



Official Minutes

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

Wednesday January 4, 2012

Work Session – 5:30pm
Regular Session – 6:30pm

MAYOR – Gordon “Hawkeye” Flaherty
MAYOR PRO TEM – George Brodin

TOWN MANAGER – Jim White
TOWN CLERK/TREAS – Jay Brunvand

COUNCIL MEMBERS:

Shelley Bellm
Earle Bidez
Jerry Bumgarner
Aggie Martinez
John Rosenfeld

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 – 2:00 pm, Monday through Friday, by contacting the Town Clerk at 970/824-5645 302 Pine St. Minturn, CO 81645

Work Session – 5:30pm

- **Discussion of lot coverage – Cerimele/White (45min)**

Regular Session – 6:30pm

1. Call to Order

- a. Roll Call
- b. Pledge of Allegiance

The meeting was called to order by Mayor Flaherty at 6:34 pm.

Those present included: Mayor Hawkeye Flaherty, Mayor Pro Tem George Brodin, Town Council members Shelley Bellm, Aggie Martinez, Earle Bidez, John Rosenfeld, and Jerry Bumgarner.

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

2. Approval of Agenda

a. Items to be Pulled or Added

Fire Chief Karl Bauer was unable to attend the meeting and will be rescheduled to the January 18th Council meeting.

Motion by George B., second by Shelley B., to approve agenda as amended; all voted in favor.

3. Approval of Minutes and Action Report

- December 7, 2011
- December 21, 2011
- Action Item Report

Motion by George B., second by John R., to approve the minutes of Dec 7, 2011 as presented. All voted in favor. Motion passed 7-0.

Motion by Aggie M., second by George B., to approve the minutes of Dec 21, 2011 as presented. All voted in favor.

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

Mr. Frank Lorenti, 1081 Main St, Minturn formally requested to be on the Town Council agenda for the January 18, 2012 meeting concerning the topic of the property built at 601 Main St, Minturn.

Council recommended Mr. Lorenti meet with the Town Manager regarding his questions..

Ms. Colby Ricci representing Red Sandstone Elementary School, Vail, CO asked for support regarding Red Sandstone elementary school in its effort to remain open as the School Board is considering options including the potential closing of the school. The Eagle County School Board meeting will be held at the County Building, Wednesday, January 11th at 6:30 pm for anyone interested in attending and showing their support of Red Sandstone.

5. Special Presentations/Citizen Recognition

- **Karl Bauer, Fire Chief (10 min) (postponed)**
- **Citizen Recognition – L. Martinez (10min)**

Chief Lorenzo Martinez gave a presentation thanking local volunteers for their support over the holiday season.

6. Planning Department Update

Regarding the new residence at 601 Main Street, Mr. Sean Cozzens submitted a site plan showing the total lot coverage at the ground level at approximately 36%. This included an existing garage at the rear of the property plus the proposed single family residence that is now connected to the garage. This site plan was accepted by me (Chris C.) and presented to the Planning Commission as within the allowable lot coverage of 40%. However, when the second level is accounted for, the lot coverage increases to approximately 44.9%. Per section 16-2-20 of the Minturn Municipal Code (MMC), lot coverage is defined as follows:

That portion of the lot that is covered by buildings, including covered porches, covered walkways and similar covered areas, but not including roof overhangs and decks.

Building Size

- Ground level sq. footage of the building = 1,793 sq. ft
- Lot size = 5,000 sq. ft.
- Lot coverage = 35.9% (allowable = 40%)
- The total lot coverage increases to 44.9% when the perimeter of the above grade levels is included (2,243.9 sq. ft.)
- Building height at the mid-point of roof = 25' 6" (allowable = 28')

The MMC states that two Improvement Location Certificates (ILC) are required. The first is due when a land development application is submitted and the second is due before a Certificate of Occupancy is issued. The exact language from the MMC is as follows:

A second framing and foundation ILC will be submitted with all the planning requirements such as height, location of building, square footage of building and setbacks. A Certificate of Occupancy is issued after the second ILC is approved after it has been determined the builder has met all the zoning requirements. The building, foundation location, building height, setbacks, driveway access, topographic and finished grade and utility easements information would be shown on the final ILC.

The framing and foundation ILC was submitted on December 23, 2011. Mr. Cozzens was granted a Temporary Certificate of Occupancy on December 23, 2011 but did not have permission to occupy the premises prior to this date. To date, the final Certificate of Occupancy has not been issued.

