



2012

# Minturn Council Meeting

Wednesday August 1, 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 August 1, 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 – 5:30 pm**

- Discussion of Scholarship Fund – White (15min)
- Discussion regarding Res 41-2008 and Public Comment at Town Council meetings – White (15min) Pg 17
- Report from Auditors for recommendations for Battle Mountain Escrow Funds – White (15min)

### **Regular Session – 6:30 pm**

- 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**

- July 18, 2012 Pg 4
- Action Item Report Pg 11

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

**5. Special Presentations**

- Citizen Recognition – L. Martinez (15min)

**6. Planning Department Update Pg 12**

**7. Town Manager’s Report Pg 15**

**8. Town Council Comments**

**PUBLIC HEARINGS AND DISCUSSION/ACTION ITEMS**

**9. Discussion/Action Item: Council discussion as related to Public Comments at Council Meetings – White (15min)**

Pg 17

**EXECUTIVE SESSION**

**10. Executive Session - Pursuant to CRS 24-6-402(4)(b) for the purpose of consulting with the Town’s Attorney and receive legal advice regarding negotiations on a Memo of Understanding with Ski and Snowboard Academy of Vail and recreational opportunities and to provide direction to the negotiating team – White/Christensen**

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

**FUTURE AGENDA ITEMS**

**12. Next Meeting – August 15, 2012**

**13. Future Meeting**

**14. Set Future Meeting Dates**

- a) Council Meetings:
- August 15, 2012
  - September 5, 2012
  - September 19, 2012

b) Planning & Zoning Commission Meetings:

- August 8, 2012
- September 12, 2012
- October 10, 2012

c) Other Dates:

**15. Adjournment**



## **Official Minutes**

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

**Wednesday July 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

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 – 5:30 pm**

- Eagle County Trails Ellie Caryl – Discussion of Phase 2 – Cerimele (30min)
- XCEL updates Todd Anderson – White (15min)

Mr. Todd Anderson was unable to attend this meeting. Town Council requested a complete review of the utility agreement with XCEL Energy and request for Mr. Todd Anderson to attend a future meeting.

### **Regular Session – 6:30 pm**

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

The meeting was called to order by Mayor Hawkeye 6:34 pm.

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

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

## **2. Approval of Agenda**

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

- Request to remove item 11 from the agenda.
- Item 10a. Request to approve the signing by the Mayor of acknowledging Aggie Martinez as the representative of Minturn to the ECO Board.
- 10b. CML Policy committee appointment
- Item 9a. Request to review road rehabilitation estimates.
- 10c. Request to add the Bolts Lake stipulation to the agenda
- Motion by Shelley B., second by Jerry B., to approve the agenda as amended. Motion passed (7-0).

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

- June 20, 2012
- Action Item Report

Motion by Shelley B., second by Aggie M., to approve the minutes as presented; motion passed (7-0).

- Direction to staff to create a management plan for the Boneyard property.
- Direction to staff to coordinate the conservation easement for the Boneyard property.
- Direction to staff to review VAG conceptual plan for Little Beach Park before submission of the GOCO grant.
- Direction to staff to apply for the energy impact grant

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

## **5. Special Presentations**

## **6. Planning Department Update**

Direction to staff to work with CDOT to ensure a clear and organized message is conveyed from CDOT to motorists that Minturn and Red Cliff are open.

Direction to staff to work with ECO to ensure loop runs by ECO are not lost if direct bus routes to Vail are added.

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

### **Eagle County Airport Briefing**

Recently, I attended an Eagle County airport briefing to the Eagle County Commissioners. A summary of the committee work to date and a summary of the public comments were presented. The airport's activity level was highlighted and future plans addressed.

### **Fire Consolidation Discussion Considered**

The Eagle County Commissioners have been asked by the Eagle Fire District to consider convening a meeting to discuss consolidation of some fire services. Commissioner Sara Fisher advised me that the meeting would likely be scheduled in July or August.

### **Eagle Mine Tour**

CDPHE has scheduled a special Eagle Mine and Belden Tour for the Minturn Town Council and staff on Tuesday July 31st at 4pm.

### **2013 Budget Planning**

Town Treasurer, Jay Brunvand and I did our first full 2013 budget review together on Friday, July 13, 2012. Initial meetings with each department director will follow in late July or early August.

### **Bids Due Back**

Bids for road work on Pine Street and Eagle Street were sent out in early July following a pre bid meeting with several contractors. We hope to present the bids at tonight's meeting for Town Council's discussion and decision.

### **Highway 24 Closure**

Following the collapse and resulting sink hole on Highway 24 south of Minturn, traffic has been disrupted and life interrupted. The town staff is corresponding with CDOT and plans to recommend that the gate which was recently installed at Dowd Junction be relocated to Tigiwon road south of town.

