2010

Minturn Council Meeting

Wednesday October 6, 2010

Work Session **(Town Center)**	**5:00pm**
Regular Session: **(Town Center)**	**7:00pm**

Council Goals:

TOP FIVE COUNCIL PRIORITIES:

- Transit
- Sidewalks
- Annex School Dist property
- Community communications strategy
- Enforce zoning laws

Agenda

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

Wednesday October 6, 2010

Work Session – 5:15pm
Regular Session – 7:00pm

MAYOR – Gordon "Hawkeye" Flaherty
MAYOR PRO TEM – George Brodin
Town Administrator – Jim White
TOWN CLERK/TREAS – Jay Brunvand

COUNCIL MEMBERS:
Shelley Bellm
Earle Bidez
Jerry Bumgarner
Aggie Martinez

When addressing the Council, please state your name and your address for the record prior to providing your comments. Please address the Council as a whole through the Mayor. All supporting documents are available for public review in the Town Offices – located at 302 Pine Street, Minturn CO 81645 – during regular business hours between 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding holidays.

Work Session – 5:00pm

- **Oath of Office Discussion – White/Bumgarner (30min)** Pg 1
- **Fiscal Year 2011 Budget Review – Brunvand/White (90min)**
  Please bring your FY2011 Budget book

Regular Session – 7:00pm

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

2. **Special Presentation – Matt Scherr**

3. **Swearing in of Appointed Council Member – Mayor Hawkeye Flaherty (10min)** Pg 2

4. **Approval of Agenda**
   - Items to be Pulled or Added

5. **Approval of Minutes and Action Report**
   - September 15, 2010 Pg 5
   - September 27, 2010 Pg 12
   - Action Item Report Pg 14

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

7. **Special Presentations/Citizen Recognition**

8. **Town Manager's Report** Pg 15

9. **Town Council Comments**

PUBLIC HEARINGS AND ACTION ITEMS

10. **<u>Discussion/Action</u> – Budget Review and formal acceptance – Brunvand/White (10 min)** Pg 21

11. **<u>Discussion/Action</u> – RFP for the Town Prosecutor**

FUTURE AGENDA ITEMS

12. **Next Meeting**
    - Worksession Retreat – Retreat review FY2011 Budget – (Worksession 10/20/10) Brunvand/White (90min)

13. **Future Meeting**
    - <u>Discussion/Action</u> – 1st Public Hearing on proposed fiscal year 2011 Budget – review public funding requests – (Regular Meeting 11/3/10) Brunvand/White (45min)
    - <u>Discussion/Action</u> – 2nd Public Hearing on proposed fiscal year 2011 Budget and First Reading of Budget Ordinances (Regular Meeting 11/17/10) – Brunvand/White (45min)
    - <u>Discussion/Action</u> – 2nd and Final Reading of proposed 2011 Budget Ordinances (Regular Meeting 12/1/10) – Brunvand/White (15min)

14. **Set Future Meeting Dates**

    a) Council Meetings
    - October 20, 2010 – Budget Retreat

- November 3, 2010 – 1st Public Hearing for budget
- November 17, 2010 – 2nd Public Hearing for budget

b) Planning & Zoning Commission Meetings

- October 13, 2010
- October 27, 2010
- November 10, 2010

c) Other

- November 2, 2010 Election Day

15. Adjournment

P.O. Box 309 ♦ 302 Pine Street
Minturn, CO 81645
Phone: 970-827-5645
Fax: 970-827-5545
Jay Brunvand, Treasurer/Clerk
Email: treasurer@minturn.org

TOWN COUNCIL
Mayor – Gordon "Hawkeye" Flaherty
Mayor Pro Tem – George Brodin
Councilwoman – Shelley Bellm
Councilman – Earle Bidez
Councilman – Jerry Bumgarner
Councilman – Aggie Martinez

AGENDA ITEM COVER SHEET

AGENDA TITLE: Work Session discussion regarding the Oath of Office

MEETING DATE: October 6, 2010

PRESENTER: Brunvand

- **BACKGROUND:**

At the September 1, 2010 Council meeting discussion ensued as to the Oath of Office taken by each member of the Council and appointed boards as well as others. Staff feels this issue warrants open discussion by the Council. At the October 1, 2010 Council meeting time has been allotted for this discussion.

