

MINTURN CEMETERY DISTRICT
REGULAR MEETING MINUTES
August 16, 2021

Members Present:

John Sheehan
Art Chavez
Stephen Jones

Members Absent:

n/a

Staff:

Sidney Harrington
Ray Sforzo
Matt Mire

I CALL TO ORDER

John called the regular meeting to order at 6:33 p.m. at the Riverview Cemetery Mausoleum, Minturn, CO.

II ROLL CALL

John, Art, Stephen, Ray, Matt and Sidney were present.

III PUBLIC COMMENTS

n/a

IV APPROVAL OF MEETING MINUTES

John motioned to approve the meeting minutes from the August 16, 2021 regular meeting, Stephen seconded, and all were in favor.

V DISCUSSION

A. Board of Directors Review of Duties: Matt Mire

Matt Mire attended the meeting to provide an overview of roles and responsibilities for the Minturn Cemetery District Board of Directors. This is noted in the official meeting minutes to comply with Colorado errors and omissions insurance policies for elected boards.

Board members are considered public officials who must comply with the Colorado open meetings law with duties that include setting policy and voting in meetings (quasi-administrative & legislative acts). If you find yourself doing anything other than voting in a public meeting on behalf of the Minturn Cemetery District, you should question whether or not you should be doing it. Furthermore, if you or your family have direct benefit of cash from Board activity (voting) that is considered a grave conflict of interest. Board members are immune from legal action regardless of the results of any legislative action. That immunity would be eliminated and insurance coverage denied if you acted outside of the scope of your appointment or if you acted in a willful way with intention to do harm or evil.

Keep an eye on the scope of your appointed office which is voting in public. Operations of the District fall on the administrator and the property manager (staff) and not to board members.

Executive session is an underlying principle of the Open Meetings Law (Sunshine Law) whereby certain subject matter is permitted to be discussed in private and includes:

- Property transactions
- Attorney conferences
- Confidential matters under state or federal law
- Security arrangements or investigations
- Negotiations
- Personnel matters
- Documents protected under open records act

Individually, board members are not allowed to discuss the content of executive session outside of the session and could be subject to legal action.

Stephen asked about obtaining bids. Matt says the statute that requires bids at \$50k doesn't apply here for the District; however, that bid process should be exercised within reason set by the rules and regulations and board standards. Board members have a fiduciary responsibility to tax payers within the District.

Board members are not allowed to gather before or after meetings to discuss regular business.

B. Security / Electrical / Mechanical Gates:

Ray presented a proposal from Firkins Garage for the mechanical gates. Two motors, one on each gate, that would be added to the existing gates. Electric would be run directly from the panel to the gates at a price of \$8500 per Daryl Taylor's bid. Daryl wired everything here at the cemetery. The Firkins bid is coming in at \$11,265.00. The gate would operate on a programmed timer and are different use and functionality of "gated community" operations use, i.e. gates won't be opened 10,000 times a week. They have safeguards and electronic sensors triggered by motion and operable with a keypad or a remote. Ray thinks Firkins bid is better than Vail Valley Garage Door bid because of the service reputation. VVGD bid is coming in at \$10,842. Board and staff agree the Firkins bid is the more desirable.

Sidney would like to streamline efforts for the gates and security cameras. We have obtained an all-inclusive bid (to be reviewed at a later date), and we are also exploring individual subcontractors to look at the project.

Art asked about putting off the asphalt overlay project to accommodate the pending work that requires opening a trench and ripping up existing hardscape. Ray said it's ideal to dig just one trench one time only.

C. Shed Building Update: Sidney

Michelle Metteer called today to let us know that there is a delay in placing the final plat application approval on the Minturn Town Council agenda. Apparently, there is a problem with the parcel request and its ownership validity. Sidney is hoping to have more to report as the attorneys get involved.

D. BOCC Resolution to Appoint Art Chavez:

The Eagle County commissioners have appointed incumbent Board member, Art Chavez, to the Minturn Cemetery Board of Directors via Resolution No.2021-058 for a six-year term beginning, July 28, 2021 and ending July 28, 2027.

