



MINUTES FOR THE REGULAR MEETING OF THE • MINTURN TOWN COUNCIL

Wednesday, October 4th, 2006

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

WORK SESSION

Council assembled at the Town Center at 5:45pm and then walked to Main Street to enjoy the Battle Mountain Homecoming Parade and once the parade festivities were over Council reconvened back at the Town Center at 6:35pm.

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

1. Call to Order

Mayor Gordon “Hawkeye” Flaherty called the meeting to order at 6:35pm. Those present included Mayor Pro Tem George Brodin, Bill Burnett, Jerry Bumgarner, Kelly Brinkerhoff and Shelley Bellm. *(Note: Tom Sullivan was not present)*

Hawkeye recessed as Town Council and convened as the Town of Minturn, Water, Sanitation and Recreation Activities Enterprise ("Enterprise").

Enterprise Chairman/Mayor Pro Tem George B. called for roll call and all were present with the exception of Tom S.

2. Executive Session (6:35pm – 7:05pm)

- Pursuant to Colorado Revised Statutes (CRS) to consult with attorneys for legal advice on specific legal question CRS §24-6-402 (4)(b) and/or to determine positions relative to matters that may be subject to negotiations, development of strategy for negotiations, and instructing negotiators, CRS §24-6-402 (4)(e).

Motion by Bill B., second by Shelley B., to convene in Executive Session Pursuant to Colorado Revised Statutes (CRS) 24-6-402 (4)(b) to consult with attorneys for legal advice on specific legal question; **Motion passed 6-0** *(Note: Tom S. was not present)*

Tom S. joined the Executive Session at 6:50pm

The Enterprise convened in Open Session for Discussion/Action to Town Staff and Town Attorney which was to arrange and schedule a couple of meetings with Eagle River Water & Sanitation District.

George B. adjourned as Enterprise and reconvened as the Town of Minturn Town Council at 7:06pm.

Mayor Gordon "Hawkeye" Flaherty called the meeting to order at 7:06pm. Those present included Mayor Pro Tem George Brodin, Bill Burnett, Jerry Bumgarner, Tom Sullivan, Shelley Bellm, and Kelly Brinkerhoff.

Staff present were Ann Capela, Town Manager; Wiley Smith, Town Planner; Derrick Slocum, Town Planner 1; Jay Brunvand, Town Clerk/Treasurer; Karen Earley, Economic Development Director, Allen Christensen, Town Attorney; and Torrey Maxwell, Public Works/Planning & Zoning Administrative Assistant.

3. 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 - ***Added Discussion/Action Items 13(a) Ordinance 26 – Series 2005 (Second Reading) and 13(b) Emergency Request from Summit County for Forest Service to extend the comment period on White River National Forest Travel Management Plan***
- e. Order of the Agenda Items - *See d.*
- f. Approval of the agenda

Motion was made by Bill B., second by George B. to **approve** the agenda as **amended**; **Motion passed 7-0.**

Hawkeye F. recessed as Town Council and reconvened as Town of Minturn Liquor Board; roll call showed all present.

4. Liquor Authority

Jerry B. excused himself due to conflict of interest as he has interest in JB's Barbeque

- Deutschman Family LLC., DBA JB's Barbeque, Hotel and Restaurant Liquor License; 474 Main Street; Mark Tamberino, Owner/Manager.

Jay B. noted that the FBI fingerprints have not been returned at this time making the application incomplete.

Motion was made by Hawkeye F., second by Shelley B. to **table** the Deutschman Family LLC., DBA JB's Barbeque, Hotel and Restaurant Liquor License; 474 Main Street; Mark Tamberino,

Owner/Manager **indefinitely**; **Motion passed 6-0** (*Note: Jerry B. abstained due to conflict of interest*)

Jerry B. resumed his seat with Town Council

- Highway 24 Store Inc, Annual Renewal Retail Liquor License; 996 S. Main Street; Loretta Lucero, Owner/Manager

Jay B. noted that Lorenzo M. has stated that there is no need for staff at Highway 24 to be TIPS certified and that requirement can be removed from this application.