CORE ISSUES: N/A

Minturn Municipal Code Sec. 2-3-70 states the following:

Each of the appointed officers or employees, before entering upon the duties as such officer or employee, shall make oath before some officer qualified by law to administer such oath, that he or she will support the Constitution and laws of the United States and of the State and the ordinances of the Town, and faithfully perform the duties of his or her office. Such oath shall be made and subscribed substantially in the following form:

"I, _____, do solemnly swear that I will support the Constitution and laws of the United States, the Constitution and laws of the state of Colorado and the ordinances of the Town of Minturn, and that I will faithfully perform all the duties of the office of _____, upon which I am about to enter.

"Sworn to and subscribed before me this _____ day of _____, A.D. 20___.

_____ (Official Title)"

STAFF RECOMMENDATION/MOTION: N/A

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TOWN COUNCIL
Mayor – Gordon "Hawkeye" Flaherty
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Councilman – Jerry Bumgarner
Councilman – Aggie Martinez

AGENDA ITEM COVER SHEET

AGENDA TITLE: Swearing in of a new Council Member

MEETING DATE: October 6, 2010

PRESENTER: Brunvand

- **BACKGROUND:**

During the September 15, 2010 Council Meeting the Council was presented with several options to appoint a new Council Member in light of the resignation of Council Member Matt Scherr. During this discussion the Council present directed that the candidate who received the next highest votes in the April 2010 Council Election be appointed to fill the vacancy. Mr. Johnie Rosenfeld was the recipient of the next highest votes, has confirmed he would serve if appointed, and will be present at the October 6 Council meeting.

Hawkeye will swear in the candidate at which time he will assume his seat at the Council table.

CORE ISSUES: N/A

STAFF RECOMMENDATION/MOTION: N/A

MINTURN OATH OF OFFICE
STATE OF COLORADO

County of Eagle,

Town of Minturn

I, John Rosenfeld, do solemnly swear that I will support the Constitution and laws of the United States, the Constitution and laws of the State of Colorado and the Ordinances of the Town of Minturn, and that I will faithfully perform all the duties of the office of Minturn Town Council Member, upon which I am about to enter.

Signed _____
Mayor Hawkeye Flaherty

Sworn to and subscribed before me this 6th day of *October, 2010.*

Signed _____
Jay Brunvand, Town Treasurer/Clerk

TOWN OF MINTURN, COLORADO
SEAL
1904

6

September 16, 2010

Jim White
Town of Minturn
PO Box 309
Minturn, CO 81645

Dear Jim,

I am writing to express my interest my interest in the Town Council position available now. I have been a resident of Minturn for 17 years, and love our little town. My company, Johnie's Garden has been working with the town on numerous projects over the years, and we have really shown some progress. I would like to see that progress continue. I would also like to see through the annexation process with Crave, and help insure that the town's interests are looked after.

Please include me in your list of interested parties for the Town Counsel positions. I look forward to serving the Town.

Sincerely,

John Rosenfeld

Official Minutes

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

Wednesday September 15, 2010

Work Session – 6:00pm
Regular Session – 7:00pm

MAYOR – Gordon "Hawkeye" Flaherty
MAYOR PRO TEM – George Brodin
Town Administrator – Jim White
TOWN CLERK/TREAS – Jay Brunvand

COUNCIL MEMBERS:
Shelley Bellm
Earle Bidez
Jerry Bumgarner
Aggie Martinez
Matt Scherr

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

Work Session – 6:00pm

- **Oath of Office Discussion**

(Note: this item was moved to the October 6, 2010 meeting)

- **Council Appointment Discussion**
  - Support material for this topic will be distributed at the meeting

Regular Session – 7:00pm

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

Mayor Pro Tem George Brodin called the meeting to order at 7:09 p.m.

