



## Official Minutes

### MEETING OF THE MINTURN TOWN COUNCIL

Minturn Town Center, 302 Pine Street  
Minturn, CO 81645 • (970) 827-5645

**Wednesday May 21, 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  
John Rosenfeld  
Matt Scherr  
Jason Osborne

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 Willy Powell

Proposed changes as outlined and discussed:

- Willy P. will be allowed limited non conflicting work activities in addition to his contract with the Town of Minturn
- The Town will provide Indemnification and Workers Compensation coverage the same as for any other employee
- The Town will provide an Office and office equipment
- Council agreed to have this on the agenda for approval as revised at the worksession.

- Discussion regarding 2015 World Cup – Metteer

Michelle M. outlined a meeting held by the Subcommittee held on May 16<sup>th</sup>. Shelley B. reviewed the information that Michelle M. had provided and it was felt a financial contribution was more appropriate for the Town than in-kind donations do to our limited staff. Matt S. stated the true question is the amount to donate and how would that correlate with any return on the investment. All felt participation was important but at what level. Michelle M. was directed to

discuss with the 2015 group alternative levels of contribution. Ozzy felt it was important to ensure ECO Transit coverage.

The Sub Committee will meet with 2015 Organization, then meet again as just the Subcommittee, and then report back at the June 4<sup>th</sup> meeting to the Council with a funding level recommendation.

- Eagle Park restroom design – Hawkinson

The Council discussed cleaning/maintenance concerns including the potential of freezing water lines. Janet H. stated the Park Committee is leaning towards a more modern look with the waving walls. John R. stated he liked the wood look better than the metal look as it fit the Town better; there was consensus on this. Concern was expressed to ensure there was sufficient lighting in the area for safety. Janet H. stated the grant is \$50,000 and is not a match grant. The total cost of the bathroom project (men's and women's restrooms, outdoor classroom, and educational signage) is estimated not to exceed \$125,000 (Town share not to exceed \$75,000).

Shelley B. asked of the snow removal and the affect this project would have on Public Works; Arnold M. stated the snow removal would not be dramatically affected as it is to the side of the existing basketball court/snow storage area.

## **Regular Session – 6:30pm**

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

The meeting was called to order by Mayor Hawkeye Flaherty 6:41pm.

- Roll Call

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

Staff present: Interim Town Manager Willy Powell, Town Attorney Mike Sawyer, Town Planner Janet Hawkinson, Economic Dev Coordinator Michelle Metteer, and Town Clerk/Treasurer Jay Brunvand.

- Pledge of Allegiance

### **2. Approval of Agenda**

- Items to be Pulled or Added

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

### **3. Liquor Authority**

- The Minturn Country Club Inc., Hotel/Restaurant Liquor License annual renewal; 131 Main St, Tom Ricci, Secretary/Manager – Brunvand

Motion by John R., second by Jason O., to approve the Minturn Country Club Inc., Hotel/Restaurant Liquor License annual renewal; 131 Main St, Tom Ricci, Secretary/Manager as presented. Motion passed 7-0

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

- May 7, 2014
- Clarify that Willy would be contacted and if he did not want it then Kevin Batchelder would be contacted.

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

- Action Item Report

Shelley B. asked for feedback on the Memorialization process. She felt it important that the information be presented to the Council too. Janet H. stated they had met twice but it has not moving much further than conceptual. Shelley B. asked this be made clear in the Action Plan.

John R. asked about the police department and the code enforcement officer. What is the position, who does it report to? Janet H. stated it had fallen to Lisa O. because she had been sent to training at significant cost by the former Town manager. It is part of the ECO SO's contract proposal that we would have the position. The budget for the position is included in the police budget and the ECO SO negotiation budget.

Willy P. stated Staff would review the issue and report back at the next meeting.

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

Mr. Mike Heaffy, 821 Main St., asked what the Town would receive in return for the monetary contribution to the 2015 World Cup sponsorship.

