



MINUTES OF REGULAR MEETING OF THE • MINTURN TOWN COUNCIL

Wednesday, August 2nd, 2006

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

MAYOR - Gordon "Hawkeye" Flaherty
MAYOR PRO TEM – George Brodin

TOWN MANAGER - Ann K. Capela
TOWN CLERK/TREAS - Jay Brunvand

COUNCIL MEMBERS: Shelley Bellm, Kelly Brinkerhoff, Jerry Bumgarner, Bill Burnett, 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, Council meetings are tape recorded and are available to the public (tapes are disposed of after 180 days) for listening at the Town Center Offices from 8:30am – 4:30pm, Monday through Friday, by contacting the Town Clerk at 970-827-5645, 302 Pine St. Minturn, CO 81645

REGULAR SESSION – 5:30 P.M.

1. Call to Order

Mayor Pro Tem George Brodin called the meeting to order at 5:45pm p.m. Roll call showed the following council members present: Bill Burnett, Tom Sullivan, Shelley Bellm, Kelly Brinkerhoff, Jerry Bumgarner, and Mayor Pro Tem George Brodin. George B. led everyone in the Pledge of Allegiance. *Mayor Hawkeye F. was absent and excused.*

Staff present was Town Manager Ann Capela, Town Planner Wiley Smith, Town Economic Development Director Karen Earley, Town Attorney Allen Christensen, Police Chief Lorenzo Martinez, Public Works Director Rod Cordova, and Court Clerk/Office Technician Torrey Maxwell.

Motion by Jerry B., second by Shelley B., to recess as Town Council and convene as the Town of Minturn, Water, Sanitation and Recreation Activities Enterprise ("Enterprise");

Motion passed 6-0

(Note: Mayor Hawkeye F. was absent and excused)

2. Executive Session (5:30pm – 6:55pm)

- CRS Colorado Revised Statute (C.R.S.) 21-6-402(4)(b) for the purpose of consulting with the Town Attorney, Town Water Attorney, and Town Annexation Attorney.
- Direction to Staff

Motion by Jerry B., second by Shelley B., 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 Attorney; Town Water Attorney, and Town Annexation Attorney; **Motion passed 6-0** (Note: Mayor Hawkeye F. was absent and excused)

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

Mayor Pro Tem George B. adjourned as Enterprise and convened as the Town of Minturn Town Council; **Roll Call Vote 6-0.**

3. Discussion of the Agenda

- a. Items to be pulled from Action Calendar – *None*
- b. Items to be pulled from the Discussion Calendar – *None*
- c. Items to be pulled from the Consent Calendar – *None*
- d. Emergency Items to be added – *None*
- e. Order of the Agenda Items – *As presented*
- f. Approval of the agenda

Ann C. noted that Agenda Item 11 has been placed at council's seat. The contents of it were tightened up between herself and Minturn Community Fund (MCF); no major changes. Also on Discussion/Action Item #9 it should read Pilgrim Communication not Global Communication.

Motion by Bill B., second by Tom S., to **approve** the agenda as **amended**; **Motion passed on a voice vote 6-0**

4. Approval of the Minutes

- July 19, 2006
-

Jerry B. inquired what about the direction that was given to Staff regarding Work Session Nuisance discussion and inquired why it was not on the agenda this week; Ann C. responded that the Work Sessions are not recorded nor minutes taken but it was understood by Staff that they look at the Nuisance Ordinance with progressive discipline principals. This item would have been under Work Session but Work Session was canceled due to the necessity of Executive Session.

George B. inquired about the Nuisance draft letters; Ann C. responded she has two draft letters which will be included in the next agenda packet.

Motion by Kelly B., second by Bill S., to **approve** the minutes as *understood*; **Motion passed on a voice vote 6-0**

5. Special Presentations/Citizen Recognition/Project Update

W. Smith reported that Mike Wheelersburg, Minturn Towne Homes, contacted the Town and asked to reschedule to the next meeting; August 16th, 2006; ok.

