



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

**Wednesday August 20, 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  
Lorraine Haslee  
Jerry Bumgarner  
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**

- Joint Minturn/Red Cliff meeting – Suiter (1hr)
- Resolution 41 – Series 2008 a Resolution regarding Council Procedures – Christensen (30min)
- Police Dept Presentation – Martinez – (30min)
- Ordinance 15-2008 Minturn Municipal Code re-codification discussion – Christensen (30min)

**Regular Session – 7:00 PM**

**1. Call to Order**

- a. Roll Call
- b. Pledge of Allegiance

Jerry Bumgarner called the meeting to order at 7:09pm. Those present included, Matt Scherr, Aggie Martinez, Shelley Bellm, Jerry Bumgarner, and Lorraine Haslee (*Note: Mayor Hawkeye Flaherty and Mayor Pro Tem George Brodin 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

- a. Items to be Pulled or Added
- b. Order of the Agenda Items

Motion by Shelley B., second by Lorraine H., to approve the agenda as presented; all voted in favor. *(Note: Mayor Hawkeye Flaherty and Mayor Pro Tem George Brodin were absent excused)*

### 3. Approval of Minutes and Action Report

- August 6, 2008 – Regular Council Meeting
- Action Item Memo

Motion by Aggie M., second by Shelley B., to approve the minutes of August 6, 2008 as presented; all voted in favor. *(Note: Mayor Hawkeye Flaherty and Mayor Pro Tem George Brodin were absent excused)*

Action Item Memo discussion:

- Lorraine H. stated Mr. Mike Martinez is receptive to be on the Scholarship Committee as the Citizen Representative, Ginn CO nor the School District have submitted a name. Jerry B. will forward a name from the School District to Gary S. and Gary S will set up an organizational meeting.

### 4. Liquor License Authority

- Kirby Cosmo's BBQ Bar Modification of Premises located at 474 Main Street, Minturn CO; Mark Tamberino Manager

Jerry B. introduced the agenda item and recused himself from the Council discussion do to a possible conflict of interest. Shelley B. assumed administration of the meeting.

Jay B. reported and referred to the information in the packet stating the application contained several concerns. The original Staff Report in the packet recommends tabling or denying the application. However, as of today Staff held a meeting with Fire Marshall Carol Mulson, Chris C., Gary S. and Jay B. to clarify the issues of concern. An onsite visit to the establishment was performed by the Planner and the Fire Marshall view the issues first hand and to meet with the applicants. As a result of that meeting all concerns have been addressed and staff is now recommending approval of this application without conditions. Jay B. introduced Mr. Michael Deutschman and Mr. Mark Tamborino owners of the establishment.

Chris C. confirmed the status of the application and that all parking issues have been resolved. The establishment has 6 parking spaces and will not be increasing the seating count by moving tables and chairs within the establishment. Jay B stipulated the license time frame' the deck will not be used for liquor service until the State also approves.

Motion by Lorraine H., second by Matt S., to approve the Kirby Cosmo's BBQ Bar Modification of Premises located at 474 Main Street, Minturn CO; Mark Tamberino Manager as presented; all voted in favor. (*Note: Mayor Hawkeye Flaherty and Mayor Pro Tem George Brodin were absent excused*)

Jerry B. resumed his seat at the Council table and the administration of the Council Meeting.

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

- Qwest public announcement and update

Mr. Abel Chavez, Colorado Markets Director with Qwest, introduced himself to the Council. He announced that high speed DSL internet connection is now available to the citizens and businesses of the town of Minturn. Mr. Chavez detailed the cost and what this product gives to the community as well as how it works. Details and order options are available at [www.qwest.com](http://www.qwest.com).

Mr. Chavez answered questions from the Council

- NWCCOG and QQ annual update – Suiter/Severson

Mr. Gary Severson introduced himself to the Council and outlined his position as Director and North West Colorado Council of Governments organization including the various departments that serve the membership of NWCCOG. Mr. Severson presented the Council with a detailed presentation of the benefits of NWCCOG. Included in the meeting packet was a summary handout.

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

Mr. Mark Tamborino, Red Cliff/Minturn Business Association. Mr. Tamborino outlined the charge of the Association. Mr. Tamborino requested funding from the Town for up to \$1500-2000 for publication of an events directory. Mr. Tamborino noted that Gary S. is the Town's representative to the Association.

Gary S. recommended the Association submit a budget funding request to be included in the 2009 fiscal year budget. Mr. Taborino stated he had received the request form and would submit.

