



## Official Minutes

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

**Wednesday April 16, 2014**

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

**MAYOR – Gordon “Hawkeye” Flaherty**  
**MAYOR PRO TEM – George Brodin**

**COUNCIL MEMBERS:**

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 – 5:00 pm

- Resolution 8-2014 414 Eagle St Boundary agreement – Hawkinson
- Council transition discussion – Metteer/Hawkinson
  - Staff Introductions
  - Council board and sub-committee positions

Attachment “A”

- Parliamentary Procedure (Res 41-2008)
- Mock Debate

## **Regular Session – 6:30pm**

### **1. Call to Order**

The meeting was called to order by Mayor Hawkeye Flaherty at 6:37pm.

- Roll Call

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. Swearing in of Mayor and Council Elect – Hon. Judge T. Quinn**

Aggie M. and Darell W. gave parting words and wished the new council luck in their future.

Judge Quinn swore in the Mayor and Council at which time they took their seats at the Council. A revised roll call was taken:

Those present included: Mayor Hawkeye Flaherty, Town Council members, George Brodin, John Rosenfeld, Matt Scherr, Earle Bidez, Ozzy Osborne, and Shelley Bellm.

### **3. Approval of Agenda**

- Items to be Pulled or Added

Add:

- Minturn Community Fund garden lease
- Town Attorney interview discussion
- Ipad Policy discussion
- Appointments of Council committee members

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

### **4. Approval of Minutes and Action Report**

- April 2, 2014

Shelley B. make sure the minutes reflect that it was not Matt that was the attorney but the two water attorneys

Motion by George B., second Earle B., to approve the minutes of April 2, 2014 Council Meeting as presented. Motion passed 4-0. (Note: Matt S., Ozzy O., and Shelley B. did not vote.)

- April 9, 2014 Special Meeting

Motion by George B., second John R., to approve the minutes of April 9, 2014 Special Council Meeting as presented. Motion passed 4-0. (Note: Matt S., Ozzy O., and Shelley B. did not vote.)

- Action Item Report

Earle B. inquired of the status of the work on the Boneyard park, it is moving forward and on schedule.

Shelley B. inquired on the berm at Public Works

For the benefit of the new Council, Janet H. and Michelle M. reviewed the action report and the status of each project.

Arnold M. clarified of the yet to be completed items on the DOLA Grant, the isolation is at Main and Toledo and the loop line is at Main St to Pine St on Harrison Ave.

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

Ms. Sage Pearson, 123 Main St, welcomed the new council and stated the businesses are very excited with the progress.

She asked about the Town Manager. Hawkeye stated there would be a press release that is forthcoming and would answer most the questions.

**6. Special Presentations**

- James Van Beek – Candidate for County Sheriff

Mr. Van Beek introduced himself, stated he is a candidate for the Eagle County Sheriff, and reviewed his qualifications in law enforcement and for Sheriff.

**PUBLIC HEARINGS AND DISCUSSION/ACTION ITEMS**

**7. Discussion/Action Item: EC School Dist Mosquito Control Funding update by John Widerman – Brunvand**

Mr. John Widerman noted the funds he had raised and announced that he had been able to meet the conditions the Council had set on the Town's participation.

Motion by George B., second by John R., to release the approved funding as presented. Motion passed 7-0.

**8. Discussion/Action Item: Eagle River Park Historic Walk update – Hawkinson**

Janet H. updated Council on the project and the signs that are being proposed. The goal is to have the sign built and ready by the end of May.

**9. Discussion/Action Item: Resolution 8 - Series 2014 a Resolution authorizing the Mayor of Minturn to sign a Boundary Line Agreement at 414 Eagle St - Hawkinson**

Discussion regarding the Quiet Title ensued. The Boundary Line Agreement resolves the property lines and the Town's Right-Of-Ways.

Motion by John R., second by George B., to approve Resolution 8 - Series 2014 a Resolution authorizing the Mayor of Minturn to sign a Boundary Line Agreement at 414 Eagle St (Harrison and Eagle Streets near the river) as presented. Motion passed 7-0.

**10. Discussion/Action Item: Resolution 9 - Series 2014 a Resolution authorizing the Mayor to sign a management agreement for 2014 with the ERWSD – Brunvand**

Council asked for the ERWSD to consider online payments.

Motion by Shelley B., second by John R., to approve Resolution 9 - Series 2014 a Resolution authorizing the Mayor to sign a management agreement for 2014 with the ERWSD as presented. Motion passed 7-0.

**10a Discussion/Action Item: Resolution 10 – Series 2014 a Resolution authorizing the Mayor to sign a lease agreement between the Minturn Community Fund and the Town of Minturn for the management and lease of the Community Garden located at 243 Boulder St. – Metteer**

Michelle M. informed the Council this is an annual contract; however, the MCF has added to the agreement that their rules ban dogs in the garden area. Michelle M. stated the property will be signed and fenced to encourage citizens to follow the rules. Matt M. stated correctly this is the Community Fund's policy; it is not the Town's law.

