



## OFFICIAL MINUTES

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

Wednesday, January 7, 2009

Executive Session- 5:00 PM  
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

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.

### Regular Session – 5:00 PM

#### 1. Call to Order

- a. Roll Call
- b. Pledge of Allegiance

Mayor Hawkeye called the meeting to order at 5:00pm. Those present included Mayor Hawkeye Flaherty, Mayor Pro Tem George Brodin, Matt Scherr, Lorraine Haslee, Aggie Martinez and Jerry Bumgarner. (Shelley Bellm arrived late at 5:29 p.m.)

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

## EXECUTIVE SESSION

### 2. Minturn Town Council will convene into executive session:

- Pursuant to Colorado Revised Statutes (CRS) §24-6-402 (4)(b) to consult with Town Attorneys for the purpose of receiving legal advice and provide instructions to attorneys for negotiations – Castle/ Ferguson (90min)

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 and provide instructions to attorneys for negotiations.

Meeting was called back into regular session at 7:06 p.m. by Mayor Flaherty.

*(Note: Councilman George Brodin excused himself after the Executive session.)*

## Regular Session – 7:00 PM

### 3. Discussion/Action or Direction to Town Manager and Town Attorneys from the Executive Session.

Direction from Council for attorneys to continue negotiations with the School District in regards to Maloit Park and continue to address the water issues and the Ginn Annexation.

## STANDING ITEMS

### 4. Approval of Agenda

- a. Items to be Pulled or Added

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

### 5. Approval of Minutes and Action Report

- December 17, 2008 – Regular Council Meeting

Motion by Shelley B., seconded by Jerry B., to approve the December 17, 2008 Council Meeting Agenda as presented; all voted in favor. *(Note: George B. was absent/excused.)*

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

Floyd Duran, 643 Boulder St.

Mr. Duran came to the meeting to represent residents from the 600 block of Boulder St. Mr. Duran presented his complaints about the plowing and snow situation. He stated that he had to pull his wife out of the snow 4 times since the snow began to fall. Mr. Duran presented pictures from the current year and last years road conditions and these were added to the permanent record. He also stated that he was called by Public Works and instructed to use his personal loader for transportation of the Towns snow. Mr. Duran stated that the Public Works crew must be plowing before 8 -9 am to take care of snow pack prior to residents driving on the snow.

Mayor Hawkeye noted that Council will consult with the Town Manager to see what actions will be taken. Hawkeye stated that he has received more direct complaints this year than in previous years. Hawkeye thanked Mr. Duran for helping with the snow on Boulder St.

Frank Lorenti, 1081 Main St.

Mr. Lorenti complained about the raises of Town staff and that the money should have gone to an additional code enforcement officer. Mr. Lorenti questioned where the promised funds from Ginn went to after the vote in May of 2008. Mr. Lorenti stated that he personally voted no on the annexation. He questioned about money set aside for the water mains. Hawkeye stated that the funds will be available after the final approval which has not gone through yet and informed Mr. Lorenti that if he had more questions in regard to funds that the Town would be happy to provide specific answers.

Mark Sifers, 671 Main St.

Mr. Sifers addressed Council to comment on the plowing schedule. He stated that residents are abiding by the set schedule but the streets are not plowed on that schedule. He feels that action should be taken in order to get the plowing done on schedule.

## **7. Emergency Items, if necessary**

## **8. Town Administrator's Report**

Gary S. was contacted by CDOT regarding a \$60,000 grant for the sidewalks that was set to expire, wanting to know if we could release that money. Council had deferred the project to coincide with the "Main Street Plan". He stated that it was not uncommon for municipalities to lose their grant when they lack the funding to match requested grants. He also noted that the Dowd Junction Bike trail was still under way despite the cancellation of this CDOT sidewalk grant.

Gary S. announced that the Town would accept bids for management of the Summer Market and that several locals had contacted him to express their interest.

Gary S. announced that the Stress Con contract has been completed and they had expressed great appreciation to the Town for their use of the land.

The sales of Bill Burnett's book had reached the amount of \$1500.00 in order to recoup the Town's costs to cover the purchase of the books and future proceeds will go to the Minturn Seniors Group as per former Councilman Burnett's wishes.

The Forest Service notified the Town that their rental fees paid to the Town will be raised due to changing Federal Law in order to adjust to current market prices. The Forest Service also expressed their desire to consolidate all 4 of the Towns permits into a singular 30 year permit. It was noted that there were questions about the TV/radio repeater tower under Lionshead rock formation.

Gary S. reminded Council and the public regarding a mini-retreat on January 22 to review current goals and to set new goals for 2009.

Victor V. made announcement about Two Community Open Houses scheduled for February 5 and February 19 set to support the kickoff of the Community Plan. The meetings will be held from 6-8 p.m. Posters will be put up around Town and postcards will be mailed to residents to inform them.

Gary S. appealed to residents to call Town Hall with their snow concerns and complaints. The Town is keeping a log to keep track of the concerns. Lorraine H. questioned Gary S. about what time the Public Works crew starts plowing. Gary S. stated that 2 nights ago he was awakened at 4 a.m. by the crew clearing snow. Shelley B. stated that some areas of Town are being missed and the side streets deserve the same service as residents on Main St. She stated that all the employees need to be spread out and not concentrated in the same area.

Council questioned the success of the snow plow plan and directed Gary S. to ensure the town is kept plowed on a more timely schedule.

