



2012

# Minturn Council Meeting

Wednesday January 4, 2012

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

**TOP COUNCIL PRIORITIES:**

- Street Repairs with Drainage (by priority) Sidewalk Installations
- Expand Parking and Improve Appearance of Municipal Lot
- Improve Planning and Apply for Infrastructure Grants and Loans.
- Continue sidewalk installation program and improve plan with Lafarge
- Implement Streetscape Plan
- Strengthen Marketing and Events
- Clean Up Parking Area on North Taylor Street



## **AGENDA**

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

**Wednesday January 4, 2012**

**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**

- **Discussion of lot coverage – Cerimele/White (45min)**

### **Regular Session – 6:30pm**

- 1. Call to Order**
  - a. Roll Call
  - b. Pledge of Allegiance
- 2. Approval of Agenda**
  - a. Items to be Pulled or Added
- 3. Approval of Minutes and Action Report**
  - December 7, 2011                      pg 4
  - December 21, 2011                     pg 11

- Action Item Report pg 14
- 4. **Public comments on items, which are NOT on the agenda (5 minute time limit per person)**
- 5. **Special Presentations/Citizen Recognition**
  - **Karl Bauer, Fire Chief (10 min)**
  - **Citizen Recognition – L. Martinez (10min)**
- 6. **Planning Department Update**
- 7. **Town Manager’s Report** pg 15
- 8. **Town Council Comments**

**PUBLIC HEARINGS AND DISCUSSION/ACTION ITEMS**

- 9. **Discussion/Action: Resolution 1 – Series 2012 A Resolution setting the official posting sites for the Town of Minturn – Brunvand (15 min)** pg 17
- 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/White (10min)** pg 19
- 11. **Discussion/Action: Consideration and motion to approve and set 2012 Council Goals – White (10min)** pg 27

**EXECUTIVE SESSION**

- 12. **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 29
- 13. **Executive Session – Action by Council or Direction to Staff as a result of the Executive Session (5min)**

## FUTURE AGENDA ITEMS

### **14. Next Meeting – January 18, 2011**

- Worksession: Medical Marijuana discussion with Rachelle Allen, CML Legal Council – White (45min) 01/18/12

### **15. Future Meeting**

- Worksession: Request from the Planning Commission for a work session with the Council to determine a sidewalk master plan.
- Meeting: Discussion/Action – Ordinance \_\_\_\_ – 2012 (First and Second Readings) an Ordinance allowing the sale of Medical Marijuana (TBA Meetings in January 2012 45min, NOTE: this will require two readings) 01/18/12

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

#### a) Council Meetings:

- January 18, 2012
- February 1, 2012
- February 15, 2012

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

- January 11, 2012
- February 8, 2012
- March 14, 2012

#### c) Other Dates:

- January 16 – Town Hall Closed (Martin Luther King Day)

### **17. Adjournment**



## **Official Minutes**

**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

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

### **Work Session – 5:30pm**

**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 (30min)
  - Review modified budget
  - Hawkeye wanted to discuss 2011 bonuses, the Christmas Party, December 21 Council meeting

The Regular Meeting was called to order by Mayor Flaherty at 6:43 pm.

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

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

## **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

Add items 15a & 15b for staff bonus discussion and the determination of a Council meeting on December 21, 2011.

Motion by John R, second by Shelley B, to approve the agenda as amended. Motion passed 7-0.

### **3. Liquor License Authority**

- FM Saloon Annual Renewal of a Hotel & Restaurant License; 146 N Main St.; Steve Campbell, Owner/Manager – Brunvand (10min)

Motion by Shelley B, second by Aggie M, to approve the FM Saloon Annual Renewal of a Hotel & Restaurant License; 146 N Main St. Motion passed 7-0.

- Town of Minturn Special Event License for December 10, 2011; corner of Williams St. and Nelson Ave.; Town of Minturn, Jim White, Town Manager/applicant – Brunvand (10min)

Motion by George B, second by Jerry B, to approve the Town of Minturn Special Event License; corner of Williams St. and Nelson Ave. Motion passed 7-0.

