



Official Minutes

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

Wednesday November 5, 2014

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

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 – 5:00pm

Please remember to bring your FY2015 Budget Book

- Public Works Update – Martinez
- 2014 Budget Review – Brunvand
- Ordinance 9-Series 2014 – Review of IGA for Animal Control Services
- Ordinance 10-Series 2014 – Review of Wilcon Energy land lease
- Resolution 18-Series 2014 – Review of Town Administrator agreement
 - Shelley B. noted that the position of Engineer should be based on an RFP

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, Matt Scherr, John Rosenfeld, Ozzy Osborne, Earle Bidez, and Shelley Bellm.

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

- Pledge of Allegiance

2. Approval of Agenda

- Items to be Pulled or Added

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

3. Approval of Minutes

- October 15, 2014
- Change motion to approved as amended
- Also note that on page 4 of 6 third paragraph from the bottom that the entitlements had expired on Koellhoffer.

Motion by Johnie R., second by Shelley B., to approve the minutes of October 15, 2014 as amended. Motion passed 7-0.

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. Public Hearing: – 1st Public Hearing on proposed fiscal year 2015 Budget – review Public Funding Requests – Brunvand

Hawkeye opened the Public Hearing for the purpose of discussion and comment on the Fiscal year 2015 proposed budget.

- Committed Community Funding Requests
 - Augustana/Castle Peak - Lisa Pease

Matt S. recused himself from the Board in order to present the program to the Council in Ms. Pease's stead. This funding request is the second year of a four year commitment of which the

Town has agreed to fund \$10,000 in each of the four years. Matt S. noted that the project has met its \$4.6m funding goal and will begin construction in 2015 with an opening date in 2016.

- World Cup 2015 - Staff

Jay B. updated Council on the two part contribution that includes \$15,000 in 2014 and \$20,000 in 2015. Council committed to this funding several months ago. Because the funds are coming from this funding line item it is included as part of the Public Hearing.

- Community funding requests – Brunvand

- Vail Valley Partnership - Chris Romer

Mr. Chris Romer highlighted the Partnership's community work and its current request. They are asking for \$5,000 in 2015. In 2014 the Town contributed \$2,500.

- Radio Free Minturn - Brian Duchinsky

Mr. Andrew Trumbue, Radio Free Minturn Treasurer presented for the program. They are requesting \$1,500. In 2014 the Town contributed \$1,000.

- Walking Mountain Science Center - Doug Dusenberry

Mr. Doug Dusenberry presented for the program. They are requesting \$2,000 for 2015. In 2014 the Town contributed \$1,000.

- Minturn Community Fund - Guy Patterson

Mr. Guy Patterson, Ms. Maren Cerimele, and Ms. Diana Scherr presented for the MCF. They are requesting \$10,000 for 2015. In 2014 the Town contributed \$10,000. Ms. Scherr noted that Earle B. is a member of the Minturn Community Fund Board.

- Red Sandstone 4th Grade (EC School Dist) – Valery Blevins

Ms. Valery Blevins presented for the Red Sandstone class. They are asking the Town to fund under the various options outlined in the packet. Red Sandstone has not requested funding in prior years.

- Eagle County Trails Group –

Mr. Matt Thompson presented for the organization. They are asking for \$1,000 from the Town in 2015. They have not requested funding in the past. It was noted that this is not a formed nonprofit entity, therefore, the Town would want to have an agreement for a deliverable product.

- EC School Dist-John Widerman

Mr. John Widerman presented the program. It was noted that although this is being requested by the Eagle County School District the program is not completely funded by the District and this is a very specific need within the Maloit Park itself. The program is requesting \$1,300 in 2015. The Town contributed \$1,300 in 2014.

- Other Funding Questions – Brunvand

- Question/Answer

Hearing no further comments the Public Hearing was closed. Hawkeye stated decisions on the funding levels would be considered at the November 19, 2014 meeting. This is the first of two Public Hearings on the FY2015 Budget, the second hearing will take place on November 19, 2014 at 6:30pm in the Town Council Chambers at 302 Pine St. Citizens may also contact the Town Treasurer during regular business hours at 970/827-5645.

Shelley B. recommended the funding requests be discussed during the November 19 Worksession.

7. Action Item: Proclamation in support of Colorado Gives Day – Powell

Hawkeye read the Proclamation for the record.

Ms. Paula Palmateer, Becka Gould, Krista Van Norm, Maren Cerimele and Mr. Darell Wegert spoke for the proclamation. It was noted the fund raising event is December 9th. Website for information and to contribute is www.eaglecountygives.org

Motion by Shelley B., second by Ozzy O., to approve a Proclamation in support of Colorado Gives Day. Motion passed 7-0.

