



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

Wednesday December 3, 2008

Executive Session – 5:00 PM

Work Session – 5:45 PM

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

Regular Session – 5:00 PM

1. Call to Order

a. Roll Call

Mayor Hawkeye Flaherty called the meeting to order at 5:02 p.m. Council present included Mayor Hawkeye Flaherty, Matt Scherr, Aggie Martinez, Shelley Bellm, Lorraine Haslee, Tem George Brodin, Shelley Bellm and Jerry Bumgarner.

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

EXECUTIVE SESSION

2. Minturn Town Council will convene into executive session:

Note: Council will recess Regular Meeting for the Work Session and then reconvene after the Work Session at 7:00pm for the continuation of the Regular Meeting.

- Pursuant to Colorado Revised Statutes (CRS) §24-6-402 (4)(b) to consult with Town Attorney Anne Castle for the purpose of receiving legal advice on status of Water Court and environmental proceedings and provide instructions to attorneys for negotiations

Motion by Shelley B., second by George B., to convene in Executive Session pursuant to Section 24-6-402(4)(a) and (e) for the purposes of receiving legal advice on status of Water Court and environmental proceedings and providing instructions to attorneys for negotiations and to receive an update on pending legal matters the Town is engaged in regarding Invest In Yourself vs. Town of Minturn; all voted in favor.

Work Session – 5:45pm

- Discussion of Water Rates, Employee Bonuses, and Employee Insurance Benefits – Suiter (45min)

Direction was to award a \$1000 bonus to those employees with tenure of more than one year and a monthly prorated bonus to those less than one year and to bring back the employee insurance and benefit discussion during a future Worksession for further discussion.

- Planning Department Update – Villarreal – Moved to Administrator's Report
- Discussion of Eagle River Fire Protection District proposed Impact Fees – Scheduled for next Council meeting

Regular Session – 7:00 PM

3. Discussion/Action or Direction to Town Manager and Town Attorneys from the Executive Session.

Meeting called back to regular session at 7:10 p.m. No direction was given as a result of the Executive Session.

STANDING ITEMS

4. Approval of Agenda

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

Items from Work Session moved to next meeting (Employee Insurance Benefits, Eagle River Fire Protections District proposed Impact Fees)

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

5. Approval of Minutes and Action Report

- November 19, 2008 – Regular Council Meeting

Motion by George B., seconded by Shelley B., to approve the Council Minutes from November 19, 2008 as presented; all in favor.

6. Special Presentation/Individual Introductions/Citizen Recognition/Project Update - None

7. Public comments on items, which are NOT on the agenda (5 minute time limit per person). No public comments were received.

8. Emergency Items, if necessary - none

9. Town Administrator's Report

Gary S. addressed Council about a meeting that was held with private snow plow contractors. He noted that the meeting covered the Town's goals and provided education involving the new snow plowing and removal plan. The intention was to work with the contractors and it was noted that businesses and large property owners need to do their part in regard to their snow storage. Access and use of the Town's snow dump will be allowed for those contractors who are licensed with the Town. An agreement will be drawn up with specific terms. The idea is for Minturn snow to go into the Minturn snow dump.

Shelly B. questioned a specific lot in town and made note of potential issues that may occur with the current plan of private snow dumping on private property and potential flooding issues that may arise.

Questions were raised by Council regarding the lack of snow plow coverage by Public Works crews over the past Thanksgiving weekend. Gary S. reported that he had met with the Public Works Director, Rod Cordova in regards to the current policy of 3" of overnight snow accumulation prior to mobilization of the snow plows. Council stated that the side streets need to be addressed and that the streets should have been plowed over the weekend. It was noted that Main St. looked great but the rest of town was lacking adequate coverage. Gary S. said he would follow up with Rod Cordova.

Gary S. reported that the purchase was completed on a used dump truck.

He also reported that the Laserfiche records retention program was installed, and that Xcel energy filed with the Colorado Public Utilities Commission for a rate increase which would add up to a potential increase of 8%, to go into effect possibly the middle of next year.

