



MEETING OF THE • MINTURN TOWN COUNCIL
Minturn Town Center, 302 Pine Street • Minturn, CO 81645 • (970) 827-5645
March 5, 2008
Regular Session – 5:30PM

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

Regular Session – 5:30 PM

1. Call to Order

- a. Roll Call
- b. Pledge of Allegiance

Mayor Hawkeye called the meeting to order at 5:35P.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. was 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.

EXECUTIVE SESSION

2. Minturn Town Council will convene into executive session: (1.5 Hours)

- Pursuant to Colorado Revised Statutes (CRS) §24-6-402 (4)(b) to consult with Town Attorney
- Allen Christensen for the purpose of receiving legal advice on CU 07-08 for applicant Minturn One, LLC and;

- Pursuant to Colorado Revised Statutes (CRS) §24-6-402(4)(f) for the purpose of discussing Town personnel matters.

Motion by Jerry B, second by George B, to convene into Executive Session Pursuant to Colorado Revised Statutes (CRS) §24-6-402 (4)(b) to consult with Town Attorney Allen Christensen for the purpose of receiving legal advice on CU 07-08 for applicant Minturn One, LLC and Pursuant to Colorado Revised Statutes (CRS) §24-6-402(4)(f) for the purpose of discussing Town personnel matters.

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

Direction to the Town Administrator is to research the ideas presented in the executive session.

7:00 PM

STANDING ITEMS

4. Approval of Agenda (5 min).

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

Hawkeye: We need to amend the agenda by adding Resolution No. 21 – Series 2008 a Resolution Excusing Absence of Council Member Bill Burnett as item #12a. on the agenda.

Motion by Shelley B, second George B, to approve the March 5, 2008 Council Meeting Agenda as amended; *all voted in favor (Note: Bill Burnett was absent/excused).*

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

- February 20, 2008

Motion by Kelly B, second by Shelley B, to approve the, February 20, 2008 Council Meeting Minutes as presented; *all voted in favor (Note: Bill B. was absent/excused)*

- February 27, 2008

Jerry B: On page 20 of the packet; the spelling of Matt's last name needs to read Scherr.

Motion by Jerry B, second by Shelley B, to approve the, February 27, 2008 Council Meeting Minutes as amended; *all voted in favor (Note: Bill B. was absent/excused)*

- Action Item Memo

Hawkeye: We need to add to the action item memo the budgeting of Staff as well as the Staff organizational structure.

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 Suiter: There is not much news on the executive search. We currently have a list of 7 possible candidates on hold right now and will have interviews in April after the elections have occurred.

We had a snow meeting organized by Chief Martinez and Rod. C. because there have been issues with snow removal this year. There were great suggestions from the attendees and they include:

- Improve design review process and code requirements for snow storage for development and redevelopment
- More on-site snow storage
- On-street parking restrictions and enforcement (for snow removal)
- Education of homeowners to improve understanding of their responsibility and code requirements (like not putting snow in the public right – of – way)
- Better communication and collaboration with private contractors and with CDOT

Hopefully the meeting and these ideas will result in an improved and more effective snow removal system next winter.

In my report I have included an update for the possible acquisition of the USFS parcels. We sent a letter to the forest service supervisor stating the Town's interest in acquiring the parcels. Our new solid waste program with Vail Honeywagon started today with a few glitches.

Jay B: Things went well today with minor concerns that were expected.

Gary S: We also had people call who had their Waste Management trash can picked up but didn't have a trash can delivered by Vail Honeywagon. These people were not on our list of who were being billed for the solid waste disposal service and now we can bill them.

Jay B: There is a printable schedule on the website for their recycling pick ups.

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

Jerry B: I have spoken to a few residents who have complained about pulling on to Main St. from a side street. They state there is a problem with snow build up on the corner of some streets as well as people parked too close to the corners, which both obstruct their view of on coming traffic.

Hawkeye: Citizens have complained about the side walk on Boulder Street by "not a park". There are times after a snow fall that the sidewalk is not accessible thus requiring citizens to walk in the street. There is also snow build up on some other sections of side walks on the south end of Town that need to be addressed. Also, I received in the mail that the USFS notifying the public of a public comment period on the environmental statement for a proposed 2 hut build up on Jones Gulch. You may contact Dave Van Norman of the Holy Cross Ranger Station for further questions.

Kelly B: The board will be holding a Special Council meeting on Tuesday March 11th @ 7pm in the Town Council Chambers to have an open public forum to inform the public about the Ginn annexation.

Shelley B: This is an opportunity for citizens to come ask questions that they thought weren't answered during the public hearing as well as ask Council Members on their positions. She thanked the residents of the Town for supporting the Council on their decision.

DISCUSSION, HEARINGS AND ACTION ITEMS

11. Discussion/Action Item – A Public Hearing will be held for file CU 07-08 (Conditional Use) and to consider Resolution 6 – Series 2008. Minturn One, LLC is seeking Conditional Use approval for a 34-unit condominium building in the South Town Character Area – Cerimele (30 Min.)

Hawkeye: He introduced the public hearing on file CU 07-08.

Tom S: He recused himself because he spoke at the Planning Commission meeting regarding this public hearing.

