



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, all Council meetings are tape recorded and are available to the public for listening at the Town Center Offices from 8:30am – 4:30pm, Monday through Friday, by contacting the Town Staff at 970/824-5645 302 Pine St. Minturn, CO 81645

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

Wednesday, January 17, 2007
Work Session – 5:45 PM
Regular Session – 6:30 PM

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

WORK SESSION – 5:45 PM

- Capital Improvement Plan and Community Planning Process discussion – Capela, Carter & Burgess and Oz Architects.

REGULAR SESSION – 6:30 PM

1. Call to Order

- a. Roll Call
- b. Pledge of Allegiance

Mayor Hawkeye Flaherty called the meeting to order at 6:38pm. 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 excused absent)*

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 Administrative Technician Dylan Zastrow.

2. Town Council will convene as Minturn Water, Sanitation and Recreation Activities Enterprise (the “Enterprise”).

Hawkeye turned the meeting over to Enterprise Chairman Brodin. George B. requested a motion to convene in executive session.

3. Town of Minturn “Enterprise” will convene to Executive Session Pursuant to Colorado Revised Statutes (CRS) §24-6-402 (4)(a) for the purpose of discussing the purchase or acquisition of real property for construction of a waste water treatment facility.

Motion by Jerry B., second by Tom S., to convene in Executive Session pursuant to C.R.S. 24-6-402(4)(a) for the purpose of discussing the purchase or acquisition of real property for construction of a waste water treatment facility; all voted in favor. (*Note: Kelly Brinkerhoff was excused absent*)

4. Discussion/Action or Direction to Town Manager and Town Attorneys from the Executive Session

Council emerged from Executive Session at 7:32pm and no Staff direction was given.

5. The Minturn “Enterprise” will adjourn and convene as Minturn Town Council.

As the business of the Enterprise was completed George B. turned the meeting over to Hawkeye.

6. Approval of the Agenda

- a. Items to be pulled from Action Calendar
- b. Items to be pulled from the Discussion Calendar
- c. Items to be pulled from the Consent Calendar
- d. Emergency Items to be added
- e. Order of the Agenda Items
- f. Approval of the agenda

Motion by Tom S., second Bill B., to approve the agenda as presented; all voted in favor. (*Note: Kelly Brinkerhoff was excused absent*)

7. Approval of the Minutes

- January 3, 2007

Motion by George B., second by Shelley B., to approve the January 3, 2007 Council Meeting Minutes as presented; all voted in favor. (*Note: Kelly Brinkerhoff was excused absent*)

8. Liquor License

- Chili Willy's of Vail Hotel and Restaurant Liquor License Annual Review; 101 Main St., Al Brown Manager

Agenda item was introduced and referred to Jay B. for summary. It was noted this was a standard annual renewal, Chief Martinez and Town Attorney Allen C. have reviewed the application. Staff is recommending approval of the application.

Lorenzo thanked Al Brown and his employees for being a good neighbor and establishment

Motion by Tom S., second by Bill B., to approve the Annual Renewal of Chili Willy's of Vail Hotel and Restaurant Liquor License as presented; All voted in favor. (*Note: Kelly Brinkerhoff was excused absent*)

Tom S asked if it was a state statute to renew the liquor license each annual; Yes, to collect fees.

9. Special Presentations/Citizen Recognition/Project Update

Hawkeye noted for presentation the swearing in of the new Minturn Police Officer. Chief Lorenzo called forward Police Officer Joshua Champoux. Chief gave a brief history of Josh and his accomplishments and reasons he hired him.

Hawkeye introduced Josh's fiancé and completed the swearing in ceremony. At this time Chief presented Josh C. with his badge and certificate.

Chief informed Council of a possible snag with his second police officer hiring; he is still having trouble finding housing.

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

11. Discussion/action of Emergency Items, if necessary

STAFF REPORTS AND OTHER ITEMS

12. Reports/Correspondence/Announcements/New Business

- a. Economic Development Director

Karen E. asked Council presented the newest news letter to the Council. Karen E. stated the news letter would be in color and that we would be featuring the new employees in the news letter. She commented on our new positions available here at the Town of Minturn. Karen E. informed the Council of her resignation from the Town and apologized for having to leave, stating she was planning on staying for 5 years but regrets that she is not. She hoped that the Market would continue to be as successful and that she has suggestions to better the Markets for Ann C. before she leaves. She is committed on finishing Bill B's book

- b. Public Works
- c. Police

Lorenzo stated has a staff report in the packet and was available for questions.

