



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

Wednesday March 19, 2008
Work Session – 6:00PM
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:

Jerry Bumgarner
Bill Burnett
Tom Sullivan
Kelly Brinkerhoff
Shelley Bellm

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 – 6:00PM

- **Town Engineering Standards – Cerimele/Rob Singer**

Regular Session – 7:00 PM

1. Call to Order

- a. Roll Call
- b. Pledge of Allegiance

Mayor Hawkeye called the meeting to order at 6:07P.M. Roll call: Those present included Mayor Hawkeye Flaherty, Mayor Pro Tem George Brodin, Tom Sullivan, Shelley Bellm, Kelly Brinkerhoff and Jerry Bumgarner (*Note: Bill B. and Tom S. were absent/excused*)

Staff present were; Interim Town Administrator Gary Suiter, Town Planner Chris Cerimele, Police Chief Lorenzo Martinez, Town Treasurer/Clerk Jay Brunvand, Deputy Clerk/AR Dylan Zastrow and Town Attorney Allen Christensen.

STANDING ITEMS

2. Minturn Town Council will convene into executive session: (60 Min.)

- Pursuant to Colorado Revised Statutes (CRS) § 24-6-402 (4) (b) to consult with Town Attorneys Allen Christensen, Arthur "Boots" Ferguson and Anne Castle for the purpose of receiving legal advice in pending water court litigation, and to receive legal advice on the motion to reconsider ordinances 1-11, series 2008 annexing property to the Town of Minturn submitted by Battle Mountain Corporation, a Florida Corporation

Motion by George B, second by Shelley B, to convene into executive session pursuant to Colorado Revised Statutes (CRS) § 24-6-402 (4) (b) to consult with Town Attorneys Allen Christensen, Arthur "Boots" Ferguson and Anne Castle for the purpose of receiving legal advice in pending water court litigation, and to receive legal advice on the motion to reconsider ordinances 1-11, series 2008 annexing property to the Town of Minturn submitted by Battle Mountain Corporation, a Florida Corporation; *all voted in favor (Note: Bill B. and Tom S. were absent/excused).*

3. Discussion/Action or Direction to Town Manager and Town Attorneys from the Executive Session (5 Min.)

Direction to the attorney is to proceed with the water court negotiations and litigations.

4. Approval of Agenda (5 min).

- a. Items to be pulled or added
- b. Order of the Agenda Items

Hawkeye: Add consideration of a motion to reconsider ordinances 1-11, series 2008 annexing property to the Town of Minturn submitted by Battle Mountain Corporation, a Florida Corporation, on March 17, 2008 as item #17 on the agenda.

Motion by Shelley B, second George B, to approve the March 19, 2008 Council Meeting Agenda as amended; *all voted in favor (Note: Bill B. and Tom S. were absent/excused).*

Rob Singer - Jacobs, Carter and Burgess; 707 17th Street Denver, CO: He gave a quick overview of the Town Engineering Standards which has been tabled from this Town Council Work Session until the scheduled April 16, 2007 Town Council Meeting as another work session. Conversation ensued for questions of clarification for Council Members prior to the scheduled work session.

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

- March 5, 2008

Motion by Shelley B, second by George B, to approve the, March 5, 2008 Council Meeting Minutes as Presented; *all voted in favor (Note: Bill B. and Tom S. were absent/excused).*

- Action Item Memo

Shelley B: When will the Council have a work session to review the changes for the re-codification of the Minturn Municipal Code?

Guy Patterson – Timberline Consultants: We are going over the final changes to Chapter 16 and 17 next week. I believe all the other changes are fine tuned at this point. I will be out of town for the April 2, 2008 Council Meeting so I will not be able to attend a work session then.

Gary S: Lets schedule a work session for the May 7, 2008 Town Council Meeting; All Council present agreed.

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

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

8. Discussion/action of Emergency Items, if necessary

9. Discussion Item - Town Administrator's Report (10 Min)

Gary S: He is meeting with Maren Lanci to discuss terms of managing the Minturn Market. He would like some feed back from Council regarding a Council Candidates open forum and wants to know if the Staff should proceed with that.

Shelley B: The Seniors held the candidates open forum last election. You should call Pat Nolan.

Gary S: I have spoken to Mrs. Nolan and asked if they wanted Council or Staff to speak to the seniors regarding the Ginn Annexation. I will send out an e-mail and Council can respond to when the best time would be and who would like to be in attendance.

There are also a few miscellaneous items in the manager's report. The Public snow dump is full, business licenses are coming along and a few other items. He was then open for questions from Council.