8. Action Item: Ordinance 09-Series 2014 (First Reading) an Ordinance considering annual approval of an IGA with Eagle County for Animal Control services – Brunvand

Discussion ensued as to the need to have the Town Manager work with Animal Control to have enforcement during the early and late hours to address the time when the animals are running at large, not just 8-5 M-F.

Motion by Ozzy O., second by George., to approve Ordinance 09-Series 2014 (First Reading) an Ordinance considering annual approval of an IGA with Eagle County for Animal Control services as presented. Motion passed 7-0.

9. Action Item: Ordinance 10 – Series 2014 (First Reading) an Ordinance approving the lease of land for Wilcon Energy – Powell/Sawyer

Willy P. outlined the highlights of the lease agreement. It was noted this is a three year lease with a three year extension option.

Motion by Shelley B., second by Johnie R., to approve Ordinance 10 – Series 2014 (First Reading) an Ordinance approving the lease of land for Wilcon Energy as amended to require the renewal to be approved by Council and remove the reference to “asphalt” in the Whereas. Motion passed 7-0.

10. Action Item: Consideration of Resolution 18 – Series 2014: A Resolution Approving an Employment Agreement for the Town Administrator – Powell

This agreement was reviewed by our insurance provider, CIRSA, and their requests have been incorporated. It was noted that this contract would require Social Security and Medicare. Also it was requested that time be built in to the contract to address the job search at the end of the contract.

Motion by Shelley B., second by George B., to approve Resolution 18 – Series 2014: A Resolution Approving an Employment Agreement for the Town Administrator as amended with the date adjustment of May 31, 2015 from August 31, 2015. Motion passed 7-0.

GENERAL IMPROVEMENT DISTRICT

The General Improvement District Board was called to order at 8:30 pm, those present included

<u>Board of Directors</u>
Gordon "Hawkeye" Flaherty, Mayor
George Brodin, Mayor Pro Tem
Shelley Bellm
Earle Bidez
Ozzy Osborne
John Rosenfeld
Matt Scherr
David Kleinkopf - absent
Sarah J. Baker, Esq. - absent

Hawkeye asked if the Board would like to table this to the next meeting. It was directed to hold the GID meeting as noticed.

11. ADMINISTRATIVE MATTERS

- Approve Agenda

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

- Review and approve minutes from the November 6, 2013 Board Meeting

Motion by George B., second by Earle B., to approve the Minutes of November 6, 2013 as presented. Motion passed (5-0) Matt and Ozzy abstained as they were not present at that meeting.

12. FINANCIAL MATTERS

- Discuss and consider ratifying appointment of Town Staff to prepare 2015 GID Budget

Motion by Ozzy O., second by Johnie R., to appoint the Town Staff to prepare the 2015 GID Budget. Motion passed (7-0).

- Discussion/Action – 2015 General Improvement District Budget: Public Hearing and Board Comments

Action Recommended:

- a. Open Public Hearing

Hawkeye opened the GID Budget Public Hearing.

- b. Staff Presentation

Jay B. gave an overview of the budget and answered any questions.

- c. Public Comment or Testimony

There were no public comments.

- d. Board Comments

There were no Board comments.

- e. Close Public Hearing

The Public Hearing was closed.

- Discussion/Action – Consider adoption of Resolution No. 2014-11-01 a Resolution to adopt the Fiscal year 2015 Budget

Motion by Shelley B., second by Johnie R., to approve adoption of Resolution No. 2014-11-01 a Resolution to adopt the Fiscal year 2015 Budget. Motion passed (7-0).

- Discussion/Action – Consider approve of Resolution No. 2014-11-02 a Resolution to appropriate sums of money for the Fiscal year 2015 Budget

Motion by Johnie R., second by Ozzy O., to approve Resolution No. 2014-11-02 a Resolution to appropriate sums of money for the Fiscal year 2015 Budget as presented. Motion passed (7-0).

13. OTHER BUSINESS

- Discuss and set meeting dates for 2015:
 - Board Meeting to consider budget approval set for November 4, 2015 6:30pm at the Minturn Town Center, 302 Pine Street, Minturn, CO 81645
 - a. Alternative Date: This item closely follows the State and the Town of Minturn's budget cycle. If an alternative is considered it should be considered as the Board in conjunction with the GID Council.

Motion by Ozzy O., second by Johnie R., to set the next GID Board meeting for November 4, 2015 6:30pm at the Minturn Town Center, 302 Pine Street, Minturn, CO 81645. Motion passed 7-0

14. ADJOURNMENT (as GID and reconvene as Council)

Motion by Shelley B., second by Ozzy O. to adjourn the GID Board at 8:39pm. Motion passed 7-0.

