



MINUTES OF REGULAR MEETING OF THE • MINTURN TOWN COUNCIL
Wednesday, August 16th, 2006

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

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

WORK SESSION – 5:30pm

1. Town of Minturn - Nuisance Ordinance – Process and Enforcement – direction from Council.
2. Town of Minturn – Organizational Assessment, Current and Future Staffing Plan & Staff Compensation - by Town Manager
3. Town of Minturn - Affordable/Attainable Housing Policy – direction from Council.

REGULAR SESSION – 7:00 PM

1. Call to Order

Mayor Hawkeye Flaherty called the meeting to order at 7:03p.m. Roll call: Those present included Mayor Flaherty, Bill Burnett, Tom Sullivan, Shelley Bellm, Kelly Brinkerhoff, Jerry Bumgarner, and Mayor Pro Tem George Brodin. *(Note: Tom S. was absent and excused.)* Hawkeye F. led everyone in the Pledge of Allegiance.

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

2. Approval 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.

Motion by Jerry B., second by Bill B. to **approve** the agenda as presented **Motion passed on a voice vote 6-0** *(Note: Tom S. was absent and excused.)*

3. Approval of the Minutes

- August 2, 2006

Motion by George B., second by Jerry B., to **approve** the minutes of August 2, 2006 as presented; **Motion passed on a voice vote 6-0** (*Note: Tom S. was absent and excused.*)

4. Special Presentations/Citizen Recognition/Project Update

Mike Wheelersberg, 1849 Oden Drive, Silt, CO with Minturn Town Homes they have met with Wiley S. and some members of the Public Works Department and from that meeting the following work has been agreed to:

- Taylor will be widened, from where you cross railroad tracks, as far down as they can get, to 25'
- Driveways on Building B & C where there was some settling will be repaired with infrared asphaltting and smoothed out before winter.
- Striping will be painted on Taylor which will let residents know where their parking ends and the street begins, same on their private drive on Lyons. (This will include fire lanes, no parking, parking, etc.)

Someone questioned having a speed limit sign out on Taylor; he inquired if the Town provides that? They have three buildings under construction; the footers are being formed for the fourth building. Their goal is to get East Lyons paved before winter so they don't track mud out onto the streets. Also the trail use signs have been put up.

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

Lou Meskiman, 23698 Hwy 24, Minturn, CO with Meadow Mountain Business Park (MMBP) came to speak on water billing issues.

- MMBP's water is billed out with the sewer at \$46,000 a year. This concerns him as he is also on the board for another development in Vail that consist of 156 units, four commercial units, a Laundromat, plus a swimming pool and their water & sewer there is \$28,000 a year.
- He was told that Minturn bases their billing on the heaviest usage months which are in the summer. The highest actual usage MMBP has had was July and they used 85,000 gallons; 11% of the water they were billed for.
- Mr. Meskiman wants to know how often the usage is checked for billing purposes. MMBP is being billed out at approximately 500,000 - 750,000 gallons per month. MMBP's highest usage time they use about 11% of what they are being billed for and at their lowest usage time they are using a little over 4% of what they are being billed for.
- He requested that MMBP billing be adjusted and that they also receive a credit.

Hawkeye F. responded that Minturn has two billing methods; unmetered and metered rate. The metered rate is per Single Family Equivalent (SFE) used up to 30,000 gallons per month for a flat fee. Jay B. responded that for commercial approximately \$72 per tap. MMBP has 20 some taps and a 6" line that goes into the building and that is where it is based off of. \$1752 a month is correct. Based on the number of taps MMBP has and then they get 750,000 gallons before they are charged. They are on the metered commercial rate; there are 25 taps (25 taps = 25 SFE)

