



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, April 20, 2005

Work Session: Council Chambers – 5:45 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 – 5:45 PM

- 1. Discussion - Water Plant Report**
- 2. I-70 Corridor**
- 3. Dan Gibbs, Representative for Congressman Udall – Discussion on Dowd Junction**

REGULAR SESSION – 7:00 PM

1. Call to Order

a. Roll Call

Mayor Hawkeye Flaherty called the meeting to order at 7:13 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 Attorney Allen Christensen, Chief of Police Lorenzo Martinez, Public Works Director Floyd Duran, and Court Clerk / Office Technician Alicia Lynch (*NOTE: Town Economic Development Director Nicole Magistro was excused absent*).

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 Fred H., second by Darell W., to approve the agenda as presented; all voted in favor.

3. Approval of the Minutes for April 6, 2005

Motion by Bill B., second by George B., to approve the minutes from April 6, 2005 as presented; all voted in favor.

4. Special Presentations/Citizen Recognition/Project Update

There were no special presentations/citizen recognitions/project updates.

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

Mr. Robert Martinez, 800 South Main Street in Minturn, stated that he wanted to discuss three items: 1) Lights out on Main Street by Shop-N-Hop, by his residence, Two Elk Gallery, out since February, Council asked Jay to take care of it 2) He stated that the concerns were brought to the attention of the Council regarding improvements for recreational activities for the youth (e.g. batting cages operating for the summer). He stated that Robert Attencio would sell it for \$6,000.00 and that Mr. Martinez would do whatever it would take to help out. There was some discussion between Mr. Martinez and the Council about this matter. Ann C. stated that there may be a problem with Lafarge and the radio tower as to the location of the batting cages, 3) Mr. Martinez stated that he could discuss more, but chose to not discuss the third item.

6. Discussion/action of Emergency Items, if necessary

There were no emergency items discussed.

STAFF REPORTS AND OTHER ITEMS

7. Reports/Correspondence/Announcements/New Business

- a. Court Clerk / Office Technician

Alicia L. stated that she had nothing to add to her report and would answer any questions the Council had. However, she added that the

Town Code books are complete and those that have not picked it up should do so. Mayor Hawkeye congratulated Alicia L. for completing the Court Basics Class.

- b. Economic Development Director
(NOTE: Nicole was not in attendance)
- c. Public Works
Floyd D. stated that he had been in contact with George from Beaver Creek. He stated that George had given Public Works the following: exhaust for exhaust venting, oil recycle heater, and a chain crane. He mentioned that he has a plumber doing community service; therefore, he would have him install the exhaust system if he received it in time. Hawkeye F. inquired about the status of fixing the dump truck. Floyd D. stated that it was not coming along so well. Hawkeye F. inquired if the Town had funding for fixing the dump truck. Jay B. stated that it was not in the budget. Council was in agreement that something needed to be done about fixing the dump truck and direction was given to staff. Finally, Floyd D. stated that he would start on the replacement of the lights. Hawkeye F. asked the police to keep a look out for turned off or broken lights that need replacement.
- d. Police
Lorenzo had nothing to add. Hawkeye F. inquired about the new vehicle and Lorenzo M. stated that it was great.
- e. Treasurer/Clerk
There was some discussion about the publication of ordinances. Darell W. inquired about how long it would take to obtain a bear proof trashcan from Waste Management. Jay B. stated that Waste Management is trying to deliver the trashcans to the residents as fast as they can in order to comply with the Town Code. There was some discussion about how reliable and effective the trashcans would be. It was decided that the trashcans would be more effective compared to the current ones. Also, as long as the citizens have a bear proof trashcan they would be following the Town Code. Therefore, if a bear still gets in it they would not be held accountable other than to clean up the mess.
- f. Town Planner
Wiley S. stated that he had nothing to report.
- g. Town Attorney
Allen C. stated that he had nothing to report.
- h. Town Manager
Ann C. briefed the Council on her report. She informed the Council that she had hired someone for the Economic Development Director position and that five applicants have been selected for an interview for the Planner I position. She stated that Bill Weber would be moving here May 1, 2005.
- i. Town Council
George B. informed the Council that he had a community clean-up signup sheet. Hawkeye F. suggested that it be passed around (NOTE: The signup sheet was passed around). Bill B. stated that if the Town

was having water problems, it needed to be fixed. Hawkeye F. directed staff to include the topic on the next work session (May 5, 2005).

