



**REGULAR MEETING OF THE • MINTURN TOWN COUNCIL**  
**Wednesday, September 7, 2005**

**WORK SESSION 5:45 PM**

**REGULAR SESSION 7:00 PM**

Minturn Town Center  
302 Pine Street • Minturn, CO 81645 • (970) 827-5645

**MAYOR** - Gordon "Hawkeye" Flaherty,      **TOWN MANAGER** - Ann K. Capela  
**MAYOR PRO TEM** - Darell Wegert              **TOWN CLERK/TREAS** - Jay Brunvand

**COUNCIL MEMBERS:**

George Brodin  
Jerry Bumgarner  
Bill Burnett  
Fred Haslee  
Tom Sullivan

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 Staff at 970/824-5645 302 Pine St. Minturn, CO 81645

**WORK SESSION – 5:45 PM**

1. Quiet Title Discussion – Property Lines to Eagle River
2. Early Childhood Presentation
3. Master Meter water discussion
4. Other

**REGULAR SESSION – 7:00 PM**

**1. a) Call to Order**

Mayor Pro Tem Wegert called the meeting of the September 7, 2005 Minturn Town Council to order at 7:00. Those present included Mayor Pro Tem Darell Wegert, George Brodin, Jerry Bumgarner, Bill Burnett, Fred Haslee, and Tom Sullivan (*NOTE: Mayor Flaherty was excused absent*).

Staff present were Ann Capela, Town Manager; Jay Brunvand, Town Clerk/Treasurer; Wiley Smith, Town Planner, Derrick Slocum, Planner I; Karen Early, Economic Development Director; Allen Christensen, Town Attorney; and Lorenzo Martinez, Chief of Police.

### **b) Pledge of Allegiance**

## **2. Discussion of the Agenda**

- a. Items to be pulled from Action Calendar
- b. Items to be pulled from the Discussion Calendar.
- c. Items to be pulled from the Consent Calendar.
- d. Emergency Items to be added.
- e. Order of the Agenda Items.
- f. Approval of the agenda.

Motion by Bill B., second by Tom S. to approve the agenda with the following changes; all voted in favor. (*NOTE: Mayor Flaherty was excused absent*).

- Add Discussion and consideration on the Letter of Intent for Annexation – 002084 S. Highway 24, Vic and Terry Pierson
- Early Childhood Initiative presentation
- Add Discussion and consideration Conditional Use Review – 421/431 Main Street.
- Add Discussion and consideration Ordinance 28 – Series 2005. An ordinance to allow the Mayor to accept and sign the proposed Scope of Services agreement to estimate the current and future water needs of the Town of Minturn.

## **3. Approval of the Minutes from August 17, 2005**

Motion by Jerry B. second by George B. to approve the minutes of August 17, 2005 as presented; all voted in favor. (*Note: Fred H. abstained as he was not present at the August 17<sup>th</sup> meeting.*)

## **4. Special Presentations/Citizen Recognition/Project Update**

- Eagle County Early Childhood Initiative

A brief presentation was given by Julia Pozesco with Sharon Thompson. The presentation was to educate and update the countywide initiative. They noted the effort of the Initiative is to identify the needs of young children and families in order to provide the services provided by the various organizations in a more uniform service distribution system countywide. This includes childcare, prenatal and medical care and education. The purpose of the presentation was to inform the Council of the needs and the agencies in the Community that are working on an action plan for countywide implementation. It was directed to have the projects email address listed on our website.

- Mike Wheelersburg – Minturn Towne Homes Update

Mike Wheelersburg, Silt CO, addressed the Council. The Fire Station has been paved. Building B has received a TCO, C will begin the TCO next week, and the driveways should be done in the third week of September. Other buildings are in the framing stage and permitting stages. Taylor

Street paving will be at the end of September as will the storm drainage system. Once the utilities are installed on Lions Lane that street will be paved as time allows.

