



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

**Wednesday, May 16, 2007**  
**Work Session – 5:30 PM**  
**Regular Session – 6:30 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**

- **Update on Chapter 13 of the Minturn Municipal Code - Tabled**
- **Town Manager’s 2007 Goals – Final Prioritized List - Tabled**

Due to unforeseen issues the Council did not hold its scheduled Work Session opting to call the Regular Session to order early in order to convene in Executive Session.

**Regular Session – 6:30 PM**

**1. Call to Order**

- a. Roll Call
- b. Pledge of Allegiance

Mayor Hawkeye Flaherty called the meeting to order at 5:37pm Roll call: Those present included Mayor Flaherty, Mayor Pro Tem George Brodin, Bill Burnett, Tom Sullivan, Shelley Bellm, and Jerry Bumgarner. *(Note: Kelley Brinkerhoff was absent/excused )* Staff present was Town

Manager Ann Caplea, Town Treasurer/Clerk Jay Brunvand, Planner 1 Chris Cerimele, 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.

## EXECUTIVE SESSION

### 2. Minturn Town Council will convene into executive session:

- Pursuant to Colorado Revised Statutes (CRS) §24-6-402 (4)(b) to consult with Town Attorney Allen Christensen for the purpose of receiving legal advice on all pending legal issues

Motion by Jerry B, Second by Hawkeye, to convene into Executive Session pursuant to Colorado Revised Statutes (CRS) §24-6-402 (4)(b) to consult with Town Attorneys Allen Christensen, Anne Castle, Boots Ferguson, and Lori Sutterfield for the purpose of receiving legal advice on all pending legal issues. (*Note: Kelley Brinkerhoff was absent/excused.*)

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

*(Note: the Council convened from the Executive Session at 6:58pm. At this point Councilman Tom Sullivan excused himself from the remainder of the meeting.)*

Hawkeye informed the public of the change in the agenda. Council had decided to table the work session and proceed to an Emergency Executive Session. He also informed the public that Councilman Tom Sullivan was there for the Executive Session but will be absent/excused from the regular session to address a personal matter he had to attend to tonight.

Council gave direction to Staff/Water Attorney, Anne Castle to meet with the districts waste water attorney, Jim Collins. Council also gave direction to Carter-Burgess to consider sending someone on a site visit along with district and Ginn personnel to investigate different types of waste water treatment processes.

### 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 Bill B, to approve the agenda as presented; *all voted in favor.*  
(*Note: Kelley Brinkerhoff and Tom Sullivan were absent/excused*)

## **5. Approval of Minutes and Action Report**

- April 18, 2007
- May 2, 2007
- May 9, 2007 – Executive Session
- Review/Comment – Council Action Report

Hawkeye: Pg. 11, The standards for mitigations sentence needs to be cleared up.

Proposal on superfund clean up sites, wrong, two sections: should be Bolts Lake and Gilman. Steps to protect the nesting period is between March and June, not July and please clarify the parameters in which they will be protected.

Motion by Jerry B, second by Shelley B , to approve the April 18, 2007 Council Meeting Minutes as amended; *all voted in favor.* (Note: Bill B Abstained he was not in attendance for the 4/18/07 meeting and: Kelley Brinkerhoff and Tom Sullivan were absent/excused )

Motion by Bill B, second by George B, to approve the May 2, 2007 Council Meeting Minutes as amended; *all voted in favor (4-0).* (Note: Kelley Brinkerhoff and Tom Sullivan were absent/excused )

Hawkeye: Page 19, would like to clarify that when he told Rod he would make sure Public Works could obtain more funding that was if purchasing Staff uniforms took away from the safety equipment budget. Also, on page 21 Chris C's statement should have read uninhabitable not inhabitable.

Motion by Jerry B, second by Hawkeye, to approve the May 9, 2007 Council Executive Session Minutes as amended; *all voted in favor (5-0).* (Note: Kelley Brinkerhoff and Tom Sullivan were absent/excused )

Hawkeye informed the public of the Council Member's with the ERWSD Board for thoughts on the Waste Water Treatment Plant being considered and to obtain their input on the it

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

- Minturn Town Homes Update – Fitzthum

John Fitzthum of Minturn Development, LLC/C&B Development. 130 B Morgan Drive Edwards.

Mr. Fitzthum thanked the Council and Torrey for allowing him to push back his update until today.

