



2011

# Minturn Council Meeting

Wednesday October 19, 2011

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

**Regular Session:** **6:30pm**  
**(Town Center)**

**TOP FIVE COUNCIL PRIORITIES:**

- Entry Signs
- Sidewalk Installations
- Street repairs with drainage (by priority)
- 100% completion of Telemetry
- Implement Streetscape Plan



## **Agenda**

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

**Wednesday October 19, 2011**

**Work Session – 5:00pm**  
**Regular Session – 6:30pm**

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

**TOWN MANAGER – Jim White**  
**TOWN CLERK/TREAS – Jay Brunvand**

**COUNCIL MEMBERS:**

Shelley Bellm  
Earle Bidez  
Jerry 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 – 5:00pm**

**Please remember to bring your FY2012 Budget Book**

- Work Session: FY2012 Budget Work Session Retreat – Brunvand/White (45min) PG 4
- Work Session: Request to vacate public land – White (30min)
- Work Session: Kevin Bakko, Radio Tower – 10/19/2011 (15min)

### **Regular Session – 6:30pm**

- 1. Call to Order**
  - a. Roll Call
  - b. Pledge of Allegiance
- 2. Approval of Agenda**
  - a. Items to be Pulled or Added

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

- October 5, 2011 PG 11
- Action Item Report PG 18

**4. Liquor License Authority**

- Deutschman Family LLC, DBA Kirby Cosmo's BBQ Bar Annual Renewal of a Hotel & Restaurant License; 474 Main St.; Mark Tamberino, Manager – Brunvand (10min) PG 19

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

**6. Special Presentations/Citizen Recognition**

- Eagle River Water and Sanitation District – South Minturn Sewer Easement – White (20min) PG 28

**7. Planning Department Update PG 32**

**8. Town Manager's Report PG 33**

**9. Town Council Comments**

**PUBLIC HEARINGS AND DISCUSSION/ACTION ITEMS**

**10. Discussion/Action: Resolution 7 – 2011 a Resolution to assign portions of all governmental fund balances by adopting Governmental Accounting Standards Board standard 54 – Brunvand (15min) PG 37**

**EXECUTIVE SESSION**

**11. Executive Session – Pursuant to CRS 24-6-402(4)(b) for the purposes to consult with the Town's Attorney(s) and receive direction regarding the negotiations of the Battle Mountain Resort property annexation, water right issues, and EPA update – White/Christensen PG 40**

**12. Executive Session – Action by Council or Direction to Staff as a result of the Executive Session (5min)**

**FUTURE AGENDA ITEMS**

**13. Next Meeting – November 2, 2011**

- Worksession: Request from the Planning Commission for a work session with the Council to determine a sidewalk master plan. 11/2/11

- Meeting: Discussion/Action – 1st Public Hearing on proposed fiscal year 2012 Budget – review public funding requests – Brunvand/White 11/2/11 (45min)

#### **14. Future Meeting**

- Meeting: Discussion/Action – 2<sup>nd</sup> Public Hearing on proposed fiscal year 2012 Budget and First Reading of Budget Ordinances – Brunvand/White 11/16/11 (45min)
- Meeting: Discussion/Action – 2<sup>nd</sup> and Final Reading of proposed 2012 Budget Ordinances – Brunvand/White 12/7/11 (15min)
- Meeting: Discussion/Action – Resolution 4 – Series 2011 a Resolution approving a subdivision exemption plat for the Maloit Park Area – Cerimele (20min)
- Meeting: Discussion/Action – Ordinance 9 – 2011 (First and Second Readings) an Ordinance allowing the sale of Medical Marijuana (TBA Meetings in January 2012 45min, NOTE: this will require two readings)

#### **15. Set Future Meeting Dates**

a) Council Meetings:

- November 2, 2011
- November 16, 2011
- December 7, 2011

b) Planning & Zoning Commission Meetings:

- October 26, 2011
- November 9, 2011
- November 23, 2011

c) Other Dates:

#### **16. Adjournment**

**FROM THE DESK OF  
JAY BRUNVAND, MINTURN FINANCE OFFICE  
MEMORANDUM**

TO: Mayor and Town Council  
 FROM: Jay Brunvand, Treasurer  
 CC: Jim White, Town Manager  
 DATE: 10/11/11  
 RE: FY2012 Budget – Direction and Summary

At the last Council Meeting several items were covered and further information was requested by Council. To date:

- We reviewed major revenue components of the budget to include sales and property taxes. The preliminary Assessed Property Valuation was received from the County and it was noted that although this was anticipated, this is significantly down from previous years. The table below is an historical comparison. It is noted that for the fiscal year 2012 our property tax collections will decline 23.39%. Our projection in 2011 for this adjustment was anticipated to drop between 20% and 30%.

**PROPERTY TAX:**

The General Fund has a Mill Levy of 17.934. This level was established by a vote of the citizens. As was allowed by the election, the Revenue collected from the Mill Levy adjusts annually.

| FISCAL YEAR | ASSESSED VALUE IN \$ | % GROWTH FROM PRIOR YEAR | REASSESSMENT YEAR (Y/N) |
|-------------|----------------------|--------------------------|-------------------------|
| 2000        | 14,184,570.00        | 20.47%                   | Y                       |
| 2001        | 13,977,700.00        | -1.48%                   | N                       |
| 2002        | 15,279,740.00        | 8.52%                    | Y                       |
| 2003        | 16,231,520.00        | 5.86%                    | N                       |
| 2004        | 15,513,790.00        | -4.63%                   | Y                       |
| 2005        | 16,123,460.00        | 3.78%                    | N                       |
| 2006        | 17,318,540.00        | 6.90%                    | Y                       |
| 2007        | 17,742,330.00        | 2.39%                    | N                       |
| 2008        | 25,433,960.00        | 30.24%                   | Y                       |
| 2009        | 26,049,070.00        | 2.36%                    | N                       |
| 2010        | 32,509,760.00        | 19.87%                   | Y                       |
| 2011        | 31,951,530.00        | -1.75%                   | N                       |
| 2012        | 24,757,520.00        | -23.39%                  | Y                       |

BMR 1st tax yr

**SALES TAX:**

The Town has a Sales Tax of 4% on all products sold in Town. Additionally, the Town has a Lodging Tax established in 2005 at 1.5% of all short term rental income. Short term is defined as a rental not exceeding 30 days in duration.

|             | 2000    | 2001    | 2002    | 2003    | 2004    | 2005    | 2006    |
|-------------|---------|---------|---------|---------|---------|---------|---------|
| Sales Tax   | 359,911 | 415,251 | 385,279 | 362,850 | 434,564 | 461,958 | 477,914 |
| Lodging Tax |         |         |         |         |         |         | 6,042   |
|             | 2007    | 2008    | 2009    | 2010    | *2011   | *2012   |         |
| Sales Tax   | 536,600 | 505,101 | 452,327 | 424,064 | 437,000 | 443,500 |         |
| Lodging Tax | 5,752   | 6,855   | 4,532   | 3,403   | 4,500   | 4,500   |         |

\* = Estimated

**RETT TAX:**

The Town has a Real Estate Transfer Tax assessed (RETT) at 1% of the sale price of all real estate transactions that occur in Town. Due in part to several large developments over the years and in part to the inflated real estate values in recent years, this income stream has been very inconsistent as shown:

|      |        |        |        |        |        |         |         |
|------|--------|--------|--------|--------|--------|---------|---------|
|      | 2000   | 2001   | 2002   | 2003   | 2004   | 2005    | 2006    |
| RETT | 54,838 | 18,840 | 41,465 | 84,498 | 87,308 | 313,730 | 107,270 |

|      |         |         |        |        |        |        |  |
|------|---------|---------|--------|--------|--------|--------|--|
|      | 2007    | 2008    | 2009   | 2010   | *2011  | *2012  |  |
| RETT | 250,291 | 120,865 | 54,529 | 48,535 | 60,000 | 60,000 |  |

\* = Estimated

In light of these issues, Staff has considered the impacts of how this projection will affect our financial position. Staff has:

- Reviewed 2012 Net Income/Loss and considerations were entertained as how to best support the Town needs with any potential surplus.
- Reviewed departmental staffing needs and how the projected staff level of 12 employees will be maintained in 2012 as well as to how best maintain the existing Town wide service levels.
- Reviewed the Town economic development needs as related to our marketing and event coordination.

Our two goals most impacted by a reduction in revenues are:

- Purchase Goal: The Town of Minturn has a purchasing goal to annually budget and pay cash for all purchases from current revenue or prior year surpluses, thereby avoiding the need to dip into our long term savings goals.
- Reserve Goal: The Town of Minturn has established a goal of maintaining a cash balance throughout the year in the General Fund equal to 50% of our annual expenses in that fund.

**INFORMATION REQUESTED BY COUNCIL**

- 1) Council requested information on the cost of insurance for the employee and the portion of the total cost which represents the cost of dependent coverage.