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Those present included: Mayor Pro Tem George Brodin, Council Members Jerry Bumgarner, Shelley Bellm, Earle Bidez, Matt Scherr, and Aggie Martinez. *(Note: Hawkeye Flaherty and Jerry Bumgarner absent, excused).*

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

2. Approval of Agenda

- Items to be Pulled or Added

Add 11a: consideration of the Resignation of Council Member Matt Sherr

Motion by Shelley B., second by Aggie M., to approve the agenda as amended, all voted in favor. *(Note: Hawkeye Flaherty and Jerry Bumgarner absent, excused).*

Approval of Minutes and Action Report

- Aug 25, 2010 (Executive Session)
- September 1, 2010
- September 2, 2010 (Executive Session w/Red Cliff)
- Action Item Report

Motion by Matt S., second by Shelley B., to approve the Minutes of August 25, 2010 as presented; all voted in favor. *(Note: Hawkeye Flaherty and Jerry Bumgarner absent, excused).*

Motion by Earle B., second by Aggie M., to approve the Minutes of September 1, 2010 as presented; all voted in favor. *(Note: Hawkeye Flaherty and Jerry Bumgarner absent, excused).*

Motion by Shelley B., second by Earle B., to approve the Minutes of September 2, 2010 as presented; all voted in favor. *(Note: Hawkeye Flaherty and Jerry Bumgarner absent, excused).*

3. Liquor Authority

- Gail Crowder, DBA Minturn Mile Liquors Annual Renewal of a liquor store License; 341 Main St.; Gail Crowder, Owner – Brunvand (10min)

Introduced by George and referred to Staff. Jay B. stated that information was in the packet; it had been reviewed at Staff level by Attorney Allen C., Chief Martinez, and Jay B. and no issues were presented. It was noted for the record this consideration was for a renewal of an existing liquor license and the store manager was present if Council had questions or comments.

Motion by Aggie M., second by Shelley B., to approve the Minturn Mile Liquors Liquor License Annual Renewal; 341 Main St., Gail Crowder, Owner, as presented; all voted in favor. (*(Note: Hawkeye Flaherty and Jerry Bumgarner absent, excused)..*

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

Ms. Diana Scherr (and her children), thanked the Town Council and specifically Matt Scherr for all of his time and effort devoted to the Council and the Town of Minturn. His work is greatly appreciated.

Mr. Frank Lorenti, 1081 Main St, Minturn, came to ask why the School District is interested in annexing land into the Town of Minturn. No direct answers were given, but recommendation given to ask the School District directly.

5. Special Presentations/Citizen Recognition

6. Town Manager's Report

Potential Position Planning

I have secured the services of Michael Penny, Frisco Town Manager, to facilitate a meeting with all interested parties regarding the options presented to Town Council at the last meeting related to the proposal to fill a position to coordinate events and conduct operations during events. We will schedule a meeting by the end of September.

School District Update

Final conversations about the issues related to the annexation submittal are being discussed by the attorneys of both parties. We anticipate the annexation petition to be submitted in September.

Radio Tower Contract

The Town Clerk and the Town Manager followed up with Dr. Hood regarding a longer term contract for the radio tower when the lease becomes due. This lease will require the replacement of a vertical tower. Payment for 2010 is expected as well as a proposal of new contract terms for the extended contract.

Battle Mountain Update

The draft Feasibility Study (FS) has been submitted to the EPA. The small group meetings involving our staff and two Town Council representatives are temporarily on hold as we prepare for October water court cases. Our water trial is set to begin on Monday, October 4, 2010.

Water Treatment Plant Telemetry

TST Engineering is overseeing the water treatment plant operations to ensure that all state reporting requirements are being met.

TST Engineering has been working with Timberline Electric and Controls to access problems and to update our telemetry system at the water treatment plant. I have been working with the Forest Service to complete a Special Use permit to allow us to remove trees in anticipation of solar power being established at the Maloit Park tank site. The main tank site will have electric power and our Public Works crew has already readied the site for the installation of the electric power.

RFP/North Main Street Water Line Design
The design of the waterline project is done at the 100% level to date led by Mark Luna, Project Manager, representing Peak Land Consultants, Inc, Vail, Colorado. We have fulfilled advertising requirements for contractors for Phase One construction. The apparent low bidder was identified (Western Pipeway) and the contract will be presented to Town Council this evening for approval. Phase 1 construction is anticipated to begin in mid to late September 2010 and expected to be completed by late October, and wrapped up by November 5th.