A couple of days before the regular BOCC meeting, the assistant called to invite board members to the meeting to witness the resolution appointment.

E. RESOLUTION NO.2 SERIES OF 2021: RESOLUTION OF THE BOARD OF DIRECTORS OF THE MINTURN CEMETERY DISTRICT APPROVING THE RIVER VIEW CEMETERY AND MAUSOLEUM FEE SCHEDULE:

Board and staff regularly review the fee schedule items and set fees periodically as the price of bronze changes and other factors effect staff time and labor rates.

Staff recommends implementing an “oversized cremains burial” fee for urn boxes that exceed standard sizes. The \$100 fee has been added to the schedule.

John motioned to approve Resolution No.2 Series 2021, a resolution of the Board of directors of the Minturn Cemetery District approving the River View Cemetery and mausoleum fee schedule. Stephen seconded and all were in favor.

F. Rules & Regulations Revisions Discussion:

Board and Staff discussed revisions for the cemetery rules & regulations including casket burials w/ impeding headstones and ground cremains interments that exceed standard size.

Sidney and Ray explained that double headstones for side-by-side plots can sometimes impede ground burials in the respective and surrounding plots that are to be used for casket burials. The problem is that staff can be tasked with moving and then replacing large double headstones in order to dig for a casket burial. Until both bodies are in the ground, double headstones should not be installed or at the very least, patrons need to be accountable for the costs of moving headstones out of the way and replacing them back after the respective burial. Staff really shouldn't be handling any of these large headstones and the professional monument company should handle this at expense of the family. Furthermore, moving these larger headstones can impede the entire casket burial service. Staff is always nervous about moving any headstone.

There have been more than one cremains burials in the last couple of years that have resulted in extra labor hours (equipment mobilization, etc.) in order to dig an appropriate hole for larger than normal urn burials whereby family bury a vault-like item that sometimes is as big as an infant casket.

All agreed that we need to prepare the verbiage correctly in the rules and regulations as well as explain to all future plot patrons that double headstones have some restrictions. Board and staff will continue the conversation at the September meeting.

VI. BILL PAYING

The following electronic funds transfers were made:

8/16/2021	EFT	Centurylink	265.30
8/16/2021	EFT	ERWSD	3,066.67

The Following check payments were made:

8/16/2021	2907	Firstbank	582.76
8/16/2021	2908	Fitz Landscaping	4,500.00
8/16/2021	2909	Hoffmann, Parker, Wilson & Carberry	1,332.00
8/16/2021	2910	Home Depot	196.59
8/16/2021	2911	Marchetti & Weaver	723.25

8/16/2021	2912	Mike Layman Locksmith	361.95
8/16/2021	2913	Mountain Valley Ventures, Inc.	1,332.00
8/16/2021	2914	MW Window Cleaning, Inc.	330.00
8/16/2021	2915	Peggy Peters	2,109.00
8/16/2021	2916	PSI	4,885.00
8/16/2021	2917	RD Trucking LLC Dump Sites	100.00
8/16/2021	2918	Rocky Mountain Custom Landscapes	2,790.54
8/16/2021	2919	Sforzo Enterprises, Inc.	4,860.00
8/16/2021	2920	Sidney Harrington	3,333.00
8/16/2021	2921	Vail Honeywagon	51.50
8/16/2021	2922	Vail Lock, Key & Safe	109.99
8/16/2021	2923	Vail Valley Pest Control	400.00
8/16/2021	2924	Xcel Energy	739.20
8/16/2021	2925	Zehren & Associates	686.12

VII. FUTURE AGENDA ITEMS

Shed building remodel, Two Elk subarea masterplan-TOM, Old Edwards Petition, green burials, water feature, rules & regulations

VIII. ADJOURNMENT

At 8:28 p.m. John motioned to adjourn the regular board meeting, Art seconded and all were in favor.

The next regular board meeting date and time will be August 16 at 6:30 pm.

Respectfully Submitted:
Sidney Harrington
Administrator

ATTEST:

Stephen Jones
Minturn Cemetery District
Secretary/Treasurer