



REGULAR MEETING OF THE • MINTURN TOWN COUNCIL
Minturn Town Center, 302 Pine Street • Minturn, CO 81645 • (970) 827-5645

Wednesday, December 6, 2006
Regular Session – 7:00pm

MAYOR - Gordon “Hawkeye” Flaherty TOWN MANAGER - Ann K. Capela
MAYOR PRO TEM – George Brodin TOWN CLERK/TREAS - Jay Brunvand

COUNCIL MEMBERS:

Jerry Bumgarner
Bill Burnett
Tom Sullivan
Kelly Brinkerhoff
Shelley Bellm

REGULAR SESSION – 7:00 pm

1. Call to Order

Mayor Hawkeye Flaherty called the meeting to order at 7:03pm. Roll call showed those present included Mayor Flaherty, Bill Burnett, Tom Sullivan, Shelley Bellm, Jerry Bumgarner, Kelly Brinkerhoff and Mayor Pro Tem George Brodin. Hawkeye F. led everyone in the Pledge of Allegiance.

Staff present was Town Manager Ann Capela, Town Clerk/Treasurer Jay Brunvand, Town Planner Wiley Smith, Police Chief Lorenzo Martinez, Town Attorney Allen Christensen, Public Works Director Rod Cordova, Economic Development Director Karen Earley, 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 – **1)** Approval of a work proposal to review the Minturn Municipal Code Chapter 13 by Holland & Hart and **2)** Resolution 11 – Series 2006 to move forward with negotiations to acquire property
- e. Order of the Agenda Items – *None*
- f. Approval of the agenda

Motion by Tom S., second by Bill B. to **approve** the agenda as **amended**; **Motion passed 7-0**

3. Approval of the Minutes

- November 15, 2006

Motion by Jerry B., second by George B. to **approve** the minutes as presented from November 15, 2006; **Motion passed 7-0.**

4. Special Presentations/Citizen Recognition/Project Update

John Fitzthum, 130-B Morgan Drive, Edwards, Colorado, representing C&B Development for the monthly Minturn Towne Homes Update

Building G – nearing completion and finishing up all details and punch list items. Hoping to have individuals in their units within the next two weeks.

Building H - finish carpenters are in finishing up cabinets, base and case. Projected that these two units will be closed by end of the year as people want to get in due to ski season.

Building I – all rough inspections are complete. Unit 130 has all dry wall and inspections completed. They are painting, staining, and lacquering with Unit 132 shortly behind. The dry wall inspection is expected tomorrow.

Building J – is dried in before the weather hit. All four buildings, to complete the phase, have been dried in. The siding is being installed and they hope to have it finished by next week with rough plumbing and rough HVAC to start the beginning of next week.

Site as whole - shallow utilities are finished (gas and electric) yesterday. The entire shallow utility infrastructure is in. A temporary road base will be put down on Lion's Lane and the driveways to Phase III. They will come back in fall to complete asphalt, grading, and landscaping, etc.

Hawkeye F. inquired what the projected completion date is for the entire project; Mr. Fitzthum responded July 2007.

- Minturn Community Fund Live In Minturn Volunteer Recognition – by Martinez

Rick Neiman, Rebecca Jones, Christa Stabile, Bruce Plummer, Anne Ralston, Chante Woods, Christi Casillas, Michael Wasmer, Christine Mitchell, Janine Hanson, Brad Borton, Lisa Moiser, Joe Adam Jackson, Alex Garnier, and Chris Statzer

Lorenzo M. recognized some local residents who have donated their time to our new park (amphitheater) events and Live in Minturn which benefited the Minturn Community Funds. Hawkeye F. added on behalf of the Town Council a thank you for stepping up and volunteering for these music presentations.

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

6. Discussion/action of Emergency Items, if necessary

Hawkeye F. introduced the first Emergency Item as a proposal for revisions to MMC Chapter 13 by Holland & Hart. Ann C. noted that background information has been provided.

Motion by Hawkeye F., second by Tom S. to **authorize** the Town Manager to work with Holland & Hart to review and prepare recommendations to Minturn Town Council to MMC Chapter 13 – utilities; this work is authorized in the amount that will not exceed \$10,000. If it does exceed \$10,000 the Town Manager will come back to Town Council and request more funds ; **Motion passed 7-0**

Hawkeye F. introduced the second Emergency Item as Resolution 11 - Series 2006 declaring the intent of the Town of Minturn to acquire a fee simple interest in the property described in “Exhibit A” hereto further continuance of good faith negotiations to acquire said property interest, and authorize to initiate an action in eminent domain to acquire said property interest in the event good faith negotiations do not result in an agreement to acquire said property interest.

