



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

Wednesday November 5, 2008

Work Session – 5:30PM

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

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 – 5:30pm

- Policy discussion of Ordinance 17 - Series 2008 (First Reading) an Ordinance establishing limits for construction – Christensen/Cerimele (30min)

NOTE: Council directed staff to not pursue this ordinance at this time. Ordinance was considered dead.

- Water Fee discussion – Brunvand/Cordova/Suiter (30min)
- Planning Update – Policy Process for Permitting and Nuisance Letters – Villarreal (15min)

Regular Session – 7:00 PM

1. Call to Order

- a. Roll Call

Mayor Hawkeye Flaherty called the meeting to order at 7:05 p.m. Council present included Mayor Hawkeye Flaherty, Matt Scherr, Aggie Martinez, Shelley Bellm, Lorraine Haslee, Tem George Brodin and Shelley Bellm. *(Note: Jerry Bumgarner was tardy excused arriving at 7:42 p.m.)*

Staff present was Interim Town Administrator Gary Suiter, Town Treasurer/Clerk Jay Brunvand, Deputy Clerk Carrie Kendall, Director of Planning Victor Villarreal, Planner Chris Cerimele and Town Attorney Allen Christensen

b. Pledge of Allegiance

STANDING ITEMS

2. Approval of Agenda (5 min).

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

- Request by Council to move Item 14 (Campbell issues subcommittee) to the Executive session.

Motion by Shelley B., and Second by George B., to approve the agenda as amended: all voted in favor.

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

- October 15, 2008 – Regular Council Meeting
- Action Item Memo

Motion by George B., second by Aggie M., to approve the Council Minutes from October 15, 2008 as presented; all in favor. *(Note: Jerry B. was not present for vote.)*

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

- Introduction and Swearing In of Officer Ryan Ware

Chief Martinez introduced Ryan Ware to the Town and Council. Officer Ware started November 1 as the Town's newest police officer. Mayor Hawkeye Flaherty swore in Officer Ware and presented him with his badge.

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

Pete Vance, 251 Main St. Minturn, CO.

Mr. Vance addressed the Council in regards to providing housing for our staff specifically our Police Officers. Council informed him that is one of their goals. Mr. Vance also requested help in regards to having people parking in his driveway. He stated that his existing driveway is not specifically designated as his parking area and he wanted to know what he needed to do to make this an actual driveway. Victor V. offered to take care of this issue on a Staff level.

Mr. Frank Lorenti, 1081 Main St. Minturn, CO

Mr. Lorenti wanted to address the speeding issue in Town. He requests a future spot on agenda for this. Mr. Lorenti noted that Council was lenient in regards to speeding and he requested a vote of Council to either control or not control the speeding issue.

Hawkeye stated that it was a misconception that we have a tolerance for speeding and that the Town has a zero tolerance for speeding especially in regards to children and school buses. Hawkeye stated that the Town has never told the Police Department to be lenient to speeding vehicle. Direction from Council is that Mr. Lorenti not be put on a future agenda for this item as his issues were addressed directly.

Mr. Lorenti also asked about the issue of water rates; Hawkeye stated to Mr. Lorenti that currently there will be no raise in the water rates for the FY2009. Mr. Lorenti stated that he does not appreciate the flat fee (commercial rate) that he pays. Hawkeye stated that the Town is attempting to live on what we are given and is sympathetic to the citizen's issues.

Mr. Lorenti also questioned the future tax incentives that were promised due to the Ginn annexation. He questioned what the town is doing with the Mill Levy income from Ginn. Jay B. replied that currently that Town will receive \$19,985 in FY2009 in tax collections directly related to the Ginn property taxes.

Mr. Lorenti questioned Ginn's contributions and the potential pay raise of the Town's employees. He was told that revenues are offsetting the current expenses. Mr. Lorenti wanted to know what the Town is doing to better the lives of townspeople. Hawkeye F. stated he could have a copy of the budget for his review.

