



2011

Minturn Council Meeting

Wednesday December 7, 2011

Work Session: **5:30pm**
(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 December 7, 2011

Work Session – 5:30pm
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 – 5:30pm

Please remember to bring your FY2012 Budget Book

- Finalization of 2012 Council Goal Setting – White (30min) PG 5
- Work Session: FY2012 Budget question and answer session – Brunvand/White (30min) PG 6
 - Review modified budget
 - Hawkeye wanted to discuss 2011 bonuses, the Christmas Party, December 21 Council meeting

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. **Liquor License Authority**
 - FM Saloon Annual Renewal of a Hotel & Restaurant License; 146 N Main St.; Steve Campbell, Owner/Manager – Brunvand (10min) PG 9
 - Town of Minturn Special Event License; corner of Williams St. and Nelson Ave.; Jim White, Town Manager/applicant – Brunvand (10min) PG 13
4. **Approval of Minutes and Action Report**
 - November 16, 2011 PG 22
 - Action Item Report PG 30
5. **Public comments on items, which are NOT on the agenda (5 minute time limit per person)**
6. **Special Presentations/Citizen Recognition**
 - Colorado Dept of Labor presentation and discussion regarding 2008 Shop N Hop incident – White (30min)
7. **Planning Department Update**
8. **Town Manager’s Report** PG 31
9. **Town Council Comments**

PUBLIC HEARINGS AND DISCUSSION/ACTION ITEMS
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10. **Discussion/Action: Ordinance 12 – Series 2011 (Second Reading) an Ordinance authorizing the Mayor to sign an Intergovernmental Agreement with the Eagle County Government for animal control services for the calendar year 2012. Martinez (10min) PG 35**
11. **Discussion/Action – Ordinance 13 – Series 2011 (Second Reading) – An Ordinance Creating a Supplemental Appropriation to the 2011 Town of Minturn Budget – Brunvand (15 min) PG 43**

12. **Discussion/Action** – Ordinance 14 – Series 2011 (Second Reading) – An Ordinance Setting the 2012 General Property Tax Mill Levy for the Town of Minturn – Brunvand (15 Min) PG 48
13. **Discussion/Action** – Ordinance 15 – Series 2011 (Second Reading) – An Ordinance Adopting the Fee Schedules for Fiscal Year 2012 for the Town of Minturn – Brunvand (30 Min) PG 51
14. **Discussion/Action** – Ordinance 16 – Series 2011 (Second Reading) – An Ordinance Adopting and Recognizing the Town of Minturn’s 2012 Revenues and Expenses by Fund – Brunvand (30 Min) PG 57
15. **Discussion/Action:** Consideration and motion to approve and set 2012 Council Goals – White (10min)

EXECUTIVE SESSION

16. **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 60
17. **Executive Session** – Action by Council or Direction to Staff as a result of the Executive Session (5min)

FUTURE AGENDA ITEMS

18. Next Meeting – December 21, 2011

19. Future Meeting

- **Worksession:** Request from the Planning Commission for a work session with the Council to determine a sidewalk master plan. 01/04/12
- **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)

20. Set Future Meeting Dates

a) Council Meetings:

- December 7, 2011
- December 21, 2011
- January 4, 2012

b) Planning & Zoning Commission Meetings:

- November 23, 2011 – Cancelled
- December 14, 2011
- December 28, 2011 – Cancelled

c) Other Dates:

- December 26, 2011 – Town Hall Closed (Christmas)
- January 2, 2012 – Town Hall Closed (New Years)

21. Adjournment

2012 Town of Minturn Goals

(Specific, Measureable, Attainable, Realistic, Timely) = SMART

- Improve Planning & Scheduling & Apply for Infrastructure Grants/Consider Loans
- Inventory Town Signage in Downtown/Standardize
- Consider Fireworks Display in 2012
- Establish a Community Garden
- Put up Town Directional Signage
- Use Solar Lighting on Town Signage
- Establish an Information Kiosk
- Continue Sidewalk Installation Program/Improve Plan with LaFarge
- Street Repairs with Drainage (Top 5 List Requires \$378,000)
- Implement Streetscape Plan
- Locate/Replace Valves
- Strengthen Marketing and Events
- Clean Up Parking Area on North Taylor Street
- Implement Scholarship Fund
- Upgrade Water Operators Certification
- Improve Relationship with Union Pacific Railroad
- Foster Entrepreneurial Attitude and Spirit Expand Parking and Appearance of Municipal Lot
- Add Trails of Minturn to the website

**FROM THE DESK OF
JAY BRUNVAND, MINTURN TREASURER
MEMORANDUM**

TO: Mayor and Town Council
FROM: Jay Brunvand, Treasurer
CC: Jim White, Town Manager
DATE: 11/30/11
RE: FY2012 Budget – Direction

During the November 16th Council Meeting, Council reviewed and directed staff with regards to the attached proposed options for balancing the 2012 budget. Those changes have been incorporated into the budget and they are included in the revised ordinances as necessary and in the budget pages handed out.

Additionally, the following items are reported to Council:

- 1) We have modified all numbers in each Ordinance based on how the November 16th Council direction affected them. After inclusion of all the changes made, our budget represents a positive balance.
- 2) We have received the final Assessed Valuation from the County Assessor which represents an additional anticipated revenue decrease of \$54.00; the revised number is included in this budget and corresponding ordinances.

During the Public Hearing a comment was made that it was a good thing the Town had not adjusted the mill levy rate on the General Fund and it was requested that remain the case. As a point of clarification, the Town, by law, is not able to increase the mill levy rate without the advanced authorization of the citizens through a general election ballot question. With such authority, our mill levy was set in 1998 at 17.934 mills. Because the citizen election set the mill levy to remain static, the only annual fluctuation allowed is with the assessed valuation. This is exemplified this year whereby our property tax revenues have been reduced by almost 24% due to the reduction in the assessed valuation.

- 3) Water Rates: as reported in previous memos, the Town has not increased the base water rate of \$63.92 for three years. Although rates in surrounding communities should be considered when setting rates, it is important to note that rates should actually be set based on the cost of delivering that service. During the November 16 Council meeting, it was discussed that in the three previous years we had in fact increased the cost of water to our citizens. In point, although the Town has not increased the specific rate for water, other funding methods have been instituted with Council approval. In those recent years, alternate funding methods were implemented in an attempt to annually balance the revenues and expenses. This is exemplified with the 2011 adoption of a Debt Service Fee. The 2011 Debt Service Fee is currently set at \$10.67. The combined base and debt fees amount to \$74.59. Had the Town increased the water fees by 5% in 2009, 2010, and 2011

the base rate would have been \$73.98, and had this been the case, the 2011 additional rate increase needed to meet our needs would have been only .61 cents. During the November 16 discussion, it was noted that the Debt Service Fee increased water rates for a residential unit by 16%. In fact, if the Debt Service Fee is added to the base rate the 2011 cost did result in a 14.3% increase. However, these revenues, separate or combined, need to be collected annually to meet our debt service and operational cost requirements with a balanced budget.

The following table represents our 10-year rate history.

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%

In addition, below is a table showing the rates as compared to Minturn's from highest to lowest, the average rate for 2011 is \$63.69.

Eagle County Residential Water Rates	
Municipality	2011 Rates 10,000gal/mo
Red Sky Ranch	108.00
Red Cliff	98.10
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 above rates for the listed entities are scheduled to increase in 2012. If we increased our rates 5% we would remain in the lower 50% of all rates. In the event we held our current rates we would actually fall to the bottom 3rd of comparable rates.

An additional consideration for Council, as we pay off debt, we adjust our monthly Debt Service Fee. In 2012 the Debt Service Fee is scheduled to reduce from \$10.67 to \$6.50; a \$4.17 adjustment. A 5% increase on both water and trash will result in a monthly increase of \$4.53 resulting in only a slight overall increase of .36 cents.

FISCAL YEAR 2012 - PROPOSALS FOR BALANCING THE BUDGET					
Detail	Account Number	Budget Cuts	Savings By Department	Balance	Notes from Council Drection
CURRENT 2012 NET BALANCE				(152,133.27)	
COUNCIL					
Supplies	01-01-5100	250.00			Reduce Council Supplies from \$500 to \$250 ✓
Community Contribution	01-00-5271	1,500.00			Fund the Radio Free Minturn at \$500 NO
			1,750.00	(150,383.27)	
GENERAL GOVERNMENT					
ICMA 401 Expense	01-01-5094	6,185.00			Reduce Town's 401K Contribution from 8% to a match up to 4% ✓
Supplies	01-01-5110	2,500.00			Reduce General Supplies from \$20,000 to \$17,500 based on comparison of recent years ✓
Telephone	01-01-5200	3,000.00			Reduce Telephone allowance from \$14,000 to \$11,000 based on comparison of recent years ✓
Custodial	01-01-5211	1,500.00			Reduce Town Hall custodial from \$8,000 to \$6,500 accomplished through a new contract ✓
Dues, Fees & Training	01-01-5235	5,000.00			Reduce based on reduction in training and based on comparison of recent years ✓
Legal Notices	01-01-5250	1,000.00			Reduced based on comparison of recent years ✓
Workers Comp	01-01-5300	1,000.00			Reduced based on comparison of recent years and loss record ✓
			20,185.00	(130,198.27)	
PLANNING DEPARTMENT					✓
Medical and Disability	01-02-5091	6,500.00			Reduce based on current enrollment status ✓
ICMA 401 Expense	01-02-5094	2,711.00			Reduce Town's 401K Contribution from 8% to 4% ✓
Supplies	01-02-5110	200.00			Reduce Supplies from \$1,000 to \$800 based on comparison of recent years ✓
			9,411.00	(120,787.27)	
POLICE DEPARTMENT					✓
Payroll-Patroll Officer/Clerk	01-04-5012	84,445.00			Reduce from 3 sworn officers to 2. Includes all wage, taxes, and benefits ✓
Police Pension Contribution	01-04-5095	1,766.00			Reduce Town's 401K Contribution from 8% to 4% (for non-sworn staff) ✓
Prisoner Upkeep	01-04-5239	2,275.00			Drop detox contract - keep \$100 ✓
ECO Sheriff Services	01-04-5246	(10,000.00)			Dropping an officer position would require some outside coverage ✓
			78,486.00	(42,301.27)	
EVENTS					✓
ICMA 401 Expense	01-05-5010	480.00			Reduce Town's 401K Contribution from 8% to 4% ✓
Purc Serv-Community Fund Fees	01-05-5235	0.00			Direction was to hold at \$10,000 funding NO
			480.00	(41,821.27)	
PUBLIC WORKS DEPARTMENT					✓
Payroll	01-06-5011	22,676.00			Recalculate based on recent staffing changes ✓
Street/Sidewalks	01-06-5352	10,000.00			Reduce budget by \$20,000 (2/3) ✓
			32,676.00	(9,145.27)	
MISC EXPENSES					✓
Employee Raise Pool		9,228.00			Direction was to change to 2.5% wagepool NO
Capital Outlay		7,500.00			Remove copy machine from 2012 GF Budget ✓
			16,728.00		
Current 2012 Net Balance				(152,133.27)	
Approved changes				159,237.05	
Revised 2012 Net Balance				7,103.78	

**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: – FM Saloon LTD DBA The Saloon, annual renewal of a Hotel/Restaurant Liquor License; 146 N Main Street; Steve Campbell, Owner/Manager
MEETING DATE: December 7, 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 FM Saloon LTD DBA The Saloon, annual renewal of a Hotel/Restaurant Liquor License; 146 N Main Street; Steve Campbell, Owner/Manager as presented.”