Motion by Shelley B., second by Ozzy O., to approve Resolution 10 – Series 2014 a Resolution authorizing the Mayor to sign a lease agreement between the Minturn Community Fund and the Town of Minturn for the management and lease of the Community Garden located at 243 Boulder St as presented. Motion passed 7-0

**10b Discussion/Action Item: Ipad policy – Metteer**

Michelle M. reviewed the current policy. It was noted that Staff recommends that we use policy rather than Manager Discretion. Michelle M. noted that a new Ipad costs \$500 and the current price for the used one is \$350.

Direction to Staff was to allow the purchase by the out-going Council Member at the average used price as obtained by Staff. Hawkeye requested the policy be distributed to the Council.

**10c Discussion/Action Item: Town attorney**

Hawkeye stated the Town Attorney pool has been narrowed to two firms and requested the Town Council set up a time for final interviews. George B. stated it could be added into a regular Council meeting.

After discussion a Special Meeting for the purpose of an executive session with time after for an open meeting has been called for the purpose of attorney interviews and discussion of Town Manager direction. Tuesday April 29 at 5pm

**10d Discussion/Action Item: Appointments of Council Committee members**

- Eco Transit: Ozzy O. and George B.
- Minturn Fitness Center: John R. and Earle B.
- Channel 5: Ozzy B.
- Scholarship Committee: Shelley B. and George B.
- ECO Sheriff Contract Committee: George B. and Hawkeye
- Railroad: George B. and Matt S.

Discussion ensued regarding the action to combine the Water Committee and the BMR Committee decision made at the Special Meeting held on April 14, 2014. Shelley B. stated the Water Committee was set up to study the Town water rates and that it was not a good idea to combine water (to determine water rates) and BMR committees. Shelley B. asked why the combining of these two committees was on the agenda for the Special Meeting held on April 14, just two days prior to the new Council being seated. She felt this should have been done when the new Council had a chance to have an opportunity to serve on this committee. Hawkeye stated he felt George B. had made inroads with BMR and felt it was a good idea.

Shelley B. stated the Water Committee was to discuss water rates for our Enterprise Fund, it was not to discuss the Bolts lake project as Hawkeye indicated.

- Economic Development Committee: Shelley B. and Matt S.
- Parks: Ozzy O. and Earle B.

Motion by Earle B., second by Ozzy O. to approve the committee memberships as noted. Motion passed 7-0.

- Hawkeye recommended that George B. be left as the Mayor Pro Tem

Motion by Earle B., second by John R., to appoint George Broden as Mayor Pro Tem. Motion passed 6-1. (Shelley B. opposed.)

## **11. Economic Development**

- Ski Joring Survey

Michelle M. reviewed the marketing survey for the Council that was conducted during the Ski Joring event. Because this was reduced to only held on Sunday due to poor weather there is only one day of statistics. Discussion ensued on the parking and the success of the event. This event was successful and will be held again next year. John R. asked how much the survey cost; approximately \$1500. Michelle M. stated the weather concern was due to the track being very icy and choppy which made the track unsafe for horses and the participants. Michelle M. stated the cancellation did cost the Town due to the fact that the advertising and other hard costs were already spent and in play. Michelle M. stated the announcer was a problem as well and we will use a different source in future years as sponsors were missed, sound as bad, etc.

Earle B. noted that seating was an issue. Michelle M. stated she has found a source for bleachers and we will have them for next year.

Ozzy O. asked what our market goal is for events? Michelle M. noted we have been very hard at work on a 3-5 year plan, the summer is very productive and we are now working on the winter festivities such as the Ski Joring, snowmobile event, and others.

## **12. Code Enforcement**

Lisa O. gave an update on the creation of a Code Enforcement office. She has attended a training in Las Vegas and has done several ride alongs in Vail and others local municipalities. She reviewed some of the forms, uniforms, etc. she has collected and will be used in Minturn.

Earle B. asked about the scope of work description. Lisa stated this would be beneficial and should be approved by Council. It was noted that this position is in addition to her Court/Police Clerk duties. It is not anticipated this would be a full time position in and of itself.

Discussion ensued as to Lisa O. carrying a radio and that cost be included in the Sheriff contract. Lisa O. also stated what will be carried as a part of the uniform, such as pepper spray, still needs to be determined.

Discussion ensued as to the current status of the police department and the negotiations with the Eco Sheriff for a permanent solution.

## **13. Town Planner**

- New Building Permits

Janet H. updated the Council in new building permits.

- 2014 Minturn Community Plan per State Statute
- 100 Block of Main St sidewalk discussion

#### **14. Public Works**

- Paving Bids

Arnold M. reviewed the bids presented in the packet. (Note: no direction was given to proceed on these projects)

- Norman St (Pine to Boulder): \$26,862
- Norman St (east side): \$29,538

Hawkeye asked for a cost estimate for Harrison (Main to Pine) to pave the entire street as part of the DOLA water line looping project rather than just the portion that is torn up for the water line. Shelley B. stated we need to make sure we get the loop on Harrison done in conformance and timing of the DOLA grant, but the paving might be too expensive. Hawkeye also asked about the cost to correct the railroad crossing on Minturn Road. Arnold M. will follow up on that.

