



MINUTES OF REGULAR MEETING OF THE • MINTURN TOWN COUNCIL
Wednesday, July 19, 2006

Minturn Town Center, 302 Pine Street • Minturn, CO 81645 • (970) 827-5645

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, Council meetings are tape recorded and are available to the public (tapes are disposed of after 180 days) for listening at the Town Center Offices from 8:30am – 4:30pm, Monday through Friday, by contacting the Town Clerk at 970-827-5645, 302 Pine St. Minturn, CO 81645

WORK SESSION – 5:45pm

1. Discussion Town of Minturn current Nuisance Ordinance MMC Article II Sec 7-21 to 7-28 – by Councilmember Bumgarner – Direction given to Staff
2. Minturn Community Fund - Little Beach Park: agreement, rules, regulations, and other matters associated with the operations of the newly renovated park – by Capela/Christensen – Direction given to Staff
3. Discussion on the name of “Little Beach Park”/”La Playuela Park” – by Councilmember Burnett
4. Ordinance No. 11 – SERIES 2006: An ordinance amending chapter 16 of the Town of Minturn Municipal code by repealing and re-enacting section 10-222 (a) (7) as it pertains to consumption of alcoholic beverages in the Town of Minturn, CO – by Capela/Christensen
5. Discussion on Affordable Housing Policy in Minturn – by Councilmember Brinkerhoff – Direction given to Staff

REGULAR SESSION – 7:00 P.M.

1. Call to Order

Mayor Hawkeye Flaherty called the meeting to order at 7:12 p.m. Roll call: Those present included Mayor Flaherty, Bill Burnett, Tom Sullivan, Shelley Bellm, Kelly Brinkerhoff, Jerry Bumgarner, and Mayor Pro Tem George Brodin. Hawkeye F. led everyone in the Pledge of Allegiance.

Staff present was Town Manager Ann Capela, Town Planner Wiley Smith, Town Economic Development Director Karen Earley, Town Attorney Allen Christensen, Public Works Director Rod Cordova, and Court Clerk/Office Technician Torrey Maxwell.

2. Discussion of the Agenda

- a. Items to be pulled from Action Calendar - None
- b. Items to be pulled from the Discussion Calendar - None
- c. Items to be pulled from the Consent Calendar - None
- d. Emergency Items to be added – Hawkeye F. requested that official naming of “Little Beach/LaPlayuela” Park be added as agenda item #15
- e. Order of the Agenda Items - As printed
- f. Approval of the agenda

Motion by Tom S., second by Bill B., to **approve** the agenda as amended; **Motion passed on a voice vote 7-0**

3. Liquor Authority

Council adjourned and convened as Liquor Authority; roll call showed all in attendance.

- Special Events Liquor Permit for the Minturn Community Fund on August 19, 26, and 31, 2006 – by Christensen

Kelly B. declared a conflict of interest as she is a member of Minturn Community Fund and organizer of the event. Kelly B. stepped down from her seat.

Ann C. brought to the council’s attention that the August 31st date should read August 24th and has been corrected and initialed by applicant. Ann C. spoke with State Liquor Licensing Board in Denver and they stated that as long as the applicant is in agreement and the State receives the correct dates for the special events that there would be no problem.

Motion by Tom S., second by Bill B., to **approve** the Special Events Liquor Permit for the Minturn Community Fund on August 19, 26, and 24, 2006 – **Motion passed 6-0**

Kelly B. resumed her seat as Councilmember

- Special Events Liquor License the Town of Minturn Cowboy Poetry on August 6, 2006 – by Christensen

Motion by Tom S., second by George B., to **approve** the Special Events Liquor License the Town of Minturn Cowboy Poetry on August 6, 2006 – **Motion passed 7-0**

The Liquor License Authority adjourned and reconvened as Town Council with all council members present.

4. Approval of the Minutes

- June 21, 2006 Minutes

The following were requested to be corrected:

- Page 94 should read *Jim Comerford*.
- Page 96 add the decision that occurred at the end of the meeting stating council agreed to attend the Special Joint Meeting June 28th, 2006 with Planning and Zoning Commission.
- Page 102 last paragraph under number 12 “Kelly B. added” and then after the semi colon it should read “Hawkeye F. said it is an industrial area.”

