



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

Wednesday May 7, 2008
Work Session 5:30PM
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

Work Session – 5:30pm

- **Town Engineering Standards**
- **Resolution 41 – Series 2008: A Resolution Amending Town Council Procedures**

Regular Session – 7:00 PM

1. Call to Order

- a. Roll Call
- b. Pledge of Allegiance

Mayor Hawkeye called the meeting to order at 7:10 P.M. Roll call: Those present included Mayor Hawkeye Flaherty, Mayor Pro Tem George Brodin, Matt Scherr, Shelley Bellm 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

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

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

- April 16, 2008

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

- Action Item Memo

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

Hawkeye: He introduced Mr. Bobby Ginn of the Ginn Corporation

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

Bobby Ginn – Ginn resorts:

He wanted to thank Council and Staff for going through the long arduous process for the past two years. He believes that at the end of the day both sides were satisfied with the end result of the proposed project and obtained what they were seeking. With this project people will look back and see how the private sector can work well with the public sector for a good outcome for every entity involved. They believe the project has addressed the concerns of the Council, Staff and Citizens and the project turned out incredible. He believes people will look back at this project as a step towards the future standards for development. Ginn is happy that this is going to referendum so that the citizens can have a say in the project. He wants the citizens to know how hard the Council and Staff worked with Ginn on this project. Ginn will commit to everything they have said they will commit to. He knows how difficult this is for the community and it is a big step and he hopes there are a lot of people who come out to vote for the project.

Pete Vance – 251 Main St. Minturn, CO 81645:

I have seen some documents recently that concern me regarding the proposed changes on Highway 24. They state that the project will take out some of the front yards of the Minturn residents on Main St. I would like Council to affirm and reassure the Citizens that this won't happen.

Shelley B: I would like to know what documents Mr. Vance is referring to.

Mr. Vance: It is in the annexation agreement where it states the proposed bulb-outs on the side streets off of Main St.

Shelley B: Those are conceptual ideas not set plans presented by Oz Architects for the CIP study. Council has not decided the possible new infrastructure of main St. at this time.

CDOT has to approve any alterations in their right of way before any infrastructure changes can be made. There has been no discussion of land grabs for this project in the Town. These are conceptual ideas that have not been adopted at this point.

Rob Singer: Jacobs, Carter and Burgess:

As far as I am aware any enhancements on Highway 24 will not take from any private residence lands. CDOT has stated that they will work with residents to ensure that resident's lands are not affected and protected.

Shelley B: CDOT never stated they would expand Highway 24 because they do not have the room to expand. Therefore, no resident's properties will be affected.

Mr. Singer: Most of the enhancements are to improve the safety of residents, pedestrians and the likes.

George B: Whether or not the Ginn project goes through it is CDOT's right of way and they can widen the highway 24 if they want to or not, they have the ultimate say on what happens in their right of way. This is the same mis-information for the wastewater treatment plant that is circulating the community. It is in the hands of the district, not the town and they can choose where they want to put the wastewater treatment plant.

6. Discussion/action of Emergency Items, if necessary

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

Gary S: Action Item – Main St. parking: I have put the information researched into my report for Council to review. If there is direction to Staff regarding this situation we will take action. This information in my report is just to soak up and think about. We had an issue with a citizen complaint about an RV parking on Main St. in front of his house and then moving the RV just before being in violation of the MMC. This is not a trend nor does it warrant a policy change. We have noticed citizens working the law and moving their vehicles every 7 days to avoid being in violation of the law.

We would like to get CDOT and Public Works working together to prohibit parking on Main St. during certain days for maintenance and snow removal. We also suggest looking at businesses running out of their homes to ensure they have proper parking. There are a few places in town that prosper but lack the needed parking for the establishment.

We recommend looking at parking requirements in our land use codes and look at overall restrictions on parking on Main St.

Shelley B: When CDOT was in charge of plowing Highway 24 it was considered a snow route and cars were prohibited to park on Main St. during certain times, we may want to look into that being a possibility again. I also understand one RV isn't reason to prohibit parking but if it hinders sight view on crosswalks and corners I think it is a problem and we need to look at that as well.

Gary S: Staff will look into those concerns.

Colorado Municipal League: I need Council response on the invitation to join the Executive Board for the Colorado Municipal Leagues. If any Council member is interested, Matt, in joining that would be great because we are a member of the league. I will get interested parties the registration materials.

Council Retreat: I am suggesting May 29th. Council Member Brinkerhoff would not be able to attend that. I recommend just scheduling it with as many Council Members can attend.

