



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

Wednesday July 16, 2008
Work Session 4:30PM
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:

Shelley Bellm
Jerry Bumgarner
Lorraine Haslee
Aggie Martinez
Matt Scherr

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 – 4:30pm

- Site visit of 1012 Main St. Council to meet AT SITE at 4:30pm – Cerimele (45min)
- Recreation Center – Review draft RFQ – Suiter/Patterson (20min)
- Eagle County School District update by Phil Onofrio – Suiter (15min)
- Budget update Report and Reconsideration of Grant Requests for Non-Profit Organization in 2008 – Brunvand/Suiter (30min)
- Financial Software discussion – Brunvand/Suiter (15min)
- Committee Discussions for Scholarship and Recreation Center – Suiter (15min)

Regular Session – 7:00 PM

1. Call to Order

- a. Roll Call
- b. Pledge of Allegiance

Mayor Hawkeye called the meeting to order at 7:07pm. Those present included Mayor Hawkeye Flaherty, Mayor Pro Tem George Brodin, Matt Scherr, Shelley Bellm, Aggie Martinez, Jerry Bumgarner, and Lorraine Haslee (*Note:*)

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

George B. requested to add item 16a to the agenda to provide direction to Staff on the reconsideration of 2008 grant requests discussed during the Work Session.

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

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

- June 2, 2008
- Action Item Memo

Matt S. requested on page 18 (of packet) 4th par 4th line precedent from president

Shelley S. requested more detail in general be included in the minutes.

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

Matt S. updated the Council on the ECO Transit meeting he attended. Eco Transit is studying at Staff level the costs and ability to provide bus service up to the Minturn Middle School for use by the students during times that the School District is not operating their buses. Eco Transit concerns include added costs of the route and the ability to turn a bus around. It was noted that if the School District is able to turn a school bus around that it was more than likely Eco Transit could turn a bus around.

Matt S. reminded everyone of the Eagle valley Alliance/Vail Symposium Aug 16. The website is www.eaglevalleyalliance.com

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

Hawkeye noted that Mr. Steve Lynn, Vail Daily Reporter covering Minturn, was moving to the Farmington, NM area. Hawkeye thanked Mr. Lynn for his reporting and wished him well.

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

Mr. Bobby Ginn, Ginn Club's and Resort's, thanked everyone on the Council, Staff and the groups of consultants as well as the community that came forward to help make the recent annexation a reality. Mr. Ginn gave a brief summary of the schedule to include the development submittals beginning in early fall and that he would come before Council from time to time with updates.

Mr. Mark Sifers, 671 Main St, asked if he intends to use construction trailers on his property; yes.

Mr. Ginn handed out a DVD that highlighted the recent process to the Council and Staff.

6. Discussion/Action – Emergency Items, if necessary

7. Discussion Item – Town Administrator's Report (10 Min)

Gary S. reported the Town has received cost bids for two road projects; Harrison Ave between Main St and Boulder for approximately \$16,000 and Meek Ave drainage repairs for approximately \$14,000. Additionally, the town would like to consider paving and repairs to Main Street from Bellm Bridge to Railroad Ave. The cost of this project is approximately \$24,000. Gary S. noted the project would exceed the street budget but this was a very visible and high traffic volume roadway and asked direction from Council to proceed with this repair as well. Council direction was to bring the project back in late summer for an update on costs and budget savings prior to proceeding.

The Market is going well; vendors are happy, parking plan is working.

July 4th was a success. The cost was a little over \$7,000, lots of fun, a few glitches but all in all a good event. Of the disappointments expressed by citizens was the lack of a full parade and no fireworks.

Gary S. requested Council time to review the Ginn Annexation with the Council for the benefit of the three new members but best if all are available. Direction given to schedule for August 19, 2008 (Tuesday) 5pm.

Updated on night time I-70 construction. The project is going well, and the night time construction is a vast improvement from last year during the day.

