2010

Minturn Council Meeting

Wednesday December 15, 2010

Work Session **(Town Center)**	**5:45pm**
Regular Session: **(Town Center)**	**6:30pm**

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 December 15, 2010

Work Session – 5:45pm
Regular Session – 6:30pm

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
John Rosenfeld

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 – 5:45pm

- **Discussion of fire pits - Cerimele**

Regular Session – 6:30pm

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

EXECUTIVE SESSION

2. **<u>Executive Session</u> - Pursuant to CRS 24-6-402(4)(e) for purposes of discussing candidates and contracts regarding the appointment of a Municipal Prosecuting Attorney** Pg 3

3. **<u>Executive Session</u> – Action by Council or Direction to Staff as a result of the Executive Session (5min)**

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

5. **Minturn Liquor Authority**
   - Kirby Cosmo's BBQ, Hotel/Restaurant Liquor License annual renewal; 474 Main Street; Michael Deutschman, Owner, Mark Tamberino, Manager Pg 4

6. **Approval of Minutes and Action Report**
   - December 1, 2010 Pg 9
   - Action Item Report Pg 17

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

8. **Special Presentations/Citizen Recognition**

9. **Town Manager's Report** Pg 18

10. **Town Council Comments**

PUBLIC HEARINGS AND ACTION ITEMS

11. **<u>Discussion/Action</u> – Town Council direction regarding the appointment of a Municipal Court Prosecutor and ratification of contract – White (10 min)**

FUTURE AGENDA ITEMS

12. **Next Meeting**
    - <u>Discussion/Action</u> – Resolution ____ – 2011 – A Resolution setting the official posting sites for the Town of – Brunvand (15 min)
    - Maloit Park Annexation Update – Executive Session – Boots Ferguson

13. Future Meeting

- Discussion/Action – Ordinance ____ – 2010 (First Reading) – An Ordinance to adopt Building Codes – 1/19/11 work session and council meeting – Cerimele (15min)
- Discussion/Action – Resolution establishing annexation eligibility of the Eagle County School District Maloit Park Parcels No. 1 & 2 – Cerimele (15min each) 1/1/19
- Discussion/Action – General Improvement District Audit Exemption – 2/2/11 – Brunvand
- Review Downtown Colorado Inc Plan & Community Revitalization Plan. – 1/19/11 Work Session – Cerimele (30 min)

14. Set Future Meeting Dates

a) Council Meetings:

- January 5, 2011
- January 19, 2011
- February 2, 2011

b) Planning & Zoning Commission Meetings:

- December 22, 2010 – Cancelled
- January 12, 2011
- January 26, 2011

c) Other Dates:

- December 24, 2010 – Town Hall Closed (Christmas)
- January 3, 2011 – Town Hall Closed (New Years)

15. Adjournment

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 – Earle Bidez
Councilman – John Rosenfeld

To: Minturn Town Council
Cc: Jim White, Town Manager
From: Chris Cerimele, Town Planner
Re: 2009 Building Codes
Date: December 10, 2010

The following draft regulations pertaining to recreational fires were presented at the November 17th Town Council meeting. Once the Town has established appropriate guidelines, they will be added to Section 307 of the International Fire Code, 2009 Edition.

Section 307

Recreational Fires

307.1 General. A person shall not kindle or maintain or authorize to be kindled or maintained any open burning unless conducted and approved in accordance with this section.

307.1.1 Prohibited burning. Outdoor burning that will be offensive or objectionable due to excessive smoke or odor emissions when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited. Open burning of rubbish containing paper products, garbage, solid waste, rubber or other petroleum based products (including tires), building material, roofing material, animal carcasses, plastics, tree limbs and leaves, and lawn clippings shall be prohibited.

307.2 Permit required. A permit is required for all outdoor burning with the exception of cooking fires using a charcoal burning device. A permit shall be issued from the fire code official following an on-site inspection. All permits shall be valid for a period of one year from the date of issuance.

307.2.1 Extinguishment Authority. The Eagle River Fire Protection District and Minturn Police Department are authorized to order the extinguishment by the permit holder of open burning which creates or adds to a hazardous or objectionable situation.

307.3 Location. The location for recreational fires shall not be less than twenty-five (25) feet from any structure.

Exception:

1. Fires in approved containers that are not less than fifteen (15) feet from a structure.

307.3.1 Fires within the 30' river setback. No recreational fires shall be permitted within 30' of the high water mark of any live stream in the Town of Minturn.

