



Official Minutes

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

Wednesday January 18, 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/building code – Cerimele/White (45min)**

Regular Session – 6:30pm

- 1. Call to Order**
 - a. Roll Call

The meeting was called to order by Mayor Flaherty at 6:35pm.

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, and Chief of Police Lorenzo Martinez

b. Pledge of Allegiance

2. Approval of Agenda

a. Items to be Pulled or Added

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

3. Liquor License Authority

- Magustos LLC Annual Renewal of a Hotel & Restaurant License; 101 Main St.; Eric Cregon, Owner/Manager – Brunvand (10min)

It was noted for the record that Staff had no concerns with this renewal application that were not resolved and is recommending approval.

Motion by John R., second by Aggie M., to approve the Magustos LLC Annual Renewal of a Hotel & Restaurant License; 101 Main St.; Eric Cregon, Owner/Manager as presented; all voted in favor.

- Direction from the Liquor Authority regarding liquor tasting in Retail Liquor Stores – Brunvand (5min)

Direction from Council was for Staff to meet with the applicant to determine the level of interest. After meeting with the applicant, Staff is to bring forward an Ordinance to adopt, if warranted.

4. Approval of Minutes and Action Report

- January 4, 2012

Under Public Comment #4 Colby Ricci – correct name spelling.

Motion by John R., second by Shelley B., to approve the minutes of January 4, 2012 as amended; all voted in favor.

- Action Item Report

Shelley B. asked if Staff is satisfied with the north sign lights and are we moving forward with the South sign; Yes. Jim W. explained the lights are solar and the length of time the lights are on is commensurate with the size of solar batteries. The project is a success and Staff will be moving forward with lights on the south sign lights.

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

No Comments.

6. Special Presentations/Citizen Recognition

- Karl Bauer, Fire Chief (10 min)

Mr. Karl Bauer introduced himself as the newly appointed Fire Chief for the Eagle River Fire Protection District. Mr. Bauer noted he has been with District since 2004 in various capacities.

Shelley B. asked how strong the District's budget is in light of the failed November ballot measure. Mr. Bauer explained several of the cuts that have been instituted but the underlying goal is to provide the highest service level within the available resources. The Minturn Fire Station is not presently at risk; in fact it is strategically and geographically important to the District.

John R. asked for clarification as to how the level of service is maintained with the current staffing levels in light of the rumors. Mr. Bauer stated a fire truck is staffed with four fire fighters whereby two will enter the fire and two will remain out. This is a national standard for safety and fire fighting effectiveness.

Earle B. asked how the long-term view is affected by the leanness of the staffing. No, this is not something that can be sustained for the long-term; however it is a position they can work within for the next few years.

Aggie M. asked who checks the fire hydrants; often it is the homeowner district or the municipality and they are maintained by the owner. Jerry B. noted that all citizens should help to keep their hydrants near their homes clear of snow and accessible.

7. Planning Department Update

Background

Staff is proposing an amendment to the lot coverage definition that is found in section 16-2-20 – *Definitions* - of the Minturn Municipal Code. The proposed amendment will revise the definition by stating that all cantilevered portions of a building and decks greater than 48" above grade will be counted towards the allowable lot coverage.

Lot coverage is currently defined as follows:

Lot coverage means 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.

Proposed Definition:

Lot coverage means that portion of the lot that is covered by buildings, including covered porches, cantilevered areas, covered walkways and similar covered areas. Lot coverage shall not include decks less than forty-eight (48) inches above grade and roof eaves less than twenty-four (24) inches from the face of the building.

Next Steps

- January 25, 2012 – Planning Commission public hearing on the zoning text amendment to initiate to code change. The Planning Commission will make a recommendation to the Town Council to approve or deny the proposed change to the lot coverage definition as defined in section 16-2-20 of the Minturn Municipal Code.
- February 1, 2012 – The Town Council will conduct the first reading on an ordinance to amend the lot coverage definition.
- February 15, 2012 – Second Reading of the ordinance to amend the lot coverage definition.