**LIQUOR OR 3.2 BEER LICENSE
 RENEWAL APPLICATION**



F M SALOON LTD
 THE SALOON
 PO BOX 700
 MINTURN CO 81645-0700

License Number 07-34807-0000	License Type 1970
Liability Information 44 030 722410 C 122794	
Business Location 146 S MAIN MINTURN CO	
Current License Expires DEC 26, 2011	
DEPARTMENTAL USE ONLY	
Total Amount Due	
Total Paid \$	Date

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 <i>William S. Conroy</i>	Date 11-15-11	Business Phone 970-827-5954
Title <i>owner/pres</i>	Sales Tax Number 07-34807-0000	

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 <i>TOWN OF MINTURN</i>	Date 12/7/11	
Signature	Title	Attest

DO NOT DETACH

DO NOT DETACH

DO NOT DETACH

**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 THE SALOON	LICENSE NUMBER (Use for all reference) 07-34807-0000		PERIOD 12-12
TYPE OF LICENSE ISSUED HOTEL AND RESTAURANT LIQUOR LICENSE - MALT, VINOUS, AND SPIRITUOUS	CASH FUND 2320-100(999) \$ 50.00	STATE FEE 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 PERMIT 2210-100(999) \$ _____

TOTAL AMOUNT DUE \$ 500.00

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,

F.M. SALOON, LTD.

is a **Corporation** formed or registered on 01/01/1995 under the law of Colorado, 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 19941126718.

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 11/16/2011 that have been posted, and by documents delivered to this office electronically through 11/18/2011 @ 09:47:01.

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 11/18/2011 @ 09:47:01 pursuant to and in accordance with applicable law. This certificate is assigned Confirmation Number 8094765.



A handwritten signature in blue ink, appearing to read "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."

P.O. Box 309 ♦ 302 Pine Street
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AGENDA ITEM COVER SHEET

AGENDA TITLE: – Town of Minturn/Minturn application for a Malt, Vinous and Spirituous Special Event Permit; intersection of Williams and Nelson; Jim White, Town Manager
MEETING DATE: December 7, 2011
PRESENTER: Brunvand
BACKGROUND: This is an application for a Special Event Permit for a musical event to be held during the Minturn Winter Market. 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:
STAFF RECOMMENDATION/MOTION: “Motion to approve the Town of Minturn Special Event Permit for an event to be held on Saturday, December 10, 2011 in the parking lot located at Williams and Nelson, Jim White, Manager as presented.”

APPLICATION FOR A SPECIAL EVENTS PERMIT

Department Use Only

**IN ORDER TO QUALIFY FOR A SPECIAL EVENTS PERMIT, YOU MUST BE NONPROFIT
 AND ONE OF THE FOLLOWING (See back for details.)**

- | | | |
|--|--|--|
| <input checked="" type="checkbox"/> SOCIAL | <input type="checkbox"/> ATHLETIC | <input type="checkbox"/> PHILANTHROPIC INSTITUTION |
| <input type="checkbox"/> FRATERNAL | <input type="checkbox"/> CHARTERED BRANCH, LODGE OR CHAPTER | <input type="checkbox"/> POLITICAL CANDIDATE |
| <input type="checkbox"/> PATRIOTIC | <input type="checkbox"/> OF A NATIONAL ORGANIZATION OR SOCIETY | <input type="checkbox"/> MUNICIPALITY OWNING ARTS FACILITIES |
| <input type="checkbox"/> POLITICAL | <input type="checkbox"/> RELIGIOUS INSTITUTION | |

LIAB	TYPE OF SPECIAL EVENT APPLICANT IS APPLYING FOR:
2110 <input checked="" type="checkbox"/>	MALT, VINOUS AND SPIRITUOUS LIQUOR \$25.00 PER DAY
2170 <input type="checkbox"/>	FERMENTED MALT BEVERAGE (3.2 Beer) \$10.00 PER DAY

DO NOT WRITE IN THIS SPACE

LIQUOR PERMIT NUMBER

1. NAME OF APPLICANT ORGANIZATION OR POLITICAL CANDIDATE Town of Minturn	State Sales Tax Number (Required) 98-07290-0000
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2. MAILING ADDRESS OF ORGANIZATION OR POLITICAL CANDIDATE (include street, city/town and ZIP) PO Box 309 Minturn, CO 81645	3. ADDRESS OF PLACE TO HAVE SPECIAL EVENT (include street, city/town and ZIP) Williams & Nelson (Mollie G parking lot) Minturn, CO 81645
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NAME	DATE OF BIRTH	HOME ADDRESS (Street, City, State, ZIP)	PHONE NUMBER
4. PRES./SECY OF ORG. or POLITICAL CANDIDATE Jim White	08/02/1949	210 Eagle St, PO Box 337, Minturn, CO	970-390-5102
5. EVENT MANAGER Michelle Metteer	04/07/1974	201 Golden Eagle D1, PO Box 811, Eagle	970-409-8909

6. HAS APPLICANT ORGANIZATION OR POLITICAL CANDIDATE BEEN ISSUED A SPECIAL EVENT PERMIT THIS CALENDAR YEAR? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES HOW MANY DAYS? 1	7. IS PREMISES NOW LICENSED UNDER STATE LIQUOR OR BEER CODE? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES TO WHOM? _____
--	--

8. DOES THE APPLICANT HAVE POSSESSION OR WRITTEN PERMISSION FOR THE USE OF THE PREMISES TO BE LICENSED? Yes No

LIST BELOW THE EXACT DATE(S) FOR WHICH APPLICATION IS BEING MADE FOR PERMIT

Date	Date	Date	Date
12/10/2011			
Hours From 11:00 a .m. To 2:00 p .m.	Hours From .m. To .m.	Hours From .m. To .m.	Hours From .m. To .m.

OATH OF APPLICANT

I declare under penalty of perjury in the second degree that I have read the foregoing application and all attachments thereto, and that all information therein is true, correct, and complete to the best of my knowledge.

SIGNATURE	TITLE TOWN MANAGER	DATE 11/23/11
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REPORT AND APPROVAL OF LOCAL LICENSING AUTHORITY (CITY OR COUNTY)

The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the provisions of Title 12, Article 48, C.R.S., as amended.

THEREFORE, THIS APPLICATION IS APPROVED.

LOCAL LICENSING AUTHORITY (CITY OR COUNTY)	<input type="checkbox"/> CITY <input type="checkbox"/> COUNTY	TELEPHONE NUMBER OF CITY/COUNTY CLERK
SIGNATURE	TITLE	DATE

DO NOT WRITE IN THIS SPACE - FOR DEPARTMENT OF REVENUE USE ONLY

LIABILITY INFORMATION			
License Account Number	Liability Date	State	TOTAL
		-750 (999)	\$.

(Instructions on Reverse Side)

APPLICATION INFORMATION AND CHECKLIST

THE FOLLOWING SUPPORTING DOCUMENTS MUST BE ATTACHED TO THIS APPLICATION FOR A PERMIT TO BE ISSUED:

- Appropriate fee. - *EXEMPT*
- Diagram of the area to be licensed (not larger than 8 1/2" X 11" reflecting bars, walls, partitions, ingress, egress and dimensions.
Note: If the event is to be held outside, please submit evidence of intended control, i.e., fencing, ropes, barriers, etc.
- Copy of deed, lease, or written permission of owner for use of the premises.
- N/A* Certificate of good corporate standing (NONPROFIT) issued by Secretary of State within last two years; **or**
- N/A* If not incorporated, a NONPROFIT charter; **or**
- N/A* If a political Candidate, attach copies of reports and statements that were filed with the Secretary of State.

- APPLICATION MUST FIRST BE SUBMITTED TO THE LOCAL LICENSING AUTHORITY (CITY OR COUNTY) AT LEAST THIRTY (30) DAYS PRIOR TO THE EVENT.**
- THE PREMISES TO BE LICENSED MUST BE POSTED AT LEAST TEN (10) DAYS BEFORE A HEARING CAN BE HELD. (12-48-106 C.R.S.)**
- AN APPROVED APPLICATION MUST BE RECEIVED BY THE LIQUOR ENFORCEMENT DIVISION AT LEAST TEN (10) DAYS PRIOR TO THE EVENT.**
- CHECK PAYABLE TO THE COLORADO DEPARTMENT OF REVENUE**

(12-48-102 C.R.S.)

A Special Event Permit issued under this article may be issued to an organization, whether or not presently licensed under Articles 46 and 47 of this title, which has been incorporated under the laws of this state for the purpose of a social, fraternal, patriotic, political or athletic nature, and not for pecuniary gain or which is a regularly chartered branch, lodge or chapter of a national organization or society organized for such purposes and being non profit in nature, or which is a regularly established religious or philanthropic institution, and to any political candidate who has filed the necessary reports and statements with the Secretary of State pursuant to Article 45 of Title 1, C.R.S. A Special Event permit may be issued to any municipality owning arts facilities at which productions or performances of an artistic or cultural nature are presented for use at such facilities.

If an event is cancelled, the application fees and the day(s) are forfeited.

Special Events Permit

Dec 10, 2011

175 Williams St (Mollie G parking lot)





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, CLERK/TREASURER/FINANCE**

MEMORANDUM

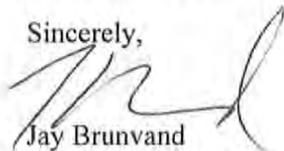
TO: Town of Minturn-Minturn Market
FROM: Jay Brunvand, Treasurer/Clerk
CC:
DATE: Thursday, December 01, 2011
RE: Special Event Liquor Permit

I am in receipt of your Special Event Permit application for a Malt, Vinous and Spirituous permitted event to be held on December 10, 2011 at Williams and Nelson as defined in your submitted application.

This location includes a large portion of right of way owned by the Town of Minturn. In order to serve liquor you will need the Town's permission and approval of the event as back up detail for your permit application. Please consider this letter authorization from the Town of Minturn to utilize the venue as requested.

Please feel free to contact me in the event you have any questions.

