



REGULAR MEETING OF THE • MINTURN TOWN COUNCIL
Minturn Town Center, 302 Pine Street • Minturn, CO 81645 • (970) 827-5645

Wednesday, May 2, 2007
Work Session – 5:30 PM
Regular Session – 6:00 PM

MAYOR - Gordon “Hawkeye” Flaherty TOWN MANAGER - Ann K. Capela
MAYOR PRO TEM – George Brodin TOWN CLERK/TREAS - 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 Clerk at 970/824-5645 302 Pine St. Minturn, CO 81645

Work Session - 5:30 PM

- **Prioritize the Town Manager’s 2007 Goals**

Regular Session – 6:00 PM

1. Call to Order

- a. Roll Call
- b. Pledge of Allegiance

Mayor Hawkeye Flaherty called the meeting to order at 6:08pm. Roll call: Those present included Mayor Flaherty, Mayor Pro Tem George Brodin, Bill Burnett, Tom Sullivan, Shelley Bellm, Kelly Brinkerhoff, and Jerry Bumgarner.

Staff present was Town Planner Chris Cerimele, Town Treasurer Jay Brunvand, Police Chief Lorenzo Martinez, Town Attorney Allen Christensen, Public Works Director Rod Cordova, Economic Development Director Ashley King and Assistant to Town Manager Dylan Zastrow.
(Note: Town Manager Ann Capela was excused absent.)

EXECUTIVE SESSION

2. Minturn Town Council will convene into executive session:

- a. Pursuant to Colorado Revised Statutes (CRS) 24-6-402 (4)(a) to consult and receive legal advice from the Town attorney's Allen Christensen and Arthur Ferguson concerning purchase, acquisition, lease transfer or sale of real property for the purpose of discussing the acquisition of property for construction of wastewater treatment plant and for update of pending water court matters and negotiations.

Motion by Jerry B, Second by George B. to convene into Executive Session pursuant to Colorado Revised Statutes (CRS) 24-6-402 (4)(a) to consult and receive legal advice from the Town attorney's Allen Christensen and Arthur Ferguson concerning purchase, acquisition, lease transfer or sale of real property for the purpose of discussing the acquisition of property for construction of wastewater treatment plant and for update of pending water court matters and negotiations.

3. Discussion/Action or Direction to Town Manager and Town Attorneys from the Executive Session.

- The Council will hold a Special Meeting May 9th @ 4:30 to discuss a strategy for the Water Treatment Plant.
- The Council will attend the Eagle River Water and Sanitation District meeting on May 16th @ 10:00am.
- Council directed staff to respond to Dennis Gelvin's Letter of Eagle River Water and Sanitation District.
- Also to inspect the property considered for annexation, specifically the tailings area.

4. Approval of 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
- f. Approval of the agenda

Motion by George B., second by Shelley B., to approve the agenda as presented; all voted in favor.

5. Approval of Minutes and Action Report

- April 18, 2007
- Review/Comment – Council Action Report

Please clarify and change the proper dates for the public hearing on the 1-9 parcels for the Battle Mountain Annexation and the public hearing for the preliminary development plan, files 1-3.

Hawkeye, there are four animals stated as priorities for minimizing impact on in the proposed annexation area but only three listed, can we find out what the fourth one is and if not change it to the correct number?

Jerry B, when Council votes on an item, ie. the action discussion on this evenings agenda for the non-conforming use moratorium, be sure to reflect on who voted for or against it. I (Jerry B.) and Tom S. were not in favor for having this on this evening's agenda.

Motion by Tom S, second by Kelly B. to table the April 18, 2007 Council Meeting Minutes until the corrections are made and presented at the May 16, 2007 Council Meeting; all voted in favor.

6. Special Presentation/Individual Introductions/Citizen Recognition/Project Update

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

8. Discussion/action of Emergency Items, if necessary

STAFF REPORTS AND OTHER ITEMS

9. Reports/Correspondence/Announcements/New Business

a. Economic Development Director

Ashley K, stated her report is on page 19. She informed the Council and audience that OZ will be holding their second community workshop on May 15 @ 6pm-8pm. Ashley and the Town of Minturn are looking for volunteers for Minturn Clean Up day on May 19th meeting at the Turn Table starting @ 9am to 12pm. There will be a free lunch for all volunteers provided by the Turn Table. Lastly the Minturn Express news letter will be going out this Friday, May 4, 2007.

b. Public Works

Rod C; stated his report is on Pager 22.

He informed the Council and audience the demolition of the Old Town Hall is close and the asbestos abatement has been complete at this point. Also, that there are only a couple things left that need to be removed from the structure prior to the beginning of the demolition.

