



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

Wednesday July 2, 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

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

- Recreation Center discussion – Suiter/Patterson (30 Min)

Direction was to proceed with the RFQ

- Tax Abatement consideration/Discussion – Suiter/Brunvand (30 min)

Regular Session – 7:00pm

1. Call to Order

- a. Roll Call
- b. Pledge of Allegiance

Mayor Hawkeye called the meeting to order at 7:06pm. Those present included Mayor Hawkeye Flaherty, Mayor Pro Tem George Brodin, Matt Scherr, Shelley Bellm and Jerry Bumgarner
(Note: Due to resignations the Council stands at five members)

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

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

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

- June 18, 2008
- Action Item Memo

Action Item Memo: Proceed with RFQ added for the Recreation Center. This will be presented at next meeting 7/16

Hawkeye noted the Housing meeting has been set for July 8 and an update will be provided to Council at the July 16, 2008 Council Meeting. Gary S. noted Chris S. had spoken to Father Hugh regarding his parking concerns and would report at the July 16 Council meeting.

Motion by Shelley B., second by George B., to approve the June 18, 2008 Council minutes as presented; all voted in favor.

4. Liquor Licenses for Authority Approval – Brunvand (5 Min)

- The Gourmet Cowboy Inc Hotel and Restaurant Liquor License Annual Renewal; 455 Main St., Tom McNeill Owner/Manager – Brunvand

Hawkeye introduced the item. Jay B. stated this was an annual renewal of a Hotel/Restaurant Liquor License. The application has been reviewed at Staff level and have no issues. Lorenzo's report is included in the packet material and thanked the applicant for his support throughout the year.

Mr. McNeill Owner/Manager/applicant had no comments other than thank you.

Motion by Shelley B., second by Matt S., to approve The Gourmet Cowboy Inc Hotel and Restaurant Liquor License Annual Renewal; 455 Main St., Tom McNeill Owner/Manager as presented; all voted in favor.

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

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

7. Discussion/Action – Emergency Items, if necessary

8. Discussion Item – Town Administrator’s Report (10 Min)

Gary S. updated Council on the nuisance enforcement progress. Acknowledged the Police and Planning Departments for their ongoing efforts. A visual survey was done this winter. The major items were noted and about 8 property owners were contacted regarding their properties. Several of these owners have abated their issues all have responded positively. Gary S. noted the Council is final decision body on the issues for those still not in compliance. The council will then determine if a nuisance exists based on evidence provided by Staff and the citizen.

A second round of letters will be sent out soon regarding newly identified nuisances.

A September clean up day has been scheduled.

Gary S. noted the issues on Grant Street (platted undeveloped street behind Taylor Ave.) and circulated pictures of the nuisance issues in the area. This is an ongoing issue and we have contacted the property owners. We will have to access from the area in question from the property owner’s property in order to clean the area. It will cost money but we are moving forward with the best and most cost effective plan to clean up the area. Some can be done with our Public Works Department and then it will be salvaged. What we can’t do we will contract completion for.

Gary S. updated on the direction of a housing goal for Council review. Direction was given to Gary S. from the Council and he will bring back a modified goal statement. Matt S. stated when new development comes up we should have the goals in alignment with the County for uniformity or do we want to limit this to just Minturn? Hawkeye stated if we put housing in Minturn then it should be for Minturn employees. Direction was to include a more defined goal.

Gary S. outlined the I-70 Corridor meeting held at Copper Mountain recently and attended by Chris C.

Town Clerk’s office is looking at the town computer system and the maintenance of the Town Center building.

Hawkeye asked about the costs incurred to maintain the building; this was not budgeted but needed to be addressed and will be funded by un-appropriated savings. Jay B. outlined some of the items being addressed to include: wheel stops, heat tape repairs, outside lighting repairs, and repairs to the decks of the Planning Office and employee units. The extent of these repairs has already exceeded \$14,000.

9. Discussion Item – Town Council Comments (10 Min)

Hawkeye noted the events scheduled for the 4th of July 3-7pm at Little Beach Park.

DISCUSSION, HEARINGS AND ACTION ITEMS

10. Discussion/Action Item – Councilmember interviews – Suiter (45 Min)

Hawkeye introduced the applicants. Each applicant had an opportunity to present themselves and to answer questions from the Council. These seats will run from appointment through the April 2010 election at which point the seats will be up for the regular four year term as this appointment falls in the second half of both Ms. Brinkerhoff's and Mr. Burnett's terms.

