



Official Minutes

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

Wednesday May 7, 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
Jason Osborne
John Rosenfeld
Matt Scherr

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

- Discussion regarding Human Resource process and resources – Malarkey
 - Discussion regarding list of resources for Interim Town Manager – Brunvand
- Council direction: Jay B. is to contact Willey Powell, discuss conceptually costs and email those costs out, and request him to be at the next meeting work session. Janet H. is to talk to Keven Batchelder (previously of Silverthorne) to discuss his interest.

Regular Session – 6:30pm

1. Call to Order

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

- Roll Call

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

Staff present: Interim Town Attorney Ryan Malarkey, Town Planner Janet Hawkinson, Economic Dev Coordinator Michelle Metteer, Police Clerk Lisa Osborne, 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 George B., to approve the agenda as amended. Motion passed 6-0 (Note: Shelley Bellm was excused absent.)

3. Approval of Minutes and Action Report

- April 16, 2014

Pg 5 check if there are notes to self

Pg 8 remove the note that online payments

Motion by John R., second George B., to approve the minutes of April 16, 2014 Council Meeting as amended. Motion passed 6-0. (Note: Shelley Bellm was excused absent.)

- April 29, 2014 Special Meeting

Motion by Earle B., second John R., to approve the minutes of April 29, 2014 Special Council Meeting as presented. Motion passed 6-0. (Note: Shelley Bellm was excused absent.)

- Action Item Report

George asked if we have received a copy of the ECO SO; Ryan M. updated the Council on the process.

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

- Letter from Mr. Frank Sanders

Ryan M. read the letter into the record. This letter is included within these minutes as attachment "A".

5. Special Presentations

- Holiday Program recognition - Osborne

Lisa O. introduced many of those that assisted with the Holiday program and gave them Certificates of Appreciation. Lisa O. gave a brief background of the history of the program which was started in 1995. In 2013 the program gave Christmas presents to 50 children from 21 Minturn families of need.

At this point the meeting was recessed for the partaking of cake and ice cream.

PUBLIC HEARINGS AND DISCUSSION/ACTION ITEMS

6. Discussion/Action Item: 2015 World Cup Update

Michelle M. updated the Council on the 2015 World Cup Update. She introduced Michael Imhof, Vail Valley Foundation. Mr. Imhof updated the Council stating they are about 210 days out from the event (February 2, 2015). This second to the Olympics and it is anticipated that the World Cup will draw 830 million viewers. Mr. Imhof stated they are requesting \$38,000 in support from the Town of Minturn. The Towns of Gypsum, Eagle, and Minturn are being asked for \$38,000 each and any other additional in-kind work we could also lend. The cash contribution is required soon, mid-June by the latest.

It is estimated the event will produce over \$100million in economic value County wide.

Matt S. recommended the Economic Committee work with Michelle M. over the next two weeks on options the Town has for participation. This information could then be presented to the Council at the May 21 meeting.

Ozzy O. stated he would follow up on the county wide transit system and anything planned to increase the availability for the international tourism that will result from the event.

Hawkeye stated this is something we really need to support; we need to find the money.

Direction was to include this in the May 21st work session and place on the action item if necessary at that time.

COUNCIL AND STAFF REPORTS

7. Town Planner

8. Co-Acting Town Managers

- Co-Acting Town Manger's Report
- Ipad Policy

Direction was given to the Clerk to review the tape from the 4/16/14 Council Meeting to figure out what the direction was and inform Council via email.

- Public Works

The isolation valve work will begin on May 15.

Ozzy O. asked of any update on the Lions Head rock and the parts that are falling down. The USFS has stated it is a natural occurrence and they are not planning on doing much with inspecting the outcrop.

Hawkeye stated the County has applied for a \$10million grant to complete the bike path and Minturn is on the list of areas for completion. He stated we need to move forward with getting the easement on the RR property and it should be a priority.

9. Town Council Comments

Hawkeye reminded the Town that the bears are out and the trash cans are being hit. Please be conscientious of this and the trash picked up.

Wished everyone a happy Cinco De Mayo and Mother's Day.

EXECUTIVE SESSION

- 10. Executive Session: Executive Session pursuant to C.R.S. §24-6-402(4)(b)(e)(f) - to receive legal advice on specific legal questions, to determine positions relative to negotiations, to develop a negotiating strategy and to discuss personnel matters regarding the Town attorney interviews, Town Manager replacement, to discuss strategies regarding Battle Mountain Resorts, and to discuss negotiations regarding the agreement with Eagle County to provide police services.**

Motion by Ozzy, second by John to convene in Executive Session pursuant to C.R.S. §24-6-402(4)(b)(e)(f) - to receive legal advice on specific legal questions, to determine positions relative to negotiations, to develop a negotiating strategy and to discuss personnel matters regarding the Town attorney interviews, Town Manager replacement, to discuss strategies regarding Battle Mountain Resorts, and to discuss negotiations regarding the agreement with Eagle County to provide police services. Motion Passed 6-0. (Note: Shelley B. was excused absent.)

Direction given as a result of the Executive Session:

- A committee was set up to discuss the position with the Interim Manager candidates and that committee will contact Willy Powell, in the event he is not interested, other candidates would be contacted thereafter.
- Karp, Nue, Hanlon was selected as the new Town Attorney firm contingent upon finalizing a contract.