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

- November 16, 2011
- Action Item Report

Motion by John R, second by Aggie M to approve the Minutes of November 16, 2011. Motion passed 7-0.

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

Mr. Frank Lorenti, 1081 Main St, expressed concern over lot coverage for overhangs in the Town code; he read one excerpt to the Council to clarify lot coverage and square footage. Mr. Lorenti also recommended the Council review Improvement Location Certificates. New sheds should be reviewed as some properties in town have more than the allowable number of sheds. If this is currently allowed by code, then the code could be addressed.

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

- Colorado Dept of Labor presentation and discussion regarding 2008 Shop N Hop incident – White (30min)

Mr. Terry Marcum, Owner Shop & Hop Food Stores, gave an overview of the gas leak which occurred in 2008 at the Shop & Hop location.

Mr. Vinnie Secondo, Colorado Dept of Labor & Employment, Division of Oil and Public Safety, provided an overview of the notification process when a leakage occurs. He discussed that the State will be taking steps to improve the notification policy to municipalities. He anticipates cleanup to occur through the third quarter of 2014.

Mr. Mark Haynes, General Manager, Shop & Hop, explained that up until 2010, the State of Colorado performed annual inspections of the tanks and premise. Such inspections are now performed monthly.

Mr. Greg Sherman, Western Environment Ecology, confirmed that permits were obtained for the digging of the wells.

Ms. Diane Johnson, Eagle River Water & Sanitation District, readdressed the importance of communication between organizations and looks forward to more timely information moving forward. Ms. Johnson further requested to have ERWSD on the State notification list to receive immediate updates as any occurrences arise.

Mr. Frank Lorenti, 1081 Main St, recommends posting notifications on peoples' doors as well as mailed letters.

#### **7. Planning Department Update**

#### **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. 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.

### **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 10<sup>th</sup>** and Saturday, **December 17<sup>th</sup>**. 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 14<sup>th</sup> and 15<sup>th</sup>, 2012**. The Town will have a Special Event Liquor License for this event.

### **7<sup>th</sup> Copper Triangle Bike Event**

The Town of Minturn will provide an aid station during next year's 7<sup>th</sup> Annual Copper Triangle on August 4, 2012. We have been asked to provide space at Little Beach Park. This event is a fundraiser 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.

## **9. Town Council Comments**

Eagle Vail is having their Holiday Festival until December 17<sup>th</sup>. Prizes will be given away.

Jerry B, would like to thank Vail Ski and Snowboard Academy for adopting three local families for holiday gifts.

Hawkeye F, expressed his condolences on behalf of the Town of Minturn for the loss of Lorraine Haslee. She was a positive influence to the Town in so many ways and will be greatly missed.

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

### **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)**

Motion by Jerry B, second by John R, to table Ordinance 12 – Series 2011 (Second Reading) to the first meeting in January, an Ordinance authorizing the Mayor to sign an Intergovernmental Agreement with the Eagle County Government for animal control services for the calendar year 2012; Motion passed 7-0.

### **11. Discussion/Action – Ordinance 13 – Series 2011 (Second Reading) – An Ordinance approving a Supplemental Appropriation to the 2011 Town of Minturn Budget – Brunvand (15 min)**

Motion by George B, second by Earle B, to approve Ordinance 13 – Series 2011 (Second Reading) – An Ordinance approving a Supplemental Appropriation to the 2011 Town of Minturn Budget. Motion passed 7-0.

### **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)**

Motion by John R, second by Shelley B, to approve Ordinance 14 – Series 2011 (Second Reading) – An Ordinance Setting the 2012 General Property Tax Mill Levy for the Town of Minturn. Motion passed 7-0.

**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)**

Mr. Frank Lorenti, 1081 Main St, stated he is opposed to any water fee increases.

Motion by George B, second by Earle B, to approve Ordinance 15 – Series 2011 (Second Reading) – An Ordinance Adopting the Fee Schedules for Fiscal Year 2012 for the Town of Minturn. Motion passed 5-2, Hawkeye F and Aggie M nay.

