



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

**Wednesday, April 4, 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

When addressing the Council, please state your name and your address for the record prior to providing your comments. Please address the Council as a whole through the Mayor. All supporting documents are available for public review in the Town Offices – located at 302 Pine Street, Minturn CO 81645 – during regular business hours between 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding holidays.

**Work Session- 5:30 PM**

- Manager’s Goals for 2007

**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 6:03pm Roll call: Those present included Mayor Flaherty, Mayor Pro Tem, George Brodin, Bill Burnett, Shelley Bellm, and Jerry Bumgarner. *(Note: Kelly Brinkerhoff and Tom Sullivan were excused absent.)*

Ann C asked the mayor to remove item C on the Executive session, she is not prepared.

Staff present was Town Manager Ann Caplea, 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, Economic Development Director Ashley King and Assistant to Town Manager Dylan Zastrow.

## EXECUTIVE SESSION

### 2. Town of Minturn Council will convene to Executive Session for the following:

- (a) Pursuant to Colorado Revised Statutes (CRS) §24-6-402 (4)(b) to consult with Town attorney Allen C., and Arthur Ferguson concerning construction, purchase, acquisition, lease transfer or sale of real property for the purpose of discussing the acquisition of property for construction of wastewater treatment plant.
- (b) Pursuant to Colorado Revised Statutes (CRS) §24-6-402 (4)(a) to consult with Town Attorney Allen Christensen and Attorney Arthur Ferguson concerning issues related to annexation of school district property, rezoning of land within the Town, and legal strategy for pending water court cases, and to review all pending legal matters.

Motion by George B, second by Shelley B, to move to Executive Session pursuant to Colorado Revised Statutes (CRS) §24-6-402 (4)(b) to consult with Town attorney Allen C., and Arthur Ferguson concerning construction, 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, pursuant to Colorado Revised Statutes (CRS) §24-6-402 (4)(a) to consult with Town Attorney Allen Christensen and Attorney Arthur Ferguson concerning issues related to annexation of school district property, rezoning of land within the Town, and legal strategy for pending water court cases, and to review all pending legal matters; All voted in favor. *(Note: Kelly Brinkerhoff and Tom Sullivan were excused absent.)*

### 3. Discussion/Action or Directions to Town Manager and Town Attorney from Town Council's Executive Session.

Hawkeye informed audience about adjourning to Executive Session, the content of the Executive Session and why they adjourned.

Direction was given to the Staff to review the Oz Architect bills/invoices presented at this time and cross reference them with our note and pay the bills that only pertain to Minturn Town Business.

### 4. 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

Amendments to the current agenda:

Additions:

14(a) Approval of ground engineering contract to be signed by the Mayor Pro Tem for the environmental impact assessment (EIS) of the bone yard for invested interest in the Water Treatment Plant.

14(b) Contract Miller and Stiert to write the Town Manager's Contract

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

**5. Approval of Minutes and Action Report**

- March 21, 2007
- Review/Comment – Council Action Report (Council needs to set dates on Action Items)

Motion by Shelley B, second by George B., to approve the March 21, 2007 Council Meeting Minutes and Council Action Report as presented; all voted in favor. *(Note: Kelly Brinkerhoff and Tom Sullivan were excused absent.)*

Items/Dates added to the Council Action Items List:

Shelley would like a deadline date attached to the RR parking action issue. She would like Council to address the issue on April 18<sup>th</sup> and revisit it on May 12<sup>th</sup>.

Hawkeye would like to have an update by Miller and Stiert on the Managers contract on April 18<sup>th</sup>'s Council Meeting.

**6. Special Presentation/Individual Introductions/Citizen Recognition/Project Update**

- Minturn Towne Homes Update

John Fizthum of Minturn Town Homes.

He reported that they are getting close to finishing the project and that 141 and 142 should be closed in May. Painting has been in progress but weather last week stopped work for the time being and they hope to resume after this weekend

Phase 3 grading for curb, gutter, and asphalt will begin on Monday April 30<sup>th</sup> on East Loinshead Way.

There is a waitlist for asphalt but we are the first on the list in May. We are tearing up asphalt on Taylor Street during the process but will replace it by the end of the project. We will begin to stripe the roads and take the right of way on such roads when we obtain the asphalt and begin the work.

Mr. Fizthum stated he will get landscaping plans to Wiley S. and plan on planting in the first week of May and replace the vegetation that did not make it from last spring

Jerry B; when will you be done with the leased RR property; We are done as of now we are just storing items at this point but, we will be getting all equipment out of there.