COUNCIL AND STAFF REPORTS

15. Town Planner

- **Council Call-up: Design approval for 436 Taylor St – completion of a duplex that was started in 2006**

Janet H. gave an overview of the Call up. This item was called up because the site plane as approved was granted in 2006 has expired. The definition of building height has changed. The intent was to limit heights to 28ft average roof line above the ground on all sides of the building.

The mid-roof line conforms with the code on some sides of the home, however each side of the structure needs to be in conformance with the mid-roof line not exceeding 28ft. This project exceeds that limit by 6ft on the front of the home. In order to allow for the property to be graded for access the front is not in compliance.

Minturn Code states natural or finished grade, whichever is more restrictive.

Mr. Garth Koellhoffer, owner, presented.

Matt S. noted that because the land is such that it would be unbuildable that a variance could be applied for to accommodate the structure.

Direction was given to Staff to proceed with a Variance application for the property.

Motion by Shelley B., second by George B., to continue the Call Up to January 7, 2015 to allow the applicant time to file a Variance Application for the property. Motion passed 7-0.

16. Town Manager

- **Manager's Report**

Pooh Corner

Regulations for day care necessitate a six foot high fence around the play area. The Eagle County School District owns the property with Pooh Corner as tenant. The existing fence is a chain link fence and the District and Pre-School would like to stay with chain link material. The chain link fence has the advantage of the staff to see people outside of the playground, and residents can see children at play. However, chain link is currently not allowed by code and would require a variance. Additionally a variance for height is needed. The town has two alternatives.

The School District can apply for a variance which they are willing to do for good community relations. Alternatively, the town could make a decision to allow because the School District is an independent authority that does not have to abide by town regulations. Please give direction to staff.

Direction on the fence at Pooh Corner for a 6ft chain link fence. This fence is required due to state regulations. Under state law independent governmental entities such as the School District are not required to comply fully with other government regulations. They are willing to apply for a Variance or the Town can just grant the authorization.

Matt S. stated his desire would be that it not be a chainlink fence. Shelley B. noted the 6ft height is a concern when it impedes line of sight for vehicles; this property does not affect line of sight. Concern was expressed and discussed regarding the use of chainlink. The daycare desires a chain link to allow for safety concerns for the children.

Direction was to ask them to follow the variance process and waive the fee.

Vail Restrooms

The Town of Vail is making an existing, pre-fabricated restroom available to Minturn. The restrooms can generally be described as follows: men's and women's, two toilets and one sink each, a central mechanical room, stainless steel walls, seasonal use. Vail is removing the restroom to build a larger restroom and the removal will take place next Spring. Vail is negotiating a contract for removal and construction of the new restrooms. I have asked and they have agreed to include an alternate in the bid package for re-construction in Minturn. The restrooms could possibly be used at Little Beach or Boneyard. Both locations need utility extensions.

Dowd Junction

I previously sent you an email about town desires for future uses at Dowd Junction if the USFS disposes. Staff has not yet met with FS officials and we are still trying to coordinate a date. Your thoughts are welcome.

17. Town Attorney

18. Town Council Comments

Discussion ensued on the need of a staff engineer. Direction was to proceed with an RFP for engineering services and to include that in the budget. Also to provide supporting documentation of the recent engineer billings.

FUTURE AGENDA ITEMS

19. Next Meeting – November 19, 2014

- Worksession – review Community Funding Requests

- Meeting: Discussion/Action – 2nd Public Hearing on proposed fiscal year 2014 Budget and First Reading of Budget Ordinances – Brunvand 11/19/13

20. Future Meetings:

- Jan 21, 2015: Work session: consideration of approving retail sales of marijuana – Powell/Sawyer
- Meeting: Discussion/Action – 2nd and Final Reading of proposed 2014 Budget Ordinances – Brunvand 12/3/13
- 2015 Building Code update – Charlie Davis
- Meeting: Discussion/Action Joint Council/Planning Commission meeting to discuss the Zoning Code moratorium – Hawkinson Dec 3, 2014
- Meeting: Discussion/Action Kohlhoffer variance January 7, 2015 – Hawkinson

21. Set Future Meeting Dates

a) Council Meetings:

- November 19, 2014
- December 3, 2014
- December 17, 2014

b) Planning & Zoning Commission Meetings:

- October 8, 2014
- November 12, 2014
- December 10, 2014

22. Other Dates:

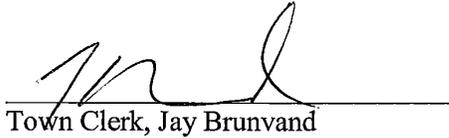
23. Adjournment

Motion by Johnie R., second by Earle B., to adjourn the meeting at 10:03pm.



Mayor Hawkeye Flaherty

ATTEST:



Town Clerk, Jay Brunvand

