



Official Minutes

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

Wednesday, March 4, 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 – Building Permit Fees – Villarreal**
- **Discussion – Revision of Draft Ordinance MMC Chapter 6 – Business Licenses - Suiter**

1. Call to Order

- a. Roll Call
- b. Pledge of Allegiance

Mayor Hawkeye Flaherty called the meeting to order at 7:10 p.m.

Those present included Mayor Hawkeye Flaherty, Mayor Pro Tem George Brodin,, Shelley Bellm, Jerry Bumgarner, and Aggie Martinez. (Note: Lorraine Haslee and Matt Scherr were absent excused)

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

Regular Session – 7:00 PM

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. (Note: Lorraine Haslee and Matt Scherr were absent excused).

3. Approval of Minutes and Action Report

- February 18, 2009 Regular Council Meeting

Motion by Aggie M., second by George B., to approve the Minutes as presented, all voted in favor (Note: Lorraine Haslee and Matt Scherr were absent excused).

- Action Item Report

It was noted that Nuisance enforcement would be handled on a case by case basis, George B, requested the Dowd Junction Bicycle Path Project to the Action Item Report

4. **Public comments on items, which are NOT on the agenda (5 minute time limit per person).**
5. **Special Presentations/Citizen Recognition**
6. **Emergency Items, if necessary**
7. **Town Administrator's Report**

Gary S. addressed Town Council regarding the budget update, in progress. Last week, Gary S. and Jay B. adjusted revenue and reduced expenses on the budget and Wednesday they met with Department Heads and outlined cut backs in the budget. Preparation is being made for the worst case scenario as an exercise. The budget will be presented at the March 18th meeting without Ginn revenues included in the budget.

Gary S. provided an update on the appraisal due for the Forest Service property known as the Bone yard. The appraiser noted that he will have an appraisal ready by March 10.

Gary S. updated the Council regarding the Special Use permit for the television relay station above the Town and below Lionshead. The existing permit with the Forest Service expires in June. Gary S. requested further discussion as to whether the Town should keep up the building or pay to demolish it. He noted that either way there will be costs associated in the removal or upkeep of the facility. Jerry B. expressed his disdain for the facility and stated that it was not essential to the Town's operation. Hawkeye F. stated that he felt that the building was worth keeping and requested to bring the subject back to a future work session. Shelley B. requested a cost analysis for keeping or removing the building.

Gary S. applauded the police department and local establishments in Minturn, citing a program called the "last drink initiative". The program consisted of a poll conducted by law enforcement after a DUI was issued. The offenders were asked where they had been during the evening and he was happy to report that there were no Minturn establishments listed.

Gary S. provided an update regarding a proposed Mausoleum that the Cemetery district had been planning but had run into problems regarding a lack of sewer service to the area. It was noted that if they were willing to go through the lengthy process, the code does allow for a "Watershed permit" in order to proceed with building the requested Mausoleum. Gary S. stated that he will be working with the Cemetery district in order to help them proceed. It was noted that the Cemetery District could "stub-in the plumbing" for future usage after sewer service becomes available. Hawkeye F. stated that the Cemetery still needs to talk to Eagle River Water and Sanitation District prior to any future plans, as they still have final say in the matter.

The first deadline for Market applications expired last week and the applications are being processed. The Town has also received 3 applications for proposed management of the Market as well. Gary S. requested direction as to whether the Council should decide the selection of the management company. Council directed the Market Committee to make the final decision. Hawkeye F. questioned the sales tax recovery from last years Market, Jay B. stated that a letter had been sent to delinquent vendors and since then, many responses have come in regarding payments made or not made.

Regarding last meeting's questions about the Cross Creek gauging station funding, Public Works director Rod Cordova confirmed that the gauging station is physically located on Cross Creek and is pertinent for documenting the stream flow as required by the State of Colorado. It was added that the gauging station is integral to the proper operation of our water system. Gary stated that staff will continue to follow up with the issue and may approach Ginn to contribute funds. It was noted that the CWCB owns some of the water rights but bureaucracy had help up their contribution. Gary S. stated that he will continue to pursue the issue with them.

Planning update-Victor summarized a memo in order to keep the Council updated with Planning and Zoning items. This update will be in future packets for the Council's review.

8. Town Council Comments

Hawkeye thanked the Town Planner, Victor for his work presented during the work session.

PUBLIC HEARINGS AND ACTION ITEMS

9. Discussion/Action – Consideration of Ordinance 2-Series 2009, An Ordinance in the Town of Minturn Amending Title 18 of the Minturn Code by Adopting Fire Protection and Emergency Medical Services Impact Fees for Land Development Activities Generating the Need For Additional Fire Protection or Emergency Medical Services-(Second Reading and Public Hearing) – Christensen/Suiter

Hawkeye questioned Charlie Moore, Fire Chief for the Eagle River Fire Protection District regarding the Proposed Fee. Hawkeye F. stated that he felt that the fees were too high considering the taxes already paid by residents and that developments like Ginn, who have already paid \$2 million for the construction of a fire station were being charged twice, Chief Moore clarified that the costs are for the future capital needs and that the fee is intended to cover the district for the next 16 years and necessary for them to maintain an adequate service level. Chief Moore stated that growth needs to pay its own way. It was noted that replacement capital (i.e. a new fire truck to replace an old one) is not supplied by the impact fee.

Ed O'Brien, Chairman for the ERFDP clarified that the district would reimburse fees to Ginn after developments are built. Much discussion ensued between Hawkeye and Mr. O'Brien to clarify the Ginn development being reimbursed.

