



Official Minutes

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

MINUTES

Wednesday, May 20, 2009

Work Session – 6:00PM
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 – 6:00PM

- Presentation regarding the Eagle River Watershed Monitoring Funding Request – Raymond Merry, director of Eagle County Department of Environmental Health
- USFS Property/Special Use Permit expiration for the Television Translator Station – 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, Matt Scherr and Aggie Martinez. *(Note: Lorraine Haslee left the meeting during the work session at 6:42 p.m. for an excused absence)*

Staff present was Interim Town Administrator Gary Suiter, Town Planner Victor Villarreal, Town Treasurer/Clerk Town Jay Brunvand, Deputy Clerk Carrie Kendall, Town Attorney Allen Christensen and Planner 1 Chris Cerimele.

Regular Session – 7:00 PM

STANDING ITEMS

2. Approval of Agenda (5 min).

- a. Items to be Pulled or Added

Motion by George B., second by Aggie M., to approve the agenda as presented; all voted in favor. *(Note: Lorraine Haslee was excused absent)*

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

- May 6, 2009 Regular Council Meeting
- Action Item Report

Hawkeye requested the title be changed on page 1 from Agenda to Minutes

Motion by Shelley B., second by George B., to approve the Minutes as amended; all voted in favor *(Note: Lorraine Haslee was excused absent)*

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

5. Special Presentations/Citizen Recognition

- Swearing in of Minturn Police Officer Thomas Koch

Gary S. presented Officer Koch giving a brief summary of Officer Koch's qualifications. Mayor Flaherty swore in Officer Koch as a police officer for the Town of Minturn.

6. Town Administrator's Report

Gary S. updated Council regarding the Town Administrator search. Gary S. thanked Jerry B. and Shelley B. for their part in narrowing the list of applicants. Gary S. stated that there were 90 applicants and that Gary S. cut that number down to 40. He stated that all had previous manager experience. After consideration, there were six finalists, one of which withdrew. A notebook

with the five resumes, a schedule of interviews, and an itinerary were presented to Council members for review. Gary S. stated there is a public meet and greet with the 5 finalists on Wed May 27 from 3:30-5 p.m. and everyone is invited to attend.

Finalists include Andy Barton, Tom Hale, Michael Copp, Jim White and Guy Patterson. Gary S. reiterated his confidence in finding a suitable candidate for the position.

Planning update: Chief Martinez has distributed literature regarding the rising river runoff. Copies are available upstairs at Town Hall for residents to review emergency procedures related to high water issues.

Gary S. wished to thank Chief Martinez, volunteers and staff that participated in the Clean Up Day.

Jay B. has provided updated financial reports and encouraged Council to call if they have questions.

Victor V. presented his Planning update memo and announced that May 21 is the first of a series of Community work sessions will be held to discuss future land use planning with residents. Additional meetings will be held on May 26, June 25th and July 23 at Town Hall.

Gary S. reminded Council that there should be follow up regarding the presentation at work session for the Eagle County Watershed Monitoring funding request presented during the work session.

Matt S. questioned a previously discussed lighting ordinance. Victor V. replied that the plan is to weave it into Title 16 when it is rewritten. Matt S. suggested an internal dark skies procedure, particularly regarding street lights that would be replaced by the Town. Victor V. stated that the Town should attempt to comply especially if the Town expected residents to comply in the future. Much discussion ensued regarding the issues that would be addressed when Title 16 would be rewritten. It was acknowledged that many issues would need to be handled but it would be most efficient to address as a whole issue rather than piece by piece.

7. Town Council Comments

George B. updated the CDOT meeting that he and Aggie M. had recently attended, they presented a book that was obtained from the meeting. George B. noted that CDOT officials were thankful for the new parking plan regarding the snow removal this past winter.

Mayor Hawkeye thanked citizens and staff for the participation in this past weekends' Clean Up Day. He noted that there were 6 dumpster loads of trash collected. He encouraged more communication in the future regarding the picnic after the Clean Up Day and wished to boost attendance of the picnic next year. Mayor Hawkeye wished everyone a happy Memorial Day.

Gary S. stated that contract street sweeping of the Town will begin on June 1 and take 2 to 3 days to complete.

