



REGULAR MEETING OF THE • MINTURN TOWN COUNCIL
Wednesday, March 15, 2006

REGULAR SESSION 5:45 P.M.

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

Mayor Gordon "Hawkeye" Flaherty called the meeting to order at 5:50pm. Those present included Bill Burnett, Tom Sullivan, Fred Haslee, George Brodin, and Jerry Bumgarner. Darell Wegert was not present.

Staff present were Ann Capela, Town Manager; Wiley Smith, Town Planner; Derrick Slocum, Town Planner 1; Allen Christensen, Town Attorney; Jay Brunvand, Town Clerk/Treasurer; Karen Earley, Economic Development Director, Ann Castle, Water Attorney; and Torrey Maxwell, Court Clerk/Admin Tech.

Hawkeye F. turned the meeting over to George B. Motion by Tom S., second by Bill B. to recess as Town Council and convene as the Town of Minturn, Water, Sanitation and Recreation Activities Enterprise ("Enterprise") in Executive Session pursuant to C.R.S.

Section 24-6-402(4)(b) for the purpose of consulting with the Town Attorney on Water Rights Issues. Those to be included in the Executive Session are the Council present, Town Manager Ann Capela, Allen Christensen, Town Attorney and Ann Castle, Water Attorney; all voted in favor. (*Note: Hawkeye abstained due to a conflict of interest.*)

2. Executive Session (5:45pm – 6:55pm)

- CRS Colorado Revised Statute (C.R.S.) 21-6-402(4)(b) for the purposes of consulting with the Town Attorney and special counsel, Anne Castle and Boots Ferguson for discussion pertaining to the proposal to construct a wastewater facility.

Town Council will close the meeting as Minturn Water, Sanitation and Recreation Activities Enterprise and convenes as Town Council

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 was made by Jerry B., second by Fred H. to approve the agenda as presented; all voted in favor.

4. Approval of the Minutes

- Amended on Handwritten Page 13; *Note: Please change “Fred H. excused himself” to “Darell Wegert excused himself”.*

Motion by Bill B. second by George B. to approve the March 1, 2006 minutes as amended; all voted in favor. (*Fred H. abstained*)

5. Special Presentations/Citizen Recognition/Project Update

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

- Deacon Michael Gallagher, St Patrick’s Parish, 475 Pine Street, Minturn, CO extended an invitation to all Council, Staff, and Citizens of Minturn & Red Cliff to their Annual St. Patty’s Day Dinner, which will be held Friday, March 17, 2006 in the Old Assembly of God building which is now the St. Patrick’s Spirit Center. Corn Beef & Cabbage, Irish Soda Bread, and Minturn Green Chili. Mass will be a 4:30pm at the Old Chapel and dinner will be served from 5:00pm to 7:30pm, meal is free and donations are accepted.

7. Discussion/action of Emergency Items, if necessary

STAFF REPORTS AND OTHER ITEMS

8. Reports/Correspondence/Announcements/New Business

a. Economic Development Director

b. Public Works

- Fred H. asked if meters have been read; yes. Is this the only month we have read meters throughout the entire winter? A. Capela interjected that Guy Patterson, Carter & Burgess, will be accompanying Ronnie Trujillo to read the meters, they are starting that on Monday. Due to the lack of meter reading through the winter billing, we will not be average by Eagle River Water & Sanitation. Normally they take the winter usage and they average for Sewer. A reading in November and the last reading that just occurred is all they have. A. Capela B. confirmed that we have about 20% of our residents whose meters were not able to be read for one reason or another. Door hangers, we had notices on the bottom of the bills and he states he has probably talked to most of the 20%. Hawkeye F. shared that his meter was not read and if they come back and ask him to move it, he feels the town should be responsible for that. He placed the meter where Public Works told him to. Hawkeye F. directed that W. Smith be made aware of this and maybe it is something that should be added to our code, that the touch pad be accessible in an area where the snow is normally removed. Jerry B. asked if the radio controlled readers would help with this; yes. Hawkeye F. stated that if this is going to affect our resident's sewer bills, we need to do something or at least get a letter out to them. Jerry B. suggested writing a letter to ERWS requesting that we have another month to average or the ones that were not read; let them go by last years.

