



**REGULAR MEETING OF THE • MINTURN TOWN COUNCIL**

**Wednesday, May 3, 2006**

**WORK SESSION 5:30PM**  
**REGULAR SESSION 7:00P.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** – George Brodin      **TOWN CLERK/TREAS** - Jay Brunvand

**COUNCIL MEMBERS:**

Jerry Bumgarner  
Bill Burnett  
Tom Sullivan  
Kelly Brinkerhoff  
Shelley Bellm

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

**WORK SESSION – 5:30 P.M.**

1. Minturn Town Council & Minturn Planning and Zoning Commission:
  - P & Z & Town Council communication
  - P & Z & Town Council governance/decision making process
  - Other
  
2. Minturn Town Council & Minturn Cemetery District:
  - Water & Sewer infrastructure at PW and the Cemetery
  - CIP for Minturn Cemetery District
  - Other
  
3. Minturn Municipal Code – Interpretation of Parking spaces allocated on Main Street, by Gordon F.

**REGULAR SESSION – 7:00 P.M.**

1. **Call to Order**

Gordon F. called the meeting to order at 7:08pm. Those present included Bill Burnett, Tom Sullivan, Jerry Bumgarner, Shelley Bellm, and Kelly Brinkerhoff. George Brodin was absent and excused

Staff present were Ann Capela, Town Manager; Wiley Smith, Town Planner; Derrick Slocum, Town Planner 1; Jay Brunvand, Town Clerk/Treasurer; Karen Earley, Economic Development Director; Lorenzo Martinez, Chief of Police; Rod Cordova, Public Works Director; Allen Christensen, Town Attorney; and Torrey Maxwell, Court Clerk/Admin Tech.

Gordon F. led everyone in the 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 was made by Tom S., second by Bill B. to approve the agenda as presented; all voted in favor. *Mayor Pro Tem George Brodin was absent and excused.*

## 3. Approval of the Minutes:

- April 19, 2006

Shelley B. noted that the first paragraph on page 10 (should be page 3 of the minutes) held an error. The word **Colorado** in this sentence should be replaced with **Minturn**:

“He reminded Council since Tourism Tax was rescinded back in 1992, our revenues are down and that **Colorado** went from 5 or 6<sup>th</sup> in spending on tourism advertising to 48<sup>th</sup>” should read as follows:

“He reminded Council since Tourism Tax was rescinded back in 1992, our revenues are down and that **Minturn** went from 5 or 6<sup>th</sup> in spending on tourism advertising to 48<sup>th</sup>”

Motion by Bill B., second by Tom S. to approve the April 19, 2006 minutes as amended; all voted in favor. *Mayor Pro Tem George Brodin was absent and excused.*

## 4. Special Presentations/Citizen Recognition/Project Update

- Mike Wheelersburg – Minturn Towne Homes Update

Mr. Wheelersburg, 1849 Oden Drive, Silt, CO updated Council that they are starting on Phase III, footers going in next week. Grading looks real good. Bill B. asked if he got the information about the railroad and what his lease runs him; \$1.53 sq ft per year. Paving they hope to start at the end of the month. He stated they would be painting the water tank after rainy season, month to six weeks

and requested input from the Town. Council Bellm noted that survey was taken and citizens want it the same. Tom S. asked when the trail will be open; Mr. Wheelersburg responded approximately end of month and will post the sign at end of cemetery trail letting people know.

- Lorenzo M. – Introduction and Swearing in of Officer Geoffrey A. Heil. Lorenzo M. introduced Mr. Heil, noting that he started with April 19<sup>th</sup>; he is a Colorado Native from Centennial, served five years in the Marines serving over in Croatia. Lorenzo M. also introduced Geoff's parents, Gordon and Harriett Heil who had come for the ceremony.
- Melinda Gladitsch – Eagle County School District, Update on School Programs

Melinda Gladitsch, 10 Drive, Edwards, EDSD Communications Officer. Her update is not to replace Karen Strakbein and the land issues regarding the 100 acres that the Town wants to annex in.

- New program at Minturn Middle; Expeditionary Learning Program where three students won full scholarships to an Expeditionary Learning Event this summer, they will be leaving in June. Some additional fundraising and media will be occurring to assist them.
- The Facilities Planning Committee has been working since January looking at over crowding in the valley. That committee has come to a recommendation which will include a new high school on Miller Ranch property in Edwards, new elementary most likely on Miller Ranch and it will include a complete reassessment of the Battle Mountain campus and what is needed there. They will be looking at K-8, Alternative High School, etc. The next step is to do polling work with the voter base to determine their reaction to all of that. That will guide the decision of the board.
- Simultaneous to that work has been a Facilities Spec Committee who are looking at what the standards are for a high school building; cafeterias, auditoriums, open space, etc and once agreed upon, that standard would be applied to Eagle High School.

