



## Official Minutes

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

**Wednesday August 6, 2014**

**Work Session – CANCELED**  
**Regular Session – 6:30 pm**

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

**COUNCIL MEMBERS:**

Shelley Bellm  
Earle Bidez  
John Rosenfeld  
Matt Scherr  
Jason Osborne

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 970/827-5645 302 Pine St. Minturn, CO 81645

### Regular Session – 6:30pm

#### 1. Call to Order

The meeting was called to order by Mayor Hawkeye Flaherty 6:30pm.

- Roll Call

Those present included: Mayor Hawkeye Flaherty, Town Council members, George Brodin, John Rosenfeld, Matt Scherr, Earle Bidez, Ozzy Osborne, and Shelley Bellm.

Staff present: Town Attorney Mike Sawyer, Town Planner Janet Hawkinson, and Town Clerk/Treasurer Jay Brunvand.

- Pledge of Allegiance

#### 2. Approval of Agenda

- Items to be Pulled or Added

Add Discussion on the Eagle River Park Bathrooms as Item 7a per request of Hawkeye.

Motion by Johnie R., second by Shelley B., to approve the agenda as amended. Motion passed 7-0.

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

- July 16, 2014

Motion by George B., second Johnie R., to approve the minutes of July 16, 2014 Council Meeting as presented. Motion passed 7-0.

- July 29, 2014 – Special Meeting

Change from Hawkeye to George B. in the third paragraph from the end of the second page.

Motion by Johnie R., second George B., to approve the minutes of July 29, 2014 Special Council Meeting as amended. Motion passed 7-0.

- Action Item Report

### **4. Liquor Authority**

- Education Foundation of Eagle County Request for Special Event Permit; 800 Cemetery Rd. – Brunvand

Note: Matt Scherr stepped down as he is a member of the foundation and presenting the application for the foundation.

Motion Ozzy O., second Hawkeye, to approve the Education Foundation of Eagle County Request for Special Event Permit; 800 Cemetery Rd. as presented with the conditions as follows. Motion passed 6-0. Note: Matt S. had stepped down from the Council for this decision.

Conditions:

- The application was received on July 25, 2014 and the Notice of Public Hearing on this matter was posted on the premises by the Town Treasurer on July 25, 2014 at least 10 days prior to the Council Meeting consideration.
- That the selling liquor in the manner currently proposed in the application is not in violation of the Minturn Municipal Code.
- Staff requests that at least one experienced T.I.P.S, or equivalent, certified server and one person to check ID's be present at all times while alcoholic beverages are sold. We would like that those servers and certifications be identified to us in advance.
- Staff requests each entrance/exit and premises be monitored and secured to ensure no outside liquor is introduced to the event and that no liquor is removed from the premises.

Matt S. resumed his seat on the council.

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

The following individuals spoke against consideration or reviewing the existing ban and cited several sources to support their position.

- Mr. Aggie Martinez, 962 Main St, asked the Council to continue with the marijuana ban currently in place.
- Mr. Ernesto Attencio 1051 Main St, concurred with the marijuana ban.
- Mr. Jim Kleckner, 660 Main St, concurred with the marijuana ban.
- Mr. Larry Kunkle, 609 Taylor St, concurred with the marijuana ban.
- Mr. Peter Buckley, Avon, concurred with the marijuana ban.
- Mr. Lynn Kanakus, 248 Main St, concurred with the marijuana ban.
- Mr. Randy Milhon, 141 Williams St, concurred with the marijuana ban.
- Mr. Buddy Simms, Edwards, concurred with the marijuana ban.
- Mr. Bob Doyle, Centennial, concurred with the marijuana ban.
- Ms. Barbara Allen, Avon, concurred with the marijuana ban.

Hawkeye noted that the subject of consideration of retail or medical marijuana had not been scheduled for a Council meeting at this time.

## 6. Special Presentations

### PUBLIC HEARINGS AND ACTION ITEMS

#### 7. **Action Item: Ordinance No. 05 – Series 2014 (Second Reading) regarding electronic meeting participation – Sawyer**

Mike S. outlined the efforts to date and stated no changes have been made since the first reading.

It was noted this Ordinance does allow other boards and commissions to use this process as long as it does not involved an individual's private rights such as the approval of land use or other official action.

Hawkeye stated the existing code is clear in its requirement the member be present and that this in not in the spirit of the existing code and recommended denial.

