



**REGULAR MEETING OF THE • MINTURN TOWN COUNCIL**  
**Wednesday, April 5, 2006**

**REGULAR SESSION 7:00 P.M.**

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

**MAYOR** – Gordon “Hawkeye” Flaherty      **TOWN MANAGER** - Ann K. Capela  
**MAYOR PRO TEM** – George Brodin      **TOWN CLERK/TREASURER** - Jay Brunvand

**COUNCIL MEMBERS:**

Jerry Bumgarner  
Bill Burnett  
Tom Sullivan  
Kelly Brinkerhoff  
Shelley Bellm

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

**WORK SESSION – 5:45 P.M.**

*Reception for Incoming and Outgoing Council*  
*Open to the Public*  
*Refreshments to be served*

**REGULAR SESSION – 7:00 P.M.**

**1. Call to Order**

Mayor Flaherty called the meeting to order at 7:02pm. Those present included Bill Burnett, Tom Sullivan, Fred Haslee, George Brodin, Jerry Bumgarner and Darell Wegert.

Staff present were Ann Capela, Town Manager; Wiley Smith, Town Planner; Derrick Slocum, Town Planner 1; Allen Christensen, Town Attorney; Jay Brunvand, Town Clerk/Treasurer; Karen Earley, Economic Development Director, and Torrey Maxwell, Court Clerk/Admin Tech.

Mayor Flaherty led the Pledge of Allegiance.

## **2. Remarks and Recognition**

### **3. Swearing in of Mayor and Council Elect – by Honorable Judge Terry Quinn**

Mayor Flaherty introduced Minturn Municipal Judge Terry Quinn. The Honorable Quinn swore the newly elected Council members, re-elected Council members and the re-elected Mayor:

Gordon “Hawkeye” Flaherty – re-elected Mayor  
Bill Burnett – re-elected Council member  
Kelly Brinkerhoff – newly elected Council member  
Shelley Bellm - newly elected Council member

### **4. New 2006-2008 Council is seated**

Mayor Flaherty acknowledged the retiring council members, Fred Haslee and Darell Wegert years of service and presented each with a plaque showing the Town’s appreciation. Mr. Haslee and Mr. Wegert excused themselves from the Council table and the new members took their seats.

### **5. Selection of Mayor Pro-Tem – by Mayor**

Mayor Flaherty nominated Councilman George B. to serve as Mayor Pro tem.

Motion by Bill B., second by Tom S., to confirm George B. as Mayor Pro tem; all voted in favor.

### **6. Discussion of the Agenda**

- Items to be pulled from Action Calendar
- Items to be pulled from the Discussion Calendar.
- Items to be pulled from the Consent Calendar.
- Emergency Items to be added.
- Order of the Agenda Items.
- Approval of the agenda.

Mayor Flaherty requested that Waste Water Treatment Plant Project Manager selection be added to agenda in position 15a.

Motion made by Bill B., second by George B. to approve the agenda amended; all voted in favor.

### **7. Approval of the Minutes:**

- March 15, 2006

Motion by Jerry B. second by George B. to approve the March 15, 2006 minutes as presented; all voted in favor.

## **8. Special Presentations/Citizen Recognition/Project Update**

- Mike Wheelersburg was not able to attend the meeting this evening due to a family emergency – Minturn Towne Homes Update

## **9. Public comments on items, which are NOT on the agenda**

## **10. Discussion/action of Emergency Items, if necessary**

# STAFF REPORTS AND OTHER ITEMS

## **11. Reports/Correspondence/Announcements/New Business**

### **a. Economic Development Director**

### **b. Public Works**

Public Works Director Rod Cordova reported that in preparation for runoff PW crew has been making up sandbags. They have approximately 150 bags filled and hope to have sand and bags available for public if they need. Public can make up their own for free. And PW crew has been working on filling pot holes around town.

### **c. Police**

Chief Lorenzo Martinez reported that the selection process for a police officer is complete; formally active Marine. Plan on making job offer in next couple of days. Also working on program “Please Slow Down in Minturn”.

### **d. Treasurer/Clerk**

Treasurer/Town Clerk Jay Brunvand briefly summarized the newly elected officials paperwork; fair campaign paperwork, two packets, judicial to everybody, orientation packet, what to expect, etc. Code books (CDs) are available if you do not like the CDs.

### **e. Town Planner**

### **f. Town Attorney**

### **g. Town Manager**

Town Manager Ann Capela reported on a Special Report: Eagle Country Historical Society Lehman Walker Award; Bill Burnett was recipient. She went before the School Board as an elected body with Superintendent and the Assistant Superintendent of Business, we are moving forward on the annexation on their 100 acres which then would be part of the deed to the town of the 18 acres where the plant sits. She will meet with them again in May. Their board has given permission for their staff to work with us on the annexation. Property has been surveyed, easements are done and we will have the deed.

Mayor Flaherty asked Town Manager Capela if it is going to be a problem extending Minturn Town Home's contract until September; depends on how much in addition they are willing to pay. Mayor Flaherty asked Public Works Director Cordova if he can store it; yes. Town Manager Capela stated she will continue her negotiations with them. It will cost them \$1000 per day which they signed and agreed to and she wants them to paint the water tank. Mayor Flaherty asked if Council sees any problem. Councilwoman Brinkerhoff asked if there is any guarantee that they are going to move the dirt in September. She is questioning extending at all. Councilman Sullivan said he would just want to make sure that the Town is compensated if they extend. Councilman Burnett asked why they would sign an agreement and then not abide by it. Councilman Bumgarner stated that in addition to the water tank they should be required to do something else, the water tank was already agreed to before the dirt ever came up. Town Manager Capela stated that if there is a draft agreement it will be brought before Council.

