



**REGULAR MEETING OF THE • MINTURN TOWN COUNCIL**  
**Wednesday, July 5, 2006**

**REGULAR SESSION 5:45 PM**

Minturn Town Center  
302 Pine Street • Minturn, CO 81645 • (970) 827-5645

**MAYOR** - Gordon "Hawkeye" Flaherty      **TOWN MANAGER** - Ann K. Capela  
**MAYOR PRO TEM** – 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

**REGULAR SESSION – 5:45 P.M.**

**1. Call to Order**

a. Roll Call

Mayor Hawkeye Flaherty called the meeting to order at 5:45p.m. Those present included Mayor Flaherty, Bill Burnett, Tom Sullivan, Shelley Bellm, Kelly Brinkerhoff, Jerry Bumgarner, and George Brodin, Mayor Pro Tem.

Staff present was Town Manager Ann Capela, Town Clerk / Treasurer Jay Brunvand, Town Planner Wiley Smith, Town Planner I Derrick Slocum, Town Economic Development Director Karen Earley, Town Attorney Allen Christensen, Public Works Director Rod Cordova and Court Clerk / Office Technician Torrey Maxwell.

Hawkeye F. led everyone in the Pledge of Allegiance

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

Colorado Revised Statute (C.R.S.) 21-6-402(4)(b) for the purpose of consulting with Town Attorney, Town Water Attorney & Town Annexation Attorney on pending legal actions and legal strategy.

Colorado Revised Statute (C.R.S.) 21-6-402(4)(b) for the purposes of reviewing the Town Attorney and Town Manager's employment contracts & Town Manager's performance evaluation

Motion by Bill B., second by Tom S. to convene in Executive Session pursuant to Colorado Revised Statute (C.R.S.) 21-6-402(4)(b) for the purposes of consulting with the Town Manager and the Town Attorney and various Special Counsels as necessary for discussion pertaining to existing and pending legal issues and strategies and pursuant to C.R.S. 21-6-402(4)(e) for the purpose of reviewing the Town Attorney and Town Manager's contracts and performance evaluations; all voted in favor.

Council returned from Executive Session at 7:09pm. No direct action was taken as a result of the Executive Session but direction was given on how the Town is to release information.

### **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 Bill B., second by George B., to approve the agenda as presented; all voted in favor.

### **4. Approval of the Minutes**

- June 21, 2006

On report from Staff it was noted the minutes would need to be revisited and a request to Table the Minutes from June 21, 2006 to the July 19, 2006 meeting was submitted.

Motion by Jerry B., second by Tom S. to table the minutes from June 21, 2006 until the July 19, 2006 meeting; all voted in favor.

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

Mike Wheelersburg, 1849 Oden Drive, Silt, CO provided his monthly Minturn Towne Homes Update to the council

- Lyons Lane is paved and the paving on Taylor will be completed soon.
- Minturn Water Tank has been painted.
- Landscaping for Phase 1 and 2 will be started by end of August.

Tom S. inquired about the hiking trail stating that it seems he receives calls whenever it is closed; Mr. Wheelersburg stated that if hikers find it closed it should be for periods of a ½ hour or less. Usually it is closed when they are moving their large trucks across that path. As soon as truck movement is completed the trail reopens.

Tom S. inquired when the project would be completed; Mr. Wheelersburg stated it would be next spring.

Hawkeye F. requested that they put up a caution sign for hiking trail just as they enter onto the construction site; Mr. Wheelersburg stated he would do so.

Hawkeye F. inquired if they still have their spoils pile stored down by the cemetery; Mr. Wheelersburg responded that they have never utilized that.

Hawkeye F. asked if all of the dirt has been moved offsite; Mr. Wheelersburg responded that the dirt has been moved off site except some that has been stored on railroad property that they are going to use as backfill. And they have some by Bldg J, the spoils are stuck in that corner. As soon as their foundations are in, that will be gone also.

- University of Colorado Graduate Planning and Architecture Program  
Presentation of Downtown Design Plan – by Smith

Ms. Jennifer Burquist, Univ. of Colorado-Denver Outreach Program, summarized the status of their work.

