



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

Monday April 7, 2008
Regular Session – 6:00PM

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

Regular Session – 6:00 PM

1. Call to Order

- a. Roll Call
- b. Pledge of Allegiance

Mayor Hawkeye called the meeting to order at 6:05 P.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 Hour)

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 on pending water court litigation and Pursuant to CRS §24-6-402 (4)(a) for the purpose of discussing Real Estate Negotiations

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 Attorneys Allen Christensen, Arthur “Boots” Ferguson and Anne Castle for the purpose of receiving legal advice on pending water court litigation and Pursuant to CRS §24-6-402 (4)(a) for the purpose of discussing Real Estate Negotiations; *all voted in favor (Note: Bill B. was absent/excused).*

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

Direction to attorneys and staff is to continue with the water court negotiations and water agreement with ERWSD and other water entities involved with the negotiations.

STANDING ITEMS

4. Approval of Agenda (5 min).

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

Hawkeye: We need to amend the agenda by adding:

- 1) Add reconsideration of Ordinance 1 – Series 2008 An Ordinance annexing to the Town of Minturn, County of Eagle, State of Colorado, Battle Mountain Annexation Parcel No. 1 as item #13
- 2) Add reconsideration of Ordinance 2 – Series 2008 An Ordinance annexing to the Town of Minturn, County of Eagle, State of Colorado, Battle Mountain Annexation Parcel No. 2 as item #14
- 3) Add reconsideration of Ordinance 3 – Series 2008 An Ordinance annexing to the Town of Minturn, County of Eagle, State of Colorado, Battle Mountain Annexation Parcel No. 3 as item #15
- 4) Add reconsideration of Ordinance 4 – Series 2008 An Ordinance annexing to the Town of Minturn, County of Eagle, State of Colorado, Battle Mountain Annexation Parcel No. 4 as item #16
- 5) Add reconsideration of Ordinance 5 – Series 2008 An Ordinance annexing to the Town of Minturn, County of Eagle, State of Colorado, Battle Mountain Annexation Parcel No. 5 as item #17
- 6) Add reconsideration of Ordinance 6 – Series 2008 An Ordinance annexing to the Town of Minturn, County of Eagle, State of Colorado, Battle Mountain Annexation Parcel No. 6 as item #18

- 7) Add reconsideration of Ordinance 7 – Series 2008 An Ordinance annexing to the Town of Minturn, County of Eagle, State of Colorado, Battle Mountain Annexation Parcel No. 7 as item #19
- 8) Add reconsideration of Ordinance 8 – Series 2008 An Ordinance annexing to the Town of Minturn, County of Eagle, State of Colorado, Battle Mountain Annexation Parcel No. 8 as item #20
- 9) Add reconsideration of Ordinance 9 – Series 2008 An Ordinance annexing to the Town of Minturn, County of Eagle, State of Colorado, Battle Mountain Annexation Parcel No. 9 as item #21
- 10) Add reconsideration of Ordinance 10 – Series 2008 An Ordinance authorizing the Mayor of the Town of Minturn, Colorado, to sign an Annexation Agreement and Vested Property Rights Development Agreement as item #22
- 11) Add reconsideration of Ordinance 11 – Series 2008 An Ordinance authorizing the Mayor of the Town of Minturn, Colorado, to sign a Water Service Agreement as item #23
- 12) Add consideration of Resolution 25 – Series 2008 A Resolution calling a Special Election for consideration of the above referenced Ordinances. This Special Election will be held on June 3, 2008 as item #24

Motion by Shelley B, second by George B, to approve the April 7, 2008 Council Meeting Agenda as amended; *all voted in favor (Note: Bill B. was absent/excused).*

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

- March 19, 2008

Hawkeye: Pg. 9 for clarification under 14 for the seat for the term not a year.

Motion by Jerry B, second by Kelly B, to approve the, March 19, 2008 Council Meeting Minutes as amended; *all voted in favor (Note: Bill B. was absent/excused).*

- Action Item Memo

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: My report has a few updates for the Council. We are continuing discussions with Resort Entertainments for management of the Minturn Market. The Market requires a long list of things that need to be accomplished and we are working with Dana, Dylan and Jay on these item. Dylan has taken over the responsibility of event sponsorships and has had success thus far. I want to thank Dylan for stepping up and taking this task on.

USFS Land Acquisition: We have contracted Edward Lumpee to obtain a survey for an estimated land value and planned to begin surveys in the middle of April. One of Mr. Lumpee's concerns was the amount of snow on the ground and with the recent snow storms this may delay the land survey.