Hawkeye asked what constitutes snow removal and that he had had some concerns expressed to him. Lorenzo handed out information on the letters they are using to inform citizens and the current Municipal Code as well as other ordinances in the state; it was directed to bring this item back as a discussion issue on the February 7 Council Meeting. The items that will be discussed will include current law, enforcement consistency, and tickets vs. warning.

Susanna Miranda, 552 Main St, stated that she is a senior and if asked the Fire Department will shovel. This is a program that the seniors in town are aware of and utilize.

- d. Treasurer/Clerk
- e. Town Planner
- f. Town Attorney
- g. Town Manager

Ann C. has her report in the packet and is available for questions. Hawkeye asked about a memo regarding nuisance complaints (2 property owners) in the packet last week; Ann has spoken with both parties, they are scheduling a date to photo the issues and discuss their concerns with the Town.

- h. Town Council

Shelley B. stated she has been appointed to the State Safe School Routs committee and informed the Council and Town the committee works on grants for schools and that she will be working to get some grant money for Minturn and the Western Slope.

DISCUSSION, HEARINGS AND ACTION ITEMS

13. Discussion/Action Item – As Per Section 16.15.22, JFitz Development and Design, LLC, is requesting approval of an extension of Vista Barranco PUD Preliminary Plan for 11 Single Family Detached homes.

Hawkeye announced a potential conflict of interest as he owns property adjacent to the PUD and stepped from the discussion and the room. Hawkeye also noted that when this first PUD was up he stood down as well.

Hawkeye called for a brief recess in order to review the public hearing process with Mayor Pro Tem George B.

Wiley S. introduced the project and reviewed the project status for the Council. Wiley S. stated the applicant has followed all regulations and the Planning Commission recommends approval for one year with the stated conditions.

Ms. Shelley Mellow, represented the project, stated the application is the same as the one approved last summer. Ownership has had problems obtaining permits and would like to extend the application process pursuant to Town Code. She is requesting a 1 year continuance of the project approval.

George B. asked if there are any citizens who would like to comment; None

Bill B. asked if she was looking for 1 or 2 year approval; Wiley stated that P&Z recommended one, the applicant originally requested two but that they could meet the deadline if it were one year.

Motion by Tom S., second by Bill B., to the request to extend the approval request for PUD Preliminary Plan for 11 Single Family Homes as presented with the following conditions and findings; all voted in favor. (*Note: Kelly Brinkerhoff was excused absent*)

Findings:

- Failure to proceed with development of the Final Plan for PUD was beyond the applicant's control;
- The Preliminary Plan for PUD is not speculative in nature;
- The Preliminary Plan for PUD still complies with this Code and the Community Plan;
- There is reasonable likelihood that the PUD will be developed in the next two (2) years.

Conditions:

- The applicant agrees to address the Town Council comments and concerns as identified within this report dated 1/17/07. The applicant making any modifications to the plan document as requested by the Planning Staff and Building Inspector, Town Clerk, and Eagle River Fire Protection District. prior to Certificate of Occupancy.
- The applicant shall pay all required fees and charges related to development of the subject property

Hawkeye resumed his seat at the Council table.

14. Discussion/Action – Payment request from Riverview Cemetery (Minturn Cemetery District) by: Flaherty/Capela.

Item was introduced by Hawkeye. Mr. Floyd Duran; 631 Boulder St. was introduced as the Board President of the Cemetery District for the presentation. The Cemetery District has installed a water line through the Cemetery to include a stub out for connection by the Town. Once the Town installs the water and sewer main lines this service line will connect and feed both the Cemetery and the Public Works building at which time the Town will attach to the stubbed line.

Tom S. stated he is concerned the lines do not have the proper easements. The question of easements needs to be addressed prior to the Town addressing the cost of the service line reimbursement. Tom S. was additionally concerned that we have other needs in the town to apply money to that are more pressing than a water line that does not even have the water and sewer mains on that side of the river.

Hawkey suggested the Town consider this in the 2008 budget as it was not budgeted in the current year. This would allow time for the easement concerns to be addressed.

Motion by Tom S., second by Bill B., to Table the payment request from Riverview Cemetery (Minturn Cemetery District) as presented until the easements and right of ways can be addressed and that proper consideration be given to the proposed reimbursement cost and when best to budget those costs; all voted in favor. *(Note: Kelly Brinkerhoff was excused absent)*

15. Discussion/Action – Annual Council appointment to ECTRA Board by: Brodin/Capela.

Motion by Tom S., second by Shelley B., to have George B. continue and Ann C. to serve as alternative to the ECTRA Board as presented; all voted in favor. *(Note: Kelly Brinkerhoff was excused absent)*

16. Discussion/Action – Ordinance 1 – 2007 (First Reading) An Ordinance submitting a proposed amendment to the Town of Minturn Home Rule Charter to the voters of the Town pursuant to Colorado Revised Statutes, Section 31-2-210 - Christensen

Hawkey introduced the item. Allen C. explained the ordinance for the public. The ordinance changes the current Municipal Code to stipulate that Rule 106 concerns will be heard in District Court rather than the Minturn Municipal Court. The Minturn Municipal Court is not set up to handle this kind of hearing. Discussion ensued as to the procedures and reasoning.