- Jon Rosenfeld – 1141 Main St

Long time resident and business owner. This is a critical time for Minturn, growth issues, break and fix mentality vs. preventive maintenance, construction background, business owner, and common sense. Mr. Rosenfeld noted the importance of maintaining the current small town character during this period of growth as well as the need to listen to the citizens, allow the Council to work as a team with equal input and direction from Council.

- Aggie Martinez – 962 Main St

45 year Minturn resident, former Council Member, importance of small town character. Council should listen to people; he is a strong listener and known by the citizens as a listener. Decisions should be based on facts and Council works for the people. Mr. Martinez worked for ERWSD for 43 years is retired, knowledgeable on water and sewer and their distribution systems and has been an inspector. Feels he could be helpful with that. Growth is going to happen but should be done in a positive manner vs. not allowed. Working with the council and citizens is how you learn.

- Loraine Haslee – 225 Pine St

Resident since 1979 and now has time to put in the kind of dedication required to be a good Council Member. Important to allow citizens the affordability to stay, big issues include change and honoring what the citizens have entrusted in the Council how that plays out will determine the success, served on the Homerule Commission and has served on the Planning Commission, community oriented and volunteers county wide, is a Librarian at a local private school, biggest asset for the town is its citizens, citizens feel they have a voice,

- Shane Sorenson – 681 Boulder

22yr citizen, loves the outdoors and the environment offered here, things are good now and change is a concern for the future, density and snow storage issues, and desire to help to preserve what we love about Minturn, and would like to be part of the challenges of the future. Minturn will soon have the resources and that will allow us to help maintain our town, traffic is the biggest issue to fix this using rail and workers and truck traffic from Leadville. Need to hold the feet to the fire on the promises made by Ginn Co, make the best decision with the information provided to Council

Hawkeye instructed the Council that they will be voting for two of the applicants and they will be sworn in tonight and take their seats immediately. It was noted that each stay involved and that many opportunities will be upcoming where community minded citizens will play an important role.

Hawkeye tallied the votes and announced Loraine Haslee appointed and a tie between Jon Rosenfeld and Aggie Martinez. Hawkeye distributed a second ballot and instructed Council to vote only for Rosenfeld or Martinez. Hawkeye again tallied the ballots and announced Aggie Martinez was appointed. Hawkeye asked if either Mr. Rosenfeld or Mr. Sorenson would like to be considered for Planning Commission; Shane Sorenson requested yes.

Hawkeye first swore in Loraine Haslee and then Aggie Martinez who then took their seats at the Council table.

11. Discussion/Action Item – Resolution 44 - Series 2008 a resolution to appoint individuals to the Minturn Town Council – Suiter (5 Min)

Motion by Hawkeye, second by George B., to approve Resolution 44 – 2008 a Resolution to appoint Ms. Loraine Haslee and Mr. Aggie Martinez to the Minturn Town Council for the period July 2, 2008 through the April 2010 Municipal Election; all voted in favor. (*Note, Loraine H. and Aggie M. did not vote.*)

12. Discussion/Action Item – Planning Commissioner interviews – Cerimele (45 Min)

Chris C. noted that 4 seats were open and they are two year terms. Michael Gallagher and Lael Engstrom were not present at the meeting but applied so should be considered.

- Tim Osborne – 1030 main

Moved to town in 2000 is a Master Plumber by trade, and would like to continue on the Commission, biggest challenge was learning what citizens desires are on the various developments, drainage issues, infrastructure,

- Michael Gallagher – Was not present
- Lynn Teach – 253 Pine St

Strong supporter of the town, would like to continue on the Commission, density is becoming an issue with new proposed projects, worked on the Master Planning committee several years ago, keeping the small town with the future growth is an issue,

- Stuart Brummett – 421 Main St

Is an architect, has a business in Minturn, would like to be part of the solution for the future development in Minturn, the vision of the town is one thing but how it is able to be applied is not necessarily always the outcome. How do we keep fulltime residents in Minturn?

