



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

**Wednesday June 4, 2008**  
**Work Session 6:00PM**  
**Regular Session – 7:00PM**

**MAYOR - Gordon “Hawkeye” Flaherty**  
**MAYOR PRO TEM – George Brodin**

**Interim Town Administrator – Gary Suiter**  
**TOWN CLERK/TREAS - Jay Brunvand**

**COUNCIL MEMBERS:**

Jerry Bumgarner  
Matt Scherr  
Shelley Bellm  
Kelly Brinkerhoff  
Bill Burnett

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 – 6:00pm**

- **Anne Castle – Water Case(s) direction for strategies**
- **Gerry Flynn – Red Peak Properties/Workforce Housing Opportunities (30 Min)**
- **Planning – Use Tables – Cerimele (30 Min)**

**Regular Session – 7:00 PM**

**1. Call to Order**

- a. Roll Call
- b. Pledge of Allegiance

Mayor Hawkeye called the meeting to order at 7:09pm. Those present included Mayor Hawkeye Flaherty, Mayor Pro Tem George Brodin, Matt Scherr, Shelley Bellm and Jerry Bumgarner  
*(Note: Bill Burnett. and Kelly Brinkerhoff were absent/excused)*

Staff present was Interim Town Administrator Gary Suiter, Town Treasurer/Clerk Jay Brunvand, Planner Chris Cerimele, and Town Attorney Allen Christensen.

## STANDING ITEMS

### **2. Approval of Agenda (5 min).**

- a. Items to be pulled or added
- b. Order of the Agenda Items

Allen C. requested the agenda be amended by adding item 10b to accept the resignations of Councilmembers Bill Burnett and Kelly Brinkerhoff.

Motion by Shelley B., second by George B., to approve the June 4, 2008 Council Meeting Agenda as amended; all voted in favor. *(Note: Bill B. and Kelly B. were absent/excused).*

### **3. Approval of Minutes and Action Report (5 Min).**

- May 21, 2008
- Action Item Memo

Action Report comments: Shelley B. asked the status regarding conversations with the Eagle Co School District regarding the water plant land deed and annexation of that property into the town. Gary S. noted he has discussed with the District scheduling a meeting with the Eagle County School Board. It was determined July will work best for this meeting.

Hawkeye wanted to add the projects developed at the May 29, 2008 retreat; Gary S. stated several are follow-up items and those need to be discussed and developed into projects. Gary S. and Hawkeye will discuss and present to council for approval any proposed projects.

Motion by Shelley B., Second by George B., to approve the minutes as presented; all voted in favor. *(Note: Bill B. and Kelly B. were absent/excused).*

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

- Mayor Proclamation: Citizen Appreciation for Volunteering During Minturn Clean Up Day.

Hawkeye read the proclamation into the record and congratulated and thanked the citizens and the Town. Gary noted that the Town would be having a second clean up in the fall.

- The Mayor called forth Treasurer/Clerk Jay Brunvand and awarded him with a very nice plaque commemorating 10 years of service to the Town of Minturn.

### **5. Public comments on items, which are NOT on the agenda (3 minute time limit per person).**

Ms. Beck Jones, 502 Main St addressed her concern of the awarding of a summer service contract for Little Beach Park to Johnie's Garden. Ms. Beck was disappointed in the award of the contract as Johnie's Garden did not contribute to the donations of the park construction either

monetarily or in labor. Ms. Jones felt the contract should have gone to Colorado Plant Source as they donated, warranted, and assisted in the development of the park. Colorado Plant Source has done several visits already this year. Ms. Jones feels the contract awarded to Johnie's Garden should be retracted and reissued to Colorado Plant Source

Ms. Beck noted her second concern regarding the status of the Minturn Market. Many rumors are out in town that the Market is being cut by as much as 30 booths and that a financial contract to operate the Market was awarded at a significant cost to the Town. Ms. Beck expressed her concern and dissatisfaction that the contract is too expensive, does not recognize the volunteers and a position was eliminated (Econ Dev Director) to pay for the contract.