307.4 Attendance. Recreational fires and portable outdoor fireplaces shall be constantly attended until the fire is extinguished. A minimum of one portable fire extinguisher complying with Section 906 with a minimum 4-A rating or other approved on-site fire extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization.

307.5 Additional Requirements. The following restrictions shall apply to all recreational fires and portable outdoor burning devices:

1. No burning shall take place before the hours of 12:00 p.m. or after 11:00 p.m.

2. No burning shall occur for a duration of more than 3 hours.

3. No recreational fire shall exceed three feet in diameter or two feet in height.

4. Only natural wood which has not been painted, varnished or coated with a similar material, has not been pressure treated with a preservative and does not contain resins or glues as in plywood or other composite wood products shall be used for a recreational fire.

TOWN OF MINTURN
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Minturn, Colorado 81645-0309
970-827-5645 Fax: 970-827-5545
treasurer@minturn.org

FROM THE DESK OF
JAY BRUNVAND, TREASURER/FINANCE

MEMORANDUM

TO: Minturn Town Council
FROM: Jay Brunvand, Treasurer/Clerk
CC:
DATE: Thursday, December 09, 2010
RE: Executive Session

At tonight's meeting the Council will need to convene in Executive Session to discuss current the candidates and contracts regarding the appointment of a Municipal Prosecuting Attorney. The following motion is recommended:

"Recommended motion: "I move to convene in Executive session Pursuant to CRS 24-6-402(4)(e) for the purpose of discussing candidates and contracts regarding the appointment of a Municipal Prosecuting Attorney."

The Mayor will announce for the record if any decision is to be made as a result of the Executive Session once the Regular Session meeting reconvenes.

Please contact me in the event you have any questions.

Thank You, Jay

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
Mr. Hawkeye Flaherty, Mayor
Mr. George Brodin, Mayor Pro Tem
Mr. Aggie Martinez, Councilman
Mr. Earle Bidez, Councilman
Ms. Shelley Bellm, Councilwoman
Mr. Jerry Bumgarner, Councilman
Ms. John Rosenfeld, Councilwoman

AGENDA ITEM COVER SHEET

AGENDA TITLE: – Deutschman Family LLC dba Kirby Cosmo's BBQ Bar, annual renewal of a Hotel/Restaurant Liquor License; 474 Main Street; Michael Deutschman Owner, Mark Tamberino, Manager

MEETING DATE: December 15, 2010

PRESENTER: Brunvand

BACKGROUND: This is an application for annual renewal of a Hotel/Restaurant liquor license. The application has been reviewed by the Clerk, Police Chief, and the Town Attorney. Any concerns were addressed at Staff level and this application is clear for approval.

CORE ISSUES:

BUDGET/FINANCE IMPLICATIONS: An annual renewal fee of $125.00 has been paid to the Town.

STAFF RECOMMENDATION/MOTION: " Deutschman Family LLC dba Kirby Cosmo's BBQ Bar, annual renewal of a Hotel/Restaurant Liquor License; 474 Main Street; Michael Deutschman Owner, Mark Tamberino, Manager as presented."

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DR 8400 (11/09/06)
COLORADO DEPARTMENT OF REVENUE
DENVER, COLORADO 80261

LIQUOR OR 3.2 BEER LICENSE RENEWAL APPLICATION

License Number	License Type
42-43371-0000	1970

Liability Information
44 030 721110 B 120506

Business Location
474 MAIN ST
MINTURN CO

Current License Expires
DEC 04, 2010

DEPARTMENTAL USE ONLY

Total Amount Due

Total Paid	Date
$	

DEUTSCHMAN FAMILY LLC
KIRBY COSMO'S BBQ BAR
PO BOX 93
MINTURN CO 81645-0093

☒ This renewal reflects no changes from the last application. Complete page 2 and file now!

☐ **Yes there are changes from the last application.** If applicant is a Corporation or Limited Liability company, use DR 8177 and send in with this renewal. Any other changes of ownership require a transfer of ownership. See your Local Licensing Authority immediately.

Wholesaler, manufacturer, importer, and public transportation system license renewals do not need Local Licensing Authority approval and must be returned directly to the Colorado Department of Revenue at least 30 days prior to the current license expiration date.