Currently, the Town of Minturn pays the full cost of insurance for the employee and dependents. The Town’s employee insurance includes coverage for medical (Anthem Blue/Cross), dental (Sun Life), life/death and disability (Mutual of Omaha), and vision (VSP Inc). Our census is represented as follows:

- 2 Employees – Single
- 2 Employees – Single + Child
- 2 Employees – Married
- 5 Employees – Family
- 1 Employee – Position Vacant

During the budget presentation of October 5<sup>th</sup> the following table was presented:

| YEAR     | ACTUAL<br>EMP’EE<br>INSURANCE<br>COST | TOTAL<br>EMP’EES | COST<br>PER<br>EMP’EE | PERCENT<br>INC/(DEC) |
|----------|---------------------------------------|------------------|-----------------------|----------------------|
| 2006     | 194,336.22                            | 16               | 12,146.01             | -                    |
| 2007     | 209,670.24                            | 15               | 13,978.02             | 13%                  |
| 2008     | 230,803.52                            | 14               | 16,485.97             | 15%                  |
| 2009     | 204,771.96                            | 14               | 14,626.57             | -11%                 |
| 2010     | 188,673.32                            | 12               | 15,722.77             | -8%                  |
| 2011 est | 190,600.00                            | 12               | 15,883.33             | 1%                   |

The chart above represents the average cost per employee and is demonstrative of the efforts taken to curb our employee insurance costs by both Staff and Council.

This chart represents the average cost per employee for insurance coverage. Of this total the Town pays 42% to cover the employees and an additional 58% of the cost is attributable to dependent coverage. If the Town were to change this insurance policy whereby a percentage of the cost of dependents would be shouldered by the employee, the Town could potentially recognize the following:

- The medical plan is the costliest. Our current medical plan rates per month are displayed in the table below:
 

|                |   |
|----------------|---|
| Single         | \$526.67/mo                                       |
| Single + Child | \$959.07/mo (Dependent Portion = \$432.40/mo)     |
| Married        | \$1,158.68/mo (Dependent Portion = \$632.01/mo)   |
| Family         | \$1,645.85/mo (Dependent Portion = \$1,119.18/mo) |
  
- If the Town shifted 20% of the cost of the dependent family members to the employee, the Town would collect approximately \$1,975 per month or \$23,700 per year. The employee would see the following impact:
 

|                |                                |
|----------------|--------------------------------|
| Single         | no impact                      |
| Single + Child | \$97.08/mo or \$1,164.91/year  |
| Married        | \$137.55/mo or \$1,650.62/year |
| Family         | \$249.01/mo or \$2,988.07/year |

Most of our employees have more than just the employee in their insurance coverage. Of this group the average annual wage is approximately \$53,000. This change would result in an average reduction in wage of over 5.6%. Over the past several years the Town has faced increased financial difficulty with the downward spiraling economy. As a result the Town has frozen both staffing and wages for the past two consecutive years while still trying to maintain the service levels to which our community has grown accustomed.

2) Council requested information on our leave policy and the accrued liability that the Town carries. In 1998 the Town developed a leave policy due to the fact that the then existing policy had no cap and represented a huge liability for the Town.

The current plan is a Paid Time Off plan. This PTO incorporates sick leave and vacation into one program allowing the employee to have time off without the need to have vacation or sick qualifiers. The plan is set up based on years of service and accrues with each paycheck as follows:

- Each **full-time Salaried and Hourly** employee shall accrue twenty three (23) days (184 hours) of paid time off for each year worked. There shall be no distinction made between vacation leave, sick leave, or personal leave. **No** PTO may be taken during the first six (6) months of employment unless approved to by both the Department Director and the Town Manager. Thereafter, each department will set advance notice requirements for leave time. Thereafter, employees receive 184 hours of paid time off in each year through the third (3<sup>rd</sup>) year employment anniversary. PTO shall accrue at the rate of 7.67 hours per pay period based upon 24 pay periods in each year.
- Beginning, the fourth (4th) year, employees receive 28 days (224 hours) of paid time off in each year. PTO shall accrue at the rate of 9.33 hours per pay period based upon 24 pay periods in each year.
- Beginning the eleventh (11th) year, employees receive 33 days (264 hours) of paid time off in each calendar year. PTO shall accrue at the rate of 11 hours per pay period based upon 24 pay periods in each year.

At the time of termination, his/her accrued PTO hours shall be paid at 30% for employment less than four years, 40% for employment over four years but less than 11 years, or 50% for employment over 11 years

based on employment length of the employee's current rate in the employee's last pay check, less amounts owed the Town, if any. Any PTO payoff will require a minimum of six (6) months' continuous service with the Town.

Annually, the liability for this benefit is calculated and included in the annual audit as per accounting standards as a long-term liability on the financial statements of both the General and Enterprise Funds. As of December 31, 2010 the liability was \$31,072. This information can be found on pages 3 and 8 of the audited financial statements dated December 31, 2010.

3) Council requested information on our various bank balances and investments.

The town strictly conforms with Generally Accepted Accounting Principles (GAAP) standards as well as State and Federal investment laws for investment of government funds. Although separated by Fund Accounting principles, all cash is comingled as allowed by law and standards. The Town's investment philosophy is to be as conservative as possible due to the fact that we are so reliant on property and sales tax revenues. Often during a month it is not uncommon to transfer all of the money that was deposited to an account during the month for cash flow needs. For example, in December we have several debt payments, the general Accounts Payable paid twice a month and Payroll, which is also paid twice a month. Our December revenues are anticipated to be less than \$75,000 and our expenses are estimated to be in excess of \$200,000. *Note, the Town does not release Battle Mountain Resorts (BMR) checks nor deduct the liability until such checks are reimbursed by BMR.*

- Property Taxes are usually available after the 10<sup>th</sup> of the month and deposited in to COLOTRUST Prime.
- Sales Tax receipts are available after the 2<sup>nd</sup> Tuesday of the month and deposited monthly in Firstbank – General Cash.
- Water/Trash/Debt Service Fees are transferred from ERWSD by the 22<sup>nd</sup> of the month to COLOTRUST Prime.

Minturn Bank Accounts and uses:

- **COLOTRUST** – This bank is used only by Colorado governments, Special Districts, and School Districts and is an allowed investment depository of governmental funds.
  - COLOTRUST Prime – This account is a general savings account. Monthly the County transfers all Property Taxes and the ERWSD transfers all water, trash, and debt service fees into this account monthly. On a normal month it is not uncommon to transfer \$100,000 - \$200,000 to Firstbank as needed to cover the various debt service, general accounts payable, and payroll expenses. *Note: all current balances are as of September 20, 2011 month end.*
    - Current Balance: \$833,440.29
    - Current Interest rate: 0.06%
  - COLOTRUST Plus – This account is used as a longer term general savings account.
    - Current Balance: \$1,370,557.78
    - Current Interest rate: 0.12%
  - COLOTRUST Plus Conservation Trust Account – This account receives all state funds restricted for Conservation Trust funds. These funds are derived from the State Lottery system and the State has very strict accounting standards for the use of these funds. All liability payments for goods and services are paid from the General Cash checking account and an annual adjustment is made to balance the account to recognize the annual expenses. The adjustment this year is anticipated to be slightly over \$60,000.
    - Current Balance: \$84,799.19
    - Current Interest rate: 0.12%
  - COLOTRUST Plus Little Beach Park – This account is an escrow account for the funds deposited for the completion of the Little Beach Park as a condition of the BMR Annexation. The original deposit was \$250,000 and the balance includes all interest earned since its inception. We hold this money as a restricted escrow account and BMR has disbursement authority over the entire account.

**COLOTRUST – Continued:**

- Current Balance: \$255,921.88
    - Current Interest rate: 0.12%
  - COLOTRUST Plus Scholarship Endowment – This account is an escrow account for the funds deposited as a scholarship endowment fund as a condition of the BMR Annexation. The original deposit was \$350,000 and the balance includes all interest earned since its inception. We hold this money as a restricted escrow account and BMR has disbursement authority over the entire account.
    - Current Balance: \$358,290.40
    - Current Interest rate: 0.12%
- **CSAFE** – This account is a general savings account. Formally, this account was used as the repository of the Conservation Trust Fund. However, at this point the bank does not pay as well in interest so only a minimal amount is retained in this bank in an effort to reduce our risk factor.
  - Current Balance: \$23,800.34
  - Current Interest rate: 0.06%
- **Firstbank**
  - General Cash – This account is our only full service checking account. All accounts receivable and credit card payments are deposited here and all debt service, accounts payable, and payroll checks are issued through this account.
    - Current Balance: \$61,018.44
    - Current Interest rate: 0.05%
  - Municipal Court – This account is a non-interest bearing escrow account for bonds held for the Minturn Municipal Court.
    - Current Balance: \$2,241.60
    - Current Interest rate: 0.00%
  - General Improvement District – This account is a non-interest bearing checking account and was set up as a condition of the GID and for its sole use. It is funded by BMR and checks are disbursed from the account as GID liabilities are incurred.
    - Current Balance: \$4,420.00
    - Current Interest rate: 0.00%
- **United Bank of Missouri (UMB)** – This bank is the required receiver and disbursement center of our Certificates of Participation Bonds held on the Town Hall. All funds held in this bank are restricted for the sole use of the Town Hall bonds and include an interest account and a bond disbursement account. Payments for the bonds, less interest earned and rents received from the USPO and the apartments are funded through an AP check allocated 70/30 General Fund and Enterprise Fund respectively.
  - Current Balance: \$201,525.61
  - Current Interest rate: Variable

