



REGULAR MEETING OF THE • MINTURN TOWN COUNCIL
Wednesday, November 16, 2005

REGULAR SESSION 5:45
EXECUTIVE SESSION 5:50
WORK SESSION 6:30-7:00

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

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 SESSION – 5:45 P.M.

1. Call to Order

a. Roll Call

Mayor Gordon "Hawkeye" Flaherty called the meeting to order at 5:50p.m. Those present included Mayor Flaherty, Bill Burnett, Fred Haslee, George Brodin, and Jerry Bumgarner (*Note: Darell W. and Tom S. were excused absent.*)

Staff present were Ann Capela, Town Manager; Wiley Smith, Town Planner; Derrick Slocum, Town Planner 1; Allen Christensen, Town Attorney; and Lorenzo Martinez, Police Chief. (*Note: Jay Brunvand was excused absent.*)

b. Pledge of Allegiance

2. Executive Session

Hawkeye has an item that he would like to discuss with the council in an executive session regarding negotiations on a parking contract that Pam at the Town of Vail had brought to him. He would like to run it by town council and then if they think it is worth pursuing, bring in the town manager and attorney.

Allen C. stated that they cannot go into executive session unless the Mayor can state a Statute that allows this item into executive session.

Hawkeye was instructed by Pam at the Town of Vail to not mention the proposal unless it was in executive session.

Motion by Fred H., second by Jerry B., to table the executive session to the next council meeting on December 7, 2005, so that every council member is present. *(Note: Darell W. and Tom S. were excused absent.)*

3. Suspend Regular Session

Motion by George B., second by Jerry B., to suspend regular session until 7:00p.m. *(Note: Darell W. and Tom S. were excused absent.)*

WORK SESSION – 5:57 P.M.

- **Recommendation of Legal Counsel to elect Chair and Vice Chair of Town of Minturn Enterprise Fund; by Boots Ferguson & Allen Christensen.**
- **Council Review and Practice – Conducting a Public Hearing By: Boots Ferguson and Allen Christensen.**

REGULAR SESSION – 7:08 P.M.

1. 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.

Ann C. recommended amending the agenda to start with item number 7 “Discussion/Action – Election of Officers to Town of Minturn Enterprise Fund, Election of Chair and Vice Chair; by Boots Ferguson & Allen Christensen” since the attorneys were there and then go to staff reports.

Motion by Bill B., second by Jerry B., to approve the agenda with the amend order of discussion. *(Note: Darell W. and Tom S. were excused absent.)*

2. Approval of the Minutes:

- November 2, 2005

Motion by Jerry B., second by Bill B., to approve the Minutes from November 2, 2005.
(*Note: Darell W. and Tom S. were excused absent.*)

3. Special Presentations/Citizen Recognition/Project Update

- Chief Lorenzo Martinez to recognize Officer Marsha Rich for Outstanding Team Work.

Chief Lorenzo recognizes Officer Marsha Rich for outstanding team work and read a letter of accommodation.

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

No comments made.

5. Discussion/action of Emergency Items, if necessary

No comments made.

DISCUSSION, HEARINGS AND ACTION ITEMS

6. Discussion/Action – Election of Officers to Town of Minturn Enterprise Fund, Election of Chair and Vice Chair; by Boots Ferguson & Allen Christensen.

Hawkeye called to sit as the Water, Sanitation, and Recreation Activities Enterprise.

a. Roll Call

Mayor Gordon “Hawkeye” Flaherty called the meeting to order. Those present included Mayor Flaherty, Bill Burnett, Fred Haslee, George Brodin, and Jerry Bumgarner (*Note: Darell W. and Tom S. were excused absent.*)

Hawkeye started the elections for Chair and a Vice Chair of the Water, Sanitation, and Recreation Activities Enterprise.

Nomination by Hawkeye, second by Bill. B., for Darrell W. as Chair. Nomination by Jerry B., second by Fred H., for George B. as Chair. Jerry B. motioned for the nominations for Chair be closed. George B. has been elected as Chair by majority decision. (*Note: Darell W. and Tom S. were excused absent.*)

George B. declared nominations for Vice Chair open. Nomination by Jerry B., second by Fred H., for Tom S. as Vice Chair. Tom S. has been elected as Vice Chair by unanimous decision. (*Note: Darell W. and Tom S. were excused absent.*)

George B. adjourned as the Water, Sanitation, and Recreation Activities Enterprise and turned it back to the Mayor for regular session.

STAFF REPORTS AND OTHER ITEMS

6. Reports/Correspondence/Announcements/New Business

a. Economic Development Director

Karen E. stated that the economic development workshop was very successful last week with a good representation of the community, including council members, citizens, seniors, and business owners. The groups reviewed the town surveys and previous round table meetings to identify strengths, weaknesses, opportunities and threats. The results will be disbursed to the council members and community very soon. The next step is to actually work on some of those projects.

