Official Minutes

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

Wednesday, June 17, 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

- Discussion–Informational Update: Status of Pooh Corner – Cass Galloway/ Pooh Corner Board – no packet information
- Discuss proposed Ordinance requiring sidewalks – Flaherty
- Discussion of Construction Materials Use tax – Flaherty
- Survey of Town Staff regarding housing – Suiter

1. Call to Order

a. Roll Call
b. Pledge of Allegiance

Mayor Hawkeye Flaherty called the meeting to order at 7:14 p.m.

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

Regular Session – 7:00 PM

STANDING ITEMS

2. Approval of Agenda

a. Items to be Pulled or Added

An addition of Resolution 15-2009 will added to the agenda under item #4 in order to express the Town's appreciation to Anne Castle.
An addition of item 9A to approve, modify, or deny of letter of endorsement to the Colorado Municipal League.
Direction from Council to move USFS item to first discussion item.
Motion by Shelley B., seconded by George B., to approve the agenda as amended, all voted in favor (Jerry B. was absent/excused)

3. Approval of Minutes and Action Report

- June 3, 2009 Regular Council Meeting
- Action Item Report

Motion by George B., second by Aggie M., to approve the Minutes as presented, all voted in favor. (Jerry B. was absent excused, Shelley abstained due to absence from that meeting)

Gary S. added to the Action Item Report –an appraiser is now lined up to replace the resigned appraiser that had previously been on the job. The USFS has given their approval for the use of Kevin Chandler of Steamboat Springs. Gary S stated that the new appraiser is familiar with resort area pricing. Hawkeye F. and Shelley B. expressed their concern regarding the implications with a new appraiser working for the USFS. Council asked if a letter could be written to obtain the instructions from the USFS that caused the appraiser to resign. Gary S. discouraged this action as he did not think the USFS would release the information and it is important to maintain good relations with them. Appraisal work should be done by October.

Lorraine H. questioned the status of the Dowd Junction Bike trail project. Gary S. stated that new contracts were signed and sent out to acknowledge the receipt of stimulus funds. Also, the easement with the Forest Service was signed and delivered. It was noted that the trail would run from the County Bridge to the lift station on the Eagle River. Gary explained that the reason the new trail will not connect to the rest of the trail is due to the planned reconstruction of the Dowd

Junction interchange –which construction would destroy and require the rebuilding of the Trail if connected to the existing Trail. Once the interchange is completed then CDOT will connect the planned trail to the existing trail at the Gore Creek confluence.
It was noted that the consideration of the building inspector's contract was no longer on the future items. Victor stated that he is working on an RFP currently and would be addressing this item soon.

Public comments on items, which are NOT on the agenda

Liz Campbell, 512 Main St. Minturn, CO. Ms. Campbell reminded Council that she had approached Council several months ago regarding her neighbors roof and a potential snow shed issue. Ms. Campbell presented a picture of the same neighbors "barn" that sits on her property line. She noted an addition to the barn and stated that all items on the addition were non-conforming and stated that the Town Planner at the time was fired due to the issue. Ms. Campbell outlined construction on the neighbors' building that she felt was nonconforming according to the Town's codes. She presented a picture of a wall on her neighbors property that she stated was not approved during the construction process by the Town. She said that Staff had stated that they had previously declared the item was a shutter. Ms. Campbell stated that the Town should have issue with "architectural encroachments or architectural enhancements". Ms. Campbell requested more time on a future agenda in order to present to the Council. She asked that no Temporary Certificate of Occupancy or Certificate of Occupancy be issued until the issue is resolved. She stated that she was unhappy with a 20 foot wall built in her 5' setback and that anything that falls off the neighbors' deck could harm her children. Ms. Campbell again requested time on the agenda. Council requested Staff history and a report prior to adding the item to the agenda. Ms. Campbell questioned if an architectural improvement was allowed to be on the property line. Ms. Campbell stated that there is no drywall in the building and again questioned if there was a Certificate of Occupancy.

As an additional issue, Ms. Campbell stated that she has gotten permission from the Church to install buckets and flags at the crosswalks in Town. She is working on getting property owners permission to install these buckets in Town but hopes to get permission to install these on the road from Colorado Department of Transportation. She stated that she is worried that we are creating a culture that does not stop at crosswalks and mentioned several instances where she felt safety was an issue for her children at the crosswalks.