c. Police

- Fred H. asked when the "no parking" sign will be installed in front of Wassmer's Building (211 Main St). A. Capela stated that we have to wait for C-DOT to give the go ahead and we have to coincide with Minturn Code which currently says 20' and that particular intersection needs to go beyond the 20' clearance. L. Martinez noted that all four corners are further back, per the code, it is not enough, and they are talking with C-DOT. Hawkeye F. inquired about the police office applications and wanted to know if we have any new ones; Lorenzo M. updated the Council. Hawkeye F. inquired about Firearms Training; L. Martinez said we would be using a range in Wolcott.

d. Treasurer/Clerk

- Election April 4th, 2006
- Smoking Ballot 65% as of the March 9th voted to ban smoking
- Election Judges will be voted on tonight

e. Town Planner

- W. Smith thanked Fred H. for his work on the ad hoc Chapter 16 committee. He stated that without Fred's help he wouldn't have been able to get as much done.

f. Town Attorney

- Allen C. commented on the records request that occurred last week with Colorado Wild and how much time was spent and how many records were pulled for their review. Hawkeye F. inquired if staff has to get involved if the records are available on the Internet? J. Brunvand commented that the web was helpful as Colorado Wild came in and requested information based on what they found on the site. Allen C. responded that all records request go through J. Brunvand
- g. Town Manager
- Record of decision on the Vail Valley Forest Health Project by the Forest Service. It is on file here for review, can not be checked out.
 - Minturn Seniors are sponsoring a candidate forum March 21st, 2006 at 6pm in the Town Council room which will be moderated by Dan Smith who has moderated before.
 - Hawkeye F. thanked A. Capela for proceeding with the new phone system.
- h. Town Council

DISCUSSION, HEARINGS AND ACTION ITEMS

9. Discussion/Action – R.A. Nelson application for Conditional Use Permit. Tabled to a date certain, March 15, 2006 from February 1, 2006 Council meeting – by Smith

Hawkeye F. introduced Mike Comerford, 322 Forest Drive, Frisco, CO stated they are asking Town Council to reconsider and approve without two conditions. He addressed the recent question over ownership of the property, due to a conflict between county GIS mapping and Union Pacific (UP) deed's to that property. County maps all contain a disclaimer as to the accuracy contained. UP has owned the land since 1875, they have provided proof of ownership that pre-dates the very existence of the Forest Service by 30 years. Unless someone has documentation showing UP has transferred ownership of their property, he believes we must acknowledge the property rights of UP and their right to lease to R.A. Nelson (Nelson). In November Mr. Comerford spoke to Bill Andree, of the Colorado Division of Wildlife (C-DOW) about the proposal, using C-DOW's policies and formulas that are designed to mitigate potentially adverse impacts to wildlife due to development, the cost to mitigate this proposal is \$100 every three years. The program is administered by the Colorado Wildlife Heritage Foundation. It should be noted that there is nearly 4600 ft between the bridge and Minturn Town homes. Nelson's fence would be 600 ft long and it would be behind an existing fence at the Vail bone yard. Mr. Cuthbertson suggested that the elk will walk around their fence to get to the river. Nelson would be happy to add a condition to their approval to pay the \$100 every three years that the C-DOW has determined would offset any impact to the elk's habitat. There has been discussion that the process may have been flawed and that ex parte contact was not disclosed prior to the December 7th, 2005 approval of Nelson's proposal. It is Mr. Comerford's understanding that contact should have been disclosed and if the contact influenced council member's opinion or vote that they shouldn't have voted. We are asking for a new vote tonight

with the appropriate disclosure and considering the proposed revisions to the conditions to approve this proposal. Hawkeye F. inquired of Town Attorney if council has to reconvene the conditional use hearing and allow the public to give input?

(Note: 5 minute recess to allow Town Attorney to review code)

Hawkeye F. announced at this time we have been requested to readdress this Conditional Use Permit with the removal of the two conditions that were placed on a third party and the addition of one that you are going to work with C-DOW on wildlife mitigation; correct. Hawkeye F. then questioned if there was any council member who has not disclosed contact with Nelson or anyone regarding that fact, before the hearing. Fred H. had already disclosed. George B.; yes. Jerry B. received an email and he did not respond to it. Hawkeye F. received a call from R.A. Nelson after the meeting had taken place. Tom S. replied that it is relevant for what we are going to do now. So he has contacted four of the six people. Allen C. stated that disclosure cures that and everybody can vote if they feel they have not been influenced by the contact.

Motion by Tom S., second by George B., to deny the request for a Conditional Use Application for R.A. Nelson to create a parking lot in the North West quarter of the Railroad land; discussion ensued.

