



Official Minutes

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

Wednesday August 19, 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 on Human Resources

Direction was to add formal direction to the agenda under Action Items as 8a.

Note: this item was added to the agenda but was not taken up during the course of the meeting. During the worksession Council directed that the Attorney would develop a policy that would create an HR alternative for Staff when the Town Manager’s actions are in question. This policy is to be brought forward to the Council for review and consideration when it is developed.

- 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 6:50pm.

- Roll Call

Those present included: Mayor Hawkeye Flaherty, Town Council members, George Brodin, Matt Scherr, Earle Bidez, Shelley B., and Jason "Ozzy" Osborne.

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 HR direction to be added to Action Items 8a

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

3. Approval of Minutes

- August 5, 2015
- Special presentation 30% unaccounted water change to 20%
- Item 8 project will be bid as separate projects clear up

Motion by George B., second by Ozzy O., to approve the minutes as presented. Motion passed 5-0. Shelley and John abstain in that they were absent at the August 5, 2015 meeting

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

Mr. Chris Rieder, asked about placing a stop sign placed at 4th Ave on Minturn Road. He noted there is a stop sign on 4th Ave but not one for both directions on Minturn Rd at 4th Ave. Staff will review the area and come back with a recommendation.. Shelley B. noted the street should be posted at 15mph as well.

Ms. Sage Petersen, Sticky Fingers Café, asked about a recycle program for larger parcels. It was noted that we do have curbside. Shelley B. stated the twice a month vs. weekly is not sufficient for larger families.

Staff will review the Honeywagon agreement for renewal dates and options.

5. Special Presentations:

- Economic Development update

Matt S. presented and updated Council on the goals of the committee. Currently they are working on a strategic plan that will be recommended to the Council. The strategic plan is addressing residents, events, commercial, and sustainability.

Shelley B. added that for the residents of the Town the goal is to increase the sustainability of the Town for the future economic prosperity of the community.

- Committee Reports

Shelley B. updated on the scholarship program stating that they have awarded \$4,000 in scholarships this year. She outlined the scholarship requirements and encouraged any and all interested individuals to apply if they have the need.

PUBLIC HEARINGS AND ACTION ITEMS

6. Discussion/Action Item: Presentation from Safebuilt and motion to amend the existing service agreement, Charlie Davis, regarding 2015 Building Code and Electrical Inspections – Hawkinson

Janet H. introduced Mr. Charlie Davis of Safebuilt.

Charlie Davis announced that Safebuilt is now the Electrical Inspector which used to be handled by the State. This has been in place as of July 2015 and is an increase in service level from the previous state practice. He stated the Electrical inspections will bring in approximately \$10,000 of which the Town will receive \$2,500.

Charlie Davis stated most entities are holding off on the 2015 code at this point. He stated he felt it wise to hold off on adoption to allow for training on the new code and testing on the new code policies.

It was noted the motion requested complies with the required 6mo notice to the state and this only adds the Electrical Inspections to the Safebuilt contract, it does not change any other part of the existing contract with Safebuilt.

Shelley B. asked the IBC code adoption be placed on the Action Report.

Motion by Ozzy O., second by Shelley B., to approve and incorporate the services or Electrical Inspections for the Town of Minturn to the Safebuilt contract approved and signed March 18, 2013 as presented. Motion passed 7-0.

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

Public Hearing opened.

- Gusty Kanakis, 201 Pine St, stated that information was directed to be put in the water billing. Discussion ensued that information would be included in the water bills when direction of how to proceed was established. Mr. Kanakis felt that was not the direction and that an update should have been put in the monthly bills.

Hawkeye suggested we set all fees at the same base for three months but did not reduce the use rate and then found that the income was not sufficient Council could raise the rates at that point.

Shelley B. did not feel adequate billing information could be ascertained in three months and that the rates should be held for a longer period; not three months but six months.

Discussion ensued that the information provided by staff is accurate and how it has been reviewed and developed by the Water Committee.

- Mr. Leo Vasquez, 1019 Main St, felt it was important to share the information with the public.
- Mr. Lynn Kanakis, 243 Main, felt six months was sufficient
- Mr. Leroy Vasquez, 68 Toledo, felt six months was sufficient.

Public hearing closed

Discussion ensued as to the cost of the payroll in the enterprise fund and the affect it has on the gross revenue. Matt S. stated the fundamental question is do we want to have heavy users pay for their use rather than subsidized from the under-users. John R. stated we needed more information on the costs and projections.

John R. stated the Town is not using the amount of water that stressed in the Vail Lawsuit. He stated the reduction or restriction in use might not be something we even want to consider because it could lead us to a place we could not afford. He stated more data is required.

Earle B. noted the data we have is accurate and more than sufficient. The only data we do not have is the actual hours of staff but that the estimates are accurate and sufficient. He stated that we have many new items that are on the Council's plate which need to be addressed. Earle B. stated we should continue with our current system as it is more accurate than the discussed alternative. Once the payroll data can be calculated we can readdress the question at that time. George B. agreed that the rate structure should remain the same. He stated the intent was to make payments equitable.

Hawkeye stated he felt it was necessary to reduce the amount on commercial accounts for the benefit of the businesses. He proposed we simply adjust the fees to \$74 per SFE plus \$3 per 1000gal over 9k gal and be done with it.

