



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

Wednesday April 16, 2008
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
Matt Scherr
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

Reception for Outgoing and New Council Members – 6:00pm
(Refreshments will be served)

Regular Session – 7:00 PM

1. Call to Order

- a. Roll Call
- b. Pledge of Allegiance

Mayor Hawkeye called the meeting to order at 7:01 P.M. Roll call: Those present included Mayor Hawkeye Flaherty, Mayor Pro Tem George Brodin, Matt Scherr, Shelley Bellm, Tom Sullivan and Jerry Bumgarner (*Note: Bill B. and Kelly Brinkerhoff were absent/excused*)

Staff present were; Interim Town Administrator Gary Suiter, Police Chief Lorenzo Martinez, Town Treasurer/Clerk Jay Brunvand, Deputy Town Clerk/AR Dylan Zastrow 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

Hawkeye: We need to amend the agenda by adding Resolution 40 – Series 2008; a Resolution excusing the absence of Council Member Bill Burnett as item # 24a. on the agenda.

Motion by Jerry B, second by George B, to approve the April 16, 2008 Council Meeting Agenda as amended; *all voted in favor (Note: Bill B. and Kelly B. were absent/excused).*

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

- April 7, 2008

Motion by Shelley B, second by George B, to approve the, April 7, 2008 Council Meeting Minutes as presented; *all voted in favor (Note: Bill B. and Kelly B. were absent/excused).*

- Action Item Memo

4. Liquor License

- Minturn Country Club Restaurant Liquor License Annual Review; 131 Main St, Joseph Honnessy/Thomas Ricci – Owner's – Brunvand (5 Min).

Hawkeye introduced the liquor license renewal for the Minturn Country Club

Jay B: This is an annual renewal for the Minturn Country Club. Chief Martinez's Report is in the packet with the application. We have both seen no problems in the past with the establishment and liquor licensing. Staff recommends approval.

Motion by Jerry B, second by Shelley B, to approve the Minturn Country Club Liquor License Annual Renewal; *all voted in favor (Note: Bill B. and Kelly B. were absent/excused).*

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

Bill Groshart 475 Main St. Minturn, CO 81645:

I would like Council to take a look on street parking on Main St. as well as the rules pertaining to recreational vehicles parking on Main St. I have a nuisance in front of my house and this guy is playing games by moving it from one side of the street to the other in order to not get ticketed. I think recreational vehicles should be parked at residential places not on the Town's streets. Please review and change the Ordinance so people like this are not able to just find loopholes in the laws.

Hawkeye: Council will look into the rules and regulations pertaining to parking.

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

7. Discussion/action of Emergency Items, if necessary

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

Gary S: He introduced a few items in his report.

- Bears are coming out of hibernation and Staff is working on getting information out to the Citizens to minimize human and bear interactions. There are three major ways to minimize those interactions.
 1. Keep your trash secured in facilities or bear proof dumpsters or new trash cans.
 2. Take down and put away or raise out of bears reach all bird feeders and or any other wildlife feeders.
 3. Keep your home secure so bears do not enter kitchens.

These steps will help minimize human/bear interactions and conflicts.

- Ginn Funding: Ginn, in accordance with the annexation agreement and water service agreement, has deposited \$600,000 in Town controlled accounts for the Minturn Scholarship fund and Little Beach Park Improvement Fund. As well Ginn has deposited another \$11,000,000 in Escrow Accounts for the Bike Trail and Recreation Center. The Town cannot access them until after the May 20th election. If the annexation is not approved then the funds will be returned.
- USFS: White River National Forest is delaying some campground openings and may close others for the season due to hazards from beetle killed trees falling in the campgrounds. One area affected in the Holy Cross District is the Gold Peak campgrounds.
- Town Council Orientation: We are putting together a Council Member notebook for all Council Members. We will also have a tour of the Town facilities once the snow has melted. Also, Staff is recommending a ½ day retreat with Council to greet the new members and revisit Council Goals from the last retreat.
- Nuisance: We have organized an effort to address this issue on the big ticket items and documenting them now to start enforcing once the snow begins to melt. This will be held in conjunction with clean up day to minimize the cost for the citizen's to remove these items. Staff is giving the residents in violation until June 1, 2008 to comply with the requests and MMC.