Chris C: This is a continuance of the public hearing on CU 07-08 held on February 6, 2008 at the regular Town Council meeting. To my knowledge nothing has changed in their proposal.

Bruce Chapman – Attorney for Minturn One, LLC:

We spent a lot of time on the details at the last meeting so I am not going to review the entire project again. I would like to focus on the comments from the previous meeting. Council mentioned it would be better if we could reduce some of the density of the project. The next day I received a call from the Planning Staff Town Attorney informing me that the Council members stated that the only way this will be approved would be a single family home or a duplex. That gave the applicant a couple options; abandon the multiplex or move on with single family homes or duplexes.

We thought to abandon this after all the money spent and time that wasn't an option. We decided to come back and seek Council approval as it was previously presented.

We believe that the proposal of the project follows all the requirements of the Minturn Municipal Code. My Client spoke to Mr. Woodruff of the Planning Commission and he stated he thought it would be no problem to get the project approved. We also have met informally with Staff and other Commission Members and they believed this was a good project. At the first public hearing at the Commission meeting they liked the project but they wanted larger patios for the first floor residents and we agreed with them, the project had approval from the Commission at that meeting. At the second meeting they decided that the project is too dense and doesn't fit the character of the area. I do not believe this process is right. We did what we were asked and the project was denied. The project conforms to all the technical aspects the planning Staff requires as interpreted by the Minturn Municipal Code. He then went through all the criteria that the Planning Staff agreed that the project meets. The Council and Commission believe that the project doesn't meet criteria number 4:

- The effect upon the character of the area in which the proposed use is to be located, including the scale and bulk of the proposed use in relation to surrounding uses, the amount of noise, lighting and glare, dust and compatibility of the use with the character area it is in and surrounding areas.

The Town has the right to control what type of development happens in the Town. They also need to figure out what criteria the projects need to meet in order to be approved. This project follows all the criteria of the code and I urge the Council to approve this project as presented.

Hawkeye: He opened the public comment portion of the public hearing on CU 07-08. There was no public comment.

The Council had no questions of the applicant.
Hawkeye: He closed the public hearing.

There was no question to Staff by the Council.

Kelly B: I think it was pretty clear the way the Council felt about the project at the last meeting. The commission could approve the project as well the Staff could recommend approval but Council doesn't have to approve the project. We are trying to make the best decision for the Town at this point. The applicant decided to continue to obtain a conditional use for this project regardless of what the Commission, Staff and Council stated in the past. She then quoted the findings in the Minturn Municipal Code for denial of this project.

Motion by Kelly B, second by George B, to deny Resolution 6 – Series 2008. Minturn One, LLC is seeking Conditional Use approval for a 34-unit condominium building in the South Town Character Area; *all voted in favor (Note: Bill B. was absent/excused)*

Mr. Chapman: We are at a loss for what to do on this project and land. We have spent time with Staff and the Commission on this project and have addressed their concerns. The code addresses conditional use for multi family buildings and we followed the Town's code. Your Planning Staff stated approval of the project would be for a duplex or single family on this property, is that correct.

Hawkeye: We cannot pre-approve anything as a quasi judicial board. I recommend considering the reasons the project was denied and try and meet the character of the area and what the code states.

Chris: Use by rights would approve single family or duplex by Commission approval only and not Council approval.

12. Discussion/Action Item – Ordinance 13 – Series 2008: 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.)

Shelley B: Can the structure of payment be changed to Council Members being paid by meeting attendance and not bi-monthly. When you have 6 meetings in a row the compensation isn't quite what it should be. I think we should try and change the structure of the code to allow this. This is just the beginning of having meeting after meeting and I foresee many more meetings regarding the Ginn Annexation. I believe Council Members should be paid for each posted Council Meeting.

Jerry B: If someone fills a seat after the resignation of a Council member who still has 2 years left on their term do they get the restructured compensation?

Allen C: I will have to double check but I don't believe they would get the compensation. Also for clarification any changes to the Council Member compensation would apply to only Council Members elected at the next election and not current board members with more time on their terms.

Motion by Tom S, second by Hawkeye, to approve Ordinance 13 – Series 2008: 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; to reflect the compensation for Council Members compensation as \$75 and Mayor \$150 per posted Council Meeting; *all voted in favor (Note: Bill B. was absent/excused).*

12a. Discussion/Action Item – Resolution No. 21 – Series 2008 a Resolution Excusing Absence of Council Member Bill Burnett

Motion by Tom S, second by Shelley B, to approve Resolution No. 21 – Series 2008 a Resolution Excusing Absence of Council Member Bill Burnett; *all voted in favor (Note: Bill B. was absent/excused).*

FUTURE AGENDA ITEMS

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

- Reconsider Funding Request for Non-Profit Organizations in 2008 – 3/19/08

14. Set Future Meeting Dates

- a) Council Meetings
 - March 19
 - April 2
 - April 16
- b) Planning & Zoning Commission Meetings
 - March 12
 - March 26
 - April 9
- c) Other

15. Adjournment

Motion by Jerry B, second by Shelley B, to adjourn the March 5, 2008 Town Council Meeting at 7:55 P.M.; *all voted in favor (Bill B. was absent/excused).*

Hawkeye Flaherty, Mayor

ATTEST:

Jay Brunvand, Town Clerk