



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

Wednesday May 21, 2008
Work Session 5:00PM
Regular Session – 6:30PM

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
Matt Scherr
Kelly Brinkerhoff
Shelley Bellm

When addressing the Council, please state your name and your address for the record prior to providing your comments. Please address the Council as a whole through the Mayor. All supporting documents are available for public review in the Town Offices – located at 302 Pine Street, Minturn CO 81645 – during regular business hours between 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding holidays.

Work Session – 5:00pm

- **Re-Codification of the Minturn Municipal Code – Suiter**
- **Organizational Update - Suiter**

Regular Session – 6:30 PM

1. Call to Order

- a. Roll Call
- b. Pledge of Allegiance

Mayor Pro Tem George B. called the meeting to order at 6:40P.M. Roll call: Those present included, Mayor Pro Tem George Brodin, Matt Scherr, Shelley Bellm and Jerry Bumgarner
(Note: Hawkeye, Bill B. and Kelly Brinkerhoff were absent/excused)

Staff present were; Interim Town Administrator Gary Suiter, Police Chief Lorenzo Martinez, Deputy Town Clerk/AR Dylan Zastrow and Town Attorney Allen Christensen (*Note: Jay B. was absent/excused*).

EXECUTIVE SESSION

2. Minturn Town Council will convene into executive session: (30 Min.)

Pursuant to Colorado Revised Statutes (CRS) §24-6-402 (4)(b) to consult with Town Attorneys Allen Christensen and Anne Castle for the purpose of receiving legal advice on matters of litigation

Motion by Shelley B, second by Matt S, to convene into executive session Pursuant to Colorado Revised Statutes (CRS) §24-6-402 (4)(b) to consult with Town Attorneys Allen Christensen and Anne Castle for the purpose of receiving legal advice on matters of litigation; *all voted in favor (Note: Hawkeye, Bill B. and Kelly B. were absent/excused)*.

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

Continue legal negotiations regarding matters of litigation.

STANDING ITEMS

4. Approval of Agenda (5 min).

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

George B: We need to amend the agenda by adding approval for the Mayor to sign an amendment to an agreement regarding matters of litigation as # 12a.

Motion by Shelley B, second by Matt S, to approve the May 21, 2008 Council Meeting Agenda amended; *all voted in favor (Note: Hawkeye, Bill B. and Kelly B. were absent/excused)*.

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

- May 7, 2008

Shelley B. Page 7; item #7 needs to read parking on Main St, not parking ton Main St.

Motion by Jerry B, second by Shelley B, to approve the, May 7, 2008 Council Meeting Minutes as amended ; *all voted in favor (Note: Hawkeye, Bill B. and Kelly B. were 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).

Bobby Ginn; Ginn Resorts: He thanked everyone for working so hard for getting the project to where it was yesterday and passing the ballot questions in the special election. He believes this will go down as a precedent for private and public sectors working together for a greater good. He also thanked the Minturn Citizen's For Annexation Committee for their hard work and getting out the correct information to the public.

He thanked the citizens of Minturn for coming out to vote on the election as well as thanking the Council and Planning Commission for voting unanimously on the project. He thanked the citizens for coming out and voicing their opinion and expressing their opinion. Ginn Resorts is happy to see that the project went to a referendum. There was an overwhelming victory with this special election.

He stated that this was the beginning and there is a lot of work ahead of all parties involved.

8. Discussion/action of Emergency Items, if necessary

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

Gary S:

Minturn Market: The Town has signed a contract with Resorts Entertainment to run the market and the staff will be assisting on the administrative side. We need to figure out transportation and parking still and it will be hashed out by the end of the week.

Bears: The bears are out and the Town would like to remind citizens to keep their bear resistant trash containers closed and latched. If citizens can put their trash containers in a shed or garage that would help eliminate bears from getting into the trash. If citizens cannot put their trash containers in a protected area we urge them to avoid putting fresh foods/trash out before trash day. Lastly, the Town wants to ensure that the citizens know they are responsible for replacing damaged cans and they run almost \$200.

Council retreat is on May 29th from 4pm – 9pm, more details will follow.

Arborist: The report indicates there are some issues with the trees in Little Beach and Eagle Parks. Some trees will need to be removed because they are possible public safety hazards. We are going to search for bids from tree surgeons to remove and trip the trees in the parks. Please note, this is not a budgeted item.

Land Lease: The Town is entering into a land lease agreement with a construction company to use the Town's land to park flatbed trailers loaded with pre-cast panels, with limited numbers of trucks so it will be a minimal impact. The area is located up by La Farge and will create revenue for the Town.

CDOT: At a recent meeting at the County CDOT stated they do not have the funds for future highway improvements or capacity increases. It is approximately \$1.5 billion annually to keep up normal maintenance. A panel is looking into funding options for project which include wildlife fence near Wolcott, Dowd Landslide Repair, Vail I-70 overlay, Highway 6 shoulder work, Gore Creek clean out and Tennessee Pass shouldering.

I-70 Project: It will begin May 27th, worked on at night and last around 100 days. Work periods will be between 6:30pm to 6:30am. Improvements will be from Dowd Junction to East Vail. The speed limit during construction time will be 40 miles per hour and generally 1 lane per direction will be open during the entire project.

