



**Official Minutes**

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

**Wednesday March 21, 2012**

**Work Session – 5:45pm**  
**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 Bungarner  
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 – 5:45 pm**

- Council Committee organization – White (15 min)
- Question and Answer – Cerimele (30 min)
  - Ordinance 1 – Series 2012
  - Ordinance 2 – Series 2012

**Regular Session – 6:30 pm**

1. **Call to Order**
  - a. Roll Call
  - b. Pledge of Allegiance

The meeting was called to order by Mayor Flaherty at 6:39 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, Deputy Clerk/Events Michelle Metteer, Town Planner Chris Cerimele, and Attorney Allen Christensen.

## **2. Approval of Agenda**

### **a. Items to be Pulled or Added**

Direction to add consideration of Committee Assignments as Action/Discussion item 13a.

Motion by John R., second by Shelley B., to approve agenda as amended; motion passed (7-0).

## **3. Approval of Minutes and Action Report**

- March 7, 2012
- Action Item Report

Motion by Shelley B., second by Aggie M., to approve the minutes of March 7, 2012 as presented; motion passed (7-0).

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

Mr. Shane Mitchell, 605 McIntyre St, Eagle is running for County Commissioner Dist 2.

Mr. Frank Lorenti, 1081 Main St, addressed increased traffic related to out of town events from SSCV in Vail to Minturn; therefore he recommends thinking long-term and address traffic issues now.

Mr. Skyler Mitchell, 708 Pole Run, Eagle is running for Town of Eagle Trustee.

## **5. Special Presentations**

- County Commissioners – White (45 min)
  - Introduce Aviation Director Greg Phillips and Assistant County Manager Rachel Oys
  - Transit (Kelly Collier)
  - Trails (Ellie Caryl)
  - Open Space
  - Eagle Valley Land Exchange
- Special Presentation: Eagle Valley Trails presentation & discussion- Cerimele (30 min) (incorporated into previous discussion)

Mr. Keith Montag, Eagle County Manager, believes the County and Minturn have enhanced the relationship between the two governments.

Mr. Greg Phillips, Eagle County Regional Airport, updated the Council that international service is a possibility. He also mentioned the airport checkpoint will be widened to include three full lanes and open up the traffic. The concrete apron will be updated and help to reduce chip concern. Additionally a landscaping project will take place in the front of the airport. The first community meeting will take place in May and will be publicized for the public to attend.

Ms. Kelly Collier, ECO Transit discussed that ridership in Minturn for 2011 was up 17.9%, and for 2012, ridership is already up 8%. The bus stops and bus shelters are going to be going through an updating program, so expect to see some work being done at various bus stops.

Ms. Ellie Caryl Eagle County Trails, gave an explanation of the trails program and an update of the system.

Mr. Frank Lorenti, 1081 Main St, asked about the trails process and the cost. Ms. Caryl stated it is estimated that the cost for a trail from Dowd Junction to the Red Cliff Town line would be approximately 8 million dollars to build.

Mr. Toby Sprunk, Eagle County Open Space, gave a brief list of the projects currently in the works.

Mr. John Stavney, Eagle County Commissioner updated Minturn on his meeting with the State Land Board and the potential future of the Cross Creek property.

Mr. John Stavney discussed the sale of the Boneyard property and the ability for governments to bid on the property. John R. recommended the option of discussing bid strategies.

Mr. John Rosenfeld gave a review of the properties discussed. Boneyard parcel, in partnership with OSAC has been accepted to be reviewed by the County Commissioners. Cross Creek may or may not go into a land use deal. The CDOT maintenance facility may be moving to the north Minturn area. The Forest Service is still looking to sell the Compound property.

## **6. Planning Department Update**

Direction to staff to notify the two previous applicants regarding the open position for the Town of Minturn Planning and Zoning Commission.

## **7. Town Manager's Report**

**Eagle County Commissioners in Minturn** The Eagle County Commissioners (Peter Runyon, Jon Stavney, and Sara Fisher) plan to be at tonight's meeting to discuss various issues with the Town Council in Minturn.