**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)**

Motion by John R, second by Aggie M, to approve Ordinance 16 – Series 2011 (Second Reading) – An Ordinance Adopting and Recognizing the Town of Minturn’s 2012 Revenues and Expenses by Fund as amended. Motion passed 7-0.

**15. Discussion/Action: Consideration and motion to approve and set 2012 Council Goals – White (10min)**

Motion by George B, second by Shelley B, to table the 2012 Council Goals to the January 4, 2012 meeting. Motion passed 7-0.

**15a. Discussion/Action – Consideration of Staff bonuses.**

Mr. Frank Lorenti, 1081 Main St, is opposed to staff bonuses.

Motion by Hawkeye F, second by John R, to authorize the Town Manager to issue a \$10,000 bonus pool as the Town Manager sees fit. Motion passed 6-0. George B abstained.

**15b. Discussion/Action – Consideration of December 21, 2011 Town Council meeting.**

No action was taken regarding the Council meeting of December 21, 2011, therefore the meeting stands.

**EXECUTIVE SESSION**

Motion by Shelley 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. Motion passed 7-0.

**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**

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

The Executive Session ended at 10:03 pm. The Town Manager and the Town Attorney(s) were instructed to continue negotiations with Battle Mountain regarding the release of escrow funds and to work with the Town Council's subcommittee.

**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**

Motion by Earle B., second by Aggie M., to adjourn. at 10:04pm. Motion passed 7-0.

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Mayor Hawkeye Flaherty

ATTEST:

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Town Clerk, Jay Brunvand



## **Official Minutes**

### **MEETING OF THE MINTURN TOWN COUNCIL**

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

**Wednesday December 21, 2011**

**Regular Session – 5:00pm**

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

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

#### **COUNCIL MEMBERS:**

Shelley Bellm  
Earle Bidez  
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**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 5:02 pm.

Those present included: Mayor Hawkeye Flaherty, Town Council members Shelley Bellm, Aggie Martinez, Earle Bidez, John Rosenfeld, and Jerry Bumgarner.

(Note: Mayor Pro Tem George Brodin was absent excused)

Staff present: Town Manager Jim White, Town Attorney Allen Christensen, Treasurer/Clerk Jay Brunvand.

## **2. Approval of Agenda**

### **a. Items to be Pulled or Added**

Motion by Earle B., second by Aggie M., to approve agenda as presented; all voted in favor 6-0)  
(Note: Mayor Pro Tem George Brodin was absent excused)

## **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 Earle 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.

(Note: George B. arrived at 5:10pm, prior to the commencement of the Executive Session)  
Note: Jerry B. left the Executive Session at 6:30pm.)

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

Council directed staff to continue negotiations and report back to Council at the January 4, 2012 Council meeting.

## **FUTURE AGENDA ITEMS**

### **5. Next Meeting – January 4, 2011**

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

### **6. Future Meeting**

- Meeting: Discussion/Action – Ordinance \_\_\_ – 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)

**7. Set Future Meeting Dates**

a) Council Meetings:

- January 4, 2012
- January 18, 2012
- February 1, 2012

b) Planning & Zoning Commission Meetings:

- December 28, 2011 – Cancelled
- January 11, 2012
- February 8, 2012

c) Other Dates:

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

**8. Adjournment**

Motion by Shelley B., second by Aggie M., to adjourn the meeting at 6:48pm. All voted in favor.

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Mayor Hawkeye Flaherty

ATTEST:

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Town Clerk, Jay Brunvand

**Town of Minturn  
Council Action Item Memo**

**TO:** Staff Members/Council Members  
**FROM:** Jim White/ Town Manager  
**DATE:** January 4, 2012  
**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 planned 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. 2/15/12 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	Cerimele	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](mailto:manager@minturn.org)



**TOWN COUNCIL**  
**Mayor – Gordon “Hawkeye” Flaherty**  
**Mayor Pro Tem – George Brodin**  
**Councilmember – Shelley Bellm**  
**Councilmember – Earle Bidez**  
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**Councilmember – Aggie Martinez**  
**Councilmember – John Rosenfeld**

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**To:** Mayor Flaherty and Minturn Town Council  
**From:** Jim White, Town Manager  
**Date:** December 28, 2011  
**Re:** **Manager’s Report for the January 4, 2012 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 and Battle Mountain have sent a revised term sheet back and forth to negotiate 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, November 10, 2011, and on December 13, 2011. A resulting term sheet is planned for “final” review by both parties in January 2012.

