



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

Wednesday, March 21, 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 Clerk at 970/824-5645 302 Pine St. Minturn, CO 81645

Work Session- 5:30 PM

- ECO Transit Presentation of 2030 Vision

Regular Session- 6:00 PM

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 6:02pm. Roll call: Those present included Mayor Flaherty, Mayor Pro Tem George Brodin, Bill Burnett, Tom Sullivan, Shelley Bellm, Kelly Brinkerhoff, and Jerry Bumgarner.

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, Economic Development Director Ashley King and Assistant to Town Manager Dylan Zastrow.

EXECUTIVE SESSION

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

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

3. Town of Minturn Water, Sanitation and Recreation Activities Enterprise will convene to Executive Session for the following:

Pursuant to Colorado Revised Statutes (CRS) §24-6-402 (4)(a) to consult with Town attorneys Allen Christensen, Anne Castle, Elizabeth Mitchell, Todd Miller and Arthur Ferguson concerning purchase, acquisition, lease transfer or sale of real property for the purpose of discussing the acquisition of property for construction of wastewater treatment plant and issues that have arisen with access to the property for certain geotechnical work and evaluation on the Property.

Motion by Tom S. Second by Bill B. to convene into Executive Session as Enterprise pursuant to Colorado Revised Statutes (CRS) §24-6-402 (4)(a) to consult with Town attorneys Allen Christensen, Anne Castle, Elizabeth Mitchell, Todd Miller and Arthur Ferguson concerning purchase, acquisition, lease transfer or sale of real property for the purpose of discussing the acquisition of property for construction of wastewater treatment plant and issues that have arisen with access to the property for certain geotechnical work and evaluation on the Property; All voted in favor. *(Note: some attorneys attended by phone.)*

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

Council emerged from executive session at 6:59pm

The Direction to Staff and Town Attorneys was to continue on as we are at this point. George B. then turned the meeting back to Hawkeye

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

6. Approval of 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 by George B., to approve the agenda as amended; All voted in favor except Jerry B. and Kelly B, Nay. (*Motion passed 5:2*)

- Amend agenda to include 13a: A discussion with several members of the audience as regards to the pending County election on the County Home Rule Charter questions.

7. Liquor Authority

- Minturn Country Club, Annual Renewal of Hotel and Restaurant Liquor License; 131 Main Street; Joe Honnessy, Owner/Manager –Brunvand

Hawkeye introduced to the audience the liquor license renewal and Mr. Honnessy. Jay B. stated the application had be reviewed at staff by the Police Chief, the Town Attorney and the Town Clerk/Treasurer. No items were identified which would preclude approval. Staff recommended Council approve the renewal. Chief thanked him for his service to the community and good work.

Motion by Tom S., second by Bill B, to approve the Annual Renewal of Minturn Country Club's Liquor License located at 131 Main St. as presented; All voted in favor.

- The Gourmet Cowboy, Annual Renewal of Hotel and Restaurant Liquor License; 455 Main Street; Tom McNeill, Owner/Manager – Brunvand

Hawkeye introduced to the audience the liquor license renewal and Mr. McNeill. Jay B. stated the application had be reviewed at staff by the Police Chief, the Town Attorney and the Town Clerk/Treasurer. No items were identified which would preclude approval. Staff recommended Council approve the renewal. Chief thanked him for his service to the community and good work.

Motion by Tom S, second by Bill B, to approve the Annual Renewal of The Gourmet Cowboy's Liquor License located at 455 Main St. as presented; All voted in favor.

8. Approval of Minutes and Action Report

- March 7, 2007
- Review/Comment – Council Action Report

Motion by George B., second by Shelley B., to approve the February 21, 2007 Council Meeting Minutes as amended; all voted in favor.