Earle B. stated that he was not inclined to do that because he did not have the numbers on that scenario. Ozzy O. agreed and stated we should remain at status quo. Shelley B. stated she was fine with the status quo but that Staff should continue to collect the payroll data.

Motion by Earle B., second by Matt S., to approve Resolution No. 07 – Series 2015 a Resolution setting and approving water rate fees at \$79 and 6,000 gal as presented.

Hawkeye asked for an amendment to the motion, second by Shelley B. to set the base rate for residential and commercial at \$74 and \$3/1,000gal over 9,000. Motion Failed 2-5 (Nay: John R., Matt S., Earle B., Ozzy O. George B.)

Amended Motion by Shelley B., second by Earle B. to maintain residential status quo of \$73.32 base plus debt service as annually adjusted and to reduce commercial to 73.32 plus debt service and to charge 4.53/1,000gal over 10,000 to both residential and commercial users. This rate would be effective with the January 2016 meter read (February bill). Motion passed 4-3 (Nay: John R., Matt S., and Ozzy O.)

Note: because the original motion by Earle B. and seconded by Matt S. had been amended by an alternative motion it would stand passed as amended.

8. Discussion/Action Item: Resolution No. 10 – Series 2015 a resolution authorizing the Mayor to sign documents for a grant application from the Colorado Department of Local Affairs Energy and Mineral Impact Assistance – Powell

Willy P. outlined the issue for Council. Discussion ensued as to how this program is developing. Council reviewed the amount of grants received over the past 12 mo.

Motion by John R., second by Shelley B., to approve Resolution No. 10 – Series 2015 a resolution authorizing the Mayor to sign documents for a grant application from the Colorado Department of Local Affairs Energy and Mineral Impact Assistance as presented. Motion passed 7-0.

COUNCIL AND STAFF REPORTS

9. Town Planner

10. Town Attorney

- Memo – Little Beach Park

Reported that the final orders have been issued by the Eagle County Courts and the time to execute has run. The Town is not the owner of record of the Little Beach Park.

Mike S. updated the Council on the Tucker vs. BMR court case. BMR has been successful in the courts. Courts found Tucker's claims are invalid, this was upheld in the State Court of Appeals. Tucker has filed to have the State Supreme Court review the case, this is pending the filing of various briefs from BMR and Tucker. At that point the State Supreme Court will decide if they want to take the case up. In the event they do not, the case will end based on the Court of Appeals, in the event the Court does take up the case it will be several to many months more.

Mike S. also updated the Council on the Tucker case involving the Town's water rights. The court has thrown out the case which was appealed to the State Supreme Court which will be heard on September 30, 2015.

11. Town Manager

- Manager's Report

- Eagle Park

Sod and basketball net are installed

- Street Improvements

The Entryway plans have been submitted to CDOT. Plan sets for the following four projects have been advertised and plan sets to be distributed August 17: Entryway, Railroad Ave, North Main St., and Norman St. Bids are due on August 31, with possible awards at the September 2 meeting. For accepted projects the Notice to Proceed would be on or about September 7. The four projects are bid separately. The bid documents allow for the town to accept or reject any or all bids and dictate sequencing of the projects.

As previously announced, Minturn did receive the 50/50 DOLA grant of \$281,165. Unfortunately the time for the state to process the IGA for the grant takes three to four weeks from when the town approves the agreement. I have asked we be able to consider the IGA at the August 19 meeting but it is uncertain we will receive in time. If the IGA is considered at the September 2 meeting, it means we could not start the Entryway project until late September or early October. Considering the IGA at the 9/2 meeting puts the Entryway project on some jeopardy for this year. The town cannot be reimbursed for any costs before full execution of the agreement.

- We will likely have an Executive Session to update for Forest Service items

- Action Report

An update was given on the Federal TAP grant and the point that it is very complicated.

An update was given on the USFS land sales and how the Town is moving forward with the consultation of Mr. Tom Glass, Western Land Group.

- FYI

12. Town Council Comments

Shelley B. stated she felt George B.'s representation on the Water Committee is valued and important to continue.

Shelley B. gave her condolences to the Scott Ward family on his passing.

Matt S. noted the CML district dinner meeting; the Town will pay the cost of his attendance. Will be absent.

Discussion ensued that we do not have a quorum for the next meeting. The meeting will be moved to Sept 1.

EXECUTIVE SESSION

- 13. 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, Battle Mountain, US Forest Service land sale – 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) – Dowd Junction, Battle Mountain, US Forest Service land sale. Motion passed 7-0.

As a result of the Executive Session direction as given to continue diligence regarding the sale and purchase of the US Forest Service properties.

FUTURE AGENDA ITEMS

14. Next Meeting – September 2, 2015 – Moved to September 1, 2015 at 7pm

- Action Item: Review and consideration of construction contracts

15. Future Meetings:

- Action Item: Marijuana discussion
- Discussion regarding Town's code enforcement approach

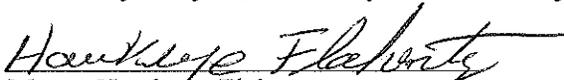
16. Set Future Meeting Dates

- September 2, 2015
- September 16, 2015
- October 7, 2015

17. Other Dates:

18. Adjournment

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


Mayor Hawkeye Flaherty

ATTEST:


Town Clerk, Jay Brunvand

