



## Official Minutes

### MEETING OF THE MINTURN TOWN COUNCIL

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

**Wednesday June 4, 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  
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 – 5:00 pm

- Work Session: Town Council CIRSA training – Powell Council asked for a separate training on quasi-judicial matters.
- Discussion regarding 2015 World Cup – Metteer

### Regular Session – 6:30pm

#### 1. Call to Order

The meeting was called to order by Mayor Hawkeye Flaherty 6:42pm.

- 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: Acting Town Manager Willy Powell, Town Attorney Jeff Conklin, 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

Addition: 2015 World Cup funding

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

## **3. Liquor Authority**

- Town of Minturn 4<sup>th</sup> of July Request for Special Event Permit; 800 Cemetery Rd.; Michelle Metteer, Town Economic Dev Coordinator – Brunvand

Michelle M. reviewed the events scheduled for the day.

Motion by Jason O., second by Earle B., to approve the Town of Minturn 4<sup>th</sup> of July Request for Special Event Permit to sell malt, vinous and spirituous liquor beverages to be located at Little Beach Park as defined on the attached location map; 800 Cemetery Rd.; Michelle Metteer, Town Economic Dev Coordinator as presented with the following conditions. Motion passed 7-0.

- The application was received on May 13, 2014 and the Notice of Public Hearing on this matter was posted on the premises by the Town Treasurer on May 22, 2014 at least 10 days prior to the Council Meeting consideration.
- That the selling 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 us 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

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

- May 21, 2014

Matt S. noted several items that were corrected.

Motion by John R., second George B., to approve the minutes of May 21, 2014 Council Meeting as amended. Motion passed 7-0.

- Action Item Report

The Eagle CO Sheriff contract for police services was discussed and updated. Hawkeye stated it should be ready for the next meeting.

Shelley B. stated she had noted several changes regarding the Memorialization which were not changed. She stated it was important for Council to be involved with this issue and that it is not in process but that guidelines are being created, there is not a draft.

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

Mr. Berry Clark, 974 main St, thanked the Council for their Work Session discussion regarding some of the aesthetic challenges the Town has and for agreeing to move them up the priority list. Mr. Clark asked the Council to considered a lower contribution amount to the 2015 World Cup.

Mr. Lou Meskimen, 23698 Hwy 24, agreed with the lower contribution amount to 2015 and asked the Council to pressure the North end of town owners to clean up their property through the Code Enforcement.

**6. Special Presentations**

**PUBLIC HEARINGS AND DISCUSSION/ACTION ITEMS**

**7. Discussion/Action Item: Funding for 2015 World Cup**

Michelle M. has been in contact with the Vail Valley Foundation. The original request from VVF was for \$38,000 in cash and \$12,000 in in-kind donations. After discussions they have amended their request to only ask for \$35,000. This would still entitle Minturn to maintain the a sponsorship package level.

The Council as a whole spoke in favor of working with the donation and finding the monetary investment to support the program. The Council also felt the financial request was steep for the Town in consideration of the size of the Town and our budget. The Council also felt it was important to complete some tasks in Town that would increase our curb appeal.

Motion by George B., second by Shelley B., to commit \$35,000 to the Vail Valley Foundation to support the World Cup 2015 program. Motion passed 7-0.

**8. Discussion/Action Item: Presentation and Update on the Minturn Fitness Center – Powell/Rosenfeld**

John R. updated the Council. They did a final walk-through today and are looking at 100% completion inside by June 6 of all construction and will only need to install the athletic sports floor which will be done as items are delivered. Paving will commence in the next week or so. They are looking at a soft opening in approximately mid July and a Grand Opening in September.

Michelle M. noted membership rates are being reviewed by the Minturn Fitness Center Board. The rates will be very favorable to Minturn residents and membership will be valid from the soft opening for use this summer. Rates and what those rates include will be available in June once they are finalized.