Mr. Greg Honan, 225 Eagle View Dr. Eagle Vail, asked the Town's intentions regarding the medical and/or retail marijuana within the Town of Minturn. He stated he is familiar with the Town, the area, and the law. He stated he would be willing to work with the Town to work on a viable plan that would protect the Town if they opted to allow. Hawkeye asked what the tax is: 25% state excise in addition to state, county, and city taxes.

Shelley B. stated the Town should send a representative to the next working group meeting which are held in Vail and are open to the public.

The consensus of the Council was to bring this forward as a presentation to the Council to learn of the existing laws and issues and to reconsider the current ban on medical and retail sales once the Council has been informed.

## 6. Special Presentations

### PUBLIC HEARINGS AND DISCUSSION/ACTION ITEMS

#### 7. Discussion/Action Item: Presentation on DOLA Grant regarding Water Study by TST – Hawkinson

Janet H. highlighted the DOLA grant and introduced Mr. Don Toronto of TST Consulting Engineers. Mr. Toronto stated he had the draft of the water treatment facility completed and the document he had tonight would cover the technical portion, the strategy going forward needs to be developed, and his report will allow the Town to still make the next grant cycle due on August 1.

Earle B. asked of the cost estimates. Mr. Toronto stated the \$2.5m membrane system is the most affordable and most flexible for future needs. Mr. Toronto stated the proposed future DOLA grant would be a 50/50 grant and then we would pursue other grants and low interest loans to complete the project.

Shelley B. asked how this would improve our water; Mr. Toronto stated the quality and taste of the Town's water supply is based on the high quality of the raw water.

If approved for the DOLA grant we would have 12-18 months to finish the new plant. Hawkeye stated that our current plant is working fine and the new plant should be paid for by the BMR development as stated in the negotiated plans. Discussion ensued as to the quality of our water and our filters that work well with little cost to the town. Mr. Toronto stated the current filters are labor intensive and are not able to be automated. Council felt the cost should be passed on to the development not the current citizens. Council felt the costs that we might incur are already part of our current operating costs. It was discussed that our current system is working well, although there is a maintenance cost it is significantly less than the cost of a new plant, and the

Earle B. stated he felt an analysis of the costs we currently have vs the costs of a new plant is important, Mr. Toronto will provide that analysis as part and cost of the project report.

Shelley B. stated this report was a Council request from last year and we should finish the study. Mr. Toronto stated we would have all needed information by the end of June or mid-July.

#### 8. Discussion/Action Item: Resolution 11 - Series 2014 to appoint Karp, Neu, Hanlon P.C. as the Town of Minturn's legal counsel – Brunvand

Hawkeye stated he had had a discussion with Mike S. regarding his rates. The Firm is open to a flat rate for regular Council Meetings and an hourly rate for other business. Mike S. stated he would also work with the Town on how we can work together once time passes enough to establish a pattern. In discussion it was noted that travel time could be billed at half the hourly rate and stated additionally he would consider not charging for drive time for the two regularly scheduled standard Council

Earle B. stated we should have a process on how the Town uses the attorney so that he is not called on every little item. Willy P. stated it is best for routine items to go to the Manager and then he would involve the attorney as needed.

Mr. Mike Heaffy, 821 Main, felt the fees should be agreed to prior to the approval of the agreement.

After discussion, Mike S. stated he will memorialize the travel agreement to reflect half the hourly cost and would not bill for up to two regular Council meetings, mileage cost would remain. He also noted that his firm works with other municipalities and any common issues would cost less simply by volume.

Motion by George B., second by Earle B., to approve Resolution 11 - Series 2014 to appoint Karp, Neu, Hanlon P.C. as the Town of Minturn's legal counsel as amended, to further review the documents in three months as to cost and the Mayor is authorized to sign such agreement. Motion passed 7-0.

**9. Discussion/Action Item: Resolution 12 - Series 2014 to appoint William Powell as the Town of Minturn's Interim Town Administrator – Brunvand**

Hawkeye recommended that in the first month more time would be necessary in order to bring Willy P. up to speed. Willy P. stated that it will take time to come up to speed and he will be scheduling time with the staff and council to learn of the Town.

