



Official Minutes

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

Wednesday, February 18, 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

- Water system Status Report – Cordova
- Discussion of 2008 Preliminary Financial Reports – Brunvand
- Discussion regarding amendment of Chapter 6 MMC-Business Licenses – Suiter
- Affordable Housing Discussion – Suiter

1. Call to Order

- a. Roll Call
- b. Pledge of Allegiance

Mayor Hawkeye Flaherty called the meeting to order at 7:03 p.m. Those present included Mayor Hawkeye Flaherty and Mayor Pro Tem George Brodin, Shelley Bellm, Jerry Bumgarner, Matt Scherr, Aggie Martinez, and Lorraine Haslee.

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

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

3. Approval of Minutes and Action Report

- February 4, 2009 Regular Council Meeting

Motion by Jerry B., seconded by Aggie M., to Approve the February 4, 2009 Council Meeting Minutes as presented, all voted in favor.

- Action Item Report-no comments from Council

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

No comments from the public.

5. Town Administrator's Report

Gary S. addressed Council regarding future Town events, the Summer Market, Town Clean up day, and the Independence Day Celebration. It was noted that since the Town had not rehired for the Economic Development position, there was need for a part time or contract employee to help with these events. Matt S. suggested the Minturn Community Fund's part time coordinator-Kerry Donovan. Gary S. stated that he had already been in contact with her and that she was a possible candidate.

Gary S. gave an update on the United States Forest Service property acquisition issue. The USFS property appraiser had stated that there was not any comparable real estate at the moment to compare to. He also stated that prices are dropping and the situation might "weigh to our advantage". Gary S. was told that the appraisal will be done in 2-3 weeks. It was noted that the Town used a Forest service recommended appraiser from Pueblo, Colorado based on his availability.

The Eagle County Assessors office had advised that the property taxes from the Ginn annexation (approximately \$20K) were not applicable until 2009. This is a reversal of their previous position where they allowed the annexation. The adjustment will be made on the budget when Jay B. presents it at the March 18, 2009 Council meeting.

Gary S. updated Council on possible Federal Government Stimulus funding activity. He informed Council that he had sent an application to the Colorado Department of Health for funding to the Town's water system. The Town is positioning for future grants or other funding.

Gary provided an update regarding a request for funding from a Senior group trip that was going out of the state. It was noted that 17 Minturn seniors have applied for the trip. The group was informed regarding the lack of funding but Gary S. had encouraged them to apply for the next years' budget.

Gary S. updated Council regarding an issue the Cemetery District has come up against in their plans to build a mausoleum. It was noted that the mausoleum had received approval from the Design Review Board but there is currently no sewer to provide restrooms. It was noted that the Minturn Municipal Code requires sewer hookup and many possible buildings have been proposed that would bring the sewer line to that area but they have yet to come to fruition. George B. recommended that the Cemetery Board come before Council to discuss the situation. Gary S. noted that it could cost \$500,000 to provide sewer per the conversation he had with the Town's engineers. It was also noted that no building permit can be issued without sewer connection according to the Minturn Municipal Code. Hawkeye F. recommended that the Cemetery District seek recommendations from the Eagle River Water and Sanitation District prior to the issue coming back to Council.

6. Town Council Comments

Lorraine H. encouraged citizens to attend the Community Planning meeting on Thursday night February 19th at Town Hall.

Hawkeye F. stated that a citizen of Boulder Street had expressed his appreciation with the work being done on his street.

PUBLIC HEARINGS AND ACTION ITEMS

7. Discussion/Action – Consideration of Resolution 4 – Series 2009 a Resolution to change the vesting period for Employees retirement contribution-Brunvand

Jay B. presented the Resolution to Council. Jerry B. wanted to clarify that there was a 6 month waiting period and how full time was defined for employees. Jay B. stated that the requirement was for employees to work at least 32 per week to be considered full time.

Motion by Shelley B., seconded by George B., to approve Resolution 4 – Series 2009, a Resolution to change the vesting period for Employees retirement contribution. Resolution passed 6-1, Hawkeye was the dissenting vote.

8. Discussion/Action – Consideration of Ordinance 2-2009, an Ordinance to approve the Impact Fees for the Eagle River Fire Protection District (First Reading) – Christensen/Suiter

It was noted that no fees were incurred by Staff for the preparation of the documents for this ordinance as the Ordinance was prepared by the Fire District's attorney.

