



Official Minutes

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

Wednesday January 21, 2009

Work Session-6:00 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

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 – 6:00 PM

- Discussion of Eagle River Fire Protection District proposed Impact– Suiter
- Discussion of Employee Benefits- Suiter/ Brunvand

Regular Session – 7:00 PM

1. Call to Order

- a. Roll Call
- b. Pledge of Allegiance

Mayor Hawkeye Flaherty called the meeting to order at 7:13 p.m.

Those present included Mayor Hawkeye Flaherty, Mayor Pro Tem George Brodin, Lorraine Haslee, Shelley Bellm, Jerry Bumgarner, Matt Scherr and Aggie Martinez.

Staff present was Interim Town Administrator Gary Suiter, Town Planner Victor Villarreal, Town Treasurer/Clerk Town Jay Brunvand, Deputy Clerk Carrie Kendall, Attorney Allen Christensen and Public Works Director Rod Cordova

STANDING ITEMS

2. Approval of Agenda

a. Items to be Pulled or Added

Motion by George B, seconded by Shelley B., to approve the agenda as presented, all voted in favor.

3. Approval of Minutes and Action Report

- January 7, 2009 Regular Council Meeting

Motion by Jerry B., second by Aggie M., to approve the agenda as presented, all voted in favor.

- Action Item Report

George B. requested to add the Dowd Junction Bike Path to the Action Item report

4. Liquor License

The Council convened as the Liquor authority, roll call: all present from Council

- Chili Willy's of Vail Hotel and Restaurant Liquor License Annual Review; 101 Main St., Al Brown Manager – Brunvand

Jay B. presented the annual renewal. He noted that staff, the Town Attorney and Police Chief Martinez had reviewed the renewal application and recommended approval.

Motion by Lorraine H, seconded by Shelley B., to approve the Chili Willy's of Vail Hotel and Restaurant Liquor License Annual Review; 101 Main St., Al Brown Manager.

- Deutschman Family LLC, dba Kirby Cosmo's BBQ Bar Hotel and Restaurant Liquor License Annual Renewal 474 Main St., Michael Deutschman, Owner – Brunvand

(Note: Jerry B. recused himself from the Liquor Authority for the Deutschman Family LLC annual liquor license renewal due to conflict of interest.)

Jay B. presented the annual renewal and introduced the Manager Mark Tamberino who would be representing the establishment and available for questions. Jay B. noted that staff, the Town

attorney and Police Chief Martinez have reviewed the renewal, that all items had been cleared and recommended approval.

Motion by Lorraine H, seconded by Shelley B., to approve the Deutschman Family LLC, dba Kirby Cosmo's BBQ Bar Hotel and Restaurant Liquor License Annual Renewal 474 Main St., Michael Deutschman, Owner as presented; all voted in favor (*Note: Jerry B. did not vote*).

The Liquor authority reconvened as the Town Council whereby Jerry B. resumed his seat.

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

No public comments.

6. Emergency Items, if necessary

7. Town Administrator's Report

Gary S. announced the arrival of the new snow removal truck for the Public Works Department.

Noted that he was in the process of preparing the request for proposals for this summer's Market and that applications have been sent out to vendors

Updated Council regarding the Forest Service property. Gary S. was in contact with the Property appraiser. The appraiser had received comparables yet lacks an inspection. To date many of the cars on the Forest Service property had been removed. Noted that appraisal should be finished in a few weeks.

The Scholarship committee met on January 12, 2009 and good input was received from the Committee and from citizens that attended the meeting. The next meeting is scheduled for Feb 23, 2009 to further continue the process. Gary S. will provide Council copies of the notes when more details have been worked out.

Noted the Community Plan meeting will be at Town Hall on Feb 5, 2009 and Feb 19, 2009 from 6-8 p.m., refreshments were to be provided

8. Town Council Comments

Matt S. updated Council regarding the Dowd Junction Eco Trail to Minturn being considered high priority for the Eco Commission. He encouraged Staff that works with transit to come to an upcoming meeting.

Aggie M. expressed his appreciation to the Public Works Department for the hard work around Town.

DISCUSSION, HEARINGS AND ACTION ITEMS

9. Discussion Item –Request for release of Ginn Funding –Frank Lorenti

Mr. Frank Lorenti, 1081 Main St., addressed Council to request the release of the \$11.6 MM in funds promised by the Ginn Co. to the Town during annexation. He noted the funds were promised to residents immediately after the vote. Mr. Lorenti stated that he had requested to see proof of receipt of the funds previously. Stated that he had gotten calls due to his website and people believed that the Town would get that money immediately. Mr. Lorenti requested a resolution or ordinance signed by Council in order to put pressure on Ginn to release the money. Stressed that he wanted to see the escrow agreement and escrow account to verify the funds are available. Allen C. noted that Mr. Lorenti had made over 30 records requests and that he was fully aware of the process that needed to be followed to obtain documents to prove the funds are available.

