



Official Minutes

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

Wednesday March 5, 2014

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

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 – Matt Mire
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

Regular Session – 5:00pm

1. Call to Order

The meeting was called to order by Mayor Hawkeye Flaherty at 5:07pm.

a. Roll Call

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

Staff present: Town Manager Jim White, Interim Town Attorney Matt Mire, 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 C.R.S. §24-6-402(4)(b)(f) to the Executive Session regarding Town Attorney services.

Motion by Darell W., second George B., to approve the Agenda as amended. Motion passed 6-0.
Note: John R. was excused absent.

EXECUTIVE SESSION

3. 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; 3) C.R.S. §24-6-402(4)(b)(e) - to receive legal advice on specific legal questions and to determine positions, develop a strategy and instruct negotiators regarding proposals for police services and discussion regarding Bolts Lake – White/Mire

Motion by Earle B., second by George 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; 3) C.R.S. §24-6-402(4)(b)(e) - to receive legal advice on specific legal questions and to determine positions, develop a strategy and instruct negotiators regarding proposals for police services and discussion regarding Bolts Lake. Motion passed 6-0. Note: John R. was excused absent.

Direction given to staff as a result of the Executive Session:

- Parking question no direction
- BMR direction set up committee meetings and contact Boots F. to update the council on water issues
- The balance will be taken up at the end of the meeting when the Executive Session is reconvened and completed

Council exited the Executive Session at 6:05

Motion by Shelley B., second by George B., to recess the Council meeting for the purpose of conducting the Work Session. Motion passed 6-0. Note: John R. was absent excused.

Work Session – 6:00 pm

- Minturn Police Department discussion -- Osborne

Darell W. asked if we wanted to keep our own municipal court, could we; yes. State Statute violations would go into the County Courts and higher, the municipal violations would be written into the municipal courts. Darell W. expressed his desire to maintain the community feel of a local police force. Discussion ensued as to the Councils desire to maintain a local force.

Discussion ensued as to the cost and any cost savings for in house police versus contract services.

- Contractor Registration Ordinance – Metteer

Regular Session – 6:30pm

Hawkeye reconvened the Regular Session at 6:35pm and updated the meeting on the proceedings thus far.

4. Approval of Agenda

- Items to be Pulled or Added

Add to the Executive Session at the end of the meeting 4) C.R.S. §24-6-402(4)(b)(f) to discuss and receive legal advice regarding Town Attorney services

Motion by Shelley B., second by Darell W., to approve the Agenda as amended. Motion passed 6-0. Note: John R. was excused absent.

5. Approval of Minutes and Action Report

- February 19, 2014

Motion by Shelley B., second Aggie M., to approve the minutes of February 19, 2014 Council Meeting as presented. Motion passed 6-0. Note: John R. was excused absent.

- Action Item Report
 - i. Eagle River Park
 - ii. Other Action Items

6. Liquor License

- Ski Joring Special Event License, Town of Minturn, Michelle Metteer - Brunvand

The liquor license application was reviewed. Questions on event parking were asked and answered. Michelle M. highlighted the event for the public.

Motion by Shelley B., second by Darell W., to approve the Special Event Permit for a Malt, Vinous, and Spirituous liquor permit as presented with the following conditions:

- The application was received on February 19, 2014 and the Notice of Public Hearing on this matter was posted on the premises by the Town Treasurer on February 21, 2014 at least 10 days prior to the Council Meeting consideration.

- That the selling of liquor in the manner currently proposed in the application is not in violation of the Minturn Municipal Code.
- Staff requests that at least one experienced T.I.P.S. certified, or equivalent, server be present at all times while alcoholic beverages are sold. We would like that those servers and certifications be identified to the Town in advance.
- Staff requests each entrance/exit be monitored to ensure no outside liquor is introduced to the event and that no liquor is removed from the premises.

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

Mr. Lynn Kanakis, 248 Main St, commented how nice he felt the Town is running.