Fred H. added that he had spoken with Bill Andree about two weeks ago and Mr. Andree's concern at that time was elk crossing, trash, and run off in the spring.

Mr. Comerford stated a previous condition that had been agreed to was a silt fence surrounding the area and maintained on a regular basis and they also agreed there would be no inappropriate activity on the lot. Jerry B. asked if other companies had inquired about a parking use in that area; yes, Colorado Mt.

(Note: Darell Wegert arrived at 7:16pm)

George B. added if we approve 120 cars we are going to approve a thousand for various other entities. He stated he was surprised that we didn't have Colorado Wild and Andy Weissner here tonight with the private land issues of Ginn on top of the mountain, Open Space, View Corridor and Wildlife, it could just as well be what we are looking at the railroad. The railroad is owned privately, and has a huge parcel of undeveloped land. But to me, that 1000 car parking lot is not the right thing for Minturn, it is not the right thing for the railroad and I am just not in favor of it.

Bill B noted we still have to deal with the traffic getting on and off the road. We have talked about it but we haven't resolved having that many cars. Darell W. added that he is with George B. on a lot of the issues

Hawkeye F. noted that if we allow one doesn't mean we have to allow others. Darell W. asked how that parking lot stacks up next to the existing fences of Vail resort. Mike C. stated right next to it. Darell W. inquired am I correct that your parking lot is not going to extend; they are behind Vail fences that have already been created; yes.

Hawkeye F. reminded council of the motion on the table and that the motion is denying the Conditional Use and that the Planning and Zoning Commission had recommended approval of the request; all voted in favor, Hawkeye F. voted Nay. (Motion to deny a conditional use passed meaning the parking lot was not allowed.)

**10. Discussion/Action – Ordinance 1 – Series 2006 – (Second Reading) An Ordinance
Authorizing the Mayor Pro Tem to sign agreement between Town of Minturn, acting
by and through the Town of Minturn, Water, Sanitation, and Recreation Activities
Enterprise and Ginn Battle North, LLC, Ginn Battle South, LLC and Ginn-LA Battle
One, Ltd., LLLP for the design and construction of a Waste Water Treatment Facility –
by Ann Castle, Town Water Attorney**

Hawkeye F. stepped down and turned the meeting over to Mayor Pro Tem Darell W. due to a conflict of interest. Darell W. introduced Ann Castle, 1549 Genesee Vista Road, Golden, CO. She stated that at the last council meeting there were several suggestions and these were written into a revised draft and presented to the Ginn Entities for consideration; all were accepted. One remaining issue though, funding of any short fall in revenues provided by Waste Water Treatment Plant (WWTP) service fees that would be paid by customers of a new WWTP that revenue as compared to cost of operation and maintenance of a new WWTP and the Council and the “Enterprise” requested Ginn provide funding for that kind of a short fall. There is a question of how long the funding of that kind of short fall should continue and we now have a proposal for the length of that funding that Mr. Weber has agreed to on behalf of the Ginn Entities. It would be the only change to the agreement that council had in front of them, that would be considered on second reading in connection with Ordinance 1. This is a new provision and it would follow the current provision that provides for the Ginn Entities to fund a revenue short fall to make sure that operation and maintenance cost are covered. It would provide as follows:

No later than 30 days before the end of the First Year (first year of operation after completion of construction) the Enterprise and the Ginn Entities shall utilize the following procedure to determine the time at which the obligation of the Ginn Entities to fund the Shortfalls as described above, shall terminate: The Enterprise and the Ginn Entities shall jointly agree upon an independent, qualified engineering firm to estimate the level (percent) of utilized capacity in the First Phase necessary to generate sufficient wastewater treatment service fees to equal or exceed the reasonable estimated cost of operation and maintenance of the First Phase (the “Breakeven Level”). The Enterprise agrees that the obligation of the Ginn Entities under paragraph 2.h.ii above to fund the Shortfalls shall terminate when the utilized level of capacity of the First Phase reaches the Breakeven Level plus five percent (5%). For example, if it is estimated that the Breakeven Level is utilization of 50% of the First Phase’s capacity, then the obligation of the Ginn Entities to fund the Shortfalls is terminated when the utilization of the First Phase reaches 55%. If there is no Shortfall prior to 55% utilization, then there is no obligation by the Ginn Entities to provide a Shortfall deposit for that particular period, but the obligation terminates entirely when utilization reaches 55%.