6. Emergency Items, if necessary

7. Town Administrator's Report (10 Min)

Gary S. offered thanks to sponsors that helped make the Halloween celebration a success. He also gave thanks to the Police department, specifically Lisa Osborne and other volunteers including Sheila Rojas, Lisa's daughter Tabitha, Carrie Kendall, and Kerry Donovan from the Minturn Community Fund. Due to the donations of A-Peak Asphalt, Steam Master, Gallegos, Wal-Mart, City Market, Safeway and Arrigoni Woods, the Town was able to give treats to over 650 trick-or-treaters, the seniors and to the toddlers at Pooh Corner Daycare. After donations, the Town's total costs were \$1.05.

The new Parking plan worked well on the first night it was tested. Because of the new plan CDOT was able to plow thoroughly and it helped the Town staff to be able to perform work on

other roads in Town. Gary S. thanked the community that moved their cars and stated that compliance was great. The goal is to be effective in clearing the snow for the residents.

Additional issue on Gary S. report: residents have encroached into the public right of way with landscaping or barriers. The Town will be contacting these offenders/property owners. In some situations a survey might be necessary to confirm property lines.

No public snow dump will be happening this year in Town. Commercial snow plower's have been dumping in the Town piles and incurring costs to the Town to remove these piles. The Town will be meeting with these contractors in the near future to discuss this issue. It is against the code to push snow off into the street or into the Town's temporary snow piles and is unfair to residents who pay to dump snow or keep their snow on their property.

Staff has been meeting with MRBA in regards to parking plan. Gary S. stated that the 2 hour parking plan will be implemented in stages.

Meek Ave drainage improvements: Staff has had several suggested remedies. Town had approved an asphalt berm but there were complaints about that method. There seemed to be no solution that satisfied all the residents. Council is concerned that we have not solved the problem. Hawkeye suggested meeting with the residents. Shelley B. stated that we can't hurt one resident to help another. One suggestion is that we could pay more attention to timely removal of the snow pack this winter. Current plans cost are: \$11K to do a concrete pan- or \$3K to do an asphalt berm. Gary S. stated that the Town needs a more comprehensive solution.

River Restoration is now complete—re-vegetation will take place in the summer after the runoff is complete. Staff toured the project and noted that fish were visible in the river.

Staff is currently in the process of negotiating a contract with Barker, Rinker, Seacat Architects and has requested monies for the preliminary work to be released from escrow by Ginn.

The appraisal of the Forest Service Boneyard property is delayed but moving forward. Forest Service also stated that they are attempting to clean up the Forest Service Boneyard

Eco Bus issue: Total cost proposed for the Town is \$260. This is half of the cost of adding extension of Eco bus service line to the Minturn Middle school once a day. The Ski school is covering the other half. Staff suggests approval as this could help alleviate traffic during evening rush hour.

Motion by Shelley B. and second by Lorraine H. to approve funding for the Minturn Middle School bus service in the amount of \$260 for 2009; all voted in favor. (*Note: Jerry B. was not present for vote.*)

8. Town Council Comments (10 Min)

Shelley B. and Jerry B. met with the Red Cliff Town Council. Red Cliff is concerned about the water storage reservoirs owned by Ginn that are directly above the Town of Red Cliff. Shelley B. would like to see what the Town can do to alleviate this concern.

Lorraine H.—Vail Recreation District is interested in being consulted in regards to the Town's future Recreation Center plan. Council suggested meeting with the Eagle Vail Recreation district.

Aggie M. presented a request for citizen, Steve Pena who has been in the hospital for the last 6-8 months. Mr. Pena has had his feet amputated and wanted to know if the Town could help out with a donation for his hospital bill. Gary S. noted that it is difficult for government to donate directly and that perhaps the Minturn Community fund could be of help. Donations can be made to the Steve Pena fund at Wells Fargo Bank in Avon or Edwards.

DISCUSSION, HEARINGS AND ACTION ITEMS

9. Discussion/Action: 2009 Budget: Second Public Hearing and Council comments including review of outside funding requests – Brunvand – (30min)

Jay B. noted that changes have been made according to Council's direction at the previous meeting on October 15, 2008.

