



**Official Minutes**

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

**Wednesday May 19, 2010**

**Work Session – 5:30 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  
Earle Bidez  
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 pm**

- Review Ordinance 5 – 2010 (10min)
- Board of County Commissioners – Joint Meeting (70min)
  - Anticipated Discussion Items
    - ECO Transit Board and impact of limited bus service in Minturn
    - Greenport Initiative
    - Hidden Gems
    - Minturn future annexations
    - Other topics TBD

## 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 7:09 p.m.

Those present included Mayor Hawkeye Flaherty, Mayor Pro Tem George Brodin, Council Members Jerry Bumgarner, Shelley Bellm, Earle Bidez, Matt Scherr, and Aggie Martinez.

Staff present were Town Administrator Jim White, Town Treasurer/Clerk Jay Brunvand, Chief of Police Lorenzo Martinez, Administrative Assistant/Deputy Clerk Michelle Metteer, Planner Chris Cerimele and Attorney Allen Christensen.

### 2. Approval of Agenda

- Items to be Pulled or Added

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

### 3. Approval of Minutes and Action Report

- May 5, 2010
- Action Item Report

Motion by George B., second by Aggie M., to approve the Minutes of May 5, 2010 as presented, all voted in favor.

- Action Report Water Line Easement Agreements; moved to June 16, 2010
- Entryway signs to be added to the Action Report Responsible parties to be Jim W. and George B.
- Public Works is currently working to clear the repeater road in an effort to access the repeater building and move forward in bringing down the building

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

- Dave Neely, USFS Ranger introduction, Ranger Office HWY 24, looks forward to working with the Town of Minturn and is available for questions and discussion. Shelley B. asked how the beetle kill trees will be handled. Mr. Neely stated that an analysis has been conducted, however an objection had been received and the USFS is now working to determine if the objection has merit and whether or not to impose the proposed plan. Providing the plan moves forward, Mr. Neely expects to deal with the immediate threat of safety and fire protection plans. Treatment of high risk areas would be the main priority.
- Frank Lorenti, 1081 Main St, is appreciative of the email newsletter sign up as well as the progress being made in obtaining welcome signs for the Town. The bus service for the Town of Minturn can be improved. There appear to be three options available

to the Town of Minturn: get money from Ginn, provide affordable housing, “bury the hatchet” with Vail and build on the Minturn Mile concept and work for a ski lift in the area. Again, he thanked everyone for working to move forward on some of the smaller.

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

- Town Clean up recognition of kids

Police Chief Martinez introduced several young adults that assisted on the Town cleanup day. Certificates of Appreciation were awarded to Greyson Magana, Rose Martinez, Raul Lopez, Ethan Highter of Minturn who were out on cleanup day in spite of the inclement weather to help beautify the Town of Minturn.

## **6. Town Manager’s Report**

Clean Up Day a success even with the weather being a challenge. Many thanks to the volunteers, the local businesses, the fire department, Council members and all the residents of Minturn who helped make the event a success.

CDOT is to visit Minturn next Wednesday in an effort to move forward on obtaining the necessary permitting for Town of Minturn welcome signs. Shelley B. would like to see the public have input on sign designs. She specifically sites Lion’s Head Rock and the Railroad, as examples of what might be included on the sign design. The possibility of a contest would be a nice option to offer. Brainstorming ideas on how to make the concept of a contest work may be a good starting place. All residents are welcomed to provide ideas, sketches, etc.

Downtown Colorado Inc. (DCI) will be in Town Monday May 24 and Tuesday May 25 to participate with Town residents, business owners, staff and interested parties. An agenda will be made available and we encourage everyone to be involved. Thank you to the Minturn Inn for assisting with this visit by providing lodging for the consultants. The agenda will be posted to the Town website [www.minturn.org](http://www.minturn.org) as well as the Town posting boxes.

School District update: the subcommittee will meet in the District offices in Eagle on June 16, 2010. Shelley B., Jerry B., Jim W. Allen C. and Boots Ferguson will all attend. Shelley B. would like to see the group have a prep meeting before the 16<sup>th</sup> to ensure Minturn has an organized group going into the meeting.

Town Health Insurance, two policies are at the forefront with slightly under 10% increases respectively. Town Staff has asked about getting the insurance calendar in alignment with the fiscal year. The policies are somewhat comparable with what is being provided now.

North Main St Water Line Project, 10 engineering proposals have been received for the project and are now being reviewed. Jerry B. recommended having ERWSD review the proposals for knowledgeable input.