and the 6" line. Jay B. requested that Fred Haslee meet with Earl Bide, President of MMBP, to check the meter. Mr. Meskiman reminded council and staff that each unit only has a toilet and a hand sink. He stated MMBP should buy the meter. Hawkeye F. explained that Minturn charges a "Flat Base Rate" (FBR) to all so that Minturn can guarantee that we have enough money to operate the water plant. We need a specific amount of money to operate the plant and the previous Town Manager came up with the FBR plus an additional fee for gallons used beyond the allotted gallons. Mr. Meskiman inquired why the Town doesn't join up with the Water District with the rest of the upper county and Hawkeye F. suggested that he bring that up to council as an agenda item. Hawkeye F. suggested that Mr. Meskiman a) MMBP get the rate fee from Jay B. (Mr. Meskiman stated they already have that), b) get the number of SFE from Jay B. or the Sanitation District and then c) if MMBP wants to bring this up before council, now is an excellent time due to 2007 budget preparation. The Town would need to know what the implications would be if it changed the way water is billed. George B. noted that the property was under one owner before and it is probably set up that way now because he wanted to guarantee everybody had enough water. Hawkeye F. added that the district bases their sewer usage during the winter, the lowest use months, is when they take an average of the first three or four months of water use and then base the whole year's sewer on that first three or four months. The reason behind that is that most of the second homes are occupied and they end up helping the full time residents cover the water cost. Hawkeye F. stated that council will add this issue to the September 20th, 2006 agenda.

Darla Goodell, 160 Rail Road Avenue, Minturn CO (handed Kelly B. copies of a letter she had drafted and asked that they be passed out to council). Darla G. read the letter she had prepared which thanked Jay B. for working on her water bill and making the adjustments and then she addressed the notification she received on August 10th notifying residents and businesses that there was a planned water outage for August 11 at 9am for an undetermined amount of time.

- Ms. Goodell's concern is that she was notified three hours later (12pm) that the water would not be going off. The restaurant was closed at 9am due to restroom facilities not being available. The sales for five hours between 7:00am and 3:00pm were \$805. That is an average of \$161 an hour, as they were packed that day, which is a loss of \$483 in revenue.
- She is requesting a credit on her water bill for this loss. The loss of revenue was significant considering water cost and also lost was public good will as there was no place to eat and customers were upset.
- Ms. Goodell wants to know if there is a way that this type of work can be done when there isn't such an impact. Mr. Christensen (Allen C.) was down there, he saw what was happening. There has to be more communication and then on top of that the water never went off and all of the water they drew was just thrown on the lawn. Ms. Goodell brought up the point that Town Staff hears a complaint when people come to council meetings or come to the Town Center. But for her and her employees they hear what people like and don't like every day all day long, we have to take care of these people.
- Second item she wanted to cover was that she had a man (customer) that parked in the Budget Parking Lot because he got confused. An off-duty officer came in and asked this man if that was his truck parked in the Budget lot. The man responded yes it was and he was trying to find some people to help him move some items. The off-duty officer responded that he was going to tow the truck because it was on (Budget) property. Ms.

Goodell inquired of the off-duty officer if the three trucks that were parked on her land were his trucks. The off-duty officer responded yes and that he had to park there because this man was parked in their parking areas. Ms. Goodell added that this man had been parked in Budget's lot for one night; the Budget trucks had been on her land for three days.

Hawkeye F. inquired if Ms. Goodell wanted the consideration of the loss of revenue to be placed on a future agenda? Ms. Goodell said you can but she doesn't have a lot of faith in that and it isn't really the reason she came. She doesn't ask for handouts.

Judy Trujillo, 160 Rail Road Avenue, Apt 3, Minturn, CO Kitchen Manager for Turntable. The water outage was posted the day prior so everybody came in early, gathered water and prepped for the day. She (Ms. Goodell) not only lost revenue but she lost wages too as employees had to wait for food deliveries, etc. The old way the Town notified the residents and businesses was about ½ hour prior to the water being shut off so that you could gather water and then they would give you about 45 minutes after as to when they would restart.

At 11:30 or 11:45am we received a call that the Town could not tell where the water leak was and that they would not be turning off the water. Ms. Goodell and her residents had already drawn gallons and gallons of water and she has already been billed for that water even though they ended up not needing it.

Rod C. responded that it is unfortunate that situations like this take place, but it is part of running a water system. Minturn's water system has some shortcomings; we do not have a loop system. Water runs from the South of town to the North of town and if you cut off water anywhere in between it shuts off water supply to some part of town. The current public works did not create the system they just try to keep it running. Public Works took a lot of time to notify the Town with flyers door to door including the businesses getting a phone call. It was determined that morning was the best time to shut down. It is not only the businesses that lost money; the Town did to. Quintana was contracted to trench where the cement had buckled and what showed up was maybe 1 to 2 gallons of water per minute, nothing else visible. It is hit and misses finding water; it could be coming from the south end of town. If we want to work together and design a water system putting a tank at the other end of town and looping.

