



## Official Minutes

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

**Wednesday, February 4, 2009**

**Work 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

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 – 5:00 PM**

- Discussion of Employee Benefits- Suiter/ Brunvand (90 min)
- Discussion/ Direction of a “Dark Sky” lighting initiative – Villarreal/ Cerimele (30min)

Direction was given from Council for Staff to draft a proposed ordinance pursuing a “Dark Sky” lighting initiative for new construction.

#### **1. Call to Order**

- a. Roll Call
- b. Pledge of Allegiance

Mayor Hawkeye Flaherty called the meeting to order at 7:08 p.m. Those present included, Matt Scherr, Aggie Martinez, Lorraine Haslee, Mayor Hawkeye Flaherty and Mayor Pro- Tem George Brodin, Shelley Bellm, and Jerry Bumgarner.

Staff present was Interim Town Administrator Gary Suiter, Town Treasurer/Clerk Jay Brunvand, Deputy Clerk Carrie Kendall, Director of Planning Victor Villarreal and Town Attorney Allen Christensen.

## Regular Session – 7:00 PM

### STANDING ITEMS

#### 2. Approval of Agenda

- a. Items to be Pulled or Added

Items 8A and 8B were added to the agenda.

Motion by Shelley B., second by Jerry B., to approve the agenda as amended; all voted in favor

#### 3. Approval of Minutes and Action Report

- January 21, 2009 Regular Council Meeting

Motion by Shelley B., seconded by Hawkeye F., to Approve the January 21, 2009 Council Meeting Minutes as presented, all voted in favor.

- Action Item Report – no changes were made

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

#### 5. Emergency Items, if necessary

#### 6. Town Administrator's Report

Gary S. addressed Council regarding the Minturn Market, the application packet had been revised and sent to last year's vendors and is currently available online for all interested parties. The Request for Proposal to assist in Market operations has been posted online, sent to interested parties and advertised in a local paper, as well. In early March, the anonymous Market committee will be pulled together to review the bids and help select an event producer.

Gary S. thanked Council and Staff for the successful retreat on January 22, 2009. Plans for the future were discussed and good direction was received from Council. With this meeting Staff had developed a "To do" list to work from.

Gary S. reminded Council of a joint meeting with the Planning Commission on Feb 11 from 6 p.m. to 8 p.m. to discuss the upcoming Community Plans, Amendments to Ch 17 of the Minturn Municipal Code and other future projects.

The Eagle Rive Fire District's previously proposed impact fee documents are being reviewed for placement on the next Council agenda.

New posting boards had been ordered according to direction from Council. Staff needs recommendations for a location on the South end of Town, ideas are welcome.

Victor V. addressed Council to remind them of the first Community Open House on Thursday, February 5 from 6-8 p.m., to discuss the community vision over the next 20-30 years, including housing, land use, the economy, parks and Recreation. This is to be an interactive meeting, and he encouraged Council's attendance. The second meeting will be held on February 19<sup>th</sup> to review the developed plan from the February 5<sup>th</sup> meeting.

Gary S. received an email with an application for the Colorado Department of Public Health and Environment regarding funding of drinking water supplies (infrastructure). Rod Cordova is working on it now to get Minturn on the list for eligibility. The plan provides low interest loans. Gary S. stated that he prefers grants but is still looking into it. He is currently working with Guy Patterson to frame the capital improvement plan and develop a conceptual plan of future infrastructure needs.

Hawkeye wanted to know if the Minturn Market paid for itself, Gary replied that it had not but the current figures had not included Sales Tax paid to the Town by the Vendors. It was noted that the Market brings people to town by Shelley B. Hawkeye stated that if the Market is not paying for itself then maybe the Town should not subsidize it at this time.

## **7. Town Council Comments**

Hawkeye-noted that Comcast is adding Universal sports to its lineup and he wished everyone a Happy Valentine's Day.

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

### **8. Discussion/ Public Hearing – Ordinance 1 – Series 2009 (Second Reading and Public Hearing) an Ordinance approving a land lease between the Town of Minturn and StressCon Contractor – Suiter/Christensen**

Aggie M. questioned the amount of income from the lease. Jay answered \$1,500 per month for 6 months. The Public Hearing was opened for comments. There were no public comments, and the Public Hearing was closed.

