



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

Wednesday, February 7, 2007

Work Session – 5:30 PM

Regular Session – 6:00 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

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

Work Session- 5:30 PM

- 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 Code – Capela, Satterfield & Christensen

Request was made to bring this back as an Action/Decision item on March 7 or 21 - Capela

Regular Session- 6:00 PM

1. Call to Order

- a. Roll Call
- b. Pledge of Allegiance

Mayor Hawkeye Flaherty called the meeting to order at 6:27pm. Roll call: Those present included Mayor Flaherty, Bill Burnett, Tom Sullivan, Shelley Bellm, Kelly Brinkerhoff, Jerry Bumgarner. *(Note: George B. was excused absent)*

Staff present was Town Manager Ann Capela, Town Treasurer/Clerk Jay Brunvand, Town Planner Wiley Smith, Planner 1 Chris Cerimele, Police Chief Lorenzo Martinez, Town Attorney

Allen Christensen, 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 Vice Chairman Sullivan. Tom S. requested a motion to convene in executive session.

3. Town of Minturn “Enterprise” will convene to Executive Session for the following:

- (a) Pursuant to Colorado Revised Statutes (CRS) §24-6-402 (4)(b) to consult with attorneys for a legal information and action pertaining to Case No. 06CW264, and**

Motion by Bill B., second by Shelley B., to convene in Executive Session as the Enterprise pursuant to C.R.S. 24-6-402(4)(b) for the purpose of consulting with the Town attorneys for legal information and action pertaining to Case No. 06CW264; all voted in favor. (*Note: George B. was excused absent*)

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

No decision or direction was given.

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

Tom S. adjourned as the Enterprise and reconvened as the Town of Minturn Council at 6:40pm and re-entered Executive Session. (*Note: George B. was absent and Jerry B. recused himself from the Invest in Yourself portion of the Executive Session due to a conflict of interest.*)

6. Minturn Town Council will convene into executive session:

- (b) Pursuant to Colorado Revised Statutes (CRS) 24-6-402(4)(b) to consult with attorneys in Invest In Yourselves vs. Minturn, Case No. 03-CV-632**

- (a) Pursuant to Colorado Revised Statutes (CRS) 24-6-402(4)(b) to consult with attorneys on legal strategy for Ginn Development.**

7. Discussion/Action or Directions to Town Manager and Town Attorney from Town Council’s Executive Session.

Hawkeye reconvened the meeting at 7:44pm and outlined the Executive Session. No direction was given.

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

9. Approval of the Minutes

- January 17, 2007

Motion by Shelley B., second by Jerry B., to approve the January 17, 2007 Council Meeting Minutes as amended; all voted in favor. (*Note: Kelly B. abstained as she was not present at the meeting and George B. was excused absent*)

- Page 4 Ann C.'s comment should be nuisance not noise complaints.

- January 29, 2007

Motion by Shelley B., second by Bill B., to approve the January 29, 2007 Council Meeting Minutes as presented; all voted in favor.

- Review/Comment – Council Action Report

Hawk asked for comments on the Council Action Report.

Kelly B. requested we should have all the properties in town that fall under the classification of a nuisance identified within a timely fashion. Ann C. stated we intend on bringing forward this inventory in March.

Kelly B. requested to include the railroad lease question. Kelly B. stated this lease should be resolved prior to summer or they we will not be able to have events at the park.

Shelley B. stated they have had a meeting with Dick Houserman of Union Pacific. He is to respond in the next week or so with direction.

Hawkeye asked Allen C. how long it would take to resolve the water line easement questions at the Cemetery and if that item should be on the list. Allen C. stated they are meeting with the Cemetery Dist. All the items are tied together including parking, easements, etc. Allen C. will keep this updated.

10. Special Presentations/Citizen Recognition/Project Update

- Minturn Towne Homes Update

A representative of Minturn Towne Homes was not present to update.

11. Special Presentation/Individual Introductions

- Brian Lloyd: Acting Forest Service Ranger

Ann C. introduced Mr. Brian Lloyd who is the Acting Forest Ranger. Ranger Lloyd thanked the Council for the time. Ranger Lloyd is the acting Ranger for Minturn and Eagle County. Mr. Cal Weitstein accepted a promotion in the Glenwood Springs office. His acting status will be in effect until March or so. He expressed a desire to work on the issues that he has discussed with Ann C in meetings.