Shelley B. stated she serves on the ECSD Calendar Committee and inquired if Ms. Gladitsch had heard anything on the revision for the calendar for next year; she had heard there is concern that spring break is in mid April instead of March and it conflicts with a lot of athletic events. She stated it would be brought to the board May 10<sup>th</sup> although it wasn't on the formal agenda. Kelly B. inquired how much money do they need to raise; the cost are \$50,000 a year for the first three years and then it will drop a little.

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

Frank Sanders, 142 Main Street, Minturn, CO

- Concern: Every Town Manager seems to target the 100 block and also noted that he felt that this Town Manager just might be a good one.
- Point: Owns property, has countless documents.
- Action Requested: Mr. Sanders handed a letter to Gordon F. and asked him to read it. He also noted that the Town may keep the letter as he would not be needing it in the future.
- Action Taken: Gordon F. read the letter for Mr. Sanders.

Darla Goodell, 160 Railroad Avenue, Minturn, CO

- Point: “You can’t fight City Hall. But you shouldn’t have to.”
- Point: Her mom has lived on that block for 74 years. She would like her mom to be able to continue parking where her father and Emmett Flaherty, Mr. Stauffer (deceased) and Mr. Lighting brought in dirt so there would be parking
- Point: The park is not in the best interest of Minturn
- Concern: Losing parking on the river and Main Street (people who normally park on the river now park on Main Street)
- Concern: Where will 100 block residents park during snow removal
- Concern: Public may still not use the park after the Town finishes it
- Safety concerns.
  - Drownings that have occurred there in the past
  - Older residents that have to drive park and walk on our streets and sidewalks.
- Question: Is parking to be designated on Main Street so the residents can park there every day?
- Point: Municipal lot signs say no parking from 2am to 8am, where do residents go then?
- Point: Park is not used as it is now.

Larry Stone, 0037 Deer Run, Eagle Vail, CO owns and did live at 152 Main Street for 7 or 8 years

- Concern: Parking being taken away from residents who are accustomed to parking there and their families brought the dirt for the parking in the first place.
- Concern: Park is a good thing but when people come to enjoy the park they will need parking. Parking is already limited for our residents and businesses.
- Points: When he approached Minturn Realty about the Two Elks space to put in a Pizzeria he was told that there was not enough parking available for such a business.
- Points: Tim Simon has a couple of commercial sites on the 100 block plus he has residence above those. Word is that they were told to park in the Municipal lot but with that being rented month to month from the RR by the Town it isn’t very secure for the future.
- Question: Why did the council decide to put a park there and remove parking?
- Question: Was parking ever planned for when the park was designed?

Gordon F. responded that at one point he had seen a drawing that did show parking but he does not know when that was taken out. The Town Planning staff has determined that Tim Simon is allowed eight parking spaces on Main Street and one leased in the Municipal lot.

- Town Code states that in a commercial zone in the Old Town Character area offsite parking on Main Street (Hwy 24) may be counted towards the required number of parking spaces provided that offsite parking shall not exceed six spaces nor shall offsite parking exceed 50%.

Gordon F. added that Town Planning staff has determined eight vehicles on Main Street but he does not understand that if offsite parking is not to exceed six spaces.

Mr. Stone inquired where those eight parking spaces are located; anywhere on Main Street. So anyone can park on the street in those eight spaces; yes. Then I do not believe there is enough parking for Mr. Simon and other businesses?

Gordon F. asked Wiley S. to address this.

Wiley S. responded that the Town Attorney has not yet determined this.

Gordon F. asked so this may change?

Wiley S. yes this may change.

Mr. Stone said that he likes the plan and thinks parking should be added. He suggested that parking be accommodated like Steamboat Springs (the River Walk area) for example and have little pockets of parking along the park.

*George B. arrived at 7:38pm and took his seat with Council*

Burt Levin, an attorney representing Frank Sanders, 511 Charlet Circle, Edwards, CO

- Point: It is the hope of Mr. Sanders and others who are here that the Town has not decided to go ahead with this Eagle Rive project and eliminate parking that they have had for decades.
- Point: In November '05 a letter was sent to the Town Attorney and Town Manager on behalf of Mr. Sanders raising his concerns about this; there has been no response to date.
- Point: Mr. Sanders has been parking there for 30 years.
- Point: Mr. Sanders and his father and family hauled in dirt for that side of Eagle River.
- Point There could be a legal issue that the land may indeed be Mr. Sanders' property.
- Point: It is unclear if the Town ever accepted a dedication of the road, it could be a very complicated legal question.
- Point: Mr. Sanders has made a records request concerning this project
- Concern: If the 100 block residents aren't allowed to park where they have been parking for years where are they going to park?
- Concern: If they park on Main Street during the winter the signs are flipped over that state you can not park there for snow removal reasons.
- Action Requested: Mr. Sanders is interested to know why this is happening, was it a discreet Ordinance? There is the power of Referendum if this was an Ordinance.
- Action Requested: Adequate alternative parking arrangements need to be provided
- Action Requested: Provide Mr. Sanders with an answer tonight as to whether or not this is going forward or not and if it is because of an ordinance.