This application for renewal must be returned to your CITY OR COUNTY Licensing Authority at least 45 days prior to the expiration date of your current license. Failure to do so may result in your license not being renewed. Include both pages of this renewal and payment.

OATH OF APPLICANT

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct, and complete to the best of my knowledge.

Authorized Signature	Date	Business Phone
Mark Tuttle / Michael Deutschman	11/2/10	970-827-9027
Title	**Sales Tax Number**	
Manager / owner	42-43371-0000	

REPORT AND APPROVAL OF CITY OR COUNTY LICENSING AUTHORITY

The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 12, Articles 46 and 47, C.R.S.
THEREFORE THIS APPLICATION IS APPROVED.

Local Licensing Authority for		Date
Signature	Title	Attest

DO NOT DETACH DO NOT DETACH DO NOT DETACH

DR 8400 (11/09/06)
COLORADO DEPARTMENT OF REVENUE
DENVER, COLORADO 80261

LIQUOR OR 3.2 BEER LICENSE RENEWAL APPLICATION

Make check payable to: Colorado Department of Revenue. The State may convert your check to a one time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department of Revenue may collect the payment amount directly from your banking account electronically.

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Business Name	LICENSE NUMBER (Use for all reference)	PERIOD
KIRBY COSMO'S BBQ	42-43371-0000	12-11

TYPE OF LICENSE ISSUED	CASH FUND	STATE FEE	
HOTEL AND RESTAURANT LIQUOR LICENSE - MALT, VINOUS, AND SPIRITUOUS	2320-100(999) $ 50.00	1970-750(999) $ 25.00	CITY 85% OAP 2180-100(999) $ 425.00

SUB-TOTAL $ 500.00
ADD $100.00 TO RENEW RETAIL WAREHOUSE STORAGE PERMIT2210-100(999) $____.__
TOTAL AMOUNT DUE $____.__

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DR 8401 (02/19/09)
COLORADO DEPARTMENT OF REVENUE
LIQUOR ENFORCEMENT DIVISION
1881 PIERCE
LAKEWOOD, CO 80261
(303) 205-2300

ATTACHMENT TO LIQUOR OR 3.2 BEER LICENSE RENEWAL APPLICATION

This page must be completed and attached to your signed renewal application form. Failure to include this page with the application may result in your license not being renewed.

Trade Name of Establishment		State License Number
Deutschman Family LLC / Kirby Cosmo's BBq Bar		42-43371-0000
1. Operating Manager	Home Address	Date of Birth
Mark Tamberino	2433 Drawsour / Avon CO 81620	05/27/1976

		Yes	No
2.	Do you have legal possession of the premises for which this application for license is made? Are the premises owned or rented: rented If rented, expiration date of lease: February 2015	☒	☐
3.	Has there been any change in financial interest (new notes, loans, owners, etc.) since the last annual application? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders or owners, (other than licensed financial institutions) are materially interested.	☐	☒
4.	Since the date of filing of the last annual application, has the applicant, or any of its agents, owners, managers, principals, or lenders (other than licensed financial institutions), been convicted of a crime? If yes, attach a detailed explanation.	☐	☒
5.	Since the date of filing of the last annual application, has the applicant, or any of its agents, owners, managers, principals, or lenders (other than licensed financial institutions), been denied an alcoholic beverage license, had an alcoholic beverage license suspended or revoked, or had interest in any entity that had an alcoholic beverage license denied, suspended or revoked? If yes, attach a detailed explanation.	☐	☒
6.	Does the applicant, or any of its agents, owners, managers, principals, or lenders (other than licensed financial institutions), have a direct or indirect interest in any other Colorado liquor license (include loans to or from any licensee, or interest in a loan to any licensee)? If yes, attach a detailed explanation.	☐	☒
7.	**Corporation or Limited Liability Company (LLC) or Partnership applicants must answer these questions. Since the date of filing of the last annual license application:**		
	(a) Are there, or have there been: any officers or directors; or managing members; or general partners added to or deleted from applicant for renewal of a 3.2 beer or liquor license?	☐	☒
	(b) Are there or have there been: any stockholders with 10% or more of the issued stock of the Corporation; or any members with 10% or more membership interest in the LLC; or any partners with 10% or more interest in the partnership added to or deleted from the applicant for renewal of a 3.2 beer or liquor license?	☐	☒
	(c) If Yes to (a) or (b), complete and attach Form DR 8177: Corporation, Limited Liability Company or Partnership Report of Changes, and all supporting documentation, and fees your Local Licensing Authority immediately.		