Ms. Beck addressed a third concern. The new trash cans and service is going well but she expressed concern that the bear proof bins are being over filled so that they do not latch. She has a neighbor directly south of her that fills her can so full it does not latch. Ms. Beck's concern is the bears learn which cans don't latch and come back each night. Once a bear is caught several times it is either destroyed or removed.

Hawkeye thanked Ms. Jones and stated her concerns will be turned over to staff. The contract process will be addressed, the market process will be reviewed, and the trash can will be addressed.

Hawkeye requested an update on the park contract and council concurred; a written report will be prepared.

The Market rumors: Jerry B. noted the position was not eliminated; the individual left the employment of the town. Gary will follow up with Ms. Jones. Ms. Jones stated a follow up would be fine but the rumors are on the street and she feels it needs to be addressed in public as well. Shelley B. stated the staff is always available for comment and residents should feel free to contact Gary S. or other town staff

Emily Kloser, Vail, noted she has kids in the Minturn Middle School for the elite ski programs. Ms. Kloser asking the town to support their endeavors to have ECO Transit stop at the MS as only the school bus stops at the MS. The ski program is fast growing and this would be a very utilized bus service. Additionally the alternative programs service the older kids who would most utilize the ECO bus service rather than the School District buses.

Rick Sackbauer, Eagle County, was also asking for the town to support the County transportation of the kids in the elite Ski and Snow Board, and the Tutorial. Currently the County bus stops at the Forest Service station at I-70 then south at Hwy 24 Liquor then to Steam Master at the south end of town. The bus then sits there for approximately 15 minutes. This time could be spent stopping at the Middle School. Mr. Sackbauer requested the Town Council to consider formally supporting their request to ask ECO Transit to modify their route prior to the publication of ECO Transit schedules. Shelley B. concurred ECO Transit is difficult to ride as a worker due to their scheduled time. Council consensus was to direct George Brodin to present this request at the next ECO Transit meeting to be held at 9am on June 18, 2008.

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

### **7. Discussion Item - Town Administrator's Report (10 Min)**

- Gary S. updated the Council on the Market; we have developed a parking plan that is more user friendly for the visiting shoppers by having the vendor's park at the Little Beach Park parking lot and running an in-town shuttle for them. This will free up parking in-town. We will no longer have parking at the Forest Service lot and bus shoppers in to town. Higher quality and a more user friendly market.
- Audit and financial update for the next meeting. Our auditors will be present at the June 18 meeting to review the 2007 audit.
- Enforcement of the limited use permits of home businesses.
- Both the Town Council and the Planning Commission have vacancies. Direction was given to develop a display ad in newspaper asking for PC and Town Council applications.
- The proposed donated lion at the Racquet Club has been rescinded and will be moved to a better location within the Club neighborhood.
- Gary S. noted that during the heavy run off citizens might notice the drinking water clouding a little. This is not a problem or concern.
- Red Cliff has asked for a joint meeting with the Minturn Town Council; Gary S. will be asking for a date that works. George B. recommended we aim for July when we have a full Council seated and requested a preliminary agenda developed between the staff.
- Shelley B. asked about the I-70 work and the size of the median being installed; this work is being done at night and will be the glare resistant Type-7 barriers. The removal of the existing wall will take about two weeks.
- Not-a-park is being watered. All the parks are being geared up for the season in compliance with the contract award.

### **8. Discussion Item - Town Council Comments (10 Min)**

Shelley B. asked about the new rental trucks being parked at the Railroad; Chris C. stated the name has changed but the conditional use is still valid as it runs with the lessee and the property leased. This is the same lessee.

Shelley B. asked about the river flooding and sandbags; Gary S. stated we have bags and sand, both the Police and Public Work's are working to ensure no issues.

Jerry B. stated as of now the Town of Minturn is the largest sized town in the County at over 7 square miles; the next largest is Avon.

Hawkeye reminded the public of the open seats on the Council. Allen stated we should have a motion to accept the resignations and this will be done later in the meeting. The citizens are asked to submit a letter of interest and be present for interviews at the July 2<sup>nd</sup> Council meeting.

