



Official Minutes – Special Meeting

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

Monday January 27, 2014

Regular Session – 6:00pm

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 – Ryan Malarkey
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

Regular Session – 6:00pm

1. Call to Order

The meeting was called to order by Mayor Hawkeye Flaherty at 6:08pm.

a. Roll Call

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

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

Motion by George B., second by Darell W., to approve the minutes as presented. Motion passed 6-0. Note: Shelley B. was excused absent.

PUBLIC HEARINGS AND DISCUSSION/ACTION ITEMS

3. Discussion/Action: Discussion related to parking on Taylor Street – White

Janet H. outlined the issues of parking on Taylor St.

- 2003 Town Council passed a law requiring parallel parking on all streets when it approved the Model Traffic Code.
- Parking can be changed by ordinance.
- Currently there is only parallel parking and no west side of the street parking.
- The speed limit is currently 25mph on Taylor St.
- Issues on Taylor St can be summarized as concerning speeding, parking, and the lack of enforcement.

Mr. Ken Chadwick, 442 Taylor, asked what the Right Of Way (ROW) is and how it is measured/determined? The ROW is 40ft wide. Mr. Chadwick noted that when the road was paved it was paved as the road existed at the time, it was never surveyed to determine the proper location.

Mr. Art Salazar, 412 Taylor St, stated the need for a road survey. He stated his house was built based on the lot line not the ROW line. He stated that in some areas the road is wider than in others which allow it to work with perpendicular parking and west side parking in some areas.

Janet H. stated residents which need overflow can obtain a longterm parking permit in the municipal lot (165 Railroad Ave.)

Ryan M., Interim Town Attorney, identified two issues as parking and speeding. The town has adopted the 2003 Model Traffic Code. The Model Code requires parallel parking and sets standard speed limits. The speed limit in the area, based on the type and traffic on the road, is 20mph. Although the speed limit can be changed it does require a study as set forth in the Model Traffic Code.

Mr. Burk Harrington, 532A Taylor St, addressed the speeding on Taylor St. Mr. Harrington submitted a letter and a petition with 15 names requesting the speed limit to be set at 15mph. Mr. Harrington read the letter into the record.

Mr. Robert Atencio, 412 Taylor St, originally he owned nine lots and built each of the houses on those lots. He stated all the garage entrances face the street. Each house also has a

perpendicular parking space recessed into the property and off the ROW. He felt the parallel parking on the ROW will be too narrow once the true ROW is defined.

Mr. Garth Koellhoffer, 434 Taylor St, stated on Nov 19, 2013 a letter was delivered to the residents of Taylor St written by Police Chief Brad Lamb outlining the parking that would be enforced. The letter stated a petition was presented by Mr. Art Salazar, who was identified as Chief Lamb's father-in-law; after an open records request it was shown that no petition could be produced by the Town. The Police Chief's letter was read into the record.

Mr. Koellhoffer asked if the letter was enforceable. Janet H. stated the parking law was not a zoning issue. Mr. Koellhoffer reviewed a time line where he has addressed his concerns with the Town Police and the Town Manager stating that the parking as enforced made it a dangerous situation to access and exit his property because vehicles are parking within five feet of his driveway and that vehicles are double parked as well as trash cans and other items are stacked lending to the vehicles parked illegally beyond the ROW. Mr. Koellhoffer stated that it was unacceptable that he was unable to access his property on Taylor St and he has a rental property on Main St that he has also had the Police act unresponsively by nonenforcement of the traffic laws.

Mr. David Clapp, 392 and 382 Taylor St, gave a time line of some of his issues. Mr. Clapp noted that in the spring of 2000 he complained of the parking and the then Police Chief stated the parallel parking was to be enforced. Mr. Clapp stated both of his homes do not have off street parking but that he created off street perpendicular parking on his property and extending into the ROW by working with the Town Planner this past summer. He stated the letter of November 19, 2013 does not work because the vehicles are parking within five feet of the driveways and his perpendicular parking which was town authorized now states his parking is illegal. He parks perpendicular in to a driveway and stated it is in the ROW; he stated that parallel parking should be allowed on the street but perpendicular should also be allowed on the streets as long as they are at least five feet from driveway entrances.

