



Official Minutes

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

Wednesday November 4, 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

Please remember to bring your FY2016 Budget Book

- Q&A on scheduled Resolutions
- Parks Committee
 - Janet H. presented budget information for her committees and department as follows:
 - Little Beach Park request for \$7,500 for construction drawings. It was noted this could come from the Fund 06 \$250,000 BMR funds. It was directed this be pursued in 2016 on an as need basis and to supplemental appropriate any funds if and when a project is proposed and agreed upon at that time and if available.
 - Eagle River Park – no commitment was made on any additional funding needs.
 - Request for \$20,000 to be used from an Eagle County Grant to hang a bell, add flower boxes and decorations to the bridge, and

additional history signage – no commitment was made on any additional funding needs.

- A request for \$50,000 was made for matching funds for the ECO Trail connection from Dowd Junction to Railroad Ave. It was noted this could be allocated from the Fund 09 BMR funds. It was determined any matching funds would be allocated once the approved engineering is completed and construction funding is agreed upon but. This would be considered as a future need and funded as a possible supplemental appropriation.
- 2016 Budget Review – Powell/Brunvand
 - Willy P. reviewed the updated numbers for the Wage pool. Direction was to proceed as presented. Council would like to see base line job descriptions and actual descriptions of what the current individual is responsible for.

Regular Session – 6:30pm

1. Call to Order

The meeting was called to order by Mayor Hawkeye F. at 6:40pm

- Roll Call

Those present included: Mayor Hawkeye F. and Town Council members, George Brodin, John Rosenfeld Matt Scherr, Earle Bidez, Shelley B., and Jason “Ozzy” Osborne.

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

- Pledge of Allegiance

2. Approval of Agenda

- Items to be Pulled or Added
 - Pull and move the Colorado Gives Day Proclamation to the November 18, 2015 Council meeting.
 - Move Resolution 17 – Series 2015 to be considered after the Executive Session

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

3. Approval of Minutes

- October 21, 2015

closed then the sound is remedied. She noted it is a residential and commercial neighborhood and the noise becomes a factor. She stated it is getting better.

Hawkeye reminded the applicant that this is a complaint against his license and it should be taken seriously. The applicant assured it has been taken seriously.

Motion by __Shelley____., second by __John____., to approve the Deutschman Family LLC DBA Kirby Cosmo's BBQ Bar Annual Renewal of a Hotel & Restaurant License; 474 Main St.; Mark Tamberino Owner/Manager as presented. Motion passed 6-0. Ozzy requested Due to conflict of interest.

Ozzy O. resumed his seat.

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

6. Special Presentations

- Committee Report

Ozzy O. announced the new restrooms at Eagle River Park were voted Cintas America's Best Bathrooms in the country. Janet H. did brief presentation of the events and award.

PUBLIC HEARINGS AND ACTION ITEMS

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

Many individuals were present to announce the Colorado gives day. The event is on December 8, 2015 and assists many many organizations which includes 47 Eagle County charities and nonprofits.

Motion by __Shelley____., second by __George____., to approve the Proclamation in support of and setting December 8, 2015 as Colorado Gives Day. Motion passed 7-0.

8. Discussion/Action Item: Ordinance 05 – Series 2015 (First Reading) Prohibiting the use of compression braking devices – Powell/Sawyer

Mike S. outlined the details of the Ordinance. Hawkeye stated asked if we wanted to outlaw the air brakes or do we want to have the requirement of a muffler on the brake. Mike S.

Motion by George B., second by Shelley B., to approve the Minutes of October 21, 2015 as presented. Motion passed 7-0.

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

Michelle M. introduced the Judges and Junior Judges and presented the Halloween Decorating Contest winners:

Judges:

Ms. Terry Armistead
Ms. Marka Brenner
Ms. Dianna Scherr

Junior Judges:

Mr. Xander Armistead
Mr. Duncan Scherr

Winners:

3RD The Dunns
2ND The Campbells
3RD Kelly Toon and Amberlyn Nelson

Michelle M. thanked everyone for their participation and for making this a successful event.

Mr. Gusty Knakus, 201 Pine St. appeared before the Council on behalf of the Powderhound Snowmobile Club. Mr. Knakus updated the Council on changes being proposed by the USFS on the White River Forest Travel Management Plan. He stated the changes will not allow access to the forest from areas in Town other than the Meadow Mountain Trail Head. This change will detrimentally affect users in the Minturn Area.

Direction was given for Mr. Knakus to work with the Town Staff to develop a resolution not supporting the proposed changes and to bring the Resolution forward at the next Council Meeting on November 18, 2015.

5. Special Presentations

- Committee Report

PUBLIC HEARINGS AND ACTION ITEMS

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

Item moved to November 18, 2015 meeting

7. Public Hearing: – 1st Public Hearing on proposed fiscal year 2016 Budget – review Public Funding Requests – Brunvand

Hawkeye opened the Public Hearing.

