



REGULAR MEETING OF THE • MINTURN TOWN COUNCIL

Wednesday, November 1, 2006

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

WORK SESSION – 6:00 PM

- Minturn Municipal Code building height limitations for new construction by Smith
- Identification of and possible acquisition of property by Town of Minturn for public parking in Town of Minturn
- Qwest High Speed Internet Update

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 – 7:00 PM

1. Call to Order

Mayor Hawkeye Flaherty called the meeting to order at 7:04pm. Roll call: Those present included Mayor Flaherty, Bill Burnett, Tom Sullivan, Shelley Bellm, Jerry Bumgarner, and Mayor Pro Tem George Brodin. (Note: Kelly Brinkerhoff 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, Police Chief Lorenzo Martinez, Town Attorney Allen Christensen, Economic Development Director Karen Earley, Public Works Director Rod Cordova, and Public Works/Planning Department Assistant 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 - *None*
- f. Approval of the agenda

Hawkeye F. requested that the Conference Room Door be added to the agenda as item number 16.

Motion by George B., second by Bill B. to **approve** the agenda as amended; **Motion passed on a voice vote 6-0** (Note: Kelly Brinkerhoff was absent and excused)

Hawkeye F. recess as council and convened as Liquor Authority; roll call showed all present other than Kelly B. who is excused absent.

JB excused himself from the room as he has interest in JB's Barbeque.

3. Liquor Authority

- Deutschman Family LLC., DBA JB's Barbeque, Hotel and Restaurant Liquor License; 474 Main Street; Mark Tamberino, Owner/Manager (*Note: this is a brand new application*)

Jay B. noted that the fingerprints are not back yet but Chief Martinez is comfortable with moving forward. Jay B. detailed the findings of the liquor investigation.

Hawkeye F. opened the Public Hearing.

Motion by George B., second by Bill B. to **determine** neighborhood is to be Town of Minturn; **Motion passed 6-0** (*Note: Kelly Brinkerhoff was absent and excused*)

Mark Tamberino, 1232 Main Street, Minturn, Colorado requesting approval from the Liquor Authority to bring extra income into town and to his family.

Allen C. inquired if Mark T. has a letter authorizing use of the bank's parking; Mr. Tamberino responded that he doesn't have a letter officially but he has agreement with the bank that they can use it after 4pm except for one space which shall be left open for ATM customers.

Hawkeye F. inquired what the hours of operation would be; Mr. Tamberino responded 11:30 to 8pm and a little later on the weekends.

Hawkeye F., as there was no public comments the Public Hearing was closed.

Motion by George B., second by Hawkeye F. to **approve** Deutschman Family LLC., dba JB's Barbeque, Hotel and Restaurant Liquor License Application; 474 Main Street; Mark Tamberino, Owner/Manager with the following **conditions**:

- That the Notice of Public Hearing on this matter was posted on the premises by the Town Treasurer on September 20, 2006 at least 10 days prior to the hearing, and the publication for the hearing was published in a newspaper of general circulation on September 23, 2006 at least 10 days prior to the Public Hearing.
- That the selling liquor in the manner currently proposed in the application is not in violation of the Minturn Municipal Code.
- That pursuant to C.R.S. 12-47-313(1)(d) – Restrictions for applications for new license, the physical location where the applicant proposes to exercise the privilege of selling liquor at the retail store, does not appear to be within 500 feet from any public or parochial school or principal campus of any college, university, or seminary.
- That Minturn Police Chief Martinez has conducted a background investigation on the listed owners. This investigation was not able to identify any conditions or

information, which in and of itself would forbid the approval of the applicant's license. However, the following considerations will be attached to the approval:

- The applicant's fingerprints are still being reviewed by the CBI and the FBI and it is foreseeable this process will not be completed in a timely manner. Staff has preformed a background check using available resources. In the event the applicant fingerprints are returned indicating sufficient reason to dispute good moral character the license will be forfeited.
- The Local Liquor Authority has duly emphasized the requirement of operating an orderly establishment as related to noise and or live entertainment and the well being of the neighborhood

Motion passed 5-0. (*Note: Kelly Brinkerhoff was absent and excused and Jerry B. excused himself due to a conflict*)

JB resumed his seat with the council

4. Approval of the Minutes

- October 18, 2006

Motion by Shelley B., second by George B. to **approve** the minutes of October 18, 2006 as presented; **Motion passed on a voice vote 6-0** (*Note: Kelly Brinkerhoff was absent and excused*)

5. Special Presentations/Citizen Recognition/Project Update

John Fitzthum – Minturn Towne Homes Update

Finishes on Bldg G closing units on Nov 24. Exterior is completed.