Ms. Goodell spoke from her seat in the audience about water heaters that had gone out around town; four of them.

Rod C. responded that was a different issue about a month ago. The water system here requires that the pressure be reduced; at 601 Main Street there is a pressure reducing valve that got some rocks stuck in it which kept it from working correctly. This valve modulates and keeps the pressure at 80psi. When it can not do its job the north end of town gets 100 psi. Most water heaters can't take more than 105psi. That took about three or four days to resolve and the water was shut off at that time also. If there is a water break above 601 Main Street the entire town would be without water; that is what we should be addressing.

Hawkeye F. added that when a water meter is put in it should be installed with a Pressure Reducing Valve (PRV) which helps with surges like that.

6. Discussion/action of Emergency Items, if necessary - None

STAFF REPORTS AND OTHER ITEMS

7. Reports/Correspondence/Announcements/New Business

a. Economic Development Director

*Ann C. reported a big bravo on Cowboy Poetry! Great Job!! *Karen will be out of town during the August 26th Market; Randy Milhoan will be in charge. *Tickets are for sale at JB's and The Saloon for "Live in Minturn" which begins Saturday, August 19th, 6pm at Little Beach Park. Also the Pat Hamilton Family Concert, sponsored by Swift Eagle Charitable Foundation, a non-profit organization that identifies people in need in the community and provides support for them, will be held at the Little Beach Park the same day at 11am.

b. Public Works

- CIP update: Asphalt overlays have been completed on 4th Avenue & Taylor, also at Harrison & Eagle Street, and a Curb & Gutter on Pine & Toledo has been completed as well.
- One Public Works Project pending: Rebuild of well 3 still needs to be completed with new electrical and motor. This will be completed in the fall.
- Water leak (approx a gallon a minute) that is unresolved on 273 Main Street (Toledo and Main). It does not test for Chlorine residual and the alkalinity is different than treat water which makes them suspect ground water. It has buckled the pavement so they bore into the asphalt to check it. Nothing conclusive at this time. They have used "sounding" which is an instrument that amplifies the sound of water in the lines; that hasn't shown anything significant.

Bill B. inquired about the taste of Chlorine in the water. Rod C. said that it is protocol to run the Chlorine a little higher when you have leakage. Rod C. requested individual addresses of residents who are complaining and Public Works will go test the water for them. Other things can also be of issue; water softeners, water heaters, etc.

Hawkeye F. praised Rod C. that the Curb & Gutter came out really nice.

Shelley B. added that the paving looks very good also.

Hawkeye F. inquired how the Water plant is doing with all of the rain. Rod C. production is tapering off now that it is August; June and July showed 13 million in production. The plant has run very well for the last three months, meeting its demands with just two filters and one well.

Hawkeye F. inquired how the replacement of the bag system is coming along. Rod C. said they have not heard back from the State so they just haven't been using it. It is an obsolete system.

Ann C. added that she has had three compliments from residents of Taylor Street on the paving.

c. Police

Lorenzo M. referenced the letter from United Pacific, especially about their special police. Lorenzo M. has requested school bus drivers and State Patrol assist us again during school bus hours. We will have a lower tolerance for violations against bus procedures. Please slow down.

Shelley B. added please don't use side streets to get around buses.

d. Treasurer/Clerk

Jay B. reminded council that it is Budget Time and he is putting together the numbers for presentation to council. He explained that anything he distributes to council prior to or separate from the regular distribution of the twice a month agenda packet, will also be included in the agenda packet. (Jay B. is wanting to get the information in front of council as soon as available instead of waiting for preparation of agenda packets) If you have questions or concerns, please call or stop by and see Jay B. prior to the council meeting. It is a lot easier to sit down and go over it one on one unless it is something that everybody should hear. In that case it will give Jay B. the opportunity to be prepared to answer the question at the next council meeting. The September 6th meeting is normally when he would present, so his plan is to input the information in his staff report so please keep your eyes open for that.

