



**REGULAR MEETING OF THE • MINTURN TOWN COUNCIL**  
**Wednesday, August 3, 2005**

**WORK SESSION 5:45 PM**

**REGULAR SESSION 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

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 – 5:45 PM**

1. Survey Results - NWCCOG
2. Town Manager's 2005 Goals
3. Survey on Hwy. 24: right-of-way
4. CDOT – Sidewalk in South Minturn
5. Other

**REGULAR SESSION – 7:00 PM**

**1. a. Call to Order**

Mayor Hawkeye Flaherty called the meeting to order at 7:00 p.m. Those present included Mayor Flaherty, Mayor Pro Tem Darell Wegert, George Brodin, Jerry Bumgarner, Bill Burnett, Fred Haslee, and Tom Sullivan.

Staff present were Town Manager Ann Capela, Town Planner Wiley Smith, Town Planner I Derrick Slocum, Town Economic Development Director Karen Earley, Town Attorney Allen Christensen, Town Chief of Police Lorenzo Martinez and Court Clerk / Office Technician Alicia Lynch (*Note: Town Clerk / Treasurer Jay Brunvand 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.
  - Item number 9 was pulled.
- 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 Tom S., second by Bill B., to approve the agenda as amended; all voted in favor.

## **3. Approval of the Minutes from July 20, 2005**

Jerry B. asked for two corrections to be made. There was a spelling error on page six and page seven.

Motion by Jerry B., second by Darell W., to approve the minutes as amended; all voted in favor.

## **4. Liquor Authority**

- Shop n Hop #12 3.2 Beer License Annual Renewal; 401 Main Street, Terry Marcum Owner/Manager

*(NOTE: the Council sat as the Local Liquor License Authority to consider the pending liquor license).*

Allen C. stated that staff recommended renewal. Chief Martinez stated that there was an attached letter in reference to a compliance check, which the business passed, and he thanked the business. It was noted that there was only one incident, which was a positive one.

Terrence Stuart Marcum, PO Box 866 / 20 Shotgun Circle of Edwards, stated that he had no additions.

Motion by Bill B., second by Fred H., to approve the Shop n Hop #12 3.2 Beer License Annual Review; 401 Main St., Terry Marcum Owner/Manager; all voted in favor.

## **5. Special Presentations/Citizen Recognition/Project Update**

- Minturn Towne Homes – Mr. Michael Wheelersburg

Mr. Wheelersburg (Project Manager), 1849 Odin Drive of Silt, Colorado, said that they would be paving the Fire Station next Monday and Tuesday, weather permitting. Mr. Wheelersburg stated that they were installing the utilities (e.g. Comcast Cable) and would be installing the electric and gas to the first two units. He stated that they were going to start final inspections next week. Mr. Wheelersburg said that they would be completing the framing of building and would begin framing for Building E on August 15, 2005. He said that they would begin asphalt for the driveways in about two weeks.

Hawkeye F. asked when they would pave Taylor Street. Mr. Wheelersburg stated that as he understood it that was not part of the agreement. Wiley S. affirmed and stated that they would be required to pave only what they dug up on Taylor Street. Mr. Wheelersburg assured the Council that they would do so. Fred H. asked when that would be done. Mr. Wheelersburg stated that they would have that completed by the fall (November 11, 2005), after the storm sewer/drainage system was installed. However, it could be completed in as little as two weeks.

Darell W. inquired about the sidewalk. He replied that it would be done this year.

Hawkeye F. inquired about the posted signage and its ability to help. Mr. Wheelersburg stated that it appeared to be helping and that he noticed a lot of people hiking early in the morning before they begin working. He said that he has not had a problem.

Tom S. asked when they expect people to move in. Mr. Wheelersburg anticipates people to start to move in sometime around the first of September 2005.

Bill B. asked if he and Ann C. have discussed the boulders by the Fire House. Mr. Wheelersburg said that they had. He added that they would use the boulders for the Minturn Towne Homes development because the Town does not want them.

Allen C. stated that the staff had the Final Plat and that if any Councilmen would like to see it they could. Wiley S. informed the Council that plenty of work still needed to be completed prior to anyone moving in. He stated that he would be working with Chuck Lanci, Building Inspector, on making sure everything was meeting standards.

Council thanked Mr. Wheelersburg for attending.

- Hawkeye F. introduced and recognized Mr. Eric Gold, a part-time resident of Minturn, and thanked him for his substantial donation to La Playuela Park. Mr. Gold gave a background on his mother and thanked the Town for the memorial.
- Bill Weber of Ginn Clubs and Resorts, 627 Hernage Creek Road, announced to the Council that they were conducting their own traffic counts (13 in total), which they hope to have the results by the next Council meeting. Tom S. stated that at the last meeting there was some confusion regarding the Lafarge Lease and whether there was an agreement for batch plant between Lafarge and Ginn Clubs and Resorts. Mr. Weber stated that they were working on it and trying to find an alternative location. Tom S. asked if he saw it as a reality or speculation. Mr. Weber stated that they hope it was reality.

