



Minutes

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

Wednesday February 3, 2010

Work Session – 5:00 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 – 5:00 PM

- Discussion regarding the transportation meeting issues – White/Scherr
- Minturn Building Official contract review and direction – White

Regular Session – 5:30 PM

1. Call to Order

- a. Roll Call
- b. Pledge of Allegiance

Mayor Hawkeye Flaherty called the meeting to order at 5:34 p.m.

Those present included: Mayor Hawkeye Flaherty, Mayor Pro Tem George Brodin, Lorraine Haslee, Jerry Bumgarner, Matt Scherr, and Shelley Bellm. *(Note: Aggie Martinez was absent, excused)*

EXECUTIVE SESSION

2. Executive Session – An Executive Session to be convened pursuant to CRS Section 24-6-402(f)(b) to consult with Town Attorneys for the purpose of receiving legal advice and to provide instructions to negotiators concerning pending water court litigation.

Motion by Matt S., second by Shelley B., to convene into Executive Session at 5:37 p.m. pursuant to CRS Section 24-6-402(f)(b) to consult with Town Attorneys for the purpose of receiving legal advice and to provide instructions to negotiators concerning pending water court litigation; All voted in favor. *(Note: Aggie Martinez was absent, excused)*

3. Update and Direction from Council as a result of the Executive Session – Mayor

Council convened into regular session at 7:09 p.m. Mayor Hawkeye F. gave a brief explanation of the Executive Session. Further, the Council would be holding a second Executive Session at the end of the meeting and that direction was given to the negotiators to proceed as discussed.

STANDING ITEMS

4. Approval of Agenda

a. Items to be Pulled or Added

- Jim W. requested the GID Audit Exemption Review be formally placed on the February 17, 2010 agenda, as it was originally placed on the February 3, 2010 agenda at the November 4, 2009 meeting.

Motion by Jerry B., second by Shelley B., to approve the agenda as amended; all voted in favor. *(Note: Aggie Martinez was absent, excused)*

5. Approval of Minutes and Action Report

- January 20, 2010 Regular Council Meeting
- Action Item Report
- Public Works Action Report

Shelley B. requested the following adjustments be made to the January 20, 2010 minutes

- Regarding Planning & Zoning decisions; referencing the Town Council Comments section: it is requested that all action items and results be brought to the attention of Council for review. It is preferable to have this information to Council by the Friday before the next Council meeting. An initial request was made to have this information in the Council packets, but due to potential time constraints, an email with the same information will be accepted.
- Regarding the GreenBelt Initiative discussion, Shelley B. has heard comments from Council Members of other municipalities that over their dead bodies do they want a train running through their community.
- From the conversation with Chuck L. Shelley B. would like it noted that Chuck L. has the ability to say “no” if something is not up to code.
- The bullet point where Chuck L. requested guidance, Shelley B. requested that people be allowed to give complaints without the fear of any repercussions.
- Shelley B would like to see the sentence changed that she supports our businesses 100% however; we should have some type of nonprofit set up to help our citizens.
- Direction given to listen to the tape and verify accuracy of the changes requested.
- Shelley B. asked for an update with the school board. Jim W. gave a brief description of where the discussions are currently and how things are moving forward.
- Shelley B. and Jerry B. will be on a committee for the school board. Jim W. asked for the best time to meet. Both Jerry and Shelley recommended weekday afternoons.
- Shelley B. requests that for the dark sky lighting it also be considered that exterior construction lighting be brought to discussion as well.
- Jim W. recommended amending the 20 day “call up” period to 30 days.
- Mayor Hawkeye F. made note that anyone on Council has the ability to “call up” items from the P&Z meetings and can then bring the topic to Council.
- Shelley B., discussed the regulation that no Council members have the ability to bring up something to Council on their own.
- Matt S. recommended finding a way of dealing with this within the proper time frame.
- Direction is given to staff to set a timeline for being able to provide these minutes in a timely manner and still have all necessary documents.
- Lorraine H., said that email is faster.
- Jim W. said Monday after the P&Z via email to the Council should be very possible.
- If there are no action items then just a quick email that gives a message to that effect will be sufficient.
- This communication of the Planning and Zoning action items is on a trial basis and the procedure will be reviewed and adjusted as necessary.

Motion by George B., second by Shelley B., to table the Minutes of January 20, 2010 to February 17, 2010; all voted in favor. *(Note: Aggie Martinez was absent, excused)*

6. Liquor License

- Chili Willy's Restaurant Liquor License Annual Renewal; 101 Main St., Al Brown Owner/Manager

The agenda item was introduced by Hawkeye and referred to Jay B. for presentation. Jay B. stated Chili Willy's Restaurant was up for annual liquor license renewal. The license has been reviewed by Staff and is recommended for approval. Further Al Brown was present if Council had questions.

