



REGULAR MEETING OF THE • MINTURN TOWN COUNCIL
Wednesday, January 18, 2006

REGULAR SESSION 5:45

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 Pro Tem Darell Wegert called the meeting to order at 5:56pm. Those present included Bill Burnett, Tom Sullivan, Fred Haslee, George Brodin, and Jerry Bumgarner (*Note: Hawkeye was absent*)

Staff present were Ann Capela, Town Manager; Wiley Smith, Town Planner; Derrick Slocum, Town Planner 1; Allen Christensen, Town Attorney (arrived at 6:10pm); Jay Brunvand, Town Clerk/Treasurer; Torrey Maxwell, Court Clerk/Admin Tech.

b. Pledge of Allegiance

2. Executive Session (5:56pm – 6:45pm)

- Colorado Revised Statute (C.R.S.) 21-6-402(4)(b) for the purposes of consulting with the various Town Attorney's regarding Water Issues.

(Note; In that Allen C., Town Attorney, was not present the Council opted to move forward with the Discussion/Action Items that did not require input.)

Motion by Fred H., second by George B., to convene in Executive Session pursuant to 21-6-402(4)(b) C.R.S. for the purpose of discussing pending water and legal issues. Those to be included in the Executive Session are the Council present, Town Manager Ann Capela, Allen Christensen, Town Attorney, all voted in favor. *(Note: Hawkeye was absent.)* The Council returned from Executive Session at 6:45 pm no decisions were made.

3. 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 Jerry B., second by Fred H. to approve the agenda to move items 12-16 prior to the Executive Session and to add a discussion item of time clock at the end of the Discussion/Action items.

4. Approval of the Minutes:

- December 21, 2005

Motion by George B., second by Jerry B., to approve the Minutes from December 21, 2005 as presented; all voted in favor. *(Note: Hawkeye was absent.)*

5. Liquor License

- Chili Willy's of Vail Hotel and Restaurant Liquor License Annual Review; 101 Main St., Al Brown Manager.

Darell W. introduced the item and referred the discussion to Jay B. Jay B. stated this was an annual renewal that he had no issues, and that Al Brown, Owner/Manager was present for questions. Lorenzo M. stated he had no concern and thanked Mr. Brown for working with the Police Department during the year.

Motion by Tom S., second by Fred H., to approve the Chili Willy's of Vail Hotel and Restaurant Liquor License Annual Renewal; 101 Main St., Al Brown Manager. All voted in favor. (*Note: Hawkeye was absent.*)

- 6. Special Presentations/Citizen Recognition/Project Update**
- 7. Public comments on items, which are NOT on the agenda**
- 8. Discussion/action of Emergency Items, if necessary**

STAFF REPORTS AND OTHER ITEMS

9. Reports/Correspondence/Announcements/New Business

a. Economic Development Director

Karen reported that there is a Business to Business at Grammy's Attic tomorrow (January 19, 2006). Fred H. requested that there be some discussion on if we have anything as a plan B in case the Ginn Annexation and development do not occur. What are we doing to help business in town? Yes, Karen has ideas for workshops, community surveys, economic round tables, and also to discover what Council would like. We had the big Economic Development conference event, took all those results and whittled them down to short-term and long-term obtainable goals. Now everyone will come back and review those goals to develop a direction. Some ideas are an Art walk, pony rides or having a pony in town once a week, or a photographer taking pictures of kids, and Preserve America designation grants. Her department is asking the question how are we going to preserve Minturn. Murals, snowshoe with the seniors as guides. We have no foot traffic and one goal is how to start that up again. Karen would like to start committees from the community and work on projects such as the "Welcome to Minturn" sign, making a museum out of a train car, starting up our walking tours once again. Maybe bringing in a stagecoach and having shootouts like back in the old west. She shared that she felt confident and excited about the possibilities. Tom S. noted tax revenues are going up, economy going up. He said he felt that we are moving away from tourist industry and moving more towards a service industry. He shared he thinks there is a shift and there is a big battle to get foot traffic. Critical mass, I don't see tourist returning to Minturn to support our economy. Tom S. stated he had called Mrs. Marka Brenner to ask if he could help fill the empty stores. Ms. Brenner told Tom S. that she is working on being selective with whom we put in there. Ann C. reminded Karen E. about the Cowboy Poetry event that she had just gone to observe.

b. Public Works

Rod C. stated he had nothing to report but was open for questions and concerns. D Wegert shared that when the public has concerns about snow on their property that it could be neighbors pushing snow into their yard, not necessarily the city. Rod C. reminded us that is how they deal

with the snow; they push it into a pile and then remove it from that point. Fred H. thanked Rod C. and his crew for doing such a great job.

- c. Police
- d. Treasurer/Clerk

The Municipal Election is scheduled for April 4; petitions to run will be available on February 13 and due back on March 3. The seats up are the Mayor and three 4-year terms currently held by Darell W, Fred H, and Bill B.

- e. Town Planner

Stated his report was on page 30 of the packet and would answer questions.

- f. Town Attorney
- g. Town Manager

Stated her report was on page 34. Ann C. noted the construction in the Town Hall and that it was on schedule. She stated that on the February 1st meeting she would have a complete report of the construction and costs associated with the construction. Bill B. inquired about the storage shed that was to be constructed for storage; W. Smith stated a variance would be coming in front of the Town Council next month.