8. **Sole proprietorships, Husband-Wife Partnerships or Partners in General Partnerships:**

EVIDENCE OF LAWFUL PRESENCE

Each person identified above must complete and sign the following affidavit. Please make additional copies if necessary. Each person must also provide a copy of their driver's license or state issued identification card.

In lieu of form DR 4679, the undersigned swears or affirms under penalty of perjury under the laws of the State of Colorado that (check one):

- ☒ I am a United States Citizen
- ☐ I am not a United States Citizen but I am a Permanent Resident of the United States
- ☐ I am not a United States Citizen but I am lawfully present in the United States pursuant to Federal Law
- ☐ I am a foreign national not physically present in the United States

I understand that this sworn statement is required by law because I have applied for a public benefit. I understand that state law requires me to provide proof that I am lawfully present in the United States prior to receipt of this public benefit. I further acknowledge that making a false, or fraudulent statement or misrepresentation in this sworn affidavit is punishable under the criminal laws of Colorado Revised Statute 18-8-503 and it shall constitute a separate criminal offense each time a public benefit is fraudulently received.

Signature	Printed name	Date
Mark Tamberino	Mark Tamberino	11/2/10
Michael Deutschman	Michael Deutschman	

OFFICE OF THE SECRETARY OF STATE
OF THE STATE OF COLORADO

CERTIFICATE

I, Bernie Buescher, as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office,

Deutschman Family LLC

is an entity formed or registered under the law of **Maryland** has complied with all applicable requirements of this office, and is in good standing with this office. This entity has been assigned entity identification number 20061430195.

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 11/03/2010 that have been posted, and by documents delivered to this office electronically through 11/08/2010 @ 08:15:23.

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, authenticated, issued, delivered and communicated this official certificate at Denver, Colorado on 11/08/2010 @ 08:15:23 pursuant to and in accordance with applicable law. This certificate is assigned Confirmation Number 7786353.

Bernie Buescher

Secretary of State of the State of Colorado

**********End of Certificate**********

Notice: A certificate issued electronically from the Colorado Secretary of State's Web site is fully and immediately valid and effective. However, as an option, the issuance and validity of a certificate obtained electronically may be established by visiting the Certificate Confirmation Page of the Secretary of State's Web site, http://www.sos.state.co.us/biz/CertificateSearchCriteria.do entering the certificate's confirmation number displayed on the certificate, and following the instructions displayed. Confirming the issuance of a certificate is merely optional and is not necessary to the valid and effective issuance of a certificate. For more information, visit our Web site, http://www.sos.state.co.us/ click Business Center and select "Frequently Asked Questions."

CERT_GS_F Revised 08/20/2008

TOWN OF MINTURN
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Minturn, Colorado 81645-0309
970-827-5645 Fax: 970-827-4049
treasurer@minturn.org

FROM THE DESK OF
JAY BRUNVAND, TREASURER/FINANCE

MEMORANDUM

To: Chief Lorenzo Martinez
Allen C., Town Attorney (via fax PDF email)
CC:
Date: 11/8/10 8:09 AM
RE: Liquor License

Attached please find a copy of the Annual Liquor License Renewal Application for Deutschman Family LLC DBA Kirby Cosmo's BBQ Bar located at 474 Main Street. I have reviewed the application and obtained a Certificate of Goodstanding from the Secretary of State's Office. This Renewal looks fine to me and is ready for your on-site investigation. Let me know if you have any questions.

PLEASE NOTE: Our standard reviewing process is for both Lorenzo and Allen to review AND approve PRIOR to this being scheduled for a Council meeting. Please inform me if you have any questions when you approve for forwarding to the Council.

Please let me know if you have any questions or concerns, which I may be able to answer.

Thanks, jay

Official Minutes

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

Wednesday December 1, 2010

Executive Session – 5:45pm
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
John Rosenfeld

These minutes are formally submitted to the Town of Mintum 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 – 5:45 pm

- Battle Mountain Resort Update from Mr. David Kleinkopf – White (60min)

Regular Session – 7:00 pm

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

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

The meeting was called to order by Mayor Flaherty at 7:05 pm.

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

Those present included: Mayor Hawkeye Flaherty, Mayor Pro Tem George Brodin, Council Members Shelley Bellm, Earle Bidez, Jerry Bumgarner, John Rosenfeld and Aggie Martinez.