Background: 3 yrs with Forest Service prior with the BLM worked in Summit County for past two years; he is familiar with the White River Forest. Also spent time in the White Mtn District in NH. Shelley B. asked if the Forest Service is going to work on the pine beetle; yes the work is continuing on the defensible space around the Vail area. Hawk asked how about the area above the King Ranch: this is on hold due to road construction on unstable slope issues. It has been decided not to do that now and reevaluate in 2008.

- Tim Mauck: Western Slope Representative, for Congressman Udall (D)

Hawk introduced Tim Mauck as the Western Slope Staff Aide for United States Representative Udall. Mr. Mauck worked for Rep. Udall in Washington, DC. Worked for Clear Creek County and worked for State House Speaker Andrew Romanoff. The Minturn Office will continue. His door is always open.

- Stephen Lowrance – Police Officer Swearing In

This item was moved to the next meeting due to a scheduling conflict.

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

Mr. Harry Gray, 291 Main, expressed concerned and is disturbed with the Economic Development in town and the Minturn Police Dept. Mr. Gray implored the Council seriously work on a strong Economic Development Director. Mr. Gray would like to see more oversight of the Police Dept in regards to the enforcement in town. Parking enforcement is a deterrent to the community. We should encourage tourists to come to town not discourage. We need to be going the same direction and we need to work on the coordination.

13. Discussion/action of Emergency Items, if necessary

STAFF REPORTS AND OTHER ITEMS

14. Reports/Correspondence/Announcements/New Business

- a. Economic Development Director

Shelley B. stated that Karen was working on a winter festival, has that come to a halt; Ann C. will follow up on this question and report back.

- b. Public Works

Rod C. was available for questions. Tom S. asked about the digging; probing for leaks nothing significant. Hawk asked if we have the time and the manpower to inventory the curb stops and meters currently in place; we know where the meters are and we are working on the curb stops. Approx 150 are identified. Most meters have a Pressure Reduce Valve and a Back Flow prevention with a few exceptions. If they have a meter they most likely have a PRV and a Backflow Prevention. How is the snow equip holding up; well. Hawk commended Rod C. for the work Rod C. did to help with a water leak at an unoccupied residence.

c. Police

Available for questions. Hawk are we up to full force; yes we are doing field training. How is the ID program going; we have a program and it is coming along with little issues.

d. Treasurer/Clerk

e. Town Planner

f. Town Attorney

g. Town Manager

Ann C. reported on the good news article regarding the NRDS funding of \$932,000 that we received for the Eagle River

Ann C. updated the Council on the progress and status of the Old Town Hall. A report will be made in March and an action plan will be presented at that time as well.

Kelley B. requested updates on the OZ Group and how best to communicate to the community the town wide workshops and other ideas for the newsletter articles.

h. Town Council

DISCUSSION, HEARINGS AND ACTION ITEMS

**15. Discussion/Action Item - Capital Improvement Plan and Community Planning
Process discussion – Capela, Carter & Burgess and Oz Architects**

Nancy Blackwood and Victoria Inman from OZ Architects were in attendance. Ms. Blackwood introduced her company and the plan for communication and public involvement of the capital improvement plan and community planning process that her firm will be spearheading for the Town of Minturn.

The proposed concept is to build on the current written Town plans and features of the town for a Capital Improvement Plan (CIP) for the future. The first community visioning workshop has been scheduled for February 20, 2007 in the Town Council Chambers between 6:30 and 8:30. A second meeting will be held on February 21 with the Seniors during their lunch program.

Kelly B. asked if Ms. Blackwood and her firm had toured the town to identify were some of these ideas would be located on our limited land; yes, to an extent. Ms. Blackwood stated part of her job would be to sort out and prioritize the community input. They don't want to limit the discussion but to encourage vision.

16. Discussion/Action Item – MMC Article I, Sec. 11-1 Snow Removal – Capela

Hawkeye introduced this subject as an item from the previous Council meeting's request for direction of removing snow and ice from sidewalks and walkways in Town.

Ann C. stated the applicable Town code is in the packet. Lorenzo stated they have been asked to enforce the ordinance; however, it is not a publicly supported law. Perhaps it is time to review the ordinance and its effectiveness town wide. This issue affects seniors and in some areas we don't have sidewalks to clear. So far this year the Minturn Police Dept has issued 115 courtesy notices.

