



Official Minutes

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

Wednesday, April 15, 2009

Work Session – 6:30 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 – 6:30 PM

- Proposed Housing at Old Town Hall Site (Not-a-Park) – Flaherty

1. Call to Order

- a. Roll Call
- b. Pledge of Allegiance

Mayor Hawkeye Flaherty called the meeting to order at 7:12 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, Public Works Director Rod Cordova.

Regular Session – 7:00 PM

STANDING ITEMS

2. Approval of Agenda (5 min).

- a. Items to be Pulled or Added

George B. requested to strike item # 12 from the agenda

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

3. Approval of Minutes and Action Report (5 Min).

- April 1, 2009 Regular Council Meeting
- Action Item Report

Shelley B. requested to amend the minutes. She clarified that at the last meeting she suggested selecting the committee quickly, not selecting the candidate quickly.

Motion by Shelley B., second by Aggie M., to approve the minutes as amended, all voted in favor.

Shelley B. requested clarification on the Action Item report for the Dowd Junction Bike Trail as reports in the paper stated that Economic Stimulus funds going to the Town totaled \$375,000. Gary S. stated that the funds referred to in the paper were a grouping of all of the funds required for the project. He stated that the total project cost is \$375,000 but the matching funds provided by the Town, to be covered by stimulus funds total only \$75,000.

4. Liquor License Review

- Minturn Country Club, Annual Renewal of Hotel and Restaurant Liquor License, 131 Main St, Joe Honnessey/ TJ Ricci-Managers/ Owners -Brunvand (5 min)

The Council convened as the Liquor licensing Authority at 7:17 p.m.

Jay B. presented the annual renewal of the Minturn Country Club's hotel liquor license. Owner/ Manager Tom Ricci was in attendance to represent the restaurant. Jay B. reported that the Town had no issues and recommended approval. Chief Martinez noted that there was no written report and there have been no issues with the business to date.

Motion by Aggie M., second by Jerry B. to approve the annual liquor license renewal for the Minturn Country Club.

The Liquor license authority adjourned at 7:20 p.m. and reconvened as the Minturn Town Council.

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

6. Special Presentations/Citizen Recognition

- **Citizen recognition to express appreciation to Johnie Rosenfeld, Robert Martinez and Public Works staff for their efforts in making the parking and snow removal plan a success**

Chief Martinez presented recognition and certificates of appreciation to citizens that have promoted public safety this past winter. This week he wished to present recognition to the Town of Minturn Public Works Crew. Certificates were presented to the Public Works Director, Rod Cordova as a representative of Public Works Department.

Chief Martinez also presented certificates of appreciation to the staff of Johnie's Garden and Martinez Trucking. He cited the use of mutual aid agreements with contractors this season and praised the businesses for donated time and resources working to help the Town's snow removal efforts. Chief Martinez also wanted to recognize Ella Burnett for allowing access to her land for snow storage.

Rod Cordova wished to thank the businesses went out of their way to help. Hawkeye stated that Council is in appreciation of all their hard work this winter.

7. Town Administrator's Report

Gary S. presented his weekly report and stated that he was still awaiting the delivery of the appraisal report of the "Bone yard" property owned by the USFS, and when delivered, it will go to Town Attorney Allen Christensen.

Market Update: preliminary booth assignments have been made and a sponsorship drive is gearing up. The goal for funds is \$30,000. This will subsidize Town Clean Up day on May 16th, the 4th of July picnic and the Summer Market. He noted that the fundraising drive will be only once this year in order to not "pester" businesses.

Town Manager Recruitment: We have received good response from candidates. About 50 applicants' resumes have been received to date. Many applicants are well suited and highly qualified and Gary is confident that there will be a competent, qualified person to take his place. The closing date for applications is April 30 and interview dates were rescheduled to May 26 & 27.