Hawkeye; we will be putting sod in the place of the building for public use. Also public works will maintain the current water source on the property in order to water the lawn. The Town also needs to replace the damaged side walk that is noticeable on the Boulder Street side of the Old Town Hall. Rod C; agreed and said he will address those issues once the building is extracted and will update the Council of his doing do.

Hawkeye; please let the Council know if by purchasing the Public Works Staff uniforms takes away from safety equipment funding. If that is the case we will make sure your department obtains more funding to purchase safety equipment. Also, are we getting rid of the millings on

the 200 block on main street? Rod C; stated it is progress. Hawkeye; can we do something to mark it, mark it with a cone maybe so people are aware of it?

Rod C; sure.

Hawkeye; far as your leak detection, it doesn't seem like its going to add up to a 70% loss?

Rod C; 70% loss would be 100 gallons per minute, we're at roughly 40. Hawkeye; so you think we are closing in on it? Rod C; its getting closer.

c. Police Department

Allen C. stated the Chief was here but he must currently be out on a call.

Jay B; he wanted me to remind everyone that the NIMS training will be here in the Council chambers on May 12, 2007 at 9:00am. Hawkeye; does that need to be posted as a meeting; it will be posted if required. Tom S; noted he will not be there in attendance.

d. Treasurer/Clerk

Jay B. stated that he spoke to the auditors today and they would like to present to the council on June 20th. The Audit is required by state law to be accepted by June 30th. Even though it's a Ginn hearing we will have to fit it in, it won't take very long though.

e. Town Planner

Chris C. stated his report is on page 28, and that he is open for questions.

Hawkeye, how are things going so far in your new position; Great, I have had a lot of support thus far.

f. Town Attorney

g. Town Manager

h. Town Council

DISCUSSION, HEARINGS AND ACTION ITEMS

10. Discussion/Action Item – Liz Campbell discussion regarding pros and cons of a possible moratorium on construction/repair non-conforming buildings in Minturn.

Liz Campbell 512 Main Street. Mrs. Campbell submitted handouts for the record. Mrs. Campbell stated that she was sorry and that there must have been some confusion between her and the Town Manager Ann Capela in regards to what material needed to be presented to Council and When. She stated that Ann C's e-mails stated all information needed to be presented to the Town by April 2, 2004; however the email was dated April 24, 2007. She assumed the date to mean May 2. Tom S, stated we asked the material in her presentation be handed by the packet deadline in order to review, this isn't enough time for us to review her

action/discussion item for the pros and cons of a possible moratorium on non-conforming buildings in the Town of Minturn.

Mrs. Campbell, I wasn't asking for a moratorium, I was asking Council and staff to stop any approvals of non-conforming use in the 30ft set back towards the river.

Motion by Tom S, second by Jerry B. to table this action/discussion item considering the Council asked for her presentation material to be handed in at the packet deadline in order for the Council to review the material before the meeting; Motion passed 6-1 with Hawkeye voting against.

11. Discussion/Action Item – CU 06-07; David Clapp, applicant, is requesting Conditional Use Approval for a duplex at 386 Taylor Ave. in a residential zone of the Game Creek Character Area – Cerimele

Hawkeye reviewed the procedures and rules of the public hearing.

Chris C stated David Clapp is the applicant for conditional use to build a duplex at 386 Taylor Ave. The requirements for a conditional use permit in the Minturn Municipal Code (MMC) have been addressed and met. Staff recommends approval of this conditional use applicant.

David Clapp, the applicant, of 392 Taylor Ave, requested the Council approve the Conditional Use Application and was available for questions.

Hawkeye opened the Public Hearing to public comment, no comments were taken.

Tom S; asked if we got a topographical map of the proposed site; Chris C. state that the information we have on this proposed project is on page 41.

Hawkeye; asked if the measurements are being taken from finished grade, because they should taken from existing grade; Chris C; had checked all measurement and the existing grades and they show less than 20 ft.

Tom S; I don't see how we can get those measurements from information presented here. Tom S. stated that we want to avoid going down this road again by not having all the information we need to make a conscious decision. I think the only way we can get these measurements is by obtaining a topographical map. Hawkeye; we can add a topographical map as a condition for his approval. We can go the route that is more restrictive and that will give us the correct information without stopping and prolonging his project. Tom S; there are going to be neighbors with questions and concerns because this is a big building being constructed in their neighborhood. We need to make sure that everything covered. We need to avoid having any of the measurements off at all so we can avoid asking him to tear down his building in the future because the do not conform.

Hawkeye; read through and explained all requirements needed for a conditional use permit in the Town Of Minturn and asked if these issues have been addressed. Chris C; stated he had addressed all requirements in Chapter 16 section 21-8 of the MMC regarding conditional use permits.