### **Eagle County Animal Control Contract**

I will be meeting with Shawn Markmann, Director of Animal Services for Eagle County on Wednesday morning, January 4, 2012 to discuss options for our annual contract.

### **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. In 2012, we have received commitments from Battle Mountain and from CBS/Viacom for \$4860 each. The Town of Minturn will pay the remaining \$4860 in 2012.

### **Minturn Winter Markets**

Winter markets were a HUGE SUCCESS! Held on Saturday, **December 10<sup>th</sup>** and Saturday, **December 17<sup>th</sup>**, local businesses appreciated the crowds brought to Town. With very little snow thus far this winter, our local businesses have been struggling to attract customers. The market weekends helped.

### **Planning for Another Bonfire**

Staff is planning a Saturday, **January 7, 2012**, beginning at 5:30pm bonfire to burn Christmas trees that will be gathered throughout Minturn by our Public Works crew. Hot chocolate and marshmallows will be provided.

**Ski Joring**

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

**7<sup>th</sup> Copper Triangle Bike Event**

The Town of Minturn will provide an aid station during next year's 7<sup>th</sup> 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.

**Legal Publications/ Official Meeting Posting Sites**

The Town staff has discussed and would like the Town Council to consider publication of Town Ordinances on the Town website to fulfill the requirement of legal publications. It is estimated that this could result in a potential savings of \$4000 to \$5000 annually.

Additionally, we are recommending that our official posting sites be reduced from the current four sites to two sites, plus the website. Both postings would be here at the Town Hall, on each side of the building. We are asking for clarification if this would have to be placed on the April ballot per our Municipal Charter (see excerpt below).

**Section 4.8 Meetings.**

The Council shall meet regularly twice each month on the first and third Wednesday or at a day and hour to be fixed by the rules of the Council. The Council shall determine the rules of procedure governing meetings including attendance requirements.

Special meetings shall be called by the Town Clerk at the request of the Mayor or three (3) members of the Council, on at least twenty-four (24) hour notice, either written or verbal, to each member of the Council, and public notice of the time, date, location and purpose of the meeting shall be posted at **four** (4) public places twenty-four (24) hours prior thereto. When an emergency exists, as set forth in Section 4.4, twenty-four (24) hour notice and posting of public notices shall not be required.

**HAPPY NEW YEAR!!! Have a great and safe New Year celebration!  
GO BRONCOS!!!**

Respectfully submitted,  
Jim White  
Town Manager

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



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

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## AGENDA ITEM COVER SHEET

<b>AGENDA TITLE:</b> Resolution No. 01 – 2012 Designation of the in-town posting sites for Public Notices and meetings.
<b>MEETING DATE:</b> January 4, 2012
<b>PRESENTER:</b> Brunvand
<ul style="list-style-type: none"><li>• <b>BACKGROUND:</b> This is an annual Resolution designating our legal posting sites within the Town of Minturn for all Public Notices and notices for public meetings of the Town of Minturn. Note: the Town also uses in addition the posting box located on Cemetery Bridge and our Town website; however, these are not official sites for purposes of postings.  Staff is recommending approval of this Resolution.</li></ul>
<b>CORE ISSUES:</b>
<b>STAFF RECOMMENDATION/MOTION:</b> Motion to approve Resolution 01-2012 a Resolution designating four public places within the Town of Minturn for the posting of Public Notices and Notices for Public Meetings of the Minturn Town Council, Planning Commission, and other Boards, Commissions, and Authorities of the Town of Minturn as presented.