Sincerely,



Jay Brunvand
Town Clerk/Treasurer

Jay Brunvand

From: Michelle Metteer
Sent: Wednesday, November 30, 2011 8:58 AM
To: Jay Brunvand
Subject: FW: checking in

Written permission for the Mollie G bldg:

Michelle Metteer
Town of Minturn
Minturn Market
(970) 827-5645
www.minturn.org
www.minturnmarket.org

From: Onie Bolduc [<mailto:onieb@boldsolutions.net>]
Sent: Tuesday, November 22, 2011 11:32 AM
To: Michelle Metteer
Subject: RE: checking in

We should be good to go. There is still a decent amount of snow on the deck that will be needed to be removed as we just shovel paths and not the entire deck in efforts to keep within a budget. Is this something the town can do prior to the event? Thank you



Onie Bolduc
President Broker, CMCA

BOLD Real Estate Solutions
T: (970) 949-6070
F: (970) 949-5565
www.boldsolutions.net
onieb@boldsolutions.net

From: Michelle Metteer [<mailto:mmetteer@minturn.org>]
Sent: Monday, November 21, 2011 9:23 AM
To: Onie Bolduc (onieb@boldsolutions.net)
Subject: checking in

Hi Onie,

I'm trying to solidify everything for the day of the 10th and wanted to make sure you had a chance to speak with the tenants regarding the use of the Mollie G deck from 12pm-2pm on the 10th. It's a higher priced band we're trying to bring in, so if the deck is not a go, we'll need to know before anything gets signed.

Thanks so much for your help on this, I think it can be a great event!

Michelle Metteer
Town of Minturn
PO Box 309 / 302 Pine St
Minturn, CO 81645
970-827-5645 x111
www.downtownminturn.com
www.minturnmarket.org

Total Control Panel

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To: mmetteer@minturn.org

[Remove this sender from my allow list](#)

Jay Brunvand

From: Michelle Metteer
Sent: Wednesday, November 30, 2011 9:00 AM
To: Jay Brunvand
Subject: FW: Dec 10th

Preliminary approval from Marka (but still need written agreement)

Michelle Metteer
Town of Minturn
Minturn Market
(970) 827-5645
www.minturn.org
www.minturnmarket.org

From: Marka Brenner [<mailto:Marka@blue-sky-mortgage.com>]
Sent: Tuesday, November 22, 2011 10:53 AM
To: Michelle Metteer
Cc: ericapplegate@gmail.com
Subject: RE: Dec 10th

Two things need to happen here:

- We have to have a winter market agreement signed. I think I can place that in the agreement for the summer market and will do my best to complete that by tomorrow afternoon for review and signature. Just need my attorney and associate Eric to review.
- We will need to be named as additional insured in relation to liability and specifically to the alcohol sales the town will need to make sure we are all bonded correctly. Jay knows the drill. I will need a copy of the insurance coverage as well.

I think inviting Pope is a great idea!

Let's get er done!

Marka Brenner
Manager
Blue Sky Mortgage
P.O. Box 1040
Vail, CO 81658

direct: 970/763.7009
office: 970/476.0602
fax: 970/949.1192
www.Blue-Sky-Mortgage.com

From: Michelle Metteer [<mailto:mmetteer@minturn.org>]
Sent: Tuesday, November 22, 2011 10:34 AM
To: Marka Brenner
Subject: Dec 10th

Hey Marka,

For the December 10th Winter Market we're booking a band for behind Mtn Pedaler to play from 12-2pm with the premise of drawing folks in for the day. We'll be promoting the band/event as "free admittance" with proof of \$10.00 Market or Downtown Minturn business purchase, so it's definitely for economic development purposes. As an example, the band is playing later that same night in Carbondale for \$25 admittance at the door, so \$10 purchase is a great deal. Since the Town will not be recouping any admittance fees (I'm assuming folks will be smart enough to go buy something at one of the shops rather than pay \$15 or \$20 at the gate (I still have to decide that number) we're hoping to sell beer to make up some of the lost revenue.

I need to confirm the alcohol sales are okay with you. I'm also wanting to invite Pope to have a tent inside the area (behind his store). Let me know. ☺ Thanks again for all you do!! ☺

Oh, and naturally, Jay told me I need to know by today in order to have enough time to post the alcohol sales posters 10-days in advance of the event...just to add to it!

Michelle Metteer
Town of Minturn
PO Box 309 / 302 Pine St
Minturn, CO 81645
970-827-5645 x111
www.downtownminturn.com
www.minturnmarket.org

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To: mmetteer@minturn.org [Remove this sender from my allow list](#)
From: marka@blue-sky-mortgage.com

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TOWN OF MINTURN
P.O. Box 309 (302 Pine Street)
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: 11/23/11 2:34 PM
RE: Liquor License

Attached please find a copy of a Special Even license for the Town of Minturn. This event is to be staged on 12/10 from noon to 2pm and include a band. The event will be limited to allow Nelson Ave to remain open and the liquor will be confined from Nelson to the back of Holy Toledo and the band will be on the patio of the Molly G building. We do have authorization from both Marka and the Molly G. Marka is sending over an agreement but has verbally stated yes, and the Molly G has authorized by email. This license, per our change this past summer, is only approved at the Council level and the state does not approve so we do have the proper timing and posting. 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 November 16, 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

Regular Session – 5:00pm

1. Call to Order

- a. Roll Call
- b. Pledge of Allegiance

The meeting was called to order by Mayor Flaherty at 5:00 pm.

Those present included: Mayor Hawkeye Flaherty, Mayor Pro Tem George Brodin, Town Council members Aggie Martinez, Earle Bidez, John Rosenfeld, and Jerry Bumgarner. *(Note: Shelley Bellm was excused absent)*

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

Amend agenda to accommodate Aldo Radamus and any varying arrival times due to scheduling conflicts.

Motion by George B, second by Aggie M, to approve the agenda as amended. All voted in favor.
(*Note: Shelley Bellm was excused absent*)

EXECUTIVE SESSION

3. 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

Motion by Jerry B., second by John R., to convene into 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. All voted in favor. (Shelley B absent, excused) Note, Shelly B., will conference call into the Executive Session meeting and then be absent for the rest of the Town Council meeting).

Following the Executive Session the Town Council will recess the Regular Session to hold the Work Session.

Work Session – 5:15pm

Please remember to bring your FY2012 Budget Book

- Finalization of 2012 Council Goal Setting – White (30min)
- Work Session: FY2012 Budget question and answer session – Brunvand/White (60min)

Following the Work Session, Council will reconvene the Regular Session called to order at 5:00pm. (*Note: Shelley B. was excused absent*)

Regular Session – 6:30pm

Meeting reconvened at 6:40pm.

4. Approval of Minutes and Action Report

- November 2, 2011
- Action Item Report

Motion by Jerry B., second by John R., to approve the minutes as presented; all voted in favor. (Shelley B. absent/ excused)

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

Mr. Frank Lorenti, 1081 Main St, commented that cantilevers should show up on ILC;s, height, and other items requiring more oversight. He also requested to not have more money spent on redundant items such as multiple studies on the street scapes. Mr. Lorenti cited the OZ program as an example of streetscape designs already created for the Town.

6. Special Presentations/Citizen Recognition

- Update: VSSC Aldo Radamus – White (30min) (moved to later in the meeting)

Mr. Aldo Radamus, Ski & Snowboard Club Vail, Minturn, CO provided an update regarding land for the performance center.

7. Planning Department Update

Chris C. will proceed with code clarification and review regarding eaves and setbacks in relation to the mandatory 5 foot side setbacks.

8. Town Manager's Report

Battle Mountain Update

Current issues include pending lawsuits related to responses to the EPA, quiet title action, and legal challenges to the annexation agreement. The Town Council is considering a proposal made by Battle Mountain regarding the potential release of escrow funds. Our subcommittee met on August 9, 2011, August 30, 2011, October 27, 2011 and on November 10, 2011.

Minturn Receives Victim Assistance and Law Enforcement Grant

The Town of Minturn Police Department applied for funding from the Victim Assistance and Law Enforcement (V.A.L.E.) Board. We have been informed that we will receive \$1700 from the Victim and Law Enforcement Fund, contingent on funding availability. We will receive the funding in four quarterly installments. We will be responsible to submit narrative reports on April 30, 2012, July 31, 2012, October 31, 2012, and January 31, 2013.

Minturn Meeting with CDOT

Brain Killian, CDOT Region 3, came to Minturn to look at Highway 24 in its entirety. We discussed future planning, right of way issues, Dowd Junction and other Minturn issues. Brian agreed to assist in directing the Town to current and future funding sources. He also reviewed our needs and explained processes and timelines we need to meet to be considered for funding.

File Review at Department of Labor

Follow up on the incident that occurred three years ago was made by going to Denver on November 1, 2001 to the office of the Department of Labor and reviewing the entire file related

to the event. We have invited representatives from the Department of Labor to attend a Town Council meeting.

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.

Recycling Earns Money

The Public Works crew rounded up some old scrap metal again this fall. Just like last year, we secured some additional funding. The results of this year's efforts to date total \$2305! Congratulations!

Minturn Winter Markets

That's right! Markets! We will have two winter markets this year on Saturday, **December 10th** and Saturday, **December 17th**. 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 14th and 15th, 2012**.

7th Copper Triangle Bike Event

The Town of Minturn will provide an aid station during next year's 7th Annual Copper Triangle on August 4, 2012. We have been asked to provide space at Little Beach Park. Chief Martinez has worked with race organizers to discuss safety arrangements for this event. The "Event Marketing Group", race sponsor, has the required two million dollar liability insurance policy. This event is a fund raiser for the Davis Phinney Foundation (Parkinson's Disease research). Set up will be at 6:30 am and will be broken down by 1pm. Assisted Cycling Tours will manage the aid station with 12-15 volunteers.

2012 Budget Preparation

Special thanks especially to Town Clerk/Treasurer, Jay Brunvand, for his efforts in working on the many iterations of this year's 2012 budget planning. Thanks also to all participating members of our staff.

Request by Town council to cleanup the dirt and rock slide at the "narrows" north entrance to Town before any significant snowfall.

9. Town Council Comments

John R. requested staff write a letter to the editor to explain the Halloween traffic experienced in Minturn due to the road closure of I-70, as well as the significantly delayed Xcel Energy roadwork compounding the congestion. Direction for this letter was given by Council.

John R. mentioned two mountain lion sightings have taken place in the Maloit Park area, so please show due diligence during outdoor activities and travel.

Aggie M, discussed the recent hospital tour and that there is an open invitation for a tour of either the hospital or the Shaw Regional Cancer Center.

Earl B. thanked Steam Master for their \$5,100.00 contribution to the Minturn Community Fund.

This November 26th is National Small Business Drive, and residents are encouraged to consider purchases for the holiday season by a local small business.

There are no discussions by Town Council to raise the mill levy.

PUBLIC HEARINGS AND DISCUSSION/ACTION ITEMS

10. Discussion/Action – A Proclamation of the Minturn Town Council of the Town of Minturn in support of Colorado Gives Day – White (5min)

Motion by Jerry B, second by George B, to approve a Proclamation of the Minturn Town Council of the Town of Minturn in support of Colorado Gives Day; all voted in favor. (Shelley B absent, excused)

11. Discussion/Action – Resolution 4 – Series 2011 a Resolution approving a subdivision exemption plat for the Maloit Park - Town of Minturn Water Treatment Plant Parcel – Cerimele (15min)

Motion by George B, second by Jerry B, to approve Resolution 4 – Series 2011 a Resolution approving a subdivision exemption plat for the Maloit Park - Town of Minturn Water Treatment Plant Parcel. All voted in favor. (Shelley B absent, excused)

12. Discussion/Action: Ordinance 12 – Series 2011 (first reading) an Ordinance authorizing the Mayor to sign an Intergovernmental Agreement with the Eagle County Government for animal control services for the calendar year 2012 L. Martinez (10min)

Mr. Tom Braun, Braun Associates, representing the Eagle County School District expressed encouragement by the completion of this extensive project.