A Parking plan de-briefing meeting was held in the past week. Gary S. had asked local businesses how the plan worked. There were several suggestions from the attendees. The Town will have another meeting in the fall to discuss the 2009-2010 season plan. The group requested more Council support with Ordinance enforcement, i.e. pushing snow into the street. Gary remarked that snow not being kept on private property was the most complex issue. Chief Martinez noted that he had personally sent out letters to residents that did comply with the

Ordinance, asking them to be responsible for their own snow. Shelley B. requested clarification regarding the 2 hour parking conflicting with the No Parking rules in effect during November-April. She requested that we be careful with the placement of the signs. Gary S. remarked that the goal is to create adequate parking for businesses with the 2 hour parking but the logistics between clearing the snow and providing parking is problematic. Hawkeye requested clarification between the dates of the parking –whether the plan meant until April or through April. It was confirmed that the signs should be read as until April. Matt S. suggested ordering stickers to save on costs and clarify the issues with the signs. Chief Martinez noted that the challenge was on the business community to come up with a consolidated plan that will work for the majority of businesses in Town. Gary welcomed Council's comments and suggestions.

Gary provided an update regarding Police department hiring. A job offer has been made to a potential 3rd officer and he has accepted the position. Chief Martinez noted that the new officer was moving to town this weekend and there had been a slight delay due to out of state transferring issues. A 4th candidate had been scheduled for an interview but there were issues due to the cost of housing as we have a requirement of officers to live within a reasonable radius of Town and the potential officer declined. It was noted that there was discussion regarding a hiring freeze but that was before the recent resignation of Officer Heil. Since Officer Heil had left the department, the hiring was now to fill the open position. Hawkeye suggested a hiring freeze given the current state of the budget. Matt S. felt that if the cost was the same as using the Sheriff's department to fill the void then it would be beneficial to hire an additional officer. Matt S. requested a cost analysis. Chief Martinez stated that last year the Town paid close to \$60,000 to the Sheriff's department to supplement training time, vacation, and sick leave. He felt that another full time employee would have cost less. He stated that due to the annexation of the Battle Mountain area he is legally responsible to monitor the additional locale. There are issues with many trespassers in that area and as the snow melts it will begin to take up more of the Police department's time. He stated that the Police department is legally obligated to respond to all calls within Town boundaries. Chief Martinez reiterated that less staff and more area to cover negatively affects the level of service provided to current residents. Jerry B. stated that he felt that we should continue to provide care and coverage. Much discussion ensued regarding the amount of time that could be spent attending to calls due to the annexed property. Hawkeye questioned the cost of using the county. Chief Martinez responded that the cost for County coverage is \$58/hour. Questions arose as to whether the 4th officer was budgeted for and Gary S. confirmed that it was. Gary noted that Ginn reimbursements as it stands currently cover a 4th officer. Gary suggested that we continue to recruit and continue to monitor the budget to see if we can hire at that time and noted that it could take a significant amount of time to locate a new officer. Council directed staff to proceed with caution and continue the search for the 4th officer.

Gary S. updated Council regarding Ginn funding. He stated that several meetings had been held with Ginn and that they had settled for a staff reimbursement of \$15K per month for the first half of this year. Gary S. noted that those revenue figures are not currently in the revised budget. Gary felt that it was a fair amount and noted that Ginn has not reneged on any agreement contrary to some reports. He also noted that the funds could either disappear or go up depending on the status of the development.

Gary S. went over the budget updates given to Council. He welcomed comments or questions regarding the budget. Jay B. stated that the February sales tax is below last year. Jerry B.

questioned the January sales tax figures being up and questioned whether the numbers could be skewed. Jay B. clarified that there are only 4 businesses in Town that are large enough to skew the figures. Jay B. stated that the numbers are below last year but last year had been a "banner" year. He stated that when compared to the 5 year average, the figures are still above normal. Jay stated that the figures are better than other numbers in the Valley due to the service industries in Town, the reasonably priced restaurants, and consignment stores that appeal to shoppers during tough economic times.

Gary encouraged Council members to attend the CDOT meeting in Eagle on May 12, 2009 at 9 a.m. George B. and Aggie M volunteered to attend. Hawkeye requested that Gary S. compile concerns to address at the meeting. Gary S. recommended pushing for the Dowd Junction interchange reconstruction and George B. suggested screens for falling rocks.

The Colorado Municipal League Conference will be in Vail on June 16-19. Gary S. strongly recommended any or all Council to attend. A brochure had been provided to Council for review.

