



## Official Minutes

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

Wednesday, March 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

- Discussion – Revised 2009 Budget – Brunvand
- Discussion – Building Permit Fees – Villarreal

#### 1. Call to Order

- a. Roll Call
- b. Pledge of Allegiance

Mayor Pro-Tem George Brodin called the meeting to order at 7:08 p.m.

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

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, Public Works Director Rod Cordova, Chief Lorenzo Martinez and Court Clerk Lisa Osborne.

## Regular Session – 7:00 PM

### STANDING ITEMS

#### 2. Approval of Agenda

##### a. Items to be Pulled or Added

It was noted that the Public Hearing for the Minturn General Improvement District needed to be added to agenda for a continuance to the April 1, 2009 meeting due to the fact that the public hearing had been published. The item was added to the agenda as item 9A.

Motion by Shelley B., seconded by Matt S., to approve the agenda as amended, all voted in favor. (Mayor Hawkeye Flaherty was absent excused)

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

- March 4, 2009 Regular Council Meeting

Motion by Jerry B., second by Aggie M., to approve the Minutes as presented. Matt S. and Lorraine H. abstained, all others voted in favor. (Mayor Hawkeye Flaherty was absent excused)

- Action Item Report

Shelley B. requested that a Capital Improvement plan be added to Action Item Report in the future.

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

#### 5. Special Presentations/Citizen Recognition

- Special Recognition/Farewell to Officer Geoff Heil

Chief Martinez and Court Clerk Lisa Osborne presented a Certificate of Appreciation to Officer Heil, as he was leaving his employment at the Town for the Eagle County Sheriff's Department. The certificate was presented in recognition of Officer Heil for his loyal service and friendship. Lisa O. also presented Geoff and his family with gift certificates to express the Town's appreciation for his years of service. Chief requested that Officer Heil and his family continue his relationship with the Town.

#### 6. Town Administrator's Report

Gary S. reported regarding the USFS property appraisal. He once again had spoken with the appraiser who had promised an appraisal by the end of this week. He noted that the appraisal will go to the Town's attorney and the Forest Service.

Gary S. notified Council regarding scheduling Floyd Duran as a representative from the Cemetery District for next weeks meeting. The Cemetery District plans to apply for a watershed permit and then will present their requests to the Town.

The Market Committee had met and chosen the bid presented by Randy Milhoan. Gary S. stated that he will bring it back to council as a resolution to approve the contract due to the large amount. The committee will be meeting to do vendor approval shortly and plans are moving along nicely.

A Community Plan Open House is scheduled for March 26, 2009 from 6-8 pm at Town Hall to review the latest draft of the Executive summary that takes into account the information gathered from the last 2 meetings.

3 Police officer candidates were interviewed last month for the Police Department vacancies. After testing there is only one candidate left.

Federal Stimulus funds have been set aside for the Dowd Junction Bike Path and if they arrive the funds will cover the Towns' portion of the fund matching which was to be \$75k. This project was considered for the Economic Stimulus funding because it was "shovel ready" and because it was already being considered for Federal funding. Gary S. gave much credit to Eco trails for getting the project ready

## 7. Town Council Comments

Matt S. informed Council that the Eagle Valley Alliance has a speaker coming to the Avon library to speak about planning on Thursday, March 19, 2009 for anyone who is interested. Lorraine H. read a note to the Town Council and residents regarding a fire in her house that had recently occurred. She gave many thanks to the residents of the Town for all of the help that had been provided to her and her family.

## PUBLIC HEARINGS AND ACTION ITEMS

### 8. Discussion/Action - Consideration of Resolution 3 - 2009, The 2009 Minturn Three Mile Plan for Annexation – A plan required by the Colorado Municipal Annexation Act outlining lands within 3 miles of the current town boundary which may be considered for annexation within the next year. Villarreal

Victor presented the 2009 plan and noted that it was mandated by state law to be redone each year and the last one was adopted in February 2008. He noted that this item was discussed at a

joint Planning Commission meeting where 2 additional items had been recommended and added, Staff recommended approval.