### **Upcoming Events:**

#### **Minturn Summer Market**

The market will run Saturdays throughout the summer until September 8, 2012.

#### **Copper Triangle 2012 Bicycle Event**

The Town of Minturn will provide an aid station during the 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 7am and will be broken down by 1pm. Assisted Cycling Tours will manage the aid station with 12-15 volunteers.

#### **Pro Cycling Challenge Bike Event**

The Town of Minturn hosted a meeting among Minturn, Vail, Avon local police, Colorado State Patrol, Eagle Fire District, emergency services personnel, public information officers, and bike event officials to begin planning for the stage of the race expected to pass through Minturn on **Thursday, August 23, 2012**. There will be national and international TV exposure and an opportunity to showcase our community. We are attempting to secure a “sprint line” as part of the race as it passes through Minturn. Incident command for this event will be in Beaver Creek which will be a finishing place for this same stage of the race. **On June 12, 2012, we met with local business owners to discuss planning issues related to the race and to secure their input. Frequent meetings will be coordinated between now and the day of the race to solidify local planning efforts.**

#### **8. Town Council Comments**

John R. expressed his condolences for the loss of Michelle Horax.

Jerry B. recognized Lynn Feiger for her lifetime achievement with the Colorado’s Women’s Bar Association.

Shelley B, sends her condolences to the Young Family and the Horax family for their loss.

The Vail Valley Surgery Center, 320 Beard Creek Road, Edwards, is having a grand opening on Saturday, August 4, 2012. Please rsvp to [www.vvmc.com](http://www.vvmc.com)

Aggie M and George B provided updates from the ECO Board including possible updates for the 2015 World Cup event.

Direction to staff to find and consider purchase of a used bucket truck.

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

#### **9. Discussion/Direction: Ordinance 10 – 2012 an Emergency Ordinance to enact an immediate fire ban in the Town of Minturn and imposing penalties for violation thereof – White/Christensen (10min)**

Chief Karl Bauer, ERFPD 351 Benchmark Rd, Avon. Stated that this Ordinance will make the fire restrictions uniform across the valley and supports its passing.

Direction to staff to put a permanent Ordinance in place so that Minturn will follow the ERFPD’s restriction levels, and as such, always be up-to-date with current restrictions.

Motion by George B, second by Shelley B, to approve Ordinance 10 – 2012 an Emergency Ordinance to enact an immediate fire ban in the Town of Minturn and imposing penalties for violation thereof. Motion passed (7-0).

### **9a. Review of Road rehabilitation estimates – White/Martinez**

Mr. Steve Humann, TST Consulting Engineers, 760 Whalers Way, Fort Collins. Mr. Humann estimates 6% consulting and surveying costs that will be added to the overall cost of the project and also recommends an additional 10% contingency cost be approved in the budget for this project in advance.

George B. recommended negotiating lower bid prices with the contractor that is awarded the bid.

Shelley B. recommended having Council confirm that the Council does in fact intend to allocate funds to these projects.

Recommendation by Mr. Humann for the Town of Minturn to obtain an overall drainage study for the Downtown area. It is possible that a portion of the drainage study (that covers Main St) will be applicable to the Battle Mountain escrow funds. Drainage study to be conducted in two phases: Cemetery Bridge to the Turntable and Cemetery Bridge to Two Elk Estates.

Recommendation to contact Upper Eagle River prior to construction work on Pine St.

Direction to staff to have any stub-out's completed during the time of construction.

Recommendation by Staff to accept Elam Contracting at the awarded amount of \$108,694.50.

Motion by John R., second by Aggie M., to approve the Elam bid in the amount of \$108,694.50 for the reconstruction of Pine Street from Norman to Toledo. Motion passed (7-0).

### **10. Discussion/Direction: Council discussion as related to the Battle Mountain Resorts escrow funds and the specific tracking of the monies – White (20 min)**

Direction to staff to have a significant increase in detail on the expenditure lines for all Battle Mountain escrow fund expenditures.

Recommendation by Council to set up a separate fund (similar to the Building Fund) for the Battle Mountain escrow funds.

### **10a. Request to approve the signing by the Mayor of acknowledging Aggie Martinez as the representative of Minturn to the ECO Board.**

Motion by George B., second by John R., to approve the letter assigning Aggie M. as our primary representative and alternate George B. to the ECO Board. Motion passed (7-0).

### **10b. CML Policy Committee Appointment**

Motion by George B., second by Aggie M., to appoint Hawkeye F. to the CML Policy Committee. Motion passed (7-0).