Minturn Clean-Up Day: This will be held on Saturday May 17th. This is a great opportunity for Minturn's Citizens to clean up their neighborhoods and the unsightly messes around Town. Staff is currently working on getting letters out for the nuisance ordinance violations. I would like to set up a citizen's panel regarding nuisance ordinance violations to make sure the process is fair. We are giving citizens until June 1st to comply in order for citizens to take advantage of the Minturn Clean-Up Day.

The MMC update is progressing and a copy has been sent to Colorado code. There is also a work session set for Council in early May.

We have started round two of the executive search and have been using different media outlets for advertising since the first search.

We have also started Staff cross training in the Town Center.

Hawkeye: During the annual Minturn Clean-Up Day we usually get people to clean up and we usually fill the dumpsters and then some. So, we need to be prepared for that so we don't have to turn people away.

Tom S: I agree spending the extra money on dumpsters is well worth it.

Gary S: We will account for the excess that may happen. We will also look into having citizen's dropping their items off themselves at the dump with out being charged.

Shelley B: We need to check into when they have the free dump day and make sure that is coordinated.

Gary S: Staff will look into that.

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

Hawkeye: In March Stephen and Lisa Sprug were displaced from their house do to a house fire. They are in need of community help and support. Donations can be made at first bank here in Minturn. Please contact Chief Martinez if you have any questions at (970)827-4272

DISCUSSION, HEARINGS AND ACTION ITEMS

11. Discussion Item – United States Forest Service; Forest Health Project Update – Kerry Green/Brian Loyd (10 Min.)

Brian Loyd; USFS White River National Forest Holy Cross District Ranger:

We are here to update the Town on the Forest Health Project proposal for the area. There has been a lot of media on the Pine Beetle and here is a graph on what areas have been affected by the pine beetle epidemic. This is a known problem and not just a Colorado epidemic, it is all in the western part of the United States and Canada. There are about 6 million acres affected by this epidemic in the Western United States and about 25 million acres in British Columbia. We are only attempting to affect a small portion in this are with the Upper Eagle Beetle Salvage Project.

Kerry Green; USFS – White River National Forest Holy Cross District:

With the Upper Eagle Beetle Salvage Project we will be treating approximately 4 areas within 3 being within the proximity of the Minturn area:

1. West Grouse Creek Salvage Cell located up the West Grouse Creek Trail. The USFS is proposing approximately 30-50 acres of treatment.
2. Tigawon Road Cell containing contiguous lodge pole pines. The USFS is proposing approximately 680 acres of treatment. 55 -60 dead tree
3. No Name Cell – The USFS is proposing approximately 270 acres of treatment. 55-60 dead tree
4. Indian Creek Cell – Just north of Vail

There has been a large increase in the beetle population resulting in Lodge Pole Pine mortality. For example in West Vail we are looking at approximately 82%-85% mortality rate, West Grouse Creek is at approximately 75% mortality rate, Tigawon is at approximately 55% mortality rate as well as the No Name area. There doesn't look like an end in site and pre are predicting and approximate 90% mortality rate in the Lodge Pole Pines.

We just wanted to inform the Town of Minturn what the USFS is planning in these areas and that we would get started in the beginning on 2009 and last about 3-4 years.

Mr. Loyd: We are attempting to regenerate the forest in these areas by clearing and coning the areas.

Jerry B: What is the difference between Forest health Treatment and Forest Fuel Treatment? Will there be spraying involved?

Mr. Green: There is not going to be any spraying of the area, the pine beetle epidemic is an ecological process. Spraying is usually to protect individual trees and is not cost efficient for the projects we are proposing. Forest health is the regeneration of the forest and we are planning on speeding it up by ground disturbance that will help the lodge pole pine. We can start coning even during the cold months and they will take and grow.

Hawkeye: Will this change the fire danger in the Town's area?

Mr. Green: Over time there will be long term fuel breaks that will aid fire preventions as well we are attempting to remove some of those fuels from the forest floor for fire prevention.

Hawkeye: Will the logging roads be open to the public while the logging operations are happening?

Mr. Green: We will send out press releases stating there will be some traffic and we will have to close down some of the trails. We will not allow people to drive to the trail head, say off of Tigawon Rd, in the first year but they will be able to walk to the trail head.

Hawkeye: Are they going to leave the road better than what it has been?

Mr. Green: They will maintain the road during the project and clean up everything before they leave and clear up ditches and leave it as good or if not better.