He informed the Council that the boulders requested to limit access across the Rail Road property were not put in place but ensured them they will be put in place quickly to deny access.

He spoke to Chris C. about a speed limit and slow down sign, children at play to be replaced where they were taken down. He has been working with Rod C. to ordered. They will be paid for by C&B Development. Arrangements have been made with Chief Martinez to ensure that the signed be put back in their original places.

They have closed 26 of 27 units, the 27<sup>th</sup> unit will be closed within the next 7-10 days. They are about 2 weeks behind on their infrastructure work, the curb and gutter will begin on Monday May 21, 2007 to be followed by asphalt two weeks from today ( May 30, 2007).

Landscaping is on going, we have planted all of the large trees and shrubs have been delivered and will be planted tomorrow. The sod has been laid with irrigation in the common area throughout the week and was finished today. The project will be done within 4-6 weeks.

Ann C. asked have you followed up regarding the parking on Taylor Ave. You stated you would put up signs for no parking.

Mr. Fitzthum: My concern is Unit 130 in the A building. I was in contact with Wiley but he is gone and I will be in contact with Chris now regarding the parking issue.

Hawkeye: Have they painted the lines. No, I want to make sure all the landscaping is done and everything is cleaned before painting the lines.

Hawkeye: The trailhead is fully accessible now. Yes it is.

Jerry B: I walk down that way every day and I think you have done a good job.

Mr. Fitzthum. We have done dome erosion control and some topsoil work in the last week or two and will go back and hydro seed the area. We are working with the Fire department about access in an emergency situation.

- Pia Vidal - Martinez

Chief: After 10 years of service Ms. Pia Vidal is leaving the area to travel. He mentioned all the work she has done for and with us. He thanked her for her service and wished her luck

Hawkeye: Mentioned her aid and public service to the Seniors, cooking and cleaning for them and presented her with an award.

- Animal Services of Eagle County – Duck

Natalie Duck of 510 Brush Creek Terrace, Eagle. She is the Director of Eagle County Animal Services.

Ms. Duck introduced their program, living safely with dogs. She informed the Public, Staff and Council that as population increases in the area so do the number of dogs. She wants everyone to be informed in order to be prepared in the future in case of any dog attacks. Dangerous dogs don't stay in one place, they seem to travel through jurisdictions which create a messy situation for the communities to deal with. Decisions within one municipality definitely effect what goes on in surrounding municipalities. We are trying to correlate all municipalities to discuss how to address issues with violent interactions with dogs. May 22 1-3 pm at the Eagle County Animal Shelter is their first meeting. We would like to welcome all people who would like to participate.

Hawkeye: Chief, with the absence of animal control does the police department pick up some of these responsibilities of enforcement and emergency situations?; Yes.

Hawkeye: Will you be sending a representative to this meeting?; Yes, I will look into it.

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

Hawkeye explained to process of public comment and how to get on the agenda

David Clap 392 Taylor Street:

Mr. Clapp would like to discuss Grand Avenue that runs parallel to Taylor Street. He would like the town to look at the abandoned vehicles and other items and clean them up.

Hawkeye: It will most likely to be part of the Nuisance Ordinance we are slowly addressing and Chris will be sure to address it.

Chris C: I have spoken to Mr. Clapp about this and the problem is very visible and it is protruding into the town right away. There are some very large items. An adjacent property owner will allow the Town to access that area in order to remove the abandoned material.

Allen C noted that we do have right of way but as you know Grand Avenue was never built and as yet no plans to develop the ROW have been addressed.

Robert Martinez of 800 South Main Street.

I would like to have some dust control on cemetery road due to truck traffic.

Hawkeye: The Staff will address it and check to see if it is in the LaFarge contract. Direction was given to Ann C. to check and see what dust mitigation requirements are for LaFarge.

Ryan Flaherty of 160 Rail Road Ave.

Representing the Turntable and would like to get on the next agenda for water issues.

Hawkeye: Do you want be on the agenda or work session? The agenda

Hawkeye: Explained to Mr. Flaherty that if there is any information regarding his discussion/ action item on the next agenda he would like to present to the Town Council for review that it needs to be handed into the Town Staff by Thursday May 30, 2007.

## **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: Started by passing around to the Council and then to the Public Audience the Minturn Town Clean-Up sign up sheet and welcomed everyone to sign up. The Town of Minturn is 1:37 communities which has been given an award by the Colorado Emergency Services Association for not having any reported work mans compensation losses in the year of 2006 and she presented the plaque to the Mayor.