Ms. Jill Koellhoffer, 434 Taylor St, stated that because there was no petition, because it was referred to in the Chief of Police's letter as a variance, in her opinion it was a change in the law to help one person who was related to the Police Chief changing the law. This was unethical, immoral, and illegal. She stated the Council was not informed or involved in this and she felt that Jim W. had supported the Police Chief in his illegal actions. Ms. Koellhoffer stated that Jim W. Requested and was given the Police Chief's letter to took a copy of the letter of which he should have approved in the first place. She stated that Jim W. was the Manager of the Town and as such should have approved in advance the letter as the Chief's supervisor, if he did not approve the letter in advance then it is proof of poor Town management. She stated that even if the Police Chief is not currently in the Town's service, his actions still stand and was supervised by the Town Manager. She stated that Jim W. is and was the responsible person for staff supervision and that they have been asking for help from the Town Manager, from the Police Chief, from the Police Officers, from dispatch, and from the Sheriff's Office when they have been on duty and have gotten nothing. Darell W. stated that the Council would follow up on this but that this is the first time he had heard of

this issue. She stated that she was sorry that the Council had not seen the information but that she had provided it to Jim W. and he had not supplied it to the Council.

Mr. Jeremiah Williams, 392 Taylor St, stated that the only parking available for him is immediately in front of his house in the area provided by his landlord, David Clapp. Because the Salazar home has at least six families living in the house the parking has been greatly decreased in the area based on the volume of drivers and vehicles in the residence. Would he be in favor for a one way street; as long as that is a workable solution he would support it. The important part is that he would need to have his perpendicular parking. As it sits now there is enough parking for his residence.

Mr. Joe Baca, 352 Taylor St, stated he has never had trouble with the parking. He asked about trash cans and how long they could be on the street; 24 hours. He noted that in some areas there is shoulder and in others there is not on the west side of the street.

Earle B. stated in reply to a question about the November 19 letter that he had been given a copy of the letter by David Clapp personally. Earle B. inquired with Staff and was informed the letter was an employee issue and that it was not to be discussed publicly. Discussion ensued if the advice was given by the Town's Attorney and if the advice was for the bigger picture of the employee issue or if it pertained to the parking issues on Taylor St.

Mr. Daren Tacholke, 530 Taylor St, stated that the speeding is the major issue which could be helped by a three way stop sign at Taylor and 4th and stricter enforcement of the speed limit as it stands. He did say that it was important to enforce the laws we have but not to try to chase our guests away from the trailhead in both winter and summer. He stated that it is important to recognize that, along Taylor, in areas parallel works and in other areas perpendicular works. The point is there are more vehicles than parking spaces along the ROW.

Ms. Christen Davis, 392 Taylor St, reiterated that she needs to have the perpendicular parking as to make it all parallel would cut the parking to an unusable quantity of parking.

Hawkeye asked if anyone was opposed to the parking on the Westside of the street. Mr. David Clapp stated that if parking is on both sides of the street then he is left to walk down the middle of the street. He asked by show of hands who was in favor of 15mph, the vast majority were in favor of 15mph.

Mr. Nate Lecross, 322 Taylor St, stated that to have parking on both sides of the street would limit the traffic flow. He suggested working with the UPRR to move the ROW to the west of the current location? It was noted that there is really no shoulder on the west side of the street at all for parking in many areas.

Ms. Katie Tacholke, stated that a child in the neighborhood is handicapped and that should be considered as any changes are considered. She stated that based on the narrow road and the density, she is in favor of 15mph.

Justine Lacross submitted to the Town Planner a letter that she was against the parallel parking and the 20 mph. Her concerns were read into the record by Janet H.

Hawkeye closed the public hearing and summarized the events:

- Pursue 15mph limit on Taylor St.
- One-way but only if it can be used to improve the west side parking.
- Three-way stop sign at 4th and Taylor St.
- Install speed bumps or speed dips
- The parking and enforcement should be sight specific as far as perpendicular or parallel parking.

The Town has been working with the UPRR to improve the parking at the trailhead. Those parking on the west side in the trailhead area are trespassing at their own risk.

Hawkeye recommended to Council to continue to work with the parking and the residents. He stated the Town is working with Art Salazar and if he won't work with the Town then the Town will enforce in that area. He encouraged Art Salazar to work with his neighbors to include the Koellhoffers and Mr. Clapp.

Darell W. stated the 15mph is best, staff needs to look at the handicap regulations and signs, and educate the citizens on the trash can rules. Darell W. asked if the Council would need to address the Chief of Police's letter and his authority to issue the letter. This information needs to be reviewed by the town Manager and Staff needs to get back to the Kohloffers with an answer.