Motion by Tom S., second by Shelley B., to approve Ordinance 1 – 2007 (First Reading) An Ordinance submitting a proposed amendment to the Town of Minturn Home Rule Charter to the voters of the Town pursuant to Colorado Revised Statutes, Section 31-2-210 as presented; all voted in favor. *(Note: Kelly Brinkerhoff was excused absent)*

17. Discussion/Action – Ordinance 2 – 2007 (First Reading) Renewal of vehicle/equipment Service Agreement with the Town of Avon by: Capela/Cordova

Discussion ensued as to if the program is working; yes.

Motion by Tom S., second by Jerry B., to approve Ordinance 2 – 2007 (First Reading) Renewal of vehicle/equipment Service Agreement with the Town of Avon as presented; all voted in favor. *(Note: Kelly Brinkerhoff was excused absent)*

18. Discussion/Action – Ordinance 3 – 2007 (First Reading) An Ordinance amending the existing service contract with Eagle River Water and Sanitation for Town wide water and trash billing service and authorizing the Mayor to sign the contract – Capela

Hawkeye asked if the contract worked well; Contract works very well, recommend approval.

Motion by Bill B., second by Tom S., to approve Ordinance 3 – 2007 (First Reading) An Ordinance amending the existing service contract with Eagle River Water and Sanitation for Town wide water and trash billing service and authorizing the Mayor to sign the contract as presented; all voted in favor. *(Note: Kelly Brinkerhoff was excused absent)*

**19. Discussion/Action – Capital Improvement Plan and Community Development Process
Discussion – Capela**

This item was scheduled to come back in two weeks for a filmed public presentation and 1 week later they will hold a town wide workshop.

**20. Minturn Town Council will convene into Executive Session for the following:
Colorado Revised Statutes (CRS) 21-6-402(4)(f) for the purpose of Town Manager’s
performance evaluation.**

Motion by Tom S. second by Shelley to convene in Executive Session pursuant to Colorado Revised Statute (C.R.S.) 24-6-402(4)(f) for the purposes of discussing the Town Manager’s personnel evaluation and employment contract; all voted Nay (motion fails) *(Note: Kelly Brinkerhoff was excused absent)*.

Discussion ensued that the Council would meet with Ann C. at such time all could be present. Ann C. stated she would be willing to meet with any Council Member on a one-on-one basis to respond to their concerns if they felt compelled.

Shelley B. stated we will either have to have a special meeting out side of council time or wait until March.

Direction was given for the Council Members to review the current contract with the Manager and forward their comments to Allen C. for consideration in any future contract. Additionally, direction was given to call a Special Meeting on Monday, January 29, 2007 at the Town Center at 5:30 for the sole purpose of an Executive Session to perform the Employee Evaluation for Town Manager Ann Capela.

FUTURE AGENDA ITEMS

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

- Review for Town Manager – Executive Session January 29th @ 5:30pm
- Minturn Towne Homes Update – February 7, 2007
- Resolution 4 – Series 2007 calling for April 2007 election – February 7, 2007
- Ginn Annexation Continuation of Public Hearing – February 21, 2007
- Possible changes to the Town Charter – Christensen – Work Session
- 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 – 2/7/07 Work Session

- Work Session – Presentation by ECO “2030 Vision” for Eagle County Public Transportation. – 2/7/07
- Minturn Parks only “Clean-up-Day”
- Capital Improvement Plan and Community Planning Process discussion – Capela, Carter & Burgess and Oz Architects – 2/7/07
- Snow Removal Discussion – 2/7/07
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22. Set Future Meeting Dates

a) Council Meetings

- February 7
- February 21
- March 7

b) Planning & Zoning Commission Meetings

- January 24
- February 14
- February 28

c) Other

23. Adjournment.

Motion by Tom S., second by Bill B., to adjourn the meeting at 8:43pm (*Note: Kelly Brinkerhoff was excused absent*).

Mayor Hawkeye Flaherty

ATTEST:

Town Clerk, Jay Brunvand