**9. Discussion/Action Item: 494 Eagle Street Design Review Call-up by Council – Hawkinson**

Janet H. gave a Staff overview of the project as approved by the Planning Commission.

Shelley B. stated that the Town has never enforced the front street setbacks to the extent that the lot is unbuildable. She stated this is setting a precedent by allowing two front setbacks and on how front set backs are set and enforced. Our current code does not have regulations on setting a front yard on a corner lot. She stated on this project we should require one front yard and not two and for this project we should restate it as one front yard.

Mr. Michael Pukas, property designer on this project, noted our code does not have a corner lot definition and this presents an inconsistency for corner and flag lots. Mr. Pukas stated the Town could correct this by the use of a variance. Shelley B. felt it was not reasonable to require a variance for each corner lot.

Shelley B. stated a second issue is the clear view for the corner. Discussion ensued and agreed that the Planner and the Planning Commission determined they would not require a variance because they determined the clear view was not impeded upon by a parking space being allowed within 15 of the corner. Earle B. stated this would not be allowed on Main St so it should be a concern in this issue as well. Shelley B. stated this is a safety issue for children in the neighborhood. Earle B. stated that the parking in the clear view setback is mitigated on this parcel because Eagle Street is a one way and dead ends at Meek and Meek Ave is a dead end at the Eagle River. Earle B. stated this should be codified in our code to create a rule when the issue is as specific as and defined as this.

Hawkeye asked if the Eagle St is wide enough to have a sidewalk; limited because it is a 12 foot Right-Of-Way and a one-way street. Hawkeye stated he felt the vote by the Planning Commission was in-valid because they allowed a phone vote when the member was out of Town. We have always held that you must be physically present on a vote. Janet H. stated she called CIRSA and they stated the vote was valid based on the fact that we don't have a rule against it.

Town Attorney Jeff Conklin stated a phone vote is allowed in law and if we do not want to allow the phone vote, then we need to expressly state that in our procedural rules and bylaws and state that all Councils, boards, and commission will follow the same rules and procedures. Hawkeye also stated the 50% improvement is exceeded so the noncompliant area should be brought compliant. Mr. Pukas read the Town Code for the Council as pertains and stated the noncompliance is not affected because this is an addition and an addition does not affect the noncompliance. Hawkeye stated the snow storage for the property is not addressed. Mr. Pukas stated the snow storage is in compliance as is the snow shedding from the roof on

to adjacent properties. Jeff C. concurred with Hawkeye that the property value is based on the current assessment from the County. Hawkeye stated he felt the Planning Commission had a complete disregard for the parking and clear view. The Planning Commission's charge is to enforce the law; he felt this was not done in this case. Shelley B. concurred with Hawkeye as relates to the parking; she was required to apply for a variance on her property which meets the same corner lot concerns as 494 Eagle St. She stated if the property required a variance they should have been required to file a variance, if they stated they would not apply and would move their parking, then they should have moved their parking.

A Point of Order was called by John R. where he stated the discussion was off point.

Motion by John R., second by Jason O., to end debate and call the question. Motion passed 5-2. Note: Shelley B. and Hawkeye voted nay.

Motion by John R., second by Jason O., to uphold the approval of option "A" as passed by the Planning Commission. Motion passed 5-2. Note: Shelley B. and Hawkeye voted Nay.

## COUNCIL AND STAFF REPORTS

### 10. Town Planner

Updated the Council on the paving of Harrison Ave which will begin on Thursday June 5.

### 11. Town Attorney

- Definition of "present" for purposes of decision making

Jeff C. reiterated that neither the code nor state statute ban votes by phone. He stated he will review the issue in light of the previous discussion and will propose options for the Council at the next meeting.

Hawkeye stated he felt the person needed to be physically present and he felt the code should reflect that the Planning Commission should follow the same rules as the Council. He felt it was not an option that the Council play by one set of rules and the other boards and commissions that report to the Council have a second set of rules. Discussion ensued as to the use of absentee voting.