- Lael Engstrom – was not present
- John “Woody” Woodruff – 494 Eagle St

First invested in Minturn in 1991, moved to Minturn full time in 2004, feels the Planning Commission is a good strong board and deals fairly with the applicants that come forth. Through their process, decisions made for the Council’s consideration are stronger. Decisions should be made based on the Municipal Code. Takes his role on the Commission very seriously. Feels the biggest issues are the municipal code. Wants to keep the feeling of a community and small town feel by use of the Character areas. Consistency of the application of the rules is very important.

- Shane Sorenson – 681 Boulder St.

Declined based on the other candidates experience

Hawkeye passed out the ballots and instructed the Council to vote for four applicants. Hawkeye tallied the votes and announced Michael Gallagher, Lynn Teach, and Woody Woodruff were appointed and that Mr.’s Tim Osborne, and Stewart Brummett tied.

A second ballot was taken for only Tim Osborne and Stewart Brummett; Mr. Brummett was appointed.

13. Discussion/Action Item – Resolution 45 - Series 2008 a resolution to appoint individuals to the Minturn Planning Commission – Cerimele (5 Min)

Motion by George B., second by Shelley B., to appoint

- Michael Gallagher
- Lynn Teach
- Woody Woodruff
- Stewart Brummett

To the Minturn Planning Commission for the period of 2yrs; all voted in favor.

At this point Hawkeye swore in the new appointees to the Planning Commission.

(Note: 15 min recess at 9:05 back at 9:20)

14. Discussion/Action Item – Ordinance 15 – Series 2008 (First Reading) an Ordinance Re-Codifying the Minturn Municipal Code – Suiter (30 Min)

Hawkeye introduced and referred the item to Gary S.

Gary S. stated this project is about 7/8 complete and is ready for first reading. It has been reviewed by staff. This code needed to be readopted as it has not for several years. The engineering standards have been included in the appendix. Staff is recommending approval on first reading.

Hawkeye asked about the previous exceptions that were made on the Fire, Plumbing, and Building codes; those were included in this revision. Hawkeye asked what kind of fence would constitute a year in jail; Allen C. stated the more serious violations are dismissed and refilled in District court so our municipal court would not hear this level of infraction. Allen C. stated these changes are necessary in order to be consistent with the state law.

Lorraine H. asked if the Town Council is the Local Health Board; yes.

Shelley B. asked why we don't have the Electrical code adopted as part of the Town Code as we do the Fire Code; the state inspects the electrical. Allen C. will review this with the Building Inspector and the State; this will be answered at second reading.

Motion by Shelley B., Second by Jerry B. to approve Ordinance 15 – Series 2008 (First Reading) an Ordinance Re-Codifying the Minturn Municipal Code as presented; all voted in favor

15. Discussion/Action Item – Ordinance 16 - Series 2008 (First Reading) an Ordinance to create a General Improvement District within the Town of Minturn – Christensen (30 Min)

Hawkeye introduced the ordinance and referred it to Mary Jo Dougherty of McGeady Sisneros, P.C. Mary Jo D. reported the background of this ordinance for the benefit all. The GID board will include the Town board and two nonvoting exofficial members of the Ginn Co. Mary Jo D. also outlined the set up of the proposed GID District and how the funds would be generated for improvements and debt authorized. The area included in the GID district is only the Ginn annexation and does not include the other parts of the Town.

If the property is in the district then they will be assessed the GID mill levy. Lorraine H. asked the question of Eagle County Library District participation be re-asked to the Library District. Allen C. stated the Library District wanted the mill levy to build the proposed library and the development fees it currently assess. The elected Council at the time felt this was inappropriate.

Motion by Shelley B., Second by Jerry B., to approve Ordinance 16 – Series 2008 (First Reading) an Ordinance to create a General Improvement District with in the Town of Minturn as presented; all voted in favor

16. Discussion/Action Item – Resolution 46 – Series 2008 a Resolution appointing Matt Scherr representative to the Eagle County Transit Board and to appoint George Brodin as alternate – Suiter (5 Min)

Hawkeye introduced the item. No questions

Motion by George B., Second by Jerry B., to approve Resolution 46 – Series 2008 a Resolution appointing Matt Scherr representative to the Eagle County Transit Board and to appoint George Brodin as alternate as presented; all voted in favor, Shelley B. voted nay.