Mr. Karl Barton, recent graduate of the Masters in Urban Regional Planning and Masters of Urban Design Program at CU Denver and currently working at CCCD as an Intern, 1435 Vine St #6 Denver, CO 80206, reviewed his work for the Council to include the following:

- Town Entrance Area, Hwy 24 where it curves into Town. Entry into town is great opportunity to make a statement that you are entering a town and please drive accordingly. As a highway and the Town's main street it needs a design that functions as both.
- Streetscape Planning Area is major area that needs to be addressed. They see this as beginning just across the bridge by the Turntable and then down to Meek Avenue. This area has most commercial uses.
- Park treatments along river and leased parking area.
- Town parking lot (by Shop n Hop)

#### **Site Details**

##### **Victorian theme: period of time when Minturn began**

- Bollards with lions head
- Lighting current five bulb
- Paving pattern along sidewalk and then make a circle\

- Planters on sidewalks: rot iron or cast planter
- Fencing: rot iron
- Banners: ornate attachment with lions head on banner
- Benches: should pick a consistent style, wood and metal
- Street plantings: idea is to slow drivers down. Can be potted so they are removable or extend out into the street and plant a tree in the grate.
- Corner extensions on side streets, not 24. Shorten distance pedestrian has to walk across street while provided more room for placing of street furniture such as benches, planters, etc.

#### **Industrial theme: Minturn's background in the railroad**

- Bollards of girders or some sort of iron
- Lighting: gas light style, less ornate
- Paving scheme two strips of pavers down the sidewalk to recall railroad tracks
- Deep red river rock color
- Planters on sidewalks or corners: miniature Ore cart with flowers
- Fencing: girders
- Banners: less ornate water tower
- Benches: should pick a consistent style, metal
- Street plantings: same as above
- Corner extensions on side streets, not 24: same as above.

Bill B. brought up that our light bases had recently been repaired and that they look great. He asked if Mr. Barton was aware of that; no he hadn't been in town the last couple of weeks.

Floyd Duran, 643 Boulder mentioned that the lights were tall and would get backed into and torn up. He also mentioned that corner extensions might make truck drivers have to go into other lane when making some turns, important they have room to make that turn.

George B. added that he thinks sidewalks or stamped concrete to show you are entering town is a great idea, even on the other end of town. Park benches and planters are nice additions that can be used seasonally.

Shelley B. agreed with George and added that even before you get to the Town limits the sidewalks or stamped concrete would be useful for those residents who are located along the 50mph portion of Hwy 24.

Jerry B. noted that the town parking that Mr. Barton referred to behind Shop n Hop is not town parking; Mr. Barton suggested that a bench or fence might be a nice addition anyways.

Hawkeye F. asked the Council for direction: although both were favored Victorian theme was given as direction.

Ann C. inserted that Council should consider CIP before committing to something.

Shelley B. asked if we could mix and match Industrial along with Victorian; certainly.

Bill B. inquired what size rocks he will be using; Mr. Barton responded that our rocks would be for color selection only.

Panels will be left with Town for our review.

Wiley S. added that this is the end product of what was started at the beginning of the year. What you have seen this evening is their final product from feedback received from Town Council. They will finalize from tonight and send a completed package to Wiley S.

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

Mr. Floyd Duran, 643 Boulder, Minturn, CO stated he was here on behalf of the Cemetery District. The Board members asked him to come speak to the council about some items that had recently come to their Board's attention. Mr. Duran went to the Mayor and he kind of took care of it. Mr. Duran is here tonight to invite the Mayor and the Town Manager or any of the Council members to the Cemetery District's next meeting, Monday July 10th at 5pm to resolve these issues that are coming up.

Hawkeye F. added this request to the end of the agenda for Council to decide. Ann C. accepted the invitation.

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

### STAFF REPORTS AND OTHER ITEMS

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

- a. Economic Development Director
  - Great Market, third market and best attended.
  - Great 4<sup>th</sup> of July celebration and party.
  - She gave a special thank you to some of the many who reached out to help; Wiley Smith, Allen Christensen, Lorenzo Martinez, George Brodin, Tom Sullivan, Jerry Bungarner, Arnold and Isaiah from Public Works, Derrick Slocum, Randy Milhoan, Rebecca Callendar, Stephanie Lucero, Turntable Suzanne Miranda, Shelley Bellm, Bill Burnett, our Honored Senior, and many others.
  - Cowboy Poetry August 6<sup>th</sup>
  - Certificate of Appreciation was presented to Susana Miranda for the many ways she assist our Town.

