



OFFICIAL MINUTES

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

Wednesday February 19, 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

- Bolts Lake update from Cliff Thompson
Mr. Cliff Thompson talked to Dave Kleinkopf he is willing to meet. Would like to get some dates and set up a meeting. Fridays work best for Mr. Kleinkopf.
- Resolution 4 – Series 2014 a Resolution authorizing the Mayor to sign the settlement agreement with the Estate of Allen Christensen
- Minturn Police Department discussion – Osborne
Jim W. reported Avon Police Chief Ticer is interested in submitting a proposal and will get that in. Discussion regarding the hours worked of the Minturn Officers ensued. The proposals requested would include enforcement of our laws such as parking, snow removal, etc.

Council requested the Minturn officer on-call time be reduced. Four 10-hour shifts with one hour before and after the shift for on-call (twelve hours total). At March 5th meeting schedule a review of both the sheriff and Avon proposals and a review Town financials as relates to this.

- Discussion of Town Action Item – Hawkinson/Metteer/Martinez/Brunvand
Pick one or two projects to focus on and commit money for. Discussion ensued around the various projects the Council has reviewed over the years. The discussion leaned toward using BMR funds where we could and moving forward with Little Beach Park as well.

- Resolution 5 – Series 2014 a Resolution in support of the application for a GOCO grant to be utilized at Little Beach Park
- Council Pay discussion as pertains to April 8, 2014 Election – Brunvand
Move to March 5 Work Session and Action Item
- Council discussion to select interview questions and set a date to interview Attorney firms to fill the position of Minturn Town Attorney – White
- Taylor St Parking Plan and draft Ordinance – Hawkinson

Regular Session – 6:30pm

1. Call to Order

The meeting was called to order by Mayor Hawkeye Flaherty at 6:42pm.

a. Roll Call

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

Staff present: Town Manager Jim White, Interim Town Attorney Matt Mire, Town Planner Janet Hawkinson, Economic Coordinator Michelle Metteer, Econ Dev Director Michelle Metteer, and Town Clerk/Treasurer Jay Brunvand.

b. Pledge of Allegiance

2. Approval of Agenda

a. Items to be Pulled or Added

- Move council pay to next meeting for Work Session and Action Item
- Move the interview questions to 10a

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

3. Liquor license

- The Gourmet Cowboy, Inc Hotel/Restaurant Liquor License; 455 Main Street; Tom McNeil, Owner/Manager

Jay B presented for the Town.

Pursuant to Colorado Revised Statutes, 12-47-312(1), the applicant is hereby advised that with regard to the application for a Hotel and Restaurant Liquor License, an investigation has been made, and based on the results thereof, the following has been determined:

That the application was filed on January 9, 2014 in the Town Treasurer's office and a public hearing has been scheduled for Wednesday February 19, 2014. In accordance with C.R.S. 12-47-311(1) the Town must hold the application for not less than 30 days; this hearing date represents 41 days.

That the premise being considered has previously operated with a liquor license. This location will be a new Hotel and Restaurant licenses as opposed to a transfer of an existing license due to the fact no existing license is in force. The license previously held at this address and by this applicant was allowed to expire by oversight.

That the Notice of Public Hearing on this matter was posted on the premises by the Town Treasurer on Friday January 7, 2014, at least 10 days prior to the hearing, and that the publication of the hearing was published in a newspaper of general circulation on January 5, 2014 at least 10 days prior to the Public Hearing.

That from the evidence submitted the applicant is leasing the premises where the proposed liquor license will be utilized from 5-76-99 Holdings, LLC., and that 5-76-99 Holdings, LLC. is the lawful owner of the premises. This lease expires on December 31, 2016

That selling liquor in the manner currently proposed in the application is not in violation of the zoning codes as stated in the Minturn Municipal Building Code – Chapter 16. This section states that for a Commercial Use less than 2,500 sqft is a use by right. This establishment is leasing approximately 3,103 sqft. and that the Minturn Planning Department has confirmed this operation will not require a Conditional Use and has sufficient parking as per Minturn Code.

That pursuant to C.R.S. 12-47-313(1)(d) – Restrictions for applications for new license, the building where the applicant proposes to exercise the privilege of selling liquor at retail does not appear to be within 500 feet from any public or parochial school or the principal campus of any college, university or seminary.

That Minturn Police Department has conducted a background investigation on Thomas Edgar McNeill, the owner and manager of The Gourmet Cowboy and has found no conditions which would cause concern.

Motion by Shelley B., second by Aggie B., to approve the Gourmet Cowboy, Inc Hotel/Restaurant Liquor License; 455 Main Street; Tom McNeil, Owner/Manager as presented to include the following conditions. Motion passed 7-0.

- As a minimum the licensee, manager and a server be server trained by an authority such as T.I.P.S and that a certified server be on duty at all times while alcoholic beverages are served. This condition is recommended to be met prior to opening and updated as needed with documentation provided to the Minturn Police Dept.
- That the Liquor Authority emphasizes the requirement of operating an orderly establishment.
- That the fingerprints are returned with no material issues.