Staff present: 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.

3. **Minturn Liquor Authority**
   - F M Saloon, Inc Hotel/Restaurant Liquor License annual renewal; 146 Main Street; Andy Kaufman Owner/Manager

Motion by Shelley B., second by Aggie M., to approve the F M Saloon, Inc Hotel/Restaurant Liquor License annual renewal; 146 Main Street. All voted in favor.

4. **Approval of Minutes and Action Report**
   - November 17, 2010
   - Action Item Report

Motion by George B., second by John R., to approve the minutes as presented, all voted in favor. Shelley B., and Jerry B., abstain as they were absent from the November 17, 2010 meeting.

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

Frank Lorenti, 1081 Main Street, noted his opposition to the way Battle Mountain Resort has not released the escrowed funds. Jerry B. reminded the Council that the Council several years ago had passed rules for the conduct of Council meetings. In that Resolution it clearly states that individuals are not allowed to continually address Council meeting after meeting on the same issue. Council agreed to uphold their Rules of Conduct. Mr. Lorenti relinquished the podium.

6. **Special Presentations/Citizen Recognition**

   - Colorado Municipal Clerk's Association Clerk of the Year announcement

Jim W. announced that Minturn Town Clerk/Treasurer had been recognized as Colorado Municipal Clerks Association Clerk of the Year for 2010.

7. **Town Manager's Report**

<u>Colorado Municipal Clerk of the Year</u>
Several months ago, I submitted the name of our Town Clerk for consideration as Colorado "Municipal Clerk of the Year". Based on his exemplary work over many years and the review by his peers, Minturn Town Clerk, Jay Brunvand, received this honor on Thursday, November 18, 2010. I accompanied him to the Colorado Municipal Clerks' Association conference at Cheyenne Mountain Resort in Colorado Springs to receive this prestigious honor, and a plaque commemorating his achievement. His respect among his peers is evident. Our congratulations!

Event Planning
The request for funding, supported collectively by the Minturn Red Cliff Business Association, The Minturn Community Fund, and the Town, is $25,000, for event planning and event staffing for 2011, which also embodies the $10,000 budgeted for marketing and promotions in 2011.

Water Treatment Plant Telemetry
New controls have been installed to upgrade our TST Engineering has been working with Timberline Electric and Controls to complete installation of required equipment at the water treatment plant.

School District Update
Good news! The Maloit Park annexation petition was submitted to Town staff by the Eagle County School District on Wednesday, November 17, 2010 just prior to the last Town Council Work Session. Review of the petition, notification to the Town Council, publication requirements, and all other stipulations for annexation will now proceed with instructions from our Town Attorney.

Radio Tower Contract
Payment for 2010 remains unresolved. Terms of the contract for the radio tower in the new lease also remain unsettled. As directed by the Town Council, the Town has posted a notice to settle all payments that are in arrears. Further legal action is in progress by our Town Attorney, who will now proceed to file suit for payment.

Minturn Middle School/Future Uses
Several entities have expressed interest in the prospect of developing a joint education and training facility at Minturn Middle School. The premise is that there may be joint community uses of the facility following the closure of the Middle School at its present location. (see a copy of a letter from the Eagle River Fire protection District to the Eagle County Board of Education)

Battle Mountain Update
Dave Kleinkopf, Battle Mountain Development, 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. He will be present at the Dec 1, 2010 Town Council Work Session and will also be available in Regular Session as requested by Town Council.

Christmas on Main Street/ Tree Lighting
Celebrate Saturday, December 4, 2010, "Christmas on Main Street", 4-6pm (100 Block of Main Street behind the Mountain Peddler), sponsored by the Minturn Community Fund and Holy Cross Powder Hounds. The official tree lighting will take place at 5:45pm, led by Mayor Hawkeye Flaherty.

Minturn Market
The Minturn Winter Market is scheduled for Saturday, December 11, 2010, beginning at 10am and extending until 2:30pm.

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Town Sign
Staff is now working on completing written justification for securing a Special Use Permit for our welcome signs through the USFS for their review and approval. A prototype of the sign design will be reviewed at the December 1, 2010 meeting.