Nuisance Enforcement: We have sent out a few nuisance letters recently on big ticket items and we want to thank the Vail Daily for covering that in an article. I would like to add that we are willing to help out the citizen's with large item removal. Please contact the town if you need assistance.

Special Election: The Special Election on the Ginn approvals will be held on May 20, 2008 between 7:00am and 7:00pm at the Town Council Chambers. The ballots for the election have arrived and applications for absentee ballots are available. There are currently 60-70 citizen requests for absentee ballots. Please view the Town website at www.minturn.org to view a sample ballot for the Special Election as well as instructions for absentee voting.

Lastly: Council has been receiving confidentiality documents from our water lawyers regarding the annexation. There have been a number of local and state agencies filing claims and documents in response to the development and will continue.

Jerry B: If the project goes through some citizen's stated that their property taxes would go up and they wouldn't be able to afford to live here. I ask the council to consider a 50% abatement on listed property owners on record as of January 1, 2008. All Council agreed to give direction to Staff to research the feasibility of property tax abatement for listed property owners since January 1, 2008.

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

George B: A yes vote on May 20th is a vote to benefit the Town of Minturn and the quality of life for the Community. It will aid the 100 year old infrastructure we are currently dealing with. It will address the broken water lines, power outages, control traffic and street repairs and budget and staffing concerns where we can't afford to pay enough or even get the right or enough people in for the jobs. A project like this and the benefits it brings is unheard of to be offered to a 100 year old town and is a great opportunity. I urge the community to get out and vote yes for the project.

Shelley B: I will be attending the Safe Routes to School meeting on May 20, 2008 where we will be realigning the rules for the federal grant program. They will also be looking for a

representative from the Inter Mountain Transportation Region, which includes Minturn. Note, it does not have to be an elected official to fill this position. It is a 2 year commitment and I will be ending my two years this fall.

Matt S: Eagle County is starting to use their re-build funds where they will offer rebates on solar panel energy producers. Minturn is a part of this program so I urge you to take advantage of the offer and opportunity. The benefits citizens will receive from transforming their house to solar powered in the long run for out weighs the cost of building.

Hawkeye: Vote yes on May 20th for the best interest of the Town and its Citizens.

DISCUSSION, HEARINGS AND ACTION ITEMS

9. Discussion/Action Item – Resolution 42 – Series 2008 A Resolution Supporting Referendum Ballot Questions 1 -11 and Urging Electors to Vote Yes – Suiter (5 Min).

Gary S: In accordance to the Fair Campaign Practice Act (FCPA) the Staff has drafted this Resolution in Council Support for Ordinances 1-11 Series 2008. Staff recommends approval of Resolution 42 – Series 2008.

Hawkeye: I would like Council's approval for Staff to send this out in the press release presented to Council this evening regarding Resolution 42 – Series 2008.

Motion by George B, second by Shelley B to approve Resolution 42 – Series 2008 A Resolution Supporting Referendum Ballot Questions 1 -11 and Urging Electors to Vote Yes; *all voted in favor (Note: Bill B. and Kelly B. were absent/excused).*

11. 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; A Resolution Approving CU 08-02 – Cerimele (20 Min).

Chris C: The applicant, BTR LLC, is seeking approval of a CU for this property. The duplex will cover approximately 29% of the lot. Height and setbacks have been addressed and the drainage will be addressed as a condition of approval. The CU was passed by the Planning Commission unanimously.

Ken Bridges – Blueline Architect Firm; 421 Main St. Unit C-1 Minturn CO. 81645:
Chris summarized the project well and I am here to answer any questions Council has regarding the proposed project. He then went over what 3 types of materials they are planning to use on the project.

George B: Does the upper unit drop snow on the garage driveway?

Mr. Bridges: It is actually set back so snow will not be dropped in the area from the roof. This was designed in such a way due to safety concerns. As for drainage there is an existing

retaining wall in the back of the property but the project will not rely on that retaining wall, we plan to leave it there though and the project will take its own precautions.

Hawkeye: The plan shows a swale on the side of the property, is that existing or will it be placed there with the project?

Mr. Bridges: We will construct the swale between the two units and it will be made of landscape materials not metals or concrete. That will not be used for the water drain off though. The drainage will actually be caught on the back side of the property and drained underneath Taylor St. via a culvert.

Hawkeye: Will the culvert diversion on the other side of Taylor St.