4. Approval of Minutes and Action Report

- February 5, 2014

Shelley B. noted the road changes were for the entire Town as well and would like that stated

Motion by john second Earle B., to approve the minutes of February 5, 2014 Council Meeting as amended. Motion passed 6-0. Darell W. abstained as he was not here.

- **Action Item Report**

Shelley B. stated we need to move forward with the Eagle Street Park restrooms to accommodate the grant and it should be extended to include TWO one stall restrooms. Hawkeye requested we ask ERWSD if we could get the sewer tap fee waived. Council agreed.

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

Mr. Garth Koellhoffer, 434 Taylor, requested Jim White's termination based on the fact he is not enforcing the ordinances of the Town. He asked of the status of the investigation on the former Chief Lamb's letter, this letter was supported by Jim White, and it should have been a termination not a resignation. Mr. K. asked how Jim White did not know a business was being run at 4th and Taylor when David Clapp had been down three times to complain about the issues. Mr. K stated Jim White has violated the ICMA code of ethics and sited the specific tenants of the Code of Ethics that he has violated.

Mr. Rob Baumgarten, 561 Main St., was concerned that there was a possible trailhead parking lot being proposed at the north end of Taylor St. He felt this was a mistake, it would be a detriment to the neighborhood, and that it had not been well publicized for public hearings. He stated adding a parking lot would encourage more traffic in the area. He felt the notice he received for having his trash can in the right of way and that the Town has its own trash can in the right of way in the same area.

6. Special Presentations

- Recreational Marijuana shops; Barbara Allen – White

Ms. Barbara Allen, 4130 Eagle Bend Dr, requested a letter to the Eagle County Commissioners from the Town of Minturn stating their support of a ban on the retail sale of marijuana on Hwy 6 corridor between Dowd Junction and Eagle.

Hawkeye asked Council if they wanted to study this in a work session or direct a letter be sent. Matt M. stated he has an upcoming presentation of the status of the state laws. Council agreed this request should be discussed with that presentation. Council felt they were not prepared to vote either to support or not support the request. This item will be addressed at the April 16th Council meeting when the Interim Town Attorney presents his marijuana update and Ms. Allen will be invited to that meeting.

PUBLIC HEARINGS AND DISCUSSION/ACTION ITEMS

7. Discussion/Action Item: Minturn Police Department discussion – Osborne

Hawkeye stated the Council is considering whether to contract out the PD or maintain our own department by accepting bids from the various local agencies. This will be on the next Work Session and meeting.

8. Discussion/Action Item: Resolution 4 – A Resolution authorizing a settlement payment in the amount of \$45,000 to the Estate of Allen C. Christensen – White

Hawkeye detailed the issues.

Motion by John R., second by Shelley B., to approve Resolution 4 – Series 2014 a Resolution authorizing a settlement payment in the amount of \$45,000 to the Estate of Allen C. Christensen as presented. Motion passed 7-0.

9. Discussion/Action Item: Resolution 5 – Series 2014 a Resolution in support of the application for a GOCO grant to be utilized at Little Beach Park – Hawkinson

Janet H. outlined that this is a grant through GOCO and we are required to have a Resolution indicating Council support. John R. stated grant requests are very time consuming and commended staff on their efforts and time committed.

Motion by Shelley B., second by George B., to approve Resolution 5 – Series 2014 a Resolution in support of the application for a GOCO grant to be utilized at Little Beach Park as presented. Motion passed 7-0.

10. Discussion/Action Item: Ordinance 5 - Series 2014 (First Reading) an Ordinance amending the Parking Plan for the Town of Minturn. – Hawkinson

Janet H. outlined the issues. This amends the traffic needs of the Town to allow the Town to set parking and roadway flow. The Ordinance is not specific to one area of Town, rather it is

applicable Town wide; however, it does not affect Hwy 24 as that is under the CDOT purview and jurisdiction.

Motion by Shelley B., second by John R., to approve Ordinance 5 - Series 2014 (First Reading) An Ordinance amending the Parking Plan for the Town of Minturn as presented. Motion passed 7-0.

10a: Discussion/Action Item: Set up date for Attorney Interviews

Note: This meeting is set for Monday March 3 and will be posted as an Executive Session to begin at 5pm. Michelle M. will contact the selected candidates to set up the schedule and will coordinate the selection of questions from the Council Members.

OTHER MATTERS

11. Planning Department Update

- Continued discussion of Town Goals - Hawkinson/Metteer/Martinez/Brunvand Janet H. is looking for in-kind contributions that she can report with the GOCO grant for Little Beach Park to show community support. Hawkeye recommended we use the Holy Cross \$2,000 funds for commitment to this project.

Janet H. stated we are looking at another grant for the Boneyard and upgrades to it.

- Submitting GOCO Grant - need in-kind contributions

12. Staff Report

Janet H. stated the report is in the packet and would entertain questions.

13. Town Council Comments

Shelley B. stated that the alternating sides of Main Street parking for snow removal is not being enforced, she asked that we keep this as an enforcement priority.

