



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 – 4:30pm, Monday through Friday, by contacting the Town Staff at 970/824-5645 302 Pine St. Minturn, CO 81645

REGULAR MEETING OF THE • MINTURN TOWN COUNCIL
Wednesday, May 4, 2005

Work Session: Council Chambers – 5:45 PM
Regular Session: Council Chambers – 7:00 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

WORK SESSION – 5:45 PM

- 1. Ginn Development Discussion – Developing Minturn CIP (Capital Improvement Plan)**
- 2. Minturn Water Plant – Comprehensive Performance Evaluation Report**
- 3. Staff Expenses Reimbursement**
- 4. Possible Vehicle Purchase**
- 5. Other**

REGULAR SESSION – 7:00 PM

1. Call to Order

a. Roll Call

Mayor Hawkeye Flaherty called the meeting to order at 7:03 p.m. Those present included Mayor Flaherty, Mayor Pro Tem Darell Wegert, George Brodin, Jerry Bumgarner, Bill Burnett, Fred Haslee, and Tom Sullivan.

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

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.

Council added the Watershed Ordinance 9: Series 2005 (Second Reading) and the edited Ordinance 12: Series 2005 (First Reading) to the agenda.

e. Order of the Agenda Items.

f. Approval of the agenda.

Motion by Bill B., second by Darell W., to approve the agenda as amended; all voted in favor.

3. Approval of the Minutes for April 20, 2005

Motion by Fred H., second by George B., to approve the minutes from April 20, 2005 as presented; all voted in favor.

4. Special Presentations/Citizen Recognition/Project Update

- Mike Wheelersburg – Update on Minturn Towne Home

Mr. Wheelersburg of Silt, Colorado briefed the Council on his report and project status, which was also explained in the packet. He asked for any questions. There was some discussion about the changes and final touches on the project. Darell W. inquired about the ATV accessibility. Mr. Wheelersburg stated that ATVs could access the path as of now, but he would like to see it used by bicyclists and joggers instead. Council agreed that Mr. Wheelersburg had made great improvements and that he was doing a good job.

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

- Liz Campbell, 512 Main Street, stated that she was here to support and provide information regarding the “Radio Free Minturn” events. She gave a short history on the background of the project and expressed her passion for Minturn to be involved. Ms. Campbell stated that Minturn has the opportunity to have a radio station and should take the opportunity to either show support or oppose the project. She stated that citizens could voice opinions at Harry’s Bump and Grind located at 291 Main Street in Minturn on Saturday May 7, 2005 from 9:00 a.m. to 12:30 p.m. Finally, she announced that for every cup of coffee sold one dollar would be donated to support the project.
- Ann C. introduced Karen Earley to the Council. She explained that Karen E. was the new Economic Development Director, replacing Nicole Magistro. Karen Earley explained that Nicole M. gave her a run down of her position. She then gave a brief history of her previous employment and experience. Finally, she stated that she saw the position as an opportunity for growth.

6. Discussion/action of Emergency Items, if necessary

There were no emergency items discussed.

STAFF REPORTS AND OTHER ITEMS

7. Reports/Correspondence/Announcements/New Business

- a. Court Clerk / Office Technician
- b. Economic Development Director
- c. Public Works

Hawkeye F. asked Public Works to keep an eye on helping with the removal of rocks falling on the road.

- d. Police
- e. Treasurer/Clerk
- f. Town Planner

Wiley S. reiterated that on Thursday May 12, 2005 at 6:00 p.m. a meeting would be held for a discussion on the Municipal Code.

- g. Town Attorney
- h. Town Manager

Ann C. briefed the Council on her report, which was provided in the packet. She reminded the Council that the town survey had been mailed and she showed the Council what it looked like. She explained that it could be mailed in with no postage necessary or it could be completed online. The survey must be completed on May 23, 2005. Ann C. informed the Council that if a citizen loses his/her identification number for the survey he/she should contact NWCCOG to obtain information.

i. Town Council

Hawkeye F. stated that staff would be attending the I-70 Coalition meeting regarding the I-70 Corridor. There was discussion about the Town Clean-up day set for May 21, 2005. It was also mentioned that on the same day the dump in Wolcott would be accepting trash, etc. for free. George B. thanked Fred H., Hawkeye F., Darell W. and their families for helping cleaning up the road.

Hawkeye F. asked the Council to make arrangements at the Town Shop on May 21, 2005 to help clean it up. Ann C. stated that staff would be there at 9:00 a.m.

Hawkeye F. congratulated Fred H. on his twenty-fifth anniversary working for the Upper Eagle River Water and Sanitation District.

DISCUSSION, HEARINGS AND ACTION ITEMS

8. Discussion/Action - Ginn Development – Sampling and Analysis Plan for EPA and Colorado Department of Health and Environment: by Town Manager.

Tom S. stepped down from the Council due to a conflict of interest.