10. Discussion Item - Town Council Comments (10 Min)

Jerry B: He wanted to address the citizens and tell them that the Council voted all in favor of the annexation. There are citizens out there who are starting up a petition to send the annexation vote to a referendum. I urge you not to sign the petition but if you do and it goes to a vote you do not have to vote to repeal it. The Council has worked on the annexation for 2 ½ years and we feel we have a better handle on the issue. Please be careful of what you sign.

George B: I stand in full support of what Council Member Bumgarner has stated.

Shelley B: I want to thank the citizens who have called and asked the questions they don't feel they had answered during the annexation process. I urge you to continue to ask these questions. I would like to clear up some items. The Town has no intention to condemn people's property for the ECO Trail through Town that will not happen. I urge you to read the fine print on the petitions and don't hesitate to ask Council for clarification.

Kelly B: The Council Board is in agreement that this is a good project for the Town of Minturn. The thought that if the citizens vote no on a referendum that Ginn will come back and reapply isn't true. If the applicant came back the process would be the same as it was before. If you think the County will do a better job and create less density that is a big maybe. I wouldn't vote for a big maybe on this project. There is no positive way to tell that

they would lessen the density. We as a Town need to be in charge of our future not another municipality or the County. I urge you not to sign the petitions.

Allen C: I would like to state that if the project would come back to the bargaining table after a no vote on the referendum the charter states it cannot come back for at least 6 months if repealed.

Hawkeye: I strongly recommend citizens do not sign the petitions. We, the people the Citizen's have elected, have already voted on it. If it is overturned it would be detrimental to the Town. If you vote no this possibly puts the project in someone else's hands. If you think it won't happen you are wrong. This development will happen sooner or later. We made the best deal possible and the Town will benefit from this project.

Also, the election is on April 8th. I will be running for Mayor along with Council Member Shelley Bellm. Jerry B. and George B. are re-running for Council as well as two new people, Matt Scherr and David Clapp.

DISCUSSION, HEARINGS AND ACTION ITEMS

11. Discussion/Action Item – Reconsider Funding Request for Non-Profit Organization in 2008 – Brunvand (10 Min.)

Shelley B: I recall the Council requesting this agenda item being brought back when the Town has funding for these requests and I don't think we have the funding as of right now. I suggest we revisit this when the Town has the money.

Hawkeye: I am under the understanding that we have salary funding from the applicant that we could free up for something else such as these funding requests.

Gary S: I have been working with the applicant on bridge funding for salaries and we have 30 days to submit a proposal. Jay has worked it out and found after the audit that it was still a debt year. I suggest that if the Council can see a benefit from funding these then we find the money if not we should wait to see what funding will come available in the near future.

Shelley B: It is concerning to me that we spend money when we don't have it considering it was a deficit year in 2007. The Town has financial problems right now and if the citizens repeal the annexation we will be put in an even tighter place.

Jerry B: I agree, we should revisit the funding requests later when we know where we stand financially as a Town.

Kelley B: I would like to see what we could do with the economic development salary to work with other non-profits to bring events into the Town.

Gary S: That salary came from 2 sources, the Minturn Market Revenue and the sponsorships sought out by Ashley K. I believe the sponsorships equated to approximately \$45k a year. I would like to look into using some of the funds generated by the sponsorship for that salary to pay Staff to support the events company with the Minturn Market. Our goal is to get out of the events business except for the Minturn Market and the 4th of July Celebration event, as recommended by the former Economic Development Director, Ashley King.

Motion by George B, second by Shelley B, to move this agenda item to the May 21, 2008 Town Council Meeting; *all voted in favor (Note: Bill B. and Tom S. were absent/excused).*

12. Discussion/Action Item – Ordinance 13 – Series 2008: (Second Reading) An Ordinance Amending Chapter 2 of the Minturn Municipal Code By Repealing and Re-Enacting Section 2-52 Establishing and Providing Compensation for The Town Council and The Mayor of The Town of Minturn, Colorado – Christensen (10 Min.)

Hawkeye: He introduced the Ordinance and reviewed the compensation as being paid per month and per every additional non – regular council meeting.

Jerry B: I believe that the Council Members should be compensated \$200 per month and the Mayor \$400 per month and for each additional posted meeting the Council shall be compensated \$100 per meeting and the Mayor \$200 per meeting after the 2 regular monthly meetings.

Allen C: I believe this is the best way to do it to avoid punitive measures. Council was in agreement.

Motion by Jerry B, second by George B, to approve Ordinance 13 – Series 2008: (Second Reading) An Ordinance Amending Chapter 2 of the Minturn Municipal Code By Repealing and Re-Enacting Section 2-52 Establishing and Providing Compensation for The Town Council and The Mayor of The Town of Minturn as Amended from the first reading, to read Council Members will be compensated \$200 a month with a \$100 compensation for each posted meeting after the regular 2 monthly meetings and the Mayor will be compensated \$400 per month and \$200 for each posted meeting after the regular 2 monthly meetings; *all voted in favor (Note: Bill B. and Tom S. were absent/excused).*

13. Discussion/Action Item – Resolution 22 – Series 2008: A Resolution Appointing Election Official for the April 8, 2008 Election – Brunvand (5 Min.)

