



Official Minutes

MEETING OF THE MINTURN TOWN COUNCIL

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

Wednesday July 16, 2014

Work Session – 6:00 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 – 6:00 pm

- Ordinance No. 05 – Series 2014 (First Reading) regarding electronic meeting participation

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, Ozzy Osborne, and Shelley Bellm.

Staff present: Acting Town Manager Willy Powell, Town Attorney Mike Sawyer, Town Planner Janet Hawkinson, and Town Clerk/Treasurer Jay Brunvand.

- Pledge of Allegiance

2. Approval of Agenda

- Items to be Pulled or Added

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

3. Approval of Minutes and Action Report

- July 2, 2014

Motion by John R., second George B., to approve the minutes of July 2, 2014 Council Meeting as presented. Motion passed 7-0.

- Action Item Report

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

5. Special Presentations

PUBLIC HEARINGS AND ACTION ITEMS

6. Action Item: Formal direction from Council to continue with the current Ban or to allow the retail sale of Marijuana within the Town of Minturn – Sawyer

Mike S. outlined the current status of the Minturn law.

Ms. Barbra Allen, resident of Avon, spoke in opposition to the retail sale of marijuana in Minturn and encouraged the Council to continue with the ban currently in place. Discussion ensued as to the merits pro and con of retail marijuana.

Ozzy O. felt the use of alcohol is much worse than the use of marijuana.

George B. felt this decision affects many children that are not able to vote.

Mike S. clarified staff is not asking to pass marijuana, rather staff is requesting direction from Council to pursue bringing back an ordinance to allow retail sale of marijuana within the Town of Minturn or the ban stays in place.

Eagle County Under Sheriff Mike McWilliams stated his deputies continue to be trained on the advanced identification of marijuana intoxicated individuals. He stressed the need to keep marijuana away from our children.

Shelley B. stated preventing the retail sale of marijuana in Minturn is not going to keep it out of the hands those seeking the drug.

Earle B. stated the decriminalization of marijuana is important. He stated there is a lot of conflicting data being publicly distributed both local and statewide but felt it was way too early to make a factual determination.

Hawkeye called for a straw vote asking if Council desires to continue with the current ban:

Yes: John R., George B., and Hawkeye

No: Earle B., Ozzy O., Shelley B., Matt S.

Staff was directed to come forward with an ordinance to legalize the retail sale of marijuana within the Town of Minturn. It was noted that the ban is still in place until and if it is lifted by the passage of an Ordinance so doing.

7. Action Item: Ordinance No. 04 – Series 2014 (Second Reading) an Ordinance authorizing the Mayor to sign an Intergovernmental Agreement for Police coverage by the Eagle County Sheriff's Office within the Town of Minturn – Powell

Hawkeye introduced the item and opened the Public Hearing.

Ms. Sidney Harrington, 532-A Taylor St, asked if the need for a four year contract was prudent. She asked if the cost of the contract is in the budget and how does it compare to the current expense for a police department? She asked Council to table the Ordinance until these questions could be answered.

Hawkeye stated we had contacted Vail, Avon, and the Sheriff's Office for guidance and bids, it is in the budget, it will cost less than the current cost of an in-house department, and we would no longer have the issue of high turnover affecting coverage.

Ms. Harrington asked about the cancel clause; it is available to enact at any time. Further the Sheriff's Office is open to continued negotiations as events warrant. Ms. Harrington asked if the deputies will be living in Town; that is not a requirement of the agreement.

Earle B. stated former Chief Martinez worked more than the citizens understood. We were continually looking for officers and training those officers just to see them move to another department in the community.

Ozzy O. stated that although the Council has worked very hard to draft this agreement, he felt the Town was better off with its own police force.

Mr. Daren Tacholke, 530 Taylor, felt the cost was too high. He felt we could save money by remaining with our current on-call status through the Sheriff's Office. He also state the allotment of 10 hours 7 days per week was too high and felt we could save money by having a more reasonable schedule involving less coverage.

Motion by John R., second by Shelley B., to approve Ordinance 4 – Series 2014 (Second Reading) an Ordinance authorizing the Mayor to sign an intergovernmental Agreement for Police coverage by the Eagle County Sheriff's Office within the Town of Minturn as presented. Motion passed 6-1. (Ozzy nay)

8. Action Item: Ordinance No. 05 – Series 2014 (First Reading) regarding electronic meeting participation – Sawyer

Motion by Ozzy O., second by Shelley B., to approve Ordinance 05 – Series 2014 (First Reading) an ordinance of the Town of Minturn amending Chapter two of the Minturn Municipal Code by the addition of Section 2-2-41 to provide terms and conditions for limited telephonic or electronic participation by members of the Town Council at Town Council Meetings and to expressly prohibit telephonic or electronic participation in meetings of other Town Boards and Commissions in situations where such Board or Commission considers the approval, denial, suspension or revocation of any application or permit as presented. Motion passed 7-0.

COUNCIL AND STAFF REPORTS

9. Town Planner

- Scheduled Public Hearing for August 6, 2014 for Preliminary Subdivision Plat: 947 Main St
- Scheduled Public Hearing for August 6, 2014 for Preliminary Subdivision Plat: 1973 Main St
- Scheduled Public Hearing for August 6, 2014 for Variance: 947 Main St – Janet H. stated this Variance has been pulled.

- Completing 3-D map sign for “History Walk” in the park and Eagle River Park restroom update

10. Town Attorney

11. Town Manager

12. Town Council Comments

Ozzy O. asked all citizens to follow the rules for trash and help the bears. We have a bear problem because the trash is not secured.

Shelley B. updated the Council on the Minturn Education Fund meeting.

John R. updated the Council on the Minturn Fitness Center progress and recent meeting and said they are very close. Equipment will begin to be moved in on Monday. The website is now live at www.minturnfitnesscenter.com. Earle B. commended Willy P., Mike S. for jumping in and moving the project forward and Michelle M. for her work on the website.

FUTURE AGENDA ITEMS

13. Next Meeting – August 6, 2014

- Scheduled Public Hearing for August 6, 2014 for Preliminary Subdivision Plat: 947 Main St
- Scheduled Public Hearing for August 6, 2014 for Preliminary Subdivision Plat: 1973 Main St
- Scheduled Public Hearing for August 6, 2014 for Variance: 947 Main St
- Ordinance 5 – Series 2014 (Second Reading) regarding electronic meeting participation – Sawyer

14. Future Meetings:

- County Commissioners
- First and Main Financial Advisors

15. Set Future Meeting Dates

a) Council Meetings:

- August 6, 2014
- August 20, 2014
- September 3, 2014

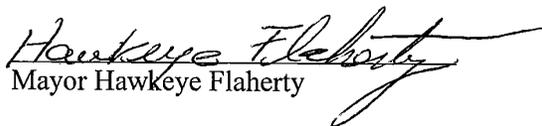
b) Planning & Zoning Commission Meetings:

- July 23, 2014
- August 20, 2014
- September 24, 2014

16. Other Dates:

17. Adjournment

Motion by John R., second by Shelley B., to adjourn at 8:16pm.


Mayor Hawkeye Flaherty

ATTEST:


Town Clerk, Jay Brunvand

