



2012

Minturn Council Meeting

Wednesday January 18, 2012

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

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 18, 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/building code – Cerimele/White (45min)**

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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

- Magustos LLC Annual Renewal of a Hotel & Restaurant License; 101 Main St.; Eric Cregon, Owner/Manager – Brunvand (10min)

Pg 5

- Direction from the Liquor Authority regarding liquor tasting in Retail Liquor Stores – Brunvand (5min) Pg 9
4. **Approval of Minutes and Action Report**
 - January 4, 2012 Pg 10
 - Action Item Report Pg 18
 5. **Public comments on items, which are NOT on the agenda (5 minute time limit per person)**
 6. **Special Presentations/Citizen Recognition**
 - Karl Bauer, Fire Chief (10 min)
 7. **Planning Department Update** Pg 20
 8. **Town Manager's Report** Pg 21
 9. **Town Council Comments**

PUBLIC HEARINGS AND DISCUSSION/ACTION ITEMS

10. **Discussion/Action: Lot Coverage/Building Code discussion – Cerimele/White (30 min)**
11. **Discussion/Action: Resolution 2 – Series 2012 a Resolution designating or appointing the Minturn Town Clerk as the Designated Official of the Town of Minturn – Brunvand (10min)** Pg 23
12. **Discussion/Action: Council discussion and direction regarding the placement of ballot questions on the April 2012 Municipal Election – Brunvand/White/Christensen (20min)** Pg 25

EXECUTIVE SESSION

13. **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 28
14. **Executive Session – Action by Council or Direction to Staff as a result of the Executive Session (5min)**

FUTURE AGENDA ITEMS

15. Next Meeting – February 1, 2012

16. Future Meeting

- Work Session: Town Manager and Public Works Supervisor to present updated estimates for road improvements. 02/15/12
- Work Session: Medical Marijuana discussion with Rachelle Allen, CML Legal Council – White (45min) 02/15/12
- 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) 02/15/12

17. Set Future Meeting Dates

a) Council Meetings:

- February 1, 2012
- February 15, 2012
- March 7, 2012

b) Planning & Zoning Commission Meetings:

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

c) Other Dates: N/A

18. Adjournment



To: Minturn Town Council
From: Chris Cerimele, Town Planner
Date: January 12, 2012
Re: Lot coverage definition

Background

Staff is proposing an amendment to the lot coverage definition that is found in section 16-2-20 – *Definitions* - of the Minturn Municipal Code. The proposed amendment will revise the definition by stating that all cantilevered portions of a building and decks greater than 48” above grade will be counted towards the allowable lot coverage.

Lot coverage is currently defined as follows:

Lot coverage means that portion of the lot that is covered by buildings, including covered porches, covered walkways and similar covered areas, but not including roof overhangs and decks.

Proposed Definition:

Lot coverage means that portion of the lot that is covered by buildings, including covered porches, cantilevered areas, covered walkways and similar covered areas. Lot coverage shall not include decks less than forty-eight (48) inches above grade and roof eaves less than twenty-four (24) inches from the face of the building.

Next Steps

- January 25, 2012 – Planning Commission public hearing on the zoning text amendment to initiate to code change. The Planning Commission will make a recommendation to the Town Council to approve or deny the proposed change to the lot coverage definition as defined in section 16-2-20 of the Minturn Municipal Code.
- February 1, 2012 – The Town Council will conduct the first reading on an ordinance to amend the lot coverage definition.
- February 15, 2012 – Second Reading of the ordinance to amend the lot coverage definition.

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



Town Council
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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: Magustos LLC, annual renewal of a Hotel/Restaurant Liquor License; 101 Main Street; Eric Cregon, Owner/Manager

MEETING DATE: January 18, 2012

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 Magustos LLC, annual renewal of a Hotel/Restaurant Liquor License; 101 Main Street; Eric Cregon, Owner/Manager as presented."

