



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, February 2, 2005**

**Work Session: Council Chambers – 6:00 PM
Regular Session: Council Chambers – 7:00 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

WORK SESSION – 6:00 PM

- a. Ordinance 14 – 2004 regarding Town water dedication (including water district specifications and calculations).
- b. Land Use Regulations
- c. Old Town Hall

REGULAR SESSION – 7:00 PM

1. Call to Order

- a. Roll Call

Mayor Hawkeye Flaherty called the meeting to order at 7:11 pm. Those present included Mayor Flaherty, Mayor Pro Tem Darell Wegert, George Brodin, Jerry Bumgarner, Fred Haslee, Tom Sullivan, and Bill Burnett.

Staff present included Town Manager Ann Capela, Treasurer/Town Clerk Jay Brunvand, Economic Development Director Nicole Magistro, Town Planner Wiley Smith, Town Attorney Allen Christensen, Chief of Police Lorenzo Martinez, Director of Public Works Floyd Duran, 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.

Move item number 9, LaPlayuela Park, to before item number 8.

f. Approval of the agenda.

Motion by Fred H., second by Bill B., to approve the agenda as amended; all voted in favor.

3. Approval of the Minutes for January 19, 2005.

Motion by Bill B., second by George B., to approve the minutes as presented; all voted in favor.

4. Special Presentations/Citizen Recognition

Hawkeye introduced the new County Commission, Peter Runyon.

Hawkeye introduced the mayor of Red Cliff, Mr. Ramon Montoya.

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

There was no comment.

6. Discussion/action of Emergency Items, if necessary

There were no emergency items to be discussed.

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

Mr. Wheelersburg, 1849 Oden Drive of Silt Colorado, stated the Chuck Lanci, the Town Building Inspector, completed an inspection of Building A today (02/02/05). Mr. Wheelersburg stated that they started funding the mechanical work for the duplex on 120 and 122 Taylor Street. Mr. Wheelersburg stated that framework would begin for Building C, which is located at 110 through 115 Taylor Street on February 3, 2005. Mr. Wheelersburg stated that the barriers are up and that he felt that he and his employees had been doing a good job of regulating the parking. Mr. Wheelersburg mentioned that he and Jim McNeil had started setting up meetings with all of the utility companies.

Tom S. asked when Taylor Street would be deeded back to the town. Allen L. stated that it would not occur until the entire project was finished.

Tom S. stated that in that case, the buildings would get COs before hand and that would be a mistake.

Mr. Wheelersburg noted that Ann C. approached him about possible off site improvements for the town. Mr. Wheelersburg continued by listing the possible improvements: 1) Paving by the fire department and/or 2) painting the water tower. The council expressed its appreciation.

Mr. Wheelersburg thanked the council for its time.

8. Discussion/Action – La Playuela Park Proposal by Park Redevelopment Committee.

Nicole M. introduced the committee and stated that the committee would be sharing its improvement plans with the Council.

Rebecca Ohman, 1050 W. Beaver Creek Blvd., utilized a map to explain the site. Ms. Ohman proposed signage by highway 24 in order to create traffic in the park. Ms. Ohman explained that they want to provide a connection to the Eco trail. Ms. Ohman explained that they were trying to take advantage of the natural surroundings within the park. The following is a list of proposals: 1) A climbing boulder, 2) River access / Beach, 3) Discovery trail, 4) Possible sculptures to provide uniqueness, 5) Recreation of a Historical Structure (i.e. A civilian, Theater, Pavilion). Ms. Ohman showed possible park play structures for two age ranges: 2-5 year olds, 5-12 year olds. Ms. Ohman stated that the committee was also looking into providing a merry-go-round or a tire swing. Ms. Ohman stated that there would be railway carriages and steam engines for the 2-5 year olds as well. Ms. Ohman stated that there would be a sandbox for the younger children. Ms. Ohman explained that the play area would be surrounded with wood chips.

Ms. Ohman stated that the amphitheater was currently delapidated and the committee was hoping on revamping it. Ms. Ohman stated that it would remain a grass panel amphitheater with stones and boulders. Ms. Ohman informed the council that right now the theater holds about one hundred people and the committee wished to keep it that size. Ms. Ohman stated that the committee would really like to bring in an element that would embody the character of Minturn. Ms. Ohman stated that a caboose could be brought in and renovated into a concession stand. Ms. Ohman stated that the park could be used for numerous occasions such as weddings, family reunions, veterans associations, educational purposes, etc. Ms. Ohman stated that the restroom would be a compost co-ed facility.