Install, Inspect & Protect is a current fire safety campaign, promoted by Steam Master. The Town of Minturn is assisting with getting the word to residents.

LaBella Festa bocce tournament is coming on June 27, 2010. Teams of four can participate for \$250.00.

Thank you to the Public Works Department for working with CDOT crews in improving the drainage at the front entry of Town.

#### **7. Town Council Comments**

Memo – George Brodin

Wolfpack Wrestling members, nine in total, have been selected to represent the State in the Championships in. Congrats to the Wolfpack Team.

George B. would like to thank staff for the food at the meetings.

George B. would like to ask the Council to invite Ron Wolfe of the County Open Space Advisory Committee to review their proposal and answer any questions during a Council meeting in June, Jim W. contacted Ron and he is available for the June 2 meeting.

Shelley B. stated US Representative Jared Polis is scheduled to visit June 3, 2010 at Battle Mtn High School at 5:30 p.m. for a public meeting regarding the Hidden Gems program.

Thank you to all who participated in the Town Clean Up.

Fight Like a Girl, June 12<sup>th</sup> 11am to 1:00 pm will be available for girls 10 and older. All females, especially the younger generations are encouraged to attend.

Hawkeye F. stated some trees are in the river and they need to be taken out. There is one specifically by the Pearson property (south of the Town). Also, the pedestrian signs need to be posted on HWY 24.

### **PUBLIC HEARINGS AND ACTION ITEMS**

#### **8. Discussion/Action – Martinez Trucking zoning – White/Cerimele/Martinez**

Jim W. stated this is a public safety issue and presented two options for consideration. Minturn Municipal Code 16-22-70 is the first option to address the situation; the section option is the revocation of the business license. Currently, it appears that number one is the best option. The reduction of the use appears to be the first potential step. This will require a public hearing, with clear expectations and guidelines in order to effectively move forward.

Shelley B. asked about option two from above and would be interested in seeing what is stated on Mr. Martinez's business license. Also, there are many people in town who have welding torches at their residences for various uses. This may be a personal property right issue.

Earle B. asked about home business requirements. A home business license was issued to Mr. Martinez, although his business does not fall under the classification of a home business. All evidence needs to be submitted and reviewed for a decision to be made.

Jerry B. stated the code covers public nuisance issues involving home businesses in residential areas. To let a business license be applied for and received when it clearly goes against the Town Code should be a clear factor in rejecting a business license. In previous years a Fire Dept inspection of the premise was required; it currently is no longer required. This process may need to be revisited as things change over the years. We have to act on this with option one or option two.

Matt S. asked how did we get here? There are other cases of this nature as well. We need to look into how these types of situations can be resolved in order to not have this continue to happen in the future.

Jim W. said that a reduction in the use might be a more desirable first approach.

Aggie M. is concerned that the license was issued to begin with. It is a concern that fire inspections no longer take place. We can deal with the noise complaints, but there is going to be quite a bit of this around town.

Earle B recommends option 1-as well as Matt S.

June 2<sup>nd</sup> to be a Public Hearing.

Jerry B. would like to see the Town of Minturn get out of the pattern of non compliance. It is our job to make sure we maintain compliance.

Mr. Martinez agreed to June 2, 2010 for the Public Hearing.

**9. Discussion/Action – Ordinance 5 – Series 2010 (Second Reading) an Ordinance consenting to the improvement for renewable energy and energy efficiency purposes to any residential or commercial property within the Town by the County of Eagle (White/Palmer-10 min)**

It was noted for the record that the County is having trouble initiating the program and that Fannie Mae and Freddie Mac do not currently allow these assessments in their rules.

Motion by George B second by Shelley B. to table Ordinance 5 Series 2010 (Second Reading) an Ordinance consenting to the improvement for renewable energy and energy efficiency purposes to any residential or commercial property within the Town by the County of Eagle until the County organizes the loan process with the Federal Government; all voted in favor.

**10. Discussion/Action - Ordinance 6 – 2010 (First Reading) an Ordinance amending Chapter 16 of the Minturn Municipal Code by repealing and reenacting section 16-16-130 as it pertains to Snow Storage Requirements in the Town of Minturn – Cerimele**

Shelley B. asked about 16-16-130 regarding new requirements and them only pertaining to single family residences. Chris C. explained that the new verbiage and guidelines are on a separate page (53). It was asked why we are looking to impose this requirement when it is not imposed now? This code amendment is an effort to clarify and update the code.