Tom S. asked if we purchased the fireworks; yes. Bob Gallegos paid for them and they will be stored at Western Fireworks and used later, possibly at a winter celebration.

- b. Public Works

100 block of Main Street lights - river rock placed on them and lights are operational now; power supply was the issue. Street lights on east side are a different story, they are in worse shape.

Hawkeye F. added that the people who supplied the lights to us can provide us with some parts if needed to get the lights on east side operational. He also brought to Rod C.'s attention that there is a hole between the drain and Hwy 24 on Nelson Avenue.

Rod C. asked council to use work order process by contacting Torrey M. She will gather the information and provide work order to public works. Better, faster way of getting things done.

Tom S. where there sprinkler heads put in the old section of the Eagle Street Park or just the new section; new section only. They are planning on adapting to the new system but at present are still watering with garden hoses.

Tom S. inquired if there is funding for that; Yes, Ann. C. stated we allocated funding for the Eagle Park and the Town Center. We will work within that frame work to get that done.

Hawkeye F. is the water plant holding up; yes, the rain has helped. They actually got to shut down a well today which hadn't been done for some time.

c. Police

Not present refer to report please

d. Treasurer/Clerk

Nothing to report

e. Town Planner

Wiley S. requested that council return the notebooks that had been given to them at the Special Joint meeting. He would like to provide them with an updated version.

Shelley B. asked if someone had been assigned from P&Z to the Chapter 16 review committee; yes, Jim Brinkerhoff.

f. Town Attorney

Hope to finalize the market contract this week.

Has received Council's direction on radio tower.

Allen C. and Lorenzo M. continue to work on alcohol service at the park.

Allen C. stated 3.2 beer only is allowed in the park. No wine, no hard alcohol, only 3.2 beer.

Hawkeye F. inquired if there was any way around that; no, state law.

g. Town Manager

Tom S. inquired about the Vail Resorts bone yard stating that it looks bad where they dumped refuse, gravel, over the winter. He questioned why they dumped on railroad property and not their own? Railroad is coming to town soon maybe take them up there and show them what is on their property.

Ann C. added that they had promised a survey of property and that has not received. They are not responding to Ann C.'s emails or phone calls.

Toms S. asked Allen C. what action we can take; Allen C. responded that we will come up with a plan.

Tom S. inquired if photos had been taken of the area, it is clearly illegal dumping; Ann C. responded no pictures have been taken but she will direct PZ to do that. She believes that the best course of action would be to contact the County first. She will follow up on that.

h. Town Council

Shelley B. CML conference was phenomenal. She brought a master copy so she can share this information and she recommended that any of the council or staff attend. Very beneficial, lots of information. She appreciated the opportunity to attend this conference.

DISCUSSION, HEARINGS AND ACTION ITEMS

**9. Discussion/Action Items: Taylor Avenue speed bump or speed control installation – by Flaherty**

Rod C. stated that there are two existing permanent ones there which serve for drainage and speed bumps. They are fairly far apart which Lorenzo M. has commented on before. Rod C. supports temporary ones being added then you can remove them during winter as far as snow removal.

Ann C. interjected that Lorenzo M. encourages us not to do it on a piece mill basis, that we take a look at it when we look at townwide traffic control.

Shelley B. agreed with Lorenzo M. and added that there are additional streets such as Pine Street (which you could refer to as business loop or second Hwy 24) is another issue. Boulder temporary ones work well.

Ann C. added that Lorenzo M. stressed that uniformity would be the direction to head in.

Hawkeye F. said that he deals with permanent speed bumps plowing snow in Vail and they don't present a problem, the driver just has to be aware of what s/he is doing. The process of installing this has come a long way from what it used to be; they are strong and do hold up well. He questioned if the council wants to look at the whole or just this issue on Taylor.

Shelley B. added that this situation is different due to Minturn Town Homes offering to pay for them; similar to Michael Boyd with Boulder; he purchased them with the understanding that the Town would install them every summer. She suggested looking at the proposal.

Tom S. inquired if we have that in writing from Minturn Town Homes; no not at this time and Ann C. wants it confirmed in writing.