Project History

5/10/2006 – Planning Commission approval for new garage at the corner of Boulder St. and Mann Ave.

2/19/2009 – Certificate of Occupancy issued for above referenced garage.

5/11/2010 – Application submitted for a new single family residence.

- The proposal entailed demolishing the existing single family residence on the front and constructing a new residence in its place. The two structures now function as a single living unit.

5/26/2010 – 1st Planning Commission meeting to review proposal for a new single family home.

6/9/2010 – 2nd Planning Commission meeting to review proposal

- Application approved

6/16/2010 – Building Permit issued

12/23/2011 – Temporary Certificate of Occupancy is issued.

Planning and Zoning meetings will now be the second Wednesday of every month at 6:30pm at the Minturn Town Hall building, 302 Pine St.

7. Town Manager's Report

Battle Mountain Update

Current issues include pending lawsuits related to responses to the EPA, quiet title action, and legal challenges to the annexation agreement. On a separate matter, the Town Council and Battle Mountain have sent a revised term sheet back and forth to negotiate the proposal made by Battle Mountain regarding the potential release of escrow funds. Our subcommittee met on August 9, 2011, August 30, 2011, October 27, 2011, November 10, 2011, and on December 13, 2011. A resulting term sheet is planned for "final" review by both parties in January 2012.

Eagle County Animal Control Contract

I will be meeting with Shawn Markmann, Director of Animal Services for Eagle County on Wednesday morning, January 4, 2012 to discuss options for our annual contract.

USGS Monitoring Gauge

The Town was notified by Steve Anders of the United States Geological Survey (USGS) that it's time to renew the Cross Creek monitoring gauge at Maloit Park. The overall cost for O&M of the gauge in 2012 is \$16,200. The USGS supplies a 10% contribution, or \$1,620. This percentage was higher last year but federal funding was reduced from the "Cooperative Water Program" 2012 budget. Subsequently, the remaining cost to operate and monitor the gauge is \$14,580, effective January 1, 2012. This past year (2011), the cost to reinstall the gauge was borne by Battle Mountain Development. Battle Mountain also contributed in 2011 to the cost of O&M. In 2012, we have received commitments from Battle Mountain and from CBS/Viacom for \$4860 each. The Town of Minturn will pay the remaining \$4,860 in 2012.

Minturn Winter Markets

Winter markets were a HUGE SUCCESS! Held on Saturday, **December 10th** and Saturday, **December 17th**, local businesses appreciated the crowds brought to Town. With very little snow

thus far this winter, our local businesses have been struggling to attract customers. The market weekends helped.

Planning for Another Bonfire

Staff is planning a Saturday, **January 7, 2012**, beginning at 5:30pm bonfire to burn Christmas trees that will be gathered throughout Minturn by our Public Works crew. Hot chocolate and marshmallows will be provided.

Ski Joring

The Town of Minturn will be holding this new event on old Minturn Road on **Saturday January 14th and Sunday January 15th, 2012.**

7th Copper Triangle Bike Event

The Town of Minturn will provide an aid station during next year's 7th Annual Copper Triangle on August 4, 2012. We have been asked to provide space at Little Beach Park. This event is a fund raiser for the Davis Phinney Foundation (Parkinson's disease research). Set up will be at 6:30am and will be broken down by 1pm. Assisted Cycling Tours will manage the aid station with 12-15 volunteers.

Legal Publications/ Official Meeting Posting Sites

The Town staff has discussed and would like the Town Council to consider publication of Town Ordinances on the Town website to fulfill the requirement of legal publications. It is estimated that this could result in a potential savings of \$4,000 to \$5,000 annually.

Additionally, we are recommending that our official posting sites be reduced from the current four sites to two sites, plus the website. Both postings would be here at the Town Hall, on each side of the building. We are asking for clarification if this would have to be placed on the April ballot per our Municipal Charter (see excerpt below).

Section 4.8 Meetings.

The Council shall meet regularly twice each month on the first and third Wednesday or at a day and hour to be fixed by the rules of the Council. The Council shall determine the rules of procedure governing meetings including attendance requirements.

Special meetings shall be called by the Town Clerk at the request of the Mayor or three (3) members of the Council, on at least twenty-four (24) hour notice, either written or verbal, to each member of the Council, and public notice of the time, date, location and purpose of the meeting shall be posted at **four** (4) public places twenty-four (24) hours prior thereto. When an emergency exists, as set forth in Section 4.4, twenty-four (24) hour notice and posting of public notices shall not be required.