**TOWN OF MINTURN**

**RESOLUTION NO. 1 – SERIES 2012**

**A RESOLUTION DESIGNATING FOUR PUBLIC PLACES WITHIN THE TOWN OF MINTURN FOR THE POSTING OF PUBLIC NOTICES AND NOTICE FOR PUBLIC MEETINGS OF THE MINTURN TOWN COUNCIL, PLANNING AND ZONING COMMISSION, AND OTHER BOARDS, COMMISSIONS, AND AUTHORITIES OF THE TOWN OF MINTURN.**

**WHEREAS**, the Town of Minturn is a Home Rule Municipality under the Colorado Constitution; and

**WHEREAS**, the Town of Minturn Charter – Section 4.8 requires notices of public meetings be posted at four (4) public places at least 24-hours prior thereto, and

**WHEREAS**, the Town of Minturn now wishes to designate a public place within its boundaries for posting of such full and timely notice to the public for public notices and for of the Town Council, the Planning and Zoning Commission, and other boards, committees, and authorities of the Town;

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

- 1) The Town Council hereby designates the following as the public places for the posting of full and timely notice to the public as provided for in the Minturn Town Charter:
  - The bulletin board on the outside of the Town Center at 302 Pine St.
  - The bulletin board outside of the Town Center at 301 Boulder St.
  - The phone pole posting box at 242 Pine St.
  - The phone pole posting box at 243 Boulder St.
- 2) This Resolution shall take effect immediately upon its passage.

INTRODUCED, READ, APPROVED AND ADOPTED this 4<sup>th</sup> day of January 2012.

\_\_\_\_\_  
**HAWKEY FLAHERTY, MAYOR**

**ATTESTS:**

\_\_\_\_\_  
**JAY BRUNVAND, TOWN TREASURER**

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 2<sup>nd</sup> day of November, 2011. The 16<sup>th</sup> 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  
16<sup>th</sup> 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

## **2012 GOALS /Town of Minturn, Colorado**

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

### **Tier 1 (Received Four or More Votes)**

- Street Repairs with Drainage (Top 5 List Requires \$378,000)  
Check with CDOT Regarding South Side Drainage (Discussion indicated this may need to be done over time) (6)
- Expand Parking and improve Appearance of Municipal Lot (6)
- Improve Planning & Scheduling & Apply for Infrastructure  
(Grants/Consider Loans (Filters at Water Treatment Plant, Cover  
Filters at Water Treatment Plant, Grant to Take Water and Sewer  
to Public Works Building under Railroad) (5)
- Continue Sidewalk Installation Program/Improve Plan with  
LaFarge (5)
- Implement Streetscape Plan (4)
- Strengthen Marketing and Events (4)
- Clean Up Parking Area on North Taylor Street (4)

## **Tier 2 (Received One, Two, or Three Votes)**

- Put Up Town Directional Signage (3)
- Use Solar Lighting on Town Signage (3)
- Locate and Replace Valves (3)
- Establish an Information Kiosk (2)
- Implement Scholarship Fund (2)
- Improve Relationship with Union Pacific Railroad (2)
- Sidewalks in South Minturn (2)
- Welcome Packet (1)

## **Tier 3 (Received Zero Votes)**

- Inventory Town Signage in Downtown/Standardize
- Consider Fireworks Display in 2012
- Establish a Community Garden
- Establish an Information Kiosk
- Street Repairs with Drainage (Top 5 List Requires \$378,000)
- Upgrade Water Operators Certification
- Foster Entrepreneurial Attitude and Spirit Expand Parking and Appearance of Municipal Lot
- Add Trails of Minturn to the website

**Jim White, Town Manager**

**December 2011**



TOWN OF MINTURN  
P.O. Box 309 (302 Pine Street)  
Minturn, Colorado 81645-0309  
970-827-5645 Fax: 970-827-5545  
treasurer@minturn.org

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

*MEMORANDUM*

TO: Minturn Town Council  
FROM: Jay Brunvand, Treasurer/Clerk  
CC:  
DATE: Friday, December 30, 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