Motion by George B., second by Tom S. to **approve** Resolution 11 – Series 2006 declaring the intent of the Town of Minturn to acquire a fee simple interest in the property described in “Exhibit A” hereto further continuance of good faith negotiations to acquire said property interest, and authorize to initiate an action in eminent domain to acquire said property interest in the event good faith negotiations do not result in an agreement to acquire said property interest; **Motion passed with roll call vote 7-0.**

STAFF REPORTS AND OTHER ITEMS

7. Reports/Correspondence/Announcements/New Business

a. Economic Development Director

Karen E. introduced Janis Ronnestad, formerly of TV 8, who comes to us with a Bachelor’s Degree in Behavioral Health. We welcome you, Janis, to the Town of Minturn. Minturn is being promoted, along with the Market, in the *Easy Guide to Eagle County*, *What To Do* magazine, *The Minturn Show*, *Ski Country*, the *Eagle*, the *Zephyr*, *Vail Daily*, *Vail Trail*. And Friday, December 15th, Karen will be “The Last DJ” where she gets to play 10 of her favorite songs from the 70’s. Market preparations are going well; Santa and the Reindeer will be available, the Elf Accordion Man, the Mountain Harmony Singers, and glass art demonstration by Blue Flame Glass Art. And the following week the Dicken’s Carolers, the Alpine Brass Trio from Denver through by Bravo! and free reindeer rides (in a sulky pulled by the reindeer in Nelson Square). Volunteers are always appreciated.

b. Public Works

Rod C. reminded the Council of the newly relocated (old gravel pit south of town) Snow Dump which is up and running. Public Works has already hauled over 100 loads to it. There is no dumping allowed in Town other than that site. The Town is currently working with contractors to get them set up with the proper paperwork so that they may utilize the dump.

c. Police

Lorenzo M. noted that in the recruitment department he is ready to make an offer next week to one applicant. Lorenzo will know more about his other applicant when the applicant finishes with his testing tomorrow. Second item is Snow (sidewalks) Removal. The Snow Removal

ordinance is being enforced and over the weekend 26 warnings were issued. Everyone's assistance is requested by removing the snow from the sidewalks of businesses and residences. Hawkeye F. added that if a resident is in an unusual situation in regards to Snow Removal to please contact the Town Manager, Ann Capela.

d. Treasurer/Clerk

Jay B. summarized that the Colorado Governmental Finance Officers and Clerks Conference was well attended and covered topics such as Amendment 41, election updates, new audit laws, etc. Hawkeye F. thanked Jay for attending and keeping the Town abreast of current regulations.

e. Town Planner

Wiley S. had nothing additional to report and was present and available for questions.

f. Town Attorney

Allen C. notified Council that in the near future Staff will be bringing an Ordinance and Ballot Question in front of Council to amend the Town Charter. There was a Supreme Court decision that changed the law as it pertains to how appeals of final government decisions are made. In the past it provided in the Rules of Civil Procedure that any appeal of a final government agency (approving a subdivision or a zoning change, for example) was made to the District Court. The Supreme Court ruled on a case that arose out of Frisco, that the language of their Charter, which Minturn has very similar language, that those appeals have to go to the Municipal Court. It creates a problem as a Municipal Court is not equipped to handle complicated land use issues. Municipal Court is basically a traffic or minor offences (snow, public fighting, etc) court. This was a hot topic a couple years ago and all of the adjacent towns (Breckenridge, Avon, Vail) have amended their Charter by election to provide that these appeals should go to District Court, the court that is most equipped. This will probably go to Special Election in April with just the one issue. There was not a need to do it, but with all of the land use applications we have had it was decided by Arthur "Boots" Ferguson, Anne Castle, Town Staff and himself that it is now time to amend our Charter.

g. Town Manager

Hawkeye F. requested that Ann C. go over the CDOT Right of Way Survey. Ann C. noted that a resident contacted the town to find out if the town was conducting a physical survey of Hwy 24. The Town is not conducting a survey of Hwy 24 through the Town but is of certain areas, particular the South end where we are placing about one mile of sidewalk. It is a requirement of CDOT that the sidewalk is placed within their specifications. Citizens may have seen surveyors on Main Street downtown, but that was a result of surveying Toledo, Williams and Nelson. Ann C. is not aware of CDOT doing any actual surveys. An upcoming CDOT project this summer will be in the Minturn *Express* newsletter regarding a number of projects on Interstate 70 at Dowd Junction which will include overlays, upgrading fencing, etc.

