



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

**Wednesday September 17, 2008**

**Work Session – 5:00PM**

**Regular Session – 7:00 PM**

**MAYOR - Gordon “Hawkeye” Flaherty**  
**MAYOR PRO TEM – George Brodin**

**Interim Town Administrator – Gary Suiter**  
**TOWN CLERK/TREAS - Jay Brunvand**

**COUNCIL MEMBERS:**

Shelley Bellm  
Lorraine Haslee  
Jerry Bumgarner  
Aggie Martinez  
Matt Scherr

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 – 5:00pm**

- Cross Creek Residences Proposed Concept Plan (Alpine Glass property) – Marcie Jaeger (30min)
- Preliminary Budget to Council – Brunvand (10min)
- Chapter 16 Work Session – Cerimele (45 min)

**Regular Session – 6:30 PM**

**1. Call to Order**

- a. Roll Call
- b. Pledge of Allegiance

Mayor Hawkeye Flaherty called the meeting to order at 6:30 p.m. Those present included, Matt Scherr, Aggie Martinez, Jerry Bumgarner, Lorraine Haslee, Mayor Hawkeye Flaherty and Mayor Pro Tem George Brodin. *(Note: Shelley Bellm was absent excused)*

Staff present was Interim Town Administrator Gary Suiter, Town Treasurer/Clerk Jay Brunvand, Deputy Clerk Carrie Kendall, Planner Chris Cerimele and Town Attorney Allen Christensen.

## EXECUTIVE SESSION

- 2. Executive Session – pursuant to Section 24-6-402(4)(b) and (e) for the purposes of receiving legal advice on specific legal questions and determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators.**

Motion by Jerry B., second by George B., to convene in Executive Session pursuant to Section 24-6-402(4)(b) and (e) for the purposes of receiving legal advice on specific legal questions and determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators; all voted in favor. (*Note: Shelley Bellm was absent excused*)

Reconvened from Executive Session at 7:35 p.m.

Direction from the Executive Session: No direction no action from the Executive session.

## STANDING ITEMS

**3. Approval of Agenda (5 min).**

- a. Items to be Pulled or Added
- b. Order of the Agenda Items

Motion by Jerry B., second by George B., to approve the agenda as presented: all voted in favor. (*Note: Shelley Bellm was absent excused*)

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

- August 19, 2008 – Special Council Meeting
- August 20, 2008 – Regular Council Meeting
- Action Item Memo – Jerry B. asked about Meek Ave. drainage;

Action Item Memo discussion:

Gary S. stated that the town Engineer desires a broader and more cost effective resolution as opposed to only repairing the issues at one residence. Jerry B. stated the scholarship committee is complete and Gary will work on a date and time for setting a meeting.

Motion by Jerry B., second by Lorraine H., to approve the Council minutes from August 19, 2008 as presented; all in favor. (*Note: Shelley Bellm was absent and George B. abstained*)

Motion by Jerry Bumgarner, second by Hawkeye F. to approve the minutes of August 20, 2008 as amended; all voted in favor. (*Note: Shelley Bellm was absent excused*)

Amendments included several noted typos.

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

- Introduction of Carrie Kendall

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

Mr. Mark Sifers, 671 Main St., Mr. Sifers stated to the Council that he had his court date and was in compliance at the time of the court but the case (nuisance) was not dismissed. Mr. Sifers encouraged the council to intercede on his behalf. He has received several summonses as has his wife (Ms. Vicky Sifers) (5) on the same issue and is facing court on each summons regarding the same issue. Hawkeye stated that this is a pending case so it is not appropriate to question the case. Hawkeye stated the Council could ask for an update from the Town Attorney. Mr. Sifers stated that once again the certified mail information from the Town was being sent to his Avon Post Office Box of which he does not check often.

*Note: The Planning Department takes the legal address associated with the lot and block for a parcel from the County. The mailing address used by the Planning Department in this instance is the legal address on file with the County Assessor and County Treasurer.*

Mr. Ali Hassan, 181 S Fairway Drive Beaver Creek Road, running for State House District 56. Introduced himself to the Council and Town. His goal as a potential State Representative is to foster a relationship with the elected local officials within his District. Stated he is financing his campaign personally so as to avoid the appearance of partiality.

Ms. Bev Christensen, 1207 Main St, thanked the Council for taking care of the Town. She is in support of Mark Sifers and his plea to the Council. Ms. Christensen expressed her concern that the precedent being set by the strict enforcement of the nuisance law could cause a reverse problem.