The following topics were discussed at the 1/11/12 Planning Commission meeting:

Lot coverage definition revision

- The definition will be revised to include all cantilevered living spaces and decks greater than forty inches (48") above grade.

Design Review Board submittal requirements

- A boundary and topographic survey will be required instead of the current Improvement Location Certificate.

Design Review Board public hearing procedure

- Require public notification for all Design Review Board applications. This will entail sending letter that includes details of the proposal and the hearing date to all property owners within 250 feet of the subject property at least 10 days prior to the public hearing. Additionally, notice of the hearing and details of the proposal will be published in the Vail Daily at least 10 days prior to the public hearing. Currently, public notices are only required for the following land use applications: subdivisions; variances; conditional use permits; zoning map amendments and zoning text amendments.

Shelley B. asked if this was necessary. The intention is that the neighbors are informed and able to be included in the process. Discussion ensued as to whether this process would give neighbors the right to prohibit a project. Chris C. will report back to Council the reasons behind this proposed requirement.

Construction Process

- Require a foundation survey after the foundation has been poured and cured. This will be done to ensure that the foundation was constructed in the location that was approved on the site plan. When the location of the finished foundation has been verified and approved, construction on the remainder of the structure can proceed.
- Require a framing survey once the roof ridge boards are in place. This will be required to ensure that the structure adheres to the building height and setback requirements.

8. 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 has submitted a revised term sheet for 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. We also met on January 5, 2012.

Recycling Earns Money

The Public Works crew rounded up some more old scrap metal again near year's end. With the latest effort, we secured even more reimbursement. The results of the 2011 efforts total nearly \$2800! Congratulations to the Public Works crew!

Christmas Tree Bonfire

Held Saturday, **January 7, 2012**, the bonfire to burn Christmas trees gathered throughout Minturn was a big success! Hot cider and hot chocolate added to the festivities. Special thanks to the Fire District for helping with the event!

Ski Joring Rescheduled

The Town of Minturn will be holding this new event on old Minturn Road on **Saturday February 25th and Sunday February 26th, 2012.**

Governor's State of the State

I was invited to attend Governor Hickenlooper's State of the State Address at the State Capitol on Thursday, January 12, 2012 as CML Immediate Past President.

Tour of Minturn Water Treatment Plant

A group of Vail high school students was given a tour of the Minturn Water treatment plant in early January. John Volk and I were present. To provide information and answer questions.

Martin Luther King Holiday

The Minturn Town Hall and the U.S Post offices will be closed on Monday, January 16th to commemorate the Martin Luther King Holiday.

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.

Jim W. reported on a plan, promoted by the Minturn Community Fund, to create a community garden. The plan would involve community volunteers or a community committee. Several sites in Town, both Town owned and private property, have been investigated. The promoters have requested that the garden should be located in Not-A-Park (243 Boulder St) due to its size,

central location, and availability of water on the site. Staff also suggested that we explore diagonal parking at this location concurrently.

Direction from Council was to proceed as presented.

9. Town Council Comments

John R. reminded all to know and understand the snow stacking and winter parking regulations.

Shelley B. reported that the Eagle County School District Board of Education voted to not close any more schools. This was in general and specifically in the eastern part of Eagle County. Shelley B. stated Red Sandstone Elementary in Vail will remain open.

Jerry B. reported that long time local Davie Burnett passed away recently and offered condolences to the Burnett family.

George B. attended the Eagle County Transit meeting and reported on changes that will allow the buses to run more effectively and timely as well as diagnostic equipment on board the buses that will assist in potential maintenance issues. He also reported the county is seriously looking at the bike path system to ensure a county wide connection.

Hawkeye reported that Council Member John R. is running for Eagle County Commissioner and wished him luck.

PUBLIC HEARINGS AND DISCUSSION/ACTION ITEMS

10. Discussion/Action: Lot Coverage/Building Code discussion – Cerimele/White (30 min)

Chris C. updated the Council on proposed changes to the municipal code. These changes are a result of recent issues and findings as related to lot coverage and how coverage is calculated.