The Public hearing was opened by Hawkeye F. to review outside funding requests for the 2009 budget.

Mr. Don Cohen, Executive director of Eagle Valley Home Store, 25 Mill Loft., Edwards, CO. Mr. Cohen requested funding for support for 2009 for the amount of \$2000. The Town of Vail gave them \$15K last year but will not be giving any money for this coming year. Gypsum, Avon and Eagle will provide some funding specifically for the HomeStore. Mr. Cohen noted that affordable housing is still needed even in the difficult financial times and that affordable housing is still selling even in the difficult economic climate.

Matt S. inquired about how many staff the HomeStore will have...Mr. Cohen replied that there will be 4, including Don and this will be possible staffing of volunteer to take care of Saturday needs. The phone is 926-7899—website will be www.valleyhomestore.org.

The Town has added this to the budget in the amount of \$2000 and if the budget passes this will be approved.

Ms. Jay Raiola, owner of My Mountain Realty, president of Minturn Red Cliff Business Association. Ms. Raiola is requesting funding for a printed business directory. She showed samples and feels that they have a partnership with the Town and that's why they have asked for funding. They are low on funds and this will be beneficial to the Town and act as a guide for

locals and tourists alike. The target date for publishing is this winter. Aggie M. was concerned about giving for several years but Ms. Raiola noted that she hopes that they will be able to stand on their own soon. Gary S. noted that since the demise of the Town Economic Development Department, The MRBA has backfilled the duties of the empty Economic Development position.

(Note: Jerry B. arrived at 7:42pm.)

The Town has added this to the budget in the amount of \$2000 and if the budget passes this will be approved.

No other requests. Public hearing closed 8 pm

10. Discussion/Action: Ordinance 19 – Series 2008 (First Reading) – An Ordinance Creating a Supplemental Appropriation to the 2008 Town of Minturn Budget – Brunvand (10 Min)

Jerry B. questioned the ICMA contribution (Employee retirement account). It is currently funded at 8% and has never changed. The employee contribution is currently elective but can be changed. Jerry B. questioned how much that amounted to. Jerry B. felt that the Town might need to adjust this as all Towns are cutting their budgets. The Council questioned whether matching contributions would be an option. Shelley B. stated that most municipalities do not require matching.

Council directed staff to research the possible reduction of the employee benefits. Jerry B. felt that the costs associated with the employee salary and benefits were too high. Matt S. stated that this may be the cost of keeping employees. Council requested a benefit analysis to compare costs.

Jerry B. would like to see money moved from the General fund to the Enterprise Fund so that we will not need to increase water rates. It was noted that Council had directed previously in the Worksession to not increase the water rates for the FY2009.

Motion by George B., Seconded by Jerry B., to approve Ordinance 19 – Series 2008 (First Reading) amending the 2008 budget as set forth in the following Exhibit “A”, to authorize necessary interfund transfers and recognize additional General Fund Revenues in the amount of \$529,750.00 and appropriating General Fund Expenditures of \$230,644.00, and appropriating Enterprise Fund Expenditures of \$15,150.00, and recognizing additional Building Fund Revenues in the amount of \$18,500.00, and appropriating additional Building Fund Expenditures of \$18,500.00, and recognizing additional Market Fund Revenues in the amount of \$56,750.00, and appropriating additional Market Fund expenditures in the amount of \$11,500, and appropriating additional Capital Fund revenues of \$144,700.00, and appropriating additional Capital Fund Expenditures of \$26,850.00; all voted in favor.

11. Discussion/Action Item – Ordinance 20 – Series 2008 (First Reading) – An Ordinance Setting the General Property Tax Mill Levy for the Town of Minturn 2009 – Brunvand (10 Min)

Motion by Hawkeye F., Seconded by George B. to approve Ordinance 20 Series 2008 (First Reading) an Ordinance levying General Property Taxes for the year 2009 to meet operating costs of government for the Town of Minturn, Colorado for the 2009 Budget Year; all voted in favor.