Victor V. addressed Council during the Administrator's Report as this item was moved from the Work Session. Victor V. provided an outline for the new Community Plan process, including current and future status. A number of plan goals and objectives have already been established but a timeline is needed for these goals to be completed. Planning Commission will be provided with an overview of the Plan and a draft Executive Summary on December 10. A meeting on January 7, 2008 will be held to receive Council's input on these same items. Victor V. stated that two community meetings will be conducted in February to verify that the current Community Vision, goals and objectives are still valid. Assuming everything goes smoothly, community input will be integrated into the Executive Summary, and on March 4 he will present an Executive Summary of the Community Plan to Council for their endorsement. This endorsement will be important as the Executive Summary will serve as the basis for the development of the action plans for each element of the Community Plan during the following 6 to 9 months.

Victor V. presented an overview of possible future amendments to the Minturn Municipal Code (MMC). He noted that the current code book, in some areas is lacking detail, contains unclear processes and that his goal is to make the Code more complete, consistent and clear for staff and community members. The possible amendments will be discussed with Planning Commission at the December 10 meeting, and on Jan 7, Staff will bring to Council requesting formal direction to make the amendments.

Matt S. commented that there had been poor turnout by residents historically at community Meetings. Victor V. stated that he will work with staff to develop a community outreach plan to ensure as much community participation as possible.

Gary S. reminded Council that the Community Plan was one of Council's goals and that to be able to address this goal in-house will prove to be a huge cost savings over outsourcing the project.

Lorraine H. asked for an update regarding the 1071 Main St. nuisance declaration from the last Council meeting. Chris C. noted that a letter was sent giving the resident 2 weeks to fix the remaining issue but that it had not been repaired at the time of the meeting. Council stated that if the residents are not in compliance by the given date then it will be brought back to Council for formal action.

10. Town Council Comments

Matt S. announced that his organization was moving into the Two Elk Building and noted that they needed an additional tenant. He also pointed out that Minturn is in the December, 2008 issue of *Sunset Magazine*.

Hawkeye noted that Comcast has added major league baseball to channel 420.

DISCUSSION, HEARINGS AND ACTION ITEMS

11. Discussion/Action Item – Ordinance 19 – Series 2008 (Second Reading and Public Hearing) – An Ordinance Creating a Supplemental Appropriation to the 2008 Town of Minturn Budget – Brunvand

Public hearing opened to comment...no comment and public hearing closed. No discussion

Motion by George B., Seconded by Matt S., to approve Ordinance 19 – Series 2008 (Second 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 \$536,259.00 and appropriating General Fund Expenditures of \$316,785.00, and appropriating Enterprise Fund Expenditures of \$18,580.00, and recognizing additional Building Fund Revenues in the amount of \$29,935.00, and appropriating additional Building Fund Expenditures of \$18,500.00, and recognizing additional Market Fund Revenues in the amount of \$60,100.00, and appropriating additional Market Fund expenditures in the amount of \$12,600, and appropriating additional Capital Fund revenues of \$144,700.00, and appropriating additional Capital Fund Expenditures of \$26,850.00. All voted in favor.

12. Discussion/Action Item – Ordinance 20 – Series 2008 (Second Reading and Public Hearing) – An Ordinance Setting the General Property Tax Mill Levy for the Town of Minturn 2009 – Brunvand

Public hearing opened for comments, no comments and public hearing closed.

Lorraine H. asked about typical mill levy for Colorado, Jay B. replied that it differs by district and the information is available from Eagle County for comparison if requested.

Motion by George B., seconded by Aggie M., to approve Ordinance 20 Series 2008 (Second 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.

13. Discussion/Action Item – Ordinance 21 – Series 2008 (Second Reading and Public Hearing) – An Ordinance Adopting and Recognizing the Town of Minturn’s 2009 Revenues and Expenses by Fund – Brunvand

Public hearing opened for comment, no comments and public hearing closed. Hawkeye asked if there were any changes to the budget. Jay B. noted that the budget reflected the changes that had been requested by council.

Motion by George B., Seconded by Hawkeye F., to approve Ordinance-21 – Series 2008 (Second Reading) An Ordinance Adopting and Recognizing the Town of Minturn’s 2009 Revenues and Expenses by Fund. All voted in favor.

14. Discussion/Action Item – Ordinance 23 – Series 2008 (Second Reading and Public Hearing) – An Ordinance amending Chapter 7 of the Town of Minturn Municipal Code by repealing and re-enacting Article 9 as it pertains to animal control within the Town of Minturn, Colorado – Christensen

Public hearing opened for comment, no comments from the public.

