Official Minutes

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

Wednesday January 15, 2014

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

MAYOR – Gordon "Hawkeye" Flaherty
MAYOR PRO TEM – George Brodin

COUNCIL MEMBERS:
Shelley Bellm
Earle Bidez
Aggie Martinez
John Rosenfeld
Darell Wegert

TOWN MANAGER– Jim White
INTERIM TOWN ATTORNEY – Kendra Carberry
TOWN CLERK/TREAS – Jay Brunvand
TOWN PLANNER – Janet Hawkinson

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 – 5:30pm

- TST update on Master Meter Vault – White

The Master Meter vault was inspected today with Arnold and the contractor by Steve Humann, TST Engineering. The vault is contained in an 8x10 room where water samples can easily be taken. The cross over to the new meter is scheduled for tomorrow and the old meter will be abandoned.

Update on DOLA grant. Next spring the water main loop along Harrison will be completed. It is anticipated that the grant will come in below budget.

- A-Peak Land Lease Addendum – Hawkinson

A-Peak will move to an area directly next to the south side of the current concrete plant. Currently there are tons of aggregate that will need to be moved from that area. Nonetheless, A-Peak will be able to use the land until the property is completely cleared.

Spoils in the rear north east portion of the proposed site will be moved to the front in order to create a berm to hide the industrial use from the west.

Concern was expressed that this project would take an extended length of time. Jim W. stated this is a long term project that could extend out three years. John R. asked if costs could be brought forward to the Council. Shelley B. discussed the costs of the project and what other projects will not be done so that time can be spent on this.

- Parking on Taylor St

Janet H. outlined the parking issues and the law pertaining to the parking on the right of way and on the adjoining private property. Historically, parking issues on Taylor St have not been enforced.

- Eagle River Water and Sanitation District – White

Regular Session – 6:30pm

1. **Call to Order**

The meeting was called to order by Mayor Hawkeye Flaherty at 6:37 pm.

a. Roll Call

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

Staff present: Town Manager Jim White, Interim Town Attorney Kendra Carberry, Town Planner Janet Hawkinson, and Town Clerk/Treasurer Jay Brunvand.

b. Pledge of Allegiance

2. **Approval of Agenda**

a. Items to be Pulled or Added

Kendra C. read into the record the revised Executive Session motion.
George B. requested to add a Water Subcommittee report to the Council Comment section.

Motion by John R., second Darell W., to approve the Agenda as amended. Motion passed 7-0.

3. **Approval of Minutes and Action Report**
    - December 18, 2013

Motion by George B., second by Darell W., to approve the minutes as presented. Motion passed 7-0.

- Action Item Report

Direction was given to add the paving of the railroad track area on Taylor St.

4. **Liquor License Authority**
    - Magustos LLC Annual Renewal of a Hotel & Restaurant License; 101 Main St.; Eric Cregon, Owner/Manager – Brunvand

Motion by Shelley B., second by Darell W., to approve the Magustos LLC Annual Renewal of a Hotel & Restaurant License; 101 Main St.; Eric Cregon, Owner/Manager as presented. Motion passed 7-0

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

Mr. Garth Koellhoffer, 434 Taylor Street:

- Noted that Police Chief Lamb has been on paid Administrative Leave for 70 days since his hire on May 16, 2013 and mentioned "domestic violence". He stated he learned this because he has had serious parking problems in front and adjoining his property. Mr. Koellhoffer identified the days Police Chief Lamb has not been on duty. He stated this is affecting our town and the safety of our citizens.
- Mr. Koellhoffer stated that the parking on Taylor St was changed by the addition of signage this fall and asked how was this done without the public's knowledge?
- Mr. Koellhoffer asked if the parking issues and the speed limit of 20mph could be addressed by the police department.
- Mr. Koellhoffer asked if the parking at the top of Taylor St, at the base of the Minturn Mile could be enforced as well, noting that often skiers drive too fast from the parking area to Main St and it is affecting the neighborhood.
- Mr. Koellhoffer asked when the citizens could expect a functioning police department in the Town? He stated that the Police Chief issue has been ongoing for too long and is causing the Town Staff to be dysfunctional and is affecting the operations of the entire Town.

Mr. Burk Harrington, 532 Taylor St.,

- Noted that there is a traffic problem on Taylor St. Some vehicles are traveling well above the speed limit; traffic enforcement should be a concern for the Council and is an issue in that area.
- He said the parking and speeding problem is not just a winter concern as that is a very active summer hiking area.

- He asked this be on a future agenda and addressed at both staff and Council levels.

6. Special Presentations

PUBLIC HEARINGS AND DISCUSSION/ACTION ITEMS

7. Resolution 1 – Series 2014: A Resolution setting the official posting sites for the Town of Minturn – Brunvand

Motion by Shelley B., second by Aggie M., to approve Resolution 1 – Series 2014: a Resolution setting the official posting sites for the Town of Minturn as presented. Motion passed 7-0.