- Committed Community Funding Requests
 - Augustana/Castle Peak - Lisa Pease
- Community funding requests – Brunvand
 - Vail Valley Partnership/Vail Valley Economic Development - Chris Romer

Mr. Chris Romer highlighted the Partnership's community work and its current request. They are asking for \$3,500 in 2016. In 2015 the Town contributed \$2,000.

Shelley B. thanked the Organization for their assistance with the Town's Economic Development Advisory Committee.

Earle B. asked about the next steps in affordable housing development. VVP/VVED includes their ability to get stakeholders together.

- Radio Free Minturn – Cassey Leake

Mr. Cassey Leake highlighted the station's work and current request. They are asking for \$2,000 in 2016. In 2015 the Town contributed \$1,500.

- Walking Mountain Science Center - Doug Dusenberry

Mr. Doug Dusenberry was not present to represent the Walking Mountain Science Center but their request was in the packet for review. They are asking for \$2,000 in 2016. The Town contributed \$1,000 in 2015.

- Minturn Community Fund – Diana Scherr

Ms. Diana Scherr, Terry Armistead, and Maren Cerimele highlighted the Community Fund's work and its current request. They are asking for \$13,550 in 2016. The Town contributed \$7,500 in 2015.

Shelley B. noted she was glad to see programs focused on the children of the community.

- Other Funding Questions – Brunvand
- Question/Answer

Hawkeye closed the Public Hearing

8. Action Item: Resolution 15 – Series 2015 Consideration of a Resolution authorizing the Mayor to sign an IGA with Eagle County for Animal Control Services – Brunvand

Jay B. noted this is an annual IGA and there are no changes from the 2015 contract.

Motion by Ozzy O., second by Johnie R., to approve Resolution No. 15 – 2015 a Resolution authorizing the Mayor to sign an IGA with Eagle County for Animal Control Services. Motion passed 7-0.

9. Action Item: Resolution 16 – Series 2015 Consideration of a Resolution authorizing the Mayor to sign an agreement with Intermountain Engineering for preliminary engineering services for the Dowd Junction to Minturn Trail – Powell

Willy P. outlined that the County put up the money, but the Town will administer the funds. This is due to the work load of the County, the fact that the project is within the Town proper, and this will be a reimbursement agreement for costs to the Town. It was clarified that parts of the proposed project are in the County and parts are in the Town.

Motion by Shelley B., second by George B., to approve Resolution No. 16 – 2015 a Resolution authorizing the Mayor to sign an agreement with Intermountain Engineering for preliminary engineering services for the Dowd Junction to Minturn Trail noted that the Mayor will sign the Resolution; however, Willy P. will sign the agreement. Motion passed 7-0.

GENERAL IMPROVEMENT DISTRICT

The General Improvement District Board was called to order at 7:25pm, 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
Tim McGuire
Sarah J. Baker, Esq.

10. Action Item: ADMINISTRATIVE MATTERS

- Approve Agenda.

Mike S. requested an item be placed on the agenda to replace Dave K. and add Tim M. to the Board as nonvoting Ex-Officio members. It was noted this was on the agenda as item titled Review of Corporate Communications but that this would be modified to recognize this transition with a formal motion of the Board.

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

- Review and approve minutes from the November 5, 2014 Board Meeting

Motion by Shelley B., second by George B., to approve the Minutes of November 5, 2014 as presented. Motion passed (7-0)

- Review of Corporate Communications – Baker

Ms. Baker noted and outlined the letters included in the packet. These letters are included as Attachments A, B, and C in the Official Minutes.

Letter #1: Dated October 28, 2015 notices the withdrawal Mr. David Kleinkopf and designated and appoints Mr. Timothy McGuire as an Elector for the Minturn General Improvement District entitled to vote on behalf of Ginn-LA Battle One Ltd., LLLP.

Letter #2: Amends the appointment of the Developer's non-voting, Ex-officio Board Membership by removing Mr. David Kleinkopf and designating Mr. Timothy McGuire.

Letter #3: notices the amendment to the Developer's address change.

Motion by Shelley B., second by George B. to accept the Letters of Notice as presented. Motion passed 7-0.

11. FINANCIAL MATTERS

- Discuss and consider ratifying appointment of Town Staff to prepare 2016 GID Budget

Motion by Shelley B., second by Johnie R., to appoint the Town Staff to prepare the 2016 GID Budget. Motion passed (7-0).

- Discussion/Action – 2016 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. 2015-11-01 a Resolution to adopt the Fiscal year 2016 Budget

Motion by Ozzy O., second by Shelley B., to approve adoption of Resolution No. 2015-11-01 a Resolution to adopt the Fiscal year 2016 Budget as presented. Motion passed (7-0).

- Discussion/Action – Consider approve of Resolution No. 2015-11-02 a Resolution to appropriate sums of money for the Fiscal year 2016 Budget

Motion by Earle B., second by Shelley B., to approve Resolution No. 2015-11-02 a Resolution to appropriate sums of money for the Fiscal year 2016 Budget as presented. Motion passed (7-0).