This information can be found in aggregate as reported monthly to Council in the financial reports. In summary, the Town has a total cash balance as of September 30, 2011 of:

|   |                     |
|---|---------------------|
| Combined Cash Balance                           | \$3,196,015.53      |
| Restricted Cash:                                |                     |
| TABOR Reserve                                   | ( 59,082.29)        |
| 6 mo Reserve                                    | ( 826,261.68)       |
| Little Beach Park Reserve                       | ( 255,921.88)       |
| Ent Fund Infrastructure Reserve                 | ( 609,000.00)       |
| Conservation Trust Reserve                      | ( 25,000.00)        |
| Building Fund Reserve                           | ( 201,525.61)       |
| Scholarship Reserve                             | ( 358,290.40)       |
| Otherwise allocated by Fund                     | <u>( 54,673.13)</u> |
| Non-Restricted Cash held for Monthly Operations | 806,260.54*         |

*\*Note: in addition to our reserves the Town has debt service payments due October – December in the amount of \$207,988.77*

**COUNCIL DIRECTION REQUESTED:**

In the FY2012 Budget distributed to Council for the October 5<sup>th</sup> meeting Staff did not include an increase in the Enterprise Fund for water and trash service rates. Although it is not anticipated that we will run a deficit in 2012, we will not show any material increase in our long term savings other than the allocation of our estimated annual depreciation. Further, in light of the current economic conditions and the fragility of our budget needs, the Town has nonetheless responded to maintenance needs.

- In 2010, Council made no change in the base rate of water or trash service; however, they directed the base water usage allowed prior to a usage fee to decrease for residential users from 15,000gal/SFE to 10,000gal/SFE. The monthly trash service fee is \$26.86 per can and only barely covers the actual cost of the contracted and administrative services. The 2012 budget for this service shows revenues of \$94,000 and expenses of \$87,500. Although this represents a surplus of \$6,500 it is only an estimated amount and may change as the cost of a service charge of fuel cost per mile is reviewed by the contractor.
- In order to avert a Fund shortfall, in 2011 the Council adopted the Debt Service fee. This Debt Service fee is calculated by dividing the total annual Enterprise water debt liability by the total number of SFE's on the system. The fee is charged to all users, both residential and commercial based on the account's SFE count, however, if requested, seniors are exempt from this fee. Currently, over 90% of the seniors have opted out. Many of the remaining 10% of seniors, although eligible, are second homeowners.
- In 2011 the Council instituted a Debt Service Fee to cover cost of principal and interest for the bonds in the Enterprise Fund. In 2011 this fee was \$10.67 and, due to the retirement of a debt in 2012, the fee is scheduled to decrease to \$6.50 in 2012.
- Currently the metered water rates for the Town of Minturn are:
  - Residential: \$63.92 per Single Family Equivalent (SFE) plus \$2.48 per 1,000gal over the first 10,000gal.
  - Commercial: \$79.90 per SFE plus \$2.30 per 1,000gal over the first 30,000gal.

In 2012 the combined Residential and Commercial Use Fees generated by use in excess of the base allowance anticipates revenues of \$6,400.

**Direction is requested on water and trash fees.**

Previous Fee Action:

- 2011 None (the Debt Service Fee was introduced)
- 2010 None (Use fee was reduced from 15,000gal/SFE to 10,000gal/SFE)
- 2009 None
- 2008 5%
- 2007 None
- 2006 5%
- 2005 5%
- 2004 None
- 2003 5%
- 2002 5%

Below is a table showing the rates as compared to Minturn's from highest to lowest, the average rate is \$63.69.

**Eagle County Residential Water Rates  
2011 Rates**

| <b>Municipality</b> | <b>10,000gal/mo</b> |
|---------------------|---------------------|
| Red Sky Ranch       | 108.00              |
| Cordillera          | 87.35               |
| Bachelor Gulch      | 83.57               |
| Beaver Creek        | 83.57               |
| Avon, Town of       | 80.87               |
| Avon, Village at    | 80.87               |
| Minturn, Town of    | 63.92               |
| Berry Creek         | 61.30               |
| Eagle Vail          | 61.30               |
| Edwards             | 61.30               |
| Vail, Town of       | 51.04               |
| Arrowhead           | 31.30               |

The cost of water and the resulting fee assessed should be based on the cost to produce the water and run the department plus an amount sufficient to produce reasonable and responsible annual savings for major repairs and maintenance. At this point, the Town covers the cost of annual operations and puts an amount into reserve based on depreciation. The water plant and distribution system is aging and annually more and more repairs are necessary. Additionally, the Town has begun the process of developing and implementing an annual maintenance program whereby the lines are flushed, hydrants maintained, and valves are exercised. Even this maintenance has resulted in expensive repair jobs. We have also been working diligently to locate and repair leaks in the distribution system.

A second issue that needs Council attention is the cost of water taps. Although this is not a major source of revenue it should be reviewed nonetheless. Our water tap rates are as follows:

|                       | <b>Water Tap Fees</b> |                                |
|-----------------------|-----------------------|--------------------------------|
|                       | <b>Minturn</b>        | <b>ERWSD<br/>Sewer<br/>Tap</b> |
| Residential (3/4 tap) | \$6,500/SFE           | 9,180.00                       |
| Commercial            |                       |                                |
| 3/4 inch              | 9,500.00              | 10,488.00                      |
| 1 inch                | 16,500.00             | 18,179.00                      |
| 1.5 inch              | 36,500.00             | 40,554.00                      |
| 2 inch                | 6,500.00              | 72,019.00                      |
| 3 inch                | 145,000.00            | 160,818.00                     |
| 4 inch                | 257,750.00            | 285,977.00                     |
| 6 inch                | 580,000.00            | 643,972.00                     |

The ERWSD comparison shows what the corresponding residential sewer tap would cost for a 3,000 square foot home and what a commercial sewer tap would cost.

***Staff is requesting direction on fees for Water, Water Taps, and Trash.***



## **Official Minutes**

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

**Wednesday October 5, 2011**

**Work Session – 5:00pm**  
**Regular Session – 6:30pm**

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

**TOWN MANAGER – Jim White**  
**TOWN CLERK/TREAS – Jay Brunvand**

**COUNCIL MEMBERS:**

Shelley Bellm  
Earle Bidez  
Jerry Bumgarner  
Aggie Martinez  
John Rosenfeld

These minutes are formally submitted to the Town of Minturn Town Council for approval as the official written record of the proceedings at the identified Council Meeting. Additionally, all Council meetings are tape-recorded and are available to the public for listening at the Town Center Offices from 8:30am – 2:00 pm, Monday through Friday, by contacting the Town Clerk at 970/824-5645 302 Pine St. Minturn, CO 81645

### **Work Session – 5:00pm**

- Work Session – Presentation and review of 2012 Goals – White (30min)
- Work Session - FY2012 Budget Review – Brunvand/White (45min)

### **Regular Session – 6:30pm**

**1. Call to Order**

- a. Roll Call
- b. Pledge of Allegiance

The meeting was called to order by Mayor Flaherty at 6:37 pm.

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

Staff present: Town Manager Jim White, Town Attorney Allen Christensen, Treasurer/Clerk Jay Brunvand, Planner Chris Cerimele, and Deputy Clerk Michelle Metteer.

## **2. Approval of Agenda**

- a. Items to be Pulled or Added

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

Add Ski Joring presentation to Special Presentations section.

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

- September 21, 2011
- Action Item Report

Motion by George B., second by Aggie M., to approve the minutes as presented; all voted in favor. (Note: Jerry B., abstained as he was absent from the last Council meeting)

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

Mr. Chris Romer, Vail Valley Partnership, 101 Faucet Rd, Avon gave an update for the VVP for the regional tourism and bureau. Diva Half Marathon, Tough Mudder in Beaver Creek and the Ride the Rockies were some of the events they organized for the summer. The Vail Valley Merchant Alliance will be working throughout the county to coordinate a united voice for businesses. The Vail Valley Volunteer Connection works with nonprofits to place volunteers. [VailValleyvolunteers.com](http://VailValleyvolunteers.com) or visit [VailValley.com](http://VailValley.com)

Ms. Sheri Griham, Ski Jorer, and Rose Beardon gave a description of the competition and the ways it can benefit the community. Council supported staff to proceed with the development of this program. The Town plans to host this event on Saturday, January 14, 2012 and Sunday, January 15, 2012. The organizers of the event will prepare the track for the event. The presenters indicated that they have forty sponsors lined up. The proceeds from the event will support the Shaw Cancer Center.

## **5. Special Presentations/Citizen Recognition**

- Special Events presentation – Metteer (15min)

Ms. Sage Pierson, Sticky Fingers Café, expresses that the large log trucks in Town are moving excessively fast and need to be slowed down.

## **6. Planning Department Update**

There was no Planning & Zoning meeting the 4<sup>th</sup> week of September.

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

### **Maloit Park Water Tank**

Inspection of the Maloit Park water tank determined the imminent need to make repairs to both the interior and exterior. Public Works secured two bids for the job. Due to several factors, the revised plan was changed to complete the sandblasting, restoration, and painting of the exterior of the tank this fall. The Town and the School District are collaborating to create a Memorandum of Understanding (MOU) to secure payment arrangements over a four year period. Universal Coatings has been selected to do the work and has been given a notice to proceed (now revised to focus on the exterior this fall). In the spring of 2012, we will set up a temporary tank, drain the Maloit Park tank, and sandblast, restore and paint the interior of the tank. We are also securing bids for fencing around the tank and our solar unit at that site.