- Pg 32, Change to Planning Commission Member not Council Member to join the committee – Shelley B.
- Pg. 34, Holland and Hart not Holland and Hear - Hawkeye
- Pg. 35, Didn't convene into Executive Session but enterprise – Shelley B.
- Pg. 35, Clarify the paragraph Re: parking issue and fee for the Summer Market – Kelly B

9. Special Presentation/Individual Introductions/Citizen Recognition/Project Update

- Introduction: Dana Zuetell, new Office Clerical/Community Development Assistant

Ann C. introduced Dana Z. as a new member to the Town Staff and his role as the new Office clerical/Community Development Assistant.

Dana stated he was born in Boulder and gave a brief background from his schooling and degree at Colorado University at Ft. Collins. Council greeted him and welcomed him aboard.

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

Mr. Pete Vance, 562 Main St, Minturn, read a letter he was going to send to the editor of the Vail Daily regarding the Ginn development and how the development could be more environmentally sound. He stated his concerns on how this project is being addressed, like others around the United States in the past and stated that it needs to be a partnership between the Citizens, Town and the Ginn Company to enable the use of the best renewable/recycled resources available for the development. He suggested that instead of another ski area and Golf course, which we have plenty of in the Valley, that we should build a Japanese Natural Springs Resort and include environmentally sound ways to run the resort. Or a biomass steam locomotive between Redcliff to Minturn. Or lastly music festivals with themes of alternative energy. He gave some calculations of alternative housing instead of what Ginn is offering. He stated Ginn's housing is not as environmentally sound as his suggestions. Mr. Ginn could make more money this way and be more environmentally sound. He left some literature with the council for their review.

Liz Campbell, 512 Main St., representing Radio Free Minturn, next Wednesday at 7pm at Crossroads Cinema in Vail is a fund raiser. The cost is \$5 to enter the movie and all proceeds go to Radio Free Minturn.

STAFF REPORTS AND OTHER ITEMS

11. Discussion/action of Emergency Items, if necessary

12. Reports/Correspondence/Announcements/New Business

- a. Economic Development Director

She has nothing to add to her staff report that is in the packet but is open to questions from the Council.

b. Public Works

Rod C. was absent. Ann C. stepped in for Rod and gave an update to the Council. She stated we purchased the new backhoe and that it was in the parking lot for viewing. She also reported on the barbed wire fences. There is some by the old water tower but not sure if it is the Town's or the Forest Service's land. It is under further review and a follow up report will be given to Town Council.

Bill B. thanked PW for bringing the piano from the old Town Hall to the Town Center. It's not the one he had donated that was his mother's but, thank you.

c. Police

Chief, Staff report is on pg. 41 he has nothing to add but open for questions. Shelley B. she would like to speak her appreciation of Officer Josh Champoux. Chief thanked her for her remarks and stated he is doing well and he is attempting to work with the community on bike safety.

d. Treasurer/Clerk

Jay B. stated he had nothing to add to his staff report but was open for questions.

e. Town Planner

Wiley S. stated he had nothing for Council but was open for questions

f. Town Attorney

g. Town Manager

Ann C. stated her report was on pg 48, and was open for questions from the Council.

Kelly B. asked for information regarding the 3/15 meeting. We had a meeting with the Seniors regarding the \$932k grant money from NRDS for the phase II project. Oz didn't hold any work session but wanted to see the seniors take on their vision for the future of Minturn with the phase II grant and possible CDOT grant. Kelly B. requested that Ann C. keep her better informed on meetings so they can attend. Ann C. the next meeting is at 6pm on March 28th. George B. clarified what the meeting was about to Kelly B. and stated it wasn't a sub-committee of the Phase II restoration.

h. Town Council

Hawkeye, could you please address Mr. Lorenti and ask him to work with the Town in taking down his barbed wire fence; Ann C. will take that on.

Randy Milhon: 141 Williams St. Minturn. The triangle space of land for sale owned by UP would be the best place for an entrance to Town, putting multiple roundabouts allowing for influx of traffic to get through the Town without cluttering Main Street.

George B. informed Mr. Milhon that the Council also thought about building a covered bridge there.

