



Official Minutes

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

Wednesday June 17, 2015

Work Session – 5:30pm
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 – 5:30pm

- Presentation and acceptance of the 2014 Fiscal Audit - Brunvand
- Discussion Regarding Town Council Comments and Special Presentations – Powell/Brodin
- Water Rate Structure and Monthly Rates – Powell/Brunvand/Water Committee

Regular Session – 6:30pm

1. Call to Order

The meeting was called to order by Mayor Hawkeye F. at 6:35pm.

- Roll Call

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

Staff present: Town Manager Willy Powell, Town Attorney Michael Sawyer, Town Clerk Jay Brunvand, and Town Planner Janet Hawkinson.

- Pledge of Allegiance

2. Approval of Agenda

- Items to be Pulled or Added

- Add railroad committee report to Special Presentations

Motion by John R., second by Ozzy O., to approve the agenda as amended. Motion passed 6-0. Note: Shelley Bellm was excused absent.

3. Approval of Minutes

- June 3, 2015

Motion by John R., second by Ozzy O., to approve the minutes of May 20, 2015 as presented. Motion passed 6-0. Note: Shelley Bellm was excused absent.

4. Liquor Authority

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

Jay B. presented the permit application with a recommendation for approval with the conditions noted.

The Public Hearing was opened and closed, no comments pro or con.

Motion by Ozzy O., second by George B., to approve the Town of Minturn Independence Day Celebration 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 R. to be held on July 2, 2015; Michelle Metteer, Town Economic Dev Coordinator as presented with the following conditions. Motion passed 6-0. Note: Shelley Bellm was excused absent.

- The application was received on June 3, 2015 and the Notice of Public Hearing on this matter was posted on the premises by the Town Treasurer on June 5, 2015 at least 10 days prior to the Council Meeting consideration.
- That the selling of liquor in the manner currently proposed in the application is not in violation of the Minturn Municipal Code.
- Staff requires 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

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

6. Special Presentations:

- Committee Reports
 - Parks Committee – Hawkinson

The Eagle River Park restrooms are open and operational. The basketball net will be installed hopefully next week. There will be a topo map of the Minturn valley. It is being created by LGM Inc. The Senior Garden at the Town Hall has been planted. The Yoga in the Park will begin at 9:30 on Saturdays at Little Beach Park and Public Works has refinished the stage floor.

- Railroad Committee – Brodin

An application was submitted for a path through the Union Pacific Railroad property and it was denied by the Railroad. The committee is considering options and will report back after they have had a chance to discuss the options with the County.

PUBLIC HEARINGS AND ACTION ITEMS

7. Discussion/Action Item: Presentation and Acceptance of the 2014 Fiscal Audit - Brunvand

Hawkeye stated the Town is in excellent financial condition and is looking at projects and upgrades.

Motion by Ozzy O., second by Johnie R., to accept the FY2014 audit as presented. Motion passed 6-0. Note: Shelley Bellm was excused absent.

8. Discussion/Action Item: Water Rate Structure and Monthly Rates – Powell/Brunvand/Water Committee

Matt S. stated he felt the \$1m restricted reserve is sufficient and would allow the Council sufficient other funds to complete needed updates annually. The Staff and Council are considering projects and when those will be scheduled.

Discussion ensued as to the benefit of a fair and sufficient reserve and that the direction the Water Committee is proceeding with a tiered water rate structure is positive. It was noted that an SFE might be related to an acre foot and it was questioned if the definition implies that you would get one acre foot supplied for the base rate. It was noted that with efficient home appliances we are reducing our consumption. You can have a definition for an SFE that does not directly correlate to a billing factor or a specific base supply. It was noted the SFE calculation is derived from the ERWSD.

Hawkeye stated he preferred the water rate paying for the water need and retaining the debt fee for payment of our water debt needs. Discussion ensued of the cost of borrowing money, the availability of grants when we need them, and the ability to pay for maintenance issues.

The council generally felt:

- 6,000 gal and \$79 base was the preferred.
- \$1m restricted reserve is sufficient.
- The Debt Service fee could still be used by reducing the \$79 and splitting out the Debt Service cost.
- Commercial and Res should be the same rate.
- Senior discounts are phased out and grandfathered.
- Implementation would begin 9/1/15 for bills sent on October 1.

9. Discussion/Action Item: Set time and date for a Worksession discussion of Marijuana – Powell/Sawyer

Willy P. referred the Council to the CML website (www.cml.org) for background information and then asked what information Council wants Staff to prepare for discussion. It was noted it did not make sense to put a lot of work and discussion into information and before Council votes to decide the fundamental decision to approve or deny retail and other marijuana operations. Mike S. discussed with the Council that if four Council members were willing to pass legislation then we should begin the process but not before.

Mike S. will distribute to the Council an outline of local control related to marijuana licenses available for the sale/grow/process of marijuana.

Direction was to place this on the meeting of September 16, 2015 as an Action Item, not a Worksession item.

COUNCIL AND STAFF REPORTS

10. Town Planner

- 273 Boulder St – Brodin Residence

At this point, Mayor Pro Tem recused himself from the Council meeting.

Janet H. presented to the Council the proposal. It was noted, that because George B. is a sitting Council Member he requested this be approved by the Planning Commission and that Council also have a chance to see the approval given.

- Boneyard Update
- Entrance Project

Janet H. updated the Council on issues that have been at Staff Level on the entrance project.

11. Town Attorney

12. Town Manager

- Manager's Report

Main St. Discussion

We will have a discussion which includes the following matters.