Gordon F. stated that the actual construction hasn't "started yet" so personally he doesn't think it is at a point of no return. His recollection is that this money is coming from the Nerds Fund application that the Town submitted in 1998 for the Nerds money. This river walk was part of the original application, he doesn't remember if there was parking included or not. He asked the Town Attorney if he remember.

Allen C. responded that he has no idea but reminded everyone that there is a open records request in process regarding this information and Jay B. is researching that now.

Gordon F. added that Staff is proceeding now because Nerd wants the money (\$45-60k) back, which DOLA has been holding onto, if we don't use it. Council has directed Staff to proceed with the project.

Emmet Flaherty, 826 Kiowa Street, Fountain, CO

- Point: He has owned property for 55 years in Minturn
- Point: On the backside of Lot 13 in the Bocco Addition he built a garage, road was so narrow, hard to get in and out of garage. So following summer contractor hauled in yards of fill dirt and we expanded the width of the street 15-20' which then gave him room to get in and out of garage and have some parking across the street.
- Concern: After owning this property for 50 some years and paying taxes is he not entitled to some kind of consideration for the parking of his renters?
- Concern: He received no notice regarding river restoration or park deal. He questioned if I live out of town does that mean I don't have the right to know what is going on.
- Point: He mentioned "Squatter's Rights" and stated that if the land or easement is utilized 20 years or more you are entitled to own it. He has been using that section of land for 40-45 years.
- Action Requested: He concluded by saying he would like to come to an agreement to have a few parking spaces back there, either on the east or west side of the street for his renters.

Delores Esparsen, 1131 Main, Minturn, CO

- Point: Championed that Betty Sanders have her driveway wherever she chooses. She is like a Queen Bee, she is still Employed, and a wonderful citizen.
- Action Requested: Don't take her land.

Jenny Garcia, 285 Main Street, Minturn, CO

- Point: She appreciates the park that the Town has built already.
- Point: She has children in town but doesn't think that another park is necessary since we already have one.
- Concern: Another park is not as important when you take away parking from 100 block residents.

Todd German, 325 Pine Street, Minturn, CO

- Point: Doesn't seem to be a very good place for a park.
- Action Requested: Is there some other way we can spend the money, is there any way to improve the river besides build a park? There are other ways to improve the river.

Gordon F. responded that it was designated by the State to be spent on the river restoration. We can ask, but State will probably want it spent where it was originally designated. We spent a million dollars improving the river from the bridge to the bridge so hopefully it is better than it was.

Michael Gallagher, 475 Pine Street, Minturn, CO

- Point: Town hired Mr. Gallagher as a police officer about 33 years ago and Pete Burnett was on council. Parking was wherever they wanted; sideways, backwards, etc. Semi could park in front of Gambles' to do their weekly delivery.

- Point: Business came along, plans were developed for parking and then businesses were told no, that they couldn't do that business because there wasn't enough parking within the required distance.
- Point: Town got a month-to-month lease with the railroad, commercial parking was expanded and people are still told they don't have enough parking.
- Point: The Town is paying Karen Earley, our Economic Development Director, to bring business into town but we don't have enough parking.
- Point: He has personally pulled baby bodies out of the river and doesn't want to see us have to do that again.
- Concern: Lot is too narrow for a park. He referenced kids kicking a ball and then being told not to chase it after that because it is near the river.
- Concern: Month to month lease with railroad
- Concern: Town is eliminating parking

Christian Caslyn, 308 Main, Minturn, CO

- Question: Was the road dedicated? What was the original right of way?
- Point: Title commitment would be better than a lawsuit
- Point: If the town wants a park make it a park
- Point: If asked that the majority of people in the town don't think the million-dollar restoration did any good and he doesn't know if the people who owned land that may go out to the middle of the river were ever even notified, just find a Caterpillar going down the river
- Point: Condemnation is a hot button issue in the US today.
- Point: The Town needs to be concerned if they own the property or not.
- Concern: The squeeze issue with parking is huge and the ownership issue is hug.
- Action Requested: Wants firm position from council on who owns the property.