We had our final OZ community focus group meeting, there was a great turn out and feed back from the community. We will get the information from the meeting together for the public to view. She informed the public how to obtain the information.

She addressed the Minturn Clean-Up Day to be held this weekend on Saturday May 19, 2007 from 9:00am – 12:00pm and explained how it will work and she welcomed all people from the town and surrounding areas.

She corrected the Freon fee as \$35 not \$40 as indicated in a prior Council Meeting.

She informed the public volunteer open house on Thursday May 24, 2007 @ 5:30pm in the Council Chambers. She is looking for volunteers to help with all sorts of events her in the community such as the Minturn Market as well as our Independence Day Celebration on July 2, 2007. Also we will need help for the planning of our Cowboy Poetry Event scheduled for August 4, 2007, Family Days Activities at Little Beach Park and our Children's Theater in July and August. If you cannot meet at any of these meetings please feel free to contact me.

b. Public Works

Rod C. stated his report is on page 34 and that he has nothing else to add to the report and that he is open for questions.

Jerry B: Have you addressed the barbed wire issue with the resident we have had a concern with. .

Rod C: We have only addressed the Town's barbed wire issue at this point before we begin to address the citizens.

Shelley B: The Gentleman with the barbed wire is currently in violation of the Ordinance because he is repairing and replacing the barbed wire fence which the Ordinance clearly states is a violation.

Hawkeye: We are working with the public to fix these things. We have no enforcement on this matter because the fence was put in place prior to the Ordinance being in affect.

Jerry B: I think it's a nuisance issue as well. Its very dangerous, at night you cannot see it. Its head level and people can get hurt. We need to do something.

Chief: I believe Ann C. sent a letter about it and if he is not doing anything about it then it becomes a public nuisance issue.

Shelley B: I believe what that letter prompted him to do is fix the fence. Before it was hanging really low and now it has been tightened up. This mean he has bee fixing it and that is in violation.

Hawkeye: Direction to Allen and Staff is to take a more aggressive stance on getting it down.

Ann C. According to Council Direction, I sent a letter and discussed it with Mr. Lorenti to take it down voluntarily but I haven't heard back from him.

Hawkeye: Work with him to remove it voluntarily and if he does not we will take action to remove the barbed wire fence. Give him one more chance, verbal or written, give him a week to respond and then move forward with removal.

c. Police

Chief: His report is on page 35, he has nothing to add to his report but is open for questions.

Shelley B: On Boulder Street, by the shop and hop towards the carwash, it would be good to have a one way sign posted Its not apparent until you are at the church, then its too late. There have been quite a bit of more traffic there and there have been a few close calls.

Chief: Yes we can address that and look into a sign posting.

Hawkeye: On the click it or ticket has the Governor signed the Bill.

Chief: As he understands it has not been put into affect as of yet. So, it is currently at the old rules. If there is not a child restraint then it's a violation. But, during the time frame before it goes into affect there will be more state patrol men in the area to help enforce the seat belt issue as well as speeding.

d. Treasurer/Clerk

Jay B: did not have a report but he is open for questions.

Hawkeye: How is the audit coming; June 20<sup>th</sup> they are presenting it, it has to be done by June 30<sup>th</sup>

Hawkeye: Is that when it needs to be accepted?; The Audit is accepted by the Council by virtue of presentation and it needs be done by June 30<sup>th</sup> of each year.

e. Town Planner

Chris C: He did not prepare a report but he has sent out quite a bit of nuisance violation letters to property owners on Taylor Street. We also had our Chapter 16 Committee meeting last night and continue with that.

Hawkeye: Have we gotten help for you yet so we don't over work you and get things addressed and done when they need to be?

Chris C: No, I am fine for now.

Hawkeye: We will get you some help. Direction to Staff is to hire someone if he needs help. We want to get things done.

f. Carter – Burgess

Rob Singer 707 17<sup>th</sup> Street, Denver

Our Staff report was included as an additional presented item and not with the Council Meeting Packet, we will provide this information on a bi-weekly basis from now on. The report addresses updates on Minturn water loss, Side walks, Right of Ways, Geotechnical testing and CDOT enhancement grant. I can address all the issues.