- Entryway/100 Block
- Energy Impact Grant
- TAP grant
- CDOT repaving schedule 2018
- CDOT Four Year Plan 2018—2022

Tax Exempt Status—MEF and MFC

I am working with Novosad Lyle Accountants for achieve 501.c.3 tax exempt status for both the MEF and MFC. Achieving the status was put on hold during tax season by the firm. I will be pressing them to make application to the IRS as soon as possible. Johnie R. noted that he believes the MFC tax exemption application is approved. Willy P. said he would check with Mike Trueblood of the MFC to confirm.

Minturn Road

Additional road base material has been place on town portion by county. Town pays for material and transport, county installs free of charge. Stabilizer and dust suppressant coming.

- Willy P. updated the following on the entryway and Main St projects.

There are many intertwined topics with respect to Entryway and Main St.

Entryway/100 Block Engineering

We are engineering the Entryway and 100 Block, which has many complexities. Council earlier directed staff to submit preliminary plans to CDOT. Because of complexities, the submittal will be this week. However some of the complexities may affect other areas of Main St. So it will be good to get a read on how our proposal is treated. Many complexities have been discussed with CDOT but we will soon get an official reading.

Energy Impact Grant Application

The town has submitted a 50/50 grant application to the Department of Local Affairs to fund the Entryway and 100 Block Project. The funding request is for a total of \$600,000 (\$300,000 each). Staff will make a presentation before the advisory committee on July 21 or 22 and a decision will be made in late July, with an IGA likely in late August or September.

TAP Grant

The TAP grant award notification has been received. The grant awards a total of \$320,100 (\$64,020 local/\$266,080 state) for engineering pedestrian and drainage improvements from Bellm Bridge to Maloit Park Rd. Staff will have a kick off meeting with CDOT on July 9 which outlines the requirements of the program. It will take several months to execute the IGA. Reimbursable funds are not allowed before execution of the agreement.

CDOT Maintenance Repaving 2018

CDOT has in their maintenance budget repaving US 24 from Dowd Jct. to Maloit Park Rd. The paving will be from curb to curb in the old part of town. No advancement of funds is allowed, unless some different project falls out.

Four Year Plan 2018—2022

CDOT will be developing a Four Year Plan for implementation of projects in that time period. The Eagle CDOT staff states that Minturn may be high on the list for funding improvements on US 24 and it would be good to couple the Four Year funding with the 2018 Maintenance funding. Little detail of the plan is known at this time. At question is how we can guarantee Minturn will be in the Four Year Plan, and if so, will we be funded in 2018. The TAP Grant will allow the town, in conjunction with CDOT, to engineer all of US24 from Bellm to Maloit prior to the funding cycle beginning in 2018. If the above construction funding is awarded, All of US 24 could be improved in one project, likely over a two year construction schedule.

The CDOT Maintenance Repaving 2018 is curb to curb and would include some rotomilling. The intent would be to totally reconstruct the roadway to address the depth of the existing pavement and the curb heights.

- Action Report

13. Town Council Comments

Johnie R felt very positive on all the efforts for the 100 Block project and felt this was a very wide ranging benefit for the Town and felt this was where the focus should be for the Town.

Ozzy O. reminded the community that the bears are out and to take care of their trash. He stated that Kelly, Director of the Eco Transit is moving on to RFTA and thanked her for her work

George B. felt political speaking would be to speak for the general community not to speak correctly.

Matt reminded Wednesday 6/24 is bike to work day

Hawkeye reminded everyone of the Independence Celebration in Minturn on July 2nd at Little Beach Park.

EXECUTIVE SESSION

14. Executive Session: An executive session for the purpose of conferencing with the Town attorney for the purposes of receiving legal advice on a specific legal question under C.R.S. Section 24-6-402(4)(b) and for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators under C.R.S. Section 24-6-402(4)(e) – Battle Mountain – Powell/Sawyer

Motion by Ozzy O., second by George B., to convene in executive session for the purpose of conferencing with the Town attorney for the purposes of receiving legal advice on a specific legal question under C.R.S. Section 24-6-402(4)(b) and for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations,

and/or instructing negotiators under C.R.S. Section 24-6-402(4)(e) – Battle Mountain. Motion passed 6-0. Note: Shelley B. was excused absent.

As a result of the Executive Session Staff was directed to negotiate with Battle Mountain representatives.

FUTURE AGENDA ITEMS

15. Next Meeting – July 1, 2015

- Action Item: Water rates
- Work Session: SafeBuilt, Charley Davis, regarding 2015 building code and electric inspections
- Work Session: Order of the Agenda

16. Future Meetings:

- Discussion regarding Human Resources
- Action Item: Marijuana discussion – September 16, 2015
- Discussion regarding Town’s code enforcement approach

17. Set Future Meeting Dates

- July 15, 2015
- August 5, 2015
- August 20, 2015

18. Planning & Zoning Commission Meetings:

- July 8, 2015
- August 12, 2015
- September 9, 2015

19. Other Dates:

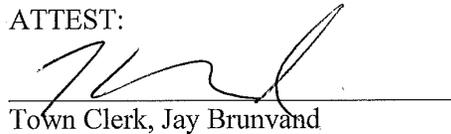
- Independence Day Celebration – 7/2/15

20. Adjournment

Motion by Ozzy O., second by Johnie R., to adjourn at 9:45pm.


Mayor Hawkeye Flaherty

ATTEST:


Town Clerk, Jay Brunvand