Craig Bule, 232 Main Street, Minturn, CO

- Point: has letter in hand stating he is representing Marta Brenner, Minturn Realty tonight.
- Point: Ms. Brenner is also against this park, she owns the Two Elk building
- Point: The Eagle County website shows this as one lot from the front of 100 Street all the way to the start of the 200 block
- Concern: Mr. Simon is going to park eight cars along Main Street, which is going to affect Ms. Brenner.
- Question: Can't we use the money to restore the existing park since it is part of the 100 block?

Gordon F. replied that it may be possible and we could investigate that.

Vicky Siffers, 32468 Hwy 6, Edwards CO

- Point: Lives in Edwards but owns property here in Minturn
- Point: Condemnation is ugly, she has been through it; it is costly.
- Point: Homeowners should have been talked to back in 1989 when this started not waiting until now when we are trying to decide what to do with \$40,000.
- Action Requested: Sit down and talk with homeowners

Gordon F. clarified that Ms. Siffers had said 1989 but it was actually 1998. He then reminded everyone that there were public hearings on it and that everyone had opportunity to voice their opinions. People did voice their concerns back then about parking and the river walk; it is not new. People have been aware and this has been brought up before. He inquired of the Town Attorney if we had an answer for Ms. Siffers on if property owners that had property along the river were notified?

Allen C. read from the minutes of a Town Council meeting in August 2003 where the Mayor reports that they had been meeting with the owners of the 100 block of Eagle Street, three pages of minutes.

Gordon F. inquired if it was referring to staff or to the consultants who did the river restoration?

Allen C. continued reading "the Town Council has been holding meetings with the citizens along the 100 block of Eagle Street in order to explain the affects of the restoration, view corridors and develop options for alleviating any true issues. We have had countless public hearings.

Gordon F. added that it is up to Staff and Town Council to remember this since he would have had to step down during these proceedings.

Allen C. reminded Gordon F. that Earl Bidez was Mayor at the time.

Mark Siffers, permanent address 32468 Hwy 6, Edwards, CO but temporarily residing at 671 Main Street, Minturn, CO

- Point: Property owners have right to this property by Adverse Possession; eighteen years and they have been there longer than that.
- Point: Town has not objected during that time so to proceed the Town will have to go through Eminent Domain procedures. Encourage Town to work this out with the homeowners if they want to get this project done on time.
- Point: You don't want to lose that parking.
- Question: If this wasn't straightened out in '98 why are we still talking about it?
- Action Requested: Don't lose the money for our town.

Gordon F. asked Allen C. if we have an answer regarding Eminent Domain and the use of the property for eighteen years.....Adverse Possession, etc.

Allen C. everyone keeps ignoring the part of the statute that says except you cannot adversely possess against the State of Colorado or any agency of the government thereof or the United States. And if it is a platted right of way the citizens would be adversely possessing against the Town. We have been discussing this for over five years and there are only a few faces that he recognizes as having been to previous meetings concerning this.

Gordon F. asked in your opinion does the Town own the property; yes, it is platted right of way.

Pete Burnett, 447 Meadow Road, Minturn, CO

- Point: As a young boy there was no parking on Eagle Street. So people had to build out for parking with their own money, their own expense.

- Point: They might not have title to it but after spending the money to do it he thinks it should belong to them.
- Action Requested: Is it important to the fire department to have access to the back of the buildings?

Ryan Flaherty, 160 Railroad Avenue, Minturn, CO

- Concern: Town's liability if someone were to fall into the river during high water, most of the time it is just a creek but come end of June it is going to be ugly.
- Concern: Snow load
- Concern: Where are the residents going to park?
- Point: Most residents have some parking along that road. Some have no parking at all; Old Gambells' building doesn't have any parking, everything next to them belongs to Two Elk. They have residents above that building.
- Point: It will get very narrow back there when you have a boulder field along the road to keep people from parking in your grass and the park.
- Question: Is the Town going to allow residents to plow snow into the park; that is what has been done before? You can't push it into the river anymore so that is a restriction also.
- Question: When the windrows get high how are you going to push the snow back?
- Point: Tax base has been suffering, those two buildings next door have been empty, Party Central is in one now, the remodel going on in the other. That all goes against the tax base of the town.
- Concern: With no parking it is going to be difficult to get somebody in there, just makes it that more difficult to rent.
- Concern: It is not just the town's fault regarding the decline in business. It looks as though there are some property owners, who could manager their property better. The Town suffers from that also.

Jim Madrill, 1716 South Main, Minturn, CO

- Concern: People aren't going to utilize a 10' wide park.
- Point: Since this first came up he has been taking a personal poll of what people want; they do not want a park there. Personally he feels it is a waste of time and money.
- Action Requested: Leave it as parking for the citizens.