Ms. Delores Gonzales, 62 yr resident of Minturn, stated her support of Mark Sifers and his plea to the Council on the strict enforcement of the nuisance law on Mr. Sifers property. She does not feel that Mr. Sifers, a life long citizen of Minturn, is getting fair treatment.

**7. Discussion/Action – Emergency Items, if necessary**

**8. Discussion Item – Town Administrator’s Report (10 Min)**

Gary S. requested a date to have the Architects that responded to the RFQ for the Recreational Center present their proposal to Council. The firms are strong candidates and qualified builders. A calendar review was undertaken and September 30 (Tuesday) and October 6 are possible meeting dates to review the proposals.

Gary S. touched base on the budget issues in his report. Gary S. noted it has been six years that maintenance has been remiss on the Town Center. Rod C. was in the audience for questions on the dump truck purchase and the need for a second dump truck. Rod C. is not recommending a contract for snow removal and that two trucks running at one time keep the loader moving as well. The current International truck is at the end of its useful lifespan. George B. asked if a lease of a truck had been considered; Rod C. stated he had looked at a purchase or a contract for snow removal. At \$85-130 per hour the 35k that they are considering for the truck could be exhausted. One truck is not enough and two trucks are recommended for normal use. Council feels a lease is a good option; possibility of a lease to purchase option. Gary S. stated we need to move forward with this purchase as we are fast moving into winter.

Motion by Hawkeye, second by George B., to direct staff to lease or purchase an appropriate dump truck based on best options, all in favor.

Gary S. updated the council that we are waiting for the sales tax returns to determine the success of the summer market.

Gary S. gave update on the Phase II River Restoration project.

Gary S. thanked all the volunteers, staff and everyone that came out for the Sept 13 town cleanup. Gary S. noted the difference that the cleanups have made and noted the enforcement of the Nuisance ordinance is a Council goal.

Gary S. noted the bears are out and we need to keep our containers closed and latched per the ordinance.

NWCCOG is looking for a Town representative: Gary will make a staff appointment.

Main Street design: Guy P. and Gary S. are looking at proposals for this. A big concern is the utility work. This winter would be a good time to address the design needs. Gary S. is looking for input from Council. This would include streetscapes, landscaping, bulbouts, planters, streetlights, etc. Discussion ensued on what could be done and how many blocks that this should be applied to; Council felt the theme should include the entire town not just the downtown area. Matt S. felt we should have some things apply to downtown and other aspects apply to the balance of the town to segregate the neighborhoods. Within the RFP the more specific we make it the more detailed the submittal will be. Citizen input will be taken as well. Gary S. will

consider the entire main street in the RFP and let the applicants submit their ideas. The OZ Project will be used as a spring board.

Rod C. has informed Gary S. that the School District water tank is in need of repairs. Aggie stated he thought he remembered the School District was to maintain the water system. The town clerk will look through the previous minutes to see if there were prior arrangements made when the tank was built.

Our new website is up and running. We have been successful in getting things on the website that are easy to locate and navigate through. The new Municipal Code has been issued and bound in a book as well as on disk, it will be on the website by the end of the month and will be maintained regularly.

New planning director Victor Villarreal has been hired and starts work on September 29.

Hawkeye noted the Cemetery request to split the cost of the service connection to the main line; his memory was that we would pay the money. Aggie M. agreed that we should be paying for our system. Staff was directed to research the minutes for further information on this.

#### **9. Discussion Item – Town Council Comments (10 Min)**

Lorraine H. asked about the annual Minturn Market not making money. Gary S. stated that the costs may exceed the revenue when the tax revenue has been totaled. Discussion ensued on this and how much the losses of the market may be and the impact the market has had on some of the local businesses; the general comment is that it does prove positive for the businesses but not a real issue. Gary S. stated that a debrief will be completed as to what went well and what needs improvements.

Matt S. commented regarding the ECO Transit Minturn Middle School service request for the ski academy. Funding is an issue as is driver staffing. If these obstacles can be resolved then it is a good possibility this can be accomplished but only if they have a full staff to provide the service.

Hawkeye thanked everyone that had participated in the cleanup on Sept 13. Thanked the Turntable for the breakfast, the Gourmet Cowboy for lunch, "All Strung Out" for the music. Aggie M. asked if anything can be done on the Lafarge dust control on the Cemetery Road. Gary S. will look into this. Lorenzo M. also noted the Ginn Company, Gallegos Corp. were thanked sponsors of the Clean up event.