**LIQUOR OR 3.2 BEER LICENSE
 RENEWAL APPLICATION**



MAGUSTOS LLC
 MAGUSTOS
 PO BOX 1043
 MINTURN CO 81645-1043

License Number 15-78746-0000	License Type 1970
Liability Information 44 030 722110 B 021611	
Business Location 101 MAIN ST MINTURN CO	
Current License Expires FEB 15, 2012	
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>[Signature]</i>	Date 5/15/2012	Business Phone (970) 827-5450
Title owner member	Sales Tax Number 1578746	

REPORT AND APPROVAL OF CITY OR COUNTY LICENSING AUTHORITY

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

Local Licensing Authority for	Date
Signature	Title
Attest	

DO NOT DETACH

DO NOT DETACH

DO NOT DETACH

**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 MAGUSTOS	LICENSE NUMBER (Use for all reference) 15-78746-0000		PERIOD 02-13
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 \$ _____

ATTACHMENT TO LIQUOR OR 3.2 BEER LICENSE RENEWAL APPLICATION

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

Trade Name of Establishment MAGUSTOS LLC				State License Number 15-78746-0000			
1. Operating Manager ERIC CREGON		Home Address 305 PINE ST MINTURN CO 81645		Date of Birth 10-7-70			
2. Do you have legal possession of the premises for which this application for license is made? Are the premises owned or rented: <u>yes</u> If rented, expiration date of lease: <u>12/31/15</u>						Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
3. Has there been any change in financial interest (new notes, loans, owners, etc.) since the last annual application? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders or owners, (other than licensed financial institutions) are materially interested.						Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
4. Since the date of filing of the last annual application, has the applicant, or any of its agents, owners, managers, principals, or lenders (other than licensed financial institutions), been convicted of a crime? If yes, attach a detailed explanation.						Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
5. Since the date of filing of the last annual application, has the applicant, or any of its agents, owners, managers, principals, or lenders (other than licensed financial institutions), been denied an alcoholic beverage license, had an alcoholic beverage license suspended or revoked, or had interest in any entity that had an alcoholic beverage license denied, suspended or revoked? If yes, attach a detailed explanation.						Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
6. Does the applicant, or any of its agents, owners, managers, principals, or lenders (other than licensed financial institutions), have a direct or indirect interest in any other Colorado liquor license (include loans to or from any licensee, or interest in a loan to any licensee)? If yes, attach a detailed explanation.						Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
7. Sole owners or husband-wife partnerships answer this question. Since the date of filing of the last annual license application: Has ownership changed in whole or in part, from a sole owner to any other person, partnership, corporation, or limited liability company other than the licensee listed on your state liquor license? If yes, this license must be transferred to the new owner and may not be renewed. Contact your Local Authority immediately.						Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
8. Partnership applicants must answer this question. Since the date of filing of the last annual license application: (a) Are there, or have there been any general partners added to, or deleted from the partnership? If yes, this license must be transferred to the new partnership and may not be renewed. Contact your Local Authority immediately. (b) Are there, or have there been any limited partners with a 10% or more interest, added or deleted from the partnership? If yes, this license must be transferred to the new partnership and may not be renewed. Contact your Local Authority immediately.						Yes <input type="checkbox"/>	No <input type="checkbox"/>
9. Corporate applicants must answer this question. Since the date of filing of the last annual license application: (a) Are there, or have there been any officers or directors added to, or deleted from the corporation? If yes, complete and attach DR 8177 and submit to your Local Authority immediately. (b) Are there, or have there been any stockholders with 10% or more of the issued stock, added to, or deleted from the corporation? If yes, complete and attach DR 8177 and submit to your Local Authority immediately. (c) Date of filing last annual corporate report with the Colorado Secretary of State: _____.						Yes <input type="checkbox"/>	No <input type="checkbox"/>
10. Limited Liability Company applicants must answer this question. Since the date of filing of the last annual license application: (a) Are there, or have there been any managing members added to, or deleted from the company? If yes, complete and attach DR 8177 and submit to your Local Authority immediately. (b) Are there, or have there been any members with 10% or more membership interest, added to, or deleted from the company? If yes, complete and attach DR 8177 and submit to your Local Authority immediately. (c) Date of filing last annual LLC report with the Colorado Secretary of State: _____.						Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
11. Bed and Breakfast applicants must answer this question and certify compliance with 12-47-118.5 C.R.S., to the state licensing authority by initialing the following listed questions: _____ That it has no more than 20 sleeping rooms, and _____ That it provides at least 1 meal per day at no charge other than for overnight lodging, and _____ That it does not sell alcoholic beverages by the drink or in sealed containers, and _____ That it shall not serve alcoholic beverages for more than 4 hours in any one day , as follows:							
MONDAY HOURS	TUESDAY HOURS	WEDNESDAY HOURS	THURSDAY HOURS	FRIDAY HOURS	SATURDAY HOURS	SUNDAY HOURS	
From: <u>4 P.m.</u> To: <u>2 A.m.</u>	From: <u>4 P.m.</u> To: <u>2 A.m.</u>	From: <u>4 P.m.</u> To: <u>2 A.m.</u>	From: <u>4 P.m.</u> To: <u>2 A.m.</u>	From: <u>4 P.m.</u> To: <u>2 A.m.</u>	From: <u>4 P.m.</u> To: <u>2 A.m.</u>	From: <u>4 P.m.</u> To: <u>2 A.m.</u>	