Shelley B. We had our first Chapter 16 ad-hock meeting. Now is the first comment period and she would like the Council to add their comments and get them back to her when they have an opportunity. Ann and I had a conference call on this past Monday with UP lease land. We are attempting to get both leases figured out but as separate leases.

DISCUSSION, HEARINGS AND ACTION ITEMS

13.1 Eagle County Commissioner, Peter Runyon: Request in support of a Resolution No. 7 – Series 2007 a Resolution in support of Eagle County Home Rule Charter be placed on the ballot at the next Eagle County Election.

Mr. Peter Runyon of Edwards thanked the Council for allowing him to speak and welcomed the Council to support the Eagle County Home Rule Charter Resolution. He wanted to point out it was not the (County) Commission's decision to put the Home Rule Charter question back on the ballot but that it is allowed by State Statute for the placement twice on the ballot. He believes people think we are breaking new ground and this is bad government. Only two counties have a larger budget than Eagle County. This is the last time it will be on ballot and it will not be there a 3rd time. This will create a better government that can represent the citizens better.

Tom S. asked how did Minturn and Redcliff get coupled with Vail and Beaver Creek; Mr. Runyon, I was not a part of that decision, that was the Home Rule Charter. Minturn is in District 1 and clumped together with Vail and Beaver Creek as well as Eagle/Vail. District 1 also includes Homestead.

Hawkeye, anyone else in the audience have questions for Mr. Runyon?

Mr. Tom Stone, 909 Main St, Gypsum. I am here tonight as a citizen not as an Ex-Commissioner and also as a friend of Minturn. Minturn has done well. He believes this County is the first County to take a second bite out of the Home Rule Charter ballot question. He believes this shows that our votes don't count. They didn't like the decision the first time so they are running it through us again until they hear what they want. Eagle County is the best run County in the State of Colorado. What are we trying to fix? The Home Rule Charter is limiting to the County not empowering the County. I object to the Government spending taxpayer's

money to overturn a legitimate election, where a large majority of Eagle County voted against. Our code of ethics is stronger than anything Home Rule Charter could ever write for us.

Pete Burton, read an article on Home Rule Charters in regard to the cost of having another vote on an issue that was already voted and the decision was no. He also mentioned what the possible cost implications would be to the taxpayers of Eagle County to obtain and maintain two new County Commissioners. Mr. Runyon was over budget for an open space plan that hasn't even been finished, there is still a massive gravel pit. The job wasn't done. They need to worry about the current unfinished issues before we move on to other things. I support the town of Minturn and everything you are doing and he encourage Minturn to keep up the good work.

Randy Milhon, 141 Williams St, stated many rules and laws in the State of California stemming from ballot questions like the Home Rule Chart. The ballots are long and if you pass the Home Rule Charter your small town ballots will be the same, long.

Motion by Jerry B. Second by Tom S. to table indefinitely Resolution No. 7 – Series 2007 a Resolution in support of Eagle County Home Rule Charter to be placed on the ballot at the next Eagle County Election. All in favor, Hawkeye nay.

Hawkeye called for a 5 minute recess at 8:09pm. The Council reconvened at 8:13pm.

13. Discussion/Action – Mr. Tim Campbell, 512 Main Street – Construction of Mr. Boyd's new building and enforcement of the current Municipal Code. – Smith

Wiley Smith stated that Mr. Tim Campbell had requested to address council in regards to Mr. Boyd's residential building at the previous meeting.

Tim Campbell, 512 Main Street, Minturn. Thank the council for having him speak. He started out w/ the Minturn P & Z mission statement because they have worked very hard to aid the community. He also read the goals of P & Z. He then presented Michael Boyd's initial building plan, the breeze way, on October 12, 2006. There are 2 non-conforming sides, one on the setback and one the water side.

Hawkeye stated this would be better on the next agenda item as that is the Boyd Public Hearing or that he might want to just site the Ordinances you believe Mr. Boyd is in violation of..