Hawkeye: No need to read what is in your report. The easiest way is to just address questions.

George B: Could you talk about the CDOT enhancement grant.

Rob S: At the May 2, 2007 Council authorized Carter-Burgess to write the Enhancement Grant and assess the cost of doing so. The Grant is due 5/31 and the estimation cost of preparation is \$3,000. The amount of the request was \$70,000 which is also Minturn's contribution. I have a report.

George B: They unanimously to approved a \$70,000 Grant to continue the bike path from Dowd Junction, just under the Interstate to the Rail Road Yard.

Hawkeye: Ann C. do you need authorization to appropriate the \$3,000 to Carter-Burgess to write the Grant or do you have it covered?

Ann C: We have it covered.

g. Town Attorney

Allen C: He is open for questions

Hawkeye: Your to do list will be put on the next Executive Session.

h. Town Manager

Ann C. She thanked everyone for the cards and flowers from everybody to her and her family on the passing of her father. Her report is on page 37.

She addressed that she received a letter from Kelsey Bellm and that she responded to it. If Council would like her to do anything further with regards to Kelsey's letter she would welcome it. She also forwarded the letter to the Economic Development Director who is working with OZ on some of the community input.

In addition to that on pages 40-41 Dylan, who has been overseeing the process, approval and finances of the business licensing has put a report in which indicates the businesses in violation of Chapter 6 Section 2 of the Minturn Municipal Code (MMC). We contacted all violators via phone calls, final notices and now will be enforcing the MMC. We wanted to inform the Council Members incase you have contact with these business owners that we have tried to work them

Hawkeye: Are we still advertising for the Planner position or is the current applicant ok.

Ann C: We have a few more applicants since I wrote my report for the Council and they are due on May 18<sup>th</sup>.

Hawkeye: Have we had any internal applications as we should?

Ann C: I am not at liberty to disclose that information.

Hawkeye: Are we making progress on tearing down the Old Town Hall?

Ann C: We are waiting approval from the State for Demolition and we have hit a few glitches and we are waiting to hear back from L.V.I. who is waiting for the permit.

Hawkeye: We discussed last meeting to Grate the land and sod the area and replace the damaged side walk in the immediate area.

Ann C: I will look at this and our budget and see what we can do. Is any of it in front of residential area?

Hawkeye: No. We can look at supplemental appropriations if needs be for this, we need to take care of this. Also, is there any money to build a basketball court in that location? We need to get funding no matter what and take care of this. We can find the funds.

Shelley B: Kelsey was amazed at how quick your response was.

Ann C: It is very important to have young people involved and know they are heard.

i. Town Council

Shelley B: The Chapter 16 ADHOC Committee met last night. We are making a list to address, ie non-conforming buildings and building heights and we are addressing the concerns that need to be.

DISCUSSION, HEARINGS AND ACTION ITEMS

**10. Discussion/Action Item - Amending Chapter 13 of the Minturn Municipal Code - Satterfield/Capela**

Lori Satterfield of Holland and Heart located at 555 17<sup>th</sup> Street. Denver

We have had a good work session since the last draft presented to Council and she has handed those out. I know you have had other priorities but we would like to move on it because it is impeding on the water loss issue Carter-Burgess is working on.

Hawkeye: I had some problems with some of the language about going on to private property digging it up, fixing it and then just leaving. I believe that would be trespassing. I think the Town should own up to the water stop and make the property owners fix it. I would like to give it more time and continue to study the report. Also, Tom and Kelly, who are good resources on these types of issues, are not here.

Allen C: I think we need to give her direction because it is holding up progress for Carter-Burgess research. Could the Council address her questions then would could get it to the Council Ordinance form for June 6<sup>th</sup> then if there are any concerns we can address them at the first reading.

Lori S: I would like to address one thing before we get started that you brought up if that is okay with you Mr. Mayor. There is a provision in the code that the Town can enter a citizens property only after they are given proper notice in order to inspect and find out if there are leaks for violations. The Town would only take the self help remedy only if the citizen does not cooperate with the Town. At that point I believe the Town has a responsibility to ensure that the job is done and done right which then the cost of that could be passed on to the customer. This is how area Municipalities address this issue along with Municipalities across the State.