Tom S; asked Chris C. that when surveying the lot coverage, how were the covered porches accounted for. Did you consider them as part of the structure? Did you do the calculations? Chris C; no I did not formulate the calculations myself, I obtained them from the engineer who surveyed the lot coverage. Hawkeye; we can also add this as a condition to approving his application.

George B. also wondered where the property is in relation to the setback.

Tom S; is the spout overhang considered a covered porch or just a spout overhang?

George B; I had to address this issue when I built a house because my overhang was in the setback.

Allen C; I believe these are useful questions in order for the planning staff to address. They are able to address these questions right now and know what the concerns are for further review on the matter.

Tom S; can a retaining wall be put into a set back; Chris C; I think if its uninhabitable, but I will get some clarification and get back to the Council.

Tom S; how are you going to retain the south side, do you have permission from your neighbor to enter the premises? Mr. Clapp, no, it is only about 2 ft retaining wall and I was just planning on using rocks. The south side is much lower than the north side.

Motion by George B, second by Tom S. to table Mr. Clapp's conditional use to address the lot coverage and all the issues that could possibly be a condition of approval (including but not limited to the covered porch, and covered stairwell.); All voted in favor.

Direction to staff is to make sure footers are not encroaching on property lines, also make sure buried features can encroach on the setbacks and all other conditions discussed by Council and Staff post hearing.

12. Discussion/Action Item – CU 07-03; Torrey Enterprises (Budget Trucks) is requesting Conditional Use Approval for a motor vehicle parking lot at North Main Street, in the P.U.D. Holding Zone of the Game Creek Character Area – Cerimele

Chris C. stated the applicant was not present and recommended tabling the Torrey Enterprises Conditional Use application CU 07-03.

Motion by Tom S, second by Bill B, to table the Torrey Enterprise CU 07-03 indefinitely until the applicant or a representative is present; All voted in favor.

13. Discussion/Action Item – CU 07-04; Hi Cranes, Inc. is requesting Conditional Use Approval for a maintenance shop and primary operations building at North Main Street, in the P.U.D. Holding Zone of the Game Creek Character Area – Cerimele

Chris C; Kurt Harvey is the applicant for CU 07-04 for Hi Cranes, Inc. The Conditional Use requirements from MMC Chapter 16 have been addressed and staff recommends approval from Council on the CU based on the findings on the report.

Kurt Harvey, the applicant, 75 Willow Stone ct. Gypsum stated he would like the Council to approve the Hi Cranes, Inc CU 07-04 permit application.

Hawkeye; Hi Cranes, Inc have been here for a while; yes 10 years.

George B; Hi Cranes, Inc seems to accumulate a lot of items there on the leased land at times. Mr. Harvey stated yes, accumulation I never intended to be there but, we have been working on extracting those items from that lot. George B stated the Town is trying to make the area a little more aesthetically pleasing to the residents and the visitors.

Hawkeye; I have recently been by the Hi Cranes, Inc lot and noticed that he has been making an effort and progress on extracting the accumulation and cleaning up the area.

Kelly B; there seems to be 2 parking areas that you use. Are those two parking areas a part of your lot lease? Yes.

Kelley B; asked if Council should impose conditions on the parking for Hi Cranes, Inc. if we are imposing conditions on Budget Truck's parking? Chris C noted the reason there are conditions on the Budget Truck parking is because there have been police issues in regards to the Budget Trucks' parking lease.

Kelly B. suggested we add conditions of no accumulation of items on the lot, no maintenance in the parking area and that Hi Cranes, Inc complies with the conditions listed in the MMC Chapter 16. Hawkeye asked Mr. Harvey can you live with those added conditions and do you accept those; yes.

Jerry B; you state you rent a 40x100 lot. Mr. Harvey, I rent the building, parking lot and the back of the building. Jerry B. asked Chris C. if we had a copy of the lease because it is suppose to be presented in the packet with the CU; yes, I have a copy here. Mr. Harvey stated when his wife filled out the form it looks like she only indicated to the Council the size of the building not the entire lot we lease. Hawkeye stated you only have a 40x100 lot lease means you only have 10ft to park. Mr. Harvey stated he believed when we originally leased the lot from the railroad we added the front and the rear. When my wife asked me for the size of the area I believe she only asked for the size of the building not the building and the area around the building we lease as well.

5 min break @ 8:06pm to allow the Town Attorney to review the information presented by the CU 7-04 applicant from Hi Cranes, Inc.

Mr. Harvey requested to table the CU 07-04 for Hi Cranes, Inc in order to gather further information to present to the Town Council and clarify the boundaries of his lot lease from Union Pacific.

Hawkeye; ok and the conditions we will impose on CU 07-04 will be that the trash in parking area be cleaned daily, no repair or maintenance in the parking lot only in the building structure,

follow all the rule and regulations listed in the MMC for a CU and a valid lease must be presented to the Council and Town Staff.