Hawk asked how the warnings are working; some cooperation but lots still not being cleared. Shelley B. stated many are not. Tom S. is there a way that you can do a set number of warnings and then ticket; yes. Per the code the accumulation is to be cleared within 24 hours often after a week most are not cleared. Current direction, policy and code is to clear the accumulation of the snow.

Discussion ensued as to the difficulty of clearing to the pavement and the fact that snow is plowed from Hwy 24 onto the sidewalks in some areas.

Lorenzo has researched the issue with surrounding municipalities. Some locations exempt the main arteries. These sidewalks are cleared by Public Work (PW). However, they have large departments unlike Minturn.

Kelley B. stated that many of the sidewalks are broken and uneven making clearing them difficult, she feels 24 hours is too short of a time. The homeowners are trying to do the best they can.

Jerry B. stated that after dark the snow melt turns to ice making it difficult and dangerous. The sooner the snow is cleared the easier it is to do it right. Jerry B. felt the current police practice is the best policy.

Bill B. stated it all depends on the length of the winter. Let's continue with the warnings and do what we can.

Hawk, if they are making an effort that should be good enough. The ones that do nothing should be enforced. People should cooperate with PW's by moving their vehicles etc.

Direction is to continue with the current procedure.

17. Discussion/Action – Ordinance 1 – 2007 (Second 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 – Brunvand

Hawkeye introduced the ordinance. Allen C. reported no changes between First and Second reading.

Motion by Tom S., second by Bill B., to approve the Ordinance 1 – 2007 (Second 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: George B. was excused absent)*

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

Hawkeye introduced the ordinance. Allen C. reported no changes between First and Second reading.

Motion by Tom S., second by Bill B., to approve the Ordinance 2 – 2007 (Second Reading): An Ordinance renew the vehicle/equipment service agreement with the Town of Avon as presented; all voted in favor. *(Note: George B. was excused absent)*

19. Discussion/Action – Ordinance 3 – 2007 (Second 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 introduced, no changes

Motion by Tom S., second by Bill B., to approve the Ordinance 3 – 2007 (Second 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: George B. was excused absent)*

20. Discussion/Action – Resolution 4 – 2007: a Resolution Calling for a special municipal election in April 2007 – Brunvand

Hawkeye introduced.

Kelly B. asked what education on the ballot issue would be done. Allen C. stated we will need this if we get sued and this will eliminate one level of litigation and move it directly to a more appropriate level of litigation in the district court. This change has been made by a number of jurisdictions.

Motion by Shelley B., second by Jerry B., to approve the Resolution 4 – 2007: A resolution calling for a Special Municipal Election on April 3, 2007 as presented; all voted in favor. *(Note: George B. was excused absent)*

21. Discussion/Action – Ordinance 4 – 2007 (First Reading): An Ordinance amending Chapter 10 of the Minturn Municipal Code by the creation of a new section prohibiting barbed wire fences and providing penalties for the violation thereof – Christensen/Chief Martinez

Discussion ensued as to the necessity of this law. Hawkeye requested that this be tabled until the full Council can be present to hear the issues.

Motion by Hawkeye, second by Bill B., to table until the first meeting where the full Council will be present (March 7, 2007) Ordinance 4 – 2007 (First Reading): An Ordinance amending Chapter 10 of the Minturn Municipal Code by the creation of a new section prohibiting barbed wire fences and providing penalties for the violation thereof; Bill B., Kelly B., Jerry B. and Hawkeye for; Shelley B. and Tom S. nay. (Motion to table approved 4-2) (*Note: George B. was excused absent*)

22. Discussion/Action – Ordinance 5 – 2007 (First Reading): An Ordinance amending the Town of Minturn Municipal Code by revising Chapter 16, Article XVI Section 3 Parking required for commercial, office and institutional uses of the municipal code of Minturn – Smith/Capela

Hawkeye introduced the ordinance.

Tom recused himself due to property he owns that may be affected by this Ordinance.

Jerry B. stated this will help those that have less parking and will help those that are having to purchase parking now. Jerry B. stated this would make it easier to have a place big enough to help make ends meet. Other towns have a more liberal program than this allows

Kelly B. stated that this is a good short term fix and will help those that are having parking issues.