Jerry B, when will you have that equipment out of there because people have used it as a cut through and it creates extra mud and dust around the area when people travel on it? We will hydro seed the area once we get everything off the land there.

Hawkeye; we could put some rocks in the way so they don't drive through it and wait until the seeds mature then remove the rocks in order to sustain people from using that area as a cut through.

Mr. Fitzum: We have an aerial view and we will make sure it looks like what it was before construction began.

Hawkeye: There are concerns of residents impeding the street while parking on Taylor Street. We have addressed it at this point and will continue to enforce it with the striping the road when the asphalt comes.

## **7. Public comments on items, which are NOT on the agenda**

Floyd Duran; 643 Boulder St Minturn, Co.

I understand the Town is coming after me for a nuisance violation. I agree with the Nuisance Ordinance and it should be enforced but, I have loaned my trucks out and plan on addressing the nuisance problem as soon as I get my trucks back from loan. Is everyone going to be treated the same, equal enforcement across the board for these nuisance violations? Also, if there are items in my yard or property prior to the passing of the Nuisance Ordinance is the Town Council going grandfathered in those items? I have cars that are all plated and can run on their own but are stored on my property.

Hawkeye, we are trying to get residents to take pride in their property and have them clean it up for the betterment of the neighborhood and Town as a whole. We are not going to set a date on when everyone has to have their properties cleaned up and we will work with people on this issue.

Bill B. It has been enforced for 40 years and it hasn't changed so people should know that their property needs to be presentable.

Ross Houck 245 Pine St.

The Town of Minturn has leased Union Pacific (U.P.) land for Market Vendors to pay for adequate market vendor and customer parking. I would like Town Council to consider the Minturn Residents who will not be using the parking and may they be exempt from this additional charge. Minturn based people have already helped out their customers out an all ways possible and this added fee doesn't seem like it should pertain to Residents.

Jerry B, The Town is gaining this cost from the vendors to allow more people to attend the Market by enabling more parking.

Mr. Houck, I must have been informed wrong because I thought it was extra leased land from U.P. not land currently leased by the Town of Minturn.

Hawkeye: No, the cost of the current lease has increased over the years and now it's the added cost of doing business at the Minturn Market. Mr. Houck, do you want to advertise here at the Council Meeting exactly what your booth is and what you offer customers.

Mr. Houck, my wife's and my booth is called Forever Butterflies and we produce custom children clothing, children's jewelry and wood and metal work.

Floyd Duran 643 Boulder St.

On behalf of Minturn Cemetery. We are working on the easements and getting the information to the Town. We are also going to put a fence up this year.

Chris Duran.

I would like to have an indoor basketball center constructed in the Town of Minturn because my friends and I are tired of playing outside during the winter time.

Hawkeye; thanked him for attending the meeting, being a part of the community and invited him and his friends back for the next meeting on April 18<sup>th</sup> for the Ginn hearing stating they are looking to bring land into the Town of Minturn.

## **8. Discussion/action of Emergency Items, if necessary**

### STAFF REPORTS AND OTHER ITEMS

## **9. Reports/Correspondence/Announcements/New Business**

### a. Economic Development Director

Ashley K. reported to the Council that the added cost to the Market Vendors for parking has only been expressed by Vendors who are Minturn Residents. We are having a meeting/focus group for the Historical Committee/Preservation on April 12<sup>th</sup> with Oz Architect.

Shelley B. Thanked Ashley for the amazing job done on the Minturn Express News Letter.

Jerry B. How many applicants for the market thus far? Just over 100 at this point but we are not including the non-profits or corporate sponsors.

Jerry B. So we are on par with last year. I believe we are but it is hard to gage at this point. But, we will be able to fill the market with out a doubt.

### b. Public Works

Rod C. Report is in the packet, I have nothing to add but I am open for question.

Hawkeye: Have you gotten the information back regarding the Town land with barbed wire. Yes, but we have some new information regarding the new Water Tower.

Hawkeye: Have we taken care of the punch list and ventilation?

Rod C, yes and some few minor roof repairs. We will be having an inspector coming in soon.

Hawkeye: Now that you have a new computer and we have a new computer system are you having access to it?

Ann C, Public Works does not have access to the new system as of now. Not until we get copper in the ground we will be separate until then. He has internet access but not in our system.

Bill B, is the road out to Public Works going to stay the same for now or are we going to invest in something a little more permanent? Pending the Lafarge lease which is 5 years out.