Motion by Lorraine H., second by Jerry B., to approve the Chili Willy's Restaurant Liquor License Annual Renewal; 101 Main St., Al Brown Owner/Manager as presented; all voted in favor. *(Note: Aggie Martinez was absent, excused)*

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

- Channel 5 update

JK Perry, 331 Metcalf Rd, Avon, CO gave an update of the services Channel 5 provides. Their funding is largely provided through contract agreements. They are overseen by a board of seven community volunteers and Jerry B. is the representative for Minturn. Channel 5 is providing trainings including orientations and two workshops. An orientation must be completed before a workshop. Once a workshop is completed the person has the ability to "check out" equipment and then create a training show of their own to broadcast. This new program was launched at the beginning of January. Matt S. has gone through this process. The website can be referenced to watch council meetings on demand at no cost. Website is: www.publicaccess5.org. Matt S. stated that the possibilities this service provides will be a great benefit. Jerry B., said that Channel 5 has come a long way in the last year and is a great asset to the community. Mayor Hawkeye F. stated that Mr. Swanson has been doing a great job and a raise should be considered.

8. Special Presentations/Citizen Recognition

9. Town Administrator's Report

- Town Hall restoration is wrapping up
- The Eagle River Mine spills and notification issued its final report; however, Minturn will continue to stay in touch will all involved so as to keep open lines of communication
- Battle Mountain, we have received final approval of the Boneyard location. Jim W. has been in touch with Mr. Dave Kleinkopf and we continue to work to secure that property

- Eagle River Fire District update was included in the Council packets.
- Transportation committee is still looking for options other than ECO Transit. Now working with Kevin Foley of the Vail Town Council, local business representation, Matt S., Chris C., and Jim W were all in attendance at the last transit meeting.
- NWCCOG technical assistance grant was awarded to the Town of Minturn in the amount of \$5,000.00 for a water telemetry system.

10. Town Council Comments

- Shelley B. received some comments from other grant requestors who attended the NWCCOG that had great praise for Jim W. and wanted to note it for the meeting.
- Jay B. gave an update on the upcoming election and encourages anyone who is interested to run. He stated it is great fun and you'll make lots of friends. Matt S. noted that compensation amounts noted in the document needed correcting and may need a clearer verbiage for everyone to understand. Matt S. encouraged folks to get involved, and would like to see a nice turnout. Shelley B. stated that this is a great way to be an advocate for change.
- Allen C. reminded that Town Council can not change the pay while in office.
- Matt S. stated that the minutes of the meetings are clear and complete.

PUBLIC HEARINGS AND ACTION ITEMS

11. Discussion/Action – Resolution 3 - 2010 a Resolution designating or appointing the Minturn Town Clerk as the designated election official of the Town of Minturn – Brunvand

Motion by Shelley B., second by Lorraine H., to approve Resolution 3 - 2010 a Resolution designating or appointing the Minturn Town Clerk as the designated election official of the Town of Minturn as presented; all voted in favor. (*Note: Aggie Martinez was absent, excused*)

12. Discussion/Action – Resolution 4 - 2010 a Resolution of support for the Greenport Sustainability Project – White

Motion by George B., second by Shelley B., to approve Resolution 4 - 2010 a Resolution of support for the Greenport Sustainability Project as presented; all voted in favor. (*Note: Aggie Martinez was absent, excused*)

12.a Discussion/Action – Discussion and consideration by the Minturn General Improvement District Board to continue the GID audit exemption consideration to February 17, 2010

Motion by Lorraine H, second by George B., to motion to continue the GID audit exemption consideration to February 17, 2010 as presented; all voted in favor. (*Note: Aggie Martinez was absent, excused*)

EXECUTIVE SESSION

13. Executive Session: Pursuant to CRS Section 24-6-402(4)(f) to discuss personnel matters and pending legal proceedings for a former employee and pursuant to 24-6-402(4)(b) to discuss specific legal questions relating to recent court decisions as to how they apply to Minturn Municipal Code concerning Business Licenses

Motion by Shelley B., second by George B., to convene into Executive Session Pursuant to CRS Section 24-6-402(4)(f) to discuss personnel matters and pending legal proceedings for a former employee and pursuant to 24-6-402(4)(b) to discuss specific legal questions relating to recent court decisions as to how they apply to Minturn Municipal Code concerning Business Licenses; all voted in favor. (*Note: Aggie Martinez was absent, excused*)

14. Update and Direction from Council as a result of the Executive Session – Mayor

No direction was given.

FUTURE AGENDA ITEMS

Next Meeting

- GID Audit Exemption Review – White – February 17, 2010

Future meetings

- Use tax discussion – Brunvand/White (15 min) May 5, 2010
- Sidewalk discussion – Brunvand/White

15. Set future meeting dates

a) Council Meetings

- February 17, 2010
- March 3, 2010
- March 17, 2010

b) Planning & Zoning Commission Meetings

- February 10, 2010

- February 24, 2010
- March 10, 2010

c) Other

16. Adjournment

Hawkeye Flaherty
Mayor Hawkeye Flaherty

ATTEST:

Jay Brunvand
Town Clerk, Jay Brunvand