### **Battle Mountain Update**

Current issues include pending lawsuits related to quiet title action, and legal challenges to the annexation agreement. In addition, Battle Mountain is working on its responses to

the EPA. The Escrow Agreement reached on February 15, 2012 between the Town and Battle Mountain is being reviewed by Stewart Land Title. As of this report, the review remains in progress and we are still awaiting a response.

#### **Eagle County Open Space Advisory Committee**

The Town of Minturn made a successful presentation on the U.S. Forest Service Bone Yard project at the March 12, 2012 OSAC meeting. We received positive commentary, challenging questions, and subsequently, a referral on to the Eagle County Commissioners.

#### **Head Gate Follow Up**

Representatives from the offices of Colorado's two U.S Senators, Noah Koerper from Senator Michael Bennet's office and Matt Sugar from Senator Mark Udall's office are helping Minturn through research to help in our efforts to modify the boundaries of the head gate in the Maloit Park area and we have asked them to consider the Bolts Lake head gate as well.

#### **Cooperation with ERWSD**

The Town of Minturn is working with the Eagle River Water and Sanitation District to secure services to dive our main water tank and our clear well in the spring or summer of 2012. By working with ERWSD, we are benefitting by receiving better pricing for the work to be done predominantly by eliminating mobilization charges.

#### **13<sup>th</sup> Annual Highway Cleanup**

The annual Highway 24 Cleanup will be held on Saturday, April 28, 2012, organized by the Eagle River Watershed Council. For more information, email [info@erwc.org](mailto:info@erwc.org) or call 970-827-5406.

#### **Copper Triangle 2012 Bicycle Event**

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

#### **Pro Cycling Challenge Bike Event**

The Town of Minturn hosted a meeting among Minturn, Vail, Avon local police, Colorado State Patrol, Eagle Fire District, emergency services personnel, public information officers, and bike event officials to begin planning for the stage of the race expected to pass through Minturn on Thursday, August 23, 2012. There will be national TV exposure and an opportunity to showcase our community. We are attempting to secure a "sprint line" as part of the race as it passes through Minturn. Incident command for this event will be in Beaver Creek which will be a finishing place for this same stage of the race.

Mr. Barry Clark, 974 Main St, is excited to see the potential opportunities an event like the USA Pro Cycle Challenge will bring to Minturn.

#### **8. Town Council Comments**

John R. welcomes Peyton Manning to Colorado on behalf of the citizens of Minturn. John R. also noted that replacement of the culvert at Cross Creek will begin later this year.. A thank you Stuart Brummett, who headed the Minturn Red Cliff Business Association as well as the Town Planning Chair, as Stuart and his family, will be moving to Texas.

Earle B. would like to see the Council get some quality input on the happenings of the Dowd Junction/CDOT gravel operation program and requested to have members of the Land Board as well as the proper CDOT representatives to attend a future Council Meeting for a question and answer session.

Shelley B, asked about County emergency grant funding that may be possible to help with the hillside section of the north entry into Town. There are safety concerns which need to be addressed to ensure safe travel into and out of Town.

### **PUBLIC HEARINGS AND DISCUSSION/ACTION ITEMS**

**9. Discussion/Action: Ordinance 1- 2012 an Ordinance (First Reading) amending Chapter 16 of the Town of Minturn Municipal Code by revising the lot coverage definition and adding a definition for the ordinary high water mark in section 16-2-20 of the Town of Minturn Municipal Code – Cerimele (20 min)**

Direction to staff to amend the ordinance to include a sentence indicating a licensed, qualified professional, appointed by the Town, will be used to determine the high water mark.

Motion by George B, second by Shelley B, to approve Ordinance 1- 2012 an Ordinance (First Reading) amending Chapter 16 of the Town of Minturn Municipal Code by revising the lot coverage definition and adding a definition for the ordinary high water mark in section 16-2-20 of the Town of Minturn Municipal Code. Motion passed (6-1) Aggie Martinez nay.

**10. Discussion/Action: Ordinance 2- 2012 an Ordinance (First Reading) amending Chapter 16 of the Town of Minturn Municipal Code by adopting submittal requirements and public hearing procedures for Design Review applications – Cerimele (30 min)**

Direction to staff to amend ordinance language to allow sealed and signed or electronic signatures.