Motion by Ozzy O., second by Johnie R., to approve Ordinance 05 – Series 2014 (Second Reading) an ordinance of the Town of Minturn amending Chapter two of the Minturn Municipal Code by the addition of Section 2-2-41 to provide terms and conditions for limited telephonic or electronic participation by members of the Town Council at Town Council Meetings and to expressly prohibit telephonic or electronic participation in meetings of other Town Boards and Commissions in situations where such Board or Commission considers the approval, denial, suspension or revocation of any application or permit as presented. Motion passed 6-1 (Hawkeye nay).

#### 7a. **Discussion: Eagle River Park Bathroom**

Janet H. outlined how the location was developed and agreed upon. She stated there are other locations available and outlined those options. Discussion ensued on the various placement options, lighting, and security. Hawkeye stated he felt to tear out the brand new basketball court was a waste of money and that it should be placed under the trees as depicted in the

original proposal. Janet H. noted in response to question that the doors would not open to the street side, they would open to the east side (river). Direction was to proceed as directed at the last meeting.

## COUNCIL AND STAFF REPORTS

### **8. Town Planner**

- TAP Grant Successfully Submitted
- Mountain Valley Development Sign Approved
- 1131 Main Street Duplex Design Approved – Planning Commission

Janet H. noted this project is a duplex with an accessory unit. Council expressed concern as to the duplex not having a common wall and one of the units having a secondary mother-in-law apartment thus allowing three individual units on the property. Earle B. read the definition of a duplex from the Town Code and it does require a common wall. A common walkway does not meet the definition. Janet H. stated the project is required to have 6 parking spots, three spaces for each duplex, the accessory unit does not have a garage and the project proposes four garage spaces and four surface spaces. Janet H. stated this project has been approved by the Planning Commission and to allow Council to reconsider the project would require it to be Called Up by the Council. General consensus of the Council was that this project did not meet the definition of a duplex.

Direction was to call this project up to Council. It will be placed on a future.

- 850 Main Street Duplex Design Approved – Planning Commission

Janet H. stated this project will include a fee to be applied to a segregated sidewalk fund for future sidewalk construction. Janet H. stated this duplex had a combined total of 10 bedrooms and required 6 parking spaces; three for each duplex. Earle B. reviewed the design guidelines expressed in the code and stated this project does not follow this code. Council was very dissatisfied with the project in that it did not flow with the design criteria set forth in the code, it did not protect the character of the Town, and that it should be called up to Council.

Direction was given to call this project up based on the concern this project does not meet the design criteria spelled out in the code.

Mike S. recommended that Staff should place on a work session a discussion of the perceived code changes needed. Earle B. asked if the Council should consider a moratorium on projects until such time as a review of the code could be undertaken.

### **9. Town Attorney**

### **10. Town Manager**

### **11. Town Council Comments**

Ozzy O. asked to have the Walking Center Actively Green on the next meeting discussion section.

Shelley B. updated the Council on the Minturn Education Foundation

The Fitness Center is having a soft opening on Aug 11 and two open houses on the Aug 15 and Aug 22. Shelley B. commended the builder and the team that made this project a reality.

Earle B. asked to have our Code Enforcement Officer enforce the bear proof cans and illegal parking which is affecting the clear vision at intersections.

## FUTURE AGENDA ITEMS

### 12. Next Meeting – August 20, 2014

- 1131 Main Street Duplex Design Call Up – Hawkinson
- 850 Main Street Duplex Design Call Up – Hawkinson
- Ordinance \_\_\_\_ - Series 2014 (First Reading) an Ordinance approving a Preliminary Subdivision Plat at 947 Main St
- Ordinance \_\_\_\_ - Series 2014 (First Reading) an Ordinance approving a Preliminary Subdivision Plat at 1973 Main St

### 13. Future Meetings:

- County Commissioners
- Ordinance \_\_\_\_ - Series 2014 an Ordinance approving retail sales of marijuana – Powell/Sawyer
- Work Session discussion of needed Municipal Code changes. – Hawkinson/Powell/Sawyer

### 14. Set Future Meeting Dates

#### a) Council Meetings:

- September 3, 2014
- September 17, 2014
- October 1, 2014

#### b) Planning & Zoning Commission Meetings:

- August 27, 2014
- September 24, 2014
- October 22, 2014

### 15. Other Dates:

**16. Adjournment**

Motion by John R., second by Ozzy O., to adjourn at 8:47pm.

*Hawkeye Flaherty*  
Mayor Hawkeye Flaherty

ATTEST:

*J. Brunvand*  
Town Clerk, Jay Brunvand