Ballot Issues
The Town of Minturn has placed two issues on the November ballot: consideration of use tax and a question to the voters about whether or not medical marijuana dispensaries should be allowed in Town. Please direct staff if you need any additional information related to these issues.

Additionally, the Town Council recently passed resolutions stating its opposition related to Amendments 60 & 61 and also Proposition 101. If you need any further information, please refer to www.cml.org or to www.donthurtcolorado.com

Minturn Market
The Minturn Market wrapped up on Saturday, September 4, 2010.

Downtown Colorado, Inc.
The final draft report was delivered electronically to the Town Council on Wednesday, August 25, 2010. Final comments are due ASAP so the Final Report can be printed and distributed. The annual conference will be held in Glenwood Springs September 22-24, 2010. Mayor Flaherty will participate in a panel discussion on Friday, September 24th.

2011 Budget Planning
The proposed schedule for our budget process and meeting schedule has been prepared by the Town Clerk/Treasure and reviewed by the Town Manager. This process has been underway at the staff level since early summer and will accelerate in the next few months following the prescribed calendar requirements articulated in the Colorado Revised Statues for annual budget approval.

CML Fall District Meetings Schedule
Beginning September 15, 2010, CML will be hosting District meetings throughout the state. In my role as president, I am expected to attend as many as I am able. I respectfully request your support for my travels during this time. The meetings are scheduled to end on October 25, 2010. I **do not** plan to attend the meetings that conflict with our own Town Council meetings (see attached schedule).

7. Town Council Comments

8

Special thanks to Matt Scherr for all his work on the Town Council the last several years. His dedication and focus is greatly appreciated and will be missed.

Matt S. thanked the Council for the teamwork and dedication that has taken place by the Council.

Discussion ensued as to how to fill the vacancy. It was direction that the candidate who finished fourth in the April 2010 election be appointed to the vacant seat. Direction was given for Staff to confirm Mr. John Rosenfeld's interest and, upon confirmation, he would be appointed at the October 6, 2010 Council Meeting to fill the remainder of the term. The seat will be up for election to a four year term in April of 2012

PUBLIC HEARINGS AND ACTION ITEMS

8. Discussion/Action – Resolution 16 – Series 2010 – A Resolution of the Town Council of the Town of Minturn, CO concerning the petition for Annexation of the Quintana Country Club Parcel

Motion by Shelley B., second by Aggie M., to approve Resolution 16 – Series 2010 – A Resolution of the Town Council of the Town of Minturn, CO concerning the petition for Annexation of the Quintana Country Club Parcel; all voted in favor. *(Note: Hawkeye Flaherty and Jerry Bumgarner absent, excused)*

9. Discussion/Action – Eagle River Water Shed

Ms. Melissa MacDonald, 782 E Market St, Avon, CO. gave an overview of the efforts the Eagle River Watershed Council makes on behalf of our community to maintain a clean and healthy living environment.

Mr. Kirby Wynn, Eagle River Watershed Council gave a PowerPoint presentation of the Watershed Council and the value of the program.

10. Discussion/Action – Approval of contract for Western Pipeway

This is for Phase I of the Main St Water Pipeline project.

Ms. Siri Roman, Peak Land Consultants, 1000 Lionshead Vail, commented that the chosen low bid is qualified and has an office in Breckenridge, CO. He and his company have been doing this for over 27 years and he sees no problems with the project. Western Pipeway will be starting the project next week. Communication to the Public will take place through the Town Staff and Western Pipeway will give 48 hours notice before any water shut-offs (that effect the Public) occur.

Mr. Albert Quintana, President, Icon Inc, was concerned that when comparing "apples to apples" (line item 14) there is only a difference of $9,000.00. Summit County refuses to use anyone out of County and he would like to see the Council support local business.

Some alternates to the project contract may push the final dollar value to $175,000.00 and the approval for these alternate contract dollars is requested tonight. Peak Land does not anticipate significant change orders to occur.

Motion by Shelley B., second by George B., to approve the proposal from Western Pipeway in the amount of $108,374.10 allowing for alternate costs not to exceed $175,000; all voted in favor. *(Note: Hawkeye Flaherty and Jerry Bumgarner absent, excused).*

11a. Discussion/Action – Resignation of Council Member Matt Scherr.