**e. Town Council**

Mayor Flaherty would like to schedule a work session with the new council and any other council members who would like to come, to orientate, next Tuesday, April 18<sup>th</sup>, 2006 at 5:30pm. Copy of Handbook for Municipal members should be provided. Town Manager Capela stated she would like new elected officials to attend training workshops through Denver. This meeting will be posted as public meeting, no action will be taken.

DISCUSSION, HEARINGS AND ACTION ITEMS

**12. Discussion/Action – University of Colorado at Denver Graduate Program Community Development Project Presentation of Highway 24 entry into town visuals and downtown historic streetscape alternatives – by Smith**

Town Planner Smith introduced Judith Bergquist, head of the program and student, Austin King who have worked with the Planning Department for about six months putting together a program looking at the streetscape of downtown at the entry way coming into town. Part of the program was an inventory of the Old Town houses and buildings that were built with the dates and styles. That is on CD now and available to anyone who would like a copy.

*Side conversation while Austin and Judith set up their presentation*

Councilman Burnett interjected a question about the signs that we were going to put on each end of town, do we have possession of those? Town Planner Smith stated he is not aware of them but that they can be incorporated into this project. Councilman Burnett questioned Mayor Flaherty on where they are. Mayor Flaherty said he has a couple of rough drafts that Randy Milhoan put together for the town. Councilman Burnett stated that there was one sand blasted down in Vail. He would like to know where it is. He stated we were going to have Gallegos Company mount it on a cement and rock foundation.

Ms. Bergquist and Mr. King gave a presentation of their findings.

**13. Discussion – Review of approved Design Review for The Saloon's deck addition – by Slocum**

Planner Slocum introduced Item 13 by stating that on March 22, 2006, The Saloon Restaurant

and Bar, represented by co-owners Andy Kaufman and Steve Campbell, received Design Review Board approval through the Town of Minturn Planning and Zoning Commission for a patio/deck to be built on the south side of the existing restaurant and he then directed Council and Staff to page 26. There was general discussion and some questions from Council regarding snow storage, set backs, parking, and other miscellaneous items.

*Note: As the Town Council is the Liquor Authority no change is necessary for the following item.*

**14. Discussion/Action – The Saloon Restaurant, 146 N Main, Andy Kaufman Owner/Manager – Request for Modification of Premises Liquor License – by Brunvand**

Motion by Tom S. second by Bill B. to approve The Saloon Restaurant Request for Modification of Premises Liquor License; all voted in favor.

**15. Discussion/Action – Conditional Use approval for a single family residential in a Commercial zone at 116 Nelson Avenue in the Sullivan Subdivision formally the Nelson Avenue Minor Subdivision – by Smith (Tom S. stepped down due to conflict)**

Town Planner Smith introduced Item 15 by summarizing the location of the property and noting that applicant is requesting a Conditional Use approval in a Commercial Zone for a single family residential building on lot 1 in the Sullivan Subdivision formally the Nelson Avenue Minor Subdivision.

Mayor Flaherty opened up the public hearing.

Tom Sullivan, 114 Nelson Avenue, this is zoned commercially but there is a residence on this lot and has been for some time but it will be torn down and to be on the right path we had to get a Conditional Use. Mr. Sullivan asked if there were any questions? Councilman Bumgarner asked if the entire structure would be residential; Mr. Sullivan responded that he might have his home office where people might come and pick up keys for their rentals. Mayor Flaherty inquired if due to the lot being long and skinny, would other houses be put into the back of the lot; no. Councilwoman Brinkerhoff stated that zoning change to residential and set backs for commercial will have to be followed. Mr. Sullivan responded that there is spot zoning.

Mayor Flaherty closed the public meeting.

Motion made by B. Burnett, second by (the second tape of the meeting was blank-does anyone remember who second this motion?) to approve the Conditional Use for a single family residential in a Commercial Zone at 116 Nelson Avenue in the Sullivan Subdivision formally the Nelson Avenue Minor; all voted in favor.

FUTURE AGENDA ITEMS / WORK SESSIONS

**15a. Discussion/Action, Waste Water Treatment Plant Project Manager selection – by Brodin**

Mayor Flaherty stepped down and turned meeting over to Mayor Pro Tem George Brodin, roll call vote. With the acceptance of the Waste Water Treatment Plant (WWTP) we are to appoint a project manager. It was suggested that Sean O'Hearn, Town Engineer, be appointed Project Manager; he is qualified and up to speed, WWTP outlines all of the scope of the work and obligations, each party appoint a project manager and Sean would be for the Town of Minturn and the development will appoint one for them.

Motion by G. Brodin, second by T. Sullivan to appoint Sean O'Hearn as the Project Manager for the Waste Water Treatment Plant; all voted in favor.

Adjourned as Enterprise and G. Brodin called the Mayor back.

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

1. Ordinance 26 – Series 2005 (First Reading): An Ordinance authorizing the Mayor to enter into a lease agreement with the Radio Tower Contract. – Tabled until completed
2. Annexation Public Hearing – 9/06/06
3. Mike Wheelersburg – Minturn Towne Homes Update – 5/3/06
4. Reconsider parking 4 to 1 versus a 6 to 1 – 5/3/06

#### **17. Set Future Meeting Dates**

- 1) Council Meetings
  - April 19<sup>th</sup>, 2006
  - May 3<sup>rd</sup>, 2006
  - May 17<sup>th</sup>, 2006
- 2) Planning & Zoning Meeting
  - April 12<sup>th</sup>, 2006
  - April 26<sup>th</sup>, 2006
  - May 10<sup>th</sup>, 2006
- 3) Other

#### **18. Adjournment**

As there was no further business meeting was adjourned.

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Mayor Gordon "Hawkeye" Flaherty

ATTEST:

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Town Clerk, Jay Brunvand