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: 1/9/12 9:59 AM
RE: Liquor License

Attached please find a copy of an Annual Renewal of a Hotel/Restaurant liquor license for Magustos LLC located at 101 Main St, Eric Cregon Owner/Manager. Please review and advise.

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

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AGENDA ITEM COVER SHEET

AGENDA TITLE: – Direction from the Minturn Liquor Authority regarding retail liquor in-store tastings

MEETING DATE: January 18, 2012

PRESENTER: Brunvand

BACKGROUND: Ms. Gail Crowder, Owner Minturn Mile, has requested to be allowed to offer in-store tastings in accordance with CRS 12-47-301(10) (a-f). In order to proceed with this request the Minturn Liquor Authority would need to pass an Ordinance to grant authority. Staff is asking the Liquor Authority to give direction if the Town should allow such in-store tastings.

CORE ISSUES:

BUDGET/FINANCE IMPLICATIONS: N/A

STAFF RECOMMENDATION/MOTION: Staff is requesting direction to either remain with the status quo or to bring forth an Ordinance as relates to retail liquor store and their ability to offer in-store tastings in accordance with State Law.



Official Minutes

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

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

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

Regular Session – 6:30pm

1. Call to Order

- a. Roll Call
- b. Pledge of Allegiance

The meeting was called to order by Mayor Flaherty at 6:34 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, Town Planner Chris Cerimele, Deputy Clerk Michelle Metteer and Chief of Police Lorenzo Martinez.

2. Approval of Agenda

a. Items to be Pulled or Added

Fire Chief Karl Bauer was unable to attend the meeting and will be rescheduled to the January 18th Council meeting.

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

3. Approval of Minutes and Action Report

- December 7, 2011
- December 21, 2011
- Action Item Report

Motion by George B., second by John R., to approve the minutes of Dec 7, 2011 as presented. All voted in favor. Motion passed 7-0.

Motion by Aggie M., second by George B., to approve the minutes of Dec 21, 2011 as presented. All voted in favor.

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

Mr. Frank Lorenti, 1081 Main St, Minturn formally requested to be on the Town Council agenda for the January 18, 2012 meeting concerning the topic of the property built at 601 Main St, Minturn.

Council recommended Mr. Lorenti meet with the Town Manager regarding his questions..

Ms. Kolby Richi representing Red Sandstone Elementary School, Vail, CO asked for support regarding Red Sandstone elementary school in its effort to remain open as the School Board is considering options including the potential closing of the school. The Eagle County School Board meeting will be held at the County Building, Wednesday, January 11th at 6:30 pm for anyone interested in attending and showing their support of Red Sandstone.

5. Special Presentations/Citizen Recognition

- **Karl Bauer, Fire Chief (10 min) (postponed)**
- **Citizen Recognition – L. Martinez (10min)**

Chief Lorenzo Martinez gave a presentation thanking local volunteers for their support over the holiday season.