## DISCUSSION, HEARINGS AND ACTION ITEMS

### **9. Discussion/Action Item – Public Hearing For File # MS 08-03; A Minor Subdivision of Parcel B-2 (791 Main St.) and Consideration of Resolution 43 – Series 2008; A Resolution to Approve MS 08-03 791 Main Street of the Gillespie Subdivision – Cerimele (10 Min)**

Hawkeye introduced the agenda item and opened the Public Hearing. Chris C. stated the applicant of the referenced parcel is requesting a subdivision of the land. Currently the site has two lots, one has one side of a duplex and the other has the other side of the duplex and a single family home on it. The request is to split the property into two lots. All items are in order and Staff is recommending approval of this resolution.

Jerry B. asked if emergency services would be able to enter the driveway to access the property; Chris C. stated a fire truck needs 12 feet access and they would be able to access from the Hwy 24 shoulder; the Fire District has no concerns with the property. Shelley B asked if an additional CDoT access permit would be required; no only one access point is required and they will have an access easement to service all three properties. Matt S. asked who would be required to keep the access clear including snowplowing; Chris referred the question to the applicant.

Steve Knutson, property owner, addressed the issues. The duplex has been completed and the third unit is being built. The proposal divides the property more evenly from an HOA aspect. Mr. Knutson requested the Council approve the resolution. Two building permits exist, one for the duplex and a second for the third unit.

Jerry B. asked if the house being built will look similar to the duplex. In that one is a duplex and one is a single family house the materials used will be similar and the Design Review Board has approved it.

Hawkeye asked if the public had any comments; no comments.

The public hearing was closed; any further questions will be directed to Staff only.

Motion by Shelley B., Second by Matt S., to approve the Resolution 43 – Series 2008 a Resolution to approve MS 08-03 as presented; all voted in favor. *(Note: Bill B. and Kelly B. were absent/excused).*

**10. Discussion/Action Item - Ordinance 14 – Series 2008; An Ordinance Approving a Franchise Agreement With Comcast – Brunvand/Christensen (30 Min)**

Hawkeye introduced the agenda item and referred to Jay B. Jay B. introduced Ms. Janet Rinaldi of Comcast. This agreement is a new agreement to replace the expired previous agreement with Comcast. The agreement is for 10 years and essentially extends the existing practice whereby the town receives 5% of the revenues for sales and service conducted within the Town limits. Additionally, Comcast is aware of the recent annexation of which this agreement will also cover that as necessary.

Council questions or concerns:

Shelley B. asked about the ability to trim the trees, have we talked to Comcast to under grounding; Comcast leases the pole space from Xcel Energy who is responsible for keeping the trees from the lines. There is a condition in the proposed agreement that under grounding will be done when the funds are available and that the lines are put in one cut rather than requiring only one vendor to underground and not others.

Jerry B. asked about WiFi; Comcast is not able to do town wide wireless. Ms. Rinaldi noted high use times when kids are gaming and after work. Issues of speed are always being addressed and improved.

Michael Gallagher, 475 Pine, asked if this is an exclusive contract; it is a nonexclusive but due to infrastructure cost it is very difficult to have competition especially in rural areas.

Motion by Jerry B., second by George B., to approve the Ordinance 14 – Series 2008 on first reading an Ordinance authorizing the Mayor to sign a franchise agreement with Comcast of Colorado VI, LLC. as presented; all voted in favor. *(Note: Bill B. and Kelly B. were absent/excused).*

Gary asked Council for direction on the term of the contract is 10 years comfortable or is a shorter period; length was not a concern to Council.

**10B Discussion/Action Item - Acceptance of Council resignations from Kelly B. and Bill B. and set process of appointment** *(Note: this item was placed on the agenda by motion during approval of the agenda.)*

Motion by Hawkeye, second by Shelley B., to accept the letters of resignation from Kelly Brinkerhoff and Bill Burnett effective June 4, 2008 and to set July 2, 2008 as the date of seating the new appointments; all voted in favor *(Note: Bill B. and Kelly B. were absent/excused).*

Gary S. requested direction from Council as to process: newspaper ad, post in Public Notice boards and on website. Applicants must submit a letter of interest. Face to face interviews will be held on July 2, 2008 at which time the seats will be filled by appointment. It was requested by Council that advertising be in conjunction with the advertising for the Planning Commission if possible.