Ryan Flaherty, 160 Railroad, Minturn, CO

- Question: Saying you have the rights to the right of way that is 30' wide, does that include the rest of the land on the other side of the right of way for Eagle Street, between Eagle Street and the River. Most of which wasn't there before, the river was a lot wider back then with the amount of water coming down.
- Point: Part of the parking is actually on the other side of the right of way; part of it may actually be on the right of way.

Gordon F. added that in 1891 Bocco dedicated, in his first addition, the streets to Minturn. Main, most of Pine, and Boulder were of dedicated width. When it came to Eagle Street the west side was a straight line, not actually a straight line, but it followed the lots. The east side they just drew a line, here is a line, according to the plat the Town owns from those lots to the line that Mr. Bocco drew. It is a variable width street down there. Please don't make the assumption that the width of the road back there is the only property the town owns. It is a dedicated easement of a variable

width stretching from bridge to the intersection. The Engineers and Attorneys will determine what that width is at each point along that road. To answer Mr. Ryan Flaherty's question Mr. Bocco dedicated that easement but he maintained from the east side of the easement to the center of the river, he still owned the property, the line that he drew for the easement never went to the center of the river. An attorney that he had looked at it and his opinion is that the heirs own the property from the east side of the Eagle Street easement to the center of the river and they could pass that property on. He reminded everyone that this is his personal opinion, it may be different than legal counsel, it is being passed on as information only, and it is not fact.

Allen C. interjected that he did not render that opinion. He also stated that Ann Castle rendered an opinion contrary to the Mayor's attorney's opinion. And he cautioned the Mayor that he is way out of line on something that they have discussed before. You are speaking as Mayor on a claim you have made against the Town. He also added as a point of information that we have an Ordinance that states that this part of the meeting where citizens address the board should have ended at 7:45pm (interrupted by Emmet Flaherty) you need a motion to extend (interrupted by Emmet Flaherty) that per (interrupted by Emmet Flaherty) Resolution 7, 2003.

Emmet Flaherty, 826 Kiowa Street, Fountain, CO (name and address were not provided before speaking)

- Point: If you want to build a facility you are required to provide parking spaces for the facility you are building.
- Question: How does the Town justify building a facility without any parking?
- Point: There are only two or three spaces for parking way up on Toledo

Tom S. asked what is the parking to the right of the basketball court; it is parking for the park. If you want to park on the street and walk to the park that is your prerogative. But most people who go to the park will use the parking available at the park.

Gordon F. brought the meeting back to order.

Darla Goodell, 160 Railroad Avenue, Minturn, CO (name and address were not provided before speaking)

- Point: This all came about because of river restoration, what did they do to that river? Would any proud citizen want their visitors to come and look at our river? It looks terrible.

Frank Sanders, 142 Main Street, Minturn, CO

- Point: Year after year our citizens have voted to change people out. We have a chance; we have (gesturing to new Council Members Brinkerhoff and Bellm) these ladies and Burnett is starting to hear also.
- Point: Recall petition was mentioned. We have a mountain of paper and we will get more if you need it. If we have to we will go against this government.
- Point: He has figured out a way to help this Town, the Town Manager needs a supervisor, Mr. Sanders will do that for nothing. We need three people who you don't know are our people and we will start correcting some things. I don't want to take this government down but we will if we have to.

Todd German 325 Pine Street, Minturn, CO (address was not provided before speaking)

- Point: He has recently moved here from New Orleans. New Orleans is historically known for political corruption and that has caused many problems. The Town has been destroyed and will never be the same; I have seen the Battle Mountain proposition. This Town will indeed change forever, I oppose it.

Gordon F. asked that it be noted that a comment was made by a citizen on the Ginn Development. He then asked for Council's comments and thoughts on what had been heard.

Bill B. stated that the Town did do a lot of research and had a lot of meetings. Doesn't like the park myself and I don't like the river restoration. There was 1million available and we wanted to do something good but I don't know where we really did do any good. It doesn't seem that it is right having everybody upset. When we started this they said lets start up at Cemetery Bridge, concerned about the water. Pete Vance was told that he couldn't even have his tree house because it was within the 30' from the water. Mr. Meyers was excited about the river. There was a man that has a hot tub; didn't make him take his tub out, we let him leave it there. Mr. Boyd building a place out where he can have parking. We are doing something that is splitting up the town up over 38k. Not worth it.

Tom S. stated that Allen C. says it is ours, it stays ours. Surveys show it is town's land, shouldn't give it away. Handful of citizens are affected but the majority will benefit from it. Best use of that land is a park; parking right on the river is not good for the river. Good stewards of the river means we can't keep rusty vehicles down there, runs into the river.