Ms. Barbara Allen, 4130 Eagle River Bend Avon, updated the Council on information she has learned regarding the traffic on Hwy 6, how it passes by several schools and how the retail distribution and sales of marijuana would affect this County passage.

Ms. Melissa Decker, 821 Main St, reported that the other morning she observed the Minturn Police Officer exceeding the speed limit and passed in the opposite direction the school bus. This is unacceptable and he did not have any reason to be driving in such a manner. Although the bus did not have its stop lights flashing, Ms. Decker stated the bus driver commented on the rate of speed as well. She asked the Council to ensure that sidewalks are part of the community consideration.

Ms. Lynn Teach, 231 Pine St., commented on the work the Public Works is doing with all the snow. Commented on how well Michelle and Janet have been handling town issues during the Town Manager's extended absence.

8. Special Presentations

PUBLIC HEARINGS AND DISCUSSION/ACTION ITEMS

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

Lisa O. gave a brief overview of the discussions to date of how the Town will move forward with the police department due to staffing issues. The Town has received two contract proposals, one from Avon and one from the County.

Earle B. asked Lisa O. for a coverage review of the two proposals and the costs of each. Earle B. stated his initial thought was to stay with the Minturn Police Department. He stated that the reality of the situation is that we do not have the funds to staff, train, and retain a police force. He stated the proposals would allow some consistency that we have not been able to offer in the past and stated a contract option does make sense.

Darell W. stated we have always had officer retention issues. By having an outside contract the stability and retention issues would be resolved. Aggie agreed.

Shelley B. stated we could request a modified schedule with the contracts to allow for coverage during the early morning and evenings. She felt a contract, if managed properly, would be an asset for the town citizens.

George B. stated he felt we could hire our own officers, not have a chief, use the Sheriff for extra coverage and supervision, and still retain our own police force.

Hawkeye felt we should have our own police department.

Note: 4 desired the contract, 2 desired the Minturn department.

Discussion ensued on the merits of a contract versus the Minturn force options.

Hawkeye stated this would be discussed further in the Executive Session as it is a contract and assured the citizens that they are police safe.

10. Discussion/Action Item: Council Pay discussion as pertains to April 8, 2014 Election – Brunvand

No change was directed.

11. Discussion/Action Item: Code Enforcement Update - Metteer

Michelle M. updated the Council on the options for Code Enforcement needs. Michelle M. stated Lisa O. has undertaken the position and will be trained. Jim W. stated he had approved sending Lisa O. to a training program in Las Vegas, NV. Shelley B. asked if this was putting too much of a burden on the current staff or was this going to create a new position. This would be an added responsibility to her position. The proposal is to maintain one full time equivalent position in the event the Council changes the makeup of the current police department. How the position evolves is yet to be completely realized. Council agreed the training was warranted but that we should move forward with caution.

12. Discussion/Action Item: Ordinance 2 – Series 2014 (Second Reading) An Ordinance amending the Parking Plan for the Town of Minturn. – Hawkinson

Previous Action: Motion by Shelley B., second by John R., to approve Ord 2-2014 as presented on first reading. Motion passed 7-0

Janet H. updated the council on the issues noting the biggest issue is not the neighborhood resident parking, rather the guests using the trail head parking. Staff is requesting Council to table the issue until the issues can be further vetted.

Motion by Darell W., second by Aggie M., to table to the April 2, 2014 meeting Ordinance 2 – Series 2014 (Second Reading) an Ordinance amending the Parking Plan for the Town of Minturn as presented. Motion Passed 6-0. Note: John R. was excused absent.

13. Discussion/Action Item: Resolution 6 – Series 2014 a Resolution of endorsement for Holy Cross funding for the purpose of park beautification at Little Beach Park and Eagle River Park – Brunvand

Motion by George B., second by Shelley B., to approve Resolution 6 – Series 2014 a Resolution of endorsement for Holy Cross funding for the purpose of park beautification at Little Beach Park and Eagle River Park as presented. Motion passed 6-0. Note: John R. was excused absent.