Bldg H painted, punch list to do on exterior, finishing up drywall, painting starting tomorrow

Bldg I fully sided, caulking, beginning exterior paint prep, paint that will withstand colder temperatures is being used so they can continue painting. 130I 132I rough, mechanical,

Bldg J started framing on third level floor, last building. Rough plumbing and mechanical get it closed in and beat the weather.

General Site Notes Xcel will get them fired up within next week or ten days. Hydro seeding, erosion control down (people tripping so they are going to lay down hay, mouth of trail at Lyons Lane. They will prep planters for next spring when weather permits. Asphalt on the books for the next couple of weeks.

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

7. Discussion/action of Emergency Items, if necessary

STAFF REPORTS AND OTHER ITEMS

8. Reports/Correspondence/Announcements/New Business

- a. Economic Development Director

Mark Tamberino from JB's is representing Minturn at the Business and Technology Fair, in Beaver Creek, by serving food for the event. Chili Cook-off is in the making with Gore Range Brewery. Gallegos gave the go ahead to shoot off the fireworks from the 4th of July. From Harrison to Norman there will be chili booths set up. Just a reminder that Debbie Duran won the competition last year. Next Historic Preservation Committee meeting will be Tuesday November 14th

b. Public Works

Rod C. informed that ventilation project at Public Works is complete. Rod C. stated that Public Works has need for another truck. Old staff car is being used. Shelley B. inquired on the list of priority water projects that Kelly B. had asked for; Rod C. noted that he has not worked on that. Ann C. interjected that Carter & Burgess Proposal is going to attorneys and there are two other portions of that project: enforcement and regulations. Ann Castle will have some suggestions that she would like town to look at also. In regards to Chapter 13 Ann C. suggested that we need to look at other town's regulations. Hawkeye F. restated that last council meeting there were several items that needed money, have those items been identified? Rod C. said yes and Public Works needs \$30,000 to get it started. Jay B. added that the money is in the budget and available whenever they want to get started.

c. Police

Lorenzo M. reported that he has six qualified candidates, one interview on Friday, will schedule interviews for other five next week and hopes to hire his two new officers. Lorenzo M. reported that the Police Department received \$1750 from a Dept of Justice Grant to upgrade car radar systems. The School Crossing Monitor program is doing very well and he is still looking for recruits needed for South end of Town. George B. added that he likes the crossing guards and the orange vest, really gets your attention. Trick or Treat night was great, no incidence, and no calls. Lisa (our new court clerk) and Tim (her husband) Osborne did a wonderful job manning the Town Center as Frankenstein and Frankenstein's bride. Lisa wrapped each piece of candy with a Town Logo or Halloween picture and a positive saying and handed out all. There was Trick or Treaters from Harrison Street to Kings Ranch Road.

d. Treasurer/Clerk

Nothing additional to report

e. Town Planner

Nothing additional to report

f. Town Attorney

Nothing additional to report

g. Town Manager

Trees are coming down tomorrow Harrison and Main

h. Town Council

Nothing additional to report

DISCUSSION, HEARINGS AND ACTION ITEMS

Hawkeye F. opened the Public Hearing for the 2007 Budget
Jay B. announced that this is the 1st Reading of the Four Ordinances tonight with the second and final reading to be held December 6th, 2006

Hawkeye F. inquired if there was anyone from the public who would like to discuss or comment on the 2007 Proposed Budget

Hawkeye F., hearing no public comment, closed the Public Hearing.