Jerry B. said that it would have been nice to have had a work session regarding this material and encourage public input. It would be helpful to see exactly what the 20% snow storage looks like.

Would snow removal be required at this point? Then it becomes a snow removal enforcement issue.

Jerry B. recommends a work session to review this topic with the Planning Commission.

Direction to staff to bring back to Council in two weeks, 30 days at the most.

Motion by Shelley B second by Jerry B to table Ordinance 6 – 2010 (First Reading) an Ordinance amending Chapter 16 of the Minturn Municipal Code by repealing and reenacting section 16-16-130 as it pertains to Snow Storage Requirements in the Town of Minturn until after a work session.

**11. Discussion/Action – Ordinance 7 – 2010 (First Reading) an Ordinance amending Chapter 16 of the Minturn Municipal Code by repealing and reenacting section 16-17-70 as it pertains to Slope Limitations and Hillside Building Regulations in the Town of Minturn – Cerimele (15min)**

This new verbiage is helpful in clarifying. Earle B. cautions that this may affect Lion's Head Ridge property and is recommending staff confirm or deny corridors. View corridors may need to be established before moving forward. It may be a good idea to look at Town boundaries and zoning in those areas.

Aggie M. is concerned that land with slopes over 40% may want to be developed and recommends reviewing this section.

George B. thanks the Planning Commission for their willingness to work on these issues and present them to the Council.

Earle B. requests a briefing on the work of the Planning Commission be included in the Council Packets in an effort to stay up to date on topics of discussion.

Shelley B. stated that a "red-lined" version of code would be helpful in getting a fuller understanding of what is being altered and where.

Recommendation to hold a work session and a first reading at the same Council Meeting.

Motion by Shelley B., second by Matt S., to table Ordinance 7 – 2010 (First Reading) an Ordinance amending Chapter 16 of the Minturn Municipal Code by repealing and reenacting section 16-17-70 as it pertains to Slope Limitations and Hillside Building Regulations in the Town of Minturn until a work session, date to be determined, can be scheduled.

**12. Discussion/Action – Use Tax – Brunvand/White (15 min)**

Jay B. stated this is not a double taxation. Either a 4% sales tax OR a 4% use tax is paid, not both. In 2000, 60% of the communities in the County were using a use tax/sales tax together.

As an example, If someone goes to Home Depot and buys materials for the building of a home, they would either pay 4% Use Tax or the 4% sales tax, not both. No additional tax would be paid by the consumer. This tax is an effort to bring tax monies back to the Town of Minturn as opposed to the sales tax that would be paid to the town where the materials were purchased.

An example: a \$200,000 addition to a home is being performed. \$100,000 in materials. The Owner pays \$4,000 in use tax to the Town at time of permit not \$4,000 paid to the town the store is located in. If only 80% of materials are needed you can keep all the receipts and then submit for a refund.

How to use the additional funds? Shelley B. would like to have the monies earned committed to particular expenditures. Earle B. discussed that it may be wise to broaden the funds in order to allow future Councils access to necessary monies when needed.

Direction to Staff to move forward with the Use Tax for the November ballot. Recommendation to add use tax to the Action Report in order to track its progress.

#### EXECUTIVE SESSION

#### **14. Executive Session – Pursuant to CRS 24-6-402(4)(b) to receive legal advice on Battle Mountain Land Use/Annexation matters and Water Court litigation**

Motion by Shelley B., second by Aggie M., to convene into Executive Session Pursuant to CRS 24-6-402(4)(b) to receive legal advice on Battle Mountain Land Use/Annexation matters and Water Court litigation at 9:05 pm; all voted in favor.

No action was taken or decision made as a result of the Executive Session.

#### FUTURE AGENDA ITEMS

#### **15. Next Meeting**

- Rajkumar Manickam, Steam Master, “Install, Inspect, Protect” Campaign

#### **16. Future Meeting**

- Capital Improvement and Sidewalk discussion – Brunvand/White
- EPA Update – Mitchell
- 3-Mile Plan text Amendments - Cerimele

#### **17. Set Future Meeting Dates**

##### a) Council Meetings

- June 2, 2010
- June 16, 2010

- July 7, 2010
  
- b) Planning & Zoning Commission Meetings
  - May 26, 2010
  - June 9, 2010
  - June 23, 2010
  
- c) Other

**18. Adjournment**

In that there was no further business the meeting stood adjourned

  
Mayor Hawkeye Flaherty

ATTEST:

  
Town Clerk, Jay Brunvand