Hawkeye F. inquired of Ann C. if she is aware of any private entities that may be surveying the CDOT Right of Way through Main Street; Ann C. responded no she is not aware of anyone doing any surveys at this time. Unless it is a private resident that is asking for some that we don't know about.

h. Town Council

Hawkeye F. stated that a citizen came in to the Town and made a records request. For some reason that citizen was told that they could not have that information which was a mistake on the Town's part. The information was available and the Town Staff person that they spoke with didn't understand that and took a conservative approach and said no. There is a records request

form that needs to be filled out when you come in to make a records request. Copies can be made at a cost to the requestor per State Statute of \$1.25 per page. The information requested was in regards to the PUD that was submitted by Ginn Resorts. We know who the requestor was and they have since obtained the information through a different source. The Town made a mistake, it won't happen again and the Town Manager has taken corrective action and retrained Staff as to proper Records Request procedures. The Staff member who normally handles the records request was at a conference and someone who had not been trained on this procedure tried to handle the request without knowing proper procedure.

The only information that is unavailable is information from the Attorney through their Attorney/Client privilege.

DISCUSSION, HEARINGS AND ACTION ITEMS

8. Discussion/Action Item – Minturn Town Homes Phase III Final Subdivision Plat – by Smith

Wiley S. introduced this as a request for a Final Plat Phase III for the Minturn Towne Homes as requested by C&B Development Company. It is for Buildings G, H, I and J totaling nine units in Block A of the Taylor addition in the 100 Block along Taylor Street. On page 29 of the agenda packet is the Table of Contents report to the Town Council of Minturn Towne Homes PUD Final Plat and he read through each item listed on the Table of Content to Town Council. On page 53 the list of Conditions that the Town Council placed on the Minturn Town Homes are listed;

- 1-Sidewalk on Taylor Street
- 2-Access to existing hiking trail during construction
- 3-Encroachment agreements for all private improvements within the Lions Lane Easement.
- 4-Posting of a compliance Bond by the developer to secure conditions of the agreement in the amount of \$25,000
- 5-Monthly meetings with the Project Manager and Town Council
- 6-Necessary improvements to neighboring properties including under grounding of power and possible driveway improvements to the Sandra Lopez property and to the Shirley and Jerry Lopez properties.

The response to that is listed on page 56 showing they have addressed all of the conditions of the Town Council with the approval of the PUD plan on August 18, 2004.

A packet was received this week from the attorney for C&B Development with a Letter of Credit. This will be left to the Town Council to decide what conditions they would like to add to that Letter of Credit or if they want to add any conditions at all.

The second item is that the Town Council also has a Final Plan which has been included in Item 9 that the Town Council will also have to approve. This is not a Final Plan, it is a Final Plat for Phase III which will finish off the subdivision which is a requirement for the PUD. At some point next year, Minturn Towne Homes will come back to the Town Council with a request for a Final PUD plan.

George B. inquired what events the Town Council's actions tonight will trigger.

Wiley S. responded that staff recommends approval of this Final Plat and that would complete the subdivision requirements of the PUD Plan. The Town Council still has to, according to the 1998 MMC, approve the Final Plan. This is a Final Subdivision Plat, not a Final Plan.

George B. inquired if this is just a step in the process? What will Town Council's actions convey to Minturn Towne Homes?

Wiley S. responded yes, this is one step and once Final Plat is approved by Town Council, the Minturn Towne Homes can not, unless they come back to the Town, they can not make any changes to the location of the buildings. It finalizes all of the subdivision requirements for this plan and is legally recorded at the County. And at that time they would be free to finish their Towne Homes and be able to sell them. However, on the Final Plan, the Town Council still has some requirements they would go over using the conditions that were approved in the Town Council meetings of 2004.

George B. asked if the Letter of Credit replaces the \$25,000 bond. What is the cost of the landscaping? Wiley S. responded that he does not know what that amount is but the \$25,000 Letter of Credit should cover that cost. George B. added that he doesn't have any reason to think they will not finish because they have done a great job to date.