8. Ordinance 1 – Series 2014: An Ordinance authorizing the Mayor of the Town of Minturn to enter into an amended lease for Real Property owned by the Town of Minturn – White

Jim W. stated this is a five year lease. Staff is in support of continuing the lease and will work with A-Peak to set the monthly fee; Shelley B. requested the rates be added to the lease for second reading.

Motion by John R., second by Aggie M., to approve Ordinance 1 – Series 2014 (First Reading) an Ordinance authorizing the Mayor of the Town of Minturn to enter into an amended lease for real Property owned by the Town of Minturn as presented. Motion passed 7-0.

9. Resolution 2 – Series 2014: A Resolution endorsing the West Slope Principles and adopting the Eagle River Basin Principles for the Colorado Water Plan – White

Ms. Diane Johnson, ERWSD representative, outlined the information contained within the Resolution to include a statewide water use plan that would include the Eagle River and its tributaries. Because this is a statewide plan it will address the east and west watersheds as defined by the continental divide. The Colorado Water Conservancy Board is the organization charged with developing the water use plan.

John R. asked why the Governor did this as an Executive Order instead of going through the state legislature. This was not addressed by the committees. The Town is being asked to support the program but to also recognize with the western slope the need of protecting the Colorado River and its tributaries for all the various uses of the water, not just agriculture.

Earle B. asked that, once the plan is written, "will the state legislature approve the final plan"? This is not known at this time and that answer is not available. Concern was voiced that the legislature might actually make it worse. The intent should be local control of water rights.

Hawkeye asked "who drafted Amendment "A" of the resolution"? Answer: the Water Quality and Quantity Board. Hawkeye stated that there were some sections of the resolution that he does not agree with. Much of the decision process appears to be at the county levels. It was noted that decisions would be made by the water producing agencies. Minturn is a water producer and we do not want to give up our decision rights on use of our own water production.

Motion by John R., second by Shelley B., to table Resolution 2 – Series 2014: A Resolution endorsing the West Slope Principles and adopting the Eagle River Basin Principles for the Colorado Water Plan as presented to February 5, 2014 to allow time for the Town's water attorney to review the documents. Motion passed 4-3.

OTHER MATTERS

10. Planning Department Update

- Eagle County Grant for a historical walk in the park; the grant we were awarded is for $50,000 to add signage and a walking tour to Eagle River Park and the addition of restroom facilities.
- Designing 'Historic Walk in the Park' - Obtaining additional funding
- Sewer Line to Little Beach Park
- Utilized the new Minturn email 'newsletter' (created by Michelle Metteer with Economic Development) to create a survey for the Town Citizens for the naming of the Minturn Open Space.
- No new building permits at this time.
- 2014 Town Plan - Draft
- As Directed by Town Council: General Contractor and Sub-Contractor Ordinance (suggestions - however on hold waiting for full time Town Attorney)
- As Directed by Town Council: Applied and received application from CDOT for crosswalk and lights at 100 block intersection - under design review
- As Directed by Town Council: Staff to provide options to council for code and procedural solutions for roll-off dumpsters.
- As Directed by Town Council: options for obtaining sidewalks from cemetery bridge to Maloit Park Road. Treasurer to obtain projections from funding sources, mill levy/sales tax. Research School of Mines (and others) to use as an engineering project for students. Working with Eagle County on connecting the trail system to see if it can fit in with this project. Planner to design route. This project is under research.
- Still working on addressing homes and streets

11. Town Manager's Report

CDOT I-70 Corridor Meeting

On Thursday, January 9, 2014, I attended the I-70 Corridor meeting is Silverthorne, CO. In the presentation made by Tony Devito, CDOT, he indicated that CDOT is asking for authorization to continue the Twin Tunnel work on the westbound lanes. He cited a savings of $5 to $7 million dollars since the equipment is staged at the site already and he thanked Clear Creek County and Idaho Springs for their willingness to consider this option. If approved, this could begin as early as March, 2014.

Minturn Fitness Center
Weekly owner architect construction progress meetings continue to move this project forward. Representatives from Viele Construction, RDK Architects, Ski and Snowboard Club Vail, and the Town of Minturn continue to review progress at this weekly meeting.
The roof is on and indoor work over the winter has commenced.

Master Meter Vault Construction
As part of the DOLA grant received in 2013, work has continued for the past few weeks on the Master Meter Vault and a site visit has been planned for January 15, 2014 to review the status of the project. The project has been going well to date.The outside work is nearly done though so most of the remaining work will be out of the winter weather.