8. Town Council Comments

John R., made note that Scott Tipton will be at Loaded Joes this Saturday at 9:00am at Loaded Joes in Avon, CO. John R also thanks Chief Martinez, Lisa Osborne and many others for their contributions over the holiday season.

Shelley B reminds everyone that Red Sandstone Elementary School is an exceptional school on the east side of Eagle County that is worth keeping open. Shelley B asks folks to consider writing letters to the editor or attending the next Eagle County School Board meeting which is Wednesday, January 11th @ 6:30pm at the Eagle County Building in Eagle, CO.

Mayor Flaherty gave many respects to Mr. Ron Spore who passed away this last Fall. He was a resident of the Town of Minturn, a former Minturn Council Member, and is well remembered.

PUBLIC HEARINGS AND DISCUSSION/ACTION ITEMS

9. Discussion/Action: Resolution 1 – Series 2012 A Resolution setting the official posting sites for the Town of Minturn – Brunvand (15 min)

Motion by Shelley B, second by George B, to approve Resolution 1 – Series 2012 a Resolution setting the official posting sites for the Town of Minturn. Motion passed 7-0.

10. Discussion/Action: Ordinance 12 – Series 2011 (Second Reading) an Ordinance authorizing the Mayor to sign an Intergovernmental Agreement with the Eagle County Government for animal control services for the calendar year 2012 – Martinez/White (10min)

Mr. Shawn Markman, Director of Eagle County Services, offered multiple options for services available (flat monthly fee, per call basis or a shelter option only). Direct line to animal control: 328-3647.

Lorenzo M. reinforced the need discussed by Council to have patrols in the “off hours” as opposed to early afternoon or late morning patrols.

Motion by Shelley B, second by John R, to approve Ordinance 12 – Series 2011 (Second Reading) an Ordinance authorizing the Mayor to sign an Intergovernmental Agreement with the Eagle County Government for animal control services for the calendar year 2012. Motion passed 7-0.

11. Discussion/Action: Consideration and motion to approve and set 2012 Council Goals – White (10min)

Direction to staff to add Council goals to the action item report. Further request to add a grant application update to the action item report.

Direction to Town Manager and Public Works Supervisor to update estimates for road improvements and return to Council the second week in February.

EXECUTIVE SESSION

12. Executive Session – Pursuant to CRS 24-6-402(4)(b) for the purposes to consult with the Town's Attorney(s) and receive direction regarding the negotiations of the Battle Mountain Resort property annexation, water right issues, and EPA update – White/Christensen

Motion by George B, second by Shelley B, to convene into Executive Session pursuant to CRS 24-6-402(4)(b) for the purposes to consult with the Town's Attorney(s) and receive direction regarding the negotiations of the Battle Mountain Resort property annexation, water right issues, and EPA update.

13. Executive Session – Action by Council or Direction to Staff as a result of the Executive Session (5min)

The Executive Session began at 8:22pm and ended at 8:27pm.

The Town Council reconvened into Regular Session. Consequently, the Town Attorney and the Town Manager were directed to continue negotiations with Battle Mountain.

FUTURE AGENDA ITEMS

14. Next Meeting – January 18, 2011

- ERFPD special presentation
- Lot coverage code discussion - Work session and Discussion/Action item

15. Future Meeting

- Work Session: Medical Marijuana discussion with Rachelle Allen, CML Legal Council – White (45min)
- Work Session: Request from the Planning Commission for a work session with the Council to determine a sidewalk master plan.
- Meeting: Discussion/Action – Ordinance ____ – 2012 (First and Second Readings) an Ordinance allowing the sale of Medical Marijuana (TBA Meetings in January 2012 45min, NOTE: this will require two readings) Feb 2012
- Work Session: Town Manager and Public Works Supervisor to present updated estimates for road improvements. 02/15/12

16. Set Future Meeting Dates

- a) Council Meetings:
- January 18, 2012
 - February 1, 2012
 - February 15, 2012
- b) Planning & Zoning Commission Meetings:
- January 11, 2012

- February 8, 2012
 - March 14, 2012
- c) Other Dates:
- January 16 – Town Hall Closed (Martin Luther King Day)

17. Adjournment

Motion by Jerry B., second by John R., to adjourn at 8:28pm. Motion passed 7-0.



Mayor Hawkeye Flaherty

ATTEST:



Town Clerk, Jay Brunvand