**10c. Bolts Lake Stipulation to extend deadlines for engineering work at Bolts Lake from July 16, 2012 to October 15, 2012.**

Motion by Shelley B., second by Jerry B., to extend the Bolts Lake Stipulation Agreement as presented. Motion passed (7-0).

**11. Discussion/Action Item: Council discussion as related to Public Comments at Council Meetings – White (15min)**

*Note: this item was removed from the agenda and scheduled for discussion at next work session on August 1, 2012; no further action was taken.*

**EXECUTIVE SESSION**

**12. Executive Session - Pursuant to CRS 24-6-402(4)(b) for the purpose of consulting with the Town's Attorney and receive legal advice regarding negotiations on a Memo of Understanding with Ski and Snowboard Academy of Vail and recreational opportunities and to provide direction to the negotiating team – White/Christensen**

Motion by Shelley B, second by Jerry B, to convene into executive session Pursuant to CRS 24-6-402(4)(b) for the purpose of consulting with the Town's Attorney and receive legal advice regarding negotiations on a Memo of Understanding with Ski and Snowboard Academy of Vail and recreational opportunities and to provide direction to the negotiating team. Motion passed (7-0).

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

Executive Session ended at 9:54 pm. Direction given to staff to coordinate a meeting with the Town's subcommittee with SSCV and Battle Mountain representatives to discuss the proposed MOU regarding the Human Performance Center/ Rec Center.

**FUTURE AGENDA ITEMS**

**14. Next Meeting – June 20, 2012**

- Work Session-Discussion of Scholarship Fund
- Action/Discussion – Follow-up of Public Comment Discussion
- Resolution 41
- Report from Auditors for recommendations for Battle Mountain escrow funds
- DOLA grant update

## **15. Future Meeting**

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

a) Council Meetings:

- August 1, 2012
- August 15, 2012
- September 5, 2012

b) Planning & Zoning Commission Meetings:

- August 8, 2012
- September 12, 2012
- October 10, 2012

c) Other Dates:

### **17. Adjournment**

Motion by Jerry B., second by Shelley B., to adjourn the meeting at 9:55pm; motion passed 7-0.

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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:** August 1, 2012  
**SUBJECT:** Status of Action Items from Town Council Meetings

<b>Action Item</b>	<b>Responsible Party</b>	<b>Progress Report</b>
Battle Mountain Annexation/Minturn Scholarship Fund	White	Funding from Annexation interest money and other donations. Several applications received; Committee will meet to review.
OSAC Funding for Boneyard Purchase	White	OSAC has referred this to the Eagle County Commissioners.

<b>Action Item</b>	<b>Responsible Party</b>	<b>Progress Report</b>
2012 Goal: Town Street Repairs and Drainage.	White/A. Martinez	Check with CDOT regarding south Town drainage. Planning to meet with CDOT in June.
2012 Goal: Continue Sidewalk Installation Program/Improve Plan with Lafarge	White/A. Martinez	Plan to contact residents during 2 <sup>nd</sup> quarter 2012. Have walked the 100 block with La Farge representatives.
Sidewalk Code Amendment	Cerimele	Staff and Planning Commission reviewing language to code to require sidewalks for new construction.
2012 Goal: Implement Streetscape Plan	White /Cerimele	Staff has reviewed previously submitted plans and is developing an action plan for 2012.
2012 Goal: Strengthen Marketing and Events	Metteer	Vail Valley event guests' data research work complete. Coordinating scheduled co-op advertising opportunities for Minturn business license holders.
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. Discussed this area with UPRR.
2012 Goal: Opportunities & Submittals and scheduling and apply for infrastructure grants/loans	White/Cerimele	Staff to provide periodic updates to Council.
2012 Goal: South Minturn sidewalks	White/Cerimele	Work with CDOT to determine right of way, investigate grant funding opportunities, and begin planning and implementation



To: Minturn Town Council  
From: Chris Cerimele, Town Planner  
Date: July 27, 2012  
Re: Planning Department Update