RFP for Attorney Services
We received a number of RFP's by the deadline on January 10, 2014 for attorney services. Copies of the RFP's are to be distributed to the Town Council for review.

Recent Events/Upcoming Events:

Christmas Tree Bonfire
Our Christmas Tree Bonfire was postponed on Friday night, January 10, 2014 due to inclement weather and rescheduled to January 17, 2014 at Little Beach Park. This has become a popular annual event.

12. Town Council Comments

George B. was approached by Rick Sakbauer to open discussions on Bolts Lake to discuss development of the lake as a storage basin. It was noted that because Battle Mountain owns the lake, they need to be at the meetings too. ERWSD is looking at in-basin water storage. George B. asked the Council if they would be willing to entertain discussions with the ERWSD. Shelley B. stated this is BMR's development and she felt it was jumping the gun on the part of ERWSD to initiate these discussions first with the Town. Additionally, we would need to have the EPA complete their work first.

Hawkeye asked this be placed on the Feb 5, 2014 work session.

John R. gave an update on the Minturn Fitness Center construction. John R. recommended the Council go out and see the project first hand. Those interested should contact Scott Ashburn at the site. John R. stated they are having some issues with XCEL.

The budget is coming in at about $1.88 million on construction in addition to the furniture, fixtures, and equipment (FF&E) numbers.

Periodic financial drafts are being made by both organizations in the amount of $250,000. The Town has sent $500,000 in 2013 and a has a pending draft of $250,000 in January 2014.

Aggie M. updated the Council on an Eco Transit meeting he attended.

Hawkeye wished Matt Mire, interim Town Attorney, a speedy recovery. A Request for Proposals was issued to move forward with the hiring of a full time Town Attorney. Hawkeye noted the ski conditions are superb and recommended to residents that they enjoy the extended Martin Luther King weekend.

EXECUTIVE SESSION

13. Executive Session: Pursuant to Session pursuant to 1) C.R.S. § 24-6-402(4)(a)(b)(e) to confer with the Interim Town Attorney to receive legal advice on specific legal questions, pursuant to C.R.S. 24-6-402(4)(b), for which a topic cannot be disclosed without compromising the purpose of the executive session, and to determine positions relative to matters that may be subject to negotiations, developing strategy for negotiations and instructing negotiators, pursuant to C.R.S. 24-6-402(4)(e), regarding Little Beach Park and responses to the Town Attorney Request for Proposals – White/Carberry

Motion by Shelley B., second by Earle B., to convene in Executive Session Pursuant to Session pursuant to 1) C.R.S. § 24-6-402(4)(a)(b)(e) to confer with the Interim Town Attorney to receive legal advice on specific legal questions, pursuant to C.R.S. 24-6-402(4)(b), for which a topic cannot be disclosed without compromising the purpose of the executive session, and to determine positions relative to matters that may be subject to negotiations, developing strategy for negotiations and instructing negotiators, pursuant to C.R.S. 24-6-402(4)(e), regarding Little Beach Park and responses to the Town Attorney Request for Proposals. Motion passed 7-0.

Direction given as a result of the Executive Session:

- Town Manager to notify attorney firms considered for interviews; staff and attorney to continue negotiations and research on land ownership issue.
- Continue negotiations with the estate of Allen Christensen.
- Advise Attorneys of which submitted RFP's for the new Town Attorney position of those selected to continue forward.

FUTURE AGENDA ITEMS

14. Next Meeting –

- Work Session - Update on the Contractor registration procedure and process. (2/5/14)

- Work Session – Dumpster location review (TBD)
- Ordinance 1 – Series 2014 (Second Reading): An Ordinance authorizing the Mayor of the Town of Minturn to enter into an amended lease to A-Peak Asphalt for Real Property owned by the Town of Minturn – White
- Water committee discussion regarding Bolts Lake development
- Water resolution to be reviewed by water attorney.
- Taylor Street parking and speed discussion
- 2015 World Cup on next agenda – work session

15. Future Meetings:

- Work Session – Continued work on the Town Council Vision Statement – White
- Discussion with XCEL representative – White
- Marijuana update – Matt Mire

16. Set Future Meeting Dates

a) Council Meetings:
- February 5, 2014
- February 19, 2014
- March 5, 2014

b) Planning & Zoning Commission Meetings:
- February 26, 2014
- March 26, 2014
- April 23, 2014

17. Other Dates:

- January 20, 2014 – Martin Luther King Jr. Day – Town Hall Closed
- February 17, 2014 – Candidate Materials available for Town Council Elections

18. Adjournment

Motion by Shelly B., second by George B., to adjourn the meeting at 9:18pm.

Hawkeye Flaherty

Mayor Hawkeye Flaherty

ATTEST:

Town Clerk, Jay Brunvand

TOWN OF MINTURN, COLORADO SEAL 1904