



OFFICIAL MINUTES

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

Wednesday February 5, 2014

Work Session – 5:00pm
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/TREASURER – 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 – 5:00pm

- Resolution 3 – Series 2014 approving a Conditional Use Permit for Chris Davis at 376 Pine St – Hawkinson

Issues were detailed by Janet H. Discussion on the proper amount of parking and parking needs were reviewed.

- Update on Contractor registration procedure and process – Hawkinson/Brunvand
Discussion ensued and it was determined it was best handled through the procedures implemented to manage the licenses and permits than to change the law through ordinance.

- Dumpster location review – Hawkinson

In the existing code, the Planner has authority to administer this and it should be monitored as relates to use of Right-of-ways. The recommendation was to make no changes but to monitor it closer as the need arises.

- Water Committee discussion regarding Bolts Lake- White

George B. asked if council is interested in holding discussions with BMR and ERWSD to move forward with the development of Bolts Lake. It was noted that the EPA has not completed their work and the Town is not the owner of this project or property. It was decided that if BMR is willing to discuss development then the Town would be available for the meetings. It was noted the importance of having the water authority supporting the BMR development in order to move forward with the Bolts Lake project. If BMR is not interested in moving forward with the lake development then we would not be interested.

- Taylor Street Parking and Speeding discussion- Hawkinson

Janet H. outlined her proposal to modify the parking and develop other parking in the area. This plan also includes the speed limits and the stop signs at 4th and Taylor St. Ryan M. informed the Council how the speed limit can be changed in the area. The 3-way stop requires the Town to make a determination of the need. This can be relatively simple and he will assist staff and the Council on making these items happen.

Council asked staff to proceed with the traffic study and bring back the findings in two weeks and then bring forward an Ordinance to change the speed limits. It was noted that the reduced speed could be applicable town wide, not just the Taylor St. area. Hawkeye stated he would go out with Arnold and review the plowing and parking prior to the next meeting.

Regular Session – 6:30pm

1. Call to Order

The meeting was called to order by Mayor Hawkeye Flaherty at 6:35pm.

a. Roll Call

Those present included: Mayor Hawkeye Flaherty, Town Council members, George B., Earle Bidez, Shelley Bellm, and Aggie Martinez. Note: Darell W. and John R. were excused absent.

Staff present: Interim Town Attorney Ryan Malarkey, Town Planner Janet Hawkinson, Economic Coordinator Michelle Metteer, and Town Clerk/Treasurer Jay Brunvand.

b. Pledge of Allegiance

2. Approval of Agenda

a. Items to be Pulled or Added

- Add motion to direct Staff to work with ERWSD, BMR to research the desire to proceed with the Bolts Lake development if BMR is willing to discuss.

Motion by Shelley B., second Aggie M., to approve the Agenda as amended. Motion passed 5-0.
Note: Darell W. and John R. were excused absent.

3. Approval of Minutes and Action Report

- January 15, 2014

i. Earle B. clarified that on page 5, 2nd paragraph the vote was a 4-3.

Motion by George B., second Shelley B., to approve the minutes of January 15, 2014 Council Meeting as amended. Motion passed 5-0. Note: Darell W. and John R. were excused absent.

- January 27, 2014 Special Meeting

Motion by George B., second Aggie M., to approve the minutes of January 27, 2014 Special Council Meeting as presented. Motion passed 4-0. Note: Darell W. and John R. were excused absent and Shelley B. abstained.

- Action Item Report

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

Mr. Garth Koellhoffer 434 Taylor St. Asked for the termination of Town Manager Jim White. He cited multiple ethics violations, dysfunction of Town Staff, poor leadership, inability to make decisions for the Town, a rouge police chief, and unresponsiveness to the concerns of the citizens.

5. Special Presentations

- Vail Valley Foundation Re: 2015 World Cup

Mr. Michael Imhof, Vail Valley Foundation 90 Benchmark Rd, Avon, presented an update on the 2015 World Cup. The Foundation is looking to Minturn for in-kind and monetary commitments of approximately \$18k in both 2014 and 15.

Hawkeye asked how soon they would need the financial commitment; he would need some direction in the next 30 or so days. The sooner the Town can make a commitment, sooner the Foundation can begin to include us in the sponsorship list.

Council requested this to be on a near Worksession and for staff to review and schedule.

PUBLIC HEARINGS AND DISCUSSION/ACTION ITEMS

- ### **6. Discussion/Action Item: 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**

Mr. Bruce Yankee, A-Peak Asphalt, updated the need and proposal for the Council. Hawkeye confirmed no other changes in the agreement to include rent, term of length, or termination? No changes from the original 2004 contract, this extension includes only the extension and the change in the monthly rent from \$500 to \$600.

Motion by George B., second by Aggie M., to approve 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 as presented. Motion passed 5-0.

7. Discussion/Action Item: Resolution 3 – Series 2014 A Resolution approving a Conditional Use Permit for Chris Davis, 376 Pine St. - Hawkinson

Janet H. stated the some of the code cites need to be revised upon approval. Mr. Chris Davis introduced himself to the Council and asked for approval of the Resolution.