**5. Public comments on items, which are NOT on the agenda**

**6. Discussion/action of Emergency Items, if necessary**

**STAFF REPORTS AND OTHER ITEMS**

**7. Reports/Correspondence/Announcements/New Business**

- a. Economic Development Director (pp 20)  
Karen E. stated Saturday, September 10, is the last Summer Market. The Elvis concert was a lot of fun and a success. Tuesday September 20 for an Economic Development round table forum.
- b. Public Works
- c. Police  
Lorenzo M. stated they have received a grant for terminals in a patrol car in the amount of \$8,600. The Battle Mountain HS parade is next Wednesday at 6:30 (September 14, 2005). A citizen inquired if there was an ordinance restricting turning right off Bellm Bridge; Lorenzo M. stated he would look into the issue and discuss the alternate routes for the trucks with the vendors.  
Wiley S. stated there is a fleet of trucks that are staying at the Turntable. He will also look into this as a citizen concern.
- d. Treasurer/Clerk  
Tom S. recommended to use some of the CTF funds for sprinkling the parks; Jay B. will attempt to include this in the budget for FY2006 for Eagle River, La Playuela Parks and possibly the Town Center as well.
- e. Town Planner
- f. Town Attorney
- g. Town Manager  
Council exhibited concern for the placement of signs for the crosswalks on Main Street. This will be addressed through the Police Department as previously discussed at the last Council Meeting.
- h. Town Council

**DISCUSSION, HEARINGS AND ACTION ITEMS**

**8. Discussion/Action – on a Letter of Intent for Annexation – 002084 S. Highway 24, Vic and Terry Pierson**

Darell W. noted the letter and request. Ann C. informed the council of the request and the issues. She stated that this is a letter of Intent, which is prior to the letter of request. Staff will now begin working with the Pierson's on the next steps. No action at this meeting was necessary. Applicant Ms. Terry Pierson was in the audience for questions if necessary.

**9. Discussion/Action – Ordinance 24 – Series 2005 (Second Reading): An Ordinance to Amend the Zoning Map of the Town of Minturn to a Parcel of Land, Lot 29 and 31 of**

**the South Minturn Addition to change the parcel zoning from Residential to Planned Unit Development by: Town Planner.**

Darell W. introduced the agenda item it was noted this was second reading and that there were no changes from First Reading

Motion by Tom S., second by Bill B. to approve Ordinance 24 – Series 2005 (Second Reading): An Ordinance to Amend the Zoning Map of the Town of Minturn to a Parcel of Land, Lot 29 and 31 of the South Minturn Addition to change the parcel zoning from Residential to Planned Unit Development as presented; all voted in favor. (*NOTE: Mayor Flaherty was excused absent*).

**10. Discussion/Action – Ordinance 25 – Series 2005 (Second Reading): An Ordinance re-plating Taylor Street by: Town Attorney.**

Darell W. introduced and read the item. Allen C. stated that no changes had been made since the last reading. Discussion ensued as to what actually was being dedicated and clarification of terms. Allen C. stated we would have Taylor Ave. back as a Town Right of Way with the improvements.

Motion by Fred H., second by Jerry B. to approve Ordinance 25 – Series 2005 (Second Reading): An Ordinance re-plating Taylor Street as presented; Four voted in favor, Tom S. voted nay. (*NOTE: Mayor Flaherty was excused absent*).

**11. Discussion/Action – Approval of Final Plat Subdivision for 9 unit Town homes A-1 through A-3; B-1 and B-2; and C-1 through C-4 located on lots 1 through 10 of Block A, Taylor Addition in the 100 block along Taylor Avenue. By Town Planner**

Allen C. noted this should be taken first but in conjunction with agenda item 10, as it would not be prudent to vacate the property after you re-plated the property.

Darell introduced the item and Mr. George Gregory, Attorney for the Minturn Towne Homes development. He stated that over the course of many meetings most of the concerns have been addressed. Mr. Gregory stated there was some concern over where the existing road is. Tom S. stated he has concerns over the retaining walls in the easement and the grade of the roadway up to the trailhead is too steep. Mr. Steve Isom, Isom and Assoc., stated that VR had approved the use of the easement application and were satisfied with their use of the easement. It was noted the easement is 40 feet and the pavement is proposed to be 20 feet and is designated as an access, drainage and utility easement. Tom S. stated he has a concern having buildings, curb and gutter, transformers and what not in the access easement to First Street. Tom S. repeated his concern of access easements with so much stuff built in the easement. Mr. Gregory stated that an access easement does not mean unrestricted and undeveloped. Mr. Isom stated they did not disturb the previously existing grade on purpose because of the high pressure gas line only 2-3 feet under the road. Discussion ensued as to explaining the various plats and maps. Tom S. requested the letter from VR accepting the easement as proposed; the letter is included on the plat itself. Tom S. stated the grade is not reasonable as was agreed to in the Memo of Understanding. Mr. Isom stated the agreement mandates a hiking and jeeping trail; due to the fact it has not been touched and because the

gas line runs directly under the existing road. To change the grade would require the gas line to be lowered at a significant cost; this was not part of the agreements.