Hawkeye: He introduced the Resolution and read the names of the election judges.

Motion by Shelley B, second by Kelly B, to approve Resolution 22 – Series 2008: A Resolution Appointing Election Official for the April 8, 2008 Election; *all voted in favor (Note: Bill B. and Tom S. were absent/excused).*

14. Discussion/Action Item – Resolution 23 – Series 2008: A Resolution Appointing a Town Planning Commissioner – Christensen/Cerimele (5 Min.)

Hawkeye: Introduced the Resolution and stated there are two positions to fill. One, Ernie Glesner's retired seat that will be for the remainder of the term and another open seat that will be held for 2 years. He noted for the record that Michael Boyd withdrew his application and named the 4 applicants.

1. Christy Bloodworth
2. Kelly Toon
3. Michael Gallagher
4. John Rosenfled.

He then gave them all a chance to speak to the Council Board prior to a vote.

Christy Bloodworth 232 Main St.

My term has terminated as of 6 months ago. I have lived here for many years, don't plan on going anywhere and would still like to serve the community. I am open to either of the 2 current appointments.

Hawkeye: He thanked her for her time on the board.

Kelly Toon – 531 Main St:

I have been in the valley since 97 and have lived in Minturn for 4 years. I enjoy this valley and love living in Minturn. My educational background is Architecture. I have been involved in urban planning and currently do construction. My college thesis was dealing with a hypothetical ski town and I think this would help with the Ginn annexation. I am very interested in down town urban revitalization and a more pedestrian friendly town.

Michael Gallagher – 475 Pine St.

I have lived here for 35 years. I have a sense of history of this Town and what people want to preserve. I have some municipal experience. I believe the Planning Commission can play a major role in preserving this history and I would like to be a part of that. I believe the land use the town currently has adopted, even though it is being worked on, need serious help.

Motion by Jerry B, second by Shelley B, to approve Series 2008: A Resolution Appointing a Town Planning Commissioner to fulfill the remainder 1 year in Mr. Glesner's term; Michael Gallagher.

15. Discussion/Action Item – Resolution 24 – Series 2008: A Resolution Appointing a Town Planning Commissioner – Christensen/Cerimele (5 Min.)

Motion by Kelly B, second by Jerry B, to approve Resolution 24 – Series 2008: A Resolution Appointing a Town Planning Commissioner; Christy Bloodworth.

16. Discussion/Action Item – Consideration of Extension of Interim Town Administrator's Contract – Suiter (10 Min.)

Hawkeye: The extension for the interim Town Administer position would be through June 30, 2008. If the Council hires someone else before that contract date we will send you on your way?

Gary S: Yes.

Motion by Jerry B, second by George B, to approve an extension of the Interim Town Administrator's Contract; *all voted in favor (Note: Bill B. and Tom S. were absent/excused).*

17. Discussion/Action Item – Reconsider Ordinances 1-11; Series 2008 Annexing Property to the Town of Minturn Submitted by Battle Mountain Corporation, a Florida Corporation, on March 17, 2008 – Christensen (10 Min.)

Allen C: Under Colorado Law adopted by the Town Charter where you can ask the Town Council to repeal an Ordinance that has been adopted and that is by submitting a referendum petition. This submission doesn't meet the requirements of the Colorado Revised Statutes (CRS) or Minturn Municipal Charter Section 3. It has been reviewed and Jay will be submitting a letter of rejection of this form. This will be entered into the record and any member who voted on the Ordinances can make a motion to reconsider it if desired.

Not a Council person present wanted to make a motion to reconsider approval of Ordinances 1-11; Series 2008.

Hawkeye: This discussion/action item dies considering a lack of a motion.

Motion by Jerry B, second by Shelley B, to move the Regular Town Council Meeting to be held on April 2, 2008 at 7:00 P.M. to Monday April 7, 2008 at 7:00 P.M.

FUTURE AGENDA ITEMS

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

19. Set Future Meeting Dates

- a) Council Meetings
 - April 2
 - April 16
 - May 7

- b) Planning & Zoning Commission Meetings
 - March 26
 - April 9
 - April 23

- c) Other

20. Adjournment

Motion by George B, second by Jerry B, to adjourn the March 19, 2008 Town Council Meeting at 8:23 P.M.; *all voted in favor (Bill B. was absent/excused).*

Hawkeye Flaherty, Mayor

ATTEST:

Jay Brunvand, Town Clerk