9. Discussion/Action Item – Public Hearing – Fiscal Year 2007 Budget – by Brunvand

Jay B. started by requesting direction on funding for the following:

Bravo! After some discussion on what events Bravo! Would be holding in Minturn; funding **tie** vote;

Lighting of Cross After some discussion regarding the solar panels location that charge the batteries, difficulty and safety issues of getting up the hill, Minturn public appear to want it lit, religious implications which was combated with fact that Holy Cross Mountain is the Town's trademark, and that it would take approximately \$2,000 to fix it; funding **failed** at 4-2

Water System Upgrade \$40k in upgrades. Hawkeye F. inquired what the remote monitor will cost; Jay B. stated that number has not been determined however this would be funded through the Water System Repair and Maintenance line item. In 2007 this line item is budgeted at \$40,000.00.

ECO Transit funding of \$2,000 **passed 6-0**

Minturn Express Newsletter funding of approximately \$400 a month for color copying **passed 6-0**

Water fees Jay B noted that with and without CIP to water fund 5% increase doesn't quite cover it and that there is a 5% increase in the budget. Hawkeye F. again inquired of the 40% increase to the Water Plant operation asked where that comes from. Jay B. responded that the General Fund has been holding a lot of the expenses. Jay B. did make a spread sheet that was placed in Council's mailboxes. General Fund or Water Fund is only two funds that have a payroll. Hawkeye F. stated that Public Works doesn't document their time. Tom S. inquired if by accounting for payroll precisely where needed, isn't it now moving in the direction you want to head? Hawkeye F. requested that this be done back in February and he wants to see it. Ann C. stated that functional administration has always been carried by the general fund and that General administration has never been allocated. Salaries are coming out of two fiscal agreements and that accounts for the percentage increase. Ann C. said she recalls the request for Public Works to keep track of their time but that it would be very tedious to do so. If council directs to implement this then that is fine, but council needs to understand that it is going to take time. **Approval of 5% increase passed** with 3-5% / 2-0% / 1-3%

Ann C. requested direction for Water Fund tracking asking what the Council wants Staff to do? After some discussion Ann C. said it would be made Standard Operating Procedure.

Food; per Jay B. nothing required from Council on this.

Legal fees with annexation: Annexation expenses are reimbursable as a pass through to the applicant.

Increase building inspection fees have already occurred with the renewal of the building inspector's contract.

Radio Free Minturn requested \$2500; council **approved \$1500 6-0**

Liz Campbell, 512 Main Street, Minturn, CO spontaneously surveyed the ongoing meeting asking who has listened to 107.9 Radio Free Minturn; ten out of the fifteen at the meeting have.

Jay B. asked Ms. Campbell to submit an invoice for the \$1,500.

Audio books Hawkeye F. noted that he received this request in his mailbox and that they are based out of Denver, Colorado. It was decided after negative responses on funding were received that it be researched better in the future prior to putting in for funding request. Find out what they offer locally first.

Hawkeye F. added that he wants the sidewalk in front of the old town hall repaired as it is a trip and fall hazard. Jay B. stated that the sidewalk repair would be covered under “streets and sidewalks” \$30,000.

10. Discussion/Action Item – Ordinance No. 16 – Series 2006 (First Reading) An Ordinance amending the 2006 Budget; recognizing additional General Fund Revenues in the amount of \$656,020.00, appropriating General Fund Expenditures of \$588,672.00, recognizing additional Water Fund Revenues in the amount of \$64,000.00, appropriating Water Fund Expenditures of \$81,000.00, recognizing additional Conservation Trust Fund Revenues in the amount \$100,000.00, and appropriating Conservation Trust Fund Expenditures of \$182,000.00 – by Brunvand

Motion by George B., second by Bill B., to approve Ordinance 16 – Series 2006 on first reading: an Ordinance amending the 2006 Budget, recognizing additional General Fund revenues in the amount of \$656,020.00, and appropriating general fund expenditures of \$588,672.00 and recognizing additional Water Fund revenues in the amount of \$64,000.00, and appropriating Water Fund expenditures of \$81,000.00 and recognizing additional Conservation Trust Fund revenues in the amount of \$100,000.00, and appropriating Conservation Trust fund expenditures of \$182,000.00; motion passed 6-0 *(Note: Kelly Brinkerhoff was absent and excused)*

11. Discussion/Action Item – Ordinance No. 17 – Series 2006 (First Reading) An Ordinance levying General Property Taxes for the Year 2007 to help defray the costs of Government for the Town of Minturn, Colorado for the 2007 budget year – by Brunvand

17.934 mils \$7,000-\$8,000 more than next year.