Independence Day Celebration: This year it will contain a band, games and family activities. Should we obtain a liquor license for a beer garden? Council agreed to obtain a liquor license.

The Town had a citizen complaint on a statue in the river setback. It is a lion on a rock lit up at night. The citizen would comply with the town by moving it out of the river set back, but also they also wanted to donate the statue to the town so the town can put it up on display in a better location.

George B: Let's review it and bring it back at next meeting; Council agreed.

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

Jerry B: He thanked the citizens for the ratification to the Council for this annexation. 87% supporting vote is unheard of in any election. The citizen's action group did a great job; they did what you need to do to succeed. If you want to get things done you get the numbers and form a committee like they did.

Matt S: He thanked Pete Vance and Frank Lorneti for what they did in regards to this referendum. They did a lot of work to get this process to the next level after the Council's initial approval. He mentioned that an 87% approval rate will help the Council out in the next stages of this project. Also a 50% voter turn out was great. Elections are essential and he asked everyone to continue the excitement in the future.

Shelley B: She thanked the citizens for coming out in numbers and supporting the annexation. This shows that people are concerned about Minturn's future. She thanked the Ginn and Minturn Staff for what they have done, the Town wouldn't be here unless it was for them. This is the beginning and there is a lot of work to be done and we hope we have the citizen involvement and support as we move forward. She thanked the citizens committee for their work as well.

George B: He thanked the Town Staff and Ginn Staff for their hard work and also thanked the citizens for the support they showed in this election.

There is a new eco bus stop in Eagle/Vail. Rider ship is up 30% overall and 8% in Minturn. There is a youth program where they can ride for free.

Eco trail is working on trails all over the County. Right now they are underway in Gypsum and planning stages on the section from Edwards – Walcott.

The Town Council has received a letter of resignation from Council Woman Kelly Brinkerhoff, the Council wished her the best of luck. They will be proceeding with replacing her seat in the near future.

DISCUSSION, HEARINGS AND ACTION ITEMS

11. Discussion/Action Item – May 20, 2008 Special Election Results – Suiter/Christensen (30 Min)

Allen C: Council has the breakdown of the election vote. We have also certified the election results.

Boots: Ordinances 1-12 2008 for the project are effective as of Today. This is a very important date for the annexation and for the Town of Minturn. The question is where are we at in the process and where are we going and how do we get there? He then explained the initial funding of the project equating to \$11 million and what it was targeted towards. The Team will be coming to Council with Staff recommendations on how we get to where we need to be with this project.

Ginn will be working on their final plan. Our lawyers are working on the GID.

We have received a summons and complaint from the Tucker Interest. The basis is that Ginn is not on 100% of the land that was annexed.

12. Discussion/Action Item – Agreement Between County of Eagle, State of Colorado and the Town of Minturn Regarding ECO Trail Funding – Suiter (10 Min)

Gary S: This is an Inter Governmental Agreement (IGA) for the Eco Trails grant funding. It is a grant for \$70k to go towards the design for the Eco Trail from Dowd Chutes to Red Cliff. I recommend the Council approve this by motion.

Jerry B: The trail is going to be on the east side of the river?

George B: It will be on the highway side, west side of the river.

Gary S: He suggested changing #1b-1 in the contract and change the wording to not restrict the location of the trail. Council agreed not to specify a location.

Shelley B: Is this grant in conjunction with the \$200k CDOT grant?

Gary S: Yes.

Motion by Jerry B, second by Shelley B, to approve the signing of the IGA between the Town of Minturn and County of Eagle and State of Colorado; *all voted in favor (Note: Hawkeye, Bill B. and Kelly B. were absent/excused).*

12.a Discussion/Action Item – Authorizing the Mayor to Sign and Amendment to an Agreement Relating to Matters of Litigation

Motion by Shelley B, second by Matt S, to for the mayor to sign an amendment to an agreement relating to matters of litigation; *all voted in favor (Note: Hawkeye, Bill B. and Kelly B. were absent/excused).*

FUTURE AGENDA ITEMS

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

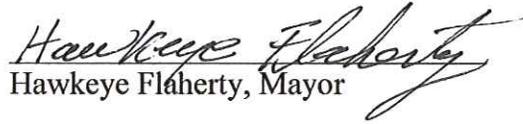
- Resolution 41 – Series 2008; A Resolution Amending Town Council Procedures – May 29, 2008 (Council Retreat)
- Ordinance 14 – Series 2008; An Ordinance Signing a Franchise Agreement With Comcast June 4, 2008
- Reconsideration of Grant Requests for Non-Profit Organization in 2008 – Brunvand

14. Set Future Meeting Dates

- a) Council Meetings
 - June 4
 - June 18
 - July 2 (4th of July Celebration)
- b) Planning & Zoning Commission Meetings
 - May 28
 - June 11
 - June 18
- c) Other
 - Special Election – May 20, 2008
 - Town Council Retreat – May 29, 2008; 4-9pm

15. Adjournment

Motion by Jerry B, second by Shelley B, to adjourn the May 21, 2008 Town Council Meeting at 8:15 PM *all voted in favor (Note: Bill B. and Kelly B. were absent/excused).*


Hawkeye Flaherty, Mayor

ATTEST:


Jay Brunvand, Town Clerk