Shelley B: It seems like the USFS was here 2 years ago and stated that they were going to start clearing up the dead trees and nothing has been done. How do we know you will do it this time?

Mr. Loyd: The USFS took the comments from 2 years ago, assessed the area and acted on the needs that suited the area best. I don't think we are going to have this problem again this time around.

Kelly B: With our discussion a few years ago the Council did make some requests regarding timing of the logging trucks going through town. Does the USFS still have that information and is that going to be implemented into this project.

Mr. Green: I do remember some of those comments and we can address those with the independent contractors but since you have a State Highway running through town restricting one use would be fare unless you were restricting all uses on that road. I do believe though we have restrictions on log hauling on weekends so it should not affect the Minturn Market.

Kelly Toon – 531 Main St. Minturn, CO:

Where are the logs being shipped to?

Mr. Green: Currently Montrose is the destination place but we are also looking for other bids. There are some good markets in state as well as out of state.

Mr. Toon: Is the USFS looking to help out the locals businesses with their lumber needs?

Mr. Green: There are a hand full of small lumber companies around we would help out but it takes a lot of money to get these contracts. The smaller lumber companies won't have the capacity to process that amount of lumber coming through in the next 4 years.

Rob Davis – 1792 Main St. Minturn, CO:

Aside from the lodge pine how is the rest of the forest health looking like.

Mr. Green: Spruce beetle has been prevalent in the area but we won't be seeing major affects until another 10 years. There have been some aspen declines all over the mountain areas.

The pine beetle is the most devastating issue right now we are seeing the decline of the lodge pole pine.

12. Discussion Item – Presentation of Final Minturn Revitalization Plan - Oz Architect; Nancy Blackwood (30 Min.)

Nancy Blackwood – Oz Architect:

We are pleased to be here and finally present this to the Council.

There haven't been many changes in the sketches and concepts since the last presentation.

We have changed some aspects about the public parking as well as changed some areas addressing the residential areas.

We have appreciated the Council and Citizen's feed back on this project and we believe we have addressed the concerns that were stated in the previous and most recent surveys. We are pleased with the project and believe we have addressed the concerns mentioned and we hope the Community and Council are excited about this project as well.

The project has fulfilled the concerns to keep it a small town with corky-ness, which was such a large part of what the community wanted in such a project.

I would like to state a few things that Ashley King stated before she left. She stated Oz Architects could not have done a better job to portray what the community wanted to see with this project. She also stated that the community seemed frustrated going through this process before without any results and they would like to see something become of this.

Tom S: How do you go about historic preservation? I am sure there are private owner's who wouldn't want to preserve buildings because it limits development potential.

Mrs. Blackwood: It is an educational process to start out with. The historic preservation committee was the best attended of the focus groups during this project. They expressed they wanted to keep the historic value and are aware that you could do that to start with Ordinances protecting these sites. Also, petitions to the Town by citizens stating their desire to protect the historical sites is another way to go about it. There are also tons of grants to aid historical preservation processes.

Kelley B: A lot of work was put into this project proposal and I think it's great, it's better than anything we have ever had before.

George B: I think Oz Architects did a great job with the project.

Tom S: Hopefully this will give us a road map for our future and hopefully we will be able to follow it.

Hawkeye: Oz Architects does the visioning, but do you do the Architecture of the infrastructure as well?

Mrs. Blackwood: Yes, we do site design all the way to building the architecture.

Gary S: Has Oz had experience on writing comprehensive community plans for communities?

Mrs. Blackwood: We have worked on a concept plan within a larger group but we would be willing to help with a smaller Town such as Minturn.

Gary S: How much more would it take to make this a full comprehensive community plan that the Council could adopt?

Mrs. Blackwood: It would take a considerable amount more time. This is a basis of a comprehensive plan but we did address quite a bit within a Town and this could possibly be made into a comprehensive community plan without too much difficulty.

Tom S: If the annexation goes through the Town will receive \$2 million for parking and we believed a parking structure wouldn't fit the character of the Town but more pocket parking. Have you had experience in that?

Mrs. Blackwood: I would be very judicial on deciding areas to have pocket parking because you may affect the integrity of the historical community as well as the pedestrian views. We did identify two spots for pocket parking, the old town hall as well as to the south of the Town Center. I would encourage you to study the areas you decide to make parking because they will affect the Town and its flow.