ECO Transit Bus Schedule Published
The 2010-2011 ECO Bus schedule has been published. A copy of the Minturn bus schedule has been included with this report. Special thanks to Jeff Wentzel at ECO Transit and to all others who participated in making this a reality for our residents. Some issues have arisen related to the cost of the transfer at Dowd Junction. Jeff Wentzel did come to Minturn to discuss the concerns. Minturn Town Hall is now an ECO Transit Bus Pass sales location. For complete information go to www.minturn.org, call 970.827.5645 or visit the Town offices at 302 Pine Street.

Minturn Winter Parade
Saturday, December 18, 2010, Little Beach Park to the Turntable.

National League of Cities
As Colorado Municipal League president for 2010-2011, I will be representing Colorado during the National League of Cities Annual Conference to be held in Denver, Colorado this year. The conference is scheduled from November 30-December 4, 2010. I will be attending Thursday December 2nd through Saturday, December 4th.

8. Town Council Comments

Shelley B. recommends reviewing the evening ECO bus route from the Dowd Junction transfer center to other county locations. The transfer route/s in the evening seem to be missing the connecting busses by just a matter of minutes.

Congratulations to Claire and Dylan Bidez for making the US Snowboarding Team.

PUBLIC HEARINGS AND ACTION ITEMS

9. **Discussion/Action – Update and discussion of Town Signage Options – White**

This item was addressed in the Managers Report

10. Discussion/Action – Ordinance 10 – 2010 (Second Reading) – An Ordinance annexing to the Town of Minturn, County of Eagle, State of Colorado, the Quintana Country Club Tract – Cerimele (15 min)

Motion by Shelley B., second by Aggie M., to approve Ordinance 10 – 2010 (Second Reading), An Ordinance annexing to the Town of Minturn, County of Eagle, State of Colorado, the Quintana Country Club Tract. All voted in favor.

11. **<u>Discussion/Action</u> – Ordinance 11 – 2010 (Second Reading) – An Ordinance amending the Town of Minturn Zone District Map as it pertains to the Quintana Country Club Tract – Cerimele (15 min)**

Motion by Shelley B., second by George B, to approve Ordinance 11 – 2010 (Second Reading), An Ordinance amending the Town of Minturn Zone District Map as it pertains to the Quintana Country Club Parcel. All voted in favor.

12. **<u>Discussion/Action</u> – Resolution 18 – 2010 A Resolution of the Town Council of the Town of Minturn, Colorado Concerning the Petition for Annexation, Maloit Park Annexation Parcel No. 1 – Cerimele (10 min)**

Mr. Frank Lorenti, 1081 Main Street, stated his opposition to the annexation stating this annexation would not bring in sufficient revenue to cover its future costs and encouraged Council to not support.

Written opposition may also be accepted. January 19, 2010 will be the first public hearing.

Motion by John R., second by George B., to approve Resolution 18 – 2010 A Resolution of the Town Council of the Town of Minturn, Colorado Concerning the Petition for Annexation, Maloit Park Annexation Parcel No. 1. All voted in favor.

13. **<u>Discussion/Action</u> – Resolution 19 – 2010 A Resolution of the Town Council of the Town of Minturn, Colorado Concerning the Petition for Annexation, Maloit Park Annexation Parcel No. 2– Cerimele (10 min)**

Mr. Frank Lorenti, 1081 Main Street, stated his opposition to the annexation stating this annexation would not bring in sufficient revenue to cover its future costs and encouraged Council to not support.

Motion by Shelley B., second by George B., to approve Resolution 19 – 2010 A Resolution of the Town Council of the Town of Minturn, Colorado Concerning the Petition for Annexation, Maloit Park Annexation Parcel No. 2. All voted in favor.

14. **<u>Discussion/Action</u> – Ordinance 12 – Series 2010 (Second Reading) – An Ordinance Creating a Supplemental Appropriation to the 2010 Town of Minturn Budget – Brunvand (10 min)**

Motion by John R., second by Aggie M, to approve Ordinance 12 – 2010 (Second Reading), An Ordinance Creating a Supplemental Appropriation to the 2010 Town of Minturn Budget as presented; all voted in favor.

15. **<u>Discussion/Action</u> – Ordinance 13 – Series 2010 (Second Reading) – An Ordinance Setting the 2011 General Property Tax Mill Levy for the Town of Minturn – Brunvand (10 Min)**

Motion by Shelley B., second by George B., to approve Ordinance 13 – 2010 (Second Reading), An Ordinance Setting the 2011 General Property Tax Mill Levy for the Town of Minturn as presented; all voted in favor.