Shelley B: Have we found any information about Eagle County Citizens and free dumping at the landfill?

Dylan Z: I spoke to the Eagle County Landfill and instead of having a mass cluster on one single clean up day as they have in the past they have set up a program where Eagle County Residents can present two pieces of identification (such as a driver's license and a utility bill), obtain a card that allows the resident to dump up to 1,600 pounds of waste and 4 tires

throughout the year. Residents can go to the landfill onsite office at anytime and receive the card.

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

Tom S: I want to thank the citizen's for letting me represent them for the past 4 years. I think the board did a great job with the Ginn annexations and I encourage the Town Citizen's to support the annexation and get out and vote for it. I have strong qualities and one is negotiations and knowing a great deal. We got a great deal with this annexation process. \$180 Million dollars is unprecedented and we got it. Please educate yourselves, there is a lot of misinformation out there. This annexation is important for the Town's future.

George B: The registration to vote on these ballot questions deadline ends in about 3 days. I encourage everyone to register and vote.

Hawkeye: I was at a meeting with other communities discussing high water and discussed the issues with CDOT about the debris at the entrance to town. I told them we would have PW and the Town work with them if there is a major issue and how we can work together with CDOT at a mutual effort.

Also I would like to thank Tom for his service to the Town and say that he has done an exceptional job. I respect him and his job on the board. The decision by the board on the Ginn annexation was in the sole interest of the Town and the benefits.

DISCUSSION, HEARINGS AND ACTION ITEMS

10. Discussion Item – Swearing in of the Newly Elected Town Council Members – Quinn (30 Min).

Honorable Terrance Quinn – Minturn Municipal Judge:

We will begin with the swearing in of the Mayor. Hawkeye repeated the oath and was sworn in as Mayor of Minturn.

Mr. Quinn then swore in new Council Member Matt Scherr.

Matt Scherr: Repeated the oath and was sworn in as a Council Member of the Town of Minturn.

Mr. Quinn then swore in incumbent Council Member George Brodin:

George B: Repeated the oath and was sworn in as a Council Member of the Town of Minturn.

Mr. Quinn then swore in incumbent Council Member Jerry Baumgarner.

Jerry B: Repeated the oath and was sworn in as a Council Member of the Town of Minturn.

Hawkeye: The next item is to appoint the Mayor Pro Tem and I nominate George B. to remain on this board as the Mayor Pro Tem.

Motion by Hawkeye, second by Jerry B, to approve George Brodin as the Mayor Pro Tem for the Minturn Town Council Board; *all voted in favor (Note: Bill B. and Kelly B. were absent/excused).*

11. Discussion/Action Item – Resolution 26 – Series 2008 A Resolution to Fix Ballot Title for Referendum Petition Concerning Ordinance 1 – Series 2008 –Christensen (5 Min).

Hawkeye introduced the resolution and read it by ballot title.

Motion by George B, second by Jerry B, to approve Resolution 26 – Series 2008 A Resolution to Fix Ballot Title for Referendum Petition Concerning Ordinance 1 – Series 2008; *all voted in favor (Note: Bill B. and Kelly B. were absent/excused).*

12. Discussion/Action Item – Resolution 27 – Series 2008 A Resolution to Fix Ballot Title for Referendum Petition Concerning Ordinance 2 – Series 2008 –Christensen (5 Min).

Hawkeye introduced the resolution and read it by ballot title

Motion by Jerry B, second by Shelley B, to approve Resolution 27 – Series 2008 A Resolution to Fix Ballot Title for Referendum Petition Concerning Ordinance 2 – Series 2008; *all voted in favor (Note: Bill B. and Kelly B. were absent/excused).*

13. Discussion/Action Item – Resolution 28 – Series 2008 A Resolution to Fix Ballot Title for Referendum Petition Concerning Ordinance 3 – Series 2008 –Christensen (5 Min).