Kelly B. stated it is often that you will see a Final Plat and a Final Plan submitted at the same time? Wiley S. responded that up until the MMC was changed in 2005 the Town required a Final Plat when the Preliminary PUD was approved. That was changed to a Final Plat when Final Plan. It was up to the discretion of the developer to submit their final plat at this time. You are right, most likely the case would be that a Final Plan would accompany the Final Plat.

Kelly B. inquired what the benefit of not submitting them both together was.

Wiley S. replied his interpretation is so that Minturn Towne Homes would be able to sell units as a recorded part of the development.

Hawkeye F. what are consequences if Final Plan is not approved.

Wiley S. responded that the developer could not finish their plan. The final CO would not be signed off by the building inspector if conditions were not met and they would have to relinquish their letter of credit and fines would be assessed due to conditions not being met.

Public Hearing opened at 7:44pm with Hawkeye F. reading the rules and proper procedures for a public hearing.

Wiley S. introduced case by title; Minturn Town Homes Phase III Final Subdivision Plat noting that Staff recommends approval with conditions.

John Fitzthum, 130-B Morgan Drive, Edwards, Colorado, representing C&B Development as Minturn Towne Homes.

His request is that Town Council approve Phase III Final Plat. They are aware that there is a Final Plan approval that must be obtained to receive their final occupancy for all twenty-six units. These six conditions have always been on the table, sidewalks on Taylor Avenue, landscaping, etc. they will continue to abide by them as they have all along. We have seven of the nine units sold, some are in the rental pool, several that are second homeowners who want to be here the majority of the winter. The occupancy of the Phase III is going to benefit the Town

of Minturn through economic base and this is the step we need so we can get the Plat recorded and continue forward with the project. Mr. Fitzthum asked if there were any questions for him. Hawkeye F. asked for public comment and there was none. He asked for public questions and there was none. He asked for staff comments or questions.

Tom S. inquired if they have any obstructions in the 40 ft right of way of Lions Lane such as retaining walls, trees, etc. Mr. Fitzthum responded no.

Tom S. asked Wiley S. if he concurs with that statement.

Wiley S. responded that is a question he would have to research.

Hawkeye F. inquired if Lion Street is public or is it a private street?

Mr. Fitzthum answered that it is maintained by the HOA, I believe it is a private street.

Tom S. responded we gave it to them.

Hawkeye F. inquired if the public will be allowed to cross Lions Lane to get access to the trailhead.

Mr. Fitzthum responded absolutely. The trail will be accessible to the public and the fire department also. Per Mr. Sullivan's request they are working on leveling, getting the grade down so that a ATV or small vehicle could access in the case of a wildfire, etc. The homeowners understand that it is Open Space and a condition of the HOA. Parking for the trailhead users is not provided; the parking is intended for Homeowners.

Jerry B. reminded that he had mentioned during the summer that along Taylor their needs to be line that delineates street and parking, etc.

Mr. Fitzthum noted that he and Wiley have met with Public Works and before they can do this first they need a sidewalk and then they will strip.

Jerry B. recalled that residents were not going to be allowed to park along Lions Lane to keep that open for emergency.

Mr. Fitzthum referred the question to Mr. Wheelersberg; yes.

Mike Wheelersberg, 1849 Oden Drive, Silt, CO in reference to the question of parking on Lions Lane he stated that on the site plan itself it does show two parking spaces on Lions Lane. Further up by Building D there are six parking spaces, and then off of Lions Lane by Building E there are two parking spaces.

Jerry B. specified his concern is when you make the turn onto Lions Lane, the building on the right.

Mr. Wheelersberg clarified that is Building A. Building A has two parking spaces right behind there.

Tom S. inquired of Wiley S. if that was to be allowed, parking in the right of way.

Wiley S. responded that he can not state at this time, he will have to research.

Hawkeye F. inquired of Mr. Wheelersberg if those parking spaces narrow the street down or do they encroach into the easement? Or are they all on the property. How wide is that street?

Mr. Wheelersberg responded 25'.

Tom S. asked when you say "on the property" are you saying they are not in the 40' right of way.

Mr. Fitzthum added that on the original site plan there was flair on the west side of Lions lane that allowed two spaces. And as you go up Lions Lane on the east side there is a spot for four to five spaces (without looking at the site plan) and we maintain a 20-25' width with access to the units.

