



Official Minutes

MEETING OF THE MINTURN TOWN COUNCIL

**Minturn Town Center, 302 Pine Street
Minturn, CO 81645 • (970) 827-5645**

Wednesday August 21, 2013

**Work Session – 5:00pm
Regular Session – 6:30pm**

**MAYOR – Gordon “Hawkeye” Flaherty
MAYOR PRO TEM – George Brodin**

**TOWN MANAGER – Jim White
TOWN CLERK/TREAS – Jay Brunvand**

COUNCIL MEMBERS:

Shelley Bellm
Earle Bidez
Aggie Martinez
John Rosenfeld

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 – 2:00 pm, Monday through Friday, by contacting the Town Clerk at 970/827-5645 302 Pine St. Minturn, CO 81645

Work Session – 5:00pm

- Update on Eagle Street Construction – White
 - Jim W. stated the project is moving forward and introduced Steve Humann, TST
 - Mr. Steve Humann, TST Inc, updated:
 - The Toledo storm sewer is in and the north end of Eagle should be done next week. Paving should start next week.
 - Scheduled completion is end of next week or the following week
 - Have found several previously unknown water services including one that was inside the old storm sewer.
 - Currently the project is running about a week behind schedule.
 - Extended Eagle St about 150 feet south. The price for the additional portion is about \$30k increase to the budget.
 - TST's increased cost is approximately \$11k
 - The total increase above the original \$280k is approximately \$50k. If not including the extended street work, the project is only about 6% over cost.
 - Replaced a sewer line that was not abandoned.
 - Several residences have requested paving of their adjacent driveways.

- The fire hydrant located at Main and Eagle could be relocated onto Eagle St at a cost of approximately \$22k; request for Council to give direction. Direction was to secure additional bids and proceed up to \$6k; otherwise place new bollards around the existing fire hydrant.
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 - Once the project is completed we will be provided as-built plans for future reference.
 - Hawkeye recommended we stub out the water and sewer so that we could do a public restroom in the future. We should make some of these changes now to avoid not having to tear up the pavement later.
 - Direction was given to pave to the property lines of the existing driveways if the road was moved east of the existing road path and allow the owners to pave any additional area between the property line and the driveway.
- - Discussion and update from Eagle Co Animal Control regarding animal control services in Town.
 - New Director for Eagle Co Animal Control,, Mr. Rich Molinari was present to answer questions.
 - Animal control will see if they can do more of a flex schedule in order to get someone in a little earlier and a little later.
 - Animal Control does have a citizen complaint form on the website. This is on the ECO website and request was made to add a link to the Minturn website.
 - Review of Ordinance 06 – Series 2013 (First Reading) an Ordinance of the Town of Minturn, amending Chapter 7 of the Minturn Municipal Code by the creation of a new section as it pertains to graffiti – White/Christensen
 - Review of Ordinance 07 – Series 2013 (First Reading) an Ordinance of the Town of Minturn, amending Chapter 10 of the Minturn Municipal Code by the repeal and re-enactment of Section10-6-70 as it pertains to theft – White/Christensen
 - Review of Ordinance 08 – Series 2013 (First Reading) an Ordinance of the Town of Minturn, amending Chapter 7 of the Minturn Municipal Code to reconcile the Minturn Municipal Code with Section 16 of Article XVIII of the Colorado Constitution (Amendment 64) – White/Christensen

Regular Session – 6:30 pm

- 1. Call to Order**
 - a. Roll Call

The regular meeting was called to order by Mayor Hawkeye Flaherty at 6:31 pm.

Those present included: Mayor Hawkeye Flaherty, Town Council members George Brodin, Earle Bidez, John Rosenfeld, Shelley Bellm and Aggie Martinez.

Staff present: Town Manager Jim White, Town Attorney Allen Christensen, Town Planner Chris Cerimele, and Town Treasurer/Town Clerk Jay Brunvand.

b. Pledge of Allegiance

2. Approval of Agenda

a. Items to be Pulled or Added

- i. Request to add a short recess at the end of Special Presentations for cake in celebration of Chris Cerimele's service as Town Planner.

Motion by Shelley B., second by George B., to approve the agenda as amended. Motion passed 6-0.

3. Approval of Minutes and Action Report

- August 7, 2013

Jim W. noted there was a question in the minutes if a formal appointment by the Council had been made to place George B. to the Scholarship Committee. This was not the case and the citing will be corrected in the minutes. This item will be added to the September 4, 2013 Town Council agenda for discussion.