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

Earl Bidez, 449 Pine Street, Minturn, CO, representing the MCF, stated that the lease was amended to state the park will be kept open during events and Exhibits 2 and 3 have been resubmitted which show the Rules & Regs and the Event Application process. Ann C. interjected reminding Mr. Bidez that MCF is on the agenda. Mr. Bidez, apologized and stated he is wearing two hats tonight. As President of the Meadow Mountain Business Park he is here requesting a review of the water billing for the park as they are billed a fixed rate of 750,000 gallons and as a whole they average 100-140,000 gallons. The last bill that was received showed that the residents of the park were paying \$10.35 a gallon. Most of the residents are office spaces with a sink and a toilet and then irrigation of course during the summer. One of the residents uses water for rinsing off the Tour jeeps. Ann C. requested that Mr. Bidez bring this before council and if council request Staff will prepare background information for you. Jerry B. do you have a master meter; Mr. Bidez responded one meter for entire park and we would like to keep it that way because of the expense of metering each unit assuming that it is in proper repair, the statistics are accurate. Jerry B. inquired of W. Smith if that would be charged on the size of the line or meter; W. Smith that initial cost would be the size of that line but that is a tap fee and once that is paid it is a one time only cost. Ann C. we will bring that up as a council agenda item as soon as we gather the information.

Direction to Staff: proceed by working with MMBP and gather the statistics for council review.

Ann C. noted that Kris Trigg has requested that council review US Mayor's Climate Protection Agreement. George B. stated they will consider adding it to future agenda at the end of this meeting.

STAFF REPORTS AND OTHER ITEMS

8. Reports/Correspondence/Announcements/New Business

a. Economic Development Director

* Tickets for Cowboy Poetry \$7 and \$5 for seniors are available now. The event is this Sunday and Little Beach Park looks beautiful. Parking available up above Public Works and there will also be a shuttle available. * Market is going along very well. * Karen Hannessy has an idea that instead of historical photos being laminated and placed in business windows, to come up with some type of permanent frame or sculpture that could be attached to the building. Tom S. inquired if the businesses have given her permission to do this; no, but if approved she would present the idea and gather approval. Bill B. added that it would have to be weatherproofed; yes. * Karen and Bill B. will be meeting with Allan Bess who has edited Bill's book. Bill B. inquired if Frank Dahl will be at the Cowboy Poetry; he turned down the invitation but stated he would be willing to do a fireside chat at the amphitheater with Bill B.

b. Public Work

Ann C. stated that they are steadily working on implementation of the CIP and making good progress on the water loss and analysis.

c. Police

Lorenzo M. updated council that they have been cooperating with the FBI and County law enforcement agencies regarding the attempted Bank Robbery at our 1st Bank. * As far as recruitment he is in the process of reviewing five applicants and hopes to have them in for interviews next week. * Lorenzo had applied for a micro grant with the Neighborhood Resource Center out of Denver for community building projects and he presented the check to Kelly B.

d. Treasurer/Clerk

At training for new software for financial program

e. Town Planner

Report is for two months and all cases that have been in front of P&Z

Jerry B. inquired on status of parking regulations; W. Smith responded that they have completed an initial report and are waiting on a survey from major property owner downtown before proceeding and presenting to council.

f. Town Attorney

Nothing additional to report.

g. Town Manager

Eagle County Commissions sent all council members a VIP ticket to the Eagle County Fair. CML report on laws passed is included in the packet if you have any questions.

h. Town Council

George B. reported to Tom S. that he spoke at the ECO Transit meeting about the possibility of the bus stopping on Taylor Street and ECO said they will review it. Their initial response is that the Minturn Town Homes would be the main people that might use it and that they wouldn't be the sort to ride the bus.

Shelley B. reported that last week she attended EC Child Safety Awareness meeting, they are initiating a county wide safety program the week of Sept. 23 and they are asking all municipalities to participate and declare that week "Safety Week". Their next meeting is Thursday, Aug. 10, 12pm at the county building.

DISCUSSION, HEARINGS AND ACTION ITEMS

9. Discussion/Action Items – Ordinance No. 26 – Series 2005 (First Reading) An Ordinance authorizing the Mayor of the Town of Minturn to Sign an Agreement with Pilgrim Communication, Inc for Lease of Real Property for a Radio Tower – by Christensen

Ann C. stated that council had directed her to put together an agreement with the lease ending approximately in the same year as the current LaFarge lease. The lease was structured around that adding several safety factors in that lease, determined the fair market value of the rental and forwarded this to Mr. McCoy and Allen C., our Town Attorney. There were some legally technical comments that can be taken care of if council wishes to proceed.