Motion by Tom S., second by George B., to **approve** Ordinance 17 – Series 2006 on first reading: an Ordinance levying general property taxes for the year 2007, to help defray the costs of government for the Town of Minturn, Colorado for the 2007 budget year; Motion passed 6-0 *(Note: Kelly Brinkerhoff was absent and excused)*

12. Discussion/Action Item – Ordinance No. 18 – Series 2006 (First Reading) An Ordinance annually setting, amending and approving Town fees as set forth in the following attachment to be included in Appendix A of the Minturn Municipal Code for the Town of Minturn, Colorado with fees commencing January 1, 2007 – by Brunvand

Jay B. stated that this is to annually set our fees noting that the Judge sets the fees for the Court. He also noted that they will be adding a fee for any credit card charges over \$1,000.

Motion by Bill B., second by Tom S. to **approve** Ordinance No. 18 – Series 2006 (First Reading) An Ordinance annually setting, amending and approving Town fees as set forth in the following attachment to be included in Appendix A of the Minturn Municipal Code for the Town of Minturn, Colorado with fees commencing January 1, 2007; **Motion passed 6-0**
(Note: Kelly Brinkerhoff was absent and excused)

13. Discussion/Action Item - Ordinance No. 19 – Series 2006 (First Reading) An Ordinance recognizing Revenues, appropriating Expenditures, approving Transfers and adopting the Town of Minturn Budget for the period beginning on the first day of January, 2007 and ending on the last day of December, 2007 – by Brunvand

Jay B. noted that this ordinance is basically the guts of the budget, estimating beginning account budget, from all of the different funds and noting that December 6 will be the Second reading.

Motion by Jerry B. second by Shelley B. to **approve** Ordinance No. 19 – Series 2006 (First Reading) An Ordinance recognizing Revenues, appropriating Expenditures, approving Transfers and adopting the Town of Minturn Budget for the period beginning on the first day of January, 2007 and ending on the last day of December, 2007; **Motion passed 6-0** *(Note: Kelly Brinkerhoff was absent and excused)*

14 Discussion/Action Item – Parking Requirements Recommendations – by Smith

After some discussion regarding the dimensions that were turned in by Minturn Realty being incorrect it was decided that Staff would bring to council the max occupancy rate that staff would like to see. Due to insufficient information at this time the motion was tabled.

Motion by Tom S., second by Bill B. to **table indefinitely; Motion passed 6-0** *(Note: Kelly Brinkerhoff was absent and excused)*

15. Discussion/Action Item - Minturn Municipal Code building height limitations for new construction – by Smith

Motion by George B., second by Hawkeye F. to **table indefinitely; Motion passed 6-0** *(Note: Kelly Brinkerhoff was absent and excused)*

16. Discussion/Action Item – Reversing lobby door to upstairs Town Center conference room

Direction to Staff: Council agreed and directed Staff to fix the door if cost is fair. If cost seems unreasonable bring it back in front of Council. Ann C. stated that she will contact Virgil from Yampah Builders.

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

- Ginn Annexation Continuation of Public Hearing – February 21, 2007
- Old Town Hall – *next meeting November 15th*
- Possible changes to the Town Charter – Christensen
- Minturn Town Home Update – December 6, 2006
- Minturn Water system, plant, operations, rules, regulations and policies & MMC #13

Allen C. stated that the deeds of the Water Plant are in motion and requested that it be moved up to work session, he just met on it last week. Their planner was given directions to meet and make final arrangements with our planner. They have not approved it, but they are working on it.

Ann C. noted that Friday the 10th is Veteran’s Day, Staff will be off and inquired if delivery of the agenda packets on Monday instead of Thursday would be acceptable; Council said yes.

18. Set Future Meeting Dates

Council Meetings

- November 15
- December 6
- December 20

Planning & Zoning Meetings

- November 8
- November 22 (No Meeting due to Holiday)
- December 13

Other

19. Adjournment

As there was no further business the meeting was adjourned at 9:07pm

Gordon “Hawkeye” Flaherty, Mayor

Attest:

Jay Brunvand, Treasurer/Clerk