



REGULAR MEETING OF THE • MINTURN TOWN COUNCIL
Wednesday, January 5, 2005

Regular Session: Council Chambers – 6:00 PM

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

MAYOR - Gordon “Hawkeye” Flaherty, **TOWN MANAGER** - Ann K. Capela
MAYOR PRO TEM - Darell Wegert **TOWN CLERK/TREAS** - Jay Brunvand

COUNCIL MEMBERS:

George Brodin
Jerry Bumgarner
Bill Burnett
Fred Haslee
Tom Sullivan

When addressing the Council, please state your name and your address for the record prior to providing your comments. Please address the Council as a whole through the Mayor. All supporting documents are available for public review in the Town Offices – located at 302 Pine Street, Minturn CO 81645 – during regular business hours between 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding holidays.

REGULAR SESSION – 6:00 PM

1. Call to Order

a. Roll Call

Mayor Hawkeye Flaherty called the meeting to order at 6:00 p.m. Those present included Mayor Flaherty, Mayor Pro Tem Darell Wegert, George Brodin, Jerry Bumgarner, Bill Burnett, and Fred Haslee. *(NOTE: Tom Sullivan arrived at 6:07 p.m. G. Flaherty left the meeting at 8:12 p.m.)*

Staff present was Town Manager Ann Capela, Town Clerk / Treasurer Jay Brunvand, Town Planner Wiley Smith, Town Economic Development Director Nicole Magistro, Town Attorney Allen Christensen, Public Works Director Floyd Duran, and Court Clerk / Office Technician Alicia Lynch. Chief of Police, Chief Lorenzo Martinez was excused absent.

b. Pledge of Allegiance

2. Discussion of the Agenda

- a. Items to be pulled from Action Calendar
- b. Items to be pulled from the Discussion Calendar.
- c. Items to be pulled from the Consent Calendar.
- d. Emergency Items to be added.
- e. Order of the Agenda Items.
Moved agenda item number seven after agenda item number four.
- f. Approval of the agenda.
Motion by J. Bumgarner, second by D. Wegert, to approve the agenda with the previous change(s); all voted in favor:

3. Approval of the Minutes for December 15, 2004

Motion by B. Burnett, second by G. Brodin, to approve the minutes for December 15, 2004; all voted in favor.

4. Special Presentations/Citizen Recognition

- Citizen Recognition of Ms. Trista Martinez – Essay Contest Winner
N. Magistro announced the winner of the essay contest, Ms. Trista Martinez. N. Magistro gave a background about Ms. Martinez. Ms. Martinez read her essay to council and citizens. G. Flaherty awarded Ms. Martinez for her accomplishment.

5. Discussion/Action – Minturn Towne Homes Update by Project Manager Mike Wheelersburg.

M. Wheelersburg explained his report in the packet. M. Wheelersburg explained that they laid the foundation for Building A yesterday, January 4, 2005. M. Wheelersburg stated that the framework for Building B is in the process of completion and they will start ground iron plumbing for Building C on Monday, January 10, 2005. M. Wheelersburg announced that the orange barricade fence and “no trespassing / authorized personal” signs are now up and posted for the community, as requested by L. Martinez.

F. Duran asked M. Wheelersburg to make sure the delivery trucks do not block access to Taylor Street. Mr. Wheelersburg stated that he would take care of it. M. Wheelersburg stated that he felt he is still three weeks behind. M. Wheelersburg stated that he believes Building B would be completed by the middle of June, Building C would be completed by the middle of July, and Building A would be completed by the middle of August. M. Wheelersburg introduced his assistant, Scott Benson. M. Wheelersburg announced that S. Benson would be on site Monday through Friday from 8:00 a.m. until 5:00 p.m.

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

There were no public comments.

7. Discussion/action of Emergency Items, if necessary

There were no emergency items discussed.

STAFF REPORTS AND OTHER ITEMS

8. Reports/Correspondence/Announcements/New Business

- a. Economic Development Director
 - La Playuela Park – N. Magistro announced that Ms. Laura Wolf is the chairman of the group. N. Magistro announced that the group would be applying for the two following grants: the Minturn Community Fund grant and the GOCO grant. The following dates for public town meetings will be held regarding the park:
 - Tuesday, January 25 from 5:30 – 7:00 p.m. at the Minturn Town Center
 - Wednesday, January 26 from 5:30 – 7:00 p.m. at the Minturn Town Center
 - Thursday, January 27 from 7:00 – 8:30 p.m. at the Minturn Town Center
 - River Signs
N. Magistro stated that final designs have been completed and approval in is the works. N. Magistro stated that the signs would be completed for the spring.
 - Top of the Rockies Scenic Byway Kiosk
Nicole M. stated that the town is looking at four different places for a scenic byway kiosk. The location has to be near the byway, but safe and provide parking.
 - Community Survey
N. Magistro announced that the grant recipients will be announced on January 27, 2005. N. Magistro stated that she is looking forward to getting started on the survey, if the town is given the grant.
- b. Public Works
 - F. Duran gave an update regarding the lights in Minturn. He stated that all are working, except for two. F. Duran explained his report and the responsibility of the town regarding the lights. B. Burnett asked how many lights there are in total. F. Duran stated that there were eight.
- c. Police
- d. Treasurer/Clerk

e. Town Planner

- Annexation Outline

W. Smith stated that he, A. Christensen, and Commissioner Michael Gallagher had a meeting on December 23, 2004 to discuss a strategy to get the annexation process in motion. W. Smith stated that the staff is prepared to go ahead with it, but the staff needs to talk with Mr. Bobby Ginn to determine if he would like to come into the town.