That is the only change requested to the material presented in the packet.

Motion by Fred H., second by Bill B. to approve, as amended, Ordinance 1 – Series 2006 (Second Reading) An Ordinance Authorizing the Mayor Pro Tem to sign agreement between Town of Minturn, acting by and through the Town of Minturn, Water, Sanitation, and Recreation Activities Enterprise and Ginn Battle North, LLC, Ginn Battle South, LLC and Ginn-LA Battle One, Ltd., LLLP for the design and construction of a Waste Water Treatment Facility; all voted in favor.

Darell W. accepted public comment from Pete Vance, 562 Main Street, Minturn, CO he inquired if the council is comfortable with a catastrophic event on the plant. Discussion ensued as to certain provisions of the contract that require Ginn to run the plant for one year and insurance coverage.

11. Discussion/Action - Town wide parking agreements between the Town of Minturn and various business/private individuals - by Capela

A. Capela stated that this item is on your agenda due to several emails from a resident who has concerns regarding the parking of commercial truck owned by Storey Trucking. This company maintains the postal carrying contract with the Minturn Post Office. A. Capela explained that this would be a constructive time to review and update the Council on all the agreements. She has spoken with Michael Wassmer, 211 Main St. who stated he could not be here tonight but will come in the next three days to pay his bill. Hawkeye F. restated that Minturn Country Club has paid up, the Saloon is good, just Mr. Wassmer and Chili Willy's are delinquent. He requested direction from staff on how to proceed. A. Capela stated that the establishments have been notified and in the past we have taken them to small claims court as necessary. Jerry B. reminded us that we copied Colorado Springs plan for our parking. Minturn is a narrow valley and of course Colorado Springs is not. Jerry B. stated he felt that in Minturn the one parking space per four seats is too much of a burden on the restaurants and that the Council should consider modifying the code in the future.

Marka Brenner, 109 Williams Street, Minturn, CO stated that Chili Willy's will get their parking bill taken care of in the next 30 days. She agrees that the parking needs to be reevaluated and she has taken the steps to have a study done to show they have enough parking and they have given notice that they will be terminating their leases this October 2006. She will share that study with the town and feels like we have to start somewhere. Hawkeye F. stated that in the meantime Council will look at parking and seating code requirements.

Tom Ricci, 2576 Dial a Trail, Vail CO (Owner of Minturn Country Club) stated that back in '92 Kent Mueller (Town Manager) called a meeting between Andy Kaufmann (The Saloon), Al Brown (Chili Willy's), himself, and Peter Romanelli (Minturn Realty). There was a perception of a really big problem with parking. Kent and Peter worked a deal with the railroad where that property could be leased, and as good neighbors we all volunteered. He didn't think people understood that. The rate was reasonable and back then there was no Edwards, no Beaver Creek, we were in the money. Back then there were probably 100 restaurants, not the 300 we have now in the Valley. We were paying 20% with \$1,700 and now it is up to \$2,800 or \$3,200, Andy is paying even more than that, double what the Country Club pays due to their minimal parking. We had deep pockets back then, the landscape has changed. We have studied it and customers

don't park in the Municipal lot and walk over to Minturn Country Club. Minturn Realty has added parking back behind Old Dogs Garage, next to Milhoan Studio, Williams Street, the Winery, the Yarn Shop, Mountain Peddler; those are all new since '92 (Minturn Realty properties). The other thing is that we haven't been as busy because the repeal of the (state wide) Tourism Tax, which I hope the town will get behind House Bill 1201 which will add \$20 million to the coffers to get people to come in to the State of Colorado. Another thing that has changed is that we didn't have SUVs, soccer mom vans, lodges hauling down to Minturn, ECO (Transit); the vast majority of cars in the lots are SUVs and vans. That is why I think the 4 to 1 ratio is obsolete. There was no Municipal lot and Minturn Realty didn't have those extra spaces I just spoke of. That is the history of why we did that in the first place.

Mr. Ricci handed out an information sheet to council and staff.