Hawkeye F. directed that he wants Rod C. to come back with his suggestion on if they should be permanent or removable adding that if they are removable it is one more thing to add to the list of things that need to be done every spring and every fall.

Kelly B. suggested that Lorenzo M. could give some recommendation as to what streets might need them and how many are needed.

Direction to Staff was to confirm the cost and who would pay the cost on Taylor Ave and consider a town-wide solution..

**10. Discussion/Action Items – Ordinance 8 – Series 2006 (Second Reading) an ordinance establishing a smoking ban within the Town of Minturn – by Christensen**

Allen C. stated that nothing has been added, this is exactly what was in front of Council at the last meeting. It is identical to the Ordinance adopted by Eagle County and by the Town of Avon.

Council directed that they felt it should be consistent if we are going to be a user friendly tourist area.

Hawkeye F. added that concerns had been a) close proximity to the door b) smoking outside on decks and c) designated smoking area to be established inviting smokers to that particular area with benches, ashtrays, etc.

Allen C. adamantly reminded Council that there is absolutely no smoking allowed outside at restaurants, such as the Saloon's deck. He reminded Council that a designated smoking area can not be in the designated service area.

Kelly B. added that 25' does not work for Minturn and she does not agree with where they measure from. She paced off the 25 ft from the required operable windows, main entry doors, service doors etc and it puts you either into someone else's property, Hwy 24 or in a neighboring business.. The State Statute requires 15 ft from main entry. This can be solved by using the State's definition of where you measure the 15 or 25 ft from or you can use the county's version of where you measure it from but reduce the distance. The other issue is the State law allows smoking in outdoor eating areas. From what she has heard and personally we don't want someone smoking next to you if you are eating outside. Compromise could be that once food is not being served outside then you could have a designated smoking area for smokers. She has prepared some specific amendments but she wants to wait to see what other council members think.

Bill B. asked how are we going to bring people into court when we can't tell where the line is? We need some kind of a regulation since 25 ft goes nowhere.

Tom S. said he would go with the State's as it seems to be what the restaurants want.

Jerry B. stated that he does not want someone smoking by a window he is sitting at. People eat outside for fresh air not to inhale second hand smoke. Only thing he would agree to change is the distance away from an open window or main entrance but decks where people work there is no smoking.

Shelley B. stated that she would like to see the 25 ft reduced and maybe go from the entrance primarily; if you were to go 15' from Chili Willy's window you would still be in the street. If we required them to have a designated smoking area they are not necessarily going to be standing at every window. In case of the Saloon there is a portion of the area on the deck designated as a smoking area, there isn't anyone eating there.

George B. stated he would like to see 15 ft around perimeter.

Jerry B. added that Chili Willy's is moving his smoking area out to the planter which is more than 15'.

Hawkeye F. said he doesn't want the government to dictate but if it is going to he likes the State's over the County and the Town of Avon. He agrees with not smoking by windows; how far away from the door? Far enough for the smoke to not come back in. Can we require businesses to have ashtrays or designated smoking areas?

Kelly B. added that it seems the easiest thing would be to adopt the State's and then let businesses regulate on their property, which they are already doing.

Hawkeye F. that would be the first question, do we want to go with state or county ordinance.

Allen C. added two things if you go with the State a) the Town only gets a portion of the money and b) your officers have to go to Eagle for court instead of walking downstairs for Minturn Court.

Kelly B. responded that the money is nominal.

Motion by Tom S., second by Bill B. to deny Ordinance 8 – Series 2006 (Second Reading) an ordinance establishing a smoking ban within the Town of Minturn as presented; all voted in favor, Jerry B. voted nay.

Town of Minturn will now abide by the State’s Smoking Ordinance.

**11. Discussion/Action Items – Ordinance No. 9 – Series 2006 (Second Reading) an Ordinance authorizing the Mayor of the Town of Minturn to sign a limited non-exclusive license and indemnity agreement between Minturn Realty and the Town of Minturn contracting for Minturn Market and 4<sup>th</sup> of July celebration use of parking lot in the Town of Minturn, Colorado – by Christensen**

Motion by Tom S., second by George B. to table Ordinance No. 9 – Series 2006 (Second Reading) an Ordinance authorizing the Mayor of the Town of Minturn to sign a limited non-exclusive license and indemnity agreement between Minturn Realty and the Town of Minturn contracting for Minturn Market and 4<sup>th</sup> of July celebration use of parking lot in the Town of Minturn, Colorado as presented for next council meeting on July 19<sup>th</sup>, 2006; all voted in favor.