### **Vail Valley Theater Company**

The Vail Valley Theater Company is presenting the Rocky Horror Picture Show in Minturn on Friday and Saturday October 21& 22, and October 28, and 29, 2011 at VSSA, former site of the Minturn Middle School.

### **Battle Mountain Update**

Current issues include pending lawsuits related to responses to the EPA, quiet title action, and legal challenges to the annexation agreement. Our committee met on August 9, 2011, and again on August 30, 2011. The meeting scheduled for September 13, 2011 was postponed to a future date.

### **Budget Calendar**

The budget review at the Town Council level will begin tonight at the October 5, 2011 meeting. Preliminary discussion and review at the staff level began earlier this summer.

### **Radio Tower Site**

I received a call from an individual named Kevin Bakko on Thursday morning, September 15, 2011 inquiring about being on a future Town Council agenda to discuss the Radio Tower site. He has been scheduled on the October 19<sup>th</sup>, 2011 agenda.

### **Public Works Position Filled**

The Public Works operator position has been filled. Ralph Brodin was selected and will begin his full time position on Friday, September 30, 2011.

### **Ski Joring**

The Town of Minturn has been approached by a group that provides an activity called ski joring. We are exploring the prospect of holding the event on old Minturn Road on Saturday and Sunday **January 14<sup>th</sup> and 15<sup>th</sup>, 2012.**

### **Bonfire**

The end of summer bonfire to celebrate the Summer Equinox was a big success on Friday evening, **September 23<sup>rd</sup>, 2011!**

Special thanks to the Eagle Fire District and all other volunteers! Chris Cerimele was the primary staff coordinator for that event. Staff is already planning a **January 7, 2012** bonfire to burn Christmas trees that can be gathered throughout Minturn. Hot cider and hot chocolate may be added and maybe some snacks and more marshmallows!

### **Minturn to host CML District 12 Meeting**

The Town of Minturn will be hosting the Colorado Municipal League District 12 meeting on Thursday October 20<sup>th</sup>, 2011. The afternoon business meeting will begin at 4:30pm until 5:45pm at Town Hall, followed by Social Hour at 6pm and Dinner at 7pm at Gourmet Cowboy.

### **Minturn Fall Storefront Decorating Contest**

Fourteen businesses are participating in the Fall Storefront Decorating Contest. Shop or dine in Minturn and cast your vote for your favorite festive storefront! You can vote at [www.minturncommunityfund.org](http://www.minturncommunityfund.org) or at [www.downtownminturn.com](http://www.downtownminturn.com). You can also vote inside participating stores.

### **XCEL Natural Gas Pipeline Project Continues!**

The XCEL Pipeline Project from Edwards to Minturn continues. Jimmy Smith is project manager. Overall project completion has been extended and is currently set for some time in the month of October 2011. With any questions, please call XCEL at 1-877-481-6380.

### **Second “Welcome to Minturn” Entryway Sign Installed!**

No matter which way you arrive in the Town of Minturn, off I-70 to the north or from Leadville and Red Cliff off Highway 24 to the south, a “Welcome to Minturn” sign will greet you! The second sign installed this year (2011) was set in place on Thursday, September 29<sup>th</sup> and finishing touches were made shortly thereafter. Solar lights for both entryway signs are being researched and we should be able to get them ordered and installed yet this fall.

### **Minturn Community Fund Annual Fundraiser**

The Minturn Community Fund Annual Fundraiser will be held on Friday evening, October 28, 2011 at the Minturn Saloon. More details will be available soon.

## **8. Town Council Comments**

Earle B., encourages anyone interested in volunteering for Minturn events to contact Michelle Metteer at the Town of Minturn, or Jodi Jahrling, Director of the Minturn Community Fund. There are many volunteer opportunities available and all help, great or small, is greatly appreciated.

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

## **9. Discussion/Action – Resolution 6 – 2011, a Resolution in support of Eagle River Fire Protection District Ballot Question of November 1, 2011 – White (5min)**

Motion by Jerry B., and second by George B., to approve Resolution 6 – 2011, a Resolution in support of Eagle River Fire Protection District Ballot Question of November 1, 2011. Motion passed 5-2. (John R. and Aggie M. nay)

**10. Discussion/Action – Ordinance 10 - 2011 (Second Reading) an Ordinance granting and approving an Encroachment Agreement between the Minturn Towne Homes and the Town of Minturn – Cerimele (15min)**

Mr. Onie Bolduc, Bold Real Estate Solutions, and Minturn Towne Homes manager, addressed the misconceptions of the concrete retaining wall and further elaborated on some of the issues the Towne homes resident's are being faced with.

Marcin Engineering, provided a description of the proposed corrections to be made.

Earle B., called the question.

Motion by Jerry B., second by Earle B., to approve Ordinance 10 - 2011 (Second Reading) an Ordinance granting and approving an Encroachment Agreement between the Minturn Towne Homes and the Town of Minturn. Motion passed (6-1, Hawkeye F, nay).

Recommendation that the items within the property line be addressed and that weed control be maintained.

**11. Discussion/Action – Council Action Item to formally accept the FY2012 Budget – Brunvand/White (10min)**

Motion by Shelley B., second by John R., to formally accept the Fiscal Year 2012 budget ; and to set Public Hearings at beginning at 6:30pm on November 2, 2011 and November 16, 2011 to be held in the Council Chambers at 302 Pine Street, Minturn, CO, as presented. All voted in favor. *(Note: Included in the acceptance is the General Improvement District Budget.)*

**EXECUTIVE SESSION**

**12. Executive Session –Pursuant to CRS 24-6-402(4)(f) for the purposes of discussing the Town Manager's annual review and CRS 24-6-402(4)(b) for the purposes to consult with the Town's Attorney(s) and receive direction regarding the negotiations of the Battle Mountain Resort property annexation, water right issues, and EPA update – White/Christensen**

Motion by Shelley B, second by John R, at 9:22pm to convene into Executive Session Pursuant to CRS 24-6-402(4)(f) for the purposes of discussing the Town Manager's annual review and CRS 24-6-402(4)(b) for the purposes to consult with the Town's Attorney(s) and receive direction regarding the negotiations of the Battle Mountain Resort property annexation, water right issues, and EPA update. All voted in favor.

### **13. Executive Session – Action by Council or Direction to Staff as a result of the Executive Session (5min)**

The Board returned to the Regular Meeting at 10:02pm. Staff and Town Attorney were directed to continue negotiations in response to the most recent Battle Mountain proposal. Following the next Town Council meeting on October 19, 2011, staff will work to schedule another full subcommittee meeting with Battle Mountain. Town Manager directed to make changes to his contract, as accepted by the Town Council. Will bring changes back to the Board on October 19, 2011.

## **FUTURE AGENDA ITEMS**

### **14. Next Meeting – October 19, 2011**

- Work Session: FY2012 Budget Work Session Retreat – Brunvand/White (45min)
- Work Session: Request to vacate public land – White (30-45min)
- Work Session: Kevin Bakko, Radio Tower – 10/19/2011 (15min)

### **15. Future Meeting**

- Worksession: Request from the Planning Commission for a work session with the Council to determine a sidewalk master plan. 11/2/11
- Meeting: Discussion/Action – 1st Public Hearing on proposed fiscal year 2012 Budget – review public funding requests – Brunvand/White 11/2/11 (45min)
- Meeting: Discussion/Action – 2<sup>nd</sup> Public Hearing on proposed fiscal year 2012 Budget and First Reading of Budget Ordinances – Brunvand/White 11/16/11 (45min)
- Meeting: Discussion/Action – 2<sup>nd</sup> and Final Reading of proposed 2012 Budget Ordinances – Brunvand/White 12/7/11 (15min)
- Meeting: Discussion/Action – Resolution 4 – Series 2011 a Resolution approving a subdivision exemption plat for the Maloit Park Area – Cerimele (20min)
- Meeting: Discussion/Action – Ordinance 9 – 2011 (First and Second Readings) an Ordinance allowing the sale of Medical Marijuana (TBA Meetings in January 2012 45min, NOTE: this will require two readings)

### **16. Set Future Meeting Dates**

#### a) Council Meetings:

- October 19, 2011
- November 2, 2011
- November 16, 2011

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

- October 12, 2011
- October 26, 2011
- November 9, 2011

#### c) Other Dates:

**17. Adjournment**

Motion by Jerry B., second by Aggie M., to adjourn at 10:04 pm. All voted in favor.