Motion by John R., second by George B., to approve the minutes of August 7, 2013 as amended. Motion passed (6-0).

- Action Item Report

Jim W. updated the Town Council on recent changes and progress

Town Council question ensued: Hawkeye noted the overlay of Hwy 24 is a CDOT project NOT a Town of Minturn project. He noted that the curb in the area is not being addressed and it must be addressed as they do this job. Hawkeye stated this is there Hwy but our citizens live on it. Jim W. stated he had not received notice in advance of the project and he is working to set a meeting with our local CDOT representative. Hawkeye stated that by the time that meeting occurs the project will be completed; ; he would like to be at the future meeting. John R. stated they are done paving so they may have to come back out.

Hawkeye asked regarding the leasing of the parking lot at the north end of Taylor St. Jim W. stated he has contacted our representative at UPRR. He was told to submit the Town's concerns in writing and it appears this might be more drawn out than was first assumed. Jim W. stated we will get a quote on the cost to have the area paved.

Earle B. asked about the bike path; Jim W. stated this had been directed to a new representative with the UPRR and there has been no reply from the UPRR – to report at this time. He noted there are several options to align a path. Earle B. stated that we should only encourage the option along the river, no other site is reasonable.

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

5. Special Presentations

Hawkeye stated we have an opening on Council and the Town is soliciting Letters of Interest. Any interested person is encouraged to send the Town Clerk a Letter of Interest.

Hawkeye stated the Town will be stepping up our enforcement on animal control and animals running at large. The Council will be considering possible ordinances to complement the existing laws regarding pets. Hawkeye stated there are citizen complaint forms and a link to them will be on the website or a complaint can be made to the Minturn Police Department.

Hawkeye stated farewell to Town Planner Chris Cerimele. Chris C. has been a member of the staff for seven years and his last day will be August 30, 2013. It was noted how much Chris C. does in the community.

Chris C. stated he was happy working for the Town and overall his time here was positive.

At this time the meeting stood at recess for celebratory cake.

PUBLIC HEARINGS AND DISCUSSION/ACTION ITEMS

6. Discussion/Action Item: Council to discuss and give direction on the potential need for a more strict animal control or leash law – White/Cerimele

Earle B. stated we have had several issues around town with animal control and animals at large. Council is considering a stricter leash law and Rich Molinari, new Director of Eagle Co Animal Control was at the work session to discuss ways they can help. The Town will be working to curb this issue.

George B. stated he was happy with the first steps.

7. Discussion/Action Item: Ordinance 06 – Series 2013 (First Reading) an Ordinance of the Town of Minturn, amending Chapter 7 of the Minturn Municipal Code by the creation of a new section as it pertains to graffiti – White/Christensen

Allen C. stated this Ordinance is at the request of Chief Lamb to enforce problems involving graffiti. This is something we should enforce in our town and not in the County Court in Eagle. Allen C. stated that once the owner is notified of the graffiti the owner is given a time frame to clean the graffiti. Allen C. stated if a person is caught tagging they will be dealt with as a criminal mischief, this ordinance would help to ensure the graffiti is then subsequently removed.

Shelley B. stated she would like to see a caveat whereby if a property owner is working on abatement that the property owner is allowed to do that without the police issuing a summons.

Concern was expressed that this would be enforcement against the victim not the perpetrator. Allen C. explained this is for ongoing, repeated noticed issues.

Council wanted Chief Lamb to be present in order to address Council questions.

Motion by George B., second by Shelley B., to table Ordinance 06 – Series 2013 (First Reading) an Ordinance of the Town of Minturn, amending Chapter 7 of the Minturn Municipal Code by the creation of a new section as it pertains to graffiti to the September 4th meeting. Motion passed 6-0.

8. Discussion/Action Item: Ordinance 07 – Series 2013 (First Reading) an Ordinance of the Town of Minturn, amending Chapter 10 of the Minturn Municipal Code by the repeal and re-enactment of Section 10-6-70 as it pertains to theft – White/Christensen

Allen C. stated Section D is a new addition requested by the Town Prosecutor. This will allow some immunity to a shopkeeper when under reasonable circumstances a person is detained until police are present.

Discussion ensued as to how much latitude is given a shopkeeper. Allen C. stated it is based on reasonable cause. In the event a person acts unreasonably then the immunity would not be extended by the courts.