4. Special Presentations/Citizen Recognition

Mayor Flaherty read Resolution No. 15 and presented Anne Castle with a framed ,signed Resolution to thank her for her many years of service to the Town.
Motion by Shelley B, seconded by Aggie M., to approve Resolution 15- series 2009, a Resolution to thank Mrs. Anne Castle for her dedication to the Town of Minturn, all voted in favor. (Note: Jerry B was absent/excused)
Ms. Castle stated that her work for the Town of Minturn has been a highlight of her career. A 10 minute break was held for the consumption of cake in honor of Ms. Castle at 7:50 p.m. The meeting was called back to order 8:01 p.m.

5. Town Administrator's Report

Gary S. presented his Town Administrators report. He stated that the new permanent Town Administrator Jim White was expected to start on July 31. Mr. White's contract approval is on tonight's agenda for consideration by Council. Also, a contract extension for Gary S. is on the agenda, since his contract expires June 30th. Gary provided a letter to Council endorsing Mr. White's continued service on the Colorado Municipal League's Executive Board.

There will be a 4th of July picnic at Little Beach Park from 3-6p.m. on July 4th. Activities will include food, live music, face painting, and balloon animals. The Gourmet Cowboy will be catering the event.

Gary discussed the 2008 Consumer Confidence Report for the water system. He was happy to report that no violations occurred in 2008. He noted that the Town's water sources are Cross Creek and Wells #3 and 4. Copies of the report were delivered to each household in Town recently. Public Works Director Rod Cordova was commended for his good work and it was noted that even though facilities are dated, it produces superior tasting water.

A Request for Proposal's for engineering services was recently posted in order to evaluate our water system. Four proposals were received and interviews will begin shortly. Gary S. stated that the goal is to develop a plan and write a grant to the Department of Local Affairs by August 1, 2009. Some of the proposals received included the task to outline a Capital Improvement Plan for the next 5 years. Gary S. stated there is a need to address other infrastructure including streets, sidewalks and capital equipment.

An update was given on the Post Office repair after a recent car accident. A new window has been installed and the stucco has been repaired. Other items, beyond the damage from the car accident, have required additional work due to faulty installation on the deck above the replaced window. Gary noted that the roof is in need of an evaluation as there are some issues that need to be addressed. Aggie M. stated that he had spoken to the Postmaster and he mentioned issues with the garage door in the Post Office and it not being energy efficient. Gary reported that the repair work had been completed to the garage bay doors. He said the garage door damage seemed to be caused by the postal delivery truck. Matt S. questioned any issues of liability or warranty. Council instructed Gary to see if there are any warranties or liability on the contractor's part to get these repairs paid for.

A packet of information has been sent to the School District and a meeting will be arranged soon.

A Memo from Planning Director Victor V. was attached to the Manager's Report outlining current events. Victor mentioned several Community work shops. Prior to the next Planning Commission meeting, a mini work session will be held from 6-7 to work on the Community Plan. During October, Victor would like to hold joint meeting with Council and Planning Commission to discuss the Community Plan. Details will be worked out.

6. Town Council Comments

Matt S. announced that Gourmet Cowboy is opening Friday nights, Saturday nights and on Sundays.

The Alliance for Sustainability is hosting a Healthy Homes Fair and Tour at Nottingham Park in Avon on Saturday, June 20th.
George B. announced that the Swift Eagle Charitable Foundation is holding a Bocce Ball tournament in Eagle-Vail on June 21, 2009.

PUBLIC HEARINGS AND ACTION ITEMS

7. **Discussion/Action** – Consideration of Resolution 13 - Series 2009: A Resolution Approving an Employment Agreement for the Town Administrator – Suiter-

Gary S. outlined the changes in the agreement. It was noted that Town Attorney Allen C. had reviewed as well as Mr. White's attorney and both approved. It was clarified that the contract is subject to annual appropriation in order to comply with TABOR laws.

Motion by George B., seconded by Shelley B., to approve Resolution 13 - Series 2009: A Resolution Approving an Employment Agreement for the Town Administrator. All voted in favor (note: Jerry B was absent excused)

8. **Discussion/Action** – Consideration of Second Amendment to Professional Services Agreement, Extending the Interim Town Administrator's Contract – Suiter-

Motion by Shelley B., seconded by George B. to approve Second Amendment to Professional Services Agreement. All voted in favor (Note: Jerry B was absent/excused)

8A. Discussion/Action- Consideration of letter to Sam Mamet, Executive Director of the Colorado Municipal League to endorse the position of Jim White's position within the CML Executive Board.