e. Town Planner

Minutes from the first meeting of the Chapter 16 ad hoc committee are included for review. They have had two meetings so far; the first meeting was to establish the purpose of the committee and the second was to do some on site visits looking at some particular homes where it is under debate how the height was calculated. The third meeting will be next week and they will look at the photographs of those homes and the site plans. Wiley S. hopes to have a rewrite or a new interpretation of building height by late September to put into Chapter 16. At that time he may want to continue with the ad hoc committee, reviewing other items in Chapter 16 as directed by Council.

f. Town Attorney

In regards to Boots Ferguson and the September 6th meeting; is one hour enough time? Hawkeye F. responded yes, that should be enough time. Allen C. said that they want everyone to understand the procedure for the meeting but also how the PUD and the Annexation tie together and need to run concurrently. Hawkeye F. interjected that the Work Session will start at 5:30pm so it will actually be one and one half hours. Allen C. stated they will be here. Close to finalizing the radio tower lease.

g. Town Manager

North West COG has requested that council complete the attached survey. Hawkeye F. directed that council complete the survey and turn it into Ann C. so that she can tally and return to NWCOG by the 18th of August. George B. stated that since Ann C. works with NWCOG on a more present time basis, please interpret the tally to a degree to get the assistance that will help us.

h. Town Council

Hawkeye F inquired if Boots F. is coming to Minturn so that he can meet with him about the hearing procedures. Ann C. stated he will be here August 22nd 1pm and August 23rd in the early morning.

George B. reported that the ECO meeting was canceled due to lack of agenda items. He also reported on the 21st Annual Casual Bicycle Classic benefit ride for ECO trails and Eagle County Regional Trail System, 38 mile bicycle ride along the rec path direct to Vail or 76 miles if you

want to do the whole thing. Sunday Aug 27th, 7:30am check in, sign up. For additional information please go to the ECO website.

Hawkeye F. announced upcoming concerts which will be held at the Little Beach Park Amphitheatre; this Saturday, August 19th at 11am a concert benefiting the Swift Eagle Charitable Foundation by *Pat Hamilton*. Also on Saturday the 19th is the beginning of the “Live in Minturn” series featuring *Hot 8*, Thursday August 24th *Little Hercules* will open for *Poppa Grows Funk*, and August 26th *All Strung Out* will open for *Vince Herman*. Gates open at 6pm and these concerts are sponsored by Live in Minturn and Minturn Community Fund.

Shelley B. reported on Eagle County Child Safety Program meeting that she attended last week stating it has changed it’s direction. They are still planning a week celebration in May as the kick-off for Child Safety. But their target is to get a full child safety awareness packet out there to everyone with give-a-ways, parties and all kinds of events in April of next year. They are looking at business adopting a community and they would be responsible for the safety education and the hands on type activities like installing the bike flags onto the bikes, etc.

Hawkeye F. also reported on the Executive Summary for Biking and Walking in Colorado; the Economic Impact and Household Survey Results and the 2005 Annual Review from the Colorado Lottery stating that Minturn received \$11,000 Lotto funds to work on a bike path.

DISCUSSION, HEARINGS AND ACTION ITEMS

8. Discussion/Action Item – Minturn Town Staffing and Staff Compensation, Mercer Group – by Capela

Ann C. introduced the Mercer Group presenters and noted that this project was half funded by Ginn due to the impending work load and the other half was paid for by the Town of Minturn. Kay Robertson, 3443 Hwy 39 North, Lewisburg, North Carolina, Mercer Group. Please reference packet that has been handed out. Mercer Group is a national consulting firm specializing in public sector organizations. Ms. Robertson and her partner, Phillip process about 98% of the Mercer Group’s Compensation Classification Studies (CCS) throughout the country. Ms. Robertson described the Methodology used for classification and compensation studies as a combination of specific internal and external data which places the salary schedule into parity with the defined market and each position into parity with all other positions. Pay levels are determined, positions are classified and placed into the salary schedule and ongoing methods of maintaining the system are developed. A Factor Evaluation System (FES) is used to provide a numerical rating for all positions within the Town:

- Factor 1-Knowledge Required
- Factor 2-Supervisory Controls
- Factor 3-Supervision Exercised
- Factor 4-Guidelines
- Factor 5-Complexity
- Factor 6-Scope and Effect
- Factor 7-Personal Contacts
- Factor 8-Purpose of Contacts
- Factor 9-Physical Demands

Factor 10-Work Environment

Within each of the ten factors there are levels; criteria and points are assigned to each level. After the interview and questionnaire process a level was assigned for each of the ten factors. Every position ends up with a point score. Common total point scores are ranged together and assigned the same pay grade. At this point there are no dollars attached to anything, it is simply an internal classification structure that assigns relative worth to each position.

