Mayor

ATTEST:

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Jay Brunvand, Town Clerk