Mr. McCoy 6734 Drive, Sparks Nevada, FCC Counsel and Consultant for Dr. Gene Hood, who is licensee of Pilgrim Communications Inc. and they have the following concerns with the current lease agreement: **a)** Annual rent has been increased over 40% (based on an unknown amount of lease space), **b)** one full year lease payment up front; they are requesting month to month, **c)** fence; their current fence does not meet FCC requirements so they should be required to at least meet the minimum FCC required, **d)** removal of office trailer within 30 days; it is not

an office, it stores their transmitter and applicable equipment and they are requesting additional time due to logistics of moving that equipment, **e)** the town is seeking access through the property for Public Works and for parking; the only concern is weight of vehicles that may sink into the earth and disturb their ground system, and finally **f)** abandoning property; he would like definition on abandon.

Council's concerns: **a)** removal of tower; add to lease agreement that a bond or Letter of Credit required to guarantee removal of tower within 30 (reduced from 90 days per Mr. McCoy's confirmation that most agreements provide 30-45 days for removal of tower) days of end of lease, **b)** poor payment history from previous owners; add to lease agreement reasonable penalties for late payments It was brought up by Kelly B. that any contracts that are written need to be reviewed by the Town Attorney prior to submission to Council.

Mr. McCoy would like to have copies of ordinances that are referenced in the lease. Tom S. inquired if quarterly lease payments would work and if 90 days would be sufficient time to replace trailer; Mr. McCoy stated that both were acceptable as are reasonable penalties for late payments. Ann C. clarified that abandoned in this lease means "cease to operate." Tom S. suggested omit #4. Bill B. inquired if they would be paying rent during the 90 days of tower removal; Mr. McCoy responded that the 90 days is "after" the lease expires, so no, they would not be paying rent.

Motion by George B., second by Tom S. to **approve** Ordinance No. 26 – Series 2005 (First Reading) An Ordinance authorizing the Mayor of the Town of Minturn to Sign an Agreement with Pilgrim Communication, Inc. for Lease of Real Property for a Radio Tower as **amended**; **Motion passed as 6-0** (*Note: Mayor Hawkeye F. was absent and excused.*)

Shelley B. noted that Ordinance Number should be corrected as it reads Ordinance 26, Series 2005. Ann C. explained that is when Ordinance was created and she would speak to Jay B. about changing it. Allen C. suggested updating Ordinance number because of how long it has been. Tom S. inquired if this Ordinance will come back to Council with the changes discussed for second reading; Ann C. yes.

The amendments discussed were:

- a) annual lease payment changed to quarterly lease payment
- b) reasonable penalties will be added for any late lease payments
- c) the storage trailer will be removed and replaced within 90 days of signing of lease instead of 30 days.
- d) When lease expires tower will be dismantled and removed within 30 days instead of 90 days.
- e) A bond or Letter of Credit shall be obtained and submitted to guarantee removal of tower.
- f) Remove item # 4 from lease

10. Discussion/Action Items – Conditional Use Request – Minturn Lofts LLC – by Smith

Wiley S. introduced the applicant and their request for approval for a Conditional Use of residential use in a commercial zone. Applicant received approval from Planning and Zoning

Commission for Design Review July 26, 2006; the applicant is seeking Council approval for residential use in a commercial zone.

The applicant has submitted the required documentation for a Conditional Use Application as stated in the Town of Minturn Zoning regulations. The application is complete and is found to comply with the guidelines, codes and other regulations of the Town.

Recommendation: *Considering the findings and other information provided herein, the staff recommends approval of this application **favorably** subject to the following:*

1. The Planning and Zoning Commission grant a recommendation for approval to the Town Council for a Conditional Use permit with conditions.
2. The applicant making any modifications to the plan document as requested by the Planning Staff, Building Inspector, and Eagle River Fire Protection District prior to Certificate of Occupancy.
3. The applicant shall pay all required fees and charges related to development of the subject property
4. The applicant is required to attend, with the appropriate design professionals, a pre-construction meeting with the Town of Minturn Building inspector before any grading, digging or construction can proceed.

