



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

**Wednesday October 15, 2008**  
**Work Session – 5:00PM**  
**Regular Session – 7:00 PM**

**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

When addressing the Council, please state your name and your address for the record prior to providing your comments. Please address the Council as a whole through the Mayor. All supporting documents are available for public review in the Town Offices – located at 302 Pine Street, Minturn CO 81645 – during regular business hours between 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding holidays.

**Work Session – 5:00pm**

- Update and direction from Council regarding Recreation Center architect selection – Suiter
  - Greenplay Consulting (30min)
- 2009 Budget Review/questions – Brunvand (90min)

**Regular Session – 7:00 PM**

**1. Call to Order**

- a. Roll Call
- b. Pledge of Allegiance

Mayor Hawkeye Flaherty called the meeting to order at 7:10 p.m. Those present included Matt Scherr, Aggie Martinez, Jerry Bumgarner, Lorraine Haslee, Mayor Hawkeye Flaherty and Mayor Pro Tem George Brodin and Shelley Bellm.

Staff present included Interim Town Administrator Gary Suiter, Town Treasurer/Clerk Jay Brunvand, Deputy Clerk Carrie Kendall, Planner Victor Villarreal, Planner1 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 Aggie M., to approve the agenda as presented: all voted in favor

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

- October 1, 2008 – Regular Council Meeting

Motion by Jerry B., second by George B., to approve the Council minutes from October 1, 2008 as presented; all in favor.

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

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

Ms. Liz Campbell, 512 Main St., is requesting to be added to a future agenda regarding the potential snow and ice shed due to approval of building adjacent to her yard (502 ½ Main St). Ms. Campbell stated the project is 5 feet from the setbacks and she has issues with construction debris. Ms. Campbell states that the roof is pitched towards her property. Town (Building) Inspector has stated that no debris should fall onto her property. Ms. Campbell states that she has 2 children and they have had a hammer fall onto her property in proximity to her children – later on the same day a measuring tape fell into her yard as well. She is concerned about her children playing out in her yard and their safety. She states that she wants a solution and answers and is asking for safety fence.

Lorraine H. would like to see on a future agenda. Gary S. noted the long history with Ms. Campbell. Gary S. will meet with Ms. Campbell to see if issue can be remedied prior to Nov 5 meeting.

### **6. Emergency Items, if necessary.**

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

Dana Zuetell has resigned his position as Administrative Assistant. The Town thanks him for his service.

Cemetery has requested to share funding for utility installation costs. Gary S. noted that the copies of the cemetery minutes have a lot of information for review.

The Phase II River Restoration project will be done by the end of this month. A tour of the project will be conducted by staff on Friday (10/17/08) at 9 am. Council is invited to participate in the tour if desired and should plan on meeting at the Town Center at 9am on Friday morning.

Update on the I-70 freeway corridor meeting: Goal is enhancing safety and creating a healthy environment.

There was a meeting on Tuesday (October 14<sup>th</sup>) at the Town Center in regards to the new parking guidelines for Main St. The meeting was televised and went well. Matt S. asked if there are any changes that had come out of the meeting; Gary S. said changes will come from the Council but suggestions will be taken into account. Some suggestions are not viable for the town to enforce. The plan will need some work and they will be addressed by Council as they occur. Staff will provide a map to Council to clarify these changes. Letter from Kirby Cosmos received today and placed in Council's boxes regarding their problems with the policy change.

The Town has received a proposal for a land lease: The request is to stage trucks on the north side of Town across the North Bridge. Gary S. is requesting direction from the Council as to whether Council wants to entertain revenue sources such as this prior to pursuing the request further with the applicant. Possible revenue of 7\$ per square foot for an acre North of Town. Aggie M. did not like the idea of the added congestion and does not approve. Shelley B. is concerned about the impact environmentally to the town, dust, noise, and would like to know what kind of financial benefit could be realized. She felt that it would need to be significant. Lorraine H., Jerry B. and George B. want to look into the bridge to see if infrastructure was needed. Hawkeye noted that the Lafarge lease ending in 2010 would be a negative impact to the income. Direction to staff to continue to bring proposals to Council and they will look at them.