- h. Town Council

DISCUSSION, HEARINGS AND ACTION ITEMS

10. Discussion/Action – Conditional Use Request: A Cut Above Forestry, North Minturn Road

Darell W. introduced the item and opened the Public Hearing at 7:24pm. Derrick S. noted the applicant was not present and requested the item be tabled until February 1st.

Motion by Tom S., second by Fred H. to table the Conditional Use Request; A Cut Above Forestry, North Minturn Road until February 1, 2006; all voted in favor (*Note: Hawkeye was absent.*)

11. Discussion/Action – Letter of request from Pooh Corner Inc.

Darell W. gave some history on Pooh Corner and how we have in the past given money. Tom S. asked Jay B. if there was somewhere we could pull the money. Jay B. said that this was a non-budgeted item, money could be found but it would mean not having it for a budgeted use. In the past the Council has required requests to be taken during the annual budget process.

Motion by Tom S., second by Bill B., to donate \$500.00 to Pooh's Corner; all voted in favor, Fred H. voted Nay. *(Note: Hawkeye was absent.)*

Darell W. asked Allen C. if we could do this; Allen C. stated that it is ok, it is a 503C. Fred H. said he felt we are robbing Peter to pay Paul.

12. Discussion/Action – Ordinance No. 39 – Series 2005 (Second Reading): A Contract for Records Retention and Maintenance of Town Records

Introduced and read by Darell W.

Motion by Tom S., second by Bill B., to approve Ordinance No. 39 – Series 2005 (Second Reading): A Contract for Records Retention and Maintenance of Town Records; all voted in favor. *(Note: Hawkeye was absent.)*

13. Discussion/Action – Ordinance No. 40 – Series 2005 (Second Reading): An Ordinance to extend the existing Town of Avon Fleet Maintenance contract

Darell W. introduced the agenda item.

Motion by Tom S., second by Fred H. to approve Ordinance No. 40 – Series 2005 (Second Reading): An Ordinance to extend the existing Town of Avon Fleet Maintenance contract as presented; all voted in favor. *(Note: Hawkeye was absent.)*

14. Discussion/Action – Resolution No. 1 – Series 2006: A Resolution setting the official Public Notice Posting sites within the Town of Minturn

Introduced and read by Darell W.

Motion by Bill B., second by George B., to approve Resolution No. 1 – Series 2006: A Resolution setting the official Public Notice Posting sites within the Town of Minturn as presented; all voted in favor. *(Note: Hawkeye was absent.)*

15. Discussion/Action – Resolution No. 2 – Series 2006: A Resolution designating or appointing the Minturn Town Clerk as the Designated Election Official for the Town of Minturn

Introduced and read by Darell W.

Motion by Fred H., second by Bill B., to approve Resolution No. 2 – Series 2006: A Resolution designating or appointing the Minturn Town Clerk as the Designated Election Official for the Town of Minturn as presented; all voted in favor. *(Note: Hawkeye was absent.)*

16. Discussion/Action – Resolution No. 3 – Series 2006: A Resolution designating or appointing the Minturn Town Treasurer as the Designated Budget Official for the Town of Minturn

Introduced and read by Darell W.

Motion by Tom S., second by Bill B., to approve. Resolution No. 3 – Series 2006: A Resolution designating or appointing the Minturn Town Treasurer as the Designated Budget Official for the Town of Minturn as presented; all voted in favor. (*Note: Hawkeye was absent.*)

ADDITIONAL ITEMS OF DISCUSSION:

Jerry B. noted the County Commissioners and the Town of Avon have introduced no smoking ban ordinances and feels this is a direction the Town of Minturn should consider. Jerry B. stated we should put it on the agenda as discussion to get a feel for how the residents of Minturn feel about this. It was noted that Chili Willy's is no smoking. This is something we should be responsible enough to put out there and let the citizens come out and let's see what their thoughts are.

Darell W. asked if this could be put on the web site and have it where citizens can vote?

Tom S. asked if we could get it on the ballot in the April election; It would have to be an Ordinance.

Darell W. felt information would need to get out, talk around town, and contact council. Can you get it on the web site; yes.

Jerry B stated he would like to see the Council members of Minturn, Red Cliff, Vail, get together for a social event of some type. Allow the members' time to relax and just socialize, get to know each other. Everyone agreed it would be a good idea.

FUTURE AGENDA ITEMS / WORK SESSIONS

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

George B. stated that he would like to have a time clock for the purposes of timing citizens that speak. This is in consideration of the upcoming public hearings on the proposed annexation. Tom S. recommended that we move forward with this idea.

Motion by George B., second by Tom S., to purchase a time clock for a reasonable cost. Ann C. is to inform the Council of the cost prior to purchase.

1. Mike Wheelersburg – Minturn Towne Homes Update – 2/1/06
2. 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
3. Annexation Public Hearing – 2/15/06

18. Set Future Meeting Dates

1) Council Meetings

- February 1, 2006
- February 15, 2006
- March 1, 2006

2) Planning & Zoning Meetings

- January 25, 2006
- February 8, 2006
- February 22, 2006

3) Other

19. Adjournment

In that there was no further business the meeting was adjourned at 7:32pm

Mayor Pro Tem, Darell Wegert

ATTEST:

Town Clerk, Jay Brunvand