Earle B. asked about accessory dwelling units; discussion ensued that if accessory dwellings are allowed then we need to make sure it is documented and all permits, tap fees, etc are collected. John R. discussed the need to look at the accountability factor and if someone is out of compliance what options does the Code provide to remedy compliance. Discussion ensued as to when a tap is warranted for various projects and how it is determined.

Re 601 Main Street: the issues have been addressed as to lot coverage, accessory units, and a temporary Certificate of Occupancy. In this case the residence was built while the owner/builder was living in the accessory unit. Jerry B. requested details showing a timeline and paper trail of the project since the building permit was issued. It was noted that this project was approved by the Town and built as approved. As a result of this project the Municipal Code is being reviewed and changes proposed in order to best avoid similar issues in the future.

Mr. Frank Lorenti, 1081 Main St., spoke to the Council regarding the 601 Main St project specific as to when documents were received and if the proper documents were submitted in a timely manner. Council noted that the planning process as it currently exists is being reviewed to correct the issues that occurred with this project. Frank L. stated there were too many mistakes; Council contended that there was only one or two and those issues are being resolved to correct the process in the future.

Hawkeye confirmed that staff had the direction necessary to move forward.

At this point the Mayor called a 10 minute recess.

11. Discussion/Action: Resolution 2 – Series 2012 a Resolution designating or appointing the Minturn Town Clerk as the Designated Official of the Town of Minturn – Brunvand (10min)

Motion by Shelley B., second by John R., to approve Resolution 2 – Series 2012 a Resolution designating or appointing the Minturn Town Clerk as the Designated Official of the Town of Minturn as presented. All voted in favor.

12. Discussion/Action: Council discussion and direction regarding the placement of ballot questions on the April 2012 Municipal Election – Brunvand/White/Christensen (20min)

Direction: Proceed with a ballot question to state two public posting locations (302 Pine St and 301 Boulder St.) and the website

Direction: Proceed with a ballot question to publish by title on both first and second reading with note the full ordinance is avail at the Town and posted in full on the website.

EXECUTIVE SESSION

13. 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 and 4b to receive and to receive legal advice from the Town Attorney regarding public accusations of staff malfeasance – White/Christensen

Motion by Shelley B., second by John R., 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.

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

Executive Session began at 8:42pm and ended at 9:23pm. Following Executive Session, the Town Attorney and the Town Manager were directed to continue negotiations with Battle Mountain regarding the term sheet. The Town Manager was further directed to coordinate a subcommittee meeting. The Town Attorney was instructed to oversee the development of a Resolution to be considered once the negotiations were ready to be reviewed for decision.

FUTURE AGENDA ITEMS

15. Next Meeting – February 1, 2012

- Work Session and Meeting: Discussion/Action to consider an Ordinance (First Reading) to amend the lot coverage.
- Put on the ballot questions but I don't know what meeting; get with Allen C on this.
- Have a blurb in Jim's report of when the election is who is up and the ballot questions

16. Future Meeting

- Work Session: Town Manager and Public Works Supervisor to present updated estimates for road improvements. 02/15/12
- Have this in the regular session: Medical Marijuana discussion with Rachelle Allen, CML Legal Council – White (45min) 02/15/12
- 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) 02/15/12
- Meeting: Discussion/Action – Regarding items as related to General Improvement District matters – Brunvand (30min) 02/15/12

17. Set Future Meeting Dates

a) Council Meetings:

- February 1, 2012
- February 15, 2012
- March 7, 2012

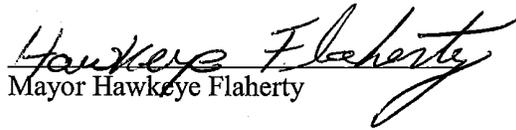
b) Planning & Zoning Commission Meetings:

- February 8, 2012
- March 14, 2012
- April 11, 2012

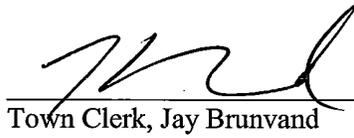
c) Other Dates: N/A

18. Adjournment

Motion by Jerry B., second by John R., to adjourn at 9:25pm; all voted in favor.


Mayor Hawkeye Flaherty

ATTEST:


Town Clerk, Jay Brunvand