Ann C. stated that a letter from Wendy Naugle had been received and provided in the packet. She explained what was in the contents of the letter and that staff must reply by May 15, 2005. Finally, she stated that Bill Weber of the Ginn Development Company, LLC was here to answer any questions. Mr. Weber of P.O. Box 48701, Edwards stated that the Ginn Company had been corresponding with the EPA and Colorado Department of Health and Environment for the past four months and that they were in the process of coordinating with the two organizations. Darell W. inquired about the wetlands.

Dr. Tom Steinburg of 1022 Eagles Nest Circle Vail, Colorado stated that many people are unaware that Minturn is a 10,000 year-old archeological site and that there were no reports conducted on the archeology of the town. Jerry B. stated that archeological studies had been completed. Allen C. stated that Mr. Weber would take care of it.

Discussion concluded at which time Tom S. rejoined the Council.

9. Discussion/Action – Concept PUD – Preliminary Plat by Town Planner (see attachment).

The applicant is proposing to subdivide two lots into one lot and apply a PUD overlay zoning to build 11 single-family homes at Lot 29 and 31 of the Minturn South Addition Subdivision in the South Town Character Area – Residential Use. The applicant is seeking approval for a Concept PUD and Preliminary Plat.

Hawkeye F. stepped down as the Mayor due to a conflict of interest. Darell W. sat as the Mayor.

Wiley S. summarized the project proposal (in the attachment) to the Council. He explained that this was the first step to approve the Concept PUD and the second step would be to approve the Preliminary Plat. Therefore, the Council would have two times to review the proposal. Wiley S. informed the Council that it would take two readings to approve the plat.

Shelly Mello, 274 South in Edwards, CO stated that there had been changes made to the project, after the meeting with the Planning and Zoning Commission. She explained the reasoning behind the Concept PUD as opposed to a subdivision. Ms. Mello stated that with eleven units, instead of the original twelve, the project would allow for 22% open space and two five-foot set backs, which back up to forest service land. She said that those two items were the only requirements that they did not meet at this time.

There was some discussion about the water and sewer lines for the project. Fred H. suggested that they loop the water lines because he felt the owners of the homes would be second homeowners and have another residence elsewhere. Looping the water lines would prevent the water in the line from stagnating and freezing and should be recommended for all lines.

There was some discussion regarding the setbacks. Ms. Mello utilized a drawing to show the setbacks for each of the units. She added that between the units there was a fifteen-foot setback, which was five more feet than required.

Darell W. inquired about the parking. He stated that these units were single-family units, thus it would be intended to accommodate families. Families have children and children grow up to drive, so where would they park? He stated that parking might not be an issue at the present time, but it could be in the future. He voiced his concerns regarding the parking, the road width, fire truck turn around, and the setbacks.

Tom S. stated that he was glad to see this project come to Minturn because he felt that single-family homes fit with the character of the Town. He added that he was glad to see that there was one additional parking spot for each unit. Jerry B. stated that he agreed with Tom S. on the parking issue.

There was some discussion about the design of the units. Ms. Mello explained that there was a custom design architect working on the units.

Bill B. inquired about basements. Ms. Mello stated that there would be no basements. Ms. Mello explained that there was a water issue with that.

Jerry B. asked about the removal of snow. Ms. Mello stated that this had been addressed and discussed at the Planning and Zoning meeting. Jerry B. inquired about snow storage, stacking, or removal. Ms. Mello utilized the drawing to demonstrate where snow stacking would be located.

Darell W. opened the public hearing at 8:50 p.m.

Mike Gallagher of 475 Pine Street stated that his biggest concern was wild fires. He stated that he was glad to hear that the applicant was willing to work with the Forest Service. He added that not only do the homes need to be aware of the forest being so close, but the unit owners would need to be aware of the potential danger they could cause to the forest due to the below minimum setback.

John Christensen of 1201 Main Street stated that lot 29 had not been purchased from his parents at this time. Ms. Mello stated that the land was not purchased as of yet, however, they did have permission from the landowners of lot 29 to proceed with the PUD plat. Wiley S. stated that the applicant can ask for approval at this step, but they cannot proceed for approval of the Preliminary plat until the land is obtained.

Ms. Mello thanked all of the neighbors for their attendance.

Darell W. closed the public hearing at 9:05 p.m.

Tom S. suggested that the south side of the lot increase the setback to the ten feet minimum. Darell W. suggested that they add a wildfire maintenance program, perhaps written into the homeowners association and that any concerns from the fire district be addressed.

Fred H. inquired about the legal issues regarding the discussion of the Concept PUD and Preliminary Plat prior to the actual sale of a portion of the building site land.

Allen C. stated he reviewed the code in order to address the question by Fred H. Allen read Section 17-151 of the Town Code. It was determined that the applicant would need to acquire a letter signifying the intent of the parties and the power to act on behalf of the parties. Allen C. pointed out that until the land was tied together the Council could only approve the Concept Plan. The actual subdivision needs to be tabled until the purchase of the land the concept would occupy was cleared. Wiley S. provided the letter from the applicant's attorney.