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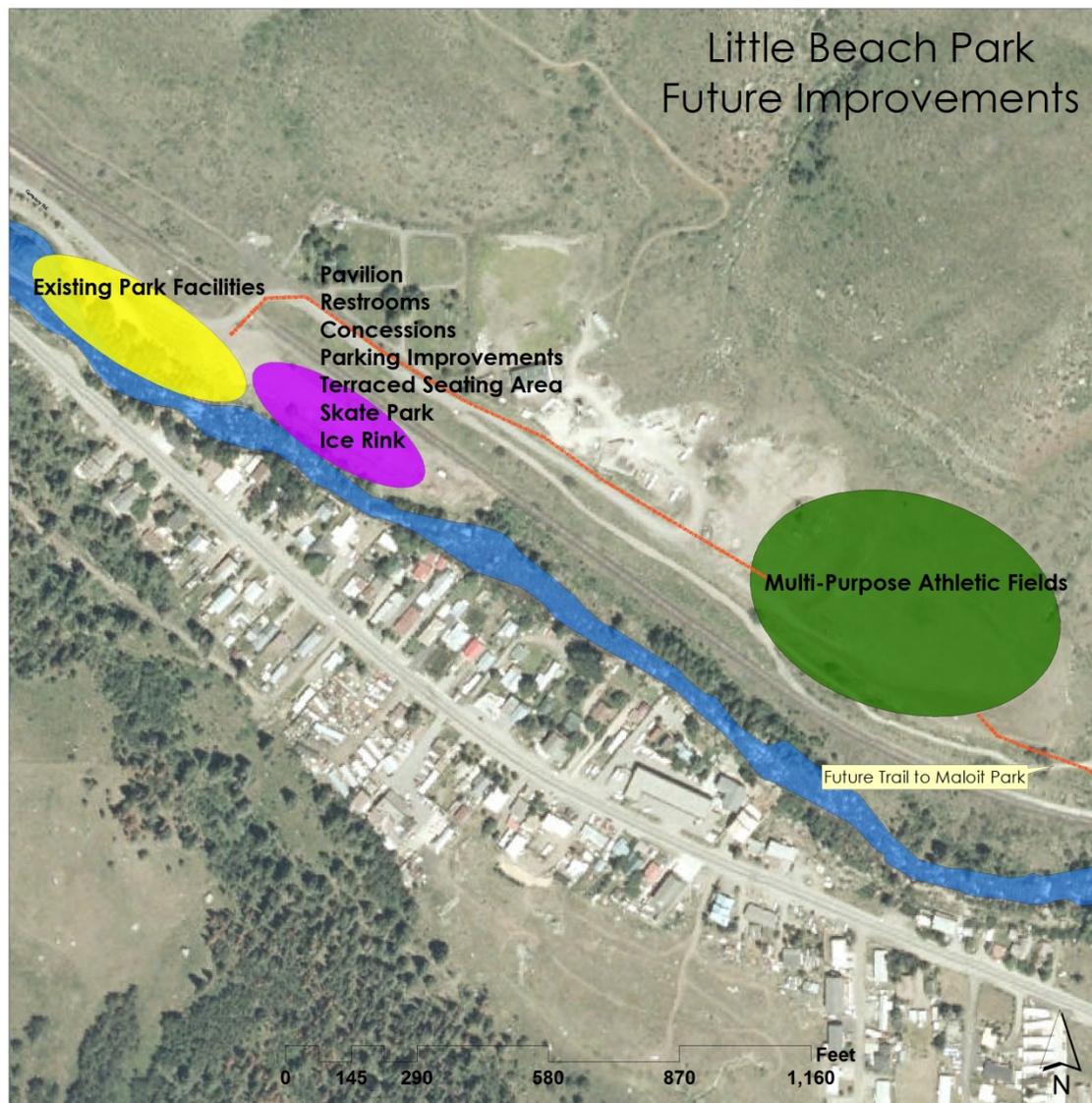
### Little Beach Park – Phase 2

At the last Town Council meeting, staff was directed to provide a copy of the work that VAG Architects completed for Phase 2 of Little Beach Park. The following is the conceptual plan that was created for the park.



Staff has discussed a number of potential upgrades to improve the park. These include the following:

- Concession and Restroom building
- Pavilion
- Terraced Seating
- Parking lot improvements
- Sewer and water infrastructure
- Skate Park
- Outdoor Ice Rink
- Multi-Purpose Athletic Fields



The concession and restroom building would be constructed in the area where the vehicle is currently parked. A terraced seating area could be added to right of the pathway on the hillside.



**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**  
**Councilmember – Jerry Bumgarner**  
**Councilmember – Aggie Martinez**  
**Councilmember – John Rosenfeld**

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**To:** Mayor Flaherty and Minturn Town Council  
**From:** Jim White, Town Manager  
**Date:** July 26, 2012  
**Re:** **Manager’s Report for the August 1, 2012 Town Council Meeting**

**Meeting Regarding the Memorandum of Understanding related to the Human Performance Center/Rec Center at Maloit Park**

The meeting with representatives from SSCV and Battle Mountain took place on Thursday, July 26, 2012 and was also attended by Town Council representatives, Earle Bidez and John Rosenfeld, Town Manager Jim White, Town Attorney Allen Christensen, and Town Planner Chris Cerimele. The meeting focused on the status of the contributions of the parties involved. Negotiations are still active.

**Bone Yard Property**

Staff has begun work on the draft of the Management Plan for the Boneyard property in Minturn which the Town is planning to purchase with the assistance of the Eagle County Open Space Advisory Board through its recommendation to the Eagle County Commissioners. The draft will be presented to Town Council for its collective comments.