6. Planning Department Update

Regarding the new residence at 601 Main Street, Mr. Sean Cozzens submitted a site plan showing the total lot coverage at the ground level at approximately 36%. This included an existing garage at the rear of the property plus the proposed single family residence that is now connected to the garage. This site plan was accepted by me (Chris C.) and presented to the Planning Commission as within the allowable lot coverage of 40%. However, when the second level is accounted for, the lot coverage increases to approximately 44.9%. Per section 16-2-20 of the Minturn Municipal Code (MMC), lot coverage is defined as follows:

That portion of the lot that is covered by buildings, including covered porches, covered walkways and similar covered areas, but not including roof overhangs and decks.

Building Size

- Ground level sq. footage of the building = 1,793 sq. ft
- Lot size = 5,000 sq. ft.
- Lot coverage = 35.9% (allowable = 40%)
- The total lot coverage increases to 44.9% when the perimeter of the above grade levels is included (2,243.9 sq. ft.)
- Building height at the mid-point of roof = 25' 6" (allowable = 28')

The MMC states that two Improvement Location Certificates (ILC) are required. The first is due when a land development application is submitted and the second is due before a Certificate of Occupancy is issued. The exact language from the MMC is as follows:

A second framing and foundation ILC will be submitted with all the planning requirements such as height, location of building, square footage of building and setbacks. A Certificate of Occupancy is issued after the second ILC is approved after it has been determined the builder has met all the zoning requirements. The building, foundation location, building height, setbacks, driveway access, topographic and finished grade and utility easements information would be shown on the final ILC.

The framing and foundation ILC was submitted on December 23, 2011. Mr. Cozzens was granted a Temporary Certificate of Occupancy on December 23, 2011 but did not have permission to occupy the premises prior to this date. To date, the final Certificate of Occupancy has not been issued.

Project History

5/10/2006 – Planning Commission approval for new garage at the corner of Boulder St. and Mann Ave.

2/19/2009 – Certificate of Occupancy issued for above referenced garage.

5/11/2010 – Application submitted for a new single family residence.

- The proposal entailed demolishing the existing single family residence on the front and constructing a new residence in its place. The two structures now function as a single living unit.

5/26/2010 – 1st Planning Commission meeting to review proposal for a new single family home.

6/9/2010 – 2nd Planning Commission meeting to review proposal

- Application approved

6/16/2010 – Building Permit issued

12/23/2011 – Temporary Certificate of Occupancy is issued.

Planning and Zoning meetings will now be the second Wednesday of every month at 6:30pm at the Minturn Town Hall building, 302 Pine St.

7. 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 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 \$1,620. 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 \$4,860 in 2012.

Minturn Winter Markets

Winter markets were a HUGE SUCCESS! Held on Saturday, **December 10th** and Saturday, **December 17th**, 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 14th and Sunday January 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. 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 \$4,000 to \$5,000 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.

8. Town Council Comments

John R., made note that Scott Tipton will be at Loaded Joes this Saturday at 9:00am at Loaded Joes in Avon, CO. John R also thanks Chief Martinez, Lisa Osborne and many others for their contributions over the holiday season.

Shelley B reminds everyone that Red Sandstone Elementary School is an exceptional school on the east side of Eagle County that is worth keeping open. Shelley B asks folks to consider writing letters to the editor or attending the next Eagle County School Board meeting which is Wednesday, January 11th @ 6:30pm at the Eagle County Building in Eagle, CO.

Mayor Flaherty gave many respects to Mr. Ron Spore who passed away this last Fall. He was a resident of the Town of Minturn, a former Minturn Council Member, and is well remembered.

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)

Motion by Shelley B, second by George B, to approve Resolution 1 – Series 2012 a Resolution setting the official posting sites for the Town of Minturn. Motion passed 7-0.

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)

Mr. Shawn Markman, Director of Eagle County Services, offered multiple options for services available (flat monthly fee, per call basis or a shelter option only). Direct line to animal control: 328-3647.