13. Discussion/Action Item – Reconsideration of Ordinance 1 – Series 2008 An Ordinance annexing to the Town of Minturn, County of Eagle, State of Colorado, Battle Mountain Annexation Parcel No. 1

Allen C: we received 11 petitions today regarding reconsideration and repeal of the Pracle Annexation Ordinances as well as the Ordinances pertaining to the Annexation Agreement and Vested rights and the Water Service Agreement. They have all been reviewed, signatures verified and approved by the Town and Legal Staff.

Hawkeye: He read the petition to the audience.

Motion by Hawkeye, second by George B, to reconsider and repeal Ordinance 1 – Series 2008 An Ordinance annexing to the Town of Minturn, County of Eagle, State of Colorado, Battle Mountain Annexation Parcel No. 1; *all voted no (Note: Bill B. was absent excused).*

14. Discussion/Action Item - Reconsideration of Ordinance 2 – Series 2008 An Ordinance annexing to the Town of Minturn, County of Eagle, State of Colorado, Battle Mountain Annexation Parcel No. 2

Hawkeye: He read the petition to the audience.

Motion by Hawkeye, second by George B, to reconsider and repeal Ordinance 2 – Series 2008 An Ordinance annexing to the Town of Minturn, County of Eagle, State of Colorado, Battle Mountain Annexation Parcel No. 2; *all voted no (Note: Bill B. was absent excused).*

15. Discussion/Action Item - Reconsideration of Ordinance 3 – Series 2008 An Ordinance annexing to the Town of Minturn, County of Eagle, State of Colorado, Battle Mountain Annexation Parcel No. 3

Hawkeye: He read the petition to the audience.

Motion by Hawkeye, second by George B, to reconsider and repeal Ordinance 3 – Series 2008 An Ordinance annexing to the Town of Minturn, County of Eagle, State of Colorado, Battle Mountain Annexation Parcel No. 3; *all voted no (Note: Bill B. was absent excused).*

16. Discussion/Action Item - Reconsideration of Ordinance 4 – Series 2008 An Ordinance annexing to the Town of Minturn, County of Eagle, State of Colorado, Battle Mountain Annexation Parcel No. 4

Hawkeye: He read the petition to the audience.

Motion by Hawkeye, second by George B, to reconsider and repeal Ordinance 4 – Series 2008 An Ordinance annexing to the Town of Minturn, County of Eagle, State of Colorado, Battle Mountain Annexation Parcel No. 4; *all voted no (Note: Bill B. was absent excused).*

17. Discussion/Action Item - Reconsideration of Ordinance 5 – Series 2008 An Ordinance annexing to the Town of Minturn, County of Eagle, State of Colorado, Battle Mountain Annexation Parcel No. 5

Hawkeye: He read the petition to the audience.

Motion by Hawkeye, second by George B, to reconsider and repeal Ordinance 5 – Series 2008 An Ordinance annexing to the Town of Minturn, County of Eagle, State of Colorado, Battle Mountain Annexation Parcel No. 5; *all voted no (Note: Bill B. was absent excused).*

18. Discussion/Action Item - Reconsideration of Ordinance 6 – Series 2008 An Ordinance annexing to the Town of Minturn, County of Eagle, State of Colorado, Battle Mountain Annexation Parcel No. 6

Hawkeye: He read the petition to the audience.

Motion by Hawkeye, second by George B, to reconsider and repeal Ordinance 6 – Series 2008 An Ordinance annexing to the Town of Minturn, County of Eagle, State of Colorado, Battle Mountain Annexation Parcel No. 6; *all voted no (Note: Bill B. was absent excused).*

19. Discussion/Action Item - Reconsideration of Ordinance 7 – Series 2008 An Ordinance annexing to the Town of Minturn, County of Eagle, State of Colorado, Battle Mountain Annexation Parcel No. 7

Hawkeye: He read the petition to the audience.

Motion by Hawkeye, second by George B, to reconsider and repeal Ordinance 7 – Series 2008 An Ordinance annexing to the Town of Minturn, County of Eagle, State of Colorado, Battle Mountain Annexation Parcel No. 9; *all voted no (Note: Bill B. was absent excused).*

20. Discussion/Action Item - Reconsideration of Ordinance 8 – Series 2008 An Ordinance annexing to the Town of Minturn, County of Eagle, State of Colorado, Battle Mountain Annexation Parcel No. 8

Hawkeye: He read the petition to the audience.

