Minutes

MEETING OF THE • MINTURN TOWN COUNCIL
Catholic Church 476 Pine St • Minturn, CO 81645 • (970) 827-5645

Wednesday January 20, 2010

Work Session – 6:30 PM
Regular Session – 7:00 PM

MAYOR – Gordon "Hawkeye" Flaherty
MAYOR PRO TEM – George Brodin
Town Administrator – Jim White
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 – 6:30 PM

- Discussion and direction regarding an Ordinance prohibiting weapons on Town of Minturn owned properties and facilities – Christensen/Martinez

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 7:01 p.m.

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

Staff present was Town Administrator Jim White, Town Treasurer/Clerk Jay Brunvand, Deputy Clerk Michelle Metteer, Town Planner Chris Cerimele, Chief Martinez and Attorney Allen Christensen.

STANDING ITEMS

2. Approval of Agenda

a. Items to be Pulled or Added

Motion by Shelley B., second by Jerry B., to approve the agenda as presented; all voted in favor.

3. Approval of Minutes and Action Report

- January 6, 2010 Regular Council Meeting
- Action Item Report

Motion by George B., second by Shelley B., to approve the Minutes of January 6, 2010 as presented; all voted in favor.

Action Item comments:

- Jim W. to give an update on Forest Service appraisal during the February 3, 2010 Council Meeting
- Regular meeting on February 3, 2010 to begin at 5pm for Worksession, 5:30 for Executive Session, 7pm for Regular Meeting and time at end of meeting for completion of the Executive Session if necessary.

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

- Wolfpack Wrestling presentation

Wolfpack Wrestling, headed by Angelo Vasquez of 325 Pine Street came to the Town Council meeting to request funding for a visit by Roulon Garner, Olympic Wrestling Champion, to speak to the kids of the community. Donation checks can be made out to Wolfpack Wrestling and sent to PO Box 834 Minturn, CO 81645. For questions call Wolfpack Wrestling at 970-827-4186.

Motion by Aggie M., second by Shelley B., to add Wolfpack Wrestling as an action item 9a to the agenda.

- Frank Lorenti, 1081 Main St, Minturn requested to be placed on the next work session or agenda to discuss the use of funds from the Battle Mountain Development project.

The Mayor expressed that his requests have been taken into consideration previously, however; he stated that at this time Battle Mountain is not receptive to those requests. Unless Mr. Lorenti

can present new information that will have the potential to make Battle Mountain consider his requests the Mayor could not see re-hashing this over and over again. Mayor Hawkeye expressed the request has been denied at this time. All expressed their agreement with Hawkeye, except Shelley B. who remained silent.

5. Special Presentations/Citizen Recognition

- Employee Recognition
  - Chief of Police update
    - The Police Department adopted 6 families and 14 children in the Town of Minturn over the Holiday Season. Chief Martinez took this opportunity to thank the staff of the Marine Corp toy drive, the Staff of the Vail Communication Center, and Minturn Police Clerk, Lisa Osborne. Lisa O. and Rose Martinez are thanked for wrapping all gifts and thanks to Minturn Police Officer, Ryan Ware. for the delivery of the gifts.
  - Ryan Ware
    - Chief Martinez accepted, on behalf of Police Officer Ryan W., a certificate of recognition for his efforts during the evening of the Vail, Sandbar shooting.

6. Town Administrator's Report

- Council Chambers room is scheduled to be finished by the next Town Council meeting.
- Eagle River Mine Spill notification/communication has increased dramatically, thank you to Lorenzo M. and Allen C. for helping to make this happen. Matt S. asked if Jim W. will please sift through the notification e-mails and only forward pertinent information.
- The Minturn Market applications are now coming in for the 2010 summer season.
- Transportation committee will be meeting on January 27, 2010 5pm in the Conference Room.
- January 14, 2010 a technical assistance grant was submitted for the telemetry system and a presentation will be given in Silverthorne on January 28, 2010.
- Joe Duran passed his 10 year anniversary in November 2009.
- Officer Koch is the proud father of a new baby boy, born January 15, 2010.