**Scholarship Committee**

Our scholarship committee continues to gather financial investment information and options so the Town Council can eventually set policy for disbursement of the scholarship funds we now have available. Two students received scholarship awards for the fall semester.

**XCEL Energy**

Following the last Town Council meeting, I contacted Todd Anderson from XCEL Energy to invite him again to a Minturn Town Council meeting to discuss concerns with an increasing number of power outages in Minturn, the plans to restore the site of its new facility at the north end of Town, the existing franchise agreement, and other topics. **He will be available on August 18, 2012 to attend our Town Council meeting.**

**DOLA Grant**

I wrote to Greg Winkler, our DOLA field representative asking him to meet regarding the recent release of DOAL funding. Additionally, I asked him to come to Town Council to speak about the current status of the funds. I am awaiting his response.

**CML Policy Committee**

CML was notified that the Town Council appointed Mayor Hawkeye Flaherty to continue as the Town’s CML Policy Committee representative.

8/1/12

### **ECO Transit Board**

The Eagle County Commissioners were formally notified that Councilman Aggie Martinez was endorsed by the Minturn Town Council to serve as our primary representative on the ECO Transit Board and that Councilman George Brodin was designated as our alternate.

### **Notice of Award Issued**

A formal "Notice of Award" was issued to Elam Construction following its successful bid to complete the Pine Street Road Rehabilitation Project in Minturn. Elam will now complete its bonding process and we are anticipating a "Notice to Proceed" to be issued in early August. We have had negotiations with Elam and are considering some value engineering cost saving measures that may be applied to the project.

### **Upcoming Events:**

#### **Eagle Mine Tour**

The Eagle Mine Tour at 4pm on Tuesday, July 31, 2012.

#### **Minturn Summer Market**

The Minturn Summer Market has reached the halfway mark! The market will continue throughout the summer until September 8, 2012. The first six markets have been well attended and have been considered a success. Please plan to visit!

#### **Copper Triangle 2012 Bicycle Event**

The Town of Minturn will provide an aide station during the 7<sup>th</sup> Annual Copper Triangle on August 4, 2012. Volunteers have been arranged through the Minturn Community Find! Minturn will 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 7am and will be broken down by 1pm. Assisted Cycling Tours will manage the aid station with 12-15 volunteers.

#### **Pro Cycling Challenge Bike Event**

The Town of Minturn has hosted several meetings among Minturn, Vail, Avon local police, Colorado State Patrol, Eagle Fire District, emergency services personnel, public information officers, and bike event officials to begin planning for the stage of the race expected to pass through Minturn on **Thursday, August 23, 2012**. There will be national and international TV exposure and an opportunity to showcase our community. We are attempting to secure a "sprint line" as part of the race as it passes through Minturn. Incident command for this event will be in Beaver Creek which will be a finishing place for this same stage of the race. The final preparatory meeting is scheduled for August 7, 2012 to discuss issues related to the race to solidify local planning efforts.

Respectfully submitted,  
Jim White  
Town Manager

TOWN OF MINTURN, COLORADO

RESOLUTION NO. 41 - SERIES 2008

A RESOLUTION ESTABLISHING PROCEDURES TO GOVERN ACTIONS OF THE TOWN COUNCIL FOR THE TOWN OF MINTURN IN THE GENERAL CONDUCT OF BUSINESS AND TO SERVE AS A REFERENCE IN SETTLING PARLIAMENTARY DISPUTES.

WHEREAS, the Home Rule Charter for the Town of Minturn provides at Section 4.8 that the Town Council shall determine the rules of procedure governing meetings; and

WHEREAS, the Town Council has determined that it is in the best interest of the Town Council of the Town of Minturn to have established procedures for the general conduct of its business and to serve as a reference to settle parliamentary disputes.

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

**CONDUCT OF COUNCIL MEETINGS**

The Town Council hereby adopts the following procedures for conduct of business at Town Council Meetings. This procedure shall govern the conduct of all Town Council Meetings, however, in handling routine business, the Council may, by general consent, use a more informal procedure than that set forth in this procedure. The council may suspend these rules of procedure at any time by vote of five council members or two-thirds of the Council Members present, whichever is greater.

I. **Presiding Officer.** The Mayor is responsible for conducting meetings in an orderly and democratic manner and assuring that minority opinion may be expressed and that the majority is allowed to rule. At the same time, the Mayor retains all of the prerogatives of a duly elected council member; the Mayor may make and second motions and take part in discussions and must vote on all matters not involving the Mayor's personal financial interest or the Mayor's official conduct.