Fred H. stated that he would like to see a water easement. He added that it had to be at least twenty feet. Ms. Mello stated that they could do that.

Motion by Tom S., second by Bill B., to approve the Concept PUD as amended; all voted in favor (*NOTE: Hawkeye F. did not cast a vote*).

Motion by Fred H., second by Jerry B., to table the approval of the Preliminary plat for June 15, 2005; all voted in favor (*NOTE: Hawkeye F. did not cast a vote*).

Hawkeye F. rejoined the Council.

10. Discussion/Action – Ordinance 15: Series 2005 (First Reading) An Ordinance amending Chapter 2 of the Town of Minturn Municipal Code By repealing section 2-27.

Hawkeye F. introduced the ordinance. Allen C. stated that two consecutive managers recognized section 2-27 of the Minturn Municipal Code and that it needed to be repealed, as it was potentially illegal to try to enforce.

Motion by Fred H., second by Tom S., to approve Ordinance 15 – series 2005 (First Reading) as presented; all voted in favor.

11. Discussion/Action – Ordinance 12: Series 2005 (First Reading) An ordinance to amend the adopted 2000 International Building Code of the Town of Minturn, Colorado, as it pertains to Chapter 18 Article 1 Section 18 of the Minturn Town Code.

There was some discussion about the amendments to the Ordinance.

Motion by Tom S., second by Bill B., to approve Ordinance 12 – series 2005 (First Reading) as presented; all voted in favor.

12. Discussion/Action – Ordinance 9: Series 2005 (Second Reading): An Ordinance Creating The Minturn Watershed As Authorized In Section 31-15-707(1)(b) C.R.S., 1973 Amended, And Other Colorado Statutes For The Protection Of Minturn’s Drinking Water. Presented by Town Planner.

Motion by Fred H., second by Bill B., to table Ordinance 9: Series 2005 (Second Reading) until May 18, 2005; all voted in favor.

13. Discussion/Action – Ordinance 13: Series 2005 (First Reading) An Ordinance of the Town Council of the Town of Minturn adopting by reference the Model Municipal Records Retention Schedule.

Hawkeye F. read the Ordinance by title. Jay B. summarized what the purpose of the Ordinance was and what the retention schedule would do for the Town. Allen C. added that it summarized how long documents must be retained.

Motion by Tom S., second by Fred H., to approve Ordinance 13 – series 2005 (First Reading) as presented; all voted in favor.

14. Discussion/Action – Ordinance 11: Series 2005 (First Reading) An Ordinance of the Town of Minturn, Eagle County, Colorado granting by franchise to Xcel Energy of Colorado its affiliates, successors and assigns, the right to use the streets within the town to furnish, sell, transmit, transport and distribute gas and electricity to the Town and to all residents of the Town, granting the right to acquire, construct, install, locate, maintain, operate and extend into, within and through the town all facilities reasonably necessary to furnish, sell, transmit, transport, and distribute gas and electricity within and through the Town, and granting the right to provide street lighting service to the Town; and fixing the terms and conditions thereof.

Hawkeye F. read the Ordinance by title. Wade Harley (from Xcel), 2538 Glickman Ave. in Grand Junction, stated that they had approved it and the Vail Daily simply did not get it into the paper. Mr. Harley read the Ordinance in full, as required, due to the posting not making it in the paper.

Motion by George B., second by Darell W., to approve Ordinance 11 – series 2005 (First Reading) as presented; all voted in favor.

FUTURE AGENDA ITEMS / WORK SESSIONS

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

- Joint Session on Water problems May 18, 2005 starts at 5:00 p.m. sewer options
- Ordinance 14: Series 2005 (Second Reading)
- Collaborate and Compile Suggestions to One List for Ginn CIP – Put initials by suggestions Break into 3 groups – staff, council, and citizens)
- Ann as “Point of Contact” – George W., Bill B., Tom S., Jerry B., and Darell W.
- Council involved in Decision making in Expertise Hired – Assemble a List
- Council will turn in suggestions/comments on the Minturn Water Plant report. Floyd and staff were directed to get the final report and bring it back to the Council due to a lot of wrong information and conclusions.
- Article 5 of Municipal Code Discussion Meeting on May 12, 2005 at 6:00 p.m.
- Credit Cards for the town (2)
- RFQ

- Check charter regarding Ordinance 15: Series 2005
- Post ordinances

16. Set Future Meeting Dates

- 1) Council Meetings
 - May 18, 2005
 - June 1, 2005
 - June 15, 2005
- 2) Planning & Zoning Meetings
 - May 11, 2005
 - May 25, 2005
 - June 8, 2005
- 3) Other

17. Adjournment

As there was no further discussion the meeting was adjourned at 10:08 p.m.

Mayor, Hawkeye Flaherty

ATTEST:

Town Clerk, Jay Brunvand