Willy P. will be working on a financial plan for the costs incurred to terminate the previous manager, his own interim costs, and the cost of a permanent manager search and contract.

Motion by Shelley B., second by John R., to approve Resolution 12 – Series 2014 to appoint William Powel as the Town of Minturn's Interim Town Manager as presented. Motion passed 7-0.

**10. Discussion/Action Item: Resolution 13 - Series 2014 to appoint check signers – Brunvand**

Shelley B. and Earle B. would be added to the current signers of Hawkeye and George B. All other previous signers will be removed.

Motion by George B., second by Shelley B., to approve Resolution 13 - Series 2014 to appoint check signers as presented. Motion passed 7-0.

## COUNCIL AND STAFF REPORTS

### 11. Town Planner

- Design Review – 2 homes

Hawkeye asked about the house at 494 Eagle St. could be improved if it was currently a nonconforming use? Janet H. stated that the portion of the property that was being improved was not the nonconforming portion; therefore, as interpreted by the Planning Commission and the Interim Town Attorney's it could be. Hawkeye felt the code was quite clear and noted had the Planning Commissioner not voted by phone the project would not have advanced.

Earle B. stated that the existing encroachment agreement does not allow this change either. It was also noted by Shelley B. that the new development needed to meet the setbacks, it could not create more nonconformance. Janet H. stated as interpreted by the Planning Commission and the Interim Town Attorney it could be.

Matt S. noted that the addition would cause the nonconformance to come down from 50% because now the building is bigger so it is a smaller percentage and the owner needed to be informed of this.

Hawkeye asked if a Planning Commissioner could vote by phone and not be present? Janet H. had confirmed with CIRSA that this was legal prior to the meeting. Hawkeye stated it is not allowed in our Charter for Council and it should be the same for the other boards and commissions of the Town.

Shelley B. stated the landscaping and clear vision is a concern and a reason for Council to call this decision up. She stated that it is not a private street and she does not want it to be considered a private street.

Motion by Shelley B., second by John R., to call up the 494 Eagle Street Design Review for Council Review. Motion Passed 4-3. Note: Ozzy O., Earle B., and Matt S. voted nay.

- Parks Committee
- Boneyard Conservation

Hawkeye stated we have some slash piles on the land and we need to get a cost to haul or mulch; Willy P. will review. John R. stated he had an Eagle Scout that might be able to assist; Janet H. or Willy P. will follow up with John R. Janet H. stated she is working on the draft Site Plan and all discussion will be considered for inclusion in the final Conservation Site Plan.

- Tap Grant

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

- Code Compliance Officer
- Public Works
  
- Railroad street crossing and paving report

Janet H. reported she has several RR contacts and will be working with them on solutions.

- County road grading
- DOLA Grant Management

### **Minturn Fitness Center**

The website platform has been selected, EZ Facility. This platform will allow for online access, class scheduling, membership information, and provides the convenience of a mobile app option. Meetings with the website designer begin next week. The MFC Board will be meeting on April 22 to review and confirm operation logistics of the fitness center. Any questions Council may have should be submitted to Johnie or Earle before the 22<sup>nd</sup>.

### **Comment Box**

Town Hall now has a comment box available to residents and visitors for leaving feedback or suggestions. The box is located on the first floor lobby and checked for comments regularly.

### **Trail Reclamation**

Volunteer work for local area mountain biking trails, including Game Creek Trail and Cougar Ridge Trail is needed. Any interested volunteers in helping to improve the usability of these trails should contact Jamie Malin with the Vail Valley Mountain Bike Association at [jamiemalin@yahoo.com](mailto:jamiemalin@yahoo.com).

### **Upcoming Events**

The Minturn Town Clean-up day is **Saturday, May 31st**. This year, the event will be held in the upper parking lot of Little Beach Park on Cemetery Road.

The annual Clean-Up event provides the citizens of Minturn with a free and convenient receptacle to deposit their appliances, debris and undesired items from their property and home. The Minturn Public Works Department staff will be at Little Beach Park parking lot to help unload vehicles.