Motion by John R, second by George B, to approve Ordinance 2- 2012 an Ordinance (First Reading) amending Chapter 16 of the Town of Minturn Municipal Code by adopting

submittal requirements and public hearing procedures for Design Review applications.  
Motion passed (7-0)

**11. Discussion/Action Item: – Ordinance 4 – 2012 an Ordinance (Second Reading) submitting a proposed amendment to the Town of Minturn Home Rule Charter to the voters of the Town pursuant to Colorado revised statutes, section 31-2-210**

Motion by Shelley B, second by John R, to approve Ordinance 4 – 2012 an Ordinance (Second Reading) submitting a proposed amendment to the Town of Minturn Home Rule Charter to the voters of the Town pursuant to Colorado revised statutes, section 31-2-210. Motion passed (7-0)

**12. Discussion/Action: Ordinance 5 – 2012 an Ordinance (Second Reading) submitting a proposed amendment to the Town of Minturn Home Rule Charter to the voters of the Town pursuant to Colorado revised statutes, section 31-2-210**

Motion by Shelley B, second by George B, to approve Ordinance 5 – 2012 an Ordinance (Second Reading) submitting a proposed amendment to the Town of Minturn Home Rule Charter to the voters of the Town pursuant to Colorado revised statutes, section 31-2-210. Motion passed (7-0)

**13. Discussion/Action: Resolution 10 – Series 2012; A Resolution approving Variance application VAR 2012-01; A request for a Variance to construct a detached garage in the rear property setback at 273 Boulder Street. Applicants: George and Linda Brodin – Cerimele (20min)**

As the applicant, Town Councilman George B. recused himself and left the room.

Mr. Frank Lorenti, 1081 Main St, asked if an ILC was conducted. Staff indicated that an ILC was submitted along with the rest of the application. Mr. Lorenti asked why an amendment to the code allowing the particular character area to have a 5' setback, which has previously been recommended by the Planning Commission, has not been brought forth to Council.

Mr. Chris Manning, 293 Boulder St, submitted a letter to the Town Council regarding the approval of amendments to allow for a 5' setback in the Pine St character area. The letter by Mr. Chris Manning is as follows and is included in the minutes for the record.

Dear Minturn Town Council and Staff

We are Chris & Tessa Manning, our address is 293 Boulder Street, and mailing address is POB 788, Minturn, CO 81645

Our letter today is regarding the variance for the Brodin's garage project and a P&Z written and approved code amendment to reduce rear set backs in the 200 town block for houses that are in between Pine Street and Boulder Street. Tessa and I are completely in support of both of these – the Brodin's garage and also the proposed amendment.

Our reason for writing this note is that our neighbors, the Brodin's, have asked for a variance (to build inside a 10 foot rear set back) to build a garage. Both Tessa and I are all for the Brodin's building a garage, getting a couple of cars off of the street and building it at a 5 foot rear set back. We have to say we are a bit jealous being that we are trying to do the same thing – build a garage also inside a 10 foot setback.

I am not sure a variance request for the Brodin's proposed garage is necessary. If a variance is required to meet the goals of a code ordinance currently waiting approval from the town council, wouldn't a review of the code amendment rather than a variance request be a better use of the council's time. Reviewing the amendment would be fairer to all of us looking to do the same, building a garage in the location of the 200 block of Boulder & Pine.

I hate to recommend that you table this variance application being that the building time in the mountains is so short (and we are in support of the garage application that the Brodin's have proposed) but we believe that it would be smarter to review and pass the code amendment. The reason that the code amendment was written and passed by P&Z in the first place was so that a variance request to build a garage inside a 10 foot set back for the Brodin's and others in our location would not be necessary.

Thanks so much for listening and taking a look at the proposed amendment.

Chris & Tessa Manning  
POB 788 / 293 Boulder Street  
Minturn, CO 81645  
970-827-4076

Staff indicated a hardship has been deemed appropriate in this scenario.