Have been meeting with Ginn on final development plan,

Red Cliff has requested a joint Board meeting on 7/23 (Wednesday). This item was requested to be discussed during the Executive Session scheduled for later in the evening.

Hawkeye requested time be allocated for Staff updates; give staff appropriate time to present in a work session.

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

Hawkeye requested for Staff to clean out the rock fall area in the “S” turns and sweep up the dirt along jersey barriers to allow more room on the road for bikes. This should also be added to the street cleaning route.

Hawkeye reported that longtime local Harry Gray had passed away over the weekend. Condolences were expressed to the entire Gray family.

DISCUSSION, HEARINGS AND ACTION ITEMS

9. Discussion/Action Item – Resolution 48 – Series 2008 a Resolution in Appreciation of Bill Burnett’s Town Council Service

Hawkeye introduced Mrs. Davie Burnett who was present to accept the Resolution honor of former Council Member Bill Burnett. Mr. Burnett passed away several weeks prior. Present to witness the honor were many members of Bill’s extended family encompassing several generations. Hawkeye noted Bill Burnett helped the Fire Dept, Library Dist, and the Town for many, many years. Bill was the heart and sole of Minturn and will be missed. The Town is lucky to have so many of Bill’s relatives to carry on his long tradition of community support

Motion by George B., second by Aggie M., to approve Resolution 48 – Series 2008 a Resolution in appreciation of Bill Burnett’s Town Council service as presented; all voted in favor.

10. Discussion/Action Item – Resolution 49 – Series 2008 a Resolution in Appreciation of Kelly Brinkerhoff’s Town Council Service

Hawkeye introduced and recognized Ms. Kelly Brinkerhoff and read the resolution thanking her for her 2yrs of service, her support of the Little Beach Park, Community Fund, and the Town.

Motion by Jerry B., second by Shelley B., to approve Resolution 49 – Series 2008 a Resolution in appreciation of Kelly Brinkerhoff’s Town Council service as presented; all voted in favor.

11. Discussion/Action Item – Resolution 50 – Series 2008 a Resolution in Appreciation of Tom Sullivan’s Town Council Service

Hawk introduced Mr. Tom Sullivan and read the resolution thanking Mr. Sullivan for his 4yrs of service, his negotiating skills with the Ginn Annexation and his support for the Ginn Annexation.

Motion by George B., second by Jerry B., to approve Resolution 50 – Series 2008 a Resolution in appreciation of Tom Sullivan’s Town Council service as presented; all voted in favor.

(Note: a recess was taken so to enjoy cake with the audience and thank the former Council Members and families present.)

12. Discussion/Action Item – Ordinance 15 – Series 2008 (Second Reading) a Public Hearing and Ordinance Re-Codifying the Minturn Municipal Code – Suiter/Christensen (30 Min)

Hawkeye introduced the item and opened the Public hearing. Hearing no comments the Public Hearing was closed.

Motion by Shelley B., second by George, to table Ordinance 15 – Series 2008 (Second Reading) an Ordinance to approve the re-codification of the Minturn Municipal Code and continue consideration and the public hearing to the August 6, 2008 meeting; all voted in favor.

13. Discussion/Action Item – Ordinance 16 - Series 2008 (Second Reading) a Public Hearing and Ordinance to create a General Improvement District within the Town of Minturn – Christensen (30 Min)

Hawkeye introduced the item and opened the Public Hearing. Gary S. noted the Public Hearing is only for the second reading and highlighted the GID and what it will create in the form of a tax on the Ginn Property; the District can assess mill levies for improvements and maintenance on those improvements. The election is to be set for November 4, 2008 and will be a Mail Ballot Election noting only those listed as living within the District can vote on the ballot measure. The amendments from First Reading were highlighted as follows and the ballot questions will be adopted by Resolution at a later date.