As in years past, there will be volunteers from Battle Mountain Development Company, and the Town of Minturn with trucks to assist residents with transporting their large, unwanted items to the dumpsters. If residents, especially senior citizens, are interested in taking advantage of this opportunity, items for disposal should be prepared and ready for pick-up in an accessible area. To sign up for this free service, please contact Lisa Osborne at the Minturn Town Offices at (970) 827-5645, extension 105 by Friday, May 30, 2014. An e-mail may also be sent to Ms. Osborne at [losborne@minturn.org](mailto:losborne@minturn.org). Keep in mind, the Eagle Valley Community Fund will gladly take items in good condition for their annual fundraiser Rummage Sale at Maloit Park.

Volunteers are needed to team up with town staff to clean-up litter and debris in all areas of

town. Volunteers will be meeting at the Little Beach Park upper parking lot at 9:00 a.m. All volunteers are asked to sign-in and then will be provided garbage bags and safety vests. Please remember to bring gloves to protect your hands. Once signed-in and outfitted with the necessary gear, each volunteer will be assigned a specific area to work for litter pick-up.

**Minturn Market begins June 14<sup>th</sup>.**

**Independence Day Celebration is July 5, 2014.** An application has been submitted to the Colorado State Patrol and the Colorado Department of Transportation for a parade down Main Street starting at approximately 3:00 on July 5<sup>th</sup>. We are currently accepting free registration for participants to enter the parade. Registration forms can be found online at [www.downtownminturn.com](http://www.downtownminturn.com) or [www.minturn.org](http://www.minturn.org). Space in the parade is limited, so get signed up!

**Code Compliance Officer:** Lisa Osborne has ordered a uniform and will be utilizing one of the Town's police pick-up trucks for duty. We have already had great success with the Code Compliance from banners to clear vision setbacks to trash cans. The railroad property on 4<sup>th</sup> & Minturn Road has been cleaned up.

**Railroad Street Crossing Repair:** We have been in conversation with Jason Mashek, Manager of Road Projects and Shermin Spear, Road and Tracks Maintenance, to have the tracks repaired in Minturn. Shermin Spear is out of Denver office.

**DOLA Grant Management:** Public Works has started the Harrison Water Loop project. It is scheduled to be complete in 2 weeks. A-Peak asphalt won the paving contract and is scheduled to pave upon completion of water loop. The project is scheduled to be completed by June 20, 2014. The grant report and final invoicing is due June 30, 2014.

**13. Town Council Comments**

Council requested the rubber seasonal speed bumps be installed on Boulder St. near the carwash and that the seasonal "Yield to Pedestrian" signs be put up on Hwy 24.

**FUTURE AGENDA ITEMS**

**14. Next Meeting – June 4, 2014**

- Work Session: Town Council CIRSA training – 6/4/14
- Work Session: Discussion regarding 2015 World Cup – 6/4/14
- Town of Minturn 4<sup>th</sup> of July Request for Special Event Permit; 800 Cemetery Rd; Michelle Metteer, Town Economic Dev Coordinator – Brunvand

**15. Future Meetings:**

- Discussion/Action Item: Marijuana legislation update – June 18 start in work session and move as needed
- Acceptance of the 2013 Annual Audit – 6/18/14

- County Commissioners
- Work session on I-annotate 6/18/14

**16. Set Future Meeting Dates**

- a) Council Meetings:
- June 4, 2014
  - June 18, 2014
  - July 2, 2014
- b) Planning & Zoning Commission Meetings:
- May 28, 2014
  - June 25, 2014
  - July 23, 2014

**17. Other Dates:**

- May 26, 2014 – Memorial Day Office Closed
- May 31, 2014 – Town Clean-up

**18. Adjournment**

Motion by George B., second by Jason O., to adjourn at 9:00pm.

  
Mayor Hawkeye Flaherty

ATTEST:

  
Town Clerk, Jay Brunvand