Andy Kaufmann, Minturn Saloon, 146 Main, Minturn, CO more of the history as he knows it. I don't remember the year, maybe it was '92 but the history of that lot when we bought the saloon from Bob Cherry in '86, he had been renting space from the Turntable and paying for parking over there. There was really nothing west of Avon going on. It was approximately a week or two before Thanksgiving in '92 and the railroad was doing an audit and found that the Turntable was leasing property that they themselves were not renting. They put a squash on the parking plan. Kent Mueller came forward and offered to bring us all together to negotiate with the RR to continue to allow parking there which we all saw as important to the town. What we have with the railroad is an ongoing 30 days lease, month to month (annual lease with 30-day termination policy). Restaurants stepped forward and agreed to foot the bill on a temporary basis. It was suggested back then that we form a Downtown Parking District the idea being to broaden the base of financial support for parking in the Town of Minturn. It was never acted on, don't know why. Probably should still be explored today. We have continued on with this temporary emergency funding of parking up to today. We aren't looking to reduce or change our contribution, but I do encourage the council to look at the parking ordinances and look at what we need. Look at the 1 to 6 instead of the 1 to 4. He stated he would like to request this formally and asked how he should do that. Bill B. stated that he (Mr. Kaufman) had just done it. Mr. Kaufman stated that it is very important that a municipal parking lot and parking plan be maintained and continued. Whatever happens on the railroad property that parking is part of the plan. Market needs it, health of downtown needs it. What we have to offer as opposed to other towns in the valley is we do not subject our customers to a parking problem.

Harry Gray, 291 Main Street, Minturn, CO responded that he seconds the previous speakers and also wants to note that should be one of the criteria, parking that benefits Minturn, sales tax, business district, etc. The other side is the four seats per parking space that might be viewed as anti-business. 1 to 8 might encourage active viable businesses up and down the street, how do we make it better for our businesses. What are the things that government can do to encourage a strong business base and as we stated somewhat before there needs to be that constant picture in our mind of what our budget is, what do we spend each year and where does it come from? As one (source of revenue) goes down the service levels provided by the Town and the Town Budget are affected. What can we do to bolster versus discourage business. We kick around this word "master plan", but really it is Economic growth, what we should be doing is a more comprehensive parking plan.

A. Capela stated that Storey's have a contract with USPS and that the Town is working with them and they are willing to park where needed but they may request an overnight parking space for their smaller car. Ms. Brenner added that she is willing to help with that. Hawkeye F. asked for parking to be added to agenda for later date so that we can continue the discussion.

12. Discussion/Action – Resolution No. 5 – Series 2006 – a resolution to certify Election Judges for the April 4, 2006 Municipal Election – by Brunvand

Hawkeye F. noted that the Judges are as follows:

- Elmer Christiansen, Beverly Christiansen, Ty Gillespie, and Helen Gillespie

Motion by Tom S. second by Bill B to approve a resolution to certify Election Judges for the April 4, 2006 Municipal Election; all voted in favor

13. Discussion/Action – Report on Hazardous Materials investigation on Vail Resorts bone yard, the site abutting Minturn's Town Corporate limits - by Capela

A. Capela report is on page 36 with some additional information to insure that council is informed. At this time no one has officially contacted the Colorado Department of Health; testing has stopped at Eagle County. Tom S. shared that with getting the river cleaned it seems to be pretty important that this gets reported to the state. Bill B. agreed.

Jeffery Babb, Director of Resort Operations for Vail Associates (VA), 450 West Meadow Drive, Vail, CO. Mr. Babb stated he would like to share some history of how this came to be. On 2-10-06 Allen Patterson of the Eagle County Health Department (ECHD) the county had received several complaints from Minturn residents regarding a diesel smell near the bone yard. I assured him we had no knowledge and we would certainly take care of any arrangements to take care of any issues that arose should this be discovered. In the same phone conversation I had been told that the Eagle River Fire Protection District (ERFPD) had been asked to take some samples of the area and those samples indicated the presence of Dawn Dish soap and Isopropyl alcohol which are sometimes found in routine ice removal products. He drove to the pile that day on February 10th and witnessed nothing unusual except the monstrous pile of snow which he had been keeping track of which is one of his duties working with VA. He also went again on the 11th of October and observed nothing out of the ordinary, no smells, etc. On 2-14 he was again contacted by Allen Patterson inquiring about his company's plan for clean up and he stated that VA would take every avenue to secure the pile; natural drainage, install fencing and intermediate steps with straw bails. On 3-2-06 he was contacted by the Vail Daily who had been contacted by the ECHD about the complaints of Hydro carbon. This was the first time he had heard of Hydro carbon on this site. He was informed of a meeting that was going to take place 3-3-06 regarding this issue. He then called Allen Patterson and it was confirmed that yes there was a meeting. Mr. Babb met with them (Luke Carton, Environmental for Vail and Carol Mulson) and walked the area for about an hour discussion of the overall site and what they have done, in testing procedures. Once again we discussed the general condition, solid waste, remediation, etc. On 3-4-06 Mr. Babb had a discussion with Vail Resort Company requesting their assistance. Since

