



## Official Minutes

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

**Wednesday, August 5, 2009**

**Work Session – 6:00 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 – 6:00**

- Discussion regarding Ordinance 5-Series 2009-An Ordinance Amending Chapter 1, Chapter 7, and Chapter 16 of the MMC by Repealing Section 1-5-20 and Repealing and Re-Enacting Sections 1-5-10, 7-2-30, 7-2-40, 16-1-20, 16-1-40, 16-1-50, and 16-1-90 to Revise the Procedures for Nuisance Enforcement within the Town of Minturn – Suiter/Villarreal – (40min)
- Direction to amend Chapter 16 of the Minturn Municipal Code, modifying character area use tables and definitions to allow some uses – Villarreal – (15min)

### **Regular Session – 7:00 PM**

#### **1. Call to Order**

- a. Roll Call
- b. Pledge of Allegiance

Mayor Hawkeye Flaherty called the meeting to order at 7:08 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 Town Administrator Jim White, Interim Town Administrator Gary Suiter, Town Planner Victor Villarreal, Town Treasurer/Clerk Town Jay Brunvand, Deputy Clerk Carrie Kendall, and Attorney Allen Christensen

## STANDING ITEMS

### 2. Approval of Agenda (5 min).

- a. Items to be Pulled or Added

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

### 3. Approval of Minutes and Action Report

- July 15, 2009 Regular Council Meeting
- Action Item Report

Matt S. noted changes to the July 15, 2009 contained an incorrect amount stated for the Eco Transit deficit on page 10 of the minutes. He stated there is a 2 million dollar deficit instead of the notated amount of \$400,000.

Motion by Aggie M., second by George B., to approve the Minutes as amended, all voted in favor (Lorraine H. abstained, Shelley B. was absent excused)

Gary noted that a revised version of the Action Item report will be presented.  
Hawkeye requested the Capital Improvement Plan be kept on the Action Item Report.

### 4. Liquor License

- Shop N Hop 3.2 Beer License Annual Review; 401 Main St., Terry Marcum and James Marcum, Owners – Brunvand

Council convened as the Liquor Licensing Authority at 7:16.

No representative from Shop N Hop was present, it was noted by Jay B. that they are in compliance and the Town Attorney and Chief of Police had reviewed the renewal and found no issues.

Motion by George B., second by Aggie M., to approve the Shop N Hop 3.2 Beer License Annual renewal, 401 Main St., Terry Marcum and James Marcum, Owners as presented; all voted in favor (Note: Shelley B. was absent/excused)

Reconvened as the Minturn Town Council at 7:19 p.m.

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

Mr. Frank Lorenti, 1081 Main St., Minturn, CO. Mr. Lorenti requested to be placed on the Council Meeting Agenda for September 2, 2009 in order to review his previous request to lower the Mill Levy. Jay B. noted that August 27, 2009 is the date that the preliminary assessment will be received by the Town but it will be December before next years' budget is approved.

Mr. Lorenti asked about the information he had requested regarding his water issues. It was noted that the information was forwarded to Council and would be sent to Mr. Lorenti with Council direction; direction was given. Mr. Lorenti replied that he already had enough information based on Eagle River Water and Sanitation District website. Mr. Lorenti is requesting a rebate for water rates, to get the sewer rates in line with the water usage or to change the billing cycle. Council was polled to see if more time would be given to Mr. Lorenti after the 5 minute time limit expired. Council voted no.

**6. Town Administrator's Report**

Gary Suiter presented his Town Administrator's report. He stated that the Dowd Junction Eco Trail project has finally received CDOT approval and it had been a strenuous process due to the usage of (Federal Economic) Stimulus funds. The item had been put out to bid in the Denver Post and Construction should start around October.

Baseline Engineering had presented their plan regarding our water system. This plan should give the Town a means to strategize during budget time. Director of Public Works Rod Cordova has been asked to present the plan at a future meeting.

Regarding the USFS property Acquisition (Bone Yard Appraisal) that the Town had been anticipating, Gary S. spoke with the latest appraiser, Kevin Chandler. It was noted that the contract had been reviewed for \$8000 which Gary S. believed would reimbursable by Ginn. The appraisal should be given to the USFS for approval by October and then on to the Town of Minturn.