- Ad-hoc Committee meeting

W. Smith stated that the outcome of this meeting resulted in modifications of chapter 16. These modifications applied to the Zoning Code.

- Report

W. Smith stated that the Planning Commission discussed the Master Plan at the previous meeting and the Sullivan Subdivision. The Planning Commission unanimously voted in favor of the new application for the Sullivan Subdivision, which included a proposal for a variance.

f. Town Attorney

- A. Christensen stated that Commissioner Gallagher informed him yesterday January 4, 2005, that the county signed a letter of to support our in-stream water flow application with Colorado Water Conservation Board (CWCB).

- A. Christensen announced that Commissioner Gallagher's going away party would be held at the county fairgrounds this Friday, January 7, 2005 at 5:00 p.m. A. Christensen recognized and pointed out a few positive memories about the commissioner.

- A. Christensen stated that certain actions would still need to be completed, regardless if the town, along with Mr. Ginn, decides to go ahead with the annexation. He continued by pointing out the following actions that he was referring to: 1) Five-mile Water Shed Plan, 2) Adopting 10-41 regulations, and 3) Amending the Master Plan. He stated that the town staff had a lot of work to do, especially W. Smith.

g. Town Manager

- A. Capela stated that in her report she would like to remind council of the revision for HR 4700 bill, which is the Forest Service property for sale. A. Capela stated that Minturn has the first right of refusal with this new revision. A. Capela stated that it would be good for Minturn to obtain a small piece of property along the river and that she felt it was not too farfetched to believe that the Forest Service would give it to the town.

- A. Capela announced that the town had also received an invitation to witness the ceremony for Mr. Menconi being sworn in on January 11, 2005.

- A. Capela announced that she planned on attending an upcoming meeting on February 5, 2005 with the CDOT Commissioner. A. Capela stated that she had been informed about previous indifferences and that she would do her best to resolve any negative issues, so that the town and CDOT could maintain a positive working relationship.
- F. Haslee asked A. Capela what specific issues she would discuss with CDOT. A. Capela stated that she would ask the commissioner if he was aware of the new development in Minturn, the CDOT plans for Highway 24, and what the town should ask or look for in the Gilman development. F. Haslee stated that the issue for years had been about traffic through town, so he would like her to discuss moving the road on the other side of the river. F. Haslee asked her to ask CDOT what it would take for the road to go by the rail yard and dissolve the issue of increased traffic. T. Sullivan stated that this was not the consensus of the town. T. Sullivan noted that the traffic would disturb the property owners along the river and the business owners would not want the traffic to leave. T. Sullivan stated that A. Capela should keep this in mind when discussing the options available to the town.

h. Town Council

- Future Planning and Priorities for 2005
- Setting Dates for Council Retreats

G. Flaherty asked when the council would be able to get together to go over the ideas and come to a resolution. The council decided that it would meet Tuesday January 11, 2005 at 5:00 p.m.

DISCUSSION, HEARINGS AND ACTION ITEMS

9. Discussion/Action Resolution No. 1–Series 2005 by Town Treasurer:

A resolution designating four public places within the town of Minturn for the posting of public notices and notice for public meetings of the Minturn Town Council, Planning and Zoning Commission, and other boards, commissions, and authorities of the town of Minturn.

Motion by F. Haslee, second by B. Burnett, to approve Resolution No. 1 - Series 2005 as presented; all voted in favor.

10. Discussion/Action - Minor Subdivision Approval

Applicant: John Woodruff

Address of Property: 554 Taylor Avenue

Proposal: To seek approval for re-subdividing Lots 3,4,5,6, and 7 of the Taylor Addition into three 6,000 square foot lots and a variance for a 50-foot minimum lot line dimension.

Summary: The applicant is proposing to subdivide five 2,300 square foot lots into three 6,000 square foot lots with a 42-foot minimum lot line dimension.

Recommendation: The Town Council grant Minor Subdivision approval with a variance for a Minimum Lot Line to the application.

T. Sullivan left the room during the discussion, due to a conflict of interest. W. Smith addressed the council regarding the application. W. Smith summarized the application and announced the recommendation of the Planning Commission. W. Smith introduced the applicant, Mr. John Woodruff to the council. J. Woodruff explained that the lot sizes were initially decided based on the decade in which they were created. J. Woodruff stated that today these sized lots were not favorable for building and that he had been working with the town staff in order to come up with a reasonable solution. J. Woodruff stated that he believed they had agreed upon the best decision, which was to ask for a variance from the council.

Council discussion ensued on the lot lines and they referred to the blue prints for the site.