*Five Minute Break*

**12. Discussion/Action Items: Planning and Zoning Commission pay review – by Capela**

Ann C. summarized the findings of local Planning and Zoning commission pay and reminded Council that we have not budgeted in 2006 for an increase in pay but could consider it for 2007.

| Planning and Zoning Commissioners Pay Study |                        |                        |
|---|------------------------|------------------------|
| Avon  | \$75 per meeting       | plus a recreation pass |
| Gypsum                                      | \$50 per meeting       |                        |
| Vail  | Ski Pass (value \$700) | plus lunch             |
| Glenwood Springs                            | No Compensation.       |                        |

Bill B. inserted that the VA might give us some ski passes.  
Wiley S. suggested giving them passes to Little Beach Park.  
Ann C. asked if council would like staff to present at budget time.  
Bill B. stated that he would like to wait for 2007 budget.  
Hawkeye F. stated he would like to see increase \$75 per meeting.

Motion by Hawkeye F., second by Bill B. to increase Chair, Co-Chair and Commissioners (which is currently \$16.75 per meeting for commissioners, \$33.50 for Chairman) to \$75 per person, per meeting; all voted in favor. (Note: Kelly B. abstained due to conflict of interest as her husband is on the Planning and Zoning commission. This direction shall be effective July 6, 2006.)

**13. Discussion/Action Items: Removal of six month trial period for Carillon system – St. Patrick’s Parish – by Capela/Bellm**

Ann C. directed Council to her report on page 64 of the packet and stated she has no additional comments.

Shelley B. added that she thought the Parish was holding off on purchasing the Carillon system due to the six month trial period. But since that time she has learned that they actually want to see if they can repair the bells first.

Hawkeye F. asked Mike Gallagher to come up to the podium and comment on the status of the bell repair.

Deacon Michael Gallagher, 474 Pine Street, Minturn, CO responded that it is going slowly; very slowly as the technician repairing the bells is the same person who installed the bells 30 years ago.

Hawkeye F. questioned if the bell can be repaired is it accurate that the Parish would not be purchasing the Carillon system; correct.

Shelley B. added that we originally added this to agenda it was to remove that time constraint of the trial period. Deacon Gallagher asked if that permission has been sent to the parish.

Hawkeye F. stated that Ann C. has had a good discussion with Father Hugh and a consensus has been reached.

Deacon Gallagher inquired if permission has been sent to the parish to install; Ann C. summarized that when she met with Father Hugh (Lorenzo M. was present for this meeting) her clear understanding was that the parish wants to try to repair the bell first due to the cost of the Carillon system (\$6,000). It is not due to any restrictions put on the installation of the Carillon system and the Father seemed satisfied after their meeting. She also invited them to come back before the council if they decide to move forward with the Carillon system.

No action taken.

**14. Discussion/Action Items: Appointment of Kelly Brinkerhoff to Open Space Committee – by Capela**

Motion by Tom S., second by George B. to approve the Appointment of Kelly Brinkerhoff to the Eagle County Open Space Committee; all voted in favor.

**15. Discussion/Action Items: Maintenance discussion on light fixtures in the 100 block of Main Street – by Capela/Flaherty**

Hawkeye F. stated that this was already covered under Public Works Department report that Rod C. provided. There were several comments from council that the bases of the lights looked great and it was nice to have them in working order. No action necessary.

**16. Discussion/Action Items: Town of Minturn Capital Improvement Program (CIP) – Information ONLY – by Capela**

Hawkeye F. noted that the CIP has been inserted in your packet for information and your review. A work session will be scheduled within the next three meetings to thoroughly review the CIP. Shelley B. inquired how the rankings were placed on the projects; Ann C. responded that council did the rating with blue stars. Hawkeye F. added that this was done long before Ginn came into the picture.

Ann C. reminded that it was a different set of circumstances. On page 67 are some of the strategies we would like you to look at and then bring it back in a work session with the knowledge you have now.

**17. Discussion/Action: Little Beach Park – rules, regulations, policies and other matters associated with the operations of the newly renovated park – by Capela/Brinkerhoff**

Kelly B. interjected that she could provide some background.