Shelley B. stated that she wasn't involved with council when these decisions were made. She hasn't seen the plans but added that no one uses the park; her kids might stand on rocks and throw pebbles. She would like to work with the citizens in that area to clean it up referring to driving down that road and almost hitting parked cars and trash cans that were in the road. She would rather the Town use the money to enhance the park that is already there. Our existing park is not being used other than as a snow dump in the winter. The basketball court hasn't been repaired; it isn't an attractive park because the Town has not maintained it. The Town could do something better with that money.

Kelly B. thanked everyone for coming and noted that there are a lot of issues, future agendas. Important to balance environmental with the rights of the citizens. Closer look at some of which she would like on future agendas. Balance our environment concerns with the rights and interest of our citizens. She would like to take a better look at this since she has not had the opportunity to do that yet. She feels it is important to tell you what your options are, anything the citizens can do, have that information and know what they can do. Would like Troy Thompson to come and give us an update on what he has done, what it is going to look like, long term plans he has. There is another grant we may apply for and get so the citizens should come and learn about that. Parking evaluation, huge issue in general, not sure if an expert parking evaluation has been done? With Carter & Burgess working for the town now and they might be able to assist in evaluating some of that. She would like to see some compromise; maybe keep park, improve river, no public parking except for park, some parallel spots for homeowners. How else can money be spent, look into that, grants can sometimes be amended?

Jerry B. this no parking goes back four years when this was river restoration was first started. Wendy Naugle, head of environmental side of this for Colorado, specifically pointed out that there could be no parking because it is in the '30 set back of the river. It was their requirement, not ours. And also if Minturn did not enforce these rules that we could be liable to pay back the money. It is not a secret what has been done. There have been more meetings and discussion on this project, can't imagine how someone could not have been notified. And there are 12 or 13 spots down close to the Town Manager's house that can be used for parking.

Shelley B. interjected that there is no overnight parking allowed.

Tom S. added that the parking is for the park.

Jerry B. asked if this was done by Resolution; public records request is being worked on. It isn't something on whether you agree with it or not, this river has been kicked around more than any issue in the four years he has been on the board. Only about five faces that you see now that were here back then. Because it went from the contention that the plan was to put a river walk down the back side of the river, crossing some people's land. Some people had quiet title to property there. That was eventually dropped from the plan. But all this other stuff has been very open and laid out on the table. When this park was decided to move forward before the funds were lost, it was passed, then reintroduced by somebody who had voted for it, which you can do under the Robert's Rules of Orders so it was brought up again and rehashed. It was a public meeting and it was most certainly posted.

George B. just returned from a meeting to apply for more money for more river restoration down the river from where we are now. We never entered into the idea of building a park as a punishment. Nobody said lets go get citizen's parking. There is land that is owned by the town that all can share. No one will every use a park if there isn't a park. He understands that there are inconveniences for some people that live there. Condemnation was never a word that even came up until tonight, he admitted he may have missed some very clear observations that he is not aware of. Parking is an issue in all mountain communities and will always been an issue. He sees a municipal parking structure in our future when he looks into his crystal ball (figuratively speaking). To walk to the park from the municipal lot we have now, it is a block and a half from the park we are proposing. As stewards of the town's land we are trying to do something with the land that is good for the town. Because the park sits idle today does not mean it will sit idle tomorrow. He voted for this park.

Gordon F. stated he is going to withhold his comments until Town Attorney is able to review the information he presented to him tonight. Barricades have been put up, no parking signs have been installed, vehicles and other items have been removed. Please observe those laws.

Allen C. said that he has a hand drawn map from a survey in 2000. We have been trying to solve this since 2002 right down to replatting the street, moving it towards the river, so everyone can maintain parking. We were down there in knee deep snow, Mr. Sanders Troy Thompson, and himself trying to come up with a way and we actually designed semi permeable parking area down there which could be used as a park and parking. The State shot us down, saying that we were not

being good stewards of the river because we were not observing the 30' set back regarding car waste.

Gordon F. asked if we are continuing to work towards a resolution or are we continuing with this project.

Allen C. responded that he can not answer that but he worked with Tim Simon's attorney and they ran into some bends regarding utility poles. It isn't that they are insurmountable; it is a matter of the cost of relocating utility lines.

Ann C. said we had looked at slightly moving Eagle Street towards the river to allow people to parallel park. The initial cost of that would be 286k per Troy Thompson. We spent funds to begin this project.

Gordon F. stated that our citizens want to know what it is going to look. Is there a drawing that we can put up so people can look at? And are we continuing with construction?