12. OTHER BUSINESS

- Discuss and set meeting dates for 2016:
 - Board Meeting to consider budget approval set for November 2, 2016 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 Shelley B., second by Johnie R., to set the next GID Board meeting for November 2, 2016 6:30pm at the Minturn Town Center, 302 Pine Street, Minturn, CO 81645. Motion Passed 7-0.

13. ADJOURNMENT (as GID and reconvene as Council)

Motion by Johnie R., second by Ozzy O., to adjourn the GID Board at 7:40pm. Motion passed 7-0.

COUNCIL AND STAFF REPORTS

Mike S. noted the Holland and Hart letter and Court Order in the Packet. This Order requires Mr. Tucker to have an attorney represent him if he desires to proceed as a "trustee." This Order will cause Mr. Tucker in the future to either incur legal expenses associated with litigation or to be personally liable if he proceeds "pro se" without a lawyer. Mike S. noted those on the Battle Mountain and Town of Minturn team that helped push this through the courts.

14. Town Planner

15. Town Manager

Willy P. noted his report in the packet. He stated his contract calls for a performance review. Shelley B. noted she is a member of the Committee and the Council and felt she should be involved in any negotiations. Shelley B. felt it was important to have a performance evaluation. Discussion ensued on should this be a discussion or a formal review.

Direction was given that a formal review be completed. A form will be developed by Matt S. and Shelley B.

The Entryway was discussed, the status of the timeline: the southbound side construction is completed and planting is commencing. The northbound side is moving as weather allows. It was noted that the road "seems" wider and more user friendly. Ozzy O. asked of feed back; we have had some but really not a lot of pro or con.

Janet H. noted they have been watching the traffic, the intended calming factor is apparently working. She stated the light poles and other finishings are ordered but have not been delivered. The site is prepped for the finishings and will be done as soon as they arrive.

It was noted the TAP grant is federal money and an engineering RFQ is required under the strict guidelines.

Matt S. asked about financials for the Minturn Fitness Center. Earle B. stated they have been informed as Board Members that they are running at a surplus. Water Rate changes on the water bills MAKE THIS LOOK GOOD

16. Town Council Comments

Shelley B. gave her condolences on Mr. Jim Hoza's passing. Mr. Hoza was a long time resident.

Hawkeye thanked everyone for a positive Halloween.

17. Town Attorney

Mike S. detailed the use of Jake Brakes on large trucks. He stated in other communities they have declared them a nuisance. Willy P. felt this was a valley wide issue and should be handled that way. He stated he had spoke with the Vail Town Manager and was told it is difficult to enforce but a sign stating it is a nuisance is effective. Mike S. stated policing the law is problematic but it is within the Town's right to outlaw the use of Jake Brakes within Town.

Direction was given to proceed with an ordinance.

EXECUTIVE SESSION

18. Executive Session: An executive session for the purpose of conferencing with the Town Attorney for the purposes of receiving legal advice on specific potential pending legal action under C.R.S. Section 24-6-402(4)(b) – Powell/Sawyer

Motion by Shelley B., 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 specific potential pending legal action 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, Entryway Project. Motion passed 7-0.

Direction given as a result of the Executive Session:

Direction was given to continue as discussed in Executive Session and to ensure communication lines are kept open.

19. Action Item: Resolution 17 – Series 2015 Consideration of a Resolution authorizing the Mayor to sign an agreement with Western Land Group, Inc for Bolts Ditch consulting and lobbying services – Powell

Motion by Ozzy O., second by Johnie R., to approve Resolution No. 15 – 2015 a Resolution authorizing the Mayor to sign an agreement with Western Land Group, Inc for Bolts Ditch consulting and lobbying services as presented. Motion passed 7-0.

FUTURE AGENDA ITEMS

20. Next Meeting – December 2, 2015

- Meeting: Discussion/Action – 2nd Public Hearing on proposed fiscal year 2016 Budget and First Reading of Budget Ordinances – Brunvand 11/18/15
- Action Item: Proclamation in support of Colorado Gives Day – Powell
- Consideration of process for Manager evaluation
- Worksession and action item with the snowmobile Club
- Review of vacant lots with water taps

- Worksession review of Job descriptions

21. Future Meetings:

-

22. Set Future Meeting Dates

a) Council Meetings:

- November 18, 2015
- December 2, 2015
- December 16, 2015

b) Planning & Zoning Commission Meetings:

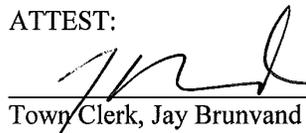
23. Other Dates:

24. Adjournment

Motion by Johnie R., second by Ozzy O., to adjourn at 9:40pm.


Mayor Hawkeye Flaherty

ATTEST:


Town Clerk, Jay Brunvand