### c. Police

Chief, my staff report is in the packet and we are currently taking this slow time as an opportunity to catch up from a busy winter. We got a new police truck and it is currently being outfitted. I would also like to have some staff attend a training session last about 4 hours in the Town Council Chambers on a Saturday in order to qualify for Federal Emergency Funding through the Federal Emergency Management Agency (FEMA). This would enable the Town of Minturn to obtain FEMA funding in case a National Disaster occurs. There are instructors willing to come and train us in the Town Council Chambers.

Hawkeye, if we need to get it done I say we pick a date and get it going.

Chief, I will get some information and present it at next meeting during my staff report and pick a date for the instructors to hold the training in the Town Council Chambers

Shelley B, what type police car? It's another truck

Ann C, we are handing over the Dodge Durango to Public Works (P.W.)

Hawkeye: One thing that has come up recently is a concern about people speeding on the S. end of HWY 24, if you can help us brainstorm how to address this situation.

Chief, if we are going to address speeding on HWY 24 we need to address through the entire stretch of HWY 24, not just the south end.

Hawkeye, when are we going to put the slow down signs out again?

Chief, I will sit down with Rod and figure out what we need to do to address the situation.

Rod C, the signs we put out last year got weathered and ran over, they might not be in shape to put out again this year.

Hawkeye, if you think it's worth replacing them lets do it, if not lets find an alternative.

d. Treasurer/Clerk

Jay informed everyone that the Town of Minturn just had an election yesterday and that he wanted to thank all the Judges for participating, Helen Gillespie, Bev and Elmer Christenson.

Hawkeye, how much do we pay them? \$125 for the day and we feed them well.

Hawkeye, good luck on your audit. How is it coming? Slowly but that's how audits work.

Hawkeye, I haven't seen a budget update lately. I don't do one for the first quarter.

e. Town Planner

Wiley S, my staff report is the packet, I have nothing to add but, I am open for questions.

Hawkeye, is this information in the packet for Mr. Prupis new or an update? An update

f. Town Attorney

Allen C, we have to amend a code in the Charter now the vote has passed.

The Rail Road information is hard to obtain and we are diligently working to obtain this for the Council's review review.

Hawkeye, we are also waiting for your list. I was in court all day and also had a computer crash so I wasn't able to get that information for the Council.

g. Town Manager

Ann C, my report is in the packet. A gentleman by the name of Todd Rainville donated money to the Wildlife Foundation on behalf of the Residents of Minturn and we would like to thank them.

George B, should we send a letter to Mr. Rainville thanking him for the donation to the Wildlife Foundation on behalf of the Residents of Minturn?

Motion by George B, second by Hawkeye, to send a letter to Mr. Rainville thanking him for his donation to the Wildlife foundation on behalf of the Residents of Minturn.

h. Town Council

Bill B, I have a defibrillator that is battery operated and I will be down in Denver on April 11<sup>th</sup> to get a new one surgically put in to make my tick better.

Shelley B, the Chapter 16 ADHOC Meeting is on April 24th at 5pm in the Town Center.

## DISCUSSION, HEARINGS AND ACTION ITEMS

### **10. Discussion/Action – Ordinance 8 – 2007 (Second 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**

Hawkeye introduced the Ordinance on its second reading.

George B, asked if the Ordinance has been changed at all since the first reading? Allen C, no.

Motion by George B, second by Shelley B, to approve Ordinance 8 – 2007 (Second 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. *(Note: Kelly Brinkerhoff and Tom Sullivan were excused absent.) All in favor, Hawkeye voted no.*

Hawkeye called for a 5 min recess @ 7:55pm  
Council reconvened @ 7:59pm

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

Chris C of the Town of Minturn Planning Department.

Chris C. is presenting a slideshow of people in violation of the Minturn Nuisance Ordinance. All the Council Member's houses were shown and discussed in front of the Council Meeting. Chris C. went out and took pictures of Council Member's houses to provide evidence to the Council of people in violation of the Minturn Nuisance Ordinance and the ones that are not. Chris C. I would like people in violation to meet with me so we can work out a plan and time to address these nuisance situations.

Hawkeye, wasn't Council's direction to staff to address each case as an individual scenario and decide as a time needs basis?

Shelley B, individuals will need time depending on their own situation. For instance our nuisance violation, the ground is frozen so we cannot begin to move our brick that are stored for building our driveway.