that time we have a dumpster to collect solids, the pile will be walked on a daily basis, picking up solid debris so it does not blow into town. Mr. Babb has installed a temporary access control across the pile consisting of a chain and a lock. Bronn Environmental and Vail Security have been contacted also along with Peak Land Consulting who will do a complete site survey marking their property lines. The time frame for completion is within two to three weeks, no longer than a month. The ongoing runoff issue will be addressed as we start down the road to keep any foreign debris from getting to the creek. We have no qualms reporting to the state. 26 gallons is reportable to the State Health Department. To this date there is nothing to report, there is no spill. VA will report, it is not required that Minturn does this, Vail is a responsible partner in this community and we will do so although we do feel it is unwarranted at this point. All of the testing done by the ERFPD does not say that there is diesel on this site. Tom S. stated he has seen landscape debris dumped there, is that VA property outside that fence? Mr. Babb responded that the north end of the lot is sort of a triangle shape past that rock and goes all the way to the road and the railroad track intersection; it comes to a point out there. So where they are dumping off of the natural roll is our property. Tom S. are you planning to fence all of that in the spring time; no. What we do with the landscaping company is it is two things; subcontractor of ours, Fitz & Gaylor Landscaping as well as our own. We intermediate dump and then in the fall we haul it all to the landfill. Tom S. asked about the dumping that occurred recently this winter with the solid waste where is that coming from? Mr. Babb responded that in the past the only dumping that occurred was from Vail Associates parking lot areas and Vail base areas. And basically what we do is bring our snow from the various base areas; Golden Peak, North Day, the shop yard itself, One Vail Place parking area and that snow we have removed from the base areas during the day we stockpile that in our shopyard and then as we have time and a CDL driver we haul that snow to Minturn site. That has been the only snow that has been dumped there. In October he made an agreement with one of our Vail Resorts Development partners and construction sites, that we would allow Gore Creek Townhomes to the Minturn Dump, not knowing that we were going to have a record snow fall. The pile is huge and has gotten out of hand. The Town of Vail pile is monstrous and contains a lot of the same materials along the roadways, etc. There is more construction debris in the pile then he would like there to be and he thinks they have addressed that clean up issue. Bill B. asked as a courtesy to the Town of Minturn would you fence the rest of that property, where you have the snow dump; certain. Once we get the Peak Land Consultants survey we would be more than happy I think to fence the whole joint. Darell W. stated that three things he would like; 1) copy of letter that you sent to the County as to what you are going to do. He can forward to A. Capela for distribution, 2) copy of the results of their testing; yes. Bronn Environmental requested that they not come yet, they recommended four or five nice days and then they will come test. And the third thing, if in the worse case scenario do you have a program that addresses leeching into the aqua fir? I know you are aware of the surface stuff but I just wonder about the aqua fir. Mr. Babb if it is determined that there is a problem; we will take immediate steps to remove whatever needs to be removed. They have had several small diesel problems in the past and it doesn't take much to remove the top few layers of soil, dry it out, put new soil back in, dispose of old, vegetate and bring it back to reasonable condition. We will do everything in our power. That is one of the reasons we have hired Bronn is that they will continue this testing process until the ground is bare and we know what is laying on the ground. It was requested by council that Mr. Babb communicate through A. Capela. Fred H. requested that Regional Water Authority be added to this list with the contact person being Steve Wilson. Hawkeye F. verified that Mr. Babb will contact the state tomorrow;

yes. George B. when we go putting up more fencing then we are restricting the elk's access. We need to look at this in the spring when everything is said and done here and see where we want to place the fence. Get Mr. Andree involved. Bill B. asked if every winter there will be snowed dumped out there; yes, but only from Vail in the future.