Stewart Brummet, Avon, CO the architect on this project introduced himself and stated they are asking for approval of residential

- Four commercial units on the ground floor opening up onto Main Street.
 - Each commercial space is required to have two parking spaces; eight have been provided plus an additional handicap space. Also there are two guest parking spaces (one is required) available with one being used as snow storage during the winter.
- Five residential units which are located on the second and third floors; four two-bedrooms and one three-bedroom unit with each unit having a single-car garage.
 - Minturn code requires two parking spaces per residential unit; three of the ten spaces are in tandem behind the owner's garage, five spaces are within the garage and the other two are assigned at the rear of the lot.
 - Nineteen required parking spaces and applicant has provided twenty-one with five being on street parking.
- Additional elements: within the 35' maximum commercial height zone which is from grade to the mid point of any gable. 2'6" to 4' below the maximum height.
- Set back will be 12' 6" which is more than any comparable building in Minturn.
- From street front looks like three separate buildings.

This is the first time he has heard of a bus stop. One-way street parking will be utilized by residents and business owners who will know about the one-way not customers who might be unaware.

Council concerns: diagonal parking, bus stop to side of Shop N Hop (ECO may need to be involved), access to the building, on street parking, and changing direction of one-way street, and snow shed

Public Hearing opened by George B.

Earl Bidez, 449 Pine Street, Minturn, CO

- Boulder Street is very narrow alley and is used as a border for the residence behind that. It is already being stressed by Shop n Hop, Minturn Carwash, and St Patrick's church. Also a lot of kids play in that alley. Why are all of the traffic impacts put on the residential side instead of on the commercial side?

Mr. Brummett responded to keep with the feel of Minturn they thought it important to keep with the store front creating a street wall. They had proposed bringing the building back providing 45 degree parking along Main St. to bring more of that commercial parking to the front of the lot but that was rejected. There were numerous reasons. But the more commercial parking you have in the front you are going to have more issues with traffic backing out and exiting into Hwy 24. If we can route traffic to the rear, you are going to have a one-way street that is narrow and will significantly slow down traffic, etc.

Allen C. shouldn't we be getting CDoT approval because typically when you have access to the Shop n Hop or the Carwash what they want is one access point not five in regards to people backing in and out and creating problems where there are already problems.

Peter Dozonski, Resident Engineer for CDOT in the Minturn area; an access permit would be needed if physically crossing the right of way line with a driveway. If all you are doing is modifying your street front but not encroaching onto the sidewalk CDoT does not need to be involved.

Shelley B. inquired how they are going to enforce the one-way; Mr. Brummett responded all parking in the rear will be assigned to business owners. The applicant will install one-way signs but it is a legal violation and that would be up to Minturn police department. Public access will be along Main Street in the five parking spots. Mr. Brummett inquired what Shelley B.'s objections were to reversing the one way; Shelley B. responded that the residents at the other end of the street are opposed to it. Their driveways are designed to enter from one direction; it would directly affect them if that was changed.

Mike Gallagher, 475 Pine Street, Minturn, CO; happy to see new businesses come in; he welcomes them versus empty store fronts. His concern is that we are inviting tragedy by putting that amount of traffic back there and also pushing the police department to hire another officer. Mr. Gallagher (using the model provided by Minturn Lofts LLC) pointed to an area of the model and suggested removing a portion, request an access permit from CDoT, fence off the back and then have a driveway the back for entry and exit to keep the traffic off of Boulder Street. He feels that it is too big and that traffic is going to be a problem.

Wiley S. noted that this is the first time the applicant has heard of these concerns. Notices were sent out to all neighbors within 250' and they did not come to the Planning Commission meeting. That property is zoned commercial and the two applications that have come in front of the Council in the last year, traffic has been discussed both times. His recommendation is that the Council accepts the street as it is. If we turn this one down, we will be talking about this all over again next time. We either need to change the configuration of Boulder Street, close it off or

change the zoning or we work with the applicant to figure out if this is the right spot. This situation is not going to change.

Earl Bidez added that he was here at 7pm but the meeting started at 5:30pm; Wiley S. stated that a letter had been sent out stating the meeting started at 5:30pm.

Kelly B. requested some background on the design features and materials; Mr. Brummett responded that with a building with this amount of street frontage that they break down the façade that they begin to express the eclectic nature of Minturn through color, through scale and we stepped back the façade in three different areas. As far as mix and materials; painted concrete fiber siding (very sustainable and requires very little maintenance) and in combination with Indigo color metal siding to tie in the indigenous mining and railroad buildings.

Hearing no more public comments George B. closed public hearing.

George B. asked for Council comments:

Bill B. we turned it down before due to traffic and nothing has changed.