Mr. Wheelersberg added that there is a hammerhead on for two additional sites on Lions Lane. Jerry B. stated that when you line Lions Lane, he would like to see it stripped the width of Lions Lane where there is no parking, so that people don't park there.

Mr. Wheelersberg inquired "no parking" painted on the streets?

Jerry B. responded paint the street itself separating it from the property that is private property and not the easement to Forest Service land.

Hawkeye F. asked if Jerry wasn't just asking to designate that 25' easement with a couple of white lines on each side; yes.

Tom S. inquired if it is 25' or is it 40'?

Mr. Fitzthum asked Tom S. if he is referring to the utility easement going up where the high pressure gas line is or are you referring to the roadway?

Jerry B. added he believes it is 25' on Lions and 40' on Taylor.

Tom S. stated he is referring to the roadway that the Town gave to Minturn Towne Homes but was suppose to be maintained as a roadway. I was called Taylor Extension before you started calling it Lions Lane. His understanding is that there is not to be parking in that easement.

Mr. Fitzthum responded that Lions Lane Final Plat Phase II that has been approved, we are dealing with east Lions Lane, Phase III.

Tom S. stated that his understanding was that it was to stay at 40' and there was to be no parking, no retaining walls, etc. They had agreed at that time they would take the retaining walls out. He doesn't think it is unreasonable to ask the developer to get a survey and see where that easement is. Hawkeye F. added if that is what they agreed to, that is not an unreasonable request. He recommends moving forward with this and let staff work with the developer on concerns that were brought up here tonight.

Motion by George B., second by Bill B. to **approve** the Minturn Towne Homes Phase III Final Subdivision Plat with conditions as listed by staff and subject to the legal staff working out the language on the Letter of Credit as to when it would be released and when the Town would be able to apply it; **Motion passed 5-2** with Tom S. and Kelly B. voted nay

9. Discussion/Action Item – Turntable Restaurant Parking, Ms. Darla Goodell, Lessee/Operator – by Capela

Darla Goodell, 160 Railroad Avenue, Minturn Colorado requested that after a recent incident between herself and Budget Trucks where a DEX semi trailer parked incorrectly thinking they were on Turntable property when they were actually on Budget's leased space, Mr. Goodell specifically request that the Town notify her in writing regarding violations, concerns, etc and then she would appreciate a signature from the Town upon her compliance. And she would like to be contacted before contacting Union Pacific, giving her the opportunity to correct issues and if then if she doesn't, of course contact Union Pacific. She has cameras now on the lot, she is issuing parking permits, she is keeping an eye on any maintenance being performed in the lot, she tows when vehicles are abandoned, etc.

Shelley B. asked who reported the incident to Union Pacific. The Town or Budget?

Ann C. stated that she notified them by forwarding an email from Lorenzo M regarding the incident.

General discussion ensued regarding contacting the lessee or the leasor?

Ann C. stated that the Town contacted the Union Pacific because of the dispute; it had nothing to do with the Conditional Use (CU).

Kelly B. inquired of Lorenzo M. if the police have an obligation to report certain things to the Union Pacific?

Lorenzo M. responded that he did not make a report to the railroad. His job is to preserve the peace. If they were destroying railroad property he is to contact them as he would any other property owner in town. He met with the two parties and his direction to them was this is a civil matter, contact the railroad. It wasn't a police issue.

Allen C. interjected that Lorenzo M. did not contact the railroad.

Ann C. stated that she contacted the railroad. Ann C. noted that she has spoke with Mr. Goodell and they have come to agreement to work with each other. She also noted that the Turntable has parking signs and Budget does not have any signs or roping off. She stated that Budget has not been up in front of the Town for the required CU permit and parking would be addressed at that time.

Mark Sifers, 671 Main Street, Minturn, Colorado suggested sending out a letter to Union Pacific stating that the Town values the Turntable and Budget instead of just dropping it.

George B. said that sometimes that can magnify the issue instead of what you want.

Ann C. stated the Town could write a letter but she thinks it could go either way.

Kelly B. said she feels the other way to look at this is get Budget in front of the Town for the CU process. Impose some constructive signage etc and then send copies of this to the railroad.

Direction to Staff: Contact the leasee to resolve violations or issues prior to contacting Union Pacific.