Motion by Matt S., second by Earle B., to approve the resignation of Council Member Matt Scherr; all voted in favor. George B. voted nay. (Motion passed 4-1) *(Note: Hawkeye Flaherty and Jerry Bumgarner absent, excused).*

Motion by Shelley B., second by Aggie M., to convene into executive session for the purpose of an Executive Session Pursuant to CRS 24-6-402(4)(b) to consult with the Town's Attorney(s) and receive direction regarding the negotiations of the Battle Mountain Resort property annexation and water right issues; all voted in favor. *(Note: Hawkeye Flaherty and Jerry Bumgarner absent, excused).*

EXECUTIVE SESSION

11. <u>Executive Session</u> - Pursuant to CRS 24-6-402(4)(b) to consult with the Town's Attorney(s) and receive direction regarding the negotiations of the Battle Mountain Resort property annexation and water right issues and Pursuant to CRS 24-6-402(4)(f) to discuss personnel matters concerning the Town Manager's annual review

12. <u>Executive Session</u> – Action by Council or Direction to Staff as a result of the Executive Session

Direction to Staff:
The Town Attorneys were directed to continue to work toward settlement agreements with the remaining objectors in the imminent water trail scheduled to begin on October 4, 2010. The remaining objectors are the State of Colorado and Sensible Housing, Battle Mountain, Florida, and other Tucker entities.

Motion by George B; seconded by Shelley B, to extend the Town Manager's revised contract as stipulated:

- Revised the contract date to August 1, 2010;
- Added two years to the original contract through 2014 rather than 2012, based on annual appropriation;
- Added five additional vacation days by amending accrual to 9.33hrs per pay period from 7.67 hrs per pay period;
- Increased severance to seven months from four months
- Eliminated the moving expense category of $1500

FUTURE AGENDA ITEMS

13. Next Meeting

- Discussion/Action – adoption of 2009 Building Codes – October 6, 2010 - Cerimele
- Budget Review and formal acceptance – October 6 Worksession (45min) Council Action Item (10min) Brunvand/White
- Budget Review – October 6 Worksession (45min)

14. Future Meeting

- Discussion/Action – 1st Public Hearing on proposed fiscal year 2011 Budget – review public funding requests – Brunvand/White (45min)
- Discussion/Action – 2nd Public Hearing on proposed fiscal year 2011 Budget and First Reading of Budget Ordinances – Brunvand/White (45min)
- Discussion/Action – 2nd and Final Reading of proposed 2011 Budget Ordinances – Brunvand/White (15min)

15. Set Future Meeting Dates

a) Council Meetings

- October 6, 2010
- October 20, 2010
- November 3, 2010

b) Planning & Zoning Commission Meetings

- September 22, 2010
- October 13, 2010
- November 10, 2010

c) Other

16. Adjournment

Motion by Matt S., second by Aggie M., to adjourn the meeting at 10:05pm. All voted in favor.

_____
Mayor Hawkeye Flaherty

ATTEST:

_____
Town Clerk, Jay Brunvand

//

Official Minutes

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

Monday September 27, 2010

Regular Session – 5:00 pm

MAYOR – Gordon "Hawkeye" Flaherty
MAYOR PRO TEM – George Brodin
Town Administrator – Jim White
TOWN CLERK/TREAS – Jay Brunvand

COUNCIL MEMBERS:
Shelley Bellm
Earle Bidez
Jerry Bumgarner
Aggie Martinez

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Regular Session – 5:00 pm

1. Call to Order

a. Roll Call

The meeting was called to order by Mayor Flaherty at 5:05pm. Those present included Hawkeye Flaherty, Aggie Martinez, Shelley Bellm, Earle Bidez, Jerry Bumgarner, and George Brodin.

Also present were Town Manager Jim White, Town Attorney Allen Christensen, and Attorney Boots Ferguson.

b. Pledge of Allegiance

2. Approval of Agenda

- Items to be Pulled or Added

Motion by George B., second by Aggie M., to approve the agenda as presented; all voted in favor.

EXECUTIVE SESSION

3. <u>Executive Session</u> – For the purpose of an Executive Session Pursuant to CRS 24-6-402(4)(b) to consult with the Town's Attorney(s) and receive direction regarding the negotiations of the Battle Mountain Resort property annexation and water right issues.