Second part of the study is a Market Comparison Study. There is no way to compare every position and get a good sampling in the market. No organization is structured exactly like the Town of Minturn so they select Benchmark positions; positions they are pretty certain they can find an apples to apples batch of the market. Then they prepare a customized Market Survey for employers and ask for their pay ranges. Comparable organizations who responded were the City of Steamboat Springs, the towns of Avon, Breckenridge, Dillon, Eagle, Frisco, Granby, Gypsum, Silverthorne, Vail and the counties of Eagle and Summit. The goal is to look at what our labor market is and where could your employees live and have a reasonable commute; generally that is about an hour commute, no more. The information that was received back from these organizations was used to come up with a market average; not a straight average but an Astro Market average. That is the Mean, the Medium and the Weighted average (throw out high, throw out low) and they take these three numbers and average them. They don't want one piece of data to throw off the rest of the data. So now about half of the organizations are paying more and about half of the organizations are paying less than the Town of Minturn. That is what we use to construct the pay plan that we are recommending.

We are recommending an eight step plan; 5% between steps, 6% between grades with a total spread of 40.71%.

Referring to Exhibit 1 – General Position List & Pay Range there are some empty Pay Grades; these are to allow for growth in the organization and also an appropriate spread between supervisors and subordinates throughout the hierarchy of the organization.

Ms. Robertson briefly went over Page 11;

- a.) Hiring Offer – recommend hiring up to the Step 4 of a salary grade with approval for applicants with qualifications exceeding the stated minimum,
- b.) Annual Market Adjustment – recommend annual adjustments to the Pay Plans,
- c.) Employee Promotions or Transfers – recommend employee receive minimum rate of new classification or 6% whichever is greater,
- d.) Market Impact Positions (MIP) – recommend designating certain positions as “MIP” based on high turnover rate, difficulty in recruiting candidates, and difficulty in filling the position. If so designated as MIP conduct market survey of salaries, identify the market rate, and then raise the hiring rate for the position to the market rate,
- e.) Fair Labor Standards Act (FLSA) – four positions were designated through the FLSA as Exempt from overtime, P&Z Director, Finance Director-Town Clerk, Chief of Police, and Town Manager,
- f.) Fluid Positions – recommend that when an employee in this position has met the qualifications for the next level, that department head can recommend promotion to the position regardless of vacancies, these are Public Works Technician to Water Distribution Technician and Police Officer to Master Officer (not currently in the pay plan),

- g.) Performance Evaluation System – recommend the use of a performance driven merit pay system to avoid compression of salary structure resulting in newly hired employees being paid almost as much as veteran employees,
- h.) Step Up Pay – recommend that an employee receive Step Up Pay (6% increase in pay during this time) when the employee is going to be performing the duties of a higher classified position due to vacation or illness no less than seven consecutive days,
- i.) Stand By Pay (Required to respond if called) – recommend a Stand-by Stipend: \$20 per day will be paid regardless of whether called or not and If on Stand-by and Called to Respond recommend compensate a minimum of two hours or actual hours worked,
- j.) Call Out (not on Stand-by but are called out) - compensate a minimum of two hours or actual hours worked, and finally
- k.) Police Shift Premium Pay – recommend non-exempt sworn police personnel be compensated .50 additional per hour when working evening shift and .75 an hour when working graveyard shift.

George B. inquired about “Exempt from Overtime”; Mr. Robertson, FLSA certain positions in local government for which you have to pay them time and a half if they work over 40 hours a week (different hours for police and fire). Non-exempt would get that extra pay, exempt can meet one of three test; a) executive exemption-supervise two or more employees, b) professional exemption-minimum requirement of position is a professional certification, and c) administrative exemption-someone who speaks on behalf of council or the Town Manager. You can make all of your employees Non-exempt but you can not make all of your employees exempt. Or you can use compensatory time; 1 hour off for every hour worked over forty.