Council thanked Mr. Weber for attending.

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

Mr. Robert Martinez, 800 South Main Street in Minturn, Colorado, stated that he was here to discuss the sidewalks for the south end of Town. He stated that he felt the sidewalk should be on both sides, but it was more important to have it on the West side of the street. He suggested that the elevation be considered for a sidewalk on the East side. He asked why it was determined to be on the East side.

Tom S. stated that he felt the sidewalk placement was decided to be on the East side due to the shorter distance needed to be installed; however, he felt that there was not much thought put into it.

Council decided that they should look into putting the sidewalk on both sides of the road.

Mr. Martinez mentioned that there were no crosswalks at a few locations. The main concern was to put crosswalks at Lucero's and King Ranch because there were bus stops located there.

Susan Medina, 552 Main Street of Minturn, Colorado, stated that she was here because of the sidewalks as well. She stated that it would be nice to have sidewalks in Minturn because there were a lot of people in Town that like to walk. She added that the sidewalks needed to be leveled as well. Ms. Medina asked about the crosswalk by the Minturn Carwash. Jerry B. stated that it was there so the crosswalk doesn't lead to someone's home.

Darell W. said that a survey needed to be complete to find out the right-of-way.

Karen E. stated that there would be a community forum discussing this topic on Tuesday, August 16, 2005. She added that letters were mailed to the community.

## **7. Discussion/action of Emergency Items, if necessary**

There were no emergency items discussed.

## **STAFF REPORTS AND OTHER ITEMS**

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

### **a. Economic Development Director**

Karen E. stated that the Minturn Market won for best place to buy produce for the "Best Of" sponsored by the Vail Daily. She said that the Eco Transit counts are up each by 100+/week at the market. Home Buyers Assistance class will be held on August 31, 2005 at 5:00 p.m. here in the Council Chambers. She mentioned that on Saturday August 27, 2005 Elvis would be in Town at 6:00 p.m.

### **b. Public Works**

Ann C. stated that the Town purchased a dump truck for \$29,400.00. She stated that we had some problems with the water plant. She explained that there were leakage problems with the system.

- c. Police  
L. Martinez stated that Officer Marsha Rich would be staying with the Town.
- d. Treasurer/Clerk  
(NOTE: Jay B. was excused absent).
- e. Town Planner  
Wiley S. stated that he gave a binder to each Councilman of which the contents were the first of many sections from chapter 16. He thanked the following members on the Ad-Hoc Chapter 16 Committee: Fred H., Tom S., Michael Gallagher, and Rob Davis for their help on accomplishing this. He stated that there was a lot of concern with PUDs, Subdivisions, and the process, which is section 21 from chapter 16. Wiley S. asked the Council to review the section and bring any questions to the next meeting.
- f. Town Attorney
- g. Town Manager  
Ann C. stated that she gave an invitation from the Chairman of the Eagle County Commissioners for a Town Council night at the Rodeo on August 5, 2005 and they asked for an R.S.V.P. She added that she handed out a letter from Senator Ken Salazar regarding the Forest Service land.
- h. Town Council  
Darell W. asked about bringing up concerns for the 2006 budget. Ann C. stated that they could inquire about the budget at any time.

## DISCUSSION, HEARINGS AND ACTION ITEMS

### **9. Discussion/Action – Preliminary PUD and Final Plat at Lot 29 and 31 of the Minturn South Addition Subdivision by Wiley Smith.**

This item was pulled from the agenda because it was passed on July 20, 2005.

### **10. Discussion/Action – Minor Subdivision and associated Variance Request at Lot 10-Block G Booco's Addition by Wiley Smith.**

Motion by Fred H., second by Darell W., to table the discussion item until August 17, 2005; all voted in favor (NOTE: Tom S. and Hawkeye F. were abstain).

### **11. Discussion/Action – Ordinance 17 – Series 2005 (First Reading): An Ordinance entering into an agreement with Lafarge of North American to lease space from the Town of Minturn by: Town Manager.**

Ann C. requested that the ordinance be tabled indefinitely.

Motion by Jerry B., second by George B., to table Ordinance 17 – Series 2005 (First Reading) indefinitely; all voted in favor.

### **12. Discussion/Action – Ordinance 18 – Series 2005 (First Reading): An Ordinance entering into an agreement with the Town of Avon – to service the Town of Minturn vehicles and equipment by: Town Manager.**

Hawkeye F. read the Ordinance by title.