Motion was made by Tom S., second by George B. to **approve** as amended the Highway 24 Store Inc, Annual Renewal Retail Liquor License; 996 S. Main Street; Loretta Lucero, Owner/Manager; **Motion passed 7-0**

Hawkeye F. recessed as Town of Minturn Liquor Board and reconvened as Town Council

5. Approval of the Minutes

- September 14, 2006 Battle Mountain Site Visit

Motion by Bill B., second by Jerry B. to **approve** the September 14, 2006 minutes as presented; **Motion passed by voice vote 7-0.**

- September 19, 2006 Special Meeting

Motion by Kelly B., second by Bill B. to **approve** the September 19, 2006 minutes as presented; **Motion passed by voice vote 7-0.**

- September 20, 2006 Regular Meeting

Motion by Bill B., second by George B. to **approve** the September 20, 2006 minutes as presented; **Motion passed by voice vote 7-0.**

6. Special Presentations/Citizen Recognition/Project Update

John Fitzthum, 130 B Morgan Drive, Minturn Town Homes, C&B Development provided the monthly Minturn Town Homes update stating that Building G is nearing completion, drywall, finishes, and roofing first of next week. Building H insulation and drywall in the process to be followed by painting of the exterior of the building on Monday. Building I working on the mechanical, rough plumbing and exterior siding. Building J they are working on second level concrete and waterproofing on Monday. General Site: Mr. Fitzthum noted that the site was pretty trashed due to weather. They rented a scraper and street sweeper to help keep Lyons and Taylor clean. Hydro seed in front of Building D, prepping for planters, complete shrubs and planters in front of each unit. They will not be laying sod in the center of Building A and B until spring until irrigation is worked out. Erosion control blanket will be placed at foot of trail as discussed at last meeting along with possibly a crushed cedar. They are on schedule for Phase III asphalt. Run off and dirt issues with the bad weather. Close first unit in Phase III in mid

November. Hawkeye F. requested that they keep an eye on dust which will generate complaints even though they are keeping the area clean with the street sweeper.

Melinda Gladitsch , Eagle County School District representative presented on November 7, 2006 School Bond Issues and quarterly update. Good start of the year, thank you for including the parade in your meeting. Battle Mountain Huskies are doing fantastic, Boys Cross Country is currently First in State, Volleyball is currently Second in the State, and in Football they are ranked 10th. On the November Ballot a \$128 million bond question is being placed which includes projects such as repair & upgrade of facilities throughout the district, technology enhancements in all district facilities, repair & upgrade of Eagle Valley High School to meet district standards, new elementary school on Miller Ranch in Edwards, new high school to replace Battle Mountain High School with a 1,000-student facility on Miller Ranch in Edwards, repair & remodel Battle Mountain High School for future educational and community uses and buy land in the Eagle area for future schools. The population has shifted and is growing to the west of the valley. A 3rd high school could potentially be in this area. Battle Mountain building offered to the Eagle County Charter but there were concerns on operating cost, size of building, sharing of the facility, etc. Building will be in use after upgraded and used by educational programs.

Shelley B. stated that is the same way Battle Mountain was when she attended school there. You had to sit on the stairs during lunch, squeeze through the hallways during passing periods, etc. If it can still operate as a school, why build a new one? Why not move Meadow Mountain to allow more room; Ms. Gladitsch responded that Battle Mountain was built to hold 700 students max and currently it houses 720 students. It is full and there is no room to expand by adding another wing for example. Back when Shelley B. attended there were probably close to 400 students. If the halls were narrow back then with 400 it is certainly tight now with over 700 students. The new high school in Millers Ranch will hold 1,000 students. Hawkeye F. inquired how we get money back out of that building once repaired; Ms. Gladitsch responded that Red Canyon High School and the Ski School (which is looking at becoming a part of the school district program) could operate from there and they are not charged rent per se. Hawkeye F. questioned Ms. Gladitsch on the last bond that was passed and the fact that they sold it to the public by stating that millions would be put into a Trust Fund and the interest would be used to upgrade technology in all of the schools. Ms. Gladitsch stated that 1998 was last bond she knows about but she is not aware of any trust along with it. She does not have an answer but will get one for him tomorrow. Hawkeye F. noted that Battle Mountain has had so many additions added to it and now we are told it is too small so we have to do away with it and build a new one. So are we now going to add additions to Eagle and then in so many years you will come back and say we need a new building; Ms. Gladitsch responded that repairs to Eagle are in the bond but no additions are to be added. Bill B. inquired if they will be able to find enough land to build the building; Ms. Gladitsch stated that they have 45 acres east of Eagle on hold and that would accommodate a high school campus. They are hoping to purchase this property if the bond passes. Ms. Gladitsch passed out a fact sheet on the bond. (See meeting file to review or go to www.eagleschools.net)

