



Official Minutes

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

Wednesday, June 3, 2009

Work Session – 5:30PM
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 – 5:30PM

- Planning Commissioner candidate interviews – Villarreal
- 2008 Annual Audit presentation and acceptance – Brunvand
- Request for reduction of Property Taxes – Frank Lorenti

1. Call to Order

- a. Roll Call
- b. Pledge of Allegiance

Mayor Hawkeye Flaherty called the meeting to order at 7:16 p.m.

Those present included Mayor Hawkeye Flaherty, Mayor Pro Tem George Brodin, Lorraine Haslee, Jerry Bumgarner, Matt Scherr and Aggie Martinez. (note: Shelley Bellm 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, Town Attorney Allen Christensen and Planner Chris Cerimele.

Regular Session – 7:00 PM

STANDING ITEMS

2. Approval of Agenda (5 min).

a. Items to be Pulled or Added

Request by Gary S. to add an Executive session to the end of the meeting to discuss USFS property and contract negotiations with the new Town Manager.

Motion by Jerry B., seconded by George B., to approve the agenda as amended, all voted in favor (note: Shelley Bellm was absent/excused).

3. Approval of Minutes and Action Report

- May 20, 2009 Regular Council Meeting
- May 26, 2009 Special Council Meeting
- May 27, 2009 Special Council Meeting
- Action Item Report

Motion by Lorraine H., seconded by Aggie M., to approve the Minutes from May 20, 2009 meeting as presented, all voted in favor. (note: Shelley Bellm was absent/excused)

Motion by George B., seconded by Jerry B., to approve the May 26, 2009 meeting minutes as presented. (note: Shelley Bellm was absent/excused)

Motion by Jerry B., seconded by George., to approve the May 27, 2009 special meeting minutes as presented, all voted in favor. (note: Shelley Bellm was absent/excused)

Action items report, Gary S. added that the Dowd Junction bike path preliminary work was under way and he wanted to acknowledge the work being put in by Ellie CarylCaryl and Chris Cerimele. Also, Attorney Allen C. will be meeting with the Cemetery District soon.

4. Public comments on items, which are NOT on the agenda

No comments from the Public.

5. Special Presentations/Citizen Recognition

- Clean up Day volunteer recognition – Martinez

Chief Martinez presented and wished to thank Jay Raiola of the Minturn Red Cliff Business Association for her coordination efforts, Mark Allen and Ginn Resorts employees and Kerry Donovan of the Minturn Community Fund for their time and effort on Clean Up day. A total of 52 people volunteered on clean up day to work in the Town to clear trash. Chief Martinez wished to recognize the youngsters that participated in the clean up. Chief Martinez had certificates for Brook Bellm, Riley Bellm, Coco Boock, Sophie Boock, Amalia Manning, Aidan Manning, Axelina Manning, Rose Martinez and Riley Dunn. Rose Martinez and Riley Dunn were on hand to receive their certificates to a round of applause from Council, Staff and the audience.

6. Town Administrator's Report

Gary S. wished to thank Council for their involvement with the Town Administrator selection. He specifically wished to recognize Shelley B. and Jerry B. for their time spent on the subcommittee to weed the number of applicants down. Per Council direction, the position was offered to Jim White who is currently the Town Administrator for the Town of Berthoud. He made note that the offer is contingent on background and reference checks and contract negotiations to be discussed in the Executive Session. Mr. White and his wife have expressed their excitement for moving to the area.

4th of July planning is beginning although scaled down from previous years'. A picnic, music and children's activities are to be held at Little Beach Park from 3-6 p.m. The public is invited for free food and drink.

Gary S. has entered into small contract with Guy Patterson in order to assess the current Town infrastructure and develop priorities in order to pursue grants.

In regards to the recent Post Office damage, the first insurance payment was received; the replacement window is on order but was delayed for 4-6 weeks due to the special order nature of the window. A structural engineer was hired to verify the nature of the damage and to assess the safety of the structure.

A packet of information for the Maloit Park school annexation was sent to the District's Chief Financial Officer in order to begin the process and to facilitate the progression of the annexation. A meeting with staff will be scheduled to follow up.

Gary S. has received a letter from Eagle County Animal services updating the Town regarding the state of animal control. The letter outlines billable hours and the adjustment of hours billed due to increasing costs.

The Town employee's health insurance premiums were scheduled to go up 29%. In response to the rising costs, several plans were reviewed and a new plan was chosen in order to keep costs static. This has resulted in higher out of pocket costs for the employee but has maintained the Town's ability to continue to provide health insurance with no employee contributions from their paycheck.

Gary S. is still waiting to receive the appraisal from the United States Forest Service of the "Bone Y'ard" property. The USFS has had this information since March 18, 2009 but not disclosed the information to the Town as of yet.

Lorraine H. questioned if the Minturn Community Fund was interested in the planning of the July 4th festivities and Gary S. replied that a meeting was in the works in order to discuss this and several other items with them.

7. Town Council Comments

Jerry B. announced that he became a Grandfather yesterday.

PUBLIC HEARINGS AND ACTION ITEMS

8. Discussion/Action – Consideration of Resolution 11 – Series 2009 a Resolution appointing a new Planning Commissioner – Villarreal

3 applicants were interviewed during the evenings Work Session. The applicants were Kelly Toon, Lael Engstrom and Timothy Osborne. Ballots were passed out and votes taken by Council to determine a majority. It was announced that the top 2 after the first round of voting were Timothy Osborne and Lael Engstrom. A second vote was taken and no majority was reached. A third vote was taken and still no majority was reached, as a result a coin toss ensued and the winner was Tim Osborne. The Mayor thanked all applicants for their time and expressed his deep appreciation for the time and effort put forth by the Planning and Zoning Commission.