Karen E. wanted to remind everyone that the Winter Market will be December 3rd, 10th, and 17th. They will be having a chili cook off on December 10, 2005. She will have applications available for those who want to participate in the contest or just have a booth to sell their chili.

Bill B. asked if there will be any heated facilities during the Market. Karen E. stated that her and Lorenzo are looking into some new propane stoves to put in the center. They will bring out the old wooden stoves and each booth will have their own heater. They are also serving hot mold wine at the Minturn Winery.

Bill B. asked where they are going to store all the items from the Market. Karen E. just finished a grant and she's hoping they get that grant in order to buy another storage shed to put by the old Town Hall.

b. Public Works

Rod C. stated his report was on Page 82. The roto mill pile is gone and now the part-time employee is focusing on snow removal from the business section.

George B. asked for the status of water loss. The previous things that have been done included sounding which didn't turn up anything substantial. They've discussed replacing the master meter, however, that is still up in the air due to the \$4,000.00 cost. Now they are looking at the accountability – how accurate the meter readings are and what the bills state.

Chad Ermel 244 Boulder Street, with Carter Burgess came up to describe loss the prevention. There were a few leaks at the tank that Rod C. has taken care of. We are at a point where they are looking at the data that was used to calculate the 70% loss. Our next step now is to sit with the district and analyze the data for accuracy.

Hawkeye asked if there was an equipment problem with the sensor read. Rod C. stated it was too early to judge, however, there are some meters not being read and others that don't have account numbers.

Hawkeye asked Rod C. and Ann C. to work with C-DOT on the snow removal. He stated that the C-DOT trucks are going to fast and plowing snow up onto doorsteps.

Ann C. mentioned the Public Works order forms now being prepared in triplicate: one for Public Works, one for the town's records, and one for the customer. Rod C. stated that he needed something to help prioritize, keep track of time spent, and jobs completed.

Bill B. asked how many places we have to pile snow before it is hauled away and if they can plow the Fire Department. Rod C. stated they currently have seven to ten areas to pile snow and that they will start plowing in front of the Fire Department.

c. Police

Snow removal is a problem and asked that business and citizens help by moving vehicles once in a while so the plows can go through easier.

Tomorrow he will be conducting interviews for a new police officer.

The Police Department is participating in the food drive for the Salvation Army this holiday season.

- d. Treasurer/Clerk
- e. Town Planner
- f. Town Attorney
- g. Town Manager

Ann C. stated that her report is on Pages 91 and 92. Hawkeye asked what happened to the grant for the 100 Block. Ann C. stated that according to Kathy Ship, there should be no problem in extending it if the work is not completed. No decisions have been made and there will be a meeting next week to work out a solution.

h. Town Council

DISCUSSION, HEARINGS AND ACTION ITEMS

7. Discussion/Action – Conditional Use Review for 421/431 Main Street – by: Wiley Smith

The Applicant has requested this item to be tabled indefinitely. Motion by Jerry B., second by Fred H., to table the Conditional Use Review for 421/431 Main Street indefinitely. (*Note: Darell W. and Tom S. were excused absent.*)

8. Discussion/Action – Resolution 9 – Series 2005 (first reading) to designate the National Incident Management System – by: Lorenzo Martinez.

Lorenzo M. introduced Resolution #9 and asked Barry Smith, the Eagle County Emergency Management Coordinator, to talk about the purpose of the next three items on the agenda.

Barry Smith, 500 Broadway, Eagle, Colorado, stated Resolution 9 is brought about from the aftermath of 9/11 when President Bush issued a Presidential Directive #5 for the establishment of a national system used by all entities so when there is an incident of national consequence, the entities can work well together. This did not make a lot of changes for us in Colorado because they've dealt with the Emergency Management System due to wild fires, however, the federal government has made it a requirement that entities adopt by resolution the National Incident Management System in order to be eligible for federal grant dollars after the end of 2005.

Bill B. asked if we had any problems in Eagle County. Mr. Smith stated that they've used the Emergency Management system for years and had a great deal of training in 1999 when the Alpine Ski Championships were held. The only change now is there are more entities are involved, for instance, the Public Works and elected officials.

Mr. Smith stated that classes are open to the public and are held at least two to three times a month, or can be scheduled at the group's convenience.

Motion by Fred H., second by Bill B., to adopt Resolution 9 – Series 2005 to designate the National Incident Management System. (*Note: Darell W. and Tom S. were excused absent.*)

9. Discussion/Action – Resolution 10 – Series 2005 (first reading) to adopt the Multi-jurisdictional All – Hazards Pre-Disaster Mitigation Plan for Pitkin and Eagle Counties - by: Lorenzo Martinez.