- Contract (lease agreement) between Minturn Community Fund and the town of Minturn was basically a contract form with minor variation similar to what Vail Valley Foundation has with the Town of Vail to run the Ford Amphitheater; standard lease agreement.
- Rules and Regulations and the Event Application are very similar to the Town of Gypsum they just wrote these for their new amphitheater and event center.
- Lease is short term, it is to give the Minturn Community Fund one full season beginning in August and it allows them to have three concerts and then manage the amphitheater for summer of 2007 which they are looking at as an experimental time period. The Town can take it back, they have all input, and event applications can be denied by the Town. If the Town decides it is not working or that it is too loud they can take it back and manage it themselves. Town has maximum flexibility.
- Lease fee is \$10 and for that the Minturn Community Fund is providing a valuable public service and taking on a lot of risks.
- Projected revenue from the three shows (considering good weather and that all goes well) is \$33,000 but the cost \$60,000. So to make up the differences we have to raise money; fund raisers, sponsorships, etc. They do not have the money or sponsors yet but they will get it due to the events, concerts, lectures, and children's theater that will appeal to different sectors of the community.

Jerry B. inquired of Allen C. since Kelly B serves on the Board of Directors (of the Minturn Community Fund), is it proper for her to bring this to us (Council) and ask us to vote on something that she has prepared. Is there any conflict. Allen C. agreed and stated the he had sent Ann C. a memo that it is probably not wise in that a Council member prepar and negotiat legal documents for the Minturn Community Fund and is probably a conflict of interest when she appears before the Town council. She is elected to serve the citizens of Minturn and carry out her duties to the people of Minturn. Hawkeye F. added that she also has judiciary responsibilities for both boards. Kelly B. stated that a few weeks ago when it was discussed she was directed (by this Council) to do it. Allen C. stated that she can't present it or negotiate it. Hawkeye F. added that it is ok that she wrote it, but she has to stop there. Kelly B. said that August 5<sup>th</sup> is the first event.

Motion by Tom S., second by Shelley B. to table the rules, regulations, policies and other matters associated with the operations of the newly renovated park to the next council meeting, July 19<sup>th</sup>, 2006; all voted in favor. (*Note: Kelly B. abstained due to conflict of interest as she is on the committee for the Little Beach Park and the Minturn Community Fund board.*)

**18. Discussion/Action: Ordinance 10 – Series 2006 Agreement between Town of Minturn and Minturn Community Fund (first reading) – by Capela/Brinkerhoff**

Motion by Tom S., second by Shelley B. to approve Ordinance 10 – Series 2006 Agreement between Town of Minturn and Minturn Community Fund (first reading) amending Section 1 to read Minturn Community Fund instead of Minturn Realty; all voted in favor. *(Note: Kelly B. abstained due to conflict of interest as she is on the committee for Little Beach Park and the Minturn Community Fund board.)*

FUTURE AGENDA ITEMS

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

Hawkeye F. inquired if any council member had items to add to future agendas and as approved were added to the list following.

- Ginn Annexation Public Hearing – September 6, 2006
- Mike Wheelersburg – Minturn Towne Homes Update – August 2, 2006
- Water meter ownership and maintenance discussion
- Old Town Hall
- Minturn Municipal Code building height limitations for new construction
- Old Town – Minturn Municipal Code Parking Regulations
- Review existing Junk and Nuisance law and determine how best to enforce
- Affordable Housing
- Eagle Street/Toledo Avenue parking concerns
- La Playuela Park name discussion

Hawkeye F. inquired if it was alright with council if he attend the Cemetery meeting with Ann C. on Monday, July 10 as invited by Floyd Duran; yes. Hawkeye agreed to report the issues back to the Council.

**20. Set Future Meeting Dates**

- 1) Council Meetings
  - July 19<sup>th</sup>
  - August 2<sup>nd</sup>
  - August 16<sup>th</sup>
- 2) Planning & Zoning Meetings
  - July 12<sup>th</sup>
  - July 26<sup>th</sup>
  - August 9<sup>th</sup>
- 3) Other

**George B. convened as the Town of Minturn, Water, Sanitation and Recreation Activities Enterprise ("Enterprise"). "Enterprise" Chairman, George Brodin, took the chair.**

George B. called for role call and all were present.

