



REGULAR MEETING OF THE • MINTURN TOWN COUNCIL
Wednesday, December 15, 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

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.

REGULAR SESSION – 6:00 PM

1. Call to Order

a. Roll Call

Mayor Hawkeye Flaherty called the meeting to order at 6:00 p.m. Those present included Mayor Flaherty, George Brodin, Jerry Bumgarner, Tom Sullivan, Bill Burnett, and Fred Haslee. Mayor Pro Tem Darell Wegert arrived at 6:12 p.m..

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.
- 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 Bill B., second by George B., to approve the agenda; all voted in favor.

3. Approval of the Minutes for December 1, 2004

Motion by George B., second by Bill B., to approve the minutes for December 1, 2004; all voted in favor.

4. Special Presentations/Citizen Recognition

- Superintendent, John Brendza, of Eagle County School District

Mr. Brendza announced that a series of community meetings called “Coming Attractions” would be held to keep the community informed on all new issues for the school district. Minturn Middle School would be discussed at these meetings, and so he invited citizens and council members to participate in the meetings. Mr. Brendza mentioned a rumor of closing the middle school, but he assured the council that this was untrue. He mentioned the positive relationship between the town of Minturn and the school district.

There was some discussion as to what Meet the Wilderness would be doing with the land they are purchasing from the school district, which is located near the middle school. Mr. Brendza stated that there would be a facility for the educational organization built on the land, but stated that he did not believe that there would be any housing developments on this land.

Fred H. asked about the possibility of annexing the water plant land that was recently deeded to the town. Mr. Brendza stated that whom ever owned this land could agree to annex. Allen C. stated that the survey on the land was being conducted and that after its completion, the town would finish the deed. Mr. Brendza did not believe that the school board would have any problems with annexation.

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

Mr. Anthony Aiello, 30 Mann Street, announced that Public Works is doing an outstanding job on the town streets. He stated that he came in to discuss the council’s discussion of his complaint at the last meeting; he also stated that he had reviewed the council meeting tape. He stated that he disagreed with Chief Lorenzo Martinez’ letter. Mr. Aiello read a letter he prepared for this meeting concerning the parking in the town. He stated that plenty of people park on the street and do not even own a business in town. He stated that some of these

people have out of state license plates. He stated that last week Officer Brown walked right by an illegally parked car. He then mentioned that he got two parking tickets, and that Law Enforcement has been selective. Mr. Aiello stated that Law Enforcement should not be selective and that he simply wants to be treated fairly. Mr. Aiello stated that he felt Darell W. should resign from his position as the Mayor Pro Tem. He then asked if the council had any questions or anything to add.

Fred H. stated that he has been a victim of Mr. Aiello for years. He stated that he felt that this was a personal vendetta against him and that he has been harassed. He went on to state that his wife and neighbors are afraid of Mr. Aiello, and that Mr. Aiello continuously makes him nervous.

Darell W. stated that he referred to Mr. Aiello as the “village idiot” at the previous December 1, 2005 meeting and that by definition, idiot means “a silly and foolish person.” He stated that he felt that many previous behaviors of Mr. Aiello have been “silly and foolish.” Darell W. went on to explain his opinion by presenting a list of past behaviors.

Mr. Aiello stated that he wanted a copy of the tape for the present meeting and denied some of the behavior outlined by Darell W. He then stated that he would contact the proper authorities and take action regarding the statements made by some councilmen.

Yesenia Ramirez, 332 Main Street, asked if anyone wanted to give a donation for two students from Battle Mountain High School that had been in a car accident. There was some discussion about the accident and the condition of those injured. Miss Ramirez stated that she could be reached at (970) 827-5194 for any further information or donations. Chief Martinez stated that he would be of assistance for anyone interested in making a donation. Darell W. mentioned that council could make a donation by means of the Flower Fund.

Motion by Darell W., second by George B., to donate \$50.00 to benefit the students in the accident; all voted in favor.

Jay B. handled the transaction.

6. Discussion/action of Emergency Items, if necessary

There were no emergency items.