II. **Agenda.**

A. Items are placed on the agenda by the staff in consultation with the Mayor. Council members who have items for the agenda should present agenda requests at work sessions or regular meetings. A consensus of the majority of the members present at the work sessions or regular meetings is necessary to place a matter on the agenda.

B. Urgent items, time budget, and order of agenda. The staff and Town Council may designate urgent new agenda items, for which delay is not possible or advisable, so that the Town Council can deal with such items prior to adjournment. The staff, in consultation with the Mayor, will set the order of the agenda, which shall be generally as follows:

1. Call to order by the Mayor;
2. Determination of quorum;
3. Approval of minutes of preceding meetings;
4. Citizen Participation (5 minute limit per person, on a first come first served basis). Citizen participation is a time set aside for citizens to address the Council concerning Town business not otherwise on the agenda. The Council reviews citizen participation and assures that an appropriate response is given if the Council determines that a response is required. Such review is usually immediately following the citizen participation. Staff and Council responses are discouraged at the meeting, except for referral to the staff for further analysis and reports and ultimate Council decisions on a future agenda.
5. Consideration of Ordinances, Resolutions and Motions. Expected substantial public comment items are generally placed first on the agenda, but critical short items or items of extreme public interest may be placed first when deemed appropriate by the Town Council.

Although second readings of ordinances are generally calendared last on the agenda, the Town Manager may request that a particular second reading be scheduled earlier on the agenda when Council/Public/staff interaction on the item is important on second reading;

6. Consideration of other matters on the agenda;
7. Reports from Town Administrator, Town Clerk, Department Heads and Town Attorney.
8. Statements, observations and inquiries by the Mayor and Council members. At this point, any Council member may place before the Council matters which are not included in the formal agenda. This item is generally limited to responses to citizen participation, appointments to boards and commissions, sharing of information and requests for advice concerning matters pending before other bodies, requests for staff work, and requests for scheduling future agenda items. Matters requiring a formal Council vote, such as motions to sponsor an event or to allocate funds are normally placed on the agenda through the regular agenda review process, rather than dealt with under this item;
9. Concluding statement by Mayor;

10. Adjournment. The Council's goal is that all meetings be adjourned by 10:30 p.m. An agenda check will be conducted at or about 10:00 p.m. and no later than the end of the first item finished after 10:00 p.m. Generally, absent a deadline which the Council cannot affect, no new substantial item will be addressed after 10:30 p.m. unless two-thirds of the Council members in attendance at that time agree. All Council meetings shall be adjourned at or before 11:00 p.m. unless two-thirds of the Council members in attendance, by motion duly adopted, extend that deadline. Items not completed prior to adjournment will generally be taken up at a special meeting at 7:00 p.m. on the following Wednesday evening.

### III. Rules of Speaking.

- A. To obtain the floor, a Council member or staff member addresses the Mayor.
- B. To assign the floor, the Mayor recognizes by calling out the person's name. Only one person may have the floor at a time. A person shall not speak while another has the floor. The Mayor generally next recognizes the person who first asks for the floor after it has been relinquished.
- C. During citizen participation or public hearings, members of the public are recognized by the Mayor. No person shall make a presentation (not including Council questions) longer than 5 minutes, unless given permission by majority direction of the Council to extend the time limit.
- D. Speakers will not generally be permitted to "pool" their time. Permission may be granted if the Town Council determines that substantial time can be saved thereby and issues better addressed in order to facilitate public participation in Council decision making. Speakers who desire to pool their time will not be granted the full pooled total, but a portion determined by the Town Council in light of the complexity of the issues to be addressed and the projected time saved from the pooling. All persons wishing to pool their time must be present at the meeting in order for the Town Council to recognize pooled time. No pooled time presentation will be permitted to exceed 10 minutes total.
- E. Proponents of an agenda item, especially in a quasi judicial proceeding, may request additional time, as reasonably required to present their case. In response, the Town Council may designate a longer time period for proponents, generally not to exceed 15 minutes and to occur immediately upon the opening of the public hearing, in order to give the public an opportunity to respond. Additional support from proponent's positions should come from additional witnesses.
- F. All Council members, staff members and members of the public are requested to direct their remarks to the Council action that they are requesting. Speakers engaging in personal attacks shall be interrupted by the Mayor, and if such conduct continues the speaker's time may be immediately terminated.

