



Official Minutes

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

Wednesday July 1, 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

- Discussion regarding Main Street lighting – Hawkinson
- Water Rate Structure and Monthly Rates – Powell/Brunvand/Water Committee
- Discussion Regarding order of agenda – Powell

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, Matt Scherr, John Rosenfeld, Earle Bidez, Shelley Bellm, and Jason “Ozzy” Osborne. Note: George B. 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

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

3. Approval of Minutes

- June 17, 2015

Motion by Johnie R., second by Earle B., to approve the minutes of May 20, 2015 as presented. Motion passed 5-0. Note: Shelley B. abstained as she was not present at the May 20, 2015 meeting and George B. was excused absent.

4. Liquor Authority

- Vail Symposium Request for Special Event Permit; 800 Cemetery Rd.; Kristen Van Norman, Program and Development Manager – Brunvand

Jay B. presented the application and recommended approval.

Ms. Kristin Van Norman, applicant, outlined the events and answered questions.

Hawkeye opened the Public Hearing, no comments, closed Public Hearing.

Motion by Ozzy O., second by Shelley B., to approve the proposed Vail Symposium Special Event Permit to sell malt, vinous and spirituous liquor beverages to be located as defined in the attached application as presented with the following conditions: motion passed 6-0. Note: George B. was excused absent.

- The application was received on May 29, 2015 and the Notice of Public Hearing on this matter was posted on the premises by the Town Treasurer on June 19, 2015 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 requires the company supplying the alcohol set up, serve, and tear down, that at least one T.I.P.S, or equivalent certified server be present, and one person to check ID's 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 requires each entrance/exit and premises be monitored and secured 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

John R. announced an Ultra Slide Board has been installed at the Minturn Fitness Center.

Matt S. asked for an update on the bike path through the railyard from Janet. Janet H. stated the application for the easement along the river from UPRR was denied by the railroad because it is an industrial site and they cited safety concerns.

PUBLIC HEARINGS AND ACTION ITEMS

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

Willy P. outlined the packet information. Willy P. noted there was some consensus from the council as represented in the previous meeting minutes. Willy P. asked for direction

Hawkeye stated he would like to continue to itemize the debt service as a portion of the fee.

Direction was to continue to back out the debt service from the base fee. Ie. Example: 2016 the base would be \$79 - \$1.63 = \$77.37 and Debt Service of \$1.63 would be recorded separately

John R. commended George B., Earle B. for their work on the water committee. However he felt the Town has made significant upgrades and leak detection to the system and now the water allowance per customer is reduced from 15,000 to 6,000 and our rates, both base and per gallon allowance, have increased annually. John R. felt the costs attributed to the Enterprise Fund are questionably weighted to put more costs on the Enterprise Fund. John R. asked how much was saved by Telemetry, how much savings have we realized due to the leak detection, and how much of the staff is paid by the Enterprise Fund. He requested in the interest of transparency that the information be shared with the Council and taxpayers.

Shelley B. concurred and requested the same information.

Earle B. stated consultant after consultant have agreed with the weighting and have recommended this change. He stated that the average use for a residential property is 4,300gal/mo and to allow 10-15,000gal per month is not encouraging conservation. The proposed rate is based on a midpoint average use. Over the past years we have rebuilt the system, repaired leaks, and continue to improve the plant. This is the operating cost. He felt the reserve was necessary and would allow the town to be financially responsible for the future. The bottom line is we have basic needs to operate the plant and we have various projects that we need to be prepared for in the next few years. Earle B. stressed the importance of having sufficient revenues and reserves to meet daily operation and future needs.

Matt S. stated this is a pay as you use, it does not limit anyone from using water. Matt S. asked if the amount paid by the enterprise is equitable to the value received?

Willy P. stated a lot of his time is based on water and felt the amounts represented in the annual budgets has been equitable.

Matt S. stated if the improvements have been made then where is the cost savings and how do you ensure that the balance is correct between the Enterprise Fund and the General Fund?

Willy P. stated most costs in the Enterprise Fund are fixed costs even though we have reduced the work by improving the plant. He discussed the cost to produce water is stable and does not change much based on the gallon range the plant produces. The variable costs are chemicals used and pumping costs. Shelley B. felt the telemetry system has reduced the cost.

Earle B. highlighted some of the maintenance and upgrades that we have done to the plant and system over the years that had never done before.

Ozzy O. felt we owed it to the citizens to show them how the costs of the Enterprise Fund are developed.