14. Discussion/Action Item: Resolution 7 – Series 2014 a Resolution decreasing the speed limit along Taylor St. and authorizing the installation of a three-way stop sign intersection on Taylor St. – Mire

Motion by George B., second by Darell W., to approve Resolution 7 – Series 2014 a Resolution decreasing the speed limit along Taylor St. and authorizing the installation of a three-way stop sign intersection on Taylor St. as presented. Motion passed 6-0. Note John R. was excused absent.

15. Discussion/Action Item: Ordinance 3 – Series 2014 (First Reading) an Ordinance requiring registration of contractors conducting work requiring a permit. – Metteer

Michelle M. outlined the purpose behind the ordinance and its consideration. Shelley B. stated the annual registration seems to not reduce the effort required, the intent would be to have a multi-year registration and fee. This is not in the Ordinance. Janet H. stated that the Planning Dept is computerized based on an annual renewal basis, to change this would require additional work by staff. Discussion ensued as to the merits of annual versus multi-year and the proposed fee structure.

Proposed changes:

- Define contractor more specifically as requiring a building permit
- Consider the multi year

Motion by Earle B., second by Shelley B., to approve Ordinance 3 – Series 2014 (First Reading) an Ordinance requiring registration of contractors conducting work requiring a permit as presented with the proposed changes. Motion Passed 6-0. Note: John R. was excused absent.

16. Discussion/Action Item: Eagle River Park funding for public restroom facilities – Hawkinson

Janet H. updated the council on the changes they recommended to make a men's and women's steel. Janet H. requested the council to consider extra funding for a men's and women's (two single stall), ADA, steel building. She stated the costs are approximately \$40,000 per stall.

Motion George B., second Shelley B., to approve up to \$75k and encouraged to use local vendors. Motion passed 6-0. Note: John R. was excused absent.

17. Discussion/Action Item: Public recognition of Parking Variance letter – White

Hawkeye updated the community and apologized for the letter written and distributed to the citizens. He stated it was very confusing. Following is the referenced letter from the Council:

PARKING "VARIANCE" LETTER DATED NOVEMBER 18, 2013

The Town of Minturn is issuing this notice to address former Police Chief Brad Lamb's November 18, 2013 letter, entitled "Taylor Avenue Parking Variance." Chief Lamb's letter purports to grant a "variance" allowing vehicles to park on the west side of Taylor Street between the hours of 2:00 p.m. and 6:00 a.m., between the south railroad track intersection and the north end of Taylor Street near the Lionshead trail access.

First, in the letter, Chief Lamb referenced a petition that was signed by Taylor Street residents requesting that parking be allowed on Taylor Street. The Town is not in possession of any such petition.

Second, while Chief Lamb used the term "variance," the letter does not grant a variance as used in the Town Code. There are several examples of variances in the Town Code, such as sign variances and zoning variances, but there is no Code section authorizing a parking variance.

The position of Police Chief is granted specific authority by the Minturn Town Code. The Police Chief has the authority to enforce State statutes and Town ordinances within the Town boundaries, and to perform other related duties as the Town Council requires. The Police Chief does not have the authority to change the laws that apply within the Town. The Town Council did not request or direct that Chief Lamb issue the letter.

Because of the confusion surrounding the letter, the Town Council wants to make it clear that the letter does not restrict the Town's ability to regulate parking on Taylor Street.

The Town takes the comments and concerns of its residents seriously. The Town Council held a special public meeting on January 27, 2014, to address the parking concerns on Taylor Street. The Town Council received public comment from Taylor Street residents, which the Town will consider as it develops a revised parking plan for Taylor Street. The Town Council is hopeful

that it can adopt a parking plan for Taylor Street that is responsive to the needs of residents and ensures safe travel along the roadway.

Please do not hesitate to contact either Town Council or Town staff if you have questions, comments or concerns about our community. The Town's contact information may be found at <http://www.minturn.org> or by calling (970) 827-5645. We look forward to hearing from you.