Hawkeye commended Lisa Osborne and staff for the good results of a Police Department recordkeeping audit that occurred last week.

Presentation regarding drainage solution for houses below street grade...regarding the Meek Ave drainage issues. Rob Singer and Matt Hoover, Jacobs, Carter, Burgess Engineering, 707 17<sup>th</sup> St. Denver, Co. addressed the Council. Matt H. presented an aerial photo of the Meek Ave. area and [provided suggestions to mitigate the drainage problem. Possible solutions: build a curb and gutter to direct water, install a speed bump-like berm to divert the water, rotomill the road down to original grade and rebuild the roadway, or install a concrete pan to direct water. The economical feasibility is a major consideration. We could lower the road but not cost effective and street is still in good shape. Concrete pan would cost more but be more durable especially with plowing because plowing might catch a speed bump. Shelley B. questioned the investment since the streets might be replaced soon due to the money that will be coming in from Ginn in the long term. Rod C. stated annually they have been using sandbags to redirect the water flow

adding the situation is only bad for about 1 month. Hawkeye asked about a catch-basin and suggested upgrading the existing inlet prior to installing a catch-basin which gets clogged easily. Shelley B. stated that the whole area is suffering from this issue and diverting down Boulder is problematic. Direction was to proceed with an asphalt berm system as proposed.

#### **8. Town Council Comments (10 Min)**

Shelley B. updated Council regarding the bus service costs. She has spoken to Eco Transit and cost was \$580 annually...25 parents from the Ski and Snowboard school are willing to contribute \$250 to the bus service. States that this will benefit not only the ski kids but will also be for the other students and will not really extend the route. Matt interjected that he believed that the cost was a lot higher. There was question as to whether the Town can contribute the other half. Will benefit the traffic at 5:30. Matt wants to get with Eco and get definitive figures. Matt wants letter defining what we are getting. Lorraine wants to see if ski school can cover this but it's a service to the middle school as well. This is a separate program but public school issue. Staff directed to make phone call and obtain letter from Eco Transit.

Matt stated that Eco Transit is still not fully staffed. They are eliminating one loop during the day...one of the less full routes. We are still paying the same price but losing service. They could still add more to the schedule but are deciding on a printed schedule now.

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

#### **9. Discussion/Action: 2009 Budget: First Public Hearing and Council Comments – Brunvand – 10/15/08 – Brunvand (30min)**

Hawkeye opened the Public Hearing.

Discussion ensued regarding the necessity of a 6mo reserve. Council questioned whether that included any Ginn work; Jay B. replied that it did not other than reimbursable staff time. The policy is based on the fact that the majority of our revenue stream is contingent on Property and Sales tax receipts which can be variable and cyclical. Shelley B. recommended we boost Enterprise Fund revenue without increasing water use fees. Citizens are encouraged to contact the town if they have further questions.

Hearing no further comment, the Public Hearing was closed at 8:12 p.m.

#### **10. Discussion/Action: Update and Direction from Council regarding Recreation Center Architect selection – Suiter (30min)**

Gary S. informed the Council that Guy Patterson and Chris C. and himself have checked the references and considered proposals. Gary S. stated that he was tied between the two firms. Guy P. contacted 6-7 people and references stated that all 3 firms are excellent. One common issue that was noted is that pools are hard to do at altitude.

Sink Combs Dethlef has better communication with towns. Guy P. stated that he had attended the most recent Great Outdoors Colorado meeting to ask if they had match grant money that could be used in this type of project; GOCO only awards grants based on open space and trails.

Lorraine H. asked if we should really choose the architect before we know where the project will be located. Gary S. asked for direction from Council. He said we need to get a release of funding from Ginn. Allan C. noted that there may be a gesture of good will from Ginn to release funds now before the Final Development Plan is finalized.

Matt S. likes Sink Combs Dethlefs

Aggie M. likes Barker Rinker Seocat...seen it and likes their work at Gypsum.