Mr. Campbell recited some of the April 12th P & Z minutes and what building plans were approved. He showed a few before and after shots of the Garage from multiple angles. He noted to the Council that the new structure is secured by a steel beam not the original foundation. Something which costs much more than what the initial value of the structure was. Mr. Campbell continued to show pictures of the construction site and stated that some parts of the building do not follow The Minturn Municipal Code (MMC) as stated by the P & Z department. He has concerns about the snow removal, light pollution and hazards to his children and items dropping from the 16ft. wall which now stands there. Mr. Campbell quoted the variance code

sec. 16.21.17 and stated that was one of his major code violation concerns. He asked the council to uphold the law and do the right thing about Mr. Boyd's building.

14. Discussion/Action – Mr. Michael Boyd, 504 Eagle Street – Council direction to Town Planner to issue a Temporary Certificate of Occupancy (TCO) to Mr. Boyd for 504 Eagle Street – with further possible actions to be take by the Town Council on Certificate of Occupancy (CO) on 504 Eagle Street - Smith

Hawkeye introduced Mr. Boyd and his letter of appeal to approve his C.O. that was denied by Wiley Smith of the P & Z department. He asked Allen if everything has been done to hear this appeal. Allen advised that all has been done and what the guidelines are for this hearing.

Hawkeye noted for the record the process of the hearing where the applicant would present, the staff would present, the applicant would have a chance to rebut staff, citizen input and then Council input.

Mr. Wendell Porterfield, Council for Mr. Michael Boyd, stated they were requesting the Council to overturn the decision by the P & Z Director who denied him his C.O. or to have the Council advise the P & Z Director to grant him his C.O. He referred to the conflict regarding his setback and water easement but Mr. Boyd didn't build over it. The water easement is next to the Campbell's property as well so if you are going to address Mr. Boyd then you should address everyone on the water easement line. Permit 06-37 approved by the Town P & Z department for Mr. Boyd to built and modify the current garage structure and presented drawings of the building. It was reviewed by architects and approved by the Town. The non-conformity was not increased, he built straight up not at an angle and the building he constructed was approved by the Town. He followed the code and kept the existing walls and did not alter them. He followed his initial approved building plans in order not to break any codes. He didn't deviate from the initial plans that were approved. Mr. Lanci was sent out after approval to issue a T.C.O. and was approved by Mr. Lanci, which a signature copy was presented to the Council. All easement issues are between Eagle River not the Town Council.

Wiley Smith: Town of Minturn Planning and Zoning Director stated that when Mr. Boyd began construction they asked for a letter of intent and process of improvements. He submitted an application for a breeze way but not any garage modifications. He then asked for an accessory to the breeze way but not any garage modifications. Staff approved the breezeway and access to the breezeway pending on applications and permit fees as well as soil testing. All other modifications must be presented for review to the Planning and Zoning Commission. Mr. Boyd presented plans to the P & Z Commission and building inspector but didn't show scale, height and many other items on the list. Exhibit-A: Derrick only remembers a short meeting with Mr. Boyd and stating to Mr. Boyd that he cannot alter the footprint of the building. At no point did Derrick give Mr. Boyd permission to start building until he presented the necessary items required, which he did not follow through with.

PG. 66-He would like the council to agree with the town planner that there should be no C.O. granted do to a lack of compliance by Mr. Boyd in the building permit process. Is there any question from the town council?

Hawkeye. Regarding the building permit; what was your understanding this permit granted. Wiley believed it was permit for interior construction modifications already in place. I would have not looked at this permit application because it didn't require major alterations. Hawkeye: Did we get drawings with Mr. Boyd's permit request? Yes. And we approved this permit with the drawings? Yes. Are there any sizes located on the drawings? I don't recall.

Hawkeye: What are the processes to obtain a building permit? Wiley then explained what the processes were to obtain a permit. It takes a lot of sign offs from other people involved to ensure all the criteria has been addressed and complied to. Hawkeye. Was this list passed around and signed off? No.

Wiley S. presented a letter written stating his building is in a 30ft setback. The building was built before the law of the 30ft setback. What are the rules of non-conformity, Wiley explained what the laws were for a non-conforming building.