Motion by Jerry B, second by Earle B, to approve Ordinance 12 – Series 2011 (First Reading) an Ordinance authorizing the Mayor to sign an Intergovernmental Agreement with the Eagle County Government for animal control services for the calendar year 2012; all voted in favor. (Shelley B absent, excused)

13. Discussion/Action: 2nd Public Hearing on proposed fiscal year 2012 Budget – Brunvand/White (30min)

The Public Hearing was opened; no members of the audience stepped forward to discuss the budget.

14. Discussion/Action – Ordinance 13 – Series 2011 (First Reading) – An Ordinance Creating a Supplemental Appropriation to the 2011 Town of Minturn Budget – Brunvand (30 min)

Lorenzo M, Chief of Police described the reserve program to the Council and how the reserve is still required to be accompanied by a Minturn Police Officer, so no actual shifts would be solely covered by the reserve officer.

Motion by Earle B, second by Aggie M, to approve Ordinance 13 – Series 2011 (First Reading) – An Ordinance Creating a Supplemental Appropriation to the 2011 Town of Minturn Budget. All voted in favor. (Shelley B absent, excused)

15. Discussion/Action – Ordinance 14 – Series 2011 (First Reading) – An Ordinance Setting the 2012 General Property Tax Mill Levy for the Town of Minturn – Brunvand (30 Min)

Motion by John R, second by George B, to approve Ordinance 14 – Series 2011 (First Reading) – An Ordinance Setting the 2012 General Property Tax Mill Levy for the Town of Minturn. All voted in favor. (Shelley B absent, excused)

16. Discussion/Action – Ordinance 15 – Series 2011 (First Reading) – An Ordinance Adopting the Fee Schedules for Fiscal Year 2012 for the Town of Minturn – Brunvand (30 Min)

Motion by George B, second by Earle B, to approve Ordinance 15 – Series 2011 (First Reading) – An Ordinance Adopting the Fee Schedules for Fiscal Year 2012 for the Town of Minturn. (Shelley B absent, excused)

17. Discussion/Action – Ordinance 16 – Series 2011 (First Reading) – An Ordinance Adopting and Recognizing the Town of Minturn’s 2012 Revenues and Expenses by Fund – Brunvand (30 Min)

Motion by George B, second by John R, to approve Ordinance 16 – Series 2011 (First Reading) – An Ordinance Adopting and Recognizing the Town of Minturn’s 2012 Revenues and Expenses by Fund as amended. All voted in favor. (Shelley B absent, excused)

18. Discussion/Action: Consideration and motion to approve and set 2012 Council Goals – White (10min) (tabled until the December 7, 2011 meeting)

Motion by John R, second by George B., to table consideration and motion to approve and set 2012 council Goals.

EXECUTIVE SESSION

19. 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

Motion by Earle B., second by George B., to convene in 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; all voted in favor.

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

Town Council reconvened. Direction was given to the Town Manager and Town Attorney to continue with Battle Mountain negotiations and work on the final term sheet stipulations. Direction also given to the Town Manager to schedule another subcommittee meeting with Town Council representatives and Battle Mountain. Brief mention to reflect on the need for the Town Council meeting on December 21, 2011. This will be discussed on December 7, 2011.

FUTURE AGENDA ITEMS

21. Next Meeting – December 7, 2011

- Meeting: Discussion/Action – 2nd and Final Reading of proposed 2012 Budget Ordinances – Brunvand/White 12/7/11 (15min)
- Worksession: Request from the Planning Commission for a work session with the Council to determine a sidewalk master plan. 1/12

22. Future Meeting

- 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)
- Worksession: Request from the Planning Commission for a work session with the Council to determine a sidewalk master plan. 1/12

23. Set Future Meeting Dates

a) Council Meetings:

- December 7, 2011
- December 21, 2011
- January 4, 2012

b) Planning & Zoning Commission Meetings:

- November 23, 2011
- December 14, 2011
- December 28, 2011

c) Other Dates:

- November 25, 2011 – Town Hall Closed (Thanksgiving)
- November 26, 2011 – Town Hall Closed (Thanksgiving)

24. Adjournment

Motion by Jerry B., second by John R., to adjourn the meeting at 9:30pm. All voted in favor.
(Shelley B absent, excused)

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 7, 2011
SUBJECT: Status of Action Items from Town Council Meetings

Action Item	Responsible Party	Progress Report
Town entry signs – South	White	Install solar lighting on entryway sign(s). Begin with north sign in December 2011; south sign in first quarter 2012.
Draft Medical Marijuana Ordinance	White	The Draft Ordinance 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. 2/15/11 deadline set for 2012 applications.
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 /First quarter 2012.
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.

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: November 30, 2011
Re: **Manager’s Report for the December 7, 2011 Town Council Meeting**

Battle Mountain Update

Current issues include pending lawsuits related to responses to the EPA, quiet title action, and legal challenges to the annexation agreement. On a separate matter, the Town Council has submitted a revised term sheet for the proposal made by Battle Mountain regarding the potential release of escrow funds. Our subcommittee met on August 9, 2011, August 30, 2011, October 27, 2011 and on November 10, 2011.

File Review at Department of Labor

Follow up on the incident that occurred three years ago was made by going to Denver on November 1, 2001 to the office of the Department of Labor and reviewing the entire file related to the event. I participated in a conference call on Tuesday, November 29, 2011 with four representatives from the Department of Labor, Greg Sherman from Western Environmental, and Terry Marcum, owner of the Shop & Hop. Representatives from the Department of Labor will attend tonight’s Town Council meeting to provide a status report and to answer questions.

USGS Monitoring Gauge

The Town was notified by Steve Anders of the United States Geological Survey (USGS) that it’s time to renew the Cross Creek monitoring gauge at Maloit Park. The overall cost for O&M of the gauge in 2012 is \$16,200. The USGS supplies a 10% contribution, or \$1620. This percentage was higher last year but federal funding was reduced from the “Cooperative Water Program” 2012 budget. Subsequently, the remaining cost to operate and monitor the gauge is \$14,580, effective January 1, 2012. This past year (2011), the cost to reinstall the gauge was borne by Battle Mountain Development. Battle Mountain also contributed in 2011 to the cost of O&M.

XCEL Natural Gas Pipeline Project Continues

The XCEL Pipeline Project from Edwards to Minturn is wrapping up operations in our area. The latest report from XCEL indicated that landscaping and roadway resurfacing will be completed in the spring of 2012. Jimmy Smith is project manager. If you have any questions, please call XCEL at 1-877-481-6380.

11/30/11

Recycling Earns Money

The Public Works crew rounded up some old scrap metal again this fall. With our latest effort, we secured even more additional funding. The results of this year's efforts to date now total \$2532! Congratulations!

Minturn Winter Markets

Winter markets are fast approaching! That's right! Markets! We will have two winter markets this year on Saturday, **December 10th** and Saturday, **December 17th**. Stay tuned for further details. **Elephant Revival Band** has been secured to play on **Saturday, December 10, 2011** between 12 noon and 2pm. The Town will have a Special Event liquor license for the occasion.

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 14th and 15th, 2012**. The Town will have a Special Event Liquor License for this event.

7th Copper Triangle Bike Event

The Town of Minturn will provide an aid station during next year's 7th Annual Copper Triangle on August 4, 2012. We have been asked to provide space at Little Beach Park. This event is a fund raiser for the Davis Phinney Foundation (Parkinson's disease research). Set up will be at 6:30am and will be broken down by 1pm. Assisted Cycling Tours will manage the aid station with 12-15 volunteers.

Respectfully submitted,
Jim White
Town Manager

From: gabrodin@comcast.net [mailto:gabrodin@comcast.net]
Sent: Thursday, December 01, 2011 7:04 AM
To: Jim White; Jay Brunvand
Subject: Fwd: Open Space Notes

Hi Jim,

It is my privilege to serve on the open space committee since Darrel Weigert left office. This is a nice summary of activities. I think this is good information to include in the Council Packet. It can be info only or I am happy to take any questions back to the committee for more info.

Warm Regards

George

From: "Toby Sprunk" <Toby.Sprunk@eaglecounty.us>
To: "George Brodin"
Sent: Monday, November 28, 2011 11:10:40 AM
Subject: Open Space Notes

Since we only meet monthly, I thought it may be helpful to OSAC members for me to send periodic updates on what is happening in the open space world, feel free to call me if you have any questions about any of this:

- **State Bridge Landing:** Tom Johnson, Cliff and I met with BLM-Kremmling staff today to discuss management of State Bridge Landing. It was a productive meeting, it is clear the BLM has extensive experience managing river recreation sites. We are making progress on the MOU and hope to have it in place shortly. This MOU will address all management related issues, including fees, camping, campground host, restrooms, site design, etc.
- **Two Bridges Boat Launch:** Our recreation lease for the 543-acre State Land Board property (contiguous to Two Bridges Boat Launch) has been approved by State Land Board staff and should be approved by the Governing Board at their January 6 meeting. Unfortunately, our GOCO grant for site improvement funding assistance at Two Bridges was denied. I will be in touch with GOCO staff to get their feedback shortly. However, we have resubmitted the same proposal within the larger "GOCO Rivers Initiative Program", so we still have a shot at funding. In the event that GOCO funding does not come through, we will use funds from the soon to be created "5% Open Space Management/Maintenance Fund."
- **GOCO River Initiative:** Just a reminder that we submitted a concept paper requesting up to \$3.76 million for all of our Colorado River projects (potential acquisitions of Nottingham and Colorado River Ranch, Site improvement work at State Bridge Landing, Two Bridges Boat Launch and Dotsero Landing/Neumayer). We will hear no later than Dec. 13 if we are invited to submit a full proposal.
- **Colorado River Ranch (CRR):** We have obtained a preliminary range of value estimate from Kevin Chandler, an appraiser who specializes in conservation transactions. We did not want to complete a full appraisal at this time because of the uncertainty of our GOCO River Initiative Concept paper. If we get positive feedback from GOCO, we will engage the CRR landowners again and likely commission a full appraisal at that time.
- **Beck (now part of Rare Duck Open Space):** the Beck property has been largely clean up at this point. The reseeding was completed last week. I will soon be asking OSAC for a

recommendation on reimbursement of the general fund for this site cleanup work. We had suggested that cleanup would cost up to \$100,000, but we never actually voted on this, so perhaps we will be requesting a recommendation for this at the December meeting.

