



Official Minutes

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

Wednesday April 2, 2014

Work Session – 5:30 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

Work Session – 5:30 pm

- Council vacancy

Hawkeye asked for direction from the Council regarding the resignation of Shelley B.

Matt M. stated the Council options as they could accept the rescindment of the resignation.

Council requested this be brought up on the agenda for decision during the meeting.

- DOLA Grant Update – Brunvand/Hawkinson

Jay B. reported he had been able to review the grant as it stands to include what had been paid and reimbursed through the grant, what had been paid but not reimbursed, and what was yet to be undertaken. The numbers presented have been reviewed by TST Engineers but only via email,

Staff has not had time to verbally discuss any concerns directly with TST. This would be occurring in the next few days. Concern was expressed by Staff that the remaining projects are far under the original estimates and costs for other similar portions of the project but yet we were still on budget rather than under budget.

Direction was given by Council to complete the Water Treatment Study for \$7,500 and to continue with the balance of the grant for the Main Valve and the Harrison Ave loop. Council requested Arnold M. to obtain a quote to take up the entire Harrison Main to Pine and repave as an addition to the project. This work is to be done prior to the June 30 Grant deadline.

- Police coverage discussion – Metteer

Hawkeye asked if he could review the Gypsum agreement; Michelle M. will send it to the entire Council.

Lisa O. asked if Council wanted 12 hour in-Town shifts each day or would less be acceptable? Janet H. noted we would also have an in-town Code Officer. Hawkeye asked if we could split the 12 hours during the day (ie non-consecutive hours). Michelle M. noted that a shorter day had not been proposed to the ECSO so it was not confirmed if this is an option. (Note: in the past our Officers have worked 10hr per day shifts and average about 3 callouts a month for additional services.)

Lisa O. reviewed the various negotiating points that are present in the Minturn revised proposal.

Regular Session – 6:30pm

1. Call to Order

- Roll Call

The meeting was called to order by Mayor Hawkeye Flaherty at 6:32pm.

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

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

- Pledge of Allegiance

2. Approval of Agenda

- Items to be Pulled or Added

Motion by John R., second by Aggie M., to approve the agenda as presented. Motion passed 6-0.

Motion by Earle B., second by George B., to add the discussion Shelley Bellm's resignation as Discussion Item 6a. Motion passed 6-0. Add discussion and vote regarding the rescindment of Shelley B. as Discussion Item 6a.

Motion by Earle B., second by George B., to approve the agenda as amended Earle/George to add the discussion motion passed 6-0

3. Approval of Minutes and Action Report

- March 19, 2014

Motion by Darell W., second John R., to approve the minutes of March 19, 2014 Council Meeting as presented. Motion passed 6-0.

- 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, requested again for Town Manager Jim White's termination citing the following as conditions for cause:

- Taylor St Parking variance letter, unethical behavior by an individual of authority, and hid information from the citizens.
- Allowing a business to operate in Town without a business license and on property they were trespassing on. Citizen complaints of the business went unanswered and were disregarded by the Manager.
- Allowed squatters on railroad property at the corner of 4th and Minturn Road. Mr. Koellhoffer cited six areas in the Town Code where violations occurred. Stating again, these violations went unanswered by the Town Manager even after they were brought directly to his attention.
- Police Chief was allowed to resign after three months of Administrative Leave. It was proven the Police Chief was protecting his father-in-law and was a violation of law and ethics. This employee directly reported to the Town Manager and had very little supervision even when shown incriminating actions.
- All of these items the Town Manager did nothing about even after the issues were brought to his attention on several occasions.

Mr. Koellhoffer noted that several items of this list have been resolved professionally by the Acting Co-managers to everyone's satisfaction.

Mr. Larry Stone, 201 Main St owner of the Scarab, spoke in support of the Manager and added several letters in support of Jim White.

Ms. Sage Petersen, Sticky Fingers, spoke in support of Jim White.

Ms. Bev Christensen, 1207 Main St, spoke in support of Jim White and is support of his work for the senior program.

Mr. Eric Kregan, 152 Main St, spoke in support of Jim White.

Mr. Dan Armistead, 1003 Main St unit C, spoke in support of Jim White and represented several of his family members.

Mr. Frank Lorenti, 1081 Main St, said it is very difficult to support Jim White when no one knows what he did wrong. The Fitness Center is 25% over budget, this does not make a good Town Manager. Mr. Lorenti stated he felt governmental transparency is severely lacking under the current administration. He stated the current Mayor also will not debate him in their mutual endeavor for the office of Mayor. Mr. Lorenti stated that if Jim White is terminated the issues reasons should be conveyed to the citizens.

Mr. Barry Clark, 974 Main St, asked if the Council could give insight to what the issues are against Jim White.

Hawkeye stated the Town Manager and concerns of his performance has been under review since allegations arose in early November. In February he was placed on Administrative Leave, the Town has hired an outside investigator, and that investigator will be submitting a report of findings for the Council to Review. This report is due in the next few days. It was asked if the Council will see the report prior to any action is taken; yes however, this is an employee issue and the report will remain confidential.

5. Special Presentations

PUBLIC HEARINGS AND DISCUSSION/ACTION ITEMS

6. **Discussion/Action Item: Ordinance 2 – Series 2014 (Second Reading) an Ordinance amending the Town Parking Plan – Hawkinson**

Note: Staff is requesting Council to table this item to the June 4, 2014 Council Meeting.