Lorenzo M. reinforced the need discussed by Council to have patrols in the “off hours” as opposed to early afternoon or late morning patrols.

Motion by Shelley B, second by John R, to approve 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. Motion passed 7-0.

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

Direction to staff to add Council goals to the action item report. Further request to add a grant application update to the action item report.

Direction to Town Manager and Public Works Supervisor to update estimates for road improvements and return to Council the second week in February.

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

Motion by George B, second by Shelley B, 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.

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

The Executive Session began at 8:22pm and ended at 8:27pm.

The Town Council reconvened into Regular Session. Consequently, the Town Attorney and the Town Manager were directed to continue negotiations with Battle Mountain.

FUTURE AGENDA ITEMS

14. Next Meeting – January 18, 2011

- ERFPD special presentation
- Lot coverage code discussion - Work session and Discussion/Action item

15. Future Meeting

- Work Session: Medical Marijuana discussion with Rachelle Allen, CML Legal Council – White (45min)
- Work Session: 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) Feb 2012
- Work Session: Town Manager and Public Works Supervisor to present updated estimates for road improvements. 02/15/12

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

Motion by Jerry B., second by John R., to adjourn at 8:28pm. Motion passed 7-0.

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: January 18, 2012
SUBJECT: Status of Action Items from Town Council Meetings

Action Item	Responsible Party	Progress Report
Town Entry Signs – South Minturn	White	Install solar lighting on south Town entryway sign first quarter 2012.
Draft Medical Marijuana Ordinance	White	The Draft Ordinance has been completely reviewed by Staff and Council and is on hold until February 15, 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. 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.
OSAC Funding for Boneyard Purchase	Cerimele	Town staff seeking GOCO funding opportunities.

Action Item	Responsible Party	Progress Report
2012 Goal: Town Street Repairs and Drainage.	White/A. Martinez	Obtain updated estimates for repairs. Check with CDOT regarding south Town drainage.
2012 Goal: Expand Parking and Improve Appearance of Municipal Lot.	White/A. Martinez	Preliminary designs are being reviewed at staff level.
2012 Goal: Continue Sidewalk Installation Program/Improve Plan with LaFarge	White/A. Martinez	Plan to contact residents during 2 nd quarter 2012.
2012 Goal: Implement Streetscape Plan	White /Cerimele/	Staff to review previously submitted plans to develop an action plan for 2012.
2012 Goal: Strengthen Marketing and Events	Metteer	
2012 Goal: Clean Up Parking Area on North Taylor St	Cerimele/L. Martinez	Continue to monitor and remove abandoned vehicles to allow for organized and structured short term parking.
2012 Goal: Improve planning and scheduling and apply for infrastructure grants/loans and report on 2012 grant opportunities and scheduling.	White/Cerimele	Staff to provide periodic updates to Council.
2012 Grant Opportunities & Submittals	White	Staff to provide periodic updates to Council.



To: Minturn Town Council
From: Chris Cerimele, Town Planner
Date: January 13, 2012
Re: Planning Commission Update

The following topics were discussed at the 1/11/12 Planning Commission meeting:

- Lot coverage definition revision
 - The definition will be revised to include all cantilevered living spaces and decks greater than forty inches (48”) above grade.
- Design Review Board submittal requirements
 - A boundary and topographic survey will be required instead of the current Improvement Location Certificate.
- Design Review Board public hearing procedure
 - Require public notification for all Design Review Board applications. This will entail sending letter that includes details of the proposal and the hearing date to all property owners within 250 feet of the subject property at least 10 days prior to the public hearing. Additionally, notice of the hearing and details of the proposal will be published in the Vail Daily at least 10 days prior to the public hearing. Currently, public notices are only required for the following land use applications: subdivisions; variances; conditional use permits; zoning map amendments and zoning text amendments.
- Construction Process
 - Require a foundation survey after the foundation has been poured and cured. This will be done to ensure that the foundation was constructed in the location that was approved on the site plan. When the location of the finished foundation has been verified and approved, construction on the remainder of the structure can proceed.
 - Require a framing survey once the roof ridge boards are in place. This will be required to ensure that the structure adheres to the building height and setback requirements.