Motion by Shelley B., second by Jerry B., to approve Resolution 3 - 2009, The 2009 Minturn Three Mile Plan for Annexation – A plan required by the Colorado Municipal Annexation Act outlining lands within 3 miles of the current town boundary which may be considered for annexation within the next year; all voted in favor. (Mayor Hawkeye Flaherty was absent excused)

**9. Discussion/Action- Consideration of Ordinance 3 – 2009 (First Reading), An Ordinance Repealing and Re-enacting Chapter 6 of the Minturn Municipal Code Establishing Definitions and Procedures for Business License within the Town of Minturn- Suiter**

Gary S. presented the Ordinance and noted that this was previously reviewed at a Work Session and changes had been made per Council's request. He noted the changes involved definitions for contractors and outdoor recreation businesses. It was also noted that this would limit the Town to licensing for General contractors but would not apply to subcontractors working underneath a General contractor. He would like to make a suggestion for the Second Reading to clarify that businesses be physically located in town and delete the section that notes that the business must obtain insurance and permission to operate and park from the property owner. Much discussion ensued regarding the budget implication but Gary S. advised that the new Ordinance streamlines process and would create a wash in the fees.

Motion by Jerry B., second by Lorraine H., to approve Ordinance 3 – 2009 (First Reading) An Ordinance Repealing and Re-enacting Chapter 6 of the Minturn Municipal Code Establishing Definitions and Procedures for Business License within the Town of Minturn as amended; all voted in favor. (Mayor Hawkeye Flaherty was absent excused)

**9A. Minturn General Improvement District**

The Council adjourned as Town council and reconvened as the Minturn General Improvement District.

The Public Hearing was opened for comment. No comments made by the public.

Gary S. stated that this item had been published and notice was given to the public so we were required open the Public Hearing and continue it to the next meeting or to republish. He noted that the Developers Agreement was not quite ready so the request is to continue the hearing to the April 1, 2009 Council meeting.

Motion by George B., Second by Shelley B., to continue the public hearing until the April 1, 2009 Council meeting; all voted in favor. (Hawkeye was absent excused)

The Minturn General Improvement District adjourned as GID and reconvened as the Town Council.

## EXECUTIVE SESSION

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

Council will go 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 concerning pending litigation and Battle Mountain development; and Pursuant to CRS 24-6-402 (4) (a) and 24-6-4-2 (4) (e) to discuss possible purchase, acquisition, lease, transfer or sale of real property from USFS and to determine positions relative to negotiations, development of strategy for negotiations and instruction for negotiators for possible annexation of property into the town of Minturn.

Motion by Jerry B., Seconded by Shelley B., to go 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 concerning pending litigation and Battle Mountain development; and Pursuant to CRS 24-6-402 (4) (a) and 24-6-4-2 (4) (e) to discuss possible purchase, acquisition, lease, transfer or sale of real property from USFS and to determine positions relative to negotiations, development of strategy for negotiations and instruction for negotiators for possible annexation of property into the town of Minturn; all voted in favor. (Hawkeye was absent excused).

Mayor Pro-Tem Brodin re-convened the Regular Meeting at 9:34 p.m. Council directed Anne Castle and Town Staff to pursue funding for the Cross Creek Gauging Station and for staff to follow up on the personnel matter.

Council requested that Building Permit Fees be added to the next agenda.

## FUTURE AGENDA ITEMS

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

- Request to meet with new Board of County Commissioners-04/01/09-Work session
- USFS Property/Special Use Permit expiration for the Television Relay Station above Town-04/01/09 -Work session
- Cemetery Mausoleum discussion with Floyd Duran-04/01/09-Work session

### 12. Set Future Meeting Dates

- a) Council Meetings
- April 1, 2009
  - April 15, 2009

- May 6, 2009
  
- b) Planning & Zoning Commission Meetings
  - March 25, 2009
  - April 8, 2009
  - April 22, 2009
  
- c) Other
  - Community Open House – Town Center 6-8pm 03/26/09

### 13. Adjournment

Motion by Jerry B., Second by Shelley B. to adjourn the Regular meeting at 9:36 p.m., all voted in favor (Mayor Flaherty was absent/excused).

  
Mayor Hawkeye Flaherty

ATTEST:

  
Town Clerk, Jay Brunvand