10. Discussion Item – Snow Plowing and Removal Update-Suiter

Gary S. presented a memo in the packet of an overview of the Public Works Department listing the snow removal equipment available, the education campaign employed by the Town, and the Snow Plowing removal agreement with the Town's commercial snow plow operators. He noted that the Town has implemented a resident call log and service request form to better serve residents that call the Town with issues. Gary S. commended the Public Works crew as the response time to the service request form had been prompt. He stated that the Town is operating on a skeleton crew and understaffed for the amount of work that they have during persistent storms. He noted that a possible option could be to hire seasonal operators and rent additional large equipment to tackle the issue.

Shelley B. questioned the policy that requires 3 inches of snow fall prior to the crew being called out, Rod C. clarified that it was typically overnight accumulation but a judgment call could override that.

Lorraine H. questioned the snow dump rules and asked if citizens could use the snow dump as well. Staff confirmed that residents could use the snow dump free of charge but the snow dump is only to be used for Minturn snow and people must abide by the rules in order to continue use of the facility.

George B. questioned the efficacy of the parking plan on Main St. where bans were instituted on parking on alternating days between the hours of 9 a.m. and 4 p.m. Rod C. confirmed that the plan had helped.

Matt S. inquired regarding the sidewalks in Town being shoveled, it was noted that not all of the sidewalks get cleared by residents.

Mr. Mark Tamberino of Kirby Cosmo's added that the plan had helped his business and that the Public Works has cleared the sidewalk in front of his business.

Gary S. acknowledged the past years' snow issues had been resolved with The Enclave, and acknowledged the Town's appreciation to Ella Burnett who had allowed the Town to use her property for snow storage without compensation.

Hawkeye F. noted that the Public Works crew had "stepped it up" and there had been visible effort in Town above and beyond expectations. He expressed the appreciation of citizens and presented suggestions to Rod Cordova and stated that he had seen marked improvement in the past few weeks.

Shelley B. also commended Staff and noted that she would like to see the use of outside contractors on the days that the Public Works crews were overwhelmed. Gary S stated that he would examine the budget impacts by doing that. Aggie M. thanked the crew and noted that the citizens should be a little more patient with the Public Works crew, and that Public Works should receive more help.

11. Discussion/ Action Item-Ordinance 1- Series 2009 an Ordinance to approve a land lease between the Town of Minturn and StressCon Contractor-Suiter/Christensen

Allen C. noted that this was housekeeping issue that had been presented previously to Council and that this was formalization of an already executed lease.

The public hearing was opened for the first reading of Ordinance 1 – 2009, and there were no comments. The public hearing was then closed.

Motion by George B., seconded by Shelley B., to approve Ordinance 1 – 2009; all voted in favor.

Additional Comments from Council

George B. presented a CML newsletter that showed possible grants and that Staff should research possibilities for the Town. Gary S. noted that we should pursue infrastructure grants and economic stimulus monies.

Matt S. suggested that it might not be legally prudent for the Council to pursue the monies from Ginn. Allen C. noted that he and Gary have had multiple conversations with Ginn representatives since November of 2008. Allen C. stated that if this is pursued and the courts find that the ownership of the land is not legal then the Town will be required to pay the money back. Council felt that staff has been pursuing this already and that diplomacy would be better than coercion. Hawkeye F. noted that a portion of money had been requested to be released and is currently under consideration by Ginn. Council directed Staff to not add the issue as a future agenda item for consideration of a resolution. Gary S. noted that Staff had asked for only a portion of the funds and that we had only asked for the funds that supported current projects such as the Scholarship funds, the Eco Trail-Dowd Junction Bike Path and preliminary funds to support moving forward with the Recreation Center.

FUTURE AGENDA ITEMS

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

- Consideration of a "Dark Sky" lighting ordinance- February-Work session
- Discussion of Employee Benefits-02/04/09-Worksession

13. Set Future Meeting Dates

a) Council Meetings

- February 4, 2009
- February 18, 2009
- March 4, 2009

b) Planning & Zoning Commission Meetings

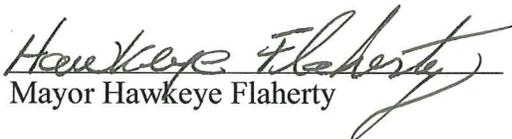
- January 28, 2009
- February 11, 2009
- February 25, 2009

c) Other

- Council retreat- 01/22/08 (Thursday), 5-9 p.m. Gourmet Cowboy
- Community Open House -02/05/09
- Community Open House-02/19/09

18. Adjournment

Motion by George B., seconded by Jerry B., to adjourn the meeting at 8:25 p.m.



Mayor Hawkeye Flaherty

ATTEST:



Town Clerk, Jay Brunvand