Motion by Matt S., seconded by Shelley B. to approve letter supporting new Town Administrator Jim White's position with the Colorado Municipal League. All voted in favor. (Note: Jerry B was absent/excused)

9. **Discussion**- USFS Forest Health and Fuels Treatment Update – Carey Green/Brian Lloyd-

Cal Wettstein, Acting Deputy Forest Supervisor of the US Forest Service. As of next week Mr. Wettstein will be the incident commander of the Bark Beetle Epidemic that is currently spreading across the area. He was here to give an update for the area surrounding Minturn. Mr. Wettstein stated that there is currently 2.5 million acres of infestation. He stated that all lodge pole pine would be dead in the next five years. Mr. Wettstein presented a map of the area and detailed areas where that they are trying to create defensible space around the Town in the case of a fire. He noted that there is an area around Martin Creek and Grouse Creek where creek that they were unable to gain access and to continue with their efforts. The USFS is working on a stewardship contract to use helicopters to move timber and will drop timber in the area near the water treatment plant. It will amount to an estimated 170 truckloads of lumber. The plan should

be implemented this Fall and last an estimated 2-3 weeks. Matt S. questioned the Tigiwon road work previously planned and it was noted that it just went to bid again so no work is planned on that area yet but the road will be closed eventually when the work takes place. Hawkeye asked if the wilderness area does catch fire, will the USFS will let it burn out? Mr. Wettstein replied that many factors would have to be considered. It was noted that the trailhead of Grouse Creek and Meadow Mountain could be closed due to the logging trucks. The estimated time of the work was October and November due to the use of helicopters. Hawkeye offered help getting word out regarding the trail closing. Mr. Wettstein also requested to convey a safety message. He stated that some trees have been dead 8 years and wanted to reiterate that a large number of these dead trees will begin to fall and pose a safety hazard. He stated it is a serious problem and a project is underway to deal with clearing around roads and power lines.

10. Discussion/Action-Consideration of Resolution 14- Series 2009: A Resolution Appointing a new Planning Commissioner-Villarreal

It was recommended that Council consider the last 2 applicants due to the short time frame since the last Planning Commissioner appointment. Council agreed to consider the two remaining applicants. A vote was taken for either Lael Engstrom or Kelley Toon. Hawkeye stated that the winner was Lael Engstrom and requested that the Victor notify the candidates.

Motion by Shelley B., seconded by Aggie M., to approve Resolution 14- Series 2009: A Resolution appointing Lael Engstrom to the Town of Minturn Planning Commission. All voted in favor. (Note: Jerry B was absent/excused)

EXECUTIVE SESSION

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 meeting with Anne Castle, Boots Ferguson, Leah Martin and Allen Christensen to receive updates on the status of water cases, Rule 106 and Ginn payments.
Motion by Shelley B., seconded by George B to convene into Executive Session at 9:14 p.m.
Executive Session ended and 10:24 p.m. There was no direction to Staff since this was only an informational update.

FUTURE AGENDA ITEMS

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

- Information on International Maintenance Code –July 17, 2009-Lanci, Mulson, Martinez
- Ordinance regarding private use of the public right of way-Christensen- work session July 1, 2009
- Minturn GID Board Meeting – July 1, 2009

- Sandra Smyser-Eagle County School District-(30min)- July 1 tentative
- Use tax discussion August 19th
- Sidewalk discussion-August 19th

13. Set Future Meeting Dates

a) Council Meetings
- July 1, 2009
- July 15, 2009
- August 5, 2009

b) Planning & Zoning Commission Meetings
- June 24, 2009
- July 8, 2009
- August 12, 2009

c) Other
- First Market of the summer – June 27

14. Adjournment

Motion by George B., seconded by Shelley B., to adjourn the regular session of the Minturn Town Council at 10:25 p.m. All voted in favor. (Note: Jerry B was absent/excused)

Hawkeye Flaherty

Mayor Hawkeye Flaherty

ATTEST:

Town Clerk, Jay Brunvand

TOWN OF MINTURN, COLORADO
SEAL
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