Bill B. asked if there was fresh water at the park. Ms. Ohman stated that there was not as of yet; however, it could bring water in for such amenities as a drinking fountain.

Kelly Brinkerhoff, 1888 Cross Creek Lane, stated that the total budget for the park was close to \$314,000. Ms. Brinkerhoff stated that they were applying for a grant from the Great Outdoors Colorado (GOCO) and there would be a site visit on February 15, 2005 with GOCO. Ms. Brinkerhoff stated that the committee would submit its final application to GOCO on March 4, 2005. Ms. Brinkerhoff stated that the committee would need a resolution to fund to the project from the town council as a part of the grant application. Ms. Brinkerhoff stated that the remaining portion of the budget would be funded through private sources.

Ann C. stated that LaFarge would like the committee to contact them for support. Darell W. inquired about the \$5000 for irrigation. Jim Brinkerhoff, 1888 Cross Creek Lane, stated that the irrigation was for the trees/shrubbery and that it was not intended for long-term usage. However, if needed, the irrigation system would be there.

Mr. Brinkerhoff thanked VAG Inc. for all of its hard work and efforts in supporting the committee. Mr. Brinkerhoff mentioned his appreciation for the support of Eagle County. Mr. Brinkerhoff stated that he was confident about the project and that it was gaining support. Mr. Brinkerhoff stated that he was optimistic about acquiring the grant for funding.

Tom S. inquired about the completion of the park. The group stated that it would hopefully be completed in the fall of 2005.

Laura Wolf, 88 Main Street, chairperson of the committee, thanked those who attended the meetings for the park. Ms. Wolf stated that the group had posted flyers throughout town, there was an article in the Vail Daily about the project, and that the group did a channel 9 news segment. Ms. Wolf announced that the committee was able to attain feedback through the previously noted actions. Ms. Wolf informed the Council that community was interested in having security lighting for the park, accommodations for weddings and large gatherings, and a possibly renaming the park. Ms. Wolf stated that there was some discussion about having a contest for renaming the park. Ms. Wolf asked if anyone had any input. Tom S. stated that having a contest would be a way to gain community involvement. Ms. Wolf thanked VAG Inc. and the Youth Foundation for its efforts.

Bill B. asked if there would be sand by the beach. Ms. Ohman explained that there would be river cobble, which is a sand-like material that would not wither away or destroy the river restoration.

The Council thanked the committee for its commitment and efforts on the project.

STAFF REPORTS

9. Reports/Correspondence/Announcements/New Business

a. Economic Development Director

Nicole M. stated that the report was in the packet regarding the following: 1) La Playuela Park/Resolution 2, 2) Public restrooms, 3) Scenic byway kiosk, 4) Historic walking tour, 5) Minturn market, 6) Eagle County Homebuyer's Assistance Committee, and 7) Technical assistance with community planning. Nicole M. stated that she would answer any questions. Darell W. asked about the location of the Mollie G. building in reference to the public restrooms. Nicole M. explained that the location was behind Grammy's attic. Darell W. inquired about the historical walking tours. Nicole M. stated that free walking tours would still be available, but the historical walking tour mentioned in her report was a special tour. Nicole M. stated that this tour would last about two and a half hours and it would also include lunch.

b. Public Works

Floyd D. stated that aside from his report that the town had been selected for a water plant evaluation.

c. Police

d. Treasurer/Clerk

e. Town Planner

Wiley S. stated that his report was in the packet and he would answer any questions. Darell W. asked when the next AdHoc meeting would be held. Wiley S. informed the Council that the AdHoc meeting had not been scheduled yet because the committee was under the assumption that it would incorporate some of Eagle County's regulations into the zoning code. Wiley S. further explained that the committee would have to reevaluate chapter 16 of the zoning code.

Hawkeye F. inquired about the recommendations regarding the modifications of the zoning code. Wiley S. explained that the staff is in the process of discussing modifications to the zoning code. The next step would be to take it to the Planning and Zoning Commission and then to the Town Council.

f. Town Attorney

g. Town Manager

Ann C. briefed the council on her report provided in the packet and asked if there were any questions. Darell W. suggested that the Mayor wrote a letter of appreciation to the Fire District.

h. Town Council

Hawkeye F. announced that Battle Mountain won its last basketball game against Eagle and the hockey team was undefeated. Hawkeye F. suggested that citizens attend a local athletic event to show their support.

ACTION / DISCUSSION ITEMS

10. Discussion/Action – Resolution 2: Series 2005: A Resolution supporting ongoing park improvements and corresponding grant proposals by Economic Development Director.