Ann C. stated we are to continue with the project. Barricades have been put up because the crew is going to start working on this. Second thing, we brought a concept drawing to council. And there is no problem to bring Troy Thompson back and have him put up drawing in Town so public can view. The additional funds we decided to allocate from the park funds is to install automatic irrigation as we have made a commitment to better upkeep the park.

Frank Sanders, 142 Main Street, Minturn, CO

- Concern: With so many cars going by somebody is going to get killed. There are hazards it is dangerous.

Delores Gonzales, 491 Main Street, Minturn, CO

- Point: She has lived here 50+ years.
- Concern: Where are people going to park? There is not much space for her to park now.
- Question: Where is this Amphitheater supposed to be built?
- Concern: The park is not being kept up, it is a mess.

Gordon F. Amphitheater is going in at La Playuela Park down by Cemetery Bridge. The park we are talking about now is down behind the 100 block of Main Street, Town Manager's house down to Bellm's Bridge. There is 15-30' of dirt on the east side of the street that we are discussing.

Vicki Siffers

- Concern: Town does not take care of our parks. Our Town employees do not have time, are we going to hire more staff?
- Question: Who is going to take care of this park, mow lawns, etc.

Gordon F. stated council has found that maintenance is a problem and made a point that we will put in more time. It is a problem and the direction to staff was to correct it.

Shelley B. asked why we are moving ahead with construction if the people haven't even seen the plans.

Tom S. we have been going through this, the contractor is prepared to start and if not, they are going to demand payment. This wasn't even on the agenda tonight, there were plans when this was being discussed.

Ann C. stated that Council was presented with three options and they choose one. Mr. Thompson can produce a larger drawing with more detail for the town.

Kelly B. what is a more interesting is looking at that plan is moving the road and putting parallel parking. Let's look at how much will that cost, can we get more money from the park.

Allen C. responded that it solves everything; it is just a matter of cost.

Ann C. stated it is not on the agenda you can not take action, this item would have to be brought back. It has been agendized, brought back for reconsideration, it was shot down. We will have to take a look at what are the avenues to bring this back technically and legally. If we were to stop this we must look at what the cost would be for the plans and work that has already been done. Construction should start middle of this week; Mr. Thompson will give a more accurate date.

Gordon F. construction is going to start next week and if this is going to come back to council Ann C. is going to have to review how this is going to have to happen.

*Gordon F. called for a five minute recess at 8:55pm*

## STAFF REPORTS AND OTHER ITEMS

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

- a. Economic Development Director
  - Website is going to be corrected for us by Ashleigh
- b. Public Works
  - Preparing for Minturn Clean Up day May 20<sup>th</sup>, 2006
  - Seniors have been alerted that they can call and we will pick up.
  - Encouraging residents to bring trash to dumpsters on clean up day.
- c. Police
- d. Treasurer/Clerk
  - Gordon F. asked if Jay B. had the print out of Ginn expenses for 2005; Ann C. responded that it is not to be talked about in public; the Town has been counseled to not discuss this matter publicly.
  - Auditors will be here at our next council meeting to present the FY2005 Financial Audit.

- e. Town Attorney
  - Copies of Mayor's letter to the town was given to each council member
- f. Town Planner
- g. Town Manager
  - Union Pacific continues to research, please reference copies in your packet.
  - Union Pacific has requested approval to store 500 box cars in the Minturn Rail yard.
  - Asked council to please submit survey on retreat.
- h. Town Council
  - Congratulations go out to Fred Haslee, Darell Wegert, and Mike Gallagher for their recent win at the polls and to the Eagle River Fire District for their Mill Levy passage.

## DISCUSSION, HEARINGS AND ACTION ITEMS

### **8. Discussion/Action Items – Minturn Municipal Parking Concerns – by Capela**

- Parking leases are all up to date.
- Marka Brenner is still working on her survey that council directed we look at.
- Once that is received staff will begin to look at the 1 parking space per four chairs

*Gordon F. asked on a side note that council read Chapter 16 so they are familiar*

### **9. Discussion/Action – STIP funding and CDOT issues on Hwy. 24 between I-70 and entry into Minturn (the narrows) by: Capela**

- The meeting produced good results and the Intermountain Director of Colorado Mountain Transportation will be here May 16 to look at the narrows as you enter town from the north.
- Attached pages are priority for CDOT and as you can see Minturn is pretty low on the list.

Gordon F. added that in the past we haven't even been on the list.

### **10. Discussion/Action – Vail Pass improvements, letter from CDOT by: Capela**

Ann C. introduced the letter from CDOT. Discussion ensued as to the need for the improvements and the need for the bike path connection from the Dowd Jct area south through Minturn.