Motion by George B., second by Kelly B., to **approve** the minutes as amended; **Motion passed 7-0**

- June 28, 2006 Special Joint Meeting with Planning Commission Minutes

The following were requested to be corrected:

- Special session started at 5pm
- Meeting was called to order at 4:55pm not 5:55pm

Motion by Jerry B., second by Hawkeye F., to **approve** the minutes as amended; **Motion passed 6-0** *George B. abstained.*

- July 5, 2006 Minutes

Motion by Jerry B., second by George B., to **approve** the minutes as presented; **Motion passed 7-0**

5. Special Presentations/Citizen Recognition/Project Update - None

6. Public comments on items, which are NOT on the agenda

Darla Goodell, 160 Railroad, Minturn, CO

- Thanked the Town for the Key to the City award (Karen E. noted that Ms. Goodell was selected due to her overwhelming support, participation and promotion of the Town of Minturn)
- Water Issue – requested Town’s help as she may need to close the business.

7. Discussion/action of Emergency Items, if necessary – please refer to Agenda Item #15

STAFF REPORTS AND OTHER ITEMS

8. Reports/Correspondence/Announcements/New Business

a. Economic Development: Karen E. passed out handbills for Cowboy Poetry; it is growing daily, calls coming from Denver on how to participate or get tickets – bands, poems, story telling, yodeling, etc. Bud Gates reciting a poem he wrote for his wife, Frank Dahl share history and hopefully Bill Burnett to also share the history of the Town. * The Town’s Historic photos are up in business windows throughout town. * Vail Symposium “Walk About”; thirty-one people and had to turn ten away. The historic photos were a big hit for this event. * Independence Day celebration was wonderful; a special thank you to Public Works for all of their hard work and assistance. * Market has some great entertainment this weekend; Hyperion Quartet, Andean Nation, The Belly Dancers, and the drumming circle by Bravo.

b. Public Works: Rod C. reported that B&B started on the overlay of 4th, Taylor, and Harrison at Eagle Street. The preliminary work has been completed and tomorrow they should start with the asphalt.

Shelley B. requested that more notice be given before future water shut offs in regards to our businesses and residents being prepared; some telephone numbers were missed in the reverse 911 process and that is being looked into. Rod C. said that there was going to be water shut off scheduled for next week to fix the Town’s water pressure but it will not occur now as the Public Work’s team was able to locate the problem and repair it. * Jerry B. added that a main sprinkler in the crawl space where Jerry lives blew a valve and when called, Rod C. and Arnold M. responded without question. Jerry B. thanked Rod and noted his appreciation for Rod and Arnold’s help. * Kelly B. notified Rod C. that the landscaper at Little Beach Park has noticed people dumping dirt over in that area; Rod C. stated that there are a few offenders that dump debris, boulders, fill dirt etc. Rod C. has spoke to Ernie Glesner about the possibility of blocking that area off after the amphitheater construction is completed. Tom S. inquired why we don’t ticket them; Ann C. responded that we need to review our code and then post “no dumping”.

c. Police: Report on pages 128-129

d. Treasurer/Clerk: No Report

e. Town Planner: Wiley S. reported that the Chapter 16 ad hoc committee’s first meeting will be Tuesday, July 25th at 5pm. * Wiley S. also noted that the Planning and Zoning’s staff report will be included in the next Town Council agenda packet and will provide the previous two months activity.

f. Town Attorney: No Report

g. Town Manager: Ann C. reported that the first Meeting for the “Second Phase of Project” of Little Beach Park will be July 20th at 12:30pm at Little Beach Park, public is invited. * “Fishing Is for Fun” grant was granted to the Town in the amount of \$32,000, this is in addition to the \$7,500 that was received last year. The Town will be adding fishing amenities such as natural step access for the public, foster some good fishing holes, etc.