DISCUSSION, HEARINGS AND ACTION ITEMS

8. Discussion/Action – Fire Code Update by Town Fire Inspector Carol Mulson.

Carol Mulson, 570 Homestead Drive of Edwards, stated that the Fire Code was adopted when the Building Code was adopted. In fact, the Town Fire Code is from 2000. She recommended that when the new code is released in 2006 to maintain the 2000 Fire Code. She suggested that propane grills be allowed and that Minturn should be a little less restricted than the 2006 National Fire Code. She went on to explain other regulations that she felt should be changed and why. She reviewed possible additions to the Fire Code (e.g. false alarm charges). Hawkeye F. inquired how many ordinances would be needed to implement the suggested changes. C. Mulson stated that it would take one ordinance. Darrel W. asked about the use of charcoal grills. Carol M. stated that charcoal grills were prohibited. She added that locally we have interpreted it to apply to apartment style buildings only.

9. Discussion/Action – Ordinance 10 – Series 2005 (Second Reading): An Ordinance To Allow Seven Existing Units To Be Subdivided And Converted Into Condominiums On 3.2158 Acre Parcel Of Land In The Grouse Creek Character Area, Commercial Zone As It Pertains To Meadow Mountain Business Park Phase II Subdivision Of Minturn, Colorado.

Hawkeye F. read the ordinance by title only. Wiley S. handed out the parking plan / structure. Council thanked Wiley S.

Motion by Jerry B, second by Tom S., to approve Ordinance 10 – series 2005 (Second Reading) as presented; all voted in favor.

10. Discussion/Action – Ordinance 9 – Series 2005 (Second Reading): An Ordinance Creating The Minturn Watershed As Authorized In Section 31-15-707(1)(b) C.R.S., 1973 Amended, And Other Colorado Statutes For The Protection Of Minturn’s Drinking Water. Presented by Town Planner.

Hawkeye F. read the ordinance by title only.

Motion by Fred H., second by Tom S., to table Ordinance 9 – Series 2005 (Second Reading) until May 4, 2005; all voted in favor.

11. Discussion/Action – Town Projects by: Town Manager

1. Street Lights

Bill B. stated that he would like to have as many lights installed as possible. Tom S. suggested that the staff wait and see if the town could get the project funded prior to making a decision. George B. agreed. Hawkeye F. stated that his concern was that the lights that are already in town stay lit. Direction was given to staff to maintain the lights already in town.

2. Sidewalk – south end

Ann C. informed the Council of negotiations with La Farge. Ann discussed what could occur if the sidewalk was installed prior to the Ginn development. Fred H. stated that the engineering portion and C-Dot approval process should be complete because it would be a part of the process in the future. Therefore, this would save the town of time in the future. Direction was given to staff to proceed.

12. Discussion/Action – Town Staff Ginn Development: Fact Finding Mission by: Town Manager

(NOTE: Tom S. excused himself due to his working relationship with the Ginn Company.) Ann C. briefed the Council on the report provided in the packet. Ann C. informed the Council on Nicole M.'s findings. There was some discussion about the Ginn Development and the upcoming negotiations/agreements. Allen C. informed the Council that he did ask the negative questions and he received positive feedback. He added that the Ginn Company had been overly compliant with prior projects *(NOTE: Tom S. rejoined the Council)*.

13. Discussion/Action – Business License Update by Town Manager.

Nothing was discussed.

FUTURE AGENDA ITEMS / WORK SESSIONS

14. Items to be added to future agendas / work session

- Mike Wheelersburg – Update on Minturn Towne Homes
- I-70 Letter(s) – One due tomorrow, state on 24th of May
- Water problems – Floyd's report mentioned
- Fire Code Ordinance
- Engineering process for sidewalk
- Watershed Ordinance 9: Series 2005 (Second Reading)
- "Other" added to work session from now on

15. Set Future Meeting Dates

1) Council Meetings

- May 4, 2005
- May 18, 2005
- June 1, 2005

2) Planning & Zoning Meetings

- April 27, 2005
- May 11, 2005
- June 8, 2005

3) Other

16. Adjournment

As there was no further discussion, the meeting was adjourned at 8:47 p.m.

Mayor, Hawkeye Flaherty

Attest:

Treasurer, Jay Brunvand