George B. stated the child safety is the most important issue which needs to be addressed, speed limit, and speed bumps are a good idea.

Earle B. reiterated the child safety, he said the parking needs to be considered in relation to the geography, the Town needs to survey Taylor St, and we need to make it practical to enforce the law based on the survey. Earle B. also stated that he felt the Council had not been supplied important information which was pertinent to the issues discussed on Taylor St.

Aggie M. reiterated child safety,

John R. thanked all for coming in with solutions and cool heads, he stated there were no boiler plate solutions, parking will need to be site specific, the solution should be codified, does not like the one-way street idea, likes 15mph, does not like west side parking, no parking within 5ft of driveways, timely removal of trash cans. Apologized to the citizens for how long it took to get their issues heard.

The Ryan M. asked for more specific direction, he stated citizen calls should be addressed.

Direction given:

- Do the speed study and consider a way that the speeds can be adjusted more simply by council and reduce the speed to 15
- Consider speed bumps or dips for the summer
- Three way stop sign at Taylor and 4th
- Continue to work on the trail head parking
- Enforce the speed limits as they stand at 20mph now
- Discuss formally surveying Taylor St to get the ROW straight
- Allow parking on the Westside where it is available, Public Works might be able to assist in setting this up.
- Parallel parking next to driveways in order to preserve line of sights.
- Allow perpendicular and parallel based on how it works with the geography and the clear vision area.
- Move forward on a parking plan and ordinance for the Taylor St Character area.

Mr. Garth Koellhoffer stated that we have laws on the books and now we are directing not to enforce them, does this cause a liability issue if someone gets hurt? Ryan M. stated not necessarily, it probably would be the liability of the person that caused the accident.

Jason D. stated that the Salazar parking was addressed with the Salazar's and it will require only one car parallel parked rather than the two that are normally parked there.

Mr. Art Salazar noted that the municipal parking or at the trailhead is a good idea. It is all public parking and everyone gets to use it regardless of whose house it is in front of.

Ryan m. asked for direction regarding enforcement.

Enforcement Direction: Police are to issue warnings on the five foot from driveways to protect the clear vision area; speeding should be enforced with tickets, move forward with simplifying the ability to change the Model Traffic Code.

Earle B. stated that he felt the Council was not being informed on several issues. Jim W. stated much of these issues are recent and blew up between direct neighbors. Jim W. stated the points that the citizens are making are valid and much of it is due to the geography of the area. The parking plan that doesn't exist on Taylor St makes it very difficult to enforce. Earle B. stated this is very different from the rest of the town due to the lax enforcement that has been going on.

Motion made by Hawkeye, second by John R., motion passed 6-0. Note Shelley B. was excused absent.

- Speed investigation for the speed limit to change to 15mph
- Consideration for dips or bumps installed
- An investigation of the placement of the three-way stop signs at 4th and Taylor St.
- Consideration of conducting a formal survey of Taylor St ROW based on cost or purchase of the plat maps
- Continue the parking discussions with the UPRR

- Allow parking on the west side of Taylor St where it can be geographically accommodated and signed
- Warnings will be given on parking issues in the area to about 2/19
- A comprehensive parking plan will be considered
- Review the handicap laws as they pertain to the issues
- The Town Attorney was instructed to review the letter sent by former Police Chief Brad Lamb and report back to the Council his findings of the discussed issues with the letter.
- Exercise enforcement discretion

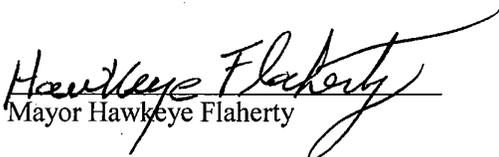
Jim W. updated the Council on the Minturn Police Dept. Four days a week we have our Town officer and three days a week we have sheriff coverage.

Earle B. asked for a police budget update for 2013 and to date. To be presented at the February 5th or 19th meeting.

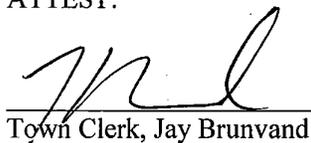
Hawkeye requested updates on the Taylor St issues.

4. Adjournment

Motion by John R., second by Aggie M., to adjourn the meeting at 9:11pm. Note Shelley B. was excused absent.


Mayor Hawkeye Flaherty

ATTEST:


Town Clerk, Jay Brunvand