Kelly B. questioned who presented the project ideas for review; Ann C. responded that she did with Troy Thompson of Ecological Resource Consultants at the Department of Wildlife (DOW) in Denver. Kelly B. asked what the grant money will be used for; Ann C. responded to augment and develop access to the river by working with the Forest Service as they own most of the access points. Kelly B. inquired if the access points have been identified; Ann C. responded not necessarily but it will be somewhere on Forest Service access as any other access would be through Union Pacific and we would have to get their permission. Kelly B. added that there is good fishing down by the park, south of the park and Hawkeye B. mentioned the stairs that are already in place. Ann C. added that the Town can apply for this grant every year and noted that the DOW commission liked what was presented on the Town continually improving access to the river. The Town has demonstrated that the public is in support of these improvements. Kelly B. asked if it is Fish and Wildlife who identifies the fishing areas that require access; Ann C. responded that the DOW makes their suggestions and the Town will follow that direction.

Direction to Ann C. - George B. requested that a thank-you letter be sent to Vail Resorts on what a great job they did cleaning up the site. * Hawkeye F. inquired if the CML attachment listed all the bills that were passed; Ann C. said they may be just summaries. She will review and get back to him.

h. Town Council: George B. alerted council that the ECO meeting is tomorrow, July 20th. He also noted that an enterprising resident was charging for parking at the municipal lot for the Market; Ann C. responded that our officer investigated and that there is no evidence that this was occurring on Town property. * Tom S. inquired if the ECO bus can go up Taylor Street; **George B. stated he would follow up with that at the ECO meeting.**

DISCUSSION, HEARINGS AND ACTION ITEMS

9. Discussion/Action Items – Ordinance No. 9 – Series 2006 (Second Reading) an Ordinance authorizing the Mayor of the Town of Minturn to sign a limited non-exclusive license and indemnity agreement between Minturn Realty and the Town of Minturn contracting for Minturn Market and 4th of July celebration use of parking lot in the Town of Minturn, Colorado – by Christensen

Motion by Tom S., second by Bill B., to **table** Ordinance No. 9 – Series 2006 (Second Reading) an Ordinance authorizing the Mayor of the Town of Minturn to sign a limited non-exclusive license and indemnity agreement between Minturn Realty and the Town of Minturn contracting for Minturn Market and 4th of July celebration use of parking lot in the Town of Minturn, Colorado until the next Town Council meeting, August 2nd, 2006; **Motion passed 7-0**

10. Discussion/Action Items - Ordinance No. 11 – Series 2006 (First Reading) An Ordinance amending Chapter 16 of the Town of Minturn Municipal code by repealing and re-enacting Section 10-222(a)(7) as it pertains to consumption of alcoholic beverages in the Town of Minturn, CO – by Capela/Christensen

Allen C. informed that 10-221 was cleaned up by removing some language in sub section 1. In Section 10-222 the only change was page 56 and he needs direction from council on what hours alcohol can be served. Discussion on alcohol in the park ensued and the hours were agreed on to be **8am to 10pm**.

Motion by George B., second by Shelley B., to **approve** Ordinance No. 11 – Series 2006 (First Reading) An Ordinance amending Chapter 16 of the Town of Minturn Municipal code by repealing and re-enacting Section 10-222(a)(7) as it pertains to consumption of alcoholic beverages in the Town of Minturn, Colorado; **Motion passed 7-0**

11. Discussion/Action Items – Ordinance No. 12 – Series 2006 (First Reading) An Ordinance amending Chapter 16 of the Minturn Municipal Code by the creation of a new section as it pertains to compensation for members of the Town of Minturn Planning Commission – by Capela/Christensen

Kelly B. declared a conflict of interest as her husband is a member of the Town of Minturn Planning and Zoning Commission. Kelly B. stepped down from her seat and left the room.

Motion by Bill B., second by George B., to **approve** Ordinance No. 12 – Series 2006 (First Reading) An Ordinance amending Chapter 16 of the Minturn Municipal Code by the creation of a new section as it pertains to compensation for members of the Town of Minturn Planning Commission; **Motion passed 6-0**

Discussion: Tom S. stated that Council is giving raises to the Town’s Commissioners, thus Council should remember the need to give raises to Town Staff come budget time.