Earle B. asked for an update on Ski Joring. Michelle M. noted we have a new arrangement whereby they will be doing the leg work and everything is progressing nicely. The event was moved to March 15-16 as it was in conflict with another Ski Joring event.

Aggie M. asked for an update on the attorney fees. Matt M. stated some of this was for the Police Chief investigation and CIRSA will be covering much of this.

Michelle M. asked for direction regarding the contractor staging area at the snow dump. Hawkeye asked this be put on a work session for in-depth discussion. The intent is for Minturn to gain from some of these contractors.

George B. asked that Dave Kleinkopf be contacted and requested to have him at a regular meeting were the entire Council could hear him and then send it to the Committee.

George B. asked for an update on the BMR money, what has been spent to date, and what is ear marked as well as a review of the specific escrow conditions, annexation conditions, conditions for approval, and any future funding agreement.

Shelley B. stated the Church on Pine St is also a conditional use and would like it and its conditions added to the list. She recommended that the list be reviewed as well so that the conditions can be enforced.

Michelle M. stated this is a quick list, more will be added and it will take lots of review.

Earle B thanked the Staff for their work in the past three weeks. He stated the work that was produced has been huge and has been very much appreciated.

Public Works was appreciated for their work during the recent large storms.

EXECUTIVE SESSION

14. Executive Session: Executive Session, pursuant to: 1) C.R.S. §24-6-402(4)(b) - to receive legal advice on specific legal questions, regarding parking; and 2) C.R.S. §24-6-402(4)(f) - to discuss personnel matters, regarding the Town Manager – White/Mire

Hawkeye stated that the Town Manager should be involved in this meeting. Earle B. stated the meeting should proceed as scheduled. Discussion ensued as to the need for the Council to discuss the issues. Several Council members felt that they had been kept uninformed of numerous events by the Town Manager. Matt M. stated the manager has been informed of the agenda item and he has the right to have this as a public meeting. Jim W., through Matt M., declined the meeting to be held in public.

Motion by Shelley B., second by Earle B., to convene in Executive Session, pursuant to: 1) C.R.S. §24-6-402(4)(b) - to receive legal advice on specific legal questions, regarding parking; and 2) C.R.S. §24-6-402(4)(f) - to discuss personnel matters, regarding the Town Manager. Motion failed 4-3 Note: requires a 2/3 majority to pass. Earle B., John R., Darell W., Shelley B. Yea; Hawkeye, Aggie M., George B. Nay.

Motion by Earle B., second Shelley by 24-6-402(4)(b) to discuss the parking and executive session rules of process. Motion 5-2, Hawkeye and Aggie M. Nay.

Council came out of the Executive Session.

Motion by Earle B., second by Shelley B., to convene in Executive Session, pursuant to C.R.S. §24-6-402(4)(f) - to discuss personnel matters, regarding the Town Manager. Motion passed 6-1

Note: requires a 2/3 majority to pass. Earle B., John R., Darell W., Shelley B., George B., and Aggie M. Yea; Hawkeye Nay.

Direction to staff as a result of the Executive session:

- Interim Town Attorney to draft a response to Taylor Ave parking variance letter written by former Police Chief Lamb.
- Add Executive Session pursuant to C.R.S. §24-6-402(4)(f) - to discuss personnel matters, regarding the Town Manager to the next meeting.

FUTURE AGENDA ITEMS

15. Next Meeting – March 5, 2014

- Special Presentation – ERWSD Wastewater Master Plan
- 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
- Discussion/Action Item: Ordinance __ - Series 2014 (Second Reading) An Ordinance amending the Parking Plan for the Town of Minturn. – Hawkinson
- Discussion/Action Item: Ordinance __ - Series 2014 (First Reading) An Ordinance amending Minturn Municipal Code section 7-9-310, Protection of Wildlife
- Executive Session pursuant to C.R.S. §24-6-402(4)(f) - to discuss personnel matters, regarding the Town Manager

16. Future Meetings:

- Discussion/Action Item: Ordinance __ - Series 2014 (First Reading) An Ordinance amending Minturn Municipal Code section 7-9-310, Protection of Wildlife
- Vail Valley Foundation Re: 2015 World Cup funding consideration (4/2/14)
- Work Session – Continued work on the Town Council Vision Statement – White
- Discussion with XCEL Representative – White
- Marijuana update – Matt Mire (4/23/14)

17. Set Future Meeting Dates

- a) Council Meetings:
 - March 5, 2014
 - March 19, 2014
 - April 2, 2014
- b) Planning & Zoning Commission Meetings:
 - February 26, 2014
 - March 26, 2014
 - April 23, 2014

18. Other Dates:

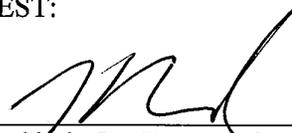
- February 18, 2014 – Candidate Materials available for Town Council Elections
- March 15 & 16 Ski Joring
- April 8, 2014 – Town Council Elections

19. Adjournment

Motion by John R., second by Aggie M., to adjourn the meeting at approximately 10:37pm.


Mayor Hawkeye Flaherty

ATTEST:


Town Clerk, Jay Brunvand