Shelley B. stated that she had noticed several piles of garbage around Town felt that maybe there was miscommunication on Clean Up Day since the items were never picked up. She recommended clean up of those items, Gary S. stated that he will follow up with the issue. Matt S. noted that some of the items are E-waste such as TV's and those items cannot go into the landfill.

PUBLIC HEARINGS AND ACTION ITEMS

8. Discussion/Action – Consideration of Resolution 10 – Series 2009, A Resolution Approving Conditional Use Permit Application CU 09-03 – A request to construct a single-family residence in the commercial zone of the Old Town Character Area. The property address is 115 Nelson Ave. – Cerimele

Hawkeye opened the public hearing and questioned if any council members had any contact with the applicant. Shelley B. stated that she had spoken the Tom Sullivan and discussed the item with George B. Jerry B. stated that he had spoken to Mr. Sullivan but no particulars had been discussed.

Chris C. outlined the applicants plan to build a single family home in a commercial use area. It was noted that lot is 25' by 46'. The applicants request was to tear down an existing barn to build a single family lot in its place. He stated that the long term interest of the Town would be to preserve the lot for commercial usage and could have a business that generates sales tax. Staff recommended denial of Resolution 10 – Series 2009 and the associated Conditional Use Permit.

Mr. Tom Sullivan, 116 Nelson St. Minturn, CO. Mr. Sullivan presented as the applicant and expressed his frustration with the process. He stated that per the Town's code, he had plans drawn up and submitted to Staff. Mr. Sullivan stated that staff had given differing statements regarding staff recommendation of approval or denial. Mr. Sullivan stated that he felt that staff had steered P&Z to deny the application. Mr. Sullivan again expressed his frustration in the process stating that his 2 homes on the same block had received conditional use permits and they involved the same issues being discussed. Mr. Sullivan expressed his displeasure with staff regarding what he felt was meeting the criteria. Mr. Sullivan stated that the previous intention of zoning the area commercial was not an intention to impede residents in that area.

Mr. Michael Pukas, 95 Willowstone Place, Gypsum, CO representing MPP Design Shop, Mr. Sullivan's architect. Mr. Pukas outlined the process that the project had been through. He stated he felt the project was appropriate because the item stands on the border of residential and commercial area. He stated that there are possibilities to address some items within the designs such as paint and roofline. Mr. Pukas clarified a previous statement that Mr. Sullivan had told the Council that he was initially not willing to construct as a mixed use building but in the future the building usage could be converted to Commercial or Mixed Use.

Woody Woodruff, 494 Eagle St. Minturn, CO. Mr. Woodruff stated that he felt the project brought about the question of what the town's future of commercial zoning should be. He stated that the "destination shopping" in Town negated the development of future commercial building.

He stated that the town should help development. He stated that the town must be consistent and not set a precedent and felt that the project was perfect for the town.

Ms. Lynn Teach, 253 Pine St. Minturn, CO represented herself as a citizen of Minturn. Ms. Teach noted that commercial area is very small and questioned that if the town were to expand where would it expand to? Ms. Teach suggested alternatives for that area. She stated that residences in the lot under discussion would not necessarily improve the commercial area of downtown.

Shelley B. asked Mr. Sullivan if he submitted the design when he submitted for the conditional use permit? He confirmed that he did but noted that it was a preliminary design that was submitted.

The public hearing was closed.

Victor V. clarified that it is a Municipal Code requirement to get conceptual design submittal with a conditional use permit.

It was noted that there was initial staff approval but after the Planning & Zoning Commission met he used their discussion to make the decision to deny.

Shelley B. stated that she felt that the homes that exist in downtown that exist in the commercial zoning area would be penalized if they ever needed to rebuild due to fire. Victor V. reminded Council that the issue at hand is applying a conditional use permit for a commercially zoned area.

Chris C. noted that, per the code, if an existing structure were to be destroyed then the area could be rebuilt with a few conditions from the DRB and the commercial zoning would not necessarily apply the affected existing homes.

Jerry B. stated that the commercial space under question would not necessarily benefit the town regarding sales tax revenue. Jerry B. stated that we should not force the development of commercial space if it would not be beneficial to the Town. Much discussion ensued regarding the issue. Victor V. stated that the Town needs to approach items comprehensively regarding what the intent should be for the area.