Motion by Earle B., second by George B., to convene in Executive Session Pursuant to CRS 24-6-402(4)(b) to consult with the Town's Attorney(s) and receive direction regarding the negotiations of the Battle Mountain Resort property annexation and water right issues; all voted in favor.

4. <u>Executive Session</u> – Direction to Staff as a result of the Executive Session (5min)

Council convened back to regular session at 6:12pm.

As a result of the Executive Session the following directions were given to Staff:

Motion by Jerry B., second by Shelley B., to direct Water Attorney Boots. Ferguson to sign the stipulation reached with Battle Mountain Corp, Sensible Housing, and Tucker Entities and to sign the stipulation reached with The State of Colorado; all voted in favor, Hawkeye voted nay (motion carried 5-1)

5. Adjournment

Motion by Shelley B., second by Aggie M., to adjourn the meeting at 6:15pm.

_____
Mayor Hawkeye Flaherty

ATTEST:

_____
Town Clerk, Jay Brunvand

Town of Minturn
Council Action Item Memo

TO: Staff Members/Council Members
FROM: Jim White/ Town Manager
DATE: October 6, 2010
SUBJECT: Status of Action Items from Town Council Meetings

Action Item	Action Required	Responsible Party	Progress Report
Nuisance Item Review	Review of nonconforming use of commercial/industrial business operations in residential zones	Cerimele	Staff will provide Oct 20 update.
Waterline agreements between the Town and the Cemetery District	Discussion between Town Board and Cemetery Board.	Christensen/White	Agreement reached. Direction for Town Manager to secure payment plan-2 years.
Obtain Land Deed for Water Plant	Work with Eagle County School District to annex the land the Town of Minturn's Water Plant is occupying	White/Christensen	Joint meetings in progress between Town and School Board. Annexation review by attorneys regarding easements, water & access. Oct submission expected.
Water Line	Repair/replace water line main in Rail Yard north of Turntable.	White/Public Works	Construction began Sept 27, 2010, work in progress.
Street Assessment	Review completed August 30th on all Town streets to determine where repairs are needed for implementation.	White/Public Works	Review preliminary list and prioritize at staff level during 2010. Report pending.
Town Sign Plan	Town entry signage ideas have been reviewed. Brodin/White review.	White/Brodin	Continuing to modify & review design.

Jim White
Town Manager
P.O. Box 309 ♦ 302 Pine Street
Minturn, CO 81645
Phone: 970-827-5645
Fax: 970-827-5545
Email: manager@minturn.org

TOWN COUNCIL
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Mayor Pro Tem – George Brodin
Councilmember – Shelley Bellm
Councilmember – Earle Bidez
Councilmember – Jerry Bumgarner
Councilmember – Aggie Martinez
Councilmember – Matt Scherr

To: Mayor Flaherty and Minturn Town Council
From: Jim White, Town Manager
Date: September 28, 2010
Re: Manager's Report for the October 6, 2010 Meeting

Potential Position Planning Meeting
I have secured the services of Michael Penny, Frisco Town Manager, to facilitate a meeting with all interested parties regarding the options presented to Town Council at the last meeting related to the proposal to fill a position to coordinate events and conduct operations during events. Our original date for the meeting was not workable so we are attempting another date, which looks promising.

School District Update
We are anxiously awaiting the submittal of the annexation petition. Final conversations about the issues related to the annexation submittal are being discussed by the attorneys of both parties. We anticipate the annexation petition to be submitted this month.

Radio Tower Contract
The Town Clerk followed up again with Dr. Hood regarding a longer term contract for the radio tower as the new lease is now due. This lease will require the replacement of a vertical tower. Payment for 2010 remains unresolved, as well as the terms for the new extended contract.

Battle Mountain Update
Dave Kleinkopf has agreed to come to Town Council meetings periodically, every four to six weeks, to provide updates on the activities related to the Battle Mountain development. His next visit will be scheduled in November. Our water trail was resolved through settlements with all objectors, effective September 28, 2010.

Water Treatment Plant Telemetry
TST Engineering is overseeing the water treatment plant operations to ensure that all state reporting requirements are being met. John Volk, Southwest Water, is serving the role of the plant operator.