Motion by Tom S., second by Bill B., to approve Resolution 2: Series 2005 as presented; all voted in favor.

11. Discussion/Action – Ordinance 14: Series 2004 (Second Reading): An Ordinance regarding Water Dedication For The Town of Minturn by Town Attorney.

Bill B. stated that he felt the citizens within the existing town boundaries should not have to pay more for water. Bill B. stated that the town should not discourage people from building in Minturn.

Tom S. stated that he felt it should be aimed at properties that are added to the town (example: The Ginn Property).

Fred. H stated that he did not agree with Tom S. and Bill B. Fred H. stated that if the use of the water would increase they should have to pay for it. Fred H. further explained that the ordinance was not referring to taps, but to wet water. Tom S. stated that he believed the town had enough wet water to supply additional properties. Fred H. disagreed and expressed his belief that the ordinance was fair to the existing population as well as to the future citizens. Fred H. inquired about the accuracy of the calculations. Allen C. stated that the water attorney, Ann Castle, looked at the document and stated that the calculations would have to be assessed by a water engineer. Fred H. stated that the town should have a water engineer review the calculations and then the Council should approve or disapprove the ordinance based on those figures.

George B. agreed with Fred H.'s views on the matter.

Jerry B. stated that he felt that the town should not extort additional water rights from people that have been in the town a long time. He understands the implications of not charging people for additional use, but feels that it is a fundamental obligation of the town to provide water service to people that are within the town boundaries.

Fred H. clarified the ways in which people could be charged – change of use or change in zoning. He felt that it would be within the rights of the town to charge more money from those that increased the amount of water supply used.

There was some discussion about what was and was not fair in terms of requiring additional water rights.

Ann C. inquired about the cost of hiring an engineer to assess calculations. Fred H. stated that he would assist the town in hiring an engineer.

Darell W. stated that he agreed with Fred H. and that the ordinance would be to the advantage of the town if it acquired more water rights.

Hawkeye F. stated that he approved of the ordinance as presented.

Fred H. reminded the Council that the calculations were based on another town and that it should consider the fact that the calculations might be slightly different for Minturn. Fred H. urged the Council to consider the ordinance for the next meeting so that the calculations could be accurately determined.

Motion by Fred H., second by George B., to table Ordinance 14: Series 2005 (Second Reading) until February 16, 2005; all voted in favor.

12. Discussion/Action – Ordinance 1: Series 2005 (Second Reading): An Ordinance amending the existing service contract with Eagle River Water and Sanitation for Town wide water and trash billing services By Town Treasurer.

Motion by Bill B, second by Tom S., to approve Ordinance 1: Series 2005 (Second Reading); all voted in favor.

13. Discussion/Action – Annexation Request by Ginn Development.

Ann C. stated that there were several documents provided in the packet discussing the item. Ann C. stated that there was correspondence documentation between Mr. Ginn and the town provided in the packet. She asked Council to review the letter from Mr. Ginn regarding his interest in annexing the property he recently acquired (Gilman property). She also asked the Council to review the schedule the staff had created for the annexation process.

W. Smith stated that the process for annexation is explained step by step in the packet. He explained that the responsibilities of the staff and the Ginn employees are clearly stated. W. Smith stated that the schedule would allow the staff and Council to make preparations; however, the staff and Council should expect the schedule to expand or contract according to the tasks.

Hawkeye F. stated that he felt the Council was not ready to make a decision on whether or not to proceed with the annexation.

Ann C. stated that the request for a decision of whether or not the annexation should take place was based upon obtaining a formal letter from Ginn Properties stating its interest to move forward with the process. She explained that the Council did not have to take action immediately. However, she requested that the Council enter into a pre-annexation agreement for the items that would include, but not limited to,

financial assistance of community consultation process, legal services, additional planner, full/part time positions that might be needed, contractual planning services, various travel expenses, and engineering services. Ann C. stated that in order for the staff to do anything the Council would have to enter into a pre-annexation agreement because the town does not have annexation fees that are set.

Tom S. stated that he did not have a problem agreeing to a pre-annexation, however, he was uncomfortable in agreeing to the annexation. Tom S. stated that he felt it was premature and that he would like more information because there was a major difference between 200 dwellings and 2,000 dwellings.

Darell W. stated that he agreed with Tom S. Darell W. stated that the town was interested, but was not ready to make an agreement without documented plans.

Jerry B. agreed with Tom S. and Darell W.

Hawkeye inquired what the staff would do if it approved request number one, as outlined in the Town Manager's report from the packet. Ann C. stated that the staff would enter into negotiations, both financially and actual building plans.