12. Discussion/Action Item – Ordinance 21 – Series 2008 (First Reading) – An Ordinance Adopting and Recognizing the Town of Minturn’s 2009 Revenues and Expenses by Fund – Brunvand (10 Min)

Motion by Matt S., seconded by Aggie M. Motion to approve Ordinance 21 – Series 2008 (First Reading) an Ordinance recognizing revenues, appropriating expenditures, approving transfers and adopting the Town of Minturn budget for the period beginning on the first day of January 2009 and ending on the last day of December 2009 on First Reading; all voted in favor. .

13. Discussion/Action Item – Ordinance 18 – Series 2008 (First Reading) an Ordinance repealing the character area use tables in Title 16 of the Minturn Municipal Code (Tables 16-1 through 16-9) and replacing them with more complete tables containing residential uses – Villarreal (10 minutes)

Motion to approve by George B. and seconded by Shelley B., to approve Ordinance 18 – Series 2008 (First Reading) an Ordinance amending the Town of Minturn Municipal Code by revising Chapter 16, repealing all Character Area Use Tables within Chapter 16 (Tables 16-1 Through 16-9) and replacing them with revised use tables containing residential uses; all voted in favor.

14. Discussion/Action Item – Campbell Issues Sub-Committee – Flaherty (15min)-item moved to executive session

No discussion or action was taken on this item.

EXECUTIVE SESSION

15. 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 – Flaherty/Christensen (15min)

Motion by Shelley B., second by Hawkeye F., 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. Executive Session adjourned at 8:55 p.m.

Regular session resumed at 8:57 p.m.

No action or direction was given to staff as a result of the Executive Session. Council noted that a sub-committee for the Campbell's will not be formed.

There was a brief discussion regarding the Fire District's upcoming proposal on impact fees. Council agreed that they would like to hear the presentation.

Matt S. mentioned consideration of a "Dark Sky" lighting ordinance. Council agreed to discuss at an upcoming meeting in December or January.

FUTURE AGENDA ITEMS

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

- Presentation from Eagle River Fire Protection District regarding Impact Fees – Suiter – 11/19/08 Worksession (45min)
- Presentation from Eagle River Water and Sanitation District, Eagle County Economic Council (Don Cohen), and Town of Vail (Nina Timm) regarding Housing – Suiter – 11/19/08 Worksession (45min)
- Presentation, meet and discussion with Dr. Smyser, Eagle County School District Superintendent – Suiter – 11/19/08 Regular Meeting (30min)
- Minturn Recreation Center Council Action – Suiter – 11/19/08 Regular Meeting (10min)
- Ordinance 19 – Series 2008 (Second Reading) – An Ordinance Creating a Supplemental Appropriation to the 2008 Town of Minturn Budget – Brunvand – Brunvand – 12/3/08 Council Meeting – (10min)
- Ordinance 20 – Series 2008 (Second Reading) – An Ordinance Setting the General Property Tax Mill Levy for the Town of Minturn 2009 – Brunvand – 12/3/08 Council Meeting (10 Min)
- Ordinance 21 – Series 2008 (Second Reading) – An Ordinance Adopting and Recognizing the Town of Minturn's 2009 Revenues and Expenses by Fund – Brunvand – 12/3/08 Council Meeting (10 Min)
- Matt S. mentioned consideration of a "Dark Sky" lighting ordinance. Council agreed to discuss at an upcoming meeting in December or January.

17. Set Future Meeting Dates

- a) Council Meetings
 - November 19
 - December 3
 - December 17
- b) Planning & Zoning Commission Meetings
 - November 12

- November 26 (Canceled)
- December 10

c) Other

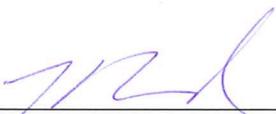
18. Adjournment

Motion by Jerry B. Second by Aggie M. to adjourn the meeting at 9:06 p.m.; all voted in favor.



Mayor Hawkeye Flaherty

ATTEST:



Town Clerk, Jay Brunvand