## EXECUTIVE SESSION

### **11. Minturn Town Council will convene into executive session: (30 Min.)**

Motion by Hawkeye, Second by Shelley B., to convene into Executive Session pursuant to Colorado Revised Statutes (CRS) §24-6-402(4)(b) to consult with Town Attorneys Allen Christensen and Boots Ferguson for the purpose of receiving legal advice on matters of the next steps on the Ginn development, Sensible Housing litigation (J. Tucker), and Communication with outside agencies; all voted in favor. *(Note: Bill B. and Kelly B. were absent/excused).*

At this time Staff was excused from the remainder of the meeting.

### **12. Discussion/Action or Direction to Town Manager and Town Attorneys from the Executive Session (5 Min.)**

*(Note: the following notes were provided by Interim Town Manger Gary Suiter for inclusion in the official minutes of the Town.)*

The Town Council adjourned the Executive Session and re-convened into regular session at 9:35 p.m. No direction was given to staff and no action was taken by Town Council.

Gary Suiter then presented an update on Ginn projects. He informed Council that he had contacted the Town of Gypsum and talked to Jeff Schroll about their recreation center. Mr. Schroll indicated he was extremely pleased with the job that their design team had done and highly recommended them. Mr. Suiter will follow up and obtain Gypsum's proposal documents other key information. There was some discussion about location, forming a citizen's committee, program development, citizen surveying, LEED certification, and cost. Town Council unanimously directed staff to proceed with the Recreation Center project. Mr. Suiter will continue providing updates to Town Council.

Discussion followed regarding the Main Street re-construction project. Town Council expressed anxiousness to begin this project as soon as possible. Mr. Suiter stated that he has talked with CDOT regarding permits and will meet with them this September. Ms. Bellm stated her desire to get the Streetscape project design started, as well. Council agreed.

Mr. Suiter handed out a proposed list of action steps for the Scholarship Committee. Council agreed that Mr. Bumgarner should be the Town Council representative. There was also discussion about eligibility criteria including, minimum residency requirements, minimum age requirements, giving opportunities to the disadvantaged (with learning disabilities), and so forth.

Town Council reviewed Item 13 on the agenda, "Items to be added to future agendas". Council amended some dates and the Mayor added "Housing Guidelines" discussion for a future work session.

There being no further business, the meeting was adjourned on a Motion by Bumgarner, Seconded by Bellm, with a unanimous vote, at 9:57 p.m.

## FUTURE AGENDA ITEMS

### 13. Items to be added to future agendas / work session

- Resolution 41 – Series 2008; A Resolution Amending Town Council Procedures – May 29, 2008 (Council Retreat)
- Audit Presentation and Acceptation – 6/18/08
- Town Administrator Contract Extension – 6/18/18
- Resolution to appoint members to the Planning Commission – July 2, 2008
- First Reading of Re-Codification of MMC
- Ordinance 15 – Series 2008; Approving the Re-Codification of the MMC
- Reconsideration of Grant Requests for Non-Profit Organization in 2008 – Brunvand
- Discuss Committees for Ginn Project
- Ordinance Creating General Improvement District

### 14. Set Future Meeting Dates

- a) Council Meetings
  - June 18
  - July 2 (4<sup>th</sup> of July Celebration)
  - July 16
  
- b) Planning & Zoning Commission Meetings
  - June 11
  - June 18
  - July 9
  
- c) Other

### 15. Adjournment

Motion by Jerry B., second by Shelley B., to adjourn the June 4, 2008 Town Council Meeting at 9:57pm; all voted in favor. (*Note: Bill B. and Kelly B. were absent/excused*).

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Hawkeye Flaherty, Mayor

ATTEST:

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Jay Brunvand, Town Clerk