Mr. Darrel Wegert, 1716 Main St, stated, as a shopkeeper, he has had issues where a suspected shoplifter sued for detriment of character, using this type of law, he as the shopkeeper was found innocent and the cases were dismissed. This law is to protect the shopkeeper and does not deny an accused due process.

Motion by Shelley B., second by John R., to approve Ordinance 07 – Series 2013 (First Reading) an Ordinance of the Town of Minturn, amending Chapter 10 of the Minturn Municipal Code by the repeal and re-enactment of Section 10-6-70 as it pertains to theft, as presented. Motion passed 5-1, Hawkeye nay.

9. Discussion/Action Item: Ordinance 08 – Series 2013 (First Reading) an Ordinance of the Town of Minturn, amending Chapter 7 of the Minturn Municipal Code to reconcile the Minturn Municipal Code with Section 16 of Article XVIII of the Colorado Constitution (Amendment 64) – White/Christensen

Allen C. stated our current law is in conflict with the new state law voted by the citizens. Further, this cleans up some of the conflicts that exist in our own laws.

Motion by Shelley B., second by Earle B., to approve Ordinance 08 – Series 2013 (First Reading) an Ordinance of the Town of Minturn, amending Chapter 7 of the Minturn Municipal

Code to reconcile the Minturn Municipal Code with Section 16 of Article XVIII of the Colorado Constitution (Amendment 64), as presented. Motion passed 6-0.

10. Discussion/Action Item: Update and discussion as relates to the Minturn Fitness Center – White

Hawkeye announced the ground breaking had been completed on August 19, 2013 and the project is off and running.

Jim W. reviewed the process to date. About 80-100 citizens attended the ground breaking to commence the process. John R., president and John Cole, vice-president, are on the Minturn Fitness Center Executive Committee and overseeing the construction project

John R. identified the collaborative efforts of all involved and stated that it has been a very smooth process to date.

Earle B. stated John Cole has ensured the citizens that the Center will be a very strong asset for the community and the school.

Shelley B. noted this project is not just for elite skiers, but will be available for all athletes. She hoped that the term World Class Athlete would be expanded to ensure participation and opportunities for all athletes. It is important that programs be available during the winter but also when school is not in session. This would be a potential for growth and participation.

OTHER MATTERS

11. Planning Department Update

Chris C. updated the council on the number of building permits. He stated there are several applicants under consideration for Town Planner.

Shelley B. inquired on the dumpster at 64 Harrison. She stated it is very constrictive for traffic. She stated the reinstallation to repair the street cuts for 376 Pine St and on Boulder St were not to standard. Chris C. concurred, and further stated this is temporary and will be completed as the project progresses. Chris C. stated the dumpster is not for the new house, rather it is an interior remodel located next door at 64 Harrison Ave.

12. Town Manager's Report

Eagle Street Project

Steve Humann, TST Engineering is monitoring this project for the Town. He will be here on Wednesday August 21st to provide a more complete update on the project and associated costs. He was last in Minturn on Friday, August 16, 2013 to meet with Public Works, the construction foreman, and others on site. We also discussed the Master meter and the Isolation Valve Projects, both of which are part of this year's DOLA grant are will be completed this fall.

George B. stated it seems to be the standard procedure that we sign a low contract and accept change orders to the contract. He stated he was tired of being bled and just because that is the way it has been done is not the way it should be done. A contract should be final.

Shelley B. stated this project is not going well. The project is way behind schedule, the survey was wrong, and the citizens have been considerably inconvenienced. Council was told Eagle St would be closed for one week and no notice was given that Toledo would be closed at all. Shelley B. stated she didn't feel the project was being adequately managed by TST Inc and that our engineers should be more proactive in representing the Town.

Aggie M. agreed that TST was not doing the job, they need to be on site to handle the job and they cannot do that from the Front Range.

Jim W. clarified the sewer line was moved because it was over a gas line, the original locate was not done properly, and that the original survey was also not done properly.

Hawkeye stated he has been down in the middle of the project; some of the blame should be on the survey crew not the engineers. The reason the costs are increasing is because this is a design/build project and costs increase. If you want the project engineered and designed in advance then it will cost and it could increase the cost.

Shelley B. clarified that TST has been the engineer on both Pine St and this project and we have had engineering issues on both projects.