Hawkeye introduced the resolution and read it by the ballot title

Motion by Jerry B, second by George B, to approve Resolution 28 – Series 2008 A Resolution to Fix Ballot Title for Referendum Petition Concerning Ordinance 3 – Series 2008 *all voted in favor (Note: Bill B. and Kelly B. were absent/excused).*;

14. Discussion/Action Item – Resolution 29 – Series 2008 A Resolution to Fix Ballot Title for Referendum Petition Concerning Ordinance 4 – Series 2008 –Christensen (5 Min).

Hawkeye introduced the resolution and read it by the ballot title

Motion by Jerry B, second by Shelley B, to approve Resolution 29 – Series 2008 A Resolution to Fix Ballot Title for Referendum Petition Concerning Ordinance 4 – Series 2008; *all voted in favor (Note: Bill B. and Kelly B. were absent/excused).*

15. Discussion/Action Item – Resolution 30 – Series 2008 A Resolution to Fix Ballot Title for Referendum Petition Concerning Ordinance 5 – Series 2008 –Christensen (5 Min).

Hawkeye introduced the resolution and read it by the ballot title

Motion by George B, second by Jerry B, to approve Resolution 30 – Series 2008 A Resolution to Fix Ballot Title for Referendum Petition Concerning Ordinance 5 – Series 2008; *all voted in favor (Note: Bill B. and Kelly B. were absent/excused).*

16. Discussion/Action Item – Resolution 31 – Series 2008 A Resolution to Fix Ballot Title for Referendum Petition Concerning Ordinance 6 – Series 2008 –Christensen (5 Min).

Hawkeye introduced the resolution and read it by the ballot title

Motion by Hawkeye, second by Shelley B, to approve Resolution 31 – Series 2008 A Resolution to Fix Ballot Title for Referendum Petition Concerning Ordinance 6 – Series 2008; *all voted in favor (Note: Bill B. and Kelly B. were absent/excused).*

17. Discussion/Action Item – Resolution 32 – Series 2008 A Resolution to Fix Ballot Title for Referendum Petition Concerning Ordinance 7 – Series 2008 –Christensen (5 Min).

Hawkeye introduced the resolution and read it by the ballot title

Motion by Matt S, second by Shelley B, to approve Resolution 32 – Series 2008 A Resolution to Fix Ballot Title for Referendum Petition Concerning Ordinance 7 – Series 2008; *all voted in favor (Note: Bill B. and Kelly B. were absent/excused).*

18. Discussion/Action Item – Resolution 33 – Series 2008 A Resolution to Fix Ballot Title for Referendum Petition Concerning Ordinance 8 – Series 2008 –Christensen (5 Min).

Hawkeye introduced the resolution and read it by the ballot title

Motion by George B, second by Jerry B, to approve Resolution 33 – Series 2008 A Resolution to Fix Ballot Title for Referendum Petition Concerning Ordinance 8 – Series 2008; *all voted in favor (Note: Bill B. and Kelly B. were absent/excused).*

19. Discussion/Action Item – Resolution 34 – Series 2008 A Resolution to Fix Ballot Title for Referendum Petition Concerning Ordinance 9 – Series 2008 –Christensen (5 Min).

Hawkeye introduced the resolution and read it by the ballot title

Motion by Shelley B, second by Hawkeye, to approve Resolution 34 – Series 2008 A Resolution to Fix Ballot Title for Referendum Petition Concerning Ordinance 9 – Series 2008; *all voted in favor (Note: Bill B. and Kelly B. were absent/excused).*

20. Discussion/Action Item – Resolution 35 – Series 2008 A Resolution to Fix Ballot Title for Referendum Petition Concerning Ordinance 10 – Series 2008 –Christensen (5 Min).