Jim White
Town Manager
P.O. Box 309 ♦ 302 Pine Street
Minturn, CO 81645
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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: January 13, 2012
Re: **Manager’s Report for the January 18, 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 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, November 10, 2011, and on December 13, 2011. We also met on January 5, 2012.

Recycling Earns Money

The Public Works crew rounded up some more old scrap metal again near year’s end. With the latest effort, we secured even more reimbursement. The results of the 2011 efforts total nearly \$2800! Congratulations to the Public Works crew!

Christmas Tree Bonfire

Held Saturday, **January 7, 2012**, the bonfire to burn Christmas trees gathered throughout Minturn was a big success! Hot cider and hot chocolate added to the festivities. Special thanks to the Fire District for helping with the event!

Ski Joring Rescheduled

The Town of Minturn will be holding this new event on old Minturn Road on **Saturday February 25th and Sunday February 26th, 2012.**

Governor’s State of the State

I was invited to attend Governor Hickenlooper’s State of the State Address at the State Capitol on Thursday, January 12, 2012 as CML Immediate Past President.

Tour of Minturn Water Treatment Plant

A group of Vail high school students was given a tour of the Minturn Water treatment plant in early January. John Volk and I were present. To provide information and answer questions.

Martin Luther King Holiday

The Minturn Town Hall and the U.S Post offices will be closed on Monday, January 16th to commemorate the Martin Luther King Holiday.

01/13/12

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

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Jay Brunvand, Treasurer/Clerk
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Council – John Rosenfeld

AGENDA ITEM COVER SHEET

AGENDA TITLE: Resolution 2 – Series 2011 a Resolution designating or appointing the Town Clerk as the Designated Election Official of the Town of Minturn.
MEETING DATE: January 18, 2012
PRESENTER: Brunvand
BACKGROUND: Prior to each election the Council appoints the Town Clerk as the Designated Election Official for all elections held by the Town or for any election held by a separate entity of which the Town is a participating member. This Resolution additionally gives authority to the Town Clerk to appoint Election Judges for the Municipal Election. This ordinance has not changed and was approved as presented in 2010.
CORE ISSUES: N/A
STAFF RECOMMENDATION/MOTION: Motion to approve Resolution 2 – Series 2011 a Resolution designating or appointing the Town Clerk as the Designated Election Official of the Town of Minturn as presented.

TOWN OF MINTURN

RESOLUTION NO. 2 – SERIES 2012

A RESOLUTION DESIGNATING OR APPOINTING THE MINTURN TOWN CLERK AS THE DESIGNATED ELECTION OFFICIAL 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 has adopted the Colorado Municipal Election Code by inclusion in the Town Charter; and

WHEREAS, the Town of Minturn now wishes to designate or appoint a Designated Election Official to over see in accordance with state law all elections, municipal or otherwise, sanctioned by the Town; and

WHEREAS, C.R.S. §31-10-401 provides that the governing body may by resolution delegate to the Town Clerk the authority and responsibility to appoint judges of election;

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

1. The Town Council hereby designates and appoints the Minturn Town Clerk as the Designated Election Official.
2. The Town Council hereby delegates to the Town Clerk the authority and responsibility to appoint judges of election as necessary and required
3. This Resolution shall take effect immediately upon its passage.

INTRODUCED, READ, APPROVED AND ADOPTED this 18th day of January 2012.

HAWKEYE FLAHERTY, MAYOR

ATTESTS:

JAY BRUNVAND, TOWN CLERK



TOWN OF MINTURN
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Minturn, Colorado 81645-0309
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treasurer@minturn.org

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

MEMORANDUM

TO: Mayor, and Council
FROM: Jay Brunvand, Treasurer/Clerk
CC: Jim White, Town Manager
DATE: Friday, January 13, 2012
RE: Discussion and Direction re: April 2012 Ballot Questions

SUMMARY:

During the Council Meeting of January 4, 2012, the Town Manager noted to Council that Staff was considering two potential ballot questions for the April 2012 Election.