- **Derby Junction:** I had a very interesting meeting with the new owners of the Derby Junction property up along the Colorado River. Turns out they want to swap the Derby parcel for a chunk of BLM land in Garfield County. If the values do not work out, they may come to Eagle County to help swing the deal. If it came together, the BLM would likely own and manage the site as a boat launch.
- **East Lake Creek Ranch/Homestead "L":** The draft conservation easement for the Homestead "L" has received tentative approval from the BCC. However, they have been clear that all three conservation easements associate with this project (The "L", Creamery HOA and Homestead HOA) must be completed simultaneously. At that time, Open Space will reimburse the general fund.
- **Saltonstall:** The Saltonstall project has encountered some opposition from area residents who are concerned about wildlife impacts to the Crown, increased traffic on the nearby road, and impacts to agricultural operations. Dale met with one of the landowners this week, but I've not heard the outcome yet. Dale and I agree that many of their concerns can be addressed through good open space management and stewardship.
- **Horn Ranch/Red Canyon:** We have hired Jon Lengel to complete an appraisal of the 420 Horn Ranch property. As we discussed at the meeting, this will appraise two potential outcomes
 - Conservation easement purchase of the entire property, plus public access to the nearly 1.5 miles of the Eagle River; and/or
 - Conservation easement purchase of the acreage north of I-70 limiting to what is already there, and fee-title purchase of the land lying south of I-70.
- **Ten Year Program Summary:** We have decided that a brochure celebrating the ten years of the Open Space Program is in order. Along with some great photography and discussion/mapping of past accomplishments, we will discuss future priorities (though not specific properties).
- **Balance** - As of 10/31/11 the Open Space Fund Balance was \$18.5 million, but this number does not include the \$1.4 million that we used to purchase State Bridge Landing and the \$3.25 million that will be necessary to reimburse the general fund for the Homestead "L" – so **\$13.8** is a more accurate number.
- **Loads of other things, please call with questions.** Hope this helps, let me know.

Toby Sprunk
Eagle County Open Space Director
PO Box 850
500 Broadway
Eagle, CO 81631
Office 970-328-8698
Cell 970-471-6776
Fax 970-328-7185

TOWN OF MINTURN, COLORADO

ORDINANCE NO. 12 – SERIES 2011

AN ORDINANCE AUTHORIZING THE MAYOR OF THE TOWN OF MINTURN TO SIGN AN INTERGOVERNMENTAL SERVICE AGREEMENT BETWEEN THE EAGLE COUNTY GOVERNMENT AND THE TOWN OF MINTURN CONTRACTING FOR ANIMAL CONTROL SERVICES IN THE TOWN OF MINTURN, COLORADO.

WHEREAS, The Town of Minturn desires Eagle County to provide animal control services on an annual contractual basis; and

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO:

SECTION 1. The Mayor is authorized to sign an agreement, and such other documents as are reasonably necessary, with the Eagle County Government to enter into an agreement to provide animal control services in the Town of Minturn, Colorado.

SECTION 2. This Ordinance shall not take effect until the agreement is signed by the representatives of all the necessary parties thereto.

SECTION 3. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance; and the Town Council hereby declares it would have passed this ordinance, and each part, section, subsection, sentence, clause or phrase thereof, regardless of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 4. The Town Council hereby finds, determines and declares that this Ordinance is necessary and proper for the health, safety and welfare of the Town of Minturn and the inhabitants thereof.

SECTION 5. The repeal or the repeal and reenactment of any provisions of the Minturn Municipal Code as provided in this ordinance shall not affect any right which has accrued, any duty imposed, any violation that occurred prior to the effective date hereof, any prosecution commenced, nor any other action or proceeding as commenced under or by virtue of the provision repealed or repealed and reenacted. The repeal of any provision hereby shall not revive any provision or any ordinance previously repealed or superseded unless expressly stated herein.

INTRODUCED, read by title, approved on the first reading and ordered published in full the 2nd day of November, 2011. The 16th day of November, 2011, at 6:30 p.m. at the Minturn Town Hall, 302 Pine Street, Minturn, Colorado 81645 is set for public hearing hereon.

TOWN OF MINTURN

By: _____
Mayor

ATTEST:

Town Clerk

THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE
ENACTED AND ORDERED PUBLISHED BY TITLE ONLY ON SECOND READING THIS
16th DAY OF NOVEMBER 2011.

Mayor

ATTEST:

Town Clerk

**INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE COUNTY OF EAGLE, STATE OF COLORADO
AND
THE TOWN OF MINTURN**

This Agreement made this _____ day of _____, 2011 by and between the County of Eagle, State of Colorado, a body corporate and politic (the "County") and the Town of Minturn, a municipal corporation (the "Town").

WITNESSETH

WHEREAS, the Town desires to contract with the County for the performance of the hereinafter described Animal Services on the terms and conditions hereinafter set forth; and

WHEREAS, the County is agreeable to rendering such Animal Services on the terms and conditions hereinafter set forth; and

WHEREAS, this Intergovernmental Agreement is authorized pursuant to Sections 29-1-201 and 30-11-101, Colorado Revised Statutes, as amended, and Article XIV, Section 18, of the Colorado Constitution.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants, conditions and promises contained herein, the parties hereto agree as follows:

SECTION 1. TERRITORY COVERED.

The territory covered by this Agreement is all of that certain property legally described as the Town of Minturn.

SECTION 2. DEFINITIONS

Emergency On Call Service is defined as an emergency call received by the County for which Animal Services assistance is required and no Animal Services Officer is on duty to respond.

Shelter means the Eagle County Animal Shelter located at 1400 Fairgrounds Road, Eagle, Colorado, and any other shelter facility operated or designated by the County.

Unclaimed Day is defined as a calendar day or any part thereof during which an unclaimed animal is confined in Shelter on behalf of the Town.

SECTION 3. SCOPE OF SERVICES.

The County agrees to provide General Animal Services and Emergency On-Call Services within the Town of Minturn.

- A. General Animal Services shall include:

- i. A minimum of 10 hours per month of randomly-scheduled patrols , consisting of inspection tours looking for violations or responding to complaints.
 - ii. Administration and enforcement of the Eagle County Animal Services Resolution presently in effect and as may be subsequently amended as applied within the Town of Minturn or the Municipal Ordinance as may apply to the control and licensing of animals within the Town boundaries.
 - iii. The County shall provide the Town with monthly reports and an annual report of services provided pursuant to this Agreement. Such reports shall include, by way of example only, the number of calls for service, number of animals sheltered, number of Unclaimed Days, and number of citations issued.
 - iv. Animal sheltering services for animals attributable to the Town, of the nature and quality customarily provided at the Shelter. Animals attributable to the town are animals impounded within the Town of Minturn and animals owned by persons dwelling, permanently or temporarily, in the Town of Minturn.
- B. Twenty-four (24) hours per day Emergency On Call Service.
- i. Emergency on Call service will be provided during the period when an Eagle County Animal Services Officer is not on duty. In the event that an Eagle County Animal Services Officer is not immediately available to respond to an incident or emergency, the Town of Minturn will provide available personnel to secure the scene and administer control of the situation until the Eagle County Animal Services Officer arrives to resolve said incident.

SECTION 4. OFFICIAL STATUS.

For the purpose of performing the Animal Services and functions set forth in this agreement, Eagle County Animal Services shall enforce, as the Town's agent, the Municipal Ordinances relating to animals now in effect and as amended from time to time.

SECTION 5. EQUIPMENT.

The County shall furnish and supply, at its sole expense, all necessary labor, supervision, equipment, motor vehicles, office space, and operating and office supplies necessary to provide the services to be rendered hereunder.

SECTION 6. COMPENSATION.

The Town of Minturn agrees to pay the County, monthly, the sum of \$640.00 for General Animal Services.

Emergency On-Call Services will be billed at: \$50.00 per hour.

The Town of Minturn agrees to pay the County, on or before the fifteenth day of each month, for services rendered the previous month, plus any additional billing received for On Call Emergency Service..

All fees and expenses recovered at or for the Shelter will remain with the County.

All court fines and costs will remain with the court of venue.

SECTION 7. PERSONNEL.

The Eagle County Animal Services Officer shall have full cooperation from the Town of Minturn, its public works, its police officers and/or their respective officers, agents, and employees, so as to facilitate the performance of this Agreement.

The rendition of Animal Services provided for herein, the standards of performance, the discipline of officers, and other matters incident to the performance of such services and the control of personnel so employed, shall remain in the County.

All persons employed in the performance of such Animal Services for the Town of Minturn, pursuant to this agreement, shall be County employees, except for Town personnel used to secure the scene as described in Section 3.

SECTION 8. LIABILITY AND INSURANCE.

- A. The County, its officers and employees, shall not be deemed to assume any liability for intentional or negligent acts, errors, or omissions of the Town or of any officer or employee thereof. Likewise, the Town, its officers and employees, shall not be deemed to assume any liability for intentional or negligent acts, errors or omissions of the County or by any officer or employee thereof.
- B. The County agrees to indemnify, defend and hold harmless to the extent allowed by law, the Town, its respective agents, officers, servants and employees of and from any and all loss, costs, damage, injury, liability, claims, liens, demands, action and causes of action whatsoever, arising out of or related to the County's intentional or negligent acts, errors or omissions or that of its agents, officers, servants, and employees, whether contractual or otherwise. Likewise, the Town agrees to indemnify, defend and hold harmless to the extent allowed by law, the County, its respective agents, officers, servants and employees of and from any and all loss, costs, damage, injury, liability, claims, liens, demands, action and causes of action whatsoever arising out of or related to the Town's intentional or negligent acts errors or omissions or that of its agents officers, servants and employees, whether contractual or otherwise.
- C. The County and the Town shall respectively provide its own public liability, property damage, and errors and omissions insurance coverage as each party may deem adequate and necessary for any potential liability arising from this Agreement. Further, the County and the Town, respectively, shall name, subject to the approval of each respective party's insurance carriers, the other respective party as a co-insured under

such insurance policies to the extent of any potential liability arising under this Agreement and, upon reasonable written request, shall furnish evidence of the same to the other respective party.

SECTION 9. TERM AND TERMINATION.

This Agreement is effective January 1, 2012 and shall end on the 31st day of December, 2012. Either party shall have the right to terminate this agreement with or without cause at any time by giving the other party thirty (30) days' prior written notice of termination. Upon termination, the County shall be entitled to compensation for services performed prior to such termination (calculated by prorating the monthly rate for the number of days the County performed General Animal Services and adding all charges for any additional services, including Emergency On Call Services, performed by the County during that time), and both parties shall thereafter be relieved of any and all duties and obligations under this Agreement.

Obligations of the Town of Minturn and the County, respectively, after the current fiscal year, are contingent upon funds for the purpose set forth in this Agreement being appropriated, budgeted and otherwise made available.

SECTION 10. GENERAL PROVISIONS.

- A. Notices. All notices, requests, consents, approvals, written instructions, reports or other communication by the Town of Minturn and the County, under this Agreement, shall be in writing and shall be deemed to have given or served, if delivered or if mailed by certified mail, postage prepaid or hand delivered to the parties as follows:

Town of Minturn:

Town Manager
Town of Minturn
P.O. Box 309
Minturn, CO 81645

County of Eagle:

Eagle County Attorney
P.O. Box 850
Eagle, CO 81631

Either party may change the address to which notices, requests, consents, approvals, written instructions, reports or other communications are to be given by a notice of change of address given in the manner set forth in this paragraph A.