Staff noted that changes included a 10 foot leash, demonstrable voice control of the animal, and deletion of the fee schedule.

Motion was made by Matt S., seconded by Shelley B., to approve Ordinance 23 – Series 2008 (Second Reading) an Ordinance amending Chapter 7 of the Town of Minturn Municipal Code by repealing and re-enacting Article 9 as it pertains to animal control within the Town of Minturn, Colorado. All voted in favor.

15. Discussion/Action Item – Ordinance 24 – Series 2008 (Second Reading and Public Hearing) – An Ordinance creating the Town of Minturn General Improvement District, Town of Minturn, County of Eagle, Colorado; and providing other details relating thereto – Christensen

Allen C. stated that this needed to be tabled until the December 17, 2008 Council meeting.

Motion made by Shelley B., seconded by Jerry B., to table to the December 17, 2008 meeting, Ordinance 24 – Series 2008 (Second Reading) An Ordinance creating the Town of Minturn General Improvement District, Town of Minturn, County of Eagle, Colorado; and providing other details relating thereto. All voted in favor.

16. Discussion/Action Item – Ordinance 25 – Series 2008 (Second Reading and Public Hearing) Amend Chapter 10 of the Minturn Municipal Code as it pertains to Open Containers – Christensen

Allen C. noted that there were no changes since the first reading.

Public hearing was opened for comment; there were no comments by the public.

Motion made by Shelley B., seconded by Jerry B., to approve Ordinance 25 – Series 2008- Amend Chapter 10 of the Minturn Municipal Code as it pertains to Open Containers. All voted in favor.

17. Discussion/Action Item – Resolution 56 – Series 2008 A Resolution setting and approving fees for the Town of Minturn, Colorado effective January 1, 2009 – Brunvand

Victor V. addressed the Council regarding the current building permit fees and some changes that may be made in the future. He gave a brief overview of formulas currently being used for

the formulation of fees and noted that the numbers don't necessarily keep up with the surrounding area. He gave comparisons for Eagle County's figures and had spoken to their building officials and had been advised that their rates will be going up as well. It was noted by Victor V. that Minturn is the cheapest jurisdiction in the Valley and stated that it is not necessarily a good thing. Shelley B. requested more time to get more information from Staff and recommended that the Town cover their costs via a "New Construction" permit fee.

Hawkeye F. questioned the costs associated with the inspections, it was noted by Victor V. that the fee is intended to cover the many hours required for building inspections. Currently, Minturn has a contractor for inspection services.

Aggie M. questioned if the tap fees had gone up and it was noted by Jay B. they had remained the same.

Motion by Shelley B., seconded by George B., to approve Resolution 56 – Series 2008, A Resolution setting and approving fees for the Town of Minturn, Colorado effective January 1, 2009. All voted in favor.

FUTURE AGENDA ITEMS

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

- Continuation of Employee Benefits discussion – Suiter - 12/17/08 Worksession
- Eagle River Fire Protection Impact fees – Suiter - 12/17/08 Worksession
- Consideration of a "Dark Sky" lighting ordinance - December or January-Work session
- Executive Session (Boots Ferguson) – 12/17/08 90 minutes
- Extension of Interim Town Administrator's contract – 12/17/08

19. Set Future Meeting Dates

a) Council Meetings

- December 3
- December 17
- January 7, 2009

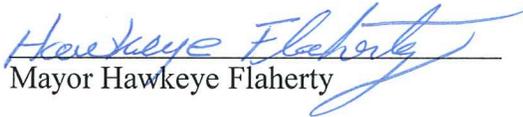
b) Planning & Zoning Commission Meetings

- November 26 (Canceled)
- December 10
- December 24 (Canceled)
- January 14, 2009

c) Other

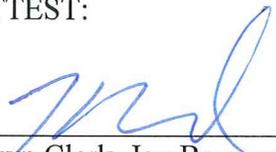
20. Adjournment

Motion by Aggie M. Second by Shelley B. to adjourn the meeting at 8:28 p.m. All voted in favor.



Mayor Hawkeye Flaherty

ATTEST:



Town Clerk, Jay Brunvand