A. Capela stated that months of work and thought went into this subdivision. A. Capela stated that they had come up with several ideas; however, out of all of the ideas, this solution took in the consideration of the towns' people.

J. Woodruff pleaded his case to the council. He reviewed the application with the council. He assured the council of his intentions.

A. Christensen stated that approving this variance would create less density by building three houses instead of five. A. Christensen stated that the applicant had the right to build five houses, but he, as well as the staff, would like to maintain the existing small town characteristics. A. Christensen continued by stating that it would best suit the town by building fewer homes.

The chairman opened a public hearing at 7:19 p.m.

The chairman closed the public hearing at 7:20 p.m.

There was some discussion regarding the options available to the applicant if the council did not pass the variance.

B. Burnett stated that he felt the variance was a good idea and that they should be trying to do something with the land. F. Haslee stated that he agreed with B. Burnett and that it sounded reasonable. G. Brodin stated that he liked the idea of three lots; however, he did not want to see the applicant build more than a single-family home once given the variance. W. Smith stated that the applicant would need to get approval for another variance if they wanted to build something other than what was proposed. J. Bumgarner stated that he discussed this item with neighbors and they all agreed that they approved this idea over all others. J. Bumgarner stated that they all felt this would help maintain, and possibly, increase their property values. There was some discussion between the council and W. Smith regarding the sizes of the houses that would be built. There were concerns about the consequences of approval for a variance and questions of another variance being required in the future regarding the sizes of the houses. G. Flaherty stated that he did not approve of this variance because it conflicted with the decisions made by the council regarding other citizen's properties. G. Flaherty stated that he would rather see two lots, one with a single-family home and one duplex. B. Burnett stated that this variance is for lot lines, but the building plans would still have to come before the council. W. Woodruff stated that he is not offering two lots and the council needs to decide to either approve or deny the variance.

Motion by F. Haslee, second by B. Burnett, to approve the Sullivan Subdivision for lots 3, 4, 5, 6, and 7 of the Taylor addition into three 6,000 square foot lots and a variance for a 42-foot minimum lot line dimension with the five conditions recommended by staff and the qualification that all units will be single-family homes with no mother-in-law units; five voted in favor, G. Flaherty no. (*NOTE: T. Sullivan did not cast a vote, due to his conflict of interest*).

11. Discussion/Action – Conditional Use Approval

Applicant: Invest in Yourself

Address of Property: 455 Main Street

Proposal: To seek approval for allowing a residential use in a commercial zone

Summary: The applicant is proposing to lease residential space as apartments within a commercial use structure.

Recommendation: The applicant requests the item to be tabled for discussion until 1/19/05.

W. Smith introduced the case. W. Smith asked if anyone had any questions regarding the case.

The mayor opened a public hearing at 7:49 p.m.

The mayor closed the public hearing at 7:50 p.m.

Motion by F. Haslee, second by T. Sullivan, to table the agenda item until January 19, 2005; all voted in favor.

12. Discussion / Action on Downtown Lights – Establishment of Policy and discussion of fiscal impact to the Town’s budget.

A. Capela stated that she put an additional item in the packets regarding the length of time this item has been discussed before the town. She pointed out the minutes from the 1990’s. A. Capela stated that the town does not own these lights and if the town would like to gain control of the lights, it would have to make an offer to Marka Brenner. A. Capela stated that the town would have to figure out how to pay for these lights and decide if it is something the town can afford and maintain. A. Capela stated that the council needed to make a policy decision because this has been discussed for over eleven years. N. Magistro pointed out that other town business owners may want/expect the town to provide lighting as well, and therefore the town needs to consider the consequences, both positive and negative, to the town. B. Burnett stated that the town could not take care of one end of town and ignore the other. G. Brodin stated that he felt it was important to light the town, but the funding for it was another issue. J. Brunvand gave the council an idea of the cost for the lights. G. Flaherty stated that more information would be needed in order to make a decision. G. Flaherty stated that staff could come up with at least three alternatives in a report for the first meeting in May of 2005.

FUTURE AGENDA ITEMS

13. Items to be added to future agendas

- 1) May 1, 2005 - Report on lights.
- 2) Executive Session to discuss Town Manager Review

EXECUTIVE SESSION

14. EXECUTIVE SESSION

Motion to convene into Executive session by T. Sullivan, second by G. Brodin, with the following citations opened for discussion; five voted in favor, J. Bumgarner no (*NOTE: Executive session opened at 8:15 p.m. G. Flaherty was excused absent*).

- Pursuant to C.R.S. 24-6-402 (4)(b) for the purpose of consulting with the Town Attorney on pending legal issues.
- Pursuant to C.R.S. 24-6-402 (4)(f) for purposes of discussing a personnel matter with the Town Manager.

Returned from session at 8:44 p.m.; no action was taken and action was directed at staff.

14. Set Next Meeting Date – January 19, 2005

15. Adjournment

As there was no further discussion, the meeting was adjourned at 8:45 p.m.

Mayor, Gordon “Hawkeye” Flaherty

ATTEST:

Town Clerk, Jay Brunvand