Motion by George B., seconded by Shelley B., to approve Ordinance 1 – Series 2009 (Second Reading and Public Hearing) an Ordinance approving a land lease between the Town of Minturn and StressCon Contractor as presented; all voted in favor.

### **8A. Ginn Project Update**

Ginn update from attorneys Boots Ferguson and Anne Castle:

Boots noted that a critical component of the agreement with Ginn has been held up by legal challenges and that funds would not be released until the legal challenges were completed. The current lawsuit has 3 outstanding motions and the Judge has issued an order in our favor. Currently all the issues have been briefed and are waiting on action. The next status conference is scheduled for April 18 due to a delay unrelated to the case. We have been advised by Ginn engineers that the amount of acreage that is the basis of the litigation is only 7 acres of 4,300 acres total (it was acknowledged that it was at Rex Flats—notably the most contaminated of the land)

Ginn has submitted letters to the EPA in response to their questions, and a letter has been submitted to the Army Corp of Engineers regarding Bolts Lake (affecting the reconstruction of the Lake). The attorneys are fine tuning the agreement between the General Improvement District and the developer (it will require that the development be done)

Allen C. updated the Council regarding the \$11 million of funds in the bank that have recently been subject to questioning by residents. It had been verified that the questioned funds were in the account and quarterly updates will be provided to Council in the future.

The Mayor asked about the wording in the annexation agreement regarding “the parties agreeing otherwise”. Boots clarified the wording in the Ginn agreement, he noted that the developer is dealing with their own issues and is working diligently with investors to go forward with the Battle Mountain Development when affairs are in order. He noted that local management is very sensitive to the desires of the Town and, due to the economy, progress is slower than had been anticipated. The governing document for the Recreation Center funds and the Scholarship Funds depend on the approved Escrow agreement, and all parties are complying with the current terms. Boots Ferguson stated that he will take a look at the agreements again for good measure. Allen C. stated that he and Boots Ferguson are working on requests for the funds to be released, but that it will be a decision by the developer to release the funds. Hawkeye F. clarified that the Town has asked for the funds to be released repeatedly.

### **8B. Minturn Town Council convened 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 – Christensen/Ferguson.

Motion by Shelley B, second by Aggie M., to convene in Executive pursuant to Section 24-6-402(4)(b) for the purposes of consulting with Town Attorneys for the purpose of receiving legal advice and providing instructions to the attorneys for negotiations; all voted in favor.

Executive Session began at 7:57 p.m. after a brief break and ended at 9:19 p.m.

The Mayor stated that the Council direction resulting from the Executive Session is for Ann Castle to proceed with setting a trial date for the Town's pending water court cases.

Hawkeye F. stated that he had a request from the Eagle County seniors for their annual senior's out-of state trip. The Council briefly discussed and decided that funding was not feasible this year, given the current state of the Town's budget. The Mayor asked Gary S. to call Johnnette Phillips and let her know of the Council's decision.

## FUTURE AGENDA ITEMS

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

- Affordable Housing Discussion – Suiter (30min) 2/18/09 Work session
- Request to meet with new Board of County Commissioners
- Update on the Town's water system-Cordova
- Discussion of 2008 Preliminary Financial Reports
- Discussion – Building Permit Fees – Villarreal (15min) 3/4/09 Work session

### 10. Set Future Meeting Dates

#### a) Council Meetings

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

#### b) Planning & Zoning Commission Meetings

- February 11, 2009-Joint Council Meeting
- February 25, 2009
- March 11, 2009

#### c) Other

- Community Open House – Town Center 6-8pm 02/05/09
- Community Open House – Town Center 6-8pm 02/19/09
- Scholarship Committee Meeting – 02/23/09

### 18. Adjournment

Motion by George B. second by Aggie M., to adjourn the meeting at 9:25 p.m.; all voted in favor.

Hawkeye Flaherty  
Mayor Hawkeye Flaherty

ATTEST:

Jay Brunvand  
Town Clerk, Jay Brunvand

