Official Minutes

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

Wednesday, October 21, 2009

Work Session – 5:30 PM
Regular Session – 7:00 PM

MAYOR – Gordon "Hawkeye" Flaherty
MAYOR PRO TEM – George Brodin
Town Administrator – Jim White
TOWN CLERK/TREAS – Jay Brunvand

COUNCIL MEMBERS:
Shelley Bellm
Lorraine Haslee
Jerry Bumgarner
Aggie Martinez
Matt Scherr

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

- Joint Meeting with Planning & Zoning – Villarreal (45min)
- Discussion with ERFPD Carol Mulson regarding open burning – White (30min)

Regular Session – 7:00 PM

1. Call to Order

a. Roll Call
b. Pledge of Allegiance

Mayor Hawkeye Flaherty called the meeting to order at 7:05p.m.

Those present included Mayor Hawkeye Flaherty, Mayor Pro Tem George Brodin, Lorraine Haslee, Shelley Bellm, Jerry Bumgarner, Matt Scherr and Aggie Martinez.

Staff present was Town Administrator Jim White, Town Treasurer/Clerk Town Jay Brunvand, Town Planner Victor Villarreal, Police Chief Lorenzo Martinez and Attorney Allen Christensen

STANDING ITEMS

2. Approval of Agenda

a. Items to be Pulled or Added
- Add 11a Discussion to direct Staff on Illegal Accessory Units
- Add 11b Executive Session to discuss personnel policies

Motion by Lorraine H., second by George B., to approve the agenda as presented; all voted in favor.

3. Approval of Minutes and Action Report

- October 7, 2009 Regular Council Meeting
- October 12, 2009 Special Work Session and Executive Session
- Action Item Report

Motion by George_ B., second by Shelley B., to approve the Minutes of the October 7, 2009 Regular Council Meeting as presented; all voted in favor.

Motion by Shelley B., second by Aggie M., to approve the Minutes of the October 12, 2009 Special Work Session and Executive Session Meeting as presented; all voted in favor.

Action item report:
Jim W. stated the appraisal on the USFS land will be pushed back due to personal events of the Appraiser. This will add approximately 2-3weeks or late November/early December.

5. Public comments on items, which are NOT on the agenda (5 minute time limit per person).

6. Special Presentations/Citizen Recognition

7. Town Administrator's Report (10min)

Jim W. stated he is continuing to meet with the Battle Mountain group and his next meeting is October 27, 2009.

The ECO Bike path at the north end of Town is moving along well. Currently they are constructing the retaining wall portion. The project is scheduled to complete the first week of November.

Snow plow and parking plans have been developed by staff similar to last years plan. Staff has worked hard on these programs, this should be shown over the winter through implementation. The plan was mailed out over the weekend to all box holders in Minturn. Citizens have been calling but all has been generally well received.

Lorenzo noted the plans will be in the newspaper, on the Town website and available at The Town Hall.

Jim W. outlined the events of the recent water line break. This break was inches from the break several weeks ago in the railroad property. During the repair 16ft of pipe was replaced. The repair took two days to complete involving the north end of town including Taylor Street and the Turntable Restaurant. The Town has received several letters and many phone calls. During the outage Town Staff contacted the Fire District, sent out a reverse 911, an EC Alert text, and had water available at the Town Center. Several reports were received that the citizens affected did not receive the notices; this is being followed up on so as not to repeat the concern if this unfortunate event should occur again.

Jim W. noted a meeting this morning with our investment banker, Alan Matlosz attended by both Jim W. and Jay B. Mr. Matlosz outlined his proposal to refinance the existing debt carried on the Town Center. The refinance would run for the remaining 10 year term of the bonds and would save the Town over $186,000. Jim W. noted much of this savings would be realized in the first few years of the program. This project will culminate in early 2010.

8. Town Council Comments (5min)

Matt S. reminded all of the November election and urged all to vote for Issue 1A and gave a short outline of the proposed issue. It was noted the School District also has candidates on the ballot for the School Board.