Matt M. noted the letter was in the packet and that the parking variance noted within the letter exceeded the authority of the Police Chief. The variance itself has no legal standing. Hawkeye asked the community to request the letter if they feel needed.

OTHER MATTERS

18. Planning Department Update

- Discussion of Town Goals/Action Plan - Hawkinson/Metteer/Martinez/Brunvand
- GOCO Grant Little Beach Park

Janet updated the council on the grant and the effort put forth for the grant. Grant notification will be made in June 2014.

- Technical Review Board – Hawkinson/Martinez

Janet H. and Arnold M. updated the council on how this will allow the neighboring citizens of various projects in an effort to better communicate with the neighbors as projects are proposed to the town which might not otherwise be shared.

19. Staff Report

Michelle M. updated the council on the Staff Report and took questions. Arnold M. updated the council on the snow removal and snow pile removal being done town wide. He noted this has been a pretty heavy year and emphasized the need for citizens to use their snow stacking area on their private property. Discussion ensued as to the need to provide safe view and safe ingress and egress of properties.

Comment was also noted on the water loss control measures being taken. We are getting closer to the acceptable water loss of less than 20%.

Shelley B. noted all the snow from Shop N Hop is being plowed onto Boulder St. and it makes the road almost impassable. Arnold M. stated he would talk to the private contract plow driver.

Arnold M. stated that on Saturday a huge portion of Lions Head Rock fell. The debris fell down the hill side and on to the old railroad tracks. No one was hurt and other than the rail tracks, no damage was reported.

20. Town Council Comments

Hawkeye asked the citizens to ensure their trash is in the cans and the lids are closed. The trash and the containers need to be maintained and the can put away on days not trash days. This will help with the animal issues and it will help keep the neighborhoods clean.

It was noted that with the high snow year, citizens should be thinking about the high river flow in the spring and flood potential.

Darell W. stated the ERWSD might be requesting to be on a meeting to outline their election in May.

EXECUTIVE SESSION

- 21. 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; 3) C.R.S. §24-6-402(4)(b)(e) - to receive legal advice on specific legal questions and to determine positions, develop a strategy and instruct negotiators regarding proposals for police services and discussion regarding Bolts Lake.**

Note: this is a continuation of the 5pm Executive Session if necessary.

Motion by Shelley B., second by George B., to reconvene 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; 3) C.R.S. §24-6-402(4)(b)(e) - to receive legal advice on specific legal questions and to determine positions, develop a strategy and instruct negotiators regarding proposals for police services and discussion regarding Bolts Lake and to discuss the Town Attorney hiring. Motion passed 6-0.
Note: John R. was excused absent.

The Council meet in Executive Session with the Interim Town Attorney and then Jim W. was called into the Executive Session.

Direction given to staff as a result of the Executive Session:

- Set up another round of interviews for the Attorney position.
- Begin negotiations with the entities on the Police Department contracts.

FUTURE AGENDA ITEMS

22. Next Meeting – March 19, 2014

- 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: Wastewater Master Plan update – Diane Johnson
- Discussion/Action Item: Ordinance 3 - Series 2014 (Second Reading) an Ordinance requiring registration of contractors conducting work requiring a permit. – Metteer
- Special Presentation/Proclamation: One Book One Valley – Lori Ann Barnes

23. 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 – Town Attorney (4/16/14 Invite Ms. Barbara Allen to the meeting
- Work Session – Consent Agenda discussion

24. Set Future Meeting Dates

- a) Council Meetings:
- March 19, 2014
 - April 2, 2014
 - April 16, 2014
- b) Planning & Zoning Commission Meetings:
- March 26, 2014
 - April 23, 2014
 - May 21, 2014

25. Other Dates:

- March 11, 2014 – Candidate Materials due to Town Clerk for Town Council Elections
- March 15 & 16 Ski Joring
- April 8, 2014 – Town Council Elections

26. Adjournment

As there was no further items on the agenda the meeting stood adjourned at 10:07pm.


Mayor Hawkeye Flaherty

ATTEST:


Town Clerk, Jay Brunvand