Previous Action:

- 2/19/14 Motion by Shelley B., second by John R., to approve Ord 2-2014. Motion Passed 7-0.
- March 5, 2014 Motion by Darell W., second by Aggie M., to table to the 4/2/14 meeting. Motion Passed 6-0.
- 3/19 Janet H. requested this be moved from the April 2 meeting to the June 4

Motion by Darell W., second by George B., to table Ordinance 2 – Series 2014 (Second Reading) an Ordinance amending the Town Parking Plan to the June 4, 2014 meeting. Motion passed 6-0.

6a Discussion of Shelley B. resignation rescindment

George B. stated that the resignation was accepted as a point of law. He stated that, although he appreciates her work on the Council, he feels her resignation is valid. Matt. M clarified that the resignation was valid and the Council had the choice of appointing for the two weeks, holding the vacant seat until the election, or accepting the rescindment.

Motion by Earle B., second by Hawkeye to accept the rescindment of Shelley B.'s resignation, thereby reinstating her as a council member. Motion failed 1-5 (Earle B. yea).

Shelley B. stated her resignation was very vague and felt the Council plots against themselves. She was asked by the Town Water Attorney, a Council Member, and a number of Staff members to continue her efforts. She felt there was not precedent on her resignation because all resignations have come from members that were leaving the Town proper. Shelley B. cited an email where the Mayor stated the Council "elected" to accept her resignation. She felt this inferred that the Council had been polled and made a decision on her resignation and felt this constituted a meeting and illustrated how Mayor had over stepped his bounds.

Shelley B. stated the Town Manager has continued to converse with the Town's attorneys and this was insubordination.

OTHER MATTERS

7. Planning Department Update

- TAP Grant – Hawkinson

Janet H. updated the Council that we have looked at several grants recently. The weed control grant looks good for the town and we have two on staff that are trained weed sprayers from the same grant last year. The TAP Grant also looks good and we are also looking at the Conservation Easement Grant. The name of the park will remain the Boneyard, the grant will be used to create parking, and things to do.

The tiger grant will be applied for and used to complete the bike path through the Town.

Michelle M. and Janet H. met with the Forest Service to discuss the Game Creek trailhead parking on UPRR land. Because this is parking for the trailhead both the UPRR and the USFS are involved.

The Eagle River Park bathrooms are progressing. She stated year around bathrooms will increase the cost by fourfold. Arnold M. stated he did not feel year around restrooms were a good idea because there is not much foot traffic in the area and it is difficult to clean them.

The council felt seasonal was appropriate.

It was asked if the ERWSD would give a sewer tap to the town for the park; no, they do not give them away, they will amortize the cost over up to ten years.

8. Staff Report

Arnold M. asked about sidewalks on the 100 block of Main St. Council stated this would need to be a supplemental allocation to the budget and asked for cost estimates to be approved by Council before any work is undertaken. Discussion ensued as to the signs in the sidewalk in that area. When the sidewalks are done Staff needs to talk to the affected neighbors and see if we can put the sign in their yard rather than in the sidewalk.

Janet H. asked if the Council wanted to look at the South Minturn sidewalks too; at this point that is a separate project and should be considered at a later date. It was noted that the budget is limited this year and we need to prioritize.

Michelle M. noted for the Council that the Public Buildings line item is in excess of \$5,000 over budget already due to the East Entrance on Town Hall and the heat tape.

Michelle M. requested those council members on committees please write up a summary of the committees they are on to update the new Council.

9. Town Council Comments

John H. thanked Aggie M. and Darell W. for their service to the Town as Council Members.

George B. is working on setting up a meeting with Dave Kleinkopf, Battle Mtn Resorts, he will inform the Council as the meeting date and time is set.

George B. asked the Council to send questions for the Sheriff contract to Matt M. Hawkeye asked that he be on that committee too and was appointed to the committee.

Hawkeye stated he was running for re-election as Mayor and he was running on his record.

EXECUTIVE SESSION

10. Executive Session: Executive Session pursuant to C.R.S. §24-6-402(4)(b)(f) - to receive legal advice on specific legal questions and to discuss personnel matters, regarding the Town Manager.

Matt M. requested in lieu of an Executive Session that Council call a special meeting within the next week. This would allow time for the Town Manager's investigation to be finalized and forwarded to Council for review in Executive Session. Discussion ensued as to which date worked best for the Council; Wednesday April 9, 2014. Wednesday was determined to be the meeting date and it will cover the executive session for the Manager.

FUTURE AGENDA ITEMS

11. Next Meeting – April 16, 2014

- Election summary and Council swearing in
- Citizen Comment: Van Beek for Sheriff
- Work Session: Council transition discussion
- Work Session: 2015 World Cup support discussion

12. Future Meetings:

- Work Session – Continued work on the Town Council Vision Statement – White
- Discussion with XCEL Representative – White
- Work Session: Town Council CIRSA training (6/4/14)
- Discussion/Action Item: Ordinance 2 – Series 2014 (Second Reading) an Ordinance amending the Town Parking Plan – Hawkinson (6/4/14)
- Marijuana update – Town Attorney (Invite Ms. Barbara Allen to the meeting) (5/7/14).

13. Set Future Meeting Dates

- a) Council Meetings:
- May 7, 2014
 - May 21, 2014
 - June 4, 2014
- b) Planning & Zoning Commission Meetings:
- April 23, 2014
 - May 21, 2014
 - June 18, 2014

14. Other Dates:

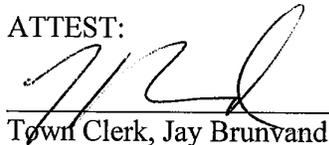
- April 26, 2014 - Eagle River Watershed Council Highway Cleanup
- May 31, 2014 – Town Clean-up

15. Adjournment

Motion by John R., second by Aggie M., to adjourn at 8:09pm.


Mayor Hankye Flaherty

ATTEST:


Town Clerk, Jay Brunvand