Gary S. provided an update regarding 3 dirt sifting operations that were illegally taking place in Town that were discussed at the July 15, 2009 Council meeting. As of the date of the meeting, two of the dirt sifting operations had been shut down. One operation was being performed for the Town in order to provide the dirt for Phase II of the River Restoration. The second operation located on Taylor St. since November 2008 had since ceased and Staff sent a Thank You letter to the operator for their compliance. The third operation located at the South end of Town was still under operation as of this date. Victor V. on July 27, 2009 stated that he had sent a certified

letter to the offender and if operations are not ceased then the issue would be brought to the August 19, 2009 Council meeting as a nuisance. It was noted that the letter was sent to the owner of the property who had recently had some serious health issues and out of touch.

Monthly Planning Update: Victor V. noted that there will be an additional Community Plan Meeting on August 20<sup>th</sup>. Victor V. will be passing out flyers while manning the Town booth at the Market on August 15, 2009 in order to advise residents regarding the last Community Planning meeting. He encouraged involvement from Council. Regarding a pending RFP for Building Inspection Services, it was noted that the current Contract with Building Official Chuck Lanci required additional time for termination which in turn delayed putting the RFP out to bid.

Matt S. requested additional input regarding the letter being sent out to residents specifically regarding sidewalk clearing during the winter months.

Gary Suiter thanked the Council, Staff and the residents of Minturn for the opportunity to work in Minturn and noted that he would not make himself a stranger to the Town.

It was noted by Allen C. that the legal issues regarding the annexation were dismissed but have the opportunity to appeal for 45 days. Hawkeye presented Gary Suiter with a plaque and a gift in recognition of Gary Suiter's hard work and dedication to the Town over the last 2 years.

## **7. Special Presentations/Citizen Recognition**

- Swearing in of Jim White as Minturn Town Administrator

Mayor Flaherty swore in James J. White as the current Town Administrator.

## **8. Town Council Comments**

Matt S. noted that his organization and the Eagle Valley Alliance for Sustainability were holding a fund raiser on Saturday, August 8, 2009 at the Evergreen Ball and Expo. The Eagle Valley Alliance was also sponsoring a block party on August 15, 2009 on the 500 block of Pine between Meek and Mann at 4 p.m.

Aggie M. wished to thank Gary Suiter for his work and to welcome the new Town Administrator to Minturn.

Jerry B. wished a happy Birthday to Dolores Gonzalez who has just come home recently after some health issues.

George B. notified Council that the Swift Eagle Charitable Foundation is hosting a fundraiser called an Evening with Phil Jackson on Sept 13, 2009.

Hawkeye thanked Gary Suiter once again on behalf of the Citizens of Minturn. There was a brief recess at 7:56 for cake. Council reconvened at 8:08 p.m.

## PUBLIC HEARINGS AND ACTION ITEMS

9. **Discussion/Action** – Consideration of Ordinance 4 – Series 2009 (Second Reading/Public Hearing) 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

One small change was noted in section 1.

Motion by George B., seconded by Lorraine H., to approve 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 with the amended changes;; all voted in favor (Note: Shelley B. was absent/excused)

10. **Discussion/Action** – Consideration of Resolution 17 – Series 2009 A Resolution Approving a Special Use Permit for Structures Located on United States Forest Service (USFS) Land – Suiter

Gary Suiter, 164 Goose Ln., Carbondale, CO. The former Interim Town Administrator presented the item. He noted it was a 30 year Permit and was a consolidation of the 3 special use permits with the Forest Service. The 3 permits covered the Town's 100,000 gallon water storage tank and associated water line, one municipal well and associated structures, the Minturn Water diversion structure on Cross Creek and the access road to diversion dam. The payment which is not locked in is \$239.16 per year. Staff recommended approval. Aggie M. questioned the status of the water tank. He wanted to know if the tank belonged to the Town or to the School District. Gary S. stated that the tank serves the School District. Gary S. noted that the signature copy must have the amended date on the contract prior to signing.

Motion by Lorraine H., seconded by George B., to approve Resolution 12-2009 A Resolution Approving a Special Use Permit for Structures Located on United States Forest Service (USFS) Land as amendment;; all voted in favor. (Note: Shelley B. was absent/excused)

11. **Discussion/Action** – Consideration of Resolution 19 – Series 2009 A Resolution appointing Check Signers for The Town of Minturn – Brunvand

It was noted by Hawkeye that this is a housekeeping issue and takes Gary Suiter off as an authorized check signer and would add Jim White.