Darell noted this is a Public Hearing and opened the hearing for citizen comments. Mr. Matt Sheer, 511 Main Street, clarified if this was the hiking trail access that previously existed; yes it is the previous access. The concern is the steepness of the grade. Mr. Isom stated the commitment was for an access, drainage and utility easement the same as the other streets in the town. It includes a 20 foot paved road to the trailhead. Mr. Isom noted First Street is 40 to 45% grade and it is not feasible to build on. Hearing no further comments. Darell W. closed the public hearing. It was noted that no cuts had been done on Grand Ave.

Ann C. stated it might be

- All perspective buyers are notified of the issues; Mr. Gregory stated the Covenants and HOA information does reflect this as does the Plat itself. Because they are purchasing only the footprint of the unit this was covered. Mr. Isom read the HOA information that noted this.
- Implementation of insuring fire lane parking. No parking will be allowed on Taylor Ave because this is a major thoroughfare and it is too narrow to have parking on; No Parking signs are part of the proposal.
- The guest parking should be marked as visitor parking for the trail access.
- Would like a commitment to paint the Water Tank Monument (Old Tank); Mr. George stated he could not speak for the owners. Allen C. noted the Tank is the view the Towne Homes would see so it would benefit the development as well. It has been discussed previously and will be taken back to the property owners for discussion.

Fred H. questioned if a condition could be placed on the incline to the access. Could a transition point be developed to be reasonable; Mr. Isom stated there is some room to do that and Mr. Wheelersburg agreed it could be done.

Motion by Fred H., second by George B. to approve the Final Plat Subdivision for 9 unit Town homes A-1 through A-3; B-1 and B-2; and C-1 through C-4 located on lots 1 through 10 of Block A, Taylor Addition in the 100 block along Taylor Avenue as presented; Four voted in favor. Tom S. Nay (*NOTE: Mayor Flaherty was excused absent*).

- Transition between final grade and the existing natural grade to the hiking and jeep trail.
- The existing Lions Lane be developed with no retaining wall encroachments
- No parking signs on Taylor and Visitor parking signage.

A recess was called at 8:40 p.m. for the purpose of signing the Plat as requested by the Developer. The meeting reconvened at 8:50 p.m.

**12. Discussion/Action – Ordinance 17 – Series 2005 (First Reading): An Ordinance entering into an agreement with Lafarge of North American to lease space from the Town of Minturn by: Town Manager.**

Motion by Fred H., second by Bill B. to Table until September 21 Ordinance 17 – Series 2005 (First Reading): An Ordinance entering into an agreement with Lafarge of North American to lease space from the Town of Minturn as presented; all voted in favor. (*NOTE: Mayor Flaherty was excused absent*).

**13. Discussion/Action – Ordinance 23 – Series 2005 (First Reading): An Ordinance authorizing an IGA between CDOT and Town of Minturn for the acceptance of \$60,000 from CDOT for construction of a sidewalk between Cemetery Bridge and the Forest Service Bone Yard by: Town Manager**

Darell W. introduced the item. Darell W. asked if there was a time line for the completion of the sidewalk. It is very possible that the sidewalk could be torn up again soon to correct the grade of the road which allows the water to drain toward the houses on the East side of the road. The sidewalk is intended to correct this. The plan is to saw-cut into the existing and add a pan, mountable curb and sidewalk.

Ann C. asked if we should develop this even though we might tear the sidewalk up in a year or so by the Ginn project. This was asked and directed by Council at a previous meeting and is still the order.

Motion by Tom S., second by Bill B. to approve Ordinance 23 – Series 2005 (First Reading): An Ordinance authorizing an IGA between CDOT and Town of Minturn for the acceptance of \$60,000 from CDOT for construction of a sidewalk between Cemetery Bridge and the Forest Service Bone Yard as presented; all voted in favor. (*NOTE: Mayor Flaherty was excused absent*).

**14. Discussion/Action – Ordinance 26 – Series 2005 (First Reading): An Ordinance authorizing the Mayor to enter into a lease agreement with the Radio Tower Contract**

Motion by Fred H., second by George B. to table until the October 5, 2005 Council Meeting as requested by Leaser Ordinance 26 – Series 2005 (First Reading): An Ordinance authorizing the Mayor to enter into a lease agreement with the Radio Tower Contract as presented; all voted in favor. (*NOTE: Mayor Flaherty was excused absent*).

