



Official Minutes

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

Wednesday, July 15, 2009

Work Session – 5:30 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 – 5:30

- Discussion regarding GID Developer Agreement- Suiter/Christensen/ Dougherty- (30min)
- Discussion regarding Ordinance 4-Enroachments and Obstructions in ROW-Christensen- (10min)
- Discussion regarding Nuisance and Zoning Code Enforcement-(20min)-Suiter
- Information on International Property Maintenance Code –(20min)-Lanci, Mulson, Martinez

1. Call to Order

- a. Roll Call
- b. Pledge of Allegiance

Mayor Hawkeye Flaherty called the meeting to order at 7:09 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 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

Regular Session – 7:00 PM

STANDING ITEMS

2. Approval of Agenda (5 min).

- a. Items to be Pulled or Added

Motion by George B., Seconded by Jerry B., to approve the agenda as presented, all voted in favor. (Note: Lorraine Haslee was absent/excused)

3. Approval of Minutes and Action Report

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

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

As an update to the Action Item Report, Gary S. added that the Department of Local Affairs representative that visited last week stated that we must own the School District-Maloit Park property in order to obtain Grant funding for that area.

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

Frank Lorenti, 1081 Main St., Minturn, CO. Mr. Lorenti questioned the process between water billing and sewer averaging months. Mr. Lorenti stated that he would like Council to speak with Eagle River Water and Sanitation District regarding their process of sewer billing averages and to encourage citizens to conserve water by giving refunds for water not used. Hawkeye stated that he spoke with ERWSD and that the sewer rates are based on actual usage. Mr. Lorenti stated that during averaging months if he goes over 12,500 gallons going into his house, he is charged a high usage fee. Mr. Lorenti asked for the Town and ERWSD “to meet in the middle”. Mr. Lorenti stated that Minturn is different because the water and sewer are run separately. Mr. Lorenti stated that he pays \$200 per month for water and he does not need it all. Council requested statistics regarding the usage from Staff. Water use and water going down the sewer are lumped into one item. It may not necessarily be going into the sewer. Who said this?

John Rosenfeld, 1141 Main St., Minturn, CO. Mr. Rosenfeld came to Council to address the issue of 3 different soil sifting operations occurring in Town. He stated that one of the operators started bringing items to the lot across from his house 2 years ago and during that time frame over 250 cubic yards of material have accumulated. The lot is currently filled with tree stumps, tires and bricks. Mr. Rosenfeld had spoken with Staff who recommended that he come to the Council Meeting and speak his concerns to Council. Mr. Rosenfeld stated that he knows there is no permit and that the property owners next door did not give their permission. His home is being impacted by birds using the dirt and building nests, and spends considerable time cleaning up dust and erosion. He stated that the sifting operation must be a violation of the nuisance ordinance. Mr. Rosenfeld stated he would like to see consistency and accountability in enforcement. Mr. Rosenfeld stated that he no longer has patience with the issue after 2 years of dealing with it. Victor V. clarified that none of the sifting operations going on referenced by Mr. Rosenfeld are allowed in Town as they are in violation of Chapter 16. Much discussion ensued regarding the sifting issue and the permissibility. It was noted by Victor V. that nuisance and Chapter 16 violations will be repaired by Ordinance at the next meeting and will fix the issue of responsibility and enforcement by Staff.

5. Special Presentations/Citizen Recognition

6. Town Administrator's Report

Gary S. presented his Administrator's Report. He noted that he had been in Contact with Chuck Duncan of Rocky Mountain Radio in regards to the overdue lease payments.

The Eco Trail project is making progress and a site visit was conducted last week. The project is going out to bid soon and construction is scheduled to start in August.

Gary S. had recently spoken to Jim White, the new Town Administrator scheduled to start July 31. Gary S. plans to overlap with Jim White for a couple of days to ensure smooth transition. He had stated to Jim White that the Maloit park annexation will need to be a priority. Gary had attended the Berthoud Town Council meeting last night and will begin soon as their Interim.

As an update to the Capital Improvement Plan plan, Gary S. reemphasized the need for water system improvements and the requirement for property ownership in order to qualify for grants. He recommended to write low level grants to cover the cost of an energy audit in the Town Hall facility. Matt S. encouraged Staff to contact Xcel Energy for an energy audit as they tend to do them inexpensively.

Gary S. had attached a planning memo from Town Planner Victor V. in order to keep the Council abreast of the current events. Matt S. questioned a conceptual development plan that OZ had presented a few years ago regarding the Union Pacific Railroad property. It was stated that East West Resort had partnered with the Railroad but it had not come to fruition or to the approval stages. Council suggested using that as a guideline and it was noted that it was 1900 units on 58 acres.

7. Town Council Comments

Matt S. reported on ECO transit reported rate increase. The advisory Board in which he sits on has recommended to County Commissioners to raise rates and lower service levels because of the \$400K budget deficit. Matt S. stated they are working on fixing the way ECO works because even in good years they only break even. Matt stated that the proposed Minturn service cuts would create a huge impact to the small economy here.

Aggie M. thanked all the volunteers from the 4th of July Picnic. He questioned the care of the restrooms at Little Beach Park and recommended a cleaning.

Jerry B. wished to pass condolences to the Cordova family with the passing of Candelario Cordova, a long time Minturn resident and father of the Public Works Director, Rod Cordova.