- Section 9 add “...designated representative and by an executed Bill of Sale conveying the public improvement(s) to the Town or other appropriate entity.”
- Section 13 add a last sentence “The form of election questions shall be approved by the Town under Separate Resolution.”
- Exhibit “B” was modified to represent the true totals

Ms. Sarah Baker, Attorney for the applicant (Ginn) had no further additions or comments other than to express approval of the entire document and request Council to approve Ordinance 16 – Series 2008 approval.

No public comment

No Council comments

Hearing no further comment the Public hearing was closed.

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

14. 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 (30 Min)

Hawkeye introduced the item and opened the Public Hearing. Chris C. noted for the record the issues surrounding the proposal and noted for the record the Council had a site visit on the property during the Work Session. Staff recommendation is for denial; however, in the event of approval, staff has several items to consider as conditions as relates to restricting the property to no more than one Single Family home per lot and adjusting the driveway grading.

Mr. Tom Sullivan, 116 Nelson, applicant felt the site visit was beneficial today. Highlighted the “gray” area not addressed of two small houses vs. a large duplex and a large house. Mr. Sullivan stated he felt the proposal was appropriate for the project and the proposed impact should be considered. In the event he is approved he would raise the grade as high as he could noting that he can not raise the grade any higher than the base of the front door.

Ms. Beth McNicholas a resident living across from the project site is in favor of the applicant proposal as opposed to the possible alternative.

Mr. Randy Quintana, 1071 Main St., likes the applicant proposal as opposed to the possible alternative.

Mr. John Rosenfeld, 1141 main, stated he has known Mr. Sullivan for many years. Mr. Sullivan has helped to maintain the character of the town. Mr. Rosenfeld has previously noted to Tom S. and discussed grade and snow storage issues with that property. Mr. Rosenfeld is in favor and recommended approval stating he would rather see smaller than the larger.

Hearing no further comment the Public Hearing was closed.

Council comments:

Jerry B. asked what the grade of Nelson Ave was: unsure. Jerry B. stated he felt it was probably more than a 10% grade. Jerry B. inquired about the grade, is it required or recommended: recommended. Some roads (Bellyache in the County) is steeper; yes but they have a fire station in the development. Chris C. read the code requirement noting the drive is less than 150ft. Fire District representative Carol Molson reported in her report the difficulty they would have with the difficult driveway.

Hawkeye asked Chris C of the utility easement along the back of the building but nothing on the plat, how is the elec/cable to be addressed; power lines do run through the rear of the building, applicant would have to work around, Allen C. stated it is not uncommon to not have a recorded

easement, it is not proposed to be built in, they are over head lines. Chris C. stated this is not an improvement statement so it might not be on the drawing.

The general consensus was the smaller proposal was a better solution than the potential duplex and single family home and that it met more with the spirit of the code by lessening the impact on the neighborhood. The steepness of the driveway could be mitigated but unlikely to the recommendation of the Fire District and that steep driveways are a common theme in that area.

Hawkeye felt dividing the lot as proposed is making two bad lots, snow plowing and storage will be a problem. It meets the law but feels it doesn't meet the spirit of the law. Biggest issue is the houses are stacked too close; they should have a 20ft set back between the existing and proposed buildings and need to properly document and plat the utility easement.

Hawkeye expressed concern and discussion ensued that set back between the existing and proposed house set back total 20 feet between the two units.

Motion by George B., second by Shelley B., to approve Resolution 47 – Series 2008 a Resolution to approve MS 08-04 the minor subdivision application for Parcel B (1012 Main St) of the Manzanares Lot Line adjustment. as presented with the following conditions; all voted in favor, Hawkeye nay.

- A note will be placed on the Final Subdivision Plat that restricts each parcel to one single family residence
- The deck on the north side of the existing residence on Parcel C shall be removed
- The main entry on the existing residence on Parcel C must be oriented towards Main Street
- The access driveway must be improved to a grade of 10% or as much as reasonably possible
- All utility easements must be properly recorded

15. Discussion/Action Item – Consideration of a Declaration of a Public Nuisance at 671 Main Street – Cerimele (15 Min)

Hawkeye introduced the issue and referred the case to Chris C. for staff presentation. Chris C. cited Minturn Municipal Code (MMC) Section 7-23 requesting the Council to declare any act, condition, substance, occupation or use of property which substantially meets the criteria of a Nuisance as defined in Section 7-21.