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Mayor Hawkeye Flaherty

ATTEST:

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Town Clerk, Jay Brunvand

**Town of Minturn  
Council Action Item Memo**

**TO:** Staff Members/Council Members  
**FROM:** Jim White/ Town Manager  
**DATE:** October 19, 2011  
**SUBJECT:** Status of Action Items from Town Council Meetings

| <b>Action Item</b>                          | <b>Responsible Party</b> | <b>Progress Report</b>   |
|---|--------------------------|--|
| Town entry sign – South                     | White                    | Entry sign solar lighting.   |
| Draft Medical Marijuana Ordinance           | White                    | The Draft has been completely reviewed by Staff and Council and is on hold until January 2012 at which time it will be brought back to Council for consideration.        |
| Battle Mountain Annexation Scholarship Fund | White                    | Pursue interest money from Battle Mountain scholarship fund contributions. Negotiations with Battle Mountain are in progress.  |
| Minturn Scholarship Funding                 | White                    | We have received \$3600 in scholarship funding. The Scholarship Committee met on 09/12/2011 to review one request. 10/15/2011 deadline has been set for 2011 applicants. |
| Town Sidewalks                              | Cerimele/White           | Staff and Planning Commission reviewing language to code to require sidewalks for new construction. Need to set meeting with Planning & Zoning Commission 11/02/2011.    |
| OSAC Funding for Boneyard purchase          | White                    | Seek fundraising partners. Town staff communicating with Eagle County staff. Town staff seeking GOCO funding and conservation easement stipulations.                     |

**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

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## 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; Mark Tamberino, Manager

**MEETING DATE:** October 19, 2011

**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:** “Motion to approve Deutschman Family LLC DBA Kirby Cosmo’s BBQ Bar, annual renewal of a Hotel/Restaurant Liquor License; 474 Main Street; Mark Tamberino, Manager as presented.”



## APPLICATION DOCUMENTS CHECKLIST AND WORKSHEET

**Instructions:** This check list should be utilized to assist applicants with filing all required documents for licensure. All documents must be properly signed and correspond with the name of the applicant exactly. All documents must be typed or legibly printed. Upon final State approval the license will be mailed to the local licensing authority. Application fees are nonrefundable.

**ITEMS SUBMITTED, PLEASE CHECK ALL APPROPRIATE BOXES COMPLETED OR DOCUMENTS SUBMITTED**

**I. APPLICANT INFORMATION**

- A. Applicant/Licensee identified.
- B. State sales tax license number listed or applied for at time of application.
- C. License type or other transaction identified.
- D. Return originals to local authority.
- E. Additional information may be required by the local licensing authority.

**II. DIAGRAM OF THE PREMISES**

- A. No larger than 8 1/2" X 11".
- B. Dimensions included (doesn't have to be to scale). Exterior areas should show control (fences, walls, etc.).
- C. Separate diagram for each floor (if multiple levels).
- D. Kitchen - identified if Hotel and Restaurant.

**III. PROOF OF PROPERTY POSSESSION**

- A. Deed in name of the Applicant ONLY (or)
- B. Lease in the name of the Applicant ONLY.
- C. Lease Assignment in the name of the Applicant (ONLY) with proper consent from the Landlord and acceptance by the Applicant.
- D. Other Agreement if not deed or lease.

**IV. BACKGROUND INFORMATION AND FINANCIAL DOCUMENTS**

- A. Individual History Record(s) (Form DR 8404-I).
- B. Fingerprints taken and submitted to local authority. (State authority for master file applicants.)
- C. Purchase agreement, stock transfer agreement, and or authorization to transfer license.
- D. List of all notes and loans.

**V. CORPORATE APPLICANT INFORMATION (If Applicable)**

- A. Certificate of Incorporation (and/or)
- B. Certificate of Good Standing if incorporated more than 2 years ago.
- C. Certificate of Authorization if foreign corporation.
- D. List of officers, directors and stockholders of parent corporation (designate 1 person as "principal officer").

**VI. PARTNERSHIP APPLICANT INFORMATION (If Applicable)**

- A. Partnership Agreement (general or limited). Not needed if husband and wife.

**VII. LIMITED LIABILITY COMPANY APPLICANT INFORMATION (If Applicable)**

- A. Copy of articles of organization (date stamped by Colorado Secretary of State's Office).
- B. Copy of operating agreement.
- C. Certificate of Authority (if foreign company).

**VIII. MANAGER REGISTRATION FOR HOTEL AND RESTAURANT, TAVERN LICENSES WHEN INCLUDED WITH THIS APPLICATION**

- A. \$75.00 fee.
- B. Individual History Record (DR 8404-I).

6. Is the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation) or manager under the age of twenty-one years? Yes No

7. Has the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation) or manager ever (in Colorado or any other state);  
 (a) been denied an alcohol beverage license?    
 (b) had an alcohol beverage license suspended or revoked?    
 (c) had interest in another entity that had an alcohol beverage license suspended or revoked?    
 If you answered yes to 7a, b or c, explain in detail on a separate sheet.

8. Has a liquor license application (same license class), that was located within 500 feet of the proposed premises, been denied within the preceding two years? If "yes," explain in detail.

9. Are the premises to be licensed within 500 feet of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary?

10. Has a liquor or beer license ever been issued to the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation)? If yes, identify the name of the business and list any current or former financial interest in said business including any loans to or from a licensee. *This is a Renewal Application*

11. Does the Applicant, as listed on line 2 of this application, have legal possession of the premises by virtue of ownership, lease or other arrangement?  
 Ownership  Lease  Other (Explain in Detail)

a. If leased, list name of landlord and tenant, and date of expiration, EXACTLY as they appear on the lease:

|   |  |                            |
|---|--|----------------------------|
| Landlord<br><b>Crawford Enterprizes</b> | Tenant<br><b>Deutschman Family LLC</b> | Expires<br><b>02/01/16</b> |
|---|--|----------------------------|

Attach a diagram and outline or designate the area to be licensed (including dimensions) which shows the bars, brewery, walls, partitions, entrances, exits and what each room shall be utilized for in this business. This diagram should be no larger than 8 1/2" X 11". (Doesn't have to be to scale)

12. Who, besides the owners listed in this application (including persons, firms, partnerships, corporations, limited liability companies), will loan or give money, inventory, furniture or equipment to or for use in this business; or who will receive money from this business. Attach a separate sheet if necessary.

| NAME | DATE OF BIRTH | FEIN OR SSN | INTEREST |
|------|---------------|-------------|----------|
|      |               |             |          |
|      |               |             |          |

*Attach copies of all notes and security instruments, and any written agreement, or details of any oral agreement, by which any person (including partnerships, corporations, limited liability companies, etc.) will share in the profit or gross proceeds of this establishment, and any agreement relating to the business which is contingent or conditional in any way by volume, profit, sales, giving of advice or consultation.*

13. **Optional Premises or Hotel and Restaurant Licenses with Optional Premises** Yes No  
   
 Has a local ordinance or resolution authorizing optional premises been adopted?

Number of separate Optional Premises areas requested. \_\_\_\_\_ (See License Fee Chart)

14. **Liquor Licensed Drug Store** applicants, answer the following:  
 (a) Does the applicant for a Liquor Licensed Drug Store have a license issued by the Colorado Board of Pharmacy? COPY MUST BE ATTACHED. *N/A* Yes No

15. **Club Liquor License** applicants answer the following and attach:  
 (a) Is the applicant organization operated solely for a national, social, fraternal, patriotic, political or athletic purpose and not for pecuniary gain? Yes No  
   
 (b) Is the applicant organization a regularly chartered branch, lodge or chapter of a national organization which is operated solely for the object of a patriotic or fraternal organization or society, but not for pecuniary gain?    
 (c) How long has the club been incorporated? \_\_\_\_\_ (Three years required) (d) Has applicant occupied an establishment for three years that was operated solely for the reasons stated above?

16. **Brew-Pub License or Vintner Restaurant Applicants** answer the following: Yes No  
   
 (a) Has the applicant received or applied for a Federal Permit? (Copy of permit or application must be attached)

17a. **Name of Manager (for all on-premises applicants)** Mark Tamberino (If this is an application for a Hotel, Restaurant or Tavern License, the manager must also submit an Individual History Record (DR 8404-I). Date of Birth  
**05/27/1976**

17b. Does this manager act as the manager of, or have a financial interest in, any other liquor licensed establishment in the State of Colorado? If yes, provide name, type of license and account number. Yes No

18. **Tax Distraint Information.** Does the applicant or any other person listed on this application and including its partners, officers, directors, stockholders, members (LLC) or managing members (LLC) and any other persons with a 10% or greater financial interest in the applicant currently have an outstanding tax distraint issued to them by the Colorado Department of Revenue? If yes, provide an explanation and include copies of any payment agreements. Yes No

19. If applicant is a corporation, partnership, association or limited liability company, applicant **must list** ALL OFFICERS, DIRECTORS, GENERAL PARTNERS, AND MANAGING MEMBERS. In addition applicant **must list** any stockholders, partners, or members with OWNERSHIP OF 10% OR MORE IN THE APPLICANT. ALL PERSONS LISTED BELOW must also attach form DR 8404-I (Individual History record), and submit finger print cards to their local licensing authority.

| NAME               | HOME ADDRESS, CITY & STATE                  | DOB      | POSITION | % OWNED* |
|--------------------|---|----------|----------|----------|
| Michael Deutschman | 23 Horton Street PO Box 1900 Eagle CO 81631 | 5/4/1945 |          | 100      |
|                    |   |          |          |          |
|                    |   |          |          |          |
|                    |   |          |          |          |

\*If total ownership percentage disclosed here does not total 100% applicant must check this box  
 Applicant affirms that no individual other than these disclosed herein, owns 10% or more of the applicant