Shelley B. likes Sink Combs Dethlefs because they might work better with small community

Hawkeye F. prefers Barker Rinker Seocat

Lorraine H. prefers Sink Combs Dethlefs...felt that they did their homework

George B. and Jerry B. prefer Barker Rinker Seocat

Official direction from the Council is to pursue negotiations with Barker Rinker Seocat. Regarding feasibility consultants...both are good firms and we need to see about the fit and feel. Council indicated that Ken Ballard is who they would prefer to work with—heavy involvement requested. Hawkeye wanted to emphasize that the site should be master planned, even if it means bringing in planners.

**11. Discussion/Action: – Regarding direction on clarifying and making more complete the character area use tables of Title 16, MMC – Villarreal (20 minutes)**

Victor V. stated he is seeking direction to amend a portion of MMC title 16. The Town did not make changes during the recodification due to expected amendments. Victor V. noted that this is a housekeeping issue. Our current use tables don't include residential uses. Currently the Town Staff can't entitle residential issues as code stands now.

Old code: basic residential uses are outlined. New code: South Town character area has no residence uses outlined.

Staff directed to start to the process to get uses back in the code. Victor V. stated that staff suggests to add uses to the existing tables for now.

1st reading will be Nov 5, 2008, the 2nd reading will be Nov 19, 2008.

**EXECUTIVE SESSION**

**12. Executive Session – pursuant to Section 24-6-402(4)(b) and (e) concerning Battle Mountain Final Development Plan application for the purposes of receiving legal advice on specific legal questions and determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators – Mitchell/Christensen (15min)**

Motion by Jerry B. second by Shelley B. to convene in Executive Session pursuant to Section 24-6-402(4)(b) and (e) concerning Battle Mountain Final Development Plan application for the purposes of receiving legal advice on specific legal questions and determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators; all voted in favor.

Motion by Shelley B., second by Jerry B. to reconvene to regular meeting; all voted in favor.

No direction was given as a result of the Executive Session.

Council discussed briefly the parking plan and concepts that arose from the Tuesday Community Meeting. Gary S. fielded the questions and concerns and advised that Council would be kept abreast of the issues.

## FUTURE AGENDA ITEMS

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

- 2009 Budget: Second Public Hearing and Council comments including review of outside funding requests and consideration of corresponding Budget Ordinances on First Reading – Brunvand – 11/5/08 Council Meeting – (30min)
- Ordinance 17 - Series 2008 (First Reading) an Ordinance establishing limits for construction – Christensen/Cerimele - 11/5/08 Work Session and Council Meeting – (30min)
- Presentation from Eagle River Fire Protection District regarding Impact Fees – Suiter – 11/19 Worksession (45min)
- Presentation from Eagle River Water and Sanitation District and Eagle County Economic Council (Don Cohen) regarding Housing – Suiter – 11/19 Worksession (45min)
- 2009 Budget: consideration of Budget Ordinances on Second Reading – Brunvand – 12/3/08 Council Meeting – (30min)

### **14. Set Future Meeting Dates**

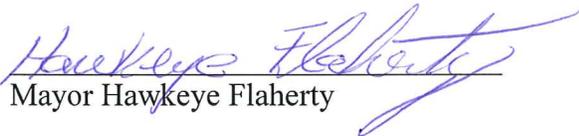
- a) Council Meetings
  - November 5
  - November 19
  - December 3
  
- b) Planning & Zoning Commission Meetings
  - October 22
  - November 12
  - December 10

c) Other

- October 16 Joint Minturn/Red Cliff meeting – Jerry B. and Shelley B. only
- Minturn/Red Cliff/Eagle County meeting on Monday, Oct 20, 2008 at 6 p.m. at Red Cliff presentation on Sustainable Initiative for 2010 – Posted Meeting

**15. Adjournment**

Motion by Shelley B., second by George B. to adjourn at 9:52 pm; all voted in favor.

  
Mayor Hawkeye Flaherty

ATTEST:

  
Town Clerk, Jay Brunvand