Chris C: Public Works has the budget to address the drainage from Taylor St. across 4th Ave, which the town owns, and then drain it properly into the river. This will also take the other drainage creating erosion on Taylor St. to where it needs to be.

Hawkeye: Is there going to be a catch basin on the east side of the street?

Mr. Bridges: There is not a lot of run off and drainage on Taylor St. and it seems like the water funnels to this lot. If we catch the drainage in back of the lot and funnel it under Taylor St. it will benefit the entire neighborhood.

Hawkeye: If we put a culvert under the road we need a catch basin.

Chris C: We can put in a condition that the drainage plan must be approved by the town engineer prior to the project being started. That way if there is a need for a catch basin it will be put in and if there is not, deemed by the Town engineer, then the developer may proceed.

Shelley B: The set backs here state 5ft. 6 inches and with the amount of snow this year we noticed snow falling off of roofs and blocking emergency exit windows between houses. Is this going to be a problem with this development?

Chris C: The bedrooms on the first floor level are not aligned with the house on that side.

Mr. Bridges: The plans call for a snow fence on that side.

Chris C: I say as a condition of approval we require snow hangers for the entire project on all sides, Council agreed

Motion by Jerry B, second by George B, to approve Resolution 37 – Series 2008; A Resolution Approving CU 08-02 with conditions; *all voted in favor (Note: Bill B. and Kelly B. were absent/excused).*

12. 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 to consider Resolution 38 – Series 2008; A Resolution Approving MS 08-02 – Cerimele (10 Min).

Chris C: The applicant Tom Sullivan is requesting a minor subdivision on Lot 8 block d of the Taylor addition. He then explained the concerns of the Planning Commission and the 25ft. access easement to the rear lot. The applicant originally proposed a 15ft. easement but then the applicant has agreed to the 25ft. easement after the Planning Commission brought up previous cases they have reviewed and the MMC provision requiring 25ft. access easement to a rear lot if the rear lot doesn't have street frontage. After review of the code it is required to have a 25ft. easement to the rear lot. The other concern is that the front property would

have a non-conforming structure and the rear property would be in the setback creating a non-conforming lot so a condition was added that there will be no major construction changes to the building on the front lot. The applicant agreed to the condition and the Planning Commission Board passed MS 08-02 unanimously.

Tom Sullivan – 116 Nelson Ave. Minturn, CO 81645: I was surprised I was required to comply with a 25ft. easement on that property. I have noticed some people have been required to comply with the 25ft. easement but a majority of people in town have not been required to do so. I can make this work because it is a 65ft. lot. Most of the other people have a 50ft. lot and that is going to devalue the owner's property tremendously. This hasn't been uniform in the building plans and I don't think this is a great provision in that area considering the size of the lots up there.

Shelley B: Because we are subdividing the lot we are requiring a 25ft. easement? The duplex we just approved only had a 12ft. easement.

Chris C: I think the 25ft easement is for the back housing unit to have presence to Taylor St. I would also like to point out that the 25ft. easement requirement is also for utilities.

Shelley B: Did we allow only a 12ft. easement on the duplex just approved because it is only one lot?

Chris C: Yes.

Matt S: By only requiring a 12ft. easement on the duplex lot it makes me question the necessity to have a 25ft. easement on this lot.

George B: I think it has something to do with having multiple emergency vehicles having access to the same property.

Motion by Shelley B, second by George B, to approve Resolution 38 – Series 2008; A Resolution Approving MS 08-02; *all voted in favor (Note: Bill B. and Kelly B. were absent/excused).*

FUTURE AGENDA ITEMS

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

- Re-Codification Work Session – May 21, 2008
- Reconsider Funding Request for Non-Profit Organization in 2008 – May 21, 2008
- Resolution 41 – Series 2008 A Resolution Amending Town Council Procedures – May 21, 2008
- Meeting with Bill Weber to Discuss Water and Wastewater

14. Set Future Meeting Dates

- a) Council Meetings
 - May 21
 - June 4

- June 18
- b) Planning & Zoning Commission Meetings
 - May 14
 - May 28
 - June 11
- c) Other
 - Special Election – May 20, 2008
 - Town Council Retreat – May 29, 2008; 4-9pm (Tentative).

15. Adjournment

Motion by George B, second by Shelley B, to adjourn the May 7, 2008 Town Council Meeting at 8:45 pm *all voted in favor (Note: Bill B. and Kelly B. were absent/excused).*

Hawkeye Flaherty, Mayor

ATTEST:

Jay Brunvand, Town Clerk