**Additional Documents to be submitted by type of entity**

- CORPORATION**     Cert. of Incorp.     Cert. of Good Standing (if more than 2 yrs. old)     Cert. of Auth. (if a foreign corp.)
- PARTNERSHIP**     Partnership Agreement (General or Limited)     Husband and Wife partnership (no written agreement)
- LIMITED LIABILITY COMPANY**     Articles of Organization     Cert. of Authority (if foreign company)     Operating Agrmt.
- ASSOCIATION OR OTHER**    Attach copy of agreements creating association or relationship between the parties

|  |  |
|--|--|
| Registered Agent (if applicable)<br>Michael Deutschman | Address for Service<br>23 Horton Street Eagle CO 81631 |
|--|--|

**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. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Colorado Liquor or Beer Code which affect my license.*

|   |                          |                 |
|---|--------------------------|-----------------|
| Authorized Signature<br> | Title<br>MANAGING MEMBER | Date<br>9/26/11 |
|---|--------------------------|-----------------|

**REPORT AND APPROVAL OF LOCAL LICENSING AUTHORITY (CITY/COUNTY)**

|   |   |
|---|---|
| Date application filed with local authority | Date of local authority hearing (for new license applicants; cannot be less than 30 days from date of application 12-47-311 (1)) C.R.S. |
|---|---|

**THE LOCAL LICENSING AUTHORITY HEREBY AFFIRMS:**

That each person required to file DR 8404-I (Individual History Record) has: Yes No

Been fingerprinted .....

Been subject to background investigation, including NCIC/CCIC check for outstanding warrants .....

That the local authority has conducted, or intends to conduct, an inspection of the proposed premises to ensure that the applicant is in compliance with, and aware of, liquor code provisions affecting their class of license .....

(Check One)

Date of Inspection or Anticipated Date \_\_\_\_\_

Upon approval of state licensing authority.

The foregoing application has been examined; and the premises, business to be conducted, and character of the applicant are satisfactory. We do report that such license, if granted, will meet the reasonable requirements of the neighborhood and the desires of the adult inhabitants, and will comply with the provisions of Title 12, Article 46 or 47, C.R.S. **THEREFORE, THIS APPLICATION IS APPROVED.**

|                               |                  |  |
|-------------------------------|------------------|--|
| Local Licensing Authority for | Telephone Number | <input type="checkbox"/> TOWN, CITY<br><input type="checkbox"/> COUNTY |
| Signature                     | Title            | Date   |
| Signature (attest)            | Title            | Date   |

## 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<br><i>Kirby Cosmo's BBQ Bar</i>  |                                       | State License Number<br><i>A2-43371-0008</i> |   |
| 1. Operating Manager<br><i>Mark Tamborino</i>  | Home Address<br><i>2433 Draw Spur</i> | Date of Birth<br><i>05/27/1976</i>           |   |
| 2. Do you have legal possession of the premises for which this application for license is made? <i>YES</i><br>Are the premises owned or rented: <i>Rented</i> If rented, expiration date of lease: <i>February 2016</i>  |                                       |  | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |
| 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.   |                                       |  | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| 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.  |                                       |  | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| 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.   |                                       |  | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| 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.   |                                       |  | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| 7. <b>Corporation or Limited Liability Company (LLC) or Partnership applicants must answer these questions. Since the date of filing of the last annual license application:</b>   |                                       |  |   |
| (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?   |                                       |  | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| (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?   |                                       |  | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| (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. <b>Sole proprietorships, Husband-Wife Partnerships or Partners in General Partnerships:</b>   |                                       |  |   |
| <b>EVIDENCE OF LAWFUL PRESENCE</b>   |                                       |  |   |
| 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):  |                                       |  |   |
| <input checked="" type="checkbox"/> I am a United States Citizen   |                                       |  |   |
| <input type="checkbox"/> I am not a United States Citizen but I am a Permanent Resident of the United States   |                                       |  |   |
| <input type="checkbox"/> I am not a United States Citizen but I am lawfully present in the United States pursuant to Federal Law   |                                       |  |   |
| <input type="checkbox"/> 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<br><i>Mark Tamborino</i>   |                                       | Printed name<br><i>Mark Tamborino</i>        | Date<br><i>9/20/11</i>  |
|  |                                       | <i>MICHAEL DEUTSCHMAN</i>                    |   |

OFFICE OF THE SECRETARY OF STATE  
OF THE STATE OF COLORADO

**CERTIFICATE**

I, Scott Gessler, 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 09/23/2011 that have been posted, and by documents delivered to this office electronically through 09/27/2011 @ 10:34:27.

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 09/27/2011 @ 10:34:27 pursuant to and in accordance with applicable law. This certificate is assigned Confirmation Number 8052336.



A handwritten signature in blue ink, reading "Scott Gessler", is written over a horizontal line.

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."*



TOWN OF MINTURN  
P.O. Box 309 (302 Pine Street)  
Minturn, Colorado 81645-0309  
970-827-5645 Fax: 970-827-4049  
treasurer@minturn.org

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**FROM THE DESK OF  
JAY BRUNVAND, TREASURER/FINANCE**

**MEMORANDUM**

To: Chief Lorenzo Martinez  
Allen C., Town Attorney (via fax PDF email)  
CC:  
Date: 10/4/11 10:31 AM  
RE: Liquor License

Attached please find a copy of the Annual Liquor License Renewal Application for Deutschman Family LLC, DBA Kirby Cosmo's located at 474 Main Street. This renewal is on a nontraditional form from what you are used to seeing but I confirmed with the State that this form should be used in the event the original is lost. I have reviewed the application and have a Corporate 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

LIQUOR LICENSE RENEWAL FORM  
LOCAL LICENSING AUTHORITY – TOWN OF MINTURN

Name of Establishment: Kirby Cosmo's / Deutschman LLC

Date of Submittal: 9/26/11 License Expires: 12/4/11

Application is a:

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Renewal      | <input type="checkbox"/> Change in Corporate       |
| <input type="checkbox"/> Manager Registration    | <input type="checkbox"/> Partnership or Trade Name |
| <input type="checkbox"/> Modification of Premise | <input type="checkbox"/> Transfer of Ownership     |
| <input type="checkbox"/> Change on Corporate     | <input type="checkbox"/> Other _____               |
| <input type="checkbox"/> Change in Location      |  |

Scheduled for Council meeting on: 10/19/11 Preliminary

1.  Fees paid: Local \$ 125<sup>-</sup> and State \$ 500<sup>-</sup>.
2.  Status of Corporation verified with Secretary of State and found to be in good standing. (Town Clerk's Initials)
3.  Operating Manager verified and registered.
4.  Sales tax submittals current.
5.  Water bill submittals current.
6.  Business license current.
7.  Police Department approval for renewal.
  - a.  Officer's report (see attached): \_\_\_\_\_
  - b.  List of violations within the last year: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## Jay Brunvand

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**From:** Jim White  
**Sent:** Friday, October 14, 2011 12:51 PM  
**To:** Jay Brunvand; Michelle Metteer  
**Subject:** FW: Claim of Sewer Easements in South Minturn - Agenda Summary

For packet....from ERWSD

Jim White  
Town Manager  
[manager@minturn.org](mailto:manager@minturn.org)  
(970) 827-5645 (w)  
(970) 390-5102 (cell)

---

**From:** Becky Peterson [<mailto:bpeterson@erwsd.org>]  
**Sent:** Friday, October 14, 2011 11:55 AM  
**To:** Jim White  
**Cc:** Leslie Isom  
**Subject:** Claim of Sewer Easements in South Minturn - Agenda Summary

Hi Jim,  
Below, please find a summary for the claim of sewer easements agenda item we will be presenting on at this Wednesday's (10/19) town council meeting. These meetings are held from 6:30-8 PM. Should we arrive at 6:30?

Thanks much and look forward to meeting you!