10. Discussion/Action Item – Union Pacific Property, Enforcement of Conditional Use Permits – by Smith

Wiley S. noted his staff report is on page 79 gives background as to how the rail yard was used up to 2004. When the MMC was adopted in 1998 the town looked at that as an industrial site. Since the code was adopted the Town has looked at that property more as a potential site to redevelop and what it can do to enhance the Town rather than stay an industrial site. On page 78 you will find a current list of people who are leasing from the railroad. One through seven are the CUs that were approved by the Town Council. Items ten through sixteen are lessees that have not been approved and he projects to finish those up in 2007. As you can see Budget will be coming in front of council and when Staff gets up to speed the first of the year, we hope to process them and be done by end of next year. On page 80 is a list of recommendations that he would like council to look at. It is a step by step list ascending from a letter to a fine, up to revoking their business license. Want input from Town Council as far as if this is the direction you would like us to go in.

Jerry B. inquired if someone is in violation of their CU now, what procedure do you take at this time.

Wiley S. responded that they would be contacted after a tour of the site, taken photos and drafted a violation letter to them, and advise them to meet with staff to determine what the violation was, and give them time frame to be in compliance. Currently we recommend two weeks. If that doesn't work, then we increase fine or penalty.

Jerry B. asked if a company has a CU and goes outside of their boundaries is that our problem or is that the railroads? Another words if a lessee poaches more space then their lease Wiley S. stated that the Town would contact the CU holder first that they have encroached outside of the property line. If they do not correct that problem, the next step would be to contact the railroad for enforcement. The Town's job is to enforce the conditions that were imposed at time of CU approval. If the Town is not able to get action from lessee then the Town would contact the railroad. What we have written in the report is we would like feedback from the council.

Jerry B. inquired if there have been any cases like this

Wiley S. we have been compiling the information but it has not be enforced yet. The intent is to start contacting them after the first of the year.

Kelly B. asked Wiley S. if once this process of enforcement begins if a running chart could be established noting action taken and stage they are in as far as violation.

Wiley S. stated that he can update the town each month on status.

Tom S. stated he felt this was over management.

Jerry B. said he would like the monthly update.

George B. stated he would like to know when a CU holder has to be reported to the railroad but only wants documentation of procedures up to that point.

Wiley S. noted that the railroad is not contacted until Item #6 which is the second to the last step.

Hawkeye F. stated he is with Tom and George, he thinks it is over management but the Council states four to three in favor of you keeping council informed monthly. Hawkeye F. inquired of Allen C. if two weeks is alright or should council give Wiley S. discretion. For example removing a sign versus cleaning up hazardous waste.

Allen C. stated he believes that staff already uses their discretion and if something can be done in one day they probably give a shorter window of time.

Wiley S. stated that one thing the town has to be is consistent.

Direction to Wiley: Provide monthly update on status of violators of Conditional Use agreements to Council.

11. Discussion/Action Item – Staff update on “Nuisance Letter” – by Capela

Ann C. updated council that the Nuisance letter was delivered by the Public Works department and then mailings were sent to property owners. Per Council's direction the Town will start enforcement with the councilmember's and mayor's property as previously discussed. Pictures will be taken and brought to council.

Shelley B. stated we are only getting pictures of property that is in violation; Ann C. responded yes. She also reminded that we have our Town Cleanup every year which can be utilized by our citizens. The Town is also available to help citizens that may need help.

Shelley B. noted that a community member stated that the Town should be looked at as well; Fire Department (old cars, snowmobiles, etc). Ann C. stated we are starting at the North end of the town.

Short break

12. Discussion/Action Item - Ordinance 21 Series 2006 (First Reading) Minturn Municipal Code Building Height Limitations for new construction – by Smith

It was decided to eliminate compound slope, require an ILC, and make step back a requirement on second floors.

Kelly B. pointed out that on page 113 the 3rd bullet point regarding certificate of occupancy is not clear and requested that Wiley S. rewrite to make it so.

Hawkeye F. inquired how the staff is going to determine the grade before the developer starts digging.

Wiley S. responded that in the initial plans a slope analysis would be included on the ILC before they start to build.

Motion by George B., second by Shelley B. to **approve** Ordinance 21 - Series 2006 (First Reading) Minturn Municipal Code Building Height Limitations for new construction; **Motion passed 7-0**

13. Discussion/Action Item - Ordinance No. 16 – Series 2006 (Second Reading) An Ordinance amending the 2006 Budget – by Brunvand

Jerry B. pointed out on page 116 that \$300 a month was for a fax line? Jay B. stated that it should read \$300 per year.