Direction was given to include the bike path on the agenda for future discussion as information becomes available and to work with the ECO Trail group to work on the Minturn bike path spur.

### **11. Discussion/Action – Crosswalks and Hwy. 24 safety issues, by: Capela**

This was a response from Bill Crawford who has been assigned to work with the area on what they are planning on doing. The only one he did not respond to on the east side of town. Pretty well working on, Mr. Wegert wanted to know about school bus stops; there is a committee looking at them now. Pleased that CDOT has responded.

Gordon F. added that they are looking at move bus stops from Toledo to Norman

Shelley B. said there is already one at the bank and then if one is at Norman, too close.

Gordon F. asked Ann C. to bring back additional information on that.

**12. Discussion/Action – Council Retreat, date & time by: Capela**

- All have been turned in.

**13. Discussion/Action Items - Ordinance 4 – Series 2006 (First Reading) Minturn Towne Homes Final Plat Phase I – by Smith**

Motion made by Bill B., second by Tom S. to approve the Minturn Towne Homes Final Plat Phase I; George B., Bill B., Jerry B., Gordon F., Shelley B voted yes, Kelly B. and Tom S. voted no.

Gordon F. requested that more information be gathered since this is only first reading.

**14. Discussion/Action Items – Ordinance 5 – Series 2006 (First Reading) Minturn Racquet and Trout Club Final Plat – by Smith**

Motion made by George B., second by Bill B. to approve the Minturn Racquet and Trout Club Final Plat ; all voted in favor.

*Note: Kelly B. stepped down due to a conflict of interest on the next discussion item*

**15. Discussion/Action Items – Ordinance 6 – Series 2006 (First Reading) Minturn Racquet and Trout Club Condominium Conversion Final Plat – by Smith**

Motion made by Tom S., second by George B. to approve the Minturn Racquet and Trout Club Condominium Conversion Final Plat ; all voted in favor. *(Kelly B did not vote due to a conflict of interest and resumed her seat after the vote)*

**16. Discussion/Action Items – Ordinance 7 – Series 2006 (First Reading) Minturn Towne Homes Final Plat Phase II – by Smith**

Motion by Jerry B., second by George B. to approve the Minturn Towne Homes Final Plat Phase II; George B., Bill B., Jerry B., Gordon F., Shelley B voted yes, Kelly B. and Tom S. voted no.

*Council will recess as Town Council and convene as the Town of Minturn, Water, Sanitation and Recreation Activities Enterprise ("Enterprise").*

**17. Discussion/Action – Election of Officers to Town of Minturn Water, Sanitation and Recreation Activities Enterprise, Election of Chair and Vice Chair; by Boots Ferguson & Allen Christensen.**

At 9:41pm Gordon F. turned the meeting over to George B. George B. asked Allen C. to summarize the duties of an official who would serve on this committee.

Motion made by Jerry B. to elect George Brodin as Chair and Tom Sullivan as Vice Chair, second by Bill B.; all voted in favor.

*Town Council closed the meeting as Minturn Water, Sanitation and Recreation Activities Enterprise and convened as Town Council with Gordon F. returning to his chair.*

There was general discussion regarding the retreat and it was agreed that it would be held May 16<sup>th</sup> 5:30pm and Ann C. asked council for help putting together the agenda since this is for them to discuss issues they want to discuss.

## FUTURE AGENDA ITEMS / WORK SESSIONS

### **18. Items to be added to future agendas / work session**

- 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
- Ginn Annexation Public Hearing – September 6, 2006
- Mike Wheelersburg – Minturn Towne Homes Update – June 7, 2006
- Water meter ownership and maintenance discussion
- Discussion of major projects for this summer for Public Works – May 17, 2006
- Council Retreat May 16, 2006 by Capela
- Public Relations by Brinkerhoff (work session)
- Affordable Housing Programs by Brinkerhoff (work session)
- Carter and Burgess Plans by Brinkerhoff (work session)
- Discussion of access to the Attorneys by Flaherty
- No Smoking Ordinance by Christensen (work session)

### **19. Set Future Meeting Dates**

- 1) Council Meetings
  - May 17<sup>th</sup>, 2006
  - June 7<sup>th</sup>, 2006
  - June 21, 2006
- 2) Planning & Zoning Meetings
  - May 10<sup>th</sup>, 2006
  - May 24<sup>th</sup>, 2006
  - June 14<sup>th</sup>, 2006
- 3) Other

### **20. Adjournment**

As there was no more business to attend to the meeting was adjourned at 9:53pm

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Mayor Gordon “Hawkeye” Flaherty

ATTEST:

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Town Clerk, Jay Brunvand