Questions:

a) She would like the regulations in this code and language to match more with the Eagle River Water and Sanitation District as well with the other area Municipalities with respect to expanded water service within the Town or connections to out lined properties to the Town through the inclusion process or otherwise. Specifically that the code is clear that if there is an expansion of any kind the Town can access a fee for the water rights to serve that property or area.

b) At our last meeting the Council indicated to have a 5 year window for compliance for a deadline for an installation of a curb stop. This is indicated on page 9. They would like to make sure we are going to put a 5 year deadline in the regulation. I believe that would help Allen C. in his enforcement as indicated by our recommendation.

Hawkeye: The only thing about five years is that its only five summers. We only have only a few months a year up in the mountains to install the curb stops so its more like 2 ½ years. A lot of people are going to have to deal with the State which can draw the process out longer but, I think 5 years will be sufficient

c) The reference to my next clarification/question is on page 10. The current code read that the customer owns the meter. At the work session with the Staff the Staff recommend the Town should own the meter to take more control, enforce and can regulate it better. As well it would allow the Town flexibility to ensure that the system is operating correctly. That is how ERWSD does it.

Hawkeye: So we will pay for it then own it from there on out? I think we adjust the tap fee and include the cost of the meter in it;

Mrs. Satterfield: You could pass the initial meter cost to the Customer.

George B: Everyone will pay for the first meter and then the town replaces and maintains it unless it was damaged but the resident and proven so. New builds will have the first meter cost included in the tap fee. This would go into effect 1 year after the adoption of the ordinance.

Hawkeye: Clarification, new construction will pay for the tap fee and the first meter?

Mrs. Satterfield: Yes. As stated by the code this would go into affect one year after the passing of the Ordinance.

Hawkeye: I wish we could give them more like 18 months instead so we could give them through next summer to install these.

Shelley B: You should just pick a date like October 1, 2008.

Hawkeye: Rod, can you install P.R.D.'s in the winter? Is it easier than a curb stop?

Rod C: Stated Summer is a better time

Hawkeye: We should make it October 1<sup>st</sup> 2008 so they have more time to install them.

d) We need clarification for charges. The first circumstance is for meters not working not at the fault of the customer. Staff recommendation is to charge base rate for that situation or last read of the meter. Hawkeye: I think the last read will be cheaper, base rate is much higher because its set for 15,000 gallons after that they are paying for what is read. Rod, do you have any thoughts on this?

Rod C: This really isn't anything I deal with.

Hawkeye: Do you have thoughts on this Jay?

Jay B: The base rate is approximately \$60.00. The only time the last read will come into effect is if they use more than 15,000 gallons per month.

Hawkeye: So it could be higher than the base rate?; Jay B: Exactly.

George: Why would we make it cheaper to not fix the problem?

Hawkeye: base rate would be fine.

Mrs. Satterfield: The second circumstance is when the meter not working is the fault of the customer. We recommend a charge of an un-meter read which is a higher cost.

Hawkeye: I agree, if the customer is tampering with the meter then they need to be penalized.

Mrs. Satterfield: The third circumstance is when there is a disconnection for a code violation, when the Town takes an affirmative action to disconnect service for the violation. The Staff recommendation is also an un-meter read.

Hawkeye: My thought is if the Town turns off their water service and they are not using it they shouldn't be charged. I don't think they will go long without any water service. We have penalties for violations in the code, we are covered in penalties and we don't need to charge them even more for not using the water service. Why should we charge them for the violation as well as for not using the water service, to me that is double-dipping.

George B: Even though we are cutting their service doesn't mean we are stopping the cleaning of water for everyone in the Town, the cost is the same.

Hawkeye: They are being charged a penalty for the violation right as well as paying for a service that has been cut off.

Mrs. Satterfield: Yes

Hawkeye: Well then I think they are being penalized twice.

Jerry B: We have to charge them for the violation but also charge for the manufacturing of the water whether they are using it or not. There are also administration fees to enforce the violation.

Hawkeye: What do you want to do Bill?

Bill B: You don't need to charge them twice. Shelley B: I say the Town should go with the un-metered rate.

Jerry B: We need to charge them for the penalty as well as the cost of the water whether they are using it or not.

George B: I say the un-metered rate.

Hawkeye: The majority of the present Council states charge them with the un-metered rate if they are shut off for violation.

e. Our next concern is addressed on page 20 section 13-66 which relates to unusual water fees. The Staff recommends removing the provision all together.

Hawkeye: What is it going to hurt to leave in there? It will give us the ability to deal with unusual natures.