- B. This agreement does not and shall not be deemed to confer upon or grant to any third party any right to claim damages or to bring any lawsuit, action or other proceedings against either the Town or the County because of any breach hereof or because of any terms, covenants, agreements or conditions contained herein.
- C. No modification or waiver of this Agreement or of any covenant, condition, or provision herein contained shall be valid unless in writing and duly executed by the party to be charged therewith.
- D. This written Agreement embodies the whole agreement between the parties hereto and there are no inducements, promises, terms, conditions, or obligations made or entered into either by the County or the Town other than those contained herein.
- E. This Agreement shall be binding upon the respective parties hereto, their successors or assigns and may not be assigned by anyone without the prior written consent of the other respective party hereto.
- F. All agreements and covenants herein are severable, and in the event that any of them shall be held invalid by a court of competent jurisdiction, this Agreement shall be interpreted as if such invalid Agreement or covenant were not contained herein.
- G. The Town has represented to the County and, likewise, the County has represented to the Town, that it possesses the legal ability to enter into this Agreement. In the event that a court of competent jurisdiction determines that either of the parties hereto did not possess the legal ability to enter into this Agreement, this Agreement shall be considered null and void as of the date of such Court determination.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first above written.

COUNTY OF EAGLE, STATE OF
COLORADO, By and Through Its
BOARD OF COUNTY COMMISSIONERS

ATTEST:

By: _____ By: _____

Clerk to the Board of
County Commissioners

Jon Stavney, Chairman

ATTEST:

TOWN OF MINTURN

By: _____ By: _____

Town Clerk

Mayor

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



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

AGENDA ITEM COVER SHEET

AGENDA TITLE: Ordinance 13 – Series 2011 (Second Reading) an Ordinance to provide supplemental funding and expenditures for the 2011 Fiscal Year on Second Reading
MEETING DATE: December 7, 2011
PRESENTER: Brunvand
BACKGROUND: This is an annual ordinance to account for various increases in revenues and expenditures in each Fund as necessary as detailed in Exhibit “A”. Please note I have shown changes from first reading by detailing the revised amounts and I have detailed additions with a “*” next to the amounts.
CORE ISSUES: None.
BUDGET/FINANCE IMPLICATIONS: As indicated in Exhibit “A”.
STAFF RECOMMENDATION/MOTION: Motion to approve Ordinance 13 – Series 2011 (Second Reading) amending the 2011 Budget as set forth in the following exhibit “A”, to authorize necessary interfund transfers and recognizing additional General Fund revenues in the amount of \$48,713.00 and appropriating additional General Fund expenditures of \$66,313.00, and appropriating additional Enterprise Fund revenues in the amount of \$2,045.00, and appropriating additional expenditures of \$81,160.00, and appropriating additional Conservation Trust Fund expenditures of \$24,500.00, and appropriating additional Arts Fund revenues in the amount of \$22,000.00, and appropriating additional Art Fund expenditures of \$19,735.00, and appropriating additional Capital Fund expenditures of \$10,600.00 as presented.

TOWN OF MINTURN, COLORADO

ORDINANCE NO. 13 – SERIES 2011

AN ORDINANCE AMENDING THE 2011 BUDGET AS SET FORTH IN THE FOLLOWING EXHIBIT “A”, TO AUTHORIZE NECESSARY INTERFUND TRANSFERS AND RECOGNIZING ADDITIONAL GENERAL FUND REVENUES IN THE AMOUNT OF \$48,713.00, AND APPROPRIATING ADDITIONAL GENERAL FUND EXPENDITURES OF \$66,313.00, AND APPROPRIATING ADDITIONAL ENTERPRISE FUND REVENUES IN THE AMOUNT OF \$2,045.00, AND APPROPRIATING ADDITIONAL EXPENDITURES OF \$81,160.00, AND APPROPRIATING ADDITIONAL CONSERVATION TRUST FUND EXPENDITURES OF \$24,500.00, AND APPROPRIATING ADDITIONAL ARTS FUND REVENUES IN THE AMOUNT OF \$22,000.00, AND APPROPRIATING ADDITIONAL ART FUND EXPENDITURES OF \$19,735.00, AND APPROPRIATING ADDITIONAL CAPITAL FUND EXPENDITURES OF \$10,600.00.

WHEREAS, in accordance with Section 8.8 of the Minturn Home Rule Charter the Council may make additional appropriations by ordinance during the fiscal year, and;

WHEREAS, Jay Brunvand, Treasurer, has verified that additional funds are available for appropriations in each fund from actual and anticipated revenues of the current year and prior year cash reserves, and;

WHEREAS, the Town Council is advised that certain revenues, expenditures and transfers must be approved by ordinance.

NOW, THEREFORE, THE TOWN OF MINTURN, COLORADO ORDAINS:

Section 1.

Upon the Town Manager’s verification that there are current year revenues available for appropriation in the General Fund, Enterprise Fund, Lottery fund, Building Fund, Marketing Fund and Capital Fund and un-appropriated prior year cash balance available in one or more of those funds, the Town Council hereby makes supplemental appropriations as specified in attached Exhibit “A”.

Section 2.

The Town Council hereby authorizes and directs the Town Manager to enter into such contracts and execute such documents on behalf of the Town as may be necessary and customary to expend the funds hereby appropriated for all operations and capital projects within the budget as hereby amended in accordance with the requirements of the Home Rule Charter and the Town’s Financial Policies.

Section 3.

The adoption of this Ordinance will promote the health, safety and general welfare of the Minturn community.

Section 4.

If any provision of this Ordinance or portion thereof is held by a court of competent jurisdiction to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect any other provision which can be given effect without the invalid portion.

INTRODUCED, TITLE READ IN FULL, APPROVED ON THE FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL THE 16th DAY OF NOVEMBER 2011. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO, ON THE 7TH DAY OF DECEMBER, 2011 AT 6:30PM IN THE MINTURN TOWN CENTER, 302 PINE STREET, MINTURN, COLORADO.


HAWKEYE FLAHERTY, MAYOR

ATTEST:


JAY BRUNVAND, TOWN CLERK



INTRODUCED, READ BY TITLE, PASSED ON SECOND READING, APPROVED AND ORDERED PUBLISHED BY TITLE ONLY THIS 7TH DAY OF DECEMBER, 2011

HAWKEYE FLAHERTY, MAYOR

ATTEST:

JAY BRUNVAND, TOWN CLERK

**ORDINANCE 13 – SERIES 2011
EXHIBIT “A”**

GENERAL FUND:		Addition	Revised Budget
Additional Revenue	\$ 48,753.00*		
County Sales Tax	01-00-4040	1,000	18,000*
City Sales Tax	01-00-4050	15,000	435,000*
Road and Bridge	01-00-4070	6,140	26,500*
Muni Traffic Fines	01-00-4430	3,000	13,000
Town Hall Rent	01-00-4511	1,250	2,250
ERFPD Impact Fees	01-00-4512	5,013	5,013
Police Dept Grants	01-00-4550	10,190	10,190
CML Dinner	01-00-4563	1,460	1,460
Minturn Event Revenue	01-00-4591	1,450	1,450
Scholarship Donations	01-00-4596	3,750	3,750
Other Revenue	01-00-4597	5,000	15,000
 Additional Expense	 \$ 66,313.00*		
Computer Support	01-01-5120	7,500	37,500*
Utilities	01-01-5210	750	17,750*
Legal & Professional	01-01-5220	10,000	40,000
ERFPD Impact Fees	01-01-5240	4,715	4,715
CML Dinner	01-01-5293	2,350	2,350*
Unemployment Ins	01-01-5320	25	25
Veh Rep/Maint	01-04-5231	2,500	5,500
Dispatch Services	01-04-5245	500	500
ECO Sheriff Services	01-04-5246	7,500	7,500
Grant Expenses	01-04-5355	9,458	9,458
Promotions	01-05-5275	2,250	12,250
Equipment R&M	01-06-5291	1,000	7,000*
Principle-Caterpillar	01-08-7910	13,720	13,720
Interest-Caterpillar	01-08-7911	4,045	4,045
 ENTERPRISE FUND:			
Additional Revenue	\$ 2,045.00		
Water Meters	02-00-4240	1,845	1,845
Misc Revenue	02-00-4275	200	200
 Additional Expense	 \$ 81,160.00*		
Telephone	02-06-5200	1,500	6,000
Engineering	02-06-5247	52,000	55,000*
Water Plant/System	02-06-5293	27,660	76,000*
 CONSERVATION TRUST FUND:			
Additional Revenue	\$ 0.00		
 Additional Expense	 \$ 24,500.00		
CTF Expenditures	03-00-5140	24,500	35,000
 ARTS FUND:			
Additional Revenue	\$ 22,000.00		
Revenue	05-00-4591	15,000	65,000
Sponsorship/Donations	05-00-4592	4,000	10,000
Sales/Promotions	05-00-4593	1,500	2,500
Advanced Participation Rev	05-00-4594	1,500	1,500

Additional Expense	\$ 19,735.00*		
Supplies	05-01-5100	4,000	11,000
Promotion	05-01-5105	2,500	17,500*
Contract Labor	05-01-5110	12,500	47,500*
Promotion	05-01-5202	735	735
CAPITAL FUND:			
Additional Revenue	\$ 0.00		
Additional Expense	\$ 10,600.00*		
Dowd Trail	06-01-5250	10,600	10,600*

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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Councilman – Aggie Martinez
Councilman – John Rosenfeld

AGENDA ITEM COVER SHEET

AGENDA TITLE: Ordinance 14 – Series 2011 an Ordinance to approve the Fiscal Year 2012 mill levy on Second Reading.
MEETING DATE: December 7, 2011
PRESENTER: Brunvand
BACKGROUND: This is an annual ordinance approved by Council to establish the mill levy on property assessments for the following year. This item includes any changes reflected in the November valuations.
CORE ISSUES: None.
BUDGET/FINANCE IMPLICATIONS: This ordinance represents a major portion of the General Fund revenues.
STAFF RECOMMENDATION/MOTION: Motion to approve Ordinance 14 – Series 2011 (Second Reading) an Ordinance levying General Property Taxes for the year 2012 to meet operating costs of government for the Town of Minturn, Colorado for the 2012 Budget Year.