Mr. Smith stated Resolution #10 is a requirement from FEMA in the past they had pre-disaster mitigation funds available for grant purposes, however in 2002, a new ruling came out stating a plan needs to be in place before applying for a pre-disaster mitigation grant. Mr. Smith stated that we've been working on this plan for eighteen months and because Eagle County shares the Town of Basalt with Pitkin County, they decided to do a joint plan since a lot of the issues are the same. He has met with town staff from both Counties and he's come up with a plan on how to mitigate all the potential hazards, such as wild fires, land slides, and flooding, that may effect the counties. By adopting this plan and having the plan approved by FEMA, that makes us eligible to apply for the pre-disaster mitigation grant.

Motion by Fred H., second by Bill B., to adopt Resolution 10 – Series 2005 - the Multi-jurisdictional All – Hazards Pre-Disaster Mitigation Plan for Pitkin and Eagle Counties. (*Note: Darell W. and Tom S. were excused absent.*)

10. Discussion/Action – Ordinance #34 – Series 2005 (first reading): Emergency Management IGA – by: Lorenzo Martinez.

Mr. Smith stated that there was a need for statewide mobilization for emergency resources and the State Legislature directed the division of emergency management and the Colorado Division of Fire Safety to come up with a statewide resource mobilization plan. This agreement is just a formality of signing into that plan to be able to share resources amongst different agencies throughout the state.

Motion by Fred H., second by Bill B., to adopt Ordinance #34 – Series 2005: Emergency Management IGA and authorize the Mayor of the Town of Minturn to sign an intergovernmental agreement between the Colorado Division of Emergency Management and the Town of Minturn for the purpose of emergency management. *(Note: Darell W. and Tom S. were excused absent.)*

11. Discussion/Action – Ordinance #35 - Series 2005, Chapter 16, (first reading), changes to Chapter 16, Article 15 Planned Unit Development Overlay Character - Zones – Chapter 16, Article 21 Administration and Procedures – Chapter 17, Subdivision Regulations – by: Wiley Smith.

Wiley S. stated that this is the first reading for the recommended changes to the Municipal Code and will implement any further changes in order to recommend approval at the second reading.

Motion by Jerry B., second by George B., to adopt changes to Chapter 16, Article 15 Planned Unit Development Overlay Character - Zones – Chapter 16, Article 21 Administration and Procedures – Chapter 17, Subdivision. *(Note: Darell W. and Tom S. were excused absent.)*

12. Discussion/Action – Ordinance #36 – Series 2005 (first reading) to authorize the Mayor to sign an agreement with Yampa Builders, Inc. for scope of construction services for the remodeling of the Town Center – by: Town Manager.

Hawkeye asked how much the project was going to cost. Ann C. stated the proposal was on Page 261 and is being funded by the Ginn Corporation.

Hawkeye doesn't believe the proposed amount includes the blinds in the staff's offices. Ann C. brought that up to Yampa Builders, Inc. and is trying to get it included.

Motion by George B., second by Jerry B., to adopt Ordinance #36 – Series 2005 to authorize the Mayor to sign an agreement with Yampa Builders, Inc. for scope of construction services for the remodeling of the Town Center. *(Note: Darell W. and Tom S. were excused absent.)*

13. Discussion/Action – Rocky Mountain Climate Organization, request that Minturn become a Member of the organization – by: Mayor Flaherty.

Hawkeye introduced the item and stated he received a letter from the Rocky Mountain Climate Organization asking if the Town of Minturn wanted to be an official member and

pay dues to the organization. Ann C. stated that many municipalities have received this letter and she has asked if any of them have joined. Page 278 of the meeting packet has a list of organizations already involved. The organization puts out data on how they see various portions of the United States being affected by global warming.

Bill B. stated we shouldn't do it since we don't know what exactly this organization is.

Fred H. believed we don't have the funds for it.

George B. believed we would contribute the smallest amount and besides good public relations, he didn't think we would receive much outside a newsletter.

Jerry B. stated that there is a lot of free information on global warming and he doesn't think it would be worth the \$500.00 to join.

Hawkeye stated and the Town Council agreed that Ann C. should write a letter to the Rocky Mountain Climate Organization stating that we were not interested in being a member at this time. *(Note: Darell W. and Tom S. were excused absent.)*

14. Discussion/Action – US Forest Service, Scoping Document for Spraddle Creek Ranch, request for comments due by December 10, 2005 by: Town Manager.

George B. stated he would like to give them a 20 year contract so they can make improvements.