### 12. Town Manager

#### Lisa Osborne Resignation

Lisa has announced her resignation, with goal of leaving on or before July 1 and giving at least a two week notice. Lisa's departure is for personal reasons, as she and her family are moving to Grand Junction. At my request, Lisa has provided a detailed list of job duties which Staff is reviewing. As you are aware, Lisa is a valuable employee and provides a wide and lengthy list of services. In general, these services can be broken down to the following areas: Police Records Clerk, Police Property Technician, Court Clerk, Public Information Officer, Emergency

Management technician, Code Enforcement, and a variety of other duties. Some of the duties will be handled under the contract with ECSO, most particularly Police Property Management.

#### Code Enforcement

In evaluating the needs for a replacement employee I would like to know from Council their policy direction as it relates to Code Enforcement. Currently it appears that code enforcement is being handled primarily on a complaint basis. Is this the manner in which Council desires for enforcement to be handled? Or does Council desire to take a more aggressive approach of: "let's clean up the town. "

At the June 4 meeting we will have a more detailed discussion regarding Council's policy toward code enforcement. In preparation I would offer the following to think about.

- If code enforcement is handled on complaint basis only, certain cases (largely zoning infractions) could lead to a situation of selective enforcement, which can lead to legal problems.
- Code enforcement is somewhat labor intensive. Much documentation and procedure need to be followed. The Code Enforcement Officer will not be successful in court unless careful procedures are followed.
  - Review that the complaint is valid or not.
  - If valid, thoroughly document the infraction.
  - Notify property owner and request voluntary compliance.
  - If no voluntary compliance, demand compliance with a deadline (which can vary depending on the resources required to rectify).
  - Perhaps a second chance.
  - If no compliance issue a citation for Municipal Court.

#### Other Items

1. It is customary to hold a retreat for Council after council elections and before final preparation of the 2015 budget. We should be thinking of a date so everyone can arrange their schedules accordingly.
2. I would like to meet individually with all Council members. If you can give me a time to meet I would appreciate.

Willy P. asked for direction from Council on how they want the Code Enforcement enforced over the next few years. Willy P. stated that we have a fair number of enforcement issues and coupled with the duties that the position also has, it is his recommendation that a full time position be hired. He needs to have time to advertise and hire once a job description is evaluated and developed.

Council requested this come back to Council as a discussion item and include a recommendation from Staff.

#### **13. Town Council Comments**

Hawkeye thanked John R. and Earle B. for their efforts serving the Minturn Fitness Center. Wished all a Happy Father's Day.

Hawkeye stated they should plan on a board retreat and asked Council to send ideas of time and topics.

Earle B. stated Yoga in the Park is back for the summer and will be held in Little Beach Park.

## FUTURE AGENDA ITEMS

### 14. Next Meeting – June 18, 2014

- Discussion/Action Item: Marijuana legislation update
- Acceptance of the 2013 Annual Audit
- Eco Sheriff contract
- Retreat
- Code Enforcement

### 15. Future Meetings:

- County Commissioners

### 16. Set Future Meeting Dates

#### a) Council Meetings:

- June 18, 2014
- July 2, 2014
- July 16, 2014

#### b) Planning & Zoning Commission Meetings:

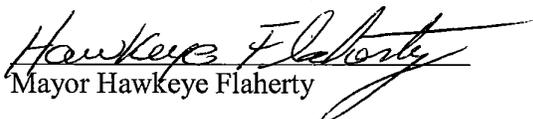
- June 25, 2014
- July 23, 2014
- August 20, 2014

### 17. Other Dates:

- June 14, 2014 – Minturn Market begins

### 18. Adjournment

Motion by John R., second by Earle B., to adjourn at 9:00pm.

  
Mayor Hawkeye Flaherty

ATTEST:

  
Town Clerk, Jay Brunvand