Best,  
Becky

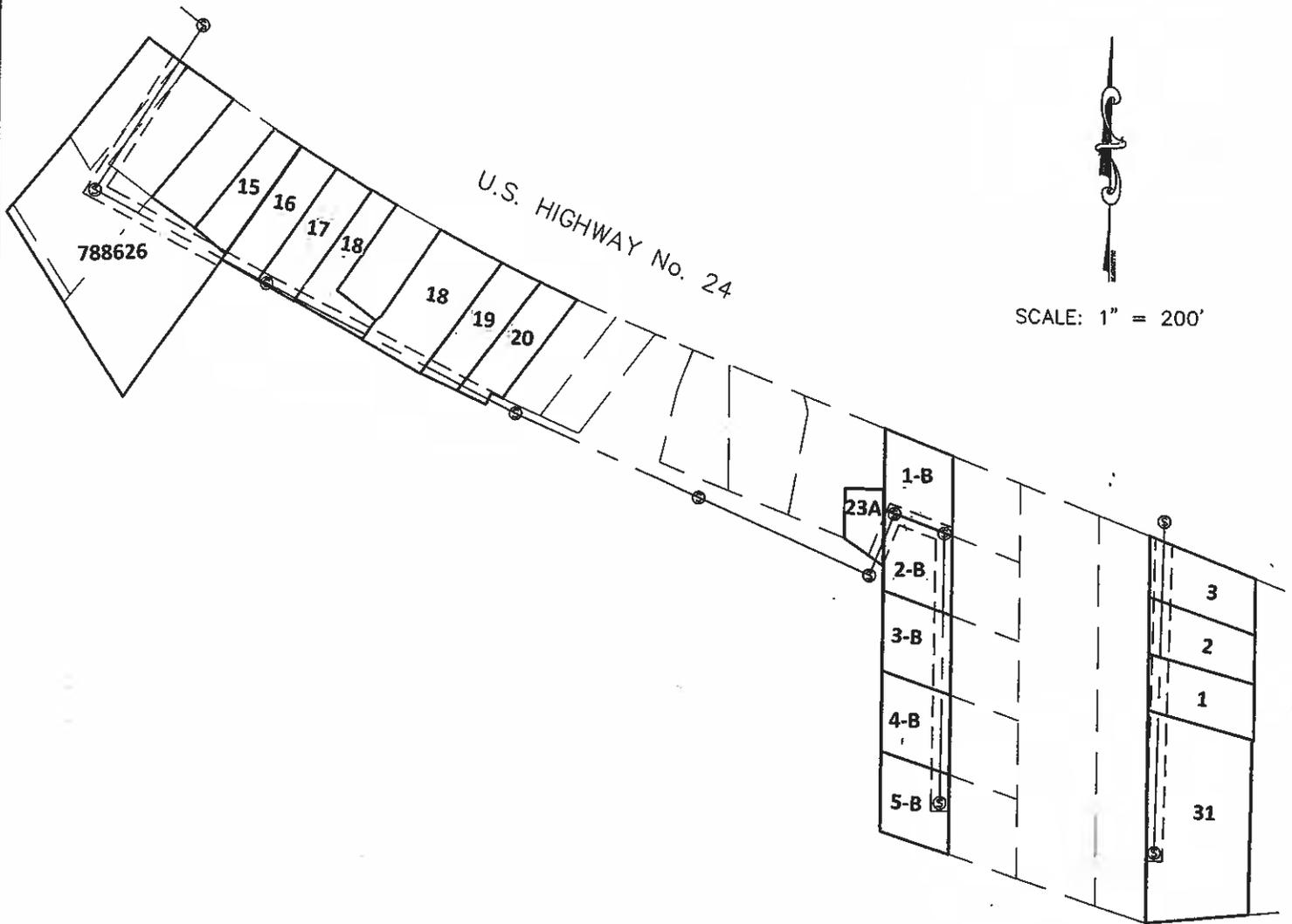
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The Eagle River Water & Sanitation District's (District) Claim of Easements project involves identifying sewer mains, which have been in existence for well over 18-years (giving the District easement by acquiescence as well as a prescriptive easement) which cross properties, and for which the District has no plated or recorded easements. The goal of this project is to identify the easements, survey the legal descriptions and record the easements. It is necessary for the District to have these easements to be able to maintain our sewer mains. This sewer main runs through South Minturn crossing 18 properties. We believe it is also beneficial to the Property Owner to have a formal recording of where the easement is (and is not). The District has surveyed and determined the legal description for each easement across these 18 properties. Following our presentation to the Minturn town council, we will send a letter to each of the property owners prior to recording the easement documents, at our cost, at the Eagle County Clerk & Recorder's office. In addition, we will be working with the property owners who have encroachments into the easements and record encroachment agreements, at our cost. The District claim of easement program will continue throughout the Town of Minturn until all unrecorded easements are documented. Once the Town of Minturn is completed, the District will move onto the Town of Vail to record all easements not filed at Eagle County as well.

**Becky Peterson**  
Project Specialist

# CLAIM OF EASEMENTS

SOUTH MINTURN ADDITION, MINTURN MOBILE HOME PARK & DURAN SUBDIVISION AREAS  
EAGLE COUNTY, COLORADO



|  |  |
|--|--|
|  | <b>Gore Range<br/>Surveying, LLC</b>                                 |
|  | P.O. Box 15<br>Avon, CO 81620<br>(970) 479-8698 • fax (970) 479-0055 |





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: Planning Department Update  
Date: October 14, 2011

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### **Planning Commission Meeting Update**

The Planning Commission met on 10/12/11 to discuss open space requirements for planned unit developments and subdivisions. A reduction in the rear setback was also discussed for homeowners wishing to construct a detached garage. The intent of this amendment is to alleviate on-street parking by providing residents with greater flexibility to construct a detached garage. All other zoning requirements will remain in place.

### **Construction Update**

- 251 Main Street.
  - The home owner had experienced delays with the utility company shutting off the gas to the property. This work was recently completed and excavation for the foundation is expected to occur the week of October 17<sup>th</sup>.
  
- 282 Main Street.
  - The footers for this single-family home were poured during the week of October 10<sup>th</sup> and the foundation is expected to be poured late in the week of October 17<sup>th</sup>. The framing of the home will follow shortly after. Per the Town’s requirements, the foundation will be surveyed to ensure that it was poured in the proper place and not within the required setbacks.
  
- 221 and 601 Main Street
  - Construction on these two homes is expected to conclude prior to the end of the year.

### **Minturn Towne Homes**

Several provisions were added to the revocable license agreement for the MTH. These include excavating the retention pond prior to the start of the drainage improvement project and annual maintenance obligations on all of the disturbed areas.

**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](mailto:manager@minturn.org)



**TOWN COUNCIL**  
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**Mayor Pro Tem – George Brodin**  
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**Councilmember – John Rosenfeld**

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**To:** Mayor Flaherty and Minturn Town Council  
**From:** Jim White, Town Manager  
**Date:** October 12, 2011  
**Re:** **Manager’s Report for the October 19, 2011 Town Council Meeting**

### **Maloit Park Water Tank**

The exterior painting has been completed. The Town and the School District are collaborating to complete a Memorandum of Understanding (MOU) to secure payment arrangements over a three year period. Universal Coatings completed the work on the exterior this fall. In the spring of 2012, we will set up a temporary tank, drain the Maloit Park tank, and sandblast, restore and paint the interior of the tank. We are also securing bids for fencing around the tank and around our solar unit at that site.

### **Vail Valley Theater Company**

The Vail Valley Theater Company is presenting the Rocky Horror Picture Show. I just learned that the venue was moved from VSSA in Minturn to Homestake Peak School in Eagle Vail. The live theatrical performance will take place on Friday and Saturday October 21& 22, and October 28, and 29, 2011. Show time is 8pm all nights with an additional 11pm show on the last night.

### **Battle Mountain Update**

Current issues include pending lawsuits related to responses to the EPA, quiet title action, and legal challenges to the annexation agreement. Our committee met on August 9, 2011, and again on August 30, 2011. The Town Council is considering a proposal made by Battle Mountain regarding the potential release of escrow funds. We will request another subcommittee following tonight’s Town Council meeting.

### **Radio Tower Site**

No further contact has been received to date from Kevin Bakko. He had inquired on September 15, 2011 about being on a future Town Council agenda to discuss the Radio Tower site. He had tentatively been scheduled on tonight’s agenda.

### **Minturn Hosted the CML District 12 Meeting**

The Town of Minturn hosted the Colorado Municipal League District 12 meeting last night, Thursday October 20<sup>th</sup>, 2011. Special thanks to Jay Brunvand and Michelle Metteer for all the work put into planning for this very successful event.

### **Minturn Community Fund Annual Fundraiser**

The Minturn Community Fund Annual Fundraiser will be held on Friday evening, October 28, 2011 at the Minturn Saloon. More details will be available soon.

10/14/2011

### **Minturn Fall Storefront Decorating Contest**

Fourteen businesses are participating in the Fall Storefront Decorating Contest. Shop or dine in Minturn and cast your vote for your favorite festive storefront! You can vote at [www.minturncommunityfund.org](http://www.minturncommunityfund.org) or at [www.downtownminturn.com](http://www.downtownminturn.com). You can also vote inside participating stores. The contest ends November 1, 2011.

### **XCEL Natural Gas Pipeline Project Continues!**

The XCEL Pipeline Project from Edwards to Minturn continues. Jimmy Smith is project manager. Overall project completion has been extended and is currently set for some time in the month of November 2011. With any questions, please call XCEL at 1-877-481-6380.

### **Light Up "Welcome to Minturn" Entryway Sign(s)!**

Solar lighting for the north entryway sign is about to be ordered and installation planned this fall.

### **Minturn Winter Markets**

That's right! Markets! We will have two winter markets this year on Saturday, **December 10<sup>th</sup>** and Saturday, **December 17<sup>th</sup>**. Stay tuned for further details.

### **Planning for Another Bonfire**

Staff is already planning a Saturday, **January 7, 2012** bonfire to burn Christmas trees that can be gathered throughout Minturn. Hot cider and hot chocolate may be added and maybe some snacks and more marshmallows!

### **Ski Joring**

The Town of Minturn will be holding this new event on old Minturn Road on Saturday and Sunday **January 14<sup>th</sup> and 15<sup>th</sup>, 2012**.

Respectfully submitted,  
Jim White  
Town Manager



Town of Red Cliff  
40 Pine St.  
Red Cliff, Co. 81649

10/06/2011

Mehdi Baziar  
4201 E Arkansas Ave  
Shumate Building  
Denver, CO 80222

Dear Sir,

The Town of Red Cliff is looking for your support with Union Pacific Railroad. The Town would like to fertilize the planted seed that the “**Tennessee Pass Line**” should be abandoned. I met with a UP representative a few weeks ago who confirmed that they have no plans one way or another for the line.