The Public hearing was opened for comments:

Charlie Moore, Fire Chief of the Eagle River Fire Protection District introduced himself and introduced a few representatives from the District that were in the audience. It was noted that they hoped to have the proposed fees district wide soon. He reminded Council that the proposed fees were only for new growth. Because of that only new growth can use those fees as well. Hawkeye F. asked about how much of the budget was allocated for capital growth, it was noted about 15%. Charlie Moore noted that consultants were used to calculate the fees.

The Public hearing was closed.

George B. asked what kind of burden this would put on staff, Gary S. replied that it would be some burden but the Town is collecting 6% to offset the costs.

Hawkeye F. stated that he felt the fees are too much and that the citizens are paying for "potential" use.

Motion by Jerry B., seconded by Shelley B., to approve Ordinance 2 – Series 2008, an Ordinance to approve the Impact Fees for the Eagle River Fire Protection District, Ordinance passed 6-1, Hawkeye was the dissenting vote.

9. Discussion/Action Item – Funding of Cross Creek Gauging Station-Suiter

Hawkeye F. noted that the budget review in 4 weeks could include the funding of this. Would like to see how it fits into the revised budget. Lorraine H. asked whether the pending water court cases could affect this. It was noted that if the station is on the Eagle River then the Town might not want to fund this. Council requested more information as to the exact location and what Water Attorney Anne Castle's recommendation would be.

11. Discussion/Action Item – Consideration of Resolution 02 – Series 2009; A Resolution approving conditional use application CU 09-01-Approval for rental truck storage lot and office trailer on Union Pacific Property.-Cerimele

Chris C. presented the applicants request to relocate the existing Penske trucks franchise location by 500 feet. He noted that the operation will be mostly the same as current but a small office and

restroom will be onsite to conduct business. It was noted that the usage was compatible with the existing use of the area. Staff and Planning Commission have imposed conditions to help mitigate the negative impacts to the area. Shelley B. questioned Chris C. and the applicant regarding a previous parking issue on Main St which had been a problem with the previous franchise. Chris C. stated that special conditions were in place in order to keep the parking issue from happening once again.

Applicant Brian Stone, PHP Enterprise, 383 Wildwood St. Edwards, CO., stated that he would like to keep the business on RR property in order to prevent parking issues. He stated that he looked forward to doing business in Minturn. Chris C. noted that there was concern about the relocation of the business from a Taylor St. resident, for the record from David Clap. Council questioned the applicant as to why he wasn't keeping the business in the same space. It was noted that there is enough room to keep it there but the current lease holder is not willing to turn the lease over to Mr. Stone. Hawkeye F., expressed concern about late night drop offs with the business owner living in another town as there had been problems with the previous franchise that had lived in town. Mr. Stone detailed his after hour's plan that would mitigate the after hours parking issue experienced with the previous franchisee. He stated that there will be a drop box for key and that his business would be run in a different manner in order to prevent those types of issues.

Jerry B. suggested a condition that Staff performs periodic inspections for all applicants of Conditional permits. Jerry B. also wanted to reiterate that this would not be storage for things unrelated to the Penske truck business. Lorraine H. questioned the definition of associated vehicles. Council requested clarification of the term in order to eliminate other items being parked in the area that are not related. Much debate ensued regarding the possible expiration of conditional use permits in order to keep better track of them. Shelley B. stated that this is one way to keep better track of them. Allen C. stated that these are very easy to revoke. It was noted that there had been parking issues with the previous franchise and the Turntable. Mr. Stone stated that the issues were controllable because of the office being onsite and the change of ownership. Discussion ensued regarding reapplication if the opportunity to move the site of the business back to the existing lease location. Council recommends waiving the fee if the opportunity to move back to the old spot within one year from the date of approval of the Conditional use permit. Mr. Stone expressed his appreciation of the consideration by Council and felt that all the conditions were "common sense"

Public hearing was closed.

Motion by George B., seconded by Aggie M., to approve Resolution 02 – Series 2009; A Resolution approving conditional use application CU 09-01-Approval for a rental truck storage lot and office trailer on Union Pacific Property, all voted in favor.

FUTURE AGENDA ITEMS

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

- Discussion – Building Permit Fees – Villarreal (15min) 3/4/09 Work session
- Request to meet with new Board of County Commissioners-3/18 or 4/1 Gary to suggest
- Anne Castle Work session 3/18

14. Set Future Meeting Dates

a) Council Meetings

- March 4, 2009
- March 18, 2009
- April 1, 2009

b) Planning & Zoning Commission Meetings

- February 25, 2009
- March 11, 2009
- March 25, 2009

c) Other

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

GENERAL IMPROVEMENT DISTRICT

15. Minturn Town Council convened as the General Improvement District Board

Council recessed as the Minturn Town Council and reconvened as the Minturn General Improvement District. Roll call was taken, all Council was in attendance.