Motion by Hawkeye, second by George B, to table Conditional Use application 07-04 until further information is gathered and presented by the applicant; all voted in favor.

14. Discussion/Action Item – Ordinance No. 9 – Series 2007 (Second Reading): An Ordinance amending Chapter 2 of the Town of Minturn Municipal Code by repealing and re-enacting Section 2-102 as that section pertains to jurisdiction of the Municipal Court of Minturn, Colorado.

Hawkeye; Allen has there been any changes since first reading; no.

Motion by Shelley B, Second by Jerry B, to approve Ordinance 9 – 2007 (Second Reading): An Ordinance amending Chapter 2 of the Town of Minturn Municipal Code by repealing and re-enacting Section 2-102 as that section pertains to jurisdiction of the Municipal Court of Minturn, Colorado; all voted in favor.

15. Discussion/Action Item – Ordinance No. 10 - 2007 (First Reading): An ordinance to amend the zoning map of the Town of Minturn, Colorado, as it pertains to a parcel of land lot 17 Township 5 South, Range 81 West of the 6th P.M. Parcel A, Section 36, all in Eagle County, Colorado, for the described property located adjacent to Highway 24 at the United States Forest Service compound in Minturn, Colorado. The amendment is to change the parcel zoning from Federally Regulated Zone to Recreation and open space zone District in the Cross Creek Character Area on the Town of Minturn Zoning Map – Cerimele

Hawkeye asked Chris C. is there anything information you would like to add regarding this Ordinance? Chris C. state no and recommended approval.

Motion by Jerry B, second by Shelley B, to approve Ordinance 10 – 2007 (First Reading): An ordinance to amend the zoning map of the Town of Minturn, Colorado, as it pertains to a parcel of land lot 17 Township 5 South, Range 81 West of the 6th P.M. Parcel A, Section 36, all in Eagle County, Colorado, for the described property located adjacent to Highway 24 at the United States Forest Service compound in Minturn, Colorado. The amendment is to change the parcel zoning from Federally Regulated Zone to Recreation and open space zone District in the Cross Creek Character Area on the Town of Minturn Zoning Map (all voted in favor).

16. Discussion/Action Item – CDOT Enhancement Grant (FY 2009/2010/2011) - Authorization from Council to write the CDOT Enhancement Grant for a Minturn ECO Bike Trail Connection near I-70, based on citizen input. Additionally, permission to contract Carter and Burgess to write the grant on the town's behalf – King

Ashley K. stated the CDOT enhancement proposals are on pages 87-89. Ann C. has a list of possibilities for the grant and her report is what she had been involved in and are her proposals/ideas for the enhancement grant.

Hawkeye stated if that grant was approved when could ECO start on the enhancement process; the grant is for 2009 on a 20% match by the town. Hawkeye asked so if we get the grant then we

have to put in \$50,000 as the Town; yes. Hawkeye asked do you have an estimate on how much it would cost for Carter and Burgess to write the grant; no, not at this point.

Motion by Hawkeye, second by George B, for the Town of Minturn to present a grant to CDOT as presented by Staff for an enhancement proposal and hire Carter and Burgess to write the grant.

17. Discussion/Action Item – Public Comment regarding the North Holy Cross Grazing Allotments Planning Area – Capela

Mr. Brian Loyd, acting District Forest Ranger for Holy Cross area, stated this letter introduces the Public Comment period if for the citizens to review all the grazing allotments on the Holy Cross Forest area and publicly voice their opinion on the matter.

Hawkeye; I would like to have Carter and Burgess added to the staff reports.
Direction was given to Dylan to add it to all further agendas.

FUTURE AGENDA ITEMS

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

- Minturn Towne Homes Update – May 16, 2007
- Ginn Annexation Continuation of Public Hearing – Continued From: 4/18/07 to 6/6/07
- Minturn Parks only “Clean-up-Day”
- Discussion of strategy for the forest service properties – Christensen
- MMC Chapter 13 Municipal Utilities & ERWSD Rules and Regulations – Capela
- Town Manager’s employment contract.
- R.R. lease update – 5/16/07

Direction was given to include Carter and Burgess updates in the Staff Report section of the agenda to all further agendas.

19. Set Future Meeting Dates

- a) Council Meetings
 - May 16
 - June 6
 - June 20
- b) Planning & Zoning Commission Meetings
 - May 9
 - May 23
 - June 13
- c) Other

- Minturn Town Clean Up Day – May 19 (Saturday)

20. Adjournment

Motion by Tom S, Second by Shelley B, to adjourn the Minturn Town Council Meeting @ 8:30 pm.

Hawkeye Flaherty, Mayor

ATTEST:

Jay Brunvand, Town Clerk