Shelley B. noted the parking conditions and requested those be closely followed and enforced.

Motion by George B., second by Earle B., to approve Resolution 3 – Series 2014 a Resolution approving a Conditional Use Permit for Chris Davis, 376 Pine St. as amended. Motion passed 5-0.

7a. Council discussion to have BMR, the Town, and ERWSD meet to discuss the possibility of moving forward with the Bolts Lake storage lake. Hawkeye stated this would be an exploratory meeting. Shelley B. stated the ERWSD was adamantly against the BMR development and the lake is to provide Battle Mountain Resort with water, not for ERWSD use. She felt it important that the water be made available to BMR with no adversity. She does not want to open the door to ERWSD having the ability to hold up the project's future or water once the BMR development moves forward.

Direction from Council was to set up the meeting.

OTHER MATTERS

8. Planning Department Update

- Discussion of Town Plan

A timeline of studies and plans was presented where the vision of the community was outlined (Attachment I). It was important to note that all of the studies included much of the same information and direction of what the town should look like and what we should keep for our citizens, namely, community.

Next Steps: Janet H. asked the Council for their feedback and comments. Earle B. asked this be on a work session. Hawkeye asked why some of the sidewalk design has been abandoned? Janet H. stated this is the kind of feed back she is looking for to make sure we do not miss anything.

Earle B. noted the building season is fast approaching and we need to move on this. Shelley B. stated it is good to see what we can do with the plans we have as opposed to going out and studying and writing a new plan; move with what we have not just study it again.

Planning Department Report

1. **2014 Town Plan/Goals/Action Items** - Town Capital Improvement Projects for 2014.
Created by the Staff of Minturn for the Town Council

2. As directed by Council on January 28, 2014:
Comprehensive Parking Plan for Taylor Street, Game Creek Character Area.
 - Cost to obtain plat maps of properties on Taylor: \$3.50 per map. These maps do not assist in determining easement - researched and obtained better maps for free.
 - Estimate for professional survey of road.
 - Town Attorney Research of: handicap signage; speed limit & 3 way stop signs legal process to change.
 - Public Works Research: Supervisor recommends installing either removable rubber speed bumps or 'asphalt table top humps.' These two features work well with snow plowing and road maintenance. Dips are not recommended. Asphalt table top hump estimate is two 8' humps for \$4,960.00. (estimate attached for review).

3. As directed by Council: "Red Flag Issues"
 - Parking in South Minturn
 - Speeding throughout Town
 - Housing density
 - Shoveling of Sidewalks
 - 'Nuisance' of too many cars per property
 - Tree Pruning of Private Property Trees in Right-of-Way

4. As directed by Council:
 - Berm design at 'Recreation Site' next to public works
 - Trash dumpster ordinance
 - Names for the Boneyard

5. Grants we are Pursuing:
 - GOCO Grant Rough Draft due 2/05/2014 - \$150,000.00
 - Colorado History Grant due 3/25/2014 - \$100,000.00
 - Transportation Alternative Program - CDOT - due, not announced - \$300,000.00
 - GOCO Open Space Grant due 3/30/2014 - \$60,000.00

9. Staff Report

- Minturn Police Department discussion (Information is still pending, all information to be presented at meeting) – Osborne

Lisa O. updated the Council on the proposals. Lisa O. Introduced Sheriff Joe Hoy and Undersheriff Mike McWilliams who presented a .

POLICE CLERK UPDATE – LISA OSBORNE

This week, I have been contacting local governmental/police agencies in reference to police coverage services for the Town of Minturn.

Undersheriff Mike McWilliam's will be submitting a proposal from the Eagle County Sheriff's Office (ECSO). This proposal will include the cost of police services, as well as what the plan of services would entail.

Chief Robert Ticer from the Town of Avon was contacted as well. He was receptive to the idea of submitting a proposal to the Town of Minturn in reference to police coverage services. Chief Ticer stated he needed to meet with Avon Town Manager, Virginia Egger, to discuss the matter and to obtain her approval before he could move forward with submitting a proposal. Chief Ticer had requested financial/other information in reference to the current operations here at the Minturn Police Department. This information was provided to him and will assist him in his preparation of a proposal to the Town of Minturn. Chief Ticer had noted he hoped to meet with Ms. Egger by Friday morning to discuss this matter.

Gypsum Town Manager, Jeff Shroll, was contacted this week. Mr. Shroll stated he is willing to submit a letter to Town Council and the Town Manager in reference to how well contracting police services to the ECSO works for his community. Mr. Shroll stated this arrangement works very well in the Town of Gypsum.

I attempted to contact Chief Henninger, Chief of Police with the Town of Vail. A voice message was left for him and then I contacted his assistant and was advised he is out of town until sometime next week. She recommended an email be submitted to Chief Henninger in reference to this issue/request. An email was submitted to Chief Henninger and I am awaiting a response, which may not arrive until he returns from vacation.

The Treasurer has provided spreadsheets (at the end of the staff report) regarding Minturn Police Department costs for 2013 and 2014 to date.