Jerry B. added that the Chief has excess time that he has worked, comp time, do you have it too?

Ann C. responded that she has not been recording her comp time, she has enough vacation pay.

Hawkeye F. asked why Step-Up pay is only \$20 for giving up 24 hours.

Mr. Robertson responded that this is merely a suggestion that they need to get paid something even if they don't have to come in.

Hawkeye F. inquired what do you mean by Stand-by.

Mr. Robertson stated he believes it is within 20-30 minutes away.

Ann C. added that is for police.

Hawkeye F. inquired what about Public Works?

Ann C. stated they looked at that as overtime rate instead of call-out.

Hawkeye F. interjected we are not talking call-out; we are talking stand-by.

Ann C. responded that means you are available 24 hours at anytime. If we looked at \$20 a day for 365 days a year it would work out to \$7,500 a year.

Shelley B. inquired if you can schedule people on stand-by? When Shelley worked at the hospital and was put on stand-by she got half time. That was for days she knew she was on stand-by.

Hawkeye F. inquired of Rod C. if we have any PW employees that are on stand-by.

Rod C. whoever has weekend duty they work 1 hour, take three off, work another hour, take three off and they get paid only for hours actually worked.

Jerry B. asked if this is just the base pay, no benefits; yes.

George B. inquired are we at Step 1 now?

Ms. Robertson responded that is entry level in this market.

Step 1 where you would hire new employee, the next year the employee would probably move to Step 2 if they performed adequately and then Step 8 is what an eight year employee who performed adequately each year would be at or the maximum that this position is worth in this market. On average there is a 41% spread in our market between the minimum and the maximum.

George B. inquired if you are in the Town Manager position and the population base is 30,000. Ms. Robertson responded we did not use the larger population communities that are on your list, we did not use the upper management positions as they are not comparable. For the upper level positions that they benchmarked they did not use the larger organizations upper level positions because they would not be comparable because of the reason you just spoke of. Police officer is doing the same job here as they would in job somewhere else.

George B. said that something that concerns him about government is that they don't look at how many staff they need to service the size community.

Mr. Robertson responded that with what George B. is talking about is staffing; for this sized water plant how many operators would you need, what kind of supervising will you need to maintain it. A CCS does not address staffing needs. What a CCS addresses is if every position was vacant what would be the minimum qualifications and what would the minimum and maximum salaries be.

Ms. Robertson added that they do staffing studies, but that is not what they were asked to do here.

Hawkeye F. inquired if instead of doing a study on what everyone is paying is there a study on what it cost to live in an area? We are all looking at what the other surrounding towns are paying and if we don't step up and make an increase, then everybody stays the same.

Ms. Robertson added what a CCS looks at is what is your labor market, that is what you labor market is. Until someone says we are going to compete above market average, they would be happy to construct a pay plan at the 60-70%. There are statistical websites on DOLA or you can do a Google search for Livable or Sustainable Wage.

Ann C. noted that there are one or two employees who are currently at the minimum salary, every one else is below the minimum.

Hawkeye F. stated that he believes that all of them are low to live around here.

Ms. Robertson referred council to the implementation recommendation and they recommend that at the very minimum, they strongly recommend adjusting those employees who are below minimum immediately. We also did a compression adjustment that moves employees to a step that would be appropriate for their years in the position. Often what happens, as an organization grows and especially during a CCS is you have that minimum rate or pay range to move. Then what you end up with is a lot of employees at the bottom of the pay scale. You hire a new employee that may be making similar or the same as a long term employee at the bottom of the pay scale. Nothing is worse for moral and we see this happen over and over.

Hawkeye F. so we can make this work by giving a Cost of Living Adjustment (COLA).

Ms. Robertson yes; every two to three years and re-administer the market survey. They are leaving the market survey and all of the spreadsheets that they used so that the Town could just send the organizations the surveys and process the survey again.

9. Discussion/Action Items – Ordinance No. 26 – Series 2005 (Second 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

Allen C. two more provisions that need to be clarified. Page 3 of the contract we need clarification. Fence, tower, wire, structures, and landscaping will need to be completed. Dr. Hood is investigating that, once we agree on the number he will post the bond. Pilgrim has already sent in their first quarterly payment.