Hawk stated this does not answer the questions it is just a guess. If the business's don't pay for the Municipal Lot that we must lease to meet the needs, then it falls to the citizens to pay this bill for a benefit that they might not realize. Ann C. stated this would allow us to have a formula based on occupancy rather than counting chairs that could change day by day. If we don't need the parking in the Municipal lot then we won't lease the lot.

Hawkeye stated this is the same information Council has seen. Jerry B. said no this has the max occupancy that is an additional consideration. Jerry B. stated this will be a benefit for new establishments and an incentive for the existing. This will help the establishments when competing with other restaurants in the valley.

Shelley B. stated it will not change the parking needs it will help the establishments because it will be less of a burden.

Hawk asked what if they have no seats; it would then be based on max occupancy. Hawkeye requested Jay B. to run a cost analysis on the effects this Ordinance will have on the restaurants.

Motion by Jerry B., second by Shelley B., to approve Ordinance 5 – 2007 (First Reading): An Ordinance amending the Town of Minturn Municipal Code by revising Chapter 16, Article XVI Section 3 Parking required for commercial, office and institutional uses of the municipal code of Minturn; all voted in favor. (*Note: George B. was excused absent and Jerry B. had recused himself*)

Further direction was given to require Minturn Realty until June 2007 to come forward with a parking plan.

23. Discussion/Action – Amending Minturn Ordinance No. 26 – Series 2005 Radio Tower Lease with Global American Broadcasting Network Inc., to address removal of the existing trailer by: Christensen

Allen C. informed Council the applicant is current on rent, have posted the bond etc. By the time everything was pulled together winter had set in. Allen C. is requesting direction to allow the trailer until June 1, 2007 to be removed.

Motion by Bill B., second by Hawkeye to extend the condition to remove trailer until June 1, 2007; all voted in favor. (*Note: George B. was excused absent*)

24. Discussion/Action – Appointment to the Blue Ribbon Panel for Eagle County Housing Commission by: Flaherty

Hawk stated that he and Kelly B. are on this committee. The Eagle County Housing Authority created this committee consisting of 11 members representing the six towns, county and four at large. This committee is to come back with a recommendation on how to best approach the employee housing issue. This is going to take a lot of time once per week for half day for three months. Hawk wants to attend the first meeting and then get direction to proceed with the time commitment.

Motion by Tom S., second by Bill B. to appoint Hawkeye with Kelly B. as the alternate and allow Hawkeye to report back for further direction; all in favor

**25. 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 employment contract negotiations.**

Motion by Tom S., second by Shelley B., to table the discussion and the Executive Session pursuant to Colorado Revised Statute 24-6-402(4)(f) for the purposes of discussing the Town Manger's Employment Contract until such time that the entire Council can be present (March 7, 2007); All voted in favor.

26. Discussion/Action/Direction – To Town Attorney from Town Council's Executive Session.

Not applicable

FUTURE AGENDA ITEMS

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

- Minturn Towne Homes Update –March 7, 2007
- Ginn Annexation Continuation of Public Hearing – February 21, 2007
- Work Session – Presentation by ECO “2030 Vision” for Eagle County Public Transportation – March 7, 2007
- Minturn Parks only “Clean-up-Day”
- Discussion of strategy for the forest service properties
- Discussion for employee wages – March 21, 2007
- MMC Chapter 13 Municipal Utilities & ERWSD Rules and Regulations – March 7 or 21 (from 2/7/07)
- Ordinance 4 – 2007 prohibiting Barbed Wire fencing to a meeting where the full Council can be present – March 7, 2007
- Exec Session for the purpose of the Managers evaluation and contract – March 7, 2007

Discussion from Hawkeye of the idea of giving a cost of living raise to all employees rather than merit. What was included in the step increases given this year (2007). The step is automatic but the Manager has discretion with a 5% maximum if the performance is faulty. If the employee is performing to expectations then they will get the full amount. Ann C. stated that we are comparable to the survey communities. Inflation and cost of living raises are integrated in the step increases.

28. Set Future Meeting Dates

a) Council Meetings

- February 21
- March 7
- March 21

b) Planning & Zoning Commission Meetings

- February 14
- February 28
- March 14

c) Other

- February 20, 2007 CIP Public Presentation
- February 21, 2007 CIP Public Presentation to the Senior Lunch Program

29. Adjournment

Motion by Tom S., second by Shelley B., to adjourn the meeting at 9:40pm.

Mayor Hawkeye Flaherty

ATTEST:

Town Clerk, Jay Brunvand