Allen C. noted that this it was an organizational meeting.

A. Approval of Agenda

Motion by Shelley B., second by George B., to approve the agenda. There were no minutes to approve as it was the first meeting. It was noted that there will be 2 members that will be ex-officio non voting members.

B. Appointment of Donn C. Wolfertz and Sarah Baker Esq. to the Board of Director as Non-Voting Ex-Officio members

Motion by George B., second by Shelley B., to approve the appointments of the ex-officio members.

C. Appointment of the Officers:

Motion by George B., seconded by Matt S., to appoint Shelley B. as President, All voted in favor.

Motion by Jerry B., second by George B., to appoint Lorraine H. as Secretary. All voted in favor.

Motion by Lorraine H., second by George B., for Jerry B. to be Treasurer. All voted in favor.

Motion to appoint the remaining board members Matt S., Hawkeye F., George B. and Aggie M. as assistant Secretary.

D. Consideration of adoption of a seal.

Motion by George B., seconded by Lorraine H., to adopt a District Seal and for staff to procure the seal. It was noted that this was from separate funding and not out of the Town's budget.

E. Appointment of McGeady Sisneros, P.C. as District Counsel.

Motion by Hawkeye F., seconded by George B., to appoint the law firm of McGeady Sisneros P.C. as the District's Council; all voted in favor.

F. Discuss and consider ratifying engagement of Sherman and Howard as District Bond counsel.

Motion by Jerry B., second by Shelley B., to ratify the engagement of Sherman and Howard as the District's Bond Council; all voted in favor.

G. Discuss and consider ratifying engagement of Clifton Gunderson, LLP as District Accountant.

Motion by Jerry B., second by Aggie M., to ratify the engagement of Clifton Gunderson, LLP as the Districts accountant; all voted in favor

H. Discuss and consider appointing the Minturn Town Administrator to perform general administrative duties of the District.

Motion by Lorraine H., second by Jerry B., to appoint the Minturn Town Administrator to perform the general administrative duties of the District; all voted in favor.

Legal Matters

a. Discuss public and executive session meeting procedure. Consider adoption of Resolution No. 2-09-03 Providing Policy Regarding Recording of Public and Executive Session Meetings

Motion by George B., second by Jerry B., to pass Resolution 2-09-03 a Resolution providing policy regarding recording of Public and Executive Session meetings; all voted in favor

b. Consider adoption of Resolution No. 2009-02-04 Providing for the Defense and Indemnification of Directors and Employees of the District

Motion by Jerry B., seconded by George B., to adopt Resolution No. 2009-02-04 a Resolution providing for the defense and indemnification of Directors and Employees of the District; all voted in favor.

Other Business

It was noted that the budget was under review and scheduled to be presented at the March 18, 2009 meeting along with the developers' agreement.

Adjournment

Motion by Lorraine H. and second by George B. to adjourn as the Minturn General Improvement District.

Reconvened as the Minturn Town Council.

EXECUTIVE SESSION

16. Minturn Town Council convened into Executive Session:

Motion by Shelley B., second by George B., to convene in Executive Session 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 for possible annexation of property into the town of Minturn; all voted in favor.

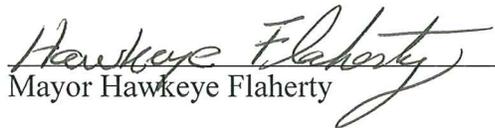
Gary S. requested Planning Director, Victor V. attend since the items to be discussed will affect Planning Department.

Executive session was adjourned at 9:31 p.m.

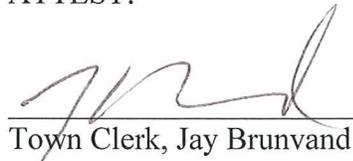
Mayor Flaherty noted that no action was taken as a result of the Executive Session and that staff if directed to look into possible annexations and continue to pursue acquisition of the USFS properties in Minturn.

17. Adjournment

Motion by Shelly B., seconded by George B., to adjourn the meeting at 9:32 p.m.; all voted in favor.


Mayor Hawkeye Flaherty

ATTEST:


Town Clerk, Jay Brunvand