## **7. Discussion/Action – Emergency Items, if necessary**

## **8. Discussion Item – Town Administrator's Report**

Gary S. and Shelley B. met with the School district regarding the potential Maloit Park annexation. Town will submit a draft annexation proposal and the town and district will work most out at staff.

Resurfacing of Harrison Avenue from Main to Pine Streets has been completed.

Eagle River Phase II restoration will have equipment in the river in the next few days.

Town Clean up day Fall Effort will be on Sept 13. We are working on sponsorship and flyers.

Had a meeting with one of the firms considered for the RFQ on the Recreation Center. Very exciting and moving forward.

Radio Tower was removed. A tractor trailer damaged the tower to the point the tower had to come down. They will be going through the town process to replace it.

The Market was canceled last weekend due to a dangerous thunder storm. Policies will be reviewed to better handle this kind of issue.

Minturn Rummage sale is going again this weekend.

#### **9. Discussion Item – Town Council Comments**

Shelley B. noted the Battle Mtn High School reunion this coming weekend

Matt S. attended a meeting with ECO Transit. A fare reduction or free fares is being considered as well as how this would affect the transit funding. They Board is still looking at servicing options for the Minturn Middle School for use by the students and the Ski and Snowboard academy students.

### **DISCUSSION, HEARINGS AND ACTION ITEMS**

#### **10. Discussion/Action Item – Resolution 41 – Series 2008 a Resolution regarding Council Procedures – Christensen**

Gary S. identified and detailed this Resolution.

Changes:

Paragraph F pg 67: no change time shall to may be terminated

Par G: Change Council to Mayor

Section 5: strike paragraph D

Motion by Shelley B., second by Matt S., to approve Resolution 41 – Series 2008 a Resolution regarding Council Procedures as amended; all voted in favor. *(Note: Mayor Hawkeye Flaherty and Mayor Pro Tem George Brodin were absent excused)*

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

Jerry B. opened the Public Hearing.

Gary S. handed out a redlined version that is different from the packet copy, changes were read into the record from the previous version approved on July 2, 2008 all changes were to clarify and make consistent with other provisions. Due to the material changes this Ordinance will be published in full after second reading and approval rather than by title only.

Changes included:

- #6 Sec. 2-9-50: Strike “or an authorized representative of either”
  - and “by a fine not exceeding \$300 or by imprisonment in the county jail for not exceeding 180days or by both such fine and imprisonment” and replace with In accordance with the provisions of Section 1-4-20 of this Code, plus court costs.
- #15 Sec. 7-5-80: Strike 80 and insert 20
- #19 Sec 8-1-60(2): Strike 180days and insert one year.
- #22 Sec 13-1-110(a): Strike 180days and insert one year.
- #24 Sec 13-6-100(a): Strike 180days and insert one year.
- 6-2-20 was changed to Town Administrator from Mayor and or Town Administrator.

Hearing no public comment the Public Hearing was closed

Motion by Shelley B., second by Aggie M., to approve Ordinance 15 – Series 2008 (Second Reading) a Public Hearing and Ordinance Re-Codifying the Minturn Municipal Code as amended and presented; all voted in favor. *(Note: Mayor Hawkeye Flaherty and Mayor Pro Tem George Brodin were absent excused)*

**12. Discussion/Action Item – A Public Hearing will be held for Land Use File # VAR 08-02; A Variance Application by George Brodin to build a detached garage within the 10’ rear setback and to consider Resolution 53 – Series 2008 a Resolution acting on VAR 08-02 – Cerimele (30min)**

Jerry B. introduced the issue. Chris C. recommended the resolution be tabled until the Sept 17, 2008 meeting

Motion by Jerry., second by Shelley B., to table Resolution 53 – Series 2008 a Resolution acting on VAR 08-02 as presented; all voted in favor. *(Note: Mayor Hawkeye Flaherty and Mayor Pro Tem George Brodin were absent excused)*

**13. Discussion/Action Item – A Public Hearing will be held for Land Use File # VAR 08-03; A Variance Application by Simon and Julia Dixon to build a Single Family Home on land that slopes in excess of 30% and to consider Resolution 54 – Series 2008; a Resolution acting on VAR 08-03 – Cerimele (30min)**

Jerry B introduced the issue. *(5min recess to allow for the media to be set up)*

Public Hearing was opened

Chris C. outlined the request and presented the Staff evidence including several slides of the property. The Planning Commission recommended approval of the variance. Staff recommendation is for denial due to the fact that it is against the interpretation of the code.