Planning Update: Victor V. provided a memo to keep the Council updated on the projects. He noted that there were 2 recently approved Design Review Board projects and that he would be bringing approvals to Council. He noted that the Chairman of the Planning Commission had recently resigned and that residents have until April 30 to submit applications for the open commission position. Matt S. questioned the conflicting results from a recent Planning and Zoning Commission decision versus staff's recommended denial of a previous board members' proposal and suggested that if an item goes against staff recommendation that Council should plan on calling the item up in order to diminish possible political concerns. Victor clarified that the member had resigned prior to the item in question being heard and Staff had recommended denial due to the proposal not conforming with the Design Guidelines in the Municipal Code. Motion by Matt S., second by Shelley B. to call up the Design Review Board approval of the Woodruff residence from the 4/9/09 meeting for review by Council. Council also directed staff to bring this issue up when changes are made to Chapter 16 of the Minturn Municipal Code.

Shelley B. requested that staff pursue the Maloit Park Annexation and move forward. Matt S. requested that Staff pursue enforcement regarding sidewalk snow cleanup. Victor stated that it had been discussed and letters will go out in the fall prior to snow falling. Hawkeye requested a copy of the snow removal ordinance be provided to Council.

8. Town Council Comments

Shelley B. wished to inform the public that May 2 is the I -70 Highway Cleanup day from 9 a.m. -12 p.m. and that Town Cleanup Day is May 16.

Jerry B. attended an Eagle County Water workshop and he had returned with material to share. Matt S. attended the Eco transit meeting and noted that the summer schedule for Minturn will be cut down to one bus a day through Minturn and after May 31 will be back to same schedule as last year. Matt stated that there is still a possibility of a fare increase; Shelley B. noted that even with fare increases the cost will still be cheaper than parking in Vail.

9. Discussion/Action- Consideration of Contract for Event Production Services for the Summer Market- Suiter

It was noted that the payment schedule was evened out to make the payment more balanced over the time per Council's request at the April 1, 2009 meeting. Staff recommended approval. Motion by Shelley B., second by George B. for approval of the contract for event production services for the summer market by Milhoan Studios.

10. Discussion/Action-Consideration of Resolution 9-2009, A Resolution Approving Variance Application VAR 09-01 – A variance application to construct a single family home on land sloping in excess of 30%- Villarreal

Victor V. presented the Resolution and noted that the applicant had requested just the previous day to withdraw the item for consideration. The applicant intends for the plans to go back to Design Review Board and then to Council for approval at a later date.

11. Discussion/Action-Consideration and Endorsement of the Executive Summary of the 2009 Minturn Community Plan-Villarreal

Victor outlined the information presented in the packet. He noted a number of community meetings and visioning sessions were used as a starting point for the Executive summary. Input from both meetings are included and attached to the new community plan. The approval of the Executive Summary will give staff the direction to work on the Master plan and for the new code to be implemented. The Planning and Zoning Commission had recommended Council endorsement. Council commended staff for the large amount of work that has gone into the project so far. Gary S. noted that he received calls regarding the quality of product being presented by Staff.

Motion by George B., second by Aggie M. to approve the Endorsement of the Executive summary of the 2009 Minturn Community Plan, all voted in favor.

12. Discussion/Action - Proposed Housing at Old Town Hall Site (Not-a-Park) – Flaherty
Item struck from the agenda.

FUTURE AGENDA ITEMS

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

- Minturn General Improvement District- Operational Funding Agreement and Developers Agreement- May 6, 2009
- Presentation by Frank Lorenti- May 6, 2009
- Calling up the Woodruff DRB approval- May 6, 2009
- Planning Commissioner Appointment-May 6, 2009
- Legal update-Ginn development restructuring of legal team-Executive session (after meeting)-May 6, 2009
- Survey with Staff regarding housing projects-May 20, 2009

14. Set Future Meeting Dates

a) Council Meetings

- May 6, 2009
- May 20, 2009
- June 3, 2009

b) Planning & Zoning Commission Meetings

- April 22, 2009
- May 13, 2009
- May 27, 2009

c) Other

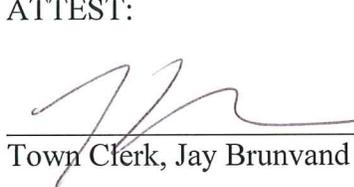
- Town Clean Up Day- May 16, 2009
- Town Manager Interviews-May 26 (5:30) & 27 (5 p.m.), 2009- (re-schedule from 5/30/09)

15. Adjournment

Motion by Jerry B., seconded by George B. to adjourn the regular session of the Minturn Town Council at 8:56 p.m.


Mayor Hawkeye Flaherty

ATTEST:


Town Clerk, Jay Brunvand