Jay B. promised council he would keep staff in line on discretionary spending and keep council updated. Hawkeye F. requested that Jay B. itemize these expenditures.

Motion by Bill B., second by Tom S. to **approve** Ordinance No. 16 – Series 2006 (Second Reading) An Ordinance amending the 2006 Budget; **Motion passed 7-0**

14. Discussion/Action Item - Ordinance No. 17 – Series 2006 (Second Reading) An Ordinance levying General Property Taxes for the Year 2007 – by Brunvand

Motion by Tom S., second by Bill B. to **approve** Ordinance No. 17 – Series 2006 (Second Reading) An Ordinance levying General Property Taxes for the Year 2007; **Motion passed 7-0.**

15. Discussion/Action Item - Ordinance No. 18 – Series 2006 (Second Reading) An Ordinance annually setting, amending and approving Town fees– by Brunvand

Motion by Hawkeye F., second by George B. to **approve** Ordinance No. 18 – Series 2006 (Second Reading) An Ordinance annually setting, amending and approving Town; **Motion passed 7-0**

16. Discussion/Action Item - Ordinance No. 19 – Series 2006 (Second Reading) An Ordinance setting the 2007 annual budget – by Brunvand

Motion by Kelly B., second by Shelley B. to **approve** Ordinance No. 19 – Series 2006 (Second Reading) An Ordinance setting the 2007 annual budget; **Motion passed 7-0.**

17. Discussion/Action Item – Old Town Hall, requested by Councilman Burnett - by Capela

Bill B. shared his concern that there has only been talk about what to do with the Town Hall but no action. He would like to see something there that the town needs, like a Community Center for example.

Tom S. said he believes it is premature and that the Town needs to wait until we get a little more money and then maybe look at buying Polly's property. Doesn't feel that the Boulder Street property is a good place for the town to expand. Kelly B. agreed that a community center would be needed but also feels it is premature. Jerry B. stated he would like to take the building down and in regards to the reports here it could topple anytime. We take trees down that are a possible safety hazard. Ann C. stated that there is tile in the kitchen that may be asbestos, old piping, if council wishes we could get an estimate. George B. said he would like the town to take steps to find out cost to take it down because it has to go. Also likes Bill B's idea of what we need in the future and what would we like to have there. The building as it is now is a reflection of how we take care of our town. Hawkeye F. stated he would like hazardous materials to be identified.

Direction to Town Manager: Hazard identification first and bring back an estimate of what it will take to bring it down.

18. Discussion/Action Item – Renewal of Carter & Burgess contract for engineering services – by Capela and Christensen

Section that says it automatically renews one year section 9, make a motion to renew contract and send letter advising of such. Ann C. stated that it renews only if there are no increases in fees.

Motion by Bill B., second by Shelley B. to **approve** Renewal of Carter & Burgess contract for engineering services; **Motion passed 7-0.**

19. Discussion/Action Item – Christmas/End of the Year Staff Bonus – by Brunvand and Capela

Motion Bill B., second by Hawkeye F. to **approve** Christmas/End of the Year Staff Bonus as follows: \$300 less than one year and \$1100 for more than one year employment; **Motion passed 7-0.**

FUTURE AGENDA ITEMS

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

- **Ginn Annexation Continuation of Public Hearing – February 21, 2007**
- **Possible changes to the Town Charter – Christensen – Work Session**
- **Minturn Towne Homes Update – January 3, 2007**
- **MMC Chapter 13 Municipal Utilities & ERWSD Rules and Regulations review for possible updating of Town of Minturn Rules, Regulations and Policy for water system and metering**
- **Meadow Mountain Slide – IGA Agreement**
- **Selection of form for Town Manager’s Evaluation–December 20, 2006**
- **Town Manager Evaluation – January 2007**

21. Set Future Meeting Dates

1) Council Meetings

- **December 20**
- **January 3**
- **January 17**

2) Planning & Zoning Meetings

- **December 13**
- **December 27**
- **January 10**

3) Other

22. Adjournment

As there was no further business, a motion was made by Tom S. to adjourn.

Mayor Hawkeye Flaherty

ATTEST:

Town Clerk, Jay Brunvand