PUBLIC HEARINGS AND ACTION ITEMS

8. **Discussion/Action-** Consideration of Ordinance 4-Series 2009 An Ordinance Amending Chapter 11 of the Minturn Municipal Code by the Creation of a New Section as it pertains to Encroachments and Obstructions –Christensen

It was noted that the item was discussed in the earlier Work session and that the Ordinance would allow for 90 days of usage and then a 90-day extension. It was noted that the fee will be set by Resolution. Council directed Staff to figure administrative costs.

Motion by Jerry B., Seconded by George B., all voted in favor. (Note: Lorraine Haslee was absent/excused)

9. **Discussion/Action-** Consideration of Resolution 16- Series 2009, A Resolution Approving Conditional Use Permit Application CU 09-04—A request to construct a mixed-use building in the commercial zone of the Old Town Character Area. The property address is 115 Nelson Ave.

Hawkeye questioned if any member of Council had contact with the Applicant. All answered no. Chris C. presented a map of area. He noted that the application was previously heard as a request for approval as Residential building in the Old Town Character Area. Applicant stated that he had added additional Ground floor Commercial space. Staff recommended approval. The Planning Commission unanimously approved the item in June. Much discussion ensued regarding the parking requirements. Hawkeye asked if there were limits to the amount of floors, Chris noted that the building has 3 floors with the 3rd floor being non-livable attic space.

Tom Sullivan, 116 Nelson St., Minturn, CO. Mr. Sullivan presented himself as the Applicant. Mr. Sullivan stated that he was here following Councils recommendation to build the lot as a mixed use as the item had previously been denied as a Residential application. Mr. Sullivan requested for Council to approve the building but not deny the item based on parking as the item was still in the preliminary stage. Planning & Zoning had asked Mr. Sullivan to apply for a variance to make the building wider and to increase the proportions of the building. Hawkeye asked what the overall height would be. He stated it would be about 40' but was unsure at the moment due the preliminary stages. Hawkeye asked if he was open to adding a sidewalk on

Nelson St. due to previous years' ice buildup on Nelson from the Residential lots above. Much discussion ensued regarding Planning & Zoning's recommend variance. Mr. Sullivan stated that he did not want to apply for the Variance unless Council feels that it would be reasonable. Frank Lorenti asked if there was a requirement for 1 tap or 2. It was noted that it depends on the amount of fixtures. It was noted that the item was still in the preliminary stages and that the issue was still to be determined. Council noted their appreciation for the applicants work and Hawkeye thanked the applicant for their consideration of a sidewalk. Motion by George B., Seconded by Aggie M., to approve Resolution 16- Series 2009, all voted in favor (Note: Lorraine Haslee was absent/excused)

GENERAL IMPROVEMENT DISTRICT

10. Minturn Town Council will convene as the Minturn General Improvement District:
Council recessed as the Town Council and Convened as the Minturn General Improvement District.

The General Improvement Agenda was amended to include an Executive Session. Motion by Shelley B., second by George B., to approve the amended Agenda, all voted in favor. (Note: Lorraine Haslee was absent/excused)

Motion by Jerry B., Seconded by George B. to approve the July 1, 2009 Meeting Minutes, all voted in favor. (Note: Lorraine Haslee was absent/excused)

Motion by Shelley B., Seconded by Aggie M., to table the proposed Developer Agreement to the August 19, 2009 meeting, all voted in favor. (Note: Lorraine Haslee was absent/excused)

Motion by Jerry B., Seconded by George B. to table the 2009 Operation Funding Agreement to the August 19, 2009 meeting, all voted in favor. (Note: Lorraine Haslee was absent/excused)

Motion by Shelley B., Seconded by Aggie to go into Executive Session pursuant to CRS 24-6-402 (4)(b)(e) for the purposes of receiving legal advise and developing negotiating strategies, All voted in favor.(Note: Lorraine Haslee was absent/excused)

The Executive Session adjourned at 9:15 p.m. No direction to staff was given.

Council reconvened to the Regular Meeting at 9:16 p.m.

FUTURE AGENDA ITEMS

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

- Use tax discussion-work session- August 19, 2009 (table to a future date, consistent with April election)
- Sidewalk discussion-work session-August 19, 2009(table to a future date, consistent with April election)
- Zoning discussion regarding rebuilding in a Commercial Zone – August 2, 2009
- Discussion regarding punitive measures for building without a Permit – August 2, 2009
- Staff report on Property Maintenance Code – September 16, 2009
- Sandra Smyser-Eagle County School District-(30min)-Date tentative
- Site visit to the “RBLA” Subdivision-August 19, 2009
- Extinguishment hearing on 2001 Subdivision approval of the “RBLA” subdivision at 721 Main St- Villarreal-August 19, 2009
- GID Budget hearing-November 4, 2009

12. Set Future Meeting Dates

a) Council Meetings

- August 5, 2009
- August 19, 2009
- September 2, 2009

b) Planning & Zoning Commission Meetings

- August 12, 2009
- August 26, 2009
- September 9, 2009

c) Other-July 23, 2009 Summer Work Session- Community Plan

13. Adjournment

Motion by George B., seconded by Aggie M. to adjourn the regular session of the Minturn Town Council at 9:35p.m.


Mayor Hawkeye Flaherty

ATTEST:


Town Clerk, Jay Brunvand