George B. stated that what we have here are two different issues and requested that Ann C. begin with water meters.

Ann C. stated that council directed on providing the metering system and we have engaged Carter & Burgess. But now that the Enterprise has been activated any water issues or recreation issues or refuse issues should be separated and deal with them as Enterprise. Some things we bring to the Enterprise and some things we don't. As Enterprise how do you want to see this; example would be do you want to deal with budget as council or enterprise? The direction to do this research project came from council. Ann C. brought to council's attention if they want to deal with this as council or because it is under Enterprise and that is where the budgeting is going to be, do you want to deal with it as Enterprise?

George B. asked to clarify that the Enterprise was started for two purposes a) reach reconciliation and move forward to try to get Minturn's water rights restored through working with the district and the powers that be, b) Tabor and water revenues as time went on it would become more of an issue and c) recreation and parks.

Ann C. interjected that under the Enterprise you are responsible for recreation items, refuse revenues.

George B. added that it was never separated out. We just jumped into this to get started on the water rights. At this point of time it would be good to step back and take a look at what we want under this or what we don't want. His concern is that we have set up a whole other anarchy of government that we have to put another set of people in place which takes more money to support. With council's approval he would work with Ann C. on a structure that they would bring back to council to look at which would provide more ideas and give them some time to look at it.

Ann C. added that they are looking for clear direction.

Tom S. stated that he suggest the correct way which would be to separate them.

There was some general discussion of what would be proper.

George B asked if Enterprise has a consensus giving he and Ann C. permission to work together on a structure; yes.

## **21. Discussion/Action Items: Town of Minturn Water Metering update and request for direction – by Capela**

George B. said that it breaks down into two items a) transmitters; yes or no (cost would be \$140,000 and that does not include the cost to install) and b) take a look at what the schedule would be to get them in. Another thing to consider would be how long before they are obsolete.

Tom S. inquired if this was something that Ginn would pay for?

Ann C. stated she could not say at this time, but that we could talk with them.

Tom S. added that if Ginn would agree to pay then let's do it, if not he doesn't think we should spend the money.

Asheigh Gore 7/25/06 10:25 AM

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Treasurer 7/13/06 10:12 AM

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Treasurer 7/13/06 10:12 AM

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Bill B. stated yes if we can get someone to pay for them, fine but if we have to pay for it ourselves he doesn't think so.

Hawkeye F. stated it is a lot of money but that in the long run it will save us money. If we can swing it he thinks we should go ahead.

Kelly B. said that it is something to work towards. Low interest loans and transferring cost to the user doesn't seem to be a good option at the moment.

Jerry B. stated we need to consider going to this but not today. First of all we have to find out if everything is metered in town, if they work and decide on meter ownership. A lot of things to be done before we enact something like this.

George B. asked Ann C. if that was adequate direction; Ann C. yes.

Ann C. added that report will be brought back to council and also pointed out on her report that the part time public works employee who is taking care of the meters has been moved to full time to help get this project completed.

Hawkeye F. stated that the cost to install (labor) is needed also.

Ann C. responded she can ask Carter & Burgess to that. She also suggested that the CIP be looked at and maybe this would be on the list of capital improvements necessary in order to coordinate our future development and current residents. That is how the cost could be allocated; with the capital improvement program you are laying down the foundation for the needs of town.

George B. summarized that we follow that line of reasoning and we will come back with a report and suggestions for everyone to digest and think about.

Tom S. stated that he knows there are probably some illegal apartments that are not metered or not paying for water. We had discussed before about an amnesty program or something of that nature. Maybe giving them no tap fee of \$6,000 and have them just start paying for water. Can we sort that out?

Ann C. responded that Carter & Burgess has asked that we give them some additional time for them to establish data, stabilized data so that we know what is being taken in. A letter has been sent out and we are working with residents.

***George B. closed the meeting as Minturn Water, Sanitation and Recreation Activities Enterprise and Hawkeye F. reconvened as Town Council***

22. Adjournment

Motion by Jerry B., second by Hawkeye F. to adjourn at 9:18pm; all voted in favor.

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**Mayor, Gordon "Hawkeye" Flaherty**

**ATTEST:**

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**Town Clerk, Jay Brunvand**