- G. The staff and the Mayor will attempt to focus discussion of agenda items in accordance with the materials which should contain a proposed outline of decisions. Staff presentations are generally limited to a 3 minute summary of the packet material and issues for Council decision. New information, large graphics, and any presentation authorized by the Council are exceptions to this rule.
- H. Council members should minimize debate prior to public hearings and use the period to ask questions for clarification rather than to lecture, give speeches, score debating points, or ask rhetorical questions. The Mayor may intervene to avoid extended debate prior to public hearings. Council members may also request intervention by making a point of order.
- I. Tabling motions are generally discussed before they are made, in order to allow for a reasonable amount of Council discussion prior to making a nondebatable motion.
- J. Council members will when possible give early warning to the Mayor and the Town Administrator whenever substantial opposition is anticipated to an agenda item, so that an appropriate staff and Council response can be prepared.
- K. Questions are rotated so that to the extent practicable, different Council members are given the lead on each agenda item and questions are grouped by subject matter whenever it is practicable to do so.
- L. The Mayor may intervene in Council debate in order to determine whether Council wishes to postpone Council action if more information or staff work appears warranted to facilitate a Council decision.

#### IV. Procedure in Handling Motions.

- A. A Council member, after obtaining the floor, makes a motion. (If long or involved, the motions should be in writing). The Council member may state reasons briefly before making the motion; but may argue the motion only after it has been seconded; and having spoken once may not speak again until everyone who wishes to be heard has had the opportunity to speak, except to answer questions asked by other Council members. Having made a motion a Council member may neither speak against it nor vote against it.
- B. Another Council member seconds the motion. All motions require a second, to indicate that more than one member is interested in discussing the question. The person seconding the motion does not, however, have to favor the motion in order to second it, and may both speak and vote against it. If there is no second the Mayor shall not recognize the motion.

- C. The Mayor states the motion and asks for discussion.
- D. General debate and discussion follow, if desired. Council, members, the Town Administrator, or the Town Attorney, when wishing to speak, follow the rules of speaking outlined above. The speaker's position on the motion should be stated directly: "I favor this motion because....." "I am opposed to this motion because...." etc. Remarks should be addressed to the Mayor.
- E. The Mayor restates the motion and puts the question. Negative as well as affirmative votes are taken. In the case of a tie vote, the motion is lost.
- F. The Mayor announces the result. The motion is not completed until the result is announced.

V. **Procedure in Handling Ordinances and Important Motions.**

- A. All ordinances, with the exception of an emergency ordinance, require at least two readings, and the Town Charter requires publication of an ordinance prior to second reading.
- B. On first reading, the Mayor reads the title in full of the item set forth on the agenda, followed by the staff presentation, and then the Council has an opportunity to ask questions of the staff. Thereafter, the Mayor opens a public hearing and supervises the public hearing. If any Council member wishes, questions may be asked of persons testifying. The Mayor then requests an appropriate motion. Once seconded, the Mayor restates the question, followed by discussion by the Council, the Town Administrator, and the Town Attorney and dialogue with staff in response to questions raised by the Council, followed by debate, proposal of amendments, if any, in consideration thereof in the form of motions. After debate, the Mayor restates the questions and requests a vote. After conclusion of the vote, the Mayor declares the ordinance adopted or defeated. If an ordinance is approved on first reading, it shall be published as provided for in the Town Charter. 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. 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.
- C. 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 on second reading. The ordinance may be amended before final approval or rejection by vote of the Council, provided the text or any such amendment or amendments shall be read in full. An ordinance, if amended in substance, shall be published in full after final passage. If not amended in substance, it may be published by title or in full, as the Council may determine after final passage.

VI. Voting.

Voting ultimately decides all questions. A roll-call vote shall be taken upon the passage of all ordinances. For other matters the Council may use any one of the following methods of voting.

- A. Voice Vote: All in favor say "AYE", and all opposed say "NO". If the Mayor is in doubt of the result of a voice vote the Mayor may call for a roll call vote. If any Council member is in doubt of the result of a voice vote, the Council member may obtain a roll call vote by calling for it (without the need to be recognized by the Mayor).
- B. Roll Call: The Mayor (or Clerk at the Mayor's request) calls the roll of the Council members and each member presents votes "aye" or "no" as each name is called.

VII. Research and Study Sessions.

- A. Information/Research Requests. Requests for information or for a briefing should be directed to the Town Administrator who shall direct the request to the appropriate staff member or the Town Attorney. A single council member may request the Town Administrator to provide available information or to answer any question concerning an agenda item. The concurrence of three additional Council members is required to assign a matter for research by staff. For staff to spend more time than the Town Administrator or Town Attorney considers reasonable in light of other staff time commitments, the concurrence of five Council members is required. In such case, the Administrator or Attorney shall report the results of the preliminary research and an estimate of the time required to complete the task as the Administrator or Attorney proposes. In any case, a vote shall be taken at a Council meeting, but work may proceed in an emergency pending such vote. The Council shall be informed of any such emergency work.
- B. Work Sessions. Material for work sessions generally will be made available to the Council and the public at least twenty four hours before the date of the work session. Notice will be given as for other Council meetings. Written comments received by staff prior to noon on the Friday preceding the work session will be included in the Council packets. Testimony of persons other than staff is not permitted at work sessions unless a majority of the Council members present vote to suspend this rule. The Council will give direction to staff at work sessions for the presentation of action items at future regular Council meetings. Summaries of work sessions are placed on the Council agenda for approval, including the direction given, any remaining issues, and any staff reaction or proposed plan in response to the work session.