Ms. Delores Gonzales got up and stated again that Mark Sifers is not being treated fairly; Hawkeye asked her to listen to both sides of the issue.

### **DISCUSSION, HEARINGS AND ACTION ITEMS**

**10. Discussion/Action:** Consideration and direction on the purchase of LaserFiche Records Management Software – Brunvand (15min)

Jay B. gave a summary of his packet report.

Motion by Jerry B., second by Aggie M.; to approve purchase of the LaserFiche software in 2008; all voted in favor. (*Note: Shelley Bellm was absent excused*)

**11. Discussion/Action:** Resolution 55 – Series 2008 a Resolution designating certain areas within the Town of Minturn where firearms may be discharged for hunting – Christensen (15min)

Introduced by Hawkeye. Mr. Bill Weber, Ginn Company representative, was present to outline the proposal. The area requested in this resolution is near Red Cliff and a second area in the Bolts lake area of the property. Additionally, if work is being undertaken in that area then the hunting would be discontinued in that area. Discussion ensued as to the restrictions offered in the resolution including the number of hunters at one time. Mr. Weber stated that over the past few years hunting has been allowed in the property and now that they are within the town

Allen C. stated no comments pro or con were received and recommended approval with the discussed changes of:

- Par 3 to reflect “no more than 12 hunters” and
- change exhibit “AN” to “A”

Motion by Jerry B., second by George B., to approve Resolution 55 – Series 2008 a Resolution designating certain areas within the Town of Minturn where firearms may be discharged for hunting as amended; all voted in favor. (*Note: Shelley Bellm was absent excused.*)

Discussion ensued as to the need of an Executive Session to discuss the Sifers nuisance citation update.

Allen C. stated that the Council does not have the authority to intercede in this case. Allen C. updated that five summons have been given to each of the Sifers (Vickie and Mark). At the last court Mark Sifers was advised on one of the five and the others are to be advised in the next month’s court; Vicky Sifers is to be advised on all five of her summons’ at that point as well. Allen C. stated he has five years of paper work identifying the letters and process on this complaint. If the site has been cleaned the court will take that under advisement but it does not make the case dismissed. After the nuisance was declared the first summons was not cited immediately; it was approximately 10 days with out compliance prior to issuance of the citation. Allen C. stated this is not the first case as is being claimed; this is the first using the revised nuisance law. Matt S. and Hawkeye noted that they are looking for compliance not punishment.

**FUTURE AGENDA ITEMS**

### 12. Items to be added to future agendas / work session

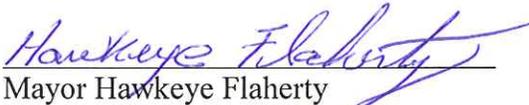
- Housing Guidelines – Suiter – 10/1/08 Work Session (30min)
  - 2009 Budget Review/questions – Brunvand – 10/1/08 Worksession – (30min)
  - Accept 2009 Budget and set Public Hearing dates – Brunvand – 10/1/08 Council Meeting – (30min)
  - 2009 Budget: First Public Hearing and Council comments – Brunvand – 10/15/08 Council Meeting – (30min)
  - 2009 Budget: Second Public Hearing and Council comments including review of outside funding requests and consideration of corresponding Budget Ordinances on First Reading – Brunvand – 11/5/08 Council Meeting – (30min)
  - 2009 Budget: consideration of Budget Ordinances on Second Reading – Brunvand – 12/3/08 Council Meeting – (30min)
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- Hawkeye stated he wanted to instruct staff that the meeting should start at 7pm regularly
  - Meeting date for the RFP

### 13. Set Future Meeting Dates

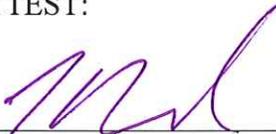
- a) Council Meetings
  - October 1
  - October 15
  - November 5
  
- b) Planning & Zoning Commission Meetings
  - September 24
  - October 8
  - October 22
  
- c) Other

### 14. Adjournment

Motion by Aggie M., Second by George Brodin., to adjourn at 8:30pm; all voted in favor. (*Note: Shelley B. was absent excused*)

  
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Mayor Hawkeye Flaherty

ATTEST:



Town Clerk, Jay Brunvand