Mrs. Satterfield: I think even with out this provision I think the Council would have the discretion to bring unusual circumstances in from of the Council. The concern is that its so ambiguous that its hard to interpret and no one knows what it means.

Allen C: I agree with Lori to remove the provision.

Hawkeye: Ok remove it.

f. The next concern is on page 20 sections 13-67 and 13-68. Current code preventions adopt a different rate schedule for senior citizens. Staff recommends we remove it and don't give different treatment to citizens, and create a uniform rate. This is followed throughout the State. The cost is the same no matter the age of the customer.

Allen C: There is currently a proposal for an addition 1,700 units with demographics of wealthier older people living in those proposed units.

Hawkeye: Keep it in until first reading of the ordinance so we have more time to think about it.

g. The next concern is on page 21 section 13-69 regarding Non continuous service for people leaving for a long period of time. Staff recommends we charge something because when you shut someone off you still have to pay for the manufacturing of the water. We would charge them the base rage.

Hawkeye: I think if they are leaving we shouldn't even consider shutting off their water and charge them a base fee. But if they really want is shut off we will charge them a shut off fee as well as the base rate fee while the waters off.

h) Staff would also like to recommend a new provision to discourage banking and paid tap fees indefinitely without paying monthly water fee. Avoid someone putting in a tap and 10 years from now wants to use that tap and without contributing at all to the Town. ERWSD has in their code that they will begin to charge a base rate after a certain time. We recommend start charging the base rate after 2 years of the tap or for the life of the building permit.

Hawkeye: Charging someone for a tap with no building or service?

Jerry B: People put in taps with anticipation of building something.

Mrs. Satterfield: They won't have to pay a top fee until they want to use it but they will pay a monthly service fee

Hawkeye: For a pipe in the ground that goes nowhere?

Mrs. Satterfield: For the ability to obtain service essentially. And it ensures they are not paying a higher tap fee when they want to use it. I will draft a provision for the first reading of the Ordinance for the Council's review.

i The last concern is on page 21 section 13.73 regards the classification and equivalent units Staff recommendation is to put a provision in here that the classifications and equivalent units will be set on an annual in appendix A to enable adjustments as changes are made and make consistent to what the sew provider is doing.

Comments will be due via e-mail to Mrs. Satterfield by Friday May 25<sup>th</sup>.

Hawkeye: 5-10 minute break @ 8:30pm

Meeting was called back into session @ 8:43pm

**11. Discussion/Action Item – The Town of Minturn’s participation in the Costs for Housing Action Team Facilitation of Eagle County – Mayor Flaherty/Don Cohen**

Hawkeye: Stated he is a blue ribbon member of the Housing Action Team and introduced Don Cohen Executive Director of the Economic Council.

Mr. Cohen: Executive Director of the Economic Council. 181 Snapple Road, Edwards

We need to start looking at long term policy on affordable housing and employee housing. The Home Action Team has representation from municipalities all over the Valley as well as private sector help. This is an issue that needs to be addressed on an individual municipal basis, which in effect will address it as a County wide issue. A goal for Vail is to house 30% of their workforce but what about the other 70%. The team is asking the town to help defray the cost of getting all of this put together. What is going to evolve is a County wide housing entity, a non profit corporation that coordinates aspects of housing and could ultimately be a municipal housing authority. The economic council has been funded by the County and other private sectors on our projects. We are asking for \$5,000 for a \$30, 00 piece of work.

Hawkeye: Is there any other funding sources this would come from or would this come out of the general fund.

Ann C: This would come out of the general fund. We would like the Town Council direct the Staff to find out how much we could donate and the Staff would research this and come back to Council with recommendations. How soon do you need the donation?

Mr. Cohen: We are asking for it within 90 days.

Hawkeye: Don’s committee has done a great job as well as his Staff on getting information to the Housing Action Team and I think Minturn needs to participate in this including the funding. We are way behind this. We do not have close to enough housing for Staff and the private sector. It reminds me of Gypsum losing 30% of its teachers due to housing problems.

George B: It is important and Staff needs to find the funds and presented to Council as a report.

Hawkeye: Direction to Staff was to look under more than just the general fund to help fund this donation.

**12. Discussion/Action Item – Liz Campbell discussion regarding specific review or approval of any permits for legally non-conforming structures in the 30’ river setback until the code is reviewed for impact – Capela**

Liz Campbell 512 Main St.