Kelly B. came back into the Council Chambers and took her seat as Councilmember

12. Discussion/Action Items – Ordinance No. 13 – Series 2006 (First Reading) An Ordinance authorizing the Mayor of the Town of Minturn to sign a lease of land between the Union Pacific Rail Road and the Town of Minturn for land in conjunction with the Little Beach Park – by Capela

Ann C. stated that the title of the ordinance should read as is BUT it should end at the word “Minturn”. It should not include “for land in conjunction with the Little Beach Park” since the Union Pacific (UP) lease states that the Town “can not use this property for a City Park”. Hawkeye F. informed council that this is in regards to two pieces of land on the east and west side of (referring to map) line that UP says if we want to use it we should have a lease. After general discussion it was decided that this ordinance should be tabled until after Greg Larson’s visit to the Town next week also allowing the Town Attorney reasonable time to review.

Motion by Hawkeye F., second by George B., to **table** Ordinance No. 13 – Series 2006 (First Reading) An Ordinance authorizing the Mayor of the Town of Minturn to sign a lease of land between the Union Pacific Rail Road and the Town of Minturn for land in conjunction with the Little Beach Park until Staff has resolved any issues; **Motion passed 7-0**

13. Discussion/Action Items – US Forest Service request for comment – by Capela

Hawkeye F. stated that this was in regards to a road easement request on Tennessee Pass. Shelley B. access is often blocked off by person putting in the road; she would like to see no gate blocking public access. Hawkeye F. suggested the gate, if necessary, be installed at their property line not at public access.

Direction to Ann C.: Hawkeye F. requested that a letter be written addressing these two concerns a) road be open to the public up to their property line b) other private property can be accessed using this road as a common access.

14. Discussion/Action Items – Minturn Public Works Building Update – by Capela

Ann C. presented Council with a copy of a contract with Sibley Plumbing and brought to Council's attention that this contract is for a much greater amount then the Town has in Surety retention funds from the failed White River Development Company. Ann C. noted a confidential memo from Attorney Dan Frost recommending that the project be completed due to OSHA regulations. Town will be seeking these and further funds from the Surety Company that insured this project. Council was in agreement that this must be done and noted that the total cost of Sibley's contract is \$67,000. Ann C. stated that Council should be aware that the Town may end up carrying some of the cost of the project but it was recommended by the attorney to proceed with the project. Ann C. informed the Council that Yampah Builders have been called to develop an accurate punch list to complete the rest of the repairs and construction of the PW building.

Direction to Ann C.: Keep council apprised of on-going activities with this project.

15. Little Beach Park Name

Discussion ensued regarding the history of how the park was named. Mike Gallagher, former Mayor of the Town of Minturn, was in the audience and shared that he was Mayor at the time and was trying to find a Spanish translation of Little Beach – and came up with “LaPlayuela”. Various translations and spellings were discussed.

Motion Bill B., second by Tom S. to officially name the park “Little Beach Park”; **Motion passed 6-1 with Hawkeye F. voting nay**

16. Items to be added to future agendas / work session

- Ginn Annexation Public Hearing – September 6, 2006
- Mike Wheelersburg – Minturn Towne Homes Update – August 2, 2006
- Old Town Hall
- Minturn Municipal Code building height limitations for new construction
- Old Town – Minturn Municipal Code Parking Regulations
- Review Town Staffing
- Mercer Group will be present August 16th, 2006 to present Town compensation findings
- Radio Tower Lease

Allen C. added that Lorenzo M. requested that three conditions be added to both special events permits: 1) TIP trained, 2) Crowd Control plan, and 3) Traffic Plan.

Council adjourned and convened as Liquor Authority; roll call showed all in attendance.

Motion by Tom S., and second by Bill B. to **add** three conditions to each of the Special Events Permits that were approved at the beginning of this meeting: a) TIP trained, b) Crowd Control, and c) Traffic Plan; **Motion passed 7-0**

The Liquor License Authority adjourned and reconvened as Town Council with all present.

17. Set Future Meeting Dates

- 1) Council Meetings
 - August 2nd
 - August 16th
 - September 6th
- 2) Planning & Zoning Meetings
 - July 26th
 - August 9th
 - August 23rd
- 3) Other

18. Adjournment

Motion made by Tom S. and second by Bill B. to adjourn at 8:12pm; **Motion passed 7-0**

Gordon "Hawkeye" Flaherty
Mayor

ATTEST:

Jay Brunvand
Town Clerk