**15. Discussion/Action – A Conditional Use Request on North Main Street in the Rail Yard for the Town of Minturn Municipal Parking Lot by Town Planner**

Darell introduced the item and referred the issue to Derrick S. for discussion. Derrick S. stated this request was for the Town Municipal Parking Lot. He noted this is an existing use of the land and in order to comply with our current regulations this procedure is required. Derrick S. stated he had worked on the parking arrangement and stated the recycle area is still included in the plan. Discussion ensued on the proposed location of the recycle area.

Motion by Tom S., second by George B. to approve a Conditional Use Request on North Main Street in the Rail Yard for the Town of Minturn Municipal Parking Lot as presented; all voted in favor. (*NOTE: Mayor Flaherty was excused absent*).

**16. Discussion/Action – Conditional Use Review – 421/431 Main Street.**

Darell W. noted the item and referred the issue to Wiley S. for presentation. Wiley stated it is for three conditional uses:

- a. Commercial Building over 2500 sq ft
- b. Multifamily residential
- c. A parking structure

Steve Isom, Isom and Associates, noted where the site was. The proposal is requesting commercial/retail on the first floor, covered parking on the second floor and Multifamily residential on the third floor. 3500 sq ft of commercial is on Main Street with second floor parking off Boulder Street because Boulder is 4ft higher in elevation than Main St.

Jerry B. asked about the snow shedding from the adjacent properties; all sidewalks are heated for snowmelt, the side is 11 feet set back. Because they face on two streets the building is not required to have a rear setback. Tom S. stated they have always addressed the idea of multiple street frontages differently in the past; Wiley disagreed and stated that was his interpretation of the code.

Jerry B. asked that because Boulder Street is one-way would this complicate the flow of the street or create parking issues? It was noted that the access to Boulder Street and the building would be on Meek Street, which is a narrow street.

Tom S. stated that he felt it was too dense for the neighborhood. Ann C. suggested perhaps seeing a model of the building on the site would be useful. With a model the density issue could be assessed. This is a multimillion-dollar building and it would be beneficial to see a model of the site and the effect on the block.

Mr. Mike Gallagher stated that the 10-foot set back was required in order to allow vehicles a clear view of the oncoming traffic as it entered and exited the street.

Motion by Tom S., second by Bill B. to table until October 5<sup>th</sup> and return with a model of the building and its adjacent buildings along the block and across the street of the Conditional Use Request on 421/431 Main Street as presented; all voted in favor. (*NOTE: Mayor Flaherty was excused absent*).

Discussion ensued as to how the code addresses the setbacks on two streets and the uses of buildings in the current zones.

**17. Discussion/Action – Ordinance 28 – Series 2005 (First Reading). An ordinance to allow the Mayor to accept and sign the proposed Scope of Services agreement to estimate the current and future water needs of the Town of Minturn.**

Darell W. introduced the item and stated that they had had discussion of this item in the Work Session so most of the questions should be answered.

Motion by Tom S., second by Fred H. to approve Ordinance 28 – Series 2005 (First Reading). An ordinance to allow the Mayor to accept and sign the proposed Scope of Services agreement to estimate the current and future water needs of the Town of Minturn as presented; all voted in favor. (*NOTE: Mayor Flaherty was excused absent*).

FUTURE AGENDA ITEMS / WORK SESSIONS

**19. Items to be added to future agendas / work session**

- Mike Wheelersburg – Minturn Towne Homes Update – 10/05/05
- Ginn Clubs & Resorts – Development Update – 9/21/05
- Ordinance 26 – Series 2005 (First Reading): An Ordinance authorizing the Mayor to enter into a lease agreement with the Radio Tower Contract – 10/05/05

**20. Set Future Meeting Dates**

- 1) Council Meetings
  - September 21, 2005
  - October 5, 2005
  - October 19, 2005
- 2) Planning & Zoning Meetings
  - September 14, 2005
  - September 28, 2005
  - October 12, 2005
- 3) Other

**21. Adjournment**

As there was no further discussion the meeting was adjourned at 9:30 p.m.

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Mayor, Hawkeye Flaherty

ATTEST:

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Town Clerk, Jay Brunvand