Tom S. big improvement over last building, set back farther from Boulder than last building, less units and architecturally it is better.

Shelley B. hopes developer will work with police department with speed and use of that alley, reducing speed might help. Architecturally she likes it but not sure about the colors. Safety is her number one concern.

Kelly B. the denseness bothers her in comparison to other buildings around her, looks similar to a loft project near Lodo, not 100% comfortable with the look.

Jerry B. good enough project, improvement over anything from before and it looks better than a vacate parking lot with vehicles stored on it.

George B. noted that he likes the looks of the building even though he knows it will probably look bigger than what he is imagining.

Motion by Tom S., second by Bill B. to approve Minturn Lofts LLC request for Residential Conditional Use in a Commercial zone with the following conditions and findings; **Motion passed 4-2; Shelley B. and Kelly B voted nay.** (*Note: Mayor Hawkeye F. was absent and excused*)

Condition #1: The Planning and Zoning Commission grant a recommendation for approval to the Town Council for a Conditional Use permit with conditions.

Condition #2: The applicant making any modifications to the plan document as requested by the Planning Staff, Building Inspector, and Eagle River Fire Protection District prior to Certificate of Occupancy.

Condition #3: The applicant shall pay all required fees and charges related to development of the subject property

Condition #4: The applicant is required to attend, with the appropriate design professionals, a pre-construction meeting with the Town of Minturn Building inspector before any grading, digging or construction can proceed.

Finding #1: The proposed location of the use is in accordance with the purpose of this chapter, the community plan and the purpose of the zone on which the site is located.

Finding #2: The proposed location and the use or conditions under which it would be operated would not be detrimental to the public health, safety, or welfare, material and use of the property or improvement of the vicinity.

Finding #3: The proposed use will comply with each of the applicable provisions of this chapter.

Wiley S. stated he would like a condition to be added to regulate the safety and speed of the building and use on Boulder Street be added to the conditions (Tom S. declined adding this to his motion).

11. Discussion/Action Items – Ordinance No. 10 – Series 2006 (First Reading) an Ordinance authorizing the Mayor of the Town of Minturn to sign a limited agreement between the Minturn Community Fund, Inc. and the Town of Minturn for the management and lease of certain events held at the Little Beach Park in the Town of Minturn, Colorado: by Capela/Christensen

*Kelly B. declared a conflict of interest as she is on the board of the Minturn Community Fund.
Kelly B. stepped down from her seat and left the room.*

Earl Bidez made himself available for questions or comments and there were none.

Ann C. noted that Council had had a concern about the park being closed during events; that has been addressed and the park will remain open during events.

Motion by Bill B., second by Tom S., to approve (First Reading) Ordinance No. 10, an Ordinance authorizing the Mayor of the Town of Minturn to sign a limited agreement between the Minturn Community Fund, Inc. and the Town of Minturn for the management and lease of certain events held at the Little Beach Park in the Town of Minturn, Colorado: **Motion passed 5-0** (Note: Kelly B. did not vote due to a conflict and Mayor Hawkeye F. was absent and excused)

Kelly B. came back into the Council Chambers and took her seat as Councilmember.

12. 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 4th of July celebration use of parking lot in the Town of Minturn, Colorado – by Christensen

Jerry B. inquired if there had been any changes to this agreement?

Allen C. responded yes several and briefly covered them:

- Indemnity Clause
- section 3 anticipated payments to rent
- One year from two years
- Hours to comply,
- clean up agreement was tweaked
- no agreement for winter market
- snow removal is big issue from last year.
- no music over loud speaker before 9am.
- long term solution requested regarding restrooms instead of porta-potties

Motion by Tom S. second by Bill B. to **approve** 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 4th of July celebration use of parking lot in the Town of Minturn, Colorado; **Motion passed 6-0** (*Note: Mayor Hawkeye F. was absent and excused*)

13. Discussion/Action Items - Ordinance No. 11 – Series 2006 (Second Reading) An Ordinance amending Chapter 16 of the Town of Minturn Municipal code by repealing and re-enacting Section 10-222(a)(7) as it pertains to consumption of alcoholic beverages in the Town of Minturn, CO – by Capela/Christensen

Allen C. stated that there have been no changes other than writing in the hours of 8am to 10pm.