Direction given by Council was to move forward with the Harrison Loop project as proposed in the DOLA grant but, until an estimate can be reviewed by Council to not pave all of Harrison. Direction was also give to bring back a bid on paving the Minturn Rd railroad crossing.

- So Minturn Culvert Ditch
- Lease Lot Berm

#### **15. Treasurer/Clerk**

- Election Update

#### **16. Co-Acting Town Managers**

John R. stated we should have a scope of work for the Co-Acting Managers to ensure the Council is updated and ensure that human resources is under the purview of the town attorney.

#### **17. Town Council Comments**

Matt S. stated that, procedurally, he felt that Council should only give direction to the Co-Managers and they should not be directing Staff specifically or in General and that such Council direction should definitely not be given outside of the Council meetings as Council only has authority when they are in session.

Shelley B. stated it was important that all items for Council consideration and direction be included in the packet. She stated that too often information is presented at the Council meetings when they have not had sufficient time to review it prior to making a decision. On the rare occasion that something cannot make the packet, it should be given to Council no later than 24 hours in advance in order for Council to have time to review each item sufficiently.

Shelley B. stated she was in a meeting with a staff member and another staff member that was not part of the meeting secretly recorded the conversation from the hall. The recording was verified by a Council Member that heard the recording. Shelley B. firmly stated that recording

conversations in such a manner is in violation of criminal and civil law and such action places the Town in a very difficult liability circumstance.

Hawkeye stated the Jim White has decided to remove himself from the employ of the Town. A press release will be forthcoming which should answer most questions.

## FUTURE AGENDA ITEMS

### Special meeting

- Attorney interviews
- Hr discussion
- Brainstorming on the Town administration options (Manager)

### **18. Next Meeting – May 7, 2014**

- Special Meeting scheduled for Tuesday April 29, 2014
- 2015 World Cup race Discussion

### **19. Future Meetings:**

- Work Session – Continued work on the Town Council Vision Statement
- Discussion/Action Item: Marijuana legislation update – Mire (5/21/14)
- Discussion with XCEL Representative
- County Commissioners
- Work Session: Town Council CIRSA training (6/4/14)

### **20. 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 28, 2014
  - June 25, 2014

### **21. Other Dates:**

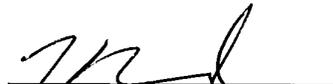
- April 26, 2014 - Eagle River Watershed Council Highway Cleanup
- May 31, 2014 – Town Clean-up

**22. Adjournment**

Motion by John R., second by Earle B., to adjourn at 9:30pm.

  
Mayor Hawkeye Flaherty

ATTEST:

  
Town Clerk, Jay Brunvand



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Town Council  
 Mayor – Hawkeye Flaherty  
 Mayor Pro Tem – George Brodin  
 Council Members:  
 Earle Bidez  
 Darell Wegert  
 Aggie Martinez  
 John Rosenfeld

*Attachment 'A'*

**COUNCIL BOARD REPRESENTATIONS:**

Board	Representative	Time Requirements
Channel 5 Public Access TV	Jason Osborne	Meets quarterly
ECO Transit	Jason Osborne	(Brodin alternate) Meets quarterly
Minturn Fitness Center	Johnie Rosenfeld	Earle Bidez

**COUNCIL SUB COMMITTEES:**

Sub Committee	Representative	Representative
Scholarship	Shelley Bellm	George Brodin
Battle Mountain/Water	Earle Bidez	George Brodin
ECSO IGA	George Brodin	Hawkeye Flaherty
Battle Mountain	Earle Bidez	Shelley Bellm
Railroad	George Brodin	Matt Scherr
Parks	Jason Osborne	Earle Bidez
Eco Devo	Matt Scherr	Shelley Bellm

**ECO Transit Committee**

Duties: Discuss budget, buses, schedule, routes and eco trails.

- e-mail consent agenda for action items between meetings
- Bus Schedule Service
- Replacement
- Costs
- Ridership Campaigns
- Service Entire County
- Service Special Events

Important to have a Town of Minturn Presence

**Railroad Committee**

- Improved Communication and PR Position with Railroad
- Better Regulation and management of enterprises on Railroad land
- Bicycle Path thorough-fare Route
- Water Sewer to Public Works and Little Beach Park
- Largest landowner in Town

- Widest Property as opposed to other townships in Eagle County

### **Water Committee**

1.) Review water rates for entire Town to find parity among users.

- Residential
- Business
- SFE's
- Tap Size
- Usage charge
- Base Rate and gallons included in this

2.) Talks with Battle Mountain to advance water potentials for the development. Details for executive session (negotiations).

### **Outhouse Committee**

- 1.) Build Bathrooms at Eagle Park
- 2.) Build Bathrooms at Boneyard
- 3.) Build Bathrooms at Little Beach Park

### **Police Committee**

Negotiate Contract with Sheriff's Office for Minturn Police coverage.