Hawkeye F. inquired since Pilgrim has paid the first quarter's rent, if this can be tabled to give Dr. Hood time to investigate. Tell him we want it by September 20th, with October 1st being the very latest.

Motion by George B., second by Bill B. to **table indefinitely** Ordinance No. 26 – Series 2005 (Second 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; **Motion passed 6-0** (*Note: Tom S. was absent and excused.*)

10. Discussion/Action Item – Ordinance No. 10 – Series 2006 (Second 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 a member of the Minturn Community Fund Board. Kelly B. stepped down from her seat and left the room.

Motion by Jerry B., second by George B. to **approve** Ordinance No. 10 – Series 2006 (Second 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 and amend the Ordinance by removing La Playuea; **Motion passed 5-0** (*Note: Tom S. was absent and excused.*)

Kelly B. returned to the room and resumed her seat with council.

11. Discussion/Action Item – Town of Minturn Nuisance Ordinance; Process for Enforcement – by Capela/Christensen/Smith

Direction to Staff: On September 20th the Town Manager is to bring the final letter, with council's additions and/or deletions for their final approval and signatures. This should be placed on the September 20, 2006 agenda as an Action Item.

Ann C. suggested that council complete Staff Compensation discussion as it was requested to move staff to minimum (Step 1) immediately.

Jay B. questioned that council heard the presentation but didn't take any direction on it. We do have the money to bring current staff to the minimum Step 1 now with the idea that Step 2 would occur in January when our regular raises occur.

Motion by George B., second by Bill B. to bring staff up to minimum (Step 1) immediately. Hawkeye F. said he wants to amend the motion to exclude Town Manager at this time and then she can be reviewed in January. Bill B. no comments, Shelley B. thinks all should be brought to minimum including Town Manager, Kelly B. believes the Town Manager's salary is well below minimum and she thinks all should be brought up to minimum, Jerry B. stated that he has issue with a 27% increase for the Town Manager plus the housing allowance but he will go with the will of the council. George B. amended the motion to exclude the Town Manager; Bill B. seconded the amended motion; **Motion passed 4-2** with Kelly B. and Shelley B. voting nay. *(Note: Tom S. was absent and excused.)*

12. Executive Session

George B. moved to go into an executive session pursuant to Colorado Revised Statutes Section 24-6-402 (4) (e) for the purpose of consulting with the Town attorney to determine positions relative to matters that may be subject to negotiations, development of strategy for negotiations, and instructions for negotiations for the possible renewal of the contract for building inspection services between the Town of Minturn and Alpine Building Consultants, Inc., second by Shelley B.; **Motion approved 6-0.** *(Note: Tom S. was absent and excused.)*

Colorado Revised Statute (C.R.S.) 24-6-402(4)(b) for the purpose of consulting with Town Attorney on pending legal and strategy and (C.R.S.) 21-6-402(4)(e) to discuss contract negotiations pertaining to the Building Inspections contract.

Council reconvened in open session at 9:30 pm.

Jerry B. stated that since he voted on the prevailing side to exclude the Town Manager from the motion to place town staff that was not yet at minimum salary level as recommended by Mercer Group – he would move a motion to reconsider this issue at Town Council's meeting on September 20, 2006.

Motion by Jerry B. to reconsider Town Manager's salary on September 20, 2006 – motion seconded by Kelly B. – all voted in favor - Motion Passed.

FUTURE AGENDA ITEMS

13. 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
- Resolution Endorsing the US Mayors’ Climate Protection Agreement, Kris Trigg
- Town of Minturn Nuisance Ordinance; Process for Enforcement September 20
- Minturn Town Staffing and Staff Compensation

14. Set Future Meeting Dates

- 1) Council Meetings
 - September 6th
 - September 20th
 - October 4th
- 2) Planning & Zoning Meetings
 - August 23rd
 - September 13th
 - September 27th
- 3) Other

15. Adjournment

Motion to adjourn by George B. – seconded by Bill W. – all voted in favor – motion passed.

Council adjourned at 9:45pm

Mayor, Gordon “Hawkeye” Flaherty

ATTEST:

Town Clerk, Jay Brunvand