Hawkeye wished all a happy Halloween and reminded all that Minturn celebrates on the 30th. Large crowds can be expected and urged all to be careful of the kids and traffic. The evening starts about dusk and runs until about 9pm.

PUBLIC HEARINGS AND ACTION ITEMS

9. <u>Discussion/Action</u> – Eagle County School District Superintendent Sandra Smyser discussion regarding the, future of the Old Battle Mtn High School Site – White (30min)

Hawkeye introduced the item and referred to Jim W. for details and to introduce the District representatives. Dr. Sandra Smyser, Superintendent, Mr. Phil Ornophino, CFO, Mr. Mike Gass, Executive Director of Secondary Education, and School Board Vice President Connie Kincade-Strahan were in attendance.

Dr. Smyser, introduced the attendees and outlined some of the information she had brought. She noted the Board understands the concerns of the boards decision to close Minturn Middle School (MMS) and noted Red Sandstone would remain open as a traditional K-5 elementary and a new K-8 would be open in Eagle Vail utilizing the existing Old Battle Mtn High School site (BMHS). It is possible that the MMS campus would be utilized as the Elite Ski Academy. Dr. Smyser expressed how difficult of a decision the school closing and consolidation was and that the work and the decision was made over many months with lots of data reviewed. The decision was based on the current enrollment, future trends and other population factors.

Mr. Mike Gass, Executive Director of Secondary Education, spoke of the program and schedule development. At the next District Board meeting the District will be looking at remodel costs of the BMHS campus to accommodate these changes. A teacher training Lab School could also be a consideration.

The timing of the consolidation would be centered around the remodel. It was noted that a remodel would require a successful bond issue. The time line is not imminent and is estimated at several (3) years out.

Would the Ski Academy stay at MMS; unknown at this time.

Ms. Kincade-Strahan stated the cost savings realized with the consolidation is a huge factor but the Board is ultimately looking at the best program for the kids. Dr. Smyser stated the Board is looking at costs and outlined the ownership of the three parcels that make up the BMHS campus.

Ms. Jenny Strehler, Avon, asked what other alternatives are being considered; this is the only alternative being considered.

Daisy Baca, Taylor St, asked how will it change the Special Education program for kids that are going into middle school; similar to the current method just a different school.

Ms. Jenny Straller, Avon, submitted a written alternative concept to the Superintendent and outlined the concept for School representatives.

Ms. Baca, stated the alternative idea presented was a good idea (to put all the elementary schools in question under one roof and keeping the age groups segregated from elementary to Middle School).

Lorraine H. asked why BMHS was chosen and not the MMS stating this is the best land for expeditionary learning programs. If remodel costs are prohibitive then the MMS should be used. The importance to the community is important.

Shelley B. agreed with Lorraine H. on the site of MMS for the expeditionary learning. The last bond was a struggle, another bond to remodel a HS is going to be even more of a struggle. If it fails we well be sitting for another 3 years waiting for the District to figure it out. Shelley agreed this is an emotional issue for those who went to MMS. Shelley feels redistricting Avon back into

the MMS. Currently her daughter travels through Dowd to Vail twice a day just to get to the high school.

Hawkeye asked about the number of public meetings, will there be more; this is the third meeting in two weeks and no more are scheduled. The issue of meetings is timing, with the November election in a couple of weeks the last meeting of the current Board is next week and the Board wants to have this decision made prior to that election and the new Members being sworn in.

Discussion ensued as to the concerns of a child going k-5 to k-8 and then putting them in a HS; this is one of the programmatic issues.

George B. asked about the district buying the land from the State Land Board for the old BMHS when they already own the land at MMS; no answer.

Hawkeye asked how much of the growth at RSS is a result of kids in Minturn; the number of students from down valley is growing but at RSS not MMS. What will happen if the growth trends change and MMS is needed in the future; the numbers will never support this.

Hawkeye asked of the class size and teacher interaction at MMS, how will a bigger school be better; the program advantages come with the economies of scale. The class room teacher ratio would stay relatively the same.

Comments from the citizens were discussed to include the use of specials vs. the need of Special Education; the cost breakdown of the BMHS; and it was stated that many teachers did not attend the meeting(s) as it is felt the decision has already been made.