Motion by Tom S. second by Bill B. to **approve** Ordinance No. 11 – Series 2006 (Second Reading) An Ordinance amending Chapter 16 of the Town of Minturn Municipal code by repealing and re-enacting Section 10-222(a)(7) as it pertains to consumption of alcoholic beverages in the Town of Minturn, Colorado; **Motion passed 6-0** (*Note: Mayor Hawkeye F. was absent and excused*)

14. Discussion/Action Items – Building Inspector – Alpine Service Contract – by Capela

Tom S. stepped down due to a perceived conflict on the basis of interaction with Mr. Lanci.

Ann C. noted that during the Council's retreat the building inspection services were brought up. The Alpine Service Contract expires March 8th, 2007 and requires 90 days notification if not to be continued. If a decision is made to continue the contract it will continue for another two years with the current 80/20 split.

Chuck Lanci, Building Official for Town of Minturn, Glenwood Springs, CO; last two years there has been more demand but it is deceiving as there were just two projects; Minturn Trout & Racquet Club and Minturn Town Homes they skew the numbers. Since that time was the Molly G. and Mr. Sullivan has had a couple of projects. Last two months have been just over \$2000 in fees per month. We can anticipate the Ginn project. He shared with Council that he has been doing this type of work for fourteen years, since 1998 for Minturn. He was also the building inspector by contract in Silt; Silt decided that if they brought their inspections in house that they would make money on the (Stillwater Ranch) project. That was eight or nine years ago, they jumped the gun, and they have been through four building inspectors since that time. He anticipates the possibility, from a building inspection standpoint, with the residential projects that Ginn has going that he will be about as busy as he was doing the Minturn Racquet Club. He anticipates some increase but not for a couple of years.

Bill B. ok with staying with this contract for another two years.

Chuck L. added that the fee schedule he has right now is the same fee schedule he had eight years ago. Currently, we are 30% below any jurisdiction in the area. What we base the numbers on; the International Code Council determines evaluation process for a project. Every three months they put out new numbers. Right now we are at \$88 a square foot to build. In other

jurisdictions they are adding multipliers to it that is how you bump it. Building Code evaluations are not your assessed or appraised evaluation, it has nothing to do with those. It is only to determine building permit fees. He would like to see that figure come up maybe by implementing a multiplier.

Ann C. brought to Council's attention that this contract will automatically renew if they choose to do nothing.

George B. shared that he agrees, it will be at least two years before anything happens with Ginn.

Bill B. lets stay with the way it is.

Jerry B. reminded that it needs executive session to review contract.

Kelly B. wants to look at fee schedule; Chuck L. stated he will bring a current fee schedule.

Kelly B. requested a comparative analysis of fees to be included in their packet. Ann C.

requested that Kelly B. email Ann exactly what it is that you are looking for; ok.

Tom S. came back into the Council Chambers and took his seat as Councilmember.

15. Discussion/Action Items – Sidewalk in South Minturn – by Capela

Ann C. stated that she wanted to bring Council up to date and give the Engineers and CDoT the opportunity to present.

Chad Ermel, Carter & Burgess Engineer, 244 Boulder Street, Minturn, CO; summarized that authorization was given to start the survey work in November of last year. South of Cemetery Bridge, about a mile south they are proposing a sidewalk. It is not only a sidewalk but also drainage, curb & gutter, it is a CDoT project. Council decided, after hearing some issues that Mr. Ermel explained back in February, that they wanted the sidewalk on the East side, the river side. Mr. Ermel is working with CDOT Right-of-Way plans that are well over 50 years old. You have to take those plans out into the field and verify that they agree and they don't agree. So the next step is they have to survey the right of way through CDoT.

Peter Dozonski, Resident Engineer for CDOT in the Minturn area added that understanding where your property boundaries are is very important; there are a lot of holes, people have encroached without meaning to onto CDoT property and CDoT needs to be able to stand behind the property lines when they enforce them, with no cost to the owner. This has been a long, drawn out process, but CDoT needs to be able to stand behind the validity of the Right-of-Way survey line and being able to locate it each and every time. Besides just knowing where the line is there are other statues that CDoT has to work around; Wetlands, easement notifications, etc. Feels they have come a long way at knowing where CDoT property is along Hwy. 24.

Tom S. inquired how long before you will know?

Mr. Dozonski responded that the lines from a geometrical standpoint are pretty well established.

Now someone has to actually go out and draw the lines on the ground, put the caps/pins in the ground for the surveyors to occupy and shoot their bearings to determine where those lines are.