**The Town of Red Cliff would like to convert the rail bed to recreational purposes. The rail bed could easily be used as a very scenic bike path removing the dangers of riding a bicycle on Highway 24. In the winter time it is already used as a Nordic skiing and snowmobiling area (illegally). We envision games, competitions, and other events designed to promote tourism for Red Cliff & Minturn.**

**Funding this route could come from a collaboration of GOCO, Eagle County, Red Cliff, Minturn & CDOT.**

This is a brief history of updates in the annual plan regarding this line.

In **1976** the line was listed as a viable coal route for Utah & west central Colorado to Pueblo & points east.

In **1997** CDOT published it's 20 year multi-modal transportation plan. The update listed the Tennessee Pass route as a high priority line between Leadville & Avon for passenger traffic, 1 of 5 lines in the state that were listed as “high priority” for passenger rail service. The other four listed were, Denver to Colorado Springs, Craig to Steamboat Springs, Glenwood Springs to Avon, and Fort Collins/Greeley to Denver. There were no cost evaluation studies conducted.

This list was later refined to include Leadville to Avon, to Glenwood Springs, to Aspen. The list was refined again and included Aspen to Glenwood Springs as an immediate action item.

**The Aspen line has since been abandoned and is now the ‘Rio Grande Trail’ bike path.**



Considering the other locations listed for consideration in any of these updates this line would most likely have fallen to the bottom of the list even then.

In **1999** the update changed the “High Priority” status of the line.

Now the “High Priority” was in reference to the only corridor in Colorado on the danger list for possible abandonment!

CDOT was to monitor and take action if the line is abandoned.

The best thing that could happen for this property would be to release it to other uses.

Somehow the 2010 summary that was presented to the Colorado State legislature the opinion changed, stating that there were “no lines in danger of abandonment”.

They recommended to “continue to watch” the Tennessee Pass line.

The majority of discussions since then have revolved around transportation on the front range and the I-70 corridor. Whether it is in regard to some sort of high speed mass transit from Denver to Vail & the Eagle county airport or beyond the likelihood of using the Tennessee Pass line for passenger rail traffic or any type of rail traffic have long since been abandoned.

The CDOT & UP meeting memo dated 5-16-2011 includes the following “UP does not have any near term plans for the Tennessee Pass line”. Given today’s economic environment the possibility of this rail line ever operating again are extremely small. Any dollars invested in passenger rail traffic in the next 20 to 50 years will go to major urban areas such as the Pueblo to Ft. Collins/Greeley line. Any dollars invested in the mountains will go to passenger traffic along the I-70 corridor from Avon to the Eagle County Airport or to Glenwood Springs.

The condition of the track from Minturn to Leadville and beyond is something that has not been monitored. In fact several miles of track south of Leadville have already been removed.

The facts are:

This line is technically considered “out of service”.

This likelihood this line will ever operate again is extremely small, or non-existent.

There are several communities along this section of line that would benefit when this line is officially “abandoned”.

We are confident that now is the right time for UP to abandon this section of Railroad.

Sincerely,

***Ramon V. Montoya***



***Mayor, Town of Red Cliff***

***970 754-5860 work / 970 827-5303 town office***

***970 754-5127 (fax) work / 970 827-5300 town***

***'It's a beautiful day in the mountains'***

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



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## AGENDA ITEM COVER SHEET

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|--|
| <p><b>AGENDA TITLE:</b> Resolution 7 – Series 2011 a Resolution authorizing the implementation of the Governmental Accounting Standards Board (GASB) Statement 54 and designating the Town Manager as having oversight authority.</p>  |
| <p><b>MEETING DATE:</b> October 19, 2011</p>   |
| <p><b>PRESENTER:</b> Brunvand</p>  |
| <p><b>BACKGROUND:</b> During the 2010 annual Audit presentation, our auditors strongly recommended that we approve a resolution adopting GASB-54 and its associated definitions. This resolution sets forth this adoption and definitions and designates the Town Manager or his designee to oversee the implementation on behalf of the Council. The intent of GASB-54 is to establish a fund balance/working capital policy tailored to the needs of the Town to ensure against unanticipated events that would adversely affect the financial condition of the Town and jeopardize the continuation of necessary public services. This adoption will ensure the Town maintains adequate fund balance/working capital and reserves in the Town’s various operating funds to provide the capacity to: (1) provide sufficient cash flow for daily financial needs, (2) secure and maintain bond ratings, (3) offset significant economic downturns or revenue shortfalls, (4) provide funds for unforeseen expenditures related to emergencies, and (5) allow for the ability to respond to extraordinary opportunities with a community-wide impact.</p> <p>Note: This item was not presented in a Work Session as the concept has been previously reviewed by Council and this resolution is a product of those discussions.</p> |
| <p><b>CORE ISSUES:</b> N/A</p>   |
| <p><b>STAFF RECOMMENDATION/MOTION:</b> Motion to approve Resolution 7-2011, a Resolution authorizing the Town Council or its designee to designate in accordance with GASB Statement 54 the assigned portion of all governmental fund balances for the Town financial statements for 2011 and subsequent years.</p>  |

**TOWN OF MINTURN  
RESOLUTION 7 – SERIES 2011**

**A RESOLUTION AUTHORIZING THE TOWN COUNCIL OR ITS  
DESIGNEE TO DESIGNATE THE ASSIGNED PORTION OF ALL  
GOVERNMENTAL FUND BALANCES FOR THE TOWN FINANCIAL  
STATEMENTS FOR 2011 AND SUBSEQUENT YEARS**

**WHEREAS**, the Town’s financial statements, including its Audited Financial Statements, are structured and prepared in accordance with standards of accounting and financial reporting for U.S. state and local governments established by the Governmental Accounting Standards Board (“GASB”); and,

**WHEREAS**, in February, 2009, GASB issued Statement 54, *Fund Balance Reporting and Governmental Fund Type Definitions* (“Statement 54”), which must be implemented by governmental entities for financial statements issued for fiscal years ending after June 30, 2011; and,

**WHEREAS**, Fund balance is used exclusively for governmental funds such as the General, Enterprise, Conservation Trust, Building, Arts, Capital, General Improvement District, Scholarship and any other governmental funds created in the future (Funds). Fund balance is basically the difference between fund assets and liabilities and represents resources available for use; and,

**WHEREAS**, the Town’s financial statements, including Audited Financial Statements, reflect three general categories of “funds” in accordance with GASB standards (collectively, the “Reported Funds”); the Reported Funds include “Governmental Funds” (accounting for activities supported by taxes, grants, and similar governmental resources), “Proprietary Funds” (accounting for business type activities, such as enterprises and internal service activities), and “Agency Funds” (accounting for funds held by the Town as a fiduciary subject to restrictions on use); and,

**WHEREAS**, The objective of GASB Statement 54 is to report governmental fund balances based on a hierarchy that shows, from highest to lowest, the level or form of constraints on fund balance and accordingly, the extent to which governments are bound to honor them. Fund balance classifications (in order of hierarchy are: non-spendable fund balance (supply inventories, prepaid items, etc), restricted fund balance (amounts subject to externally enforceable legal restrictions imposed by creditors, grantors, laws, regulations, elections, etc), committed fund balance (use is constrained by limitations imposed by the Town Council), assigned fund balance (use is constrained by an official who has been delegated the responsibility by the Minturn Town Council) and unassigned fund balance; and,

**WHEREAS**, “Assigned fund balance” is defined by Statement 54 as that portion of each of the Town’s Reported Funds that reflects the Town’s *intended* use of such resources, as determined by the Town Council or the governmental official to whom such authority is delegated; and,

**WHEREAS**, Council desires to grant the Town Manager, or the Town Manager's Designee, authority to designate the Assigned fund balance for each Governmental Fund based on the intended use of such resources.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO**

**Section 1.** That the Town Manager is hereby authorized to designate the Assigned fund balance for each Governmental Fund based on the intended use of such resources for 2011 and subsequent years.

**Section 2.** That the Town Manager is hereby authorized to delegate the foregoing authority to an appropriate Town employee reporting to the Town Manager (the "Town Manager's Designee").

**Section 3.** That this Resolution shall be effective as of the date and time of its adoption.

**INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED this 19<sup>th</sup> day of October, 2011.**

TOWN OF MINTURN

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Hawkeye Flaherty, Mayor

ATTEST:

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Jay Brunvand, Town Clerk



TOWN OF MINTURN  
P.O. Box 309 (302 Pine Street)  
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: Friday, October 14, 2011  
RE: Executive Session

At the Council meeting, Council will need to convene in Executive Session with the Attorney to discuss and direct Staff regarding the negotiations of the Battle Mountain Resort Property annexation, water right issues, and an update from the EPA. The following motion is recommended:

*“Recommended motion: “I move to convene in Executive Session Pursuant to CRS 24-6-402(4)(f) for the purposes of discussing the Town Manager’s annual review and Pursuant to CRS 24-6-402(4)(b) for the purposes to consult with the Town’s Attorney(s) and receive direction regarding the negotiations of the Battle Mountain Resort property annexation, water right issues, and EPA update.”*

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