7. Town Council Comments

- Jerry B. recommended starting to draw up a plan in case a water shortage arises. He recommended having Rod C. draft a plan with a standard operating procedure. He would also like to thank Lorenzo M. and the entire Minturn Police department for all of their efforts during the Holiday Season.
- Shelley B. made mention that she spoke privately with Allen C. regarding the "call up" period of 20 days (pertaining to Planning Commission decisions) and her concern of getting updated information in every council packet. She would prefer to have it in the council packets specifically. Jim W. suggested having Michelle M. forward all decisions made at Planning Commission meetings. Shelley B. declined this suggestion and referenced that Michelle M. does not know what is important to the Council and would like to know more about the details of the Planning Commission Meetings directly in the

council packets. Shelley B. stated she would like to have the minutes of the Planning Commission meeting given to her by the Friday after the Planning and Zoning meeting. Jim W. stated that this was a very fast turn around time and may present a time schedule problem.

- Aggie M. asked about the fire hydrants and whose obligation it is to keep them clean. Jim W. expressed that our Public works crew can help with this when time permits, however when snow is taking precedent the Fire department is ultimately in charge of this.

PUBLIC HEARINGS AND ACTION ITEMS

8. <u>Discussion/Action</u> – Greenbelt initiative – White

- Jim W. introduced Ross Graves and Vince Cook, senior partner of GreenPort Sustainable Communities, Inc. Mr. Cook defined the GreenBelt Initiative as a "proposal" and at the center of it is a new rail system, workforce housing with a green emphasis, alternative energy sourcing and more. Mr. Cook stated the drive is to provide an economic development corridor with the catalyst being the rail system. Mr. Ross proceeded to review the presentation as presented in the Council Packet. Shelley B. stated that she has heard many people say "not over my dead body" toward this type of development. Mr. Cook expressed that we must climb above such views and that at least 70% of the people he has talked to regarding this project are "for" it. They are asking for a Resolution to continue to move forward on this project. Minturn would be responsible to contribute $10,000 toward the project.

Motion by George B., second by Lorraine H., to support Greenport Communities Inc and to direct Staff to present a Resolution expressing support of the project to be considered at the February 3, 2010 Council Meeting, all voted in favor.

9. <u>Discussion</u> – Regarding unauthorized use of accessory dwelling units - White/Lanci (15 min)

- Jim W. gave an update on the accessory dwelling units. Two have been in contact with the Town and the third has had no response.
- Minturn Building Inspector Chuck Lanci referenced the lack of housing across the country and especially the areas we live in. He gave updates on the investigation of the illegal accessory dwelling units which were cited with investigation letters. Two of the three properties under investigation are exactly as they were approved originally. These situations would require direct guidance from the Council. Shelley B. asked who reviews the building plans. She stated that Chuck L. had the ability to say "no" to the building plans and stated that our planners have made mistakes in the past and have approved projects they should not have approved. She stated that regardless of what the planners may have done it is his (Chuck L's) responsibility to correct this at the time the plan is presented. She asked when we adopted the 2003 code and argued with Chris C. as to

when the permit was submitted for one of the projects. Mr. Lanci stated that this was a moot point since it is only a duplex.

- Chuck L. again asked for direction from the Council on how to proceed with future violations of this nature.
- Chuck L. cited that 80% of the construction in the United States does not get a permit. He asks for direction on how to process these types of violations and recommends the first step being to file a police report since in some instances a complaint may be filed against a resident for personal reasons rather than for valid code violations.
- Chuck L. again requested guidance and direction from the Council on how to proceed. Shelley B. stated that we have a responsibility if a citizen complains. She stated that if it is reported to us there should be no penalty (regardless of the nature or motivation of the report). Shelley B. stated that she was offended by the way Mayor Hawkeye F. ended the discussion. Mayor Hawkeye F. offered for her to continue the discussion and Shelley B. refused.
- Lorraine H. requested that staff confirm there are three water taps for one of the illegal accessory dwelling units.
- Mayor Hawkeye F. asked that when it was approved, if the approval was for two units. Chuck L. confirmed.
- Mayor Hawkeye F. requested that Chuck L. go back to the units and confirm the number of people living in each dwelling.
- Chris C. referenced that properties all around town are selling their parking (lots), leaving many properties with no on site parking and this needs to be addressed.
- Mayor Hawkeye F. asked for the parking to be reviewed in further detail.
- Mayor Hawkeye F. made note that staff still needs to address the property that has not responded to the certified letter.
- Chuck L. brought up parking and that the building code does not address parking other than handicap parking. He recommends that handicap parking be pulled out of the building code and put in as an amendment to the Planning and Zoning code.
- Shelley B. asked if the Town of Minturn would be adopting the 2009 code with certain amendments. Chuck L. said that he would be recommending the adoption in June or July of 2010.
- Shelley B. asked about Chuck L.'s contract with the Town of Minturn and when it is up for renewal. Chuck L. gave a date of March 15, 2010 as a renewal date.