Hawkeye asked how could a second story be built on a non-conforming use? How was that determined? It was an interpretation of the code. He was not expanding the footprint by building up. If he were to build out ward it would be in violation.

Hawkeye: If it meets the minimum set back adding to the top adds to the current non-conforming use as is. Wiley, it comes to interpretation.

Tom S. It comes to interpretation again and it's vague. The non-conformity comes from the 5 ft set back not building upwards.

Hawkeye. Did he remove the walls to build the roof or reinforce the walls? He brought it up to code and reinforced it for having a second level. Did he take down the entire wall on one side and reinforce the other three?

Shelley B: This letter seems like guidelines Mr. Boyd needs to follow in order to build and states that he currently is not in compliance to approve building. Yes, that is correct.

Hawkeye. Was Mr. Boyd's garage modifications included in the initial permit request for his breezeway and entrance? No it was not included in his initial permit request. Were there any plans to build on the garage? Yes, this past fall.

Mr. Porterfield asked of Wiley, did Mr. Boyd build outside the current walls? Did he expand the footprint? Wiley S. He did not. He just resurfaced the existing walls. Everyone received the letter regarding the addition to the garage/roof. Did anyone object them? Did you review the permit to add onto his roof? No, just the interior modifications. Do you review them or do you rely on other people on your staff to do so? Yes I do review them for major modifications. Is the current zoning an issue? Interpretations of the code are not that accurate and we are working to figure it out. Do you have any suggestion that there is a zoning issue? No.

Mrs. Campbell asked if the breeze-way was removed are we looking at a zoning issue? The reason I ask if because the Eagle River Committee is looking to take it down so there are only 3 buildings on that property. Allen C. That is a, what if question, something we cannot address.

Chuck Lanci: Minturn Building Inspector. October 17, 2006 he received the building permit for Mr. Boyd. He then took it to Wiley S. and asked if it had actually have been approved. Is this in conformance? He also stated that he has never had a permit handed to him that was signed by Wiley S. so the need for a signature was never questioned but the direction was.

I repeatedly asked Wiley S. if we can continue this project as it has been progressing. There where no building code (IBC) problems stated at this time on my behalf. The validity of this building permit came up after the building modifications were complete. Chuck L. asked the Council and Staff to please direct the word "Code" as either the Minturn Municipal Code (MMC) or International Building Code (IBC) because they are two totally different entities. The laws the building is built under are MMC, the standards it is built to are under IBC. I have signed this C.O. because the building had met the building code (IBC).

Mrs. Campbell. All 4 walls need to be intact to modify the building right? Were all 4 walls intact the entire time of construction modifications? Chuck L: As stated in the building code, no walls needed to be intact to alter a building. As for the building the only "Wall" was not intact was the garage doors, it's not a wall.

Mrs. Campbell. Can you appraise the garage? No I cannot. Mrs. Campbell stated that the MMC allows for only a certain percentage of the value of a building can be modified before the building becomes a new building and must follow the adopted code.

Mr. Campbell. Provisions in the Code allow any legal dispute to stop any continuance of building until it has been settled, correct? Is there a code issue relating to this? Chuck L. there is no code that could put a stop to building on his property.

Mrs. Campbell. This has been going on since 2004. Since then I have wanted to know what type of building Mr. Boyd could do on his property. If Mr. Boyd was doing what the law allows him to do and the Town of Minturn followed the MMC then there wouldn't be the building that stands there. There is a hazard now that affects my family. By allowing this to have taken place and not doing anything about it now you are setting precedence for everyone on the water line easements to construction modifications to their shacks. He can have his roof but not as a deck, which was never approved.

Mr. Campbell. I am asking that the MMC be reviewed by the Town Council. He pieced it together to make it look like it wasn't going to be larger than it was. I am contesting to the first application because that is where this all started. They all ended up interconnected and not individual buildings. We are looking for consciences on the interpretation. Could the total structure standing be approved as a whole right now or was it approved because it w 3 separate permits for buildings?