Pete Burnett, 447 Meadow Road, Minturn, CO asked if this is going to happen every year stating that it hasn't in the past. Mr. Babb stated that it has occurred every year that he has been at VA. Mr. Burnett responded not that much snow; yes that is true. A. Capela noted that the snow has about two inches of top dirt, pee gravel and debris, how did that occur? Did a construction site bring that and cover it up with dirt. The report states there is only snow, nothing mentioned about dirt. Mr. Babb responded that there will be dirt, it is coming from an open construction site and there is dirt associated with that. The clean up starts now as I stated earlier, the dumpster is already on site. Hawkeye F. added that unfortunately the dirt, debris, etc do work their way to the top. Every ounce of debris will be removed per Mr. Babb.

14. Discussion/Action –

a) Report on water management project and time line for notification of Minturn water customers – by Carter & Burgess

A. Capela there were several water management questions and also Carter & Burgess was in the audience when Fred H. had some questions and I believe Darell W. on the sidewalk with C-DOT. There is a sample letter in council's mailbox which we would like council to see/approve to provide to residents which would inform them that an employee of the town, Carter & Burgess and that we will be physical inspecting the map, matching it to the house, to the address and to the bill. Chad Ermel, 244 Boulder Street, Minturn, did receive a list from the district, from Bill Storey, and we had 145 –0- reads, last week, that is the exact reason why we are investigating. Will work with R. Cordova and the meter reader; we are going to take maps and make sure that what we receive from the district matches what we think should be there. We have addresses that don't match the actual home. Fred H. asked what the percentage of 145 out of? R. Cordova responded 515. Mr. Ermel noted that that is residential and commercial. Darell W. questioned the notification that is sent out after a zero read, is that going to continue? Mr. Ermel asked A. Capela to respond. A. Capela stated that council directed that we do serve a step process of informing our residents of what we are doing. A site inspection will occur where we look at the meters, making sure we have the proper amount of taps and eventually it is our goal is to make sure that every home and every business has proper amount of taps. Darell W. is asking about the purple hanger. J. Brunvand the notice was to let them know we could not get back to the meter? Mr. Ermel responded that there are several reasons why a meter might not be able to be read. Hawkeye F. inquired if the homeowner owns the meter? Who is responsible for replacing or repair if we find out that it is a bad meter or broken? J. Brunvand responded that we supplied the meters originally and set up a program 15 years ago that they could have the plumber do it. They own everything from the corporation valve in. There was general discussion about the ownership, responsibility of maintaining, and even if Public Works has enough manpower to maintain the meters. Hawkeye F. requested that Town research this and bring it back to council. Who should own it? R. Cordova stated that with the current staff and the difficult locations of

some of the meters he doesn't believe he could do it. A. Capela stated that will be a part of the comprehensive water project that we are doing.

b) Report on sidewalk questions by council – by Carter & Burgess

Mr. Ermel reported on the question if we have to put curb and gutter on both sides of the road. He spoke with Peter Conzinksi our contact at C-DOT, not a requirement, but it would be nice to solve some other drainage problems if there are any on the other side. And there was a question on if there are any plans to widen or improve Hwy 24; NO.

A. Capela asked council if there was any change they would like to make on the letter that was handed out to council during the meeting. Jerry B. suggested adding that we assure there are the proper number of taps.

Hawkeye F. explained about the regular session starting at 5:45 for anyone who had come in late, that once it is over, the meeting is posted to start at 5:45pm, so we start right after that. That is why sometimes it starts prior to 7pm.

Hawkeye F. introduced Shelley Bellm and Kelly Brinkerhoff from the audience, two candidates who have stepped up to run for council. He also acknowledged that George B. is running for Mayor, Bill B. is running for Council and Hawkeye F. himself is running for Mayor. He also announced that our next council meeting there will be an Open House starting at 5:45pm. This is when we will introduce our new council and recognize the service of our outgoing council and their wives. Regular Session will start at 7:00pm.

FUTURE AGENDA ITEMS / WORK SESSIONS

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

1. Mike Wheelersburg – Minturn Towne Homes Update – 4/5/06
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. Planning Department's Chapter #16 Definitions
4. Annexation Public Hearing – 9/06/06

16. Set Future Meeting Dates

- 1) Council Meetings
 - April 5th, 2006
 - April 19th, 2006
 - May 3rd, 2006
- 2) Planning & Zoning Meetings
 - April 12th, 2006
 - April 26th, 2006

- May 10th, 2006

3) Other

17. Adjournment

As there was no further business a motion was made by Fred H., second by George B. to adjourn the meeting at 9:00pm.

Mayor

ATTEST:

Town Clerk, Jay Brunvand