Michael Gallagher, 475 Pine St, Minturn, Mr. Gallagher, Board Member of the ERFDP stated that there are 2 important things to clarify. He stated that this is not an impact fee on only Minturn or Minturn residents. He noted that we must look at the entire district as a whole and that the Impact fee could be in the form of fees for a fire station in another part of the County and is not set up to single out Ginn. The Impact fees charged to the Ginn development will be credited and charged according to the size of the meters on future development.

Mayor Flaherty opened the Public Hearing.

Charlie Moore again addressed Council and stated that the arrangement can be terminated in 90 days if met with dissatisfaction by Council. Chief Moore also noted that the ERFDP has an obligation to audit the fees and they cannot spend this for anything that is not stated in the Ordinance.

Michael Gallagher, 475 Pine St., Minturn, CO, addressed Council as a resident and former Minturn Fire Chief. He reminded Council of the days that the fire engine needed to be jump started because the funds were not available to maintain proper equipment. He encouraged Council to pass this Ordinance.

Hawkeye stated that he felt all the information was not provided and noted his dissent in regards to the proposed Impact Fee.

There being no further public comment, the Public Hearing was closed.

Mr. O'Brien thanked Council and the Town and felt that the partnership between the Town and ERFPD was beneficial.

Motion by Shelley B., seconded by George B., to approve Ordinance 2 – 2009; Council voted 4-1, Hawkeye was the dissenting vote. (Note: Lorraine Haslee and Matt Scherr were absent excused)

10. Discussion/Action– Consideration of Resolution 5 –Series 2009, A Resolution of the Town of Minturn, Colorado, Approving and Intergovernmental Agreement Between the Town of Minturn, Colorado and the Eagle River Fire Protection District, Concerning the Collection, Payment and Use of Emergency Service Impact Fees-Suiter

It was noted again that the IGA can be terminated within 90 days if so inclined; Charlie Moore then reiterated that the ERFPD was obligated to review this on a yearly basis.

Allen C. noted that the agreement had been modified grammatically; Gary S. clarified the minor changes on page 51 of the packet.

Motion by George B., second by Jerry B., to approve Resolution 5 – 2009, A Resolution of the Town of Minturn, Colorado approving an Intergovernmental agreement between the Town of Minturn and the Eagle River Fire Protection District concerning the collection, payment, and use of emergency service impact fees; all voted in favor.(Note: Lorraine Haslee and Matt Scherr were absent excused)

11. Discussion/Action- Consideration of Resolution 6- Series 2009, A Resolution Approving a Transportation Enhancement Contract between the Colorado Department of Transportation and the Town of Minturn for Trail Construction-Suiter

Gary clarified that the Resolution is a result of a CDOT request of an affirmation of the \$75K matching funds contributed by the Town for a bike trail to be constructed to Dowd Junction. He noted that the total project estimated to be \$375K. Gary S. mentioned that Eco Trails had been wonderful to work with.

George B. questioned some of the wording stating that the funds are not currently available. Gary S. noted that he would make a call to investigate the meaning of the language. Gary suggested approval but suspend authorization for him to sign the agreement prior to receiving Council's final approval.

Motion by Jerry B., second by Shelley B., to approve Resolution 6 – 2009 a Resolution approving a Transportation Enhancement Contract between the Colorado Department of Transportation and the Town of Minturn for trail construction with the amendment to clarify the

federal fund appropriation prior to execution; all voted in favor. (Note: Lorraine Haslee and Matt Scherr were absent excused)

12. Discussion/Action-Consideration of A-Peak Asphalt Land Lease Extension Request-Suiter

Gary S. clarified that he could have approved this administratively as there was an Ordinance passed in 2003 for this but he wanted to present this to Council so that they would be in the loop. Gary S. noted that the monthly rate of the lease will be raised from \$450 to \$500 per month. Gary S. recommended approval. George B. requested to add a clause to be able to relocate the site if development in that area makes it necessary. Per Allen C., they are currently exercising the rights of the existing lease by extending the current lease. George B. stated that he did not want the lease to stand in the way of potential future uses of the property and suggested a rider. Gary S. suggested that if Council does not approve of the proposed lease extension that a new lease could be renegotiated. Hawkeye F. suggested assurances to A-Peak Asphalt for the time being as there has been a good relationship between A-Peak and the Town. It was noted that another 5 year option was requested but it was denied by Staff. Council requested that Gary S. renegotiate the lease with A-Peak as there were concerns about sudden changes concerning future construction by the Town but noted that the Town was willing to work with A-Peak as a gesture of good faith.

FUTURE AGENDA ITEMS

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

- Work session- Discussion with Anne Castle, Boots and other attorneys- (03/18/09)
- Request to meet with new Board of County Commissioners-Work session- (04/01/09)
- Radio transmitter discussion – Worksession – Date TBA

14. Set Future Meeting Dates

a) Council Meetings

- March 18, 2009
- April 1, 2009
- April 15, 2009

b) Planning & Zoning Commission Meetings

- March 11, 2009
- March 25, 2009
- April 8, 2009

c) Other

- Community Open House – Town Center 6-8pm 03/26/09

15. Adjournment

Motion by Shelley B., second by Jerry B., to adjourn the meeting at 8:20pm, all voted in favor
(Note: Lorraine Haslee and Matt Scherr were absent excused).



Mayor Hawkeye Flaherty

ATTEST:



Town Clerk, Jay Brunvand