Jerry B, I would like a timeline to be set. I have been trying to get a timeline set for Nuisance violators for the past 3 years now. We need a date, something like June 1<sup>st</sup>.

Bill B. Are we going to take pictures of all houses in violation and send the pictures to the people in violation?

Chris C, I will send them a letter and pictures once the location has been identified and pictures have been taken.

Bill B, I think we need to hand deliver the letter and pictures. What about renters? Who do you give the letters and pictures to?

Ann C, we will be addressing the Nuisance Ordinance with Town Council Memebers in violation and then we will address it with the rest of the Minturn's Residents who are in violation. She then explained the punishment for violation.

Shelley B, it needs to be addressed but my Husband thought our violation was a stretch. Building materials are stored because they are going to be addressed. I don't want to get too nit picky with all the residents on the Nuisance Ordinance, we need to be flexible.

Hawkeye, I will meet up with you on my violation notice and comply with the law.

Chris C, I will then be pursuing Taylor Avenue after the we have addressed the Council Members in violation.

Hawkeye, would like to inform the Minturn Residents that the Council and Town Staff picked Taylor Avenue by flipping a coin.

Bill B. I want notification in the Vail Daily to notify the Town of Minturn we are trying to clean up Minturn. We need to advertise this.

Motion by Bill B, second by Hawkeye, to publicize this issue in the Vail Daily and other media outlets.

Ann C. We are having clean up day on May 19<sup>th</sup> and will coordinate with the clean up for nuisance complaints in case they would like to have some of their items in question hauled away for free.

**12. Discussion/Action - Rezoning of Forest Service (F.S.) Property (known as "Minturn F.S. Bone Yard") – Christensen/Smith**

Allen C, we have been dealing with this Rezoning of the F.S. property known as 'Minturn F.S. Bone Yard' for years now. Ann C. has been working with the Congressman's office on this matter. They are contemplating the sale of a large amount of land in Eagle County. We will consider rezoning this area once it is available. There are 14 properties in town and a public hearing will be held on this matter.

Hawkeye, I wasn't aware there were 14 areas, are they clumped together?

Allen C, Chris C. has a map in his office of the 14 parcels, the parcels are located all around the Town of Minturn's Town limits.

Ann C. I have received information from Tim Mauch, a congressional aid. A letter has been sent out urging the Forest Service to sale quickly. The possible first purchase agreement is pending on location of land. Town sites act, via petition. We are looking at every way to obtain this land.

**13. Discussion/Action –Community Planning Committees/Citizen Initiative Planning Committees - Capela**

Ashley K, there is a meeting tomorrow night in The Town Conference Room regarding the entries and exits for the HWY 24 corridor. There are 2 grants we can apply for to aid the renovation of the HWY 24 corridor. April 12 is the Historic Preservation meeting.

Shelley B, my concern is that there are Council and Commission Members jumping on these committees addressing issues that may create a conflict of interest. We are just jumping into committees that may not even need to be there. Citizen committees are great, but we need to limit the number of Council and Commission Members involvement.

FUTURE AGENDA ITEMS

**14a. Approval of Ground engineering contract to conduct an environmental impact assessment (E.I.A.) for the proposed Water Treatment Plant land.**

Motion by Hawkeye, second by Shelley B, to approve ground engineering contract to conduct an environmental impact assessment (E.I.S.) for the proposed Water Treatment Plant land.

**14b. Approval for the Town Manager’s contract to be written up by the Miller and Stiert Firm**

Motion by Hawkeye, second by George B, to have the Miller and Stiert Firm write the Town Manager’s Contract.

**14. Items to be added to future agendas / work session**

*(Note: Council will need to set dates for these items.)*

- Minturn Towne Homes Update – May 2, 2007
- Ginn Annexation Continuation of Public Hearing – April 18, 2007
- MMC Chapter 13 Municipal Utilities– May 2, 2007 Work Session-Capela
- Union Pacific Leases – Bellm Awaiting leases from UPRR – April 18<sup>th</sup> if we have the information.
- Work session to finish town manager’s goals of 2007- 4-18-07 @ 5:30pm
- Work Session for PW Road system – date Pending.
- Parking Ordinance and interpretation: Chris and Hawkeye

**15. Set Future Meeting Dates**

a) Council Meetings

- April 18
- May 2
- May 16

b) Planning & Zoning Commission Meetings

- April 11
- April 25
- May 9

c) Other

**16. Adjournment** Motion by Shelley B, and second by Bill B, to adjourn @ 8:29pm