Mr. Michael Pukas, Gypsum Colorado, designed the project. Mr. Pukas. stated he feels the project variance should be approved due to:

- Several recent projects in Town have been approved that are on 30% grades
- The Town of Minturn is not consistent with other communities that do allow such development
- Approximately half the house sits on the slope portion. Due to the lot itself it is not possible to build on the lot with out the variance.
- That to require a smaller house or different use would decrease the value of the property thereby causing a hardship on the owner.

Mr. Pukas noted the intent of the plan is to work with the property by pushing the building back on the lot into the hill side to allow for better vehicle circulation on the property. Mr. Pukas feels the property must have the variance to develop the property and the project is a good fit for the property.

Matt S. asked if the development creates a hardship; Mr. Tom Sullivan, Project Developer, stated the lot would be degraded and the value of the property would be affected if the variance is not approved. Further he feels that a variance should not be required due to the fact that many many homes in the Town of Minturn sit on more than a 30% grade and did not require a variance. Mr. Sullivan feels he is not being treated equally.

Matt S. stated that we have a code that we need to apply. If the code is unenforceable then it should be changed not ignored. Mr. Sullivan stated the Town had even sold a lot and then approved that lot for building on grade in excess of 30% (Minturn Town Homes Lot). Mr. Pukas noted the lot foot print can be 40% coverage and he is proposing 24%. They can not build a smaller home and still make the project worth the cost and effort thereby reducing the value of the property and creating a hardship.

Jerry B asked where the snow storage was proposed; Mr. Pukas stated it is indicated on the site plan. This plan is being modified to better use the snow storage and the landscaping.

Mr. Simon Dixon, London England, owner of the property, stated he is excited at the prospect of owning in Minturn but does not want to upset the Town. This house is a nice home and would be a positive addition to the town.

Hearing no public comment the Public hearing was closed.

**Council comments:**

Shelley asked where the residences adjacent to the property are; to the south. Snow storage should not be against the neighbor's property. Mr. Sullivan stated this will be an asphalt shingle cold roof system in order to better hold the snow on the building. Most of the snow will be landing on the owner's property.

Matt S. asked what size smaller house could be built; Chris C. state he did not have the numbers but could it be done, yes. Matt S. stated that just because you want a big home and the lot does not work with that does not mean a hardship on the owner.

Discussion ensued on the code itself and how the Town is not consistent in application and changes should be addressed. Additionally hillside building should be addressed in the Code. However to change the code now would not fit the current development time line.

The Council discussed options to proceed on this. Chris C. noted and distributed a modified Resolution to approve the variance if the Council chooses.

Motion by Lorraine H., second by Shelley B., to approve Resolution 54 – Series 2008 a Resolution approving VAR 08-03 as presented; all voted in favor, Matt S. no. (Motion passes 4-1). *(Note: Mayor Hawkeye Flaherty and Mayor Pro Tem George Brodin were absent excused)*

Allen C. noted that membership on several committees need to be appointed. The following appointments were made:

- George Brodin is the current representative and Aggie M. was appointed as the second member to the Enterprise Committee.
- Shelley B. is the current representative on the Rail Road Committee; Lorraine H. will be the second member to the Rail Road Committee.
- Red Cliff Committee appointment will be Shelley B.

## FUTURE AGENDA ITEMS

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

#### **Start the 9/3 meeting at 5pm**

- Records Management discussion – Work Session – Brunvand – 9/3/08
- Snow Removal and Snow Dump Policy – Work Session – 9/3/08
- Housing guidelines – Suiter – 9/3/08
- Chapter 16 Work Session – Cerimele – 9/17/08

**15. Set Future Meeting Dates**

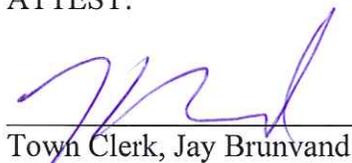
- a) Council Meetings
  - September 17
  - October 1
  - October 15
  
- b) Planning & Zoning Commission Meetings
  - August 27
  - September 10
  - September 24
  
- c) Other
  - Town Clean-Up Day – 9/13/08

**16. Adjournment**

Motion by Shelley B., Second by Lorraine H., to adjourn at 8:30pm; all voted in favor. *(Note: Mayor Hawkeye Flaherty and Mayor Pro Tem George Brodin were absent excused)*

  
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Mayor Hawkeye Flaherty

ATTEST:

  
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Town Clerk, Jay Brunvand

MShelly/lorraine