**TOWN OF MINTURN, COLORADO
ORDINANCE NO. 14 – SERIES 2011**

**AN ORDINANCE LEVYING GENERAL PROPERTY TAXES FOR THE YEAR 2012,
TO MEET GENERAL OPERATING COSTS OF GOVERNMENT FOR THE TOWN OF
MINTURN, COLORADO FOR THE 2012 BUDGET YEAR.**

WHEREAS, the Minturn Town Council of the Town of Minturn, Colorado will adopt the annual budget in accordance with Local and State Government Budget Law, on December 7, 2011, and;

WHEREAS, the assessed valuation for the Town of Minturn, Colorado as certified by the Eagle County Assessor is approximately **\$24,705,900.00** and will generate approximately **\$443,076.00** based on the authorized 17.934 mills of the Town of Minturn, and;

WHEREAS, at General Election on November 3, 1998, the citizens of Minturn, Colorado have established the Town Mill Levy at 17.9340 mills in accordance with Article X, Section 20 of the Colorado Constitution, and;

WHEREAS, the final assessed valuation for the fiscal year 2012 will be available by December 1, 2011 from the County of Eagle Assessor in a timely manner to allow the passage of this Ordinance as a non-emergency in the normal course of events.

NOW, THEREFORE, THE TOWN OF MINTURN, COLORADO ORDAINS:

Section 1. That for the purpose of meeting general operating expenses of the Town of Minturn during the 2012 budget year, there is hereby levied a tax of 17.934 mills upon each dollar of the total valuation for assessment of all taxable property with in the Town of Minturn for the 2012 budget year. This assessment of 17.934 mills shall be duly made by the County of Eagle, State of Colorado, as directed by the Colorado Revised Statutes (1983 as amended), and as otherwise required by law.

Section 2. The Minturn Town Treasurer is hereby authorized and directed to immediately certify to the County Commissioners of Eagle County, Colorado, the mill levies for the Town of Minturn, Colorado as here in above determined and set.

Section 3. The Minturn Town Council hereby finds, determines, and declares that this ordinance is necessary and proper for the health, safety, and welfare of the Town on Minturn, Colorado and the inhabitants thereof.

Severability. If any part, section, sub-section, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance; and the Town Council for the Town of Minturn, Colorado hereby declares it would have passed this Ordinance and each part, section, sub-section, sentence, clause or phrase thereof, irrespective of the fact that any one or more parts, sections, sub-sections sentences, clauses or phrases be declared invalid.

INTRODUCED, TITLE READ IN FULL, APPROVED ON THE FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL THE 16th DAY OF NOVEMBER 2011. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO, ON THE 7th DAY OF DECEMBER, 2011 AT 6:30PM IN THE MINTURN TOWN CENTER, 302 PINE STREET, MINTURN, COLORADO.

HAWKEYE FLAHERTY, MAYOR

ATTEST:

JAY BRUNVAND, TOWN CLERK

INTRODUCED, READ BY TITLE, PASSED ON SECOND READING, APPROVED AND ORDERED PUBLISHED BY TITLE ONLY THIS 7th DAY OF DECEMBER, 2011.

HAWKEYE FLAHERTY, MAYOR

ATTEST:

JAY BRUNVAND, TOWN CLERK

P.O. Box 309 ♦ 302 Pine Street
Minturn, CO 81645
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AGENDA ITEM COVER SHEET

AGENDA TITLE: Ordinance 15 – Series 2011 an Ordinance to approve the Fiscal Year 2012 fee schedule on Second Reading.
MEETING DATE: December 7, 2011
PRESENTER: Brunvand
BACKGROUND: This is an annual ordinance approved by Council to establish the fee schedule. This has been reviewed and modified as necessary to include consideration of a 5% increase to all water rates.
CORE ISSUES: None.
BUDGET/FINANCE IMPLICATIONS: This ordinance represents a major portion of the General Fund revenues.
STAFF RECOMMENDATION/MOTION: Motion to approve Ordinance 15 - Series 2011 (Second Reading) an Ordinance annually setting, amending and approving Town fees as set forth in the attachment to be included in Appendix "A" of the Minturn Municipal Code for the Town of Minturn, Colorado fees commencing January 1, 2012.

**TOWN OF MINTURN, COLORADO
ORDINANCE NO. 15 – SERIES 2011**

AN ORDINANCE ANNUALLY SETTING, AMENDING AND APPROVING TOWN FEES AS SET FORTH IN THE FOLLOWING ATTACHMENT TO BE INCLUDED IN APPENDIX “A” OF THE MINTURN MUNICIPAL CODE FOR THE TOWN OF MINTURN, COLORADO FEES COMMENCING JANUARY 1, 2012.

WHEREAS, The Town of Minturn reviews and approves such fees by ordinance annually and as necessary, and;

WHEREAS, The fee schedule is available for review during regular business hours at the Town Offices.

NOW, THEREFORE, THE TOWN OF MINTURN, COLORADO, ORDAINS:

Section 1.

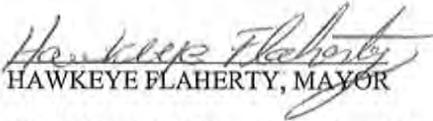
The following fees and deposits are hereby set as set forth or added in Appendix “A” is adopted.

Section 2.

In the event of a conflict between the fees, rates and charges listed in this Appendix A and the Text of any individual section of the Town Code, the provisions of The Minturn Municipal Code shall control.

Severability. If any part, section, sub-section, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance; and the Town Council for the Town of Minturn, Colorado hereby declares it would have passed this Ordinance and each part, section, sub-section, sentence, clause or phrase thereof, irrespective of the fact that any one or more parts, sections, sub-sections sentences, clauses or phrases be declared invalid.

INTRODUCED, TITLE READ IN FULL, APPROVED ON THE FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL THE 16th DAY OF NOVEMBER 2011. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO, ON THE 7th DAY OF DECEMBER, 2011 AT 6:30PM IN THE MINTURN TOWN CENTER, 302 PINE STREET, MINTURN, COLORADO.


HAWKEYE FLAHERTY, MAYOR

ATTEST:


JAY BRUNVAND, TOWN CLERK



INTRODUCED, READ BY TITLE, PASSED ON SECOND READING, APPROVED AND ORDERED PUBLISHED BY TITLE ONLY THIS 7th DAY OF DECEMBER, 2011

ATTEST:

HAWKEYE FLAHERTY, MAYOR

JAY BRUNVAND, TOWN CLERK

Fees, Rates, and Charges Imposed Pursuant to the Minturn Town Code

ITEM	DESCRIPTION	FEE	OTHER	Amt of Change
General Government				
Administration				
Copies	per page	\$0.25		
CD-Town Code		\$50.00		
Bad Check fee		\$35.00		
Open Records Request				
Attorney-Administrative Description	per hour, minimum 1hr	\$185.00		
Town Staff-Administrative Description	per hour, minimum 1hr	\$50.00		
Past due monthly fee		\$35.00 plus 1.5%/month		
Real Estate Transfer Tax	per sale due at time of sale	1%		
Lodging Tax		1.5%		
Sales Tax - City		4%		
Credit Card Fee	For charges in excess of \$500	3%		
Meeting Room Fees				
Set-Up Fee	Deposit may be required	\$30.00		
Special Service Fee		\$30.00		
Flip Chart and Easel		\$15.00		
LCD Projector		\$50.00		
60% Room		\$75.00		
40% Room		\$50.00		
Full Room		\$125.00		
Full Room with Kitchen		\$175.00		
Cleaning Deposit		\$25.00		
Business Licenses:				
Initial License Fee		\$120.00		
Initial License Fee	(9/1-3/31=\$10/month)	\$60.00		
Business License Fee	(Due 4/1-3/31)	\$120.00		
In-Home License Fee		\$36.00		
Home Business License	(Major household income)	\$120.00		
Outdoor Recreation License		\$120.00		
Snow Plow Business		\$120.00		
Each additional vehicle		\$12.00		
Peddler or Solicitor:				
License Fees				
1 Day		\$15.00		
2 Days Consecutively		\$30.00		
3 Days Consecutively		\$45.00		
5-Days Consecutively		\$75.00		
7 Days Consecutively		\$120.00		
30 Days consecutively		\$240.00		
Annual License	(Due 4/1)	\$240.00		
Contractor:				
Annual License Fee - General		\$240.00		
Annual License Fee - Sub Cont		\$120.00		
Business List Print Fee		\$40.00		
MISCELLANEOUS FEES				
		Set administratively to cover the cost of services.		

ITEM	DESCRIPTION	FEE	OTHER	Amt of Change
Miscellaneous fees				
LIQUOR LICENSE APP FEES	All fees as set by State			
PUBLIC SAFETY				
Fingerprints	up to two cards, \$5 each for additional card	\$20.00		
Incarceration Fee	Assessed at current daily fee charged by the ECO Sheriff's Office		NEW	
Sex Offender Registration		\$40.00 (Initial/Annual) \$20.00 (Quarterly/Change)		
VIN Inspections	per inspection	\$10.00		
Records Requests-Criminal Justice		.25pg + \$5.00 Admin Fee		
Clearance Letter	per individual	\$10.00		
Transcripts		\$250.00 Deposit/Actual Cost		
Court Fines	per Judge			
Portable Breath Test		\$10.00		
Court Fines-Payment Plan Fee	Per court direction	\$25.00		
Court Cost Fee		\$25.00		\$10.00
PUBLIC WORKS				
SNOW DUMP-TANDEM		\$50.00		
SNOW DUMP-END DUMP		\$90.00		
SNOW DUMP-FINE	ILLEGAL DUMPING-MINIMUM x4			
Water				
Cash deposit		\$100.00		
Debt Service Fee	Per SFE/Month	\$6.50		-\$4.17
Turn-on/Reconnect Fee		\$50.00		
Turn-off/Disconnect Fee		\$50.00		
Turn-on/Reconnect after 6/02	For non metered water only	\$400.00		
Tap, inspection, connection fee				
(1) Residential Unit; per unit up to 3,000 sq. feet floor area plus \$2.25 per sq foot floor area thereafter		\$7,500.00		\$1,000.00
(2) Hotel/Lodge/Motel/Lock-off/Accommodation Unit:				
(a) per efficiency room		\$3,250.00		
(b) per room		\$2,250.00		
Out of Town Tap Fees are 25% higher				
Tap, Inspection, Connection Fee				
Commercial Service Line Size in inches:		Cost per Tap		
	3/4	\$10,000.00		\$500.00
	1	\$17,250.00		\$750.00
	1 & 1/2	\$38,250.00		\$1,750.00
	2	\$68,250.00		\$2,350.00
	3	\$152,250.00		\$7,250.00
	4	\$270,500.00		\$12,750.00
	6	\$609,000.00		\$29,000.00
All out of Town Taps	Sec. 13-29(b)(1)	+ 50%		
Construction Use Rates	Sec. 13.65			
Any water use for construction purposes	per month flat fee plus use	\$100.00		
Portable meter fee		\$100.00		
Portable meter water use	\$3.83/1000 gal			\$0.18/1000 gal
Portable meter deposit or lost meter cost		\$1,400.00		