Bill B. What are you trying to tell us we should do with Mr. Boyd's construction? Mr. Campbell. Make it right and follow the MMC.

Mr. Porterfield. This is a Town with rules and laws. It has people to help run through these laws, Town Planners. A letter was written to ask if he was able to do certain things at a specific time and was approved at each time he asked construct these projects. He did what the town told him he could do. Grant him a C.O.

Hawkeye. The public hearing on the Mr. Body case is now closed at 9:55pm.

Bill B. If the Town Planner approved Mr. Boyd's building permit and Mr. Boyd wants a C.O. we as a Council should grant him one, he followed the rules.

Kelly B. I would like to move to executive session.

Hawkeye. Wiley S. why are you denying this permit for a C.O.? He skipped part of the process and it was not reviewed. These are the only plans I have received and were given to me by the building inspector. Chuck L. I received those in my box and nothing regarding zoning issues. I gave them to Wiley S. at this point which included the building permit request. The engineering came after stating the elevation and size.

Motion by Tom S, second by Bill B., to convene in Executive Session pursuant to Colorado Revised Statute 24-6-402(4)(e) for legal advise regarding Mr. Boyd's appeal to the denied C.O. of his new building.

At 9:50 the Council reconvened in regular session.

Motion by Tom S., Second by Bill B. to overturn the Minturn Town Planner's denial of the Certificate of Occupancy and grant the C.O. located at 504 Eagle St. denial by the Town of Minturn's Planning Director and grant Mr. Boyd his C.O.; All in favor.

Direction was given for the Planning Director to issue the C.O for the garage.

Hawkeye. After 10:00pm there needs to be a Council vote of 2/3 to continue with the current meeting agenda

Motion by Jerry B. second by Kelly B. to continue with the agenda. All in favor

15. Discussion/Action – Mr. Gary Prupis, 532 Taylor Avenue – Conditional use - Cerimele

Hawkeye opened the Public Hearing record.

Chris C. Introduced the issue and turned it over to Mr. Prupis.

Mr. Prupis stated he has been following all the issues and concerns with all parties next to him and the Town.

Tom S. Are you going to your allotted to your 5ft setback? Yes. I am making sure not to go over the 5 ft setback at all.

Hawkeye: There has to be an ILC presented before you get a permit. Yes I know.

Public hearing closed

Hawkeye: any conditions

Chris: He must follow all procedure here unto and pay all fees.

Motion by Tom S. second by George B to approve CU-07-01; Gary Prupis (applicant) requesting a Conditional Use Permit for a duplex located at 532 Taylor Ave., Minturn, CO – in a residential zone of Game Creek Character Area as presented; all voted in favor.

16. Discussion/Action – Ordinance 4 – 2007 (Second 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

Motion by Tom S, Second by George B, to approve Ordinance 4 – 2007 (Second 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; all voted in favor.

17. Discussion/Action – Ordinance 8 – 2007 (First Reading): An Ordinance authorizing the Mayor to sign an Intergovernmental Collection Agreement between USDA, Forest Service, White River National Forest, Holy Cross Ranger District and the Town of Minturn, Colorado to facilitate the completion of the public involvement process for the Eagle River Phase Two River Restoration Project. – Capela

Motion by George B Second by Shelley B. to approve Ordinance 8 – 2007 (First Reading): An Ordinance authorizing the Mayor to sign an Intergovernmental Collection Agreement between USDA, Forest Service, White River National Forest, Holy Cross Ranger District and the Town of Minturn, Colorado to facilitate the completion of the public involvement process for the Eagle River Phase Two River Restoration Project; all voted in favor.

18. Discussion/Action – Resolution 6 – 2007: a Resolution in support of the Ballot Question to be asked at the April 3, 2007 Minturn Municipal Election – Christensen/Brunvand

Hawkeye recommend we pass it and everyone get out and help get the word out to the citizens

Motion by Tom S. second by Shelley B. to approve Resolution 6 – 2007: a Resolution in support of the Ballot Question to be asked at the April 3, 2007 Minturn Municipal Election; all voted in favor.