TST Engineering has been working with Timberline Electric and Controls to access problems and to update our telemetry system at the water treatment plant. I have been working with the Forest Service to complete an amendment to our Special Use Permit to allow us to remove trees in anticipation of solar power being established at the Maloit Park tank site. The main tank site will have electric power and our Public Works crew has already readied the site for the installation of the electric power.

A Million Lights in Minturn
Planning is underway to light up Minturn this Christmas and Holiday Season. Michelle Metteer is working with the Fire District, local business owners, Town staff, and local volunteers to coordinate the events related to this effort. She is seeking donations from some of our vendors.

RFP/North Main Street Water Line Design
Construction has begun on the North Main Street Water Line by Western Pipeway, Inc. Western Pipeway has started the project, staging, and mobilization, effective September 27, 2010. Phase 1 construction is underway expected to be completed by late October, and wrapped up administratively by November 5, 2010.

Ballot Issues
The Town of Minturn has placed two issues on the November ballot: consideration of use tax and a question to the voters about whether or not medical marijuana dispensaries should be allowed in Town. Please direct staff if you need any additional information related to these issues.

Geoff Wilson, senior attorney with CML, has been asked to come to Minturn tonight to discuss use tax with our Town Council during our work session.

Additionally, the Town Council recently passed resolutions stating its opposition related to Amendments 60 & 61 and also Proposition 101. If you need any further information, please refer to www.cml.org or to www.donthurtcolorado.com

Minturn Market
The Minturn Winter Market is scheduled for Saturday, December 11, 2010.

Detoxification Service Program Agreement
The Town of Minturn participates in a detoxification program called "Last Call", along with other jurisdictions in Eagle County. We recently signed an agreement to continue in the program. We will realize cost savings of $$810 in 2010 and a projected savings of $1640 in 2011 through improved efficiency (see attachment).

Downtown Colorado, Inc.
The annual conference was held in Glenwood Springs September 22-24, 2010. Mayor Flaherty participated in a Mayors' Panel discussion on Friday, September 24th.

2011 Budget Planning
The proposed schedule for our budget process and meeting schedule has been prepared by the Town Clerk/Treasure and reviewed by the Town Manager. This process has been underway at the staff level since early summer and will accelerate in the next few months following the prescribed calendar requirements articulated in the Colorado Revised Statues for annual budget approval.

9/29/2010

CML Fall District Meetings Schedule
Beginning on September 15, 2010, CML has been hosting District meetings throughout the state. In my role as president, I am expected to attend as many as I am able. I respectfully request your support for my travels during this time. The meetings are scheduled to end on October 25, 2010. I **do not** plan to attend the meetings that conflict with our own Town Council meetings.

CDOT Dowd Interchange Project Leadership Team (PLT) Meeting
Held, Tuesday, September 28, 2010, this was the second PLT Meeting. This is a multidisciplinary team that includes community representatives, and experts in planning, design, operations, and communication. The primary purposes are to address capacity issues and to improve safety. The Dowd Interchange is currently listed as a 60 times greater safety risk than the average interchange in Colorado. The project is at 80% design stage, but no construction dollars have been secured to date. The Inter Mountain Transportation Planning Region (IMTPR) prioritization process will be convening soon to list projects by rank for financial consideration as monies are available in the future.

Signage
Designs are still under review and other options will also be brought forth. The design team has not been able to meet recently due to scheduling conflicts.

RFP for Prosecuting Attorney
(the RFP is in progress…we will bring it to the October 6, 2010 meeting for review if completed by that date)

Post Office Box 309
302 Pine Street
Minturn, CO 81645
Phone: 970-827-4272
Fax: 970-827-7420

Town Council
Mayor – Gordon "Hawkeye" Flaherty
Mayor Pro Tem – George Brodin
Councilwoman – Shelley Bellm
Councilman – Jerry Bumgarner
Councilman – Aggie Martinez
Councilman – Matt Scherr
Councilman – Earle Bidez

To: Minturn Town Council
Cc: Jim White, Town Manager
From: Chris Cerimele, Town Planner
Re: Planning Department Update
Date: October 6, 2010

Land Use Applications

The Design Review Board recently approved an application for a single family residence at 464 Eagle Street. The home will be constructed on a vacant lot behind the Old St. Patrick's Church. Below are illustrations of the new home. Construction on the foundation is scheduled to begin this fall.