16. **<u>Discussion/Action</u> – Ordinance 14 – Series 2010 (Second Reading) – An Ordinance Adopting the Fee Schedules for Fiscal Year 2011 for the Town of Minturn – Brunvand (10 Min)**

Mr. Frank Lorenti, 1081 Main Street, asked for clarification of the water fee increase of $10.67; it was noted this is a debt service fee and will be set annually based on the annual cost of Water debt. Further identified senior citizens may request an exemption to this fee. Mr. Lorenti recommended a mil levy tax credit to help off-set this fee increase.

Shelley B, brought to attention that building and construction fees in the Town of Minturn are significantly less than that of surrounding Towns. She recommends that the Town's fees in this area are brought into line so that at the least, Town costs are covered in these areas.

Motion by Earle B., second by George B., to approve Ordinance 14 – 2010 (Second Reading) An Ordinance Adopting the Fee Schedules for Fiscal Year 2011 for the Town of Minturn as amended to include the aforementioned Council direction. Vote passed 4-3. Aggie M., Shelley B., and Hawkeye F., voted nay.

17. **<u>Discussion/Action</u> – Ordinance 15 – Series 2010 (Second Reading) – An Ordinance Adopting and Recognizing the Town of Minturn's 2011 Revenues and Expenses by Fund – Brunvand (10 Min)**

Direction to staff to breakout overtime pay for Public Works in an overtime line as opposed to having the overtime shown in the regular pay line.

Motion by Hawkeye F., second by George B., to approve Ordinance 15 – 2010 (Second Reading), An Ordinance Adopting and Recognizing the Town of Minturn's 2011 Revenues and Expenses by Fund as presented; all voted in favor.

EXECUTIVE SESSION

18. **<u>Executive Session</u> - Pursuant to CRS 24-6-402(4)(e) for purposes of discussing candidates and contracts regarding the appointment of a Municipal Prosecuting Attorney**

Motion by Jerry B., second by Shelley B., to convene into Executive Session Pursuant to CRS 24-6-402(4)(e) to for purposes of discussing candidates and contracts regarding the appointment of a Municipal Prosecuting Attorney. All voted in favor.

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

Direction was given to proceed with negotiations as instructed.

FUTURE AGENDA ITEMS

20. Next Meeting

- Discussion/Action – Ordinance ____ – 2010 – An Ordinance to adopt Building Codes December 15 Second Reading
- Discussion/Action – Ordinance ___ – 2010 (First Reading) – An Ordinance annexing to the Town of Minturn, County of Eagle, State of Colorado, the Maloit Park Parcel – Cerimele (15min)
- Discussion/Action – Ordinance ___ – 2010 (First Reading) – An Ordinance amending the Town of Minturn Zone District Map as it pertains to the Maloit Park Parcel – Cerimele

21. Future Meeting

- Discussion/Action – Resolution ____ – 2011 – A Resolution setting the official posting sites for the Town of Minturn – 01/05/11 Council Meeting – Cerimele (15 min)
- Discussion/Action – Ordinance ____ – 2010 (First Reading) – An Ordinance to adopt Building Codes – 1/19/11 work session and council meeting – Cerimele (15min)
- Discussion/Action – General Improvement District Audit Exemption – February 2, 2011 – Brunvand
- Review Downtown Colorado Inc Plan & Community Revitalization Plan. – 1/19/11 Work Session – Cerimele (30 min)
- Selection of Minturn Prosecuting Attorney

22. Set Future Meeting Dates

a) Council Meetings:

- December 15, 2010
- January 5, 2011
- January 19, 2011

b) Planning & Zoning Commission Meetings:

- December 8, 2010
- December 22, 2010 – Cancelled
- January 12, 2011

c) Other Dates:

- December 24, 2010 – Town Hall Closed (Christmas)

- January 3, 2011 – Town Hall Closed (New Years)

23. Adjournment

In that there was no further business to conduct the meeting stood adjourned.

_____
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: December 15, 2010
SUBJECT: Status of Action Items from Town Council Meetings

Action Item	Responsible Party	Progress Report
Appoint a Municipal Prosecutor	Town Council/White	Contract negotiations in progress
Water Plant Land Deed: Work with Eagle County School District. Water plant is occupying Maloit Park.	White/Christensen	Public hearing on a Resolution establishing eligibility for annexation scheduled for January 19, 2011 meeting.
Town entry sign: Requirements with USFS being resolved	White/Brodin	Continuing to modify & review design. Reviewing USFS Special Use Permit guidelines a template has been created. Met with local architect to review design.
Draft open burning regulations as an amendment to the 2009 International Fire Code.	Cerimele	Chris Cerimele to draft preliminary regulations in consultation with Fire and Police Chiefs.