Hawkeye stated that he was comfortable with approving request number two, but not number one. The Council would like to inform Mr. Ginn that it was interested in a formal letter; however, no decisions would be made without more information.

Fred H. stated that a letter to Mr. Ginn should state that the council would like to have more specific plans.

Ann C. stated that she understood the reluctance from the Council and that she would pass the information along. Fred H. stated that the community, most importantly, deserves to have more information. Fred H. asked Ann C. to incorporate the Council's concern for other regionally affected towns, such as Red Cliff, into the building considerations for the project.

Bill B. inquired about bringing water to the property. Ann C. responded that the staff has been reviewing that and explained that she had been corresponding with Ms. Wendy Naugle of the State of Colorado and the Environmental Protection Agency (EPA). She further explained that the EPA would like to set up a meeting with her, Wiley S., Allen C., and the Colorado Department of Health.

Bill B. asked about the ownership of the pipelines that run down from Gilman. Ann C. stated that staff had discussed that with EPA because there had been some issues as to how many acres belong to Mr. Ginn.

Hawkeye stated that the interest of the Council should be passed along and that staff should continue with discussions of the possibilities for the property with Ginn Development.

14. Discussion/Action – Community Development Task Force - Ginn Property.

Ann C. stated that the staff wanted to create a group in preparation to community involvement that would be beneficial for the Ginn Development. Ann C. recommended that Nicole M. head up the task force as the Chairperson. Ann C. explained that she and Wiley S would be on the task force and that Allen C. and Anne Castle would be on call. George B. stated that he felt it was a good idea. All agreed that the task force should include the Mayor, one Councilman, and one citizen. Council agreed that George B. should be the Councilman to serve on the task force.

Hawkeye F. stated that staff should collect the names for other potential members on the Community Development Task Force and the Council would decide on it at the next meeting.

15. Public Hearings Postings.

Ann C. explained her concern for the public posting requirements. Ann C. stated that posting earlier would allow staff more time to assess the information. Ann C. further explained that this would allow for more effective presentation(s) of items to be complete. For example, if an item were brought to the Planning and Zoning Commission on Wednesday February 9th it would not be on the agenda for Council until March 2nd (three weeks instead of one).

There was some discussion as to the most effective means of distribution for public notices to the neighbors of the applicants.

Hawkeye F. stated that the applicant(s) needed to be given written direction as to how and when posting(s) need to be complete.

Ann C. stated that there had been numerous issues with posting and it was brought to the Council's attention so that a change could be made. Hawkeye F. asked if there would be any change to the code. Staff stated that an amendment to the code would be the decision of the planner.

Wiley S. stated that posting would be the responsibility of the applicant, not the town and four items of proof of posting would be required prior to a hearing. The applicant must present the following to the staff: 1) Certificate of posting form A, 2) Certificate of posting form B, 3) Proof of publication form, and 4) Certificate of mailing form.

Hawkeye F. stated that he felt that renters as well as owners should be notified.

16. RICD water rights by Town Manager.

The town council directed the Town Manager to draft a letter written to Jack Taylor expressing Council's opposition to senate bill sixty-two; all voted in favor

17. Support for motion for continuance of Water Quality Commission meetings.

Motion by Fred H., second by Tom S., to have the Town Mayor meet with the Commissioner to discuss Council's concern with its representation; all voted in favor.

FUTURE AGENDAS / WORK SESSIONS

18. Items to be added to future agendas / work sessions

- **Work Session**
 - 1) Old Town Hall

- **Future Agenda – 02/16/05**
 - 1) Ordinance 14: Series 2005 (Second Reading)
 - 2) Letter to Mr. Ginn and Ginn Properties
 - 3) Ginn Task Force – List of potential task force members
 - 4) Applicants - Step by Step for Posting

19. Future meeting dates

- 1) Council Meetings
 - February 16, 2005
 - March 2, 2005
 - March 16, 2005

- 2) Planning and Zoning Meetings
 - February 9, 2005
 - February 23, 2005
 - March 9, 2005

- 3) Community/Other

EXECUTIVE SESSION

20. EXECUTIVE SESSION

- Pursuant to C.R.S. 24-6-402 (4)(b) for the purpose of consulting with the Town Attorney on pending legal issues.

Motion by Darell W., second by Fred H., to convene into executive session at 9:00 p.m.; all voted in favor.

The council reconvened at 9:43 p.m. No action was taken and direction was given to staff.

21. Adjournment

As there was no further discussion the meeting was adjourned at 10:20 p.m.

Mayor, Hawkeye Flaherty

ATTEST:

Town Clerk, Jay Brunvand