Jim W. stated the closing of a school and the redistricting are two very difficult decisions of any School District. He encouraged the need of the District to be forthright with the information.

Hawkeye closed by saying he would hate to see that school closed. Financially it might be a good idea but the kids are most important. He stated to allow the current Board to make the decision might not be the right decision either, rather than let the newly elected represent.

At this point Hawkeye called a 5min recess.

10. <u>Discussion/Action</u> – 2010 Budget: First Public Hearing and Council Comments – Brunvand (30min)

Hawkeye Introduced the agenda item and opened the Public Hearing.

Jay B. outlined what direction the Council has given to date over the past several meetings.

Jerry B. asked of where the principal is covered; the debt service and interest is covered in the specific funds attributed to the debt.

Matt S. asked about the recent water line break. His concern was that by not raising water rates protects citizens economically now but the Town will be hurting them later perhaps worse if we don't take care of the water issues now by raising the rates.

Aggie M. asked about a specific business that might not be in compliance with State health regulations, Jim W. is looking into it and will report back. Aggie M. asked if the Town might need to install a water valve above (north) of the recent water break in order to isolate future problems in this area without the inconvenience of other users in the area. Discussion ensued on this idea. The line has broken several times; twice this summer alone.

Shelley B. stated we have restricted water funds available to initiate repairs meaning we may not have to raise rates this year. Matt S. stated if we are not raising rates to the tune of a dollar or two a month, or a couple of percentage points, we might be raising the rates more significantly in future years. Aggie M. stated the water line is ductile iron and should be PVC otherwise the dirt will continue to eat the pipe. By having the water valve installed we could then shut that line off without affecting the restaurants and neighbors.

Jim W. stated the water rates charged should compensate for the needs faced.. Jim W. feels it is a an important struggle to determine what your needs are. You have long term needs and some money in reserve. That money is eclipsed by the amount of work that needs to be done on the infrastructure. In an emergency we would need to increase the water rates significantly rather than slowly and methodically over the years. If you defer maintenance you only pay more later. Rod C. has impressed the need to start on the infrastructure needs.

Hawkeye polled the Council regarding reconsidering a rate increase on the water fees. Aggie M. said he would rather do a little now than 10% later. Shelley B., Lorraine H., Jerry B., George B. and Hawkeye said it is not desirable at this time as everybody is struggling. Hawkeye stated for the public that the Council has directed not to increase the water rates in 2010 at this time. Rates were not increased in 2009 either and the Town was even able to increase the fund balance. He stated we have a $700k capital reserve in the bank however, $2mm in needed repairs.

Hawkeye also stated the Council and Staff has considered a mill levy credit; this would not be extended as the budget is tight. The mill levy is reviewed and set annually as part of the budget process. Although it has not been reduced it has been reviewed. He appreciates the citizen concern on this issue but it is for the best. Matt S. concurred by stated it would save only about a few dollars per homeowner; however, the impact to the town is huge.

Mr. Frank Lorenti, 1081 Main St, asked for clarification on the water discussion; lower the monthly allowance of residential water from 15,000 to 10,000. Mr. Lorenti asked if in the future Ginn pays for something we have already paid for would we get a refund; perhaps. He questioned the mill levy and stated it should be lowered one mill, it does make sense to him. Questioned the Eco bike trail extension and no in town upgrades.

Hearing no other comments, Hawkeye closed the Public hearing.

Shelley B. asked about the when the next mill levy assessment is; 2011 (every odd year).

Jerry B. noted the comment was made by Mr. Lorenti that the Town would be getting 35% more in property taxes because that is what Mr. Lorenti said the growth was in Town; in fact we are getting 19% more.

Hawkeye stated for the record a second Public Hearing will be held during the November 4, 2009 Council meeting.

11. Discussion/Action – Ordinance 7 – Series 2009 (Second Reading) An Ordinance amending Chapter 7 of the Minturn Municipal Code by the addition of new Sections 7-9-290 through 7-9-310 as it pertains to animal control in the Town of Minturn – Martinez/Christensen (10min)

Introduced by Hawkeye; no changes since First Reading.