FUTURE AGENDA ITEMS

Other direction given prior to the end of the meeting:

- Add to the May 21 Work Session discussion of the 2015 World Cup
- Report from the USFS regarding summer projects
- Discussion of Lions Head Rock – Staff to find a geologist, possibly contact CML for leads on a geologist
- Update on the Rail Road crossings

11. Next Meeting – May 21, 2014

12. Future Meetings:

- Discussion/Action Item: Marijuana legislation update – Mire
- County Commissioners
- Work Session: Town Council CIRSA training (6/4/14)

13. Set Future Meeting Dates

- a) Council Meetings:
- May 21, 2014
 - June 4, 2014
 - June 18, 2014
- b) Planning & Zoning Commission Meetings:
- May 28, 2014
 - June 25, 2014
 - July 23, 2014

14. Other Dates:

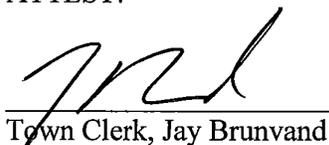
- May 31, 2014 – Town Clean-up

15. Adjournment

Motion by John R., second by Ozzy O., to adjourn at 9:25pm.


Mayor Hawkeye Flaherty

ATTEST:


Town Clerk, Jay Brunvand



Read to the people

Attachment "A"

Public Record

July 5, 2012

I am the son of Frank G. Sanders Sr.

I am here tonight for putting up a "no trespassing" sign on my private land.

You are claiming that the land where I placed my sign belongs to the Town of Minturn. It seems to me that the burden of proof that you somehow own this land is on you. I maintain that it is not the towns land.

Approximately six years ago a large group of citizens came to the council. The parking in the 100 block was being made into a park. Several citizens, including myself, spoke saying the town does not own that property.

Since that time I have done extensive research.

The 100 block is considered the homestead block. The land on the river is owned by Frank Sanders, Lenard Liedy and Sig Nelson.

In the 1950's, the Town of Minturn asked residents of the 100 block to provide a place behind their houses to park. This request was due to problems with plowing and deliveries on Main Street. So, the 100 block residents brought in railroad ties and filler to build the alley and extend the river bank. This gave us room to park back there and made it easier for the town to plow snow.

When the sewer line was installed in the alley, the residents could have stopped the process. However, the residents agreed, as they needed the sewer line. While the sewer line was being dug up, they broke an anchor tie. My father said we could have them come back and fix it. Instead, they moved a large rock from the river and called it square.

In late the 1970's, the town hired the Eagle County surveyor, Jack Johnson, to survey because the previous survey was off. One of the survey posts was checked frequently as it was easy to access. The other survey post was hard to access and it had slid, so it had caused the survey to be off.

My father and Jack Johnson included me in a conversation about the alley. Jack said the town was given a ten to twelve foot egress exit the town was to keep the exit plowed.

Mr. Johnson replaced the wooden survey posts with rebar survey posts.

(keep in mind that the 100 and 200 blocks are considered homesteaded blocks)

The original survey had the roads and houses off. I found one rebar survey post pulled up and the rest were bent or in place. I know one post was pulled up because one day it was just missing and it had been pulled up leaving the pavement like a cone. It was not drug out by a plow blade.

There wasn't any problem until my dad died in February of 1979. There were many ploys tried to get the land. One ploy was to lease the land to residents. I asked my neighbor why he wanted to lease the land the town doesn't own.

The next problem was the restoration on the river. One day I saw a man on the 100 block, he was measuring land in the alley. I asked him what he was doing and he took off. Another day I saw a lawyer and another man talking at the end of the 100 block. When I approached the men, they too took off.

Flaherty and I attended restoration meetings. We got cards from the head of the restoration. Everything they said they wouldn't do, they did. We thought about getting a restraining order but the lawyer said it would cost us a lot of money.

The restoration started on our part of the river September 1, 2003. When they started on my part of the river, I was devastated.

Mr. Nelson and Mr. Sanders had a big tree on the river side, that's where they began. September 11th. Everyday was a living hell watching the destruction. I tried to save what I could. The engineer would say one thing one day and do the opposite the next. Truth for a day. They promised they wouldn't take our land and three years later they did. Truth for three years.

We watched what our fathers had built be taken. We grew up where a mans word was valid, the way it should be. Without the efforts of our fathers, the alley and land wouldn't even be there today.

I had the land surveyed on the river side in August and paid the Bocco heirs, so the town couldn't do it.

I didn't believe this to be the case here. I grew up with the Nelsons and Liedy's and my dad. The land was ours. Nelson had a storage shed next to the river behind Liedy's store. I think Nelson sold it to Liedy, because I know Liedy owned the storage shed on the other side of the main street where the hotel is now.

The Nelsons barn and corral was also on the other side of the main street. Helen Nelson told me that the Nelson homesteaders built the Minturn Mercantile building by pulling the rocks with a mule. It was finished in 1891.

The reason I told the town lawyer and countless people it was my land is because they are all gone. I am the only one left here to defend the land for Leonard Liedy's heirs, Sig Nelson's heirs and my heirs.

The Town of Minturn should have the surveyed map of Jack Johnsons from 1973. You can also find the Bocco deeds I had made in 2003 before the river restoration at

Eagle County. You can also find where we own the land. You should have in your records when we give the town egress exit.

I feel that the river restoration was a land grabbing scheme.

This is a summary and just part of what I know. It would take me too many pages to continue. Now I have all kinds of options. I asked for an investigation at another restoration meeting the day the town took our land. The truth will not be suppressed any longer. This will be sent out to the people.

I would ask that the town remove your sign from behind my family home. The sign offends me and my neighborhood. The sign is on our land, also the sign behind Gordon's house.

I feel that you are taking from the heritage of the people.

Frank Sanders

P.S., I feel my testimony tape was switched, because it happened before. I have alot more,