



## Official Minutes

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

**Wednesday July 15, 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**

- 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 B. was excused absent.

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

- Pledge of Allegiance

## **2. Approval of Agenda**

- Items to be Pulled or Added
- Add under Planner Eco Trail Dowd discussion as 9a.

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

## **3. Approval of Minutes**

- July 1, 2015
- Fix the 6-2 vote on page 5.

Motion by Johnie R., second by Ozzy O., to approve the minutes of July 1, 2015 as amended. Motion passed 5-0. Note: George B. abstained as he was not present at the July 1, 2015 meeting and Shelley B. was excused absent.

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

- National Night Out – Deputy Phillip Cusick, Eagle County Sheriff/Minturn PD

Deputy P. Cusick updated the public of the annual community night to be held on Tuesday August 5, 2015 at Maloit Park. The public is asked to contribute nonperishable items and to come out and enjoy the evening with their neighbors.

Hawkeye asked if cash can be donated; yes.

Mr. Gusty Kanakis, 201 Pine St, asked about any update on the Battle Mountain land trade? Mr. Tim McGuire, BMR, stated there was a list of information requested by the Town and they are working on the information and should present back to the Town and the community late summer or fall.

## **5. Special Presentations:**

- Bill Andre, Colorado Dept of Wildlife Update

Officer Andre updated the Council on events happening at the DOW to include grouse reintroduction in the area and populations and population trends of various species of fish, mammals, and fowl.

- Water update from John Volk – Powell

This will be moved to the next meeting.

- Committee Reports

**PUBLIC HEARINGS AND ACTION ITEMS**

**6. Discussion/Action Item: Interview of Planning Commission applicants – Hawkinson**

Applicants Lynn Teach and Tim Osborne were present. They are current members of the Commission and are reapplying to their seats. They stood for questions.

Matt S. asked how we advertised for this position; newspaper, website, word of mouth. Janet H. stated the terms are two year staggering cycle.

Hawkeye asked for a motion of support for each candidate.

Motion by Earle B., second by George B., to appoint Lynn Teach. Motion passed 6-0.

Motion by Ozzy O., second by George B., to appoint Tim Osborne. Motion passed 6-0.

**7. Discussion/Action Item: Resolution No. 08 – Series 2015 a Resolution appointing Planning Commission members – Hawkinson**

Jay B. recommended the appointment be through March 2017 or March 2018 in order to put them back on the proper rotation as presented in the Minturn Municipal Code 16.21-1(c). (Currently, Bickerton is appointed through March 2017 and Harrington and Head are in holdover terms.)

Motion by Ozzy O., second by Johnie R., to approve Resolution 08 – Series 2015 a Resolution appointing Ms. Lynn Teach and Mr. Tim Osborne to the Minturn Planning Commission as presented term to expire in March 2017. Motion Passed 6-0. Note: Shelley B. was excused absent.

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

Hawkeye updated the meeting of the discussions that took place in the work session.

Willy P. gave background of the work the Water Committee has undertaken. The recommendation of the committee is to have a base rate which is the same amount for residential and commercial customers; currently commercial pays more. The Enterprise Fund will have a reserve of \$1m. Senior discounts will remain for in town citizens. Water allowance will be reduced from 10k to 6k for residential and from 30k to 6k for commercial. The rates proposed are \$78 at 4k gal/mo or \$79 at 6k.

Willy P. outlined some of the work the committee has reviewed over the past few years.

George B. summarized that water rates and allowances will be equal for residential and commercial because it costs the same to produce water for both. He stated the town Enterprise Fund is now on solid footing and the intent is to maintain that standing.

Earle B. stated this will allow users to pay as they go.

Hawkeye opened the floor for public comment.

Mr. HK Mooney, 1181 Main St, asked why the water allowance going down. He felt the water allowance was fine in the winter but he would be penalized in the summer. Discussion ensued as to how the allowances were developed. It was noted the water plant has fixed costs and few users.

Earle B. noted the proposal is to begin the new rates with the September read (billed in October). This would give us a light use month and then the fall. He outlined how the rates were developed. Earle B. stated he was on Council when the high allowance was set, it was set high because we were just beginning to use meters and did not want to disrupt the process.

Hawkeye stated the amount charged is pretty similar to current only the amount of water allowance is really changing. He concurred the change will be most noticed in the summer when outside irrigation

Johnie R. stated the 10k gal per month is based on the definition of Single Family Equivalent (SFE) and we are reducing that.

Matt S. stated the most fair rate would be a lower base and charge for water at the first use. He stated the previous discussion determined this was too much of a change.

Ozzy O. stated the fixture changes introduced water conservation. The standard SFE definition is out of date due to these changes.

Mr. Darell Wegert, 1716 Main St, felt the rate changes are set to reduce the use. He stated this is the same concept the ERWSD uses and they have had very serious problems recently. He felt it was possibly a better option to reduce the debt with some of the reserve and that would allow us to keep the rates lower.