ITEM	DESCRIPTION	FEE	OTHER	Amt of Change
Unusual Water User Fee	Sec. 13.66	set Administratively		
Unmetered Water Rate	Sec. 13-67			
Monthly rate per SFE for	Residential	\$75.11		\$3.57
Policy related to other uses	Commercial	+ 25% (\$93.88)		\$4.46
Replaces Sec. 13-29(b)(2)	Residential out of Town	+ 50% (\$112.66)		\$5.36
	Commercial out of Town	+ 75% (\$164.29)		\$7.81
	Seniors (65 years or older)	-25%(\$53.66)		\$2.68
	After 6/02 - per month	\$400.00		
Metered Water Rate	Sec. 13-68			
(a) Residential, basic monthly charge	per SFE	\$67.11		\$3.19
plus a monthly above 10,000 gals. use charge per 1,000 gallons		\$2.60		\$0.12
(b) Commercial, basic monthly charge	per SFE	\$83.08		\$3.99
plus a monthly above 30,000 gals. Use charge per 1,000 gallons		\$2.73		\$0.13
(c) 25% discount for Residential Owner-Occupant over 65 years of age		\$50.34		\$2.52
Out of Town Water Rate are 50% higher for Residential and 75% higher for Commercial	Sec. 13-29(b)(2)	\$100.66 \$145.39		\$4.78 \$5.57
Trash Collection				
(a) Residential, Basic Monthly Charge	per contracted rates	\$28.20		\$1.34
Street Cut Fee				
Basic permit fee		\$75.00		
Basic utility fee		\$50.00		
	per Sec. 11-26			
	replacement of paving w/oil&chip surface/ per sq. ft.	Per Bid		
	dirt cuts	Per Bid		
	Backfilling	time, material, staff time		
	Saw cuts per lineal foot w/min fee 25.00	time, material, staff time		
	Any re-work	time, material, staff time		
Application for Encroachment	Sec. 11-3	\$40.00		
Eagle River Fire Protection District Impact Fees				
new meter size:	3/4 inch	\$1,671.00		
	1 inch	\$2,841.00		
	1.5 inch	\$5,515.00		
	2 inch	\$8,857.00		
	3 inch	\$18,382.00		
	4 inch	\$28,409.00		
	6 inch	\$55,147.00		

PLANNING AND ZONING FEES - April 1, 2009

updated on 040109 by resolution no. 7 - 2009

ITEM	FEE	Plus
Pre-Application Conference	None	
PUD Concept Plan	\$ 450.00	\$50 per each commercial, industrial or residential unit in PUD
PUD Preliminary Development Plan	\$ 1,500.00	\$50 per each commercial, industrial or residential unit in PUD
PUD Final Development Plan	\$ 2,000.00	\$50 per each commercial, industrial or residential unit in PUD
Minor PUD Concept/Preliminary Development Plan	\$ 1,000.00	\$50 per each commercial, industrial or residential unit in PUD
Changes to Approved Plans-		
Approved by Planning Director	\$ 100.00	
Approved by Planning Commission	\$ 250.00	
Approved by Town Council	\$ 500.00	\$50 for each commercial, industrial or residential unit in PUD above previously approved plan
Amendments To Text of Land Use Regulations	\$ 1,250.00	
Amendments To Official Zone District Map	\$ 1,250.00	
Conditional Use Permit Application	\$ 750.00	\$50 per each commercial, industrial or residential unit
Limited Use Review	\$ 350.00	
Temporary Use Permit	\$ 800.00	
Temporary Use Permit Security Deposit	\$ -	Per Planning Director, impact dependent
Variance Permit	\$ 500.00	
Administrative Replat	\$ 500.00	
Preliminary Subdivision Plat	\$ 500.00	\$25 for each commercial, industrial or residential lot
Final Subdivision Plat	\$ 750.00	\$25 for each commercial, industrial or residential lot
Amended Final Plat	\$ 675.00	
Subdivision	\$ 850.00	\$50 per each commercial, industrial or residential unit
Vacation of Public Easements and ROW	\$ 750.00	
Sign Permit	\$ 250.00	
Design Review Board	\$ 200.00	
Special Planning Commission meeting	\$ 500.00	
Appeal - Planning Commission or Town Council	\$ 300.00	
Engineering Review - Single structure project < 1 acre	\$ 105.00	\$105 per each hour over initial hour
Multiple structure projects or projects 1 to 3 acre	\$ 210.00	\$210 per each hour over initial hour
Building Permits new construction - based on valuation:**		
\$1.00 to \$500.00	\$ 29.85	
\$501.00 to \$2,000.00	\$ 29.85	\$3.87 for each additional \$100 valuation over \$500.00
\$2,001.00 to \$25,000	\$ 87.95	\$17.78 for each additional \$1,000 valuation over \$2,000
\$25,001.00 to \$50,000	\$ 497.52	\$12.83 for each additional \$1,000 valuation over \$25,000
\$50,001.00 to \$100,000.00	\$ 817.56	\$8.89 for each additional \$1,000 valuation over \$50,000
\$100,001.00 to \$500,000.00	\$ 1,262.06	\$7.11 for each additional \$1,000 valuation over \$100,000
\$500,001.00 to \$1,000,000.00	\$ 4,106.86	\$6.03 for each additional \$1,000 valuation over \$500,000
\$1,000,001.00 and up	\$ 7,123.11	\$4.64 for each additional \$1,000 valuation over \$1,000,000
Single item permits ex: re-roofing, basement finish, mechanical, plumbing	\$ 75.00	\$75 for each additional inspection - to be determined by building official
Plan Review		65% of permit fee
Cleanup Deposit	\$ 500.00	
Street Use Fee		1/2% of the project valuation that is valued at \$500 or greater

** Valuation is based upon the national average per/square foot construction cost published semi-annually by the International Code Council, with a 1.4 multiplier applied as a regional cost differential.

Other:

*For all applications requiring legal descriptions to be published in the newspaper, additional fees will be charged on a per cost basis, for publications that are in excess of \$50

*Review fees charged by a state or federal agency shall be made payable to the reviewing agency based on current rates and paid at the time of application.

*Professional consultant fees (legal, engineering, etc) as required and agreed to by applicant and Town, shall be at cost.

*No application shall be considered or reviewed until the application fees are paid in full and the application is deemed complete. Where multiple applications are required, multiple fees shall be assessed. Fees are not required for Town-initiated applications.

*Application fees shall be paid by cash or by a check made payable to the Town of Minturn, and shall be submitted with the application to the Town of Minturn Planning Department.

*Additional Town Staff services may be billed at an hourly rate if necessary.

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



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

AGENDA ITEM COVER SHEET

AGENDA TITLE: Ordinance 16 – Series 2011 an Ordinance approving and adopting the Fiscal Year 2012 annual budget on Second Reading.
MEETING DATE: December 7, 2011
PRESENTER: Brunvand
BACKGROUND: This ordinance reports, allocates, and appropriates the beginning fund balance, the revenue and the expenses for each fund as detailed in the budget document. Several changes have been made to reflect changes directed from the various presentations and Public Hearings. Any changes directed by Council to date have been included. In the event the Council does not desire to increase water rates, this Ordinance would not be affected. The Ordinance 15-2011 is the only Ordinance that would be directly affected.
CORE ISSUES: None.
BUDGET/FINANCE IMPLICATIONS: This is the funding mechanism per State law in the budget approval process.
STAFF RECOMMENDATION/MOTION: Motion to approve Ordinance 16 – Series 2011 (Second Reading) an Ordinance recognizing revenues, appropriating expenditures, approving transfers and adopting the Town of Minturn budget for the period beginning on the first day of January 2012 and ending on the last day of December 2012.

**TOWN OF MINTURN, COLORADO
ORDINANCE NO. 16 – SERIES 2011**

AN ORDINANCE APPROPRIATING REVENUES, APPROPRIATING EXPENDITURES, APPROVING TRANSFERS AND ADOPTING THE TOWN OF MINTURN BUDGET FOR THE PERIOD BEGINNING ON THE FIRST DAY OF JANUARY, 2012 AND ENDING ON THE LAST DAY OF DECEMBER, 2012.

WHEREAS, the Minturn Town Council of the Town of Minturn, Colorado has appointed Jay Brunvand, Treasurer, to prepare and submit a proposed budget to said governing body at the proper time, and;

WHEREAS, Jay Brunvand, Treasurer, has submitted a proposed 2012 Budget to this governing body on October 5, 2011, for its consideration, and;

WHEREAS, upon due and proper notice, published and posted in accordance with the law, said proposed budget was open for inspection by the public as required by law at the Minturn Town Center, the first public hearing was scheduled and held on November 2, 2011 and a second public hearing was scheduled and held on November 16, 2011, and interested citizens were given the opportunity to file or register any objections to said proposed budget, and;

WHEREAS, this proposed budget balances by fund as required by law, and;

WHEREAS, the final assessed valuation will be available by December 1, 2011 from the County of Eagle Assessor in a timely manner to allow the passage of this Ordinance as a non-emergency in the normal course of events.

NOW, THEREFORE, THE TOWN OF MINTURN, COLORADO ORDAINS:

Section 1.

The budget for the Town of Minturn, Colorado for the fiscal year 2012 as submitted and summarized by fund as described below is hereby adopted, which adoption shall constitute appropriations of the amounts specified therein as expenditures from the Funds indicated or expenses from Enterprise Funds; and that the estimated Beginning Balances, Revenues and Other Sources are hereby declared to be a reasonable projection of the amount of Revenue available for appropriation and to provide an adequate Fund Balance at the close of the fiscal year beginning January 1, 2012 and ending December 31, 2012 more particularly described as follows:

FUND DESCRIPTION	BEGINNING FUND EST. BALANCE	FY2012 REVENUE	FY2011 EXPENSES
General Fund	\$ 1,486,499	\$1,344,556	\$1,337,452
Enterprise Fund	\$ 942,471	\$ 714,100	\$ 682,586
Conservation Trust Fund	\$ 7,428	\$ 10,500	\$ 15,000
Minturn Building Fund	\$ 205,475	\$ 228,688	\$ 228,688
Market Fund	\$ 16,011	\$ 57,000	\$ 57,000
Capital Fund	\$ 23,700	\$ 0	\$ 0
Scholarship Fund	\$ 358,350	\$ 700	\$ 0

Section 2.

The Town Council hereby authorizes and directs the Town Manager and Treasurer to enter into such contracts and execute such documents on behalf of the Town as may be necessary and customary to expend the funds hereby appropriated for all operations and capital projects within the budget as hereby adopted all in accordance with the requirements of the Home Rule Charter and the Town's Financial Policies.

Section 3.

The budget hereby approved and adopted shall be signed by the Mayor and Town Clerk and made a part of the public records of the Town of Minturn, Colorado.

INTRODUCED, TITLE READ IN FULL, APPROVED ON THE FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL THE 16th DAY OF NOVEMBER 2011. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO, ON THE 7th DAY OF DECEMBER, 2011 AT 6:30PM IN THE MINTURN TOWN CENTER, 302 PINE STREET, MINTURN, COLORADO.


HAWKEYE FLAHERTY, MAYOR

ATTEST:


JAY BRUNVAND, TOWN CLERK



INTRODUCED, READ BY TITLE, PASSED ON SECOND READING, APPROVED AND ORDERED PUBLISHED BY TITLE ONLY THIS 7th DAY OF DECEMBER, 2011

HAWKEYE FLAHERTY, MAYOR

ATTEST:

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, December 02, 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)(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