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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
Mayor – Gordon "Hawkeye" Flaherty
Mayor Pro Tem – George Brodin
Councilmember – Shelley Bellm
Councilmember – Earle Bidez
Councilmember – Jerry Bumgarner
Councilmember – Aggie Martinez
Councilmember – John Rosenfeld

To: Mayor Flaherty and Minturn Town Council
From: Jim White, Town Manager
Date: December 9, 2010
Re: Manager's Report for the December 15, 2010 Meeting

Minturn Middle School/Future Uses

Several entities have expressed interest in the prospect of developing a joint education and training facility at Minturn Middle School. The premise is that there may be joint community uses of the facility following the closure of the Middle School at its present location.

The school district is planning the send out an RFP on December 15, 2010 to consider reuse or re-purposing of the existing facility and grounds. Any parties interested in potential future uses of the building or grounds can contact the school district directly or may also contact the Town Manager in Minturn at 970-390-5102.

Radio Tower Contract

A law suit has now been filed to resolve payment with Pilgrim Communication for all payments, and late fees that are in arrears. Further legal action will be pursued by our Town attorney, as necessary.

Water Leaks

Two water leaks were repaired in early December (one on Taylor Street and the other at Maloit Park). Though they were obviously independent from one another, each had similar characteristics. Per my discussions with Arnold Martinez in Public Works, the winter does seem to have an adverse impact on our old lines (over 30+ years old). The other thing is: we have old flare fittings in many places in Town…and that was the case on Taylor, as well as at Maloit Park.

The Maloit Park repair required the Middle School to be closed for one day. Notification was given to school officials and area residents well in advance. Communication continued throughout the course of the repair.

Now the new technology is to have compression fittings, which we are installing whenever we make repairs. They are more durable. We will order parts to have on hand to help with repairs needed in the future.

Police Radio Grant
The Town of Minturn was approved for grant funding in the amount of $8908.00 to purchase mobile radios. Our current radios are analog and 15 years old. These radios are in need of upgrade to digital to continue operation in the county wide system. We were approved for full funding requested, which will allow us to purchase 3 mobile radios. This does not cover installation costs however that should be minimal.

Battle Mountain Update
Dave Kleinkopf, Battle Mountain Development, came to the last Town Council meeting to provide an updates on the activities related to the Battle Mountain development. Following up on Minturn's commitment to stay in touch with Red Cliff regarding the Battle Mountain Development, I have contacted Ramon Montoya, Mayor of Red Cliff to offer him a brief review of the comments made by Mr. Kleinkopf.

Signage
Staff is continuing to work with the USFS on written justification needed to complete the Special Use Permit for our welcome signs. Pending approval from the USFS to install signage on its property, town staff will be working on the construction and final design elements of the sign over the winter in anticipation of installation in the spring.

ECO Transit Bus Schedule Published
After complaints were raised related to the cost of the transfer at Dowd Junction, Jeff Wentzel of ECO Transit did come to Minturn to discuss the issues. Subsequently, ECO Transit opted to set the transfer fee at $1 beginning on January 1, 2011.

Minturn Town Hall is an ECO Transit Bus Pass sales location. For complete information go to www.minturn.org, call 970.827.5645 or visit the Town offices at 302 Pine Street.

Minturn Winter Parade
Saturday, December 18, 2010, Little Beach Park to the Turntable.

Vail Valley Partnership
Recently, Vail Valley Partnership convened a meeting of interested parties throughout Eagle County to engage in planning a consortium to establish a centralized ability to coordinated County wide sporting events planning. Another meeting was held on December 8, 2010 to discuss process, a master calendar, associated start up costs, and steps that can be taken to initiate this project. Vail Valley partnership has offered to serve as the lead in getting this started. More than 30 people have attended each of the first two meetings.

Merry Christmas and Happy New Year
As this will be our last meeting in 2010, we want to wish everyone Merry Christmas and Happy New Year! We hope you are able to join in the activities available in Town and in our region over the holidays and extend our hope that you have a very safe and enjoyable holiday season with your friends and family!