Hawkeye introduced the resolution and read it by the ballot title

Motion by Shelley B, second by Hawkeye, to approve Resolution 35 – Series 2008 A Resolution to Fix Ballot Title for Referendum Petition Concerning Ordinance 10 – Series 2008; *all voted in favor (Note: Bill B. and Kelly B. were absent/excused).*

21. Discussion/Action Item – Resolution 36 – Series 2008 A Resolution to Fix Ballot Title for Referendum Petition Concerning Ordinance 11 – Series 2008 –Christensen (5 Min).

Hawkeye introduced the resolution and read it by the ballot title

Motion by Jerry B, second by George B, to approve Resolution 36 – Series 2008 A Resolution to Fix Ballot Title for Referendum Petition Concerning Ordinance 11 – Series 2008; *all voted in favor (Note: Bill B. and Kelly B. were absent/excused).*

22. Discussion/Action Item – A Public Hearing will be held for file # CU 08-02; A Conditional Use Permit Application for a Duplex at 532 Taylor Street and to consider Resolution 37 – Series 2008 – Cerimele (10 Min).

Motion by Shelley B, second by George B, to table CU 08-02; A Conditional Use Permit Application for a Duplex at 532 Taylor Street and to consider Resolution 37 until the May 7, 2008 Town Council Meeting; *all voted in favor (Note: Bill B. and Kelly B. were absent/excused).*

23. Discussion/Action Item – A Public Hearing will be held for file # MS 08-02; A Minor Subdivision Application for Lot 8, Block D of Taylor Addition to the Town of Minturn and consider Resolution 38 – Series 2008 – Cerimele (10 Min).

Motion by Jerry B, second by Matt S, to table MS 08-02; A Minor Subdivision Application for Lot 8, Block D of Taylor Addition to the Town of Minturn and consider Resolution 38 until the May 7, 2008 Town Council Meeting; *all voted in favor (Note: Bill B. and Kelly B. were absent/excused).*

24. Discussion/Action Item – Resolution 39 – Series 2008 A Resolution Appointing Election Judges for the May 20, 2008 Special Election – Brunvand (5 Min).

Motion by George B, second by Shelley B, to approve Resolution 39 – Series 2008 A Resolution Appointing Election Judges for the May 20, 2008 Special Election; *all voted in favor (Note: Bill B. and Kelly B. were absent/excused).*

24a. Discussion/Action Item – Resolution 40 – Series 2008 A Resolution Excusing the Absence of Council Member Bill Burnett – Christensen (10 Min).

Motion by Hawkeye, second by Shelley B, to approve Resolution 40 – Series 2008 A Resolution Excusing the Absence of Council Member Bill Burnett; *all voted in favor (Note: Bill B. and Kelly B. were absent/excused).*

Jerry B: He thanked the citizens for voting him onto Council for another 4 years and hopes he can serve them well.

George B: He thanked them as well and stated he looks forward to serving the public again.

Hawkeye: He thanked them for allowing him to serve as Mayor for another 2 year term and looks forward to serving the community.

Matt S: He thanked them as well and stated he looks forward to serving the community.

FUTURE AGENDA ITEMS

25. Items to be added to future agendas work session

- Town Engineering Standards Work Session – May 7, 2008
- Re-Codification Work Session – May 21, 2008
- Reconsider Funding Request for Non-Profit Organization in 2008 – May 21, 2008
- Meeting with Bill Weber to Discuss Water and Wastewater

26. Set Future Meeting Dates

a) Council Meetings

- May 7
- May 21
- June 4

b) Planning & Zoning Commission Meetings

- April 23
- May 14
- May 28

c) Other

- Joint Meeting with ERWSD April 23, 2008 @ the Water District Office
- Special Election – May 20, 2008

27. Adjournment

Motion by Shelley B, second by Hawkeye , to adjourn the April 16, 2008 Town Council Meeting at 7:50PM *all voted in favor (Note: Bill B. and Kelly B. were absent/excused).*

Hawkeye Flaherty, Mayor

ATTEST:

Jay Brunvand, Town Clerk