Motion by Hawkeye, second by George B, to reconsider and repeal Ordinance 8 – Series 2008 An Ordinance annexing to the Town of Minturn, County of Eagle, State of Colorado, Battle Mountain Annexation Parcel No. 8; *all voted no (Note: Bill B. was absent excused).*

21. Discussion/Action Item - Reconsideration of Ordinance 9 – Series 2008 An Ordinance annexing to the Town of Minturn, County of Eagle, State of Colorado, Battle Mountain Annexation Parcel No. 9

Hawkeye: He read the petition to the audience.

Motion by Hawkeye, second by George B, to reconsider and repeal Ordinance 9 – Series 2008 An Ordinance annexing to the Town of Minturn, County of Eagle, State of Colorado, Battle Mountain Annexation Parcel No. 9; *all voted no (Note: Bill B. was absent excused).*

22. Discussion/Action Item - Reconsideration of Ordinance 10 – Series 2008 An Ordinance authorizing the Mayor of the Town of Minturn, Colorado, to sign an Annexation Agreement and Vested Property Rights Development Agreement

Hawkeye: He read the petition to the audience.

Motion by Hawkeye, second by George B, to reconsider and repeal Ordinance 10 – Series 2008 An Ordinance authorizing the Mayor of the Town of Minturn, Colorado, to sign an Annexation Agreement and Vested Property Rights Development Agreement; *all voted no (Note: Bill B. was absent excused).*

23. Discussion/Action Item - Reconsideration of Ordinance 11 – Series 2008 An Ordinance authorizing the Mayor of the Town of Minturn, Colorado, to sign a Water Service Agreement

Hawkeye: He read the petition to the audience.

Motion by Hawkeye, second by George B, to reconsider and repeal Ordinance 11 – Series 2008 An Ordinance authorizing the Mayor of the Town of Minturn, Colorado, to sign a Water Service Agreement; *all voted no (Note: Bill B. was absent excused).*

24. Discussion/Action Item - Consideration of Resolution 25 – Series 2008 A Resolution calling a Special Election for consideration of the above referenced Ordinances. This Special Election will be held on June 3, 2008

Shelley B: Why did we decide to have the Special Election on June 3, 2008?

Jay B: We counted out and it is between summer vacation and end of school.

Shelley B: My concern is that parents pull their kids out of school early and heading out of Town, therefore we will lose a lot of our citizens for the vote. We should do it the week before the Memorial Day weekend to have as many voters in Town.

Jay B: I think we won't have any problems with publications if we do it on May 20, 2008 instead.

The Council amended Resolution 25 – Series 2008 to read The Special Election considering the above referenced Ordinances shall be held on Tuesday May 20, 2008

Motion by Shelley B, second by Kelly B to approve Resolution 25 – Series 2008; A Resolution calling a Special Election for consideration of the above referenced Ordinances. This Special Election will be held on May 20, 2008; *all voted in favor (Note: Bill B. was absent excused).*

Hawkeye: This is how the Town Charter is set up so we are going to take the Ordinances approving the 9 parcels, and the Ordinances addressing the Annexation Agreement and Vested Rights and the Water Service Agreement to a public vote. Please educate yourself on these issues.

George B: There was a lot of work done on this petition and I would like to see everyone turn out for this vote.

Shelley B: I think we need to get the information out to educate the voters, information that states the facts. The Vail Daily has been one sided on this issue and hasn't been posting all the letters to the editor that are being submitted. I know of multiple letters that haven't been published including one of mine. I ask the Staff to find a way to get the information out.

Gary S: We will give you some information on that and guide the Council on that.

Hawkeye: The general election is tomorrow and the Council would like to invite everyone to the swearing in of the elected council members at the April 16, 2008 Regular Town Council Meeting. There will be food and beverage provided.

FUTURE AGENDA ITEMS

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

- Swearing in of Council Members – April 16, 2008
- Re-Codification Work Session – May 7, 2008
- Town Engineering Standards Work Session – May 7, 2008
- Reconsider Funding Request for Non-Profit Organization in 2008 – May 21, 2008
- Meeting with Bill Weber to Discuss Water and Wastewater

14. Set Future Meeting Dates

a) Council Meetings

- April 16
- May 7
- May 21

b) Planning & Zoning Commission Meetings

- April 9
- April 23
- May 14

c) Other

- Joint Meeting with ERWSD April 23, 2008 @ the Water District Office

15. Adjournment

Motion by Tom S, second by George B, to adjourn the April 7, 2008 Special Town Council Meeting at 8:34 P.M.; *all voted in favor (Bill B. was absent/excused).*

Hawkeye Flaherty, Mayor

ATTEST:

Jay Brunvand, Town Clerk