19. Discussion/Action – Employee wage update – Capela

Motion by Hawkeye second by Tom S. to table the issue indefinitely; all voted in favor.

20. Discussion/Action – Old Town Hall, funding to demolish the Old Town Hall and awarding the work to a recommended contractor by Foothills Environmental – Capela

Ann C. The Town Staff recommends, since it wasn't budgeted, we use the Town's reserve from the savings account to find the money.

George B. Are there major problems for taking money out right now? Hawkeye. Are you worried that we are taking away from funds. Jay B. No.

Shelley B. Is this a safety issue with having the building there? Yes.

Jay B. Fund balance, according to the Budget, is anticipated to be about one million at the end of this Fiscal year.

Tom S. I would go with the \$34,000 estimate given the Environmental group recommended all the companies with bids.

Motion by George B. second by Tom S. to demolish the Old Town Hall and awarding the work to a recommended contractor by Foothills Environmental. All voted in favor. To the lowest bid given. MacBestos If MacBestos is not going to do the job then offer it to the next bid Hudspeth.

Motion by George B., second by Tom S., to move on to next bid if MacBestos chooses not to accept the contract.

Shelley: Get the word out to the citizens. This is a very important Town issue. Hawkeye: We will be having a public hearing on what to do with the land once the Old Town Hall has been properly removed

21. Discussion/Action – Town of Minturn MMC – Nuisance Enforcement, Mayor/Mayor Pro Tem/Council Members

Motion by Tom S., second by George B., to table the Nuisance Enforcement issue for two weeks. All in favor

22. Discussion/Action – Letter in Support of the Primary Seat Belt Bill – Martinez

Chief explained why the issue came up. You cannot pull someone over for a seatbelt violation only which was followed by a series of deaths. Now the house passed law for seatbelt to be worn and we should support it.

Hawkeye is opposed by it, the government shouldn't be able to tell us what to do in your own car. It gives the police another reason pull you over.

Motion by Tom S. second by George B. to pass the support of this seatbelt bill; All in favor, Hawkeye opposed.

EXECUTIVE SESSION

23. Executive Session Pursuant to Colorado Revised Statutes (CRS) §24-6-402 (4)(a) to consult with Town attorney Allen Christensen concerning the purchase, acquisition, lease transfer or sale of real property from the US Forest Service.

(Note: Allen C. advised Council this issue was not Executive Session material and that it could be handled in regular session.)

Allen C. detailed the issue and stated we will have an ordinance to move forward with acquiring the Forest Service land known as the Bone Yard.

Additionally, a time line will be established for the Ginn project. This item is already in the works. Allen C. noted he is going to hire an assistant attorney for his office to work on items in order to free up his time for Minturn and Ginn. He noted this will be reflected in his

24. Discussion/Action or Direction to Staff and Town Attorneys from the Executive Session.

FUTURE AGENDA ITEMS

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

- Minturn Towne Homes Update – April 4, 2007
- Ginn Annexation Continuation of Public Hearing – April 18, 2007
- Minturn Parks only “Clean-up-Day”
- Discussion of strategy for the forest service properties – Christensen
- MMC Chapter 13 Municipal Utilities & ERWSD Rules and Regulations – Capela
- Town Manager’s employment contract.
- Managers Goals Work Session at next meeting
- Town Managers Employment Contract- Next meeting
- Forest service properties Next meeting
- Nuicance Issue Next meeting
- Rezoning for fed land-next meeting
- School district letter-executive meeting-next meeting

26. Set Future Meeting Dates

- a) Council Meetings
 - April 4
 - April 18
 - May 2

b) Planning & Zoning Commission Meetings

- March 28
- April 11
- April 25

c) Other

27. Adjournment.

Motion by Tom S., second by George B., at 11:07pm; all in favor.

Mayor Hawkeye Flaherty

ATTEST:

Town Clerk, Jay Brunvand