That isn't an extremely lengthy effort, but when that starts, that is when the clock can start for all of the other activities.

Tom S. said that he knew where his pins were (when he owned property in that area) and he knows that a good portion of his neighbors were obviously over the line into CDOT; how are you going to handle that?

Mr. Dozonski responded that they aren't going to say "hey get your stuff out" now that they know it is CDoT land. But residents need to know that as plans for Hwy 24 move forward with projects such as Ginn and sidewalks etc that that is CDoT property and they have the right to come in and do what is in the public's best interest with that right-of-way.

Tom S. inquired if when CDoT determines what is their property, are they going to let homeowners know.

Mr. Dozonski stated that it is part of the documentation process. They won't go door to door but it will be provided to the Town.

Mr. Ermel added that once the right-of-way is done, if we wanted to widen the highway, put sidewalks onto the other side of the road, etc, that section is already done. There is benefit to know where CDoT, the Town and residents land is. Both sides have to be done; it is a corridor of Hwy 24 and has to be done both at the same time.

Mr. Dozonski said that the earliest time for construction to begin would be spring. They have to look at safety concerns.

Tom S. inquired if the likely hood of it happening next spring or summer is good.

Mr. Dozonski responded that if the ball keeps rolling, knowing what we knows today there should be no problem next Spring.

Ann C. asked if Mr. Dozonski would let the director know that \$60,000 may not cover everything. We are spending all of our \$60,000 contribution on CDoT's requirements.

Mr. Dozonski responded no, it is State Statute that if Right-of-Way is not monumented, an entity that wants to do a project within our right-of-way, is required to do so. Yes we gave you \$60,000 and we are asking that some of that potentially be spent on monumentation and understanding of the right-of-way within the corridor. He continued that once he understands what that amount is, he will be approaching his survey staff to see if they can do that work or look for additional funds to offset that. He does see the validity of the project and wants to see as much of that money go towards actual sidewalk as possible.

Kelly B. stated that they should look at a notification program of some kind. Mr. Ermel responded that letters were sent out earlier this year letting residents know that there would be surveying going on.

16. Discussion/Action Items – Ordinance No. 12 – Series 2006 (Second Reading) An Ordinance amending Chapter 16 of the Minturn Municipal Code by the creation of a new section as it pertains to compensation for members of the Town of Minturn Planning Commission – by Capela/Christensen

Kelly B. declared a conflict of interest as her husband is a member of the Town of Minturn Planning and Zoning Commission. Kelly B. stepped down from her seat and left the room.

Motion by Tom S., second by Shelley B. to **approve** Ordinance No. 12 – Series 2006 (Second Reading) An Ordinance amending Chapter 16 of the Minturn Municipal Code by the creation of a new section as it pertains to compensation for members of the Town of Minturn Planning Commission; **Motion passed 5-0** (*Note: Kelly B. did not vote due to a conflict and Mayor Hawkeye F. was absent and excused*)

Kelly B. came back into the Council Chambers and took her seat as Councilmember

17. Executive Session

Executive Session was not necessary as everything was covered in first Executive Session.

FUTURE AGENDA ITEMS

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

- Ginn Annexation Public Hearing – September 6, 2006
- Mike Wheelersburg – Minturn Towne Homes Update – September 6, 2006
- Old Town Hall
- Minturn Municipal Code building height limitations for new construction
- Old Town – Minturn Municipal Code Parking Regulations
- Review Town Staffing
- Mercer Group will present Town compensation findings - August 16th, 2006
- Ordinance No.13 – Series 2006 An Ordinance Authorizing the Mayor of the Town of Minturn to sign a lease of land between Union Pacific Railroad and the Town of Minturn
- Nuisance Ordinance (Work and Regular Session)
- Global Warming – Discussion Item
- Executive Session – Building Inspection contract
- Review Town Staffing
- Affordable Housing

19. Set Future Meeting Dates

- 1) Council Meetings
 - August 16th
 - September 6th
 - September 20th
- 2) Planning & Zoning Meetings
 - August 9th
 - August 23rd
 - September 13th
- 3) Other

20. Adjournment

Motion made by Jerry B., and second by Bill B. to **adjourn** at 9:10pm; **Motion passed with a voice vote 6-0**

Mayor Pro Tem Brodin

ATTEST:

Town Clerk, Jay Brunvand