Motion by Matt S., seconded by Aggie M., to appoint Tim Osborne and to approve Resolution 11- Series 2009, a Resolution appointing a new Planning Commissioner. (note: Shelley Bellm was absent/excused)

9. Discussion/Action – 2008 Annual Audit presentation and acceptance – Brunvand

A presentation was made during the Work Session by the Auditor, Wendy Swanhorst. It was shown that the position of the Towns finances had improved in the past year.

Motion by Hawkeye F., seconded by George B., to approve the 2008 Annual Audit, all voted in favor (note: Shelley Bellm was absent/excused).

10. Discussion/Action – Consideration of Resolution 12 – Series 2009; A resolution approving variance application VAR 09-01 – A request to construct a single-family residence on a portion of land that slopes in excess of 30%. The property is located at 564 Taylor Street – Cerimele (30min)

Chris C. presented the application and noted that a similar to a variance was approved nearby and was due to be completed this fall. Staff recommended approval of the application. The Public hearing was opened.

The Mayor asked if there was any contact by the applicant to Council.

George B. stated that he had spoken to the applicant several months ago and that he had suggested that the applicant come in and speak to Staff in that regard.

Michael Pukas, 95 Willowstone Place, Gypsum, CO. Mr. Pukas is in attendance in order to represent the applicant. Mr. Pukas stated that the lot is 25' and that there are 5' setbacks. He also noted that this is very narrow lot but it conforms to all required setbacks and that they will be disturbing (excavating) 32% of the lot. Hawkeye questioned the square footage and Mr. Pukas replied that it was 2800 square feet. It was noted that this will be a primary residence and the applicant lives nearby. Hawkeye questioned how much space would be lost if the size of the property was reduced in order to fit the lot without the approval of the variance.

Mr. Pukas stated that the allowed site coverage is 40% and the current plan is only 25% site coverage. He stated that this house needs to be the size it is currently in order to function efficiently. It was noted that the denial of the variance would probably affect 1 bedroom and 1 bathroom. Chris C. noted that a neighbor close by had emailed him in favor of the proposed home to be built. George B. questioned the existing home on the lot. It was stated that the removal of the existing home was not discussed in Planning and Zoning. Mr. Pukas stated that the existing building has to come down at some point due to many conditions relating to the home. Victor V. clarified that the Town is not involved in the property owners' agreements regarding the home under discussion that encroaches on the property under discussion. He stated that a condition that could be imposed is that both lots be recorded on the property for future fixes of the encroachment. Much discussion ensued regarding an existing home that is built partially on the lot under discussion and an adjacent lot. Allen C. clarified that if the discussion is regarding a property then the decision should be limited to the property. It was noted that the Planning Commission has met regarding this property twice due to initial estimates regarding lot disturbance. Matt S. questioned the existing code and asked if the code would be changed in the future to allow for this type of construction. Victor V. confirmed that it would. Mr. Pukas noted that he had worked in other communities that allowed construction on slopes in excess of 40% and noted that there are guidelines put in place in those communities to safely build with slope. Victor V. noted that in the future the code will be clearer to support the future construction. Hawkeye requested an accurate measurement of the existing grade in order to compare with the finished grade of the building. Victor V. noted that it could be verified on the drawings and is not necessary to add a condition on the project.

The Public hearing was closed. There were no further questions.

Motion by Jerry B., seconded by George B., to approve Resolution 12 –Series 2009, A Resolution approving variance application VAR 09-01 – A request to construct a single-family residence on a portion of land that slopes in excess of 30%. The property is located at 564 Taylor Street, all voted in favor. (note: Shelley Bellm was absent/excused)

11. 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 land acquisition from USFS and to discuss personnel issues.

Motion by Jerry B., seconded by Aggie M., to go into executive session at 8:44 p.m., all voted in favor (note: Shelley B was excused absent).

The Executive Session ended at 9:17 p.m.

The Town council directed Staff to continue negotiation with Jim White and modify the proposed contract as directed by Town Council.

Items to be added to the Agenda-Council inquired about the addition of the "Pooh Corner Update" to the agenda. Gary S. explained the call from Cass Galloway, the Director of Pooh Corner. There was some discussion regarding the ownership of the property and the Town's role in the matter. Following discussion, Council directed Staff to place the item on the work session agenda for the next meeting.

FUTURE AGENDA ITEMS

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

- Discussion of Construction Materials Use tax – Flaherty work session – June 17, 2009
- Ordinance regarding private use of the public right of way – July 1, 2009 Work session
- Survey with Staff regarding housing projects – Suiter – June 17, 2009 Work session
- Information on International Maintenance Code
- Meeting with Anne Castle – June 17, 2009 – Executive session (End of Meeting)
- Consideration of Resolution ___ - Series 2009 a Resolution to consider and approve a management contract for the Town Manager – Suiter – June 17, 2009 – Regular meeting (15min)
- Minturn GID Board Meeting – July 1, 2009
- Pooh Corner Board Update – June 17, 2009 Work Session – start at 5:30

13. Set Future Meeting Dates

a) Council Meetings

- June 17, 2009
- July 1, 2009
- July 15, 2009

b) Planning & Zoning Commission Meetings

- June 10, 2009
- June 24, 2009
- July 8, 2009

c) Other

- Minturn Market begins – June 27

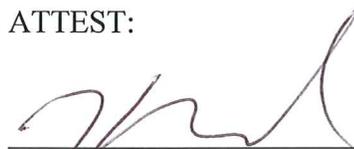
14. Adjournment

Motion by Jerry B., seconded by Lorraine H. to adjourn the regular meeting, all voted in favor
(note: Shelley B. was absent/excused)

Meeting was adjourned at 9:37 p.m.


Mayor Hawkeye Flaherty

ATTEST:


Town Clerk, Jay Brunvand