Ann C. stated that the cost performance issues were provided on page 48 of the packet. She added that the staff and Council would re-evaluate the agreement at the end of the year as to provide the Town to make necessary changes. L. Martinez stated that he spoke with the Police Chief of Avon and that he felt the deal looked favorable.

George B. stated that he felt it was an excellent idea and that it would help increase the life of the Town's vehicles.

It was determined that it stated in the agreement it would expire the 31<sup>st</sup> of December of 2005.

Motion by Fred H., second by George B., to approve Ordinance 18 – Series 2005 (First Reading) as presented; all voted in favor.

**13. Discussion/Action – Ordinance 19 – Series 2005 (First Reading): An Encroachment Agreement Lot 5 and Lot 6, Block B, Booco Addition – 146 North Main Street, The Saloon by: Town Planner.**

Hawkeye F. read the Ordinance by title. Hawkeye F. recommended approval. Tom S. asked if it was the same agreement provided for other applicants. Allen C. affirmed.

Jerry B. inquired about the “Use of Site” on the bottom of page 51, which stated the following: “The site be used for the maintenance of the aforementioned structure and for no other purpose whatsoever”. Allen C. stated that the “aforementioned structure” referred to the part of the building where they could store equipment and some of the inventory. Allen C. stated that he would review it and prepare any necessary changes for second reading.

Motion by Tom S., second by Bill B., to approve Ordinance 19 – Series 2005 (First Reading) as presented; all voted in favor.

**14. Discussion/Action – Ordinance 21 – Series 2005 (First Reading): An Ordinance entering into a Contractual Agreement with CDOT for the maintenance of Hwy. 24 through Minturn.**

Hawkeye F. read the Ordinance by title.

Fred H. stated that he did not intend on bringing up the survey again, but he would like to see a more effective survey completed. Fred H. added that it would be beneficial for the Town to be able to define the limits of a maintenance contract. Ann C. stated that staff would work on getting that information.

Ann C. stated that the Town was currently entering into a contractual agreement with CDOT. She said that she discovered that CDOT had a similar agreement with the Town of Vail for a lot longer portion for about \$100,000.00. Ann C. stated that they would be able to offer enough money so that we could use half of it to provide a salary for another worker for the Public Works Department. She stated that it would be up to the Town to get a bobcat to help clean up the streets.

Darell W. inquired about the “Major Disasters” and what it meant. Ann C. stated that the Contract only covers from Chili Willy’s to the south end of Town thus it would only cover major disasters within that area.

Jerry B. stated that “salt” needed to be removed because the Town does not do that.

Ann C. informed the Council that the staff would provide sand in areas (e.g. bus stops).

Council discussed the increase in responsibility in this agreement. Hawkeye F. stated that this agreement would pay for 80 hours a month.

Motion by Tom S., second by George B., to approve Ordinance 21 – Series 2005 (First Reading) as presented; all voted in favor.

**15. Discussion/Action – Ordinance 22 – Series 2005 (First Reading): An Ordinance to approve to the existing IGA between Eagle County E 911 Services and the Town of Minturn to accommodate a cost increase from Qwest for changes in technology and necessary improvements to the infrastructure since the original agreement.**

Hawkeye F. read the ordinance by title.

Allen C. stated that this pays for the 911 service and the Council could add the cost to taxes or take it out of the budget

Motion by Fred H. (183), second by Tom S., to approve Ordinance 22 – Series 2005 (First Reading) as presented; all voted in favor.

**16. Discussion/Action – Ordinance 23 – Series 2005 (First Reading): An Ordinance authorizing an IGA between CDOT and Town of Minturn for the acceptance of \$60,000 from CDOT for construction of a sidewalk between Cemetery Bridge and the Forest Service Bone Yard.**

Motion by Tom S., second by Bill B., to table Ordinance 23 – Series 2005 (First Reading) indefinitely; all voted in favor.

**FUTURE AGENDA ITEMS / WORK SESSIONS**

**17. Items to be added to future agendas / work session**

- Mike Wheelersburg – Minturn Towne Homes Update – 9/07/05
- Ginn Clubs & Resorts – Development Update – 8/17/05
- CDOT Discussion for survey – Fred will be absent 8/17/05

**18. Set Future Meeting Dates**

- 1) Council Meetings
  - August 17, 2005
  - September 7, 2005
  - September 21, 2005
- 2) Planning & Zoning Meetings

- August 10, 2005
- August 24, 2005
- September 14, 2005

3) Other

**19. Adjournment**

As there was no further discussion the meeting was adjourned. Motion by Jerry B., second by Darell W., to close the regular session of the Council meeting at 8:10 p.m.; all voted in favor.

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Mayor, Gordon "Hawkeye" Flaherty

ATTEST:

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Town Clerk / Treasurer, Jay Brunvand