Mr. Floyd Duran reiterated that once snow pack starts, workers are unable to get that with a plow truck. He felt that snow plowing needed to be done when the snow initially fell.

Lorraine H. wanted to add more variety from Vendors for the Minturn Market. Gary S. stated that the goal is to encourage diversity in the Market.

### **9.Town Council Comments (10 Min)**

Hawkeye stated that plowing was not started early enough. He gave an example that there was 14 inches on the ground at 6 a.m. on one particular day and there had also been no effort to plow around parked cars. He stated that there needed to be more attention paid to the South end of Town and there must be parking provided to South end residents. Hawkeye stated that this was the worst plowing year ever and that something had to be done. Hawkeye stated that he felt that residents were putting forth the effort. He noted that no plowing was done on the past Sunday when snow fell. He questioned why there had been no plowing done on the weekends. Hawkeye stated that he wanted results as soon as possible.

Lorraine H. asked about the implications regarding Club 20 (a lobbying group representing 20 counties in the area) Gary S. stated that there are no implications for the Town regarding the defection of Gunnison County from Club 20. Matt S. expressed interest in a summary and how they are lobbying for Minturn.

Aggie M. inquired in regards to the revoked CDOT grant for sidewalks. He wanted to know if it will be possible to get the grant back. Gary S. replied that we would need to reapply. It was noted that the estimate was way beyond what the Town could reasonably afford. Aggie M. stated that the Town was losing the money and not doing anything. Staff noted that the total cost estimate including engineering would be near \$500,000 dollars and the CDOT grant would be only 60,000 dollars of that. The Dowd junction Bike Trail grant of 75,000 that was underway also included a federal grant. The 2009 Budget included the money for the Dowd Junction Bike Trail Grant. Gary S. felt that the Town needed to be more strategic in the future when applying for Grants.

Hawkeye F. noted that there was a Scholarship committee meeting held on Jan 12.

## DISCUSSION, HEARINGS AND ACTION ITEMS

### **10. Discussion/Action Item – Resolution 1 – Series 2009 A Resolution setting the Official Posting sites for the Town of Minturn – Brunvand (5min)**

Noted that the public posting places are the Bulletin boards outside 301 Pine St, 302 Pine St., 242 Pine St., and 243 Boulder St.

Aggie M. questioned the locations and requested a posting place at the South end of Town. It was noted that the Town tried to keep the posting places on Town owned property to avoid issues when property changes ownership however would look into other options.

Motion by Lorraine H., second by Jerry B. to approve Resolution 1-2009 as presented all voted in favor. (George B. was absent/excused.)

### **11. Discussion– Community Plan Executive Summary – Villarreal (20min)**

### **12. Discussion/Action Item – Discussion and possible direction to amend Title 16 (Zoning) of the Minturn Municipal Code – Villarreal (5min)**

### **13. Discussion/Action Item – Discussion and possible direction to amend Title 17 (Subdivisions) of the Town of Minturn – Villarreal (5min)**

### **14. Discussion/Action Item – Discussion and possible direction to make a number of text changes (corrections) throughout the Minturn Municipal Code – Villarreal (5min)**

Victor V. presented items 11, 12, 13 and 14 as one subject he noted that the goal was to receive input from Council and residents regarding the proposed Executive Summary. It was noted that the proposed Executive Summary was to be an encapsulation of the previously developed Community vision that was endorsed in 2008. Intent is to confirm the plan and the endorsement of the document from the Planning commission and from Council. There were requests from

Council to review and discuss with the planning department privately. It was noted that when the MMC was amended, there were more issues that would need to be addressed. A lengthy discussion ensued and direction was given to proceed with items as presented. Matt S. expressed his approval of the document.

It was noted that the old code would apply to the Ginn Annexation and copies are kept in the Police Department for safekeeping.

Motion by Shelly B., second by Hawkeye F., to proceed with amendments to Title 16 and 17 and to make a number of text changes throughout the MMC as presented; all voted in favor. (George B. was absent/excused)

## FUTURE AGENDA ITEMS

### **15. Items to be added to future agendas / work session**

- Discussion of Eagle River Fire Protection District proposed Impact Fees (01/21/09)– Suiter
- Consideration of a “Dark Sky” lighting ordinance- February-Work session
- Council retreat – suggested date 01/22/08 (Thursday), 5-9 p.m. and possible joint meeting with the Planning and Zoning board thereafter – Suiter
- Discussion of Employee Insurance Benefits – 1/21/09 Brunvand/Suiter (30min)

### **16. Set Future Meeting Dates**

#### a) Council Meetings

- January 21, 2009
- February 4, 2009
- February 18, 2009

#### b) Planning & Zoning Commission Meetings

- January 14, 2009
- January 28, 2009
- February 11, 2009

#### c) Other

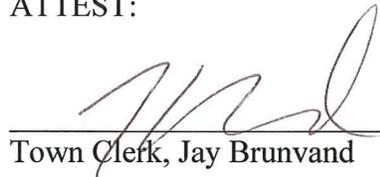
- Council retreat-suggested date 01/22/08 (Thursday), 5-9 p.m. and possible joint meeting with the Planning and Zoning board thereafter – Suiter
- Community Open House -02/05/09
- Community Open House-02/19/09

### **18. Adjournment**

Motion by Shelley B., second by Jerry B., to adjourn the meeting at 8:15pm; all voted in favor.

  
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Mayor Hawkeye Flaherty

ATTEST:

  
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Town Clerk, Jay Brunvand