Two questions are being proposed at this time:

1. Posting places limited to two

Currently our Charter states:

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.

Note that the Charter is silent on how many locations to post a Regular Meeting but is specific as to a Special Meeting. Our process, established well before 1998, has been to set by Resolution at the first meeting of each year the four public places to publicly post each meeting. Our Charter states only a Special Meeting need be posted at all four locations, however, Staff has been of the mindset that all meetings should be posted uniformly in order to avoid confusion or error.

Our posting locations are on the Boulder and Pine side of the Town Center (302 Pine St) and the Boulder and Pine side of Not-a-Park (243 Boulder St). Additionally, Staff has erected a board on Cemetery Bridge and posts meetings there as well, although this is not a formal posting location. Additionally, all agendas and packets for each meeting are posted on the Town website.

Concerns:

It is a concern of Staff that meetings be posted on property owned by the Town in order to avoid losing a posting site due to unforeseen circumstances. This could result in an illegal meeting due to insufficient posting. Further, we post in locked boxes reserved solely for meeting Public Notices. This allows Staff to ensure that only Public Meetings are posted in the boxes and for the required notice time.

Options:

- No change
- Post both sides of the Town Hall
- Post only on the website
- A combination of Town Hall and Website.

Recommendation:

Staff recommendation is to place a ballot question on the April 2012 ballot that would limit the posting locations to the current Pine and Boulder sides of the Town Hall and the Town website.

2. Publication of Ordinances

Currently our Charter states:

Section 11.6 Procedure for Passage of Ordinance.

Except emergency ordinances, ordinances making general codification of existing ordinances and ordinances adopting standard codes, the procedure for enactment of ordinances shall be:

(a) The ordinance shall be introduced at any regular or special meeting of the Council by any member thereof.

(b) The ordinance title shall be read in full, and copies of the ordinance shall be available for public information at said meeting.

(c) After the first reading of the ordinance the same shall be approved with or without amendment, rejected or tabled by vote of the Council.

(d) If the ordinance is approved on first reading, it shall be published in full in a newspaper of general circulation within the Town unless otherwise provided herein. The Council shall set a day, hour and place at which the Council shall hold a public hearing on the ordinance, and notice of such day, hour and place shall be included in the first publication. Such hearing shall be held not earlier than four (4) days after the first publication.

(e) If the ordinance is tabled, it shall be reconsidered at subsequent meetings until it is approved with or without amendment or rejected by vote of the Council.

(f) The ordinance shall be introduced a second time at the meeting at which the public hearing on the ordinance is held. The ordinance may be read by title only in second reading. The ordinance may be amended before final approval or rejection by vote of the Council, provided the text of any such amendment or amendments shall be read in full.

(g) Except as otherwise provided in this Charter, an ordinance, if amended in substance, shall be published in full after final passage. If not amended in substance, it may be published either by title or in full, as the Council may determine, after final passage.

Section 11.10 Publication of Ordinances.

Ordinances required to be published shall be published in a newspaper of general circulation within the Town.

To summarize, an ordinance is introduced, read and approved and then sent to the newspaper for publication in full. At the second reading, if passed with no material changes, the Ordinance is published by title only. In the event of material changes, the Ordinance is published in full again.

During the course of a normal year, the Town spends on average \$4,000 in publication costs. During a year when a large section of the Town Code is rewritten or the Code is re-codified, the expense can be significantly more.

Concerns:

Any changes would only affect Ordinances. For example, some items such as the Notice of Budget would still be published, however, the Budget Ordinances themselves would not be published.

Items posted to the website are posted in a format so to eliminate the concern that the document could be altered. Once the Ordinance is passed on second reading the Official and Signed version would be posted on the website and replace the working copy.

Options:

- No change
- Post only on the website

Recommendation:

Staff recommendation is to publish Ordinances in full after the first reading only on the Town's Website and, in addition, have physical copies available for each Ordinance being considered in the Clerk's Office.



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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, January 13, 2012
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