Motion by George B., seconded by Jerry B., to approve Resolution 19-2009 A Resolution appointing Check Signers for The Town of Minturn;; all voted in favor (Note: Shelley B. absent/excused)

12. **Discussion/Action** – Nuisance hearing for property located at 412 Taylor Street – Villarreal

Victor V. noted that he did not have verbal contact with the resident but that several letters had been sent starting in April and most recently a certified letter was sent. Victor V. gave a history of the initial letters sent to all residents prior to the Town cleanup date. He outlined the process which included 12 letters having been sent out to various residents but the 2 remaining issues were on the agenda for review this evening. It was noted that the issues with the properties had been addressed previously in 2007 and again in 2008. Hawkeye requested specifics regarding what the residents are to be required to clean up. He noted that photographs of the offending items were sent with the letters but noted that Staff could be very specific or limited. Hawkeye noted that he had been by to survey earlier in the day but thought that the resident might have cleaned up the offending items. He also noted that he might have been confused on the location. Victor V. noted that he would survey the address once again prior to any action.

Public hearing was opened at 8:22 p.m. The resident failed to appear. No additional information was provided by Staff. The public hearing was closed at 8:23 p.m.

Motion by Aggie M., second by Matt S., to declare the property at 412 Taylor St a Nuisance; all voted in favor (Note: Shelley B. was absent/excused).

Council directed Staff to send a letter with specific grievances outlined so as to help the resident understand the offense in a more thorough manner.

### **13. Discussion/Action** – Nuisance hearing for property located at 30 Mann St – Villarreal

The Public hearing was opened at 8:25 p.m.

Victor V. presented the images of the issue as included in the Council packet and noted that the primary concern is the pile of lumber and trash cans that lie on the property line or possibly in the public right of way. He noted that some areas had been tidied up since letters had been sent but the issue at hand was with the large wood pile in the front area. The resident had stated to Victor V. that they plan on keeping the issue tidy and adding tarps to cover the wood pile.

Hawkeye noted that he went by earlier in the day and that the trash cans are gone but the wood pile still remains. Hawkeye stated that it needs to be determined if it was a legitimate fire pile and the resident appears to be trying to clean up. It was noted that the resident had made progress in cleaning up and have been open to accepting help regarding cleaning their property. Victor V. noted that the goal is not to fine the residents but to make residents and neighbors happy. The resident, Mr. Aiello wished to let Council know that the woodpile is his firewood and they would use the portion closest to the road first. It was noted by Staff that the pile had been there for many years.

Public hearing closed at 8:32 p.m.

Motion by Jerry B., seconded by Lorraine H., to declare a nuisance at 30 Mann Ave.; all voted in favor (Note: Shelley B. was absent excused)

## FUTURE AGENDA ITEMS

### 14. Items to be added to future agendas / work session

- Sandra Smyser-Eagle County School District – (30min) – Date tentative
- Legal update regarding Ginn –August 19, 2009 –(90 min)
- Site visit to the “RBLA” Subdivision – August 19, 2009 5pm Work session at site
- Extinguishment hearing on 2001 Subdivision approval of the “RBLA” subdivision at 721 Main St – Villarreal – August 19, 2009
- Minturn General Improvement District – August 19, 2009
- Community Plan Main St future land use – Cerimele – Worksession – September 2, 2009
- Resolution \_\_\_ - Series 2009 Amending Fee Schedule for Right of Way permit
- GID Budget hearing – November 4, 2009
- Use tax discussion – work session – December 2, 2009
- Sidewalk discussion – work session – December 2, 2009

### 15. Set Future Meeting Dates

#### a) Council Meetings

- August 19, 2009
- September 2, 2009
- September 17, 2009

#### b) Planning & Zoning Commission Meetings

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

#### c) Other-

- September 5, 2009 – Last Minturn Market of the summer

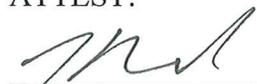
### 16. Adjournment

Motion by Jerry B., seconded by George B. to adjourn the regular session of the Minturn Town Council at 8:38 p.m.



Mayor Hawkeye Flaherty

ATTEST:



Town Clerk, Jay Brunvand