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

8. Discussion/action of Emergency Items, if necessary

STAFF REPORTS AND OTHER ITEMS

9. Reports/Correspondence/Announcements/New Business

- a. **Economic Development Director.** The committee meetings for Phase II of River Restoration and for Historical Preservation are being scheduled at this time. She noted a Minturn Historic Video in the future that she has funding up her sleeve for. Stay tuned.
- b. **Public Works.** No Report.
- c. **Police.** Many applicants applied for the Police Records/Court Clerk position and the selected candidate, Lisa Osborne from Pennsylvania, started one week ago. She recently married Tim Osborne with Sibley Plumbing and Heating and relocated to our beautiful community six weeks ago. Welcome Lisa.
- d. **Treasurer/Clerk.** Budget Report as Discussion/Action Item 12
- e. **Town Planner.** Ad hoc will continue after this first session has been taken to the Town Council. At that time they will ask them to continue or they will search for new members and begin working on additional issues and topics. Tom S. inquired if Knutson's development is all one lot, can that accessory bldg be sold separately; Wiley S. responded yes, if the owner condo-minimizes the air space. Same principal as when they sub-divide the air space not the lot. Tom S. inquired if on a duplex lot if you are allowed to have an accessory building; Wiley S. responded that you can
- f. **Town Attorney.** No additional report other than agenda items.
- g. **Town Manager.** Shelley B. inquired about the right of way survey on Toledo. Ann C. noted that Carter & Burgess have painted bright pink lines on the ground as a preliminary step and the Town has inquired of the property owners if they have information they are willing to share to better help the town in this process. Allen C. interjected that is not a survey. Hawkeye F. noted that they think some pins are in the wrong place. Does the established pin take precedence; Allen C. responded maybe. Ann C. noted that is why we are asking residents for information. Bill B. asked about the power poles on the edge of property, somebody must have surveyed these, how do we find out if they are in the right place?
- h. **Town Council.** George B. updated council that ECO has approved its Winter Bus schedule and also encouraged others to attend the "Shaping the Future of Eagle Valley" workshop that is coming, especially if concerned about our future transportation needs. Hawkeye F. reiterated high school sports and supporting the kids by being at their events. The kids appreciate the town people being there. Shelley B. noted that \$155,000 was raised and will be split between 8 elementary schools in the district. Thank you. Next years date is already set for September 30, 2007. Kelly B. reminded everyone of Live in Minturn. The cost is \$7 at the door and the proceeds go to the Minturn Community Fund.

DISCUSSION, HEARINGS AND ACTION ITEMS

10. Discussion/Action Items – Resolution 9 – Series 2006: A Resolution endorsing the US Mayors’ Climate Protection Agreement, Kris Trigg – by Capela

Kris Trigg, 304 Eagle Street, Minturn read a statement (ask for a copy) about Sustainability. HF requested that Ms. Trigg bring this information to a future meeting and get on the agenda officially. Participate in the public hearings on development etc. But for now he stated she would have to get on the subject that was on the agenda, Climate Protection Agreement. Hawkeye F. also noted for the public that if you are interested in getting something on the agenda please speak to the Town Manager by the Wednesday before the meeting you would like to be on. Ms. Trigg noted that she encourages support of the Mayor’s Climate Protection Agreement.

Matt Scherr, Eagle Valley Alliance for Sustainability, spoke briefly and noted that he had suggested to Ms. Trigg to not present the Mayor’s Agreement at this time as there might be other ways to support the main idea of Sustainability. He is also interested to hear any suggestions on how else this could be done. Mr. Scherr noted that there is a door to door recycling service in Minturn and stated that recycle volume in the valley has increased 50% versus the 20% increase they had expected. He stated he spends the majority of his time on site management due to this heavy increase, they were not prepared. It was noted by Ann C. that they are off the subject and noted that he can contact her to be placed on the agenda to specifically deal with this issue.

Motion by Shelly B., second by George B. to **table** Resolution 9 – Series 2006: A Resolution endorsing the US Mayors’ Climate Protection Agreement **indefinitely**; **Motion passed by 7-0.**

11. Discussion/Action –Ordinance 14 – Series 2006: An Ordinance (Second Reading) authorizing the Mayor to sign an Inter Governmental Agreement with Eagle County Animal Control Services – by Capela/Martinez

Motion by Tom S. second by George B. to **approve** Ordinance 14 – Series 2006: An Ordinance (Second Reading) authorizing the Mayor to sign an Inter Governmental Agreement with Eagle County Animal Control Services; **Motion passed by 7-0**

Hawkeye F. requested a five minute recess.

12. Discussion – FY 2007 Budget Review – by Capela/Brunvand

Jay B. noted that by law they accept the Budget by virtue of it being given to them; this allows him to put the notice of budget in the newspaper, etc. Page 3 has the schedule of events which provides a quick summary of the Budget process and it sets the Public Hearings into motion. Hawkeye F. clarified that on page 53 and 54 of the Budget, where it is noted “Mayor, Mayor, Mayor” next to several items, that it is not him. Jay B. noted also on page 53 there are a couple of items that are funded, not funded and partially funded. Two of them are outside sources

looking for funds, if you notice; they are just absorbed into the budget but it will cut down on staff training and fees, etc. Shelley B. inquired if that was Bravo, etc.; yes. Ann C. added that it is not an automatic, it is a request and they have to make that request each year. For example, NWCOG membership request has come in for \$740 and if Council wishes to pay it then staff training and fees takes a back seat. Jay B. noted that the details are in there so that you can review. He also noted that footnotes are on 28 after the 2007 Budget, just before the Five year Budget. Hawkeye F. suggested reviewing footnotes first to get your questions answered before contacting Jay B.