Background: Contact regarding the nuisance issue at 671 Main St. has been consistent since August 2006 to remove the trailers, vehicles and other items on the property. The semi trailer has been there since June of 2005. A previous planner allowed the trailer to accommodate construction on the property; no active construction has been accomplished. Chris C. noted the dates of the letters informing him of the nuisance. Staff recommendation is to declare the property at 671 Main Street a nuisance. Chris C. displayed several slides of the site dated July 17, 2008. .

Shelley B. asked since we have been sending the letters have any of the nuisances been mitigated; to date it appears one car and some trash had been removed.

Mr. Mark Sifers, 671 Main St, property owner, asked Council to table as he had no notice of the meeting tonight and was there only because he had “heard” about it. The trailer has only been there since Dec 2005, he has had health issues with his deceased father during that time. Each time they have received a letter they did reply in writing. In his most recent letter he noted two cars have been removed, nothing has been abandoned, it is all personal property and they have notified the town of this. As a result of those contacts, he was granted permission for the trailer prior to the nuisance ordinance law adoption. He has a building permit, they own several properties in town and they clean up each property as part of its upkeep. Mr. Sifers noted his concern that the town is being discriminatory and the code is being applied unfairly to this property. Mr. Sifers stated he feels unprepared as he did not receive notification of tonight’s proceedings. Mr. Sifers stated the property contains 4 residences and that should be considered in the vehicle allowance.

Mrs. Vicky Sifers, 671 Main St, expects a written apology for comments of “poor timing of Mark’s father dieing” from the last meeting held between them at the Town.

Chris C. rebutted noting the letters sent are in the packet. Chris C. summarized he did not feel a semi trailer that size was reasonable in a residential area such as this. Mr. Sifers replied at the meeting that Ginn will be using semi trailers. Chris C. noted a certified letter marked “unclaimed” was sent to the Sifers informing them of this meeting.

Shelley B. stated she disagreed with the contention of being singled out. The Town has received complaints from their neighbors and some resolution needs to be addressed. Shelley B. stated the cars are being stored on the property by Jim Hoza and they were moved there when he was forced to remove them from his vacant property (271 Main) in an effort to abate the nuisance on that property.

Mr. Sifers stated he had asked about the complaints and who the complaints were from; the Town has a letter from 651/661 Main thanking the town for taking action on the property. Mr. Sifers stated the cars are all licensed and insured that are his, one car is being negotiated for sale. Mr. Sifers felt the law was being applied only to him and he stated this was a complaint of his.

Hawkeye asked for a building permit copy to be produced; according to the Minturn Building Inspector they do not have a valid permit; Allen C. stated if the permit was issued it has expired due to no action. Mr. Sifers stated a permit has recently been applied for; it is not active because it is too expensive (\$1,300) and unless he is assured it will be approved and issued he does not want to pay for it.

Discussion ensued as to the building permit status. If the property does not have a building permit then the trailer should be removed. Mr. Sifers requested Council to understand the trailer has only been there for 2 ½ years; yes but they have had complaints on the property from the neighbors. The general direction of Council was to work with the citizens but to also move forward with the clean up of the town and that 2 ½ years was a long time of no action. The Town

has worked hard to make sure that if we were to enforce the nuisance ordinance then we must first clean up the Town properties: lead by example. Consensus was the property has been a concern for a number of years and it is important to advance the town cleanup.