Fitness Center

RFP proposals were received by Friday August 2, 2013. Interviews of the four applicants took place on Monday, August 5, 2013. Viele Construction was selected by a majority of the MFC Board representatives who participated in the interviews. On August 14, 2013, MFC Board of Directors elected officers: President, John Rosenfeld; Vice President, John Cole; Secretary, Jim White; and Treasurer, Glenn Davis.

Planning Position Advertised

The Town's Planning position has been advertised and posted on our website. We are interviewing for the position on Friday, August 23, 2013.

Police Officer Interviews

On Monday, August 5, 2013, we had interviews for two candidates being considered to fill our vacant Police Officer position. We have made a conditional offer to one of the candidates. We are still completing the process to screen the candidate prior to making the offer final. Chief Lamb is conducting a background check this week in the candidate's home town.

Shelley B. noted the Town is on a small budget and it is not the standard practice to go out of state to investigate potential employee candidates. Jim W. explained this was approved in order to secure a candidate that would fit the position.

Scholarship Subcommittee

The Scholarship Committee met on Thursday, August 15, 2013 to review three more scholarship applications for the Fall Semester. Jerry Bumgarner remained on the committee to review these applications. We awarded three scholarships to each of the applicants.

Water Subcommittee

The Water Subcommittee applauded the work done by Leroy Cruz, Colorado Rural Water Association. Leroy reviewed his preliminary work and made several recommendations for Town Council consideration. Town staff is in the process of gathering some additional information for Leroy so he can revise his numbers and come back at a future meeting with new recommendations as Town Council continues to discuss water rates.

Town Manager's Performance Review

Since the last town Council meeting, I have been preparing some information for Town Council to assist in the Town Manager's performance review. We could schedule the review for September 4th or September 18th at Town Council's discretion.

Shelley B. requested a copy of both the Town Manager and the Town Attorney contracts and that both reviews are planned to be done on the September 4th meeting.

Recent Events/Upcoming Events:

- Minturn Fire Station/Pancake Breakfast/ Sunday, August 18, 2013
 - Pro Cycling Challenge will be nearby the week of August 19-23, 2013
 - Eagle County Education Foundation /Special Event Permit for Saturday August 24, 2013 at Little Beach Park.
 - The Minturn Market continues Saturdays, 9am-2pm through September 14, 2013.
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- Review of proposed 2014 Budget Calendar – White

13. Town Council Comments

Shelley B. noted thank you for the cross walks. Now we need to make sure we have cars stopping for pedestrians. A lighted pedestrian sign would be nice and this is a safety issue, it is not a "wish list" issue. She stated we need to enforce the rules of the cross walks.

Aggie M. asked about the Vail Resort land at Little Beach; Jim W. is trying to get this resolved. Aggie asked about some of the potentially collapsing buildings, Chris C. stated Town Building Inspector Charlie Davis, Safebuilt, is aware and will be looking into this. Chris added, as for the crosswalks and lights, this is a CDOT issue and they have been unwilling to do this. Aggie M. asked about the tour of the cemetery. The tour already did happen but it happened during one of our Council meetings. The cemetery representatives are more than willing to give a tour. Jim W. will schedule a tour and will give council a list of dates. Saturdays would be acceptable. This would be a tour not a meeting so only public notice would be required.

FUTURE AGENDA ITEMS

14. Next Meeting –September 4, 2013

- Work Session – Eagle Street Construction Update – White
- Discussion/Action Item: interview and appointment to vacant council seat - White
- Marijuana Law discussion – Brunvand
- Executive Session for the purpose of conducting performance reviews on the Manager and Attorney.

15. Future Meeting

- Work Session – Eagle Street Construction Update – White
- Work Session – Continued work on the Town Council Vision Statement – White
- Discussion with Xcel Representative – White

16. Set Future Meeting Dates

- a) Council Meetings:
- September 4, 2013
 - September 18, 2013
 - October 2, 2013
- b) Planning & Zoning Commission Meetings:
- September 11, 2013
 - October 9, 2013
 - November 13, 2013

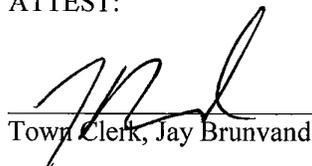
17. Other Dates:

18. Adjournment

Motion by John R., second by Aggie M., to adjourn the meeting at 8:38pm.


Mayor Hawkeye Flaherty

ATTEST:


Town Clerk, Jay Brunvand