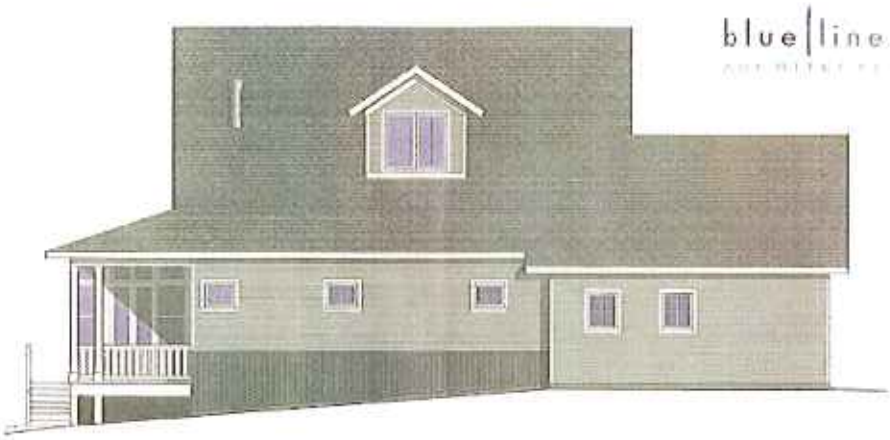
SOUTHWEST EXTERIOR ELEVATION

blue|line

NORTHEAST EXTERIOR ELEVATION

blue|line

SOUTHEAST EXTERIOR ELEVATION



NORTHWEST EXTERIOR ELEVATION

Non-Conforming Uses and Nuisance Ordinance Issues

At the June 2, 2010 Town Council hearing on Martinez Trucking, Mr. Martinez inquired about two properties in Minturn where he felt code violations existed. These properties are located at 643 Boulder Street and 472 Taylor Street. Staff has since met with both property owners to discuss nuisance ordinance violations at their respective properties. Both owners have agreed to on-going site clean-up efforts to remove the violations.

A separate more serious issue exists at 472 Taylor Street. This issue involves the entire building structure. The building is currently boarded up and unoccupied. Furthermore, it is in serious disrepair and likely unable to be brought up to the current building codes. The currently adopted 2003 International Property Maintenance Code

provides the building official with the power to order a structure to be condemned and demolished. Section 110 – Demolition states:

> *The code official shall order the owner of any premises upon which is located any structure, which in the code official's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation or normal construction of any structure for a period of more than two years, to demolish and remove such structure.*

The building official and I recently met with the property owner to discuss this issue. He was made aware of the applicable provisions of the International Property Maintenance Code. While no formal order has been issued for the demolition of the structure, the owner is contemplating the demolition of the building.

2009 Building Codes

Chuck Lanci will be available for an upcoming work-session to continue the discussion of the new building codes. The goal is to adopt the new codes by the end of the year.

P.O. Box 309 ♦ 302 Pine Street
Minturn, CO 81645
Phone: 970-827-5645
Fax: 970-827-5545
Jay Brunvand, Treasurer/Clerk
Email: treasurer@minturn.org

TOWN COUNCIL
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AGENDA ITEM COVER SHEET

AGENDA TITLE: FY2011 Budget acceptance

MEETING DATE: October 6, 2010

PRESENTER: Brunvand

- **BACKGROUND:**

During the Regular Session Action Items, Council will be presented with the FY2011 Proposed Budget. In the event there are any residual questions from the Work Session we will continue the discussion. Otherwise Council need only accept the document. This acceptance will then allow me to publish the Public Hearing dates which begins the public portion of the budget process. In addition a Council Retreat has been scheduled during the Work Session of the Regular Council Meeting on October 20th prior to the Public Hearings that begin during the November 3rd Council Meeting.

Please find a copy of the FY2011 Budget under separate cover.

CORE ISSUES: N/A

STAFF RECOMMENDATION/MOTION: "I move to accept the Fiscal Year 2011 Proposed Annual Budget and set the Public hearings at 7:00pm on November 3 and November 17, 2010 to be held in the Council Chambers at 302 Pine St, Minturn as presented."