Shelley B. stated Staff was falsifying the books to balance the Enterprise costs. She felt it was necessary that the Public Works itemize their work hours for the Enterprise Fund each day, each hour.

Matt S. stated he was comfortable moving forward and reviewing this in the budget. He requested we work with other similar small towns and review our allocation.

Direction was that a review of the Fund allocation be set for the second meeting in August to discuss the costs and give Staff time to prepare the numbers. Council is to submit their additional questions to Willy P.

8. Discussion/Action Item: Resolution No. 07 – Series 2015 a resolution setting and approving water rate fees – Powell/Water Committee

Motion by Earle B., second by Matt S., to table Resolution No. 07 – Series 2015 a Resolution setting and approving water rate fees as proposed to the July 15 meeting. Motion passed 4-2 (Nay: Ozzy O. and Matt S.) Note: George B. was excused absent.

9. Discussion/Action Item: Ordinance No. 04 – Series 2015 an Ordinance amending senior citizen water rates to encompass only those previously qualified senior citizens that were on the reduced rate on or before August 31, 2015 – Powell/Water Committee

Ozzy O. felt this was not in the best interest of the future seniors.

Earle B. noted that this change is a recommendation from our consultants and has been discussed for several years now.

Public Hearing

Mr. Lou Meskaman, owner at the Meadow Mtn Business Park, stated he felt the senior discount should be extended to the commercial taxpayers as well. He also stated that recording information on time and motion for projects costs may not be worth the effort because of the extra administrative burden. He stated he has no objection paying for water and can see the changes that have been made.

Earle B. stated under the proposed new rates, the commercial rates will be the same rate as the residential rate, a decrease.

Janet H. stated this was not fair to people who would be eligible this year and that the effective date should be continued until the next calendar year.

Public hearing closed.

Motion by Ozzy O., second by Shelley B., to deny Ordinance No. 04 – Series 2015 an Ordinance amending senior citizen water rates to encompass only those previously qualified senior citizens that were on the reduced rate on or before August 31, 2015 as presented. Motion passed 4-2 (Nay: Matt S. and Earle B.) Note: George B. was excused absent.

COUNCIL AND STAFF REPORTS

10. Town Planner

11. Town Attorney

Noted that he felt we would need an Executive Session regarding Dowd Jct and to update on Tucker rulings.

12. Town Manager

Noted Safebuilt and John Volk will be at the next meeting.

- Manager's Report
- Action Report

13. Town Council Comments

Shelley B. stated we do have construction hours and requested Staff to follow up on citizen complaints.

Ozzy O. wished all a happy holiday, noted the event tomorrow night, and to be safe.

Earle B. reminded all that the Thursday night concerts will begin next week with Hazel Miller.

Matt S. asked about the internet outages and asked if we had any recourse with the Franchise Agreement. Staff will review the agreement.

Hawkeye wished all a happy holiday.

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 Shelley 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.

Council directed the Mayor and Manager to sign the letter addressed to the United States Forest Service concerning the acquisition of Dowd Junction.

FUTURE AGENDA ITEMS

15. Next Meeting – July 15, 2015

- Presentation and update from Safebuilt, Charlie Davis, regarding 2015 Building Code and Electrical Inspections – Hawkinson
- Water update from John Volk
- Presentation of Bill Andree, Department of Natural Resources
- Discussion regarding Human Resources
 - Attorney is the outside contact
 - What other options are out there
 - Mountain States Employment
 - Other local companies
- Resolution No. 07 – Series 2015 a resolution setting and approving water rate fees – Powell/Water Committee
- Discussion/Action Item: Appeal of Sign Review by Planner at Magustos – Hawkinson – MOVE TO AUGUST 5

16. Future Meetings:

- Discussion regarding Enterprise Fund funding equity – August 19, 2015
- Action Item: Marijuana discussion – September 16, 2015

- Discussion regarding Town's code enforcement approach

17. Set Future Meeting Dates

- August 5, 2015
- August 19, 2015
- September 2, 2015

18. Planning & Zoning Commission Meetings:

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

19. Other Dates:

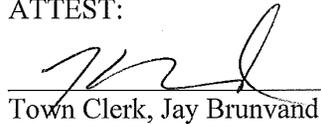
- Independence Day Celebration – 07/02/15
- Office Closed – 07/03/15

20. Adjournment

In that there was not further items to consider the meeting stood adjourned after the Executive Session.


Mayor Hawkeye Flaherty

ATTEST:


Town Clerk, Jay Brunvand