POLICE OFFICER UPDATE – JASON DONFRIS

As a result of the January 27, 2014 Special Council Meeting, direction was given to staff to parking and trash can warnings. Below is a summarization of the warnings given:

On Wednesday, January 20, 2014, I, Officer Donfris, issued warnings to Minturn residents in reference to parking and trash can violations.

The following parking violation warnings were issued:

1. 342 Taylor Avenue (2 vehicles)
2. 386 Taylor Avenue (1 vehicle)
3. 352 Taylor Avenue (1 vehicle)

The following trash can ordinance violation warnings were issued:

1. 1 in the 200 Block of Main Street (address unknown);
2. 2 in the 700 Block of Main Street (address unknown);
3. 817 Main Street;
4. 3 in the 900 Block of Main Street (address unknown);
5. 1071 Main Street;
6. 1106 Main Street;
7. 5 in the 100 Block of Main Street (address unknown);
8. 7 in the 200 Block of Eagle Street (address unknown);
9. 2 in the 200 Block of Boulder Street (address unknown);
10. 3 in the 300 Block of Pine Street (address unknown);
11. 4 on Harrison Avenue (East side of Main Street);
12. 2 on Norman Avenue (East side of Main Street);
13. 2 on 4th Avenue (address unknown);
14. 134 Taylor Avenue;
15. 1 in the 200 Block of Taylor Avenue (address unknown);
16. 372, 382 and 386 Taylor Avenue;
17. 480 and 492 Taylor Avenue; and,
18. 530, 564 and 568 Taylor Avenue

PUBLIC WORKS

Security system improvements have been made to the Public Works facility. Video monitoring as well as new locks are now secured and updated on the Police gasoline tank. We look for these steps to help curb what are believed to be possible theft issues with the Police gasoline tank.

Tributary Trail (the road to the water treatment plant) was recently widened via snow plowing. As a result, many trees, bushes and foliage were damaged. Public Works has since worked to remediate the damage and properly prune the trees.

TREASURER

Per Council direction, a copy of the lawyer fees has been included at the end of this report for your review (Attachement II). This will provide an opportunity to review costs to date.

Hawkeye noted we are in a position of flux. Currently the town uses the sheriff when we do not have an officer on duty. Additionally, we are looking at several other possible options and bids.

Lisa stated she had contacted two other agencies, Vail was not interested and Avon has not reported back. Lisa talked to Gypsum, who does use the Eagle Co Sheriff's Office and she highlighted their contract uses. She stated we would still want to negotiate and review our needs and scope of the proposals.

Michelle M. noted the Staff is present and if Council has any questions they could ask. Hawkeye stated we should schedule a work session for this, the next meeting would be appropriate. Shelley stated we need to get a plan in order and move forward. We need to make a decision.

Lisa noted the court would also need to be decided on. Make this sound good. Lisa noted our judge is also the judge in Gypsum and could be a good resource to comment too. Lisa stated a contracted service would enforce our laws in the event they conflict with ECSO

Council direction was to schedule this for a work session at the next meeting. Immediate solutions and long term plans need to be addressed.

10. Town Council Comments

Aggie M. wished Jim W. a quick recovery, all agreed.

Hawkeye wished all a happy valentine's day.

EXECUTIVE SESSION

- 11. Executive Session: 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 Earle B., second by Shelley B., to convene in Executive Session 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

Councilwoman Bellm left the Executive Session at 8:47pm.

Direction given as a result of the Executive Session:

- Continue work on the legal aspects of Little Beach Park
- Add selection of questions for attorney to the next work session and to discuss selection of adequate pool for interviews

FUTURE AGENDA ITEMS

- 12. Next Meeting – February 19, 2014**

- Work Session: Resolution 2 – 2014 Eagle River Water and Sanitation District – White
- Discussion/Action Item: Resolution 2 – Series 2014 A Resolution endorsing the West Slope Principles and adopting the Eagle River Basin Principles for the Colorado Water Plan – White
- Work Session – Discussion of Town Plan – Hawkinson
- Work Session – Police discussion
- Work Session – Council pay discussion for the election - Brunvand
- Work Session – Vail Valley Foundation Re: 2015 World Cup funding consideration – White
- Add selection of questions for attorney to the next work session and to discuss selection of adequate pool for interviews

13. Future Meetings:

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

14. Set Future Meeting Dates

a) Council Meetings:

- February 19, 2014
- March 5, 2014
- March 19, 2014

b) Planning & Zoning Commission Meetings:

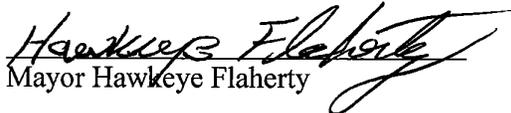
- February 26, 2014
- March 26, 2014
- April 23, 2014

15. Other Dates:

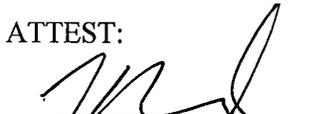
- February 17, 2014 – Candidate Materials available for Town Council Elections

16. Adjournment

Motion by Aggie M., second by Earle B., to adjourn the meeting at approximately 9:30pm.


Mayor Hawkeye Flaherty

ATTEST:


Town Clerk, Jay Brunvand