After meeting with the Chapter 16 ADHOC committee meeting last night I would like to postpone this until the provisions have been made and presented to the Planning and Zoning Commission. She thanked Chris C. for his help on everything, as well as Council Members Shelley B. and Tom S.

Shelley B: Stated that Mrs. Campbell attended the meeting last night and I am sure she will attend further meetings and give her feed back regarding Chapter 16.

Liz: Thank you.

**13. 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 introduced the CU and continuation of the hearing from May 2, 2007 and opened the hearing.

Chris C: He gave the back ground of the applicant's CU proposal and recommended to approve Mr. Clapp's CU subject to the following conditions:

1. Mr. Clapp will cut back the second floor eaves 4 inches to comply with the side yard set back.
2. Mr. Clapp will provide a revised building elevation plan showing the required changes.
3. Mr. Clapp will document any changes to the current plan and present them to the planning Staff and Commission as directed prior to a Certificate of Occupancy (CO) being issued.
4. Mr. Clapp will be subject to all fees related to the development.

Hawkeye: Could you clarify the third condition to the applicants CU.

Chris C: If there are any changes to the plan he needs to be documented prior to acting on it and obtaining a CO.

Hawkeye: When you say plan does that include the floor plan or is it just the site plan?

Chris: I believe it deals with everything on the exterior. It's a standard condition.

Hawkeye: So that's only dealing with the exterior and nothing on the inside.

Chris C: The building inspector is the one who deals with the interior alterations.

Hawkeye: That's done before he makes the changes. Yes. As long as that's understood

George B: We had questions last time about lot size. He is going to his maximum right? Have we checked it out and is it ok?

Chris C: We have checked it and he is at his max.

George B: We had questions about the steps last meeting.

Chris C: The eaves are what need to be cut back, the stairs are allowed to encroach on the side setback and he is allowed to build retaining walls up to 6 feet on the side setback. After the analysis the retaining wall proposed will be less than 4 feet.

Hawkeye: Are the stairs considered part of the lot coverage or are they uninhabitable and not part of the lot coverage.

Chris C: According to the definition in the Code as it currently reads, the stairs are not included in the lot coverage.

Hawkeye: That means they can exist outside the setback and encroach into the side setback.

Chris C: They can encroach into the side setback up to 3 feet.

Hawkeye: I recommend on a side note is that we take a look at that again in the ADHOC Committee.

The idea of a setback is a fire hazard and you have workable steps 3 feet closer to a fire then it is defeating the purpose of a setback.

Chris C: Introduced the applicant, Mr. Clapp of 392 Taylor Street.

Hawkeye: Mr. Clapp, do you have anything else to present to the Council regarding review/approval of your CU?

Mr. Clapp: I do not.

Hawkeye: Are you still requesting the Council approve your application for a CU permit?

Mr. Clapp: Yes I would like the Council to approve it.

Hawkeye: Do you have any concerns that Staff has addressed with you regarding your project? Is it all workable for you?

Mr. Clapp: No I do not and I believe it is all workable.

Jerry B: I would like to thank Carter Burgess for their findings.

Motion by Jerry B., second By Hawkeye, to approve 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. All Voted in Favor (*Note: Kelley Brinkerhoff and Tom Sullivan were absent/excused*).

**14. 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**

Motion by George , second by Hawkeye , to table the Torrey Enterprise CU 07-03 until June 20, 2007. All voted in favor. *(Note: Kelley Brinkerhoff and Tom Sullivan were absent/excused).*

**15. 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**

Motion by George, second by Shelley B, to table Conditional Use application 07-04 until June 6, 2007. All voted in favor. *(Note: Kelley Brinkerhoff and Tom Sullivan were absent/excused).*

**16. Discussion/Action Item – Minturn representative for Eagle County Open Space Committee - Brinkerhoff/Capela**

Hawkeye: Is there anyone on Council or on staff or a citizen? Anyone can be the representative. Ann C. I would like to discuss it with Chris C.

Hawkeye: I will not allow it unless you obtain help for him. I will not burry him with committees and work. Allen C: He is over worked at this point. Ann C: I would like to address a few community members first. I think we need someone on here because we are dealing with funding. Ann will address the issue with some citizens and present her recommendations to the Council.