17. Discussion/Action Item – A Public Hearing will be held for file # MS 08-04; A minor subdivision application for Parcel B (1012 Main St) of the Manzanares Lot Line Adjustment and to consider Resolution 47 – Series 2008 a Resolution denying MS 08-04 – Cerimele (15 Min)

Hawkeye introduced the agenda item and opened the Public Hearing at 9:50. The application was referred to Chris C. for report. Due to the fact that parcel “C” is non-conforming and the set backs will not be met for the back house and access is also not well addressed Staff is recommending denial for Minor Subdivision application MS 08-04 as approval would create a non-conforming situation in that the existing residence on the proposed Parcel C would violate the setback requirements of section 16.17.19.

Tom Sullivan – Nelson Ave

Proposes to buy the lot. The building envelop is small. Mr. Sullivan outlined his proposal to build a small new house on the lot while keeping the 1500sqft existing house. Mr. Sullivan stated it is less obtrusive to subdivide the lot in to single family lots than it is to build larger units with more impact. Mr. Sullivan stated the crux of the issue is the definition of the setbacks. Tom feels a side set back is between the lots a rear set back is at the back of the house. Mr. Sullivan stated the Manzanares lot directly to the south is the same shape and the set backs are defined as he states not as his lot is being defined.

Council asked questions as related to access to the property and the current development on the lot in question. Mr. Sullivan also addressed the previous subdivisions the lot has undergone over the years by the previous owners. Mr. Sullivan stated this does not, in his opinion, set any precedents unless Council agrees with the denial. Chris C. stated the rear setback should run the entire rear of the lot not jump from rear to side to rear to side as this proposal does. Discussion continued regarding the definition of what set back is defined is contingent on how it sits to the lot itself. Jerry asked regarding fire access; the fire district does not allow over 10% grade this drive is more than that. Mr. Sullivan is proposing to work the driveway to lessen the grade.

Motion by Shelley B., second by George B., to extend the meeting past 10:30pm; all voted in favor.

Aggie M. asked if the intent was to subdivide the lot then both would probably be built to sell as single family houses. Based on the size of the lot the house could only be so big because the footprint is only so big. The river set back is 30ft.

Hawkeye asked if anyone in the public had comments:

Garth Koelhoffer - 434 Taylor St, is the owner of the house next door to the property. If you are going to develop a property then you should have to fix all the nonconformance issues, this proposal does not do this. Mr. Koelhoffer's concern is if this is approved then he will propose to build a duplex on his lot next door and use the same lot setback definitions.

Mr. Sullivan stated that lots need to be a minimum of 5000sqft and they are. This is a proposal to upgrade the lot with less than max density to keep the character of the Town.

Hawkeye closed the public hearing at 10:50

Motion by Aggie M., Second by Hawkeye to table Resolution 46 – Series 2008 a Resolution to deny MS 08-04 as presented until the July 16, 2008 meeting and include a group site visit at a time prior to the 7/16 meeting; all voted in favor Shelley B. voted nay

FUTURE AGENDA ITEMS

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

- Eagle County School District Phil Onofrio – Work Session – 7/16/08
- Budget update Report and Reconsideration of Grant Requests for Non-Profit Organization in 2008 – Work Session – 7/16/08
- Committee Discussions for Scholarship and Recreation Center – 7/16/08
- Resolutions of Appreciation for Burnett, Brinkerhoff and Sullivan – 7/16/08
- Resolution 41-2008 Council Procedures – 7/16/08
- Financial Software discussion – Work Session – 7/16/08
- Snow Removal and Snow Dump Policy – Work Session – 8/6/08
- Housing Guidelines – 8/06/08
- Records Management discussion – Work Session – 8/20/08
- Scholarship Committee appointments, planning and policy.

19. Set Future Meeting Dates

- a) Council Meetings
 - July 15 Special Meeting of Minturn Town Council 4-7pm Tuesday
 - July 16 to start at 5pm
 - August 6
 - August 20
- b) Planning & Zoning Commission Meetings
 - July 9
 - July 23
 - August 13
- c) Other
 - Eagle County School District Board of Education – 8/13/08
 - Town of Minturn 4th of July Celebration – 7/4/08

20. Adjournment

Motion by Jerry B., second by George B., to adjourn at 10:55pm

Mayor Hawkeye Flaherty

ATTEST:

Town Clerk, Jay Brunvand