All voted in favor. *(Note: Darell W. and Tom S. were excused absent.)*

Ann C. will write a letter in support of a 20 year contract to facilitate long term investment.

15. Discussion/Action – “Preserve America Program”, request for direction on applying for this designation by: Town Manager.

Ann C. stated that during the economic development meetings, one of the participants mentioned this program to make Minturn a historical and tourist destination and that Georgetown, Colorado was given this designation. It is not a very complicated application, however, it would have an impact on the town and she would like the Council's direction.

Jerry B. asked if we can meet the criteria. Ann C. believed we could, however it would take work from the town staff and citizens. Jerry B. recommended going through the document to make sure we qualify.

Hawkeye asked if we applied for this designation, if it would create more work. Ann C. stated yes, however, a citizen brought it up so she wanted it to get the proper attention.

Fred H. stated that this designation might restrict the town from tearing down buildings the Council feels should be torn down

Jerry B. recommended contacting Georgetown on how they preserve their historical buildings. Ann C. stated that she has talked to the Georgetown town manager on two occasions and that per the Washington D.C. director, it does involve community support.

Fred stated that we do not have enough information to make a decision and that the staff should review the designation material.

Hawkeye stated that due to the time needed for this project that Ann C. should not be involved and another staff member should be designated.

Ann C. stated that there is no time limit so there is no hurry to make a decision. We had done a historical walking tour in the past and fifty-six people showed up.

Bill B. stated that we already have a historical committee for Eagle County and that they are having a hard getting enough people interested to keep the program going.

Hawkeye asked the staff to produce a report of pros and cons of this program and to see if we even qualify.

Ann stated that she will be minimally involved and will designate Karen to follow-up.

16. Discussion/Action – Procedures for Conduct of Public Hearings, possible appointment of Sergeant of Arms for the Public Hearings by: Boots Ferguson & Allen Christensen.

17. Discussion/Action – Town Council comments on budget item, requested by: Mayor Flaherty.

Hawkeye stated that we either need an increase in salaries for current employees or leave pay as is and add employees. Ann C. is conducting a survey with Mercer Group on job descriptions and pay scales. Those results will be out next year.

Bill B. and Fred H. believe it is a good idea, however, they ask where the extra money is going to come from. Hawkeye stated that if the lodging tax comes through, they should have a little extra money to work with.

Ann C. recommended changing the part-time public works position into a full-time position. Right now C-DOT is forwarding \$27,000 annually for that position.

Rod C. stated that the part-time employee spent 4 hours on snow removal this last week and that helped with the total snow removal in a timely manner.

The Colorado Department of Public Health and Environment is now requiring the water plant to be checked three times per day instead of one; every four hours of a twelve hour day and it could increase to twenty-four hours a day.

Hawkeye asked if a person had to be there or if it can be a computerized survey. Rod C. stated that it can be computerized, however a system would have to be installed to page

someone if the parameters go out of specs. Due to the increased standards being presented, he feels a full-time employee is needed.

Hawkeye recommends using any extra money in the budget for town employee salaries; however, it is up to the town staff to give a recommendation.

18. Discussion/Action – Possible cancellation of January 4, 2006 Council meeting by; Town Manager.

Ann C. asked the Council if they would like to cancel or reschedule the January 4th meeting. Hawkeye recommended canceling it. All voted in favor. *(Note: Darell W. and Tom S. were excused absent.)*

Ann C. asked the Council to save pages 114 to 253 of the meeting packet and bring them to the next meeting in order to conduct the second reading of Ordinance #35.

Hawkeye stated that him and George have not had a chance to conduct an inspection of the town per Ann C.'s request but hopes to add that to the next agenda. Ann C. would like Rod C. to attend that inspection.

FUTURE AGENDA ITEMS / WORK SESSIONS

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

1. Executive Session to discuss personnel matters – 12/7/05
2. Mike Wheelersburg – Minturn Towne Homes Update – 12/07/05
3. Budget adoption (final reading), Mill Levy adoption (final reading), Town Fee Schedule (final reading), and FY 2005 Supplemental Appropriation – 12/07/05
4. Ordinance 26 – Series 2005 (First Reading): An Ordinance authorizing the Mayor to enter into a lease agreement with the Radio Tower Contract. – Tabled until completed
5. Conflict of Interest discussion requested by Mayor Flaherty – 12/07/05

21. Set Future Meeting Dates

1) Council Meetings

- December 7, 2005
- December 21, 2005
- January 18, 2006

2) Planning & Zoning Meetings

- December 14, 2005
- December 28, 2005
- January 11, 2006

3) Other

22. Adjournment

In that there was no further business the meeting was adjourned at 8:14pm.

Mayor, Hawkeye Flaherty

ATTEST:

Town Clerk, Jay Brunvand