**17. Discussion/Action Item – Update on the Rail Road– Bellm/Christensen**

Shelley B: We have sent several e-mails and they responded with, we will get to it when we get a chance. She took it as don't bother us anymore. Ann C. Mr. Peterson confirmed he has received the photographs we sent certified mail.

**18. Discussion/Action Item - Sec. 2-25. Appointing Acting Town Administrator in the Absence of Town Administrator – Capela**

Hawkeye: I pushed for her to keep someone responsible while she is out of Town. Allen pointed out she can't just appoint someone, I was wrong. The council needs to appoint someone in her absence. If she goes on vacation she should go on vacation and not run the Town from a computer.

Ann C: This is the first time this has been brought to my attention. Before I didn't appoint anyone but someone was in charge day to day operations and reported through me. At this time I do not have any recommendation. We have someone in training but they are not at the point to be in that position, they have not been there long enough.

Bill B: I think it would be nice to have someone appointed so we can have someone address and not have to worry about the Town Manager having to get back in touch with the Council.

Hawkeye: We can have anyone appointed, staff, citizen or Mayor.

Allen C: The code states no member of Council can give direction to the Town Staff unless it's the Town Manager. It's a bad idea to appoint any Council member.

Shelley B: I think we need to give Ann some time to assess and make a recommendation.

Jerry B: I think we need to have someone to do the job and be able to do all the jobs. Jay is the longest standing Staff employee at this point, then Torrey after that.

Ann C: Chief has been here longer.

Jerry B: Someone on executive staff.

Hawkeye: I picked Jay or Lorenzo and Allen but withdrew Allen.

Put it on the next agenda and bring us your recommendations

**19. Discussion/Action Item – Ordinance No. 10 - 2007 (Second 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**

Motion Shelley B, by second by Bill B, to approve Ordinance No. 10 - 2007 (Second 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 (*Note: Kelley Brinkerhoff and Tom Sullivan were absent/excused*).

**20. Discussion/Action Item - Minturn Parks Clean-up-Day, Only – Mayor Flaherty**

Hawkeye: The idea is to clean up the parks instead of hiring landscaping crew to do it. We need to do it on an annual basis. I move to recommend we revisit this next May.

Ann C: Jonnies Gardens has been to the two parks and are working on it.

Hawkeye: PW has removed the rocks the Council has asked them to. Also my recommendation and direction to the Town Manager was to post only 2 no parking signs. I don't think we need to put up tons of signs all over the place. But if someone is parking on the grass we will ticket them.

Shelley B: I would like to see one more sign at the end by Toledo Street. People from the market always park on the grass.

Ann C: The rocks removed are being used to stop a dirt slide. The remainder will be donated to the river restoration project.

Bill B: Where are we going to store them?

Ann C: They are stored on Forest Service Land on Eagle River Way with the Forest Services permission.

Ann C: We are tearing down the Old Town Hall and the council will have to designate another site for postings as long as we don't have vandalizing.

Bill B: Can we just use the electrical poles they are currently on.

Ann C: We just want to make sure we don't do anything we shouldn't

Allen C: The radio tower people finally contacted us and will be contacting Chris about replacing the trailer and cleaning it up.

George B. and Hawkeye will not attend the Clean up day

## FUTURE AGENDA ITEMS

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

- Minturn Towne Homes Update – June 6, 2007
- Ginn Applications for Battle Mountain Preliminary Development Plan (including Environmental Impact Report), Preliminary subdivision Plat and Amendment to Zone District Map: Continuation of Public Hearings – Continued From: 4/18/07 to 6/6/07
- Ginn Petitions for Annexation – Continued from: 4/18/07 to 6/20/07
- Discussion of strategy for the forest service properties – Christensen
- MMC Chapter 13 Municipal Utilities & ERWSD Rules and Regulations – Capela
- Town Manager’s employment contract
- FY 2006 Audit Report Presentation – 6/20/07

### **22. Set Future Meeting Dates**

- a) Council Meetings
  - June 6
  - June 20
  - Note: July 4 meeting is canceled
  - July 18
- b) Planning & Zoning Commission Meetings
  - May 23
  - June 13
  - June 27
- c) Other
  - Minturn Town Clean Up Day – May 19 (Saturday)

### **23. Adjournment**

Motion by George B, second by shelley B, to adjourn the council meeting at 9:30pm.

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Hawkeye Flaherty, Mayor

ATTEST:

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Jay Brunvand, Town Clerk