Hawkeye stated he did not believe a nuisance should be declared because Mr. Sifers is working on it and we have given all others more time. To declare tonight would not be in accord with the way we have handled these in the past. If you get a building permit and show progress then you should be able to have a construction trailer. If you are working on the property then you should have the trailer, if you are just storing it then no. Hawkeye recommended conditions be placed and they be given a set amount of time

Motion by Shelley B., second by Matt S., to declare a Public Nuisance at 671 Main St as presented; all voted in favor. Hawkeye nay. (Inconsistent with history)

A letter establishing the proceedings and required compliance will be mailed to Mr. and Mrs. Sifers at their Minturn postal box 40 from Chris C.

16. Discussion/Action Item – Discuss Harry Gray Building at 291 Main Street – Cerimele (15 Min)

Chris noted he is asking Council to provide direction. Potential buyers have contacted him and are requesting to put apartments in where the offices are on the 2nd floor. Any modification would be in accordance with code but Chris is looking for this concept direction. Council direction was that because the property is mixed use already it should not be an issue to convert the offices to apartments while following the code. Parking was highlighted as a potential concern.

16a. Direction to Staff on Nonprofit funding requests:

This item was discussed in the Work Session and a request for Council direction during the meeting was made.

Motion by George B., Second by Shelley B., to fund the 2008 Nonprofit Funding requests made during the 2008 budget process as follows:

- Bravo! Vail was denied and invited to come back in the 2009 budget process with specific requests for Minturn events.
- Radio Free Minturn was approved at \$1,500
- Economic Council of Eagle County (Housing Action Committee) was approved at up to \$2,500. Gary S. will contact the Committee and obtain a definite funding request)
- Vail Valley Partnership was approved at \$1,000
- Minturn Community Fund was approved at \$1,000

FUTURE AGENDA ITEMS

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

- Housing Guidelines – 8/6/08 (Gary, Shelley, Hawkeye to meet to come up to goals next week)
- Jacobs Carter Burgess Resolution for Work Orders – agenda - Suiter – 8/6/08
- Resolution 41 – Series 2008 a Resolution regarding Council Procedures (hawk sent stuff on this make sure it is in packet) – Christensen (30min) – Work Session and Agenda 8/6/08
- Ginn Work Session for Council – **Special Meeting Work Session** – August 19 (Tuesday) – 5pm - Suiter
- Records Management discussion – Work Session – 8/20/08
- Snow Removal and Snow Dump Policy – Work Session – 8/20/08
- NWCOG and QQ annual update – Work Session – Suiter – 8/20/08
- Scholarship Committee appointments, planning and policy.

Potential names for the Scholarship Committee

Jerry B.

Potential names for Recreation Center Committee

Shelley B. (Chair)

Matt S.

18. Set Future Meeting Dates

a) Council Meetings

- August 6
- August 20
- September 3

b) Planning & Zoning Commission Meetings

- July 23
- August 13
- September 10

c) Other

- Eagle County School District Board of Education – 8/13/08

EXECUTIVE SESSION

19. Executive Session pursuant to Section 24-6-402(4)(a) and (b) for the purposes of discussing the potential purchase of real property for public improvements and discussion of Red Cliff proposed meeting – Suiter

Motion by Shelley B., second by George B., to convene in Executive Session pursuant to Section 24-6-402(4)(a) and (b) for the purposes of discussing the potential purchase of real property for public improvements and discussion of Red Cliff proposed meeting; all voted in favor.

(Note: due to a potential conflict of financial interest Hawkeye recused himself from the portion of the Executive Session pertaining to potential purchase of real property for public improvements.)

Motion by Shelley B., second by George B., to adjourn from Executive Session; all voted in favor.

Direction to Staff:

Gary S. to work with Red Cliff for a potential joint board meeting date. Date will be set during the August 6, 2008 Council meeting.

Council directed Gary S. to contact the landowner and request first right of refusal on the property.

20. Adjournment

Motion by George B., Second by Jerry B., to adjourn at 10:20pm; all voted in favor.

Mayor Hawkeye Flaherty

ATTEST:

Town Clerk, Jay Brunvand