Earle B. outlined a water funding model that was used by the Water Committee. The model identified the restricted reserve of \$1m and how infrastructure projects and special projects are accounted for in the budget.

Mr. Gusty Kanakis, 201 Pine St, stated each year the rates are going up. He stated that last year he used over 12k gal one month. To say it is not an increase is not correct. He stated the current rates are working and we should not change something that is working. He stated a two tier system with higher allowances in the summer was a good idea.

Mr. Darell W. asked the Council to table the Resolution to get more solid numbers.

George B. stated to start with the September roll out will give us four months, one of which is the tail of summer, and this will give us a chance to test drive the proposed system.

Johnie R. thanked the public for their comments and for their participation in this meeting. He stated the Town should try to be more transparent on all expenses. He stated the 6k limit is lowering the allowance by 60%.

Earle B. stated we have had several meetings and hours and hours on this project and it has been public and on the record.

Johnie R. asked how much did the telemetry save, how much did it cost, how much was in grants, how much did it save the town and how much did it save the citizens. How much did the master meter save and how much did it cost. How much have we spent in repairs, how much came from grants. Is the division of employees between the funds correct. He stated the amount of work that the water committee did is fantastic but he would like to see the answers to his questions.

Matt S. stated those are valid questions. He feels the information can be found and supplied by staff. But that he has enough information to make a knowledgeable decision.

Ozzy O. stated he is in support of the proposed rate structure but that he would like to hold off until such time as we can get more information.

Hawkeye stated most are in agreement with the base rate but that the allowance was not in agreement.

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

Motion by Johnie R., second by Ozzy O., to table Resolution No. 07 – Series 2015 a resolution setting and approving water rate fees until the August 19, 2015 meeting. Motion passed 6-0.  
Note: Shelley B. was excused absent.

**9a. Add under Planner Eco Trail Dowd discussion**

Willy P. updated the Council on the Dowd Junction trail County proposal to review scoping the nineteen miles of proposed trail that is not completed on the County trail system.

Matt S. stated the trail alignment is within Minturn so it is our project. The concept is to approach the UPRR for alinement through the RR otherwise the alinement would need to be on the County Road. The engineering cost for funding would be supplied by the County. Discussion ensued as to various scenarios for alignment, funding, and timing. An Inter Governmental Agreement would be signed to use county money and the engineers provided by the County and then the Town would direct the engineers.

Direction was to have Staff proceed by asking the UPRR one more time, and if unsuccessful, proceed with the second option aligning alone County Road/Minturn Road and to follow up with the County on funding and engineering options..

## COUNCIL AND STAFF REPORTS

### 10. Town Planner

- New sign is up at the Boneyard Park
- Updated the Council on the storm water grate repairs at crosswalk at 100 Main St.

### 11. Town Attorney

### 12. Town Manager

- Manager's Report
  - HR Services

Willy P. stated he does not feel the need to contract with an HR firm. It was noted the need for an HR is based on specific previous incidences which involved allegations of ethical and professional misconduct on the part of the Town Manager and the Staff not having an avenue to proceed due to the Town Manager overseeing the Town HR functions. Mike S. stated the need centers around the single issue where there is a structure for an employee to discuss an issue that directly involves the Town Manager with the Town Attorney or even a Council Member. Mike S. stated as long as we discuss the issue not individuals then it could be a work session matter.

It was directed to put this on a work session on August 5, 2015.

- Action Report

### 13. Town Council Comments

Hawkeye noted the bears are looking in the trash cans, Minturn's trash day is Wednesday, and that is when the trash cans go out to the curb. Every time you put your trash out early, you are inviting a bear to be destroyed.

## 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) – Dowd Junction – Powell/Sawyer

Motion by Ozzy O., second by Johnie R. 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) – Dowd Junction. Motion passed 6-0. Note: Shelley B. was excused absent.

Direction as a result of the Executive Session:

- Form Dowd Junction/South Minturn Committee. Members are Johnie R, Ozzy O. and Matt S. will act as an alternate.
- Directed Staff and Committee to conduct further diligence on the potential sale of USFS land at Dowd Junction administrative site and the South Minturn compound site

#### FUTURE AGENDA ITEMS

##### **15. Next Meeting – August 5, 2015**

- Presentation and update from Safebuilt, Charlie Davis, regarding 2015 Building Code and Electrical Inspections – Hawkinson
- Discussion/Action Item: Appeal of Sign Review by Planner at Magustos – Hawkinson
- Updates on Entry Way project, Railroad Ave., Norman Ave., and TAP grant – Work Session and Meeting – Powell put on both the meeting and the worksession
- HR in worksession

##### **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**

- August 5, 2015
- August 20, 2015
- September 2, 2015

##### **18. Planning & Zoning Commission Meetings:**

- August 12, 2015
- September 9, 2015

**19. Adjournment**

Motion by Johnie R., second by Ozzy O., to adjourn at 10:50pm.

  
Mayor Hawkeye Flaherty

ATTEST:

  
Town Clerk, Jay Brunvand