Motion by Shelley B, second by Jerry B, to approve Resolution 10 – Series 2012; A Resolution approving Variance application VAR 2012-01; A request for a Variance to construct a detached garage in the rear property setback at 273 Boulder Street. Applicants: George and Linda Brodin. (Motion passed 6-0) George B had recused himself from the Board and was not present.

### **13b. Consideration and Approval of Committee appointments.**

Motion by Jerry B., second by George B. to approve the Committee Members appointed during the work session. Motion passed (7-0).

Council Committees are as follows:

Battle Mountain: Earle Bidez & Shelley Bellm  
Railroad: Shelley Bellm & George Brodin

Water: Aggie Martinez & Hawkeye Flaherty  
Rec Center: Earle Bidez and John Rosenfeld  
ECO Transit: Aggie Martinez, George Brodin, alternate  
Open Space: George Brodin, John Rosenfeld, alternate  
Little Beach Park: Earle Bidez & Jerry Bumgarner  
Channel 5: Shelley Bellm  
Airport: Jerry Bumgarner  
Scholarship: Jerry Bumgarner  
CML Policy: Hawkeye Flaherty

### EXECUTIVE SESSION

- 14. Pursuant to CRS 24-6-402(4)(a) for the purposes of discussing the purchase of certain USFS land and pursuant to CRS 24-6-402(4)(b) for the purposes to consult with the Town's Attorney and receive legal advice regarding negotiations – White/Christensen**

Motion by Shelley B, second by John R to convene into Executive Session pursuant to CRS 24-6-402 (4) (a) for purposes of discussing possible purchase of certain USFS land; and pursuant to CRS 24-6-402 (4) (b) to consult with town attorney and receive legal advice regarding status of escrow fund distribution; initial discussion of allocation of funds; and notice regarding citizen violation of Colorado law. Motion passed (7-0).

- 15. Executive Session – Action by Council or Direction to Staff as a result of the Executive Session (5min) (Executive Session began at 9:55pm and ended at 10:28pm.**

Direction to staff as a result of the Executive Session:

The Town Manager was directed to continue negotiations with Eagle County and the USFS related to purchase of the Bone yard property; staff and the Town Council committee were instructed to continue negotiations related to the development of a human performance center (rec center) in partnership with Battle Mountain and Ski and Snowboard Club Vail at Maloit Park; staff give n direction to deliver a letter to a citizen regarding violation of Colorado law; Town manager and Town Attorney directed to negotiate legal fees.

### FUTURE AGENDA ITEMS

- 16. Next Meeting – April 4, 2012**

- Discussion/Action: Ordinance 1- 2012 an Ordinance (Second Reading) amending Chapter 16 of the Town of Minturn Municipal Code by revising the lot coverage definition in section 16-2-20 of the Town of Minturn Municipal Code – Cerimele (20 min)

- Discussion/Action: Ordinance 2- 2012 an Ordinance (Second Reading) amending Chapter 16 of the Town of Minturn Municipal Code by adopting submittal requirements and public hearing procedures for Design Review applications – Cerimele (30 min)
- Council Elect swearing in – Quinn (15 min)
- Work Session – Discussion regarding ATV access on municipal roads. Request for Chief Martinez presence during work session and a copy of the Grand Lake Ordinance.

**17. Future Meeting**

- Discussion/Action: Ordinance 6

**18. Set Future Meeting Dates**

a) Council Meetings:

- April 18, 2012
- May 2, 2012
- May 16, 2012

b) Planning & Zoning Commission Meetings:

- April 11, 2012
- May 9, 2012
- June 13, 2012

c) Other Dates:

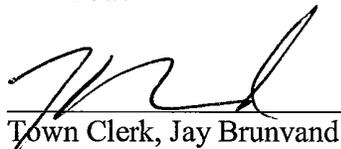
- Municipal Election – April 3, 2012
- Highway Clean Up – April 28, 2012
- Minturn Town Clean Up – May 12, 2012

**19. Adjournment**

In that there was no further information to discuss the meeting stood adjourned at 10:30pm.

  
Mayor Hawkeye Flaherty

ATTEST:

  
Town Clerk, Jay Brunvand