10. <u>Discussion/Action</u> – Regarding the Wolfpack Wrestling Team request for funding – Vasquez

- Aggie M. expressed his desire to support the wrestling team.
- Mayor Hawkeye F. asked if there is any reason we could not give money to the group.
- Jim W. said that money has been set aside, but there is some confusion as to who that money has been set aside for. Jim W. asked if the Council is not able to contribute some money that the Council look at working to promote community support and involve the residents of Minturn. Shelley B. stated that $1,000.00 was set aside and it was not earmarked for the MRBA specifically. Matt S. asked how the MRBA should be handled since they have been given the impression that they are due some money.

- Jerry B. stated that Mr. Vasquez was able to use the Council meeting as a forum to speak to the community to contribute, but that it is a "slippery slope" to give money for those who come in and ask for contributions.
- Matt S. said he would prefer the Council not contribute taxpayer dollars and recommended fundraising campaigns stating $3000.00 is an achievable sum within a few weeks. Matt S. offered his direct support for fundraising.
- Aggie M. said we help all kinds of organizations that come in and request money, but that if others don't want to give money he would have to go along with the council. He offered to personally give money to the organization
- Shelley B. said it is a shame that we fund businesses and don't help our citizens. She would prefer to set up a program that helps our citizens and not our businesses who have the ability to find other ways to fundraise. She also does not believe that this group came in tonight asking for a donation. She believes he came in here to use this as a forum to rally the community behind the Wolfpack Wrestling team. She agrees we don't have to say yes to everyone that comes in the door, but we also don't have to say no to everyone who comes in. She cited many of the young children in this town are amazing athletes that need a little help.
- Lorraine H. said that supporting the children of this Town is the best investment the Town can make and that all Council should consider investing on a personal level as well.
- Mayor Hawkeye F. stated that we do not do enough for the children of this community. He said that he knows that if we invest the in the children of this community that it will be a direct benefit to the Minturn community. He has no problem about turning down other non-profits in order to be able to give to the kids of the Wolfpack team.
- George B. stated that he is stingier with the Public's money than his own. He stated that he would make a personal pledge and that if the Council declares to give money to the Wolfpack wrestling team then he would certainly support that.
- Mr. Vasquez stated that they are specifically looking for support and sponsorship and for someone to be proud of the kids and the hard work they put forth everyday in their efforts to achieve.
- Mayor Hawkeye F. recommends contacting Wolfpack wrestling at 827-4186 if you would like to support the team. Please send donations to: P.O. Box 834 Minturn, CO. 81645. Please consider supporting the Wolfpack wrestling team. Call 827-4186 for more information or to make a donation.
- Jerry B. stated that he would like to see the individual Town Council Members match the Town donation.

Motion by Aggie M., second by Shelley B., to donate $300; all voted in favor.

FUTURE AGENDA ITEMS

Next Meeting

- GID Audit Exemption Review – White – February 17, 2010

- Discussion regarding the transportation meeting issues – White/Scherr (Worksession February 3, 2010)
- Discussion/Action – Annexation impact report – Cerimele – Action Item – February 3, 2010
- Channel 5 update – Public Comment – February 3, 2010

Future meetings

- Use tax discussion – Brunvand/White (15 min) May 5, 2010
- Sidewalk discussion – Brunvand/White
- Building official contract review (Work session February 3, 2010)

11. Set Future Meeting Dates

Until notified all future meetings will be held at the Catholic Church 461 Main Street.

a) Council Meetings

- February 3, 2010
- February 17, 2010
- March 3, 2010

b) Planning & Zoning Commission Meetings

- January 27, 2010
- February 10, 2010
- February 24, 2010

c) Other

- Minturn Transportation Committee Meeting – 5pm Wednesday January 27, 2010

12. Adjournment

Motion by Lorraine H., second by Shelley B., to adjourn the regular session of the Minturn Town Council at 9:53 p.m.

Hawkeye Flaherty

Mayor Hawkeye Flaherty

ATTEST:

Town Clerk, Jay Brunvand

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SEAL
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