Motion by Jerry B., second by Shelley B., to approve Resolution 10 – Series 2009, A Resolution Approving Conditional Use Permit Application CU 09-03 – A request to construct a single-family residence in the commercial zone of the Old Town Character Area. The property address is 115 Nelson Ave; Motion failed 4-2 Matt S. no, Aggie M. no, Shelley B. yes, Jerry B. yes, George B. no, Hawkeye no. Resolution failed 4-2. (*Note: Lorraine Haslee was excused absent*)

Shelley B. excused herself at 9:00 p.m.

9. Discussion /Action – Consideration and possible direction to staff to initiate the process of formally extinguishing the October 3, 2001 approval of the subdivision at 721 Main

Street, commonly referred to as the 'RBLA' subdivision by the process outlined in section 16-21-240 of the Minturn Municipal Code, and establishing a hearing date for the extinguishment of July 1, 2009. – Villarreal (15 minutes)

(Note: this item was taken up after #10)

Victor V. presented the item and noted that the subject has been brought to attention several times. Noted that initial approval was on October 3, 2001 and that the applicant was notified that the item would expire, at that time the applicant received an extension. Currently no site improvements have been made. According to the code, the subdivision approval expires but staff needs direction from Council to begin the process of extinguishing the item officially. It was noted that approvals expire for a reason. Reasons given included cost estimates that would need to be updated and lot sizes that do not comply currently. Victor V. pointed out that at this time the emergency access could be improved and emergency officials had expressed that they would prefer better access.

Motion by George B., and second by Hawkeye F., to approve the process of formally extinguishing the approval of the subdivision at 721 Main St, commonly referred to as the RBLA subdivision by the process outline in section 16-21-240 of the Minturn Municipal Code, and establishing a hearing date for the extinguishment of July 1, 2009, all voted in favor. *(Note: Lorraine Haslee and Shelley Bellm were excused absent)*

10. Discussion—Sustainable Design Assessment Team (SDAT)-Chris Green, AGO Studies

(Note: this item was taken up prior to #9)

Matt S. introduced Mr. Chris Green, 2909 Beaver Creek Trail, Avon, CO representing AIA Architects. Mr. Green wished to introduce the SDAT team whose mission is to provide assistance to communities to advance sustainable design. Mr. Green outlined previous reviews provided to communities and how these teams worked with various communities to assess areas of sustainable design. Mr. Green invited members of the Council and the Town Manager to the team leader visit on June 11 to hear from the Town regarding sustainability and what it means to Minturn.

FUTURE AGENDA ITEMS

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

- Consideration of Resolution 11 – Series 2009 a Resolution appointing a new Planning Commissioner – Villarreal – June 3, 2009 (Work Session 30min and Meeting 5min)
- Discussion of Construction Materials Use tax – Flaherty – June 17, 2009 Worksession (30min)
- Discussion of a proposed Ordinance establishing a policy that if you develop a vacant lot or improve an existing structure, you must install a sidewalk – Flaherty – June 3, 2009
- 2008 Annual Audit presentation and acceptance – June 3, 2009 -Work session (45min) and Regular meeting (10min)

- Policy discussion directing that a project presented to the Planning Commission by a sitting or recently sitting Commissioner or Council member be also reviewed by the Town Council to avoid the appearance of impropriety – June 17, 2009 – Work session 30min
- Ordinance regarding private use of the public right of way – June 17, 2009 Work session (30min)
- Meeting with Anne Castle-June 17, 2009- Executive session
- Survey with Staff regarding housing projects – Suiter (15min)-June 17th, 2009
- Minturn GID Board Meeting – July 1, 2009
- Information on International Maintenance Code-

12. Set Future Meeting Dates

a) Council Meetings

- June 3, 2009
- June 17, 2009
- July 1, 2009

b) Planning & Zoning Commission Meetings

- May 27, 2009
- June 10, 2009
- June 24, 2009

c) Other

- Town Manager Interviews – May 26 & 27, 2009

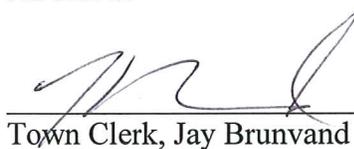
13. Adjournment

Motion by George B., second by Jerry B., to adjourn the regular session of the Minturn Town Council at 9:34 p.m., all voted in favor (*Note: Lorraine Haslee and Shelley Bellm were excused absent*)



Mayor Hawkeye Flaherty

ATTEST:



Town Clerk, Jay Brunvand