STAFF REPORTS AND OTHER ITEMS

7. Discussion/Action – Minturn Towne Homes Update by Project Manager Mike Wheelersburg.

Mr. Wheelersburg stated that he had been meeting with Wiley S. once a week and everything had been going well. Bill B. mentioned that the project manager had not done anything about employee parking. Mr. Wheelersburg stated that this would be taken care of soon, but that the plan delayed due to the weather. The project on a whole was behind by about three weeks.

It was decided that Mr. Wheelersburg's updates would take place during the first meeting of the month.

8. Reports/Correspondence/Announcements/New Business

- a. Economic Development Director
 - Minturn Market
Nicole M. mentioned that the Minturn Market had been selected as a finalist for the Success Connection Award. She stated that his was an incredible accomplishment, especially considering the little amount of funds put into marketing this event.
 - End of Year Visitor Recap
Nicole M. stated that more visitors had been to Minturn, due to the increase in events throughout the year. Even though the Centennial events were smaller, they had attracted many visitors. She then reviewed the statistics presented in the packet.
 - Future Events
Nicole M. discussed the potential events for 2005, which were included in the packet. She stated that she hoped to promote and follow through with at least two of these events, if not more. Council discussed the potential events and gave Nicole M. input as to which events the council liked the best.
- b. Public Works
 - Floyd Duran updated the council on the lights in Minturn and the snow removal.
- c. Police
 - Chief Martinez mentioned that a sting was conducted in the county and all liquor establishments in Minturn passed and have been following regulations.
- d. Treasurer/Clerk

- e. Town Planner
 - Wiley S. mentioned that the report was in the packet and that if anyone had any questions he would answer to the best of his ability. There was some discussion regarding the Meadow Mountain Tubing Hill Site Plan and the Eagle River Enclave.
- f. Town Attorney
 - Allen C. stated that the Gilman property had been sold and that the North Bridge is the property of Eagle County. He stated that Eagle County must pay to fix and maintain the bridge.
- g. Town Manager
 - Ann C. mentioned in her report about the Gilman property and that she expected to hear from the recent buyer (the property was closed on Friday, December 10, 2005) by the end of the week.
 - Community Survey Update
Ann C. stated that there has been a delay in the decision for the grant due to the poor weather, which caused a lack in attendance during the presentation to the committee last week.
- h. Town Council
The council turned had no reports.

DISCUSSION, HEARINGS AND ACTION ITEMS

9. Discussion/Action – Ordinance 14: Series 2004 (Second Reading): An Ordinance regarding Water Dedication for the Town of Minturn by Town Attorney.

Motion by Fred H., second by Darell W., to table the issue for 30 days; all voted in favor.

10. Discussion/Action Council Meeting time/schedule and format recommendation by Town Manager.

Ann C. asked if the new format was sufficient for the council meeting. The council agreed that it worked well and that the meetings would continue to start at 6:00 p.m.

11. Discussion/Action Council goals for FY(Fiscal Year) 2005 by Mayor.

The council mentioned that it would like to add a water & sewer tank for the Public Works to the list. The council also mentioned that there should be a water tank property cleanup. Nicole M. added these items to the list.

Motion by Hawkeye F., second by Tom S., to award a \$100 Christmas bonus to all staff employees; all voted in favor.

FUTURE AGENDA ITEMS

12. Items to be added to future agendas

- 1) January 5, 2005 – Mike Wheelersburg update
- 2) One Sheet Summary regarding 30% increase in Attorney fees
- 3) Council agreed to review the Town Manager on the first of the year. Since this was the reason for the executive session, the council decided not to hold the executive session. (move to discussion)

EXECUTIVE SESSION

13. EXECUTIVE SESSION

- Pursuant to Colorado Revised Statute 24-6-402(4)(f) for purposes of discussing a personal matter.
- Council decided that the executive session was not necessary at this time and that it would be necessary at the next council meeting.

14. Set next meeting date – January 5, 2004

15. Adjournment

As there was no further discussion, the meeting was adjourned at 8:10 p.m.

Hawkeye Flaherty, Mayor

ATTEST:

Jay Brunvand, Town Clerk