Motion by Lorraine H., second by Jerry B., to approve Ordinance 7 – Series 2009 (Second Reading) An Ordinance amending Chapter 7 of the Minturn Municipal Code by the addition of new Sections 7-9-290 through 7-9-310 as it pertains to animal control in the Town of Minturn as presented; all voted in favor.

11a. Discussion - Direction from Council regarding Illegal Accessory Units

Jim W. stated we have had circumstances in Town where some people are living in dwellings that were not legally constructed or have more than 4 unrelated adults living in the unit; Illegal Accessory units. Jim W. stated this should be a town wide enforcement not a case by case. Does the Council want Staff to create a procedure and then act to enforce on the Illegal Accessory Unit? This will take staff time and cost. Currently this might be a Planning summary and then a Police enforcement.

- Matt S. stated he felt this was a Worksession item for November 4th meeting; Council agreed. Discussion ensued on how to do the enforcement legally and how it might be done in other municipalities.

EXECUTIVE SESSION

11b. Executive Session – For the purpose of discussing Personnel Policy

Hawkeye stated an Executive Session is only allowed regarding policy not to discuss an individual unless that individual is present or the discussion is held in public. Allen C. conferred by reading the statute to Council and advised that the statute does not allow them to go into Executive Session if the employee who is subject of the session has requested an open meeting, or if the personnel matter involved more than one employee, all of the employees have requested an open meeting. The statute allows Council to go into Executive Session to discuss personnel

policies that do not require the discussion of matters personal to particular employees. Shelley B. clarified the Executive Session was to discuss personnel policies, not an individual or particular employees.

Motion by Matt S, second by Shelley B. to convene in Executive Session pursuant to CRS 24-6-402(4)(f) for the purpose of discussing personnel matters as they relate to general policy; all voted in favor.

Council emerged from Executive Session at 10:10pm. No direction was given as a result of the Executive Session.

Further discussion ensued as related to the November 4, 2009 Worksession item regarding Illegal Accessory Units. To be presented by staff for the purpose of discussion are the following:

- Determine the scope of the issue, develop an administrative plan and develop alternative proposals for Council to consider and discuss.
- Encourage Staff to be more responsive to citizen complaints in the future.
- Jim W. to review the retention policy of recorded meetings and further to ensure all records are kept in accordance with the adopted State of Colorado Model Record Retention Schedule

FUTURE AGENDA ITEMS

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

Next Meeting

- Joint Worksession with Planning & Zoning – November 4, 2009
- GID Budget hearing – November 4, 2009
- 2010 Budget: Second Public Hearing and Council comments including review of outside funding requests – November 4, 2009
- Consideration of three Ordinances regarding 2009 Supplemental Appropriation, 2010 Budget Approval and 2010 Mill Levy Certification on First Reading – November 4, 2009

Future meetings

- Consideration of three Ordinances regarding 2009 Supplemental Appropriation, Budget Approval and Mill Levy Certification on Second Reading – December 2, 2009
- Consideration of Resolution setting Town Fees – December 2, 2009
- Use tax discussion – Work Session – December 2, 2009
- Sidewalk discussion – Work Session – December 2, 2009

13. Set Future Meeting Dates

a) Council Meetings

- November 4, 2009 (P&Z to attend Public Hearing)
- November 18, 2009
- December 2, 2009

b) Planning & Zoning Commission Meetings

- October 28, 2009 CANCELLED
- November 4, 2009 Joint Council/P&Z Community Plan Public Hearing
- November 11, 2009 CANCELLED (Veteran's Day)
- November 18, 2009 Joint Council/P&Z Community Plan Public Hearing
- December 9, 2009

c) Other

- Minturn Halloween – October 30, 2009

14. Adjournment

In that there was no further business before the Council the meeting stood adjourned at 10:15.

Hawkeye Flaherty

Mayor, Hawkeye Flaherty

ATTEST:

Town Clerk, Jay Brunvand

TOWN OF MINTURN, COLORADO
SEAL
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