VIII. Parliamentary Procedure.

Except as otherwise provided herein, all matters of procedure are governed by Robert's Rules of Order Newly Revised (1990), as amended.

RESOLVED this 20 day of August, 2008.

TOWN OF MINTURN

By: Geary Brooks  
Mayor

ATTEST:

712  
Town Clerk



**Information provided by Tami Tanoue, Legal Counsel, Colorado Intergovernmental Risk Sharing Agency (CIRSA) from her presentation at the CML 2012 Annual Conference**

Honoring Personal Conduct Guidelines:

- Is it part of your oath?
- Is it a best practice?
- Is it a way to reduce your personal liability?

**Personal conduct guidelines: Part of your oath? What are your thoughts?**

- For lawyers, courtesy towards one another and the judicial system are ethical requirements.
  - Is it a stretch to say that civility and courtesy are also part of the big picture of ethics for elected officials?
- Acting as “I” rather than “We”: No individual member of the body is legally empowered to do anything on his/her own!

**Is it part of best practices?**

**Conduct towards one another:**

- “Outsider” perspective no longer fits. It can skew your perspective and work against sound-decision-making
- “Outlier” can cause great turmoil on the governing body. And being an outlier means you are not going to be effective!
- Disagreements are to be expected. You were not elected to think with one mind. But the manner in which disagreements are expressed and explored can either be constructive... or highly destructive.
- Balance of information: How about a pact among the members of the body, spoken or unspoken, that to the extent possible, all members will receive the same information at the same time?
- Trust/division issues: Wouldn't it enhance productivity if you can overcome principled stances on issues?
- Retreat to discuss “soft” issues and reach a consensus about conduct guidelines?
- Formation of Council/Board Rules of Conduct?

**With respect to staff:**

- Your Manager and staff are there to be a resource to you
  - Commit to a “no surprises” approach – advance consultation is good; “deer in the headlights” look in the middle of the meeting is bad!
- If you are an incoming elected official and have suspicions about staff... keep in mind that the staff was only carrying out the prior governing body's agenda. Don't hold that against the staff!
- If you feel you are not getting the right information, or not enough information, with which to make a decision... the remedy is not for you to go seek out your own information, or to do the research for the staff. The remedy is to ask for more or different information from the staff.
- Do not involve yourself in personnel matters below the level of your direct reports! Every organization must have some type of chain of command, and your involvement in such matters will disempower supervisors and create chaos.

**Information provided by Tami Tanoue, Legal Counsel, Colorado Intergovernmental Risk Sharing Agency (CIRSA) from her presentation at the CML 2012 Annual Conference**

**With respect to community:**

- Public comment periods are just that. If the questions start flying, don't try to answer them on the spot. If staff is present, respond to the questions by letting the citizen know that "staff is taking note of your question, and will look into it and get back to you."
- Don't argue with an inflammatory public comment. You're the decider and will always have the last word!
- If staff-bashing starts, letting it happen is a sure way to crush morale
  - Redirect the focus away from people and personalities, and back towards plans, projects, priorities, etc.
- Are you always bound to vote the way you believe the prevailing public sentiment dictates?
  - Municipalities are representative democracies. You were elected to use our own mind, heart, and conscience, not to count heads and vote accordingly!
  - In quasi-judicial matters, "prevailing public sentiment" is probably not one of the applicable legal criteria!

**Is it a way to reduce liability? Yes!**

- CIRSA's observation: How a council/board interacts with one another and with staff is a great predictor of liability. A dysfunctional council or board inevitably attracts claims.
- A council or board that mistreats staff or citizens is modeling bad behavior organization-wide. "You know what" rolls downhill!
- A council or board that creates or allows chaos in the chain of command is asking is asking for employment claims!
- A council or board that is over-involved in administrative matters is straying away from its best areas of immunity.

Sent out for discussion at the:

August 1, 2012 Minturn Town Council meeting

Jim White  
Town Manager  
July 26, 2012



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: Thursday, July 26, 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 negotiation update regarding the Ski and Snowboard Academy of Vail to discuss the developing Memo of Understanding. 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 and receive legal advice regarding ongoing negotiations with Ski and Snowboard Academy of Vail (SSAV) as related to a recreation Memo of Understanding.”*

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