Motion by Bill B., second by George B. to **accept** the FY 2007 Budget; **Motion passed 7-0**

13. Discussion/Action Item – Ordinance 15 – Series 2006 (First Reading) An Ordinance authorizing the Mayor to sign a contract with Alpine Building Consultants for town wide builder inspection service – by Christensen

Motion by Tom S., second by George B. to **approve** Ordinance 15 – Series 2006 (First Reading) An Ordinance authorizing the Mayor to sign a contract with Alpine Building Consultants for town wide builder inspection service; **Motion passed by 7-0.**

Allen C. noted that the following changes were made: one year contract per council's direction, Mr. Lanci increased the re-inspection fee from \$85 to \$125, Mr. Lanci met with the Planning Director regarding matters falling through the cracks, and they will measure building heights and set backs by requiring an ILC or survey for both foundation and framing. And there is minor change to how fees are set.

13(a). Discussion/Action Item - 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. noted that the lease is done as Pilgrim has agreed to \$30,000 bond and they also agreed to remove the copper wiring as council did not feel they had been given enough information to make an informed decision on leaving it in the ground.

Motion by Hawkeye F., second by George B. to **approve** 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 7-0**

13(b). Discussion/Action Item – Emergency request from Summit County in support of Summit County's request to the Forest Service to extend the comment period on Forest Service White River National Forest Travel Management Plan.

Motion by Tom S., second by Bill B. to **support** Summit County's request of the Forest Service to extend the comment period on Forest Service White River National Forest Travel Management Plan; **Motion passed 7-0**

14. Discussion/Action – Resolution 10 – Series 2006: A Resolution Opposing Amendment 38, Colorado General Election Initiatives & Referenda – by Capela

Motion by Tom S., second by Bill B. to **adopt** Resolution 10 – Series 2006 ; **Motion passed 7-0**

FUTURE AGENDA ITEMS

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

Shelley B. requested that MMC building height be placed as Work Session for 11-1-06 agenda. Shelley B. also questioned if the Robert's Rules of Order item under future agendas has to be on the agenda as a work session or could they just meet between themselves. After general discussion it was decided Allen C. will meet with Kelly B. and Shelley B. as the newest members. Hawkeye F. said if they want him present at that meeting, let the Town Manager know and the meeting will be posted.

Hawkeye F. requested that ERWSD policies and regulation discussion be placed on next meeting agenda as both work session and discussion/action.

Jerry B. requested that the Town Staff contact Qwest about High Speed Internet and when they might be coming into the Town. He also noted that there are several limbs hanging over sidewalks from our last wind storm and wondered if someone can remind the residents that they have a limb hanging in the right of way. Hawkeye F. noted that we have an agreement with CDOT that we could probably go in and trim those branches that are of any danger. Ann C. requested specific addresses so the Public Works Crew knows where to go; Jerry B. stated the east side of 400 block of Main Street.

Jerry B. inquired if we have a price on cutting the two trees. Ann C. responded that she does not have them back yet, should be next week or two.

Hawkeye F. stated he would like to place acquiring of property for parking under future agenda. Bill B. would like the Town to decide who owns the line in the road. We will do it first thing on the agenda next meeting when we cover ERWSD.

- Ginn Annexation Continuation of Public Hearing – 2-21-07
- Old Town Hall
- Minturn Municipal Code building height limitations for new construction 11-01-06
- Old Town – Minturn Municipal Code Parking Regulations
- Possible changes to the Town Charter – Christensen – Work Session
- ERWSD – policies & procedures regarding water metering 10-18-06
- Qwest High Speed Internet – Inquire future date of availability
- Price quotes for cutting of trees on Sullivan Property
- Acquiring property for public parking in Town of Minturn

16. Set Future Meeting Dates

- 1) Council Meetings
 - October 18th
 - November 1st
 - November 15th

- 2) Planning & Zoning Meetings
 - October 11th
 - October 25th
 - November 8th

- 3) Other

17. Adjournment

Motion by Tom S. to adjourn at 8:47pm; all in favor.

Mayor Hawkeye Flaherty

ATTEST:

Town Clerk, Jay Brunvand